

**ANNUAL TOWN MEETING
APRIL 28, 1997**

Attendance:
Precinct A -- 64
Precinct B -- 88
Precinct C -- 83
Precinct D -- 107
Total -----342

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 7:00 PM the Moderator, Arthur F. Dionne, noted a quorum was present and called the meeting to order. At this the Moderator asked those in attendance to join him in the Pledge of Allegiance to the Flag. The call of the meeting was then read by Town Clerk Beverly J. Radner.

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

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

A motion to suspend the Annual Town Meeting so that the Special Town meeting, as posted, for 7:15 PM could be held, was approved unanimously.

The Annual Town Meeting reconvened at 7:22 PM.

ARTICLE 2. Hearing Reports: Voted Unanimously that the Town accept the reports of all officers and committees as printed in the Annual Town Report.

Before Article 3 was presented, the Moderator asked for a moment of silence to remember those who passed away during the year.

John N. Bernet, Sr., Highway Department
John C. Howard, School Committee
Wright N. Horton, Personnel Board
Richard M. Kirby, Constable

Edward S. Kubik, Finance Committee, Personnel Board
Jeremiah P. McCarthy, Electrical Inspector
Thomas J. O'Connor, County Commissioner
John C. Sevey, Community Leader
Mable Osborn, Secretary to Conservation Commission

ARTICLE 3. Parliamentary Procedures: Voted Unanimously that the Town accept 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.

A motion was made and seconded to waive the second reading of the article. Motion passed unanimously.

ARTICLE 4. Parliamentary Procedures: Declared an unanimous vote by the Moderator, that the Town adopt Section 2 of Chapter 448 of the Acts of 1996 for the duration of the Meeting.

At this time the Town Moderator swore in the tellers. They were Dr. Allan Peck, John Lovejoy, and Judith Dionne.

ARTICLE 5. Parliamentary Procedures: Declared a two-third vote by the Moderator that the Town amend Section 202 of the Town By-Laws by adding the following: "e.) On matters requiring a two-thirds vote by statute a count need not be taken unless the vote so declared is immediately questioned by seven or more voters as provided in General Laws, Chapter 39, Section 15".

ARTICLE 6. Compensation for Elected Town Officials: Finance Committee Recommended. Voted by a Majority (two against) that the Town fix the compensation for all elected Town Officers for the fiscal year beginning July 1, 1997 and ending June 30, 1998 as follows:

Assessors, Chairman, \$2,414, Members, \$2,186 each, per year; Town Clerk, \$30,862 per year (all fees revert to the Town treasury); Moderator, \$200 Annual Town Meeting, \$50 Special Town Meeting; Selectmen, \$3,278 per year, Chairman \$3,824 per year; Tree Warden, \$6,505 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 7. Overlay Reserve Fund: Finance Committee Recommended. Voted Unanimously that the Town appropriate the sum of \$40,000 from overlay funds certified as excess by the Board of Assessors pursuant to Section 25 of Chapter 59 of the Massachusetts General Laws to the Stabilization Fund.

ARTICLE 8. Stabilization Fund: Finance Committee Recommended. Voted Unanimously that the Town raise or appropriate from Free Cash the sum of \$250,557 to the Stabilization Fund.

ARTICLE 9. Reserve Fund: Finance Committee Recommended. Voted Unanimously that the Town raise or appropriate from Free Cash (\$65,000) and available funds (\$100,000), the sum of \$165,000 for a fiscal Year 1998 Reserve Fund, and determine how this appropriation should be provided for.

ARTICLE 10. Receipts Reserved for Appropriation for Ambulance: Finance Committee Recommended. Voted Unanimously that the Town appropriate the sum of \$121,604 from Receipts Reserved for Appropriation for Ambulance to Ambulance personal services and operating costs, pursuant to Section 5 of Chapter 40 of the Massachusetts General Laws.

ARTICLE 11. Receipts Reserved for Appropriation for Ambulance: Voted Unanimously to move no action.

ARTICLE 12. Budget Appropriations: Finance Committee Recommended. Voted Unanimously that the Town accept the report of the Finance Committee and appropriate the sum of \$18,097,347, to cover the necessary capital expenditures and operating expenses of the Town for Fiscal Year 1998 (July 1, 1997 to June 30, 1998) per appropriations listed separately and incorporated herein by reference, and to provide said appropriations as follows:

Transfer	from: Water Receipts	\$715,062
	to: Water Enterprise Fund	
	from: Solid Waste Receipts	\$494,581
	to: Solid Waste Enterprise	
	from: Sewer Receipts	\$440,799
	to: Sewer Enterprise Fund	
	from: Cemetery Trust Fund	-0-
	to: Cemetery Capital Projects	
	from: Offset Receipts	\$18,000
	to: Dog Officer's Expense	
	from: Hampden County Traffic Safety Program Grant	\$34,000
	to: Selectmen Salaries	
	from: Federal Crime Bill (COPFAST) Grant	\$23,793

to: Police Salaries

from: Mass. Drug Abuse Resistance Education Grant \$ 9,000

to: Police Salaries

from: Mass. Tobacco Control Grant \$14,616

to: Selectmen Salaries

from: Receipts Reserved for Appropriation to Ambulance \$40,548

to: Fire Salaries

Amount of Certified Free Cash Required for FY 1998 Municipal Appropriations: -0-

Finance Committee Chairman Greg Gale gave a presentation on the budget proposal. During the presentation a list of the current members on the committee was read. Special recognition was given to Nancy Johnson for her help with the committee each meeting.

Ellen Leritz gave a presentation concerning the Regional School budget request. A formal presentation was given by School Committee member Michael Flynn.

ARTICLE 13. Petitioned Article: Voted Unanimously to move no action.

ARTICLE 14. Chapter 90 Anticipation Borrowing: Finance Committee

Recommended. Voted Unanimously that the Town authorize the Treasurer, with the approval of the Board of Selectmen, to borrow \$384,737 in anticipation of 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 for Chapter 113, Acts of 1996, or Chapter 90 road construction, reimbursement from the state to be used to retire such debt.

ARTICLE 15. Reduce Authorization to Borrow for Capital Outlays: Finance

Committee Recommended. Voted Unanimously that the Town reduce Article 16 of the June 12, 1993 Annual Town Meeting which appropriated \$180,000 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 School; to \$142,500; and to reduce the authorization to borrow \$180,000 under Section 7(3A) of Chapter 44 of the Massachusetts General Laws approved at the June 12, 1993 Annual Town Meeting (Article 16) to \$142,500.

At this time Kevin J. Moriarty, Chairman of the Board of Selectmen, recognized State Representative Gale D. Candaras.

ARTICLE 16. Reduce Authorization to Borrow for Capital Outlays: Finance

Committee Recommended. Voted Unanimously that the Town reduce Article 14 of the May 14, 1994 Annual Town Meeting which appropriated \$180,370 for the purpose of

closing out the landfill area to \$0; and to reduce the authorization to borrow \$180,370 under Section 8 (24) of Chapter 44 of the Massachusetts General Laws approved at the May 14, 1994 Annual Town Meeting (Article 14) to \$0.

ARTICLE 17. Reduce Authorization to Borrow for Capital Outlays: Finance Committee Recommended. Voted Unanimously that the Town reduce Article 22 of the May 1, 1995 Annual Town Meeting which appropriated \$87,160 for remodeling, reconstructing or making extraordinary repairs to public buildings owned by the Town to \$37,160; and to reduce the authorization to borrow \$87,160 under Section 7 (3a) of Chapter 44 of the Massachusetts General Laws approved at the May 1, 1995 Annual Town Meeting (Article 22) to \$37,160.

ARTICLE 18. Reduce Authorization to Borrow for Capital Outlays: Finance Committee Recommended. Voted Unanimously that the Town reduce Article 22 of the May 1, 1995 Annual Town Meeting which appropriated \$302,638 for the purpose of closing out the landfill area to \$0; and to reduce the authorization to borrow \$302,638 under Section 8(24) of Chapter 44 of the Massachusetts General Laws approved at the May 1, 1995 Annual Town Meeting (Article 22) to \$0.

ARTICLE 19. Authorization to Borrow for Capital Outlays: Finance Committee Recommended. Voted Unanimously that the Town borrow a sum not to exceed \$418,000 for the following purposes:

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, \$380,000;

in accordance with Section 7 (9) of Chapter 44 of the Massachusetts General Laws for the cost of departmental equipment, \$30,000;

in accordance with Section 7(28) and 7(29) of Chapter 44 of the Massachusetts General Laws for the development, design, purchase and installation of computer hardware, other data processing equipment and computer assisted integrated financial management and accounting systems, \$8,000.

A presentation was given by Robert Quintin, Chairman of the Capital Planning Committee, concerning the proposed budget request. A five year plan was explained to the audience. Mr. Quintin thanked the committee members for their hard work. Special thanks also went out to Frank Dailey, Jr., Nancy Johnson, and Tom Sullivan.

ARTICLE 20. Council on Aging Revolving Fund: Finance Committee Recommended. Voted Unanimously that the Town reauthorize a revolving fund under the Council on Aging and transfer the balance from the FY 1997 revolving fund to the FY 1998 revolving fund in accordance with Section 53 E1/2 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 \$10,000 in FY 1998, 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 of classes. The balance in the revolving fund shall not exceed \$10,000.

ARTICLE 21. Compost Bin Revolving Fund: Finance Committee Recommended. Voted Unanimously that the Town reauthorize a revolving Home Composting Bin Account in accordance with Section 53 E1/2 of Chapter 44 of the Massachusetts General Laws in order to place revenue collected from the sale of compost bins which shall be used to purchase additional compost bins. Expenditures authorized by the Recycling Coordinator, not exceeding a total of \$5,000 in FY 1998, may be made for the purchase of additional composting bins for resale to town residents. The balance in the revolving account shall not exceed \$5,000.

ARTICLE 22. Waste Water Enterprise Fund Retained Earnings: Finance Committee Recommended. Passing by a Majority Vote (two opposed) that the Town appropriate \$30,000 from available funds in the Waste Water Enterprise Fund retained earnings account for the purpose of funding a sewer interceptor capacity study.

ARTICLE 23. Naming of Public Park: Voted Unanimously that the Town name the property currently known as "Bruuer Pond" and recorded in the Hampden County Registry of Deeds in Book 3050, Page 294, as "Sevey Park at Bruuer Pond".

ARTICLE 24. Special Legislation / Golf Course: Town Moderator declared this article passed by a two-third vote (two opposed) to direct the Board of Selectmen to petition the Legislature of the Commonwealth of Massachusetts to enact special legislation authorizing the Town to enter into a lease not exceeding 25 years for the land and improvements commonly known as the Wilbraham Country Club with the current tenant thereof, notwithstanding the provisions of Chapter 30B of the Massachusetts General Laws or any other general or special law to the contrary.

ARTICLE 25. Tax Exemptions for Elderly Taxpayers: Finance Committee Recommended. Voted Unanimously that the Town accept Clause 41C of Section 5 of Chapter 59 of the Massachusetts General Laws, providing real estate tax exemptions for qualified persons aged 70 or older.

ARTICLE 26. Authorization to Dispose of Surplus Equipment: Finance Committee Recommended. Voted Unanimously that the Town 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 27. Authorization to Enter Into Lease/Purchase Agreements: Finance Committee Recommended. Voted Unanimously 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 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 28. Agreement with the Town of Longmeadow on Regional Yard Waste Processing Equipment: Voted Unanimously that the Town authorize the Board of Selectmen to enter into an agreement with the Town of Longmeadow in accordance with Section 4A of Chapter 40 of the Massachusetts General Laws, for the implementation of a regional yard waste processing equipment program, as on file with the Town Clerk entitled "Article 28, Exhibit A".

ARTICLE 29. Land Acquisition: Passing by a declared two-third vote by the Moderator, that the Town authorize the Board of Selectmen to acquire the following land parcels and/or rights in land parcels for the purpose of obtaining a secure and public right of way. This will allow for the construction and roadway safety improvements of Springfield Street and Faculty Street.

	Total # Parcels	Area	
In fee	7	5,236.54	s.f.

and any temporary easements as necessary for this project.

Further, that the Selectmen may acquire these parcels, or modifications of these parcels or other required parcels, through all legal means. This includes donations, purchase or eminent domain. The subject parcels are currently identified on plan drafted by Fuss & O'Neill, Inc., dated December 1996, titled "Springfield and Faculty Streets," and on file with the Town Clerk. Further, to appropriate from the overlay funds certified as excess by the Board of Assessors, pursuant to Section 25 of Chapter 59 of the Massachusetts General Laws the sum of \$2,035 to defray any associated right of way expenses connected with this project.

Mr. Brad Riga proposed a motion to amend the original article by splitting the article into two property votes. One for Faculty Street and one for Springfield Street. Vote on the amendment failed to pass.

ARTICLE 30. Acceptance of Deeds: Voted Unanimously that the Town accept such deeds of land to the Town as filed by the Board of Selectmen with the Town Clerk and also as are recorded at the Hampden County Registry of Deeds or the Land Court since the date of the last Annual Town Meeting.

ARTICLE 31. Deed Restrictions: Voted Unanimously that the Town authorize deed restrictions consistent with Section 32 of Chapter 184 of the Massachusetts General Laws, on the "Old Meeting House" at 450 Main street, Wilbraham and that the town identify to the Mass. Historical Commission the Book and Page numbers of the subject property after determining the Book and Page numbers in the Hampden County Registry of Deeds.

A motion to amend the original article was made by Town Attorney Michael Hassett since the Book and Page numbers used in the original article were questioned for their accuracy. Motion to amend passed unanimously.

ARTICLE 32. Special Legislation/All Alcoholic Beverages Licenses: Voted by a Majority that the Town direct the Board of Selectmen to petition the Legislature of the Commonwealth of Massachusetts to enact special legislation authorizing the Town to issue two additional licenses for the sale of all alcoholic beverages to be drunk on the premises.

ARTICLE 33. Zoning By-law Amendment - Rezoning from R-26 to G.B.: Planning Board Recommended. Town Moderator declared this article passed by a two-third vote to amend the Wilbraham Zoning By-Law by re-zoning from Residential 26 (R-26) to General Business (G.B.) a parcel of land containing approximately 7,200 square feet, said parcel being the southern most portion of land known as 15 Main Street, as more particularly described on a plan entitled "Article 33, Exhibit A" on file with the Town Clerk.

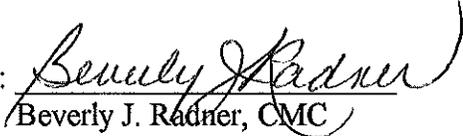
ARTICLE 34. Zoning By-Law Amendment - Seasonal Outdoor Dining Regulations: Planning Board Recommended. Voted Unanimously that the Town amend the Wilbraham Zoning By-Law in the following manner:

- A. By revising section 3.4.5.17 by adding the words "and food service establishments" after the word "Restaurant";
- B. By revising section 3.4.5.17 by deleting the words "Provided customers are served seated within the building, and catering and take out food sales are an accessory use only" and substituting therefor the following words "Customers shall be served and seated inside a completely enclosed building except as provided for in section 3.6.3.3. Catering and take out food sales are permitted as an accessory use. Drive through window service is prohibited."; and
- C. By adding a new section 3.6.3.3 to read as follows:
3.6.3.3 The Zoning Board of Appeals may authorize by special permit outdoor dining as a seasonal use incidental and accessory to a permitted restaurant. Outdoor dining areas shall not be located within a parking lot, driveway or public right of way or such other location that will create visibility problems or hazards for motorists and pedestrians or restrict access by emergency vehicles to the building or neighboring property. Where appropriate, walls, fencing or plantings shall be used to separate the outdoor dining area from traveled areas and parking areas. Additional parking at the rate specified by this By-Law may be required for the added outdoor seating capacity.

ARTICLE 35. Petitioned Article: Voted Unanimously to Move No Action.

ARTICLE 36. Adjournment of Annual Town Meeting: Voted Unanimously that the Town adjourn the Annual Town Meeting until 8:30 AM, Saturday, May 3, 1997, at the Wilbraham Community Center, Precinct A; Mile Tree School, Precinct B; Memorial School, Precinct C; or Soule Road School, Precinct D; when the Annual Town Election will be held, polls closing at 6:30 PM.

Meeting adjourned at 10:25 PM.

Attest: 
Beverly J. Radner, CMC
Town Clerk

Boston, Massachusetts

The foregoing amendments to the general by-laws adopted under article 5 of the warrant for the Wilbraham town meeting that convened on April 28, 1997, are approved.

Scott Harshbarger
Attorney General

by: Jonathan A. Abbott
Assistant Attorney General

June 16, 1997

Boston, Massachusetts

The foregoing amendments to the zoning by-laws adopted under articles 33 and 34 of the warrant for the Wilbraham town meeting that convened on April 28, 1997, and the map that pertains to article 33, are approved.

Scott Harshbarger
Attorney General

by: Jonathan A. Abbott
Assistant Attorney General

June 16, 1997