



Minutes of the Annual Town Meeting

May 21, 2014

ARTICLE 1 The Town voted to hear the reports of Town Officers and act on same

ARTICLE 2 The Town voted to hear the reports of Committees and act on same

ARTICLE 3 The Town voted transfer from Free Cash the sum of \$2,000.00 for Dam Inspections.

ARTICLE 4 The Town voted to transfer Twelve Thousand Five Hundred Dollars, (\$12,500.00) appropriated under Article 20 of the 2012 Annual Town Meeting for an audit of the Town's finances for FY2012, to be used for any audit of the Town's finances.

ARTICLE 5 The Town voted to transfer from Free Cash the sum of \$2,167.00 for Assessors Revaluation

ARTICLE 6 The Town voted to accept MGL 32B, Section 20 which permits the Town to establish an Other Post-Employment Benefits Trust, and to initially transfer from Free Cash the sum of \$5,000.00 for the purpose of Other Post-Employment Benefits

ARTICLE 7 The Town voted to authorize payment by a transfer of Six Thousand Three Hundred Thirty Dollars and Seventy-seven cents (\$6330.77) from the FY14 Unemployment Line Item for payment of a prior year bill for unpaid payroll expenses of \$6,330.77 for Unemployment Insurance in FY14.

ARTICLE 8 The Town voted to authorize payment of prior year Transfer Station expenses of \$5,143.74 from the Transfer Station FY14 Offset Receipt Account.

ARTICLE 9 The Town voted to raise and appropriate Three Million Eight Hundred Ninety Two Thousand Nine Hundred Forty One Dollars and Thirty-Two Cents (\$3,892,941.32) to defray expenses of the Town, on a departmental basis, for the fiscal year 2015 period, with \$25,000 transferred from Excess Overlay; and further to fix the salary and compensation of the following elective officers of the Town of Wales, as provided by Massachusetts General Laws, Chapter 41, Section 108, as amended: Moderator, Selectmen, Assessors, Treasurer, Collector, Town Clerk, Planning Board, Road Commissioner, and Board of Health for fiscal year 2015 as set forth in the FY15 budget document.

During the discussion of Article 9, a motion was made and seconded to increase the Historical Commission line item from \$2500.00 to \$3500.00, with the extra \$1000.00 transferred from the Wales Town Fund. A request was made for a hand count. The motion was defeated by a vote of 78 no to 74 yes. For the hand count, the following persons were nominated, elected, and served as tellers for the remainder of the meeting: George Ferraro; Lynn Greene; Kerri Pitcher; Bridgett Ward.

ARTICLE 10 The Town voted pursuant to the provisions of Massachusetts General Laws, Chapter 44, Section 53E ½ , to reauthorize revolving funds for certain Town departments and officers for the fiscal year beginning July 1, 2014.

REVOLVING FUND	AUTHORITY TO SPEND	REVENUE SOURCE	USE OF FUND	FY`15 BUDGET
Building Inspections	Building Commissioner	Inspection Fees	Expenses and costs related to provision of inspection services. If re-authorized, amount in Excess of \$500 (excluding unpaid expenses) shall close to general fund.	\$18,000
Plumbing, Heating And Gas Inspections	Plumbing/Heating/Gas Inspector	Inspection fees and expense reimbursements	Expenses related to provision of inspection services. If re-authorized, balance (excluding fees due to the inspector) shall close to general fund.	\$4,000
Cemetery Services	Cemetery Commission	Fees received in connection with opening and closing graves	Expenses and costs related to opening and closing graves, including payment to other departments related thereto	\$3,000
Planning	Planning Board	Filing fees and expense reimbursements	Expenses and costs related to processing applications, publishing notices, and holding hearings	\$3,000
Conservation	Conservation Commission	Filing fees, expense reimbursements	Expenses and costs related to processing applications, publishing notices, and holding hearings	\$1,500
Zoning	Zoning Board	Filing fees and expense reimbursements	Expenses and costs related to processing applications, publishing notices and holding hearings	\$1,000
Animal Control	Animal Control Officer	Fines and fees	Expenses and costs related to provision of animal control services for which fees and fines are assessed	\$2,000
Library	Library Trustees or Director	Fees and fines	Expenses and costs related to library programs and activities for which fees and fines are assessed	\$1,000
Board of Health	Board of Health	Fees and reimbursements	Expenses and costs related to enforcing State & Local Board of Health regulations	\$5,000
Electrical	Electrical Inspector	Permit fees and expenses	Expenses related to inspections. If re-authorized, balance (excluding inspection fees due to the inspector) shall close to the general fund.	\$4,000

Police – Pistol Permits	Police Chief	Pistol Permit Fees	Expenses and costs related to pistol permit application review and issuance	\$4,000
Council on Aging	Council on Aging	Fees and reimbursements	Expenses and costs related to programs and activities for Seniors	\$3,500
Fire Dept.	Fire Inspector	Permit Fees	Expenses related to provisions of inspection services. If re-authorized, balance (excluding fees due to the inspector) shall close to the General fund.	\$2,500
Cable Advisory	Cable Committee	Fees	Expenses and costs related to Cable Committee	\$1,500

ARTICLE 11 The Town voted to reauthorize an Offset Receipt Account, said amount not to exceed SIXTY THOUSAND DOLLARS (\$60,000.00) more or less, for the operation of the **TRANSFER STATION** provided, however, that pursuant to Massachusetts General Laws, Chapter 44, Section 53E, such costs shall be offset by the estimated receipts from the fees charged to users of the services provided by the Transfer Station.

ARTICLE 12 The Town voted to transfer from Free Cash to the Library Trust Fund the sum of \$162.02, such monies having accrued as interest incidentally to the maintenance of the library building fund.

ARTICLE 13 By a voice vote, the Town voted to transfer the sum of \$30,000.00 from Free Cash to the General Stabilization Account. The moderator declared the vote unanimous.

ARTICLE 14 By a voice vote, the Town voted to transfer the sum of \$25,000.00 from the Norcross Gift Account and transfer the sum of \$40,000.00 from Free Cash to the Capital Stabilization Fund. The moderator declared the vote unanimous.

ARTICLE 15 The Town voted **not** to transfer the sum of \$40,000.00 from the Capital Stabilization Fund for the purchase of a replacement vehicle for the Wales Police Department. By a hand count of Yes 98, No 86, the required $\frac{2}{3}$ margin of 123 was not reached.

ARTICLE 16 The Town voted to transfer a sum of \$50,000.00 from the Capital Stabilization Fund for the purchase of a replacement van for the Senior Center. By a hand count of Yes 167, No 15, the required $\frac{2}{3}$ margin of 122 was reached. During the discussion, a motion was made and seconded to increase the amount from \$35,000.00 as printed in the warrant, to \$50,000.00. The amendment passed on a voice vote.

ARTICLE 17 The Town voted to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow money from time to time in anticipation of the revenue of the Fiscal Year beginning July 1, 2014, in accordance with the provisions of Massachusetts General Laws, Chapter 44, Section 4 and to renew any note or notes as may be given in accordance with the provisions of Massachusetts General Laws, Chapter 44, Section 17.

ARTICLE 18 The Town voted to authorize the Town Treasurer, with the approval of the Board of Selectmen, to enter into compensating balance agreements with bank offices having their principal offices in the Commonwealth during the fiscal year 2015, as permitted by Massachusetts General Laws, Chapter 44, Section 53 F.

ARTICLE 19 The Town voted to accept any and all grant monies received during FY15 for the Wales Public Library Grant Account, for the use of the Wales Public Library.

ARTICLE 20 The Town voted **not** to make the elected position of Road Commissioner an appointed position. During the discussion of Article 20 counsel ruled out of order an amendment that the article as written could not be presented again for five years. A motion was made to end debate and the original article failed on a voice vote.

ARTICLE 21 During the discussion of Article 21, a motion was made and seconded to take no action. After further discussion, that motion was withdrawn. A motion was made to end debate. By a voice vote, declared unanimous by the Moderator, the Town voted to amend the Zoning Bylaws by adopting the text as printed in the warrant, adopting the revisions due to Flood Map changes instituted by MA DCR Flood Hazard Management Program voted on and approved by the Board of Health on July 10, 2013. See the text adopted below.

The changes are italicized and Sections 3.0.4.4, 3.0.4.5, 3.0.4.6, and 3.0.4.7 have been omitted on the recommendation of the State since 3.0.4.4 Uses By Special Permit is affectively more stringent than the Massachusetts Building Code which is not allowed by State Law and can be challenged.

SECTION III: OVERLAY ZONING DISTRICTS

3.0 FLOOD PLAIN DISTRICT

3.0.1 Purposes

The purposes of the Flood Plain District are to:

- 3.0.1.1 Protect life, public safety and property from flooding hazards;
- 3.0.1.2 Preserve the natural flood control and flood storage characteristics of the floodplain;
- 3.0.1.3 Prevent any alterations to the natural flow of streams or brooks;
- 3.0.1.4 Protect fisheries and wildlife habitat within and along river;
- 3.0.1.5 Prevent water pollution caused by erosion, sedimentation, nutrient or pesticide run-off, and poorly sited waste disposal facilities.
- 3.0.1.6 Preserve and maintain the groundwater table and water recharge areas within the floodplain.

3.0.2 Scope of Authority

The Flood Plain District is an overlay district and shall be superimposed on the other districts established by this Bylaw. All regulations of the Wales Zoning Bylaw applicable to such underlying districts shall remain in effect, except that where the Flood Plain imposes additional regulations, such regulations shall prevail.

3.0.3 District Delineation

3.0.3.1 Flood Plain District

The Flood Plain District shall encompass all floodplain areas within the Town of Wales designated as Zone A or Zone AE on the Hampden County Flood Insurance Rate Map (FIRM).

3.0.3.2 Flood Maps

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Wales designated as Zone A or AE on the Hampden County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Hampden County FIRM that are wholly or partially within the Town of Wales are panel numbers 25013C0459E, 25013C0467E, 25013C0478E, 25013C0479E, 25013C0486E, 25013C0487E, 25013C049E and 25013C0490E dated July 16, 2013. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Hampden County Flood Insurance Study (FIS) report dated July 16, 2013. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, and Conservation Commission.

3.0.4 Use Regulations

3.0.4.1 Compliance

All development, including structural and non-structural activities, whether permitted as a right or by special permit must be in compliance with *the Massachusetts Wetlands Protection Regulations (currently 310 CMR 10.00), the Massachusetts Inland Wetlands Restrictions (currently 310 CMR 13.00) Chapter 131, Section 40 of the Massachusetts General Laws, with the requirements of the State Building Code (780 CMR) pertaining to construction in the floodplain, and with the Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, (currently 310 CMR 15, Title 5).*” .

3.0.4.2 Permitted Uses

(a) The following uses of low flood damage potential and if causing no obstruction of flood flows, shall be permitted provided they do not require structures, fill, or storage of materials or equipment.

1. Agricultural uses such as farming, grazing, truck farming, and horticulture;
2. Forestry and nursery uses;
3. Outdoor recreational uses, including fishing, boating, play areas, etc;
4. Conservation of water, plants, wildlife;
5. Wildlife management areas, foot, bicycle and/or horse paths;
6. Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises;
7. Buildings lawfully existing prior to the adoption of these provisions;

8. Reconstruction or improvement, provided that any square foot increase does not exceed 25% of the overall square footage of the structure existing at the time of adoption of this Bylaw.

3.0.4.3 Prohibited Uses

(a) The following uses shall be prohibited within the Flood Plain District:

1. Industrial uses;
2. Junkyards, solid waste landfills, auto salvage and recycling facilities, and dumps;
3. Business and industrial uses, not agricultural, involving manufacture, use, processing, storage or disposal of hazardous materials or wastes as a principal activity, including but not limited to metal plating, chemical manufacturing, wood preserving, furniture stripping, dry cleaning and auto body repair.
4. The outdoor storage of salt, other de-icing chemicals, pesticides or herbicides, flammable, explosive or toxic materials.
5. Excavation or disposal of soil or mineral substances, except as necessary for construction of foundations, utilities or roads.
6. All other uses not specifically permitted or allowed by special permit approval within the overlay zone are prohibited.

(b) *Within the regulatory floodway within the Town of Wales, as designated on the Hampden County Flood Insurance Rate Map, all structures and dams shall be prohibited.*

3.0.4.4 Uses By Special Permit

TEXT OMITTED

3.0.4.5 Special Permit Application Requirements

TEXT OMITTED

3.0.4.6 Special Permit Review Procedures

TEXT OMITTED

3.0.4.7 Special Permit Criteria and Decision

TEXT OMITTED

3.0.4.8 Flood Plain Performance Standards

(a) The following performance standards shall apply to all uses allowed by right or by Special Permit in the Flood Plain District:

1. No encroachments (including fill, new construction, substantial improvements to existing structures, or other development) shall be allowed unless it is demonstrated by the applicant that the proposed development, as a result of compensating actions, will not result in any increase in flood levels during the occurrence of a 100-year flood.

2. All utilities shall meet the following standards:

(a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(b) New on-site waste disposal systems shall be located to avoid impairment or contamination from them during the flooding and shall be located no less than 150 feet from the normal high water mark. Replacement of existing on-site waste disposal systems shall be located as far away from the normal high water mark as is feasible.

3. All uses not specifically permitted or allowed by Special Permit are prohibited.

4. Any lawful use, building, structure, premises, land or parts thereof existing at the effective date of this Bylaw or amendments thereof and not in conformance with the provisions of this Bylaw shall be considered a nonconforming use.

5. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

6. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

*7. In a riverine situation the **Conservation Committee** shall notify the following of any alteration or relocation of a watercourse:*

(a) Adjacent Communities

(b) Bordering States (optional)

(c) NFIP State Coordinator

*Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104*

(d) NFIP Program Specialist

*Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110*

8. All subdivision proposals must be designed to assure that:

(a) such proposals minimize flood damage;

(b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and

(c) adequate drainage is provided to reduce exposure to flood hazards.

ARTICLE 22 The Town voted to amend Section IX, Definitions, of the Zoning Bylaws to revise the definition of “Residential Accessory Use” to better describe the intent of the Bylaw. During the discussion of Article 22 a motion was made and seconded to amend the wording from “Owner-Occupant” to “Owner or Occupant”. The motion to amend passed on a voice vote. By a hand count of Yes 149, No 19, the amended motion passed, since the required $\frac{2}{3}$ margin of 112 was reached.

Residential Accessory Use. Uses of a building, structure, or premises that are customarily incidental to residential use by the Owner or Occupant of the building, structure, or premises. See table 4.1, Section 4.1.6.

ARTICLE 23 By a voice vote, the Town voted **not** to amend the Zoning Bylaws, Section IV intensity Regulations, Table 5.1 Single Family Dwellings and **not** to amend the line designated as All Other Uses and **not** to insert a new definition for Height. Following the voice vote, a motion was made and seconded and passed unanimously to declare Article 21 defeated.

ARTICLE 24 The Town voted to **take no action** on the article to change the Road Commissioner position to the position of an elected Highway Surveyor.

ARTICLE 25 The Town voted to transfer the sum of \$500.00 from the Norcross Gift Account for the Tri-Town Domestic Violence Task Force.

ARTICLE 26 A motion was made, seconded and passed to consider Article 26 regarding a list of public and private roads, after Article 27 and Article 28. When the Article was taken up again after consideration of Articles 27 & 28, a motion was made and seconded to table the article. The motion to table Article 26 passed.

ARTICLE 27 After a presentation by Sheila Chabot, and a report from the Planning Board, and much discussion, a motion was made to call the question. The motion was seconded and passed by a voice vote. A motion was then made and seconded to have a secret ballot, and more than the required fifteen (15) voters raised their hands to request the secret ballot. The final tally of the ballots was Yes 138, No 67. The required $\frac{2}{3}$ margin of more than 136.6 was reached. There was one “Abstain” which was not counted. There were 215 registered voters signed in at the time of the vote.

As a result of the ballot, the Town voted to discontinue as a public way the portion of Route 19 sometimes known as Old Stafford Road, as laid out in part on land of Steven Valle and Sheila Chabot on the westerly side of Route 19, being a portion of discontinued Route 19, and a portion of the town way accepted as a public way by the Wales Special Town Meeting held on June 16, 1962, which portion of Old Stafford Road to be discontinued hereby is shown as “Road Lot” on the sketch plan attached hereto and entitled “Preliminary Sketch ANR Plan of Land in Wales, Mass Surveyed or Sheila M. Chabot & Steven Valle”, and voted to transfer the care, custody control and management of said discontinued Old Stafford Road from the Board of Selectmen for public way purposes to the Board of Selectmen for the purpose of conveyance, and further voted to authorize the Board of Selectmen to convey all the Town’s right, title and interest in said discontinued portion on such terms and conditions, and for such consideration, as the Board of Selectmen deems in the best interest of the town.

ARTICLE 28 The Town voted to authorize the Board of Selectmen to convey to Sheila M. Chabot and Steven Valle as tenants in common, on terms and conditions agreeable to the Selectmen, fee ownership of that portion of Old Stafford Road discontinued by vote on warrant article 27, immediately prior to this warrant article, and after due compliance with Massachusetts General Laws, Chapter 30B, and to execute any deed or other instruments to effectuate said conveyance. The moderator declared the vote unanimous.

ARTICLE 29 The following officers were elected at the Annual Town Election held May 27, 2014:

Michael E. Milanese to the Board of Selectmen for a three-year term (2017)
Beverly M. Poirier to the Board of Assessors for a three-year term (2017)
William J. Matchett III to the Planning Board for a three-year term (2017)
Justin Mathiau to the Planning Board for a three-year term (2017)
Steven Valle to the Planning Board for a two-year term (2016)
Daniel J. Haley to the Board of Health for a three-year term (2017)
Kevin J. Jegelewicz as a Constable for a three-year term (2017)
Judith M. Jegelewicz as a Cemetery Commissioner for a three-year term (2017)
Kimberly P. Bready as a Library Trustee for a three-year term (2017)
Michael A. Cizik to the School Committee for a three-year term (2017)
Cindy R. Lena to the School Committee for a three-year term (2017)

I certify that these are the actions taken by the voters at the Annual Town Meeting held May 21, 2014 at the Wales Elementary School.

Respectfully submitted,

Leis Phinney

Town Clerk