

**ANNUAL TOWN MEETING  
MAY 11, 2015**

**Attendance:**

Precinct A: 140  
Precinct B: 130  
Precinct C: 139  
Precinct D: 168  
**Total ----- 577**

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 11, 2015. At 7:00 p.m. Moderator George Reich noted a quorum was present and called the meeting to order. The Moderator welcomed all and commenced with a brief explanation of the process for the evening followed by the reading of the names of those recently deceased or have retired as printed in the town report.

The Pledge of Allegiance was then recited followed by Town Clerk Beverly J. Litchfield reading the call of the meeting.

Moderator Reich explained the process to be used concerning the "Consent Agenda" articles. 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.

The articles included in the Consent Agenda were then read, one at a time. The Consent Articles were 1, 2, 10, 12, 14, 40, 41, 42, 43, 44, 45, and 46. Each article had the Finance Committee's recommendation, passed by majority vote, are listed separately in these minutes and marked with an asterisk (\*).

**\*ARTICLE 1. Choosing Miscellaneous Officials: Finance Committee Recommends.** Passing by a majority vote for the following persons be elected to the indicated offices for the ensuing year: Poundkeeper, Michael H. Masley; Surveyor of Lumber, Edward P. Lindsay and Measurer of Wood and Charcoal, Gary Petzold.

**\*ARTICLE 2. Hearing Reports: Finance Committee Recommends.** Passing by a majority vote that the town accepts the reports of all officers and committees as printed in the Annual Town Report.

**ARTICLE 3. Funding Transfers FY2015: Finance Committee Recommends.** Passing by unanimous vote, pursuant to Section 33B of Chapter 44 of the General Laws, to transfer the sum of \$285,000 from previously appropriated but unexpended funds in the following FY'2015 budgets:

#122 Selectmen – Salaries.....	\$ 25,000
#131 Reserve Fund.....	\$117,000
#134 Accounting Salaries.....	\$ 14,000
#134 Accounting Expenses.....	\$ 2,000
#138 Treasurer/Coll Salaries.....	\$38,000
#192 Town Properties-Fuel .....	\$25,000
#194 Group Health Insurance .....	\$54,000
#702 Interest on Temporary Loans-Expense.....	\$10,000

and to place such funds in the following amounts in the following FY'2015 budgets:

#210 Police – Overtime .....	\$25,000
#220 Fire – Electricity .....	\$ 6,000
#420 Highway – Salaries OT .....	\$68,000
#420 Highway – Snow Removal .....	\$186,000

**ARTICLE 4. Ambulance Fund Transfer: Finance Committee Recommends.** Passing by unanimous vote to appropriate \$25,000 from Receipts reserved for Appropriation for Ambulance to the FY'2015 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 unanimous vote to fix the compensation for elected Town Officers for fiscal year July 1, 2015 to June 30, 2016, as follows: Assessors, \$3,321 per year, chairman, \$3,665 per year; Town Clerk, \$79,869 per year (all fees revert to the Town treasury); Moderator, \$200 Annual Town Meeting, \$50 Special Town Meeting; Selectmen, \$4,807 per year, chairman \$5,607 per year; Tree Warden, \$9,915 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.

**ARTICLE 7. Budget Appropriations: Finance Committee Recommends.** Passing by a majority vote to accept the report of the Finance Committee to raise and appropriate \$38,363,053 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 2016 (July 1, 2015 to June 30, 2016) 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.

**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, \$403,200; Expenses, \$1,437,452, and that \$1,840,652 be raised as follows: \$1,815,266 from Water Department receipts and \$25,386 from retained earnings.

**ARTICLE 9. Water Enterprise Retained Earnings: Finance Committee Recommends.** Passing by unanimous vote to appropriate \$27,000 from available funds in the Water Enterprise Fund retained earnings account to fund the purchase of a Water Department Truck.

**\*ARTICLE 10. Water Enterprise Fund Reserve Fund: Finance Committee Recommends.** Passing by majority vote that the Town appropriate from water receipts the sum of \$25,000 for a Fiscal Year 2016 Reserve Fund.

**ARTICLE 11. Wastewater Enterprise Fund Budget: Finance Committee Recommends.** Passing by unanimous vote that the following sums be appropriated for the Wastewater Enterprise Fund: Salaries, \$201,300; Expenses, \$988,956, and that \$1,190,256 be raised as follows: \$1,190,256 from Wastewater Department receipts and \$0 from retained earnings.

**\*ARTICLE 12. Wastewater Enterprise Fund Reserve Fund: Finance Committee Recommends.** Pass by majority vote that the Town appropriate from wastewater receipts the sum of \$5,000 for a Fiscal Year 2016 Reserve Fund.

**ARTICLE 13. 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, \$138,858; Expenses, \$203,701, and that \$342,559 be raised as follows: \$295,439 from Solid Waste Enterprise Fund receipts and \$47,120 from retained earnings.

**\*ARTICLE 14. Solid Waste Enterprise Fund Reserve Fund: Finance Committee Recommends.** Passing by majority vote that the Town appropriate from Solid Waste Enterprise Fund receipts the sum of \$4,000 for a Fiscal Year 2016 Reserve Fund.

**ARTICLE 15. Receipts Reserved for Appropriation for Ambulance: Finance Committee Recommends.** Passing by unanimous vote to appropriate \$647,271 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 16. Receipts Reserved for Appropriation 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 17. 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 18. Reserve Fund: Finance Committee Recommends.** Passing by unanimous vote to raise and appropriate \$250,000 for a Fiscal Year 2016 Reserve Fund.

**ARTICLE 19. 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 20. Funding of New Police Station: Finance Committee Recommends.** Requiring a two-thirds vote, passing by a declared two-thirds vote by the Moderator that the Town authorize the selectmen to acquire the following described parcel of land: 2780 Boston Road, more particularly described in a deed dated June 25, 1992 and recorded in the Hampden County Registry of Deeds Book 8093, Page 162 for municipal purposes, including constructing a new police facility; that \$ 8,000,000 is appropriated to pay costs of purchasing such land, and for planning, designing and constructing a new police facility, including the payment of all other costs incidental or related thereto; that to meet this appropriation (i) \$750,000 shall be transferred from free cash, (ii) \$950,000 shall be transferred from the capital stabilization fund, and (iii) the Treasurer with the approval of the Board of Selectmen is authorized to borrow up to \$ 6,300,000 under G.L. c.44, §7(3), or any other enabling authority; and that the Board of Selectmen is authorized to take any other action necessary or convenient to carry out this project; provided, however, that this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by G.L. c.59, §21C (Proposition 2½), the amounts required to pay the principal of and interest on a \$ 4,200,000 portion of the borrowing authorized by this vote.

Presentations made by Police Feasibility Committee Chairman Roger Fontaine and Interim Town Administrator Thomas Sullivan. Q and A session followed.

**ARTICLE 21. Re-Appropriate Open Space Acquisition: Finance Committee Recommends.** Passing by a majority vote for the town to appropriate \$ 28,000 previously appropriated for Open Space acquisition, under Article 18 of the May 16, 2005 Annual Town Meeting (\$7,000); Article 20 of the May 25, 2006 Annual Town Meeting (\$7,000); Article 21 of the May 14, 2007 Annual Town Meeting (\$7,000) and Article 18 of the May 12, 2008 Annual Town Meeting (\$7,000); for Open Space acquisition and Management of existing Conservation land.

**ARTICLE 22. Other Post Employment Benefits Liability Trust Fund: Finance Committee Recommends.** Passing by unanimous vote for the town to raise and appropriate or transfer from the following available funds (free cash, water receipts, wastewater receipts, solid waste receipts, receipts reserved for appropriation for ambulance) a sum of money to be placed into the Other Post Employment Benefits Liability Trust Fund, established under the provisions of Massachusetts General Laws Chapter 32B, Section 20,

Fund	Source	Amount
General Fund	raise and appropriate	\$ 200,000
Water Enterprise Fund	water receipts	\$ 6,500
Wastewater Enterprise Fund	wastewater receipts	\$ 2,800
Solid Waste Enterprise Fund	solid waste receipts	\$ 1,300
Receipts Reserved for App for Ambulance	receipts reserved for app for ambulance	\$ 5,200

**ARTICLE 23. October 2011 Snowstorm Costs: Finance Committee Recommends.** Passing by unanimous vote that the town transfer from Free Cash \$ 113,927 to pay for the final costs associated with the cleanup from the October, 2011 Snowstorm.

**ARTICLE 24. Municipal Building Insurance Fund: Finance Committee Recommends.** Passing by unanimous vote to raise and appropriate \$1,000 for the Municipal Building Insurance Fund.

**ARTICLE 25. Stabilization Fund: Finance Committee Recommends.** Passing by unanimous vote to transfer \$200,000 from Free Cash to be added to the Stabilization Fund in accordance with Section 5B of Chapter 40 of the Massachusetts General Law.

**ARTICLE 26. Zoning By-Law Amendment – Cottage Food Operation 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 as printed in Article 26 of the Warrant.

“by inserting in proper alphabetical order a new definition for “Cottage Food Operation” in section 1.3 and by inserting at the end of existing section 3.9.2.13 a new paragraph I (Home-based Cottage Food Operation Exemption) as set forth in a document entitled "Zoning Amendment Exhibit A" on file with the Town Clerk”.

**ARTICLE 27. Zoning By-Law Amendment – Rezoning from R-34 to R-26: 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 as printed in Article 27 of the Warrant.

“by rezoning from Residence-34 (R-34) to Residence-26 (R-26) a parcel of land containing approximately 13.43 acres being the rear portion of land located at 601 Main Street owned by 601 Main Street, LLC as more particularly described on a plan on file with the Town Clerk entitled "Zoning Amendment Exhibit B".

**ARTICLE 28. Zoning By-Law Amendment – Neighborhood Office Zoning District Use Regulations: Planning Board Recommends.** Requiring a two-thirds vote, passing by two-thirds vote (yes-259, no-96) to amend the Wilbraham Zoning By-Law as printed in Article 28 of the Warrant.

“by deleting the code designation "N" and substituting therefore the code designation “ZBA” in the Neighborhood Office (“NO”) zoning district column of the Schedule of Use Regulations Table”.

**Motion to continue Annual Town Meeting:** Motion made and seconded to continue the annual town meeting on Tuesday, May 12, 2015 at 7:00 p.m. at Minnechaug Regional High School where the meeting will begin with Article 29. Motion carried unanimously at 10:40 p.m.

Annual Town Meeting – night two – May 12, 2015 was called back into session at 7:00 p.m. by Moderator Reich. He began the meeting by explaining how the proceedings go when a debate starts to occur between a speaker and a resident asking questions on a specific article not necessarily related to the article in question.

**ARTICLE 29. Community Preservation Program Budget: Finance Committee Recommends.** Passing by a majority vote to appropriate \$1,750 from the Community Preservation Fund for administrative costs of the Community Preservation Committee.

**ARTICLE 30. Community Preservation Program Project – Affordable Housing Fund: Finance Committee Recommends.** Passing by a majority vote to transfer \$98,600 from the Community Preservation Affordable Housing Fund for a Community Preservation Project to purchase and install windows at The Pines and Miles Morgan Housing Developments.

**ARTICLE 31. Community Preservation Program Project – Wilbraham Children’s Museum: Finance Committee Recommends.** Passing by a majority vote to transfer \$5,900 from the Community Preservation Historic Preservation Housing Fund for a Community Preservation Project to provide funding for a design study to implement accessibility code renovations to the Wilbraham Children’s Museum.

**ARTICLE 32. Community Preservation Program Project – ADA Dock at Spec Pond: Finance Committee Recommends.** Passing by a majority vote transfer \$44,000 from the Community Preservation Non-Committed Fund for a Community Preservation Project to provide an ADA Accessible Fishing and Boating Dock at Spec Pond.

**ARTICLE 33. Community Preservation Program Project – Historical Resources: Finance Committee Recommends.** Passing by a majority vote to transfer \$10,000 from the Community Preservation Historic Preservation Fund for a Community Preservation Project to continue the ongoing inventory of Wilbraham’s historical resources.

**ARTICLE 34. Community Preservation Program Project – Town Record Books: Finance Committee Recommends.** Passing by a majority vote to transfer \$9,005 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 35. Community Preservation Program Project – Invasive Tree Insects: Finance Committee Recommends.** Passing by a majority vote to transfer \$4,500 from the Community Preservation Open Space Fund for a Community Preservation Project to provide funding for a campaign to raise public awareness about the invasive tree insects.

**ARTICLE 36. Community Preservation Program Project – Spec Pond Pavilion, Memorial and Soule Road Fields: Finance Committee Recommends.** Passing by a majority vote to transfer \$75,000 from the Community Preservation Non-Committed Fund for a Community Preservation Project to renovate Wilbraham’s Memorial and Soule Road Fields as well as the Spec Pond Pavilion.

**ARTICLE 37. Community Preservation Program Project – Forest Management Plan Twelve Mile Brook: Finance Committee Recommends.** Passing by a majority vote to transfer \$8,000 from the Community Preservation Open Space Fund for a Community Preservation Project to implement a CPA funded Forest Management Plan prepared for the Twelve Mile Brook Property in 2008.

**ARTICLE 38. Community Preservation Program Project – Restoration Bruer Pond/Sevey Park: Finance Committee Recommends.** Passing by a majority to transfer \$150,000 from the Community Preservation Non-Committed Fund for a Community Preservation Project to perform restoration work at Bruer Pond/Sevey Park.

**ARTICLE 39. Community Preservation Program Project – Stone Fence Bruer Pond: Finance Committee Recommends.** Passing by a majority vote to transfer \$7,500 from the Community Preservation Open Space Fund for a Community Preservation Project to repair a historic stone boundary fence at Bruer Pond.

**\*ARTICLE 40. Community Gardens Revolving Fund: Finance Committee Recommends.** Passing by a majority vote to 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 2015 revolving fund to the FY 2016 revolving fund. Expenditures authorized by the Conservation Commission, not exceeding a total of \$6,000 in FY 2016. The balance in the revolving account shall not exceed \$6,000.

**\*ARTICLE 41. Authorization to Dispose of Surplus Equipment: Finance Committee Recommends** Passing by a majority vote to 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 42. Grants Authorization: Finance Committee Recommends.** Passing by a majority vote to authorize 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 therefrom in accordance with the terms of said grants.

**\*ARTICLE 43. Council on Aging Revolving Fund: Finance Committee Recommends.** Passing by a majority vote to 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 2015 revolving fund to the FY 2016 revolving fund. Expenditures authorized by the Director of Elder Affairs, not exceeding a total of \$20,000 in FY 2016. The balance in the revolving account shall not exceed \$20,000.

**\*ARTICLE 44. Compost Bin Revolving Fund: Finance Committee Recommends.** Passing by a majority vote to 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 2015 revolving fund to the FY 2016 revolving fund. Expenditures shall be authorized by the Public Works Director and shall not exceed a total of \$5,000 in FY 2016. The balance in the revolving account shall not exceed \$5,000.

**\*ARTICLE 45. Cemetery Revolving Fund: Finance Committee Recommends.** Passing by a majority vote to 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 2015 revolving fund to the FY 2016 revolving fund. Expenditures authorized by the Cemetery Commission, not exceeding a total of \$20,000 in FY 2016. The balance in the revolving account shall not exceed \$20,000.

**\*ARTICLE 46. Authorization to Enter into Lease/Purchase Agreements: Finance Committee Recommends.** Passing by a majority vote to 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 47. 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 borrow \$470,000 for the following purposes: \$85,000 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; and \$385,000 in accordance with Section 7(9) of Chapter 44 of the General Laws for the cost of departmental equipment.

**ARTICLE 48. Acceptance of Deeds:** Passing by unanimous vote to move no action.

**ARTICLE 49. Main Street Area Sidewalk Project: Finance Committee Recommends.** Passing by a majority vote to transfer from Free Cash \$100,000 to upgrade the sidewalks in the Main Street Area from Tinkham Road to Soule Road.

**ARTICLE 50. Appointed Tree Warden By-Law Change:** Passing by a majority vote to amend the By-laws by deleting Section 310 (Tree Warden) in its entirety and adding the following new section:

SECTION 423 TREE WARDEN

Effective May 16, 2018, 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.

This By-Law change shall not be effective until passage of the ballot question changing the Town's elected Tree Warden to an appointed Tree Warden. This question is on the election ballot to be voted on May 16, 2015.

**ARTICLE 51. Fountain Park Use Guideline Changes:** Passing by majority vote as amended to allow Fountain Park to receive Community Preservation Act monies.

Motion was made and seconded to table this article but failed to get the required two-thirds vote to pass.

Article 51 was then amended by Board of Selectmen member Susan Bunnell. The motion to amend which stated to allow Fountain Park to receive Community Preservation Act monies was seconded and passed by a majority vote.

**ARTICLE 52. Reclassify Land at 68V (C) Brainard Road:** Requiring a two-thirds vote, passing by a declared two-thirds vote by the Moderator to designate the Town owned property known and designated as 68V (C) Brainard Road as Open Space to be supervised and managed by the Wilbraham Conservation Commission. Under the auspices of the Wilbraham Open Space and Recreation Plan, the Wilbraham Recreation Commission may request active and /or passive recreational activities on the property through the Conservation Commission.

**ARTICLE 53. Town By-Law Amendment – Consumption of Intoxicating Beverages on Streets and on Certain Public Properties Amendment:** Passing by unanimous vote to amend the existing Town By-law Section 603 by deleting it in its entirety and replacing it with the following as set forth in a document entitled "Town By-Law Amendment Exhibit A" on file with the Town Clerk.

**ARTICLE 54. Town By-Law Amendment – Unreasonable Noise Amendment:** Passing by unanimous vote to amend the existing Town By-law Section 630 (Unreasonable Noise) by deleting section 4(b) in its entirety as set forth in a document entitled "Town By-Law Amendment Exhibit B" on file with the Town Clerk.

**Motion to Adjourn –** Motion made and seconded to adjourn. Motion carried by unanimous vote.

Meeting adjourned at 8:35 p.m.

Respectfully submitted,

Beverly J. Litchfield, MMC, CMMC

Town Clerk of Wilbraham

# TOWN BULLETIN

Boston, MA

August 31, 2015

**Articles 26, 27, 28, 50, 53 and 54** - We approve Articles 26, 27, 28, 50, 53 and 54, and the map amendments related to Article 27, from the May 11, 2015 Wilbraham Annual Town Meeting.

MAURA HEALEY  
ATTORNEY GENERAL

*Nicole B. Caprioli*

By: Nicole B. Caprioli  
Assistant Attorney General  
Municipal Law Unit  
10 Mechanic Street, Suite 301  
Worcester, MA 01608  
(508) 792-7600 ext. 4418  
[nicole.caprioli@state.ma.us](mailto:nicole.caprioli@state.ma.us)