

ANNUAL TOWN MEETING
May 14, 2007

MOTIONS

Articles listed on the Consent Agenda are considered to be routine and will be acted on using an expedited procedure. Questions or concerns from the floor regarding any Consent Agenda article will result in that article's removal from the Consent Agenda for action under regular procedures.

Consent Agenda (articles marked *)

MOTION: [Barry] Move that the Town accept and approve the following articles as presented: Articles 1, 2, 4, 5, 18, 19, 21, 23, 24, 25, 26, 29, and 30. (Majority Vote)

* **ARTICLE 1. Choosing Miscellaneous Officials (Consent Agenda).** [Barry] Move that the following persons be elected to the indicated offices for the ensuing year:

Poundkeeper	Michael H. Masley
Surveyors of Lumber	Edward P. Lindsay Jr. & William H. Garvey
Measurers of Wood and Charcoal	William H. Garvey
Field Drivers	John J. Garvey
Weighers of Grain	Jesse L. Rice

(Majority Vote)

* **ARTICLE 2. Hearing Reports (Consent Agenda).** [Barry] Move that the town accept the reports of all officers and committees as printed in the Annual Town Report. (Majority Vote)

ARTICLE 3. Funding Transfers FY 2007. [Thompson] Pursuant to Section 33B of Chapter 44 of the Massachusetts General Laws, move that the Town vote to transfer the sums of:

- \$ 38,000. from previously appropriated but unexpended funds in the FY 07 Budget #122 selectmen and administration salaries, to the FY 07 Budgets #111 Legal Expense (\$10,000), Budget #192 Town Property Expense (\$10,600), #134 Accounting Overtime (\$2500), #193 General Insurance (\$4900), #122 Selectmen's Expense (\$5000), and #220 Fire Overtime (\$5000).
- \$ 11, 000. from FY 07 Budget #137 Assessor's Salaries, to the FY 07 Budgets #192 Town Properties Expense (\$4800), #210 Police Expense (\$3400) and #122 Selectmen Expenses (\$2800).

5/11/2007

- \$110,000 from FY 07 Budget #210 Police Salaries, to the FY 07 Budgets #210 Police Expense (\$41,600), #420 Highway Expense (\$60,000), #220 Fire Overtime (\$7400) and #138 Collector/Treasurer overtime (\$1000).
- \$40,000. from FY 07 Budget #138 Treasurer Expense, to the FY 07 Budget #220 Fire Overtime.
- \$22,000. from FY 07 Budget #192 Town Property Salaries, to the FY 07 Budget #220 Fire Overtime.
- \$ 6,183. from FY 07 Budget #60-440 Waste Water Expenditures to #60-440 Waste Water Salaries.
- \$8844. from FY 07 Budget #61-450 Water Expenditures to #61-450 Water Salaries.

(Majority vote)

* **ARTICLE 4. Solid Waste Enterprise Fund retained earnings (consent agenda).** [Barry] Move that the Town vote to appropriate \$18,949 from available funds in the FY 07 Solid Waste Enterprise Fund retained earnings account to partially fund FY 07 solid waste disposal operating expenses. (Majority Vote)

* **ARTICLE 5. Ambulance Fund transfer (consent agenda).** [Barry] Move that the town vote to appropriate \$25,000 from FY 07 Ambulance Funds – Assets Cash to the FY 07 Ambulance Budget to cover overtime and union negotiated contract increases. (Majority Vote)

ARTICLE 6. Transfer to balance FY 2007. [Brady] Move that the town vote to transfer the sum of \$68,000 from overlay surplus to the FY 07 Reserve Fund. (Majority Vote)

ARTICLE 7. Authorization to borrow for sewer extension and related construction. [Barry] I move that the Town vote to appropriate \$9,000,000 for the construction of a new sewer line on Main Street of approximately 8,700 feet from Memorial School to the Minnechaug Regional High School, for the cost of an additional payment to the Springfield Water and Sewer Commission for the Town's right to increased capacity at the Commission's wastewater treatment plant, for payments to the Springfield Water and Sewer Commission for improvements to Springfield's Indian Orchard sewer system that will serve the Town, for the construction of a new sewer line and force main on River Road to the Springfield city line, for the construction or improvements to the Town's existing wastewater treatment plant pump station, and for design, engineering and other incidental costs related to the above projects, and including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General

5/11/2007

Laws; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$9,000,000 and issue bonds or notes therefor under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws; that while such bonds or notes will be general obligations of the Town, it is the intent of the Town that the debt service on such bonds and notes will be paid from revenues in the Sewer Fund; that the Treasurer with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C of the General Laws and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the projects or for the financing thereof; that the Board of Selectmen or other appropriate local body or official is authorized to enter into a project regulatory agreement with the Department of Environmental Protection; that approval is hereby given for the levying of betterments, to be paid to the Sewer Fund, based on the "equivalent dwelling unit method," for the cost of the Main Street sewer and incidental costs plus those portions of the related projects that serve Main Street, but not in excess of \$6,600,000; and that the Board of Selectmen is authorized to contract with the Springfield Water and Sewer Commission in connection with any or all of the above projects and to expend funds available for the projects and to take any other action necessary to carry out the projects. (2/3 vote)

ARTICLE 8. Authorization to borrow for water main replacement. [Thompson] Move that the Town appropriate \$250,000 for the laying of water mains on various town streets; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$250,000 under chapter 44 of the Massachusetts General Laws or any other enabling authority and that the debt service related to any borrowing incurred pursuant to this vote shall be paid through water charges and that the Board of Selectmen be authorized to take any other action necessary to carry out this project. (2/3 vote)

ARTICLE 9. Parliamentary procedures. [Brady] Move that the Town adopt special parliamentary procedures for the purpose of implementing the provisions of Chapter 580 of the Acts of 1980 (Proposition 2 1/2), as amended, and as set forth in a document entitled "Article 9, Exhibit A," on file with the Town Clerk. (Majority Vote)

5/11/2007

ARTICLE 10. **Annual Community Preservation Program budget.** [Barry] Move that the town vote to appropriate or reserve from the Community Preservation Fund annual revenues or available funds in the following amounts recommended by the Community Preservation Committee for debt service and community preservation projects in FY 2008, with each item to be considered a separate appropriation.

Purpose

<u>Appropriations</u>	<u>Amount</u>
Dues, Community Preservation Coalition (administration)	\$ 750.00
Meeting House Painting (historic preservation)	\$11,000.00
Town Records Conservation (historic preservation)	\$11,500.00
Memorial School Lighting (historic preservation)	\$10,000.00
Cemetery Projects (historic preservation)	\$20,000.00
monument repair, road repair, stone wall repair	
Rice Nature Preserve (open space) – final payment	\$209,000.00
Housing Study, handicapped and congregate (affordable housing)	\$10,000.00
Spec Pond recreation fields (recreation)	\$80,000.00
Conservation land signage (recreation)	\$3,260.00
Conservation forest management plan (recreation)	\$36,000.00
Soule Road School fence repair (recreation)	\$930.00

Reserves

	<u>Amount</u>
Affordable housing	\$31,274.00
(Majority Vote)	

ARTICLE 11. **Compensation for elected town officials.** [Thompson] Move that the Town vote to fix the compensation for all elected Town Officers for the fiscal year beginning July 1, 2007 and ending June 30, 2008, as follows:

Assessors, chairman, \$3,119.00, members, \$2,825.00 each, per year; Town Clerk, \$59,518.00 per year (all fees revert to the Town treasury); Moderator, \$200.00 Annual Town Meeting, \$50.00 Special Town Meeting; selectmen, \$4,151.00 per year, chairman \$4,844.00 per year; Tree Warden, \$8,437.00 per year; Water Commissioners, \$150.00 per year; Cemetery Commissioners, no salary; Library Trustees, no salary; Planning Board members, no salary; Poundkeeper, Field Drivers, Weighers of Grain, Surveyors of Lumber, Measurers of Wood and Charcoal (all town officers elected other than by official ballot), fees only, fixed by General Laws. (Majority Vote)

5/11/2007

ARTICLE 12. **Budget appropriations.** [Brady] Move that the Town accept the report of the Finance Committee and vote to raise and appropriate the sum of \$31,477,950.00 to cover the necessary capital expenditures and operating expenses of the Town for Fiscal Year 2008 (July 1, 2007 to June 30, 2008) per appropriations listed separately and incorporated herein by reference, and also to provide for said appropriations as follows:

Transfer	from: Water Receipts	\$1,259,501.00
	to: Water Enterprise Fund	
	from: Solid Waste Receipts	\$ 510,561.00
	to: Solid Waste Enterprise Fund	
	from: Sewer Receipts	\$ 569,808.00
	to: Sewer Enterprise Fund	
	from: Offset Receipts	\$ 25,000.00
	to: Dog Officer Expenses,	

and transfer \$17,030.00 Certified Free Cash to FY 2008 Municipal Appropriations. (Majority Vote)

Amendment to Article 12: Reserve for any administratively necessary amendments to the budget OR any amendments from the floor.

ARTICLE 13. **Stabilization Fund.** [Barry] Move that the Town vote to raise and appropriate \$186,000.00 and transfer from overlay surplus the sum of \$50,000.00 to the Stabilization Fund in accordance with Section 5B of Chapter 40 of the Massachusetts General Laws. (Majority vote)

ARTICLE 14. **Receipts reserved for appropriation for ambulance.** [Thompson] Move that the Town vote to appropriate \$476,186.00 from Receipts Reserved for Appropriation for Ambulance to Ambulance personal services, operating and capital costs, pursuant to Section 5 of Chapter 40 of the Massachusetts General Laws. (Majority Vote)

ARTICLE 15. **Appropriation for ambulance depreciation account.** [Brady] Move that the Town vote to appropriate \$35,000 from Receipts Reserved for Appropriation for Ambulance to be held in a depreciation account for vehicle and equipment replacement pursuant to Sections 5 and 5F of Chapter 40 of the Massachusetts General Laws. (Majority Vote)

ARTICLE 16. **Receipts reserved for appropriation for cemeteries.** [Barry] Move that the town vote

5/11/2007

to appropriate \$7000.00 from Receipts Reserved for Appropriation for Cemeteries to Cemetery operating costs, pursuant to Section 5 of Chapter 40 and Section 16 of Chapter 114 of the Massachusetts General Laws. (Majority Vote)

ARTICLE 17. **Reserve Fund:** [Thompson] Move that the town vote to raise and appropriate the sum of \$150,000.00 for a Fiscal Year 2008 Reserve Fund. (Majority Vote)

* ARTICLE 18. **Water Division Reserve Fund (consent agenda).** [Barry] Move that the town vote to appropriate from water receipts the sum of \$50,000 for a Fiscal Year 2008 Reserve Fund. (Majority Vote)

* ARTICLE 19. **Waste Water Enterprise Fund Retained Earnings (consent agenda).** [Barry] Move that the town vote to appropriate \$68,757.00 from available funds in the Waste Water Enterprise Fund retained earnings account to accommodate additional flows (\$58,757.00) and continuation of a study related to expansion of the sewer system and continuation of a capacity study under the Geographic Information System (\$10,000.00). (Majority Vote)

ARTICLE 20. **Chapter 90 appropriation.** [Brady] Move that the town vote to appropriate \$411,733.00 from available funds provided under Section 34 of Chapter 90 of the Massachusetts General Laws. (Majority Vote)

* ARTICLE 21. **Conservation Fund (consent agenda).** [Barry] Move that the town vote to raise and appropriate \$7,000 to the Conservation Fund for open space acquisition, in accordance with Section 8C of Chapter 40 of the Massachusetts General Laws. (Majority Vote)

ARTICLE 22. **-Authorization to Borrow for Capital Outlays:** [Barry] Move that the town vote to borrow \$600,000.00 for the following purposes:

-- in accordance with Section 7(3A) of Chapter 44 of the Massachusetts General Laws for remodeling, reconstructing or making extraordinary repairs to public buildings owned by the town, including original equipment and landscaping, paving and other site improvements, \$405,000.00; and

-- in accordance with Section 7(9) of Chapter 44 of the Massachusetts General Laws for the cost of departmental equipment, \$195,000.00. (2/3 Vote)

5/11/2007

* **ARTICLE 23. Council on Aging Revolving Fund (consent agenda).** [Barry] Move that the Town vote to reauthorize a revolving fund in accordance with Section 53 E½ of Chapter 44 of the Massachusetts General Laws in order to place revenue collected from donations from individuals, organizations and events; memorial donations; and fees for classes, trips and programs, which shall be used for payment of costs connected with programs and events; repair and maintenance of equipment and furnishings; purchase of memorials and volunteer recognitions; and fees for instructors and classes, and transfer the balance of the FY 2007 revolving fund to the FY 08 revolving fund. Expenditures authorized by the Director of Elder Affairs, not exceeding a total of \$10,000 in FY 2008. The balance in the revolving account shall not exceed \$10,000. (Majority Vote)

* **ARTICLE 24. Compost Bin Revolving Fund (consent agenda).** [Barry] Move that the Town vote to reauthorize a revolving fund in accordance with Section 53 E½ of Chapter 44 of the Massachusetts General Laws in order to place revenue collected from the sale of compost bins which shall be used to purchase additional compost bins, and transfer the balance of the FY 2007 revolving fund to the FY 2008 revolving fund. Expenditures authorized by the Recycling Coordinator, not exceeding a total of \$5,000 in FY 2008. The balance in the revolving account shall not exceed \$5,000. (Majority Vote)

* **ARTICLE 25. Cemetery Revolving Fund (consent agenda).** [Barry] Move that the Town vote to reauthorize a revolving fund in accordance with Section 53 E½ of Chapter 44 of the Massachusetts General Laws in order to place revenue collected from the sale of boundary markers, foundations, numbered lot markers, and for opening and closing graves, which shall be used to purchase boundary markers, foundations, numbered lot markers, and to open and close graves, and transfer the balance from the FY 2007 revolving fund to the FY 2008 revolving fund. Expenditures authorized by the Cemetery Commission, not exceeding a total of \$20,000 in FY 2008. The balance in the revolving account shall not exceed \$20,000. (Majority Vote)

* **ARTICLE 26. Community Gardens Revolving Fund (consent agenda).** [Barry] Move that the Town vote to authorize a revolving fund in accordance with Section 53 E½ of Chapter 44 of the Massachusetts General Laws in order to place revenue collected from community garden lot rental fees and donations, which shall be used to purchase goods, tools, and services, including water resources, for the use of the gardeners enrolled in the program. Expenditures authorized by the Conservation Commission, not exceeding a total of \$6,000 in FY 2008. The balance in the revolving account shall not

5/11/2007

exceed \$6,000.00. (Majority Vote)

ARTICLE 27. **Acceptance of qualifying subdivision streets as public ways.** [Thompson] Move that the Town vote to accept as public ways, pursuant to a layout filed by the Board of Selectmen with the Town Clerk, all or portions of Algonquin Drive, Autumn Road, Bridle Path Road, Cambridge Drive, Falcon Heights Road, Kensington Drive, Iroquois Lane, and Patriot Ridge Lane. (2/3 Vote)

ARTICLE 28. **Private ways bylaw.** [Brady] Move that the Town vote to amend Article VI of the Town By-Laws, "Regulation of Public Conduct," by adding Section 631, "Public Ways," the text of which is presented in the exhibits as "Article 28, Exhibit A." (Majority Vote)

* ARTICLE 29. **Authorization to enter into lease/purchase agreements (consent agenda).** [Barry] Move that the town vote to authorize the Board of Selectmen to make contracts for the lease, with option to purchase, of various municipal equipment, subject to annual appropriation, if in the opinion of the Board it is in the best interests of the Town. The Board of Selectmen shall identify within its budget submission to the Finance Committee, any contract for the lease with an option to purchase. (Majority Vote)

* ARTICLE 30. **Authorization to dispose of surplus equipment (consent agenda).** [Barry] Move that the Town authorize the Board of Selectmen on behalf of the Town to sell, transfer, or otherwise dispose of damaged, obsolete, or unneeded tangible personal property or equipment owned by the Town. (Majority Vote)

ARTICLE 31. **Authorization to dispose of Foskit Hall.** [Barry] Move that the Town vote to authorize the Board of Selectmen to dispose of the building and land located at 485 Main Street, known as the Grange Hall, at such time as the board declares said property as surplus (2/3 Vote).

ARTICLE 32. **Acceptance of deeds.** [Thompson] Move that the Town vote to accept such deeds and grants of land given to the Town as recorded at the Hampden County Registry of Deeds or the Hampden County Land Registration Office since the date of the last Annual Town Meeting as filed by the Board of Selectmen with the Town Clerk as "Article 32, Exhibit A." (2/3 Vote)

ARTICLE 33. **Change status of certain town-owned land.** [Brady] Move that the Town take no

5/11/2007

action.

ARTICLE 34. Zoning bylaw amendment – parking and storage restrictions for trucks and buses in residential districts. [Barry] Move that the Town vote to amend the Wilbraham Zoning By-Law by revising sections 4.5.2 and 3.6.2.13(G) the text of which is presented in the exhibits as “Article 34, Exhibit A.” (2/3 vote)

ARTICLE 35. Town bylaw – unregistered or inoperable motor vehicles. [Thompson] Move that the Town vote to amend Article VI of the Town By-laws, “Regulation of Public Conduct,” by adding Section 102m.) (defining motor vehicle) and adding Section 632, “Unregistered or Inoperable Motor Vehicles,” the text of which is presented in the exhibits as “Article 35, Exhibit A.” (Majority Vote)

ARTICLE 36. Zoning bylaw amendment – PURD open space requirements. [Brady] Move that the Town vote amend the Wilbraham Zoning By-Law by revising section 4.8.11 the text of which is presented in the exhibits as “Article 36, Exhibit A.” (2/3 vote)

ARTICLE 37. Zoning bylaw amendment – miscellaneous technical corrections. [Barry] Move that the Town vote to amend the Wilbraham Zoning By-Law by revising sections 1.3, 3.6.2.16, 4.8.5.3, 4.8.7.6, 5.5.4, 11.2.13, 12.4.1, 12.6.4, 13.5.4.3(E), and 13.6.7.1 the text of which is presented in the exhibits as “Article 37, Exhibit A.” (2/3 vote)

ARTICLE 38. Town bylaw amendment – distribution of town warrants. [Thompson] Move that the Town vote to amend Article II, Section 200 b) of Town By-laws by adding the sentence “Distribution may be accomplished, at the discretion of the Board of Selectmen, by publication of the warrant in a newspaper with local circulation within the town or, if there is none, a newspaper with general circulation in Hampden County and which is delivered to all Wilbraham households by United States Postal Service.” (Majority Vote)

ARTICLE 39. Mutual aid agreement. [Brady] Move that the Town vote in accordance with MGL chapter 40, section 4A to authorize the Board of Selectmen and Board of Health to enter into an inter-municipal agreement with one or more other governmental units to provide public health, public works, and general government administration services which the Board of Health, Department of Public Works, and other administrative bodies in the town are authorized to perform, in accordance with an

5/11/2007

Inter-municipal Mutual Aid Agreement to be entered into between the Town and various government units, the text of which is presented in the exhibits as “Article 39, Exhibit A.” (Majority Vote)

ARTICLE 40. Joint operations agreements. [Barry] Move that the Town authorize, but not require, the Board of Selectmen, in accordance with the requirements of M.G.L. Chapter 40, Section 4A, (text of which is presented in the exhibits as “Article 40, Exhibit A”) to enter, on behalf of the Town of Wilbraham, into an agreement or agreements with one or more other governmental units to perform, jointly or for such other unit(s), services, activities or undertakings involving the use of Town of Wilbraham Department of Public Works equipment for use in one or more other governmental unit(s). (Majority Vote)

ARTICLE 41. Town bylaw – Right-to-farm. [Thompson] Move that the Town vote to amend Article VI of the Town By-Laws, “Regulation of Public Conduct,” by adding Section 633, “Right to Farm Bylaw,” the text of which is presented in the exhibits as “Article 41, Exhibit A.” (Majority Vote)

ARTICLE 42. Accept MGL chapter 41, section 110A, re: Saturday openings. [Brady] Move that the Town allow the Town Clerk’s office to be closed on Saturdays, as provided in Massachusetts General Laws chapter 41, section 110A (the text of which is presented in the exhibits as “Article 42, Exhibit A.” (Majority Vote)

ARTICLE 43. Town bylaw – Storm water. [Barry] Move that the Town vote to amend Article VI of the Town By-Laws, “Regulation of Public Conduct,” by adding Section 634, “Storm Water Bylaw,” the text of which is presented in the exhibits as “Article 43, Exhibit A.” (Majority Vote)

Adjournment of Annual Town Meeting: [Thompson] Move that the Town vote to adjourn the Annual Town Meeting until 8:30 A.M., Saturday, May 29, 2007, at the Wilbraham Community Center, Precinct A; Stony Hill School, Precinct B; Memorial School, Precinct C; or Soule Road School, Precinct D; when the Annual Town Election will be held, polls closing at 6:30 P.M. (Majority Vote)