

**ANNUAL TOWN MEETING  
MAY 14, 2012**

<b>Attendance</b>	
Precinct A:	42
Precinct B:	31
Precinct C:	49
Precinct D:	63
<b>Total -----</b>	<b>185</b>

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, 2012. 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. The Consent Articles were 1, 2, 36, 37, 38, 39, 40, 41, and 42. 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.

At this time Moderator Scibelli announced that this would be his last town meeting as Moderator. He also made note that this was Patrick Brady's last meeting as a Selectman and JoAnne DeGray's last meeting as Town Account since she is retiring in the fall.

**Consent Agenda (articles marked \*)**

Passing by a unanimous vote that the Town accept and approve the following articles as presented: Articles 1, 2, 36, 37, 38, 39, 40, 41, and 42.

**\*ARTICLE 1. Choosing Miscellaneous Officials:** 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:** 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 2012: Finance Committee Recommends.** Pursuant to Section 33B of Chapter 44 of the General Laws, passing by unanimous vote to transfer the sum of \$49,900 from previously appropriated but unexpended funds in the following FY'2012 Budgets: #138 - Treasurer Collector (\$16,600); #161 - Town Clerk (\$3,300); #193 - General Insurance (\$5,000); #194 - Group Insurance (\$25,000), to the FY'2012 Highway Department Budget (#420)

**ARTICLE 4. Ambulance Fund transfer: Finance Committee Recommends.** Passing by unanimous vote to appropriate \$15,000 from Receipts reserved for Appropriation for Ambulance to the FY'2012 Ambulance Budget to cover overtime.

**ARTICLE 5. – Transfer of Wastewater Debt Service Reserve Funds: Finance Committee Recommends.** Passing by unanimous vote to transfer \$51,529 from Fund Balance Reserved for Debt Service in the Wastewater Enterprise Fund to the FY'2012 Wastewater Enterprise Fund Capital Debt Account.

**ARTICLE 6. Parliamentary procedures: Finance Committee Recommends.** 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 6, Exhibit A," on file with the Town Clerk.

**ARTICLE 7. Compensation for elected town officials: Finance Committee Recommends.** Passing by unanimous vote to fix the compensation for elected Town Officers for fiscal year July 1, 2012 to June 30, 2013, as follows: Assessors, chairman, \$3,454, members, \$3,128 each, per year; Town Clerk, \$65,906 per year (all fees revert to the Town treasury); Moderator, \$200 Annual Town Meeting, \$50 Special Town Meeting; Selectmen, \$4,529 per year, chairman \$5,284 per year; Tree Warden, \$9,342 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 to accept the report of the Finance Committee to raise and appropriate \$34,037,537 and transfer \$26,000 from offset receipts (for Dog Officer Expenses) to cover the necessary capital expenditures and operating expenses of the Town for Fiscal Year 2013 (July 1, 2012 to June 30, 2013) per appropriations listed separately in the Town Meeting Workbook and incorporated herein by reference, with the exception of those budgets and expenditures which will be voted on separately in subsequent Articles.

Chairman Bunnell from the Finance Committee gave a brief presentation as did Superintendent O'Shea from the School Department. Resident Daniel Fitzgerald from 8 Ward Dr gave a presentation in opposition to the School presentation. Chairman Salerno from the School Committee responded to Mr. Fitzgerald as did Superintendent O'Shea Other discussion followed in favor of the school budget and one resident wanted to know what the purpose was for Mr. Fitzgerald's presentation.

**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, \$377,235; Expenses, \$1,342,117; Non-recurring, \$50,000, and that \$1,615,637 be raised from Water Department receipts and 103,715 be raised from Water Department retained earnings.

**ARTICLE 10. Wastewater Enterprise Fund Budget: Finance Committee Recommends.** Passing by unanimous vote that the following sums be appropriated for the Wastewater Enterprise Fund: Salaries, \$182,147; Expenses: \$882,161 and that \$1,064,308 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, \$125,500; Expenses, \$196,992, and that \$322,492 be raised as follows: \$317,502 from Solid Waste receipts and \$4,990 from retained earnings.

**ARTICLE 12. Amendment to Lease with Wilbraham Country Club: Finance Committee Recommends.** Passing by a majority vote to approve, under the provisions of Chapter 81 of the Acts of 2012, amendments to the lease, as set forth in a document entitled "Article 12, Exhibit A," on file with the Town Clerk, between the Town and the Wilbraham Country Club relative to the land and buildings located on both sides of Stony Hill Road and known as the Wilbraham Golf Course, said lease dated February 28, 2000, said approval to be effective on the effective date of said Chapter 81.

Questions were asked concerning this article and if it related to restructure of debt.

**ARTICLE 13. By-Law Amendment – Relating to Town Meetings: Finance Committee Recommends.** Passing by majority vote to amend Section 200(b) of the Wilbraham By-Laws by deleting the words “and posted in each precinct”.

**ARTICLE 14. Receipts reserved for appropriation for ambulance: Finance Committee Recommends.** Passing by a majority vote to appropriate \$579,900 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 to 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 to appropriate \$20,000 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 to raise and appropriate \$300,000 for a Fiscal Year 2013 Reserve Fund.

**ARTICLE 18. Special Appropriation for road repaving and preservation: Finance Committee Recommends.** Passing by a majority vote to raise and appropriate \$150,000 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 to raise and appropriate \$70,000 to be placed into the Other Post Employment Benefits Liability Trust Fund, established under the provisions Massachusetts General Laws Chapter 32B, Section 20.

**ARTICLE 20. Municipal Building Insurance Fund: Finance Committee Recommends.** Passing by a majority vote to raise and appropriate \$10,000 to be placed into the Municipal Building Insurance Fund.

**ARTICLE 21. Communications Tower: Finance Committee Recommends.** Passing by a majority vote to transfer \$39,950 from free cash to purchase a metal communication tower to be located at the Boston Road Fire Station.

**ARTICLE 22. Tornado and Microburst Costs: Finance Committee Recommends.** Passing by a majority vote to transfer \$450,000 from free cash for costs incurred by the town for the response and cleanup of the June 1, 2011 Tornado and the July 26, 2011 Microburst.

**ARTICLE 23. Community Preservation Program Project: Finance Committee Recommends.** Passing by a majority vote to transfer \$6,200 from the Community Preservation Open Space Preservation Fund for a Community Preservation Project for Landscape Restoration and Preservation at the Rice Nature Preserve.

Moderator Scibelli noted that Senator Candaras and past Selectman Barry were in the audience.

**ARTICLE 24. Community Preservation Program Project: Finance Committee Recommends.** Passing by a majority vote to transfer \$15,000 from the Community Preservation Non-Committed Fund for a Community Preservation Project to continue to inventory Wilbraham’s Historic Resources.

**ARTICLE 25. Community Preservation Program Project. Finance Committee Recommends.** Passing by a majority vote to transfer \$36,580 from the Community Preservation Historic Preservation Fund for a Community Preservation Project to write and publish a Wilbraham History Book that will cover local historical events that occurred during the period 1963 to 2013.

**ARTICLE 26. Community Preservation Program Project: Finance Committee Recommends.** Passing by a majority vote to transfer \$2,114 from the Community Preservation Historic Preservation Fund and \$736.00 from the Community Preservation Non-Committed Fund, for a Community Preservation Project to perform mold and mildew cleaning of the roof of the Old Meeting House at 450 Main Street.

**ARTICLE 27. Community Preservation Program Project: Finance Committee Recommends.** Passing by a majority vote to transfer \$4,400 from the Community Preservation Non-Committed Fund for a Community Preservation Project for the preservation of town record books in the custody of the Town Clerk.

**ARTICLE 28. Community Preservation Program Project: Finance Committee Recommends.** Passing by a majority vote to transfer \$45,100 from the Community Preservation Non-Committed Fund for a Community Preservation Project to plant public shade trees on town ways in place of trees destroyed by the June 1, 2011 tornado.

Resident John Broderick of 1220 Stony Hill Rd. wanted to know under which purpose is this article being applied and can this be done. Frederic Fuller of the CPA Committee responded saying this comes from the “non-committed” but really it is a historic issue.

**ARTICLE 29. Community Preservation Program Project: Finance Committee Recommends.** Passing by a majority vote to transfer \$19,375 from the Community Preservation Non-Committed Fund for a Community Preservation Project to plant trees in Adams Cemetery.

**ARTICLE 30. Community Preservation Program Project: Finance Committee Recommends.** Passing by a majority vote to transfer \$116,000 from the Community Preservation Non-Committed Fund for a Community Preservation Project to install Sports Field lighting at the Spec Pond Recreational Complex.

Resident Frank Pychewicz of 11 Meadow View Rd. stated that this funding cannot be given to Spec Pond Recreation Complex. He noted a press release where his information came from. Chairman Peter Manolakis of the CPA explained how this article came about and the basis of using these funds.

**ARTICLE 31. 250th Anniversary Celebration: Finance committee Recommends.** Requiring a two-thirds vote, passing by a declared two-thirds vote by the Moderator to raise and appropriate \$15,000 to be placed in the 250th Anniversary Celebration Fund.

Co-Chairman Patricia Diotalevi of the 250<sup>th</sup> Anniversary Committee spoke on their plan to raise funds. The town-wide tag sale held May 12, 2012 raised \$2,500.00 already. She asked for support of this article.

**ARTICLE 32. Authorization to borrow for capital outlays: Finance Committee Recommends.** Requiring a two-thirds vote, passing by a declared two-thirds vote by the Moderator that the town borrows \$361,000 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, \$150,000; and

-- in accordance with Section 7(9) of Chapter 44 of the General Laws for the cost of departmental equipment, \$211,000.

Capital Planning Chairman Robert Quintin gave a brief presentation at this time. He thanked all who helped with this committee.

**ARTICLE 33. Dedication of Spec Pond Recreational Complex: Finance Committee Recommends.** Passing by a majority vote to dedicate the Spec Pond (also known as Spectacle Pond) Recreational Complex, located at 2540 Boston Road, and recorded in the Hampden County Registry of Deeds Book 2959, Page 088, for active recreational purposes, under General Laws Chapter 45, Section 14, to be under the care and control of

the Playground and Recreation Commission.

**ARTICLE 34. Spec Pond Recreational Complex Sewer Connection: Finance Committee Recommends.** Passing by a majority vote to raise and appropriate \$25,000 to install a sewer connection to the Spec Pond Recreational Complex.

**ARTICLE 35. Wastewater Department Truck Purchase: Finance Committee Recommends.** Passing by a majority vote to appropriate \$80,000 of retained earnings in the Wastewater Enterprise Fund for the purchase of a 16,000 GVW truck with utility body, crane and plow equipment for the Wastewater Department.

\* **ARTICLE 36. Council on Aging Revolving Fund: Finance Committee Recommends.** Passing by a unanimous vote that the Town reauthorizes a revolving fund in accordance with Section 53E½ 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 2012 revolving fund to the FY 2013 revolving fund. Expenditures authorized by the Director of Elder Affairs, not exceeding a total of \$20,000 in FY 2013. The balance in the revolving account shall not exceed \$20,000.

\* **ARTICLE 37. Compost Bin Revolving Fund: Finance Committee Recommends.** Passing by a unanimous vote that the Town reauthorizes 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 2012 revolving fund to the FY 2013 revolving fund. Expenditures authorized by the Public Works Director, not exceeding a total of \$5,000 in FY 2013. The balance in the revolving account shall not exceed \$5,000.

\* **ARTICLE 38. Cemetery Revolving Fund: Finance Committee Recommends.** Passing by a unanimous vote that the Town reauthorizes 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 2012 revolving fund to the FY 2013 revolving fund. Expenditures authorized by the Cemetery Commission, not exceeding a total of \$20,000 in FY 2013. The balance in the revolving account shall not exceed \$20,000.

\* **ARTICLE 39. Community Gardens Revolving Fund: Finance Committee Recommends.** Passing by a unanimous vote that the Town reauthorizes 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 2012 revolving fund to the FY 2013 revolving fund. Expenditures authorized by the Conservation Commission, not exceeding a total of \$6,000 in FY 2013. The balance in the revolving account shall not exceed \$6,000.

\* **ARTICLE 40. Authorization to enter into lease/purchase agreements: Finance Committee Recommends.** Passing by a 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 41. Authorization to dispose of surplus equipment: Finance Committee Recommends.** Passing by a 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 42. Grants Authorization: Finance Committee Recommends.** Passing by a 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 43. Acceptance of Deeds.** Passing by a majority vote that action under Article 43 be indefinitely postponed.

**ARTICLE 44. Drainage and Access Easements.** Passing by a majority vote that action under Article 44 be indefinitely postponed.

**ARTICLE 45. Special Legislation Request: Finance Committee Recommends.** Passing by a majority vote to authorize the Board of Selectmen, pursuant to section 89 of the amendments to the Massachusetts Constitution, the Home Rule Amendment, to request its legislators to petition the General Court requesting the enactment of a special act of the state legislature affecting a single municipality, the Town of Wilbraham, as printed in the Warrant. (See Below)

SECTION 1. The chief of police, with the approval of the board of selectmen of the town of Wilbraham, may appoint, as he deems necessary, retired police officers of the town as special police officers for the purpose of performing police details or any police duties arising therefrom or during the course of police detail work, whether or not related to the detail work. The retired police officers shall have been regular Wilbraham police officers who retired based upon superannuation. Each appointment shall be made conditional upon the satisfactory completion of the medical examination.

SECTION 2. Special police officers appointed under this act shall not be subject to chapter 31 of the General Laws or to section 99A of chapter 41 of the General Laws.

SECTION 3. Special police officers appointed under this act shall, when performing the duties under section 1, have the same power to make arrests and to perform other police functions as do regular police officers of the town of Wilbraham.

SECTION 4. Special police officers shall be appointed under this act shall be appointed for an indefinite term, subject to removal by the police chief, with the approval of the board of selectmen, at any time, upon 14 days written notice. Upon request, the police chief shall provide the reasons for such removal in writing.

SECTION 5. Special police officers appointed under this act shall be subject to the rules and regulations, policies and procedures and requirements of the board of selectmen and the chief of police in the town of Wilbraham, including restrictions on the type of detail assignments, requirements regarding medical examinations to determine continuing capability to perform the duties of a special police officer, requirements for training, requirements for firearms qualifications and licensing and requirements regarding uniforms and equipment, with all costs of compliance to be incurred by the special police officers. Special police officers appointed under this act shall not be subject to section 96B of chapter 41 of the General Laws.

SECTION 6. Special police officers appointed under this act shall be sworn before the town clerk who shall keep a record of all such appointments.

SECTION 7. Special police officers appointed under this act shall be subject to sections 100 and 111F of chapter 41 of the General Laws. The amount payable under said section 111F of said chapter 41 to an incapacitated special police officer shall be calculated by averaging the amount earned over the prior 52 weeks as a special police officer working details, or averaged over such lesser period of time for any officer designated as special police officers less than 52 weeks prior to the incapacity. In no event shall payment under said section 111F of said chapter 41 exceed, in any calendar year, the limitation on earning contained in paragraph (b) of section 91 of chapter 32 of the General Laws. Payment under said section 111F of said chapter 41 shall terminate when a special police officer reaches the age of 65. In the event the age limitation applicable to regular police officers serving a town is increased from 65 years of age, the termination of benefits under said section 111F of said chapter 41, as provided herein to special police officers, shall terminate at such higher age limit, but in no event shall the benefits extend beyond the age of 70 for any special police officer. Special police officers appointed under this act shall not be subject to section 85H of said chapter 32, nor eligible for any benefits pursuant thereto.

SECTION 8. An appointment as a special police officer under this act shall allow, but not entitle, any individual appointed as such to assignment to any detail, as authorized by the police chief.

SECTION 9. Retired police officers of the town of Wilbraham, serving as special police officers under this act, shall be subject to the limitations on hours worked and on payments to retired town employees under paragraph (b) of section 91 of chapter 32 of the General Laws.

SECTION 10. Retired police officers of the town of Wilbraham, serving as special police officers under this act shall not be eligible for unemployment benefits relative to their service as special police officers under this act.

SECTION 11. Retired police officers of the town of Wilbraham, serving as special police officers under this act shall be subject to General Laws Chapter 32, Section 91.

*Explanation: This Article would request Special Legislation in order to allow retired Wilbraham Police Officers to be appointed Special Police Officers for the purpose of performing police details or other police duties arising from such police details.*

**ARTICLE 46. Acceptance of Public Way: Finance Committee Recommends.** Passing by a majority vote to accept a portion of Eastwood Drive (extension) as a public way, pursuant to a layout filed by the Board of Selectmen with the Town Clerk.

**Article 47. Zoning By-Law Amendment – Location & Size of Residential Accessory Buildings: Planning Board Recommends.** Requiring a two-thirds vote, passing by a declared two-third vote by the Moderator to amend paragraph C of section 4.4.8 of the Wilbraham Zoning By-Law by deleting the existing words “a garage is not attached to the principal structure” and substituting therefor the words “the principal structure does not include an attached garage”.

**ARTICLE 48. Zoning By-Law Amendment – Heritage Farm Stand Development Regulations: 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 by revising existing section 1.3 and inserting new sections 3.5.2 and 4.11 as set forth in a document entitled "Zoning Amendment Exhibit A" on file with the Town Clerk.

Frederic Fuller from the Planning Board gave a brief presentation to those in attendance. Resident Gerda Trzeciak spoke about some concerns about the zoning changes being to “open”. She spoke against the article. Mr. Fuller responded to her concerns.

A motion was made and seconded to adjourn the meeting. This motion carried by a unanimous vote.

Meeting adjourned at 9:21 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 13, 47 and 48 of the warrant for the Wilbraham town meeting that convened on May 14, 2012 are hereby approved. See attachment for entire text of approval.*

Martha Coakley  
Attorney General

August 13, 2012

Kelli E. Gunagan  
Assistant Attorney General