

ANNUAL TOWN MEETING
JUNE 12, 1993

ATTENDANCE;
Precinct A - 25
Precinct B - 57
Precinct C - 64
Precinct D - 41
Total -187

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. At 9:10 a.m. Town Moderator Arthur F. Dionne noted a quorum was present and led the body in the Pledge of Allegiance to the Flag. The call of the meeting was read by Town Clerk Mary A. Irla.

Moderator Dionne requested a motion to adjourn the Annual Town Meeting until the completion of the Special Town Meeting that was called for 9:15 a.m. It was so voted.

The Annual Town Meeting was reconvened at 9:50 a.m.

Moderator Dionne gave a brief explanation of the procedures and of the articles that were resolutions and therefore not binding.

John Lovejoy suggested a motion to by-pass the reading of the the Parliamentary Procedures, since everyone had a copy, or at least the second reading by the Moderator. The Moderator ruled that one reading was necessary and would dismiss a second reading if so approved by the body. It was so approved.

ARTICLE 1: Choosing Miscellaneous Officials: Voted Unanimously that the following persons be elected to the indicated offices for the ensuing year:

| | |
|---------------------------------|--|
| Poundkeeper ----- | Gilles E. Turcotte |
| Surveyors of Lumber----- | Edward P. Lindsay, Jr. William Garvey |
| Measurers of Wood & Charcoal--- | Stanley Gore William Garvey |
| Field Drivers----- | Dorrance T. Green Jeremiah P. McCarthy, Jr. |
| Weighers of Grain----- | Alton McDonald Jesse L. Rice |

ARTICLE 2: Hearing Reports: Voted Unanimously 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. Voted Unanimously that the Town adopt special parliamentary procedures for the purpose of implementing the provisions of Chapter 580 of the Acts of 1980 (Proposition 2 1/2), as amended, and on file with the Town Clerk.

ARTICLE 4: Compensation for Elected Town Officials: Finance Committee Recommends. Voted Unanimously that the Town fix the compensation for all elected Town Officers for the fiscal year

beginning July 1, 1993 and ending June 30, 1994, be fixed as follows:

| | | | |
|--|-------|-----------|----------------------|
| Assessors, Chairman | ----- | \$2,200 | per year |
| Assessors, | ----- | 2,000 | per year |
| Town Clerk | ----- | \$25,124 | per year |
| (all fees revert to the Town treasury) | | | |
| Moderator | ----- | \$200 | Annual Town Meeting |
| | | \$50 | Special Town Meeting |
| Selectmen, Chairman | ----- | \$1,800 | per year |
| Selectmen | ----- | \$1,500 | per year |
| Tree Warden | ----- | \$5,953 | 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 & Charcoal | | | |
| (all Town officers elected other than by official ballot) fees only, fixed by General Laws. | | | |

ARTICLE 5: Scheduling of Annual Town Meeting. Voted Unanimously that the Town amend Subsection "a" of Section 201 of the Town By-Laws to read:

"The Annual Town Meeting shall be held in March, April or May of each year, the date to be determined by the Board of Selectmen."

Tellers sworn in by the Moderator: Dr. Alan Peck, Doris Bowman and John Lovejoy.

ARTICLE 6: Stabilization Fund. Finance Committee Recommends. Voted by a 2/3 Majority (Yes 87, No 1) that the Town appropriate the sum of \$2,314 to Budget 077, Group Health and Life Insurance, from the Stabilization Fund pursuant to Section 5B of Chapter 40 of the Massachusetts General Laws.

ARTICLE 7: Overlay Reserve Fund. Finance Committee Recommends. Voted Unanimously that the Town appropriate \$43,307 to Budget 077, Group Health and Life Insurance, from overlay funds certified as excess by the Board of Assessors pursuant to Section 25 of Chapter 59 of the Massachusetts General Laws.

ARTICLE 8: Reserve Fund. Finance Committee Recommends. Voted Unanimously that the Town appropriate the sum of \$100,000 for a Fiscal Year 1994 Reserve Fund, pursuant to Section 5A Chapter 40 of the Massachusetts General Laws.

A motion by Dr. Alan Peck to amend Article 9 to add after the words, General Laws, "and appropriate \$15,000 to be held in a Depreciations Account for vehicle and equipment replacement" was discussed at length. Selectmen determined that they were not sure what amount was in the account. A secondary motion was made to amend the amount to \$12,500. Vote on the secondary motion passed by a Majority.

Finance Committee & the Board of Selectmen did not recommend the amendment.

Vote on the amendment to be part of the article : Yes 44, No 45. Moderator ruled the motion failed to pass. A recount was requested by Gloria Jurkowski and accepted by the Moderator. The recount showed the vote as Yes 53, No 48. Moderator ruled the motion passes.

Vote on the Main Motion, as amended, on Article 9 passed unanimously.

ARTICLE 9: Receipts Reserved for Appropriation for Ambulance: Voted Unanimously, as amended, that the Town appropriate \$20,000 from Receipts Reserved for Ambulance Appropriations for salary costs related to the Ambulance service, pursuant to Section 5 (21A) of Chapter 40 of the Massachusetts General Laws, and appropriate \$12,500 from Receipts Reserved for Ambulance, to be held in a Depreciations Account for vehicle and equipment replacements.

ARTICLE 10: Receipts Reserved for Appropriation for Stony Hill Road School. Finance Committee Recommends. Voted Unanimously that the Town appropriate \$110,000 from Receipts Reserved for Stony Hill Road School, and transfer \$103,051 to the Stony Hill Road School Bond Issue Fund and \$6,949 to General Fund Interest Expenses.

ARTICLE 11: Lottery Revenue Sharing. Voted by a Majority that the Town instruct its representatives to the General Court to support an amendment to the FY1994 state budget to guarantee that cities and towns receive the full \$47 million growth in lottery revenue. (Moderator ruled that Article 11 was a non binding article and the vote was taken to show the sense of the body to the representatives of the General Court.)

ARTICLE 12: Budget Appropriations. Finance Committee Recommends. The vote on this article was contingent upon the Special Override Election that was to be held on June 22, 1993 and the following appropriations reflect the outcome of the election.

Voted Unanimously that the Town accept the report of the Finance Committee and appropriate the sum of \$16,050,509 to cover the necessary capital expenditures and operating expenses of the Town for Fiscal Year 1994 (July 1, 1993 to June 30, 1994) per appropriations listed separately and incorporated herein by reference, and to provide said appropriations as follows:

| | | |
|----------------|---------------------------|-----------|
| Transfer from: | Water Receipts | |
| to: | Water Enterprise Fund | \$626,157 |
| from: | Solid Waste Receipts | |
| to: | Solid Waste Enterprise | 463,762 |
| from: | Sewer Receipts | |
| to: | Sewer Enterprise Fund | 430,159 |
| from: | Cemetery Trust Fund | |
| to: | Cemetery Capital Projects | 2,000 |

from: Offset Receipts
to: Dog Officer's Expense 18,500

Amount of Certified Free Cash Required for FY 1994
municipal appropriations: 56,549

(Contingent factors: \$45,049 is to be appropriated contingent on passage of Proposition 2 1/2 referendum questions under Section 21C of Chapter 59 of the Massachusetts General Laws; and in the event that a majority of the voters do not approve Ballot Question Number One at the Special Town Election on June 22, 1993, which seeks to raise an additional \$28,471 in real estate and personal property taxes for the purpose of funding one Police Patrol Officer position for crime prevention, drug abuse resistance education and juvenile programs for the fiscal year beginning July 1, 1993, then the Police Department budget (Budget 101) shall be reduced by \$28,471, for a total of \$1,030,319, and the total appropriation for the Town shall be \$16,038,616; and in the event that a majority of the voters do not approve Ballot Question Number Two at the Special Town Election on June 22, 1993, which seeks to raise an additional \$16,578 in real estate and personal property taxes for the purpose of opening the Library on Wednesdays for the fiscal year beginning July 1, 1993, then the Library budget (Budget 601) shall be reduced by \$16,578 for a total of \$264,489, and the total appropriation for the Town shall be \$16,050,509; and in the event that a majority of the voters do not approve Ballot Question Numbers One and Two at the Special Election on June 22, 1993, then the total appropriation for the Town shall be \$16,022,038.) (Total approved appropriation figure based on results of Special Override Election held on June 22, 1993 is \$16,050,509)

Adjourned for Lunch at 12:10 p.m.
Reconvened at 1:20 p.m.

Moderator Arthur F. Dionne called for a moment of silence for the following deceased residents who were active in Town Government.

Robert F. Glidden --Town Office Building Committee
Alice R. Grandchamp - Committee to buy first Ambulance
John C. Kenny ----- Assessor
William H. Shortell, Jr. -- Planning Board

ARTICLE 13: Gas Tax Revenue Sharing. Voted Unanimously that the Town instruct its representatives to the General Court to support legislation filed by the Massachusetts Municipal Association that would establish in state law a Local Roads Fund in order to ensure a fair and predictable share of state gas tax collection for distribution to cities and towns for use on local roads. (Town Moderator ruled that the vote on Article 13 was non binding but the vote was taken to show the sense of the body to the Representatives of the General Court.)

ARTICLE 14: Chapter 44 and Chapter 90 Anticipation Borrowing: Finance Committee Recommends. Voted Unanimously that the Town authorize the Treasurer, with the approval of the Board of

Selectmen, to borrow in anticipation of \$229,508 in state receipts in accordance with Section 6A and Section 7, Subsections 5 and 6 of Chapter 44 of the Massachusetts General Laws, said money representing allotment from the Massachusetts 1991 Transportation Bond Issue under Chapter 33, Acts of 1991, or Chapter 90 road construction, reimbursement from the state to be used to retire such debt.

ARTICLE 15. Authorization to Borrow for Capital Outlays. Finance Committee Recommends. Voted Unanimously that the Town appropriate \$70,000 for remodeling, reconstructing or making extraordinary repairs to public buildings owned by the Town; and that to meet this appropriation the Treasurer with the approval of the Selectmen is authorized to borrow \$70,000 under Sections 7(3A) and 7(9) of Chapter 44 of the Massachusetts General Laws.

That \$107,000 is appropriated for the cost of the development, design, purchase and installation of computer hardware, other data processing equipment, computer assisted integrated financial management and accounting systems, and the development, design and purchase of computer software incident thereto; and that to meet this appropriation the Treasurer with the approval of the Selectmen is authorized to borrow \$107,000 under Section 7(28) and 7(29) of Chapter 44 of the Massachusetts General Laws.

ARTICLE 16: Authorization to Borrow for Capital Outlays Contingent on Passage of Debt Exclusions: Voted Unanimously that the Town appropriate \$200,000 for the cost of departmental equipment (Fire Department Pumper Truck); and that to meet this appropriation the Treasurer with the approval of the Selectmen is authorized to borrow \$200,000 under Section 7(9) of Chapter 44 of the Massachusetts General Laws; provided, however, that this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by Section 21C of Chapter 59 of the Massachusetts General Laws (Proposition 2 1/2) amounts required to pay the principal of and the interest on the borrowing authorized by this vote. (At the Special Override Election held on June 22, 1993, the Town voted approval under question #3 (Yes 815, No 583) for this debt exclusion)

That \$180,000 be appropriated for the cost of remodeling, reconstructing or making extraordinary repairs to public buildings owned by the Town, to remove and replace underground fuel storage tanks at the Mile Tree, Soule Road and Middle Schools; and that to meet this appropriation the Treasurer with the approval of the Selectmen is authorized to borrow \$180,000 under Sections 7(3A) and 7(9) of Chapter 44 of the Massachusetts General Laws (Proposition 2 1/2) amounts required to pay the principal of and interest on the borrowing authorized by this vote. (At the Special Override Election held on June 22, 1993, the Town voted approval under question #4 (Yes 710, No 674) for this debt exclusion)

ARTICLE 17: Reallocation of Bond Issue Appropriation: Voted Unanimously that the Town authorize the Board of Selectmen to expend from already appropriated, yet unexpended funds, the sum of \$15,000 from the Wilbraham Middle School roof project, for

the purpose of remodeling, reconstructing or making extraordinary repairs at the Mile Tree School, in accordance with Section 7(3A) of Chapter 44 of the Massachusetts General Laws.

ARTICLE 18: Council on Aging Revolving Fund: Voted Unanimously that the Town reauthorize a revolving fund under the Council on Aging and transfer the balance from the FY 1993 revolving fund as of June 30, 1993 to the FY 1994 Revolving Fund, in accordance with Section 53E1/2 of Chapter 44 of the Massachusetts General Laws. Receipts shall be credited into said fund from the following sources:

1. Donations from individuals, organizations and events.
2. Allowance from the Senior Network.
3. Memorial donations.
4. Fees for classes, trips, and programs.

Expenditures authorized by the Director of Elder Affairs, not exceeding a total of \$5,000 in FY 1994, may be made for the following purposes:

1. Payment of costs connected with programs and events.
2. Repair and maintenance of equipment and furnishings.
3. Purchase of memorials and volunteer recognition.
4. Fees for instructors or classes.

The balance in the revolving fund shall not exceed \$5,000.

ARTICLE 19: Grant or Renewal of Licenses as Affected by Nonpayment of Local Taxes, Fees, etc.: Voted by a Majority (1 Against) that the Town amend Article I of the Town By-Laws by inserting the following:

"Section 110: Grant or Renewal of Licenses as Affected by Nonpayment of Local Taxes, Fees, etc."

In accordance with Section 57 of Chapter 40 of the Massachusetts General Laws, the Board of Selectmen, hereinafter referred to as the Board, may revoke or suspend any local license or permit including renewals and transfers issued by the Board for any person, corporation or business enterprise who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges, provided that:

(a) The Tax Collector shall annually furnish to the Board a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period; and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

(b) The Board may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the Board from the Tax Collector;

provided, however, that written notice is given to the party and the Tax Collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the Board with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the Board receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

(c) Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the Board to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

(d) The Board may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in Section 1 of Chapter 268 of the Massachusetts General Laws in the business or activity conducted in or on said property."

ARTICLE 20: Establishment of Due Dates for Payment of Sewer Charges and Rate of Interest for Unpaid Charges: Voted by a majority that the Town amend Article I of the Town By-Laws by inserting the following:

"Section 111 Establishment of Due Dates for Payment of Sewer Charges and Rate of Interest for Unpaid Charges.

Property owners who do not pay sewer charges within 60 days from the date the bill is mailed shall be assessed a late penalty fee of \$25.00 and an interest charge of 14 percent per annum computed from the date the bill is mailed."

ARTICLE 21: Water Cross Connection Regulations: Voted Unanimously that the Town amend Article VI of the Town By-Laws, by inserting the following:

"Section 624 Water Cross Connection Regulations.

The Board of Water Commissioners is authorized to implement and

enforce regulations on file with the Town Clerk providing for the elimination or control of water cross connections, actual or potential, between the in-plant potable water system and non-potable systems."

ARTICLE 22: Discharging of Firearms: Voted Unanimously that the Town amend Paragraph 3 of Section 600 of Article VI of the Town By-Laws to read as follows:

"Each offender shall receive a written notice to appear before the Town Clerk at any time during office hours, not later than twenty-one days after the date of such notice. Fine for first offense shall be \$100. Second time offenders shall be fined a minimum of \$100 up to \$300. This By-Law shall be enforced by all State and local law enforcement officials and shall be administered under the provisions of Massachusetts General Laws, Chapter 40, Section 21D on non-criminal dispositions and any Town By-Law implementing said statute, provided, however, that this By-Law shall not apply to the lawful defense of life or property, or to any discharge of firearms in accordance with law enforcement."

ARTICLE 23: Reasonable Fees for Licenses, Permits, etc.: Voted Unanimously that the Town accept Section 22F of Chapter 40 of the Massachusetts General Laws empowering municipal boards or officers to fix reasonable fees for certain licenses, permits or certificates.

ARTICLE 24: Additional Compensation for Town Clerk Serving on Board of Registrars: Finance Committee Recommends. Voted Unanimously that the Town accept Section 19J of Chapter 41 of the Massachusetts General Laws providing for additional compensation of the Town Clerk for serving on the Board of Registrars of Voters; and to further set such compensation at \$100.00 per thousand registered voters or major fraction thereof.

ARTICLE 25: Authorization to Dispose of Surplus Equipment: Voted Unanimously that the Town authorize and empower 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: Authorization to Enter Into Lease/Purchase Agreements: Voted by a Majority that the Town 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 interest 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 27: Agreement with the City of Springfield on Regional Yard Waste Recycling: Voted by a Majority that the Town authorize the Board of Selectmen to enter into an agreement with the City of Springfield in accordance with Section 4A of

Chapter 40 of the Massachusetts General Laws, for the implementation of a regional yard waste recycling program.

ARTICLE 28: Acceptance of Public Ways: Voted Unanimously that the Town accept as public ways, pursuant to a layout filed by the Board of Selectmen with the Town Clerk, all or portions of the following streets: Catherine Circle, Christopher Circle, Hilltop Park, Judith Drive and Ward Drive.

ARTICLE 29: Acceptance of Deeds: Voted Unanimously that the Town accept various deeds of land and easement rights to the Town recorded at the Hampden County Registry of Deeds or the Land Registration Office since the date of the last Annual Town Meeting.

ARTICLE 30: Zoning By-Law Amendment: Voted by more than 2/3 Majority (Yes 79, No 3) that the Town amend the Wilbraham Zoning By-Law by deleting the first sentence in Section 4.7.2, paragraph C., and substituting therefor a new sentence to read as follows: "As a result of the approval of said plan, Open Space equal to at least 200,000 square feet for each lot having less than the required frontage is being created thereby on that lot or on other adjacent land."

ARTICLE 31: Zoning By-Law Amendment: Voted by more than 2/3 Majority (Yes 99, No 6) that the Town amend the Wilbraham Zoning By-Law by rezoning from Residential-26 District (R-26) to General Business District (G.B.) a parcel of land containing approximately 7.5 acres, bounded to the north by Boston Road, to the west by Nine Mile Pond, to the east by Main Street, and to the south 250 feet more or less from the southerly side of Boston Road, as more particularly described in a plan on file with the Town Clerk entitled "Article 31 Exhibit A".

ARTICLE 32: Zoning By-Law Amendment: Voted by more than 2/3 Majority (Yes 109, No 3) that the Town amend the Wilbraham Zoning By-Law rezoning from Neighborhood Office District (NO) to Neighborhood Shopping District (NS) a parcel of land containing approximately 2.5 acres located at 1-3 Crane Park Drive and 2 Crane Park Drive, as more particularly described in a plan on file with the Town Clerk entitled "Article 32 Exhibit A."

A Motion to reconsider Article 32 FAILED TO PASS by Unanimous vote.

ARTICLE 33: Zoning By-Law Amendment: Voted by more than 2/3 Majority (Yes 63, No 16) that the Town amend the Wilbraham Zoning By-Law by deleting Section 12.2.2, and substituting therefor a new section 12.2.2 to read as follows: "Bulletin boards or signs not to exceed six (6) square feet in area necessary to churches and other places of worship, schools, public libraries, public museums, philanthropic institutions, public parks, municipal buildings, playgrounds and similar uses as customarily used therewith, except that one bulletin board or sign not to exceed thirty-two (32) square feet in area necessary to public schools and municipal buildings may be

erected by governmental authority subject to site plan approval from the Planning Board."

ARTICLE 34: Regional Homeless Project: Voted Unanimously that the Town recommend to the townspeople support for a regional response to homelessness. (Moderator ruled this was a non-binding article. Selectmen stated they would cooperate and be helpful in any way they could to find an answer to the homeless problem.)

ARTICLE 35: Adjournment of Annual Town Meeting: Voted Unanimously that this meeting be dissolved.

Meeting Dissolved at
3:45 p.m.

ATTEST: MARY A. IRLA, CMC
TOWN CLERK

TOWN BULLETIN

Boston, Massachusetts

The foregoing amendments to the general by-laws adopted under articles 5, 19, 20, 21 and 22 of the warrant for the Wilbraham Annual Town Meeting held June 12, 1993, are hereby approved.

SCOTT HARSHBARGER
ATTORNEY GENERAL

August 12, 1993

Anthony E. Penski
Assistant Attorney
General

TOWN BULLETIN

Boston, Massachusetts

The foregoing amendments to the zoning by-laws adopted under articles 30, 31, 32 and 33 of the warrant for the Wilbraham Annual Town Meeting held June 12, 1993, are hereby approved.

SCOTT HARSHBARGER
ATTORNEY GENERAL

August 12, 1993

Anthony E. Penski
Assistant Attorney
General