

**ANNUAL TOWN MEETING
APRIL 29, 1989**

Attendance:

Precinct A	46
Precinct B	132
Precinct C	99
Precinct D	<u>133</u>
Total	410

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, at 9:15 a.m. Moderator Donald F. Bready determined that a quorum was present and the call of the meeting was read by Town Clerk Mary A. Irla.

ARTICLE 1: Voted Unanimously that the following persons be elected to the indicated offices for the ensuing year:



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| Poundkeeper | Gilles E. Turcotte |
| Surveyors of Lumber | Edward P. Lindsay, Jr. & William Garvey |
| Measurers of Wood & Charcoal | Stanley Gore & Wayne Rice |
| Field Drivers | Dorrance T. Green & Jeremiah P. McCarthy, Jr. |
| Weighers of Grain | Alton McDonald & Jesse L. Rice |

ARTICLE 2: Voted by a Majority that the Town accept the reports of all officers and committees as printed in the Annual Town Report.

ARTICLE 3: Voted Unanimously that the Town adopt special parliamentary procedures for the purpose of implementing the provisions of Chapter 580 of the Acts of 1980 (Proposition 2 1/2), as amended.

PARLIAMENTARY PROCEDURE TO BE FOLLOWED WITH RESPECT TO ADOPTION OF BUDGET AT 1989 ANNUAL TOWN MEETING UNDER ARTICLE 3.

1. All motions to appropriate funds not recommended by the Finance Committee, increase or decrease an appropriation recommended by the Finance Committee, or change the method of funding from the recommendation of the Finance Committee under any Article considered at the Annual Town Meeting shall be made in writing, signed by the proponent, and shall be delivered to the Moderator after said motion has been seconded, and shall, if said motion proposes to appropriate funds in excess of the Finance Committee's recommendation, or decrease funding from fees or other sources of revenue which has been recommended by the Finance Committee, specify the specific portion of the Town budget which shall be reduced in an amount sufficient to fund said appropriation, increased appropriation or reduced funding under consideration.
2. In connection with the discussions of said motion, it shall be appropriate for the Town Meeting to consider the affect which a reduction in the portion of the Town budget proposed by said

Article would have upon the Town.

3. After said motion has been discussed, a tentative vote shall then be taken by the Town Meeting which shall not, however, be binding upon the Town Meeting. If said motion receives a majority of those voting, it shall be retained for final consideration by the Town Meeting at the conclusion of the initial presentation of all proposed appropriations under Article 15. If said motion fails to receive a majority of those voting in said tentative vote, it shall not be subject to further consideration by said Town Meeting.

4. At the conclusion of the presentation of Article 15, before consideration of the main motion with respect to Article 15, all of those motions relating to appropriations, increases or decreases in appropriations or decreases in funding from fees or other sources of revenue which have received a tentative majority vote shall then be presented by the Moderator for final consideration after the Finance Committee has analyzed said motions and has prepared a summary showing the cumulative effect that the adoption of said motions would have upon the proposed appropriations under Article 15. Said motions shall be considered in the order in which they were presented but no motions not previously presented for tentative vote shall be considered unless requested by two-thirds vote of the Town Meeting.

5. The Finance Committee shall certify to the Moderator prior to the commencement of discussion on each Article, upon request, the amount available for appropriation by said Town Meeting, taking into account appropriations already made and appropriations recommended by the Finance Committee which have not yet been voted upon. No motion shall be considered which attempts to appropriate an amount in excess of that which the Finance Committee certifies to be available for appropriation under the provisions of Chapter 580 of the Acts of 1980, as amended (Proposition 2 1/2).

ARTICLE 4: Finance Committee Recommends. Voted Unanimously that the Town fix the compensation for elected Town Officers for fiscal year July 1, 1989 to June 30, 1990, as follows:

Assessors, Chairman -----	\$2,200 per yr.
Assessors, Members -----	\$2,000 per yr.
Town Clerk -----	\$22,155 per yr. (all fees revert to the Town Treasury)
Town Collector -----	\$22,155 per yr. (all fees revert to the Town Treasury)
Moderator -----	\$ 200 Annual Town Mtg. \$50 Special Town Mtg.
Selectmen, Chairman -----	\$1,800 per yr.
Selectmen, Members -----	\$1,500 per yr.
Town Treasurer -----	\$11,075 per yr.

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Tree Warden-----\$5,670 per yr.
 Water Commissioners-----\$ 150 per yr.
 Cemetery Commissioners-----No Salary
 Planning Board Members-----No Salary
 Library Trustees-----No Salary
 Poundkeeper, Field Drivers, Weighers of Grain,
 Surveyors of Lumber, Measurers of Wood and
 Charcoal (all Town officers elected other than
 by official ballot) fees only, fixed by General Laws.

ARTICLE 5: Finance Committee Recommends. Voted Unanimously that the Town transfer \$39,004.71 from unexpended balances from previously appropriated warrant articles for sewer projects, consisting of: Bungalow Point \$29,078.20 (Article 13, Annual Town meeting 4/27/87), Linwood/Oxford Dr. \$9,926.51 (Article 4, Special Town Meeting 7/21/86), to the expense account of the Fiscal Year 1989 sewer budget.

ARTICLE 6: Finance Committee Recommends. Voted Unanimously that the Town transfer \$5,000 from the salary account of the Fiscal Year 1989 Engineering Budget to the expense account of the Fiscal Year 1989 Engineering Budget, for the purpose of contracting professional engineering assistance.

ARTICLE 7: Finance Committee Recommends. Voted by a Majority that the Town transfer \$13,000 from the salary account of the Fiscal Year 1989 Police budget to the expense account of the Fiscal Year 1989 Police budget for the purpose of providing repairs to the exterior of the Police Station.

ARTICLE 8: Finance Committee Does Not Recommend. Voted by a Majority to postpone action. (To appropriate the sum of \$500 to restore the Mortimer L. Day Trust Fund).

Tellers appointed and sworn in by the Moderator: Robert Glidden, Doris Bowman, Arthur Dionne, Richard Joyce, Allan Peck, Judith Theocles.

ARTICLE 9: Finance Committee Recommends. Voted by a 2/3 Majority (Yes-181, No-28) that the town appropriate \$1,300,000 for laying and relaying water mains at least 16 inches in diameter; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$1,300,000, under G.L. c. 44, Section 8 (6); that the Selectmen are authorized to contract for and expend any federal or state aid available for the project, provided that the amount of authorized borrowing shall be reduced by the amount of such aid received prior to the issuance of bonds or notes under this vote; and that the Selectmen are authorized to take any other action necessary to carry out this project.

NOTION TO RECONSIDER ARTICLE 9 FAILED TO PASS BY A MAJORITY VOTE.

ARTICLE 10: Petitioned Article-Recycling Center Fees. The original petitioner was not in attendance, however, the moderator allowed John M. Lovejoy to submit the following amendment for approval by the voting body.

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Voted by a Majority that the Town request the Board of Selectmen to conduct, within the next seven months, a comprehensive study of the various alternative methods of funding the solid waste disposal budget. This study should analyze the comparative equity of the various funding mechanisms. The mechanisms should include, but not necessarily be limited to the following: All or a portion of the funding to come from the tax rate; all or a portion of the funding to come from residential stickers; all or a portion of the funding to come from weighing each vehicle or each disposable container; all or a portion of the funding to come from the sale of special stickers attached to each container disposed. The study shall make an estimate of the cost of the solid waste disposal budget for each of the next five years. The final report shall be available in the Board of Selectmen's and Town Clerk's Offices, as well as in the Town Library no later than December 1, 1989; and shall be the subject of at least one public hearing held approximately thirty days prior to the issuance of the final report.

ARTICLE 11: Petitioned Article- Ridge Road Repairs. Moderator ruled that the motion on this article was an improper motion. An amendment by Selectman John M. Lovejoy to create a study committee failed to pass.

12:30 p.m. Recessed for Lunch.

1:30 p.m. Moderator Reconvened Meeting.

ARTICLE 12: Finance Committee Recommends. Voted by a Majority that the Town appropriate \$100,000, for a Fiscal Year 1990 Reserve Fund.

ARTICLE 13: Finance Committee Recommends. Voted Unanimously that the Town appropriate a sum of money not to exceed \$110,000, to the Stabilization Fund, said appropriation to be funded only upon the Town receiving an additional amount of unrestricted state aid over the level received in Fiscal Year 1989.

ARTICLE 14: Resolution: Voted Unanimously that the Town adopt a Resolution regarding state aid to cities and towns, which reads as follows:

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WHEREAS, the very survival of municipal government has depended on adequate amounts of local aid from the State.

WHEREAS, local governments cannot raise the money needed to provide essential services without the active participation of the state.

WHEREAS, local government provides the most basic services to our citizens: police and fire protection, education, water and sewer services, trash removal, and the like.

WHEREAS, drastic reductions in local aid will inevitably result in decreases in basic local services or increases in the regressive property tax.

WHEREAS, 65% of the general public of the Commonwealth oppose cuts in local aid.

WHEREAS, state revenue projections indicate FY 1990 state revenue without a state tax increase will increase more than \$600 million over FY 1989 revenues.

RESOLVED, that the Wilbraham Town Meeting urges the State to continue its necessary partnership with municipalities by sharing the growth in state revenues with cities and towns as it has for the past 9 years.

ARTICLE 15: Voted by a Majority that the Town accept the report of the Finance Committee to appropriate the sum of \$15,561,961 to cover the necessary operating expenses of the Town for Fiscal Year 1990 (July 1, 1989-June 30, 1990) per the appropriations listed separately and incorporated herein for reference, and to provide said appropriations as follows:

Transfer from:	State aid to Library	
to:	Library Expense-----	\$ 12,205
from:	Water Receipts	
to:	Water Enterprise Fund -----	472,493
from:	Solid Waste Receipts	
to:	Solid Waste Disposal Enterprise-----	402,355
from:	Capital Cost Recovery	
to:	Sewer Debt & Interest-----	21,060
from:	Sewer Receipt	
to:	Sewer Enterprise Fund -----	351,557
from:	Cemetery Trust Fund	
to:	Cemetery Capital Projects-----	3,300
from:	Offset Receipts	
to:	Dog Officer's Expense-----	20,000

Amount of Certified Free Cash Required for
FY 1990 municipal appropriations:----- 710,000

However, in the event that a majority of the voters do not approve a ballot question at the Town Election on May 6, 1989, which seeks to raise an additional \$487,195, in real estate and personal property taxes for the purpose of funding the operational budgets of the Wilbraham School System and the Wilbraham portion of the Hampden Wilbraham Regional School District for Fiscal Year 1990, then the Local School Budget (Budget 200) shall be reduced by \$264,242 for a total of \$5,798,584, and the Regional School District Assessment Budget (Budget 201) shall be reduced by \$222,953, for a total of \$2,649,777; and the total appropriation of the Town shall be \$15,074,766.

NOTE: At the Annual Town Election held on May 6, 1989 an Override Question was placed on the ballot for an additional \$487,195 in real estate and personal property taxes for the purpose of funding the operational budgets of the Wilbraham School System and the Wilbraham portion of the Hampden-Wilbraham Regional School District for the fiscal year beginning July first, nineteen hundred and eighty-nine (July 1, 1989)

The vote on the ballot question passed. (Yes 2491 - No 1904)

An amendment to Article 15 by Library Trustee Chairman William Massidda, to increase the Wilbraham Public Library FY90 budget in the amount of \$6,891 to be added to the salary account, failed to pass.

3:30 p.m. A brief recess was called by the Moderator for a moment of silence in memory of the following deceased Town Employees/ Committee Members.

- Alma Fleming -----Pines School
- Jean Armstrong-----Regional School District
- Helen Strauss-----Principal Pines School
- Raymond Nelson-----Town Collector
- Richard Coote-----Town Report Committee
- Audrey Gebeau -----Library
- Norman F. Farnsworth---Highway Department

ARTICLE 16: Voted Unanimously that the Town amend the Zoning By-Laws by adding the following subsection to Section 5.4 LIMITED BUSINESS DISTRICT (L.B.) - PERMITTED USES; "5.4.5 sanatoriums, convalescent or nursing homes and rest homes. (A motion to reconsider failed to pass).

ARTICLE 17: Finance Committee Recommends. Voted by a Majority (Yes-176, No-2) that the Town accept Chapter 245 of the Acts of 1988, a local option statute passed into law by the Massachusetts State Legislature in 1988 as an amendment to the subdivision Control Law (M.G.L. Chapter 41, Section 81-U), which would allow the Planning Board with the approval of the Board of Selectmen to spend previously secured performance bonds or deposits without appropriation, up to a total amount not to exceed one hundred thousand (100,000) dollars, in the event of developer default or performance failure, in order to meet the reasonable cost and expense to the Town of completing unfinished work relating to the construction of ways and the installation of public services.

ARTICLE 18. Water Emergencies: Voted by a Majority that the Town amend Article VI of the Town By-Laws by adopting a By-Law which reads as follows:

The Board of Water Commissioners, or its designee, is authorized and empowered to declare a state of water emergency as may be necessary from time to time, in order to conserve water resources of the Town, and ban or restrict the use of water on certain uses. Any person who, upon approval of the foregoing restrictions for a state of water emergency, by the Department of

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Environmental Quality Engineering of the Commonwealth of Massachusetts, shall violate the ban or restrictions, shall be subject to a fine in an amount not to exceed the sum of One Hundred Dollars for each violation, and each day in which a violation occurs will be considered a separate violation. This section shall be subject to the provisions of Massachusetts General Laws Chapter 21G, and the regulations adopted thereunder."

ARTICLE 19: Voted Unanimously that the Town amend the Town By-Laws, by deleting the wording of Article V, Section 502, and substituting the following wording:

"There shall be a Capital Planning Committee. The Committee shall be made up of five members, each appointed for three year staggered terms. Three members shall be appointed by the Board of Selectmen, and initially, one member shall be appointed for one year, one member for two years, and one member for three years. The Finance Committee shall appoint two members, and initially one member shall be appointed for one year and one member for two years. These appointments shall run with the fiscal year. Any vacancy occurring shall be filled for the unexpired term in the same manner as the original appointment. The Capital Planning Committee shall annually review the Town's capital improvement program, if any, and shall review proposals for the construction of municipal buildings, including schools, the acquisition of land or personal property, and they shall make recommendations to the Board of Selectmen, the Finance Committee and the Town Meeting at times they deem necessary, but at least by the time of any annual departmental budget hearing, within the Annual Town Report, and at the Annual Town Meeting in conjunction with the Finance Committee report to the Town Meeting."

ARTICLE 20: Voted Unanimously that the Town amend Article 5, of the Wilbraham By-Laws, by adding the following section:

"SECTION 516: By-Law Study Committee.

a. The Board of Selectmen shall appoint, from time to time, but in no event less than every five years, a By-Law Study Committee consisting of five members, each of whom shall be appointed for a term of one year. The Town Clerk shall be an ex-officio member of the Committee.

b. The By-Law Study Committee shall assist the Town Clerk in updating the By-Laws ensuring their proper order and publication."

ARTICLE 21: Voted Unanimously that the Town authorize the Treasurer, with the approval of the Board of Selectmen, to borrow in anticipation of state receipts in accordance with Chapter 44, Section 7, Subsections 5 and 6 of the General Laws, said money representing allotment for Chapter 570, Acts of 1980, or Chapter 90 road construction, reimbursement from the state to be used to retire such debt.

ARTICLE 22: Voted Unanimously that the Town authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow

money from time to time in anticipation of revenue of the fiscal year beginning July 1, 1989, in accordance with Chapter 44, Section 4 of the General Laws, and to issue a note or notes as may be given for a period of less than one year in accordance with Chapter 44, Section 17 of the General Laws.

ARTICLE 23: Voted Unanimously that Section 5 of the Town of Wilbraham Wetlands By-Law be amended by changing the wording of the first sentence in the third paragraph to read as follows:

"Any person filing an application or a request for determination with the Commission at the same time shall give written notice thereof, by mail or hand delivery, to abutters of the land to their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line of the applicant, including any in another municipality or across a body of water."

ARTICLE 24: Voted Unanimously that the Town adopt a By-Law which regulates the operation of burglar alarms, and establishes a fine system for the violation of same, which shall read as follows:

"a. If a person has for his home or business a burglar alarm system that results in a police call to the person's home or business, the person is liable for a fee of Twenty-Five (\$25) dollars for each "false alarm" after the first three (3) "false alarms" in any calendar year. For the purposes of this section a "false alarm" means the triggering of the alarm by any cause other than by a person whose presence on the premises the alarm system is intended to report.

b. If a person becomes liable for the "false alarm" fee, the Town Collector shall send to the person a bill for the fee. If the person fails to pay the fee within thirty (30) days after the sending of the bill, the Police Department shall cause the burglar alarm system to be disconnected so that the system no longer gives notice to the police upon being triggered. The Collector has authority to collect a "false alarm" fee that accrued before the discontinuance."

ARTICLE 25: Voted Unanimously that the Town accept the provisions of Massachusetts General Laws, Chapter 148, Section 26G, which requires the installation of adequate automatic sprinkler systems in accordance with the state building code for certain nonresidential buildings or additions of more than seventy five hundred gross square feet in floor area.

ARTICLE 26: Voted by a Majority that the Town amend Article VI, Subsection 605 of the By-Laws by changing the last paragraph to read as follows:

"A fine for each violation of Section (b) Nos. 1-5 of this by-law of \$25 for the first offense and \$50 for the second or subsequent offenses shall be assessed against the owner or keeper of said dog under the provisions of Massachusetts General Laws, Chapter 140, Section 157."

ARTICLE 27: Voted Unanimously that the Town accept various deeds of easement rights to the town recorded at the Hampden County Registry of Deeds or the Land Registration Office, since the date of the last Annual Town Meeting.

ARTICLE 28: Voted by a Majority that the Town authorize and empower 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 29: Lease/Purchase Agreements: Motion to table this article until June 26, 1989 when the Town Meeting would be completed, passed by a Majority vote.

ARTICLE 30: Voted Unanimously that the Town adjourn the Annual Town Meeting until May 6, 1989, 8:30 a.m. to 6:30 p.m. for the Annual Town Elections, and to further adjourn the meeting until June 26, 1989, at 8:00 p.m. at Minnechaug Regional High School, at which time final action will be taken to bring the FY90 budget into full compliance with Chapter 580 of the Acts of 1980, as amended.

Meeting Adjourned 6:00 p.m.

ATTEST; MARY A. IRLA, CMC
TOWN CLERK

ANNUAL TOWN MEETING RECONVENED - JUNE 26, 1989

8:00 p.m. Quorum Present

Attendance:

Precinct A	-	10
Precinct B	-	20
Precinct C	-	23
Precinct D	-	17
Total	-	70

ARTICLE 29: Finance Committee Recommends. Voted Unanimously that the Town authorize the Board of Selectmen to make contracts for the lease, with the option to purchase, of various municipal equipment, subject to annual appropriation, if in the opinion of the Board it is in the best interest of the Town. The Board of Selectmen shall identify within its budget submission to the Finance Committee, any contract for lease with an option to purchase.

Resolutions: Frank Everton, Chairman of the Finance Committee requested that the following resolution be entered into the records of the Town Meeting and briefly explained the Finance Committee's position reference the \$124,549 additional monies that was reported by the Board of Assessors after the budget was passed at the April 29th meeting.

Resolved: That the adjourned meeting of the Annual Town Meeting respectfully recommends to the Board of Assessors that after all budget estimates become final figures, any additional revenue

found should be returned to the taxpayers by reducing the tax rate.

At this point a lengthy resolution was submitted by former Selectman John M. Lovejoy, concluding with:

"Therefore, the Adjourned Meeting of the Annual Town Meeting respectfully requests that the Board of Assessors, when submitting their Tax Rate Recapitulation Form for Fiscal Year 1990 to the State, reflect as accurately as possible the figures used in the FY90 Budget upon which the Override was predicated."

Theodore Trudeau, Chairman of the Board of Assessors explained at length where and how the additional funds were made available.
Resolution #1: Submitted by Mr. Everton -- PASSED BY A MAJORITY VOTE.

Resolution #2: Submitted by Mr. Lovejoy -- FAILED TO PASS

Meeting Adjourned at 9:00 p.m.

Attest: MARY A. IRLA, CMC
TOWN CLERK