

**ANNUAL TOWN MEETING
MAY 4, 1998**

Attendance:
Precinct A: 34
Precinct B: 49
Precinct C: 62
Precinct D: 74
Total ----- 219

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 time 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, CMC.

Greetings were sent from State Representative Gail Candaras who was unable to attend tonight's meeting due to being delayed in Boston .

ARTICLE 1. Choosing Miscellaneous Officials: Passing by unanimous vote 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 H. Garvey
Measurers of Wood & Charcoal	Stanley Gore & William H. Garvey
Field Drivers	Dorrance T. Green & John Garvey
Weighers of Grain	Alton McDonald & Jesse L. Rice

A motion to recess the Annual Town Meeting in order to convene a Special Town Meeting, as posted, was passed unanimously. At the conclusion of which the Town shall return to the Annual Town Meeting to continue conducting business.

The Annual Town Meeting reconvened at 7:28 PM.

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

ARTICLE 3. Parliamentary Procedures: Finance Committee Recommended. 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 as set forth in a document entitled "Article 3, Exhibit A," on file with the Town Clerk.

A motion was made and seconded to waive the second reading of the Parliamentary Procedure article. Motion carried by unanimous vote.

ARTICLE 4. Compensation for Elected Town Officials: Finance Committee Recommended. Passing by a majority vote that the Town fix the compensation for all elected Town Officers for the fiscal year beginning July 1, 1998 and ending June 30, 1999.

Voted that the compensation for elected Town Officers for fiscal year July 1, 1998 to June 30, 1999, be fixed as follows: Assessors, Chairman, \$2,486, Members, \$2,252 each, per year; Town Clerk, \$37,149 per year (all fees revert to the Town treasury); Moderator, \$200 Annual Town Meeting, \$50 Special Town Meeting; Selectmen, \$3,278 per year, Chairman \$3,939 per year; Tree Warden, \$6,597 per year; Water Commissioners, \$150; 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 5. Overlay Reserve Fund: Finance Committee Recommended. Voted unanimously that the Town appropriate the sum of \$35,000 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 FY 1999 Budget 154, Data Processing Expenses (\$8,000), the FY 1999 Budget 211, Police Capital (\$12,000) and the FY 1999 Budget 621, Recreation Capital (\$15,000).

ARTICLE 6. Stabilization Fund: Voted unanimously to delay this article until after Article 11 has been voted on.

ARTICLE 7. Stabilization Fund: Voted unanimously to delay this article until after Article 11 has been voted on.

ARTICLE 8. Reserve Fund: Finance Committee Recommended. Voted unanimously that the Town raise or appropriate from Free Cash (\$80,000) and available funds (\$100,000), the sum of \$180,000 for a Fiscal Year 1999 Reserve Fund, and determine how this appropriation should be provided for.

ARTICLE 9. Receipts Reserved for Appropriation for Ambulance: Finance Committee Recommended. Voted unanimously that the Town appropriate the sum of \$124,106 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 10. Receipts Reserved for Appropriation for Cemeteries: Finance Committee Recommended. Voted unanimously that the Town appropriate the sum of \$4,500 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.

ARTICLE 11. Budget Appropriations: Finance Committee Recommended. Voted by a majority that the Town accept the report of the Finance Committee and appropriate the sum of \$19,186,107 to cover the necessary capital expenditures and operating expenses of the Town for Fiscal Year 1999 (July 1, 1998 to June 30, 1999) per appropriations listed separately and incorporated herein by reference, and to provide said appropriations as follows:

Transfer	from: Water Receipts	\$990,745
	to: Water Enterprise Fund	
	from: Solid Waste Receipts	\$364,554
	to: Solid Waste Enterprise Fund	
	from: Sewer Receipts	\$376,191
	to: Sewer Enterprise Fund	
	from: Offset Receipts	\$ 18, 000
	to: Dog Officer's Expense	
	from: Hampden County Traffic Safety Program Grant	\$ 30,000
	to: Selectmen Salaries	
	from: Federal Crime Bill (COPSFAST) Grant	\$ 30,963
	to: Police Salaries	

Amount of Certified Free Cash Required for FY 1999 Municipal appropriations: \$245,327

Finance Committee Chairman Gregory Gale and Kevin Dorsey gave a presentation concerning the town budget being presented. A special thanks was given to Nancy Johnson, Secretary to the Finance Committee, for her hard work which was greatly appreciated.

A question was raised by a resident concerning the different budgets and the budget requests that were made by the department managers. William Fogarty, Town Administrator, gave an explanation of the difference which is Department Directors include Capital Planning Requests in their totals. Another question was raised concerning Commercial Property assessed rates. Why are they the same as residential rates? Answer was again given by William Fogarty, Town Administrator.

When the article came to the Regional School Budget #301, a presentation was given by School Chairman Paula Tingle. At the end of the presentation, a motion was made and seconded to move that the FY 1999 Budget 301, Regional School Assessment, be reduced from \$10,510,484 to 10,239,003, and further that \$198,000 of the reduction result in a lowering of the projected FY 1999 tax levy and \$73,481 be considered for appropriation to the Stabilization Fund under Article 6, and that the total appropriation under Article 11 be reduced to \$19,186,107 and the amount of Free Cash required for the FY 1999 Municipal Appropriations be reduced to \$245,327. This motion was supported by the Finance Committee and passed by a majority vote (three opposed).

A motion was then made to add the \$73,481 that was just previously voted on, to the Highway Expense Budget to help repair roads. Motion was seconded. Finance Committee recommended that the funds stay as is. They did not support this motion. Motion failed to pass. Voted down by a majority.

The final vote on Article 11 as amended passed by a majority vote.

A moment of silence was held following the reading of the "In Memoriam". Those names mentioned were: Charles Bergeron, Richard Bousquet, E. Ruth Brown, Stanley Koziol, Stanley Pabis, Angelo Pessolano, Alton Willms, and Dorothy Marot.

It was at this time that Article 6 was now taken up.

ARTICLE 6. Stabilization Fund: Finance Committee Recommended. As amended, declared passing by a two-third vote by the Moderator that the Town raise or appropriate from Free Cash the sum of \$492,821 to the Stabilization Fund.

ARTICLE 7. Stabilization Fund: Moved no action.

ARTICLE 12. Waste Water Enterprise Fund Retained Earnings: Finance Committee Recommended. Voted unanimously that the town appropriate \$165,667 from available funds in the Waste Water Enterprise Fund retained earnings account for the purpose of funding the purchase of a "Jet Vac" vehicle (\$65,000), replacing the roofs on the waste water treatment plant and two pump stations (\$45,000) and delaying a planned sewer rate increase for one year (\$55,667).

ARTICLE 13. Water Enterprise Fund Retained Earnings: Finance Committee Recommended. Voted unanimously that the Town appropriate \$117,405 from available funds in the Water Enterprise Fund retained earnings account for the purpose of funding a water service truck (\$30,000), a backhoe (\$27,500), developing a corrosion control facility and developing a municipal well (\$59,905).

ARTICLE 14. Solid Waste Enterprise Fund Retained Earnings: Finance Committee Recommended. Voted unanimously that the Town appropriate \$378,465 from available funds in the Solid Waste Enterprise Fund retained earnings account for the

purpose of reducing solid waste disposal fees (\$135,965), developing a new system for resident trash disposal (\$125,000), meeting state environmental requirements (\$25,000), and funding a backhoe (\$27,500) and mower (\$65,000).

ARTICLE 15. Reduce Authorization to Borrow for Capital Outlays: Finance Committee Recommended. Voted unanimously that the Town reduce Article 14 of the Annual Town Meeting of April 29, 1996 which appropriated \$30,000 for the purpose of constructing outdoor recreational and athletic facilities to \$25,000; and to reduce the authorization to borrow \$30,000, under Section 7(25) of Chapter 44 of the Massachusetts General Laws approved at the Annual Town Meeting of April 29, 1996 (Article 14) to \$25,000.

ARTICLE 16. Reduce Authorization to Borrow for Capital Outlays: Finance Committee Recommended. Voted unanimously that the Town reduce Article 19 of the Annual Town Meeting of April 28, 1997 which appropriated \$418,000 for the purpose of funding departmental equipment to \$388,000; and to reduce the authorization to borrow \$30,000, under Section 7(9) of Chapter 44 of the Massachusetts General Laws approved at the Annual Town Meeting of April 28, 1997 (Article 19) to \$0.

ARTICLE 17. Reduce Authorization to Borrow for Capital Outlays: Finance Committee Recommended. Voted unanimously, as amended, that the Town reduce Article 14 of the Annual Town Meeting of April 29, 1996 which appropriated \$241,683 for the purpose of funding departmental equipment to \$161,683; and to reduce the authorization to borrow \$241,683, under Section 7 (9) of Chapter 44 of the Massachusetts General laws approved at the Annual Town Meeting of April 29, 1996 (Article 14) to \$161,683.

ARTICLE 18. Reduce Authorization to Borrow for Capital Outlays: Finance Committee Recommended. Voted unanimously that the Town reduce Article 9 of the June 22, 1992 Annual Town Meeting which appropriated \$315,000 for the cost of departmental equipment to \$219,000; and to reduce the authorization to borrow \$315,000 under Section & (9) of Chapter 44 of the Massachusetts General Laws approved at the June 22, 1992 Annual Town Meeting (Article 9) to \$219,000.

ARTICLE 19. 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 \$159,400 for the cost of departmental equipment to \$124,400; and to reduce the authorization to borrow \$159,400 under Section 7 (9) of Chapter 44 of the Massachusetts General Laws approved at the May 14, 1994 Annual Town Meeting (Article 14) to \$124,400.

ARTICLE 20. Authorization to Borrow for Capital Outlays: Finance Committee Recommended. Voted unanimously that the Town borrow a sum not to exceed \$375,200 for the following purposes:

in accordance with Section 7 (9) of Chapter 44 of the Massachusetts General Laws for the cost of departmental equipment, \$331,750;

in accordance with Section 7 (6) of Chapter 44 of the Massachusetts General Laws for resurfacing municipally owned and operated off-street parking areas, \$43,450.

This presentation was given by Robert Quintin, Chairman to the Capital Planning Committee. Mr. Quintin mentioned the names of the other members. A special thanks was extended to Thomas Sullivan, Treasurer/Collector of Wilbraham, and Nancy Johnson, clerical support to the committee.

ARTICLE 21. 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 22. 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 1998 revolving fund to the FY 1999 revolving fund in accordance with Section 53 E 1/2 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 1999, 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 and classes. The balance in the revolving fund shall not exceed \$10,000.

ARTICLE 23. 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 1999, 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 24. Cemetery Revolving Fund: Finance Committee Recommended. Voted unanimously that the Town authorize a revolving Cemetery 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 boundary markers, foundations, numbered lot markers, and for opening and closing graves, which shall be used to purchase boundary markers, foundations, numbered lot markers, and to open and close graves. Expenditures authorized by the Cemetery Commission, not exceeding a total of \$20,000 in FY 1999, may be made to purchase boundary markers, foundations, numbered lot markers, and to open and close graves. The balance in the revolving account shall not exceed \$20,000.

ARTICLE 25. Sealer of Weights & Measures Fees: Finance Committee Recommended. Voted unanimously that the Town increase fees charged by the Sealer of Weights and Measures under authority of Section 56 of Chapter 98 of the Massachusetts General Laws, as set forth in the document entitled "Article 25, Exhibit A", on file with the Town Clerk.

ARTICLE 26. 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 27. Authorization to Enter Into Lease/Purchase Agreements: 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. Rescind Amendment to Regional School Agreement: Voted unanimously that the Town rescind the amendment to the Agreement between the Towns of Wilbraham and Hampden, Massachusetts, with respect to the formation of a regional school district approved at the October 6, 1997 Special Town Meeting (Article 3), said amendment providing that all residents of the member towns in kindergarten will receive education in a regionalized center to be located in a facility presently know as Mile Tree School in Wilbraham.

ARTICLE 29. Amendment to Traffic By-Laws: Voted unanimously that the Town amend Article VII of the Town By-laws to incorporate regulations as required by the Massachusetts Highway Department for construction of intersection improvements at Boston and Stony Hill Roads and as set forth in a document entitled "Article 29, Exhibit A," on file with the Town Clerk.

A brief discussion was held concerning the possibility of any other alternatives to this By-Law. The Director of the DPW, Ed Miga, addressed these questions reminding all that it concerned a state roadway which limited our alternatives.

ARTICLE 30. By-Law Regulating Tag Sales: Passing by a majority that the Town amend Article VI of the Town by-laws by adding Section 626, Tag Sales, as set forth in a document entitled "Article 30, Exhibit A," on file with Town Clerk.

ARTICLE 31. By-Law Revision, Mailing of Town Meeting Warrant: Passing by a majority that the Town amend Article II, Section 200 of the Town By-laws, as set forth in a document entitled "Article 31, Exhibit A," on file with the Town Clerk, to require that copies of warrant for Annual and Special Town Meetings be mailed to each household approximately 10 days before said meetings.

A discussion was held concerning other alternatives to using the US Postal Service. Different costs were discussed concerning the use of the Reminder as the delivery service. An Amendment was proposed and seconded by John Lovejoy that changed wording in the article as such: "Copies of the said warrants shall, within budgetary constraints, be made available to each household approximately 10 days prior to each Annual and 20 days prior to Each Special Town Meeting."

Vote on the Amendment failed to pass. The vote on the original main motion passed by a majority vote.

ARTICLE 32. Solid Waste Disposal Agreement: Voted unanimously that the Town authorize the Board of Selectmen to assent to the assignment and the amendment of the existing contract, or enter into a new contract for the disposal of solid waste generated in the Town, samples of which are as set forth in a document entitle "Article 32, Exhibit A," on file with the Town Clerk, and to amend the same form time to time, with the owner of the solid waste disposal and resource recovery facility in the Town of Agawam, which contract shall be entered into under and pursuant to Section 21(g) of Chapter 40D and/or Section 4 of Chapter 40 of the Massachusetts General Laws and which contract shall take such form, contain such terms and be for such a term as the Board of Selectmen may approve, and to authorize the Board of Selectmen to take any other action relative to said contract.

ARTICLE 33. Acceptance of Deeds: Voted unanimously that the Town accept such deeds of land to the Town as filed by the Board of Selectmen in a document entitled "Article 33, Exhibit A," 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 34. Purchase of Property: Finance Committee Recommended. Voted unanimously that the Town authorize the Board of Selectmen to acquire the following land parcel for the purpose of Glendale Cemetery expansion.

In fee	Total # of parcels	Area
	1	1.2 acre

Further, that the Selectmen may acquire this parcel through purchase or donation. The subject parcel is currently identified as set forth in a document entitled "Article 34, Exhibit A," on file with the Town Clerk.

Further, to appropriate the sum of \$14,500 from Receipts Reserved for Appropriation to Cemeteries (\$9,500) and Free Cash (\$5,000) to defray any associated expense connected with this project.

A brief presentation was given by Jonathan Viens for the Cemetery Commissioners.

ARTICLE 35. Zoning By-Law Amendment (Definition of Street): Planning Board Recommended. Passing by a declared two-third vote declared by the Moderator that the Town amend the Wilbraham Zoning By-Law by deleting subparagraph D from the existing definition of "Street" in section 1.3.

ARTICLE 36. Zoning By-Law Amendment (Unregistered Motor Vehicles in Residential Districts): Planning Board Recommended. Passing by a declared two-third vote by the Moderator that the Town amend the Wilbraham Zoning By-Law by deleting the words "unregistered and inoperable" in the first sentence of section 4.5.1 and substituting therefor the words "unregistered or inoperable".

ARTICLE 37. Zoning By-Law Amendment (Common Driveway Regulations): Planning Board Recommended. Passing by a declared two-third vote by the Moderator that the Town amend the Wilbraham Zoning By-Law by deleting existing section 4.9 and substituting therefor a new section 4.9 as set forth in a document entitled "Article 37, Exhibit A," on file with the Town Clerk.

A presentation was given by Robert Gaynor for the Planning Board. A question and answer period went on for quite some time. An amendment to this article was presented by Donald Flannery. The amendment consisted of: "to strike all additional wording to Article 37, Exhibit A except for 4.9.5."

The vote on the Amendment failed to pass by a majority. Mr. Flannery then requested a count of the votes. This was supported by seven voters in attendance. Counters sworn in were Dr. Allan Peck, John Lovejoy, and Judith Dionne. The count concerning the amendment was: YES 8 NO 48. The Moderator declared the amendment failed to pass by a majority. The vote was then taken on the original motion as presented. It was declared passed by a two-third majority vote by the Moderator.

ARTICLE 38. Zoning By-Law Amendment (Wireless Telecommunications Facilities Regulations): Planning Board Recommended. Voted unanimously that the Town amend the Wilbraham Zoning By-Law by revising section 1.3, and by inserting new sections 3.4.3.6 and 10.5 as set forth in a document entitled "Article 38, Exhibit A" on file with the Town Clerk.

Mr. Butler from the Planning Board gave a brief presentation to those in attendance.

ARTICLE 40. Zoning By-Law Amendment (Adult Care Facilities District Rezoning): Planning Board Recommended. Passing by a declared two-third vote by the Moderator (1 opp.) that the Town amend the Wilbraham Zoning By-Law by rezoning from Limited Business (LB) District and General Business (GB) District to Adult Care Facility (ACF) District a parcel of land containing approximately 54 acres including all or a portion of land located at 2377,2377R, 2379, 2379V, 2387V, 2391, 2399, 2407, 2417, 2423, 2431, and 2439 Boston Road, as more particularly described in a plan on file with the Town Clerk entitled "Article 40, Exhibit A".

A motion was made and seconded to take this article out of order. Motion passes unanimously. Mr. McEathron gave the presentation for the Planning Board.

ARTICLE 39. Zoning By-Law Amendment (Adult Care Facilities): Planning Board Recommended. Voted unanimously that the Town amend the Wilbraham Zoning By-Law by revising sections 1.3, 2.1, 3.4, 6.0, 6.1, 6.3, 12.0, and 12.3 and by inserting new sections 3.4.4.8 and 8.0 as set forth in a document entitled "Article 39, Exhibit A" on file with the Town Clerk.

ARTICLE 41. Adjournment of Annual Town Meeting: Voted unanimously that the Town adjourn the Annual Town Meeting until 8:30 AM, Saturday, May 9, 1998, 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 Elections will be held, polls closing at 6:30 PM.

Meeting Adjourned at 12:05 AM.

Attest: 
Beverly J. Radner, CMC
Town Clerk

Sept. 15, 1998

TOWN BULLETIN

Boston, Massachusetts

The foregoing amendments to the general by-laws adopted under articles 29, 30, & 31 of the warrant for the Wilbraham town meeting that convened on May 4, 1998, are approved.

Scott Harshbarger
Attorney General

Sept. 11, 1998

Kristi A. Bodin
Assistant Attorney General

Sept. 15, 1998

TOWN BULLETIN

Boston, Massachusetts

The foregoing amendments to the zoning by-laws adopted under articles 35, 36, 37, 38, 39 and 40 of the warrant for the Wilbraham town meeting that convened on May 4, 1998, and the map that pertains to article 40, are approved.

Scott Harshbarger
Attorney General

Sept. 11, 1998

Kristi A. Bodin
Assistant Attorney General