

ACTIONS OF THE 2008 ANNUAL TOWN MEETING

MAY 12, 2008

Attendance

Precinct A: 71
Precinct B: 47
Precinct C: 61
Precinct D: 71
Total ----- 250

In accordance with the Warrant, as posted, the inhabitants of the Town of Wilbraham, qualified to vote in Town affairs, met in Minnechaug Regional High School on Monday, May 12, 2008. At 7:00 PM Moderator Anthony Scibelli noted a quorum was present and called the meeting to order. Moderator Scibelli explained the process to be followed during this evening's event.

At this time the Moderator read the memoriam list of names that have recently passed on. This was followed by a moment of silence. Names read were Robert E. Pierce, Coralie Gray, Maralyn E. Jackson, Edward P. Carr, Alan F. Leritz, Louis W. Franklin, William D. Siebert, and Mary K. Lopata.

The Pledge of Allegiance was then recited, followed by Town Clerk Beverly J. Litchfield reading the call of the meeting.

The Moderator welcomed all and commenced with an explanation of the process concerning the "Consent Agenda."

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.

The articles included in the consent agenda were then read, one at a time by the members of the Board of Selectmen. After each article the Moderator asked if there were any questions. If there were none, they proceeded with the next article. The Consent Articles were 1, 2, 18, 20, 21, 22, 23, 24, 25 and 26. Each article is listed separately in these minutes and marked with an asterisk. All consent articles passed by unanimous vote.

* **ARTICLE 1. Choosing Miscellaneous Officials (Consent Agenda).** Passing by unanimous vote 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

* **ARTICLE 2. Hearing Reports (Consent Agenda).** Passing by unanimous vote that the town accept the reports of all officers and committees as printed in the Annual Town Report.

ARTICLE 3. Funding Transfers FY 2008: Finance Committee Recommends. Passing by unanimous vote and pursuant to Section 33B of Chapter 44 of the General Laws, that the Town transfer the sums of:

- \$169,000 from previously appropriated but unexpended funds in the FY08 Budget #111 Legal Expense (\$20,000), #122 Selectmen Salaries (\$25,700), #131 Reserve Fund (\$118,300), #420 Highway Salaries (\$5,000) to budget #420 Highway Expense Snow Removal.
- \$44,395 from #702 Interest on Debt (\$9,500), #131 Reserve Fund (\$9,665), #210 Police Salaries (\$21,565), #541 Council on Aging Salaries (\$3,665) to Fire Salaries.
- \$15,000 from #210 Police Salaries (\$4,635), #113 Town Meeting Expense (\$4,000), #541 Council on Aging Salaries (\$6,365) to #193 General Insurance.

- \$11,170 from #541 Council on Aging Salaries (\$2,835), #620 Recreation Salaries (\$1,800), #131 Reserve Fund (\$1,035), #163 Registrars Expense (\$1,000), #137 Assessors Salaries (\$1,000), #113 Town Meeting Expense (\$3,500) to #134 Accounting Overtime (\$700), Treasurer/Collector Overtime (\$300), #197 Surety Bonds (\$100), #251 Building Inspector Overtime (\$700), #192 Town Properties Expense (\$8,370), #240 Dispatch Overtime (\$1,000).

ARTICLE 4. **Ambulance Fund transfer:** Finance Committee Recommends. Passing by unanimous vote that the town appropriate \$36,000 from Receipts reserved for Appropriation for Ambulance to the FY 08 Ambulance Budget to cover overtime.

ARTICLE 5. **Parliamentary procedures:** Finance Committee Recommends. Passing by unanimous vote that the Town adopt special parliamentary procedures for the purpose of implementing the provisions of Chapter 580 of the Acts of 1980 (Proposition 2½), as amended, and as set forth in a document entitled "Article 5, Exhibit A," on file with the Town Clerk.

ARTICLE 6. **Annual Community Preservation Program budget:** Finance Committee Recommends. Passing by unanimous vote that the town 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 2009, with each item to be considered a separate appropriation.

Purpose:

Dues, Community Preservation Coalition (administration)	\$750
Administrative Costs – Survey, Studies, Assessments (administration)	\$19,000
Community Gardens Expansion and Well (Public Recreation)	\$17,270
Little Red School House Air Conditioning (Historic Preservation)	\$75,000
Meeting House Painting (Historic Preservation)	\$4,600
Historic Property Inventory (Historic Preservation)	\$15,000
Cemetery Commission Projects (Glendale Bell Restoration, Period Correct Historic Picket Fence at Adams Cemetery, Permanent Historic Walking Tour Markers at Adams Cemetery) (Historic Preservation)	\$36,379
Spec Pond Softball Field and Walking Trails (Public Recreation)	\$150,000
Crane Hill Disc Golf Course (Public Recreation)	\$3,150
Forest Management (Open Space)	\$50,000

Reserves

Affordable Housing	\$40,902
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ARTICLE 7. **Compensation for elected town officials:** Finance Committee Recommends. Passing by unanimous vote that the Town fix the compensation for all elected Town Officers for the fiscal year beginning July 1, 2008 and ending June 30, 2009, as follows: Assessors, chairman, \$3,213, members, \$2,910 each, per year; Town Clerk, \$61,304 per year (all fees revert to the Town treasury); Moderator, \$200 Annual Town Meeting, \$50 Special Town Meeting; selectmen, \$4,276 per year, chairman \$4,989 per year; Tree Warden, \$8,690 per year; Water Commissioners, \$150 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.

ARTICLE 8. **Budget Appropriations:** Finance Committee Recommends. Passing by unanimous vote that the Town accept the report of the Finance Committee and to raise and appropriate \$30,305,467, transfer \$124,000 from Free Cash, and transfer \$25,000 from offset receipts (for Dog Officer Expenses) to cover the necessary capital expenditures and operating expenses of the Town for Fiscal Year 2009 (July 1, 2008 to June 30, 2009) per appropriations listed separately in the Town Meeting Workbook and incorporated herein by reference, with the exception of the Reserve Fund, Stabilization Fund,

Conservation Fund and Enterprise Fund Budgets, which will be voted on separately in subsequent Articles.

Presentations were made by Finance Committee Chairperson Sue Bunnell and Regional School Superintendent Paul Gagliarducci. Special thanks went out to Town Administrator Robert Weitz, Town Accountant Joanne DeGray, and Assistant Town Accountant Nancy Johnson for all of their help.

ARTICLE 9. Water Enterprise Fund Budget: Finance Committee Recommends. Passing by unanimous vote that the following sums be appropriated for the Water Enterprise Fund: Salaries, \$340,365; Expenses, \$877,405; Non-recurring, \$90,000, and that \$1,307,770 be raised as follows: \$1,283,418 from Water Department receipts and \$24,352 from retained earnings.

ARTICLE 10. Wastewater Enterprise Fund Budget: Finance Committee Recommends. Passing by unanimous vote that the following sums be appropriated for the Wastewater Enterprise Fund: Salaries, \$167,227; Expenses: \$522,889 and that \$690,116 be raised as follows: \$682,921 from Wastewater Department receipts and \$7,195 from retained earnings.

ARTICLE 11. Solid Waste Enterprise Fund Budget: Finance Committee Recommends. Passing by unanimous vote that the following sums be appropriated for the Solid Waste Enterprise Fund: Salaries, \$144,890; Expenses, \$314,416, and that \$459,351 be raised as follows: \$431,378 from Solid Waste receipts and \$27,973 from retained earnings.

ARTICLE 12. Stabilization Fund: Finance Committee Recommends. Passing by a majority vote that the Town transfer \$305,352 from Free Cash and to transfer \$335,398 from funds received in reimbursement for the October, 2005 flood to the Stabilization Fund in accordance with Section 5B of Chapter 40 of the General Laws.

ARTICLE 13. Receipts reserved for appropriation for ambulance: Finance Committee Recommends. Passing by unanimous vote that the Town appropriate \$511,595 from Receipts Reserved for Appropriation for Ambulance to Ambulance personal services, operating and capital costs, pursuant to Section 5 of Chapter 40 of the General Laws.

ARTICLE 14. Appropriation for ambulance depreciation account: Finance Committee Recommends. Passing by unanimous vote that the Town 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 General Laws.

ARTICLE 15. Proceeds from the Sale of Ambulance: Finance Committee Recommends. Passing by unanimous vote that the Town transfer the sum of \$14,500 from the sale of a used ambulance (Acct# 20-999-4245) to the Ambulance Vehicle Depreciation Account.

ARTICLE 16. Receipts reserved for appropriation for cemeteries: Finance Committee Recommends. Passing by unanimous vote that the town appropriate \$10,000 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 General Laws.

ARTICLE 17. Reserve Fund: Finance Committee Recommends. Passing by unanimous vote that the town transfer \$40,000 from Overlay Surplus and to raise and appropriate \$110,000.00 for a Fiscal Year 2009 Reserve Fund.

* **ARTICLE 18. Conservation Fund (consent agenda):** Finance Committee Recommends. Passing by unanimous vote that the town raise and appropriate \$7,000 to the Conservation Fund for open space acquisition, in accordance with Section 8C of Chapter 40 of the General Laws.

ARTICLE 19. **-Authorization to Borrow for Capital Outlays:** Finance Committee Recommends. Requiring a two-thirds vote, passing by unanimous vote that the town borrow \$878,000 for the following purposes:

- in accordance with Section 7(3A) of Chapter 44 of the 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, \$738,000; and
- in accordance with Section 7(9) of Chapter 44 of the General Laws for the cost of departmental equipment, \$140,000.

Capital Planning Chairman Robert Quintin gave a brief presentation to all. Following the presentation he thanked Treasurer/Collector Thomas Sullivan, Assistant Town Accountant Nancy Johnson, Building Inspector Lance Trevallion and Maintenance Supervisor Ron Rauscher for all of their assistance and guidance.

* ARTICLE 20. **Council on Aging Revolving Fund (consent agenda):** Finance Committee Recommends. Passing by unanimous vote that the Town reauthorize a revolving fund in accordance with Section 53 E½ of Chapter 44 of the 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 2008 revolving fund to the FY 09 revolving fund. Expenditures authorized by the Director of Elder Affairs, not exceeding a total of \$10,000 in FY 2009. The balance in the revolving account shall not exceed \$10,000.

* ARTICLE 21. **Compost Bin Revolving Fund (consent agenda):** Finance Committee Recommends. Passing by unanimous vote that the Town reauthorize a revolving fund in accordance with Section 53 E½ of Chapter 44 of the 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 2008 revolving fund to the FY 2009 revolving fund. Expenditures authorized by the Recycling Coordinator, not exceeding a total of \$5,000 in FY 2009. The balance in the revolving account shall not exceed \$5,000.

* ARTICLE 22. **Cemetery Revolving Fund (consent agenda):** Finance Committee Recommends. Passing by unanimous vote that the Town reauthorize a revolving fund in accordance with Section 53 E½ of Chapter 44 of the 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 2008 revolving fund to the FY 2009 revolving fund. Expenditures authorized by the Cemetery Commission, not exceeding a total of \$20,000 in FY 2009. The balance in the revolving account shall not exceed \$20,000.

* ARTICLE 23. **Community Gardens Revolving Fund (consent agenda):** Finance Committee Recommends. Passing by unanimous vote that the Town reauthorize a revolving fund in accordance with Section 53 E½ of Chapter 44 of the 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, and transfer the balance from the FY 2008 revolving fund to the FY 2009 revolving fund. Expenditures authorized by the Conservation Commission, not exceeding a total of \$6,000 in FY 2009. The balance in the revolving account shall not exceed \$6,000.

* ARTICLE 24. **Authorization to enter into lease/purchase agreements (consent agenda):** Finance Committee Recommends. Passing by unanimous vote that the town authorizes 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.

* **ARTICLE 25. Authorization to dispose of surplus equipment (consent agenda):** Finance Committee Recommends. Passing by unanimous vote that the Town authorizes 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.

***ARTICLE 26. Grants Authorization (consent agenda):** Finance Committee Recommends. Passing by unanimous vote that the Town authorizes the Board of Selectmen to apply for and accept federal or state grants or monies as may be available and to authorize the expenditure of any such grants or funds received there from in accordance with the terms of said grants.

ARTICLE 27. Bylaw Amendment: Finance Committee Recommends. Passing by unanimous vote that the Town amends the Bylaws by deleting Section 624 (Dog Quarantine Release Fee) in its entirety.

ARTICLE 28. Acceptance of deeds: Finance Committee Recommends. Passing by a declared two-thirds vote that the Town 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 28, Exhibit A."

A request from Judith Theocles, 10 Fernwood Dr., concerning the removal of the wording "Eminent Domain" used in conjunction with the 28 Miles Morgan Court was approved by Town Counsel.

ARTICLE 29. Acceptance of a Gift of Land: Finance Committee offers no recommendation. Requiring a two-thirds vote, passing by unanimous vote that the Town accepts a gift of land from Charles Kalivas, said parcel being identified as 111V Bennett Road on the Wilbraham Assessors Maps, which is shown on a map on file in the office of the Town Clerk as "Article 29, Exhibit A".

ARTICLE 30. Designation of a certain parcel for Open Space use: Requiring a two-thirds vote, passing by unanimous vote that the Town designate as open space for passive recreation purposes, the parcel of land known as 40V Hillcrest, to which the property description and plan information is on file in the office of the Town Clerk identified as "Article 30, Exhibit A", which is situated in the Town of Wilbraham abutting the planned open space community or PURD (Planned Unit Residential Development) known as The Woods at Wilbraham, and which is comprised of approximately 21.06 acres more or less, which was donated by THE WOODS AT WILBRAHAM, LLC, to the Town of Wilbraham on or about January 30, 2001.

ARTICLE 31. Designation of a certain parcel for Open Space use: Passing by a declared two-thirds vote that the Town designate as open space for passive recreation purposes, the parcel of land known as 4V Southwood, to which the property description and plan is on file in the office of the Town Clerk identified as "Article 31 Exhibit A" which is situated in the Town of Wilbraham abutting or adjacent to the cluster zoning development of section 1 Forest Glen, in the Town of Wilbraham, which is comprised of approximately 28 acres more or less, (see), which was donated to the Town of Wilbraham by G.G.S., INC., "for municipal purposes only" on or about May 20, 1971.

ARTICLE 32. Release of Easement: Passing by a majority vote that the Town authorizes the Board of Selectmen to enter into an agreement, upon terms and conditions agreeable to the Board of Selectmen, with Kyung Won Kim and/or Kim Properties Holding LLC, to forbear from enforcing the Town's easement for recreation and playground purposes on a portion of Parcel B at 88V Stony Hill Road, Wilbraham, Massachusetts, which is bounded and described in a document recorded in the Hampden County Registry of Deeds at Book 5556, Page 323, the relevant portion of which is shown on an Exhibit to this annual town meeting, on the condition that, and only for so long as, the said Kyung Won Kim d/b/a Kim Properties Holdings, LLC uses that portion of Parcel B described aforesaid as shown on the attached plan as an exhibit hereto, only for swimming pool and recreational purposes,

and on the condition that, and for so long as, the said Kyung Won Kim d/b/a Kim Properties Holdings, LLC is not in violation of any federal state or local statutes, laws Zoning or General By-Laws, or Rules and Regulations of the Town of Wilbraham.

ARTICLE 33. Zoning By-Law Amendment - Rezoning 88V Stony Hill Road: Planning Board Recommends. Passing by unanimous vote that the Town amend the Wilbraham Zoning By-Law and the accompanying Zoning Map referenced therein by rezoning from Residential-15 (R-15) to General Business (GB) a portion of land owned by Kyung Won Kim d/b/a Kim Properties Holding LLC known as Parcel B and located at **88V Stony Hill Road**, as more particularly described on a plan on file with the Town Clerk entitled "Zoning Exhibit B.

ARTICLE 34. Zoning By-Law Amendment –Non-conforming Uses and Structures: Planning Board Recommends. Passing by unanimous vote that the Town amend the Wilbraham Zoning By-Law by revising section 3.3 as set forth in a document entitled "Zoning Exhibit A" on file with the Town Clerk.

ARTICLE 35. Zoning By-Law Amendment – Accessory Residential Dwellings and Housekeeping Facilities: Planning Board Recommends. Passing by a declared two-thirds vote by the Moderator that the Town amend the Wilbraham Zoning By-Law by deleting section 3.6.2.9 in its entirety.

ARTICLE 36. Zoning By-Law Amendment: [Petitioner] Planning Board does not recommend. Requiring two-thirds vote, declared failed by two-thirds vote by the Moderator that the Zoning By-Laws be amended as printed under Article 36 of the Warrant.

Attorney John Ross spoke for the Petitioners and gave a brief explanation of the reasoning behind this petitioned article. He also explained the benefits to the town in taxable income. Planning board Chairman Richard Butler spoke against this article. He stated that due to the lack of information presented to them, it was hard to speak in favor of it. Their goal is to do this correctly without rushing into things.

After article was declared failed by the Moderator, a motion to reconsider the article came from the audience. Article declared failed by the Moderator the second time also.

ARTICLE 37. By-law Amendment: [Petitioner] Passing by a majority vote that the Town amend the General Bylaws of the Town of Wilbraham [Article V, SECTION 519 COMMUNITY PRESERVATION COMMITTEE paragraph a.] in the following manner: To increase the number of committee members from seven to nine by increasing the number of at large members from one to three and to change the term "at large member" to "at large members" twice in paragraph a.

Petitioner John Broderick, 1220 Stony Hill Rd., gave a brief presentation to explain the position of the Petitioners. Frederic Fuller, member of the CPA committee, spoke against the change. The committee feels that things have been handled quite well thus far as it is currently set up.

Adjournment of Annual Town Meeting: Passing by unanimous vote that the Town adjourn the Annual Town Meeting until 8:30 A.M., Saturday, May 17, 2008, at the Wilbraham Senior 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.

Meeting adjourned at 9:45 PM.

Respectfully submitted,
Beverly J. Litchfield, MMC, CMMC
Town Clerk of Wilbraham

TOWN BULLETIN
Boston, Massachusetts

The foregoing amendments to the town by-laws adopted under articles 27, 33, 34, 35 and 37 of the warrant for the Wilbraham Annual Town Meeting that convened on May 12, 2008 are hereby approved and the maps pertaining to Article 33.

July 31, 2008

Martha Coakley
Attorney General

Kelli E. Gunagan
Assistant Attorney General