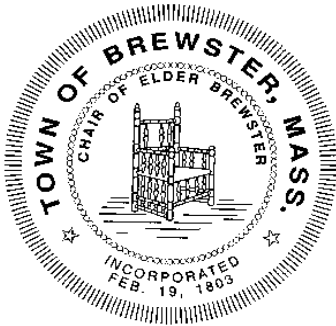


# *Town of Brewster*



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

*for use at*

***TOWN MEETING***

***on***

***MAY 4, 2009***

***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>EMERGENCY PREPAREDNESS VOLUNTEER OPPORTUNITIES</b>
---

The Town of Brewster is forming a Medical Reserve Corps (MRC). We are looking for medical and non-medical residents who are interested in volunteering to help protect the health of our community. The Medical Reserve Corps units are community-based and function as a way to locally organize and utilize volunteers who want to donate their time and expertise to prepare for and respond to emergencies and promote healthy living throughout the year. MRC volunteers supplement existing emergency and public health resources.

The MRC was founded after President Bush's 2002 State of the Union Address, in which he asked all Americans to volunteer in support of their country. The MRC is a specialized component of Citizen Corps, a national network of volunteers dedicated to ensuring hometown security. Citizen Corps, along with AmeriCorps, Senior Corps, and the Peace Corps are part of the President's USA Freedom Corps, which promotes volunteerism and service nationwide.

If you are interested, please call Lynda Costa, Medical Reserve Corps Volunteer Coordinator at (508) 375-6641 or email [lcosta@barnstablecounty.org](mailto:lcosta@barnstablecounty.org). We will schedule an informational meeting in the near future that will inform you about the Medical Reserve Corps with volunteer applications.

<b>TOWN OF BREWSTER</b> <b>TOWN MEETING WARRANTS</b> <b>MAY 4, 2009</b>
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**Page**

<b>A) INDEX</b>	<b>3-4</b>
<b>B) REPORT OF THE FINANCE COMMITTEE</b>	<b>5-8</b>
<b>C) TAX RATE INFORMATION</b>	<b>9</b>
<b>D) WARRANT ARTICLES:</b>	<b>10</b>

**1) 2009 SPECIAL TOWN MEETING****Article**

<b><u>No.</u></b>	<b><u>Article Name</u></b>	<b><u>Sponsor</u></b>	
1	Unpaid Bills	Board of Selectmen	10
2	Budgetary Transfers	Board of Selectmen	10
3	Private Road Betterment / Standish Heights	Board of Selectmen	12
4	Town Offices HVAC Replacement Project	Board of Selectmen	13
5	School Architectural Services	Board of Selectmen	13
6	DPW / Weight Scale Replacement Project	Board of Selectmen	14
7	Other Business	Board of Selectmen	14

**2) 2009 ANNUAL TOWN MEETING****Article**

<b><u>No.</u></b>	<b><u>Article Name</u></b>	<b><u>Sponsor</u></b>	
1	Cape Cod Technical School Operating Budget	School Committee	16
2	Elementary Schools Operating Budget	School Committee	17
3	Town Operating Budget	Board of Selectmen	17
4	Nauset Regional Schools Operating Budget	School Committee	20
5	Nauset Assessment Formula	School Committee	21
6	Community Preservation Act Funding	Community Preservation Committee	21
7	Human Services Funding	Human Services Committee	25
8	Local Business Organization Funding	Board of Selectmen	27
9	Brewster Town Band Funding Request	Board of Selectmen	28
10	Bayside Skippers Funding Request	Board of Selectmen	28
11	Crosby Mansion Revolving Fund	Board of Selectmen	29
12	Property Valuation Services	Board of Assessors	29
13	Capital Expenditures Funding	Board of Selectmen	30
14	Town Code Amendment / Town Clerk's Position	Board of Selectmen	35
15	Provincetown Center for Coastal Studies	Board of Selectmen	35

**2) 2009 ANNUAL TOWN MEETING (continued)****Article**

<b>No.</b>	<b>Article Name</b>	<b>Sponsor</b>	
16	Police Union Collective Bargaining Agreement	Board of Selectmen	36
17	SEIU Collective Bargaining Agreement	Board of Selectmen	37
18	OPEIU Collective Bargaining Agreement	Board of Selectmen	37
19	IAFF Collective Bargaining Agreement	Board of Selectmen	38
20	Non-Union Personnel Wage Funding	Board of Selectmen	38
21	Public Consumption of Marihuana or Tetrahydrocannabinol	Police Chief	38
22	Release of Road Easement Great Fields Road	Board of Selectmen	40
23	Brewster Family Housing Property Restriction Amendment	Board of Selectmen	43
24	Cell Tower Lease Extension	Board of Selectmen	43
25	Removal of Subdivision Restriction	Board of Selectmen	45
26	Town Code Amendment Emergency Access Bylaw	Board of Selectmen	45
27	Demand Charges for Delinquent Taxes	Board of Selectmen	47
28	Zoning Bylaw Amendment / All Terrain Vehicles	Citizen Petition	47
29	Zoning Bylaw Amendment / Home Occupation	Planning Board	47
30	Zoning Bylaw Amendment /Sand & Gravel	Planning Board	50
31	Transfer Custody of Town-owned Property	Board of Selectmen	50
32	Land Acquisition Project	Community Preservation Committee	55
33	Private Road Betterment Project Standish Heights Subdivision	Board of Selectmen	58
34	Hazardous Waste Collection Program	Board of Health & Water Commission	58
35	Lease of Town-owned Properties	Board of Selectmen	59
36	Special Legislation Amendment	Water Commission & Board of Selectmen	59
37	Repair & Resurface Town Roads / Chapter 90	Board of Selectmen	61
38	Other Business	Board of Selectmen	61
<b>E)</b>	<b>TOWN MODERATOR'S RULES REGARDING TOWN MEETING</b>		<b>63</b>
<b>F)</b>	<b>GLOSSARY OF FINANCIAL TERMS</b>		<b>66</b>

**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".

<b>REPORT OF THE FINANCE COMMITTEE</b>
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## **I. Introduction**

The Finance Committee consists of nine members appointed by the Town Moderator for overlapping three year terms and is responsible for making informed recommendations to the voters at Town Meeting, and reviewing transfer requests from the annual Reserve Fund of \$85,000.00. 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.

## **II. Town Operating Budget**

The Finance Committee has reviewed and generally supports the adjusted town's operating budget in the total amount of \$15,870,935, which represents a 1.88% increase over the prior year's budget. However, this budget does include fringe benefit expenses for the Elementary Schools in the approximate amount of \$1,259,883. Recalculated without the school's and water department's fringe benefits, the town's increase over the prior year would be 0.78%. Otherwise this budget contains the same level of service and programming over the current fiscal year.

The town's budget has been impacted by increases in costs associated with employee wage adjustments, health insurance and pension program increases. All four of the town's bargaining agreements are set to expire on June 30, 2009. The Board of Selectmen is currently engaged in collective bargaining negotiations with these four bargaining units. The town's debt service budget for Fiscal Year 2010 stands at \$3,105,349 which represents a decrease of \$81,018 or 2.54% from Fiscal Year 2009.

## **III. Schools Operating Budgets**

The town provides funding for three distinct school operations. The first entity is the Cape Cod Regional Technical High School in which Brewster's share of the high school's assessment has increased slightly this year by \$2,232 or 0.33% to \$683,190. This modest budgetary increase is despite a reduction in Brewster's enrollment share from 55 to 48 students. The overall operational budget for the entire school has increased by \$386,690 to \$12,290,383 or 3.25% percent over Fiscal Year 2009 funding levels, which causes the final assessment to be this bit higher. The district-wide student enrollment has decreased by 21 students from 724 to 703. The School department has undertaken a series of staff reductions within this budget. Employee benefits, supplies and utility expenses continue to be areas of concern. We also support the assumption of a 20% loss in state aid in their

budget, but also appreciate the promise from the management that any additional state aid that may be forthcoming will be immediately returned to the towns to lower the assessments. The Finance Committee has reviewed and unanimously supports this budget.

The Brewster Elementary Schools' budget has increased by 1.76% from \$5,650,113 in Fiscal Year 2009 to \$5,749,541 in Fiscal Year 2010. However, if the elementary schools' share of the fringe benefits budget, which is a part of the town's operating budget, is included, the Fiscal Year 2010 budget increases by \$169,482 or 2.48%. The total cost of operating the elementary schools is \$7,009,424 for a projected enrollment of 475 K-5 students or an average per student cost of \$14,757 and represents about 19.2% of Brewster's total expenditures for Fiscal Year 2010.

The Finance's Committees major concern about the elementary schools is the lack of a cohesive plan to control escalating costs as future enrollments decline.

Federal Stimulus money is presently being utilized to avoid staff reductions. These funds will only be available for two years and measures are not yet in place to replace them.

Another area of concern that needs to be understood by all voters in Brewster is the skyrocketing increase in special education costs, which result from forces beyond local control and are a dominant factor in all school budget increases.

The Finance Committee has reviewed this budget and supports the level of funding.

The Nauset Regional School District's assessment (excluding debt and capital improvements) for Brewster has increased by 3.89% from \$8,311,894 in Fiscal Year 2009 to \$8,635,143 in Fiscal Year 2010. Brewster's proportionate share of the enrollment and, its assessments increased slightly from 48.92% in Fiscal Year 2009 to 49.58% in Fiscal Year 2010, representing an additional expense of approximately \$110,000 for Fiscal Year 2010, and 1.39% of the 3.89% increase aforementioned. As in the elementary schools, the majority of the increase is due to rising special education costs.

Nauset has included a line item in the amount of \$227,297 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 over-ride ballot question in May, 2005.

The Finance Committee is very concerned over the projected decrease in high school enrollment, possibly as much as 25% in the years ahead, and

believes a detailed plan is needed to control the impact on costs. Student enrollment for Fiscal Year 2010 is estimated to be 1,444, which has declined by 42 students over the prior year. This Nauset operating expense increase of \$411,891 means a 4.7% increase in the average student cost to \$16,678. We understand that the major impact, as mentioned above, is special education; but if enrollment continues to decline, measures must be taken to control costs elsewhere.

As in the comments above on the elementary schools, we also have the same concerns over the lack of future planning to replace the Federal Stimulus money (some \$212,000 in the coming year and following year as well) when this disappears two years from now.

Brewster's total share of the Nauset Regional budget is \$8,869,903 (operating, debt and capital assessment) and represents about 24.05% of the town's entire expenditures for fiscal Year 2010. The Finance Committee has reviewed this budget and does not support this level of expenditure.

### **III. 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 the tax rate. We have supported some articles, recommended others at lower amounts, suggested that some be deferred until next year and we have not supported others. The full details of these recommendations will be provided at town meeting.

### **IV. Financial Overview**

When this report was sent to the printer, the town was looking at a projected increase in the tax rate from \$5.94 per thousand in Fiscal Year 2009 to \$5.95 per thousand in Fiscal Year 2010, or a 0.05 % increase. At the time of the printing of this warrant there does not appear to be a need to consider an override of Proposition 2 ½ for either the town or schools' operational budgets. State aid appropriations, as outlined in Governor Deval Patrick's state budget, suggest a decrease in gross aid of about \$83,334 over fiscal Year 2009.

### **V. 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 reviewing the Town budgets and articles. We also thank Colette Williams for her efforts in preparing minutes of all of our meetings, and Doreen

Contrastano for her help with the agenda and scheduling. 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,

Donald Schober, Chairman  
Michael Fitzgerald, Vice Chairman  
Howard Bender  
Lisa Gerrish  
Ed Ritchie  
Rebecca Smith  
Deanna Sokolowski, Clerk  
Daniel Guertin  
Edward Mahan

<b>TOWN OF BREWSTER FISCAL YEAR 2009</b>		
<b>TAX RATE INCREASE</b>	<b>MUNICIPAL REVENUES RAISED</b>	<b>ANNUAL TAX IMPACT ON \$400,000.00 PROPERTY</b>
<b>PROPERTY TAX VALUATION =</b>		<b>\$3,793,668,230</b>
\$0.001 =	\$3,794	\$0.40
\$0.0025 =	\$9,484	\$1.00
\$0.0050 =	\$18,968	\$2.00
\$0.01 =	\$37,937	\$4.00
\$0.015 =	\$56,905	\$6.00
\$0.025 =	\$94,842	\$10.00
\$0.05 =	\$189,683	\$20.00
\$0.10 =	\$379,367	\$40.00
\$0.15 =	\$569,050	\$60.00
\$0.20 =	\$758,734	\$80.00
\$0.25 =	\$948,417	\$100.00
\$0.30 =	\$1,138,100	\$120.00
\$0.35 =	\$1,327,784	\$140.00
\$0.40 =	\$1,517,467	\$160.00
\$0.45 =	\$1,707,151	\$180.00
\$0.50 =	\$1,896,834	\$200.00
\$0.55 =	\$2,086,518	\$220.00
\$0.60 =	\$2,276,201	\$240.00
\$0.65 =	\$2,465,884	\$260.00
\$0.70 =	\$2,655,568	\$280.00
\$0.75 =	\$2,845,251	\$300.00
\$0.80 =	\$3,034,935	\$320.00
\$0.85 =	\$3,224,618	\$340.00
\$0.90 =	\$3,414,301	\$360.00
\$0.95 =	\$3,603,985	\$380.00
\$1.00 =	\$3,793,668	\$400.00

**SPECIAL TOWN MEETING  
MAY 4, 2009**

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 **fourth day of May, 2009** 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. Andrew Shrake	\$1,528.00
2. Elections Systems & Software, Inc.	<u>\$269.00</u>
Total	\$1,797.00

or to take any other action relative thereto.

(Nine-Tenths Vote Required)

(Board of Selectmen)

**SUMMARY**

This article will authorize the payment of two outstanding bills from a previous fiscal year. These invoices were received after the close of the Fiscal Year 2008'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: 7-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 **\$2,600.00** from line item no. 9 (Planning Wages) to line item no. 11 (Natural Resources & Conservation Expenses / Long Pond Safety Equipment) of article no. 3 of the 2009 Annual Town Meeting,
- b) Transfer the sum of **\$3,000.00** from line item no. 9 (Planning Wages) to line item no. 11 (Natural Resources & Conservation Expenses / Regulatory Sign Replacement) of article no. 3 of the 2009 Annual Town Meeting,
- c) Transfer the sum of **\$1,000.00** from line item no. 9 (Planning Wages) to line item no. 11 (Natural Resources & Conservation Expenses / Sampling & Testing) of article no. 3 of the 2009 Annual Town Meeting,
- d) Transfer the sum of **\$67,500.00** from Free Cash to line item no. 1 (Elementary School Budget) of article no. 2 of the 2009 Annual Town Meeting,
- e) Transfer the sum of **\$5,000.00** from line item no. 9 (Planning Wages) to line item no. 7 (Police Department Salaries) of article no. 3 of the 2009 Annual Town Meeting,
- f) Transfer the sums of **\$8,400.00** from line item no. 9 (Planning Wages), **\$25,000.00** from line item no. 13 (Solid Waste Disposal), **\$10,000.00** from line item no. 2 (Legal Expense), **\$3,000.00** from line item no. 20 (Liability Insurance), **\$1,200.00** from line item no. 17 (COA Wages), and **\$12,400.00** from Free Cash to line item no. 20 (Utilities Expense) of article no. 3 of the 2009 Annual Town Meeting,
- g) Transfer the sum of **\$5,000.00** from line item no. 9 (Planning Wages) to line item no. 21 (Veterans Services / Benefits) of article no. 3 of the 2009 Annual Town Meeting,
- h) Transfer the sum of **\$15,000.00** from Ambulance Receipts Reserved for Appropriation account to line item no. 8 (Fire & Rescue Wages) of article no. 3 of the 2009 Annual Town Meeting,
- i) Transfer the sum of **\$5,000.00** from Ambulance Receipts Reserved for Appropriation account to line item no. 8 (Fire Expenses / Building Expenses) of article no. 3 of the 2009 Annual Town Meeting,
- j) Transfer the sum of **\$15,000.00** from Ambulance Receipts Reserved for Appropriation account to line item no. 8 (Fire Rescue Expenses / Equipment) of article no. 3 of the 2009 Annual Town Meeting,
- k) Transfer the sum of **\$12,000.00** from Water Revenue to line item no. 14 (Water Expenses / Operating) of article no. 3 of the 2009 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 2009 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 2009. 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>
Item A:	5-YES; 0-NO; 0-ABS.	7-YES; 0-NO; 0-ABS.
Item B:	5-YES; 0-NO; 0-ABS.	7-YES; 0-NO; 0-ABS.
Item C:	5-YES; 0-NO; 0-ABS.	7-YES; 0-NO; 0-ABS.
Item D:	5-YES; 0-NO; 0-ABS.	7-YES; 0-NO; 0-ABS.
Item E:	5-YES; 0-NO; 0-ABS.	7-YES; 0-NO; 0-ABS.
Item F:	5-YES; 0-NO; 0-ABS.	7-YES; 0-NO; 0-ABS.
Item G:	5-YES; 0-NO; 0-ABS.	7-YES; 0-NO; 0-ABS.
Item H:	5-YES; 0-NO; 0-ABS.	6-YES; 0-NO; 0-ABS.
Item I:	5-YES; 0-NO; 0-ABS.	6-YES; 0-NO; 0-ABS.
Item J:	5-YES; 0-NO; 0-ABS.	6-YES; 0-NO; 0-ABS.
Item K:	5-YES; 0-NO; 0-ABS.	7-YES; 0-NO; 0-ABS.

***PRIVATE ROAD ENGINEERING SERVICES /  
STANDISH HEIGHTS ROAD BETTERMENT PROJECT***

**ARTICLE NO. 3:** To see if the Town will vote to transfer from available funds from the sum of ***SEVEN THOUSAND FIVE HUNDRED AND 00/100 (\$7,500.00) DOLLARS*** to finance costs associated with engineering services for a private road betterment for Sturbridge Way, Essex Way, Stafford Terrace and Old Salem Road 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. 33 in the 2009 Annual Town Meeting Warrant, will allow for the reconstruction of these roads.

**BOS: 5-YES; 0-NO; 0-ABSTAINED FCR: 6-YES; 0-NO; 0-ABSTAINED**

<b><i>TOWN OFFICES / HVAC Replacement Project</i></b>
---

**ARTICLE NO. 4:** To see if the Town will vote to transfer from available funds an additional sum of money to pay costs associated with the engineering, design, construction, renovation, appurtenances and all other costs incidental and related thereto for the replacement and improvement of the heating and ventilation systems at the Town Offices building, and to authorize the Town Administrator to solicit bids, enter into contracts, and expend these funds for this purpose, or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**SUMMARY**

The current heating system for the Town Offices building is an oil-fired steam boiler that is approximately 50 years old and has certainly far exceeded its useful service life. The town has undertaken a feasibility study in order to evaluate a series of alternatives to address the heating and ventilation needs for the Town Offices building. The town is in the process of finalizing bid documents and specifications, which will include a series of construction alternates. Funding was provided in May of 2008 for this project. We are working with an engineering design firm to issue bid documents, which are scheduled to be returned prior to May 4, 2009. This contingency article will serve to address a funding shortfall should bids exceed the preliminary design estimate.

**BOS & FCR: Recommendations will be provided at Town Meeting.**

<b><i>SCHOOL FACILITIES / Architectural Services</i></b>
--

**ARTICLE NO. 5:** To see if the Town will vote to transfer from available funds a sum of money for the purpose of undertaking design and engineering services for both the Eddy and Stony Brook Elementary School buildings, including costs incidental and related to the project, and to authorize the Town Administrator to solicit bids, enter into contracts and expend said funds for this purpose, or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**SUMMARY**

The Board of Selectmen has been working cooperatively with a variety of town departments, boards and committees to essentially reallocate and consolidate a multitude of town facility needs. The critical components of this plan will be to:

- 1) Consolidate the elementary school population into the Stony Brook Elementary School,
- 2) Sell the current Brewster Town Offices to the Cape Cod Lighthouse Charter School,
- 3) Relocate the Town Offices and the Council on Aging operations to the Eddy Elementary School, and
- 4) Move the Brewster Historical Society from Spruce Hill to the COA/Old Town Hall building.

The first critical component of this proposal will be to hire an architect to design an addition to the Stony Brook Elementary School. This article will provide funds for this purpose.

**BOS & FCR: Recommendations will be provided at Town Meeting.**

<b><i>DEPARTMENT OF PUBLIC WORKS / Weight Scale Replacement Project</i></b>
---

**ARTICLE NO. 6:** To see if the Town will vote to transfer from available funds an additional sum of money to pay costs associated with the engineering, design, construction, renovation, appurtenances and all other costs incidental and related thereto for the replacement and improvement of the weight scale at the Solid Waste Transfer Station, and to authorize the Town Administrator to solicit bids, enter into contracts, and expend these funds for this purpose, or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**SUMMARY**

This item is seeking additional funds for the replacement of the Solid Waste Transfer Station scale. As stated last fall, it was our original intention to design the new scale in-house and remove the existing scale using Town personnel. This approach turned out to be impractical. Design services, provided by the Town's engineering consultant are complete, the work has been advertised for bid, and we anticipate the need for additional funding to complete the project. Bid results will be available prior to Town Meeting. Removal of the old scale and some minor preparatory work will be completed by Town personnel.

**BOS & FCR: Recommendations will be provided at Town Meeting.**

<b><i>OTHER BUSINESS</i></b>
------------------------------

**ARTICLE NO. 7:** To act upon any other business that may legally come before this meeting.

(Majority Vote Required)

(Board of Selectmen)

Given under our hand and Seal of the Town of Brewster  
affixed this **6<sup>th</sup> day of April, 2009.**

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

\_\_\_\_\_  
Dyanne F. Cooney, Vice-Chairman

\_\_\_\_\_  
James W. Foley, Clerk

\_\_\_\_\_  
Edward S. Lewis

\_\_\_\_\_  
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  
4, 2009** by posting attested copies thereof, in the following locations in the  
Town on the \_\_\_\_<sup>th</sup> day of April, 2009.

Brewster Town Offices  
Brewster Ladies Library  
The Brewster Store

Brewster Farms  
Brewster Pizza House  
Millstone Liquors

U. S. Post Office

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

**ANNUAL TOWN MEETING  
MAY 4, 2009**

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 **fourth day of May, 2009** 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, 2010, as follows:

<u>Item</u> <u>Department</u>	<u>Expended FY2008</u>	<u>Appropriated FY2009</u>	<u>Requested FY2010</u>
1. Cape Cod Tech. Assess.	<u>\$730,376.00</u>	<u>\$680,958.00</u>	<u>\$683,190.00</u>
Total Assessment	\$730,376.00	\$680,958.00	\$683,190.00

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 2010 operating budget for the Cape Cod Vocational Technical School District. This school 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 3.25% over Fiscal Year 2009. Brewster's actual share of the assessment has increased by a sum of \$2,232 or 3/10th of 1% over Fiscal Year 2009. District-wide student enrollment has decreased from 723 students to 703 students; with Brewster's enrollment share declining from 55 to 48 students. (The funding increase requested within this

article would result in approximately a 1/10<sup>th</sup> of 1 cent increase in the Fiscal Year 2010-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, 2010, as follows:

<u>Item</u> <u>Department</u>	<u>Expended FY2008</u>	<u>Appropriated FY2009</u>	<u>Requested FY2010</u>
1. Elementary School Budget	<u>\$5,224,532.13</u>	<u>\$5,650,113.00</u>	<u>\$5,749,541.00</u>
Total School Budget	\$5,224,532.13	\$5,650,113.00	\$5,749,541.00

or to take any other action relative thereto.

(Majority Vote Required)

(Elementary School Committee)

**SUMMARY**

This article will provide funding for the Fiscal Year 2010 operational budget for the Stony Brook and Eddy Elementary Schools. As of the printing of this document, the Fiscal Year 2010 budget request for the Elementary Schools stands at \$5,749,541. These operational budgets have increased by the total sum of \$99,428 or 1.76%, over Fiscal Year 2009. This percentage factors increases to 2.48% when the schools' proportionate shares of fringe benefit expenses are applied. (The funding increase requested within this article would result in a 4 ½- cent increase in the Fiscal Year 2010-tax rate.)

**BOS: 3-YES; 0-NO; 2-ABSTAINED FCR: 7-YES; 0-NO; 1-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, 2010, as follows:

<u>item</u>	<u>DEPARTMENT</u>	<u>EXPENDED FY2008</u>	<u>APPROPRIATED FY 2009</u>	<u>SELECTMEN REQUESTED FY 2010</u>
1	MODERATOR WAGES	300.00	300.00	300.00
2	SELECTMEN'S WAGES	4,365.38	5,250.00	5,250.00
	STAFF WAGES	50,350.00	52,584.00	53,723.00
	EDUCATIONAL REIMB	900.00	1,900.00	2,200.00
	EXPENSES	29,802.07	33,540.00	30,075.00
	ADMINISTRATOR WAGES	232,617.89	242,787.00	247,914.00
	EXPENSES	9,450.00	8,400.00	9,400.00
	LEGAL EXPENSES	75,019.42	112,000.00	102,000.00
	TOWN REPORT EXPENSES	6,664.30	7,500.00	6,500.00
3	FINCOM EXPENSES	1,780.53	2,000.00	2,000.00
	RESERVE FUND	14,450.00	85,000.00	85,000.00
4	ACCOUNTANT WAGES	130,390.37	136,192.00	137,945.00
	AUDIT OF ACCOUNTS	25,500.00	25,500.00	25,500.00
	EXPENSES	2,638.51	3,605.00	3,205.00
	ASSESSOR WAGES	131,197.35	138,048.00	141,221.00
	EXPENSES	3,269.71	18,045.00	4,300.00
	TREAS/COLL WAGES	189,506.46	197,558.00	201,177.00
	EXPENSES	20,255.17	26,600.00	26,900.00
	INFORMATION TECHNOLOGY			
	WAGES	67,132.19	70,664.00	71,696.00
	EXPENSES	44,964.45	52,000.00	55,255.00
	DEBT SERVICE	2,789,033.75	3,186,367.00	3,105,349.00
	FRINGE BENEFITS	2,143,246.87	2,526,327.00	2,654,328.00
	RETIREMENT/PENSION	1,035,649.00	1,093,179.00	1,219,032.00
5	TOWN CLERK'S WAGES	59,495.73	61,740.00	61,885.00
	CLERK STAFF WAGES	52,551.48	62,147.00	53,842.00
	EXPENSES	19,702.15	22,475.00	17,555.00
6	TOWN HALL MAINT WAGES	78,104.00	82,395.00	81,672.00
	EXPENSES	16,942.89	19,548.00	19,500.00
	COA BLDG EXPENSES	7,163.76	7,200.00	7,200.00
	DRUMMER BOY EXPENSES	334.50	800.00	800.00
7	CONSTABLE	250.00	250.00	250.00
	POLICE WAGES	1,633,911.58	1,781,292.00	1,798,631.00
	EXPENSES	144,592.53	129,325.00	125,700.00
8	FIRE/RESCUE WAGES	1,275,671.46	1,359,673.00	1,371,125.00
	EXPENSES	111,832.12	106,300.00	101,800.00
	RESCUE EXPENSES	73,172.20	83,000.00	87,000.00
	STATION EXPENSES	28,356.34	32,200.00	32,000.00
9	PLANNING WAGES	33,510.25	113,293.00	128,623.00

	PLANNING/APPEALS EXPENSES	1,152.49	7,200.00	3,900.00
	BLDG INSPECTOR/HDC WAGES	262,909.07	287,363.00	284,732.00
10	BUILDING/HDC EXPENSES	5,626.47	6,300.00	6,300.00
11	NATURAL RESOURCES AND CONSERVATION WAGES	144,685.26	178,277.00	180,156.00
	EXPENSES	35,255.06	25,600.00	32,350.00
	PROPAGATION	6,000.00	6,000.00	6,000.00
12	BOARD OF HEALTH WAGES	148,412.11	156,028.00	157,930.00
	VISITING NURSE ASSOC. EXPENSES	16,386.25	18,360.00	18,360.00
	EXPENSES	2,863.04	4,500.00	4,400.00
13	DPW WAGES	716,577.45	770,104.00	788,378.00
	ROAD MACHINERY	33,075.00	35,800.00	40,800.00
	SNOW & ICE CONTROL EXPENSES	117,817.14	85,000.00	110,000.00
	EXPENSES	215,849.01	206,148.00	213,914.00
	SOLID WASTE DISPOSAL STREETLIGHTING	306,448.85	323,832.00	299,338.00
	STREETLIGHTING	9,059.12	9,800.00	9,800.00
14	WATER COMM. WAGES	2,200.00	2,200.00	0.00
	WATER STAFF WAGES	605,259.45	649,637.00	653,733.00
	OPERATING EXPENSES	290,826.74	399,459.00	427,401.00
	EQUIPMENT EXPENSES	11,140.77	11,850.00	11,320.00
15	GOLF DEPT WAGES	1,084,132.03	1,160,831.00	1,160,226.00
	EXPENSES	783,490.80	834,531.00	823,421.00
16	RECREATION WAGES	91,600.01	97,151.00	98,207.00
	EXPENSES	20,367.41	19,644.00	19,639.00
17	COUNCIL ON AGING WAGES	159,589.73	167,519.00	170,043.00
	EXPENSES	11,492.00	11,982.00	11,982.00
18	LADIES LIBRARY	477,398.00	499,544.00	511,900.00
19	ALEWIVE COMM. WAGES	2,420.00	4,500.00	2,500.00
	EXPENSES	632.50	900.00	900.00
	OLD MILL SITE COMM.	3,712.00	3,500.00	4,000.00
20	UTILITIES	426,384.58	506,283.00	476,283.00
	LIABILITY INSURANCE	343,963.88	331,343.00	308,248.00
21	ASSESSMENTS	26,873.60	40,300.00	40,770.00
	MEMORIAL/VETERANS DAY	1,500.00	1,500.00	1,500.00
	VETERANS SERVICES	<u>17,734.92</u>	<u>14,000.00</u>	<u>20,000.00</u>
	GRAND TOTAL	16,926,909.15	18,763,970.00	18,976,284.00

or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**SUMMARY**

This article will provide funding for the Fiscal Year 2010 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 3.08%. However, this budget does include \$1,259,883 in fringe benefit expenses for the elementary schools. The town's debt budget has decreased from the sum of \$3,186,367 in Fiscal Year 2009 to \$3,105,349 in Fiscal Year 2010, or a 2.54% decrease. In addition all of the town's collective bargaining agreements will expire on June 30, 2009; therefore this budget does not contain any allowance for this purpose. (The funding increases requested within this article over Fiscal Year 2009, minus the schools' fringe benefits expenses and the debt budget, will result in approximately a 2 ½ cent increase in the tax rate for Fiscal Year 2010.)

**BOS: 5-YES; 0-NO; 0-ABSTAINED FCR: 7-YES; 0-NO; 0-ABSTAINED**

<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, 2010, as follows:

<u>Item</u> <u>Department</u>	<u>Expended</u> FY2008	<u>Appropriated</u> FY2009	<u>Requested</u> FY2010
1. School Assessment	\$8,112,720.00	\$8,464,084.00	\$8,745,345.00
2. Capital Plan Assess.	<u>\$108,184.66</u>	<u>\$224,558.00</u>	<u>\$227,297.00</u>
Grand Total	\$8,220,904.66	\$8,688,642.00	\$8,972,642.00

or to take any other action relative thereto.

(Majority Vote Required)

(Nauset Regional School Committee)

**SUMMARY**

This article provides funding for the Fiscal Year 2010 operational budget for the Nauset Regional School District. The overall operating budget for the Nauset Regional Schools stands at \$24,082,897, which represents an increase of 1.74% over the prior year. Brewster's share of the Nauset Schools operational budget stands at \$8,745,345, or a 3.89% increase over Fiscal Year 2009. Brewster's proportionate share of enrollment has increased from 48.92% in Fiscal Year 2009 to 49.58% in Fiscal Year 2010. The Nauset Schools' overall debt service expense has decreased by \$41,988 or 27.58% over Fiscal Year 2009. This is the fourth year that this budget includes a line item in the amount of \$227,297, 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 ballot question in May of 2005.

(The funding increase requested within this article, minus the schools' debt budget, will result in approximately a 7 ½ cent increase in the Fiscal Year 2010-tax rate.)

**BOS: 3-YES; 2-NO; 0-ABSTAINED FCR: 0-YES; 8-NO; 0-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 2011 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'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 eleven years by town meeting vote.

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

**FCR: The Finance Committee voted (7-Yes; 1-No; 0-Abstain) to recommend that this item be indefinitely postponed until the 2009 Fall Yearly Town Meeting.**

***COMMUNITY PRESERVATION ACT FUNDING***

**ARTICLE NO. 6:** To see if the Town will vote to act upon the recommendations of the Community Preservation Committee; to appropriate from FY2010 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. Friends of Crosby Mansion / Town of Brewster:
  - Crosby Mansion Porch Repair Project \$125,000.00
  - (\$74,348.00 from estimated revenue; \$50,652 .00 from reserves)

- b. Brewster Cemetery Commission:**  
**Breakwater Cemetery Gravestone Repair Project** **\$5,000.00**  
**(\$5,000.00 from estimated revenue)**

- c. Reserve Funds.** To hold in reserve for the purpose of Historic Preservation the sum of **\$5,053.00** Dollars from the Fund's Fiscal Year 2010 revenues for future expenditure;

**2. Community Housing:**

- a. Reserve Funds.** To hold in reserve for the purpose of Community Housing the sum of **\$84,401.00** Dollars from the Fund's Fiscal Year 2010 revenues for future expenditure;

**3. Open Space:**

- a. Reserve Funds.** To hold in reserve for the purpose of acquiring Open Space the sum of **\$96,052.00** Dollars from the Fund's Fiscal Year 2010 revenues for future expenditure;

**4. Reserve Funds:**

- a. Brewster Recreation Commission:**  
**Tennis Court Construction Project** **\$250,000.00**  
**(\$250,000.00 from estimated revenue)**

- 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 **\$3,204.00** Dollars from the Fund's Fiscal Year 2010 revenues for future expenditure;

**5. Administration and Operating Expenses:**

- a. Administration and Operating Expenses.** To appropriate the sum of **\$44,422.00** Dollars from the Fund's Fiscal Year 2010 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** **\$613,132.00**

or to take any other action relative thereto.

(Two-thirds 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 anticipate a reduced reimbursement rate from the State for Fiscal Year 2010. 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.

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

### HISTORICAL PRESERVATION

#### **1a. Friends of the Crosby Mansion / Town of Brewster:**

**Crosby Mansion Porch Repair Project** – Built in 1888, the Crosby Mansion is a unique Victorian building, listed on the State Registry of Historic Places and is located in the Town's Historic District. The ornate arches and columns in the front of the Mansion are rapidly deteriorating and will take about three months to repair and restore.

- Total Budget for Project: \$187,000      CPA funding request: \$125,000

**BOS: 5-YES; 0-NO; 0-ABSTAINED    FCR: 6-YES; 0-NO; 0-ABSTAINED**

#### **1b. Brewster Cemetery Commission:**

**Breakwater Cemetery Gravestone Repair Project** – This item will allow for the continuation of the preservation of the gravestones at the Breakwater Road Cemetery located behind the First Parish Church. These funds will be used to repair, erect, re-set and re-align these gravestones of historic interest.

- Total Budget for Project: \$12,000      CPA funding request: \$5,000

**BOS: 5-YES; 0-NO; 0-ABSTAINED    FCR: 6-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 2010 into the historic preservation account.

**BOS: 5-YES; 0-NO; 0-ABSTAINED    FCR: 6-YES; 0-NO; 0-ABSTAINED**

**COMMUNITY HOUSING**

**2a. Reserve Funds for Community Housing**– This item will allocate the balance of the unused community housing funds for Fiscal Year 2010 into the community housing account.

**BOS: 5-YES; 0-NO; 0-ABSTAINED FCR: 6-YES; 0-NO; 0-ABSTAINED**

**OPEN SPACE**

**3a. Reserve Funds for Open Space** - This item will allocate the balance of the unused open space funds for Fiscal Year 2010 into the open space account.

**BOS: 5-YES; 0-NO; 0-ABSTAINED FCR: 6-YES; 0-NO; 0-ABSTAINED**

**GENERAL RESERVE FUND**

**4a. Brewster Recreation Commission:**

**Tennis Court Construction Project** – The Board of Selectmen will construct four new adult and four youth sized tennis courts, to replace the badly deteriorated courts behind the Fire Station and Council on Aging buildings on Route 6A. The youth courts are known as “Quick-start Courts”, which are reduced sized courts designed to make it easier for young children to participate in and enjoy this sport. We are confident that the United States Tennis Association (USTA) will provide a subsidy for these courts; in addition the Recreation Commission has applied for further grant funds to support this project.

- Total Budget for Project: \$600,000 CPA funding request: \$250,000

**BOS: 5-YES; 0-NO; 0-ABSTAINED FCR: 5-YES; 1-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; 1-ABSTAINED**

**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: 6-YES; 0-NO; 0-ABSTAINED**

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.

<b><i>HUMAN SERVICES FUNDING</i></b>
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**ARTICLE NO. 7:** To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of ***SIXTY-FIVE THOUSAND FIVE AND 00/100 (\$65,005.00) 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	\$9,000.00
4.	Independence House, Inc.	\$4,200.00
5.	Interfaith Council for the Homeless of Lower Cape Cod	\$6,160.00
6.	South Coastal Counties Legal Services, Inc.	\$4,300.00
7.	Lower Cape Outreach Council, Inc.	\$7,500.00
8.	capeAbilities (formerly Nauset, Inc.)	\$6,425.00
9.	Sight Loss Services, Inc. of Cape Cod & Islands	\$900.00
10.	Elder Services of Cape Cod "Meals on Wheels"	\$7,500.00
11.	Aids Support Group of Cape Cod	\$2,500.00
12.	Big Brothers/Big Sisters of Cape Cod & Islands	\$3,000.00
13.	Together We Can Prevention Council, Inc.	\$5,000.00
14.	Cape Cod Children's Place	<u>\$3,000.00</u>

<b>GRAND TOTAL</b>	<b>\$65,005.00</b>
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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 FY2009 - \$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 FY2009 - \$500.00).
3. **Gosnold** provides detoxification programs for people fighting dependency and addiction (Previous request in FY2009 - \$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 FY2009 - \$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 FY2009 - \$5,502.00).
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 FY2009 - \$4,200.00).
7. **Lower Cape Outreach Council, Inc.** assists persons and families who are experiencing financial hardship (Previous request in FY2009 - \$7,300.00).
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 FY2009 - \$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 FY2009 - \$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 FY2009 - \$7,500.00).
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 FY2009 - \$2,500.00).
12. **Big Brothers/Big Sisters of Cape Cod & Islands** matches needy children with volunteer adults that assist one on one with their growing mentoring needs. (Previous request in FY2009 - \$2,000.00).
13. **Together We Can Prevention Council, Ic.** provides teens with an alcohol, tobacco and drug free club environment. (Previous request in FY2009 - \$5,000.00).
14. **Cape Cod Children's Place** a family resource and referral center providing support for families with young children ages 1 month - 5 yrs. (This is a new funding request).

(The funding increase requested within this article would result in less than a 2 cent increase in the Fiscal Year 2010-tax rate.)

**BOS: 5-YES; 0-NO; 0-ABSTAINED FCR: 7-YES; 0-NO; 1-ABSTAINED**

<b>LOCAL BUSINESS ORGANIZATION FUNDING</b>
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**ARTICLE NO. 8:** 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 4% 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 than a 6/10<sup>th</sup> of 1-cent increase in the Fiscal Year 2010-tax rate.)

**BOS: 5-YES; 0-NO; 0-ABSTAINED FCR: 8-YES; 0-NO; 0-ABSTAINED**

<b>BREWSTER TOWN BAND / FUNDING REQUEST</b>
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**ARTICLE NO. 9:** 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 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 2010-tax rate.)

**BOS: 5-YES; 0-NO; 0-ABSTAINED FCR: 8-YES; 0-NO; 0-ABSTAINED**

<b>BAYSIDE SKIPPERS / FUNDING REQUEST</b>
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**ARTICLE NO. 10:** 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 2010-tax rate.)

**BOS: 5-YES; 0-NO; 0-ABSTAINED FCR: 8-YES; 0-NO; 0-ABSTAINED**

<b><i>CROSBY MANSION REVOLVING FUND</i></b>
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**ARTICLE NO. 11:** To see if the Town will vote to reauthorize the Crosby Mansion Revolving fund for the 2010 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: 7-YES; 0-NO; 0-ABSTAINED**

<b><i>PROPERTY VALUATION SERVICES</i></b>
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**ARTICLE NO. 12:** To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of ***SIXTY THOUSAND FIVE HUNDRED AND 00/100 (\$60,500.00) DOLLARS*** for the purposes of performing the interim year update services of real 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 will fund the third year of a three year consulting services contract for the following:

- Perform a statistical analysis to ensure that the Fiscal Year 2010 valuations meet the guidelines established by the Department of

Revenue's Division of Local Services for the triennial town-wide revaluation;

- Completion of a full land review of all parcels in accordance with new State standards;
- Inspection of all building permits for calculation of new growth; and
- Discovery and listing of all new business personal property accounts.

(The funding request within this article will be transferred from the Overlay Surplus account.)

**BOS: 5-YES; 0-NO; 0-ABSTAINED FCR: 8-YES; 0-NO; 0-ABSTAINED**

***CAPITAL AND SPECIAL PROJECT EXPENDITURES***

**ARTICLE NO. 13:** 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 2010 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>
1. <b><u>Board of Selectmen:</u></b>	
a. Tennis Courts Construction Project	\$350,000.00
b. Fish Passage Repair at Lower Mill Pond	\$15,000.00
2. <b><u>Fire Department:</u></b>	
a. Rescue Services Billing Expense	\$10,000.00
b. Rescue Equipment	\$7,500.00
c. Dispatch Services Expense	\$30,000.00
d. Hazardous Materials Expense	\$2,500.00
e. Garage Repair Project	\$8,000.00
f. EMS Computers Hardware & Software Expense	\$50,000.00
3. <b><u>Department of Public Works:</u></b>	
a. Road Signs for Private Roads	\$5,000.00
b. Cemetery Improvement Project	\$8,500.00
4. <b><u>Golf Department:</u></b>	
a. Fiber-optics Improvement Project	\$3,000.00
b. Golf Course Renovation Project	\$215,000.00

5.	<b><u>Police Department:</u></b>	
	a. Patrol Vehicles Replacement (3 vehicles)	\$73,000.00
6.	<b><u>Elementary School Department:</u></b>	
	a. Eddy School Water Heater Replacement	\$55,850.00
7.	<b><u>Water Department:</u></b>	
	a. Pickup Truck Replacement	\$22,000.00
	b. Construction Account	\$50,000.00
	c. Pump Electric Motor Replacement	\$30,000.00
	<b>Grand-total</b>	<b>\$935,350.00</b>

or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**SUMMARIES**

**1. BOARD OF SELECTMEN**

**1a. Tennis Court Construction Project** – This article will provide partial funding for the construction of several new tennis courts at the Stony Brook Elementary School property. The current courts, located behind the Fire Station, are in poor condition and need significant rehabilitation. In addition the location of these existing courts is problematic due to their proximity to the current Fire Station. Hence we are working to abandon the old courts and construct new facilities on Underpass Road. (The funding increase requested within this article would result in less then 3-cent increase in the Fiscal Year 2010-tax rate.)

**BOS & FCR: Recommendations will be provided at Town Meeting.**

**1b. Fish Passage Repairs at Lower Mill Pond** – The Town recently received a grant to contract with an engineering firm to evaluate the feasibility, prepare engineering plans and submit permit applications for fish passage improvements at the Town’s Herring Run on the Millsites property. This is a reimbursable grant that requires that the Town finance the project and submit for reimbursement upon the completion of the project.

**BOS: 4-YES; 0-NO; 0-ABSTAINED FCR: 7-YES; 0-NO; 0-ABSTAINED**

**2. FIRE DEPARTMENT**

**2a. Rescue Services Expense** - This is an annual expense item, which is utilized to pay costs associated with the rescue billing collection service. (These funds will be transferred from the Ambulance Receipts Account.)

**BOS: 5-YES; 0-NO; 0-ABSTAINED FCR: 6-YES; 0-NO; 0-ABSTAINED**

**2b. Rescue Equipment Expense** - The rescue equipment account was established when the town first began billing for ambulance services. This fund allows for equipment replacement, repairs and purchases throughout the year, as the need dictates. (These funds will be transferred from the Ambulance Receipts Account.)

**BOS: 5-YES; 0-NO; 0-ABSTAINED FCR: 6-YES; 0-NO; 0-ABSTAINED**

**2c. Fire & EMS Dispatch Services** – In 2005 the town relocated the Fire Department's dispatch function to the Barnstable Sheriff's Office. The county currently provides dispatching services to several cape communities. These funds will be utilized to pay the town's service assessment costs, which are based upon a per call basis. This account must be appropriated every year in order to finance service costs. The Fire Department pays Barnstable County semi-annually for these services. (These funds will be transferred from the Ambulance Receipts Account.)

**BOS: 5-YES; 0-NO; 0-ABSTAINED FCR: 6-YES; 0-NO; 0-ABSTAINED**

**2d. Hazardous Materials Expense** – These materials include items such as absorption pads, testing devices, material removal and other equipment and supplies as the need requires. (These funds will be transferred from the Ambulance Receipts Account.)

**BOS: 5-YES; 0-NO; 0-ABSTAINED FCR: 6-YES; 0-NO; 0-ABSTAINED**

**2e. Garage Repair Project** – Now that the Water Department has relocated to their new facility off Freemans Way, we would like to use these funds to undertake some limited repairs to the old office/garage buildings behind the Council on Aging property. These buildings will be used on a limited basis by the Fire, Recreation and Natural Resources Departments. (The funding increase requested within this article would result in a ¼ of 1 cent increase in the Fiscal Year 2010-tax rate.)

**BOS: 5-YES; 0-NO; 0-ABSTAINED FCR: 7-YES; 0-NO; 0-ABSTAINED**

**2f. EMS Computers & Software Expense** – These funds will be utilized to provide computerized reporting and data management for emergency medical care. The State will be requiring that the Fire Department provide EMS data in the same manner that other fire information is maintained. The benefits to providing this capability will mean one time data entry for medical calls and immediate access to prior information about an individual which will be valuable relative to patient care. Presently, the department is evaluating various reporting systems. (These funds will be transferred from the Ambulance Receipts Account.)

**BOS: 5-YES; 0-NO; 0-ABSTAINED FCR: 6-YES; 0-NO; 0-ABSTAINED**

<b>3. DEPARTMENT OF PUBLIC WORKS</b>
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**3a. Road Signs for Private Roads** – This item will provide funds, which will be used by the Department of Public Works to purchase materials to make signs for our private ways. This is a new program that will be valuable to improve the ability of our public safety agencies in locating private roads. (The funding increase requested within this article would result in less than 1/10<sup>th</sup> of 1-cent increase in the Fiscal Year 2010-tax rate.)

**BOS: 5-YES; 0-NO; 0-ABSTAINED FCR: 8-YES; 0-NO; 0-ABSTAINED**

**3b. Cemetery Improvement Project** – This funding article represents two separate improvements at two of the Town's Cemeteries. This funding request will be administered by the Cemetery Commissioners with assistance from the Department of Public Works. The Brewster Memorial Cemetery was approved and constructed several years ago. A low maintenance landscaping design for this cemetery was funded at the FY2009 Town Meeting and the Commission is prepared to proceed with the construction phase. The first portion of this request is to provide funds to extend the water line from the beginning of the access road near the Police Station to the cul-de-sac at the cemetery. The water service will be used for the proposed landscaping improvement project, and is not intended for watering plants and flowers that are sometimes left at gravesites. The second portion of this request addresses the continued effort of the Commission to clean, restore, and rebuild older headstones that are in the Town's older cemeteries. In particular, work will continue in the First Parish Cemetery on Breakwater Road. (These funds will be transferred from the Sale of Cemetery Lots account.)

**BOS: 5-YES; 0-NO; 0-ABSTAINED FCR: 6-YES; 0-NO; 0-ABSTAINED**

<b>4. GOLF DEPARTMENT</b>
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**4a. Fiber-optics Improvement Project** - These funds will be used to install a fiber optic cable from the main clubhouse complex over to the maintenance building. Currently, the maintenance building is using a "dial-up" communications solution for their internet and email functions. The software systems for irrigation and parts management regularly require large file downloads and the current "dial-up" capabilities are inefficient. The town has investigated various options, and the installation of the fiber optic cable is felt to be the most cost effective solution. (These funds will be transferred from the Golf Receipts Reserved for Appropriation account.)

**BOS: 5-YES; 0-NO; 0-ABSTAINED FCR: 7-YES; 0-NO; 0-ABSTAINED**

**4b. Golf Course Renovation Project** – These funds will be used to perform some necessary restorations to various holes on the original golf course. These improvements are broken down as follows: \$150,000 for cart path extensions and curbing; \$20,000 for tee restorations; and \$45,000 for sink hole repairs. It is felt that these restorations are necessary for the Captains Golf Course to

remain competitive within the golfing industry. The projects would begin in late fall and completed by the spring of 2010. (These funds will be transferred from the Golf Receipts Reserved for Appropriation account.)

**BOS: 5-YES; 0-NO; 0-ABSTAINED FCR: 6-YES; 1-NO; 0-ABSTAINED**

## 5. POLICE DEPARTMENT

**5a. Patrol Vehicles** - The Police Department is requesting \$73,000 to replace 3 vehicles. Two of these vehicles are marked Ford Crown Victorias that will replace cruisers with well over 100,000 miles of service. The third is an unmarked Ford Taurus; which will replace a 4 wheel drive Ford Explorer with approximately 50,000 miles of service; the Ford Explorer will be transferred to Town Hall for use in the building inspection services, replacing an older Ford Taurus. (The funding increase requested within this article would result in less than a 2 cent increase in the Fiscal Year 2010-tax rate.)

**BOS: 5-YES; 0-NO; 0-ABSTAINED FCR: 6-YES; 0-NO; 0-ABSTAINED**

## 6. ELEMENTARY SCHOOL DEPARTMENT

**6a. Eddy School Water Heater Replacement** – While performing some routine maintenance on the 400 gallon hot water heater at the Eddy Elementary School, the contractor found significant deterioration to the interior tank liner. The consequential problem is severe rusting and further tank deterioration. This item will provide funding to replace this unit during the summer of 2009. (The funding increase requested within this article would result in less than a 1 1/2 cent increase in the Fiscal Year 2010-tax rate.)

**BOS: 5-YES; 0-NO; 0-ABSTAINED FCR: 7-YES; 0-NO; 0-ABSTAINED**

## 7. WATER DEPARTMENT

**7a. Pickup Truck Replacement Expense** - This two wheel drive pickup truck is over 12 years old, and currently has a rear main seal leak that will be expensive to repair. This is the second compact sized pickup truck that the department has utilized; and it appears that this type of vehicle is not practical for the majority of the department's needs. A similar but full sized two wheel drive replacement truck will be purchased and equipped with this funding. (These funds will be transferred from the Water Revenue account.)

**BOS: 5-YES; 0-NO; 0-ABSTAINED FCR: 5-YES; 2-NO; 0-ABSTAINED**

**7b. Construction Account Expense** – Typically we finance this annual request at the Fall Yearly Town Meeting. However we still had adequate funds available at that time and decided to delay this item until the 2009 Annual Town Meeting. While we include the annual sum of \$160,000 within the capital plan for this purpose we have reduced this request to the sum of \$50,000. (These funds will be transferred from the Water Revenue account.)

**BOS: 5-YES; 0-NO; 0-ABSTAINED FCR: 4-YES; 0-NO; 1-ABSTAINED**

**7c. Pump Electric Motor Replacement Expense** - We have traditionally rebuilt electric motors when failures or condition deterioration occurs. Two of the three motors are the original 1971 frames. With the modern variable frequency drives that control the motors commonly used today, failures have become more frequent. (These funds will be transferred from the Water Revenue account.)

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

***TOWN CODE AMENDMENT / Town Clerk's Position***

**ARTICLE NO. 14:** To see if the town will vote, in accordance with Chapter 41, section 1B of the General Laws, to convert the position of Town Clerk's from an elected to an appointed position, said appointment to be made by the Board of Selectmen, or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**SUMMARY**

Currently the position of Town Clerk is an elected position with a three year term. Our existing Town Clerk has informed us that she intends to retire upon the conclusion of her current term, which will be in May of 2010. The Town Administrator has requested that we place an article on the warrant to determine if voters are interested in transitioning to an appointed office. Massachusetts General Laws allow for this translation; however both town meeting and town election approval are required.

**BOS: 4-YES; 0-NO; 1-ABSTAINED FCR: 5-YES; 1-NO; 1-ABSTAINED**

***PROVINCETOWN CENTER FOR COASTAL STUDIES / Funding Request***

**ARTICLE NO. 15:** To see if the Town will vote to authorize the Board of Selectmen to enter into a contract with the Provincetown Center for Coastal Studies in order to continue the Cape Cod Bay Monitoring Program for the town and to raise and appropriate and/or transfer from available funds the sum of ***TEN THOUSAND SEVEN HUNDRED AND 00/100 (\$10,700.00) DOLLARS***, and to authorize the Town Administrator to solicit bids and/or proposals, enter into a contract or contracts, accept 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 Cape Cod Bay Monitoring Program (CCBMP), conducted by the Provincetown Center for Coastal Studies, is a long-term study to investigate the

health of the Bay. Since 2006, Center scientists and volunteers collect samples bi-weekly from April through October from over 40 inshore, near-shore and offshore stations from Duxbury to Provincetown and analyze them for basic water quality parameters including temperature, salinity, and the nutrients nitrogen and phosphorous. Center scientists are also examining the distribution and health of eelgrass beds in the Bay. Because it is vulnerable to pollution, particularly increased amounts of nutrients, eelgrass responds quickly to any degradation in water quality.

Center scientists developed an important tool, the Bay Health Index, to evaluate and present the water quality results in a meaningful way for a broader public audience. The Health Index for the 2006 and 2007 analyses shows, in general, that during much of the year the Bay is relatively healthy; however water quality conditions begin to deteriorate during the summer months.

The Cape Cod Bay Monitoring Program is unique and essential to forming a clearer understanding of the health of the entire bay ecosystem. All of the Bay towns benefit from a broader knowledge of the Bay's current and future condition. Information from the monitoring program can be used by individual towns, as well as towns working together, to determine actions that should be taken to maintain or improve coastal water quality. In addition, information from the monitoring program can help increase citizen awareness of actions they can take to reduce pollution from their properties.

The Center lost its state funding of \$150,000 for the CCBMP due recent state budget cuts. While the Center is working to raise private funds to continue this important program, it is also requesting support from each of the 14 towns around the Bay, from Duxbury to Provincetown. (The funding increase requested within this article would result in less than a 1/4<sup>th</sup> of 1-cent increase in the Fiscal Year 2010-tax rate.)

**BOS: 5-YES; 0-NO; 0-ABSTAINED FCR: 7-YES; 0-NO; 0-ABSTAINED**

<b><i>POLICE UNION COLLECTIVE BARGAINING AGREEMENT</i></b>
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**ARTICLE NO. 16:** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to be used to meet the terms and conditions of the proposed Collective Bargaining Agreement, effective July 1, 2009, between the Town of Brewster and the Police Officers, or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**SUMMARY**

This article would fund the costs associated with the contract settlement expenses between the Brewster Police Union and the Town. The current

contract expires on June 30, 2009. A contract settlement agreement has been reached between the town and the union and will be presented at Town Meeting.

**BOS: 5-YES; 0-NO; 0-ABSTAINED FCR: 7-YES; 0-NO; 0-ABSTAINED**

***SEIU COLLECTIVE BARGAINING AGREEMENT***

**ARTICLE NO. 17:** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to be used to meet the terms and conditions of the proposed Collective Bargaining Agreement, effective July 1, 2009, between the Town of Brewster and the Service Employee's International Union, Local 254, or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**SUMMARY**

This article would fund the costs associated with the contract settlement expenses between the Service Employee's International Union, Local 254 and the Town. The current contract expires on June 30, 2009. A contract settlement agreement has not been reached between the town and the union at the time of the printing of this document.

**BOS & FCR: Recommendations will be deferred until Town Meeting.**

***OPEIU COLLECTIVE BARGAINING AGREEMENT***

**ARTICLE NO. 18:** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to be used to meet the terms and conditions of the proposed Collective Bargaining Agreement, effective July 1, 2009, between the Town of Brewster and the Office and Professional Employee's International Union, Units A & B, or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**SUMMARY**

This article would fund the costs associated with the contract settlement expenses between the Office and Professional Employee's International Union, Units A & B and the Town. The current contract expires on June 30, 2009. A contract settlement agreement has not been reached between the town and the union at the time of the printing of this document.

**BOS & FCR: Recommendations will be provided at Town Meeting.**

***IAFF COLLECTIVE BARGAINING AGREEMENT***

**ARTICLE NO. 19:** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to be used to meet the terms and conditions of the proposed Collective Bargaining Agreement, effective July 1, 2009, between the Town of Brewster and the International Association of Firefighters, or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**SUMMARY**

This article would fund the costs associated with the contract settlement expenses between the International Association of Firefighters and the Town. The current contract expires on June 30, 2009. A contract settlement agreement has not been reached between the town and the union at the time of the printing of this document.

**BOS & FCR: Recommendations will be provided at Town Meeting.**

***NON-UNION PERSONNEL WAGE FUNDING***

**ARTICLE NO. 20:** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund wage and salary adjustments for eligible employees covered by the Personnel Bylaw and other non-union employees, effective July 1, 2009, or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**SUMMARY**

This article would fund the costs associated with the wage adjustments for employees covered under the Personnel Bylaw and other non-union employees.

**BOS & FCR: Recommendations will be provided at Town Meeting.**

***PUBLIC CONSUMPTION OF MARIHUANA OR  
TETRAHYDROCANNABINOL***

**ARTICLE NO. 21:** To see if the Town will vote to amend the Code of the Town of Brewster by repealing in Chapter 60 Alcoholic Beverages both Section 60-1 Consumption on highways prohibited and Section 60-2 Violations and penalties and by adding as the new Section 60-1 the following:

60-1A. Use of Alcoholic Beverages, Marihuana or Tetrahydrocannabinol. No person shall consume an alcoholic beverage as defined by General Laws

Chapter 138, Section 1, as amended, or possess an opened container of such beverage, or consume marihuana or tetrahydrocannabinol as defined by General Laws Chapter 94C, Section 1 within the limits of any park, beach, playground, public building or any public land (but not including a public way) owned or under the control of the Town of Brewster nor shall any person, including any person in a motor vehicle while it is in, on or upon any public way or any way to which the public has a right of access as aforesaid, consume an alcoholic beverage, as defined in said Section 1, or consume marihuana or tetrahydrocannabinol on any public way or way to which the public has a right of access as invitees or licensees, including any person in a motor vehicle while it is in, on, or upon any public way or any way to which the public has a right of access as aforesaid, within the limits of the Town of Brewster; and no person shall consume any alcoholic beverages, or consume marihuana or tetrahydrocannabinol as previously defined, in, on, or upon any private land or place without the consent of the owner or person in control of such private land or place. All alcoholic beverages, marihuana or tetrahydrocannabinol being used in violation of this section may be seized and held until final adjudication of the charge against any such person or persons has been made by the court. This by-law does not apply to prescribed medicines or to unaltered and unadulterated non-prescription medications. Whoever violates the provisions of this section shall be punished by a fine of two hundred (\$200.00) dollars for such offense.

60-1B. A police officer taking cognizance of a violation of 60-1A, may request the offender to state his or her true name and address. An offender who refuses to state his or her true name and address or who provides a false name and address shall be punishable by a fine of \$300.

or to take any other action relative thereto.

(Majority Vote Required)

(Police Chief)

### **SUMMARY**

Up until January of 2009, it was illegal to possess marihuana in Massachusetts; and those who did were subject to arrest. Therefore under the previous law, law enforcement agencies had a remedy for those persons who smoked marihuana in public. Since citizens of Massachusetts voted in favor of the decriminalization of somebody who possesses less than one ounce of marihuana, there is no remedy for the public smoking of marihuana. Within the approved ballot initiative there is a provision which reads "Nothing contained herein shall prohibit a political subdivision of the Commonwealth from enacting ordinances or by-laws regulating or prohibiting the consumption of marihuana or tetrahydrocannabinol in public places and providing for additional penalties for the public use of marihuana or tetrahydrocannabinol." Because the public smoking of marihuana or hashish would be as potentially disruptive, similar to

that of the public consumption of alcohol, the Police Chief is requesting that Town Meeting enact the proposed amendment to Town's Code to increase the fine for the public consumption of alcohol to \$200 and to also prohibit the public consumption of marihuana or tetrahydrocannabinol or face a fine of \$200. An additional provision would create a fine of \$300 for failure to provide information or improper information relative to an individual's identity.

**BOS: 4-YES; 0-NO; 1-ABSTAINED FCR: 7-YES; 0-NO; 0-ABSTAINED**

<b><i>RELEASE OF ROAD EASEMENT / Great Fields Road Layout</i></b>
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**ARTICLE NO. 22:** To see if the Town will vote to authorize the Board of Selectmen to convey to the owners of lots no. 43, 43-1, 51, 51-1, 52 and 52-1 of map no. 23, for no consideration, any interest that the Town may have in a forty (40') foot easement for the roadway layout for a portion of Great Fields Road and to see if the Town will vote to discontinue as a town way the Great Fields Road section as shown on a plan available for public inspection in the Selectmen's office, or to take any other action relative thereto.

(Two-thirds Vote Required)

(Board of Selectmen)

**SUMMARY**

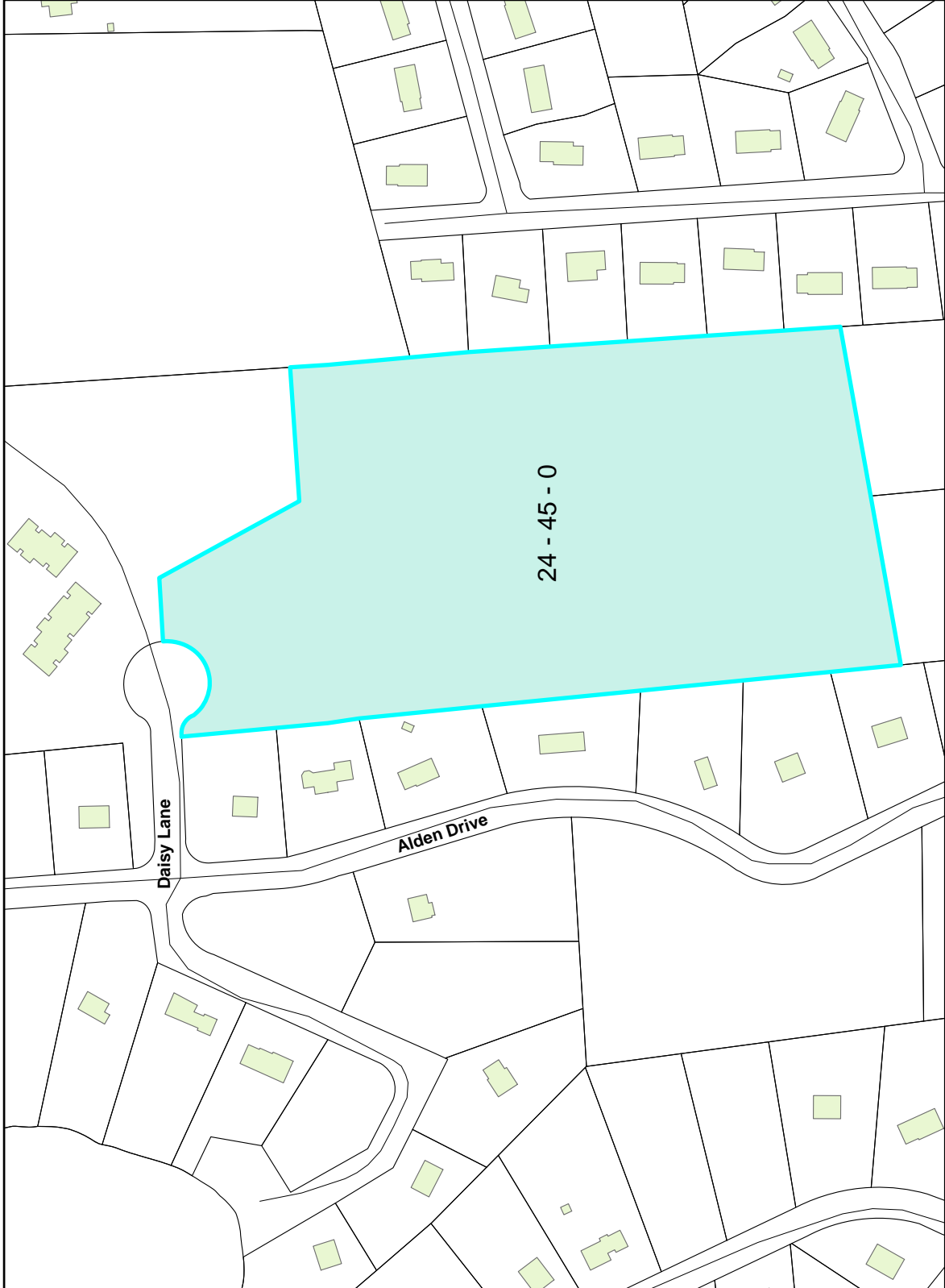
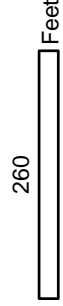
The town has been working for a period of time to create a reconstruction plan for Great Fields Road. A small portion of the current but unimproved road way layout, near its interaction with Stony Brook Road, traverses a wetlands area. The simple fact is that a road will never be built within this portion of the road layout. For this reason the Board of Selectmen would like to release our interest in the easement to the appropriate abutters.

**BOS: 5-YES; 0-NO; 0-ABSTAINED FCR: 7-YES; 0-NO; 0-ABSTAINED**

Article 23



1 inch = 201.988455 feet



Article 22



1 inch = 199.997285 feet



***BREWSTER FAMILY HOUSING / Property Restriction Amendment***

**ARTICLE NO. 23:** To see if the Town will vote to amend the vote under Article No. 38 of the November 21, 1994 Fall Town Meeting, which prohibited the building of anything but senior or congregate housing on parcels no. 45 of map no. 24 of the Board of Assessors Maps, in order to allow the construction of mixed income housing for family and workforce housing, or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**SUMMARY**

This land was conveyed to the Housing Authority from the Town of Brewster in 1994, with the qualification that it be developed only for affordable housing for low-income and needy seniors. The Brewster Housing Authority would like Town Meeting's authorization to expand the scope of the use of this parcel to include housing for different target populations, including working individuals and families, earning up to 110% of median income. This request is based on updated statistics, revealing that Brewster's need for affordable housing has broadened, forcing many lower-income workers and families to relocate off-Cape. Further, with the addition of Well's Court Senior Housing Complex, the allowance of secondary affordable dwelling units, and the expansion of several private senior facilities locally, it appears the market is beginning to provide a more sufficient supply of "elder-only" units.

**BOS: 5-YES; 0-NO; 0-ABSTAINED FCR: 7-YES; 0-NO; 0-ABSTAINED**

***CELL TOWER LEASE EXTENSION***

**ARTICLE NO. 24:** To see if the Town will vote to authorize the Town Administrator to lease or extend the existing lease on the communication tower located at the Brewster Fire Station, located at 1657 Main Street, or to take any other action relative thereto.

(Majority Vote Required)

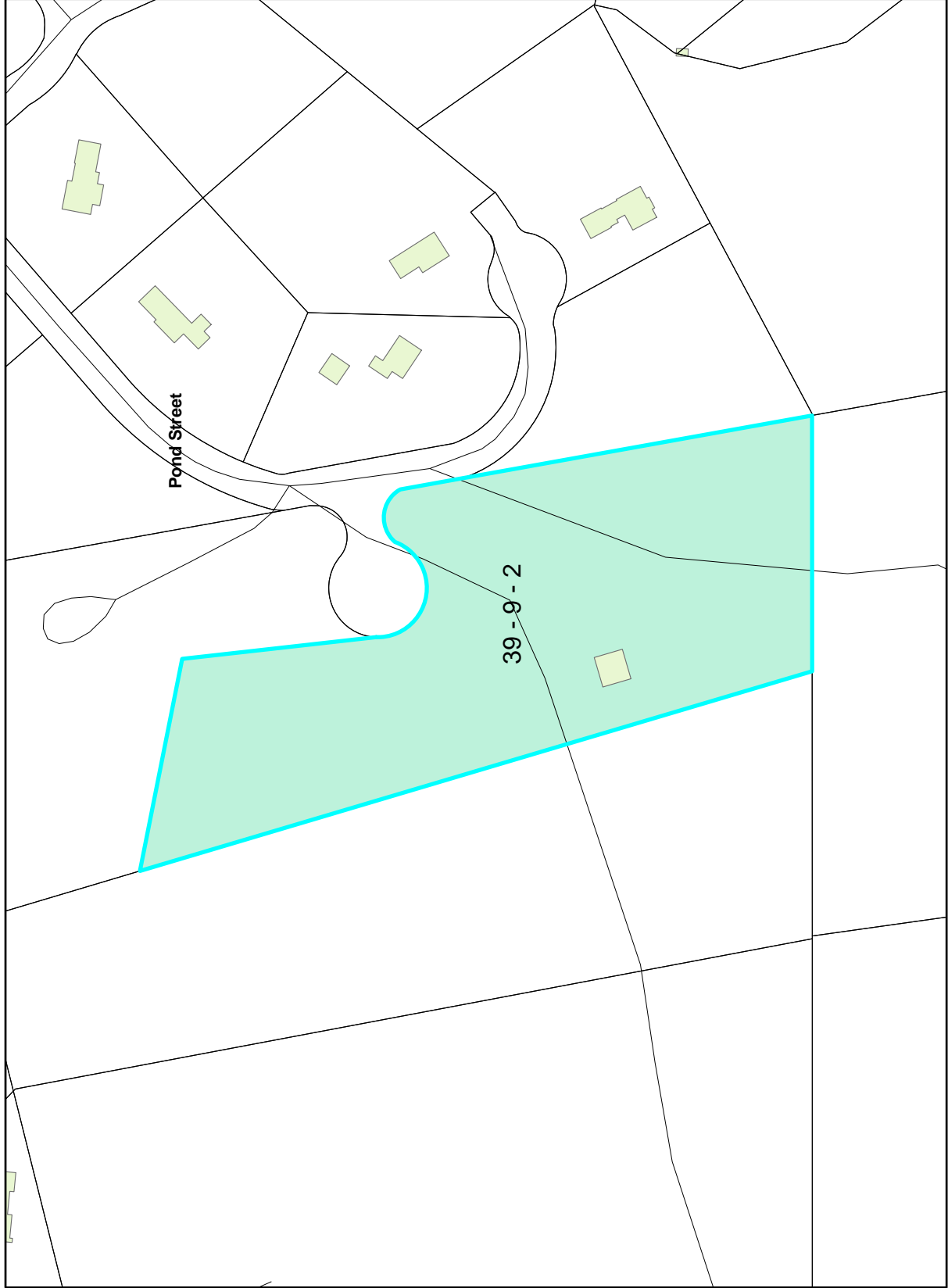
(Board of Selectmen)

**SUMMARY**

The town leases space on the communications tower behind the current Fire Station to a variety of private parties. We have been approached by one of the lessees on the tower to extend their current lease conditions and terms. This article will allow the Town Administrator to negotiate an extension to said lease.

**BOS: 5-YES; 0-NO; 0-ABSTAINED FCR: 7-YES; 0-NO; 0-ABSTAINED**

Article 25



1 inch = 167.943089 feet

280

Feet

**REMOVAL OF SUBDIVISION RESTRICTION**

**ARTICLE NO. 25:** To see if the Town will vote to approve the release of the Town's interest in a voluntary restriction limiting subdivision of the land at 124 Pond Street, Brewster, Assessor's Map 39, Parcel 9-2, signed by George R. Ryan, III and Jeanne M. Ryan and recorded with Barnstable Deeds Book 5711, Page 081, and to authorize and direct the Board of Selectmen to execute and deliver a release of said restriction, or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**SUMMARY**

The owners of this property agreed to place a voluntary restriction on this parcel of land. The property owners have requested that the town consider the release of this encumbrance. This action requires approval by both the Board of Selectmen and Town Meeting.

**BOS & FCR: Recommendations will be provided at Town Meeting.**

**TOWN CODE AMENDMENT / Emergency Access Bylaw**

**ARTICLE NO. 26:** To see if the Town will vote to amend the Code of the Town of Brewster, Massachusetts by adding the following general by-law as Chapter 157, Article IX, Sections 157-21 through 157-25:

**Emergency Access By-law**

Section 157-21. Purpose.

This by-law provides for the protection of the general public by insuring safe and adequate access for oversized vehicles providing emergency medical, law enforcement and/or fire protection services over ways within the town.

Section 157 -22.

This bylaw does not apply to state or federal highways.

Section 157-23. Minimum clearance standards for all ways.

The traveled portion of all public and private ways in existence at the time of the adoption of this bylaw shall be kept cleared from all brush and/or overhanging tree branches to provide a minimum, unobstructed clearance of fourteen (14) feet wide and fourteen (14) feet high. Any public or private way laid out after the effective date of this bylaw shall be kept cleared from all brush, tree stumps, overhanging trees branches, rocks and embankments in order to

provide a minimum, unobstructed clearance fourteen (14) feet wide and fourteen (14) feet high.

Section 157-24. Failure to maintain clearance.

In the event a private way is not kept cleared as required by Section 157-23, the Superintendent of Public Works shall notify the owners of lots abutting the insufficiently cleared section of the way and shall direct them to clear the way within thirty (30) days. If the way is not adequately cleared within those thirty (30) days and if the Chief of the Police Department or the Chief of the Fire Department so requests in writing, the Superintendent may enter the way and perform the trimming necessary to bring the way into compliance with the clearance standards of Section 157-23. The Town's costs for the clearing undertaken under this section or the next section shall be borne by the owners of the abutting land. Charges remaining unpaid may be recovered through a betterment assessment.

Section 157-25. Shade trees and scenic roads.

In the event that compliance with the Superintendent's notice would involve the cutting, trimming, or removal of public shade trees or the cutting, trimming, or removal of trees along a designated scenic road, the owners shall comply, instead, by requesting within those thirty (30) days appropriate authorization from the tree warden in the case of public shade trees or from the Planning Board in the case of a designated scenic road. If such permission is not sought within thirty (30) days, the Superintendent, if requested in writing by the Police Chief or the Fire Chief, may seek this permission, and if it is granted, the Superintendent may enter the way and perform the trimming necessary to bring the way into compliance with the standards of Section 157-23.

or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**SUMMARY**

The Board of Selectmen have been working over the past few years to update our policy, which essentially requires a minimum standard of care and maintenance for private roads in order to be eligible for snow plowing services from the town. This proposed bylaw will create a legal framework to insure that private roads can meet this standard in the event that some limited portion of the road fails to meet the established level of care.

**BOS: 4-YES; 1-NO; 0-ABSTAINED FCR: 6-YES; 1-NO; 0-ABSTAINED**

**DEMAND CHARGES FOR DELINQUENT TAXES**

**ARTICLE NO. 27:** To see if the Town will vote to charge for each written demand issued by the Collector after June 30, 2009 a fee of \$10.00 to be added to and collected as part of the tax, as authorized by Massachusetts General Laws Chapter 60, Section 15 or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**SUMMARY**

A recent amendment within the State budget provided towns with the authority to establish the charge imposed by the Tax Collector for the non payment of delinquent taxes up to the amount of \$30.00. The previous payment limit within the General Laws was \$5.00 for this fee. This bylaw would increase this demand fee from the current rate of \$5.00 to \$10.00.

**BOS: 4-YES; 1-NO; 0-ABSTAINED FCR: 7-YES; 0-NO; 0-ABSTAINED**

**ZONING BYLAW / All Terrain Vehicles (ATVs)**

**ARTICLE NO. 28:** To see if the Town will vote to prohibit the operation of All Terrain Vehicles (ATVs) within the Town's residentially zoned districts and to restrict their use elsewhere in Town via Special Permit, and to amend Article IV. "Use Regulations", Section 179-11, Table of Use Regulations, of the Zoning Code of the Town of Brewster to include the following new wording under Sub-Section B, as a new subsection entitled "Recreational Uses – 1. Operation of all terrain vehicles (ATVs)", as follows:

Recreational Uses	R-R	R-L	R-M	C-H	V-B	I	MRD	CT	WET
1. Operation of All Terrain Vehicles (ATVs)	-	-	-	S	S	S	S	S	S

or to take any other action relative thereto.

(Two-thirds Vote Required)

(Citizens Petition)

**BOS: 0-YES; 5-NO; 0-ABSTAINED FCR: 0-YES; 7-NO; 0-ABSTAINED**

**ZONING BYLAW AMENDMENT / Home Occupation**

**ARTICLE NO. 29:** To see if the Town of Brewster will vote to amend the Code of the Town of Brewster, Chapter 179, also known as the Zoning Bylaws, Article I, General Provisions, Section 179-2, Definitions, Subparagraph B by making the following changes to the definition of Home Occupation shown in ~~strike through~~ for deletion and **bold** for addition:

HOME OCCUPATION — An accessory use ~~which, by custom, has been to be~~ carried on entirely within a ~~dwelling unit~~ **principal building, and/or accessory building(s)**, ~~incidental and subordinate thereto, carried on by the occupants~~ **residents** of the ~~dwelling unit~~ **principal building** with a ~~limited number of~~ **no more than two** nonresident employees, **and** not in any manner changing the **primary** residential character of the ~~building property~~.

So that it reads:

**§ 179-2**

HOME OCCUPATION — An accessory use to be carried on entirely within a principal building, and/or accessory building(s), by the residents of the principal building with no more than two nonresident employees, and not in any manner changing the primary residential character of the property.

And further to amend the Code of the Town of Brewster, Chapter 179, also known as the Zoning Bylaws, Article IX Special Regulations, Section 179-37 Home occupations by making the following changes to the Home Occupation regulations shown in strikethrough for deletion and bold for addition:

**§ 179-37. Home occupations.**

- E A.** The buildings or premises occupied shall not be rendered objectionable or detrimental to the residential character of the neighborhood due to the exterior appearance, emission of odor, gas, smoke, dust, noise, electrical disturbance or in any other way.
- F B.** Any such building shall include no feature of design not customary in buildings for residential use.
- A C.** No more than ~~four~~ **two** nonresidents shall be employed therein.
- B D.** The use is carried on strictly within the **principal** building on the premises **and/or the accessory building(s)**.
- E E.** ~~Not more than 40% of the existing net floor area of the principal building not to exceed 400 square feet is devoted to such use.~~ **The area used for the home occupation shall not exceed 40% of the existing floor area of the principal building and/or the accessory building(s) or 499 square feet, whichever is less.**
- ~~D.~~ (Reserved)<sup>1</sup>
- E F.** Items produced elsewhere shall not be brought to the premises for purposes of sale.

H G. Such uses as clinics, barbershops, bakeries, gift or antique shops, beauty parlors, tearooms, tourist homes, animal hospitals, kennels and others of a similar nature shall not be considered to be home occupations.

~~1. Editor's Note: Former Subsection D, which provided for the use of a sign, was repealed 5-14-1990 ATM, Art. 47.~~

so that it reads:

**§ 179-37. Home occupations.**

- A. The buildings or premises occupied shall not be rendered objectionable or detrimental to the residential character of the neighborhood due to the exterior appearance, emission of odor, gas, smoke, dust, noise, electrical disturbance or in any other way.
- B. Any such building shall include no feature of design not customary in buildings for residential use.
- C. No more than two nonresidents shall be employed therein.
- D. The use is carried on strictly within the principal building on the premises and/or the accessory building(s).
- E. The area used for the home occupation shall not exceed 40% of the existing floor area of the principal building and/or the accessory building(s) or 499 square feet, whichever is less.
- F. Items produced elsewhere shall not be brought to the premises for purposes of sale.
- G. Such uses as clinics, barbershops, bakeries, gift or antique shops, beauty parlors, tearooms, tourist homes, animal hospitals, kennels and others of a similar nature shall not be considered to be home occupations.

or take any other action relative thereto.

(Two-thirds Vote Required)

(Planning Board)

**SUMMARY**

This would make several changes to the existing Home Occupation by-law and definition that would allow home occupations in accessory structures as well as principal dwellings, reduce the number of non-resident employees that can work on the premises, and increase the total square footage that can be dedicated to the home occupation.

**BOS: 5-YES; 0-NO; 0-ABSTAINED FCR: 7-YES; 0-NO; 0-ABSTAINED**

**ZONING BYLAW AMENDMENT**

**ARTICLE NO. 30:** To see if the Town of Brewster will vote to amend the Code of the Town of Brewster, Chapter 179, also known as the Zoning Bylaws, Article IX, Special Regulations, Section 179-39 Sand and Gravel Operations by:

Deleting the letter "Q" at the end of the sentence in Section 179-39.2 (Procedures; application information), subsection B, paragraph (3), subparagraph (e), (Procedures; Application Information) and adding the letter "O,"

And further in Section 179-39.4 (Conditions and Restrictions), subsection N, delete the words "ab initio" at the end of the last sentence, and substitute "from the date of transfer or change in contractual interest" so that the last sentence reads: "Failure to do so will render the special permit null and void from the date of transfer or change in contractual interest."

or take any other action relative thereto.

(Two-thirds Vote Required)

(Planning Board)

**SUMMARY**

The first change corrects a typographical error in the existing text. The second change removes a legal term and replaces it with language that will be clearer to the general public.

**BOS: 5-YES; 0-NO; 0-ABSTAINED FCR: 7-YES; 0-NO; 0-ABSTAINED**

**TRANSFER CUSTODY / Town Owned Property**

**ARTICLE NO. 31:** 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 currently held for general municipal purposes:

<u>Assessors' Information:</u>	<u>Acres:</u>	<u>Location:</u>
a) Map No. 34, Parcel No. 59	3.6	Off Gulls Way
b) Map No. 50, Parcel No. 38	2.9	Squantum Road
c) Map No. 44, Parcel No. 10	0.75	Mid Cape Highway
d) Map no. 21, Parcel No. 83	1.0	Off Route 6A in West Brewster

or to take any other action relative thereto.

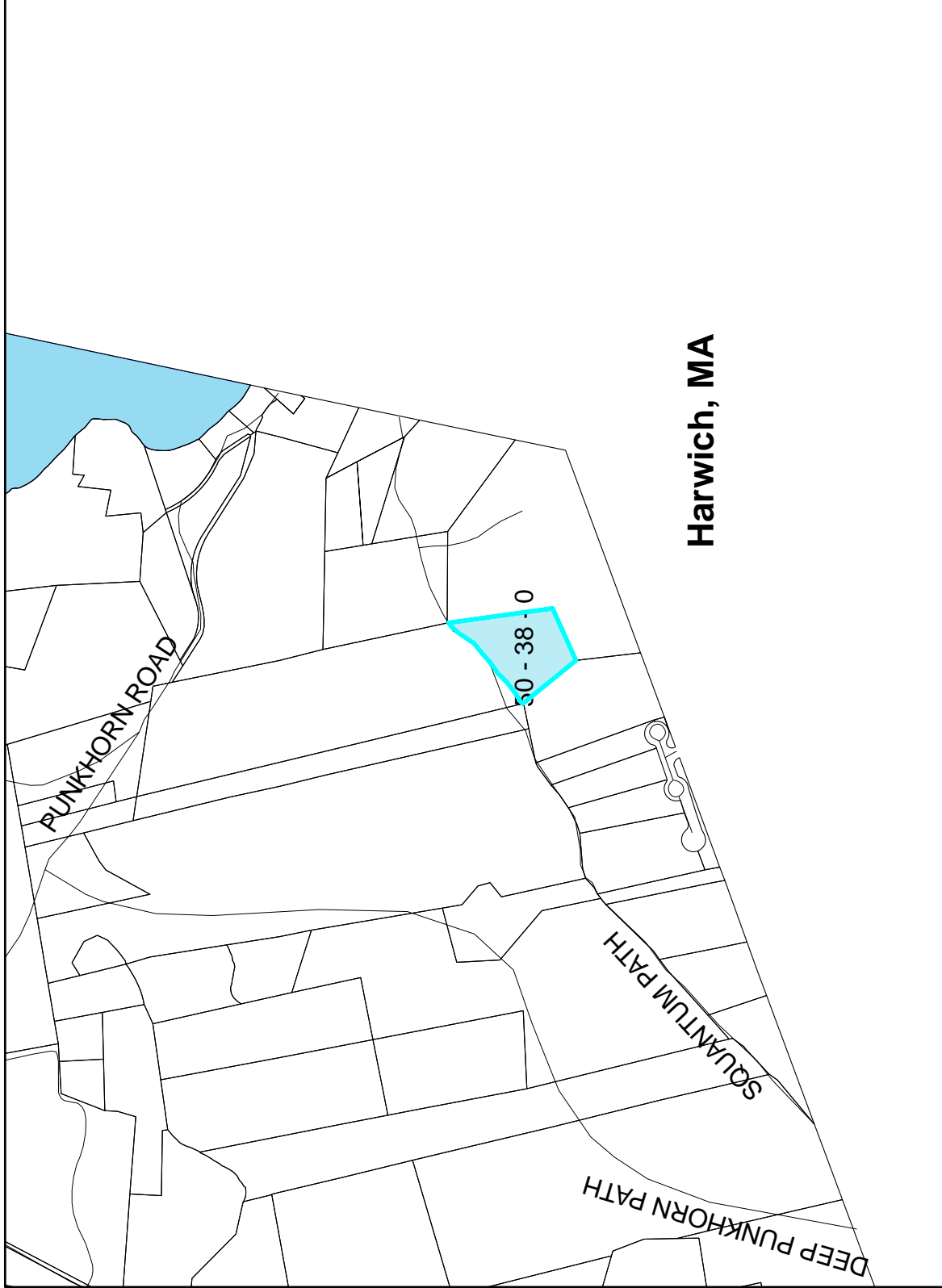
(Majority Vote Required)

(Board of Selectmen)

Article 31  
Map 50, Parcel 38



1 inch = 708.57495 feet



Harwich, MA

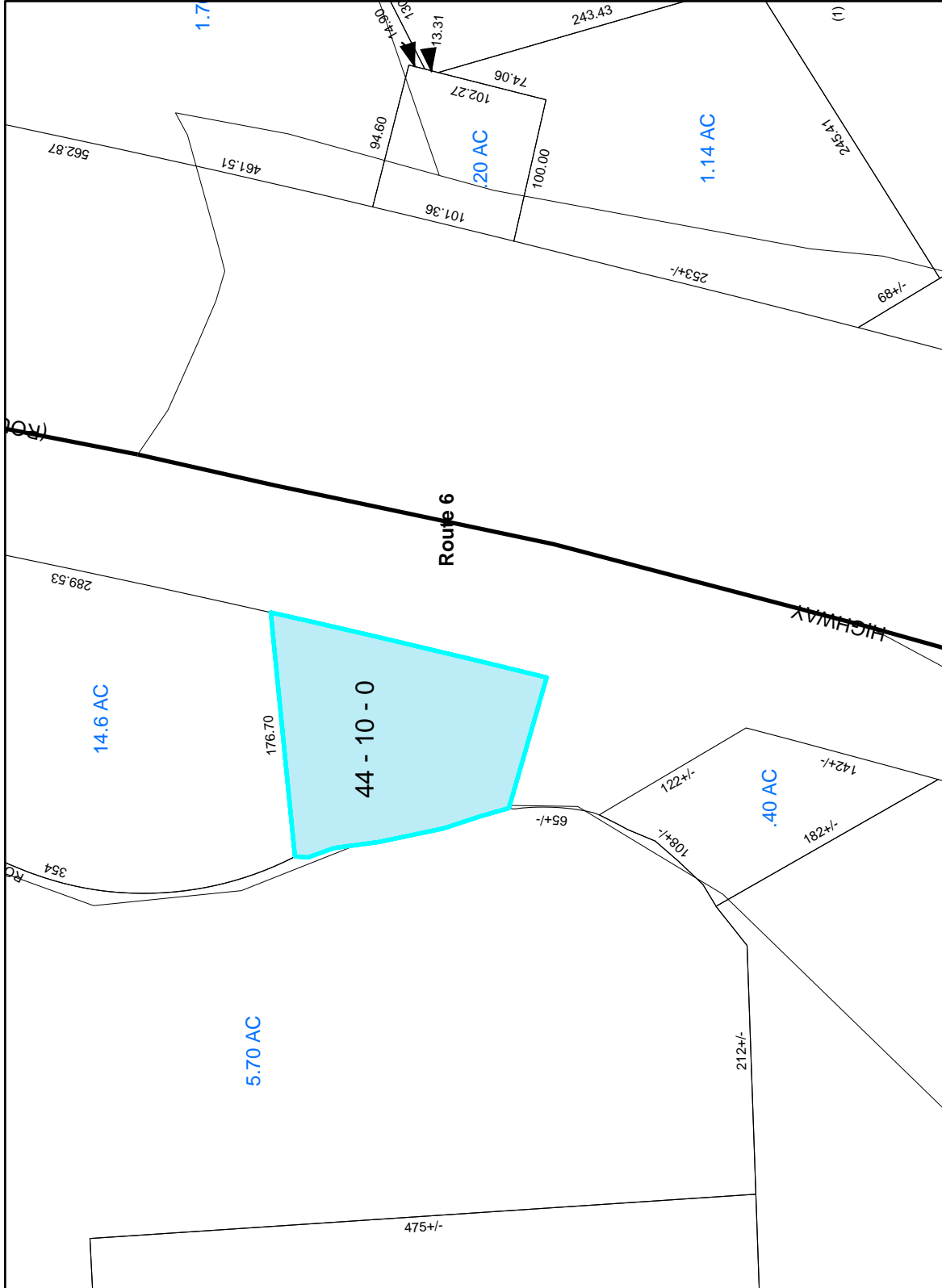
Article 31  
Map 44, Parcel 10



1 inch = 110.501785 feet

140

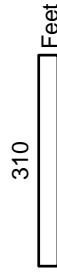
Feet



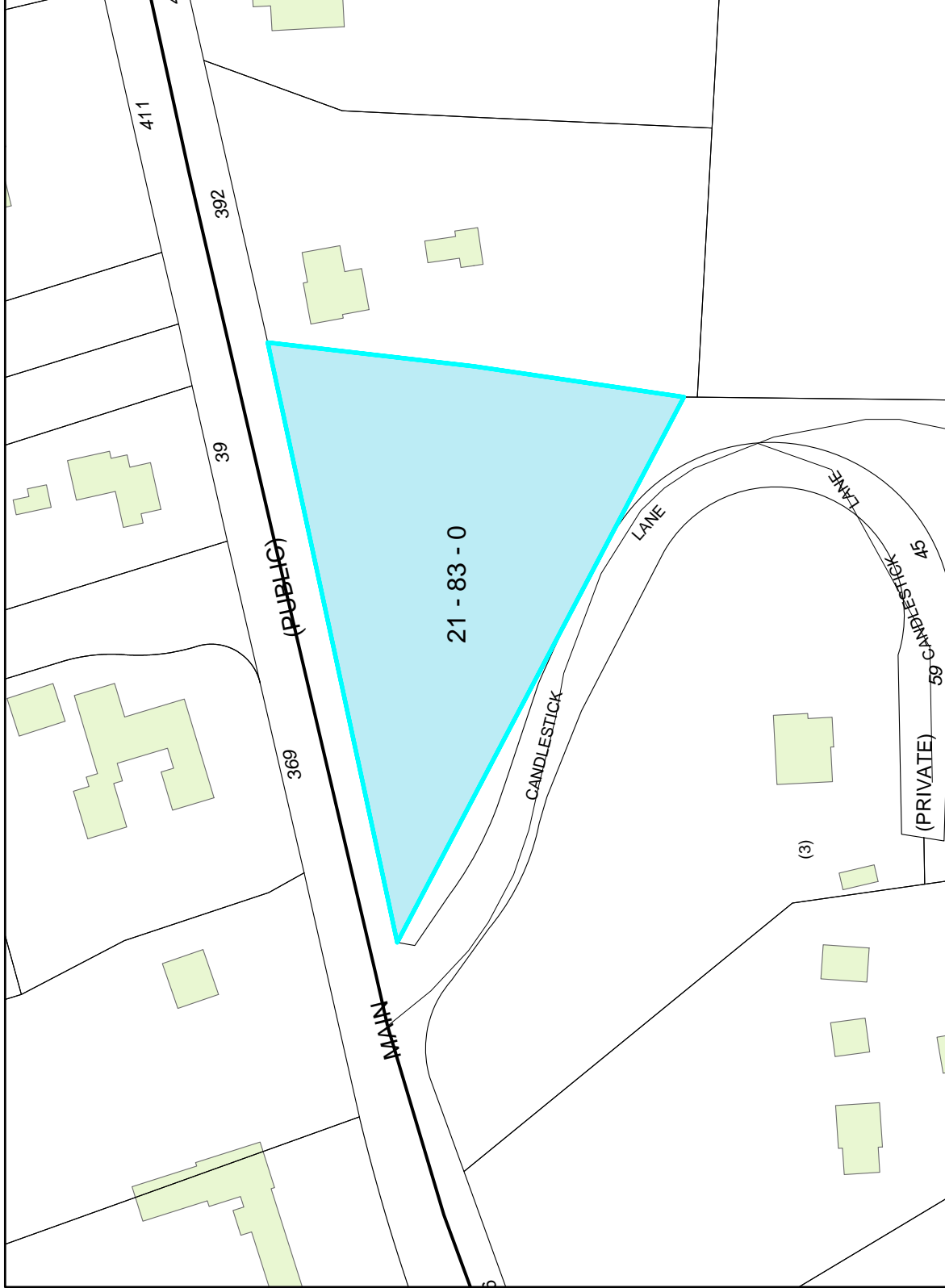
Article 31  
Map 34, Parcel 59



1 inch = 282.684668 feet



Article 31  
Map 21, Parcel 83



1 inch = 93.146844 feet

110

Feet

**SUMMARY**

The town has taken these parcels of land over time due to the non-payment of property taxes. This article will serve to place the custody of these parcels under the control of the Conservation Commission. We have included maps in order to help to identify their locations.

**BOS: 5-YES; 0-NO; 0-ABSTAINED FCR: 7-YES; 0-NO; 0-ABSTAINED**

<b><i>LAND ACQUISITION / Community Preservation Act</i></b>
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**ARTICLE NO. 32:** To see if the Town will vote to authorize the Board of Selectmen to acquire two parcels of land designated on Brewster Assessors' Map 21 as Parcels 10 and 11, located at 341 Main Street in Brewster, Barnstable County, Massachusetts, consisting of three and eighty-four/100 (3.84 ac.) acres, more or less, and more accurately described in deeds recorded in the Barnstable County Registry of Deeds in Deed Book 740, Page 535, and Deed Book 1003 Page 454, and under the will of Victor Bjorngren, Barnstable County Probate #97P-1261, and on a plan of land entitled, "Plan of Division of Land in Brewster, MA. as prepared for Addison H. Pratt, Jr., Scale: 1" = 40 ft. Sept. 12, 2005, Soule Land Surveying, 103 Vesper Pond Drive, Brewster MA 02631" recorded in Plan Book 603 Page 16 in the Barnstable County Registry of Deeds, a copy of which is on file with the Brewster Town Clerk; to acquire said parcel by gift, purchase and/or eminent domain taking under Massachusetts General Laws, Chapter 79, or any other enabling authority; to acquire said land for open space, watershed protection, conservation and passive recreation purposes for the general public, consistent with the provisions of Mass. Gen. Laws, Ch. 40, §8C, 310 C.M.R. 22.00, and Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts; to appropriate the sum of Six Hundred Eighty Thousand *and 00/100 (\$680,000.00) Dollars* to pay costs of this acquisition, and all other costs incidental and related thereto; to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow up to the sum of Six Hundred Eighty Thousand *AND 00/100 Dollars (\$680,000.00)* pursuant to the provisions of Massachusetts General Laws, Chapter 44, Section 7(3) and Section 8C, and/or any other enabling authority, and to issue bonds and/or notes of the Town therefor; to authorize the Town Treasurer to transfer from available sums the sum of Five Thousand *(\$5,000.00) Dollars* for the purpose of paying incidental and related costs, including costs for grant funding applications and grant compliance, and the preparation, issuance and marketing of notes and bonds issued hereunder and for paying interest on temporary notes issued in anticipation thereof; to authorize the Board of Selectmen and the Conservation Commission to apply for, accept and expend any funds which may be provided by the Commonwealth or other public or private sources to defray a portion or all of the costs of acquiring this property, including but not limited to funding under the Self-Help Act, General Laws, Chapter 132A, Section 11 (now, so-

called LAND grants), and/or the Federal Land & Water Conservation Fund, P.L. 88-568, 78 Stat 897, provided that the amount of notes or bonds issued hereunder shall be reduced by the amount of any such grants received or funds accepted prior to the sale of such notes or bonds; and provided that the Selectmen shall have certified that the anticipated net cost to the Town of this land purchase shall not exceed One Hundred Thousand Dollars (\$100,000.00), not including expenses related thereto, after all non-municipal funds have been received or contractually obligated; and further provided that any such sums from non-municipal sources shall be deposited in the open space account of the Community Preservation Fund; to authorize the Board of Selectmen to grant to the Trustees of the Brewster Conservation Trust, for consideration of not less than Two Hundred Thousand (\$200,000.00) Dollars, a perpetual Conservation Restriction on said premises pursuant to the provisions of General Laws, Chapter 184, Sections 31 through 33, allowing the aforementioned uses at the time of closing or within a reasonable amount of time thereafter; and, to authorize the Conservation Commission to assume the care, custody, control and management of the property; and to authorize the Board of Selectmen and Conservation Commission to enter into all agreements and execute any and all instruments as may be necessary on behalf of the municipality to effect this purchase and obtain reimbursement funding; or to take any other action relative thereto.

(Two-thirds Vote Required)

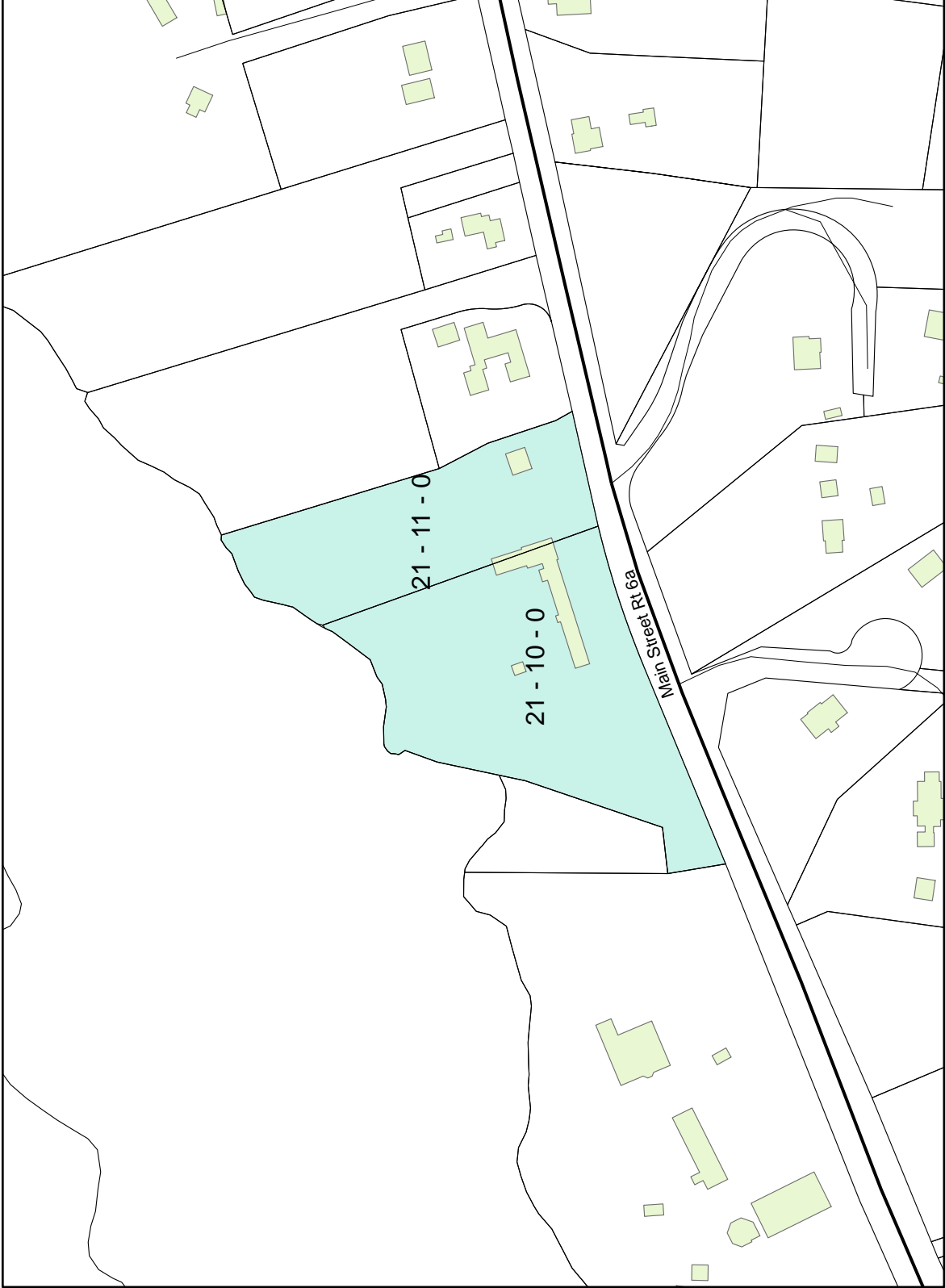
(Community Preservation Committee)

### **SUMMARY**

This article will enable the Town to purchase 3.8 acres of land between Main Street and Quivett Creek for a net cost of \$100,000. The property includes the site of the former Skyline Motel (demolished in 2007) and provides a scenic view across the marsh. The Town will purchase the property only if State and private funds totaling \$575,000 are forthcoming as subsidies for the town's purchase. The Brewster Conservation Trust has agreed to provide private funding. In addition a State Land grant has been applied for by the Town. The property will be held by the Conservation Commission for conservation and passive recreation purposes.

**BOS: 5-YES; 0-NO; 0-ABSTAINED FCR: 7-YES; 0-NO; 0-ABSTAINED**

Article 32



1 inch = 198.115265 feet

250

Feet

**PRIVATE ROAD BETTERMENT PROJECT**  
**Standish Heights Subdivision**

**ARTICLE NO. 33:** To see if the Town will vote to authorize the Board of Selectmen to undertake a series of temporary road repairs to the following roads:

**Sturbridge Way, Essex Way, Stafford Terrace and Old Salem Road** 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 ***ONE HUNDRED FIVE THOUSAND AND 00/100 (\$105,000.00) 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 ***FIVE THOUSAND AND 00/100 (\$5,000.00) 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: 7-YES; 0-NO; 0-ABSTAINED**

**HAZARDOUS WASTE COLLECTION PROGRAM**

**ARTICLE NO. 34:** To see if the Town will vote to transfer from the Water Revenue account the sum of ***EIGHT THOUSAND AND 00/100 (\$8,000.00) 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 Transfer Station, and we typically hold six disposal events annually. Approximately 1,100 households from the three towns typically participate in this program. (These funds will be transferred from the Water Revenue Account.)

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

***LEASE OF TOWN-OWNED PROPERTIES***

**ARTICLE NO. 35:** To see if the Town will vote to authorize the Board of Selectmen and/or the Water Commissioners to lease town-owned property to the Cape & Vineyard Electric Cooperative, Inc., or to take any other action relative thereto.

(Two-thirds Vote Required)

(Board of Selectmen)

**SUMMARY**

The town has been working with a consultant, funded through a grant from the Massachusetts Technology Council, to undertake a feasibility study for the construction of wind turbines on a variety of town-owned properties. In addition the town recently joined the Cape & Vineyard Electric Cooperative, Inc., which was created to provide a means for the towns to develop wind or solar electric generation facilities. This article would provide the Board of Selectmen and/or the Water Commissioners with the authority to enter into lease agreements for these aforementioned purposes.

**BOS: 5-YES; 0-NO; 0-ABSTAINED FCR: 7-YES; 0-NO; 0-ABSTAINED**

***SPECIAL LEGISLATION AMENDMENT / Water Commission***

**ARTICLE NO. 36:** To see if the Town will vote in the following manner:

A. to approve appointing, instead of electing, the members of the Board of Water Commissioners;

B. to petition the General Court to enact special legislation as follows:

SECTION 1. Notwithstanding the general provisions of the acts of 1938, chapter 172, sections 3 and 4 and the special provisions of the acts of 1965, chapter 552, section 8 or any other act, the board of selectmen of the town of Brewster shall, after the effective date of this act, appoint the members of the town's board of water commissioners as the membership terms of the commissioners expire, and the board of water commissioners shall thereafter be an appointed board.

SECTION 2. This act shall take effect upon its passage. And to state that the legislature may vary the form of the requested legislation to achieve its objective;

- C. to amend the Code of the Town of Brewster, Massachusetts, Chapter 5 Administration, Article I Form of Government, Section 5-3. Chief executive function: Board of Selectmen, Subsection C. Appointment powers, by adding after "a Personnel Committee," the words "a Board of Water Commissioners";
- D. to amend, in the same Code, Chapter, and Article, Section 5-4 Elected town officers by repealing Subsection "I. Water Commission of three members;" and by relettering Subsections J and K as I and J, or if both Article 14 and the corresponding ballot question are passed, as H and I;
- E. to revise in the Code after Chapter 5 the "Organizational Chart, Town of Brewster, MA" to show the "Water Commission" as a board appointed by the Board of Selectmen instead of being a board elected by the voters;
- F. to make the amendments in C, D, and E of this Warrant Article contingent upon the passage of the petitioned legislation; or

or to take any other action relative thereto.

(Majority Vote Required)

(Water Commission & Board of Selectmen)

### **SUMMARY**

Currently the three-member Water Commission is an elected body that was created by special legislation in 1965, when the Brewster Water Department was originally formed. Historically there has been very limited competition for this position. Based upon this circumstance both the Water Commission and the Board of Selectmen agreed to co-sponsor this request for an amendment to the enabling legislation to change this Commission from an elected to an appointed body.

**BOS: 5-YES; 0-NO; 0-ABSTAINED FCR: 7-YES; 0-NO; 0-ABSTAINED**

**REPAIR AND RESURFACE TOWN ROADS / Chapter 90 Funds**

**ARTICLE NO. 37:** To see if the Town will vote to transfer from available funds the sum of **TWO HUNDRED FORTY FIVE THOUSAND ONE HUNDRED SIXTY FOUR AND (\$245,164.00) DOLLARS**, 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**

All communities receive an annual proportionate share of gasoline tax revenues, which are collected and distributed by the Commonwealth of Massachusetts. These funds must be used to finance repair costs for eligible roadway construction projects. 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: 7-YES; 0-NO; 0-ABSTAINED**

**ANY OTHER BUSINESS**

**ARTICLE NO. 38:** 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 6<sup>th</sup> day of April, 2009.

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

\_\_\_\_\_  
Dyanne F. Cooney, Vice-Chairman

\_\_\_\_\_  
James W. Foley, Clerk

\_\_\_\_\_  
Edward S. Lewis

\_\_\_\_\_  
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 4, 2009** by posting attested copies thereof, in the following locations in the Town on the \_\_\_\_ day of April, 2009.

Brewster Town Offices

Brewster Farms

Brewster Ladies Library

Brewster Pizza House

The Brewster Store

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.