

**ANNUAL TOWN MEETING
MAY 13, 2013**

Attendance

Precinct A: 95
Precinct B: 71
Precinct C: 79
Precinct D: 104
Total ----- 349

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 13, 2013. At 7:10PM Moderator, George Reich noted a quorum was present and called the meeting to order. The Moderator welcomed all and commenced with a brief history of town meeting and how he became the Moderator. He also noted that along with this being his first official town meeting as Moderator it was the first town meeting being held in the new high school. Moderator Reich extended his thanks to former Moderator Scibelli for his helpful support and commenced explaining the process to be followed concerning the "Consent Agenda" articles. This was followed by the recognition of those that had passed on during the past year. 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, 33, 34, 35, 36, 37, 38, and 39. 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.

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 2013. Finance Committee Recommends.

Pursuant to Section 33B of Chapter 44 of the General Laws, passing by a majority vote that the Town transfer the sum of \$35,000 from previously appropriated but unexpended funds in the FY'2013 Budget #194 Group Insurance to the following FY'2013 budgets:

#220-Fire Department Salaries.....\$20,000

#220 Fire Department Expenses.....\$6,000

#420 Highway Department Expense\$9,000

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'2013 Ambulance Budget to cover overtime.

ARTICLE 5. 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 5, Exhibit A," on file with the Town Clerk.

ARTICLE 6. Compensation for elected town officials. Finance Committee Recommends.

Passing by a majority vote to fix the compensation for elected Town Officers for fiscal year July 1, 2013 to June 30, 2014, as follows: Assessors, chairman, \$3,523, members, \$3,191 each, per year; Town Clerk, \$76,768* per year (all fees revert to the Town treasury); Moderator, \$200 Annual Town Meeting, \$50 Special Town Meeting; Selectmen, \$4,620 per year, chairman \$5,390 per year; Tree Warden, \$9,529 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 other Town officers elected other than by official ballot, fees only, fixed by General Laws.

*Salary for Town Clerk was amended on the floor by the Town Clerk Beverly Litchfield. The amendment made by Town Clerk Beverly Litchfield was then amended by resident Donna Fountain. Both amendments passed by majority vote changing the main motion to read as noted above.

ARTICLE 7. Budget appropriations. Finance Committee Recommends.

Passing by a majority vote to accept the report of the Finance Committee and to raise and appropriate \$35,349,766 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 2014 (July 1, 2013 to June 30, 2014) 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.

Presentations were made by Chairman of Finance Sue Bunnell and Superintendent of Schools Marty O'Shea. There was a Q & A session that followed at the end of the reading of each budget line item.

ARTICLE 8. Water Enterprise Fund Budget. Finance Committee Recommends.

Passing by unanimous vote that the following sums be appropriated for the Water Enterprise Fund: Salaries, \$388,541; Expenses, \$1,494,080, and that \$1,882,531 be raised from Water Department receipts.

ARTICLE 9. Wastewater Enterprise Fund Budget. Finance Committee Recommends.

Passing by a majority vote that the following sums be appropriated for the Wastewater Enterprise Fund: Salaries, \$188,880; Expenses: \$995,030 and that \$1,183,910 be raised from Wastewater Department receipts.

ARTICLE 10. Solid Waste Enterprise Fund Budget. Finance Committee Recommends.

Passing by unanimous vote that the following sums be appropriated for the Solid Waste Enterprise Fund: Salaries, \$122,228; Expenses, \$215,483, and that \$337,711 be raised as follows: \$307,711 from Solid Waste receipts and \$30,000 from retained earnings.

ARTICLE 11. Receipts reserved for appropriation for ambulance. Finance Committee Recommends. Passing by unanimous vote to appropriate \$595,249 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 12. Appropriations for Ambulance Depreciation Account. Finance Committee Recommends. Passing by unanimous vote to appropriate \$50,000 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 13. Receipts reserved for appropriation for cemeteries. Finance Committee Recommends. Passing by unanimous 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 14. Reserve Fund. Finance Committee Recommends.

Passing by unanimous vote to raise and appropriate \$250,000 for a Fiscal Year 2014 Reserve Fund.

ARTICLE 15. Special Appropriation for road repaving and preservation. Finance Committee Recommends. Passing by unanimous vote to raise and appropriate \$150,000 to repave, resurface and/or crack seal public ways.

ARTICLE 16. Funding of Other Post Employment Benefits Liability Trust Fund. Finance Committee Recommends. Passing by unanimous vote to transfer \$100,000 from free cash to be placed into the Other Post Employment Benefits Liability Trust Fund, established under the provisions Massachusetts General Laws Chapter 32B, Section 20.

ARTICLE 17. Municipal Building Insurance Fund. Finance Committee Recommends. Passing by unanimous vote to raise and appropriate \$1,000 to be placed into the Municipal Building Insurance Fund.

ARTICLE 18. Stabilization Fund. Finance Committee Recommends. Passing by unanimous vote to raise and appropriate \$300,000 to be added to the Stabilization Fund in accordance with Section 5B of Chapter 40 of the Massachusetts General Law.

ARTICLE 19. Community Preservation Program Budget. Finance Committee Recommends. Passing by a majority vote to appropriate \$1,500 from the Community Preservation Fund for administrative costs of the Community Preservation Committee.

ARTICLE 20. Community Preservation Program Project. Finance Committee Recommends. Passing by a majority vote to transfer \$250,000 from the Community Preservation Non-Committed Fund for a Community Preservation Project to redevelop the waterfront area at Spectacle Pond, to include building a Spray Park.

ARTICLE 21. Community Preservation Program Project. Finance Committee Recommends. Passing by a majority vote to transfer \$17,600 from the Community Preservation Non-Committed Fund for a Community Preservation Project to construct a greenhouse at the Wilbraham Community Gardens.

A Q & A session followed the presentation of this article concerning the use of the greenhouse.

ARTICLE 22. Community Preservation Program Project. Finance Committee Recommends. Passing by a majority vote to transfer \$6,500 from the Community Preservation Non-Committed Fund for a Community Preservation Project to improve the recreational facility known as Crane Hill Disc Golf Course.

ARTICLE 23. Community Preservation Program Project. Finance Committee Recommends. Passing by a majority vote to transfer \$4,995 from the Community Preservation Historic Preservation Fund for a Community Preservation Project to complete the installation of the historic picket fence to enclose the Colonial Section of Glendale Cemetery.

ARTICLE 24. Community Preservation Program Project. Finance Committee Recommends. Passing by a majority vote to transfer \$1,400 from the Community Preservation Historic Preservation Fund for a Community Preservation Project for the restoration and preservation of an antique fire hose reel, formerly used by the Wilbraham Fire Department and the employees of Collins Mill.

ARTICLE 25. Community Preservation Program Project. Finance Committee Recommends. Passing by a majority vote to transfer \$4,950 from the Community Preservation Historic Preservation Fund for a Community Preservation Project for the preservation of town record books in the custody of the Town Clerk.

ARTICLE 26. Community Preservation Program Project. Finance Committee Recommends. Passing by a majority vote to transfer \$600 from the Community Preservation Historic Preservation Fund for a Community Preservation Project to restore and preserve the original Wilbraham Mountain Hill Climb sign; and to provide replacement replica signage in the original location of the Wilbraham Mountain Hill Climb, Main Street and Monson Road.

ARTICLE 27. Community Preservation Program Project. Finance Committee Recommends. Passing by a majority vote to transfer \$15,000 from the Community Preservation Historic Preservation Fund for a Community Preservation Project to inventory historic properties in Wilbraham.

ARTICLE 28. Community Preservation Program Project. Finance Committee Recommends. Passing by a majority vote to transfer \$3,420 from the Community Preservation Historic Preservation Fund for a Community Preservation Project to paint the exterior of the Wilbraham Children's Museum.

ARTICLE 29. Community Preservation Program Project. Finance Committee Recommends. Passing by a majority vote to transfer \$4,500 from the Community Preservation Historic Preservation Fund for a Community Preservation Project to restore historic headstones in Wilbraham Town cemeteries.

ARTICLE 30. 250th Anniversary Celebration. Finance Committee Recommends. Passing by a majority vote to transfer \$9,500 from free cash to be placed in the 250th Anniversary Celebration Fund.

ARTICLE 31. Drainage System Repairs. Finance Committee Recommends. Passing by a majority vote to transfer \$70,000 from Free Cash to be used for Repairs to a Drainage System on Manchonis Road.

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 \$177,000 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, \$27,000.

Capital Committee Chairman Robert Quintin gave a brief presentation to all. He also thanked those on the committee, the board of selectmen and the citizens who attend the meetings for all of their hard work.

ARTICLE 33. Council on Aging Revolving Fund (consent agenda). Finance Committee Recommends. Passing by unanimous vote that the Town reauthorize 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 2013 revolving fund to the FY 2014 revolving fund. Expenditures authorized by the Director of Elder Affairs, not exceeding a total of \$20,000 in FY 2014. The balance in the revolving account shall not exceed \$20,000.

ARTICLE 34. Compost Bin Revolving Fund (consent agenda). Finance Committee Recommends. 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 2013 revolving fund to the FY 2014 revolving fund. Expenditures authorized by the Public Works Director, not exceeding a total of \$5,000 in FY 2014. The balance in the revolving account shall not exceed \$5,000.

ARTICLE 35. Cemetery Revolving Fund (consent agenda). Finance Committee Recommends. Passing by unanimous vote that the Town reauthorize a revolving fund in accordance with Section 53E½ 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 2013 revolving fund to the FY 2014 revolving fund. Expenditures authorized by the Cemetery Commission, not exceeding a total of \$20,000

in FY 2014. The balance in the revolving account shall not exceed \$20,000.

ARTICLE 36. Community Gardens Revolving Fund (consent agenda). Finance Committee Recommends. 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 2013 revolving fund to the FY 2014 revolving fund. Expenditures authorized by the Conservation Commission, not exceeding a total of \$6,000 in FY 2014. The balance in the revolving account shall not exceed \$6,000.

ARTICLE 37. Authorization to enter into lease/purchase agreements (consent agenda). Finance Committee Recommends. 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 38. Authorization to dispose of surplus equipment (consent agenda). Finance Committee Recommends. 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 39. Grants Authorization (consent agenda). Finance Committee Recommends. 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 40. Acceptance of Deeds. 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 40, Exhibit A.”

It was noted that the exhibit should read “Washington Heights” not “Wilbraham Heights”.

ARTICLE 41. Drainage and Access Easements. Passing by unanimous vote that Action under Article 41 be indefinitely postponed.

ARTICLE 42. October, 2011 Snow Storm Costs. Finance Committee Recommends. Passing by unanimous vote to transfer \$523,555 from free cash to pay for costs associated with the cleanup from the October 2011 Snowstorm.

ARTICLE 43. Hampden-Wilbraham Regional School District Stabilization Fund. Finance Committee Recommends. Passing by unanimous vote to approve the establishment of a Stabilization Fund by the Hampden-Wilbraham Regional School District, beginning July 1, 2013, pursuant to Section 16G½ of Chapter 71 of the General Laws.

ARTICLE 44. Atheneum Society Air Conditioning Reimbursement. Finance Committee Recommends. Passing by unanimous vote to transfer \$3,188 from free cash, to reimburse the Atheneum Society for the cost of repairs to the air conditioning system at the Old Meeting House.

ARTICLE 45. Unpaid Bills from Prior Fiscal Years. Finance Committee Recommends. Requiring four-fifths vote, passing by unanimous vote to transfer \$3,600 from free cash to pay an unpaid bill from Law Enforcement Dimensions, LLC, said bill having been incurred in a prior fiscal year.

ARTICLE 46. Municipal Light Plant. Finance Committee Recommends. Requiring a two-thirds vote, passing by a declared two-thirds vote by the Moderator to authorize the Board of Selectmen to take all necessary and appropriate action to establish and to maintain, in accordance with the provisions of Chapter 164 of the General Laws and in accordance with the rules, regulations and orders of the Department of Public Utilities and the Department of Telecommunications & Cable, a municipal lighting plant for all purposes allowable under the laws of the Commonwealth, including without limitation the operation of a telecommunications system and any related services.

A brief presentation was given by the Broadband Committee. The committee was thanked for all of their hard work.

ARTICLE 47. Rescind Article 3 of the October 18, 2011 Special Town Meeting. Finance Committee Recommends. Passing by unanimous vote to rescind the action taken under Article 3 of the October 18, 2011 Special Town Meeting whereas the \$500,000 that has been authorized to be borrowed, but which is no longer needed for improvements to the Spec Pond Recreation Complex, the purpose for which it was initially approved.

ARTICLE 48. Appointed Tree Warden. Finance Committee Recommends. Passing by unanimous vote to amend the Bylaws by deleting Section 310 (Tree Warden) in its entirety and adding the following new section:

SECTION 423 - TREE WARDEN

Effective May 16, 2015, the Board of Selectmen shall appoint a Tree Warden for a term of three years under the provisions of Section 106 of Chapter 41 of the General Laws.

ARTICLE 49. Police Station Needs Study. Finance Committee Recommends. Passing by a majority vote to transfer \$12,000 from free cash to have a Building Needs Assessment performed of the Police Department.

ARTICLE 50. Sale of 68V Brainard Road. Finance Committee had no recommendation. Requiring a two-thirds vote, declared failed by the Moderator to not authorize the Board of Selectmen to dispose of a parcel of surplus Town land identified on the Wilbraham Assessors Maps as 68V Brainard Road, specifically the parcel referred to as Schedule "C" on an Order of Taking dated January 27, 1976 and recorded in the Hampden County Registry of Deeds in Book 4230, Page 186, with such restrictions and conditions as the Board deems appropriate.

A very lengthy debate took place concerning this article. The by-law requirement for five in favor and five against was met. Presentations were given by Richard Butler from Planning Board and Paul Robbins representing Mile Oak LLC developer of Cedar Ridge. Selectmen Russell gave his reasons for supporting the article. Steve Lawson from the Minnechaug Land Trust gave a presentation noting concerns of this sale. Chuck Philips from the Open Space Committee had a list of questions he thought we should ask ourselves before we vote. Some residents were surprised that a developer was allowed to give a presentation. Kent Pecoy, the actual developer, spoke concerning the article and his future plans for Cedar Ridge. He noted that he only wants the best for the town.

ARTICLE 51. Zoning By-Law Amendment. Municipal Use Regulation – Planning Board Recommends. Requiring a two-thirds vote, passing by a declared two-thirds vote by the Moderator to amend Section 3.4.3.1 of the Wilbraham Zoning By-Law by deleting the existing words "Municipal building" and substituting therefore the words "Municipal use".

ARTICLE 52. Zoning By-Law Amendment. Unregistered Motor Vehicles – Planning Board Recommends. Requiring a two-thirds vote, passing by unanimous vote to amend the Wilbraham Zoning By-Law by deleting Section 4.5.1 in its entirety.

ARTICLE 53. Zoning By-Law Amendment. Flood Plain District – Planning Board Recommends. Requiring a two-thirds vote, passing by unanimous vote to amend the Wilbraham Zoning By-Law by deleting existing Section 9.1 and substituting therefore a new Section 9.1 as set forth in a document entitled "Zoning Amendment Exhibit A" on file with the Town Clerk.

ARTICLE 54. Zoning By-Law Amendment. Solar Energy Systems – Planning Board Recommends. Requiring a two-thirds vote, passing by unanimous vote to amend the Wilbraham Zoning By-Law by deleting the existing definition of "Solar Energy System" in Section 1.3 and substituting therefore a new definition of "Solar Energy System" and by deleting Section 3.9.1.3 and substituting therefore a new Section 3.9.1.3 as set forth in a document entitled "Zoning Amendment Exhibit B" on file with the Town Clerk.

ARTICLE 55. Zoning By-Law Amendment. Temporary Moratorium on Medical Marijuana Treatment Centers – Planning Board Recommends. Requiring a two-thirds vote, declared passed by two-thirds vote by the Moderator to amend the Wilbraham Zoning By-Law by adding a new Section 10.6, Temporary Moratorium of Medical Marijuana Treatment Centers as set forth in a document entitled "Zoning Amendment Exhibit C" on file with the Town Clerk.

A motion was made and seconded to adjourn the annual town meeting until the annual town election being held on May 18th, 2013. Motion carried by unanimous vote.

Meeting adjourned at 11:35 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 48, 51,52,53,54 and 55 of the warrant for the Wilbraham town meeting that convened on May 13, 2013 are hereby approved. Comments on Articles 54 and 55 are detailed in this posting.

Martha Coakley
Attorney General

September 7, 2013

Margaret J. Hurley
Assistant Attorney General
Chief, Central MA Division
Director, Municipal Law Unit