

ANNUAL TOWN MEETING
MAY 17, 2010

Attendance
Precinct A: 62
Precinct B: 60
Precinct C: 99
Precinct D: 67
Total ----- 285

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 17, 2010. At 7:00PM Moderator, Anthony Scibelli noted a quorum was present and called the meeting to order. Moderator Scibelli then recognized those that had passed on. A moment of silence was held in their honor. 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 Moderator. The Consent Articles were 1, 2, 20, 21, 22, 23, 26, 27 and 28. Each article is listed separately in these minutes and marked with an asterisk.

***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

* **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 2010. Finance Committee Recommends. Passing by unanimous vote and pursuant to Section 33B of Chapter 44 of the General Laws, that the Town transfer the sum of \$8,000 from previously appropriated but unexpended funds in the FY'2010 Budget #220 Fire Salaries to budget #211 Police Cruiser.

ARTICLE 4. Ambulance Fund transfer. Finance Committee Recommends. Passing by unanimous vote that the town appropriate \$25,000 from Receipts reserved for Appropriation for Ambulance to the FY'2010 Ambulance Budget to cover overtime.

Before the reading of Article 5, Senator Gale Candaras was recognized and thanked by Selectman Thompson for all of her hard work this past year.

ARTICLE 5. Parliamentary procedures. Passing by 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 2½), as amended, and as set forth in a document entitled "Article 5, Exhibit A," on file with the Town Clerk.

ARTICLE 6. Compensation for elected town officials. Finance Committee Recommends. Passing by majority vote that the Town fix the compensation for elected Town Officers for fiscal year July 1, 2010 to June 30, 2011, as follows: Assessors, chairman, \$3,343, members, \$3,028 each, per year; Town Clerk,

ARTICLE 13. Appropriation for Purchase of an Ambulance Vehicle. Finance Committee Recommends. Passing by unanimous vote that the Town appropriate \$45,000 from Receipts Reserved for Appropriation for Ambulance and \$126,446 from the depreciation account for vehicle and equipment replacement for the purchase of a new ambulance vehicle.

ARTICLE 14. Receipts reserved for appropriation for cemeteries. Finance Committee Recommends. Passing by unanimous vote that the town appropriate \$25,000 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 General Laws.

ARTICLE 15. Reserve Fund: Finance Committee Recommends. Passing by unanimous vote that the town raise and appropriate \$225,000 for a Fiscal Year 2011 Reserve Fund.

ARTICLE 16. Medicare Extension Plans for Future Eligible Retirees – Statute Acceptance. Finance Committee Recommends. Passing by a majority vote to accept Section 18A of Chapter 32B of the General Laws, the effect of which would be to require that all Town retirees who retire after the acceptance of this section, their spouses and dependents who are enrolled in or eligible to be enrolled in Medicare Part A at no cost to a retiree, their spouse or dependents, or eligible for coverage there under at no cost to a retiree, their spouse or dependents, be required to enroll in a Medicare health benefits supplement plan offered by the Town.

ARTICLE 17. Other Post Employment Benefits Liability Trust Fund Authorization – Statute Acceptance. Finance Committee Recommends. Passing by a majority vote to accept Section 20 of Chapter 32B of the General Laws authorizing the establishment of a separate fund, to be known as an Other Post Employment Benefits Liability Trust Fund, and other provisions as outlined in said Statute.

ARTICLE 18. Funding of Other Post Employment Benefits Liability Trust Fund. Finance Committee Recommends. Passing by a majority vote that the Town raise and appropriate \$50,000 to be placed into the Other Post Employment Benefits Liability Trust Fund, established under the provisions Massachusetts General Laws Chapter 32B, Section 20.

ARTICLE 19. -Authorization to Borrow for Capital Outlays: Finance Committee Recommends. Requiring a two-thirds vote, passing by a unanimous vote that the town borrows \$545,000 for the following purposes:

- in accordance with Section 7(3A) of Chapter 44 of the 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, \$180,000; and
- in accordance with Section 7(9) of Chapter 44 of the General Laws for the cost of departmental equipment, \$365,000.

* **ARTICLE 20. 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 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 2010 revolving fund to the FY 2011 revolving fund. Expenditures authorized by the Director of Elder Affairs, not exceeding a total of \$10,000 in FY 2011. The balance in the revolving account shall not exceed \$10,000.

* **ARTICLE 21. 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 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 2010 revolving fund to the FY 2011 revolving fund. Expenditures authorized by the Public Works Director, not exceeding a total of \$5,000 in FY 2011. The balance in the revolving account shall not exceed \$5,000.

* **ARTICLE 22. 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 General Laws in order to place revenue collected from the sale of boundary markers, foundations, winter access charges, and for opening and closing graves, which shall be used to purchase boundary markers, foundations, winter access charges, and to open and close graves, and transfer the balance from the FY 2010 revolving fund to the FY 2011 revolving fund. Expenditures authorized by the Cemetery Commission, not exceeding a total of \$20,000 in FY 2011. The balance in the revolving account shall not exceed \$20,000.

* **ARTICLE 23. Community Gardens 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 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, and transfer the balance from the FY 2010 revolving fund to the FY 2011 revolving fund. Expenditures authorized by the Conservation Commission, not exceeding a total of \$6,000 in FY 2011. The balance in the revolving account shall not exceed \$6,000.

ARTICLE 24. Special Appropriation for road repaving and preservation. Finance Committee Recommends. Passing by majority vote that the town transfer \$150,000 from free cash to repave, resurface and/or crack seal public ways.

ARTICLE 25. Municipal Broadband Study. Passing by unanimous vote to indefinitely postpone action under Article 25.

* **ARTICLE 26. 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 27. Authorization to dispose of surplus equipment (consent agenda).** Passing by unanimous vote that the Town authorize 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 28. Grants Authorization (consent agenda).** Passing by unanimous vote that the Town authorizes the Board of Selectmen to apply for and accept federal or state grants or monies as may be available and to authorize the expenditure of any such grants or funds received there from in accordance with the terms of said grants.

ARTICLE 29. Acceptance of deeds. Passing by unanimous vote to indefinitely postpone action under Article 29.

ARTICLE 30. Drainage and Access Easements. Finance Committee Recommends. Requiring a two-thirds vote, passing by a declared two-thirds vote, pursuant to the authority found in Massachusetts General Laws, Chapter 79 and/or other legal authority, to acquire drainage, utility and access easements by gift, purchase and/or eminent domain in areas of the town designated in Exhibit A hereto, which is on file with the Office of the Town Clerk, for the purpose of having timely and adequate legal access to private property in order to maintain public water, drainage and sewer utilities, pedestrian access and safety on sidewalks, and traffic on and near public and private roadways, highways and other ways, and for the purpose of having timely and adequate legal access to private property in order to maintain uninterrupted flow in the town's waterways, so they will not back up and cause flooding due to blockages obstructing the flow of water during storm events which cause local flooding, damage to real estate and the threat of serious harm to town residents.

ARTICLE 31. LOCAL MEALS TAX (PETITION ARTICLE). Finance Committee does not recommend. Failing to pass by a majority vote that the town of Wilbraham accept G.L. c. 64L, § 2(a) to impose a local meals excise.

ARTICLE 32. By-Law Amendments – Relating to Town Meetings and Town Elections. Passing by unanimous vote to amend the Town By-Laws as follows:

- Amend Section 200(c) of the Wilbraham By-Laws by deleting the words “and at one public location in each precinct”.
- Amend Section 201(a) of the Wilbraham By-Laws to read as follows: The Annual Town Meeting shall be held in either April, May or June of each year, the date to be determined by the Board of Selectmen.
- Amend Section 204(a) of the Wilbraham By-Laws to read as follows: The town election of officers shall be held on the third Saturday in May.

ARTICLE 33. By-Law Amendments - Dogs. Passing by unanimous vote to amend the Town By-Laws as follows:

- Amend Section 604.2(B) of the Wilbraham By-Laws to read as follows: Any owner or keeper of a dog six months of age or older in the Town of Wilbraham shall cause that dog to be licensed each year. Licensing is issued annually for a 12-month period beginning January 1.
- Amend Section 604.2(c) of the Wilbraham By-Laws to read as follows: Licensing is available during January, February and March, or earlier at the discretion of the Town Clerk. Any owner or keeper who applies for a dog license, whether new or renewal, after April 30, will be charged a late fee for the current year, as established by the Board of Selectmen.

Following article 15, a motion was made by Donald Flannery to take article 34 out of order and bring it forward for an earlier vote. Motion was seconded and passed by majority vote. Vote on article was as

follows:

ARTICLE 34. Wilbraham Center Historic District. Requiring a two-thirds vote but failing to pass by two-thirds vote (Yes 112, No 97) to Amend Article VI of the Town By-Laws, “Regulation of Public Conduct”, by adding Section 635, “Local Historic District”, as on file with the Town Clerk as “Article 34, Exhibit A and Exhibit B”.

First vote was declared failed by the Moderator but more than seven voters stood to request a hand count of the vote. Hand count proceeded and the out come is listed above.

ARTICLE 35. Acceptance of qualifying subdivision streets as public ways. Passing by a majority 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 Squire Drive and Falcon Heights Road.

ARTICLE 36. Zoning By-Law Amendment – Retail Sales of Automobiles & Trucks: Requiring a two-thirds vote, passing by unanimous vote to amend the Wilbraham Zoning By-Law by deleting the second sentence in section 6.5.2 which reads as follows: “In no event shall the percentage of used automobiles or trucks displayed or stored on the premises exceed forty (40) percentage of the total number of new and used automobiles or trucks displayed or stored on said premises during any one week period.”

ARTICLE 37. Accessory Residential Garage Use Regulations: Requiring a two-thirds vote, passing by a declared two-thirds vote to amend the Wilbraham Zoning By-Law by deleting existing section 3.6.2.2 and substituting therefor a new section 3.6.2.2 to read as follows: “Private attached garage, detached garage and/or carport accessory to a residential dwelling with a combined number of garage doors not to exceed three (3) and with combined garage space not to exceed 1100 square feet, unless so authorized by special permit from the Planning Board. The location and size of accessory garages shall also be subject to the requirements imposed under section 4.4.8. Parking or storage of motor vehicles shall be subject to the requirements imposed under section 4.5.”

ARTICLE 38. Zoning By-Law Amendment – Location & Size of Residential Accessory Buildings: Requiring a two-thirds vote, passing by a declared two-thirds vote to amend the Wilbraham Zoning By-Law by deleting existing section 4.4.8 and substituting therefor a new section 4.4.8 as set forth in a document entitled “Zoning Amendment Exhibit A” on file with the Town Clerk.

ARTICLE 39. Zoning By-Law Amendment – Earth Removal Permits: Requiring a two-thirds vote, passing by a declared two-thirds vote to amend the Wilbraham Zoning By-Law by deleting existing section 10.4.1 and substituting therefor a new section 10.4.1 as set forth in a document entitled “Zoning Amendment Exhibit B” on file with the Town Clerk, or take any other action relative thereto.

ARTICLE 40. Town By-law Amendment & Zoning By-Law Amendment – Associate Planning Board Member. Requiring a two-thirds vote, passing by a declared two-thirds vote to amend Article III Section 308 of the Town By-Laws (Elected Town Officials – Wilbraham Planning Board) by deleting the words “one-year term” in the second sentence of paragraph (a.) and substituting therefor the words “three-year term” and to amend the Wilbraham Zoning By-Law by deleting existing section 15.4.2 and substituting therefor a new section 15.4.2 as set forth in a document entitled “Zoning Amendment Exhibit C” on file with the Town Clerk, or take any other action relative thereto.

ARTICLE 41. Zoning By-Law Amendment – Mixed Use Development: Requiring a two-thirds vote, passing by a declared two-thirds vote to amend the Wilbraham Zoning By-Law by revising sections 1.3, 3.5, 3.6 and 14.0 as set forth in a document entitled "Zoning Amendment Exhibit D" on file with the Town Clerk, or take any other action relative thereto.

Motion made, seconded and passed by unanimous vote to adjourn the meeting at 10:55 PM.

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

TOWN BULLETIN

Boston, Massachusetts

The foregoing amendments to the town by-laws adopted under articles 32, 33, 36, 37, 38, 39, 40 and 41 of the warrant for the Wilbraham town meeting that convened on May 17, 2010 are hereby approved.

Martha Coakley
Attorney General

September 20, 2010

Kelli E. Gunagan
Assistant Attorney General