

**ANNUAL TOWN MEETING
MAY 13, 2003**

Attendance
Precinct A: 123
Precinct B: 150
Precinct C: 192
Precinct D: 202
Total ----- 667

In accordance with the Warrant, as posted, the inhabitants of the Town of Wilbraham, qualified to vote in Town affairs, met in Minnechaugh Regional High School on Tuesday, May 13, 2003. At 7:00PM Moderator, Arthur F. Dionne noted a quorum was present and called the meeting to order. There was a delay in the actual start of the meeting due to long check-in lines. 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 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 by the members of the Board of Selectmen. After each article the Moderator asked if there were any questions. If there were none, they proceeded with the next article.

A motion was made and seconded to approve the consent agenda articles. This motion passed by a unanimous vote. Articles passed by consent agenda were 1, 6, 10, 11, 12, 15, 17, 19, 20, 21, 22, 23 and 24.

A motion was made and seconded that the Town recess Annual Town Meeting in order to convene a Special Town Meeting, at the conclusion of which the Town shall return to Annual Town Meeting to continue conducting business. This motion passed by unanimous vote and the Special Town Meeting was convened at 7:28PM. The Special Town Meeting dissolved at 7:40PM and the Annual Town Meeting was reconvened at that time.

Corrections were noted concerning the call of the meetings that were read. It concerned the day and date announced at the time of the reading. They were correct in the Warrant posted and those mailed to residents.

ARTICLE 1. -Choosing Miscellaneous Officials (Consent Agenda): 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	William H. Garvey
Field Drivers	Dorrance T. Green & John Garvey
Weighers of Grain	Alton McDonald & Jesse L. Rice

The names mentioned in the Annual Report, concerning the In-Memoriam, were read and

recognized. Following this, Fire Chief Ken Willette requested a moment of silence for our service personnel. He then read a list of town residents currently serving. Their names are as follows:

Jason Bienvenue	Joshua Bienvenue	Richard D. Chase
Joel S. Christofori	Dominick A. Corsetti	Henry E. Geberth
Douglas P. Howell	John P. Howell	David Merritt
Justin R. Pabis	Matthew Schneider	Jason Shtrax
Rick Tremble	Nelson Trevallion	Mark Wilkins
Anthony Wierzbowski	James Willette	

ARTICLE 2. (Petitioned) –**Automatic Amusement Devices:** Passing by a majority vote that the Town delete Section 627 of the Town of Wilbraham By-Laws in its entirety and add:

- a.) In accordance with M.G.L. C140s177A, as amended from time to time, any individual or business desiring to keep and operate an automatic amusement device for hire, gain or reward shall secure an annual license from the Board of Selectmen. The term *automatic amusement devices* as used in this By-law shall refer to mechanical (**ADD-DIGITAL, ELECTRONIC**) and electrical devices. No license shall be granted for any automatic amusement device, which presents a risk of misuse as a gaming device. No person shall operate or allow the operation of an automatic amusement device, which presents a risk of misuse as a gaming device. Automatic amusement devices which present a risk or misuse as a gaming device are those devices which simulate actual gaming or actual gaming devices and games which involve matching of random numbers, patterns or color combinations (**ADD-AND GAMES WHICH SIMULATE OR REPRESENT CASINO TYPE GAMES, POKER AND BLACKJACK.**)
- b.) The maximum number of automatic amusement devices allowed on any single business premises shall be six, with no such device able to accept a bill larger than (**DELETE \$1.00, ADD \$5.00**). Any change of automatic amusement devices shall be subject to inspection.

This amendment came from the floor. The motion to amend the original article 2 passed by a majority vote. The floor amendment then became Article 2 as written above.

ARTICLE 3. **-Zoning By-Law Amendments - Miscellaneous:** Planning Board Recommends. Requiring a 2/3rd vote, passing by a declared 2/3rd vote by the Moderator, that the Town amend the Wilbraham Zoning By-Law by revising sections 1.3, 3.3, 3.4.5.11, 3.4.5.14, 3.6.2.10(G), 3.6.3, 11.1 and 11.2.11 as set forth in a document entitled "**Article 3, Exhibit A**" on file with the Town Clerk.

ARTICLE 4. **-Zoning By-Law Amendment - Rezoning 2797 Boston Road:** Planning Board Recommends. Requiring a 2/3rd vote, declared passed by a 2/3rd vote by the Moderator, that the Town amend the Wilbraham Zoning By-Law by rezoning from Residential-26 (R-26) to General Business (G.B.) a parcel of land containing

approximately 17,192 square feet, said parcel being located at the rear (southern most) portion of land known as 2797 Boston Road, as more particularly described on a plan on file with the Town Clerk entitled "**Article 4, Exhibit A**".

An amendment to restrict exit or entrance to 2797 Boston Road from Chapel Street was ruled out of order by legal counsel. He referenced spot zoning.

ARTICLE 5. -Authorization to Enter Into A Lease Agreement: Finance Committee Recommends. Requiring a 2/3rd vote, declared passed by a 2/3rd vote by the Moderator, that the Town authorize the Board of Selectmen to make contracts for the lease of facilities for a senior center and recreation department offices, subject to annual appropriation from the Scantic Valley Branch of the Young Men's Christian Association (YMCA) or Greater Springfield, as filed by the Board of Selectmen with the Town Clerk as "**Article 5, Exhibit A,**" if in the opinion of the Board it is in the best interests of the Town.

ARTICLE 6. -Parliamentary Procedures (Consent Agenda): Passing by a unanimous vote 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 6, Exhibit A,**" on file with the Town Clerk.

ARTICLE 7. -Budget Appropriations: Finance Committee Recommends. Passing by a majority vote that the Town accept the report of the Finance Committee and appropriate the sum of \$24,246,659 to cover the necessary capital expenditures and operating expenses of the Town for Fiscal Year 2004 (July 1, 2003 to June 30, 2004) per appropriations listed separately and incorporate herein by reference, and to provide said appropriations as follows:

Transfer	from: Water Receipts	\$1,096,097
	to: Water Enterprise Fund	
	from: Solid Waste Receipts	\$409,178
	to: Solid Waste Enterprise Fund	
	from: Sewer Receipts	\$483,090
	to: Sewer Enterprise Fund	
	from: Offset Receipts	\$ 21,000
	to: Dog Officer Expenses	

Amount of Certified Free Cash Required for FY 2002 Municipal Appropriations:
\$261,211

A motion to amend Budget #66, Solid Waste Expenses, reducing the original article amount by \$97,125 was seconded and passed by a majority vote. The amount shown above reflects this change.

ARTICLE 8. -State Aid for Schools: Finance Committee Recommends. Passing by a majority vote that the town appropriate \$1,043,420 from State Aid to fund a portion of

the Hampden/Wilbraham Regional School Assessment from Lottery Assistance.

This article was amended from its original form. The amendment passed by a majority vote

ARTICLE 9. – Appropriation Contingent on Levy Limit Override: Finance Committee Recommends. Passing by a majority vote that the Town appropriate \$1,400,000 in real estate and personal property taxes for the purposes of funding a portion of the assessment to the Hampden-Wilbraham Regional School District (\$733,000), road and athletic field maintenance (\$335,000), two Police Patrol Officer positions (\$94,046), one Dispatcher position (\$15,000), one Custodian position (\$26,599), continuation of the Information Technology Director as a full-time position (\$8,679), four days of salary for non-union municipal staff (\$15,413), current Library operating hours (\$43,521), the school fire safety awareness instructor (\$2,000), snow removal (\$23,500), operating expenses in the Selectmen’s, Accounting, Assessors, Fire, Police, and Recreation Departments (\$20,847), short-term borrowing expenses (\$6,700) and emergency reserves (\$75,695) contingent on passage of a levy limit override as provided in Section 21C(g) of Chapter 59 of the Massachusetts General Laws.

ARTICLE 10. -Receipts Reserved for Appropriation for Ambulance (Consent Agenda): Passing by a unanimous vote that the Town appropriate \$537,716 from Receipts Reserved for Appropriation for Ambulance to Ambulance personal services, operating and capital costs, pursuant to Section 5 of Chapter 40 of the Massachusetts General Laws.

ARTICLE 11. –Receipts Reserved for Appropriation for Ambulance (Consent Agenda): Passing by unanimous vote that the Town appropriate \$35,000 from Receipts Reserved for Appropriation for Ambulance to be held in a depreciation account for vehicle and equipment replacement pursuant to Section 5 of Chapter 40 of the Massachusetts General Laws.

ARTICLE 12. -Receipts Reserved for Appropriation for Cemeteries (Consent Agenda): Passing by unanimous vote that the Town appropriate \$5,000 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 13. –Waste Water Enterprise Fund Retained Earnings: Finance Committee Recommends. Passing by a majority vote that the Town appropriate \$126,235 from available funds in the Waste Water Enterprise Fund retained earnings account for the purpose upgrading of the Wellfleet Drive and Cottage Avenue pumping stations.

ARTICLE 14. -Water Enterprise Fund Retained Earnings: Finance Committee Recommends. Passing by a majority vote that the Town appropriate \$50,275 from available funds in the Water Enterprise Fund retained earnings account for the purpose of

purchasing a backhoe.

ARTICLE 15. -Solid Waste Enterprise Fund Retained Earnings (Consent Agenda): Passing by unanimous vote that the Town appropriate \$97,125 from available funds in the Solid Waste Enterprise Fund retained earnings account for the purpose of funding solid waste disposal operating expenses.

ARTICLE 16. -Acceptance of Public Ways: Requiring a 2/3rd vote, passing by a declared 2/3rd vote by the Moderator, 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 Bellows Road, Danforth Farm Road, Deerfield Drive, Drumlin Circle, Harness Drive, Red Gap Road and Valley View Drive.

ARTICLE 17. -Hearing Reports (Consent Agenda): Passing by unanimous vote that the Town accepts the reports of all officers and committees as printed in the Annual Town Report.

ARTICLE 18. -Chapter 90 Appropriation: Finance Committee Recommends. Passing by a majority vote that the Town appropriate from available funds \$260,358 provided under Chapter 246 of the Acts of 2002 and apportioned under the provisions of Section 34(2)(a) of Chapter 90 the Massachusetts General Laws.

ARTICLE 19. -Council on Aging Revolving Fund (Consent Agenda): Passing by unanimous vote that the Town reauthorize a revolving fund under the Council on Aging and transfer the balance from the FY 2003 revolving fund to the FY 2004 revolving fund in accordance with Section 53 E½ 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 2004, 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 20. -Compost Bin Revolving Fund (Consent Agenda): Passing by unanimous vote that the Town reauthorize a revolving Home Composting Bin Account in accordance with Section 53 E½ 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 2003 revolving fund to the FY 2004 revolving fund. Expenditures authorized by the Recycling Coordinator, not exceeding a total of \$5,000 in FY 2004, 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 21. -Cemetery Revolving Fund (Consent Agenda): Passing by unanimous

vote that the Town reauthorize a revolving Cemetery Account in accordance with Section 53 E½ 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 2003 revolving fund to the FY 2004 revolving fund. Expenditures authorized by the Cemetery commission, not exceeding a total of \$20,000 in FY 2004, 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 22. -Authorization to Dispose of Surplus Equipment (Consent Agenda): 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 23. -Authorization to Enter Into Lease/Purchase Agreements (Consent Agenda): Passing by unanimous vote that the Town authorizes 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 24. -Acceptance of Deeds (Consent Agenda): Passing by unanimous vote that the Town accept such deeds of land to the Town recorded at the Hampden County Registry of Deeds or the Hampden County Land Registration Office since the date of the last Annual Town Meeting as filed by the Board of Selectmen with the Town Clerk as **“Article 24, Exhibit A.”**

ARTICLE 25. -Reserve Fund: Finance Committee Recommends. Passing by unanimous vote that the Town raise or 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 \$24,305 for a Fiscal Year 2004 Reserve Fund.

ARTICLE 26. -Overlay Surplus: Finance Committee Recommends. Passing by a majority vote that the Town appropriate \$15,024 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 2004 Budget 194, Group Insurance.

ARTICLE 27. -Water Division Reserve Fund: Finance Committee Recommends. Passing by unanimous vote that the Town raise and appropriate from water receipts the sum of \$50,000 for a Fiscal Year 2004 Reserve Fund.

ARTICLE 28. -Conservation Fund: Finance Committee Recommends. Passing by a majority 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 29. **-Authorization to Borrow for Capital Outlays:** Finance Committee Recommends. Requiring a 2/3rd vote, declared passed by 2/3rd vote by the Moderator that the Town borrows \$740,000 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, including original equipment and landscaping, paving and other site improvements, \$230,000;

-- in accordance with Section 7(6) of Chapter 44 of the Massachusetts General Laws for macadam pavement or other road material, or for the resurfacing with such pavement or other road material of municipally owned or operated off-street parking areas, \$150,000; and

-- in accordance with Section 7(9) of Chapter 44 of the Massachusetts General Laws for the cost of departmental equipment, \$360,000.

Capital Planning Chairman Robert Quintin thanked all those who contributed to this plan especially Nancy Johnson, Lance Trevallion, Thomas Sullivan and all the citizens who attended their meetings.

ARTICLE 30. **-Compensation for Elected Town Officials:** Finance Committee Recommends. Passing by a majority vote that the Town fix the compensation for all elected Town Officers for the fiscal year beginning July 1, 2003 and ending June 30, 2004 as follows:

RECOMMENDED that the compensation for elected Town Officers for fiscal year July 1, 2003 to June 30, 2004, be fixed as follows: Assessors, Chairman, \$2,771, Members, \$2,511 each, per year; Town Clerk, \$42,623 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, \$7,354 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 31. **-Senior Citizen Volunteer Service and Tax Abatement Program:** Finance Committee Recommends. Passing by a majority vote that the Town adopt Section 5K of Chapter 59 of the Massachusetts General Laws, to set up a program funded by property tax abatements allowing a certain number of eligible senior citizens to reduce their real estate tax obligations through the Senior Citizen Property Tax Work-Off Abatement, for the fiscal year beginning July 1, 2003.

ARTICLE 32. **-Emergency Access to Commercial Buildings (Lock Boxes):** Passing by unanimous vote that the Town amend Article VI of the Town By-Laws, "Regulation of Public Conduct," by adding Section 628, as on file with the Town Clerk as **Article 32**,

Exhibit A” regarding installation of key boxes on property protected by automatic fire alarm systems or automatic sprinkler systems.

ARTICLE 33. -Licensing of Solicitors and Canvassers: Passing by unanimous vote that the town take no action.

ARTICLE 34. -Scheduling of Annual Town Elections: Failing to pass by a majority vote that the Town amend Section 204a.) and b.) of the Town By-Laws to change the date and time for the annual Town Elections from the first Saturday following the commencement of the Annual Town Meeting at 8:30 a.m. to the first Tuesday which is at least seven days following the commencement of the Annual Town Meeting at 7:00 a.m., with polls closing at 8:00 p.m.

ARTICLE 35. -Easement for Red Bridge Reconstruction Project: Finance Committee Recommends. Requiring a 2/3rd vote, declared passed by a 2/3rd 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 reconstruction of Red Bridge.

	Total # of Parcels	Area
Permanent Easement	1	140 s.f. Award \$1

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 titled “Wilbraham Red Bridge Road Final Right-of-Way Project File No. 602652,” and on file as “**Article 35, Exhibit A**” with the Town Clerk.

Further, to raise and appropriate the sum of \$1 to defray any associated right of way expenses connected with this project.

ARTICLE 36. -Land Acquisition for Maynard Road Project: Finance Committee Recommends. Requiring a 2/3rd vote, declared passed by a 2/3rd 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 an improved realignment of Maynard Road.

	Total # of Parcels	Area
	4	20,873 s.f. Award \$4

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 Smith Associates Surveyors, Inc. dated November, 2002, titled "Relocation Plan Maynard Road for the Town of Wilbraham," and on file as "Article 36, Exhibit A" with the Town Clerk.

Further, to raise and appropriate the sum of \$4 to defray any associated right of way expenses connected with this project.

ARTICLE 37. -Termination of Easements: Requiring a 2/3rd vote, passing by unanimous vote that the Town terminate sewer easements located on land of Woodcrest of Wilbraham Inc. known as Lot 7 (5 Post Office Park) and Lot 8 (10 Post Office Park) as shown on a plan recorded in the Hampden County Registry of Deeds in Book of Plans 310, Page 46, and to terminate street easements located on land of Woodcrest of Wilbraham Inc. known as Lot 3B (65 Post Office Park) and Lot 5A (45 Post Office Park) as shown on a plan recorded in the Hampden County Registry of Deeds in Book of Plans 328, Page 94.

ARTICLE 38. -Intermunicipal Agreements: Requiring a 2/3rd vote, passing by unanimous vote that the Town authorize the Board of Selectmen to enter into reciprocal agreements with other communities to provide public health services in case of emergency.

ARTICLE 39. -Appropriation for Open Space: Finance Committee Recommends. Requiring a 2/3rd vote, passing by a declared 2/3rd vote by the Moderator that the Town appropriate \$40,000 from the Conservation Fund to fund an option to purchase land approximately 220 acres of land owned by commonly known as the "Rice Fruit Farm" located east of Main Street to preserve open space, and to authorize the Selectmen to negotiate an option to purchase said land.

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 17, 2003, at the Wilbraham Community Center, Precinct A; Stony Hill 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 11:45PM.

Town Moderator Arthur Dionne thanked all who stayed to complete the Town's business this evening.

Attest: _____
Beverly J. Litchfield, CMC
Town Clerk

September 3, 2003

TOWN BULLETIN

Boston, Massachusetts

The foregoing amendments to the town by-laws adopted under Articles 2, 3, 4, and 32 of the warrant for the Wilbraham town meeting that convened on May 13, 2003, and the map pertaining to Article 4 are hereby approved.

Thomas F. Reilly
Attorney General

August 28, 2003

Kelli E. Gunagan
Assistant Attorney General