

**ANNUAL TOWN MEETING
MAY 14, 2007**

Attendance
Precinct A: 99
Precinct B: 88
Precinct C: 131
Precinct D: 94
Total ----- 412

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 on Monday, May 14, 2007. At 7:08PM Moderator, Anthony Scibelli noted a quorum was present and called the meeting to order. Moderator Scibelli explained the process to be followed during this evening's event. 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. The Consent Articles were 1, 2, 4, 5, 18, 19, 21, 23, 24, 25, 26, 29 and 30. Each article is listed separately in these minutes. All consent articles passed by unanimous vote.

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	Michael H. Masley
Surveyors of Lumber	Edward P. Lindsay Jr. & William H. Garvey
Measurers of Wood and Charcoal	William H. Garvey
Field Drivers	John J. Garvey
Weighers of Grain	Jesse L. Rice

ARTICLE 2. 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 3. Funding Transfers FY 2007. Finance Committee Recommends. Passing by unanimous vote Pursuant to Section 33B of Chapter 44 of the Massachusetts General Laws that the Town transfer the sums of:

- \$ 38,000. from previously appropriated but unexpended funds in the FY 07 Budget #122 selectmen and administration salaries, to the FY 07 Budgets #111 Legal Expense (\$10,000), Budget #192 Town Property Expense (\$10,600), #134 Accounting Overtime (\$2500), #193 General Insurance (\$4900), #122 Selectmen's Expense (\$5000), and #220 Fire Overtime (\$5000).
- \$ 11, 000. from FY 07 Budget #137 Assessor's Salaries, to the FY 07 Budgets #192 Town Properties Expense (\$4800), #210 Police Expense (\$3400) and #122 Selectmen Expenses (\$2800).
- \$110,000 from FY 07 Budget #210 Police Salaries, to the FY 07 Budgets #210 Police Expense (\$41,600), #420 Highway Expense (\$60,000), #220 Fire Overtime (\$7400) and #138 Collector/Treasurer overtime (\$1000).
- \$40,000. from FY 07 Budget #138 Treasurer Expense, to the FY 07 Budget #220 Fire Overtime.

- \$22,000. from FY 07 Budget #192 Town Property Salaries, to the FY 07 Budget #220 Fire Overtime.
- \$ 6,183. from FY 07 Budget #60-440 Waste Water Expenditures to #60-440 Waste Water Salaries.
- \$8844. from FY 07 Budget #61-450 Water Expenditures to #61-450 Water Salaries.

ARTICLE 4. Solid Waste Enterprise Fund retained earnings (consent agenda). Finance Committee Recommends. Passing by unanimous vote that the Town appropriate \$18,949 from available funds in the FY 07 Solid Waste Enterprise Fund retained earnings account to partially fund FY 07 solid waste disposal operating expenses.

ARTICLE 5. Ambulance Fund transfer (consent agenda). Finance Committee Recommends. Passing by unanimous vote that the town appropriate \$25,000 from FY 07 Ambulance Funds – Assets Cash to the FY 07 Ambulance Budget to cover overtime and union negotiated contract increases.

ARTICLE 6. Transfer to balance FY 2007. Passing by unanimous vote that the town transfer the sum of \$68,000 from overlay surplus to the FY 07 Reserve Fund.

ARTICLE 7. Authorization to borrow for sewer extension and related construction. Passing by the required 2/3rd vote (Yes-282, No-74) that the Town appropriate \$9,000,000 for the construction of a new sewer line on Main Street of approximately 8,700 feet from Memorial School to the Minnechaug Regional High School, for the cost of an additional payment to the Springfield Water and Sewer Commission for the Town’s right to increased capacity at the Commission’s wastewater treatment plant, for payments to the Springfield Water and Sewer Commission for improvements to Springfield’s Indian Orchard sewer system that will serve the Town, for the construction of a new sewer line and force main on River Road to the Springfield city line, for the construction or improvements to the Town’s existing wastewater treatment plant pump station, and for design, engineering and other incidental costs related to the above projects, and including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$9,000,000 and issue bonds or notes therefore under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws; that while such bonds or notes will be general obligations of the Town, it is the intent of the Town that the debt service on such bonds and notes will be paid from revenues in the Sewer Fund; that the Treasurer with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C of the General Laws and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the projects or for the financing thereof; that the Board of Selectmen or other appropriate local body or official is authorized to enter into a project regulatory agreement with the Department of Environmental Protection; that approval is hereby given for the levying of betterments, to be paid to the Sewer Fund, based on the “uniform unit rate method,” for the cost of the Main Street sewer and incidental costs plus those portions of the related projects that serve Main Street, but not in excess of \$6,600,000; and that the Board of Selectmen is authorized to contract with the Springfield Water and Sewer Commission in connection with any or all of the above projects and to expend funds available for the projects and to take any other action necessary to carry out the projects.

This article was discussed in length with many options being brought forward as other suggestions. School Superintendent Gagliarducci, Chris Wester from Weston & Sampson Engineering and Barry Del

Castilho, Interim Town Administrator, speaking on financial impact, made presentations. The Board of Registrars served as the tellers for the count.

ARTICLE 8. Authorization to borrow for water main replacement. Finance Committee Recommends. Requiring a 2/3rd vote, Passing by a declared 2/3rd vote by the Moderator that the Town appropriate \$250,000 for the laying of water mains on various town streets; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$250,000 under chapter 44 of the Massachusetts General Laws or any other enabling authority and that the debt service related to any borrowing incurred pursuant to this vote shall be paid through water charges and that the Board of Selectmen be authorized to take any other action necessary to carry out this project.

ARTICLE 9. Parliamentary procedures. Finance Committee Recommends. Finance Committee Recommends. Passing by a majority 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 9, Exhibit A," on file with the Town Clerk.

ARTICLE 10. Annual Community Preservation Program budget. Finance Committee Recommends. Passing by a majority vote that the town appropriate or reserve from the Community Preservation Fund annual revenues or available funds in the following amounts recommended by the Community Preservation Committee for debt service and community preservation projects in FY 2008, with each item to be considered a separate appropriation.

Purpose

<u>Appropriations</u>	<u>Amount</u>
Dues, Community Preservation Coalition (administration)	\$ 750.00
Meeting House Painting (historic preservation)	\$11,000.00
Town Records Conservation (historic preservation)	\$11,500.00
Memorial School Lighting (historic preservation)	\$10,000.00
Cemetery Projects (historic preservation)	\$20,000.00
monument repair, road repair, stone wall repair	
Rice Nature Preserve (open space) – final payment	\$209,000.00
Housing Study, handicapped and congregate (affordable housing)	\$10,000.00
Spec Pond recreation fields (recreation)	\$80,000.00
Conservation land signage (recreation)	\$3,260.00
Conservation forest management plan (recreation)	\$36,000.00
Soule Road School fence repair (recreation)	\$930.00

Reserves

	<u>Amount</u>
Affordable housing	\$31,274.00

ARTICLE 11. 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, 2007 and ending June 30, 2008, as follows:

Assessors, chairman, \$3,119.00, members, \$2,825.00 each, per year; Town Clerk, \$59,518.00 per year (all fees revert to the Town treasury); Moderator, \$200.00 Annual Town Meeting, \$50.00 Special Town Meeting; selectmen, \$4,151.00 per year, chairman \$4,844.00 per year; Tree Warden, \$8,437.00 per year; Water Commissioners, \$150.00 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 12. Budget appropriations. Finance Committee Recommends. Passing, as amended, by a majority vote that the Town accept the report of the Finance Committee and raise and appropriate the sum of **\$31,506,850.00** to cover the necessary capital expenditures and operating expenses of the Town for Fiscal Year 2008 (July 1, 2007 to June 30, 2008) per appropriations listed separately and incorporated herein by reference, and also to provide for said appropriations as follows:

Transfer	from: Water Receipts	\$1,259,501.00
	to: Water Enterprise Fund	
	from: Solid Waste Receipts	\$ 510,561.00
	to: Solid Waste Enterprise Fund	
	from: Sewer Receipts	\$ 569,808.00
	to: Sewer Enterprise Fund	
	from: Offset Receipts	\$ 25,000.00
	to: Dog Officer Expenses,	

and transfer \$17,030.00 Certified Free Cash to FY 2008 Municipal Appropriations.

A motion to amend article 12, made by John M. Lovejoy, passed by a majority vote thereby increasing Group Insurance Budget 194 (\$5,200) & Police Department Budget 210 (Salaries - \$23,000 & Expenses - \$700) for a total of \$28,900. This amount is to be removed from the Stabilization Fund under article 13 and to be used to fund a Police Patrolman for one half a year.

At this point, a motion was made/seconded to adjourn this meeting to Tuesday May 15, 2007 at 7:00 PM here at Minnechaug Regional High School to continue voting on the balance of the articles. Motion passed by unanimous vote at 10:52 PM.

Second Night:

ARTICLE 13. Stabilization Fund. Finance Committee Recommends. Passing by a majority vote that the Town raise and appropriate \$157,100.00 and transfer from overlay surplus the sum of \$50,000.00 to the Stabilization Fund in accordance with Section 5B of Chapter 40 of the Massachusetts General Laws. (This article was amended during article 12 with the removal of \$28,900 as stated)

ARTICLE 14. Receipts reserved for appropriation for ambulance. Finance Committee Recommends. Passing by unanimous vote that the Town appropriate \$476,186.00 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 15. Appropriation for ambulance depreciation account. Finance Committee Recommends. 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 Sections 5 and 5F of Chapter 40 of the Massachusetts General Laws.

ARTICLE 16. Receipts reserved for appropriation for cemeteries. Finance Committee Recommends. Passing by unanimous vote that the town appropriate \$7000.00 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 17. Reserve Fund: Finance Committee Recommends. Passing by unanimous vote that the town raise and appropriate the sum of \$150,000.00 for a Fiscal Year 2008 Reserve Fund.

ARTICLE 18. Water Division Reserve Fund (consent agenda). Passing by unanimous vote that the town appropriate from water receipts the sum of \$50,000 for a Fiscal Year 2008 Reserve Fund.

ARTICLE 19. Waste Water Enterprise Fund Retained Earnings (consent agenda). Passing by unanimous vote that the town appropriate \$68,757.00 from available funds in the Waste Water Enterprise Fund retained earnings account to accommodate additional flows (\$58,757.00) and continuation of a study related to expansion of the sewer system and continuation of a capacity study under the Geographic Information System (\$10,000.00).

ARTICLE 20. Chapter 90 appropriation. Finance Committee Recommends. Passing by unanimous vote that the town appropriate \$411,733.00 from available funds provided under Section 34 of Chapter 90 of the Massachusetts General Laws.

ARTICLE 21. Conservation Fund (consent agenda). 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 22. -Authorization to Borrow for Capital Outlays: Finance Committee Recommends. Requiring a 2/3rd vote, passing by a declared 2/3rd vote by the Moderator that the town borrow \$600,000.00 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, \$405,000.00; and

- in accordance with Section 7(9) of Chapter 44 of the Massachusetts General Laws for the cost of departmental equipment, \$195,000.00.

Capital Planning Chairman Bob Quintin gave a brief presentation. He listed all members of the committee. Special thanks were given to Lance Trevallion, Ron Rauscher, Tom Sullivan and Nancy Johnson for their contributions to the committee. He then thanked the Board of Selectmen for their trust and support and the Finance committee for their great job as well.

ARTICLE 23. Council on Aging Revolving Fund (consent agenda). Passing by unanimous vote that the Town reauthorize a revolving fund in accordance with Section 53 E½ of Chapter 44 of the Massachusetts General Laws in order to place revenue collected from donations from individuals, organizations and events; memorial donations; and fees for classes, trips and programs, which shall be used for payment of costs connected with programs and events; repair and maintenance of equipment and furnishings; purchase of memorials and volunteer recognitions; and fees for instructors and classes, and transfer the balance of the FY 2007 revolving fund to the FY 08 revolving fund. Expenditures authorized by the Director of Elder Affairs, not exceeding a total of \$10,000 in FY 2008. The balance in the revolving account shall not exceed \$10,000.

ARTICLE 24. Compost Bin Revolving Fund (consent agenda). Passing by unanimous vote that the Town reauthorize a revolving fund 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 2007 revolving fund to the FY 2008 revolving fund. Expenditures authorized by the Recycling Coordinator, not exceeding a total of \$5,000 in FY 2008. The balance in the revolving account shall not exceed \$5,000.

ARTICLE 25. Cemetery Revolving Fund (consent agenda). Passing by unanimous vote that the Town reauthorize a revolving fund 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 2007 revolving fund to the FY 2008 revolving fund. Expenditures authorized by the Cemetery Commission, not exceeding a total of \$20,000 in FY 2008. The balance in the revolving account shall not exceed \$20,000.

ARTICLE 26. Community Gardens Revolving Fund (consent agenda). Passing by unanimous vote that the Town authorize a revolving fund in accordance with Section 53 E½ of Chapter 44 of the Massachusetts General Laws in order to place revenue collected from community garden lot rental fees and donations, which shall be used to purchase goods, tools, and services, including water resources, for the use of the gardeners enrolled in the program. Expenditures authorized by the Conservation Commission, not exceeding a total of \$6,000 in FY 2008. The balance in the revolving account shall not exceed \$6,000.00.

ARTICLE 27. Acceptance of qualifying subdivision streets as 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 Algonquin Drive, Autumn Road, Bridle Path Road, Cambridge Drive, Falcon Heights Road, Kensington Drive, Iroquois Lane, and Patriot Ridge Lane.

ARTICLE 28. Private ways bylaw. Passing by a majority vote, as amended, that the Town amend Article VI of the Town By-Laws, "Regulation of Public Conduct," by adding Section 631, "Public Ways," the text of which is presented in the exhibits as "Article 28, Exhibit A."

This article was amended on the floor to change 1.04, 1.05 & 1.06 to read 51% instead of the original 100% petition percentage required.

ARTICLE 29. 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 30. Authorization to dispose of surplus equipment (consent agenda). Passing by unanimous vote that the Town authorizes 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 31. Authorization to dispose of Foskit Hall. (Petitioned article) A motion to move no action passed by a majority vote.

ARTICLE 32. Acceptance of deeds. Requiring a 2/3rd vote, passing by a declared 2/3rd vote by the Moderator that the Town accept such deeds and grants of land given to the Town as 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 32, Exhibit A.”

ARTICLE 33. Change status of certain town-owned land. Passing by unanimous vote that the Town take no action.

ARTICLE 34. Zoning bylaw amendment – parking and storage restrictions for trucks and buses in residential districts. 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 4.5.2 and 3.6.2.13(G) the text of which is presented in the exhibits as “Article 34, Exhibit A.”

Lengthy debate took place with two amendments failing to pass. Final vote was on original article as presented.

ARTICLE 35. Town bylaw – unregistered or inoperable motor vehicles. Planning Board Recommends. Passing by a majority vote that the Town amend Article VI of the Town By-laws, “Regulation of Public Conduct,” by adding Section 102m.) (defining motor vehicle) and adding Section 632, “Unregistered or Inoperable Motor Vehicles,” the text of which is presented in the exhibits as “Article 35, Exhibit A.”

ARTICLE 36. Zoning bylaw amendment – PURD open space requirements. 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 section 4.8.11 the text of which is presented in the exhibits as “Article 36, Exhibit A.”

ARTICLE 37. Zoning bylaw amendment – miscellaneous technical corrections. Planning Board Recommends. Requiring a 2/3rd vote, passing by a declared 2/3rd vote that the Town amend the Wilbraham Zoning By-Law by revising sections 1.3, 3.6.2.16, 4.8.5.3, 4.8.7.6, 5.5.4, 11.2.13, 12.4.1, 12.6.4, 13.5.4.3(E), and 13.6.7.1 the text of which is presented in the exhibits as “Article 37, Exhibit A.”

ARTICLE 38. Town bylaw amendment – distribution of town warrants. Passing by unanimous vote that the Town amend Article II, Section 200 b) of Town By-laws by adding the sentence “Distribution may be accomplished, at the discretion of the Board of Selectmen, by publication of the warrant in a newspaper with local circulation within the town or, if there is none, a newspaper with general circulation in Hampden County and which is delivered to all Wilbraham households by United States Postal Service.”

ARTICLE 39. Mutual aid agreement. Passing by unanimous vote that the Town, in accordance with MGL chapter 40, section 4A, authorize the Board of Selectmen and Board of Health to enter into an inter-municipal agreement with one or more other governmental units to provide public health, public works, and general government administration services which the Board of Health, Department of Public Works, and other administrative bodies in the town are authorized to perform, in accordance with an Inter-municipal Mutual Aid Agreement to be entered into between the Town and various government units, the text of which is presented in the exhibits as “Article 39, Exhibit A.”

ARTICLE 40. Joint operations agreements. Passing by unanimous vote that the Town authorizes, but not requires, the Board of Selectmen, in accordance with the requirements of M.G.L. Chapter 40, Section 4A, (text of which is presented in the exhibits as “Article 40, Exhibit A”) to enter, on behalf of the Town of Wilbraham, into an agreement or agreements with one or more other governmental units to perform, jointly or for such other unit(s), services, activities or undertakings involving the use of Town of Wilbraham Department of Public Works equipment for use in one or more other governmental unit(s).

ARTICLE 41. Town bylaw – Right-to-farm. Passing by a majority vote that the Town amends Article VI of the Town By-Laws, “Regulation of Public Conduct,” by adding Section 633, “Right to Farm Bylaw,” the text of which is presented in the exhibits as “Article 41, Exhibit A.”

ARTICLE 42. Accept MGL chapter 41, section 110A, re: Saturday openings. Passing by a majority vote that the Town allows the Town Clerk’s office to be closed on Saturdays, as provided in Massachusetts General Laws chapter 41, section 110A (the text of which is presented in the exhibits as “Article 42, Exhibit A.”

ARTICLE 43. Town bylaw – Storm water. Passing by unanimous vote that the Town amends Article VI of the Town By-Laws, “Regulation of Public Conduct,” by adding Section 634, “Storm Water Bylaw,” the text of which is presented in the exhibits as “Article 43, Exhibit A.”

Adjournment of Annual Town Meeting: Passing by unanimous vote that the Town adjourn the Annual Town Meeting until 8:30 A.M., Saturday, May 19, 2007, 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 10:07 PM.

Attest: _____
Beverly J. Litchfield, MMC, CMMC
Town Clerk

TOWN BULLETIN

Boston, Massachusetts

The foregoing amendments to the town by-laws adopted under articles 28, 34, 35, 36, 37, 38 and 41 of the warrant for the Wilbraham town meeting that convened on May 14, 2007 are hereby approved. Article 43 was approved by the Attorney General’s office with exceptions. Please see attached copy for explanation.

Martha Coakley
Attorney General

September 12, 2007

Kelli E. Gunagan
Assistant Attorney General