

ANNUAL TOWN MEETING

June 15, 2020

Attendance: Precinct A:	56
Precinct B:	59
Precinct C:	51
Precinct D:	58
Total -----	224

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, June 15, 2020. 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 and town committees 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 Susan Bunnell had a few words of recognition for Mr. John Lovejoy who was very involved in the Town of Wilbraham. Then we had a moment of silence in his honor.

The Pledge of Allegiance was then recited by Moderator James S. Jurgens, followed by Town Clerk Carole J. Tardif agreeing all protocols of posting were met, and abstained from reading the call of the meeting.

Due to the Covid – 19 pandemic, Moderator James S. Jurgens thanked all Town Employee and Volunteers for all their efforts in setting up the Auditorium and Cafeteria. The Town followed all guidelines set forth from Governor Baker, social distances setting and check in tables, wearing of face coverings, sanitizing during 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 1,2,4,8,9,10,11,12,13,16,17,18,19,23,41,42, and 43.

***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, Ricky Seldomridge; 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 2020 – MOVE NO ACTION

***ARTICLE 4. Ambulance Fund Transfer (consent agenda). MOVE NO ACTION**

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, 2020 to June 30, 2021, as follows: Assessors, \$3,631 per year, chairman, \$4,007 per year; Town Clerk, \$80,042 per year (all fees revert to the Town treasury); Moderator, \$200 Annual Town Meeting, \$50 Special Town Meeting; Selectmen, \$5,255 per year, chairman \$6,130 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 \$44,302,519, and appropriate from Free Cash \$103,552 to cover the necessary capital expenditures and operating expenses of the Town for Fiscal Year 2021 (July 1, 2020 to June 30, 2021) 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, \$459,265; Expenses, \$1,348,524, and that \$1,807,789 be raised as follows: \$1,807,789 from Water Department receipts for Fiscal Year 2021 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 \$50,000 for a Fiscal Year 2021 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, \$266,934; Expenses, \$917,999, and that \$1,184,933 be raised as follows: \$1,057,373 from Wastewater Department receipts, \$21,560 from retained earnings and *fund balance reserved for future debt \$ 106,000*) for Fiscal Year 2021 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 \$60,000 for a Fiscal Year 2021 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, \$133,175; Expenses, \$236,965, and that \$370,140 be raised as follows: \$337,918 from Solid Waste Enterprise Fund receipts, and \$32,222 from retained earnings for Fiscal Year 2021 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 2021 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 (2019), \$380,280 to fund the following Projects in Fiscal Year 2020:

DEPARTMENT	PROJECT	AMOUNT
Police Department	Watch Guard – Cameras (9)	\$57,780
I.T. Department	Replace Fiber Line for Town Hall Connection	\$30,000
Historical Commission	Property Plaques and Signs	\$2,500
Fire Department	Rescue Air Bags	\$9,000
Fire Department	Autoloader for Ambulance (Contingent on Grant)	\$10,000
Wilbraham Fiber	Broadband Study Plan	\$15,000
Recreation Department	Lawnmower	\$15,000
DPW (Highway Div)	Chipper	\$38,000
Facility Maintenance	Various Town Building Projects (See List)	\$100,000
Selectmen	Non-Bargaining Compensation Study	\$25,000
Tree Warden	Tree Removal Program	\$78,000

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 \$ 275,000 to pay costs of the following capital outlay items:

Public Buildings	DPW GARAGE	\$ 200,000
Equipment	WMS ROOFTOP HVAC UNIT	\$ 75,000

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 \$275,000 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 therefore. 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. (2/3rd Vote.)

Presentations was given by Capital Planning Committee chair Nick Manolakis . A question and answer session followed.

***ARTICLE 16. Receipts reserved for appropriation for ambulance (consent agenda):** Passing by majority vote to appropriate \$868,123 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 \$115,000 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 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 \$165,465 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 \$300,000 for a Fiscal Year 2021 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	\$450,000
Water Enterprise Fund	Water receipts	\$15,521
Wastewater Enterprise Fund	Wastewater receipts	\$4,957
Solid Waste Enterprise Fund	Solid waste receipts	\$2,194
Receipts Reserved for Appropriation for Ambulance	Receipts reserved for appropriation for ambulance	\$4,528

***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 \$1,125,000 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 \$210,972 from the Water Enterprise Retained Earnings account to fund a new water valve (\$25,000), a new water truck (\$100,000), the Water Department’s share of a new DPW building (\$50,000) and an inspection of the water tank (\$35,972).

ARTICLE 26. Waste Water Enterprise Retained Earnings – Finance Committee Recommends: Passing by majority vote to appropriate \$50,000 from the Waste Water Enterprise Fund Retained Earnings account to fund the Waste Water Department’s share of a new DPW building (\$50,000).

ARTICLE 27. Zoning By-Law Amendment – First Floor (Street Level) Use Regulations for Mixed Use Building. – 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 deleting existing Section 6.4.3(C) in its entirety and substituting therefore a new Section 6.4.3(C) to read as follows:

“The first floor (street level) of the Mixed Use Building shall be occupied for commercial use only and shall be limited to the commercial uses specifically authorized in the applicable zoning district by site plan approval or special permit pursuant to section 3.4.5 of the Zoning By-Law, and said commercial uses shall be subject to separate approval by the appropriate permit granting authority in accordance with the requirements of this Zoning By-Law. Dwelling units shall not occupy the first floor of the mixed use commercial building.”

ARTICLE 28. Zoning By-Law Amendment – Decommissioning or Abandonment Regulations for 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 Town vote to amend the Wilbraham Zoning By-Law by revising the last sentence in section 10.7.12(B) to read as follows:

“The cost for the removal will be drawn from the performance surety provided by the applicant or charged to the property owner in accordance with the provisions of M.G.L. chapter 139, section 3A as a tax lien on the property and said costs will constitute liens for purposes of M.G.L. chapter 40, section 58.”

ARTICLE 29. Acceptance of Public Ways - Passing by majority vote that the Town vote to accept Julia Way and Willowbrook Lane as a public ways pursuant to a layout filed by the Board of Selectmen with the Town Clerk.

ARTICLE 30. Acceptance of Deeds – MOVED NO ACTION

ARTICLE 31. 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 2021, as printed in Article 31 of this Warrant, with each item to be considered a separate appropriation.

APPROPRIATIONS	
FY 2021 estimated revenues for Administrative Costs	\$7,500
RESERVES:	
FY 2021 estimated revenues for Historic Preservation Reserves	\$45,206
FY 2021 estimated revenues for Community Housing Reserves	\$45,206
FY 2021 estimated revenues for Open Space Reserves	\$45,206
FY 2021 estimated revenues for Non-Committed Reserves	\$316,444
FY 2021 estimated total of revenue in Reserves	\$452,062

Estimated new surcharge collections for FY 2021	\$407,267
Estimated State Match for FY 2021	\$44,799
FY 2021 estimated total	\$452,062

ARTICLE 32. CPA Project for Preservation of Town Record Books. – Finance Committee Recommends: Passing by majority vote to transfer \$47,243 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 33. Restoration of Adams Cemetery Grave Stone Markers. – Finance Committee Recommends: Passing by majority vote to transfer \$3,600 from the FY2021 Community Preservation Historic category to provide funding for repair and re-installation of seven gravestone markers in the older section of Adams Cemetery.

ARTICLE 34. Restoration of East Wilbraham Cemetery Grave Stone Markers. – Finance Committee Recommends: Passing by majority vote to transfer \$8,525 from the FY2021 Community Preservation Historic category to provide funding to remove, repair, restore and re-installation of sixteen gravestone markers in East Wilbraham Cemetery.

ARTICLE 35. Spec Pond Recreation Support Storage Building, Supplemental Funding Application. – Finance Committee Recommends: Passing by majority vote to transfer \$250,000 from FY2021 Community Preservation Non-Committed category as supplemental funding for construction of a 3,000 SF pre-engineered Butler metal building on the east side of Spec Pond Complex.

ARTICLE 36. Atheneum Society of Wilbraham, renovate Old Meeting House front entry at 450 Main Street for compliance with handicapped entrance to a public building. – Finance Committee Recommends: Passing by majority vote that the Town transfer \$19,249 from the Community Preservation FY2021 Historic category and \$128,504 from the CPA Non-Committed category, total of \$147,753 for restoration of the 450 Main St entry of a historic building to comply with Massachusetts Handicap Access regulations to a public building, without altering the building or its colonial appearance.

ARTICLE 37. Community Gardens Well shelter and Gardener’s Storage Shed. – Finance Committee Recommends: Passing by majority vote that the Town transfer \$15,000 from the FY2021 CPA Non-Committed category for construction of two small accessory buildings on the Community Gardens campus on Monson Rd.

ARTICLE 38. Gleason Land purchase for Conservation Restriction. – Finance Committee Recommends: Requiring a two-third vote, passing by a declared two-third vote by the Moderator to appropriate \$47,043 from the FY2021 CPA Open Space category and \$172,957 from Non-Committed category, totaling \$220,000 from CPA funds to pay the costs of acquiring, by negotiated purchase, the 71.47 acre Gleason Family property of forest land between Bellows Rd. and Springfield St. to be managed and controlled by the Conservation Commission of the Town of Wilbraham in accordance with M.G.L. c. 40, Section 8C for conservation and passive recreation purposes; and to authorize the Board of Selectmen and the Conservation Commission, as they deem appropriate, to enter into all agreements and execute any and all instruments including the conveyance of a perpetual conservation restriction to the Minnechaug Land Trust or other nonprofit organization qualified and willing to hold such a restriction in accordance with M.G.L. c. 184 as required by Section 12(a) of Chapter 44B or Chapter 293 Section 10 of the Acts of 1998 as amended, as may be necessary on behalf of the Town of Wilbraham to affect said purchase. (2/3rd Vote)

ARTICLE 39. Twelve Mile Brook Foot Bridge, Supplemental Funding Application. – Finance Committee Recommends: Passing by majority vote that the Town will vote to transfer \$14,500 from FY2021 Community Preservation Non-Committed category for additional funding to construct a new light weight, Fiberglass Reinforced Polymer pedestrian foot bridge over 12 Mile Brook.

ARTICLE 40. Open Space Trail Identification Signs. – Finance Committee Recommends: Passing by majority vote that the Town transfer \$2,700 from FY 2021 Community Preservation Non-committed category for design and production of ten hanging signs and several post mounted signs for identification of Wilbraham Conservation Land and Open Space hiking trails, Community Gardens and 12 Mile Brook conservation land.

***ARTICLE 41. Authorization to Dispose of Surplus Equipment (consent agenda).** 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 42. Departmental Revolving Funds (consent agenda).** Passing by majority vote that the Town vote to fix the maximum amount that may be spent during Fiscal year FY2021 beginning on July 1, 2020 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 43. Authorization to Enter into Lease/Purchase Agreements (consent agenda).** 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 44. Town By-Law Amendment— To Define Appointing Authority in the Town of Wilbraham for Employees and Officers Other than Those Employed by the Wilbraham Police Department, Wilbraham Fire Department, and Wilbraham Department of Public Works. Passing by majority vote to authorize the Board of Selectmen to petition the General Court for special Home Rule legislation under the Home Rule Amendment to the Massachusetts Constitution or take any other action thereon, for Special Legislation to be entitled, “An Act Defining the Appointment and Removal Authority in the Town of Wilbraham for Officers and Employees of the Town of Wilbraham Other Than Those Employed by the Wilbraham Police Department, Wilbraham Fire Department, and Wilbraham Department of Public Works,” as set forth in Article 44 of this Warrant.

AN ACT PROVIDING FOR THE APPOINTMENT AND REMOVAL AUTHORITY OF THE TOWN ADMINISTRATOR OF THE TOWN OF WILBRAHAM FOR OFFICERS AND EMPLOYEES OF THE TOWN OTHER THAN THOSE EMPLOYEES OF THE WILBRAHAM POLICE DEPARTMENT, WILBRAHAM FIRE DEPARTMENT, AND WILBRAHAM DEPARTMENT OF PUBLIC WORKS.

SECTION 1. Notwithstanding any general or special law or Town bylaw to the contrary, the Town Administrator of the Town of Wilbraham shall have the authority to appoint and remove all officers and employees, other than department heads, of the Town including, but not limited to, officers and employees working in the following departments: the board of assessors, the board of library trustees, the council on aging, the playground & recreation commission, the town accountant, the town clerk, and the town treasurer; provided, however, the Town Administrator shall not have the authority to appoint or remove any department heads or any officers or employees of the Wilbraham Police Department, the Wilbraham Fire Department, or the Department of Public Works, and provided further that Town Administrator shall not have the authority to appoint and remove the director of the Wilbraham Public Library, which director shall be appointed for a term not to exceed three years, and may be removed by the board of library trustees.

SECTION 2. Removals by the Town Administrator of any subordinate officers and employees appointed by the Town Administrator shall be subject to the approval of the board of selectmen.

SECTION 3. Notwithstanding any general or special law or Town bylaw to the contrary, the Board of Selectmen of the Town of Wilbraham shall have the authority to appoint and remove all department heads of the various departments in the Town of Wilbraham; provided, however, that the board of library trustees shall have the authority to appoint and remove a director for a term not to exceed three years.

SECTION 4. This act shall take effect upon its passage.

B. The General Court may make clerical or editorial changes of form only to the requested legislation within the scope of the public objectives of the petition, or take any other action relative thereto that is reasonably necessary to carry out the public objectives of the petition; or take any other action relative thereto.

ARTICLE 45. Non – Binding Resolution – Tax Increment Financing Program. Passing by majority vote to adopt the non-binding resolution to seek applications for eligible projects for Municipal Real Estate Tax Incentives under M.G.L. c. 23A, Sec. 3E, as set forth in Article 45 in this Warrant.

A resolution to seek applications for eligible projects for Municipal Real Estate Tax Incentives under M.G.L. c. 23A, Sec. 3E.

WHEREAS, the Town benefits from private real estate investment through redevelopment of property and the creation and retention of employment opportunities;

WHEREAS, applicable law permits the Town to provide certain municipal real estate tax incentives for eligible projects that are consistent with the development objectives of the Town and are likely to increase or retain employment opportunities in the Town;

WHEREAS, municipal real estate tax incentives take the form of a Tax Increment Financing (TIF) Exemption or Special Tax Assessment as codified in a written agreement with the Town which is subject to subsequent Town meeting approval on a case by case basis;

WHEREAS, municipal real estate tax incentives may attract or retain investment in the Town;

WHEREAS, setting forth the Town’s desire to attract investment through municipal real estate tax incentives is critical to attracting eligible projects; and

ARTICLE 46. Petitioned Article— Wilbraham Senior Center To Be Relocated To Memorial School. Ruled Out of Order – No Vote Taken by Moderator

We the undersigned require that the binding questions of: Should the Wilbraham Senior Center be relocated to Memorial School and be placed on the Warrant for the 2020 Annual Town Meetings, for a Vote of the Citizens of Wilbraham, present at the said Town Meeting.

ARTICLE 47. Petitioned Article— Name Memorial School A Historic Building Honoring Veterans. Ruled Out of Order – No Vote Taken by Moderator

We the undersigned direct the Selectmen/Woman to make application to name Memorial School a Historic Building honoring our Veterans.

Motion to adjourn was made and seconded.

Meeting adjourned at 10:19 p.m.

Attest: _____

Carole J. Tardif
Town Clerk of Wilbraham

