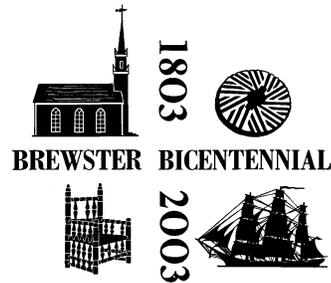
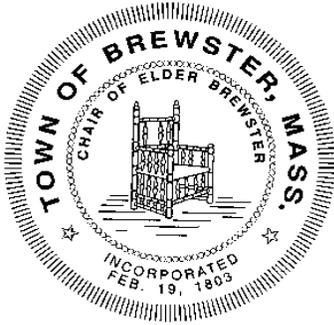


# *Town of Brewster*



## ***ANNUAL & SPECIAL TOWN MEETING WARRANTS***

*for use at*

***TOWN MEETING***

on

***MAY 2, 2011***

at

***7:00 PM***

***Please bring this copy of the warrant to Town Meeting  
Large print copies of the warrant are available at the Brewster  
Town Offices***

<b>TOWN OF BREWSTER</b> <b>TOWN MEETING WARRANTS</b> <b>MAY 2, 2011</b>
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**Special Note:** At the end of each warrant article summary we have included the recommendations of both the Board of Selectmen, which is abbreviated as "BOS"; and the Finance Committee, which is abbreviated as "FCR".

## *Anecdotes from the Archives:* A FLOWER CALLED MAY

On the first day of May in 1858 a twenty-seven year old sea captain from Brewster—shipwrecked and stranded with some of his crew on an uninhabited island in the Pacific—wrote in his personal journal: “Have been thinking of the dear ones at home all day long. This has been a blue May day to me.” The thought of that date—May 1—was particularly painful to him because it reminded him that this would be a very special day in Brewster: “I suppose Louisa and all the little ones have been up in the woods after May flowers,” he wrote. “I have thought of them many times today and have wished myself as happy as they.”

First among the “dear ones” mentioned more than a hundred times in Josiah Knowles’s shipwreck journal was his wife, Ellen Sears, at home with her parents in Brewster. Her younger sister Louisa was thirteen in May of 1858 and, judging by other contemporary records of life at that time, she would indeed have been “up in the woods after May flowers” on the first day of May.

Eight years later another young captain, Henry Knowles of East Brewster, recorded his own thoughts about the first day of May in almost exactly the same words his distant cousin had used. After many months at sea on a long Pacific voyage, he was lonely and homesick for his wife and family. “This being May Day,” he wrote in his journal on May first of 1866, “I have imagined those dear ones of mine at home out gathering May flowers. How I would like to be with them.”

These brief descriptions make clear that in the 1850s and 1860s (and no doubt earlier) the children of Brewster celebrated each new spring by going into the local woods on the first day of May to pick a particular and apparently prolific wildflower.

The flower the children of Brewster knew as the “May flower” is no longer prolific—and the celebratory day is all but forgotten.

Also known as Trailing Arbutus or *Epigaea Repens*, the May flower (or Mayflower) is a low creeping ground-hugging perennial with hairy leaves, an American native, which blooms—wherever it still exists—shortly before the first of May. Loved for generations for the perfumed blossoms—white to light pink—that emerged almost miraculously each spring from beneath a mat of weather-battered leaves and winter debris, even if there was still snow on the ground, it evidently brought special joy to generations of children and grownups alike, all over New England.

An adult admirer shared her effusive enthusiasm for this flowering plant in the April 1861 issue of the *Atlantic Monthly* by declaring: “to pick the May-flower is like following in the footsteps of some spendthrift army which has scattered the contents of its treasure-chest among beds of scented moss. The fingers sink in the soft, moist verdure, and make at each instant some superb discovery unawares; again and again, straying carelessly, they clutch some new treasure; and, indeed, all is linked together in bright necklaces by secret threads beneath the surface, and where you grasp at one, you hold many. . . . The lovely creatures twine and nestle and lay their glowing faces to the very earth beneath withered leaves, and what seemed mere barrenness becomes fresh and fragrant beauty. So great is the charm of the pursuit, that the epigaea is really the one

wildflower for which our country-people have a hearty passion. Every village child knows its best haunts, and watches for it eagerly in the spring; boys wreath their hats with it, girls twine it in their hair, and the cottage-windows are filled with its beauty."

"The May-flower knows the hour," this enthusiast continued, "and becomes more fragrant in the darkness so that one can often find it in the woods without aid from the eye"—an unusual virtue which may, toward the end of the 19th century, have led predatory pickers to make night raids on the fragrant flowers.

The May Day flower-picking festival so vividly remembered by the homesick ship captains had clearly flourished in Brewster at least as early as the 1840s but was probably not an ancient custom among New England's earliest English settlers who would surely have regarded such celebrations as dangerously close to nature worship. But whatever the origins of this wildflower's linkage to a particular date on the calendar, the flower itself was immortalized in a poem composed by John Greenleaf Whittier in 1856. After comparing the petals and leaves of the indigenous flower to "the sleeted spars" and "frozen sails" of the 1620 pilgrim ship "Mayflower," he asked, quite sensibly: "What had she [the ship] . . . In common with the wild-wood flowers, The first sweet smiles of May?"

Although the obvious answer to his question would have been: "Nothing," the poet leapt to a more fanciful reply:

Yet, "God be praised!" the Pilgrim said  
Who saw the blossoms peer  
Above the brown leaves, dry and dead,  
"Behold our Mayflower here!"

Perhaps a little uneasy with his implied suggestion that the pilgrims were responsible for naming the New World's floral surprise "Mayflower"—either in honor of their ship or because it looked like an English flower called by the same name, or both—Whittier prefaced his poem with an introductory note in which he explained that although "The trailing arbutus, or mayflower, grows abundantly in the vicinity of Plymouth and was the first flower that greeted the Pilgrims after their fearful winter," the name Mayflower was in fact "applied by the English, and still is, to the hawthorn." In other words, the ship "Mayflower" had been named by its owners in England for a common European plant called Mayflower which was otherwise known to Englishmen, both then and now, as the hawthorn, a bush or bushy tree which does not resemble the American wildflower either visually or botanically. But Whittier's prefatory clarification didn't really help. His poem was widely quoted, and Whittier himself was often cited as an authority for the assertion that the American wildflower had been named by the pilgrims after their ship. A 1903 magazine writer, after briefly quoting the poem, offered her own emphatic evidence for the naming claim: "I have no doubt," she wrote, "but that the story of the Pilgrims is quite true, for the flower still grows . . . all about the hills of Plymouth."

In any case, the American flower, an attractive and amusing gift of nature, eventually became popularly known as the "May flower" and over time it also became the star attraction of a folk holiday widely celebrated in New England, but the May Day flower-picking festivities described by the Brewster ship captains may have ended soon after the Civil War. In an 1872 magazine article entitled "Wild Flowers of May," the author inquired nostalgically: "Do the girls and boys of

New England indulge in May morning parties now-a-days, and merry May breakfasts in the open air?"

The picking parties may have ended, but Brewster residents, children and grownups alike, did continue to seek out the local wildflower during its brief flowering season from late April into mid-May. The New England Mayflower grows—or used to grow—in local pine groves and near some of the ponds of 19th century Brewster: Sarah Augusta Mayo mentioned in an 1870s memoir that the flower could be found at Seymour's Pond, and Caroline Dugan noted in a diary entry dated May 7, 1874: "Walked at sunset by the pond along Mayflower Bank. It was pleasant to tread the crisp new grass and the dry elastic moss & lichen. . . . I found mayflowers, rosy & fragrant, under the rusty brown & green leaves that overran the bank." She was probably referring here to Cobb's Pond, near her family home, but the condominium owners who live today on the property near the pond are quite familiar with ticks and poison ivy in the untended areas beyond their tidy gardens but know nothing about Mayflowers.

In the spring of 1898, however, wild Mayflowers were still there for the picking and young Henry Crocker, a ten year old Brewster boy, sent a box of them to Boston to Helen Keller who, with her companion, Annie Sullivan, had visited Henry's next door neighbor in Brewster the previous summer. Miss Keller, then nineteen, responded with a typewritten letter: "Thank you ever so much dear Henry, for the lovely Mayflowers. It was very sweet of you to send them to me. When they came they were as fresh and fragrant as if they had just been picked and I enjoyed them very much."

Over time, both children and grownups may have picked too many Mayflowers. But it was not, apparently, only inadvertent damage caused by over-enthusiastic plucking that led to the virtual disappearance of the wild Mayflower. In 1901 the voters of Wellfleet decided at a town meeting "that the Selectmen be instructed to see that no foreign populations, or Italians, be allowed to come in town and destroy our Mayflower industry." And in May of 1912 the *Barnstable Patriot* reported that "Through the vigilance of Sheriff H.M. Percival, six Italians were arrested the past week picking Mayflowers in our Barnstable woods . . . and fined the sum of five dollars each, which was paid. Sheriff Percival is determined to put a stop to these parties coming from out of the State and camping in our woods, to the great menace of our woodland property and has instructed his officer to arrest every offender possible."

Clearly, by the 1900s Mayflower picking had evolved from a festive event to a money-making "industry": the fragrant flowers were being collected for commercial use. In 1916 a Mayflower lover lamented in print that "Those who know the flower only as it is sold in the city streets, tied with wet, dirty string into tight bunches, withered and forlorn, can have little idea of the joy of finding the pink, pearly blossoms freshly opened among the withered leaves of oak and chestnut, moss, and pine needles in which they nestle close to the cold earth in the leafless, windy northern forest."

However, the beleaguered flower was saved, after a fashion, in 1918 when the schoolchildren of Massachusetts overwhelmingly voted that they preferred the Mayflower to the Water Lily, and the General Court consequently honored their preference by declaring: "The mayflower (*epigaea repens*) shall be the flower or floral emblem of the commonwealth."

The law which they then enacted—on May 1 of 1918—to protect this wildflower reads as follows:

Any person who pulls up or digs up the plant of the mayflower or any part thereof, or injures such plant or any part thereof except in so far as is reasonably necessary in procuring the flower therefrom, within the limits of any state highway or any other public way or place, or upon the land of another person without written authority from him, shall be punished by a fine of not more than fifty dollars.

Then, apparently taking aim at alien invaders, the lawmakers added:

[I]f a person does any of the aforesaid acts while in disguise or secretly in the nighttime he shall be punished by a fine of not more than one hundred dollars.

Although no nocturnal predators have been observed stealing Mayflowers in the woods of Cape Cod in recent years, this law remains on the books to this day. However, until inquiries were made by a local historian, seeking clarification during the course of researching this essay, no one, apparently, had read this law in years. The writer assumed that it was obsolete as although it clearly implies that the Mayflower may be picked with appropriate care, several website authorities declare unequivocally that the flower has been on the state endangered list since 1925 and that “it is now against the law to pick mayflowers in Massachusetts.” However, after several conversations and in-house consultations, Mr. Tom French of the Natural Heritage and Endangered Species Division of the Department of Conservation and Recreation declared that the web authorities are mistaken: the Mayflower is not listed as an endangered species in Massachusetts and it is not against state law to pick it.

So pick with care, if you can find any Mayflowers in Brewster or, better yet, just look. But watch out for ticks and poison ivy, and “foreigners in disguise.”

Ellen St. Sure, Archivist, Town of Brewster -  
May 1, 2011

Materials for this essay have come from any sources, too many to list here, but the author would particularly like to thank the Brewster Ladies Library for access to its archives, as well as the Sturgis Library for digitized materials available on its website.

## REPORT OF THE FINANCE COMMITTEE

### I. Introduction

The Finance Committee consists of nine members appointed by the Town Moderator serving overlapping three year terms and is responsible for making informed recommendations to the voters at Town Meeting, in addition to reviewing and recommending transfer requests from the annual Reserve Fund of \$92,000. The Finance Committee meets at least once a month and often weekly during the budget and warrant article review process to analyze each department's budget and all warrant articles in order to make recommendations at Town Meeting. The meetings of the Finance Committee are now televised live on Xfinity/Comcast Local Channel 18.

### II. Town Operating Budget

Clearly this budgetary process has been a demanding and difficult process for all participants this year. National and state economic conditions have had a direct impact on the financial health of the Town and its citizens. State Aid is projected to decrease by approximately \$100,000 over Fiscal Year 2011; and current projections reflect a rather modest increase in local Town Receipts, most of which are the result of the new meals and additional Rooms Local Option taxes. Due to these and other conditions overall, town and school spending requests from Nauset and the Elementary schools in excess of 2 ½ % over Fiscal Year 2011 necessitate a Proposition 2 ½ Override Warrant Article at Town Meeting (ATM) on May 2, and an Override Article on the ballot at the Annual Town Election (ATE) which will be presented to the voters for consideration on May 17, 2011 to meet the funding requests presented by the various department heads and the two school committees.

At the time of the printing of this document, the Town's Fiscal Year 2012 Operating budget stood at \$16,819,351 which represents a 4.04 % increase over the prior year's budget. This budget, includes fringe benefits expenses for the Elementary Schools in the approximate amount of \$1,374,939. Recalculated without the school's fringe benefits, the town's increase over the prior year is 4.17 %. This budget largely contains a similar level of service and programming over the current fiscal year.

The Town's budget as printed in the warrant exceeds its ability to pay by the sum of \$214,769. Towards this end, the Board of Selectmen has voted to place a Proposition 2 ½ Override Question on the May 2011 Annual Town Election to seek additional taxing capacity permanently added to the base of the citizens' taxes to finance the proposed level of services for Town operations. (The budget and the override are in a separate Articles in the warrant for Town meeting on May 2.) Fringe benefit costs related to health insurance for town employees have increased by 6.78% and retirement assessment costs have escalated by 2.52 % Finally, the town's debt service budget for Fiscal Year 2012 stands at \$2,871,672 which represents a decrease of \$114,219 or 3.83% from Fiscal Year 2011.

Despite this reduction in the debt, the proposed spending still exceeds the 2 ½ percent limit requiring an override to maintain budgeted levels.

When this budget was sent to print, the Finance Committee had not supported the Town Budget in its current form, primarily due to expenditures in the Golf department. This issue will be discussed further at Town Meeting.

### III. Schools Operating Budgets

The Town provides funding for three distinct school operations. The first entity is the Cape Cod Regional Technical High School where Brewster's share of the total assessment has increased slightly this year by the sum of \$6,197, or less than 1% for a total FY2012 operating budget assessment to Brewster of \$694,838. District wide student enrollment has increased by 9 students to 693 students, whereas Brewster's share of enrollment has declined over the same time period from 46 to 45 students. The overall operational budget for the entire school has increased by \$318,538 to \$12,781,986 or 2.56 % over Fiscal Year 2011 funding levels. Cape Cod Tech continues to invest in the proper maintenance of its facilities in Harwich and remains committed to energy savings and renewable energy. The Finance Committee has reviewed and unanimously supports this budget. No override was necessary to maintain the services under the proposed budget.

The Brewster Elementary Schools' budget as printed in the warrant has increased from \$5,858,061 in Fiscal Year 2011 to \$6,308,567 in Fiscal Year 2012 or 7.69%, with an enrollment decrease of 5.2%. However, if the elementary schools' share of the fringe benefits budget, which as earlier mentioned is part of the town's budget, is included, the Fiscal Year 2012 budget increases to the total sum of \$7,686,934 or 7.26 % over FY2011. This figure exceeds the town's fiscal capacity by the sum of \$341,157. The Board of Selectmen has voted to place a Proposition 2 ½ Override Question on the May 2011 Annual Town election in order to seek this additional capacity to finance the proposed budgeted level of school operations. Another area of concern that needs to be understood by all voters in Brewster is the continuing skyrocketing increase in special education costs, which result from forces beyond local control and are a dominant factor in all school budget increases. Most of the override requested for 2012 is in fact due to the necessary expenditures in Special Education. Although, the Finance Committee has voted to support the combined budget/override request in the warrant at Town Meeting, its membership was disappointed that the administrative costs were not cut as recommended.

The Nauset Regional School District's assessment (excluding debt and capital improvements) for Brewster has increased by 3.22% from \$8,739,696 in Fiscal Year 2011 to \$9,021,380 in Fiscal Year 2012, despite Brewster's decreased proportionate share of the enrollment and therefore, its operational assessment share has decreased from 49.2% in FY2011 to 48.21% in FY2012. This declining share of the assessment (the 1 % decrease from 49.2 to 48.2, translates to a lower dollar increase and, in effect, results in a budgetary savings of approximately \$180,000 of the total amount for Brewster.

The Nauset Regional School District budget includes a line item in the amount of \$221,304 which is Brewster's share of the capital equipment and facilities maintenance budget for the Nauset Middle and High Schools. This program was approved by means of a Proposition 2 ½ override decision by each member town at its respective 2005 Annual Town meeting, and on a ballot question in May, 2005.

The total Nauset budget exceeds the town's fiscal capacity by the sum of \$243,596. The Board of Selectmen has voted to place a Proposition 2 ½ Override Question on the May 2011 Annual Town Election to seek additional taxing capacity to finance the proposed budgeted level of service for school operations.

The Finance Committee is concerned over the continuing increases in operational spending despite decreasing enrollment, and the Regional Committee's apparent unwillingness to search for ways to help mitigate the increases. The Finance Committee did vote to support this combined budget/override as stated in the warrant.

#### IV. Warrant Articles

The Finance Committee has reviewed and provided recommendations on all warrant articles. We have tried to balance the needs of the town with the impact that these articles will have on available funds and the tax rate. We have supported some articles, recommended others at lower amounts, suggested that some be deferred until the future and we have not supported others. The full details of these recommendations will be provided at town meeting.

#### V. Financial Overview

When this report was sent to the printer, the town was looking at a projected increase in the tax rate from \$6.94 per thousand in Fiscal Year 2011 to \$7.03 per thousand in fiscal Year 2012, a 1.32% increase. As indicated earlier, in this report, the Board of Selectmen have voted to place an overall override total of \$799,522 in the warrant at Town Meeting which is spread between the three budgets of Town General Operating Budget, Elementary Schools, and Nauset Schools. This override would add an additional 23 cents per thousand to the tax rate to bring it to \$7.26 per thousand dollars of assessed value or a 4.61% increase over FY2011.

#### VI. Conclusion

The Finance Committee would like to extend its appreciation to the Town Administrator, Charles Sumner, and the Finance Director, Lisa Souve, the Department Heads and their staff at the Town Offices for their dedication and assistance in providing us the information and data for our review of the Town budgets and articles. We also thank Colette Williams and Marilyn Mooers for their efforts in preparing minutes of all of our public meetings. A special thanks to Doreen Contrastano for her help with the agendas and scheduling, and

Selectman Greg Levasseur for his dedicated attendance to our meetings in his role as the liaison from the Board of Selectmen.

We also extend our appreciation to the Elementary School Committee, our local elected representatives to the Nauset Regional School Committee, and Dr. Hoffmann, Superintendent, for their assistance in reviewing the respective school budgets for 2011-2012.

The Finance Committee gives a short presentation before each Annual Town Meeting in the spring—Kathy Lambert has been a tremendous help in putting together the Power Point presentation—many thanks to her for her efforts.

Finally, we offer a special thank you to the voters that attend town meeting each year. It is our pleasure to serve you and the Town of Brewster.

Respectfully submitted,

Don Schober, Chairman  
Dennis Hanson, Clerk  
Howard Bender  
Dan Guertin  
Becky Smith

Mike Fitzgerald, Vice-Chairman  
Su Ballantine  
Lisa Gerrish  
Herb Montgomery

<b>TOWN OF BREWSTER FISCAL YEAR 2011</b>		
<b>TAX RATE INCREASE</b>	<b>MUNICIPAL REVENUES RAISED</b>	<b>ANNUAL TAX IMPACT ON \$400,000.00 PROPERTY</b>
<b>TOTAL PROPERTY TAX VALUATION =</b>		<b>\$3,427,607,340</b>
\$0.001	= \$3,428	\$0.40
\$0.0025	= \$8,569	\$1.00
\$0.0050	= \$17,138	\$2.00
\$0.01	= \$34,276	\$4.00
\$0.015	= \$51,414	\$6.00
\$0.025	= \$85,690	\$10.00
\$0.05	= \$171,380	\$20.00
\$0.10	= \$342,761	\$40.00
\$0.15	= \$514,141	\$60.00
\$0.20	= \$685,521	\$80.00
\$0.25	= \$856,902	\$100.00
\$0.30	= \$1,028,282	\$120.00
\$0.35	= \$1,199,663	\$140.00
\$0.40	= \$1,371,043	\$160.00
\$0.45	= \$1,542,423	\$180.00
\$0.50	= \$1,713,804	\$200.00
\$0.55	= \$1,885,184	\$220.00
\$0.60	= \$2,056,564	\$240.00
\$0.65	= \$2,227,945	\$260.00
\$0.70	= \$2,399,325	\$280.00
\$0.75	= \$2,570,706	\$300.00
\$0.80	= \$2,742,086	\$320.00
\$0.85	= \$2,913,466	\$340.00
\$0.90	= \$3,084,847	\$360.00
\$0.95	= \$3,256,227	\$380.00
\$1.00	= \$3,427,607	\$400.00

**SPECIAL TOWN MEETING  
MAY 2, 2011**

Barnstable, ss

To: Roland W. Bassett  
Constable of the Town of Brewster

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Brewster, qualified to vote in town affairs, to meet at the Stony Brook Elementary School Cafetorium, on Monday the **2nd day of May, 2011** next, at 7:05 p.m. o'clock in the evening, then and there to act upon the following articles.

**UNPAID BILLS**

**ARTICLE NO. 1:** To see if the Town will vote to transfer from available funds a sum of money to pay bills incurred but unpaid during a previous fiscal year, as follows:

1. Agway of Cape Cod	\$20.00
2. Cape Cod Hospital	\$48.00
3. Mid-Cape Garage Door, Inc.	<u>\$425.00</u>
Grand-total	\$493.00

or to take any other action relative thereto.

(Nine-tenths Vote Required)

(Board of Selectmen)

**SUMMARY**

This article will authorize the payment of three outstanding bills from a previous fiscal year. These invoices were received after the close of the Fiscal Year 2010's accounting cycle. According to Massachusetts General Laws a town cannot pay a bill from a previous fiscal year with the current year's appropriation. Therefore, Town Meeting authorization is required.

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 9-YES; 0-NO; 0-ABSTAINED**

**BUDGETARY TRANSFERS**

**ARTICLE NO. 2:** To see if the Town will vote in the following manner to appropriate from available funds and/or to transfer from surplus funds in some departments the amounts needed to prevent deficits in other departments this fiscal year:

- a. Transfer the sum of **\$2,775.00** from Fund Balance Reserved for Open Space/Community Preservation funds to line item no. 4 (Debt Service) of article no. 3 of the 2010 Annual Town Meeting,

- b. Transfer the sum of **\$1,500.00** from line item no. 4 (Retirement/Pension) to line item no. 16 (Recreation Wages) of article no. 3 of the 2010 Annual Town Meeting,
- c. Transfer the sum of **\$3,500.00** from line item no. 4 (Retirement/Pension) to line item no. 6 (Town Hall Maintenance Wages) of article no. 3 of the 2010 Annual Town Meeting,
- d. Transfer the sum of **\$40,000.00** from the Ambulance Receipts Reserved for Appropriation account to line item no. 8 (Fire Wages) of article no. 3 of the 2010 Annual Town Meeting,
- e. Transfer the sum of **\$10,000.00** from the Ambulance Receipts Reserved for Appropriation account and **\$5,650.00** from line item no. 4 (Retirement/Pension) to line item no. 8 (Fire Expenses) of article no. 3 of the 2010 Annual Town Meeting,
- f. Transfer the sum of **\$15,000.00** from line item no. 4 (Treasurer/Collector Wages) to line item no. 13 (Solid Waste Expenses) of article no. 3 of the 2010 Annual Town Meeting,
- g. Transfer the sum of **\$800.00** from line item no. 4 (Retirement/Pension) to line item no. 2 (Educational Reimbursement) of article no. 3 of the 2010 Annual Town Meeting,
- h. Transfer the sum of **\$40,000.00** from Free Cash to line item no. 4 (Fringe Benefits/Unemployment Expense) of article no. 3 of the 2010 Annual Town Meeting,
- i. Transfer the sum of **\$35,000.00** from Free Cash to line item no. 13 (Snow & Ice Expense) of article no. 3 of the 2010 Annual Town Meeting,

or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**SUMMARY**

This article would authorize the transfer of surplus funds from certain departmental budgets and/or accounts for Fiscal Year 2011 to other accounts, which have experienced problems and are running shortfalls. A number of these items were simply estimates when we posted the warrant in April of 2011. Therefore we may adjust these funding requests as we approach the actual date of Town Meeting.

**RECOMMENDATIONS**

	<b><u>Board of Selectmen</u></b>	<b><u>Finance Committee</u></b>
<b>Item A:</b>	<b>5-YES; 0-NO; 0-ABS.</b>	<b>9-YES; 0-NO; 0-ABS.</b>
<b>Item B:</b>	<b>5-YES; 0-NO; 0-ABS.</b>	<b>9-YES; 0-NO; 0-ABS.</b>
<b>Item C:</b>	<b>5-YES; 0-NO; 0-ABS.</b>	<b>9-YES; 0-NO; 0-ABS.</b>
<b>Item D:</b>	<b>3-YES; 2-NO; 0-ABS.</b>	<b>9-YES; 0-NO; 0-ABS.</b>
<b>Item E:</b>	<b>5-YES; 0-NO; 0-ABS.</b>	<b>9-YES; 0-NO; 0-ABS.</b>
<b>Item F:</b>	<b>5-YES; 0-NO; 0-ABS.</b>	<b>9-YES; 0-NO; 0-ABS.</b>
<b>Item G:</b>	<b>5-YES; 0-NO; 0-ABS.</b>	<b>9-YES; 0-NO; 0-ABS.</b>
<b>Item H:</b>	<b>5-YES; 0-NO; 0-ABS.</b>	<b>9-YES; 0-NO; 0-ABS.</b>
<b>Item I:</b>	<b>5-YES; 0-NO; 0-ABS.</b>	<b>9-YES; 0-NO; 0-ABS.</b>

***PRIVATE ROAD ENGINEERING SERVICES / Allen Drive Project***

**ARTICLE NO. 3:** To see if the Town will vote to transfer from available funds the sum of ***FIVE THOUSAND AND 00/100 (\$5,000.00) DOLLARS*** to finance costs associated with engineering services for a private road betterment for Allen Drive and to authorize the Town Administrator to solicit bids and/or proposals, enter into a contract or contracts and expend said funds for this purpose, said expense to be recovered through the betterment assessments against the abutters, or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**SUMMARY**

The town adopted a bylaw at the 1996 Annual Town Meeting, which allows for citizens to petition Town Meeting to obtain financial assistance to undertake repairs to private ways. The town, along with the private road organization, will contract out for the repair work. The abutting property owners are then required to reimburse the town for the full project costs, plus interest and administrative expenses, by means of a betterment assessment over a period of time. This article will provide funding for engineering services and, along with article no. 20 in the 2011 Annual Town Meeting Warrant, will allow for the reconstruction of this road.

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 9-YES; 0-NO; 0-ABSTAINED**

***HAZARDOUS WASTE COLLECTION PROGRAM***

**ARTICLE NO. 4:** To see if the Town will vote to transfer from the Water Revenue account the sum of ***FOURTEEN THOUSAND AND 00/100 (\$14,000.00) DOLLARS*** to finance costs associated with the hazardous waste collection day program and to authorize the Town Administrator to solicit bids and/or proposals, enter into a contract or contracts and expend said funds for this purpose, or to take any other action relative thereto.

(Majority Vote Required)

(Board of Health & Water Commission)

**SUMMARY**

Funding of this article provides residents with an opportunity to dispose of household quantities of hazardous waste in a safe and secure manner. The ultimate purpose of this program is to protect groundwater resources from possible contamination due to the improper disposal of hazardous waste. Brewster has participated in a regional program during the past several years in cooperation with the towns of Harwich and Chatham. The collection site is located at the Harwich Solid Waste Transfer Station. We typically hold six disposal events annually, and approximately 1,100 households from the three towns participate in this program. (These funds will be transferred from the Water Revenue Account.)

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 9-YES; 0-NO; 0-ABSTAINED**

**ZONING BYLAW AMENDMENT/ Municipal Wind Energy**

**ARTICLE NO. 5:** To see if the Town will vote to amend the Code of the Town of Brewster, Chapter 179, Article IX Special Regulations, Section 179-40.2. Wind Energy Turbines, Subsection C. Definitions and word usage, by adding the following definition in its alphabetical order:

**MUNICIPAL WIND ENERGY TURBINE (MuWET)** – Any wind turbine project undertaken directly by a municipality or through an agreement with a third party as voted by Town Meeting.

And by adding to the end of Section 179-40.2 (Wind Energy Turbines) D (Use, site and dimensional regulations) 1 (Use regulations) b (WET facilities) the following sentence:

MuWET’s regardless of size shall be permitted by right on Town-owned property in any industrial (I) district, and by special permit in all other districts, provided they meet all the building code requirements.

And by amending Chapter 179 of the Brewster Town Code (Zoning), Table 1 (Use Regulations), Community Facilities, by adding a new use as follows:

	R-R	R-L	R-M	C-H	V-B	I	MRD	PWS- CF
22. Municipal Wind Energy Turbine	S	S	S	S	S	P	S	S

or take any other action relative thereto.

(Two-thirds Vote Required)

(Board of Selectmen)

**SUMMARY**

This article will amend the existing provision concerning wind energy turbine within the Zoning Bylaws to allow the Town of Brewster to construct wind turbines as a matter of right within the Industrial Zoning District. The currently process requires the issuance of a special permit from the Planning Board. The town has one area that encompasses the Industrial District and it is located on Freemans Way.

**BOS: Recommendation is deferred until Town Meeting.**

**FCR: 7-YES; 2-NO; 0-ABSTAINED**

**OTHER BUSINESS**

**ARTICLE NO. 6:** To act upon any other business that may legally come before this meeting.

(Board of Selectmen)

Given under our hand and Seal of the Town of Brewster affixed this 28<sup>th</sup> day of March, 2011.

\_\_\_\_\_  
Edward S. Lewis, Chairman

\_\_\_\_\_  
Peter G. Norton, Vice-Chairman

\_\_\_\_\_  
Daniel Rabold, Clerk

\_\_\_\_\_  
James W. Foley

\_\_\_\_\_  
Gregory A. Levasseur

I, Roland W. Bassett, duly qualified Constable for the Town of Brewster, hereby certify that I served the Warrant for the Special Town Meeting of May 2, 2011 by posting attested copies thereof, in the following locations in the Town on the \_\_\_<sup>th</sup> day of April, 2011.

- |                         |                      |
|-------------------------|----------------------|
| Brewster Town Offices   | Brewster Farms       |
| Brewster Ladies Library | Brewster Pizza House |
| The Brewster Store      | Millstone Liquors    |
| U. S. Post Office       |                      |

\_\_\_\_\_  
Roland W. Bassett, Constable

**ANNUAL TOWN MEETING  
MAY 2, 2011**

Barnstable, ss

To: Roland W. Bassett  
Constable for the Town of Brewster

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Brewster, qualified to vote in Town affairs, to meet at the Stony Brook Elementary School Cafetorium, on Monday, the 2nd day of May, 2011 next, at 7:00 p.m. o'clock in the evening, then and there to act upon the following articles.

**CAPE COD VOCATIONAL TECHNICAL SCHOOL OPERATING BUDGET**

**ARTICLE NO. 1:** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to defray Cape Cod Vocational Technical High School charges and expenses for the Fiscal Year ending June 30, 2012, as follows:

<u>item</u>	<u>DEPARTMENT</u>	<u>EXPENDED</u> <u>FY 2010</u>	<u>APPROPRIATED</u> <u>FY 2011</u>	<u>REQUEST</u> <u>FY 2012</u>
1	CAPE COD TECH. ASSESSMENT	\$683,190.00	\$688,641.00	\$694,838.00
	TOTAL ASSESSMENT	\$683,190.00	\$688,641.00	\$694,838.00

or to take any other action relative thereto.

(Majority Vote Required)

(Cape Cod Technical School Committee)

**SUMMARY**

This article will provide funding for the Fiscal Year 2012 operating budget for the Cape Cod Vocational Technical School District. This district consists of the towns of Barnstable, Brewster, Chatham, Dennis, Eastham, Harwich, Mashpee, Orleans, Provincetown, Truro, Wellfleet and Yarmouth. The overall district-wide budget has increased by 2.56% over Fiscal Year 2011. Brewster's actual share of the assessment has increased by a sum of \$6,197 or 0.9% over Fiscal Year 2011. District-wide student enrollment has increased from 684 students to 693 students; with Brewster's enrollment share declining from 46 to 45 students. (The funding increase requested within this article would result in approximately a 2/10<sup>th</sup> of 1 cent increase in the Fiscal Year 2012-tax rate.)

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 7-YES; 0-NO; 0-ABSTAINED**

**ELEMENTARY SCHOOLS OPERATING BUDGET**

**ARTICLE NO. 2:** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to defray the Elementary Schools' charges and expenses, for the Fiscal Year ending June 30, 2012, as follows:

<u>DEPARTMENT</u>	<u>EXPENDED</u> <u>FY 2010</u>	<u>APPROPRIATED</u> <u>FY 2011</u>	<u>REQUEST</u> <u>FY 2012</u>
ELEMENTARY SCHOOL BUDGET	<u>\$5,257,028.22</u>	<u>\$5,858,061.00</u>	<u>\$6,308,567.00</u>
TOTAL ELEMENTARY SCHOOL	\$5,257,028.22	\$5,858,061.00	\$6,308,567.00

or to take any other action relative thereto.

(Majority Vote Required)

(Elementary School Committee)

**SUMMARY**

This article will provide funding for the Fiscal Year 2012 operational budget for the Stony Brook and Eddy Elementary Schools. The Fiscal Year 2012 budget request for the Elementary Schools stands at \$6,308,567.00. These operational budgets have increased by the total sum of \$450,506.00, or 7.69%, over Fiscal Year 2011. This total percentage factor decreases slightly to 7.26% when the schools' proportionate shares of fringe benefit expenses are applied. The motion that will be presented at Town Meeting for this article will include conditional language subjecting the sum of \$341,157.00 of the Elementary Schools' \$6,308,567.00 appropriation to the successful passage of the Proposition 2 ½ General Override Ballot Question at the May 17, 2011 Annual Town Election. (The funding increase requested within this article would result in a 13 cent increase in the Fiscal Year 2012-tax rate.)

**BOS: 3-YES; 0-NO; 2-ABSTAINED**

**FCR: 4-YES; 3-NO; 2-ABSTAINED**

**TOWN OPERATING BUDGET**

**ARTICLE NO. 3:** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to defray town charges and expenses, and furthermore, to fix the salary and compensation of all elected officials of the town as provided in Section No. 108 of Chapter 41 of the General Laws, as amended, for the Fiscal Year ending June 30, 2012, as follows:

<u>item</u>	<u>DEPARTMENT</u>	EXPENDED	APPROPRIATED	REQUEST
		<u>FY 2010</u>	<u>FY 2011</u>	<u>FY 2012</u>
1	MODERATOR WAGES	\$300.00	\$300.00	\$300.00
2	SELECTMEN'S WAGES	\$5,250.00	\$5,250.00	\$5,250.00
	STAFF WAGES	\$54,169.60	\$56,073.00	\$55,816.00
	EDUCATIONAL REIMB	\$2,044.30	\$2,000.00	\$2,000.00
	EXPENSES	\$53,589.30	\$28,725.00	\$28,780.00
	ADMINISTRATOR WAGES	\$250,913.56	\$256,850.00	\$269,521.00
	EXPENSES	\$6,421.99	\$9,800.00	\$9,580.00
	LEGAL EXPENSES	\$127,150.00	\$105,000.00	\$105,000.00
	TOWN REPORT			
	EXPENSES	\$4,019.46	\$6,500.00	\$5,700.00
3	FINCOM EXPENSES	\$1,746.09	\$2,000.00	\$2,000.00
	RESERVE FUND	\$28,912.00	\$92,000.00	\$92,000.00
4	ACCOUNTANT WAGES	\$139,260.09	\$143,331.00	\$150,349.00
	AUDIT OF ACCOUNTS	\$16,500.00	\$29,500.00	\$25,500.00
	EXPENSES	\$1,958.66	\$2,970.00	\$2,585.00
	ASSESSOR WAGES	\$121,779.17	\$103,549.00	\$108,766.00
	EXPENSES	\$1,942.13	\$3,800.00	\$3,350.00
	TREAS/COLL WAGES	\$172,842.66	\$197,694.00	\$192,130.00
	EXPENSES	\$23,113.11	\$26,900.00	\$26,900.00
	INFORMATION TECHNOLOGY			
	WAGES	\$72,217.89	\$74,381.00	\$77,535.00
	EXPENSES	\$47,285.81	\$57,081.00	\$57,623.00
	DEBT SERVICE	\$3,107,152.98	\$2,985,891.00	\$2,871,672.00
	FRINGE BENEFITS	\$2,658,000.21	\$2,841,450.00	\$3,034,234.00
	RETIREMENT/PENSION	\$1,219,950.32	\$1,352,615.00	\$1,386,662.00
5	TOWN CLERK'S WAGES	\$62,940.62	\$48,352.00	\$0.00
	CLERK STAFF WAGES	\$56,041.09	\$65,925.00	\$114,300.00
	EXPENSES	\$20,972.82	\$25,355.00	\$21,030.00
6	TOWN HALL MAINT WAGES	\$87,296.35	\$77,973.00	\$82,005.00
	EXPENSES	\$17,347.80	\$19,500.00	\$15,850.00
	COA BLDG EXPENSES	\$6,231.67	\$7,200.00	\$7,200.00
	DRUMMER BOY EXPENSES	\$62.06	\$800.00	\$500.00
7	CONSTABLE	\$250.00	\$250.00	\$250.00

	POLICE WAGES	\$1,762,061.03	\$1,822,160.00	\$1,923,643.00
	EXPENSES	\$115,220.47	\$134,905.00	\$132,774.00
8	FIRE/RESCUE WAGES	\$1,365,608.99	\$1,410,732.00	\$1,471,815.00
	EXPENSES	\$101,798.52	\$98,300.00	\$103,600.00
	RESCUE EXPENSES	\$86,841.78	\$87,000.00	\$91,000.00
	STATION EXPENSES	\$40,219.73	\$32,000.00	\$41,000.00
9	PLANNING WAGES	\$126,600.99	\$134,301.00	\$140,997.00
	PLANNING/APPEALS EXPENSES	\$2,332.08	\$3,315.00	\$3,190.00
10	BLDG INSP/HDC WAGES	\$229,847.64	\$286,955.00	\$291,853.00
	BUILDING/HDC EXPENSES	\$4,049.59	\$6,300.00	\$6,300.00
11	NATURAL RESOURCES AND CONSERVATION WAGES	\$182,219.42	\$187,142.00	\$195,427.00
	EXPENSES	\$31,603.51	\$32,350.00	\$32,000.00
	PROPAGATION	\$6,000.00	\$6,000.00	\$10,000.00
12	BOARD OF HEALTH WAGES	\$157,754.94	\$163,412.00	\$169,414.00
	VISITING NURSE ASSOC. EXPENSES	\$18,345.00	\$18,357.00	\$18,357.00
		\$4,211.11	\$4,000.00	\$4,000.00
13	DPW WAGES	\$781,186.21	\$809,830.00	\$848,845.00
	ROAD MACHINERY	\$64,763.40	\$40,800.00	\$40,800.00
	SNOW & ICE CONTROL	\$139,719.34	\$120,000.00	\$120,000.00
	EXPENSES	\$185,722.51	\$218,590.00	\$232,120.00
	SOLID WASTE DISPOSAL	\$170,435.86	\$161,552.00	\$172,802.00
	STREETLIGHTING	\$8,697.23	\$9,800.00	\$9,800.00
14	WATER STAFF WAGES	\$654,856.29	\$669,003.00	\$687,055.00
	OPERATING EXPENSES	\$301,609.06	\$424,291.00	\$424,291.00
	EQUIPMENT EXPENSES	\$8,996.30	\$12,570.00	\$12,570.00
15	GOLF DEPT WAGES	\$1,121,751.53	\$1,167,511.00	\$1,177,837.00
	EXPENSES	\$781,328.30	\$816,075.00	\$881,620.00
16	RECREATION WAGES	\$98,741.82	\$98,716.00	\$97,151.00
	EXPENSES	\$16,596.42	\$16,562.00	\$17,051.00
17	COUNCIL ON AGING WAGES	\$142,700.78	\$158,105.00	\$172,413.00
	EXPENSES	\$10,800.96	\$11,982.00	\$13,254.00
18	LADIES LIBRARY	\$517,739.13	\$521,402.00	\$531,400.00
19	ALEWIVE COMM. WAGES	\$2,421.60	\$2,500.00	\$2,500.00

EXPENSES	\$843.83	\$900.00	\$900.00
OLD MILL SITE COMM.	\$3,427.12	\$4,000.00	\$4,000.00
20 UTILITIES	\$422,114.63	\$471,000.00	\$450,000.00
LIABILITY INSURANCE	\$266,813.25	\$305,000.00	\$330,000.00
21 ASSESSMENTS	\$40,769.01	\$41,789.00	\$43,356.00
MEMORIAL/VETERANS DAY EXP.	\$1,500.00	\$1,500.00	\$1,500.00
VETERANS SERVICES	<u>\$33,013.48</u>	<u>\$26,000.00</u>	<u>\$30,000.00</u>
GRAND TOTAL	\$18,378,924.60	\$19,165,722.00	\$19,691,023.00

or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**SUMMARY**

This article will provide funding for the Fiscal Year 2012 operational budget for the town boards, committees and departments. The town’s operational budget, as presented in this article, exclusive of the debt budget, has increased by 4.04%. However, this budget does include \$1,378,645.00 in fringe benefit expenses for the elementary schools. The adjusted budgetary increase without the Schools’ fringe benefit expense would be \$587,032.00 or 4.17%. The town’s debt budget has decreased from the sum of \$2,985,891.00 in Fiscal Year 2011 to \$2,871,672.00 in Fiscal Year 2012 or a 3.83% decrease. The motion for this article will include conditional language subjecting the sum of \$214,769.00 of the Towns’ \$19,691,023.00 appropriation to the successful passage of the Proposition 2 ½ General Override Ballot Question at the May 17, 2011 Annual Town Election. (The funding increases requested within this article over Fiscal Year 2011, minus the schools’ fringe benefits expenses and the debt budget will result in approximately a 16.2 cent increase in the tax rate for Fiscal Year 2012.)

**FCR: Recommendation deferred until Town Meeting.**

<b><i>NAUSET REGIONAL SCHOOLS OPERATING BUDGET</i></b>
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**ARTICLE NO. 4:** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to defray the Nauset Regional School’s charges and expenses for the Fiscal Year ending June 30, 2012, as follows:

<u>DEPARTMENT</u>	<u>EXPENDED FY 2010</u>	<u>APPROPRIATED FY 2011</u>	<u>REQUEST FY 2012</u>
NAUSET ASSESSMENT	<u>\$8,745,345.00</u>	<u>\$8,924,962.00</u>	<u>\$8,648,613.00</u>
TOTAL ASSESSMENT	<u>\$8,745,345.00</u>	<u>\$8,924,962.00</u>	<u>\$8,648,613.00</u>

or to take any other action relative thereto.

(Majority Vote Required)

(Nauset Regional School Committee)

**SUMMARY**

This article provides funding for the Fiscal Year 2012 operational budget for the Nauset Regional School District. The overall operating budget for the Nauset Regional Schools stands at \$25,450,648.00, which represents an increase of 4.24% over the prior year. Brewster's share of the Nauset Schools operational budget is \$8,648,613.00 or a 3.2% decrease over Fiscal Year 2011. The funding for Nauset's FY2012 Capital Plan program in the amount of \$221,304.00 has been relocated to the Article no. 8 (Capital Expenditure). Brewster's proportionate share of enrollment has decreased from 49.2% in Fiscal Year 2011 to 48.21% in Fiscal Year 2012. The motion for this article will include conditional language subjecting the sum of \$243,596.00 of the Brewster's \$8,648,613.00 assessment to the successful passage of the Proposition 2 ½ General Override Ballot Question at the May 17, 2011 Annual Town Election. (The funding increase requested within this article, minus the schools' debt budget, will result in approximately an 8.2 cent increase in the Fiscal Year 2012-tax rate.)

**BOS: 3-YES; 0-NO; 2-ABSTAINED**

**FCR: 4-YES; 2-NO; 3-ABSTAINED**

***ASSESSMENT FORMULA FOR NAUSET REGIONAL SCHOOLS***

**ARTICLE NO. 5:** To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 71, Section 16B, which would allocate the sum of the member towns' contributions to the Nauset Regional School District in Fiscal Year 2013 in accordance with the Regional Agreement rather than the Education Reform Formula, so-called, or to take any other action relative thereto.

(Majority Vote Required)

(Nauset Regional School Committee)

**SUMMARY**

This article will apportion the Nauset Regional School District's assessment to the four member towns based on their proportionate enrollment within the school district. This is the method provided within the inter-municipal agreement, approved by the towns establishing the Nauset Regional School District. This method has been applied in each of the last thirteen years by Town Meeting vote.

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 8-YES; 1-NO; 0-ABSTAINED**

***COMMUNITY PRESERVATION ACT FUNDING / Allocations***

**ARTICLE NO. 6:** To see if the Town will vote to act upon the recommendations of the Community Preservation Committee; to appropriate from Fiscal Year 2012 revenues and/or from previously reserved funds or to set aside for future use the amounts shown below; to authorize the Town Administrator to enter into contracts for the award of grants to the

following agencies; to authorize the Community Preservation Committee, pursuant to the provisions of Massachusetts General Laws, Chapter 184, Sections 31 through 33, to acquire Historic Preservation Restrictions and Affordable Housing Restrictions in consideration of the awarding of the following grants; all as follows:

**Item: Category:**

**1. Historic Preservation:**

**a. Brewster Meeting House Preservation Project:**

**Meeting House Restoration** **\$250,000.00**  
 (\$75,000.00 from Estimated Revenues; \$79,000.00 from Fund Balance Reserved for Historic Preservation, \$96,000.00 from the Budgeted Reserve)

**b. Related Purpose Expenditures/Professional Services** **\$10,000.00**

**c. Reserve Funds.** To hold in reserve for the purpose of Historic Preservation the sum of **\$53.00** from the Fund's Fiscal Year 2012 revenues for future expenditure;

**2. Community Housing:**

**a. Related Purpose Expenditures/Professional Services** **\$10,000.00**

**b. Reserve Funds.** To hold in reserve for the purpose of Community Housing the sum of **\$75,053.00** from the Fund's Fiscal Year 2012 revenues for future expenditure;

**3. Open Space:**

**a. Related Purpose Expenditures/Professional Services** **\$50,000.00**

**b. Reserve Funds.** To hold in reserve for the purpose of acquiring Open Space the sum of **\$64,931.00** from the Fund's Fiscal Year 2012 revenues for future expenditure;

**4. Reserve Funds**

**a. Recreation:**

**Related Purpose Expenditures/Professional Services** **\$10,000.00**

**b. Reserve Funds.** To hold, pursuant to the provisions of Section 17-4 of the Brewster Community Preservation Committee Bylaw, in reserve for the purpose of Historic Preservation, Community Housing and Recreation the sum of **\$149,158.00** from the Fund's Fiscal Year 2012 revenues for future expenditure;

**5. Administration and Operating Expenses:**

**a. Administration and Operating Expenses.** To appropriate the sum of **\$15,000.00** from the Fund's Fiscal Year 2012 revenues for expenditure by the Community Preservation Committee and the Town Administrator for the general administration and operating expenses related to carrying out the operations of the Community Preservation Committee;

**Grand-total** **\$634,195.00**

or to take any other action relative thereto.

(Majority Vote Required)

(Community Preservation Committee)

### **SUMMARIES**

In May of 2005, Brewster approved a ballot question which allowed for the adoption of the modified Community Preservation Act. The act appropriates 3% of the town's real estate tax revenues, which are reserved in a special fund in order to finance projects and programs for the purposes of preservation of open space, recreation, affordable housing, and historic preservation. Brewster is also eligible to receive up to 3% in matching funds from the State, although we once again anticipate a reduced reimbursement rate from the State for Fiscal Year 2012, which is projected at 25%. Brewster established, through a local bylaw, a distribution schedule for the CPA funds according to the following:

- 50% of the funds for open space,
- 10% for affordable housing,
- 10% for historic preservation, and
- 30% balance is available for housing, historic preservation and/or active recreation projects or programs.

Total Community Preservation revenues for Fiscal Year 2012 are estimated at \$865,528.00. This article appropriates the sum of \$634,195.00, which includes \$79,000.00 from the current fund balance reserved for historic preservation account; the balance of \$310,333.00 will be appropriated within the Town's debt budget in order to support principal and interest payments for previously authorized projects. The Community Preservation Act further provides that any funds not allocated and approved by Town Meeting in the current year are reserved and carried over to the following year.

The Community Preservation Committee received one application for funding. After a lengthy review, the following requests are presented for Town Meeting consideration:

#### **1. HISTORICAL PRESERVATION**

1a. Brewster Meeting House Preservation Project: Built in 1834, the Brewster Meeting House, a centerpiece in Brewster's Historic District, and has been an integral part of Brewster's history. It features arching windows, a clock tower and a steeple, making it the tallest building in the historic center of town. The building is under threat from long-term damage caused by insects and water. The posts and beams, roof, foundation, and siding are all severely compromised. CPA funds will only be used for restoration of the exterior elements of this building. The total project budget for this project is estimated at \$1,646,886; and the CPA funding request is \$250,000.00.

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 5-YES; 0-NO; 0-ABSTAINED**

1b. Related Purpose Expenditures/Professional Services - This money provides funding for project related expenses such as, appraisals, consultants, grant application/administration, legal fees.

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 5-YES; 0-NO; 0-ABSTAINED**

1c. Reserve Funds for Historical Preservation – This item will allocate the balance of the unused historic preservation funds for Fiscal Year 2012 into the historic preservation account.

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 5-YES; 0-NO; 0-ABSTAINED**

## **2. COMMUNITY HOUSING**

2a. Related Purpose Expenditures/Professional Services - This money provides funding for project related expenses such as appraisals, surveys, consultants, grant application/administration, legal fees, etc.

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 5-YES; 0-NO; 0-ABSTAINED**

2b. Reserve Funds for Community Housing – This item will allocate the balance of the unused community housing funds for Fiscal Year 2012 into the community housing account.

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 5-YES; 0-NO; 0-ABSTAINED**

## **3. OPEN SPACE**

3a. Related Purpose Expenditures/Professional Services - This money provides funding for project related expenses such as appraisals, surveys, consultants, grant application/administration, legal fees, etc.

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 5-YES; 0-NO; 0-ABSTAINED**

3b. Reserve Funds for Open Space - This item will allocate the balance of the unused open space funds for Fiscal Year 2012 into the open space account.

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 5-YES; 0-NO; 0-ABSTAINED**

## **4. GENERAL RESERVE FUND**

4a. Recreation: Related Purpose Expenditures/Professional Services - This money provides funding for project related expenses such as appraisals, surveys, consultants, grant application/administration, legal fees, etc.

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 5-YES; 0-NO; 0-ABSTAINED**

4b. General Reserve Fund - The Community Preservation legislation requires that any funds not allocated for a specific project or fund category in any given year must be reserved by Town Meeting and carried over for future years. These funds will be available for community housing, recreation and/or historic resource purposes.

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 5-YES; 0-NO; 0-ABSTAINED**

## **5. ADMINISTRATIVE & OPERATING EXPENSES**

5a. Community Preservation Administrative/Professional Expenses - The enabling legislation provides authorization for Town Meeting to appropriate up to 5% of the program's estimated revenues to be used for a wide variety of administrative and operating expenses such as, but not limited to: clerical services, consultants, appraisals, technical and legal services.

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 5-YES; 0-NO; 0-ABSTAINED**

**HUMAN SERVICES FUNDING**

**ARTICLE NO. 7:** To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of ***SIXTY-TWO THOUSAND EIGHT HUNDRED THIRTY-NINE AND 00/100 (\$62,839.00) DOLLARS*** for the following organizations and in the following respective amounts:

1.	Cape Cod Child Development Program, Inc.	\$5,020.00
2.	Consumers Assistance Council, Inc.	\$500.00
3.	Gosnold	\$9,360.00
4.	Independence House, Inc.	\$4,200.00
5.	Interfaith Council for the Homeless of Lower Cape Cod	\$7,934.00
6.	South Coastal Counties Legal Services, Inc.	\$4,400.00
7.	Lower Cape Outreach Council, Inc.	\$8,500.00
8.	capeAbilities	\$6,425.00
9.	Sight Loss Services, Inc. of Cape Cod & Islands	\$1,000.00
10.	Elder Services of Cape Cod "Meals on Wheels"	\$8,000.00
11.	Aids Support Group of Cape Cod	\$2,500.00
12.	Cape Cod Children's Place	<u>\$5,000.00</u>
	<b>GRAND TOTAL</b>	<b>\$62,839.00</b>

and to authorize the Board of Selectmen, the Board of Health, and the School Committee, as appropriate, to enter into contracts with these organizations in order to provide desired social services for residents of Brewster, or to take any other action relative thereto.

(Majority Vote Required)

(Human Services Committee)

### **SUMMARIES**

**1. Cape Cod Child Development Program, Inc.** provides assistance and counseling to children who have been identified as being at risk with emotional and/or learning disabilities (Previous request in FY2011 - \$5,020.00).

**2. Consumer Assistance Council, Inc.** is an organization which makes consumers aware of their legal rights should they have difficulties dealing with a business (Previous request in FY2011 - \$500.00).

**3. Gosnold** provides detoxification programs for people fighting dependency and addiction (Previous request in FY2011 - \$9,000.00).

**4. Independence House** is the Cape's only twenty-four hour free and confidential resource center, providing counseling and shelter to battered women, their children and survivors of rape and sexual assault (Previous request in FY2011 - \$4,200.00).

**5. Interfaith Council for the Homeless of Lower Cape Cod** serves Brewster residents who are homeless or at risk of homelessness (Previous request in FY2011 - \$6,899.00).

**6. South Coastal Counties Legal Services, Inc.** provides free legal advice and representation to Brewster residents over the age of sixty despite income, through the Elder Law Project (Previous request in FY2011 - \$4,300.00).

**7. Lower Cape Outreach Council, Inc.** assists persons and families who are experiencing financial hardship (Previous request in FY2011 - \$8,000.00).

**8. capeAbilities (formerly Nauset, Inc.)** operates two group homes and provides rehabilitation, training and employment for local residents who are mentally retarded and/or handicapped (Previous request in FY2011 - \$6,425.00).

**9. Sight Loss Services, Inc. of Cape Cod & Islands** provides assistance to Brewster residents who are newly blind, visually impaired or affected with progressive eye disease (Previous request in FY2011 - \$900.00).

**10. Elder Services of Cape Cod "Meals on Wheels"** serves meals to homebound elders in Brewster who are unable to prepare nutritionally balanced meals for themselves, who are unable to attend the senior dining room and who lack a support system to assist with meal preparation (Previous request in FY2011 - \$8,000.00).

**11. Aids Support Group of Cape Cod** provides anonymous testing and primary care referrals, transportation to appointments, food for homebound clients, home care and emergency housing assistance. It also provides support to families of AIDS patients through referrals. (Previous request in FY2011 - \$2,500.00).

**12. Cape Cod Children's Place** a family resource and referral center providing support for families with young children ages 1 month - 5 yrs. (Previous request in FY2011 - \$4,000.00).

(The funding increase requested within this article would result in less than a 1.8 cent increase in the Fiscal Year 2012-tax rate.)

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 9-YES; 0-NO; 0-ABSTAINED**

**CAPITAL AND SPECIAL PROJECT EXPENDITURES**

**ARTICLE NO. 8:** To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow a sum of money for the purpose of funding the following capital acquisitions and special project expenditures to be undertaken during Fiscal Year 2012 and to authorize the Town Administrator to sell, trade, lease, exchange or otherwise dispose of, in the best interests of the town, old equipment or vehicles deemed available, the proceeds from any such disposition to be applied toward the cost of acquiring said equipment or services as the case may be:

<b>Item Department:</b>	<b>Transfer from Available Funds:</b>
<b>1. <u>Board of Selectmen:</u></b>	
a. Stony Brook Millsite Dam Design & Reconstruction	\$10,000.00
b. All Citizens Access Improvement Project	\$5,000.00
c. Phase II / Telephone System Upgrade Project	\$25,000.00
<b>2. <u>Fire Department:</u></b>	
a. Rescue Billing Services	\$10,000.00
b. Protective Clothing Acquisition Project	\$30,000.00

c. Dispatch Service Expense	\$30,000.00
d. Technology Expense	\$25,000.00
e. Automatic Defibrillator Equipment	\$13,000.00
f. Rescue Tool Equipment Replacement	\$20,000.00
g. Self Contained Breathing Apparatus Equipment	\$60,000.00
h. Fire Station Building Repair Project	\$50,000.00
i. Regional Radio Grant for 400 Megahertz System	\$11,000.00
<b>3. <u>Department of Public Works:</u></b>	
a. Roadway/Drainage Repair Funding	\$150,000.00
b. DPW Air Conditioner/Heating System Project	\$20,000.00
c. Riding Mower Replacement Project	\$14,500.00
d. Transfer Station Monitoring Expense	\$30,000.00
<b>4. <u>Police Department:</u></b>	
a. Police Cruisers Replacement Expense	\$88,000.00
b. Body Armor Equipment Expense	\$20,000.00
<b>5. <u>Golf Department:</u></b>	
a. Tee & Approach Mower Replacements (7 units)	\$45,000.00
b. Golf Course Operations Review Expense	\$24,000.00
<b>6. <u>Nauset Regional School District:</u></b>	
a. Capital Plan Projects	\$221,304.00
<b>Grand-total</b>	<b>\$901,804.00</b>

or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**SUMMARIES**

<b>1. BOARD OF SELECTMEN</b>
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1a. Stony Brook Millsite Dam Design & Reconstruction Project – The Lower Mill Pond dam, including the water control structure and fish passage, is in need of replacement. We have completed a preliminary safety evaluation of the dam that identified significant issues. These funds will supplement preliminary engineering funds already obtained and match grant funds earmarked towards design and construction. We will return to Town Meeting for final dam and fish passage construction costs if they exceed the available grant funding. (The funding increase requested within this article would result in less than 3/10 of 1-cent increase in the Fiscal Year 2012-tax rate.)

**BOS: 5-YES; 0-NO; 0-ABSTAINED                      FCR: 9-YES; 0-NO; 0-ABSTAINED**

1b. All Citizens Access Improvement Project – The All Citizens Access Committee has been working over time to work with the town to improve access throughout our municipal

facilities. The main concern that is being addressed through this article is that the office counters in Town Hall are not wheelchair accessible; they are too high, have no open space underneath and some of the offices lack sufficient turning space. There are three offices where an accessible desk could be used as an alternative solution rather than a modification to an existing counter. (The funding increase requested within this article would result in less than 2/10<sup>th</sup> of 1-cent increase in the Fiscal Year 2012-tax rate.)

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 9-YES; 0-NO; 0-ABSTAINED**

1c. Phase II / Telephone System Upgrade Project – The town has separate phone and voice mail systems within most of its facilities, dating from 1999. These systems are no longer manufactured or supported by the manufacturer and it has become difficult to find replacement parts or contractors who will maintain and repair them. Currently, the only redundancy exists in the form of cell phones and radios. This article will allow for the replacement of our phone systems with the eventual goal of a single networked voice over IP system covering all town offices with built-in redundancy and overlap. (The funding increase requested within this article would result in less than 7/10<sup>th</sup> of 1-cent increase in the Fiscal Year 2012-tax rate.)

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 9-YES; 0-NO; 0-ABSTAINED**

<b>2. FIRE DEPARTMENT</b>
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2a. Rescue Services Expense - This expenditure is utilized to pay for the contractually obligated fees for the ambulance billing service utilized by the Fire Department. This current request for \$10,000.00 represents 1/3 of the annual total cost and will be funded through the Ambulance Receipt Account.

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 9-YES; 0-NO; 0-ABSTAINED**

2b. Protective Clothing Acquisition Project - This is a continuation of our personal protective equipment replacement program. This equipment includes the purchase of new and replacement gear such as turnout coats/pants, helmets, leather boots, personal harnesses, flashlights, for all current and new department personnel. Funding of \$30,000.00 in 2012 will come from the Ambulance Receipt Account.

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 9-YES; 0-NO; 0-ABSTAINED**

2c. Dispatch Services Expense - This expenditure is utilized to pay Barnstable County for dispatch services, computer consultation, coordination of all mutual aid fire and ambulance requests, and radio monitoring of all emergency incidents. This current request for \$30,000.00 represents 50% of the total cost and will be funded through the Ambulance Receipt Account.

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 9-YES; 0-NO; 0-ABSTAINED**

2d. Technology Expense – Over the past several years our department has installed mobile computers in our ambulances to allow for the instantaneous transmittal of reports and patient information to the hospital during rescue responses. One of the major goals of the department is to move forward with this project to include all front line fire apparatus and

join a select group of departments across the Commonwealth with this type of capability. Taking this project to the fire suppression level will provide our personnel with the ability to immediately access critical incident information such as building hazards, hazardous material issues, hydrant locations, drafting locations, knox box locations, and other special hazards while on-route to the incident location. Additionally, it will allow our apparatus to significantly reduce the amount of radio traffic currently produced during rescue and fire responses. Funding of \$25,000.00 will come from the Ambulance Receipt Account.

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 9-YES; 0-NO; 0-ABSTAINED**

2e. Automatic Defibrillator Equipment – The current supply of automatic defibrillators has reached their effective life span. New technology, improved battery life, and parts availability has made the replacement of these units a priority in FY2012. This program includes AED's at the Water Department and Ladies Library. Funding of \$13,000.00 will be provided from the Ambulance Receipt Account.

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 9-YES; 0-NO; 0-ABSTAINED**

2f. Rescue Tool Equipment Replacement – The majority of the motor vehicle extrication tools in service on our rescue vehicle were purchased in 1984. The age and condition of these units does not allow technicians to properly maintain and repair the equipment, and replacement parts for many of the system components have become unavailable. Motor vehicle accidents are one of our more common responses. Having the equipment to conduct patient extrication in a rapid, safe manner is critical to the survivability rate of the involved victims. The stronger metals and modern construction used in today's vehicles pose a unique challenge and hazard to our firefighters during these events. The new technology, stronger lightweight materials, and increased cutting and opening forces provided by these new hydraulic rescue tools will significantly enhance our rescue capabilities at motor vehicle accidents. Funding of \$20,000.00 to implement the first phase of this project in FY2012 will come from the Ambulance Receipt Account.

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 9-YES; 0-NO; 0-ABSTAINED**

2g. Self Contained Breathing Apparatus Equipment – This equipment is the foundation from which our fire suppression operations are based. It is a critical component of the safety of our personnel and our capability to adequately protect the residents we serve. The current equipment we are maintaining does not meet all of the necessary NFPA standards, is incompatible with our surrounding mutual aid partners, is costly to repair and maintain, and lacks several critical safety devices currently available on new equipment. In an effort to reduce the burden of funding the replacement of these units the fire department applied for a Firefighter Assistance Grant in the amount of \$270,000.00. Unfortunately the grant application was denied in November of 2010. We will most likely be utilizing a multi-year lease/purchase option to finance this acquisition with annualized funding provided through the Ambulance Receipts Account.

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 9-YES; 0-NO; 0-ABSTAINED**

2h. Fire Station Building Repair Project – Due to the unidentified time frame concerning the construction of a new headquarters facility for the Fire Department, and the need to

complete several necessary renovations and repair projects that will ensure continued use of the existing structure we are requesting town financed capital funding in the amount of \$50,000.00 in FY2012 to complete the following projects:

- Replace all rugs and flooring \$5,000.00
- Repairs to roof/exterior siding \$45,000.00
- Total \$50,000.00

(The funding increase requested within this article would result in a 1.5 cent increase in the Fiscal Year 2012-tax rate.)

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 9-YES; 0-NO; 0-ABSTAINED**

2i. Regional Radio Grant for 400 Megahertz System - The towns of Brewster, Orleans, Dennis, Eastham, and Wellfleet recently received a grant in the amount of \$353,000.00 under the Assistance to Firefighter Grant program from the Federal Government. This grant will provide the involved communities the opportunity to develop, purchase, and implement a regional based interoperable 400 megahertz radio system designed to enhance the current communication capabilities of each community. Each of the five towns involved in the grant project must contribute a 10% match for their portion of the full project cost. The \$11,000.00 amount being requested is Brewster’s matching share of the \$110,000.00 to be received by the Brewster Fire Department through the grant. (These funds will be transferred from the Ambulance Receipts Account.)

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 9-YES; 0-NO; 0-ABSTAINED**

**3. DEPARTMENT OF PUBLIC WORKS**

3a. Drainage/Road Maintenance – This article proposes funding to address roadway and drainage repair/maintenance along roads throughout the town. The roadway conditions in Brewster are deteriorating and significant funding in this area is required. This funding request is small compared to what will be required. A study completed in the early 90’s indicated the condition of our roads was at a pavement index of 60 on a scale of 1-100. The practice of pavement preventative maintenance and pavement management is well documented and indicates costs savings if roads are maintained rather than replaced. (The funding increase requested within this article would result in less then 4.5-cent increase in the Fiscal Year 2012-tax rate.)

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 9-YES; 0-NO; 0-ABSTAINED**

3b. DPW Air Conditioning/Heating System Project - The existing building unit is original equipment for this facility and stopped working during the summer of 2010. There have also been recommendations through the Energy Committee to update older heating systems in our facilities. The heating system is original 1990 vintage equipment and more efficient equipment is certainly available. These systems have been maintained regularly and costly repairs have been required over the past few years. The air conditioning unit was recharged and the coils cleaned during the summer of 2010 in an attempt to repair the unit. That effort failed and we used portable units during the summer of 2010. If the air conditioning system is to be replaced, it is prudent to look at the heating system at this

time, especially in light of Energy Committee recommendations. It should also be noted that during the repair and estimate preparation for the air conditioning unit, we were told that the existing unit was undersized for the size of our building. (The funding increase requested within this article would result in less than 6/10<sup>th</sup> of 1-cent increase in the Fiscal Year 2012-tax rate.)

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 9-YES; 0-NO; 0-ABSTAINED**

3c. Walk Behind Mower Equipment – These mowers are used to maintain all of the town’s ball fields, park areas, cemeteries, and town owned buildings. The unit being replaced has logged over 1500 hours of service. This article proposes the replacement of one walk-behind mower. The department uses two of these mowers full time during the growing season, and keeps one older model in reserve for times when additional personnel are required or if a breakdown occurs. This unit will replace the existing 1995 unit and the current 2000 unit will be placed in the reserve position. (The funding increase requested within this article would result in less than 4/10<sup>th</sup> of 1-cent increase in the Fiscal Year 2012-tax rate.)

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 9-YES; 0-NO; 0-ABSTAINED**

3d. Transfer Station Monitoring Expense - This is an annual request for funds required under our DEP Landfill/Transfer Station permit and includes monitoring of landfill gas migration, groundwater quality, air quality, DEP required inspections and preparation of reports to regulatory agencies. The program also includes costs related to settlement measurements and various landfill inspections. (The funding increase requested within this article would result in less than 1.5-cent increase in the Fiscal Year 2012-tax rate.)

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 9-YES; 0-NO; 0-ABSTAINED**

<b>4. POLICE DEPARTMENT</b>
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4a. Patrol Vehicles – This request will allow for the acquisition of 3 marked patrol units including all necessary vehicle equipment such as lighting, prisoner cage and seating, radio console, mobile data terminal and bracket and other emergency equipment. (The funding increase requested within this article would result in less than 1.4-cent increase in the Fiscal Year 2012-tax rate.)

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 9-YES; 0-NO; 0-ABSTAINED**

4b. Body Armor Equipment Expense – This item will allow for the replacement of existing officers' body armor (bullet resistant vests). Historically, the Federal Government has reimbursed communities for half of the purchase expense for these vests. We replace all vests when they are 5 years old. (The funding increase requested within this article would result in less than 6/10 of 1-cent increase in the Fiscal Year 2012-tax rate.)

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 9-YES; 0-NO; 0-ABSTAINED**

## 5. GOLF DEPARTMENT

5a. Tee & Approach Mower Replacement – These monies will be used to enter into a 5-year lease purchase agreement to replace seven (7) units that we currently own. The units to be replaced are one 1995 model year, one 1997 model year, three 1999 model year, one 2000 model year, and one 2001 model year. The normal useful functional life for this equipment is 5 – 7 years. Finding parts to repair these older units is difficult and their current condition is considered to be fair to poor. This equipment is used to mow the greens, tees and approaches to the greens and is used at least 5 days per week. The replaced units will be sold as surplus equipment. (These funds will be transferred from the Golf Receipts Account.)

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 8-YES; 0-NO; 1-ABSTAINED**

5b. Golf Course Operations Review Expense – This item will allow the town to hire a private golf facilities operations consultant to assist the town in undertaking a comprehensive evaluation of operations at the Captains Golf Course. Components of this study will include a review of all profit centers, contracts and market environment, along with the development of a business/marketing plan with clear strategies for implementation. The review will also include analysis of what management model will best improve the course's financial performance within a reasonable amount of time and on a sustained basis; in-house operation, outsourced, or combination. (The funding increase requested within this article would result in less than 7/10<sup>th</sup> of 1-cent increase in the Fiscal Year 2012-tax rate.)

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 8-YES; 0-NO; 1-ABSTAINED**

## 6. NAUSET REGIONAL SCHOOL DISTRICT

6a. Capital Plan Projects - This is the sixth year that the District is seeking funding in the approximate amount of \$221,304.00, which is an assessment for the capital equipment and facilities maintenance budget for the Nauset Schools. This program was approved by means of a Proposition 2 ½ override question in May of 2005. (The funding increase requested within this article would result in less than 6.5-cent increase in the Fiscal Year 2012-tax rate.)

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 9-YES; 0-NO; 0-ABSTAINED**

## **LOCAL BUSINESS ORGANIZATION FUNDING**

**ARTICLE NO. 9:** To see if the Town will vote to raise and appropriate, and/or transfer from available funds, the sum of ***TWENTY-FOUR THOUSAND FIVE HUNDRED AND 00/100 (\$24,500.00) DOLLARS***, to be expended under the direction of the Board of Selectmen to help defray costs associated with the annual publication and distribution of the *Brewster Book* and *Beach Map Guide*, as well as the monthly publication of Brewster advertising and website, which advertises the Town's attractions, amenities, and services; to provide funds for the operation of the Brewster Visitor Information Center; and, under a contract with and at the direction of the Board of Selectmen, to enable the Chamber of Commerce and Board of Trade United to appropriately advertise Brewster in order to

increase room tax and beach pass revenue for the town, promote the Town’s golf course, or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**SUMMARY**

This article will provide partial funding for the operational costs for the Chamber of Commerce and Board of Trade United, which serve to generate room’s tax revenue for the town through the promotion of tourism. Brewster is the beneficiary of a 6% room’s occupancy tax, which is levied on guests staying in bed and breakfasts, inns and resorts in the town. The Chamber of Commerce and Board of Trade United promotes tourism annually through a trade guidebook; the map and guide; through publication advertising; and other promotional events. In addition this funding is used to assist in the funding of operational expenses for the Visitor’s Information Center in order to accommodate the yearly tourism business and develop further revenues for Brewster. (The funding increase requested within this article would result in less then a 7/10<sup>th</sup> of 1-cent increase in the Fiscal Year 2012-tax rate.)

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 8-YES; 1-NO; 0-ABSTAINED**

***BREWSTER TOWN BAND / Funding Request***

**ARTICLE NO. 10:** To see if the Town will vote to authorize the Board of Selectmen to enter into a contract with the Brewster Town Band in order to obtain instrumental performances for the town and to raise and appropriate and/or transfer from available funds the sum of ***TWO THOUSAND AND 00/100 (\$2,000.00) DOLLARS***, and to authorize the Town Administrator to solicit bids and/or proposals, enter into a contract or contracts, accept donations and grant proceeds and expend said funds for this purpose, or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**SUMMARY**

The Brewster Band provides a weekly concert series throughout the summer season at Drummer Boy Park, which is located on Route 6A in West Brewster. This article provides limited financial assistance from the town to augment private fundraising efforts by the band. (The funding increase requested within this article would result in a 1/20<sup>th</sup> of 1-cent increase in the Fiscal Year 2012-tax rate.)

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 9-YES; 0-NO; 0-ABSTAINED**

***BAYSIDE SKIPPERS / Funding Request***

**ARTICLE NO. 11:** To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of ***FOUR THOUSAND FIVE HUNDRED AND 00/100 (\$4,500.00) DOLLARS*** to pay for public performances of team skipping, and to

authorize the Town Administrator to solicit bids and/or proposals, enter into a contract or contracts, accept gifts and expend said funds for this purpose or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**SUMMARY**

This article will replenish funding for the coach’s stipend for the Bayside Skipper’s program; said funds to be utilized equally to pay all coaches, under the direction of the Board of Directors of the Bayside Skippers Parents Support Group. The balance of the operational expenses for this program is raised through private fundraising efforts. (The funding increase requested within this article would result in less than a 1/10<sup>th</sup> of 1-cent increase in the Fiscal Year 2012-tax rate.)

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 9-YES; 0-NO; 0-ABSTAINED**

***SPECIAL REVENUE FUND / Crosby Mansion Revolving Fund***

**ARTICLE NO. 12:** To see if the Town will vote to reauthorize the Crosby Mansion Revolving fund for the 2012 fiscal year, to credit the fund with the fees and charges received from the Crosby Mansion and cottages during that year, to authorize the Crosby Property Committee to administer the fund and to expend from it the sums needed to pay for the salaries, expenses, and contracted services required to operate the mansion and cottages, and to limit during that fiscal year the total expenditures from the fund to the lesser of \$100,000.00 or the balance in the fund, or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**SUMMARY**

The town has an agreement, for a period of 25 years, plus a 10 year renewal option, with the Commonwealth of Massachusetts to lease the Crosby Mansion along with two nearby cottages. Due to the efforts of the Friends of Crosby Mansion, the town has completed the repair of both cottages. These cottages are rented out during the tourism season. The rental proceeds are then reinvested into the mansion and cottages throughout the term of the lease. This article will authorize the continuation of the “Crosby Mansion Revolving Fund”, which is a state authorized accounting vehicle that allows for the collection and expenditure of revenues for a specialized purpose. The law requires that a report be provided annually to town meeting on the status of this special account.

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 9-YES; 0-NO; 0-ABSTAINED**

***SPECIAL REVENUE FUND / Cable Franchise Fee Account***

**ARTICLE NO. 13:** To see if the Town will vote to transfer the sum of ***TWO HUNDRED TEN THOUSAND ONE HUNDRED SEVENTY THREE AND 00/100 (\$210,173.00) DOLLARS*** from the Cable Franchise Fee account for the 2012 fiscal year

for local cable television related purposes, including, but not limited to the general public purpose of supporting and promoting public access to the Brewster cable television system; training in the use of local access equipment and facilities; access to community, municipal and educational meeting coverage; use and development of an institutional network and/or municipal information facilities; hiring of full-time and part-time staff with associated employee benefit expenses and/or any other appropriate cable-related purposes, or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**SUMMARY**

Included within your cable bill is a line item to provide for the costs of local cable television services. These monies are retained in a special revenue account. The Cable Advisory Committee is currently working collaboratively with several other lower cape towns to create a new shared local access studio at the Nauset Regional High School. In addition they are working to enhance local cable programming for the town’s government channel. These funds will be used by the committee to continue these ongoing projects, and may include, but are not limited to, equipment purchases, contracted services, construction services and labor expenses.

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 9-YES; 0-NO; 0-ABSTAINED**

<b><i>SPECIAL REVENUE FUND / Recreation Revolving Fund</i></b>
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**ARTICLE NO. 14:** To see if the Town will vote to re-authorize the Recreation Department Revolving fund under section 53E ½ of Chapter 44 of the General Laws for the 2012 fiscal year, to credit the fund with the fees and charges received from the Recreation Department during that year, to authorize the Recreation Committee to administer the fund and to expend from it the sums needed to pay for the salaries, benefits, expenses, and contracted services required to operate the recreation program, and to limit during that fiscal year the total expenditures from the fund to the lesser of \$200,000.00 or the balance in the fund, or to take any other action relative thereto.

(Majority Vote Required)

(Recreation Commission)

**SUMMARY**

The Recreation Revolving account allows us to raise revenues through fees and charges for a specific purpose and to use those revenues without the necessity of a Town Meeting appropriation to support the services necessary to run the department. Due to the level of interest in our programs and the associated fees generated by the revolving account, the Recreation Department is now able to fund an additional full time employee. Considering the desired expansion of the Recreation Department, the addition of this staff member is not only crucial to the departments continued success but extremely necessary for future program development. The revenue generated from the revolving account has funded all of the advancements and improvements the department has made over the last three years.

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 9-YES; 0-NO; 0-ABSTAINED**

**PROPERTY VALUATION SERVICES**

**ARTICLE NO. 15:** To see if the Town will vote to transfer from the Overlay Surplus account the sum of ***SEVENTY TWO THOUSAND FIVE HUNDRED AND 00/100 (\$72,500.00) DOLLARS*** for the purposes of performing the interim year update services of real and personal property and to authorize the Town Administrator to solicit bids and/or proposals, enter into a contract or contracts and expend said funds for this purpose, or to take any other action relative thereto.

(Majority Vote Required)

(Board of Assessors)

**SUMMARY**

This article seeks funding for the second year of the three year contract with a private vendor for valuation services. The amount requested within this article is detailed as follows:

1. The base contract amount of \$40,000.00 is included in each of the three years of this multi-year contract. This includes data collection for all residential and commercial building permits issued in 2011; data entry for all commercial permits; discovery of new commercial personal property accounts and entry of data collected; entry of data derived from Forms of List submitted by commercial property owners; valuation of telecommunications and statistical analysis of 2011 property sales and adjustment of values to ensure compliance with the Bureau of Local Assessment's standards and guidelines for interim year adjustments.
2. The sum of \$25,000.00 represents the first of two year program to stay current with the Bureau of Local Assessment's requirement to re-measure and re-list all improved properties every nine years. The completion of this two year cyclical re-inspection program in FY2013 will mean all properties in town will have been measured and listed by this vendor, thereby providing consistency and uniformity to the valuation process. This will be completed in time for the next Triennial Revaluation, which the Department of Revenue has delayed until FY2014.
3. The balance of \$7,500.00 represents the first year of a two-year program to relist all of the commercial personal property accounts, required by the Department of Revenue to be completed for the FY2014 Triennial Revaluation.

The funding of this article will be transferred from the Overlay Surplus Account, which is in turn funded from transfers from the balances in Overlay Accounts that are no longer needed to cover abatements and exemptions.

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 9-YES; 0-NO; 0-ABSTAINED**

<b><i>TEMPORARY BORROWING AUTHORIZATION / Grants</i></b>
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**ARTICLE NO. 16:** To see if the Town will vote to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow a sum of money for a period of not more than two years in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 17 and/or any other enabling authority, and to issue temporary bonds and/or notes of the Town therefor, in anticipation of grant proceeds, or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**SUMMARY**

In any given year Town Boards, Committees or Departments apply for a wide variety of grants opportunities from Federal, State or private entities. Often these grants are reimbursable programs, in which the town must borrow the funds, complete the work, provide documentation and then file for reimbursement. This annual authorization will provide the Board of Selectmen with the tools to pursue these special opportunities in a timely manner.

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 9-YES; 0-NO; 0-ABSTAINED**

<b><i>ACCEPTANCE OF GRANT PROCEEDS</i></b>
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**ARTICLE NO. 17:** To see if the Town will vote to authorize the Board of Selectmen to apply for and accept any and all grants from private entities, the Federal Government or the Commonwealth of Massachusetts and to expend those funds for the purposes for which said grants are authorized, or to take any other action relative thereon.

(Majority Vote Required)

(Board of Selectmen)

**SUMMARY**

This article is associated with article no. 16; and is intended to give the Board of Selectmen the necessary authorization to pursue grants throughout the upcoming fiscal year.

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 9-YES; 0-NO; 0-ABSTAINED**

<b><i>CUSTODY OF LAND</i></b>
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**ARTICLE NO. 18:** To see if the Town of Brewster will vote, pursuant to General Laws chapter 40, section 15A, to authorize the transfer of the care, custody, management and control of the Brewster Sanitary Landfill, taken by the Town via an Order of Taking by Eminent Domain dated July 9, 1973 (recorded in Book 1903, Page 45) and an Order of Eminent Domain Taking August 9, 1973 (recorded as Document No. 177987) for public disposal purposes, to the Board of Selectmen for public disposal purposes and general

municipal purposes, which shall include, but not be limited to, the development of a photo voltaic renewable energy project, and to take any other action relative thereto.

(Two-thirds Vote Required)

(Board of Selectmen)

**SUMMARY**

The town has been working in cooperation with the Cape & Vineyard Electric Cooperative to construct a photo-voltaic system at the Department of Public Works Capped Landfill site located off Run Hill Road. This article will provide the Board of Selectmen with the necessary authorization to enter into a long-term lease with a vendor to allow for the installation of this renewable energy system.

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 9-YES; 0-NO; 0-ABSTAINED**

<b><i>REPAIR AND RESURFACE TOWN ROADS / Chapter 90 Funds</i></b>
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**ARTICLE NO. 19:** To see if the Town will vote to transfer from available funds a sum of money, as provided under Chapter 90 of the Massachusetts General Laws, for local roads and highways, and to authorize the expenditure of these funds under the direction of the Board of Selectmen, or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**SUMMARY**

The Chapter 90 Program was enacted in 1973, by the Commonwealth in order to provide municipalities with reimbursement for documented expenditures under the provisions of General Laws, Chapter 90 on approved road projects. The funding, provided from Transportation Bond Issues, authorizes such improvement projects for highway construction, preservation and improvement projects that create or extend the life of transportation facilities.

These funds must be used in compliance with all applicable statutes and regulations, as applicable for maintaining, repairing, improving and constructing town and county ways which qualify under the State Aid Highway guidelines adopted by the Massachusetts Public Works Commission.

Funds must be allocated to roadway projects, such as resurfacing and related work and other work incidental to the above such as preliminary engineering, right-of-way acquisition, shoulders, side road approaches, landscaping and tree planting, roadside drainage, structures, sidewalks, traffic control and service facilities, street lighting, and for such other purposes as the Department may specifically authorize.

The town is required to appropriate these monies as an available fund, and is then reimbursed by the state upon the completion of the project and payment to the vendor.

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 9-YES; 0-NO; 0-ABSTAINED**

***PRIVATE ROAD BETTERMENT PROJECT / Allen Drive***

**ARTICLE NO. 20:** To see if the Town will vote to authorize the Board of Selectmen to undertake a series of temporary road repairs to the following road:

**Allen Drive**

and furthermore, to authorize the Board of Selectmen to proceed with the reconstruction of this way after it has determined that the provisions of the Brewster Town Code, Chapter 157, Article VIII, Section 157-20 have been satisfied; to raise and appropriate, transfer from available funds, and/or to obtain by borrowing the sum of ***NINETY-SIX THOUSAND SIX HUNDRED TWENTY AND 00/100 (\$96,620.00) DOLLARS*** to pay for the costs of engineering, construction, reconstruction, and related expenses in connection therewith; to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow a sum of money, under and pursuant to Massachusetts General Laws Chapter 44, Section 7 or any other enabling authority, and to issue notes and bonds of the Town therefor; and, initially, to raise and appropriate and/or transfer from available funds the sum of ***THREE THOUSAND AND 00/100 (\$3,000.00) DOLLARS***, to be recovered with all road repair costs through the betterment assessments against the abutters, to pay the first year's principal and interest expenses for this project, or to take any other action relative thereto.

(Two-thirds Vote Required)

(Board of Selectmen)

**SUMMARY**

The town adopted a bylaw at the 1996 Annual Town Meeting, which allows for citizens to petition town meeting to obtain funding assistance to undertake repairs to private ways. The town, along with the private road organization, will contract out for the repair work. The abutting property owners will then be required to reimburse the town for the full project costs, plus interest and administrative expenses, by means of a betterment assessment over a period of time. (There will be no tax rate impact related to this project. The abutters will incur all costs associated with this project through a betterment assessment.)

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 9-YES; 0-NO; 0-ABSTAINED**

***CAPTAINS GOLF COURSE RESTAURANT LEASE***

**ARTICLE NO. 21:** To see if the Town will vote to authorize the Town Administrator to enter into a contract or contracts for the lease of the restaurant facilities at the Captains Golf Course for up to a five year period, or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**SUMMARY**

The town leases out the operation of the restaurant facilities at the Captains Golf Course to a private vendor by means of a request for proposal (RFP) process. The RFP process allows the town to weigh the relative merits of proposals submitted by competing

vendors. The town then awards a contract to that firm or individual submitting the most advantageous proposal, taking into consideration the proposals' relative merit and price. In this case the town is seeking to issue a contract for a period greater than three years, which requires town meeting approval.

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 8-YES; 0-NO; 1-ABSTAINED**

***LAND USE FOR RENEWABLE ENERGY***

**ARTICLE NO. 22:** To see if the Town will vote, pursuant to G.L. chapter 40 section 15A, to authorize the transfer of the care, custody, management and control of the three parcels shown on Brewster Assessors' Map 46 a Lots 12-2, 12-3 and 12-5 to the Board of Water Commissioners for public water supply, watershed protection and passive recreation purposes pursuant to G.L. chapter 40, section 39B, and to authorize the Board of Selectmen, if necessary, to petition each branch of the General Court to effect this transfer, or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**SUMMARY**

This article would authorize the Board of Selectmen to take the necessary actions to provide permanent protection to the town-owned former Barrows property (29.2 acres) for well-field protection purposes, under the custody of the Water Commissioners. This land abuts the town well-field next to the town recreational complex on Freemans Way. The article would preclude any municipal use other than drinking water supply protection and passive recreation.

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 6-YES; 2-NO; 1-ABSTAINED**

***TRANSFER CUSTODY / Tax Title Property***

**ARTICLE NO. 23:** To see if the Town will vote to transfer to the Conservation Commission for conservation and passive recreation purposes the care, custody, control and management of the following parcels acquired after non-payment of real estate taxes:

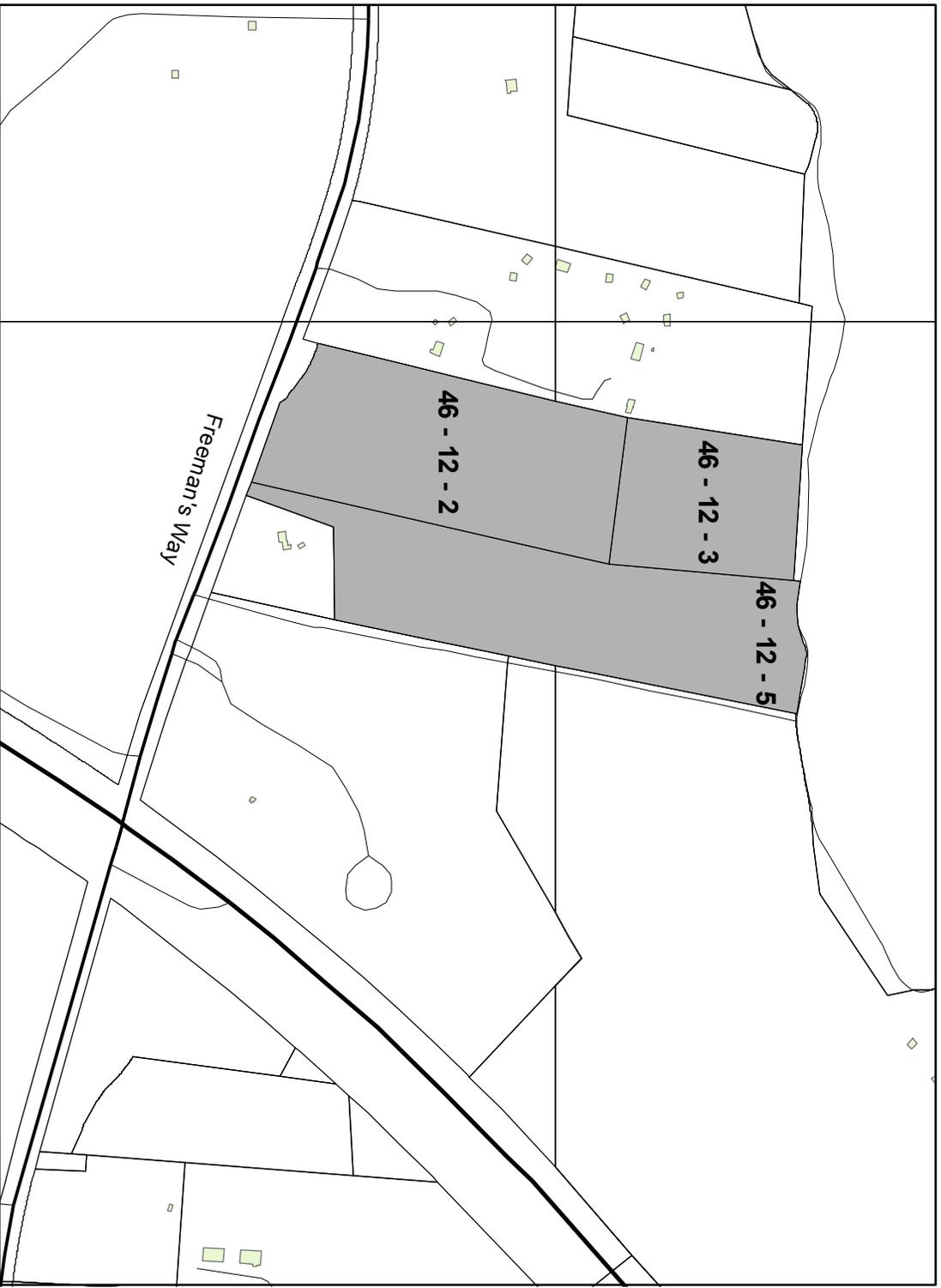
<u>Assessors' Information:</u>	<u>Acres:</u>	<u>Location:</u>
a) Map No. 21, Parcel No. 9	0.40	0 Main Street
b) Map No. 45, Parcel No. 39	11.33	0 Route 39 Rear

or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

Article 22  
"Barrows Property"



1 inch = 507.195621 feet



Article 23  
Map 21, Parcel 9



1 inch = 75.158023 feet

150

Feet

Article 23  
Map 45, Parcel 39



1 inch = 220.442789 feet

425

Feet

**SUMMARY**

The town has previously taken these parcels of land due to the nonpayment of property taxes. This article will serve to place the custody of these parcels under the control of the Conservation Commission. One parcel abuts the Quivett Marsh as well as existing town conservation land. The other parcel consists of forest habitat located in the District of Critical Planning Concern and helps to protect public water supply well-fields. We have included a map in order to help to identify their location.

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 9-YES; 0-NO; 0-ABSTAINED**

***TOWN CODE AMENDMENT / Operation of Vehicles on Beaches***

**ARTICLE NO. 24:** To see if the Town will vote to amend the Code of the Town of Brewster, Chapter 65, Beaches/Article I, Operation of Vehicles, S 65-3. Violations and penalties, as follows:

Current language:

Any person violating this Article shall be punished by a fine of not more than \$200 for each offense.

Proposed language:

Any person violating this Article shall be punished by a fine of \$100 for each offense.

or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**SUMMARY**

This article simply seeks to amend the Town Code to eliminate an arbitrary range for a fine and establishes a defined fee for an offense.

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 9-YES; 0-NO; 0-ABSTAINED**

***TOWN CODE AMENDMENT / Operation on Ponds***

**ARTICLE NO. 25:** To see if the Town will vote to amend the Code of the Town of Brewster, Chapter 69-1, BOATS/ARTICLE I, Operation on Ponds, as follows:

Current language:

- A. No person shall operate any motorboat on the waters of Sheep Pond for the manipulation of water skis, surfboard or similar device.
- B. Whoever violates any part of this section shall be punishable by fine of not more than \$200 for each offense.

Proposed language:

- A. No person shall operate any motorboat on the waters of Sheep Pond for the manipulation of water skis, surfboard or similar device.

B. Whoever violates any part of this section shall be punished by a fine of \$100 for each offense.

or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**SUMMARY**

This article simply seeks to amend the Town Code to eliminate an arbitrary range for a fine and establishes a defined fee for an offense.

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 9-YES; 0-NO; 0-ABSTAINED**

***TOWN CODE AMENDMENT / Noise***

**ARTICLE NO. 26:** To see if the Town will vote to amend the Code of the Town of Brewster, Chapter 125, NOISE /S 125-3. Violations and penalties, as follows:

Current language:

Any person shall be deemed in violation of this chapter, who shall make or aid and abet or cause or suffer or countenance or assist in making of the aforesaid and described improper noises, disturbance, breach of the peace or a diversion tending to a breach of the peace and the presence of any person or persons in or about the building, dwelling, premises, shelter, boat or conveyance or any part thereof during a violation of this chapter and shall constitute prima facie evidence that they are a countenancer to such violation. Any person violating this chapter shall be punished by a fine of not more than \$50 for each offense.

Proposed language:

Any person shall be deemed in violation of this chapter, who shall make or aid and abet or cause or suffer or countenance or assist in making of the aforesaid and described improper noises, disturbance, breach of the peace or a diversion tending to a breach of the peace and the presence of any person or persons in or about the building, dwelling, premises, shelter, boat or conveyance or any part thereof during a violation of this chapter and shall constitute prima facie evidence that they are a countenancer to such violation. Any person violating this chapter shall be punished by a fine of \$100 for each offense.

or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**SUMMARY**

This article simply seeks to amend the Town Code to increase the fine from \$50.00 to \$100.00, eliminate the arbitrary range for a fine and establishes a defined fee for an offense.

**BOS: 4-YES; 0-NO; 0-ABSTAINED**

**FCR: 9-YES; 0-NO; 0-ABSTAINED**

**TOWN CODE AMENDMENT / Peeping and Spying**

**ARTICLE NO. 27:** To see if the Town will vote to amend the Code of the Town of Brewster, Chapter 132, PEEPING OR SPYING/S 132-1. Restricted activities, as follows:

Current language:

A. Any person found violating this chapter shall be subject to arrest without a warrant in accordance with MGL C.276, s28.

B. Any person violating this chapter shall be punished by a fine of not more than not more than \$200 for each offense.

Proposed language:

A. Any person found violating this chapter shall be subject to arrest without a warrant in accordance with MGL C.276, s28.

B. Any person violating this chapter shall be punished by a fine of \$200 for each offense.

or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**SUMMARY**

This article simply seeks to amend the Town Code to eliminate an arbitrary range for a fine and establishes a defined fee for an offense.

**BOS: 4-YES; 0-NO; 0-ABSTAINED FCR: 9-YES; 0-NO; 0-ABSTAINED**

**TOWN CODE AMENDMENT / Pollution**

**ARTICLE NO. 28:** To see if the Town will vote to amend the Code of the Town of Brewster, Chapter 135, Pollution, Article I, Soap or Detergents, as follows:

Current language:

§ 135-1. Prohibited activities.

The use of soap or detergent of any type is prohibited in the waters along the shorelines of all town landings on freshwater ponds.

Proposed language:

The use of soap or detergent of any type, or washing or rinsing of vehicles or boats, is prohibited in the waters along the shorelines of all town landings ~~on freshwater ponds.~~

and

Current language:

§ 135-2. Violations and penalties.

Any person violating this article shall be punished by a fine of not more than \$200 for each offense.

Proposed language:

Any person violating this article shall be punished by a fine of \$100 for each offense.

or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**SUMMARY**

This article simply seeks to amend the Town Code to eliminate an arbitrary range for a fine and establishes a defined fee for an offense. The article does expand the enforcement section to prohibit the washing or rinsing of vehicles and boats.

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 9-YES; 0-NO; 0-ABSTAINED**

***ZONING BYLAW AMENDMENTS/ Staff Review***

**ARTICLE NO. 29:** To see if the Town will vote to amend the Code of the Town of Brewster by repealing Chapter 83, Article I, Section 83-1, 83-2, and 83-3, and Article II, Sections 83-4 and 83-5, and by substituting therefore the following:

**ARTICLE I, General Provisions; Staff Review**

**§83-1. Intent.**

The intent of staff review is to provide non-binding, coordinated review of preliminary development proposals by Town Staff; to improve inter-department communications; to facilitate compliance with applicable development controls, including Town by-laws, such as the Wetlands By-law and the Zoning By-law, and Town board regulations, such as Health and Subdivision Regulations; and to discuss potential development impact. It is also intended to act as a guide to those proposing to enter the development and permitting process by providing early comment and information on the proposed development and the requirements of the permitting process. Applicants shall complete the staff review process prior to applying to or appearing before any other Town board or committee regarding an application for a permit for the same project. Failure to complete the staff review process prior to seeking any permit may result in procedural denial of permits by other boards and/or committees.

**§83-2. Staff Review.**

Staff participating in staff review include the Town Planner, or a designee, who shall be the coordinator of staff plan reviews, plus one representative designated by each of the following: Town Administrator, Building Department, Health Department, Conservation Department, Water Department, Natural Resource Department, Department of Public Works, Police Chief and Fire Chief. Department representatives shall not be elected or appointed board or committee members. Each department head shall determine its representative and shall provide for alternates to act in the event that the representative is unable to attend. It shall be the responsibility of each representative to report back to his/her department in order to provide ongoing information related to a proposed plan. It

shall also be necessary for said department to formulate questions or comments related to the application and review process as described under §83-4 of this chapter.

## **ARTICLE II, Procedure**

### **§83-3. Applicability.**

- A. Proposed developments are required to complete staff review pursuant to this section if they include any one or more of the following:
1. A new principal non-residential building.
  2. An increase in floor area by more than 500 square feet through a new accessory building or a 500 square foot building addition or an increase in lot coverage by 10% or more; provided, however, that this provision shall not apply to single-family or two-family dwellings or to their accessory buildings, or to the coverage of their lots.
  3. Alteration to a parking facility having 10 or more spaces.
  4. Removal of existing vegetative ground cover from more than 10,000 square feet of site area, whether a structure is proposed or not.
  5. Any change of use of an existing building and/or property as listed in Chapter 179 of the Code of the Town of Brewster, Massachusetts.
  6. Any use or development required by the Zoning By-law to seek Staff Plan Review.
  7. A new personal wireless services facility.
  8. A new medium-scale wind energy turbine (MWET) or large-scale wind energy turbine (LWET) as defined in Chapter 179, Article IX, Section 179-40.2, Subsection C.
  9. A new utility-scale solar energy installation.
- B. Any person proposing a development of any kind wishing to present proposed plans for plan review on an informal basis are encouraged to do so.
- C. This chapter shall not apply to single-family or two-family dwellings, or to their accessory buildings and structures.
- D. This chapter shall not apply to developments which, prior to its effective date, have been granted a special permit under Chapter 179 Section 51, of the Zoning By-law, or a building permit.
- E. Chapter 179, Article XII (Site Plan Review) requires either a special permit or a waiver for developments subject to review under Section 83-3.A. The review afforded by the staff review process is believed to greatly benefit the applicant and relevant Town boards, committees and departments. As a result, applicants are required to go through staff plan review prior to appearing before the Planning Board for the special permit.

### **§83-4. Staff Review Process**

- A. Pre-submittal information: Those submitting plans for review are urged to confer with the Town Planner regarding materials necessary or appropriate for submittal for plan review.
- B. Submittal and distribution: All staff review submission material shall be submitted to the Town Planner, with twelve (12) copies so that each staff member participating in the review shall be provided a copy. The Town Planner shall transmit copies of those

materials to those staff members. Within 14 days of submittal, each of those staff members shall notify the Town Planner of any specific further information or materials needed.

- C. Staff review meeting: A staff review meeting shall be held within 30 days of receipt of a submission for review or such later time as the submitter may agree to. When the date has been established, the departments to which the submittals have been distributed shall be notified.
- D. Report: The staff performing the review shall determine what further review and/or permitting is required and provide the submitter with a written report to that effect and shall notify the Building Commissioner of its findings within 14 days of the staff review meeting. The report shall be generated by the Planning Department.

### **§83-5. Required submissions.**

The following materials shall be submitted for review, except for any determined by staff to not be germane to the specific case, as communicated to the submitter prior to submittal:

- A. Site plan showing the following:
  1. The location and boundaries of the site and of any lots proposed.
  2. An indication of each zoning district and overlay district involved.
  3. The use and ownership of adjacent premises, approximate location of buildings within 50 feet of the site and, if the proposal may include on-site sewage disposal, the approximate location of any wells on or off the premises within 300 feet of the leaching field or other discharge location.
  4. The existing and proposed buildings, streets, ways, drives, walks, service areas, parking spaces, loading areas, fences and screening, utilities, waste storage and disposal facilities, wells and drainage facilities, to the extent these have been designed.
  5. The existing and proposed topography and vegetation, indicating areas of retained vegetation and identifying the location of any trees exceeding eight inches in trunk diameter 4 1/2 feet above grade, if proposed for removal, and identifying size and species of trees and shrubs to be planted, if known.
  6. An indication of wetlands if known and other areas subject to control under the Wetlands Protection By-law, and the one-hundred-foot zone surrounding such areas.
  7. The location of signs and exterior lighting and accompanying materials to describe those elements, if known.
- B. Building plans. Building plans and elevations in a general manner.
- C. Any other information that could assist staff in understanding the proposal.

or to take any other action relative thereto.

(Two-thirds Vote Required)

(Planning Board)

### **SUMMARY**

This article will eliminate the Development Plan Review Committee (DPRC) and replace it with a staff-run review. This accomplishes several things:

1. It eliminates what is currently a redundant process with the Corridor Overlay Protection District by-law (proposed to be changed to Site Plan Review).
2. It provides a venue where those proposing development can meet with department heads in a single meeting to get feedback on the permitting process, have questions addressed and have preliminary plans informally reviewed.
3. Staff review is not a public process, allowing a more open discussion between a potential applicant and town staff.
4. Provides a potential applicant with a clearer look at formal review and permitting, and allows staff to be present to hear what each department is saying to the potential applicant.
5. Potential applicants will no longer believe that their projects have been fully permitted after going through the DPRC process.

**BOS: Recommendation deferred until Town Meeting.**

**FCR: Recommendation deferred until Town Meeting.**

***ZONING BYLAW AMENDMENT/Site Plan Review***

**ARTICLE NO. 30:** To see if the Town will vote to amend the Code of the Town of Brewster, Chapter 179, by repealing Article XII (Corridor Overlay Protection District) in its entirety and by substituting therefore the following:

**ARTICLE XXII  
Site Plan Review**

**§179-63. Purpose.**

The purpose of this Article is the protection of public health, safety and welfare through the preservation of the Town's transportation corridors and protection of its historic and cultural character for the residents and visitors of the Town of Brewster. In addition, the Site Plan Review process assures that the site functions in a logical fashion with minimal impacts. The Site Plan Review of development activities can reduce the potential number of vehicular trips along the Town's road systems, thereby reducing congestion and improving safety. The adoption of standards for transportation, access, parking, landscaping and appearance ensures that future development will not degrade the existing character of the Town's roadways and surroundings and will maintain or enhance the ability of the corridors to serve as cultural assets for the residents and visitors of the Town of Brewster.

**§ 179-64. Applicability.**

In addition to any other permits required, the following development activities shall require a site plan special permit from the Planning Board:

- A. Any development required to undertake Staff Review pursuant to Section 83-3 A of the General By-laws
- B. The establishment of any new commercial, industrial, or multi-family use.

- C. For commercial, industrial, or multi-family uses, any increase of floor area by more than 500 square feet through either a new principal building; a new accessory building; or an addition to a pre-existing building shall be allowed only if granted a special permit in accordance with this § 179-66 and § 179-51.
- D. A change of use of an existing structure or lot from its current use to any other commercial, industrial, or multi-family use specified in the Table of Uses, §179-11. However, change of a home occupation shall not require a special permit.
- E. An increase in lot coverage by 10% or more associated with any previously developed commercial, industrial, or multi-family use.

### **§ 179-65. Regulations.**

- A. The special permit granting authority (SPGA) shall be the Planning Board.
- B. The Planning Board shall not grant a special permit under this article until a project required to undergo Staff Review has completed that process.
- C. If the site plan meets the requirements of this article, the Planning Board shall approve it. Notwithstanding the foregoing, such approval may include reasonable conditions to ensure that:
  - (a) Reasonable measures are implemented to provide for screening of parking areas or other parts of the premises, for adjoining premises or from the street, by walls, fences, plantings or other devices.
  - (b) The convenience and safety of vehicular and pedestrian traffic are enhanced.
  - (c) Surface water from parking areas and driveways will be efficiently and safely disposed of by means of a proper drainage system as specified in the Planning Board's approval.

However, the Planning Board cannot deny approval of a site plan for a use which is allowed by right (not by special permit) in the district but may impose reasonable conditions on the proposed use. The Planning Board may not impose conditions on the grant of a special permit the implementation of which would be contrary to any requirement of this by-law or require a variance from it or any other applicable provision of law.

- D. If the project proponent needs both a special permit from the Planning Board acting under this article and a special permit from the Board of Appeals acting under Article VIII, Nonconforming Uses, Structures and Lots, §179-28, Change of nonconforming uses, Subsection A, the proponent may file a single, combined, special permit application with the Planning Board, and in those instances, the Planning Board is authorized to grant all special permit relief in one proceeding and decision. The proponent shall comply with all pertinent requirements, and the Planning Board shall apply the appropriate criteria to the different components of such an application.

## **§ 179-66. Site Plan standards.**

The purpose of these standards is to improve roadway safety and internal site circulation, aesthetics and retention of historic character. All uses requiring a special permit under this Article shall meet the following standards as a condition of approval.

### **A. Transportation standards.**

1. Proposed uses shall not degrade the existing levels of service of surrounding roads and intersections, below level of service (LOS) C, based on summer peak-hour traffic volumes. The proponent shall demonstrate that the proposed use shall maintain Level of Service (LOS) C. If the existing level of service is presently below LOS C or if the LOS with the new use would fall below LOS C, the Planning Board may require a traffic study that would indicate ways to maintain or improve performance indicators. The analysis shall be performed using the Highway Capacity Manual published by the Transportation Research Board. When the existing LOS is below C, the proponent shall maintain or improve performance indicators.
2. Driveways shall be designed to provide exiting motorists with safe sight distance. Sight distance at any driveway serving at least 20 trips per day shall meet American Association of State Highway and Transportation Officials standards as well as those set forth in Brewster's Sight Line By-law (Chapter 157, Article VI, of the Town Code).

### **B. Trip reduction standards.**

All retail and service uses and wholesale and manufacturing uses (see § 179-11, Table 1, Use Regulations) shall prepare a trip reduction plan as a condition for issuance of a special permit. The trip reduction plan shall describe traffic impact mitigation strategies designed to reduce traffic generation and may include strategies such as company-sponsored carpooling/vanpooling; bicycle and pedestrian incentive measures; and/or variable work hour or flextime programs. The applicant shall also present a plan for future enforcement of proposed trip reduction measures following permit issuance.

### **C. Access standards.**

1. The number of curb cuts on Route 6A, Route 124, Route 137, Underpass Road and Tubman Road shall be minimized. To the extent feasible, access to businesses shall be provided through one of the following means:
  - i. Access through a common driveway serving adjacent lots or premises;
  - ii. Access through an existing side or rear street; or
  - iii. Access through a cul-de-sac or loop road shared by adjacent lots or premises.
2. The special permit granting authority may relax setback requirements to accommodate joint driveways in cases where it is deemed advantageous to the Town.

3. Existing businesses are encouraged to consolidate existing access points, especially in cases where separate parcels are assembled under one purpose, plan, entity or usage.
4. Businesses shall be permitted one access driveway by right. Two driveways shall be permitted only when deemed necessary by the SPGA and shall be clearly marked "entrance" and "exit."
5. Internal circulation shall be provided, to the greatest extent possible, among adjoining premises to encourage internal property-to-property pedestrian, bicycle and vehicular movements. Site circulation shall have clarity from the driver's perspective, aided by simple patterns and use of planting islands or other devices in larger circulation areas.
6. An occupancy permit shall not be issued for proposed developments requiring access on a state highway until a permanent state curb cut permit is issued and all necessary site improvements are completed.
7. Pedestrian and bicycle circulation shall be provided for between the principal building and the street and, where appropriate, connection to any adjacent developed premises.
8. Pedestrian access and bicycle and wheelchair access where possible, shall be provided among all facilities on the site, between them and the street and between them and adjacent premises developed for uses open to the public.
9. Driveway locations shall provide the maximum practicable separation between access locations, using shared access where feasible.
10. All access drives shall be separated by at least 120 feet in the C-H District and V-B District, as measured between the center line of each access drive at the street line. This standard may only be modified in cases where the SPGA believes it is in the best interest of the Town to do so.
11. A project resulting in more than 100 vehicle trips per day may be required to provide a traffic study to outline the impacts and mitigations opportunities

#### **D. Parking design standards.**

1. The Town of Brewster recognizes that reliance on rigid parking and loading lot standards precludes the development of parking lots that are sensitive to the Town's historic and rural character. Yet, it also recognizes that some standards for parking and loading lot design are required, provided that they can be administered with flexibility given the individual requirements of development proposals and the parcels on which they are proposed.
2. Through provisions of its special permit, the SPGA is authorized to relax any and all of numerical standards established by §179-22, Parking and loading requirement tables, and by §179-23, Parking and loading lot standards, if

the SPGA finds that:

- i. Such relaxation will not conflict with the minimum standards established by this article or the purpose of this article; and
  - ii. It will result in a development that is at least as beneficial to the Town of Brewster as the development without a relaxation of the numerical standards.
3. The following guidelines are set forth to assist the applicant and the SPGA:
- i. Loading and unloading areas shall be provided of a sufficient size to accommodate the numbers and types of vehicles likely to use the premises, given the nature of the development proposed. Loading and unloading areas shall be located and designed to allow vehicles to safely maneuver to and from a public right-of-way and to prevent obstruction or interference with a public right-of-way, parking space or parking aisle.
  - ii. Loading areas shall be provided to the rear of the lot, wherever possible.
  - iii. Parking areas shall be located to the side or rear of the structure. No parking is permitted in the required front yard setback for the structure.
  - iv. To the extent possible, parking areas shall be shared with adjacent businesses and should be situated to the side and rear of the lot (frontage on Route 6A shall be considered the "front" of the lot).
  - v. In cases where shared parking is provided, the SPGA may permit a reduction in necessary spaces since complementary uses may require less total parking area than each use individually.
  - vi. Bicycle users shall be accommodated by provision of on-site bicycle parking storage and bicycle and walking paths.
  - vii. Drainage facilities shall be designed and constructed for parking areas in such a way as to contain and treat stormwater runoff on the premises, as well as comply with design standards referred to in § 179-57 of the Zoning By-law.

**E. Landscaping, design and appearance standards.**

1. A landscaped buffer strip shall be provided adjacent to any public road to visually separate parking and other uses from the road, where feasible and without interfering with vehicular or pedestrian safety. The buffer strip shall be approximately 15 feet in depth and planted with a combination of grass, medium-height shrubs [approximately two to eight (2 to 8) feet tall, evergreen varieties preferred] and shade trees planted at least every forty to sixty (40 to 60) feet along the road frontage. Trees and shrubs shall be set back at street and driveway entrances, exits or intersections to allow adequate sight distance and ensure vehicular and pedestrian safety while entering or exiting the site. Applicants are

encouraged to review Brewster's Sight Line By-law, Chapter 157, Article VI, of the Town Code, prior to designing parking lot landscaping plans.

2. At least 25% of the required front yard area shall be vegetated.
3. A landscaped buffer strip of approximately ten-foot depth shall be provided adjacent to adjoining uses, excluding areas providing shared access and parking. The buffer strip shall be planted with a combination of grass, medium-height shrubs (evergreen varieties preferred) and shade trees.
4. Large parking areas shall be interrupted with landscaped islands such that no parking surface exceeds 60 feet in width, not including the area(s) used for parking aisles/stalls. A minimum of one shade tree shall be provided per five parking spaces to be placed in a protective pervious plot of at least 60 square feet in area.
5. Exposed storage areas, machinery, service areas, truck loading areas, utility buildings and structures and other unsightly uses shall be screened from view from neighboring properties and streets using plantings, a wall or tight fence complemented with plantings or through some other means deemed acceptable to the permit granting authority.
6. All landscaped areas shall be maintained. Shrubs and trees which die shall be replaced within one growing season.
7. Buildings and architectural design shall be compatible with the character and scale of the adjacent roadway and surrounding neighborhood.
8. Structures shall be sited so as to allow separations between buildings, particularly to encourage open space in the site and reduce massiveness in the project.
9. The use of bituminous paving shall be minimized.
10. Old, well-established trees shall be protected by siting buildings and parking around or within the existing landscape.
11. Building design shall adhere to the guidelines of the Brewster Historic District Committee in locations subject to review by the Committee. Of significant concern to the Committee are the issues of mass and size, impact of projects on sites and settings, harmony of design and detail within the project and setting and compatibility of projects, while encouraging variety and diversity.

#### **F. Environmental protection requirements.**

1. Stormwater management. All development shall be designed so that resulting stormwater patterns resemble, as nearly as possible, preexisting conditions of volume, velocity, quality and location of runoff. Any increase over predevelopment runoff peak rate shall be authorized only if Staff Review determines that any potential problems with capacity, downstream erosion or siltation will be prevented through on- or off-site improvements or compensatory actions and that the public interest is better served by allowing the increase than by denying it.

## 2. Erosion control.

- i. Any area of bare earth exposed through building or site development or demolition must be permanently stabilized through replanting, paving or other means of eliminating wind or water erosion. Such stabilization must be completed prior to building occupancy or, where no building is committed, within 60 days of exposure, or a performance bond must be posted in an amount sufficient to assure completion of such work.
- ii. Existing grade shall be changed minimally, typically departing from existing grade by no more than six feet and resulting in a balance on site between cut and fill, except for basement and cellar excavations. Existing grade shall be changed minimally, typically departing from existing grade by no more than six feet and resulting in a balance on site between cut and fill, except for basement and cellar excavations.
- iii. All construction must comply with the following. An erosion control plan shall be submitted for every development which will expose more than 60,000 square feet of bare earth during development through either removal or filling on the same parcel or on contiguous parcels in the same ownership and for developments exposing 20,000 to 60,000 square feet of bare earth where the Plan Review Committee deems such plan to be necessitated by slopes in excess of 10% highly erodible soils or other unusual conditions. Such plan shall have sufficient information on existing and proposed topography, vegetation and control measures to allow determination of compliance.
  - a. Stripping of vegetation, regrading or other development shall be done in a way which will minimize soil erosion.
  - b. Whenever practical, trees and other natural vegetation shall be retained, protected and supplemented.
  - c. The disturbed area shall be kept to a minimum.
  - d. Where necessary, temporary vegetation and/or mulching shall be used to protect areas exposed during development.
  - e. Sediment basins (debris basins, desilting basins or silt traps) shall be installed and maintained where necessary to remove from runoff waters any sediment from land undergoing development.
  - f. The angle of graded slopes and fills shall be no greater than two horizontal to one vertical. Slopes left exposed must immediately be planted or otherwise provided with permanent ground cover or other means sufficient to restrain erosion.
  - g. A ground cover sufficient to restrain erosion must be planted or otherwise provided within 30 working days, season permitting, on any portion of the tract upon which further active construction is not being undertaken.
  - h. The development plan shall be fitted to the topography and soils so as to minimize erosion potential.

**G. Plants and animals.**

1. Location and design shall not cause avoidable damage to wildlife habitats, forests or corridors or to any plant or animal species listed as rare, endangered, watch list or of special concern by the Massachusetts Natural Heritage Program or to any tree exceeding 12 inches in trunk diameter at a height of 4 1/2 feet above grade.
2. Specimen plants and trees shall be preserved or relocated when possible. Applicants shall be required to submit signed documentation from the Conservation Commission or its agent that the project has been reviewed by the Conservation Commission with respect to these considerations. The Conservation Commission or its agent may determine that the proposed site either contains no such habitats or species or that all feasible efforts to avoid, minimize or compensate for damage have been reflected in the proposal. The Conservation Commission or its agent may refer the project to the Massachusetts Natural Heritage Program for further review or comment.

**H. Lighting.**

1. The following lighting zones are hereby created:
  - i. Zone A: locations within a C-H, C-L, I, V-B or MRD District as established in the Brewster Zoning By-law.EN
  - ii. Zone B: all other locations.
2. Fixtures. Lighting fixture types are defined as follows:
  - i. Type 1: no light cutoff.
  - ii. Type 2: luminaire shielded such that peak candlepower is at an angle of 75° or less from vertical and essentially no light is emitted above the horizontal.
  - iii. Type 3: luminaire shielded such that total cutoff is at less than 90° from vertical and no light source is in direct view from five feet above the ground at any point off the premises.
3. Lighting limitation. The following limitations shall be observed by all uses, unless Staff Review determines that it is inherently unfeasible for that use (e.g., public outdoor recreation) to meet these standards, and that all reasonable efforts have been made to avoid glare or light overspill.

i. Maximum luminaire mounting height:

Fixture Type	Zone A (feet)	Zone B (feet)
1	20	10
2	30	15
3	40	20

ii. Maximum off-site overspill:

Fixture Type	Zone A (footcandles)	Zone B (footcandles)
1	0.3	0.2
2	1.0	0.3
3	3.0	0.5

4. No flickering or flashing lights shall be permitted. Processes, such as arc welding, which create light flashes shall be confined within buildings or shielded to prevent either direct glare or flashing reflected from the sky.
5. When the Conservation Commission determines that lighting as proposed by an applicant may have a detrimental effect on plants, wildlife or a wildlife habitat or corridor, Staff Review may recommend more stringent restrictions or further mitigation.

**§ 179-67A. Waivers.**

When in the opinion of the Planning Board the requirements of §179-66, Use Regulations, do not substantially change the relationship of the structure to the site and to abutting properties and structures, the Planning Board may determine, without a public hearing, that submission of a site plan for special permit approval is not required. Upon application, such a determination may be made by an affirmative vote of a majority of the Planning Board present, and in no event fewer than four members.

**§ 179-67B. Severability.**

The provisions of this Article are severable from each other, and the invalidity of any provisions or sections shall not invalidate any other provision or section thereof.

or to take any other action relative thereto.

(Two-thirds Vote Required)

(Planning Board)

**SUMMARY**

This article would change the current Corridor Overlay Protection District by-law to Site Plan Review. The current Corridor Overlay Protection District is an overlay to existing zoning, but it applies to the entire Town, making it unnecessary as an overlay district. The process is more of a site plan review. The intent is to change the name and better reflect the process.

**BOS: Recommendation deferred until Town Meeting.**

**FCR: Recommendation deferred until Town Meeting.**

**ZONING BYLAW AMENDMENTS/ Corridor Overlay Protection District Name Change**

**ARTICLE NO. 31:** To see if the Town will vote to amend the Code of the Town of Brewster as follows:

- 1. In Chapter 179, Article II, Section 179-3, delete "Corridor Overlay Protection District COPD" from Subsection A, repeal Subsection D, and revise the Zoning District Map of the Town of Brewster, Massachusetts to eliminate references to and depictions of the Corridor Overlay Protection District.
- 2. In Chapter 179, Article VII, Section 179-22, subsection A, repeal paragraph (1) after Table 5 and replace it with the following new paragraph (1):  
 The establishment of one or more commercial parking lots or parking structures, as defined in 179-2.B., shall be construed as a change of use under §179-64 of Article XII, Site Plan Review and shall be allowed only if it is approved under that Article. The requirements of §179-23 shall apply, but the special permit granting authority may, for good reason, reflected in its records, allow a permeable surface.
- 3. In Chapter 179, Article VII, Section 179-23, delete the words "Corridor Overlay Protection District, §179-67D.(1)" and substitute therefor "Site Plan Review."
- 4. In Chapter 179, Article X, Section 179-51, delete "Corridor Overlay Protection District" and substitute therefor "Site Plan Review."

or take any other action relative thereto.

(Two-thirds Vote Required)

(Planning Board)

**SUMMARY**

These changes will make sure that all references to Development Plan Review Committee are changed to reflect the proposed change in the name of the process to Staff Review.

**BOS: Recommendation deferred until Town Meeting.**

**FCR: Recommendation deferred until Town Meeting.**

**ZONING BYLAW AMENDMENTS/ Development Plan Review Committee Amendments**

**ARTICLE NO. 32:** To see if the Town will vote to amend the Code of the Town of Brewster as follows:

- 1. General References, delete the words "Development Plan Review Committee" and insert "Staff Review" in its place.

2. In Article VI (Line of Sight), Section 157-10 (Interference; exceptions), delete the words "the Development Plan Review Committee" and insert "Staff Review" in its place.

3. In Chapter 172 (Wetlands Protection), General Reference, delete the words "Development plan review" and insert "Staff Review" in its place.

4. In Chapter 172, Section 172-6 (Coordination with other boards), C, amend as follows:  
The coordination sought by this section can be achieved in part through the development plan **Staff Review** process. For actions subject to that process, none of the timing limitations of § 172-5 shall commence to run until development plan approval **Staff Review process** has been obtained **completed**.

So that it reads:

The coordination sought by this section can be achieved in part through the Staff Review process. For actions subject to that process, none of the timing limitations of § 172-5 shall commence to run until Staff Review process has been completed.

5. In Section 179-40.1, (Personal wireless services and communication facilities), E (Use, siting and dimensional regulations), 1 (Use regulations), (c) [2], delete the words "by the Development Plan Review Committee" and insert "under Staff Review" in its place.

6. In Section 179-40.1 (Personal wireless services and community facilities), E (Use, siting and dimensional regulations), 1 (Use regulations), (d) [1]: delete the words "by the Development Plan Review Committee" and insert "under Staff Review" in its place.

7. In Section 179-40.1 (Personal wireless services and community facilities). F (Application procedures), 2, Preapplication DPRC hearing, amend as follows:

Preapplication ~~DPRC hearing~~ **Staff Review meeting**. Prior to filing a special permit application with the SPGA, and after mandatory review by the Cape Cod Commission, if required, the applicant shall request a hearing ~~before~~ **meeting for the Development Plan Review Committee (DPRC) Staff Review** for purposes of discussing the proposed PWSCF in general terms and reviewing the relevant local approvals required. The ~~DPRC~~ **Staff Review** shall ~~meet~~ **take place** with the applicant under this section within ~~65~~ **30** days following a written request submitted to the **Town Planner, or a designee** ~~DPRC and the Town Clerk~~. If the ~~DPRC~~ **Staff Review meeting** fails to schedule a preapplication hearing **take place** on a project within said ~~sixty-five~~ **thirty**-day period, the applicant may proceed with a special permit application under this section without need for a preapplication hearing **meeting**. The applicant shall prepare sufficient preliminary architectural and engineering drawings to inform the ~~DPRC~~ **staff** of the location of the proposed facility, as well as its scale and overall design. The ~~DPRC~~ **Staff** shall issue a statement containing any written recommendations or proposed alterations it

recommends be made to the proposal to better conform to the provisions of any Town bylaw and which better serve the public interest. A written copy of the **DPRC Staff Review** statement must be included in the application to the SPGA.

So that it reads:

Preapplication Staff Review meeting. Prior to filing a special permit application with the SPGA, and after mandatory review by the Cape Cod Commission, if required, the applicant shall request a meeting for Staff Review for purposes of discussing the proposed PWSCF in general terms and reviewing the relevant local approvals required. Staff Review shall take place with the applicant under this section within 30 days following a written request submitted to the Town Planner, or a designee. If the Staff Review meeting fails to take place on a project within said thirty-day period, the applicant may proceed with a special permit application under this section without need for a preapplication meeting. The applicant shall prepare sufficient preliminary architectural and engineering drawings to inform staff of the location of the proposed facility, as well as its scale and overall design. Staff shall issue a statement containing any written recommendations or proposed alterations it recommends be made to the proposal to better conform to the provisions of any Town bylaw and which better serve the public interest. A written copy of the Staff Review statement must be included in the application to the SPGA.

8. In Section 179-40.2 (Wind energy turbines), A (Purpose and intent), delete the words "development plan review" and insert "Staff Review" in its place.

9. In Section 179-40.2 (Wind energy turbines), I (Special permit applications for medium – and large-scale wind energy turbines), (2) (Preapplication Development Plan Review Committee (DPRC) hearing), amend as follows:

~~Preapplication Development Plan Review Committee (DPRC) hearing~~ **Staff Review meeting**. Prior to filing a special permit application with the SPGA, and after review by the Cape Cod Commission, if required, the applicant shall request a ~~hearing before the DPRC meeting~~ **Staff Review for** purposes of discussing the proposed WET in general terms and reviewing the relevant local approvals required. ~~The DPRC Staff Review shall meet~~ **take place** with the applicant under this section within ~~65~~ **30** days following a written request submitted to the ~~DPRC and the Town Clerk~~ **Town Planner, or a designee**. If the ~~DPRC Staff Review meeting~~ fails to schedule a preapplication hearing **take place** on a project within said ~~sixty-five~~ **thirty**-day period, the applicant may proceed with a special permit application under this section without need for a preapplication ~~hearing meeting~~. The applicant shall prepare sufficient preliminary architectural and engineering drawings to inform the ~~DPRC staff~~ of the location of the proposed facility, as well as its scale and overall design. ~~The DPRC Staff~~ shall issue a statement containing any written recommendations or proposed alterations it recommends be made to the proposal to better conform to the provisions of any Town bylaw or to better serve

the public interest. A written copy of the DPPE **Staff Review** statement must be included in the application to the SPGA.

So that it reads:

Preapplication Staff Review meeting. Prior to filing a special permit application with the SPGA, and after review by the Cape Cod Commission, if required, the applicant shall request a meeting for Staff Review for purposes of discussing the proposed WET in general terms and reviewing the relevant local approvals required. Staff Review shall take place with the applicant under this section within 30 days following a written request submitted to the Town Planner, or a designee. If the Staff Review meeting fails to take place on a project within said thirty-day period, the applicant may proceed with a special permit application under this section without need for a preapplication meeting. The applicant shall prepare sufficient preliminary architectural and engineering drawings to inform staff of the location of the proposed facility, as well as its scale and overall design. Staff shall issue a statement containing any written recommendations or proposed alterations it recommends be made to the proposal to better conform to the provisions of any Town bylaw or to better serve the public interest. A written copy of the Staff Review statement must be included in the application to the SPGA.

10. In Section 179-51 (Special permits), A.5 (Findings) (d), delete the paragraph.

or take any other action relative thereto.

(Two-thirds Vote Required)

(Planning Board)

**SUMMARY**

These changes will make sure that all references to Corridor Overlay are changed to reflect the proposed change in the section name to Site Plan Review.

**BOS: Recommendation deferred until Town Meeting.**

**FCR: Recommendation deferred until Town Meeting.**

***ZONING BYLAW AMENDMENTS/ Solar Arrays on  
Town-owned Land***

**ARTICLE NO. 33:** To see if the Town will vote to amend Chapter 179 of the Brewster Town Code (Zoning), Table 1 (Use Regulations), Community Facilities, by adding a new use as follows:

									PWS-
	R-R	R-L	R-M	C-H	V-B	I	MRD	CF	
21. Solar array on Town-	P	-	-	-	-	P	P	P	
owned land									

or take any other action relative thereto.

(Two-thirds Vote Required)

(Planning Board)

### **SUMMARY**

This change would allow the town to pursue the installation of solar array systems at town-owned sites including the Commerce Park, Transfer Station and the Captains Golf Course. A solar installation at the Golf Course and the Commerce Park was approved by Town Meeting in May of 2010 under article no. 16 and article no. 18 of this warrant asks for a Town Meeting vote to install a solar array system at the landfill/transfer station property.

**BOS: Recommendation deferred until Town Meeting.**

**FCR: Recommendation deferred until Town Meeting.**

<b><i>ZONING BYLAW AMENDMENT/Floodplain Regulations</i></b>
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**ARTICLE NO. 34:** To see if the Town will vote to amend Chapter 179 Zoning, Article II Establishment of Districts, Section 179-7 as follows:

1. In Section B (Definitions), Areas of Special Flood Hazard, delete "A1-30" and replace with "AE." Also, delete "V1-30" and replace with "VE."
2. In Section B (Definitions), Coastal High Hazard Area, delete "V1-30" and replace with "VE."
3. In Section B (Definitions), Special Flood Hazard Area, delete "A1-30" and replace with "AE." Also, delete "V1-30" and replace with "VE."
4. In Section B (Definitions), Zones, (2) ZONE A1-30, delete "A1-30" and replace with "AE." Under (3) ZONES B and C, delete "B and C" and replace with "X." Under (4) ZONE V1-30, delete "V1-30" and replace with "VE."
5. In Section C (Floodplain District boundaries and base flood elevation and floodway data), delete paragraph (1) and replace with the following:
  - (1) The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Brewster designated as Zone A, AE, AO, V, or VE on the Barnstable County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Barnstable County FIRM that are wholly or partially within the Town of Brewster are panel numbers 25001C0394, 25001C0413I, 25001C0414, 25001C0416, 25001C0417, 25001C0418, 25001C0419, 25001C0438, 25001C0582, 25001C0584, 25001C0601, 25001C0602, 25001C0603, 25001C0606, 25001C0607 and 25001C0626 dated June 16, 2011. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Barnstable County Flood Insurance Study (FIS) report dated June 16, 2011. The FIRM and FIS report are incorporated herein by

reference and are on file with the Town Clerk, Planning Board, Building Commissioner and Conservation Commission.

6. In Section C (Floodplain District boundaries and base flood elevation and floodway data), (2) (Floodway data), delete "A1-30" and replace with "AE."
7. In Section D (Notification of watercourse alteration), Change the contact information as follows:
  - a. Under 2, delete "Water Resources" and replace with Conservation and Recreation."
  - b. Under 3, delete the name and address and replace with:
 

NFIP Program Specialist  
Federal Emergency Management Agency, Region I  
99 High Street, 6<sup>th</sup> Floor  
Boston, MA 02110
8. In Section E (Use Regulation), 1a, delete the language in parenthesis and replace with "(currently 780 CMR 120.G, "Flood Resistant Construction and Construction in Coastal Dunes")"
9. In Section G (Use limitations), delete "V1-30" and replace with "VE" in (1) and (2).

or to take any other action relative thereto.

(Two-thirds Vote Required)

(Planning Board)

### **SUMMARY**

Following a recent update of the Flood Insurance Rate Maps, the town is required to update its Floodplain District by-law to reflect changes in terminology and updates in map information. These changes do not impact the scope or intent of the by-laws. The changes to the Flood Insurance Rate Maps go into effect on June 16, 2011. To see if the status of your property has changed, copies of the revised flood maps will be available at the Building Department.

**BOS: Recommendation deferred until Town Meeting.**

**FCR: Recommendation deferred until Town Meeting.**

<b>RESOLUTION</b>
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**ARTICLE NO. 35:** We the undersigned, registered voters of Brewster, MA, request that the town vote on a non-binding resolution. To wit:

We, the voters of the Brewster Town Meeting, affirm our belief that the first Amendment to the United States Constitution was designed to protect the free speech rights of people, not corporations.

We believe that the United States Supreme Court's ruling in Citizens United v. FEC, which overturned longstanding precedents prohibiting corporations from spending their general treasury funds in public elections, is a serious and direct threat to our democracy and the conduct of free and fair elections, and permits corporations to drown out the voices of ordinary persons.

The people of the United States have previously used the constitutional amendment process to correct decisions of the United States Supreme Court that invade or invalidate democratic institutions, including elections.

Now, therefore, be it resolved that we, the voters of the Brewster Town Meeting, call upon the United States Congress to pass and send to the states for ratification a constitutional amendment to restore the first amendment and fair elections to the people, and further, we call upon the Massachusetts General Court to pass one or more resolutions asking for those actions.

A copy of this resolution shall be sent to the State and Federal Representatives and Senators serving Brewster and to the Governor of the Commonwealth of Massachusetts and the President of the United States.

or to take any other action relative thereto.

(Majority Vote Required)

(Citizen Petition)

**SUMMARY**

On Jan 21, 2010 the Supreme Court's Citizens United decision held that corporations and unions can spend unlimited amounts of money advocating the election or defeat of candidates for office. This decision allows huge multinational corporations (including foreign-based corporations) to spend hundreds of millions of dollars to influence United States' elections, dwarfing the resources of unions, individuals and public-interest groups, and potentially allowing corporations to cause the election of candidates who will serve them, not people.

The Supreme Court was wrong to allow corporations, created and run to make profits, to drown out the voices of human beings in political campaigns. In a democracy,

the people rule, and the only way to overrule this decision is by amending the United States Constitution.

This non-binding resolution asks that Congress pass and send to the states for ratification a Constitutional Amendment allowing Congress the right to revoke corporations' right to spend unlimited funds to influence elections, and supports Massachusetts legislative efforts to bring that about. It would not affect the free-speech rights of human beings, including corporate officials, to advocate and spend money for their political goals.

**BOS: 5-YES; 0-NO; 0-ABSTAINED**

**FCR: 4-YES; 4-NO; 1-ABSTAINED**

### ***RESCIND AUTHORIZATION FOR LAND USE / Renewable Energy***

**ARTICLE NO. 36:** To see if the Town of Brewster will rescind the vote of Article #13 of the 10/19/09 Special Town Meeting, effectively restoring land shown on Brewster Assessor's Map 46 as Lots 12-1, 12-2 and 12-3 (also known as the "Barrows property") for the purpose of public water supply, watershed protection, passive recreation and for other public purposes pursuant to General Laws chapter 40, section 39B, and preventing the installation of industrial wind turbines, or to take any other action relative thereto.

(Majority Vote Required)

(Citizens Petition)

#### **SUMMARY**

At the Special Town Meeting of 10/19/10, Article #13, which was approved by the voters, removed the three parcels (commonly referred to as the Barrows property) that had been "Taken by town via an Order of Taking by Eminent Domain on January 5, 1998 for the purpose of public water supply, watershed protection, passive recreation and for other public purposes..." (Wording taken from the 10/19/10 Town Warrant), and re-designated the land for "the development of renewable energy projects." Since that town meeting, the Selectmen have indicated that there will be a proposal for two more industrial wind towers. (See above article for specific concerns.) This article would return the designated parcels to the original purpose.

**BOS: Recommendation deferred until Town Meeting.**

**FCR: Voted 9-YES; 0-NO; 0-ABSTAINED to recommend that consideration of this item be indefinitely postponed.**

### ***RENEWABLE ENERGY CONTRACT AUTHORIZATION***

**ARTICLE NO. 37:** To see if the Town of Brewster will authorize its Board of Selectmen to enter into long-term contracts not to exceed a term of twenty-five years on behalf of the Town with private entities or governmental organizations related to renewable energy projects developed, sponsored or administered by the Cape & Vineyard Electric Cooperative, Inc, which contracts may include, but not be limited to: power purchase agreements, renewable energy certificate contracts, renewable energy project development agreements, and leases of land or buildings related to the development of

renewable energy; or take any other action relative thereto. Proposal for wind turbines will not site any Medium-Scale Wind Energy Turbine or Large-Scale Wind Energy Turbine within 1.2 miles of the nearest residence. Any proposed project will pose no threat to Zone I or Zone II watershed areas.

(Majority Vote Required)

(Citizens Petition)

**SUMMARY**

At the Special Town Meeting of 10/19/09, Brewster citizens voted unanimously to support the town in its efforts to develop renewable energy projects in Brewster. Since that time, details of a proposed wind turbine project by CVEC (Cape & Vineyard Electric Company) to be located at Commerce Park have been stipulated. That proposal includes the installation of two (2) Large-Scale Wind Turbines, each 410 feet in height. The Commerce Park location is on Zone II Watershed. The nearest residence is 1,800 feet, and the Woodlands Assisted Living is 2,349 feet from the nearest turbine. There is evidence that people living up to 7,000 feet from the turbine can be affected by the noise generated by such industrial-sized wind turbines including aversive low-frequency noise, and in some cases by "infrasound." Shadow flicker (the strobe-like affects caused by the blades passing between the sun and observer/residence) is also highly disturbing. Property values of those homes situated within a 2-mile radius have been shown to decrease in value. No emergency response plan has been devised, or even discussed, in case of a turbine fire (each contains at least 75 gallons of petrochemicals) or lightning strike. The Mid-Cape highway, and Freeman's Way, would be within the builder's recommendations for a restricted zone (1,300 feet) during maintenance or emergency response. This amendment would affirm the town's desire to promote and develop "renewable energy" projects, but accomplished without harm to the citizens or risk to the water supply.

**BOS: 0-YES; 5-NO; 0-ABSTAINED**

**FCR: 0-YES; 9-NO; 0-ABSTAINED**

***AMENDMENT OF TOWN CODE / Noise***

**ARTICLE NO. 38:** To see if the Town of Brewster will amend the Code of the Town of Brewster, Chapter 125, as follows:

Chapter 125-3. Violations and penalties.

Any person or entity shall be deemed in violation of this chapter, who shall make or aid and abet or cause or suffer or countenance or assist in making of the aforesaid and described improper noises, disturbances, breach of peace or a diversion tending to a breach of the peace and the presence of any person or persons in or about the building, dwelling, premises, shelter, boat or conveyance or any part thereof during a violation of this chapter and shall constitute prima facie evidence that they are a countenancer to such violation. Any person violating this chapter shall be punished by a fine of not more than \$50 for each offense. The fine for permanently installed noise sources including Wind Energy Turbines of any size which are to be held to the standard of this by-law shall be no less than the maximum allowed by law, and the fine for transient non-emergency noise intrusions shall be as described above.

or to take any other action relative thereto.

(Majority Vote Required)

(Citizens Petition)

**SUMMARY**

The Town of Brewster first adopted a noise by-law to maintain peace and order at the March 7, 1966 Annual Town Meeting, as article 48; and it was amended in its entirety at the May 14, 1984 Annual Town Meeting, as Article 64. By its language it should be clear that this noise by-law does not address many of the noise intrusions of various forms which escalated in the last decade or future new noise sources. In particular it does not address the noise generated by the industrial sized wind turbines which evidence suggests noise generate characteristic noise which perturbs peace and good order and quietude over a considerable distance (at least 3,500 feet) and property values for at least one mile. The proposed amendments to the by-laws Section 125-1 and 3 would update these bylaws such that installers and operators of wind turbines and other municipal and commercial activities are held to the same standard as individuals disrupting the peace, and would make the penalties more proportionate to the duration of the noise disruption.

**BOS: 0-YES; 5-NO; 0-ABSTAINED**

**FCR: Petitioner has indicated that they would be recommending indefinite postponement of this article at Town Meeting. Finance Committee voted 9-YES; 0-NO; 0-ABSTAINED to support the concept of indefinitely postponement of this matter.**

***ANY OTHER BUSINESS***

**ARTICLE NO. 39:** To act on any other business that may legally come before this meeting.

(Board of Selectmen)

And you are hereby directed to serve this Warrant with your doings thereon to the Town Clerk at the time and place of said meeting as aforesaid.

Given under our hand and Seal of the Town of Brewster affixed this **28<sup>th</sup> day of March, 2011.**

\_\_\_\_\_  
Edward S. Lewis, Chairman

\_\_\_\_\_  
Peter G. Norton, Vice-Chairman

\_\_\_\_\_  
Daniel Rabold, Clerk

\_\_\_\_\_  
James W. Foley

\_\_\_\_\_  
Gregory A. Levasseur

I, Roland W. Bassett, duly qualified Constable for the Town of Brewster, hereby certify that I served the Warrant for the Annual Town Meeting of **May 2, 2011** by posting attested copies thereof, in the following locations in the Town on the \_\_\_\_ day of April, 2011.

Brewster Town Offices  
Brewster Ladies Library  
The Brewster Store

Brewster Farms  
Brewster Pizza House  
Millstone Liquors

U. S. Post Office.

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Roland W. Bassett, Constable

## **MODERATOR'S RULES REGARDING TOWN MEETING**

Priority shall be given to registered voters of the town for admission to all town meetings, whether annual or special meetings. Therefore, the following rules shall apply:

1. Prior to admission to the hall, persons desiring admission shall check in with the Registrars of Voters, who will be present at the main entrance with voter registration lists.
2. Non-voters, who desire to be present, will be seated in the area designated as the non-voter section. If voters present need seating, then the non-voters will have to leave the meeting hall.
3. Non-voters will not address the town meeting without the unanimous consent of all voters present and will not participate in voting.

### **TOWN MEETING PROCEDURE**

**THE MODERATOR** has absolute control of the town meeting.

**GENERAL LAWS CHAPTER 39 SECTION 15:** The Moderator shall preside and regulate the proceedings, decide all questions of order, and make public declaration of all votes. The Moderator recognizes speakers from the floor, and while they are speaking allows no interruptions except when a point of order is raised.

**WHEN A VOTER WISHES TO SPEAK** he may rise, say, "Mr. Moderator," and wait for recognition. Then, with the microphone, please give your name. The voter may continue with due regard to reasonable brevity, as long as he speaks directly to the question under discussion.

**THERE WILL BE NO SMOKING OR STANDING** in the meeting hall.

**ANYTIME THE MOTION TO BE VOTED ON IS UNCLEAR**, ask the Moderator before voting.

**VOTERS WILL PLEASE HOLD THEIR BREWSTER VOTER TAG** in their right hand, so that the tellers when counting hand votes will count them.

**NO PERSON IS TO INDULGE IN PERSONALITIES OR DEROGATORIES.** Let us maintain decorum and reason together.

### **MOTIONS**

**MAIN MOTIONS** are always on articles in the town warrant. They are made, seconded, and then opened for consideration.

**SECONDARY MOTIONS** are motions which refer to main motions. Secondary motions usually amend, postpone, or limit consideration.

**AMENDMENTS** may be offered by any voter to the motion under discussion, provided the scope of the original motion is not enlarged or altered. Amendments are seconded and discussed; they require a majority vote to carry (pass). An amendment need not be voted upon, if the proposed change is agreeable to the proponents of original motion. Voters must submit amendments in legible writing.

### **POSTPONE**

**TO REFER TO COMMITTEE "COMMIT"** if changes in a main motion are numerous, take too much time, or require additional information, it is wise to commit the article to a committee. This secondary motion should specify which board or committee. If proposing a new committee, specify how many members, how appointments are to be made and when the committee should report.

**POSTPONE TO A DEFINITE TIME:** defers action on a main motion to a stated hour, usually during the meeting. At the hour specified, it is returned to the floor when a motion is made that the deferred article be considered.

**"LAY ON TABLE"** intends to temporarily lay aside an article. Not debatable; majority vote carries. An article not taken from table before the meeting adjourns is dead. To be considered at a subsequent meeting, it must reappear in the warrant for that meeting.

**"TAKE NO ACTION" "PASS OVER" "POSTPONE INDEFINITELY"** are debatable motions and require majority vote. The intent is to defeat the motion.

### **LIMIT CONSIDERATION**

**LIMIT DEBATE.** This secondary motion requests a vote to be taken at a specific time. Requires a 2/3 majority vote.

**"MOVE THE PREVIOUS QUESTION"** demands an immediate vote on any motion under consideration without further debate on the motion. May not be debated or amended. Requires 2/3 vote to carry. If it carries, we vote on the main motion that we voted to end the debate on.

### **POINT OF ORDER**

**IF A VOTER QUESTIONS THE LEGALITY** or propriety of the proceedings, he may rise, interrupt the speaker and say, "Mr. Moderator, I rise to a point of order" or "question of privilege."

### **VOTES ON MAIN MOTIONS**

Usually majority of those attending carries (passes).

### **EXCEPTIONS:**

**2/3 MAJORITY VOTE REQUIRED** borrowing of money appropriations for land purchases; land purchase for public domain; sale or abandonment of unneeded land;

abandonment of projects for which money has been borrowed; appropriation for celebration of settlement or incorporation; zoning bylaws.

**4/5 USUALLY REQUIRED** payment of a bill for which insufficient appropriations made in a previous year, at the annual town meeting. A 9/10 vote is required at a special town meeting.

**POSTPONE INDEFINITELY** requires a majority vote, may be debated, and may not interrupt the speaker.

## ***GLOSSARY OF FINANCIAL TERMS***

**1. APPROPRIATION** – An authorization granted by a legislative body to make expenditures and to incur obligations for specific purposes. An appropriation is usually limited in amount and as to the time when it may be expended. Only town meeting can authorize money appropriated for one purpose to be used for another. Any amount that is appropriated may be encumbered (see encumbrance). Any part of an annual operating appropriation not spent or encumbered by June 30 automatically reverts to the undesignated fund balance that may result in free cash. If departments know of remaining unpaid bills at the close of the fiscal year and properly notifies the Town Accountant (MGL Ch. 41 ss. 58), the departmental appropriation is encumbered. This action extends the annual spending authorization until such time that the bill is paid or it is decided not to spend the funds. If these encumbrances are not acted on within a year, the Town Accountant generally notifies the department and closes them out. A special purpose appropriation, on the other hand, may carry forward from year to year until spent for the designated purpose or transferred by town meeting vote to another account.

**2. AUDIT** – An examination of systems, procedures, and financial data by a certified public accountant, reporting on the fairness of financial statements and compliance with statutes and regulations. The audit is a valuable management tool for evaluating the fiscal performance of a community.

**3. AVAILABLE FUNDS** – Funds established through previous appropriations or resulting from financial operations. They may be appropriated to meet unforeseen expenses, or large non-recurring or capital expenditures. Examples include free cash, stabilization fund, overlay surplus, water surplus, and enterprise retained earnings.

**4. BETTERMENTS (SPECIAL ASSESSMENTS)** – Whenever a limited area of a community receives benefit from a public improvement (*e.g.*, water, road, sewer, sidewalk, etc.), special property taxes may be assessed to reimburse the governmental entity for all or part of the costs it incurred. Each parcel receiving benefit from the improvement is assessed for a proportionate share of the cost of such improvements. The proportionate share may be paid in full, or the property owner may request the assessors to apportion the betterment over a period of up to 20 years. Over the lifetime of the betterment, one year's apportionment along with one year's committed interest computed from October 1 to October 1 is added to the tax bill until the betterment has been paid.

**5. BOND** – A written promise to pay a specified sum of money, called the face value (par value) or principal amount, at a specified date in the future, called the maturity date, together with periodic interest at a specified rate. The difference between a note and a bond is that the latter runs for a longer period of time.

**6. BOND ANTICIPATION NOTE (BAN)** – A short-term note to provide cash for initial project costs issued in anticipation of bond proceeds. BANs may be issued for a period not to exceed five years, provided principal repayment begins after two years. Communities with approved projects on the School Building Assistance (SBA) priority list may defer principal payments up to five years (approved annually in outside sections of the budget). The final maturity date of the project borrowing, beginning from the date the short-term note was issued, may not exceed the term specified by statute. BANs are full faith and credit obligations.

**7. BOND AUTHORIZED AND UNISSED** – Bond authorized but not yet sold. Issuance is contingent only on action by the Town Treasurer and a majority of the Board of Selectmen.

**8. BOND COUNSEL** – An attorney or law firm engaged to review and submit an opinion on the legal aspects of a municipal bond or note issue.

**9. BOND ISSUE** – Generally represents the sale of a certain number of bonds at one time by a governmental unit.

**10. BOND RATING (Municipal)** – A credit rating to help investors determine the risk of losing money in a given fixed-income investment. Agencies specializing in municipal bonds assign a rating, designated by letters or a combination of letters and numerals, based on their opinion of the future ability, legal obligation, and willingness of a bond issuer to make timely debt service payments.

**11. BUDGET** – A plan of financial operation embodying an estimate of proposed revenues and expenditures for a given period and the proposed means of financing them. A budget may be “preliminary” (the financial plan presented to the town meeting), or “final” (the plan approved by that body). The budget should be separated into basic units, either by department, program, or service. Formatting the budget in this way helps local officials and citizens make policy decisions when allocating scarce resources. It is also important to include as much information as possible concerning the output or accomplishments expected of a given program or department during the year.

**12. CAPITAL IMPROVEMENTS PROGRAM** – A comprehensive plan for planning a community’s capital expenditures. It coordinates community planning, fiscal capacity and physical development. While all of the community’s needs should be identified in the program, there is a set of criteria that prioritizes the expenditures. The capital program is a plan for capital expenditures that usually extends at least five years beyond the capital budget.

**13. CAPITAL OUTLAY EXPENDITURE EXCLUSION** – A vote by a community at an election to exclude payments for a capital project from the levy limit. The exclusion is limited to one year and may temporarily increase the levy above the levy ceiling.

**14. CASH** – Currency, coin, checks and bankers’ drafts on hand or on deposit with an official or agent designated as custodian of cash and bank deposits.

**15. CASH MANAGEMENT** – The process of managing a local government’s money in order to ensure maximum cash availability and maximum yield on short-term investment of idle cash.

**16. CEMETERY PERPETUAL CARE** – Funds donated by individuals for the care of gravesites. According to MGL, funds from this account must be invested and spent as directed by perpetual care agreements. If no agreements exist, the interest (but not principal) may be used as directed by the Cemetery Commissioners for the purpose of maintaining cemeteries.

**17. CHAPTER 90 HIGHWAY FUNDS** – The state legislature authorizes and issues transportation capital bonds every few years. In each Transportation Bond, funds are apportioned to communities based upon a formula under the provisions of MGL Ch. 90 ss. 34, hence the terms Chapter 90 funds. The Chapter 90 highway formula is comprised of three variables: local road mileage as certified by the Massachusetts Highway Department (MHD), employment figures from the Department of Employment and Training (DET), and population estimates from the U. S. Census Bureau. Under this formula, those

communities with a larger number of road miles receive proportionately more aid than those with fewer road miles. These funds are reimbursed to communities based upon certified expenditure reports submitted to MHD.

**18. CHERRY SHEETS** – Named for the cherry colored paper on which they were originally printed, the Cherry Sheets are the official notification of the next fiscal year's state aid and assessments to communities and regional school districts from the Commissioner of Revenue. State aid to municipalities and regional school districts consist of two major types – distributions and reimbursement. Distributions provide funds based on formulas while reimbursements provide funds for costs incurred during a period for certain programs or services. In addition, communities may receive "offset items" that must be spent on specific programs. Cherry Sheet assessments are advance estimates of state assessments and charges. Local assessors are required to use these figures in setting the local tax rate. Because these figures are estimates, it should be noted that based upon filing requirements and/or actual information, the final aid or assessment may differ.

**19. CHERRY SHEET OFFSET ITEMS** – Local aid accounts that may be spent without appropriation in the budget, but which must be spent for specific municipal and regional school district programs. Current offset items include racial equality grants, school lunch grants, and public libraries grants.

**20. COLLECTIVE BARGAINING** – The negotiations between an employer and union representative regarding wages, hours, and working conditions.

**21. CONSERVATION FUND** – This fund may be expended for lawful conservation purposes as described in MGL Ch. 40 ss. 8C. It may also be expended for damages related to the taking of land by eminent domain provided that such taking has first been approved by two-thirds vote of town meeting.

**22. CONTINGENT APPROPRIATION** – An appropriation that authorizes spending for a particular purpose upon the occurrence of a later event. The grant of spending authority made by an appropriation must be certain at the time of the vote and, therefore, contingent appropriations are not generally permissible. Under MGL Ch. 59 ss. 21C(m), however, towns may make appropriations from the tax levy, available funds or borrowing, contingent upon the subsequent passage of a Proposition 2-½ override or exclusion question for the same purpose.

**23. DEBT AUTHORIZATION** – Formal approval by a two-thirds vote of town meeting to incur debt, in accordance with procedures stated in MGL Ch. 44.

**24. DEBT EXCLUSION** – A vote by a municipality at an election to exclude debt service payments for a particular capital project from the levy limit. The amount necessary to cover the annual debt service payment is added to the levy limit for the life of the debt only. A debt exclusion may temporarily increase the levy above the levy ceiling.

**25. DEBT LIMIT** – The maximum amount of debt that a municipality may have authorized for qualified purposes under state law.

**26. DEBT SERVICE** – The cost, usually stated in annual terms, of the principal repayment and interest of any particular issue.

**27. DEFICIT** – The excess of expenditures over revenues during an accounting period. Also refers to the excess of the liabilities of a fund over its assets.

**28. EDUCATION REFORM ACT OF 1993** – An act that seek to remedy educational funding inequities between local communities by providing adequate state funding over a

seven year period for all local and regional school districts and by mandating equity based upon a particular community's ability to pay. One of the Act's major goals is to improve student achievement.

**29. EMINENT DOMAIN** – The power of a government to take property for public purposes by condemnation provided that fair compensation is paid to the owner. This method is frequently used to obtain real property that cannot be purchased from owners by means of a voluntary transaction.

**30. ENCUMBRANCE** – Obligations in the form of purchase orders, contracts, or salary commitments that are chargeable to an appropriation and for which a part of the appropriations is reserved.

**31. ESTIMATED RECEIPTS** – An estimate of state and local miscellaneous receipts based upon the previous year's receipts that assessors deduct from the gross amount to be raised in order to arrive at the tax levy.

**32. EXCESS AND DEFICIENCY** – Also called the "surplus revenue" account, this is the amount by which cash, accounts receivable, and other assets exceed a regional school district's liabilities and reserves as certified by the Director of Accounts. The calculation is made based upon the balance sheet that is submitted by the district's auditor, accountant, or comptroller as of June 30. The regional school committee must apply certified amounts exceeding five percent of the district's prior year operating and capital costs to reduce the assessment on member cities and towns.

**33. EXCESS LEVY CAPACITY** – The difference between the levy limit and the amount of real and personal property taxes actually levied in a given year. Annually, the Board of Selectmen must be informed of excess levy capacity and their acknowledgment must be submitted to the Department of Revenue when setting the tax rate.

**34. FISCAL YEAR** – Since 1974, the Commonwealth and municipalities have operated on a budget cycle that begins July 1 and ends June 30. The designation of the fiscal year is that of the calendar year in which the fiscal year ends. For example, the 2000 fiscal year is July 1, 1999 to June 30, 2000 and is usually written as FY2000. Since 1976, the federal government has had a fiscal year that begins October 1 and ends September 30.

**35. FIXED COSTS** – Costs that are legally or contractually mandated such as retirement, FICA/Social Security, insurance, debt service or interest costs.

**36. FOUNDATION BUDGET** – The target imposed by the Education Reform Act of 1993 for each school district, defining the spending level necessary to provide an adequate education for all students.

**37. FREE CASH** – Unrestricted funds from operations of the previous fiscal year that are certified by the Director of Accounts as available for appropriation. Remaining funds include unexpended free cash from the previous year, receipts in excess of estimates shown on the tax recapitulation sheet, and unspent amounts in budget line-items. Unpaid property taxes and certain deficits reduce the amount that can be certified as free cash. The calculation of free cash is based upon the balance sheet as of June 30, which is submitted by the Town Accountant. A community should maintain a free cash balance to provide a hedge against unforeseen expenditures and to ensure there will be an adequate reserve to prevent sharp fluctuations in the tax rate. Maintenance of an adequate free cash level is not a luxury but a necessary component of sound local fiscal management. Credit rating agencies and other members of the financial community expect municipalities

to maintain free cash reserves and make judgments regarding a community's fiscal stability, in part, on the basis of free cash.

**38. FUND** – An accounting entity with a self balancing set of accounts that are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with specific regulations, restrictions, or limitations.

**39. FUND ACCOUNTING** – Organizing the financial records of a municipality into multiple funds. A fund is a distinct entity within the municipal government in which financial resources and activity (assets, liabilities, fund balances, revenues and expenditures) are accounted for independently in accordance with specific regulations, restrictions and limitations. Examples of funds include the general fund and enterprise funds.

**40. GENERAL FUND** – The fund used to account for most financial resources and activities governed by the normal town meeting appropriation process.

**41. GENERAL OBLIGATION BONDS** – Bonds issued by a municipality that are backed by the full faith and credit of its taxing authority.

**42. HOTEL/MOTEL EXCISE** – A local option since 1985 that allows a community to assess a tax on room occupancy. The community may levy up to 4% of the taxable rents of hotels, motels and lodging houses in that community.

**43. INDIRECT COST** – Costs of a service not reflected in the service's operating budget. An example of an indirect cost of providing water service would be health insurance costs for water department employees. A determination of these costs is necessary to analyze the total cost of service delivery.

**44. INTEREST** – Compensation paid or to be paid for the use of money, including amounts payable at periodic intervals or discounted at the time a loan is made.

**45. INTEREST RATE** – The interest payable, expressed as a percentage of the principal available, for use during a specified period of time. It is always expressed in annual terms.

**46. LAW ENFORCEMENT TRUST FUND** – A revolving fund established to account for a portion of the proceeds from the sale of property seized from illegal drug-related activities. Funds may be expended to defray certain qualified law enforcement costs as outlined in MGL Ch. 94C ss. 47. Funds from this account may be expended by the Police Chief without further appropriation.

**47. LEVY** – The amount a community raises through the property tax. The levy can be any amount up to the levy limit.

**48. LEVY CEILING** – The maximum levy assessed on real and personal property may not exceed 2 ½ percent of the total full and fair cash value of all taxable property (MGL Ch. 59 ss. 21C). Property taxes levied may exceed this limit only if the community passes a capital exclusion, a debt exclusion, or a special exclusion.

**49. LEVY LIMIT** – The maximum amount a community can levy in a given year. The limit can grow each year by 2 ½ percent of the prior year's levy limit plus new growth and any overrides. The levy limit can exceed the levy ceiling only if the community passes a capital expenditure exclusion, debt exclusion, or special exclusion.

**50. LINE-ITEM BUDGET** – A budget that focuses on inputs of categories of spending, such as supplies, equipment, maintenance, or salaries, as opposed to a program budget.

**51. LOCAL AID** – Revenue allocated by the commonwealth to cities, towns, and regional school districts. Estimates of local aid are transmitted to cities, towns, and districts annually by the "Cherry Sheets". Most Cherry Sheet aid programs are considered revenues

of the municipality's or regional school districts' general fund and may be spent for any purpose, subject to appropriation.

**52. LOCAL RECEIPTS** – Locally generated revenues, other than real and personal property taxes and enterprise fund revenues. Examples include motor vehicle excise, investment income, hotel/motel tax, fees, rentals, and charges. Annual estimates of local receipts are shown on the tax rate recapitulation sheet.

**53. MOTOR VEHICLE EXCISE (MVE)** – Every motor vehicle and trailer registered in the Commonwealth is subject to the MVE unless expressly exempted. MVE is imposed for the privilege of registering a motor vehicle. Registering a motor vehicle automatically triggers the assessment of the excise.

**54. MUNICIPAL(S)** – Municipal refers to any state or subordinate governmental unit. "Municipals" (i.e., municipal bonds) include not only the bonds of all local subdivisions, such as cities, towns, school districts, special districts, but also bonds of the state and agencies of the state.

**55. MUNICIPAL REVENUE GROWTH FACTOR (MRGF)** – An estimate of the percentage change in a municipality's revenue growth for a fiscal year. It represents the combined percentage increase in the following revenue components; automatic 2 ½ percent increase in the levy limit, estimated new growth, the change in selected unrestricted state aid categories, and the change in selected unrestricted local receipts (Education Reform Act of 1993).

**56. NET SCHOOL SPENDING (NSS)** – School budget and municipal budget amounts attributable to education, excluding long-term debt service, student transportation, school lunches and certain other specified school expenditures. A community's NSS funding must equal or exceed the NSS Requirement established annually by the Department of Education (DOE) (Education Reform Act of 1993).

**57. NEW GROWTH** – The taxing capacity added by new construction and other increases in the property tax base. New growth is calculated by multiplying all increases in value which are not the result of revaluation by the tax rate of the previous fiscal year, for example, FY2000 new growth is determined by multiplying the value on January 1, 1999 by the FY1999 tax rate. Assessors must submit documentation of new growth to the BLA annually before setting the tax rate. Documentation should be retained for five years in the event of a BLA audit.

**58. OPERATING BUDGET** – A plan of proposed expenditures for personnel, supplies, and other expenses for the coming fiscal year.

**59. OVERLAY** – (Overlay Reserve or Allowance for Abatements and Exemptions). An account established annually to fund anticipated property tax abatements, exemptions and uncollected taxes in that year. The overlay reserve is not established by the normal appropriation process, but rather is raised on the tax rate recapitulation sheet.

**60. OVERLAY DEFICIT** – A deficit that occurs when the amount of overlay raised in a given year is insufficient to cover abatements, statutory exemptions, and uncollected taxes for that year. Overlay deficits must be provided for in the next fiscal year.

**61. OVERLAY SURPLUS** – Any balance in the overlay account of a given year in excess of the amount remaining to be collected or abated can be transferred into this account. Within ten days of a written request by the chief executive officer of a city or town, the Board of Assessors must provide a certification of the excess amount of overlay available to

transfer. Overlay surplus may be appropriated for any lawful purpose. At the end of each fiscal year, unused overlay surplus is "closed" to surplus revenue; in other words, it becomes a part of free cash.

**62. OVERRIDE** – A vote by a community at an election to permanently increase the levy limit. An override vote may increase the levy limit no higher than the levy ceiling. The override question on the election ballot must state a purpose for the override and the dollar amount).

**63. OVERRIDE CAPACITY** – The difference between a community's levy ceiling and its levy limit. It is the maximum amount by which a community may override its levy limit.

**64. PAYMENTS IN LIEU OF TAXES** – An agreement between a municipality and an entity not subject to taxation, such as charitable or educational organizations, in which the payer agrees to make a voluntary payment to the municipality. By law, a city or town must make such payment to any other community in which it owns land used for public purposes.

**65. RECEIPTS RESERVED** – Proceeds that are earmarked by law and placed in separate accounts for appropriation for particular purposes. For example, parking meter proceeds may be appropriated to offset certain expenses for parking meters and the regulation of parking and other traffic activities.

**66. RESERVE FUND** – An amount set aside annually within the budget of a city (not to exceed 3% of the tax levy for the preceding year) or town (not to exceed 5% of the tax levy for the preceding year) to provide a funding source for extraordinary or unforeseen expenditures. In a town, the Finance Committee can authorize transfers from this fund for "extraordinary or unforeseen" expenditures. Other uses of the fund require budgetary transfers by town meeting.

**67. REVENUE ANTICIPATION BORROWING** – Cities, towns and districts may issue temporary notes in anticipation of taxes (TAN's) or other revenue (RAN's). The amount of this type of borrowing is limited to the total of the prior year's tax levy, the net amount collected in motor vehicle and trailer excise in the prior year and payments made by the Commonwealth in lieu of taxes in the prior year. According to MGL Ch. 44 ss. 4, cities, towns and districts may borrow for up to one year in anticipation of such revenue.

**68. REVENUE ANTICIPATION NOTE (RAN)** – A short-term loan issued to be paid off by revenues, such as tax collections and state aid. RANs are full faith and credit obligations.

**69. REVENUE BOND** – A bond payable from and secured solely by specific revenues and thereby not a full faith and credit obligation.

**70. REVOLVING FUND** – Allows a community to raise revenues from a specific service and use those revenues without appropriation to support the service. For departmental revolving funds, MGL Ch 44 ss. 52E ½ stipulates that each fund must be re-authorized each year at annual town meeting action, and that a limit on the total amount that may be spent from each fund must be established at that time. The aggregate of all revolving funds may not exceed ten percent of the amount raised by taxation by the town in the most recent fiscal year, and not more than one percent of the amount raised by taxation may be administered by a single fund. Wages and salaries for full-time employees may be paid from the revolving fund only if the fund is also charged for all associated fringe benefits. Revolving funds for other programs as provided by statute are still allowed, and a

departmental revolving fund may be implemented in addition to or in conjunction with other existing statutory revolving funds, provided that the departmental revolving fund does not conflict with provisions of other revolving funds.

**71. SALE OF CEMETERY LOTS FUND** – A fund established to account for proceeds of the sale of cemetery lots. The proceeds may only be appropriated to pay for the cost of the land, its care and improvement or the enlargement of the cemetery under provisions of MGL Ch. 144 ss. 15.

**72. STABILIZATION FUND** – A fund designed to accumulate amounts for capital and other future spending purposes, although it may be appropriated for any lawful purpose. Communities may appropriate into this fund in any year an amount not to exceed ten percent of the prior year's tax levy or a larger amount with the approval of the Emergency Finance Board. the aggregate of the stabilization fund shall not exceed ten percent of the community's equalized value, and any interest shall be added to and become a part of the fund. A two-thirds vote of town meeting is required to appropriate money from the Stabilization Fund.

**73. STATE AID ANTICIPATION NOTE (SAAN)** – A short-term loan issued in anticipation of a state grant or aid (MGL Ch. 44 ss. 6A).

**74. STATE HOUSE NOTES** – Debt instruments for cities, towns, counties and districts certified by the Director of Accounts. State House Notes, payable annually, are usually limited to maturities of five years. The notes are generally less costly and easier to issue than conventional issues for borrowing. They are commonly used for temporary loans and smaller long-term issues.

**75. TAX RATE** – The amount of property tax stated in terms of a unit of the municipal tax base; for example, \$14.80 per \$1,000 of assessed valuation of taxable real and personal property.

**76. TAX RATE RECAPITULATION SHEET (also Recap Sheet)** – A document submitted by a city or town to the Department of Revenue in order to set a property tax rate. The recap sheet shows all estimated revenues and actual appropriations that affect the property tax rate. The recap sheet should be submitted to the Department of Revenue by September 1 (in order to issue the first-half semiannual property tax bills before October) or by December 1 (in order to issue the third quarterly property tax bills before January 1).

**77. TRIENNIAL CERTIFICATION** – The Commissioner of Revenue is required to review local assessments every three years and to certify that they represent FFCV. The Bureau of Local Assessments is responsible for this process.

**78. TRUST FUND** – In general, a fund held for the specific purpose stipulated by a trust agreement. The Town Treasurer acts as a custodian of trust funds and invests and expends such funds as stipulated by trust agreements or as directed by the Commissioners of Trust Funds or by town meeting. Both principal and interest may be used if the trust is established as an expendable trust. For non-expendable trust funds, interest but not principal may be expended as directed.

**79. UNDERRIDE** – A vote by a community to permanently decrease the tax levy limit. As such, it is the exact opposite of an override.

**80. UNFUNDED PENSION LIABILITY** – Unfunded pension liability is the difference between the value assigned to the retirement benefits already earned by a municipality's

employees and the assets the local retirement system will have on hand to meet these obligations. The dollar value of the unfunded pension liability is driven by assumptions about interest rates at which a retirement system's assets will grow and the rate of future costs of living increases to pensioners.

**81. UNIFORM MUNICIPAL ACCOUNTING SYSTEM (UMAS)** – The Department of Revenue regards UMAS as the professional standard for municipal account system that conforms to Generally Accepted Accounting Principles modern municipal accounting in Massachusetts. Among the benefits of conversion to UMAS is increased consistency in reporting and record keeping and enhanced comparability of data among cities and towns.

**82. UNRESERVED FUND BALANCE (Surplus Revenue Account)** – The amount by which cash, accounts receivable, and other assets exceed liabilities and restricted reserves. It is akin to a "stockholders' equity" account on a corporate balance sheet. It is not, however, available for appropriation in full because a portion of the assets listed as "accounts receivable" may be taxes receivable and uncollected.

**83. WARRANT** – An authorization for an action. For example, a town meeting warrant establishes the matters that may be acted upon by that town meeting. A treasury warrant authorizes the treasurer to pay specific bills. The assessors' warrant authorizes the tax collector to collect taxes in the amount and from the persons listed, respectively.

**84. WATER SURPLUS** – For water departments operating under MGL Ch. 41 ss. 69B, any revenues in excess of estimated water receipts or unspent water appropriations closeout to a water surplus account. Water surplus may be appropriated to fund water-related general and capital expenses or to reduce water rates.

**85. WATER IMPROVEMENT FUND** – An account into which fifty percent of the proceeds of the boat excise is deposited. Use of these proceeds is limited to certain waterway expenses as outlined in MGL Ch. 40 ss. 5G.