

**TOWN OF NORTH BROOKFIELD  
SPECIAL TOWN MEETING WARRANT  
MAY 7, 2010**

SEAL, WORCESTER, SS.

TO ANY CONSTABLE OF THE TOWN OF NORTH BROOKFIELD

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in elections and Town affairs, to meet at the North Brookfield Elementary School Auditorium, in said North Brookfield, on Friday, the 7th day of May, 2010 at 7:00 PM, to act upon the following articles, namely:

ARTICLE 1

To see if the Town will authorize the Board of Selectmen to borrow for the costs of engineering, construction, Phase II inspection and all related work and costs incidental to repairing Horse Pond Dam, and that to meet such appropriation the Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow \$1.24 million, pursuant to Massachusetts General Laws, Chapter 44, Section 7(27) or any other enabling authority; and that this vote shall be contingent upon passage of a proposition two and one-half debt exclusion vote in accordance with M.G.L. Chapter 59, Section 21C(k), or take any other action relative thereto.

ARTICLE 2

To see if the Town will vote to rescind the votes taken under Article 18 of the 2009 Annual Town Meeting warrant and under Article 10 of the November 21, 2008 Special Town Meeting warrant, which votes authorized borrowing certain amounts for engineering costs associated with the repair and Phase II inspection of Horse Pond Dam; provided however, that this vote shall not become effective with respect to any amounts currently outstanding under said Article 10 and Article 18 as bond anticipation notes until the maturity of such notes, at which time, such notes shall be renewed under the borrowing authority of Article 1 of this meeting, or take any action relative thereto.

ARTICLE 3

To see if the Town will vote to authorize the Board of Selectmen to convey to Massachusetts Electric Company, its successors and assigns, on such terms and conditions and for such consideration as the Selectmen may determine, which may be nominal consideration, for the purpose of providing service to the police station, the construction of which is underway on the northerly side of School Street and the easterly side of Grove Street, specifically Lot 1 as shown on a plan of land recorded with the Worcester Registry of Deeds in Plan Book 874, Plan 121, perpetual non-exclusive rights and easements for wires and cables, together with all equipment and appurtenances thereto, for the transmission of intelligence and the furnishing of electric service to the

afore-described premises, as shown on a plan entitled "National Grid: Police Station, North Brookfield, Mass., Riser, Lateral, and Padmount Transformer Location," dated 9/24/09, WH 5827-0, on file with the Town Clerk, upon property of the Town obtained by Order of Taking, dated July 18, 2000, recorded with the Worcester Registry of Deeds in Book 22880, Page 115, or to take any other action relative thereto.

#### ARTICLE 4

To see if the Town will vote to approve the transfer of \$5,254.52 from the Water Retained Earning Account to the Water Interest Expense Account, or take any action relative thereto.

#### ARTICLE 5

To see if the Town will vote to transfer the sum of \$28,000.00 from the Sewer Retained Earnings Account to the Sewer Expense Account, or take any action relative thereto.

#### ARTICLE 6

To see if the Town will vote to transfer the sum of \$56.00 from the Town Clerk Other Expenses Account to the Dog Licenses Account, or take any action relative thereto.

#### ARTICLE 7

To see if the Town will vote to transfer the sum of \$725.00 from the Police Shift Differential Account to the Police Part-Time Salary Account, or take any action relative thereto.

#### ARTICLE 8

To see if the Town will vote to transfer the sum of \$225.00 from the Police Career Incentive Account to the Police Part-Time Salary Account, or take any action relative thereto.

#### ARTICLE 9

To see if the Town will vote to transfer the sum of \$1,000.00 from the Police Training Account to the Police Part-Time Salary Account, or take any action relative thereto.

#### ARTICLE 10

To see if the Town will vote to transfer the sum of \$1,613.00 from the Police Cruiser Account to the Police Part-Time Salary Account, or take any action relative thereto.

#### ARTICLE 11

To see if the Town will vote to transfer the sum of \$3,000.00 from the COA Outreach Salary Account to the COA Purchase of Services Account, or take any action relative thereto.

#### ARTICLE 12

To see if the Town will vote to transfer the sum of \$500.00 from the COA Outreach Salary Account to the COA Supplies Account, or take any action relative thereto.

### ARTICLE 13

To see if the Town will vote to transfer the sum of \$4,995.00 from available funds to the Highway Account for the painting of crosswalks and parking lines, or take any action relative thereto.

### ARTICLE 14

To see if the Town will vote to transfer the sum of \$9,100.00 from available funds to the Accountant Server Account, or take any action relative thereto.

### ARTICLE 15

To see if the Town will vote to transfer a sum of money from available funds to the Snow and Ice Account, or take any action relative thereto.

### ARTICLE 16

To see if the Town will vote to amend the Town of North Brookfield Bylaws Chapter VIII by adding Section 10 as follows, or take any action relative thereto.

## Chapter VIII USE OF PUBLIC WAYS AND PLACES

### Section 10. Temporary Repairs on Private Roads

#### A. Definitions

##### Private Road

Any road or street within the Town of North Brookfield that is open to the public but that has not been made a public road by (1) a laying out by the Board of Selectmen and approval of Town Meeting in the manner prescribed by Massachusetts General Laws Chapter 82; (2) prescription; or (3) prior to 1846, a dedication by the owner to public use, permanent and unequivocal coupled with an express or implied acceptance by the public.

##### Permitted maintenance and temporary repairs

When required by public necessity and/or in the interest of public safety, the Town may perform the following types of maintenance and temporary repairs on approved private roads at a time and in a manner determined by the Highway Superintendent: (a) grading, including the finishing of gravel, fill or other materials as required to properly repair the roadway surface.

##### Annual Expenditure of Town funds and liability

The annual expenditure of Town funds on any individual private road for the above-listed maintenance and temporary repairs shall not exceed \$\_\_\_\_\_ per mile or portion thereof for labor and materials: provided, however, that the Town Meeting may vote to waive this requirement by voting a specific sum of money for a specific repair or repairs to a specifically named and described private road. Neither the Town nor its officers or employees shall be liable on account of any damages resulting from such maintenance and temporary repairs.

##### List of Approved Private Roads

Town funds shall not be spent on maintenance or temporary repairs on a private road unless the road is expressly approved for such repairs by a vote of the Board of Selectmen. A complete list of approved private roads to which this section applies shall be kept by the Town Clerk. The Highway Superintendent shall, on an annual basis, review said list to be approved by the Board of Selectmen at least 90 calendar days before the start of the fiscal year.

All approved private roads shall be posted with an appropriate sign stating "Danger - Private Road" at the points where they enter upon or unite with an existing public street or road or adjacent Town Line.

#### ARTICLE 17

To see if the Town will vote to authorize the Board of Selectmen to lease to Quabaug Corporation for use as a parking lot, warehouse, light manufacturing, training facility, research and development facility and other office and retail uses consistent with the tenant's business operations, a portion of the property located at 55 School Street, 10 Grove Street and 14 South Common Street and shown on Assessor's Map 107, Lot 5, Plot 55; Assessor's Map 107, Lot 10, Plot 10 and Assessor's Map 104, Lot 15, Plot 14, as shown on a sketch plan on file with the Town Clerk's office, upon such terms and conditions, and for such consideration, as the Board of Selectmen shall determine to be appropriate, such lease to be for a term of up to thirty-five (35) years, with agreed upon ten (10) year extensions, so long as the terms of said extensions are mutually agreeable to the Town and to the tenant; and further to authorize the Board of Selectmen to execute a lease and any other documents to effectuate the foregoing; or take any other action relative thereto.

And you are hereby directed to serve this Warrant by posting attested copies thereof in the Library and upon the Town House in said Town.

Hereof fail not, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of said meeting as aforesaid.

Given under our hands this 20th day of April, 2010

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Jason M. Petraitis, Chairman

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Mary F. Walter

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Robert S. Filipkowski  
Selectmen of North Brookfield