

**BOARD OF SELECTMEN MEETING
MONDAY, APRIL 4, 2016
6:30PM AT TOWN OFFICE BUILDING
240 SPRINGFIELD STREET, WILBRAHAM, MA
MINUTES**

PRESENT: Chairman Robert J. Boilard (presiding); Selectmen Susan C. Bunnell and Robert W. Russell; Town Administrator Nick Breault and Candace Ouillette Gaumond, Administrative Assistant to the TA/BOS.

EXECUTIVE SESSION

To Discuss Strategy with Respect to Collective Bargaining

Chairman Boilard opened the meeting. A motion was made.

MOTION: Made (Boilard) and seconded (Russell) to go into executive session to discuss strategy with respect to collective bargaining; whereas, an open meeting may have a detrimental effect on the bargaining position of the town; and upon conclusion return to general session. Approved by each Selectman voting affirmatively in a roll call vote; (Boilard, yes; Bunnell, yes, and Russell, yes.) Approved 3-0.

PLEDGE OF ALLEGIANCE

The Board of Selectmen returned from Executive Session at 6:48pm; and took a brief recess before resuming General Session at 7:00pm. Chairman Boilard announced, in accordance with Mass. General Law Chapter 30(A), section 20(e), the Selectmen's meeting was being recorded by Wilbraham Public Access. He then asked if there was anyone present in the audience, who was also recording the meeting tonight. No one indicated that they were recording the meeting. Chairman Boilard asked that the minutes reflect as such.

Chairman Boilard announced that there was an additional agenda item this evening, which was unforeseen. He stated that the item will be added to the agenda, unless the majority of the Board does not want to discuss the matter at this time. The item pertains to a Petition for an Article to Change a Zoning Bylaw relative to Day Care Providers. The other Selectmen did not have any concerns and were agreeable to the item being placed on the agenda.

MOTION: Made (Bunnell) and seconded (Russell) to add to the agenda a discussion of a Petition for an Article to Change the Zoning Bylaw Relative to Day Care Providers. Approved 3-0.

APPOINTMENTS WITH THE BOARD

Chief Roger Tucker, Wilbraham Police Dept.

- Regional Emergency Communications Center Update

Chief Tucker reported that he attended a Regional Emergency Communications Center (RECC) meeting on March 29, 2016, with other representatives from the five communities involved in the project. The RECC Committee received a grant of \$150,000 to conduct the next phase of the RECC's feasibility study. He reminded all that the Board of Selectman already voted to appoint representatives from the Town to the Committee. The next meeting is scheduled for April 29, 2016. At that meeting, the group will discuss the construction phase of the project. There is information being requested from the State that must be submitted by May 15. There is question as to whether or not the group will be able to make the deadline. There will be a vote next winter to determine if the communities will move forward in the process.

According to Chief Tucker, the primary site being identified for the RECC is at the mills in Ludlow. The Committee already voted on the location. A feasibility study and analysis of construction costs will be conducted relative to the site. He also indicated that there will be a subcommittee formed at the end of April to focus on the RECC's governance, technology and equipment needs.

Selectman Bunnell asked if the grant award was less than anticipated. Chief Tucker responded affirmatively to Selectman Bunnell's question. He also indicated that governance needs to be developed for the RECC before the State will consider a larger, monetary award. Chief Tucker asked if there were any further questions. Chairman Boilard asked if there is a timeframe to review solid fiscal data for the RECC. Chief Tucker indicated that next winter the information will be available to the Selectmen. He reminded the Selectmen that the Town is not financially committed to the project at this time.

- Authorization to Hire Police Officer to Fill an Upcoming Vacancy due to Retirement

Chief Tucker informed that he sent a request for permission to start the hiring process for a new police officer; whereas there is an upcoming vacancy in the Police Department due to a retirement. He stated that the hiring process takes about four to six months. He indicated that there is a Police Officer who may be going out on disability retirement in July 2016. Additionally, Officer Laviolette will be retiring in October 2016. Considering the time frame and if there is a vacancy, Chief Tucker stated that the earliest the Department could hire a police officer would be August.

Chairman Boilard asked if there were any questions. Selectman Russell asked if it made a difference to advertise a vacancy for one or two positions. Chief Tucker stated that the Department does not typically advertise two positions at once. However, the vacancy of two positions comes out during the interview/hiring process. Chief Tucker explained the hiring process to the Selectmen.

MOTION: Made (Bunnell) and seconded (Russell) to authorize the commencement of the hiring process for up to two Police Officers in the Wilbraham Police Department; pending the confirmation of two retirements in said Department. Approved 3-0.

Approval of Hiring Policy – Herta Dane, Human Resource Coordinator

Coordinator Dane told the Selectmen that the current hiring policy in place is an administrative policy. The draft hiring policy was brought to the Personnel Advisory Board (PAB) in December 2015. The PAB approved a draft of the hiring policy, which was sent to Labor Counsel for review. According to Coordinator Dane, Labor Counsel made a few changes to the draft. She explained the changes made to the draft hiring policy, which entailed: any notation of the Assistant Town Administrator was altered and referenced to the Human Resource Coordinator or Town Administrator; altered locations to advertise position vacancies, tightened the screening and application process, and clarified what the criteria is when looking for an applicant (i.e. work experience). Coordinator Dane asked if the Selectmen had any specific questions.

Selectman Bunnell asked to see the original document with the proposed changes notated within the document. She also asked for the minutes of the PAB meeting when the hiring policy was reviewed and approved. Coordinator Dane agreed to produce those documents for Selectman Bunnell.

The Selectmen decided to table this matter until further information could be provided.

Petition for Keno to Go at Main Street Mart – Patels

Mr. and Mrs. Patel and their daughter were present for the discussion regarding the petition for Keno to Go at Main Street Mart. Mrs. Patel informed that there are 202 signatures on the petition supporting Keno to Go at Main Street Mart. Miss Patel informed that if Main Street Mart were to get Keno to Go, there would not be any television screens or tables to sit at to play Keno.

Chairman Boilard shared that the Selectmen received a lot of phone calls and emails from residents, who expressed their opposition to Main Street Mart offering Keno to Go. He also shared that allowing Keno to Go opens the door to allow the Keno game with screens.

Selectman Bunnell understands that if Keno to Go was allowed, the community is at risk to loses control and Keno Game with screens could be allowed if State so decides. Miss Patel informed that the Patels' would not agree to the Keno Game with screens. Selectman Bunnell questioned if it was a negative to not have Keno to Go. Miss Patel further shared that Main Street Mart customers would purchase Keno to Go tickets and leave the store.

Chairman Boilard asked how the State handles such matters. Administrative Assistant Gaumond explained that she was informed by the local state agency that if the Governor's Administration was to change hands; and determine the allowance of full Keno at all locations where Keno to Go is offered, the local communities would not have control or say in the matter. Again, Miss Patel informed the Selectmen that the Patels' would not switch to full Keno Game or install a table for patrons to play Keno. Chairman Boilard expressed his concern relative to the closeness of the schools to Main Street Mart. He expressed that he needed more time to think this matter over.

Selectman Bunnell verbalized the Selectmen's concerns about losing local control. Chairman Boilard asked the Selectmen if they would like to take a week to think about this matter further before making a decision. Miss Patel offered that the Patels' would sign a contract to agree to not allow the full Keno Game at Main Street Mart. The matter was tabled.

A Petition for an Article to Change the Zoning Bylaw Relative to Day Care Providers

Chairman Boilard reminded the Selectmen and audience that this agenda item was added at the beginning of the meeting with every Selectmen voting affirmatively to include this last minute item on the agenda. Ashley Walker, representative of the petitioners of the Petition for an Article to Change the Zoning Bylaw relative to Day Care Providers, informed the Selectmen that the petitioned article would amend Wilbraham's zoning bylaw for family day cares listed in Section 1.3. The petitioned article, if approved, would bring the Town's zoning bylaw in accordance with State regulation. Currently, Wilbraham only allows six children to be enrolled at a Family Day Care Provider's facility. However, the State regulation allows ten children. Ms. Walker further stated that she would like to see this Wilbraham's zoning bylaw altered to be in accordance with the State regulation. The Selectmen asked Ms. Walker several questions, which she responded to. Ms. Walker informed that there are five Day Care Providers in Wilbraham, who are impacted by this zoning bylaw and may not be aware that they may be in conflict with it. Chairman Boilard asked if there were any further questions. None were offered.

Town Administrator Breault advised that the Warrant Articles were due on March 4, 2016; however, the Board of Selectmen has not closed the Warrant. For this reason, the Board could accept the Petitioned Article or sponsor the Article. He also instructed that the Planning Board would have to consider the Article prior to Town Meeting. The soonest hearing date that the Planning Board can schedule to consider the Article is May 11, which is a tight timeline. In the meantime, Town Administrator Breault informed that Attorney Reilly, Town Counsel, is reviewing the Article for its legal form, etc. He mentioned that there may be changes to the Article as result. If the Article goes to the Planning Board on May 11, the Planning Board has twenty-one (21) days to offer recommendations relative to the Article. According to Town Administrator Breault, there appears to be time for this all to occur but the process starts with the Board of Selectmen.

Selectman Bunnell offered that when the State regulation changed, the zoning bylaw should have gone before the Planning Board for revision. She indicated that she was inclined to allow the Article to move forward in the process. Selectman Russell asked for clarification relative to the Article moving forward as a petitioned article or sponsored by the Board of Selectmen. Town Administrator Breault responded to the question.

MOTION: Made (Bunnell) and seconded (Russell) to accept the Petition for an Article to change the Zoning Bylaw relative to Day Care Providers to be included in the Annual Town Warrant for May 16, 2016 Annual Town Meeting. Approved 3-0.

OPEN SESSION

Town Administrator's Report

Town Administrator Breault shared his conversation with Don Jacobs of DI Jacobs Company, who is the sole proprietor of the company that will conduct the Town's Classification Study for Local 98 Union employees. He informed that Herta Dane, Human Resource Coordinator, and he would meet with Mr. Jacobs on Thursday. Mr. Jacobs has agreed to meet with Department Heads at the next Department Head Meeting as well. According to Town Administrator Breault, Attorney Reilly is currently reviewing the contract between the Town and Mr. Jacobs' firm. The contract will be ready for execution by next week.

Town Administrator Breault informed that the Finance Committee will be meeting tomorrow at 7:00pm. He also mentioned that the Insurance Advisory Committee is meeting this week. There have been a couple of meetings with Insurance Providers.

Board of Selectmen Updates

Selectman Bunnell shared that she met with Officials in the Department of Public Works (DPW). She announced that the Department is looking for input from constituents to prioritize the street list for repaving. Selectman Bunnell commented that the DPW is doing an excellent job maintaining the roads.

Selectman Bunnell mentioned that the Director of DPW spoke to the Finance Committee with passion for the need of a shared position in DPW. The Finance Committee will review the request tomorrow night. Selectman Bunnell explained that the Department's main goal is to man the Vac Truck with two employees because it operates with two employees most effectively. The proposed, shared position would be working in the Highway and Wastewater Departments. Chairman Boilard asked a couple of questions. Selectman Bunnell responded. She mentioned that DPW did a comparison of the expense to subcontract the task out to a vendor as oppose to handling the task in-house with employees. It was discovered that there is a higher cost to the Town to subcontract the task out to a vendor than it would be for the Department to handle the task internally. She made further comment in support of saving monies with the proposed position.

Selectman Bunnell announced that she attended a second meeting of the Massachusetts Municipal Association's Policy Committee on Energy and Environment, which she is a member of. At the meeting, the Committee voted to confirm agreement with the Massachusetts Department of Environmental Protections (MassDep) pursuit to have delegated authority of the Environmental Protection Agency (EPA) oversight of the National Pollution Discharge Program. Furthermore, stormwater permits will be jointly issued by the EPA and MassDep. She made further comment about this matter.

Citizens Open Forum

David Sanders, resident and member of the Planning Board, asked what the Metropolitan Planning Organization (MPO) is. Town Administrator Breault explained what the MPO is. Mr. Sanders also commented that he found it interesting that the Board of Selectmen was concerned about losing control over Keno but was agreeable to move ahead with a Regional Emergency Communications Center. Chairman Boilard responded.

Mr. Sanders offered the Board of Selectmen a copy of the draft of the proposed "Chicken Bylaw". He then informed that the Bylaw Study Committee will be considering the draft tomorrow at their meeting. Town Administrator Breault suggested that the topic be discussed under the topic: *Annual Town Meeting Warrant* on the agenda as opposed to the *Citizen Open Forum* agenda item.

A man in the audience asked about Main Street Mart's petition for a beer and wine license. Administrative Assistant Gaumond stated that Main Street Mart has yet to apply for a beer and wine license. He then asked if Louis and Clark Pharmacy had a liquor license.

Administrative Assistant Gaumond stated that Louis and Clark Pharmacy used to have a pharmacist alcoholic license so to prepare certain medications.

OLD BUSINESS

FY'17 Annual Budget

Selectman Bunnell reminded the Selectmen that Finance Committee was meeting tomorrow night. She reviewed what the Finance Committee would be considering and possibly voting on relative to the FY'2017 Annual Budget, which Town Administrator Breault confirmed to be true. Town Administrator Breault advised that if the Board decides to take any votes relative to the FY'2017 Annual Budget, it will be voted upon on at the next Monday night's meeting.

Middle School Unification

Chairman Boilard reported that there are a lot of people in Town who would like to see Wilbraham have this item on the Town Warrant. However, he further added that, the Board is still trying to understand the legalities of placing the item on the Warrant when the Hampden-Wilbraham Regional School District (HWRSD) School Committee postponed the vote. Therefore, the Article would not be on the Warrant as a binding Article. Chairman Boilard mentioned that the HWRSD School Committee could change their vote. He then asked Town Administrator Breault if there is any potential to add a Warrant Article late. Town Administrator Breault stated that the Warrant goes to the printers after next Monday night's vote so that the Warrant is with the publishers in time for print and insertion in the April 28 edition of the Wilbraham-Hampden Times. This is the traditional time the Town publishes the Warrant. If the Town wanted to publish the document at a later date, it could on May 5, 2016, a week later.

Chairman Boilard then asked if the Warrant could be published at the regular time and an inserted Article added at a later date. Town Administrator Breault advised that when the Warrant is published, the Articles in the Warrant are all subject to be voted on at Town Meeting; and there is no mechanism to introduce a new Article during Town Meeting. Selectman Russell stated that any addendum offered would only be corrections or updated information relative to fiscal figures. Chairman Boilard verbalized that he would like to see the item on the Warrant as a placeholder.

Selectman Bunnell mentioned that there has been some discussion regarding the potential of Hampden having a Special Town Meeting before its regular, fall, Annual Town Meeting to coincide with Wilbraham's Town Meeting. Chairman Boilard said that he had no idea what Hampden's Officials' thoughts are on this issue. He then asked the other Selectmen if they would like to put the item on the Warrant as a placeholder. He suggested that if it was on the Warrant as a placeholder and did not move forward, the Town would take no action on it. Selectman Bunnell asked if there is a way to do that pending the HWRSD School Committee's vote on the matter. Town Administrator Breault was unsure of what the consequences would be.

Town Administrator Breault asked if the Board wanted to meet with the Hampden Board of Selectmen. Chairman Boilard stated no because he would like to solidify the Town's position on this issue before speaking with the Hampden Selectmen. It was mentioned that there is a timing issue. Chairman Boilard said he would like to have the questions posed answered; and then see if the Board would entertain the item as a placeholder on the Town Warrant. Selectman Russell vocalized that he did not want to get into a situation of "us against them." Discussion ensued. The Board did not want to jeopardize the relationship between the two Towns. Chairman Boilard determined that he was in favor of meeting with the Hampden Board of Selectmen. Selectman Bunnell suggested seeing if the two Boards could meet on Thursday or Friday. Selectman Bunnell made it clear that the Wilbraham Board of Selectmen is only considering taking a vote to add the item to the Town Warrant because it will be an expense to the Town to conduct a Special Town Meeting in the fall. The Board agreed to arrange a meeting with the Hampden Board of Selectmen prior to Monday. The group discussed the matter further.

Annual Town Meeting Warrant

Members of the Bylaw Study Committee, David Sanders and John Broderick, Chairman of the Committee, joined the Selectmen at the front of the room. Town Administrator Breault asked if the bylaw Articles will be standalone Articles in the Warrant or in a broader booklet format with all Articles included. Mr. Broderick indicated that the approach would be to come out with standalone Articles. He then said that Articles pertaining to bylaws that are not introducing something new but are more housekeeping Articles would be presented as one Article in a booklet format.

The Board reviewed the Articles pertaining to the Town's bylaws. Town Administrator Breault discussed the need for some exhibits for these items. He informed the Bylaw Study Committee members that he would forward the updated Articles from Town Counsel to the Bylaw Study Committee tomorrow. The group reviewed the proposed Articles. Selectman Russell asked who from the Bylaw Study Committee would be presenting the Articles at Town Meeting. Mr. Broderick responded. He then offered to answer any questions the Selectmen may have about the bylaw Articles.

Mr. Broderick reported that the Bylaw Study Committee is trying to pin down the proposed "Chicken Bylaw." He then asked if there was still a window of opportunity to get the Article on the Warrant. Administrative Assistant Gaumond reminded the Selectmen that there was a previous discussion about Agricultural Commission conducting a hearing relative to the proposed "Chicken Bylaw,"

which had not been done as of yet. Chairman Boilard asked if an official had been identified to enforce the bylaw as of yet. Mr. Sanders suggested that it should be the Board of Health. Discussion ensued. The group reviewed what the Bylaw Study Committee discussed about this proposed bylaw. Further conversation followed. Mr. Broderick mentioned that John Pearsall, Director of Planning and Community Development, had issues with the enforcement aspect of the bylaw. He recommended that someone be specified in the bylaw as the enforcement officer.

Chairman Boilard directed that the Bylaw Study Committee must come to agreement on the proposed bylaw. Selectman Bunnell instructed that this is an issue that should have a public forum so that people who have poultry can have an opportunity to speak and provide input. For this reason, Selectman Bunnell felt that this should be addressed next year. Mr. Broderick commented that it was the Committee's desire to seek direction as to the Board of Selectmen's position on this matter. He then asked how much should the Bylaw Study Committee listen to the Town Planner or Zoning Enforcement Officer relative to this issue. Discussion, again, ensued. Chairman Boilard asked Mr. Broderick if he felt the "Chicken Bylaw" needed to be further worked on and examined. He gave further direction on the matter to Mr. Broderick and Mr. Sanders.

Mr. Broderick informed that the Bylaw Study Committee would be taking a vote tomorrow night as to whether or not to bring the proposed bylaw forward to Town Meeting. Again, he mentioned that there was a concern about who would enforce the bylaw. Chairman Boilard offered suggestions. He then asked Mr. Sanders why he is driven to get this item on the Warrant. Mr. Sanders stated that he would like to accomplish something this year. Chairman Boilard advised the Bylaw Study Committee members that they need to solidify the details of the proposed bylaw, which may be hard pressed to do prior to Town Meeting. He recommended that once the details are solidified, the Board of Selectmen will review the proposed bylaw and a public hearing be held to gather the public's input about the proposed bylaw. Selectman Bunnell raised the issue about whether or not other poultry would also be identified in the bylaw or would chickens only be specified.

Chairman Boilard asked how many Articles the Bylaw Study Committee will bring forward to Town Meeting ... six or eight. He stated that bring forwarded eight Articles is an accomplishment. Mr. Broderick made further comment about taking other Town Officials' opinions. Chairman Boilard asked about Agricultural Commission's opinion on this matter. Mr. Broderick stated that he did not want to speak for the Agricultural Commission but he was under the impression that the Commission members were not really supportive of the proposed "Chicken Bylaw." He then asked about holding an open session prior to Town Meeting to explain and present information about the proposed bylaws to the public.

Town Administrator Breault discussed other proposed Articles on the Town Warrant. He shared the status of the Articles and mentioned that Article 26G would not move forward. He then asked the Board of Selectmen where they would like to have the Petitioned Article be placed on the Warrant.

Chairman Boilard asked a question about Article 7. Town Administrator Breault responded to the question. Selectman Bunnell also added further comment about the Article's language. Chairman Boilard felt the Article's language is too much. He felt it would not appease anyone. Discussion ensued about Article 7.

Selectman Bunnell asked about the expansion of the Consent Agenda. She expressed concern about the Enterprise Funds being part of the Consent Agenda and taken up prior to the FY' 2017 Annual Budget Article. She proposed taking all the financial items as one item, including the Enterprise Funds. She wondered if the budget could be on the Consent Agenda as well. Administrative Assistant Gaumond commented that it is a legal question. Town Administrator Breault indicated that he would find out for the Selectmen.

Selectman Bunnell asked a question about the Community Preservation Committee's Article prior to the Community Preservation Act Project Articles. Administrative Assistant Gaumond responded and explained the format for the Community Preservation Committee's Article, specifically to the fiscal notations.

NEW BUSINESS

DPW: FY'2017 Street Paving List

Selectman Bunnell announced that she wanted the Selectmen to review the FY'2017 Street Paving List. Chairman Boilard asked a question. Selectman Bunnell responded. Chairman Boilard asked if the Street Paving List is posted. Selectman Bunnell answered that when the contracts are awarded, DPW will post the list.

Appointments

- Wilbraham Representative and Alternate Representative to the Metropolitan Planning Organization

Chairman Boilard indicated that this was a Pioneer Valley Planning Commission program. The Selectmen requested more information about the program and the request for an appointment of a representative from Wilbraham. The matter was tabled.

• Animal Inspector

Administrative Assistant Gaumond informed that Dr. Kovacs agreed to be reappointed to the position of Animal Inspector. However, she is not in the best of health and would like to step down at some point this year. She asked the Town to search for a new Animal Inspector in the interim. Selectman Bunnell asked how the Town would go about doing that. Administrative Assistant Gaumond answered that the Town would advertise the position. Selectman Bunnell then asked if the position was a stipend position. Administrative Assistant Gaumond stated yes.

MOTION: Made (Bunnell) and seconded (Russell) to re-appoint Dorsie Kovacs as Animal Inspector for the Town of Wilbraham with a term of May 1, 2016 until April 30, 2017. Approved 3-0.

LICENSING AND OTHER APPROVALS

Application & Notice for Charitable or non-profit event – YMCA of Greater Springfield

Chairman Boilard asked if there were any questions. None were offered.

MOTION: Made (Bunnell) and seconded (Russell) to approve the use of public sidewalks and roads for a 5K race and walk, scheduled for April 23, 2016 from 8:00am to 12:00pm at 45 Post Office Park, sponsored by the YMCA of Greater Springfield's Scantic Valley Family Center; and forward the event notice to public safety officials for a public safety review. Approved 3-0.

Approval of Seven Section 14: Special Alcohol License (Summer Concert Series Dates) – Wilbraham Nature and Cultural Center

Chairman Boilard asked if there were any questions. Selectman Bunnell asked a question about alcohol (i.e. BYOB) being brought to Fountain Park for the concert series. Administrative Assistant Gaumond responded.

MOTION: Made (Bunnell) and seconded (Russell) to grant seven 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 9:00pm, on the following dates: June 16, 2016; June 23, 2016, June 30, 2016, July 7, 2016, July 14, 2016, July 21, 2016 and July 28, 2016. Approved 3-0.

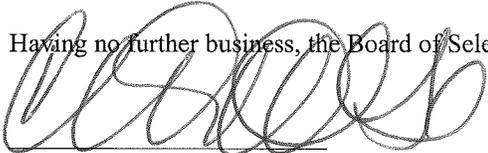
MINUTES OF MEETINGS

- ~~October 13, 2015 executive~~
- ~~November 5, 2015 executive~~
- ~~December 7, 2015 executive~~
- February 29, 2016
- ~~March 7, 2016~~
- ~~March 21, 2016~~
- March 21, 2016 executive
- ~~March 28, 2016~~
- March 28, 2016 executive
- March 29, 2016

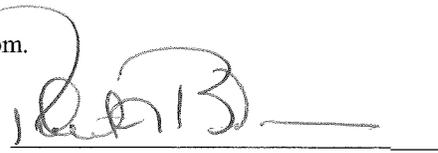
A motion was made.

MOTION: Made (Bunnell) and seconded (Russell) to approve the executive session minutes of March 21, 2016 and March 28, 2016 as submitted. Approved 3-0.

Having no further business, the Board of Selectmen adjourned at 9:01pm.



Candace Ouillette Gaumond
Administrative Assistant to the TA/BOS



Robert J. Boilard, Chairman



Susan C. Bunnell, Vice Chairman



Robert W. Russell, Clerk