

## ANNUAL TOWN MEETING

May 17, 2010

### 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, 20, 21, 22, 23, 26, 27, and 28. *(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

*(Majority vote)*

\* ARTICLE 2. **Hearing Reports (consent agenda).** **[THOMPSON]** 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 2010.** **[BRADY]** Pursuant to Section 33B of Chapter 44 of the General Laws, move that the Town vote to transfer the sum of \$8,000 from previously appropriated but unexpended funds in the FY'2010 Budget #220 Fire Salaries to budget #211 Police Cruiser *(Majority vote)*

ARTICLE 4. **Ambulance Fund transfer.** **[BARRY]** Move that the town vote to appropriate \$25,000 from Receipts reserved for Appropriation for Ambulance to the FY'2010 Ambulance Budget to cover overtime. *(Majority vote)*

ARTICLE 5. **Parliamentary procedures.** **[THOMPSON]** Move 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. *(Majority vote)*

ARTICLE 6. **Compensation for elected town officials.** **[BRADY]** Move that the Town vote to fix the compensation for elected Town Officers for fiscal year July 1, 2010 to June 30, 2011, as follows: Assessors, chairman, \$3,343, members, \$3,028 each, per year; Town Clerk, \$63,780 per year (all fees revert to the Town treasury); Moderator, \$200 Annual Town Meeting, \$50 Special Town Meeting; Selectmen, \$4,383 per year, chairman \$5,114 per year; Tree Warden, \$9,041 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. *(Majority vote)*

ARTICLE 7. **Budget appropriations.** **[BARRY]** Move that the Town accept the report of the Finance Committee and vote to raise and appropriate \$31,244,387, transfer \$118,000 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 2011 (July 1, 2010 to June 30, 2011) per appropriations



ARTICLE 15. **Reserve Fund: [BRADY]** Move that the town vote to raise and appropriate \$225,000 for a Fiscal Year 2011 Reserve Fund. *(Majority vote)*

ARTICLE 16. **Medicare Extension Plans for Future Eligible Retirees – Statute Acceptance [BARRY]** Move to accept Section 18A of Chapter 32B of the General Laws, the effect of which would be to require that all Town retirees who retire after the acceptance of this section, their spouses and dependents who are enrolled in or eligible to be enrolled in Medicare Part A at no cost to a retiree, their spouse or dependents, or eligible for coverage thereunder at no cost to a retiree, their spouse or dependents, be required to enroll in a Medicare health benefits supplement plan offered by the Town. *(Majority vote)*

ARTICLE 17. **Other Post Employment Benefits Liability Trust Fund Authorization – Statute Acceptance. [THOMPSON]** Move to accept Section 20 of Chapter 32B of the General Laws authorizing the establishment of a separate fund, to be known as an Other Post Employment Benefits Liability Trust Fund, and other provisions as outlined in said Statute. *(Majority vote)*

ARTICLE 18. **Funding of Other Post Employment Benefits Liability Trust Fund. [BRADY]** Move that the Town vote to raise and appropriate \$50,000 to be placed into the Other Post Employment Benefits Liability Trust Fund, established under the provisions Massachusetts General Laws Chapter 32B, Section 20. *(Majority vote)*

ARTICLE 19. **-Authorization to Borrow for Capital Outlays: [BARRY]** Move that the town vote to borrow \$545,000 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, \$180,000; and
- in accordance with Section 7(9) of Chapter 44 of the General Laws for the cost of departmental equipment, \$365,000. *(Two-thirds vote)*

\* ARTICLE 20. **Council on Aging Revolving Fund (consent agenda). [THOMPSON]** Move that the Town vote to 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 2010 revolving fund to the FY 2011 revolving fund. Expenditures authorized by the Director of Elder Affairs, not exceeding a total of \$10,000 in FY 2011. The balance in the revolving account shall not exceed \$10,000. *(Majority vote)*

\* ARTICLE 21. **Compost Bin Revolving Fund (consent agenda). [BRADY]** Move that the Town vote to 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 2010 revolving fund to the FY 2011 revolving fund. Expenditures authorized by the Public Works Director, not exceeding a total of \$5,000 in FY 2011. The balance in the revolving account shall not exceed \$5,000. *(Majority vote)*

\* **ARTICLE 22. 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 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 2010 revolving fund to the FY 2011 revolving fund. Expenditures authorized by the Cemetery Commission, not exceeding a total of \$20,000 in FY 2011. The balance in the revolving account shall not exceed \$20,000. *(Majority vote)*

\* **ARTICLE 23. Community Gardens Revolving Fund (consent agenda).** [THOMPSON] Move that the Town vote to 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 2010 revolving fund to the FY 2011 revolving fund. Expenditures authorized by the Conservation Commission, not exceeding a total of \$6,000 in FY 2011. The balance in the revolving account shall not exceed \$6,000. *(Majority vote)*

**ARTICLE 24. Special Appropriation for road repaving and preservation.** [BRADY] Move that the town vote to transfer from \$150,000 from free cash to repave, resurface and/or crack seal public ways. *(Majority vote)*

**ARTICLE 25. Municipal Broadband Study.** [BARRY] Move to indefinitely postpone action under Article 25. *(Majority vote)*

\* **ARTICLE 26. Authorization to enter into lease/purchase agreements (consent agenda).** [THOMPSON] 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 27. Authorization to dispose of surplus equipment (consent agenda).** [BRADY] Move that the Town vote to 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 28. Grants Authorization (consent agenda).** [BARRY] Move that the Town 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 therefrom in accordance with the terms of said grants. *(Majority vote)*

**ARTICLE 29. Acceptance of deeds.** [THOMPSON] Move to indefinitely postpone action under Article 29. *(Two-thirds vote)*

**ARTICLE 30. Drainage and Access Easements.** [BRADY] Move, pursuant to the authority found in Massachusetts General Laws, Chapter 79 and/or other legal authority, to acquire drainage, utility and access 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 public water, drainage and sewer utilities, pedestrian access and safety on sidewalks, and traffic on and near public and private roadways, highways and other ways, and 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 storm events which cause local flooding, damage to real estate and the threat of serious harm to town residents *(Two-thirds vote)*

**ARTICLE 31. LOCAL MEALS TAX (PETITION ARTICLE).** [PETITIONER] Move that the town of Wilbraham accept G.L. c. 64L, § 2(a) to impose a local meals excise. *(Majority vote)*

**ARTICLE 32. By-Law Amendments – Relating to Town Meetings and Town Elections.** [BARRY] Move to amend the Town By-Laws as follows:

- Amend Section 200(c) of the Wilbraham By-Laws by deleting the words “and at one public location in each precinct”.
- Amend Section 201(a) of the Wilbraham By-Laws to read as follows: The Annual Town Meeting shall be held in either April, May or June of each year, the date to be determined by the Board of Selectmen.
- Amend Section 204(a) of the Wilbraham By-Laws to read as follows: The town election of officers shall be held on the third Saturday in May.

*(Majority vote)*

**ARTICLE 33. By-Law Amendments - Dogs.** [THOMPSON] Move to amend the Town By-Laws as follows:

- Amend Section 604.2(B) of the Wilbraham By-Laws to read as follows: Any owner or keeper of a dog six months of age or older in the Town of Wilbraham shall cause that dog to be licensed each year. Licensing is issued annually for a 12-month period beginning **January 1**.
- Amend Section 604.2(c) of the Wilbraham By-Laws to read as follows: Licensing is available during January, February and March, or earlier at the discretion of the Town Clerk. Any owner or keeper who applies for a dog license, whether new or renewal, after April 30, will be charged a late fee for the current year, as established by the Board of Selectmen.

*(Majority vote)*

**ARTICLE 34. Wilbraham Center Historic District.** [BRADY] Move to Amend Article VI of the Town By-Laws, “Regulation of Public Conduct”, by adding Section 635, “Local Historic District”, as on file with the Town Clerk as “Article 34, Exhibit A and Exhibit B”. *(Two-thirds vote)*

**ARTICLE 35. Acceptance of qualifying subdivision streets as public ways.** [BARRY] 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 Squire Drive and Falcon Heights Road. *(Majority vote)*

**ARTICLE 36. Zoning By-Law Amendment – Retail Sales of Automobiles & Trucks:** [THOMPSON] Move to amend the Wilbraham Zoning By-Law by deleting the second sentence in section 6.5.2 which reads as follows: “In no event shall the percentage of used automobiles or trucks displayed or stored on the premises exceed forty (40) percentage of the total number of new and used automobiles or trucks displayed or stored on said premises during any one week period.” *(Two-thirds vote)*

**ARTICLE 37. Accessory Residential Garage Use Regulations: [BRADY]** Move to amend the Wilbraham Zoning By-Law by deleting existing section 3.6.2.2 and substituting therefor a new section 3.6.2.2 to read as follows: “Private attached garage, detached garage and/or carport accessory to a residential dwelling with a combined number of garage doors not to exceed three (3) and with combined garage space not to exceed 1100 square feet, unless so authorized by special permit from the Planning Board. The location and size of accessory garages shall also be subject to the requirements imposed under section 4.4.8. Parking or storage of motor vehicles shall be subject to the requirements imposed under section 4.5.” *(Two-thirds vote)*

**ARTICLE 38. Zoning By-Law Amendment – Location & Size of Residential Accessory Buildings: [BARRY]** Move to amend the Wilbraham Zoning By-Law by deleting existing section 4.4.8 and substituting therefor a new section 4.4.8 as set forth in a document entitled “Zoning Amendment Exhibit A” on file with the Town Clerk. *(Two-thirds vote)*

**ARTICLE 39. Zoning By-Law Amendment – Earth Removal Permits: [THOMPSON]** Move to amend the Wilbraham Zoning By-Law by deleting existing section 10.4.1 and substituting therefor a new section 10.4.1 as set forth in a document entitled “Zoning Amendment Exhibit B” on file with the Town Clerk, or take any other action relative thereto. *(Two-thirds vote)*

**ARTICLE 40. Town By-law Amendment & Zoning By-Law Amendment – [BRADY] Associate Planning Board Member:** Move to amend Article III Section 308 of the Town By-Laws (Elected Town Officials – Wilbraham Planning Board) by deleting the words “one-year term” in the second sentence of paragraph (a.) and substituting therefor the words “three-year term” and to amend the Wilbraham Zoning By-Law by deleting existing section 15.4.2 and substituting therefor a new section 15.4.2 as set forth in a document entitled “Zoning Amendment Exhibit C” on file with the Town Clerk, or take any other action relative thereto. *(Two-thirds vote)*

**ARTICLE 41. Zoning By-Law Amendment – Mixed Use Development: [BARRY]** Move to amend the Wilbraham Zoning By-Law by revising sections 1.3, 3.5, 3.6 and 14.0 as set forth in a document entitled "Zoning Amendment Exhibit D" on file with the Town Clerk, or take any other action relative thereto. *(Two-thirds vote)*