

ANNUAL TOWN MEETING

May 16, 2022

Attendance: Precinct A:	121
Precinct B:	72
Precinct C:	34
Precinct D:	37
Total -----	264

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 16, 2022. At 7:01 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 Selectmen gave Robert Boilard a Commendation given by Carolyn Brennan. Mr. Boilard was thanked for all his years of service. Mr. Boilard was on many Boards, Finance Committee and severed many years as Selectmen.

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.

Moderator James S. Jurgens thanked all Town Employee and Volunteers for all their efforts in setting up the Auditorium and Cafeteria. Thanked the Volunteers for being the counter. Also thanked all First Responders and Law Enforcers for all they do.

**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, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15,.

***ARTICLE 1. Hearing reports (consent agenda):** Passing by majority vote that the town accept the reports of all officers and committees as printed in the 2021 Annual Town Report.

***ARTICLE 2. Choosing miscellaneous officials (consent agenda):** Passing by majority vote that the following persons be elected to the indicated offices for the ensuing year: Poundkeeper, Paul Morrissey; Surveyors of Lumber, Susan Petzold, Gary Petzold; Measurers of Wood and Charcoal, Susan Petzold, Gary Petzold; Weighers of Grain, Susan Petzold, Gary Petzold; Field Driver, Paul Morrissey.

***ARTICLE 3. Water Enterprise Fund Budget (consent agenda):** Passing by majority vote that the following sums be appropriated for the Water Enterprise Fund: Salaries, \$501,136, Expenses, \$1,345,111, and that \$1,846,247

be raised as follows: \$1,615,499 from Water Department receipts, \$166,748 from retained earnings, and \$64,000 from Other Dept. Receivables for Fiscal Year 2023 operating expenses. Furthermore, \$72,971 be transferred to the General Fund to cover indirect costs appropriated in the General Fund.

***ARTICLE 4. Water Enterprise Fund Reserve Fund (consent agenda):** Passing by majority vote that the Town vote to appropriate from water receipts the sum of \$100,000 for a Fiscal Year 2023 Water Enterprise Reserve Fund.

***ARTICLE 5. Wastewater Enterprise Fund Budget (consent agenda):** Passing by majority vote that the following sums be appropriated for the Wastewater Enterprise Fund: Salaries, \$293,043; Expenses, \$935,172 and that \$1,228,215 be raised as follows: \$717,017 from Wastewater Department receipts, \$40,000 from Other Dept. Receipts, \$292,604 from Betterments, \$82,000 from Fund Balance Reserved for Future Debt, and \$96,594 from retained earnings for Fiscal Year 2023 operating expenses. Furthermore, \$37,984 be transferred to the General Fund to cover indirect costs appropriated in the General Fund.

***ARTICLE 6. 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 2023 Wastewater Enterprise Reserve Fund.

***ARTICLE 7. Solid Waste Enterprise Fund Budget (consent agenda):** Passing by majority vote that the following sums be appropriated for the Solid Waste Enterprise Fund: Salaries, \$143,202; Expenses, \$239,553, and that \$382,755 be raised as follows: \$295,357 from Solid Waste Enterprise Fund receipts, \$60,000 from Other Dept Receipts, and \$27,398 from retained earnings for Fiscal Year 2023 operating expenses. Furthermore, \$12,043 be transferred to the General Fund to cover indirect costs appropriated in the General Fund.

***ARTICLE 8. Solid Waste Enterprise Fund Reserve Fund (consent agenda):** Passing by majority vote that the Town vote to appropriate from Solid Waste Enterprise Reserve Fund receipts the sum of \$10,000 for a Fiscal Year 2023 Reserve Fund.

***ARTICLE 9. Receipts reserved for appropriation for ambulance (consent agenda):** Passing by majority vote to appropriate \$1,166,992 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 10. 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 11. Receipts reserved for appropriation for Wilbraham Public Access Television (consent agenda):** Passing by majority vote to appropriate \$179,407 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 12. Appropriations for Ambulance Depreciation Account (consent agenda):** Passing by majority vote to appropriate \$65,000 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. Authorization to Dispose of Surplus Equipment (consent agenda).** Passing by 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 14. 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 FY2023 beginning on July 1, 2022 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 15. 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 16. Funding Transfers FY 2022. MOVE NO ACTION

ARTICLE 17. 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 17, Exhibit A," on file with the Town Clerk.

ARTICLE 18. Compensation for elected Town officials. – Finance Committee Recommends: Passing by majority vote to fix the compensation for elected Town Officers for fiscal year July 1, 2022 to June 30, 2023, as follows: Assessors, \$4,067 per year, chairman, \$4,447 per year; Town Clerk, \$89,954 per year (all fees revert to the Town treasury); Moderator, \$200 Annual Town Meeting, \$50 Special Town Meeting; Selectmen, \$5,361 per year, chairman \$6,253 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 19. Budget Appropriations. – Finance Committee Recommends: Passing by majority vote to accept the report of the Finance Committee and vote to raise and appropriate \$47,161,984, and appropriate from Free Cash \$119,093 to cover the necessary capital expenditures and operating expenses of the Town for Fiscal Year 2023 (July 1, 2022 to June 30, 2023) 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 20. Capital Projects from Free Cash (Updated Motion, the Finance Committee voted on May 10 to approve \$100,000 to Facilities for non-recurring special projects) – Finance Committee Recommends: Passing by majority vote that the Town vote to appropriate from available funds (Free Cash 2021), \$1,745,585 to fund the following Projects in Fiscal Year 2023:

DEPARTMENT	PROJECT	AMOUNT
DPW Highway	ALL SEASON FREIGHTLINER DUMP TRUCK WITH PLOW	\$295,000
	(2) SERVICE BODY TRUCKS FOR WATER & PLOWING; ENTERPRISE FUNDS TO CONTRIBUTE \$ 100,000 TOWARD PICK UP AND SERVICE TRUCKS	\$ 20,000
	(1) 9,000 GVW COMPACT EXCAVATOR(20 K TRADE IN)	\$32,000
Recreation	SCAG 61 INCH MOWER	\$16,500
	TORO INFIELD/BEACH GROOMER	\$40,000
	KUBOTA L390 TRACTOR WITH BACK HOE	\$40,000
POLICE	RADIOS, INSTALL AND VHF DASH MOUNT MOBILE PARTS / ACCESSORIES	\$ 75,000
IT Department	CCTV – TOWN SITE SPECIFIC	\$135,000
	SOFTWARE MIGRATION	\$150,000
HWRSD	STONY HILL SCHOOL END OF LIFE FIRE PANEL	\$30,000
DPW HIGHWAY	ROAD PAVING	\$300,000
DPW (Highway)	Sidewalks and Guardrails	\$350,000
	RESERVE FUND	\$100,000
LIBRARY	THREAD SYSTEM UNDER CARPET POWER	\$ 12,085

	LIBRARY PARKING LOT PAVING & CRACK SEALING	\$ 50,000
FACILITIES	NON-RECURRING SPECIAL PROJECTS	\$100,000

ARTICLE 21. Capital Project for the Hampden-Wilbraham Regional School District—Network Switches.

MOVE NO ACTION

ARTICLE 22. Reserve Fund. – Finance Committee Recommends: Passing by majority vote that the Town vote to raise and appropriate \$200,000 to fund FY2023 Reserve Fund.

ARTICLE 23. Special Appropriation for Road Paving and Preservation. – Finance Committee Recommends: Passing by majority vote that the Town vote to raise and appropriate \$150,000 to repave, resurface and/or crack seal public ways.

ARTICLE 24. Other Post-Employment Benefits Liability Trust Fund. [NOTE: The total amount listed in Article 24 should be \$527,100, not \$517,000. This is because the amount listed in ARTICLE 24 for the Water receipts should be \$15,000, not \$5,000. The Motion will include the correct amounts.] – **Finance Committee Recommends:** Passing by majority vote that the town vote to raise and appropriate or transfer from the following available funds: (raise and appropriate, water receipts, wastewater receipts, solid waste receipts, receipts reserved for appropriation for ambulance) \$527,100 to be placed into the Other Post-Employment Benefits Liability Trust Fund, established under the provisions of Massachusetts General Laws Chapter 32B, Section 20, as follows:

FUND	SOURCE	AMOUNT
General Fund	Raise and appropriate	\$500,000
Water Enterprise Fund	Water receipts	\$15,000
Wastewater Enterprise Fund	Wastewater receipts	\$5,000
Solid Waste Enterprise Fund	Solid waste receipts	\$2,600
Receipts Reserved for Appropriation for Ambulance	Receipts reserved for appropriation for ambulance	\$4,500

ARTICLE 25. Stabilization Fund. – Finance Committee Recommends: Passing by majority vote that the town vote to transfer \$600,000 from Free Cash to be added to the Capital Stabilization.

ARTICLE 26. Water Enterprise Retained Earnings [[NOTE: The total amount listed for appropriation in Article 26 is \$205,000, not \$371,478. This is because the Water Enterprise operational budget was already funded the \$166,478 in Article 3.] – **Finance Committee Recommends:** Passing by majority vote to appropriate \$205,000 from the Water Enterprise Retained Earnings account to fund the Water Department’s share of a Mini Excavator (\$5,000), Two Service Trucks (\$100,000), Hydraulic Capacity Study (\$50,000), and Water Meter Replacements (\$50,000).

ARTICLE 27. Waste Water Enterprise Retained Earnings [NOTE: The total amount listed for appropriation in Article 27 is \$5,000, not \$101,594. This is because the Waste Water Enterprise operational budget was already funded the \$96,594 in Article 5.] – **Finance Committee Recommends:** Passing by majority vote to appropriate \$5,000 from the Waste Water Enterprise Fund Retained Earnings account to fund the Waste Water Department’s share of a Mini Excavator (\$5,000).

ARTICLE 28. Solid Waste Enterprise Retained Earnings **MOVE NO ACTION**

ARTICLE 29. Zoning By-Law Amendment – Flood Plain District. – **Planning Board Recommends:** Requiring a two-third vote, passing by counted two-third vote by the Moderator, (yes – 206, no – 1) that the Town amend the Wilbraham Zoning By-Law by replacing section 9.1 as set forth in a document entitled "Zoning Amendment Exhibit A" on file with the Town Clerk.

ARTICLE 30. Acceptance of Deeds: **MOVE NO ACTION**

ARTICLE 31. Acceptance of Deeds—285 Three Rivers Road: Passing by majority vote to accept a donation of land for property known as 285 Three Rivers Road, Wilbraham, MA as described in a deed recorded with Hampden County Registry of Deeds Book 24264, Page 207; said acceptance being subject to entering into an acceptable Lease Agreement upon such terms as negotiated by the Board of Selectmen with ASD Three Rivers MA Solar LLC, and approval by Town Counsel.

ARTICLE 32. Authorization for PILOT for Ground Mounted Solar—285 Three Rivers Road: Passing by majority vote, in pursuant to GL. c. 59, sec. 38H, to authorize the Board of Selectmen to negotiate and enter into a payment-in-lieu-of-tax (PILOT) agreement with the lessee/operator of the solar photovoltaic energy generating facility to be developed at 285 Three Rivers Road (Parcel ID: 5910) upon such terms and conditions as the Board of Selectmen shall deem to be in the best interest of the Town.

ARTICLE 33. Community Preservation Program Budget – Finance Committee Recommends: Passing by majority vote to appropriate or reserve from the Community Preservation annual revenues and fund balance in the amounts recommended by the Community Preservation Committee for committee administrative and operating costs, community preservation projects and other expenses in fiscal year 2023, as printed in Article 33 of this Warrant, with each item to be considered a separate appropriation.

APPROPRIATIONS	
FY 2023 estimated revenues for Administrative and Operating	\$20,000
RESERVES:	
FY 2023 estimated revenues for Historic Preservation Reserves	\$55,503
FY 2023 estimated revenues for Community Housing Reserves	\$55,503
FY 2023 estimated revenues for Open Space Reserves	\$55,503
FY 2023 estimated revenues for Undesignated Reserves	\$388,521

ARTICLE 34. CPA Project for Town Records Preservation – Finance Committee Recommends: Passing by majority vote to transfer \$11,300 from the FY2023 Community Preservation Historic Fund Balance to provide funding for the preservation of Town’s Historical documents kept in custody of the Town Clerk.

ARTICLE 35. CPA Project for Flagpole Replacement. – Finance Committee Recommends: Passing by majority vote to transfer \$6,717 from the FY2023 Community Preservation Undesignated Fund Balance to provide funding for the complete replacement of the existing flagpole at Sevey Park at Bruuer Pond.

ARTICLE 36. CPA Project for Cart Path – Country Club of Wilbraham (additional funding). – Finance Committee Recommends: Passing by majority vote to transfer \$22,110 from the FY2023 Community Preservation Undesignated Fund Balance to provide additional funding for the construction of a Cart Path at 859 Stony Hill Road.

ARTICLE 37. CPA Project for Field Renovation at Minnechaug Regional High School (MRHS) (additional funding). – Finance Committee Does Not Recommends: Passing by majority vote to transfer \$93,118 from the FY2023 Community Preservation Undesignated Fund Balance to provide additional funding for the field renovation project at MRHS originally approved at the May 2018 Annual Town Meeting.

ARTICLE 38. CPA Project for Land Acquisition—McDonald Farm Nature Preserve Expansion. – Finance Committee Recommends: Requiring a two-third vote, passing by counted two-third vote by the Moderator, (yes – 184, no – 6) to transfer One Hundred and Three Thousand Dollars (\$103,000) from the FY2023 Community Preservation Open Space Fund Balance and Three Hundred Thousand Dollars (\$300,000) from the FY2023 Community Preservation Undesignated Fund Balance to pay costs of acquiring, by negotiated purchase in an amount not to exceed four hundred and three thousand dollars, a parcel of land being a portion of property located at 404 Stony Hill Road and a property located at 304V Stony Hill Road owned by Berkshire Funding Realty Trust, consisting of 60.331 acres, more or less, and identified more specifically as [Parcels B, C, D, E, and a portion of Parcel A on a plan recorded at the Hampden County Registry of Deeds at Plan Book 358/Pages 48-50], to be managed and controlled by the Conservation Commission of the Town of Wilbraham in accordance with M.G.L. Chapter 40, Section 8C for conservation and passive recreation purposes; to determine whether this amount shall be raised by taxation, transfer from available funds, borrowing or otherwise, and if by borrowing, that the amount of any borrowing shall be reduced by any federal or state aid or private donations received prior to the issuance of such bonds or notes; to see if the Town will authorize the Board of Selectmen and the Conservation Commission to file on behalf of the Town of Wilbraham any and all applications deemed necessary for funding from The Commonwealth of Massachusetts LAND grant program or any other applications for funds in any way connected with the scope of this acquisition; 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. Chapter 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.

ARTICLE 39. CPA Project for Replacement of First Meeting House Marker. – Finance Committee Recommends: Passing by majority vote to transfer \$6,000 from the FY2023 Community Preservation Historic Fund Balance to provide funding for the replacement of the First Meeting House Marker.

ARTICLE 40. CPA Project for Lifeguard Chairs for Spec Pond Beach. – Finance Committee Recommends: Passing by majority vote to transfer \$5,000 from the FY2023 Community Preservation Undesignated Fund Balance to provide funding for the replacement of two Lifeguard chairs at Spec Pond Beach.

ARTICLE 41. Establish a Veterans Tax Work-Off Program. – Finance Committee Recommends: Passing by majority vote to adopt Section 5N of Chapter 59 of the Massachusetts General Laws, to establish a program funded by property tax abatements allowing a certain number of eligible veterans to reduce their real estate tax obligations through the Veterans Property Tax Work-Off Abatement, for the fiscal year beginning July 1, 2022.

ARTICLE 42. Recall of Elected Officials By-law Amendment. MOTION FAILED

ARTICLE 43. An Act Allowing the Appointment of Retired Wilbraham Police Officers as Special Police Officers.

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 action thereon, for Special Legislation to be entitled “An Act Allowing the Appointment of Retired Wilbraham Police Officers as Special Police Officers,” to read as follows:

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

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

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

SECTION 4. Special police officers appointed under this act shall be appointed for a one-year term, subject to renewal at the Board of Selectmen’s discretion; provided, however, that special police officers shall be subject to suspension or removal by the police chief with the approval of the Board of Selectmen at any time. All benefits afforded to special police officers appointed under this act shall terminate upon the conclusion of their term. A special police officer's appointment shall automatically terminate upon the officer's sixty-fifth birthday.

SECTION 5. Special police officers appointed under this act shall be subject to the rules and regulations, policies and procedures and requirements of the board of selectmen and the chief of police in the town of Wilbraham, including restrictions on the type of detail assignments, requirements regarding medical examinations to determine continuing capability to perform the duties of a special police officer, requirements for training, requirements for firearms qualifications and licensing and requirements regarding uniforms and equipment, with all costs of compliance to be incurred by the special police officers. Special police officers appointed under this act shall be subject to Chapter 6E of the General Laws.

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

SECTION 7. Special police officers appointed under this act shall not be subject to sections 100 and 111F of chapter 41 of the General Laws. Special police officers appointed under this act shall not be subject to section 85H of said chapter 32, nor eligible for any benefits pursuant thereto.

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

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

SECTION 10. Retired police officers of the town of Wilbraham, serving as special police officers under this act shall be subject to General Laws Chapter 32, Section 91.

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

ARTICLE 44. Adoption of Partisan Elections for Wilbraham Elected Officials. Sponsored by: Petition of James Burke and others. **MOTION FAILED by counted vote yes – 60 no – 125**

ARTICLE 45. Non-Binding Resolution—Moving the Recreation Department to Memorial School. Passing by majority vote to adopt the following non-binding resolution:

A resolution to consider moving the Recreation Department to Memorial School.

WHEREAS, the Recreation Department Administrative Offices are presently in a leased location at 45 Post Office Park, and said lease is subject to renewals at the discretion of the property owner;

WHEREAS, the Recreation Department offers many successful programs at Memorial School to the benefit of our community;

WHEREAS, the Board of Selectmen seeks public input on the possibility of moving the Recreation Department to Memorial School on a permanent basis.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Wilbraham supports moving the Recreation Department to Memorial School on a permanent basis.

Motion to adjourn was made and seconded.

Meeting adjourned at 11:07 p.m.

Attest: _____

Carole J. Tardif
Town Clerk of Wilbraham