

ANNUAL TOWN MEETING
MAY 11, 2009

Attendance
Precinct A: 89
Precinct B: 56
Precinct C: 94
Precinct D: 55
Total ----- 294

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 11, 2009. At 7:00PM Moderator, Anthony Scibelli noted a quorum was present and called the meeting to order. The Pledge of Allegiance was then recited followed by Town Clerk Beverly J. Litchfield reading the call of the meeting.

At 7:08 PM a motion was made by Selectman Barry and seconded to continue the annual town meeting to June 15, 2009 at 7:00 PM at Minnechaug Regional High School Auditorium to conduct action on all articles in the posted warrant. Motion carried by a majority vote.

On June 15, 2009, noting a quorum was present at 7:00 PM; Town Moderator Scibelli reopened the annual town meeting. He asked for a moment of silence in honor of those who had passed since our last annual town meeting. He proceeded with reading each name out loud for those in attendance. This was followed by his announcing the process that would be followed for the meeting.

Moderator Scibelli introduced Boy Scout Troop 359 who posted colors and lead all in the Pledge of Allegiance.

The Moderator welcomed all and commenced with an explanation of the process concerning the "Consent Agenda." The articles included in the consent agenda were then read, one at a time by the Moderator. The Consent Articles were 1, 2, 20, 21, 22, 23, 24, 25, 26 and 27. Each article is listed separately in these minutes.

ARTICLE 1. Choosing Miscellaneous Officials (consent agenda). Passing by a majority 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 a majority vote that the town accept the reports of all officers and committees as printed in the Annual Town Report.

ARTICLE 3. 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 3, Exhibit A," on file with the Town Clerk.

ARTICLE 4. Medicare Extension Plans for All Eligible Retirees – Statute Acceptance. Finance Committee Recommends. Failing to pass (Yes – 96, No – 144) by a majority vote to accept Section 18 of Chapter 32B of the General Laws, the effect of which would be to require that all Town retirees, their spouses and dependents who are enrolled in or eligible to be enrolled in Medicare Part A at no cost to them, their spouse or dependents, enroll in a Medicare health benefits supplement plan offered by the Town.

This motion was followed by a lengthy discussion. Some of the questions were answered by the Town Labor Counsel. A member of the GASB 45 review board tried to explain the issues at hand. After noting how close the raised hand count was, tellers were called in to do a manual hand count.

ARTICLE 5. Authorization to Make Payment of Subsidiary or Additional Rate for Insurance for Retired Employees – Statute Acceptance. Finance Committee Recommends. Passing by a majority vote to indefinitely postpone action under Article 5.

ARTICLE 6. Petition Article. Finance Committee does not Recommend. Following amendment, article passed by a majority vote to postpone action under article 6.

This article was amended to postpone action until another time. This amendment came about after brief presentations made by a few residents.

ARTICLE 7. Petition Article. Passing by a majority vote to indefinitely postpone action under Article 7.

ARTICLE 8. Petition Article. Passing, as amended, by a majority vote that the Town petition its elected representatives in General Court to file legislation on the Town’s behalf which shall enable the Town to reimburse all medical insurance deductibles and co-payments incurred under MGL Ch32B for Christopher J. Doyle.

ARTICLE 9. Annual Community Preservation Program budget. 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 2010, with each item to be considered a separate appropriation.

Purpose:

Dues, Community Preservation Coalition (non-committed)	\$1,500.00
Administrative Costs – Survey, Studies, Assessments (non-committed)	\$15,000.00
Coleman Property Purchase (open space)	\$200,000.00
Sawmill Stream Study (open space)	\$20,000.00
Spec Pond Aquatic Vegetation Management (open space).....	\$13,447.42
(non-committed)	\$17,352.58
Community Gardens Invasive Plant Control (open Space).....	\$5,010.00
Field and Road Preservation at Rice Nature Preserve (open space).....	\$2,250.00
Hayfield Reclamation (open space).....	\$1,000.00
Village Center Sidewalk Improvement	
with Handicap Detection (historic Preservation)	\$20,000.00
Restoration to Original Colonial-type fence	
at Glendale Cemetery (historic preservation)	\$1,453.99
(non-committed).....	\$13,546.01
Historic Properties Inventory (historic preservation)	\$10,000.00
Records Preservation (historic preservation).....	\$4,350.00

Reserves

Affordable Housing	\$33,540.00
Non-committed	\$6,588.50

ARTICLE 10. 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, 2009 and ending June 30, 2010, as follows: Assessors, chairman, \$3,261, members, \$2,954 each, per year; Town Clerk, \$62,224 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, \$8,820 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 11. Budget Appropriations. Finance Committee Recommends. Passing by a majority vote that the Town accept the report of the Finance Committee and raise and appropriate \$30,429,196, transfer \$47,493 from Free Cash, transfer \$45,000 from the Overlay Surplus, and transfer \$25,000 from offset receipts (for the Dog Officer budget) to cover the necessary capital expenditures and operating expenses of the Town for Fiscal Year 2010 per appropriations listed separately in the Finance Committee and incorporated herein by reference, with the exception of the Reserve Fund and Enterprise Fund Budgets, which will be voted on separately in subsequent Articles.

Presentations were made by Sue Bunnell, Chairman of the Finance Committee and Superintendent of Schools Paul Gagliarducci. Superintendent Gagliarducci was recognized for his dedicated years of service to the schools. He will be retiring on June 25th, 2009. A strong round of applause was offered to him.

ARTICLE 12. Water Enterprise Fund Budget. Finance Committee Recommends. Passing by a majority vote that the following sums be appropriated for the Water Enterprise Fund: Salaries, \$350,256; Expenses, \$904,978; Non-recurring, \$90,000, and that \$1,345,234 be raised as follows: \$1,258,170 from Water Department receipts and \$87,064 from retained earnings.

ARTICLE 13. Wastewater Enterprise Fund Budget. Finance Committee Recommends. Passing by a majority vote that the following sums be appropriated for the Wastewater Enterprise Fund: Salaries, \$172,497; Expenses: \$846,170, and that \$1,018,667 be raised as follows: \$1,018,667 from Wastewater Department receipts and \$0 from retained earnings.

ARTICLE 14. Solid Waste Enterprise Fund Budget. Finance Committee Recommends. Passing by a majority vote that the following sums be appropriated for the Solid Waste Enterprise Fund: Salaries, \$152,482; Expenses, \$306,612, and that \$459,094 be raised as follows: \$436,101 from Solid Waste receipts and \$22,993 from retained earnings.

At this time, William Massidda took the mike and thanked the Selectmen and the Finance Committee for all of their hard work and due diligence. Applause rang out in favor of this announcement.

ARTICLE 15. Receipts reserved for appropriation for ambulance. Passing by a majority vote that the Town appropriate \$526,700 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 16. Appropriation for ambulance depreciation account. Passing by a majority 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 17. Receipts reserved for appropriation for cemeteries. Passing by a majority vote that the town appropriate \$15,000 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 18. Reserve Fund: Finance Committee Recommends. Passing by a majority vote that the town transfer \$200,000 from the Stabilization Fund and to raise and appropriate \$25,000 for a Fiscal Year

2010 Reserve Fund.

ARTICLE 19. -Authorization to Borrow for Capital Outlays: Finance Committee Recommends.

Requiring a 2/3rd vote, passing by a declared 2/3rd vote by the Moderator that the town borrow \$335,000 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, \$120,000; and
- in accordance with Section 7(9) of Chapter 44 of the General Laws for the cost of departmental equipment, \$165,000; and
- in accordance with section 7(1) of Chapter 44 of the Massachusetts General Laws for the construction or reconstruction of surface drains, sewers, sewerage systems and sewage treatment and disposal facilities \$50,000

Capital Committee Chairman Robert Quintin gave a brief presentation to the voters. Following the presentation he thanked Nancy Johnson, Tom Sullivan, Lance Trevallion and Ron Rauscher for all of their hard work.

ARTICLE 20. Council on Aging Revolving Fund (consent agenda). Passing by a majority 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 2009 revolving fund to the FY 2010 revolving fund. Expenditures authorized by the Director of Elder Affairs, not exceeding a total of \$10,000 in FY 2010. The balance in the revolving account shall not exceed \$10,000.

ARTICLE 21. Compost Bin Revolving Fund (consent agenda). Passing by a majority 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 2009 revolving fund to the FY 2010 revolving fund. Expenditures authorized by the Recycling Coordinator, not exceeding a total of \$5,000 in FY 2010. The balance in the revolving account shall not exceed \$5,000.

ARTICLE 22. Cemetery Revolving Fund (consent agenda). Passing by a majority 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, winter access charges, and for opening and closing graves, which shall be used to purchase boundary markers, foundations, winter access charges, and to open and close graves, and transfer the balance from the FY 2009 revolving fund to the FY 2010 revolving fund. Expenditures authorized by the Cemetery Commission, not exceeding a total of \$20,000 in FY 2010. The balance in the revolving account shall not exceed \$20,000.

ARTICLE 23. Community Gardens Revolving Fund (consent agenda). Passing by a majority 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 2009 revolving fund to the FY 2010 revolving fund. Expenditures authorized by the Conservation Commission, not exceeding a total of \$6,000 in FY 2010. The balance in the revolving account shall not exceed \$6,000.

ARTICLE 24. **Authorization to enter into lease/purchase agreements (consent agenda).** Passing by a majority 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).** Passing by a majority 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).** Passing by a majority 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. **Rescind unissued debt authorization (consent agenda). Finance Committee Recommends.** Passing by a majority vote to rescind the \$1,050,000 of unissued debt authorized under Article 7 of the warrant for the May 16, 2005 Annual Town Meeting for the acquisition of all or a portion of, and/or an agricultural preservation restriction in, the property referred to as the "orchard 90 ac." for open space conservation purposes pursuant to Section 8C of Chapter 40 and Chapter 44B of the Massachusetts General Laws (the Massachusetts Community Preservation Act).

ARTICLE 28. **Acceptance of deeds.** Passing by unanimous vote to indefinitely postpone action under Article 28.

ARTICLE 29. **Authorization to Borrow Capital Outlay for the Water Corrosion Control Facility. Finance Committee Recommends.** Requiring a 2/3rd vote, passing by a declared 2/3rd vote by the Moderator that the town transfer \$62,660 from Water Enterprise Fund Retained Earnings and, to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow \$90,000 under chapter 44 of the Massachusetts General Laws or any other enabling authority and that, although any borrowing would be a general obligation of the Town, the debt service related to any such borrowing shall be paid through water charges, for construction or enlargement of reservoirs, and the construction of filter beds, standpipes, buildings for pumping stations including original pumping station equipment, and buildings for water treatment, including original equipment therefor, and the acquisition of land or any interest in land necessary in connection with any of the foregoing, and that the Board of Water Commissioners be authorized to take any other action necessary to carry out this project.

ARTICLE 30. **Water Main Project. Finance Committee Recommends.** Requiring a 2/3rd vote, passing by a declared 2/3rd vote by the Moderator to appropriate \$1,200,000 for design, bidding, and laying of water mains on various town streets; that to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow \$1,200,000 under chapter 44 of the Massachusetts General Laws or any other enabling authority and that although any borrowing would be a general obligation of the Town, the debt service related to any such borrowing shall be paid through water charges and that the Board of Water Commissioners be authorized to take any other action necessary to carry out this project.

ARTICLE 31. **Water Department Vehicles. Finance Committee Recommends.** Passing by a majority vote to transfer \$45,000 from Water Enterprise Fund Retained Earnings for the purpose of purchasing Pickup Trucks for the Water Department.

ARTICLE 32. **Drainage and Access Easements.** Requiring a 2/3rd vote, passing by a declared 2/3rd vote by the Moderator, that pursuant to the authority found in Massachusetts General Laws, Chapter 79

and/or other legal authority, to acquire drainage and utility easements by gift, purchase and/or eminent domain in areas of the town designated in Exhibit A hereto, which is on file with the Office of the Town Clerk, for the purpose of having timely and adequate legal access to private property in order to maintain uninterrupted flow in the town's waterways, so they will not back up and cause flooding due to blockages obstructing the flow of water during certain storm events known as 50 - and 100-year storms, which cause local flooding, damage to real estate and the threat of serious harm to town residents.

ARTICLE 33. Unpaid Bills from Prior Fiscal Years. Requiring 4/5ths vote, passing by declared 4/5ths by the Moderator (only one opposed) to transfer \$1,188 from free cash to pay unpaid bills incurred in prior years and remaining unpaid from Attorney Dennis Tully and the Lower Pioneer Valley Planning Commission.

ARTICLE 34. Authorization to Dispose of Municipal Property. Requiring a 2/3rd vote, failing to pass by a 2/3rd vote to authorize the Board of Selectmen to dispose of two adjacent town-owned parcels of land, to wit: a 1.26 acre parcel of land identified on the Assessors maps as 181Manchonis Road and, a 5,545 square foot parcel of land identified on the Assessors Maps as 4V Mohawk Street, all in accordance with General Laws Chapter 30B, at such time as the board declares said property as surplus.

ARTICLE 35. Designation of certain parcels for Open Space use. Requiring a 2/3rd vote, passing by a declared 2/3rd vote by the Moderator to designate as open space for passive recreation purposes, the parcel of land shown on the Assessors Maps as 27V Tinkham Glen, which contains 4.61 acres, more or less, and which was given on an unrestricted basis for municipal purposes to the Town of Wilbraham by U. Francis Florian and Angelo A. Liquori by deed recorded in the Hampden Registry of Deeds Book 3877, Page 41.

ARTICLE 36. Zoning By-Law Amendment – Maximum Building Coverage Requirement in the I-POP-GB Zoning District: Requiring a 2/3rd vote, passing by a declared 2/3rd vote by the Moderator to amend section 7.4 of the Wilbraham Zoning By-Law by changing the Maximum Building Coverage requirement listed in the Dimensional Regulations table from “25 percent” to “30 percent.”

ARTICLE 37. Zoning By-Law Amendment – Maintenance of Non-conforming Signs: Requiring a 2/3rd vote, passing by a declared 2/3rd vote by the Moderator to amend section 12.12.2 of the Wilbraham Zoning By-Law by deleting the following words from the first sentence: “reworded (other than in the case of cinema or theater signs, or signs with automatically changing messages).”

ARTICLE 38. Zoning By-Law Amendment – Planning Board Authority to Adopt Rules & Regulations: Requiring a 2/3rd vote, passing by a declared 2/3rd vote by the Moderator to amend section 15.4 of the Wilbraham Zoning By-Law by adding a new section 15.4.3 to read as follows: “The Planning Board shall adopt, and may periodically amend by majority vote after a public hearing, Rules and Regulations as may be necessary to carry out its administrative responsibilities under this By-Law including the establishment of reasonable administrative fees and application fees as well as project review fees as authorized by M.G.L. Chapter 44 Section 53G to defray the cost of hiring outside consultants when needed for the technical review of site plan approvals, special permits and ridgeline and hillside reviews. A copy of said Rules and Regulations shall be filed with the Town Clerk.”

ARTICLE 39. Zoning By-Law Amendment – Board of Appeals Authority to Adopt Rules & Regulations: Requiring a 2/3rd vote, passing by a declared 2/3rd vote by the Moderator to amend section 15.5 of the Wilbraham Zoning By-Law by adding a new section 15.5.3 to read as follows: “The Board of Appeals shall adopt, and may periodically amend by majority vote after a public hearing, Rules and Regulations as may be necessary to carry out its administrative responsibilities under this By-Law including the establishment of reasonable administrative fees and application fees as well as project review fees as authorized by M.G.L. Chapter 44 Section 53G to defray the cost of hiring outside consultants when

needed for the technical review of variances, administrative appeals, special permits and comprehensive permits. A copy of said Rules and Regulations shall be filed with the Town Clerk.”

ARTICLE 40. Zoning By-Law Amendment - Rezoning from ACF to GB: Requiring a 2/3rd vote, passing by a declared 2/3rd vote by the Moderator to amend the Wilbraham Zoning By-Law and the accompanying Zoning Map referenced therein by rezoning from Adult Care Facilities (ACF) to General Business (GB) the following seven parcels of land comprising approximately 27 acres: Parcel #582 located at 2407 Boston Road owned by James H. McPherson and Dorothy D. Anderson; Parcel #583 located at 2417 Boston Road owned by John F. Pontiac and Judy Buckeye; Parcel #589 located at 2423 Boston Road owned by Kim R. Baker; Parcel # 591 located at 2431 Boston Road owned by Alexander Chrzanowski and Walter J. Chrzanowski, Jr.; Parcel #593 located at 2439 Boston Road owned by Frank L. Reed; Parcel #594 located at 2443 Boston Road owned by Frank L. Reed; and Parcel #1850 located at 34V Forest Street owned by Frank L. Reed, Inc. as more particularly described on a plan on file with the Town Clerk entitled "Rezoning Exhibit A.”

ARTICLE 41. Accept M.G.L. Chapter 39, Section 23D: Passing by a majority vote to accept for all boards, committees or commissions holding adjudicatory hearings in the Town, the provisions of Massachusetts General Laws Chapter 39 Section 23D, which provides that a member of a board, committee or commission holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to the member’s absence from one session of such hearing, provided that certain conditions as established by said statute are met.

Adjournment of Annual Town Meeting: Passing by unanimous vote that the Town adjourn the Annual Town Meeting.

Meeting adjourned at 10:45 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 36, 37, 38, 39 and 40 of the warrant for the Wilbraham town meeting that convened on May 11, 2009 are hereby approved and the map pertaining to Article 40 (Zoning).

Martha Coakley
Attorney General

August 25, 2009

Kelli E. Gunagan
Assistant Attorney General