

**ANNUAL TOWN MEETING  
MAY 7, 2001**

**Attendance**  
**Precinct A: 42**  
**Precinct B: 87**  
**Precinct C: 56**  
**Precinct D: 69**  
**Total -----254**

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 7:10PM the Moderator, Arthur F. Dionne, noted a quorum was present and called the meeting to order. The Pledge of Allegiance was then recited followed by Town Clerk Beverly J. Litchfield reading the call of the meeting.

The Moderator welcomed all and explained that Selectman Frank Everton was absent due to illness. He also explained that State Representative Gale Candaras would be absent due to budget issues 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 and Charcoal	Stanley Gore & William H. Garvey
Field Drivers	Dorrance T. Green & John Garvey
Weighers of Grain	Alton McDonald & Jesse L. Rice

At this time a motion to recess to the Special Town Meeting was made and seconded. The motion passed by unanimous vote. Meeting recessed at 7:15PM.

At 7:40PM the Annual Town Meeting reopened. The Moderator proceeded with the reading of the "In Memoriam 2000 Town, Officials and Employees". Those names read were J. Willard Pickett, Mitchell Misiaszek (2001), Richard Grono, Gloria Jurkowski, Marie Bouchard, and James Crowley. A moment of silence was held in their honor.

The Selectmen honored Brenda Dietrich for her hard work and dedication in providing quality education here during her time as School Superintendent for the Hampden/Wilbraham Regional School District.. She was presented with a small token of appreciation.

The Moderator commenced with an explanation of the process concerning the "Consent Agenda." The articles included in the consent agenda were then read, one at a time. After each article the Moderator asked if there were any questions. If there were none, he proceeded with the next article.

A motion was made and seconded to accept the consent agenda articles. This motion passed by unanimous vote. Articles passed by consent agenda were 2, 6, 8, 10, 12, 23, 25, 27, 28, 29, 30, 32, and 33.

**ARTICLE 2. Parliamentary Procedures:** (Consent Agenda) Finance Committee Recommends. Passing by unanimous vote that the Town accept special parliamentary procedures for the purpose of implementing the provisions of Chapter 580 of the Acts of 1980 (Proposition 2 ½), as amended, and set forth in a document entitled “Article 2, Exhibit A,” on file with the Town Clerk.

**ARTICLE 3. Reserve Fund:** Finance Committee Recommends. Passing by a majority vote (one opposed) that the Town raise or appropriate from Free Cash (\$96,000), available funds (\$100,000) and overlay funds certified as excess by the Board of Assessors pursuant to Section 50 of Chapter 59 of the Massachusetts General Laws (\$26,000), the sum of \$222,000 for a Fiscal Year 2002 Reserve Fund.

**ARTICLE 4. Stabilization Fund:** Finance Committee Recommends. Passing by unanimous vote that the Town will raise or appropriate from Free Cash the sum of \$34,000 to the Stabilization Fund.

**ARTICLE 5. Water Division Reserve Fund:** Finance Committee Recommends. Passing by unanimous vote that the Town raise or appropriate from water receipts the sum of \$50,000 for a Fiscal Year 2002 Water Division Reserve Fund.

**ARTICLE 6. Receipts Reserved for Appropriation for Ambulance:** (Consent Agenda) Passing by unanimous vote that the Town appropriate \$285,014 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 7. Appropriations for Purchase of an Ambulance Vehicle:** Finance Committee Recommends. Passing by unanimous vote that the Town appropriate \$35,000 from Receipts Reserved for Appropriation for Ambulance and \$105,000 from the ambulance depreciation account for vehicle and equipment replacement for the purchase of a new ambulance vehicle, pursuant to Section 5 of Chapter 40 of the Massachusetts General Laws.

**ARTICLE 8. Receipts Reserved for Appropriation for Cemeteries:** (Consent Agenda) Finance Committee Recommends. Passing by unanimous vote that the Town appropriate \$9,000 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 9. Appropriation for Veterans Memorial:** Finance Committee Recommends. Passing by unanimous vote that the Town appropriate \$5,000 from Free Cash to partially fund construction of a memorial in Crane Park honoring veterans of World War II, the Korean War and the Vietnam War.

Veterans Agent Richard Prochnow described the design of the monument and explained that the total cost of the monument was \$25,000 with most of the funds coming from private donations.

**ARTICLE 10. Conservation Fund:** (Consent Agenda) Finance Committee Recommends. Passing by unanimous vote that the Town raise and appropriate \$7,000 to the Conservation Fund for open space acquisition, in accordance with Section 8C of Chapter 40 of the Massachusetts General Laws.

**ARTICLE 11. Budget Appropriations:** Finance Committee Recommends. Passing by a majority vote (two opposed) that the Town accept the report of the Finance Committee and to appropriate the sum of \$24,060,594 to cover the necessary capital expenditures and operating expenses of the Town for Fiscal Year 2002 (July 1, 2001 to June 30, 2002) per appropriations listed separately and incorporate herein by reference, and to provide said appropriations as follows:

Transfer	from: Water Receipts	\$1,035,091
	to: Water Enterprise Fund	
	from: Solid Waste Receipts	\$337,805
	to: Solid Waste Enterprise Fund	
	from: Sewer Receipts	\$450,361
	to: Sewer Enterprise Fund	
	from: Offset Receipts	\$ 18,000
	to: Dog Officer Expenses	

Amount of Certified Free Cash Required for FY 2002 Municipal Appropriations: \$467,650

Finance Committee Chairman Greg Gale gave a presentation and explained the make up of the Finance Committee. He then proceeded to thank Bill Fogarty and Nancy Johnson for all of their efforts and support. The Finance Committee was thanked for all of their efforts and the line item budget was then read.

When Budget 301 was reached, Pam Burch, representing the Regional School Committee, gave a brief presentation assisted by Paula Tingle. She listed the other members of the Committee and provided handouts for those in attendance.

**ARTICLE 12. Waste Water Enterprise Fund Retained Earnings:** (Consent Agenda) Finance Committee Recommends. Passing by unanimous vote that the Town appropriate \$38,960 from available funds in the Waste Water Enterprise Fund retained earnings account for the purpose of purchasing a truck.

**ARTICLE 13. Solid Waste Enterprise Fund Retained Earnings:** Finance Committee Recommends. Passing by unanimous vote that the Town appropriate the sum of \$124,680 from available funds in the Solid Waste Enterprise Fund retained earnings account for the purpose of funding solid waste disposal operating expenses.

**ARTICLE 14. Authorization to Borrow for Capital Outlays:** Finance Committee Recommends. Requiring a 2/3<sup>rd</sup> vote to pass, declared passed by the Moderator (noting 3 opposed) that the Town borrow \$126,945 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.

Robert Quintin, Chairman of the Capital Planning Committee, gave a presentation. He thanked Nancy Johnson and Tom Sullivan for their assistance. His presentation covered their past, current and future plans.

**ARTICLE 15. Zoning By-Law Amendment – Commercial Greenhouse:** Planning Board Recommends. Requiring a 2/3<sup>rd</sup> vote and passing by unanimous vote that the Town amend the Wilbraham Zoning By-Law by inserting the code designation “SPA” in the “RMD”, “NO”, “NS”, and “ACF” zoning district columns in section 3.4.1.3 of the Schedule of Use Regulations Table.

Planning Board member Richard Butler gave an explanation of the article. This change came about due to comments received from the Attorney General’s office last year. This article is to correct any problems that could develop over this approach last year.

**ARTICLE 16. Zoning By-Law Amendment – Restaurant & Food Service Establishments:** Planning Board Recommends. Passing by a declared 2/3<sup>rd</sup> vote by the Moderator (opposition was noted) that the Town amend the Wilbraham Zoning By-Law by inserting a new sentence at the end of the existing paragraph in section 3.4.5.17 to read as follows: “Drive through window service is prohibited except by Special Permit from the Planning Board in the GB and I-POP-GB Districts.”

**ARTICLE 17. Zoning By-Law Amendment – Automated Teller Machine (ATM) kiosk:** Planning Board Recommends. Passing by a declared 2/3<sup>rd</sup> vote by the Moderator (opposition was noted) that the Town amend the Wilbraham Zoning By-Law in the following manner:

- A. By inserting in proper alphabetical order a new definition of “Automated Teller Machine (ATM) Kiosk” in Section 1.3 to read as follows: “A small, free standing building or structure, by whatever name, providing fully automated walk up and/or drive through banking services accessible to banking customers by means of a coded plastic card or similar device and including limited electronic banking transactions, such as cash deposits, withdrawals and balance inquiries.”
- B By inserting a new Section 3.6.3.5 “Automated Teller Machine (ATM) Kiosks” to read as follows: “ The Zoning Board of Appeals may authorize by special permit a free-standing

automated bank teller machine (ATM) kiosk incidental and accessory to a permitted office park and/or retail shopping center in the GB and I-POP-GB Districts. Said structure shall conform to the applicable setback dimensions except that, at the discretion of the Zoning Board of Appeals, said structure with a footprint less than two hundred (200) square feet in area may be located in the front yard if set back at least twenty (20) feet from the street line and ten (10) feet from the side lot line.

Planning Board Member Edward Stevenson explained the article and answered questions that were asked.

**ARTICLE 18. Zoning By-Law Amendment – Wireless Communications Facilities**

**Regulations:** Planning Board Recommends. Requiring a 2/3<sup>rd</sup> vote, passing by a declared 2/3<sup>rd</sup> vote by the Moderator (opposition was noted) that the Town amend the Wilbraham Zoning By-Law by revising section 10.5 “Wireless Communications Facilities Regulations” as set forth in a document entitled “Article 18, Exhibit A – Proposed Revisions to Section 10.5” on file with the Town Clerk.

Planning Board Chairman Eric Fuller explained the article and answered questions that were asked.

**ARTICLE 19. Zoning By-Law Amendment – Parking Requirements for Retail Sale of Recreational Vehicles:**

Planning Board Recommends. Requiring a 2/3<sup>rd</sup> vote, passing by unanimous vote that the Town amend the Wilbraham Zoning By-Law by deleting section 11.2.11 in its entirety.

Planning Board member Don Williams explained the article and answered questions that were asked.

**ARTICLE 20. Acceptance of Community Preservation Act:** A motion to “move no action” passed by unanimous vote.

Selectman Jim Thompson explained the reasoning behind the taking of no action at this time. It will be presented at a future date.

**ARTICLE 21. Deer Control:** Passing by a majority vote (yes-94, no-64) that the Town amend Section 600 of the Town of Wilbraham By-Laws to allow “bow hunting” of deer on town-owned land, with permission of the Conservation Commission and under the statutes and regulations of the Commonwealth of Massachusetts, with said amendment on file with the Town Clerk as “Article 21, Exhibit A.”

Selectman Kevin Moriarty gave an explanation of the article and helped to answer questions. Patricia Ross from the Conservation Commission responded to concerns and explained that a hearing process would be held before hunting is allowed. After a show of hands during the vote, the Moderator asked for a hand count to be taken. He swore in Dr. Alan Peck, Al Kirk, and Judith Dionne as tellers. (See motion on next page)

A motion to reconsider Article 21 was made and seconded. The motion to reconsider failed to pass by a majority.

**ARTICLE 22. Land Acquisition:** Finance Committee Recommends. Requiring a 2/3<sup>rd</sup> vote, passing by unanimous vote 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 of roadway safety improvements on Springfield Street in the vicinity of the Ridgewood Road intersection.

	Total # of Parcels	Area
In fee	2	1,568 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 a plan drafted by the Wilbraham Engineering Department dated July 5, 2000, titled "Proposed Realignment, Springfield Street and Ridgewood Road Intersection," and on file as "Article 22, Exhibit A" with the Town Clerk.

Further, to appropriate from 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 \$10,000 to defray any associated right of way expenses connected with this project.

**ARTICLE 23. Acceptance of Public Ways:** (Consent Agenda) Passing by unanimous vote 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: Deer Run Dr., Hitchcock Rd., Marilyn Dr., Post Office Park and Sandy Court.

**ARTICLE 24. Authorization to Dispose of Municipal Property:** Finance Committee Recommends. Requiring a 2/3<sup>rd</sup> vote, declared passed by the Moderator that the Town authorize the Board of Selectmen to dispose of the Police Station at 16 Main Street, Fire Headquarters at 2770 Boston Road, Fire Station Number Two at Woodland Dell Road and the "Little Red School House" at 28 Springfield Street, at such time as the board declares said properties as surplus, with the proceeds to be used to defray the cost of a combined police/fire public safety complex.

Selectman Thompson explained the article and fielded questions. He explained the duties of the Safety Complex Study Committee and that this article was a continuation of that process to get closer to a new facility with costs being defrayed by these sales. Many issues were raised and addressed.

**ARTICLE 25. Hearing Reports:** (Consent Agenda) Passing by unanimous vote that the Town accept the reports of all officers and committees as printed in the Annual Town Report.

**ARTICLE 26. Compensation for Elected Town Officials:** Finance Committee Recommends. Passing by a majority vote (one opposed noted) that the Town fix the compensation for all elected Town Officers for the fiscal year beginning July 1, 2001 and ending June 30, 2002 as follows:

Assessors, Chairman, \$2,717, Members, \$2,462 each, per year; Town Clerk, \$41,787 per year (all fees revert to the Town Treasury); Moderator, \$200 Annual Town Meeting, \$50 Special Town Meeting; Selectmen, \$3,688 per year, Chairman \$4,304 per year; Tree Warden, \$7,210 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 27. Chapter 90 Anticipation Borrowing:** (Consent Agenda) Finance Committee Recommends. Passing by unanimous vote that the Town authorize the Treasurer, with the approval of the Board of Selectmen, to borrow \$259,412 in anticipation of state receipts pursuant to Section 4 of Chapter 44 of the Massachusetts General Laws, for uses specified in Section 6A and Section 7, Subsections 5 and 6 of Chapter 44 of the Massachusetts General Laws, said money representing allotment for Chapter 90 road construction, reimbursement from the state to be used to retire such debt.

**ARTICLE 28. Council on Aging Revolving Fund:** (Consent Agenda) Finance Committee Recommends. Passing by unanimous vote that the Town reauthorize a revolving fund under the Council on Aging and transfer the balance from the FY 2001 revolving fund to the FY 2002 revolving fund in accordance with Section 53 E ½ of Chapter 44 of the Massachusetts General Laws. Receipts shall be credited into said fund from the following sources: (1) Donation 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 2002, 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 29. Compost Bin Revolving Fund:** (Consent Agenda) Finance Committee Recommends. Passing by unanimous vote that the Town reauthorize a revolving Home Composting Bin Account in accordance with Section 53 E ½ 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, and transfer the balance of the FY 2001 revolving fund to the FY 2002 revolving fund. Expenditures authorized by the Recycling Coordinator, not exceeding a total of \$5,000 in FY 2002, 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 30. Cemetery Revolving Fund:** (Consent Agenda) Finance Committee Recommended. Passing by unanimous vote that the Town reauthorize a revolving Cemetery Account in accordance with Section 53 E ½ 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, and transfer the balance from the FY 2001 revolving fund to the FY 2002 revolving fund. Expenditures authorized by the Cemetery commissioners, not exceeding a total of \$20,000 in FY 2002, 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 31. Small Personal Property Account Exemption:** Finance Committee Recommends. Passing by majority vote (two opposed were noted) that the Town accept Section 5(54) of Chapter 59 of the Massachusetts General Laws to establish a minimum fair cash value required for personal property accounts to be taxed, and to modify that value to a minimum of \$10,000.

**ARTICLE 32. Authorization to Dispose of Surplus Equipment:** (Consent Agenda) Finance Committee Recommends. Passing by unanimous vote 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 33. Authorization to Enter Into Lease/Purchase Agreements:** (Consent Agenda) Finance Committee Recommends. Passing by unanimous vote 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 34. Abatement of False Alarm Charges:** Passing by a majority vote (two opposed were noted) that the Town amend Section 619 of the Town of Wilbraham By-Laws to grant the Board of Selectmen authority to abate false alarm charges levied under that section, with said amendment on file with the Town Clerk as “Article 34, Exhibit A.”

**ARTICLE 35. Intermunicipal Agreement on Ambulance Mutual Aid:** Requiring a 2/3<sup>rd</sup> vote, passing by unanimous vote that the Town approve an Intermunicipal agreement with the Town of Ludlow providing for each town to provide back-up personnel for ambulance service with the other community, said agreement on file with the Town Clerk as “Article 35, Exhibit A.”

**ARTICLE 36. Regulation of Gaming Devices:** Passing by a majority vote (two opposed were noted) that the Town adopts a Regulation of Gaming Devices By-Law as on file with the Town Clerk as “Article 36, Exhibit A.

Selectman Moriarty explained the article and fielded questions. He stated that the by-law would give the Police Department power to enforce the by-law.

**ARTICLE 37. Amendment to Traffic By-Law:** Passing by unanimous vote that the Town amend Article VII of the Town By-Laws to incorporate regulations as required by the Massachusetts Highway Department and the Federal Highway Administration for construction of the Safety Improvement Project on Springfield and Faculty Streets and as set forth in a document entitled “Article 37, Exhibit A,” on file with the Town Clerk.

**ARTICLE 38. Deed Restriction:** Requiring a 2/3<sup>rd</sup> vote, passing by unanimous vote that the Town authorize a permanent deed restriction, the burden of these restrictions to run with the land and binding upon future owners of an interest therein as consistent with Section 32 of Chapter 184 of the Massachusetts General Laws, on the “Old Meeting House,” which is located at 450 Main Street, Wilbraham, Massachusetts; said property being described in the Hampden County Registry of Deeds in Book 1037, Page 235. Whereas the preservation of the Premises is important to the public for the enjoyment and appreciation of those characteristics which contribute to the architectural, archaeological and historical integrity of the Premises which have been listed on the National Register of Historic Places under the Academy Historic District, and will serve the public interest in a manner consistent with the aforementioned Act.

**ARTICLE 39. Acceptance of Deeds:** Requiring a 2/3<sup>rd</sup> vote, passing by unanimous vote that the Town accept such deeds of land to the Town as filed by the Board of Selectmen in a document entitled “Article 39, Exhibit A,” with the Town Clerk and also recorded at the Hampden County Registry of Deeds or the Land Court since the date of the last Annual Town Meeting.

**ARTICLE 40. Adjournment of Annual Town Meeting:** Passing by unanimous vote that the Town adjourn the Annual Town Meeting until 8:30 A.M., Saturday, May 12, 2001, 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 P.M.

Meeting adjourned at 11:03 P.M.

Attest: Beverly J. Litchfield, CMC  
Town Clerk

September 5, 2001

TOWN BULLETIN

Boston, Massachusetts

The foregoing amendments to the town by-laws adopted under Articles 15, 16, 17, 18, 19, 21, 34, 36, and 37, of the warrant for the Wilbraham town meeting that convened on May 7, 2001 are hereby approved.

Thomas F. Reilly  
Attorney General

August 30, 2001

Kelli E. Lawrence  
Assistant Attorney General