

**SPECIAL TOWN MEETING
FEBRUARY 8, 1999**

Attendance:
Precinct A : 15
Precinct B: 20
Precinct C: 28
Precinct D: 31
Total ----- 94

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 7:05PM the Moderator, Arthur F. Dionne, noted a quorum was present and called the meeting to order. The pledge of allegiance was presented immediately followed by the calling of the meeting read by Town Clerk Beverly J. Radner, CMC.

ARTICLE 1. Land Acquisition: Finance Committee Recommends. Requiring a 2/3 vote to pass, vote declared passed by the Moderator (6 against) that the Town authorize the Board of Selectmen to acquire in fee simple the following described land for the purposes of:

- 1) laying out and constructing a public highway;
- 2) clearing the title to said land which has been alleged to be doubtful and in dispute amongst several possible fee simple owners of the same but which the Town of Wilbraham believes to own exclusively in fee simple;
- 3) giving effect beyond dispute to steps which the Town of Wilbraham took to comport with good land use planning practice under the provisions of M.G.L. Ch. 41, Section 81Q; and
- 4) assisting the Town of Wilbraham to take steps to resolve potential litigation against which has been threatened by other parties.

Betterments are to be assessed thereon.

DESCRIPTION OF PREMISES TO BE TAKEN;

The land in Wilbraham, Hampden County, Massachusetts being known and described as Lot # 15B as shown on a plan entitled "Revision of Lot # 15 and Lot # 19 Red Gap Road, Wilbraham, MA owned by Stirrup, Inc., Scale 40 FT./IN. DATE - FEB. 1993" drawn by Smith Associates Surveyors, Inc., 165 Shaker Road, East Longmeadow, Mass. 01028 and recorded in Hampden County Registry of Deeds Plans 285 Page 105, and being further bounded and described as follows:

SOUTHERLY

by Red Gap Road, One Hundred and 00/100 (100.0) feet;

NORTHEASTERLY
and EASTERLY

by Lot #19A on said Plan, a total distance of Three Hundred Fourteen and 27/100 (314.27) feet;

NORTHERLY

by land now or formerly of William E. Coons, Fifty and 00/100 (50.00) feet; and

WESTERLY and
NORTHWESTERLY

by Lot #15A on said Plan, a total distance of Three Hundred Fourteen and 27/100 (314.27) feet;

containing 15,268 square feet; more or less.

further, voted that the Town of Wilbraham authorize the Selectmen to accomplish the above described purchase or taking for the aforementioned purposes.

Mr. Stephen Bosworth asked questions about the eminent domain change. He also expressed concern about long term results, the possible building out of a sub division (pro or con) and why was it necessary to connect these subdivisions. Mr. Butler from the Planning Board responded to Mr. Bosworth's concerns.

ARTICLE 2. Land Acquisition: Finance Committee Recommends. Requiring a 2/3 vote to pass, declared passed by the Moderator (6 opposed) that the Town authorize the Board of Selectmen to acquire a permanent easement over a portion of the following described land for the purpose of laying out and constructing utilities including water, sewer and drainage lines and related facilities and related purposes.

The land in Wilbraham, Hampden county, Massachusetts, being known and designated as Lot #8 (eight) as shown on a plan of lots recorded in the Hampden County Registry of Deeds, Book of Plans 59, Pages 127 and 128, said lot being bounded and described as follows:

NORTHERLY: By Devonshire Drive, two-hundred twenty-one and forty/one hundredths (221.40) feet;

EASTERLY: By Lot #6 (six), as shown on said plan, one hundred thirty-five and ninety-four one hundredths (135.94) feet;

SOUTHERLY: By land now or formerly of the Town of Wilbraham, as shown on said plan, two hundred twenty-one and forty/one hundredths (221.40) feet; and

WESTERLY:

By Lot #10 (ten), as shown on said plan, one hundred thirty-five and forty/ one hundredths (135.40) feet.

Being the same premises conveyed to James J. Bartolomei and Ellen M. Bartolomei, husband and wife as tenants by the entirety and not as tenants in common, with warranty covenants by Stella P. Marco as set forth in an instrument dated May 27, 1997 and recorded in the Hampden County Registry of Deeds, Book 9807, Page 205 as Document #18631.

The land in Wilbraham, Hampden County, Massachusetts, as shown on a plan entitled "Proposed Storm Drain Easement To Be Obtained By The Town of Wilbraham, Scale 1" = 40', June 1977, Town of Wilbraham Engineering Dept." as recorded in the Hampden County Registry of Deeds, Plan 172, Page 18, and further bounded and described as follows:

Beginning at a point on the Southerly sideline of Devonshire Drive in said Wilbraham, 35 feet from a point on said Devonshire Drive marking the westerly sideline of property of the grantors herein as shown on deed recorded in said Registry of Deeds in Book 3785, Page 2247, proceeding thence

S. 5 53' 00" W. through said land of the grantors herein, 135.49 feet to a point; thence

N. 83 57' 20" W. along the southerly sideline of said land of the grantors herein, 30 feet to a point, thence

N. 5 53' 00" E. through said land of the grantors herein, 135.56 feet to a point; thence

N. 84 07' 00" W. along said southerly sideline of Devonshire Drive, 30 feet to the point of beginning.

Further, voted that the Town of Wilbraham authorize the Selectmen to appropriate the sum of \$1.00 (one dollar) from Free Cash to accomplish the above described taking for the aforementioned purposes.

It was noted that neighbors to this location spoke against this transaction by voicing concerns about the pumping of the sewage (during what time of day), if anyone else tie into this devise, and the abusive use of this drainage area.

At this time the Moderator acknowledged State Representative Gale D. Candaras who was in attendance this evening.

ARTICLE 3. Conveyance of Easement: Requiring a 2/3 vote to pass, voted unanimously that the Town, pursuant to M.G.L. Ch. 40, Section 15A, transfer to the Selectmen the care, custody, management and control of a portion of the following Town owned land for use for State Highway Drainage purposes:

The property in question was acquired by the Town of Wilbraham "for Municipal Purposes," in Order of Taking dated November 19, 1968, recorded at Hampden County Registry of Deeds, Book 3391 Page 114, and further identified as Lot 2, Plan Book 116 Page 31.

That portion needed for transfer to "State Highway Drainage Purposes", is shown as Parcel D-1 (2971 square feet, more or less) on a set of drawings entitled "Preliminary Right of Way Plan, Town of Wilbraham, Boston Road - Route 20," prepared by the Massachusetts Highway Department and on file with the Town Clerk.

This article was amended from its original version. A motion was made and seconded to amend this article to increase the parcel size from 1,350 square feet to 2,971 square feet. This motion to amend passed by unanimous vote.

ARTICLE 4. Parliamentary Procedure: 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 as set forth in a document entitled "Article 4, Exhibit A," on file with the Town Clerk.

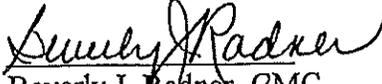
A motion was made and seconded to waive the second reading of Article 4 - Parliamentary Procedures. Motion carried by unanimous vote.

ARTICLE 5. Funding Transfers: Finance Committee Recommends. Voted unanimously, pursuant to Section 33B of Chapter 44 of the Massachusetts General Laws, that the Town transfer the sum of \$1,333 from previously appropriated but unexpended funds from the FY 1999 Budget 420, Highway Expenses to FY 1999 Budget 420, Highway Salaries; \$100 from previously appropriated but unexpended funds from the FY 1999 Budget 134, Accounting Expenses to FY 1999 Budget 134, Accounting Salaries; \$3,630 from previously appropriated but unexpended funds from the FY 1999 Budget 702, Interest on Debt, to the FY 1999 Budget 541, Council on Aging Salaries; \$3,000 from previously appropriated but unexpended funds from the FY 1999 Budget 61-450, Water Expenses to the FY 1999 Budget 61-450, Water Salaries; and \$2,000 from previously appropriated but unexpended funds from the FY 1999 Budget 66-430, Solid Waste Expenses to the FY 1999 Budget 66-430, Solid Waste Salaries.

ARTICLE 6. Appropriation: Finance Committee Recommends. Passing by a majority (3 opposed) that the Town raise or appropriate from Free Cash the sum of \$140,000 to the FY 1999 Budget 421, Highway Capital Outlay, for the purpose of purchasing street sweeping equipment.

ARTICLE 7. Voted unanimously that this meeting be dissolved.

Meeting dissolved at 7:58 PM

Attest: 
Beverly J. Radner, OMC
Town Clerk