

ANNUAL TOWN MEETING

MAY 13, 2019

Attendance: Precinct A:	57
Precinct B:	48
Precinct C:	61
Precinct D:	75
Total -----	241

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, 2019. At 7:00 p.m. Moderator James S. Jurgens 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.

In respect of tradition, the names of those town employees recently deceased since our last meeting were read. These names are printed in the annual town report. A moment of silence was held in their honor.

The Select Board and Jered Sasen, Director of Veterans Services, presented George Allen from 32 Soule Rd. a Certificate of Acknowledgement as the Veteran of the Year.

The Pledge of Allegiance was then recited by Boy Scout Troop 359 sponsored by St. Cecilia Church followed by Town Clerk Carole J. Tardif reading the call of the meeting.

**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 *) - Finance Committee Recommends:

Passing by majority vote that the Town accept and approve the following motions as presented in the anticipated motions handout. Articles 1,2,4,8,9,10,11,12,13,16,17,18,19,23,42,43, and 44.

***ARTICLE 1. Choosing miscellaneous officials (consent agenda):** Passing by majority vote that the following persons be elected to the indicated offices for the ensuing year: Poundkeeper, Tammy Turcotte; Measurer of Wood and Charcoal, Gary Petzold; Measurer of Wood and Charcoal, Susan Petzold; Surveyor of Lumber, Edward P. Lindsay.

***ARTICLE 2. Hearing reports (consent agenda):** Passing by 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 2019 – Finance Committee Recommends: Passing by majority vote pursuant to Section 33B of Chapter 44 of the General Laws, move to transfer the sum of \$89,000 from previously appropriated but unexpended funds in the following FY’2019 budgets:

#192 Town Properties-Fuel	\$40,000
#194 Group Health Insurance	\$34,000
#060 Wastewater Salaries.....	\$15,000

and to place such funds in the following amounts in the following FY’2019 budgets:

#191 Facility Maintenance-Expenses	\$16,000
#192 Town Properties-Memorial School	\$7,000
#220 Fire Department-Expenses	\$6,000
#420 Highway-Salaries	\$35,000
#620 Parks and Recreation – Expenses	\$10,000
#060 Wastewater Expenses	\$15,000

***ARTICLE 4. Ambulance Fund Transfer (consent agenda).** Passing by majority vote to appropriate \$1,000 from Receipts reserved for Appropriation for Ambulance to the FY’2019 Ambulance Budget to cover operating expenses.

ARTICLE 5. Parliamentary procedures – Finance Committee Recommends: Passing by 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 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, 2019 to June 30, 2020, as follows: Assessors, \$3,595 per year, chairman, \$3,967 per year; Town Clerk, \$72,046 per year (all fees revert to the Town treasury); Moderator, \$200 Annual Town Meeting, \$50 Special Town Meeting; Selectmen, \$5,203 per year, chairman \$6,069 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 majority vote to accept the report of the Finance Committee and vote to raise and appropriate \$43,123,538, transfer \$35,000 from offset receipts (for Dog Officer Expenses) and appropriate from Free Cash \$267,311 to cover the necessary capital expenditures and operating expenses of the Town for Fiscal Year 2020 (July 1, 2019 to June 30, 2020) 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 given by Finance Committee and the Hamden Wilbraham Regional School District. A question and answer session followed.

***ARTICLE 8. Water Enterprise Fund Budget (consent agenda):** Passing by majority vote that the following sums be appropriated for the Water Enterprise Fund: Salaries, \$454,680; Expenses, \$1,512,903, and that \$1,967,583 be raised as follows: \$1,891,911 from Water Department receipts and \$75,672 from retained earnings for Fiscal Year 2020 expenses.

***ARTICLE 9. Water Enterprise Fund Reserve Fund (consent agenda).** Passing by majority vote that the Town vote to appropriate from water receipts the sum of \$25,000 for a Fiscal Year 2020 Reserve Fund.

***ARTICLE 10. Wastewater Enterprise Fund Budget (consent agenda):** Passing by majority vote that the following sums be appropriated for the Wastewater Enterprise Fund: Salaries, \$263,491; Expenses, \$972,811, and that \$1,236,302 be raised as follows: \$1,126,302 from Wastewater Department receipts and \$110,000 from retained earnings for Fiscal Year 2020 expenses.

***ARTICLE 11. Wastewater Enterprise Fund Reserve Fund (consent agenda).** Passing by majority vote that the Town vote to appropriate from wastewater receipts the sum of \$65,000 for a Fiscal Year 2020 Reserve Fund.

***ARTICLE 12. Solid Waste Enterprise Fund Budget (consent agenda).** Passing by majority vote that the following sums be appropriated for the Solid Waste Enterprise Fund: Salaries, \$131,370; Expenses, \$188,566, and that \$319,936 be raised as follows: \$313,739 from Solid Waste Enterprise Fund receipts, and \$6,197 from retained earnings for Fiscal Year 2020 expenses.

***ARTICLE 13. Solid Waste Enterprise Fund Reserve Fund (consent agenda).** Passing by majority vote that the Town vote to appropriate from Solid Waste Enterprise Fund receipts the sum of \$4,000 for a Fiscal Year 2020 Reserve Fund.

ARTICLE 14. Capital Projects from Free Cash – Finance Committee Recommends: Passing by majority vote that the Town vote to appropriate from available funds (Free Cash (2018), \$566,078, to fund the following Projects in Fiscal Year 2019.

DEPARTMENT	PROJECT	AMOUNT
Police Department	Watch Guard - Server	\$12,775
Fire Department	SCBA self-contained Breathing Apparatus (31 bottles) 31	\$50,000
Fire Department	Fire Captain Promotional Process	\$12,500
HWRSD	New Commercial Dishwasher Soule Road School	\$65,000
Clerk's Office	Voting Machines (6)	\$35,000
Recreation Department	AED Machines (4)	\$7,000
Recreation Department	Utility Vehicle	\$10,300
Recreation Department	Truck Pick up	\$40,000
Recreation Department	Cutter/DE thatcher	\$12,173
Recreation Department	Toro Debris Blower	\$7,330
DPW (Highway)	Sidewalk improvements	\$50,000
DPW (Highway)	Drainage improvements (Police/Fire/Town)	\$50,000
DPW	Material Screen Machine	75,000
DPW	Radios-Trucks	30,000
DPW(ENGINEERING)	Town Office Sewer Project Study	50,000
Selectmen	Building Study	50,000
Tree Warden	Tree Removal Program	\$9,000

Explanation: This Article would fund capital projects from free cash instead of issuing debt to pay for these projects. This saves the town an estimated \$ 76,500 in interest costs.

ARTICLE 15. Appropriation for Capital Outlays – Finance Committee Recommends: Requiring a two-third vote, passing by a declared two-third vote by the Moderator that the Town appropriates \$ 720,000 to pay costs of the following capital outlay items:

Public Buildings	DPW GARAGE	\$ 600,000
Equipment	Vehicles 2 Highway Dump Trucks (grant) OR 1 Highway Dump Truck	\$ 120,000

including the payment of all costs incidental and related thereto; and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow \$720,000 in accordance with Chapter 44 of the Massachusetts General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or take any other action relative thereto.

A presentation was given by the Capital Planning Committee chairman.

***ARTICLE 16. Receipts reserved for appropriation for ambulance (consent agenda).** Passing by majority vote to appropriate \$908,888 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 17. Appropriations for Ambulance Depreciation Account (consent agenda).** Passing by majority vote to appropriate \$65,000 from Receipts Reserved for Appropriation for Ambulance and \$214,135 from the depreciation account for vehicle and equipment replacement for the purchase of a new ambulance vehicle and equipment in Fiscal Year 2019.pursuant to Section 5 of Chapter 40 of the Massachusetts General Laws.

***ARTICLE 18. Receipts reserved for appropriation for cemeteries (consent agenda).** Passing by majority vote to appropriate \$20,000 from Receipts Reserved for Appropriation for Cemeteries to Cemetery operating expenses, pursuant to Section 5 of Chapter 40 and Section 16 of Chapter 114 of the General Laws.

***ARTICLE 19. Receipts reserved for appropriation for Wilbraham Public Access Television (consent agenda).** Passing by majority vote to appropriate \$176,900 from the PEG Access and Cable Related Fund for Appropriation for Wilbraham Public Access Television, pursuant to Section 53F ¾ of Chapter 44 of the Massachusetts General Laws.

ARTICLE 20. Reserve Fund – Finance Committee Recommends: Passing by majority vote to raise and appropriate \$250,000 for a Fiscal Year 2020 Reserve Fund.

ARTICLE 21. Special Appropriation for road repaving and preservation – Finance Committee Recommends: Passing by majority vote to raise and appropriate \$150,000 to repave, resurface and/or crack seal public ways.

ARTICLE 22. Other Post-Employment Benefits Liability Trust Fund – Finance Committee Recommends: Passing by majority vote that the town vote 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	\$400,000
Water Enterprise Fund	Water receipts	\$13,000
Wastewater Enterprise Fund	Wastewater receipts	\$5,600
Solid Waste Enterprise Fund	Solid waste receipts	\$2,600
Receipts Reserved for Appropriation for Ambulance	Receipts reserved for appropriation for ambulance	\$10,400

***ARTICLE 23. Municipal Building Insurance Fund (consent agenda).** Passing by majority vote to raise and appropriate \$1,000 for the Municipal Building Insurance Fund.

ARTICLE 24. Stabilization Fund - Finance Committee Recommends: Passing by majority vote to transfer \$100,000 from Free Cash to be added to the Stabilization Fund and to transfer \$935,000 from free cash to be added to the Capital Stabilization Fund, both in accordance with Section 5B of Chapter 40 of the Massachusetts General Law.

ARTICLE 25. Water Enterprise Retained Earnings – Finance Committee Recommends: Passing by majority vote to appropriate \$125,085 from available funds in the Water Enterprise Fund retained earnings account to fund meter replacements (\$57,085), Brookmont pump station upgrades (\$18,000) and replace a water service truck (\$50,000).

ARTICLE 26. Waste Water Enterprise Retained Earnings – Finance Committee Recommends: Passing by majority vote to appropriate \$175,661 from the Waste Water Enterprise Fund Retained Earnings account to fund inflow and infiltration work including the purchase of a sewer camera (\$105,661), fix a 24” sewer main \$20,000 and to replace a waste water service truck (\$50,000)

ARTICLE 27. Recycling Contract. – Finance Committee Recommends: Passing by majority vote to authorize the Selectmen on its behalf under M.G.L. c. 30B, §12 to enter into a recycling contract for a period of up to fifteen (15) years on terms negotiated by the Selectmen on or before the expiration of the current recycling contract with the Material and Recycling Facility in June, 2020.

ARTICLE 28. Zoning By-Law Amendment – Large-Scale Ground-Mounted Solar Energy Systems. – Planning Board Recommends: Requiring a two-third vote, passing by declared two-third vote by the Moderator that the Town amend the Wilbraham Zoning By-Law by revising section 10.7 as set forth in a document entitled "Zoning Amendment Exhibit A" on file with the Town Clerk.

ARTICLE 29. Zoning By-Law Amendment - Rezoning from Residence-40 (R-40) to Neighborhood Office (NO). – **Planning Board Recommends:** Requiring a two-third vote, passing by declared two-third vote by the Moderator that Town vote to amend the Wilbraham Zoning By-Law and the accompanying Zoning Map referenced therein by rezoning from Residence-40 (R-40) to Neighborhood Office (NO) a parcel of land measuring approximately 25,000 square feet in area located at 5 Woodland Dell Road owned by THE

WILBRAHAM MASONIC BUILDING ASSOCIATION, INC., as more particularly described on a plan on file with the Town Clerk entitled "Zoning Amendment Exhibit B"

ARTICLE 30. Acceptance of Public Ways - Passing by majority vote that the Town vote to accept North Hills Lane and Sherwin Road as a public way pursuant to a layout filed by the Board of Selectmen with the Town Clerk.

ARTICLE 31. Acceptance of Deeds – Passing by majority vote that the Town will vote to accept such deeds and grants of interests in land to the Town 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 31, Exhibit A”.

ARTICLE 32. Community Preservation Program Budget – Finance Committee Recommends: Passing by majority vote to appropriate or reserve from the Community Preservation annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative costs, community preservation projects and other expenses in fiscal year 2020, as printed in Article 32 of the Warrant, with each item to be considered a separate appropriation.

APPROPRIATIONS	
FY 2020 estimated revenues for Administrative Costs	\$7,500
RESERVES:	
FY 2020 estimated revenues for Historic Preservation Reserves	\$43,546
FY 2020 estimated revenues for Community Housing Reserves	\$43,546
FY 2020 estimated revenues for Open Space Reserves	\$43,546
FY 2020 estimated revenues for Non-Committed Reserves	\$304,826
FY 2020 estimated total of revenue in Reserves	\$435,464
Estimated new surcharge collections for FY 2020	\$392,310
Estimated State Match for FY 2020	\$43,154
FY 2020 estimated total	\$435,464

ARTICLE 33. CPA Project for Preservation of Town Record Books. – Finance Committee Recommends: Passing by majority vote to transfer \$5,600 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 34. Community Preservation Project for Wilbraham Public Library StoryWalk Trail® (a federally registered trademark of Anne Ferguson ©). – Finance Committee Recommends: Passing by majority vote to transfer \$55,000 from the Open Space Account of the CPA funds for design, construction and installation of a preschool child’s circular, packed stone dust trail featuring approximately 20 permanently installed, kids height picture book, weatherproof story reading stations for the Wilbraham Public Library StoryWalk Trail® (a federally registered trademark of Anne Ferguson ©).

ARTICLE 35. Community Preservation Project for the Town of Wilbraham to Acquire 1.6 Acres of Vacant Land at 674 Main St. (aka King Family site). Motion to “Move No Action” Passing by majority vote.

ARTICLE 36. Community Preservation Project to Relocate Existing Playground Climbing and Recreation Apparatus at Memorial School. – Finance Committee Recommends: Passing by majority vote to transfer \$25,000 from the CPA Open Space Account to fund relocation expenses of these underutilized, durable

playground fixtures to a more visible, active and accessible recreation area off Main St, within walking distance to the two baseball diamonds.

ARTICLE 37. Community Preservation Project for Atheneum Society of Wilbraham, Old Meeting House and Hearse Barn Roof Restoration. – **Finance Committee Recommends:** Passing by majority vote that the Town transfer \$18,850 from the Historic category of CPA 2020 funds for repair and restoration of an insect damaged structural interior support; replace antiquated heat circulating ducts; develop required specifications for cost estimate of a topographical grounds survey necessary for future design of a handicapped access ramp from ground level up into the Old Meeting House first floor; and to replace the weather damaged wood shingles on south side of Hearse barn roof and weather seal to preserve the functional life of the new wood shingles.

ARTICLE 38. Community Preservation Project for Construction of a Walkway at Fountain Park. – **Finance Committee Recommends:** Passing by majority vote that the Town transfer \$18,000 from the CPA Non-Committed Funds category to provide handicapped walkway and outdoor patio viewing area at Fountain Park.

ARTICLE 39. Community Preservation Project for Repair and Improvement of Surface Drainage from the Two Sports Fields East Side of Stony Hill Rd at the Middle School Entrance Driveway. – **Finance Committee Recommends:** Passing by majority vote to transfer \$55,000 from the CPA Non-Committed category for installation of 5.15 acre subsurface sports field drainage system at the Wilbraham Middle School.

ARTICLE 40. Community Preservation Project for Construction of a Pedestrian Footbridge over 12 Mile Brook at the 60 Acre Crane Hill Road Conservation Forest. – **Finance Committee Recommends:** Passing by majority vote that the Town will vote to transfer \$25,000 from the CPA Open Space category for design and construction of a new approximately 36' long pedestrian footbridge over 12 Mile Brook.

ARTICLE 41. Community Preservation Project to Construct a Park Support Storage Building at Spec Pond Recreational Complex. – **Finance Committee Recommends:** Passing by majority vote that the Town transfer \$250,000 from the CPA Non-Committed category for construction of a 3,000 square foot pre-engineered Butler metal building on the east side of Spec Pond Complex.

***ARTICLE 42. Authorization to Dispose of Surplus Equipment (consent agenda).** – **Finance Committee Recommends:** Passing by majority vote that the Town 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 43. Departmental Revolving Funds (consent agenda).** – **Finance Committee Recommends:** Passing by majority vote that the Town vote to fix the maximum amount that may be spent during Fiscal year FY2020 beginning on July 1, 2019 for the revolving funds established in Town By-laws for certain departments, boards, committees, agencies or officers in accordance with Massachusetts General Laws Chapter 44, Section 53E ½, the Town of Wilbraham shall authorize the following Revolving Funds: Council on Aging, \$20,000; Compost Bins, \$5,000; Cemetery, \$20,000; and Community Garden, \$6,000.

***ARTICLE 44. Authorization to Enter into Lease/Purchase Agreements (consent agenda).** – **Finance Committee Recommends:** Passing by majority vote that the Town 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 45. Town By-Law Amendment— Pawnbrokers, Junk and Secondhand Dealers. Passing by majority vote to amend Article VI, 610 (g.) of the Town By-Laws, “Pawnbrokers, Junk and Secondhand Dealers” by adding language to the existing “Identification of Items” section of the By-Law; with the new proposed language italicized in the following section of the current By-Law as set forth in Article 45 of this Town Meeting Warrant .

g.) Identification of Items - The holder of a pawnbroker's license or a junk and secondhand dealer's license shall maintain a written record which accurately describes all items pawned, sold, pledged, or otherwise deposited with the license holder. The record shall include the date and time each transaction is made. This description shall include, but shall not be limited to, all distinguishing marks, etchings, engravings, model names, model numbers and serial numbers. Any jewelry with an affiliation to any institution or organization shall include the name of said institution or organization, year and inscribed initials, if any. All descriptions of items of jewelry shall include the material, weight, length (if applicable), shape and color. *In any case in which more than five pieces of jewelry are deposited with a second hand dealer in the same transaction and no single item is estimated by the licensee to be worth more than twenty dollars (\$20), the licensee may enter the total number of items as one entry into the record and shall not be required to record the material, weight, length, shape or color of each item. In such cases where one batch transaction of jewelry is recorded, the licensee shall take a photo of the entire group of items. Included in this photo shall be the name of the customer and the date of the transaction. In such batch transactions, the licensee shall record the total number of items, a description of the batch of items, and the total price paid by the licensee.* Descriptions of collectible cards, autographed items, figurines or other collectibles of any description shall include any identifying features such as the name of the item, date, denomination, color, size, brand name, vintage and image represented. Any license holder under this By-Law shall maintain the records for a minimum of three years. Such records shall at all times be open to the inspection of officers of the police department and of any person authorized to make such inspection. The fine for persons violating the "Identification of Items" section of this By-Law shall be one hundred dollars (\$100).

ARTICLE 46. Adoption of New General Town By-Law, Article VI, Section 640—Door to Door Solicitors and Peddlers. Passing by majority vote to amend the Article V1 of the Town By-Laws, “Regulation of Public Conduct,” by adding a new Section 640, “Door To Door Solicitors and Peddlers as set forth in Article 46 of this Town Meeting Warrant.

SECTION 640 DOOR TO DOOR SOLICITORS AND PEDDLERS

a.) Purpose - It is the purpose of this by-law to regulate persons or organizations engaged in soliciting or peddling in the Town of Wilbraham through the issuance of licenses and imposition of other limitations on such conduct for the purpose of protecting the Town’s residents from disruption of the peaceful enjoyment of their residences and from crime and fraud, and further, to allow reasonable access to residents in their homes by persons or organizations who wish to engage in commercial solicitation.

b.) Definitions - Solicitor or peddler is defined as any individual, whether a resident of the Town of Wilbraham or not, traveling either by foot, motor vehicle, or any other type of conveyance from place to place, house to house, taking or attempting to take orders for sale of goods, wares, merchandise, personal property of any nature for immediate or future delivery or for services to be furnished or performed immediately or in the future whether or not he or she collects advance payments on such sales.

c.) License Required - It shall be unlawful for any solicitor or peddler as defined in this by-law to engage in such business in the Town of Wilbraham without first obtaining a license in compliance with the provisions of this by-law. Any person who is not properly licensed under this by-law shall be ordered to immediately cease and desist all solicitation in the town until they attain a proper license.

d.) License Exemption - Nothing in this by-law shall be construed to impose any license requirement or otherwise restrict or in any way regulate any activity for non-commercial purposes, including but not limited to any activity for religious, charitable, civic or political purposes, regardless of whether such activity includes acts that would otherwise constitute soliciting.

e.) Application and Fee - Each individual applicant for a license under this by-law shall submit in person to the Chief of Police or his/her designee an application along with a fee of \$25.00 (per individual applicant) payable to the Town of Wilbraham which will be used to cover the cost of investigating the facts stated in the application. Each applicant must complete a sworn application in writing at least ten (10) working days prior to the requested starting date for solicitation, on a form provided by the Police Department. Said form shall include the following information:

1. Name and physical description;
2. Date of birth;
3. Permanent home address as well as full local address of the applicant;
4. A brief description of the nature of the business and/or goods to be sold;
5. If employed, name and address of employer, including credentials which establish the exact relationship;
6. The length of time for which the license is desired (not to exceed one year);
7. Names of manufacturer, of source of merchandise, proposed method of delivery;
8. Two photographs of the applicant, taken within the past sixty (60) days prior to filing of the application, showing only the head and shoulders of the applicant in a clear and distinguishing manner; The police department may require that applicants have a digital photo taken of them by the police department at the time the application is filed.
9. A statement as to whether or not the applicant has been convicted of any crime listed in the "Investigation and Issuance" section of this by-law or is a Level 2 or Level 3 Sex Offender required to register with the Massachusetts Sex Offenders Registry Board.

f.) Investigation and Issuance - If after an investigation into the facts contained in the license application the Police Chief is satisfied the applicant is of suitable character consistent with this by-law, the Police Chief, or his designee shall grant the required license. The Police Chief or his designee shall refuse to issue a license to any organization or individual whose license have been revoked for violation to this by-law within the previous two-year period or who has been convicted of murder/manslaughter, rape, robbery, arson, burglary/breaking and entering, felony assault, or any larceny offense that is a felony, as such persons pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of the violent crimes so listed. The Police Chief shall also refuse to grant a license to a person who is a sex offender required to register with the Massachusetts Sex Offenders Registry Board and who is finally classified as Level 2 or Level 3 Sex Offender, as such persons have been found to have a moderate to high risk of re-offense and pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of sex crimes. The Town shall not make an adverse determination based on criminal history or sex offender status without first notifying the applicant of the potential adverse determination. The Town shall provide the applicant with information regarding the source of the criminal history or sex offender status. The Town shall identify the part of the history which appears to make the applicant unsuitable. The Town shall afford the applicant the opportunity to dispute the accuracy of the criminal history or sex offender status or otherwise present to the town any mitigating or other circumstances bearing on the history.

g.) Identification Card - The Police Department, after a review of the information contained in the license application, but in no event more than ten (10) working days after receipt of a fully-completed application, shall issue to each successful applicant an identification card which shall contain the words "Licensed Solicitor", identification and expiration date of the license. Persons engaged in solicitation or peddling as defined in this

By-law must display the registration card while soliciting or peddling and present the card to any police officer, authorized enforcing agent, or person solicited upon request.

h.) Duty of Police to Enforce - It shall be the duty of any police officer of the Town to require any person seen soliciting or peddling and who is not known by such officer to be duly licensed, to produce his or her solicitor's license and to enforce the provisions of this by-law against any person found to be violating the same.

i.) Records - The Chief of Police shall maintain all pertinent records of licenses issued and violations recorded.

j.) Enforcement and Penalties - The provisions of this by-law may be enforced by the Board of Selectmen, Zoning Enforcement Officer, or any Police Officer of the Town of Wilbraham by any available means in law or equity, including but not limited to enforcement by non-criminal disposition pursuant to Section 21D of Chapter 40 of the General Laws and appropriate articles of the General By-laws. Each day on which a violation exists shall be deemed to be a separate offense. The penalty for each violation shall be \$300.00.

Whoever continues to solicit in the town in willful violation of this by-law, by continuing to solicit after being informed by an authorized enforcing agent to cease and desist shall be subject to a penalty of \$300.00.

Notwithstanding the above licensing procedures, no licensee may enter private property after being forbidden to do so either directly by the person in charge of the property or by a conspicuously posted notice of "No Trespassing" or "No Soliciting".

After investigation by a police officer, licenses issued under the provisions of this by-law may be revoked by the Chief of Police or his designee after notice and hearing, provided however, that a license may be suspended immediately, without notice and a hearing, if the public safety or welfare so requires for any of the following causes:

1. Fraud, misrepresentation, or false statement contained in the license application,
 2. Fraud, misrepresentation or false statements made in the course of carrying on the business of solicitation;
 3. Any violation of this by-law;
 4. Conviction of any crime listed in "Investigation and Issuance" section of this By-law or classification as a Level 2 or Level 3 Sex Offender;
 5. Conducting the business of soliciting or peddling in a unlawful manner or in such a manner as to constitute a breach of the peace, or to constitute a menace to health, safety, or the general welfare of the public, and
 6. High-pressure tactics, harassment, or a refusal to accept a refusal as an answer, when verified in writing.
- If a license is suspended or revoked under the provisions of this section, notice of a hearing with regard to the same shall be given forthwith in accordance with the following subsection.

k.) Appeals and Hearings

1. Denials: Any person or organization who is denied a license may appeal by filing a written notice of appeal with the Board of Selectmen. Such appeal must be filed within five (5) days after receipt of the notice of denial. The Board of Selectmen shall hear the appeal at its next scheduled meeting after the filing of the written notice of appeal. If the notice of appeal is received by the selectmen less than 72 hours before their next meeting, the appeal may be scheduled for the following meeting. Saturdays, Sundays, and legal holidays shall not count towards this 72 hour period. If the Board of Selectmen fails to make a determination regarding a denial of a license within thirty (30) days after receiving the notice of appeal, the license shall be deemed granted.

2. Suspension or Revocation: Notice of hearing for revocation or suspension of a license shall be given forthwith in writing, setting forth specifically the grounds of the complaint and a time and place of the hearing. Such notice shall be hand delivered to the licensee or forwarded by certified mail to the licensee at his or her last known address at least five days prior to the hearing date. If the Board of Selectmen fails to make a determination regarding a suspension or revocation of a license within thirty (30) days after the licensee receives a notice, the license shall be deemed reinstated.

l.) Expiration of License - All licenses for soliciting in the town are valid only for the particular dates specified thereon, and in no case for longer than one year.

m.) Severance Clause - The provisions of this by-law are declared to be severable, and if any section, sentence, clause or phrase of this by-law shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining section, sentences, clauses and phrases of this by-law and they shall remain in effect, it being the legislative intent that this by-law shall stand, notwithstanding the invalidity of any part.

ARTICLE 47. Petitioned Article— Town By-Law Amendment— Private Ways. Passing by majority vote to amend the current by-law found in Section 631.1.6 to read: Notwithstanding the petition of 51% of the owners abutting a private way, the Town shall not make temporary repairs unless those owners who have title to and abut the private way itself shall first execute a document presented by the Town which establishes a one hundred (\$100.00) dollar limit of liability ~~per occurrence~~ for the Town on account of damages caused by or during such repairs to that private way. (“Per occurrence” was removed by the Petitioners at the Town Meeting within the motion.)

Motion to adjourn was made and seconded.

Meeting adjourned at 9:38 p.m.

Attest: _____

Carole J. Tardif
Town Clerk of Wilbraham