

Articles designated for the **Consent Agenda** (\*) are considered routine and will be acted on with a single motion. Items may be removed from the Consent Agenda by the moderator in order to address any voter concerns or questions.

**Second Night.** If there is considerable business remaining as the clock approaches 11:00 PM, the Moderator will consider a motion to adjourn to a second session..

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# ANNUAL TOWN MEETING ARTICLES

## TOWN OF WILBRAHAM

CONTINUED ANNUAL TOWN MEETING, JUNE 15, 2009 – 7:00 PM

Minnechaug Regional High School Auditorium

**\*ARTICLE 1. Choosing miscellaneous officials (consent agenda).** To choose one Poundkeeper; two Surveyors of Lumber; two Measurers of Wood and Charcoal; two Field Drivers; two Weighers of Grain; all for a term of one year.

Explanation: The town has a tradition that these positions be filled by election at each Annual Town Meeting.

**\*ARTICLE 2. Hearing reports (consent agenda).** To hear and act on reports of all officers and committees whose duties require them to report to said meeting.

Explanation: Under this article Town Meeting formally accepts the 2008 Town Report.

**ARTICLE 3. Parliamentary procedures.** To see if the Town shall 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, or take any other action relative thereto.

Explanation: Under this article Town Meeting agrees to accept the Finance Committee's revenue estimates for the FY 2010 budget, and to keep total expenditures in balance with revenues. A voter making a motion to increase spending must identify the funding source.

**Finance Committee Recommendation:** Finance Committee recommends approval of this Article

**ARTICLE 4. Medicare Extension Plans for All Eligible Retirees – Statute Acceptance.** To see if the Town will 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; or take any other action relative thereto.

Explanation: This Article proposes that Town Meeting vote to accept a provision of state law that would require retirees who are eligible for Medicare coverage to enroll for the same. Some retirees have elected in the past to not enroll in Medicare despite their eligibility causing the Town to incur unnecessary increased expense for health insurance coverage for these retirees.

**Finance Committee Recommendation:** Finance Committee recommends acceptance of this statute.

**ARTICLE 5. Authorization to Make Payment of Subsidiary or Additional Rate for Insurance for Retired Employees – Statute Acceptance.** To see if the Town will vote to accept Section 9E of Chapter 32B of the General Laws authorizing the Town to, in addition to the payment of fifty per cent of a premium for contributory group life, hospital, surgical, medical, dental and other health insurance for employees retired from the service of the town, and their dependents, pay a subsidiary or additional rate, or take any other action relative thereto.

Explanation: This Article would allow the town to continue to pay retiree health insurance premiums at a contribution percentage of more than 50%.

**Finance Committee Recommendation:** Finance Committee recommends that this Article be indefinitely postponed.

**ARTICLE 6.** Accept MGL Chapter 32B, Section 9D1/2, regarding premiums for surviving spouse of an employee or retired employee group insurance. To see if the town will vote to accept provisions of Massachusetts General Laws Chapter 32B: Section 9D1/2. (A copy of which is attached hereto and incorporated by reference) which states in part “Shall the Town, in addition to the payment of fifty percent of premium costs payable by the surviving spouse of an employee or retired employee for group general or blanket hospital, surgical, medical and other health insurance pay and additional or subsidiary rate.” [SUBMITTED BY PETITION]

*Explanation:* This Petitioned Article would require the Town to contribute more than 50% of the cost of Health insurance premiums for surviving spouses of retired town employees.

**Finance Committee Recommendation:** Finance Committee does **not** recommend acceptance of this Statute.

**ARTICLE 7.** Shall the Town reimburse one hundred percent of the premium costs payable by a retired employee and/or retired employee’s spouse for Medicare Part B should retired employee and/or retired employee’s spouse be required to enroll in a Medicare health benefits, supplement plan offered by the town? [SUBMITTED BY PETITION]

*Explanation:* This Petitioned Article asks that the Town pay 100% of the cost of Medicare Part B if the town requires retired employees and their spouse to enroll in Medicare.

**Finance Committee Recommendation:** Finance Committee does **not** recommend approval of this Article.

**ARTICLE 8. Accept MGL Chapter 41, section 100B, regarding indemnification of retired disabled police officers and firefighters.** To see if the town will vote to accept the provisions of Massachusetts General Laws Chapter 41, section 100B, regarding disability benefits for police officers or firefighters or their widow or next of kin for all reasonable hospital, medical and surgical, chiropractic, nursing, pharmaceutical, prosthetic and related expenses and reasonable charges for podiatry incurred by such police officer or fire fighter after his retirement, provided for in said section. Full text of MGL Chapter 41, section 100B filed with the Town Clerk as “Exhibit A”. [SUBMITTED BY PETITION]

*Explanation:* This Petitioned Article would require the town to pay all disability-related medical costs for police and firefighters retired from the town due to a job-related disability.

**Finance Committee Recommendation:** Finance Committee does **not** recommend acceptance of this Statute.

**ARTICLE 9. Annual Community Preservation Program budget.** To hear and act on the report of the Community Preservation Committee on the Fiscal Year 2010 Community Preservation Budget and to appropriate or reserve for later appropriation monies from the Community Preservation Fund annual revenues or available funds for the payment of debt service, the undertaking of community preservation projects, the administrative expenses of the Community Preservation Committee and all other necessary and proper expenses for the year, as set forth in a document entitled “Article 9, Exhibit A” or take any other action relative thereto.

*Explanation:* This article asks Town Meeting to act on the recommendations of the Community Preservation Committee, relative to expenditure of the Community Preservation Fund, established by town vote in 2004.

**Finance Committee Recommendation:** Finance Committee recommends approval of this Article as per motion.

**ARTICLE 10. Compensation for elected town officials.** To see if the Town will vote to fix the compensation for all elected Town Officers for the fiscal year beginning July 1, 2009 and ending June 30, 2010, or take any other action relative thereto.

*Explanation:* State law requires Annual Town Meeting to set compensation for elected officials.

**Finance Committee Recommendation:** Finance Committee recommends that the compensation for elected Town Officers for fiscal year July 1, 2009 to June 30, 2010, be fixed as follows: Assessors, chairman, \$3,213.00, members, \$2,910.00 each, per year; Town Clerk, \$61,304.00 per year (all fees revert to the Town treasury); Moderator, \$200.00 Annual Town Meeting, \$50.00 Special Town Meeting; Selectmen, \$4,276.00 per year, chairman \$4,989.00 per year; Tree Warden, \$8,690.00 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.

**ARTICLE 11. Budget appropriations.** To hear and act on the report of the Finance Committee together with the appropriations recommended by them and to raise such sum of money as may be deemed necessary for defraying the expenses of the Town for the ensuing fiscal year and appropriate the same and vote how the same shall be raised or provided for, or take any other action relative thereto.

*Explanation:* This article presents the Finance Committee's recommendations for the FY 2010 budget. Any amendment to increase any budget item may only be presented according to the guidelines set forth in Article 3, Parliamentary Procedures.

*Finance Committee Recommendation:* (The budget is a separate document for voter reference.)

**ARTICLE 12. Water Enterprise Fund Budget.** To see if the town will vote to raise and appropriate or transfer from available funds a sum of money to operate the Water Enterprise Fund or take any other action relative thereto.

*Explanation:* This article establishes the budget for the Water Enterprise Fund and the funding sources for said enterprise fund.

*Finance Committee Recommendation:* Finance Committee recommends that \$1,345,234 be appropriated to operate the Water Enterprise and that \$1,258,170 be raised from Water Department receipts and \$87,064 be transferred from retained earnings.

**ARTICLE 13. Wastewater Enterprise Fund Budget.** To see if the town will vote to raise and appropriate or transfer from available funds a sum of money to operate the Wastewater enterprise Fund, or take any other action relative thereto.

*Explanation:* This article establishes the budget for the Wastewater Enterprise Fund and the funding sources for said enterprise fund.

*Finance Committee Recommendation:* Finance Committee recommends that \$1,018,667 be appropriated to operate the Wastewater Enterprise and that \$1,018,667 be raised from Wastewater Department receipts.

**ARTICLE 14. Solid Waste Enterprise Fund Budget.** To see if the town will vote to raise and appropriate or transfer from available funds a sum of money to operate the Solid Waste Enterprise Fund, or take any other action relative thereto.

*Explanation:* This article establishes the budget for the Solid Waste Enterprise Fund and the funding sources for said enterprise fund.

*Finance Committee Recommendation:* Finance Committee recommends that \$459,094 be appropriated to operate the Solid Waste Enterprise Fund and that \$436,101 be raised from Solid Waste Department receipts and \$22,993 be transferred from retained earnings.

**ARTICLE 15. Receipts reserved for appropriation for ambulance.** To see if the Town will vote to appropriate a sum of money [\$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 Massachusetts General Laws, or take any other action relative thereto.

*Explanation:* This article appropriates funding from ambulance billing receipts to support the town's ambulance service.

*Finance Committee Recommendation:* Finance Committee recommends approval of this Article.

**ARTICLE 16. Appropriations for Ambulance Depreciation Account.** To see if the Town will vote to appropriate a sum of money [\$35,000] from Receipts Reserved for Appropriation for Ambulance to be held in a depreciation account for vehicle and equipment replacement pursuant to Section 5 of Chapter 40 of the Massachusetts General Laws, or take any other action relative thereto.

*Explanation:* This article appropriates funding from ambulance billing receipts to a holding account which accumulates funding for the future replacement of the ambulance vehicle.

*Finance Committee Recommendation:* Finance Committee recommends approval of this Article.

**ARTICLE 17. Receipts reserved for appropriation for cemeteries.** To see if the Town will vote to appropriate a sum of money 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, or take any other action relative thereto.

*Explanation:* This article appropriates funding from cemetery receipts to support operation of town cemeteries.

*Finance Committee Recommendation:* Finance Committee recommends approval of this Article.

**ARTICLE 18. Reserve Fund.** To see if the Town will vote to raise and appropriate, transfer from the Stabilization Fund, transfer from Overlay Surplus, or otherwise fund a sum of money for a Fiscal Year 2010 Reserve Fund, or take any other action relative thereto.

*Explanation:* Under state law, the town is allowed to maintain a Reserve Fund to meet “unforeseen and extraordinary” costs that arise during the year. The Selectmen and Finance Committee must approve transfers from the Reserve Fund.

**Finance Committee Recommendation:** Finance Committee recommends funding of the Reserve fund at \$225,000.

**ARTICLE 19. Authorization to borrow for capital outlays.** To see if the Town will vote to borrow a sum of money for the following purposes:

- 1) 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; and
- 2) in accordance with Section 7(9) of Chapter 44 of the Massachusetts General Laws for the cost of departmental equipment;
- 3) 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, or take any other action relative thereto.

*Explanation:* This article authorizes borrowing in support of the town’s five-year capital improvements plan, which will be outlined at town meeting and presented in the motion.

**Finance Committee Recommendation:** Finance Committee recommends approval of this Article.

**\*ARTICLE 20. Council on Aging Revolving Fund (consent agenda).** To see if the Town will vote to reauthorize a revolving fund for the use of the Council on Aging to accept revenue from program fees and donations which shall be used for program expenses and further to transfer the balance from the FY 2009 revolving fund to the FY 2010 revolving fund in accordance with Section 53E½ of Chapter 44 of the Massachusetts General Laws; or take any other action relative thereto.

*Explanation:* State law allows the town to authorize revolving funds to collect and disburse specific fee revenues, and requires that Annual Town Meeting approve these accounts each year.

**Finance Committee Recommendation:** Finance Committee recommends approval of this Article.

**\*ARTICLE 21. Compost Bin Revolving Fund (consent agenda).** To see if the Town will vote to reauthorize a revolving fund for the use of the Disposal and Recycling Center, to accept revenue from the sale of compost bins which shall be used to purchase additional compost bins, and further to transfer the balance of the FY 2009 revolving fund to the FY 2010 revolving fund in accordance with Section 53E½ of Chapter 44 of the Massachusetts General Laws, or to take any other action relative thereto.

*Explanation:* State law allows the town to authorize revolving funds to collect and disburse specific fee revenues, and requires that Annual Town Meeting approve these accounts each year.

**Finance Committee Recommendation:** Finance Committee recommends approval of this Article.

**\*ARTICLE 22. Cemetery Revolving Fund (consent agenda).** To see if the Town will vote to reauthorize a revolving fund for the use of the Cemetery Commission, to accept revenue 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 further to transfer the balance from the FY 2009 revolving fund to the FY 2010 revolving fund in accordance with Section 53E½ of Chapter 44 of the Massachusetts General Laws, or to take any other action relative thereto.

*Explanation:* State law allows the town to authorize revolving funds to collect and disburse specific fee revenues, and requires that Annual Town Meeting approve these accounts each year.

**Finance Committee Recommendation:** Finance Committee recommends approval of this Article.

**\*ARTICLE 23. Community Gardens Revolving Fund (consent agenda).** To see if the Town will vote to reauthorize a revolving fund for the use of the Conservation Commission, to accept revenue from lot rental fees at the community gardens, which shall be used to purchase goods, tools, and services, including water resources, for the use of the gardeners at the Community Gardens, and further to transfer the balance from the FY 2009 revolving fund to the FY 2010 revolving fund in accordance with Section 53E½ of Chapter 44 of the Massachusetts General Laws, or take any other action relative thereto.

*Explanation:* State law allows the town to authorize revolving funds to collect and disburse specific fee revenues; this Revolving Fund will be used for income and expenses related to the Community Gardens.

**Finance Committee Recommendation:** Finance Committee recommends approval of this Article.

**\*ARTICLE 24. Authorization to enter into lease/purchase agreements (consent agenda).** To see if the Town will 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; or take any other action relative thereto.

*Explanation:* Each year the Town Meeting is asked to give the Selectmen authorization to allow municipal departments to enter into lease/ purchase agreements.

**Finance Committee Recommendation:** Finance Committee recommends approval of this Article.

**\*ARTICLE 25. Authorization to dispose of surplus equipment (consent agenda).** To see if the Town will 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; or take any other action relative thereto.

*Explanation:* Each year Town Meeting may authorize selectmen to dispose of surplus equipment.

**Finance Committee Recommendation:** Finance Committee recommends approval of this Article.

**\*ARTICLE 26. Grants Authorization (consent agenda).** To see if the Town will vote to authorize 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 from such grants in accordance with the terms of said grants, or take any other action relative thereto.

*Explanation:* Certain State Grant programs require a Town Meeting vote of authorization for application and expenditure.

**Finance Committee Recommendation:** Finance Committee recommends approval of this Article.

**\*ARTICLE 27. Rescind unissued debt authorization.** To see if the Town will 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), or take any other action relative thereto.

*Explanation:* This Article was passed to enable the town to purchase this property for open space conservation. The town was able to preserve the land as open space without the need to purchase the land. The Town and the Commonwealth of Massachusetts were able to place an agricultural preservation restriction on the property which prevents development in the future.

**Finance Committee Recommendation:** Finance Committee recommends approval of this Article.

**ARTICLE 28. Acceptance of deeds.** To see if the Town will vote to accept such deeds and grants of interests in land to the Town 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", or take any other action relative thereto.

*Explanation:* Under this article Town Meeting votes to accept certain interests in land that have been deeded or granted to the town during the past year.

**Finance Committee Recommendation:** Finance Committee recommends approval of this Article.

**ARTICLE 29. Authorization to Borrow Capital Outlay for the Water Corrosion Control Facility.** To see if the Town will vote, to 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, or take any other action relative thereto.

*Explanation:* This Article authorizes the town to borrow an additional amount of money for the Water Corrosion Control Facility in order to cover engineering and facility changes that resulted in higher cost.

**Finance Committee Recommendation:** Finance Committee recommends approval of this Article.

**ARTICLE 30. Water Main Project.** To see if the Town will vote 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, or take any other action relative thereto.

*Explanation:* This article would provide funding to replace existing water mains on Brookside Circle, Brookside Road, Brookside Drive, Colonial Road, East Colonial and South Colonial Roads, as well as Brainard Road.

**Finance Committee Recommendation:** Finance Committee recommends approval of this Article.

**ARTICLE 31. Water Department Vehicles.** To see if the Town will vote to transfer \$45,000 from Water Enterprise Fund Retained Earnings for the purpose of purchasing Pickup Trucks for the Water Department, or take any other action relative thereto.

*Explanation:* This Article would fund the replacement of a 1986 GMC pickup truck and a 1995 Dodge pickup.

**Finance Committee Recommendation:** Finance Committee recommends approval of this Article.

**ARTICLE 32. Drainage and Access Easements.** To see whether the Town will vote, 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; or take any other action relative thereto.

*Explanation:* This Article would give the Town the authority to obtain easements in order for the DPW to attempt to minimize local flooding due to blockages in certain town waterways.

**Finance Committee Recommendation:** Finance Committee recommends approval of this Article.

**ARTICLE 33. Unpaid Bills from Prior Fiscal Years.** To see if the Town will vote to raise and appropriate, or transfer from available funds to pay unpaid bills incurred in prior years and remaining unpaid; or to take any other action relative thereto.

*Explanation:* This Article, which requires a 4/5<sup>th</sup> vote, would allow the town to pay two unpaid bills from fiscal years prior to fiscal year 2009.

**Finance Committee Recommendation:** Finance Committee recommends approval of this Article.

**ARTICLE 34. Authorization to Dispose of Municipal Property:** -To see if the Town will 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, or take any other action relative thereto.

*Explanation:* This Article would authorize the Board of Selectmen to dispose of two parcels of Town-owned land on Manchonis Road and Mohawk Street by the process outlined in the Uniform Procurement Act, MGL Chapter 30B.

**Finance Committee Recommendation:** Finance Committee recommends approval of this Article.

**ARTICLE 35. Designation of certain parcels for Open Space use.** To see if the Town will vote to designate as open space for passive recreation purposes, the parcel of land shown on the Assessors Maps as 27V Tinkham Glen and which contains 4.61 acres, more or less; or take any other action relative thereto.

*Explanation:* This vacant, surplus land 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. The intent of this article is to designate the parcel as open space.

**Finance Committee Recommendation:** Finance Committee recommends approval of this Article.

**ARTICLE 36. Zoning By-Law Amendment – Maximum Building Coverage Requirement in the I-POP-GB Zoning District:** To see if the Town will vote 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”, or take any other action relative thereto. (PLANNING BOARD RECOMMENDS)

*Explanation:* This article seeks to amend the Zoning By-Law by increasing the maximum building coverage requirement in the I-POP-GB Zoning District from 25 percent to 30 percent.

**Planning Board Recommendation:** will be made at Town Meeting

**ARTICLE 37. Zoning By-Law Amendment – Maintenance of Non-conforming Signs:** To see if the Town will vote 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)” or take any other action relative thereto. (PLANNING BOARD RECOMMENDS)

*Explanation:* This article seeks to amend the Zoning By-Law by removing inconsistent and outdated language from the regulations governing the maintenance of non-conforming signs.

**Planning Board Recommendation:** will be made at Town Meeting

**ARTICLE 38. Zoning By-Law Amendment – Planning Board Authority to Adopt Rules & Regulations:** To see if the Town will vote 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.” or take any other action relative thereto. (PLANNING BOARD RECOMMENDS)

*Explanation:* This article seeks to amend the Zoning By-Law by giving the Planning Board the authority to adopt rules and regulations to govern the board’s conduct and the administration of its duties under the Zoning By-Law.

**Planning Board Recommendation:** will be made at Town Meeting

**ARTICLE 39. Zoning By-Law Amendment – Board of Appeals Authority to Adopt Rules & Regulations:** To see if the Town will vote 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.” or take any other action relative thereto. (PLANNING BOARD RECOMMENDS)

*Explanation: This article seeks to amend the Zoning By-Law by giving the Board of Appeals the authority to adopt rules and regulations to govern the board’s conduct and the administration of its duties under the Zoning By-Law.*

**Planning Board Recommendation: will be made at Town Meeting**

**ARTICLE 40. Zoning By-Law Amendment - Rezoning from ACF to GB:** To see if the Town will vote 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", or take any other action relative thereto. (PLANNING BOARD RECOMMENDS)

*Explanation: This article seeks to amend the Wilbraham Zoning Map by rezoning 7 parcels of land on Boston Road that are located between Forest Street and the Life Care Center from Adult Care Facilities to General Business.*

**Planning Board Recommendation: will be made at Town Meeting**

**ARTICLE 41. – Accept M.G.L. Chapter 39, Section 23D:** To see if the Town will 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, or take any other action relative thereto.

*Explanation: This article seeks to have the town accept a local option statute enacted by the state legislature in 2006 regarding minimal additional requirements for attendance of members of municipal boards, committees and commissions at adjudicatory hearings which convene on more than one session. If adopted, such members will not be disqualified from voting on a matter solely due to the fact of that member’s absence from one meeting provided that the member certifies in writing that he/she has examined all evidence of the missed hearing before any such vote.*

**Finance Committee Recommendation: Finance Committee recommends approval of this Article.**