

BOARD OF SELECTMEN MEETING
MONDAY, MARCH 13, 2017
7:00PM AT TOWN OFFICE BUILDING
240 SPRINGFIELD STREET, WILBRAHAM, MA
MINUTES

PRESENT: Chairman Susan C. Bunnell (presiding); Selectman Robert W. Russell, Town Administrator Nick Breault and Candace Ouillette Gaumont, Administrative Assistant to the Town Administrator and Board of Selectmen.

ABSENT: Selectman Robert J. Boilard

EXECUTIVE SESSION

~~The Board of Selectmen will hold an executive session for the following purpose: per M.G.L. c. 30A, § 21(a)(6) to consider the purchase, exchange, lease or value of real property if an open meeting may have a detrimental effect on the negotiating position of the Board of Selectmen and the Chair so declares.~~

PLEDGE OF ALLEGIANCE

Chairman Bunnell asked all present to join her in saying the Pledge of Allegiance. She then announced, in accordance with Mass. General Law Chapter 30(A), section 20(e), that the Selectmen's meeting was being recorded by Wilbraham Public Access and the Selectmen's Office. She then asked if there was anyone present in the audience, who was also recording the meeting tonight. No one was recording. Chairman Bunnell asked that the minutes reflect as such.

Chairman Bunnell announced that Wilbraham Town Hall will be closed tomorrow, March 14, 2017, due to the oncoming winter storm.

APPOINTMENTS WITH THE BOARD

No appointments were scheduled for this meeting.

OPEN SESSION

Town Administrator's Report

Town Administrator Breault informed of upcoming meetings that the Board of Selectmen will be participating in. Those meetings are:

- March 15, 2017, 7:00pm at Wilbraham Town Hall: Finance Committee will hold a joint meeting with the Board of Selectmen to review FY (fiscal year) 2018 budget and related budget requests;
- March 20, 2017, 6:00pm at the Information Research Commons at Minnechaug Regional High School (MRHS): the Hampden-Wilbraham Regional School Committee will host a Budget Roundtable. The Board of Selectmen will be attending the meeting;
- March 22, 2017, 6:00pm at MRHS Auditorium: the Hampden-Wilbraham Regional School District (HWRSD) will hold a FY 2018 Budget Hearing; and
- March 27, 2017, 7:00pm in the Selectmen's Meeting Room, at Town Hall: the Board of Selectmen will hold their next Selectmen's meeting.

Town Administrator Breault informed the Selectmen that there may be an additional meeting scheduled to meet with the HWRSD School Committee. However, no date or time has been scheduled as of yet for this meeting.

Board of Selectmen Updates

Chairman Bunnell informed that she recently attended the Massachusetts Municipal Association's (MMA) Policy Committee on Energy and the Environment meeting on March 8, 2017. She shared the Committee's progress on selected matters that the Committee is working on, such as solar incentives and the Committee's Massachusetts legislative package. Chairman Bunnell reviewed current legislation moving forward in the legislative process, which pertains to Massachusetts Department of Environmental Protection (DEP) assuming certain responsibility from the Federal Environmental Protection Agency. Massachusetts will be the forty-ninth state to adopt this DEP oversight approach. She also relayed information about a presentation on the State's water infrastructure, which is in need of \$17.8 billion to update and repair the structure across the State. Currently, there is no funding for this need. The State Auditor's Office is proposing that the State set aside \$200,000,000 each year for the next ten years to address this issue. Chairman Bunnell also mentioned that the MMA Water Policy Committee presented on the topic of drought. The State has been in a severe drought for approximately two years. Chairman Bunnell encouraged all to take part in conservation efforts.

Chairman Bunnell also spoke about an event she attended that was sponsored by the Massachusetts Municipal Lawyers Association relative to the new recreational marijuana law. She relayed the information she learned at the event. The recreational marijuana law was not written by the State Legislature. As a result, the law proposes to be a challenge for the Legislature as a result of some quirks in the language of the law. One of the quirks involves the language specific to municipalities' ability to control and contain recreational marijuana facilities within the confines of its locale. Local communities have the ability to opt out of having such facilities in their locales. It would require a two-step process that includes passing a zoning bylaw at an Annual Town Meeting that would prohibit recreational marijuana facilities in the community. However, the law is specific that prohibiting this activity cannot

make it unreasonable or impracticable to operate such a business. Chairman Bunnell mentioned that any marijuana facilities would be under the purview of the Board of Health.

The State is required to create a Cannabis Control Board. However, there is no funding to create this Board or to employ State positions to work under this new entity. Additionally, whereas recreational marijuana use is still prohibited at the Federal level, the State will also be required to assume the testing, etc., of products. This process is typically done at the Federal level, which will add an additional fiscal burden to the State. The State, who will not see revenue from marijuana retail sales for another two years, does not have the funds to cover these expenses generated by the new law. She then provided further information as to what a community's options are to opt out of having such facilities in its community. Chairman Bunnell stated that the Board of Selectmen will look into this option to see if a zoning bylaw article can be included at this year's Annual Town Meeting.

Selectman Russell asked for clarification as to the two-step process. Chairman Bunnell responded. She also informed that there are several categories related to the recreational marijuana business industry. Those categories are cultivation, testing, product manufacturing and retail. Communities, who are considering to opt out of this industry, are being advised to opt out of all of the industry's business categories, including commerce related to medicinal marijuana, from conducting business or it becomes quite complicated.

A member in the audience asked if a municipality opts out of allowing marijuana facilities in its community, would the State still offer monies from the industry's revenue stream to that particular community. Chairman Bunnell responded.

Selectman Russell asked what we can or cannot opt out of. Town Administrator Breault responded that the Town of Westborough is a community who has already started the process. On the Massachusetts Municipal Managers' website, one will find Westborough's two Zoning Bylaw Articles and ballot question. He then read Westborough's ballot question to the Selectmen; and mentioned that the Attorney General's Office has approved the ballot question language.

Selectman Russell asked another question, which Chairman Bunnell responded to. Chairman Bunnell mentioned that part of the law allows for one day marijuana permits for solitary events, similar to one day liquor licenses. A community can also opt out of offering such permits if the two-step process discussed earlier is followed and approved by the Town voters.

Chairman Bunnell informed that a ballot question relative to this matter would need to be filed thirty days in advance of the Annual Town Election. Town Administrator Breault explained that the Town Clerk indicated that there is still time to file. The Selectmen would need to take a vote prior to April 3 on this issue. On the other hand, it would be too late to place an Article on the Annual Town Meeting Warrant; whereas, the zoning process for this initiative would require public hearings, etc. Discussion ensued. Chairman Bunnell suggested that if John Pearsall, Director of Planning and Community Development, wanted to bring an item relative to this matter to the Board of Selectmen, the Selectmen would be open to considering it.

Chairman Bunnell invited the audience to share their input on this topic. For this reason, she opened the meeting up to the *Citizen Open Forum* segment.

Citizens Open Forum

Resident, Molly K., claimed that she was encouraged to hear the information presented regarding communities' options with respect to the marijuana industry. She asked what the Selectmen thought would be helpful in getting the information about this issue and process out to the Wilbraham community. She explained her reasoning to want to help. Chairman Bunnell answered her question and informed that there will be a vote at Annual Town Meeting and Town Election in mid-May. The Annual Town Meeting will be held on May 15. The Annual Town Election will be held on May 20. She encouraged the group to be informed of the Article's and ballot's language so to get the information out to the voters.

Gina Kahn, resident and Director of Safe Schools/Healthy Students at Hampden-Wilbraham Regional School District, who is present to represent the Hampden-Wilbraham Partners for Youth-United for Safe, Healthy, and Drug-Free Communities Coalition, expressed her appreciation to the Selectmen for their time and effort to think through this issue with regards to the marijuana industry in the Town of Wilbraham. She encouraged the Board to allow the Wilbraham community and will of the voters be understood on this matter. She reported that as a Coalition, the group's primary interest is the youth. For this reason, Ms. Kahn offered to provide educational information and resources to the Board of Selectmen or the Wilbraham community relative to related issues that pertain to the youth. Although the youth are unable to legally purchase marijuana, the youth's access and availability of the substance will increase and their perception of marijuana being harmful will become less clear. She commented on the research about the impact of marijuana and drugs on the young developing brain. Ms. Kahn pointed out that marijuana is offered in many forms (i.e. topical; edible, liquid) now; and once it's in the community it will remain. She, again, offered her assistance and appreciation to the Board to gain information on this matter.

Chairman Bunnell mentioned a past presentation regarding the opiate crisis and the teen's developing brain. During this presentation marijuana was also discussed. She indicated that this presentation is available to view on the Town's website via the Wilbraham Public Access' webpage as well as You Tube.

Molly K. asked if placing the item on the Warrant and Town Election ballot would require a petition and certain percentage of signatures. The Selectmen answered her question.

Chairman Bunnell invited Ms. Kahn to share information about an upcoming event on March 29. Ms. Kahn invited all interested members of the community to "Town Hall Meeting-Underage Drinking" presentation, scheduled for March 29, 6:00pm at MRHS, to engage in a town hall meeting format discussion regarding underage drinking and teen alcohol use. The event will commence with a community resource expo, followed by Dr. Paul Gagliarducci, former HWRSD Superintendent, moderating a questions and answer segment. There will be a panel of guests, such as Police Chief Roger Tucker, Dr. Nordstrom and others, to engage in a discussion about prevention relative to underage drinking. There will be no presentations, with the exception of introductions; the event is formatted to be an active discussion.

Lisa Murray, resident of eight years, discussed the possibility of the decertification of the Wilbraham Public library as a result of not meeting the minimum funding standard required by CW/MARS and the State. She distributed material to the Board of Selectmen. Ms. Murray reported that the Library is currently certified as a result of a waiver granted due to the Library not meeting the minimum standards of funding in this year and previous years. If the Library is not funded at the minimum standard required by CW/MARS and the State in FY 2018, the Library will be decertified. If the Library is decertified, Library patrons will no longer be able to borrow books, e-books, DVDs or other items from the Library or place books on hold at other libraries. Additionally, the Library would lose grant monies, which will affect the Library's current programming, such as the summer reading program and other events. Ms. Murray reviewed the content of the handout that she distributed to the Selectmen. She also informed that the Library has been in this position and received waivers for some time. However, once the Library is decertified, it will take a minimum of three years to obtain recertification again. Recertification does not automatically guarantee the same amount of grant monies to be awarded to the Library.

Chairman Bunnell stated that the Library receives approximately \$19,000 to \$20,000 in grant monies. Ms. Murray pointed out that if the Library was decertified and then recertified, it would receive an estimate of \$4,000 in grant monies as opposed to what it receives currently. The Library would also not be eligible for the lower rate for Internet services offered to certified libraries. Ms. Murray provided an example how her and her family would be impacted if the Library was decertified.

Chairman Bunnell thanked Ms. Murray for her input. She mentioned that the Selectmen have received a few phone calls and emails relative to this matter. She assured that the Selectmen are aware of the Library's funding process. She pointed out that all sitting Selectmen served on the Finance Committee and are familiar with the library's budget and decertification process. Chairman Bunnell, to show support, attended Karen Demers, Director of the Wilbraham Public Library, presentation to the Massachusetts Board of Library Commissioners relative to the waiver/decertification process. The Wilbraham Public Library missed meeting the minimum funding standard by five percent. Chairman Bunnell explained that there are issues with the State's formula for Library funding, which is currently being reviewed at the State level.

Chairman Bunnell informed that the Board has yet to meet with the Finance Committee about the budget. The Finance Committee oversees all final decisions regarding the FY 2018 budget. Town Administrator Breault shared that Director Demers will be present at the Finance Committee meeting on Wednesday, March 15, to discuss this very matter and to review the options the Town has to alleviate decertification of the Library. He pointed out that there is an earnest understanding and effort to address this issue.

Selectman Russell thanked Ms. Murry for researching and bringing this matter up. He suggested that Ms. Murray seek to get on the Finance Committee's agenda to discuss this matter further. He indicated that the Committee members will take value in, and listen to, her position whereas she is a resident.

Andrew Kupperman, resident, asked how much monies are required to alleviate decertification of the Public Library. Town Administrator Breault answered that it would be about \$65,000. Chairman Bunnell further explained the Library budget. Discussion ensued.

Mr. Kupperman asked if Wilbraham could buy in to the Springfield or East Longmeadow Public Library systems if decertification were to occur. Mr. Murray responded that a resident could opt in to the Springfield Public Library system; there is a fee, though. East Longmeadow Public Library does not offer that option. The group further discussed the matter.

Ms. Murray asked a question about Selectman Russell's suggestion to speak with the Finance Committee. Selectman Russell and Town Administrator Breault responded. Chairman Bunnell assured Ms. Murray that her input would be forwarded to the Finance Committee.

Materials Referenced: Town Hall Meeting-Underage Drinking Presentation Event Flyer submitted by G. Kahn, Director of Hampden-Wilbraham Partners for Youth-United for Safe, Healthy, and Drug-Free Communities; and Handout relative to the Wilbraham Public Library funding issue submitted by L. Murray, Wilbraham Resident.

OLD BUSINESS

Warrant Articles for Annual Town Meeting: Board of Selectmen Articles

Town Administrator Breault said that if there is nothing more that the Selectmen would like to add to the Annual Town Meeting Warrant, then he will begin to prepare the Annual Town Meeting Warrant to present to the Board.

FY 18 Budget: Discussion of Priority of Additional Requests

Chairman Bunnell announced that the Board of Selectmen is scheduled to meet with the Finance Committee this Wednesday. It was acknowledged that the Selectmen have reviewed departmental budget requests and the Finance Committee has met with Department Heads' regarding their departmental budget requests.

Town Administrator Breault announced that Nathan DeLong, Director of IT Department, will also be at the Finance Committee meeting on Wednesday to discuss his funding request relative to the communication program (i.e. radio and technology) for the new police station. He will be seeking additional monies to complete the project. Also, he informed the Selectmen that the Department of Public Works (DPW) may also be seeking additional monies. Yet, DPW will not know until March 27 if and how much funding is needed. On March 27, DPW will receive and open bids for the Main Street Drainage Project. The project is a grant-funded; therefore, the grant will pay for seventy-five percent of the project. The Town will be responsible for the remaining twenty-five percent cost of the project. Although monies have been identified to cover the Town's cost of the project, the project's overall cost may come in higher than anticipated. If this occurs, the Town may not have adequate funding to pay for the project. However, the Department will be unable to determine if there is a funding issue until after the bids are received and opened on March 27. Edmond Miga, Jr., Town Engineer/Director of DPW, is proposing to allocate monies from the street paving account to cover the additional costs of the Main Street Drainage Project if required.

Chairman Bunnell asked if the Capital Planning Committee has made a decision on projects and funding for FY 2018 yet. Town Administrator Breault stated that he has not received any information as of yet. Chairman Bunnell explained to the audience what the Capital Planning Committee does.

Memorial School

Town Administrator Breault suggested that the Board wait another week or two to move forward on this matter. Chairman Bunnell explained to the audience that the Town received a letter from the HWRSD School Committee that indicated that the School District is ready to turn Memorial School back to the Town. The Board requested a meeting with the HWRSD School Committee to further discuss this matter.

Materials Referenced: Letter, dated March 1, 2017, sent by Hampden-Wilbraham Regional School Committee, regarding Memorial School.

NEW BUSINESS

Consideration of an Agreement for Use of the Hampden County Sheriff's Dept. for Pre-Arrestment Holding

Chairman Bunnell explained that the Hampden County Sheriff's Department offered to assist the Wilbraham Police Department with pre-arrestment holdings. A motion was made. Selectman Russell suggested that upon Town Counsel's favorable approval of the Agreement, a thank you letter should be sent to the Sheriff's Department for offering this opportunity. Town Administrator Breault agreed.

MOTION: Made (Russell) and seconded (Bunnell) to approve the Agreement for Use of the Hampden County Sheriff's Department for Pre-Arrestment Holding between the Hampden County Sheriff's Department and the Town of Wilbraham; pending Town Counsel's review. Approved 2-0.

Materials Referenced: Agreement for Use of the Hampden County Sheriff's Department for Pre-Arrestment Holding between the Hampden County Sheriff's Department and the Town of Wilbraham, dated March 13, 2017, submitted by R. Tucker, Wilbraham Police Chief.

Selectmen's Spring Schedule

Whereas Selectman Boilard was absent from the meeting, the Selectmen present determined to table this matter until the next meeting when Selectman Boilard could be present and contribute to the discussion.

Materials Referenced: Draft of the Selectmen's Spring Schedule submitted by C. O. Gaumond, Administrative Assistant to the Town Administrator and Board of Selectmen.

Disposition of Surplus Property

Chairman Bunnell informed that this matter involves chairs from the Old Belli Property on Boston Road. The chairs will be placed on Muncibid for sale. A motion was made.

MOTION: Made (Russell) and seconded (Bunnell) to declare 25 chairs as surplus property and to dispose of same via Muncibid at an estimated value of \$200.00; and dispose of the surplus property by offering it to local Town Departments first; and then selling the remaining surplus property on Muncibid website while complying with proper procurement procedures, as outlined in the memorandum from Lance Trevallion, Building Inspector, dated March 13, 2017. Approved 2-0.

Materials Referenced: Memo, dated March 13, 2017, submitted by L. Trevallion, Building Inspector, relative to disposition of surplus property and accompanying pictures of property (chairs).

LICENSING AND OTHER APPROVALS

Application for a Section 14: Special Alcohol Service – Wilbraham Nature and Cultural Center, Inc.

Chairman Bunnell announced the agenda item; and a motion was made.

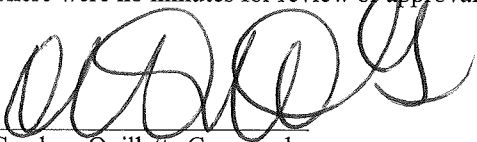
MOTION: Made (Russell) and seconded (Bunnell) to grant six Section 14: Special Alcohol Licenses to Patrick Brady, representing the Wilbraham Nature and Cultural Center, for sale of all alcoholic beverages at the WNCC's Summer Concerts at Fountain Park, 883 Tinkham Road, from 5:00pm to 10:00pm, on the following dates: June 15, 2017; June 22, 2017, June 29, 2017, July 6, 2017, July 13, 2017 and July 20, 2017. Approved 2-0.

Materials Referenced: Application for a Section 14: Special Alcohol Service, dated March 9, 2017, submitted by P. Brady, President of the Wilbraham Nature and Cultural Center, related to upcoming Fountain Park Summer Concert Series.


MINUTES OF MEETINGS

- ~~June 6, 2016~~
- ~~June 27, 2016~~
- ~~July 11, 2016~~
- ~~July 25, 2016 executive~~
- ~~August 8, 2016~~
- ~~August 22, 2016~~
- ~~August 24, 2016~~
- ~~September 12, 2016~~
- ~~September 19, 2016~~
- ~~October 3, 2016~~
- ~~October 17, 2016~~
- ~~November 1, 2016 executive~~
- ~~November 7, 2016~~
- ~~November 7, 2016 executive~~
- ~~November 21, 2016~~
- ~~January 9, 2017~~
- ~~January 9, 2017 executive~~
- ~~January 23, 2017~~
- ~~January 23, 2017 executive~~
- ~~January 30, 2017~~
- ~~January 30, 2017 executive~~
- ~~February 6, 2017~~
- ~~February 6, 2017 executive~~
- ~~February 13, 2017~~
- ~~February 13, 2017 executive~~
- ~~February 27, 2017~~
- ~~February 27, 2017 executive~~
- ~~March 6, 2017 executive~~
- ~~March 6, 2017~~

There were no minutes for review or approval. Having no further business, the Board of Selectmen adjourned at 8:01pm.


Candace Ouillette Gaumont
Administrative Assistant to the TA/BOS


Susan C. Bunnell, Chairman


Robert W. Russell, Vice Chairman