

**ANNUAL TOWN MEETING
MAY 16, 2011**

Attendance	
Precinct A:	53
Precinct B:	55
Precinct C:	65
Precinct D:	71
Total -----	244

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 16, 2011. At 7:00PM Moderator, Anthony Scibelli noted a quorum was present and called the meeting to order. The Moderator welcomed all and commenced with an explanation of the process concerning the "Consent Agenda." 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 articles included in the consent agenda were then read, one at a time by the Moderator. The Consent Articles were 1, 2, 27, 28, 29, 30, 31, 32 and 33. Each article is listed separately in these minutes and marked with an asterisk.

*Articles listed on the Consent Agenda are considered to be routine and will be acted on using an expedited procedure. Questions or concerns from the floor regarding any Consent Agenda article will result in that article's removal from the Consent Agenda for action under regular procedures.

Consent Agenda (articles marked *)

Motion was made and seconded that the Town accept and approve the following articles as presented: Articles 1, 2, 27, 28, 29, 30, 31, 32, and 33. All articles in the consent agenda (1, 2, 27, 28, 29, 30, 31, 32, and 33) were read individually by the Selectmen. All articles passed by majority vote as listed under each article below.

***ARTICLE 1. Choosing Miscellaneous Officials (consent agenda).** Passing by a majority 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 (Majority vote)

***ARTICLE 2. - Hearing Reports (consent agenda).** Passing by a majority vote that the town accept the reports of all officers and committees as printed in the Annual Town Report.

ARTICLE 3. - Funding Transfers FY 2011. Finance Committee recommends. Passing by unanimous vote Pursuant to Section 33B of Chapter 44 of the General Laws, that the Town transfers the sum of \$113,800 from previously appropriated but unexpended funds in the FY'2011 Budget #194 Group Insurance to the following FY'2011 budgets:

..... #210-Police Salaries	\$40,000
..... #420 Highway Salaries	\$21,000
..... #420 Highway Expense	\$45,300
..... #430 Central Dispatch Salaries	\$5,000
..... #543 Veterans Expense	\$2,500

ARTICLE 4. - Ambulance Fund transfer. Finance Committee recommends. Passing by a majority vote that the town appropriate \$25,000 from Receipts reserved for Appropriation for Ambulance to the FY'2011 Ambulance Budget to cover overtime.

ARTICLE 5. – Transfer of Wastewater Debt Service Reserve Funds. Finance Committee recommends. Passing by a majority vote that the town transfers \$265,000 from Fund Balance Reserved for Debt Service in the Wastewater Enterprise Fund to the FY 2011 Wastewater Enterprise Fund Capital Debt Account.

ARTICLE 6. - Parliamentary procedures. 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 2½), as amended, and as set forth in a document entitled "Article 5, Exhibit A," on file with the Town Clerk.

ARTICLE 7. - Compensation for elected town officials. Finance Committee recommends. Passing by unanimous vote that the Town fix the compensation for elected Town Officers for fiscal year July 1, 2011 to June 30, 2012, as follows: Assessors, chairman, \$3,343, members, \$3,028 each, per year; Town Clerk, \$63,780 per year (all fees revert to the Town treasury); Moderator, \$200 Annual Town Meeting, \$50 Special Town Meeting; Selectmen, \$4,383 per year, chairman \$5,114 per year; Tree Warden, \$9,041 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 8. - Budget appropriations. Finance Committee recommends. Passing by a majority vote that the Town accept the report of the Finance Committee and raise and appropriate \$33,115,300, transfer \$211,700 from Free Cash, and transfer \$25,000 from offset receipts (for Dog Officer Expenses) to cover the necessary capital expenditures and operating expenses of the Town for Fiscal Year 2012 (July 1, 2011 to June 30, 2012) per appropriations listed separately in the Town Meeting Workbook, recommendation listed below and incorporated herein by reference, with the exception of those budgets and expenditures which will be voted on separately in subsequent Articles.

RECOMMENDATION: Please mark the budget provided in your Voter Workbook to reflect the following revised numbers:

- Department 191 Facility Maintenance Expense \$124,133, Total \$176,315
- Department 221 Fire Non-recurring Expense \$209,889, Total \$209,889
- Department 541 Council on Aging Salaries \$116,720, Total \$127,820

ARTICLE 9. - Water Enterprise Fund Budget. Finance Committee recommends. Passing by a majority vote that the following sums be appropriated for the Water Enterprise Fund: Salaries, \$369,080; Expenses, \$1,303,806; Non-recurring, \$50,000, and that \$1,722,886 be raised from Water Department.

ARTICLE 10. - Wastewater Enterprise Fund Budget. Finance Committee recommends. Passing by a majority vote that the following sums be appropriated for the Wastewater Enterprise Fund: Salaries, \$184,292; Expenses: \$999,109 and that \$1,183,401 be raised from Wastewater Department receipts.

ARTICLE 11. - Solid Waste Enterprise Fund Budget. Finance Committee recommends. Passing by a majority vote that the following sums be appropriated for the Solid Waste Enterprise Fund: Salaries, \$126,963; Expenses, \$206,195, and that \$333,158 be raised as follows: \$304,573 from Solid Waste receipts and \$28,585 from retained earnings.

ARTICLE 12. - Annual Community Preservation Program Budget. A motion to divide the original motion into four separate motions was presented, seconded and passed by a majority vote. Each vote is listed below.

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 2012, with each item to be considered a separate appropriation.

Purpose:

Town Records Preservation (Historic Preservation).....	\$4,900
Cemetery Management Plan (Historic Preservation)	\$10,572
Rice Nature Preserve Landscape Preservation (Open Space).....	\$7,590
Disc Golf Mats (Non-committed)	\$10,133

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 2012, with each item to be considered a separate appropriation.

Gazebo Park Land Purchase (Open Space)	\$125,000
--	-----------

Finance Committee does not recommend. 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 2012, with each item to be considered a separate appropriation.

Fountain Park Barn Renovation (Historic Preservation)	\$21,878
(Non-committed).....	\$88,122

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 2012, with each item to be considered a separate appropriation.

Spec Pond Recreation Area Improvements (Non-committed)	\$163,201
--	-----------

ARTICLE 13. - Purchase of Gazebo Park. Finance Committee recommends. Requiring a two-thirds vote, passing by a declared two-thirds vote by the Moderator that the Town, utilizing Community Preservation Act funds, to purchase the land and buildings situated at 480 Main Street, Wilbraham, commonly known as “Gazebo Park,” as described in the Warrant.

Before this article was presented, Senator Gale Candaras and former Selectman Dave Barry were recognized.

ARTICLE 14. - Receipts reserved for appropriation for ambulance. Finance Committee recommends. Passing by a majority vote that the Town appropriate \$564,672 from Receipts Reserved for Appropriation for Ambulance to Ambulance personal services, operating and capital costs, pursuant to Section 5 of Chapter 40 of the General Laws.

ARTICLE 15. - Appropriations for Ambulance Depreciation Account. Finance Committee recommends. Passing by a majority vote that the Town appropriate \$40,000 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 16. - Receipts reserved for appropriation for cemeteries. Finance Committee recommends. Passing by a majority 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 17. - Reserve Fund. Finance Committee recommends. Passing by a majority vote that the town transfer \$75,000 from Overlay Surplus and to raise and appropriate \$225,000 for a Fiscal Year 2012 Reserve Fund.

ARTICLE 18. - Special Appropriation for road repaving and preservation. Finance Committee recommends. Passing by a majority vote that the town transfer from \$150,000 from free cash to repave, resurface and/or crack seal public ways.

ARTICLE 19. - Funding of Other Post Employment Benefits Liability Trust Fund. Finance Committee Recommends. Passing by a majority vote that the Town transfer \$100,000 from free cash into the Other Post Employment Benefits Liability Trust Fund, established under the provisions Massachusetts General Laws Chapter 32B, Section 20.

ARTICLE 20. - Municipal Building Insurance Fund. Finance Committee recommends. Passing by a majority vote that the Town accept Massachusetts General Laws Chapter 40, Section 13 relative to a Municipal Building Insurance Fund and to raise and appropriate \$25,000 to be placed in said fund.

ARTICLE 21. - Sale of Foskit Hall. Finance Committee recommends. Requiring a two-thirds vote, passing as amended by a declared two-thirds vote by the Moderator to authorize the Board of Selectmen to dispose of the land and buildings at 485 Main Street, known as Foskit Hall, also known as the Grange Hall, with such restrictions and conditions as the Board deems appropriate. If in the opinion of the Board of Selectmen the only viable option is to demolish Foskit Hall, the Board of Selectmen are instructed to return to Town Meeting to receive approval.

This article received much discussion. There were two amendments presented concerning this article. They are listed below.

Amendment 1 – Presented by John Broderick and seconded – Move to authorize the Board of Selectmen to dispose of the land and buildings at 485 Main Street, known as Foskit Hall, also know as the Grange Hall, with restrictions and conditions of and on the sale to be determined after a Public Hearing with input solicited from but not limited to the following: the Historical Commission, the Grange Hall Study Committees (1 and 2) or any other Town Board or Committee, parcel abutters and any other resident wishing to be heard.

Amendment 1 failed to pass.

Amendment 2 – presented by Board of Selectmen and seconded – Adding after “appropriate” – If in the opinion of the Board of Selectmen the only viable option is to demolish Foskit Hall, the Board of Selectmen are instructed to return to Town Meeting to receive approval.

Amendment 2 passed by a majority vote.

ARTICLE 22. - Funding of Repairs to the Grange. Finance Committee recommends. Passing by a majority vote to indefinitely postpone action under Article 22.

ARTICLE 23. - Borrowing for improvements to Recreation Facilities. Finance Committee recommends. Requiring a two-thirds vote, passing by a declared two-thirds vote by the Moderator that \$100,000 is appropriated for constructing baseball fields, a multi purpose field, a softball field, and a dog park, constructing or reconstructing walking/jogging trails, installing sports field lighting, various playground accessibility construction and improvements, constructing pavilion enhancements and beachfront improvements, including all costs incidental or related thereto; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$100,000 under Chapter 44 of the General Laws or any other enabling authority; that the Board of Selectmen is authorized to contract for and expend any federal or state aid and any private donations available for the project, provided that the amount of the authorized borrowing shall be reduced by the amount of such aid or donations received prior to the issuance of bonds or notes under this vote; and that the Board of Selectmen is authorized to take any other action necessary or convenient to carry out this project.

ARTICLE 24. - Return of Bond Premium to Enterprise Funds. Finance Committee recommends. Passing by a majority vote that the Town transfer \$83,691 from free cash to the Water Enterprise Fund and \$49,055 from free cash to the Sewer Enterprise fund.

ARTICLE 25. - 250th Anniversary Celebration. Finance Committee recommends. Passing by a majority vote that the Town establishes a special fund under the provisions of Massachusetts General Laws Chapter 44, Section 53I, for the purpose of commemorating the 250th Anniversary of the incorporation of Wilbraham and to transfer \$10,000 from Free Cash to be placed in said fund in Fiscal Year 2011.

ARTICLE 26. - Authorization to Borrow for Capital Outlays. Finance Committee recommends. Requiring a two-thirds vote, passing by a declared two-third vote by the Moderator that \$2,400,000 is appropriated for remodeling, reconstructing, making extraordinary repairs and adding to the fire station including originally equipping, landscaping, paving and other site improvements, and all costs incidental or related thereto; that to meet this appropriation, \$200,000 shall be paid out of the fire department budget and the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$2,200,000 under Chapter 44 of the General Laws or any other enabling authority; that the Board of Selectmen is authorized to contract for and expend any federal or state aid and any private donations available for the project; and that the Board of Selectmen is authorized to take any other action necessary or convenient to carry out this vote.

*** ARTICLE 27. - Council on Aging Revolving Fund (consent agenda). Finance Committee recommends.** Passing by a majority 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 2011 revolving fund to the FY 2012 revolving fund. Expenditures authorized by the Director of Elder Affairs, not exceeding a total of \$20,000 in FY 2012. The balance in the revolving account shall not exceed \$20,000.

*** ARTICLE 28. Compost Bin Revolving Fund (consent agenda). Finance Committee recommends.** Passing by a majority 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 2011 revolving fund to the FY 2012 revolving fund. Expenditures authorized by the Public Works Director, not exceeding a total of \$5,000 in FY 2012. The balance in the revolving account shall not exceed \$5,000.

* **ARTICLE 29. Cemetery Revolving Fund (consent agenda). Finance Committee recommends.** Passing by a majority 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 2011 revolving fund to the FY 2012 revolving fund. Expenditures authorized by the Cemetery Commission, not exceeding a total of \$20,000 in FY 2012. The balance in the revolving account shall not exceed \$20,000.

* **ARTICLE 30. Community Gardens Revolving Fund (consent agenda). Finance Committee recommends.** Passing by a majority 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 2011 revolving fund to the FY 2012 revolving fund. Expenditures authorized by the Conservation Commission, not exceeding a total of \$6,000 in FY 2012. The balance in the revolving account shall not exceed \$6,000.

* **ARTICLE 31. - Authorization to enter into lease/purchase agreements (consent agenda). Finance Committee recommends.** Passing by a majority 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 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 32. - Authorization to dispose of surplus equipment (consent agenda). Finance Committee recommends.** Passing by a majority 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 33. - Grants Authorization (consent agenda). Finance Committee recommends.** Passing by a majority 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 34. - Acceptance of deeds. Finance Committee recommends. Requiring a two-thirds vote, passing by a declared two-thirds 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 34, Exhibit A.”

ARTICLE 35. - Drainage and Access Easements. Passing by a majority vote to indefinitely postpone action under Article 35.

ARTICLE 36. - Stabilization Fund. Finance Committee recommends. Passing by a majority vote that the Town transfer \$100,000 from Free Cash to the Stabilization Fund.

ARTICLE 37. - Acceptance of Statute allowing Sunday morning alcoholic beverage sales. Finance Committee makes no recommendation. Passing by a majority vote that the Town accept Massachusetts General Laws chapter 138, section 33B which reads as follows: The local licensing authority of any city or town which accepts this section may authorize licensees under section twelve to sell alcoholic beverages between the hours of 10:00 a.m. and 12:00 noon on Sundays, the last Monday in May and on Christmas day or on the day following when said day occurs on Sunday.

ARTICLE 38. - Zoning By-Law Amendment - Rezoning from GB to R-15. Planning Board recommends. Requiring a two-thirds vote, passing by a declared two-thirds vote by the Moderator to amend the Wilbraham Zoning By-Law and the accompanying Zoning Map referenced therein by rezoning from General Business (GB) to Residential-15 (R-15) approximately 1.61 acres of land being a portion of property known as parcel #616 located at 2555 Boston Road owned by Atlantic Holdings Group Inc., as more particularly described on a plan on file with the Town Clerk entitled "Zoning Amendment Exhibit A".

ARTICLE 39. - Zoning By-Law Amendment - Rezoning from ACF to GB. Planning Board recommends. Requiring a two-thirds vote, passing by a declared two-thirds vote to amend the Wilbraham Zoning By-Law and the accompanying Zoning Map referenced therein by rezoning from Adult Care Facilities (ACF) to General Business (GB) approximately 3.52 acres of land comprising the rear portion of land located at 2377 Boston Road (assessors parcel #101816) owned by Wing Memorial Hospital Corp (Suite 101, parcel #565) and POC Development Company Limited Partnership (Suite 102, parcel #566; Suite 103, parcel #567; Suite 201, parcel #568; and Suite 202, parcel #569), the rear portion of land located at 2379 Boston Road (parcel #570) owned by Country Bank for Savings, and the rear portion of land located at 2391 Boston Road (parcel #576) owned by K S Diner Inc., as more particularly described on a plan on file with the Town Clerk entitled "Zoning Amendment Exhibit B".

ARTICLE 40. - Zoning By-Law Amendment – Accessory Use Regulations. Planning Board recommends. Requiring a two-thirds vote, passing by a declared two-thirds vote to amend the Wilbraham Zoning By-Law by renumbering existing section 3.6 (Accessory Use Regulations) as section 3.9 and by revising sections 3.4.4.4, 3.4.5.11, 3.4.5.17, 4.4.8, 4.5.2(C) and 12.5.4 by changing all existing references of section 3.6 to renumbered section 3.9 as set forth in a document entitled "Zoning Amendment Exhibit C" on file with the Town Clerk.

Motion to adjourn was made, seconded and carried. Meeting adjourned at 10:15 PM.

Respectfully submitted,
Beverly J. Litchfield, MMC, CMMC,
Town Clerk of Wilbraham

TOWN BULLETIN

Boston, Massachusetts

The foregoing amendments to the town by-laws adopted under articles 38, 39 and 40 of the warrant for the Wilbraham town meeting that convened on May 16, 2011 are hereby approved and the maps pertaining to Articles 38 and 39 (Zoning).

Martha Coakley
Attorney General

June 15, 2011

Kelli E. Gunagan
Assistant Attorney General