

ANNUAL TOWN MEETING

May 15, 2023

Attendance: Precinct A:	60
Precinct B:	54
Precinct C:	72
Precinct D:	99
Total -----	285

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 15, 2023. 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.

Selectman Theresa Goodrich thanked Selectman Carolyn Brennan for all her years of service. Selectman Brennan was on Boards, Finance Committee and served 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 2022 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; Surveyor of Lumber, David Ervin; Measurer of Wood and Charcoal, David Ervin; Weigher of Grain, David Ervin; 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, \$545,515, Expenses, \$1,377,081, and that \$1,998,236 be raised as follows: \$1,785,000 from Water Department receipts, \$163,236 from retained earnings, and \$50,000

from Other Dept. Receivables for Fiscal Year 2024 operating expenses. Furthermore, \$75,640 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 2024 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, \$316,578; Expenses, \$930,063 and that \$1,285,314 be raised as follows: \$815,000 from Wastewater Department receipts, \$339,195 from Other Dept. Receipts, \$131,119 from retained earnings for Fiscal Year 2024 operating expenses. Furthermore, \$38,673 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 2024 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, \$173,813; Expenses, \$245,995, and that \$433,093 be raised as follows: \$297,400 from Solid Waste Enterprise Fund receipts, \$46,000 from Other Dept Receipts, and \$89,693 from retained earnings for Fiscal Year 2024 operating expenses. Furthermore, \$13,285 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 \$20,000 for a Fiscal Year 2024 Reserve Fund.

***ARTICLE 9. Receipts Reserved for Appropriation for Ambulance (consent agenda):** Passing by majority vote to appropriate \$1,071,401 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 \$166,407 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 \$90,000 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 FY2024 beginning on July 1, 2023 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.

Revolving Fund	Department, Committee, Board, Agency or Officer	FY 2024 Spending Limit
Council on Aging	Director of Council on Aging	\$20,000
Compost Bins	Director of Public Works	\$5,000
Cemetery	Cemetery Commission	\$20,000
Community Garden	Conservation Committee	\$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 2023: 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, 2023 to June 30, 2024, as follows: Assessors, \$4,230 per year, chairman, \$4,625 per year; Town Clerk, \$100,501 per year (all fees revert to the Town treasury); Moderator, \$450 Annual Town Meeting, \$50 Special Town Meeting; Selectmen, \$5,575 per year, chairman \$6,503 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 \$50,431,138, and appropriate from Free Cash \$185,000, for a total of \$50,616,138, to cover the necessary capital expenditures and operating expenses of the Town for Fiscal Year 2024 (July 1, 2023 to June 30, 2024) 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.

Presentation was given by Finance Committee. Question and answer session followed.

ARTICLE 20. Capital Projects from Free Cash – Finance Committee Recommends: Passing by majority vote to appropriate from available funds (Free Cash 2022), \$935,617 to fund the following Projects in Fiscal Year 2024:

DEPARTMENT	PROJECT	AMOUNT	DEPT. TOTAL	GRAND TOTAL
DPW Highway	Road Paving Trailer Man Lift (additional \$5,000 each from Water and Sewer Enterprise Funds) Catch Basin Truck Skid Steer (additional \$5,000 each from Water, Sewer, Solid Waste Enterprise Funds)	\$150,000 \$65,000 \$240,000 \$60,000	\$515,000	
Facilities	Library Roof	\$170,000	\$170,000	
Fire Dept.	UTV/Trailer	\$ 36,617	\$36,617	
Recreation	Toro Workman	\$14,000	\$14,000	
HWRSD	Mile Tree School AC Units Mile Tree School Gutters	\$100,000 \$100,000	\$200,000	\$935,617

ARTICLE 21. Capital Project for Minnechaug Regional High School - MOVE NO ACTION

ARTICLE 22. Special Appropriation for Tree Removal Project: – Finance Committee Recommends: Passing by majority vote that the Town vote to appropriate or transfer from available funds (Free Cash 2022) \$70,000 to fund a tree removal project.

ARTICLE 23. Other Post-Employment Benefits Liability Trust Fund: – Finance Committee Recommends: Passing by majority vote that the town vote to raise and appropriate and transfer from available funds (Free Cash, water receipts, wastewater receipts, solid waste receipts, receipts reserved for appropriation for ambulance) \$527,100 to be placed into the Other Post-Employment Benefits (OPEB) 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 24. Stabilization Fund: – Finance Committee Recommends: Passing by majority vote that the town vote to transfer \$465,000 from Free Cash to be added to the Stabilization Fund.

ARTICLE 25. Water Enterprise Retained Earnings – Finance Committee Recommends: Passing by majority vote to appropriate \$50,000 from the Water Enterprise Retained Earnings account to fund: \$5,000 Man Lift (shared), \$5,000 Skid Steer (shared), \$40,000 Water Meter replacements.

ARTICLE 26. Waste Water Enterprise Retained Earnings – Finance Committee Recommends: Passing by majority vote to appropriate \$10,000 from the Waste Water Enterprise Retained Earnings account to fund the Waste Water share of: \$5,000 Man Lift (shared), \$5,000 Skid Steer (shared).

ARTICLE 27. Solid Waste Enterprise Retained Earnings – Finance Committee Recommends: Passing by majority vote to appropriate \$5,000 from the Solid Waste Enterprise Retained Earnings account to fund the Solid Waste Department’s share of a new Skid Steer (\$5,000).

ARTICLE 28. Opioid Settlement Fund Special Revenue Account – Finance Committee Recommends: Passing by counted 2/3 vote, (Yes – 241, no – 0) , to accept the fourth paragraph of Massachusetts General Laws, Chapter 40, Section 5B, which allows the dedication, without further appropriation, of all, or a percentage not less than 25 percent, of particular fees, charges or receipts to a stabilization fund to be named the Opioid Settlements Stabilization Fund, established under Massachusetts General Laws, Chapter 40, Section 5B, to be effective for the fiscal year beginning on July 1, 2023

ARTICLE 29. Dedicate Revenues to the Opioid Settlements Stabilization Fund. – Finance Committee Recommends: Passing by declared 2/3 vote that the Town will dedicate 100% of the opioid settlement funds to be received to the Opioid Settlements Stabilization Fund established under Massachusetts General Laws Chapter 40, Section 5B, effective for the fiscal year beginning on July 1, 2023.

ARTICLE 30. Zoning By-Law Amendment – Regulation of Accessory Building and Structures. – Planning Board Recommends: Passing by counted 2/3 vote, (Yes – 211, no – 18), that the Town vote to amend the Wilbraham Zoning By-Law by revising sections 1.3, 3.9.2, and 4.4.8, as set forth in a document entitled "Zoning Amendment Exhibit A" on file with the Town Clerk.

ARTICLE 31. Zoning By-Law Amendment – Parking or Storage Restriction for Trucks and Buses in Residential District - Planning Board Recommends: Passing by counted 2/3 vote, (Yes – 189, no – 26, that the Town vote to amend the Wilbraham Zoning By-Law by revising sections 1.3 and 4.5.2, as set forth in a document entitled "Zoning Amendment Exhibit B" on file with the Town Clerk.

ARTICLE 32. Acceptance of Public Ways – Cooley Drive (Extension) - Planning Board Recommends: Passing by majority vote to accept Cooley Drive (Extension) as a public way pursuant to a layout filed by the Board of Selectmen as “Board of Selectmen Exhibit A” with the Town Clerk.

ARTICLE 33. Acceptance of Deeds: – MOVE NO ACTION

ARTICLE 34. McDonald Nature Preserve Land Acquisition Expansion: Passing by declared 2/3 vote that the Town amend and supplement Article 38 approved at the May 16, 2022 Annual Town Meeting which approved the acquisition, and funding therefor, by negotiated purchase of land being properties known and numbered as 404 Stony Hill Road, 30V Lemond Street, 304V Stony Hill Road, and a portion of 1 Cypress Lane (formerly known as 404 Stony Hill Rd), currently Assessor parcel numbers 4852, 2559, 4845, and portion of 101987 owned by Berkshire Funding Realty Trust, consisting of 60.331 acres, more or less, and identified more specifically as Parcels B, C, D, E on a plan recorded at the Hampden County Registry of Deeds entitled “Plan of Land in Wilbraham, MA prepared for Mile Oak Land Holdings, LLC” dated June 21, 2010 prepared by Sherman & Frydryk Land Survey and Engineering 3 Converse Street Suite 203 Palmer, MA 01609 recorded in the Hampden County Registry of Deeds in Plan Book 358, Page 48,” and Parcel G-2 as shown on a plan of land entitled “Plan of Land in Wilbraham, MA prepared for Berkshire Funding Realty Trust” dated May 26, 2022 prepared by Sherman & Frydryk Land Surveying, Engineering & Scientists A Division of Hancock Survey Associates, Inc. 3 Converse Street Suite 203 Palmer, MA 01069 recorded in the Hamden County Registry of Deeds in Plan Book 395, Page 64; by authorizing the Board of Selectmen authority to acquire said property by negotiated purchase, gift or by eminent domain; all other terms and authorization of said Article 38 to remain unaffected and intact.

ARTICLE 35. Community Preservation Program Budget – Finance Committee Recommends: Passing by majority vote that the Town will 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 2024, as printed in Article 35 of this Warrant, with each item to be considered a separate appropriation.

APPROPRIATIONS	
FY 2024 estimated revenues for Administrative and Operating	\$20,000
RESERVES:	
FY 2024 estimated revenues for Historic Preservation Reserves	\$57,788

FY 2024 estimated revenues for Community Housing Reserves	\$57,788
FY 2024 estimated revenues for Open Space Reserves	\$57,788
FY 2024 estimated revenues for Undesignated Reserves	\$385,545

ARTICLE 36. CPA Project for Lighting of Flagpole at Bruuer Pond – Finance Committee Recommends: Passing by majority vote to transfer \$10,000.00 from the FY2024 Community Preservation Undesignated Fund Balance to restore power for the lighting of the flagpole at Bruuer Pond and install lighting for the flagpole at Glendale cemetery.

ARTICLE 37. CPA Project for Two ADA Compliant Playground Structures at Mile Tree School – Finance Committee Recommends: Passing by majority vote to transfer \$79,400.47 from the FY2024 Community Preservation Undesignated Fund Balance to provide two ADA compliant playground structures for Mile Tree School, including ADA compliant surface mats, and mulch.

ARTICLE 38. CPA Project for Fencing at the Wilbraham Children’s Museum – Finance Committee Recommends: Passing by majority vote to transfer \$21,400.00 from the FY2024 Community Preservation Undesignated Fund Balance to provide additional fencing to completely enclose the playground at the Wilbraham Children’s Museum.

ARTICLE 39. CPA Project for a Play Structure at the Wilbraham Children’s Museum – Finance Committee Does Not Recommend: Passing by majority vote to transfer \$33,000.00 from the FY2024 Community Preservation Undesignated Fund Balance to provide the funding for a play structure at the Wilbraham Children’s Museum.

ARTICLE 40. CPA Project for Four Information Kiosks, Trail Maps, Trail Signs and Trail Markings – Finance Committee Recommends: Passing by majority vote to transfer \$3,108.65 from the FY2024 Community Preservation Undesignated Fund Balance to provide four information kiosks, updated kiosk trail maps, trail signs for large areas, and trail marking supplies for Wilbraham’s open space trail system.

ARTICLE 41. CPA Project for Water Flow Assessment and Device at Twelve Mile Brook – Finance Committee Recommends: Passing by majority vote to transfer \$7,150.00 from the FY2024 Community Preservation Undesignated Fund Balance to assess and install a water flow device at Wilbraham’s conservation area, Twelve Mile Brook, to prevent flooding caused by a beaver dam.

ARTICLE 42. CPA Project for New Lighting for the Spec Pond Access Road – Finance Committee Recommends: Passing by majority vote to transfer \$65,000 from the FY2024 Community Preservation Undesignated Fund Balance to provide new street lighting for the access road to the Spec Pond Recreation Complex.

ARTICLE 43. CPA Project for Pickleball Courts - Finance Committee Recommends: Passing by majority vote to transfer \$300,000 from the FY2024 Community Preservation Undesignated Fund Balance to install 4-6 outdoor Pickleball courts at a Wilbraham Recreation location.

ARTICLE 44. Approve the Sale of 181 Manchonis Road – Finance Committee Recommends: Passing by declared 2/3 vote that the Town vote, pursuant to G.L. c. 40, §15A, to transfer from the Board of Selectmen for general municipal purposes to the Board of Selectmen for general municipal purposes and for conveyancing a parcel of property known as 181 Manchonis Road [Map 705/0 181/2984; Lots 298,299,300,301; 1.260 Acres], and to

authorize the Board of Selectmen to convey all or portions of said property, pursuant to G.L. c. 30B, §16, on such terms and conditions as the Board of Selectmen shall determine, including with any such restrictions the Board of Selectmen may deem appropriate, said conveyance to be for such consideration as the Board of Selectmen deem appropriate including nominal consideration, and to authorize the Board of Selectmen to enter into and/or execute any offers, licenses, temporary or permanent easements, agreements or instruments as may be necessary for such conveyance, and to expend funds which may be necessary for professional engineering, architectural services, design, site investigation/testing, preparation and/or demolition, installation and all other incidental and related costs.

ARTICLE 45. Approve the Sale of 4V Mohawk Road – Finance Committee Recommends: Passing by declared 2/3 vote that the Town vote, pursuant to G.L. c. 40, §15A, to transfer from the Board of Selectmen for general municipal purposes to the Board of Selectmen for general municipal purposes and for conveying a parcel of property known as 4V Mohawk Road [Map 790/04/3274; Lot 78/59; 0.127 Acres] and to authorize the Board of Selectmen to convey all or portions of said property, pursuant to G.L. c. 30B, §16, on such terms and conditions as the Board of Selectmen shall determine, including with any such restrictions the Board of Selectmen may deem appropriate, said conveyance to be for such consideration as the Board of Selectmen deem appropriate including nominal consideration, and to authorize the Board of Selectmen to enter into and/or execute any offers, licenses, temporary or permanent easements, agreements or instruments as may be necessary for such conveyance, and to expend funds which may be necessary for professional engineering, architectural services, design, site investigation/testing, preparation and/or demolition, installation and all other incidental and related costs.

ARTICLE 46. General By-law Amendment - Appointed Town Clerk: - MOTION FAILED by counted vote yes – 53 no – 68

ARTICLE 47. General By-law Amendment – Blighted Properties - An Amendment was made on the floor to delete from “Definition “section C. and D., (This amendment to the motion passed by majority vote):

Corrected motion passing by majority vote to amend the General By-laws by adding the following language to Article VI:

Section 641—Blighted Properties:

A. It is hereby found and declared that there exist within the Town of Wilbraham numerous properties which are in a blighted, vacant and/or foreclosing condition. Many of these properties are essentially abandoned. Some are in violation of multiple aspects of state building and sanitary codes. The owners of record are often times large financial institutions located out of state, making enforcement of the codes very difficult.

B. The existence of such blight contributes to the decline of town neighborhoods. It is further found that the existence of such blighted properties, if abandoned, encourages temporary occupancy, by transients, drug users and persons engaged in criminal activity. This would adversely affect the economic well-being of the Town of Wilbraham and the health, safety and welfare of Wilbraham's residents and first responders, creates significant costs to Wilbraham by virtue of the need for constant monitoring and frequent boarding and securing.

C. It is further found that many of the blighted properties can be rehabilitated, reconstructed, demolished and/or reused so as to provide decent, safe, sanitary housing or commercial facilities, and that such rehabilitation, reconstruction, demolition and/or reuse would eliminate, remedy and prevent the adverse conditions described above.

D. It is the intent of this by-law to protect and preserve public safety, security and quiet enjoyment of occupants, abutters and neighborhoods by:

- (1)** Requiring all residential, commercial and industrial property owners, including lenders, trustees and service companies, to properly maintain blighted and/or foreclosing properties; and
- (2)** Regulating the maintenance of blighted and/or foreclosing residential, commercial and industrial properties to prevent blighted and unsecured properties.

DEFINITIONS

When used in this by-law, unless a contrary intention clearly appears, the following terms shall have the following meanings:

BLIGHTED PREMISES. Any building, structure, parcel of land, or any part of a building or structure that is a separate unit, whether commercial or residential, whether occupied or unoccupied, whether in foreclosure or not, in which at least one of the following conditions exists:

A. The premises is not being adequately maintained and secured as documented by the Zoning Enforcement Officer (as the term is defined herein) based upon, without limitation, the following factors: missing or boarded windows or doors; collapsing or missing walls, roof or floor; siding that is seriously damaged or missing; fire damage; a foundation that is structurally faulty; accumulation of interior furniture outside; garbage, trash, junk; hazardous materials; unmaintained pools or other sources of stagnant water in violation of Sanitary Codes; inoperable cars, boats, motorcycles or other inoperable machinery; or other refuse (unless otherwise licensed to do so).

B. It has been cited for violations as documented by the Building Inspector, Zoning Enforcement Officer, Health Agent, the Chief of Police, the Fire Chief and/or their designated agents, and said violations have not been corrected.

C. Because of fire, wind or other natural disaster, or because of physical deterioration, it is no longer habitable as a dwelling or useful for the purpose for which the completed structure was originally intended;

D. It is a vacant building as defined hereunder; or

E. It is determined by the Building Inspector, the Zoning Enforcement Officer, or the Health Agent, that the building, structure or parcel of land is in a condition which poses a serious threat to safety, health, and general welfare of the Town of Wilbraham.

BUILDING. An independent structure having a roof supported by columns or walls, resting on its own foundations and designed for shelter, housing or enclosure of persons, animals or property of any kind.

TOWN. The Town of Wilbraham.

BUILDING INSPECTOR. The Inspector of Buildings.

ENFORCEMENT OFFICER. The Building Inspector, Zoning Enforcement Officer, Health Agent, Police Chief, Fire Chief and/or their designated agents.

FORECLOSING. The process by which a property placed as a security for a real estate loan is prepared for sale to satisfy the debt if the borrower defaults.

INITIATION OF THE FORECLOSURE PROCESS. Taking any of the following actions:

Commercial and Residential Properties

A. Taking possession of a property pursuant to M.G.L. c. 244, § 1;

B. Publishing the first notice of a property pursuant to M.G.L. c. 244, § 14; or

C. Commencing a foreclosure action on a property in either the Land Court or Hampden Superior Court.

LOCAL AGENT. An agent located within 50 driving miles' distance of the property in question.

MORTGAGEE. The creditor, including but not limited to service companies, lenders in a mortgage agreement and any agent, servant, or employee of the mortgagee, or any successor in interest and/or assignee of the mortgagee's rights, interests, or obligations under the mortgage agreement.

OWNER. Any individual, business entity, voluntary association or nonprofit organization, which alone or jointly or severally with others:

- A.** Has legal title to any building, structure, and property; or
- B.** Has care, charge, or control of any such building, structure or property in any capacity, including but not limited to agent, executor, executrix, administrator, trustee or guardian of the estate of the holder of legal title;
- C.** Is a lessee under a written agreement; or
- D.** Is a mortgagee in possession of any such property; or
- E.** Is an agent, trustee, or other person appointed by the courts and vested with possession or control of such building, structure or property; or
- F.** Is a trustee who holds, owns or controls mortgage loans for mortgage-backed securities transactions and has initiated the foreclosure process.

PROPERTY. Any real residential, commercial, or industrial property or portion thereof, located in the Town of Wilbraham, including buildings or structures situated on the property. For purposes of this by-law, "property" does not include property owned or subject to the control of the Town of Wilbraham or any of its governmental bodies.

RECEIVER. A court-appointed individual who serves as a general contractor and whose duties and powers shall be specified by the court in accordance with the provisions of M.G.L. c. 111, § 127I.

SECURING. Measures that are taken to prevent unauthorized persons access to the property, including but not limited to erecting fencing around the property, boarding up doors and windows and the like.

VACANT BUILDING. Any commercial or industrial building in which no person or entity actually conducts a lawfully licensed business in said building; or any residential building in which no person lawfully resides in any part of the building; or a mixed-use building in which neither licensed business nor a lawful resident exists. Further, any building in which many of the total exterior windows and doors are broken, boarded or open without a functioning lock shall be deemed "vacant."

ADMINISTRATION

INVESTIGATION. The Zoning enforcement officer may undertake an investigation of any alleged violation of this section upon his or her own initiative or shall, upon receipt of a complaint from any individual, civic organization or other governmental agency, undertake an investigation of the alleged violation.

ORDERS TO TAKE CORRECTIVE ACTION. Upon a finding of a violation of the provisions of this section, the Zoning enforcement officer shall serve notice of the violation and an order to correct such violation upon the owner of the property by certified mail or by in-hand service by a person authorized to do such. The owner/agent shall contact the Building Department within 7 days of receipt of the order to discuss options and permit procedures.

- (A)** The order shall require the owner to take one or more of the following actions to bring the property into compliance with the requirements of this section within 30 days of receipt of such order.
- (B)** To file a completed application with the Building Department and any required plans for a permit for demolition, repair, or rehabilitation of the building or structure and a schedule indicating a completion date for such work or its various phases. The Building Permit is valid for 180 days per Building Code unless the Building Inspector allows for an extension.
- (C)** To take any lawful action that the Zoning Enforcement Officer deems necessary to correct the violations of this section in order to assist the Town of Wilbraham in protecting the public health, safety and welfare.

(D) Recovery of costs. Whenever a property owner fails, neglects or refuses to make repairs or take other corrective actions specified in the order, the town official may undertake such repairs or actions, when in his or her judgment a failure to make the necessary repairs or corrective actions will endanger the public health, safety and welfare. The town may seek a court-appointed receiver to manage the property and bring said property into compliance with all applicable statutes, regulations and codes.

(E) Notice of the intention of the town to make such repairs or other corrective actions shall be served on the owner by certified mail or by service in hand by a person duly authorized to do such. When the repairs are made or other corrective actions are taken by the Town of Wilbraham, the cost of such repairs shall constitute a debt in favor of the town against the owner of the repaired building or structure. In the event that the owner fails, neglects or refuses to pay the town the amount of the debt within 30 days of the receipt of the notice of the debt, the town may place a lien on the property for such debt and/or may initiate a civil action against the owner in a court of competent jurisdiction to recover the debt.

REGISTRATION OF BLIGHTED PROPERTIES REQUIRED

REGISTRATION

(1) Within 30 days of a premises being deemed blighted as defined within this by-law, each owner of such blighted premises and/or vacant building shall register said premises/building with the Town of Wilbraham's Building Department. All registrations must state the owner's name, mailing address, telephone number and e-mail address if the individual has an e-mail address.

(2) If none of the owner(s) are at an address within the Commonwealth of Massachusetts, the registration shall also include the name, address, phone number and e-mail address of a person who resides in the Commonwealth of Massachusetts or are within 50 driving miles from the property, who shall be designated as the responsible Local Agent for purposes of securing and maintaining the property, for the purposes of notification in the event of an emergency affecting the public health, safety and welfare, and for service of any and all notices issued pursuant to this chapter.

(3) The failure to timely register a vacant building shall be a violation of this chapter.

REGISTRATION FEES

(1) All property registrations pursuant to this by-law are valid for one (1) calendar year from the date when the registration is received by the Wilbraham Building Department. An annual registration fee of Fifty Dollars (\$50.00) must accompany the registration form. Subsequent registrations and fees are due at least thirty (30) days prior to the date of expiration of the previous registration. Subsequent registrations must certify whether the property remains vacant and/or remains in foreclosure, as the case may be.

(2) Properties that are owner occupied, being actively marketed by a local real estate agent or broker or are temporarily vacant for one year or less are exempt from the registration and fee, provided the property is secured and maintained in compliance with the requirements of this bylaw.

(3) Any owner who has registered a property under this by-law must report any change in information contained in the registration within thirty (30) days of the change.

(4) Once the property is no longer vacant or is sold, the owner shall provide the Wilbraham Building Department with written notice of legal occupancy or change in ownership, as the case may be.

(5) Failure to timely register and pay the registration fee for any vacant or blighted building or building going through the foreclosure process shall be a violation of this chapter, and a fee shall be imposed as a municipal charges lien on the property in accordance with M.G.L. c. 40, § 58 as voted by special town meeting on 02/27/91.

(6) Any blighted premises within the Town of Wilbraham prior to enactment of this by-law is required to register upon passage of this by-law and comply with all the registration terms contained herein.

MAINTAINANCE REQUIREMENTS

- (1)** Properties subject to this section shall comply with 780 CMR 116.2, Standards for making buildings safe or secure, and shall be maintained in accordance with all applicable sanitary codes, building codes and local regulations.
- (2)** The local owner or Local Agent must inspect and maintain the property on a monthly basis for the duration of the vacancy to ensure the property is maintained in accordance with all applicable sanitary codes, building codes and local regulations.
- (3)** The property must contain a posting with the name and 24-hour contact phone number of the local owner or Local Agent responsible for the maintenance. This sign must be posted at the front of the building or exterior fence and must be legible and clearly visible.
- (4)** Any plumbing or fixtures in the building shall be drained and winterized to prevent freezing and the associated damage. This process must include the protection of the water meter.
- (5)** The use of tarps for vehicle covers, or temporary canopies, enclosures, and/or awnings must comply with local regulations.

VIOLATIONS AND PENALTIES; ENFORCMENT; IMPOSITION OF FINES

This by-law shall be enforced by the Building Inspector, the Health Agent, the Zoning Enforcement Officer, the Police Chief, the Fire Chief and/or their designated agents. This by-law shall be administered under the provisions of Mass. Gen. Laws, Chapter 40, Section 21D and any statute, regulation or Town By-law implementing enforcement of such By-laws. Each separate offense of this section shall be punishable of a fine as follows:

PENALTIES

- (a)** First Offense: Fifty Dollars (\$50)
- (b)** Second Offense: One Hundred Dollars (\$100)
- (c)** Third Offense and each subsequent Offense: One Hundred and Fifty Dollars (\$150).

- (1)** Upon failure to comply with any order issued under this by-law, the town may, in addition to other penalties and actions, bring civil or legal action against the owner to require compliance with the order, including but not limited to seeking a court-approved receiver for the property in violation.
- (2)** The imposition of any fine shall not be construed to prevent the enforcement of other laws upon the premises or prevent the initiation of other enforcement measures or penalties. Failure to pay any fine arising from the enforcement of this by-law shall constitute a debt in favor of the town. The town may place a lien on the property for such debt and/or initiate a civil action against the owner in a court of competent jurisdiction to recover the debt. ; or take any other action relative thereto.

ARTICLE 48. General By-law Amendment — Cultural Council: Passing by majority vote to amend the Bylaws by deleting the word “seven” in Section 513 (Cultural Council) and replacing it with the word “nine”, as presented in Article 48 of this Warrant.

SECTION 513 CULTURAL COUNCIL

The Board of Selectmen shall appoint a local Cultural Council to be known as the “Wilbraham Cultural Council” consisting of ~~seven~~ **nine** members. Members shall be appointed for staggered terms of three (3) years and no member shall be appointed for more than two consecutive terms. Members shall have demonstrated scholarship or creativity in, or distinguished service to the arts, humanities or interpretive sciences. ;or take any other action relative thereto.

ARTICLE 49. Adoption of a Municipal Veterans Assistance Fund: Passing by majority vote to adopt, pursuant to M.G.L. c. 60 §3F, a Municipal Veterans Assistance Fund for voluntary donations to Wilbraham veterans.

ARTICLE 50. General By-law Amendment — Board of Selectmen: Passing by majority vote to amend the Bylaws by deleting Section 300 (Board of Selectmen) in its entirety and replacing it as presented in Article 50 of this Warrant

SECTION 300 SELECT BOARD

- a.) The Town shall elect a Select Board consisting of three members, one of whom shall be elected each year for a term of three (3) years.
- b.) The Select Board shall direct and manage the property and affairs of the Town in all matters not otherwise provided by law, or by these By-Laws.
- c.) The Select Board shall serve with financial compensation at a rate set by the Annual Town Meeting.
- d.) The Select Board shall also serve as the Board of Health.

; or take any other action relative thereto.

ARTICLE 51. Petitioned Article – Change the Name of the Board of Selectmen: - MOVE NO ACTION

Motion to adjourn was made and seconded.

Meeting adjourned at 10:43 p.m.

Attest: _____

Carole J. Tardif
Town Clerk of Wilbraham