

**BOARD OF SELECTMEN MEETING  
FRIDAY, AUGUST 12, 2016  
12:00PM AT TOWN OFFICE BUILDING  
240 SPRINGFIELD STREET, WILBRAHAM, MA  
MINUTES**

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

**PLEDGE OF ALLEGIANCE**

Chairman Bunnell opened the meeting; and asked all to join the Selectmen 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. 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.

**OLD BUSINESS**

Award of the Bruuer Pond Sediment Removal Project Bid

Edmond Miga, Jr., Town Engineer/Director of Department of Public Works (DPW), recommended the Selectmen award the Bruuer Pond Sediment Removal Project Bid to the lowest bidder, who was Gagliarducci Construction of Indian Orchard, Massachusetts, for the bid amount of \$88,500.00. Chairman Bunnell asked Director Miga to explain the nature of the project. He responded that it would accomplish removing sediment from Bruuer Pond, which has been deposited in the pond from Monson Road. The sediment will be transported to and deposited at the "Lindsay" landfill at the Wilbraham Disposal and Recycling Center. The sediment will increase the height of the composting area. Selectman Boilard asked why there was a wide range in the bid proposal amounts offered. Director Miga responded.

A motion was made. Chairman Bunnell asked if there were any questions or discussion. None were offered.

**MOTION: Made (Russell) and seconded (Boilard) to award the Bruuer Pond Sediment Removal Project bid to Gagliarducci Construction, of Indian Orchard, Massachusetts, in amount of \$88,500.00; and authorize Edmond Miga, Jr., Town Engineer/Director of Department Public Works, or his designee, to issue the notice of award and other associated documents so as to proceed; and authorize to Chair sign the related Notice of Award on behalf of the Board of Selectmen. Approved 3-0.**

*Materials Referenced: Bid Proposal for the Bruuer Pond Sediment Removal Project, dated August 8, 2016, as submitted by Gagliarducci Construction of Indian Orchard, Massachusetts.*

(At the end of the Selectmen's meeting Director Miga spoke again about the Bruuer Pond Sediment Removal Project.) Director Miga informed that the Pond and parking area will be closed during the project and signs to that effect will be posted as the project commences. The area will be closed for the duration of the project work.

Director Miga announced that this project has been three years in the making. He explained; and praised Tonya Basch, Assistant Town Engineer/Assistant Director of DPW, who spearheaded the project. Director Miga stated that there have been significant efforts to clean up the Bruuer Pond area and improve the management of water in that section of town.

Chairman Bunnell asked if there would be a news flash on the website regarding the closing of the Bruuer Pond area. Director Miga affirmed there would. Selectman Russell asked if there were any springs in that area. Director Miga responded and explained further.

Approval of Amendment to the Agreement with the Town of Wilbraham and WB MA Solar, LLC c/o Altus Power America, Inc.

Town Administrator Breault explained that the Agreement and Estoppel Certificate pertained to the original Agreement between the Town and WB MA Solar, LLC c/o Altus Power America, Inc., regarding the solar array project at the Landfill. The company is getting ready to meet with National Grid on August 18, 2016, to turn power on the solar array.

When closing out the construction company's portion of this project, it was discovered that the Agreement required a bond to be issued to the Town, and no bond was issued.. Once the construction commenced on the project, a new bond was to be issued to cover the construction phase of the project that would remain in place through the first year of the

solar array's operation. The bond was to cover any loss of time prior to the construction project being completed. However, this particular bond was not issued or in place throughout the construction period.. Town Counsel Stephen Reilly and former Special Counsel Stephen Madaus, from Mirrik (SPELLING?) O'Connell, revised the Agreement and drafted the Agreement and Estoppel Certificate, which was before the Selectmen today. Town Administrator Breault reviewed and explained the Agreement and Estoppel Certificate to the Selectmen.

The Agreement and Estoppel Certificate calls for the Town to waive the requirements of a bond to be in place for the period from award to construction; the period of construction to the beginning of operation, and one year following the commencement of operation of the facility.

At this time, Town Counsel Reilly joined the meeting via telephone. Attorney Reilly explained that the legal counsels (Attorney Madaus and Altus Power America, Inc.'s Attorney) addressed the concerns the original bonds covered. He explained that the proposed resolution would protect the Town. The Solar Company was comfortable with the resolution as long as there were provisions in the Agreement to ensure that any contractors not paid as of the construction build out, would be paid.

Attorney Reilly explained that the Estoppel Certificate was required to ensure compliance with the contract. He fully explained the issues identified, which the Certificate addressed. Those issues are:

- 1.) the loss of savings the Town would receive from electric expenses. He explained if the operation commenced on August 18, 2016, and immediately failed, the Town would be out the additional electric expenses that the project proposed to save. The Certificate will address this issue by requiring a \$140,000 performance bond. The performance bond was calculated from the loss of net metering credits to the Town should the facility fail.
- 2.) Section 1(a)(3) of the Agreement and Certificate, requires the Town receive a \$213,210 payment bond to cover costs of contractors, who have not been paid during the construction phase of this project. It also requires that the construction company provide evidence of such payment to said contractors. Some of the outstanding payments to contractors are not due to be paid until the project is complete and the solar array is operational.

According to Attorney Reilly, the Agreement and Estoppel Certificate is insurance for the Town. The payment and performance bonds are required to be in effect until August 2017. The Contractor has agreed to follow suit with the requirements of the Agreement and Estoppel Certificate. He also advised that if the Board approves the Agreement and Estoppel Certificate, the document would not be released to the other party until all the contractors are paid. Chairman Bunnell asked about a specific section in the Agreement and Estoppel Certificate, which discussed the duration of the bonds being specified. Attorney Reilly responded.

**MOTION: Made (Russell) and seconded (Boilard) to amend the original Agreement between the Town of Wilbraham and WB MA Solar, LLC c/o Altus Power America, Inc. by; and approving the Agreement and Estoppel Certificate between the Town of Wilbraham and WB MA Solar, LLC c/o Altus Power America, Inc., dated August 12, 2016. Approved 3-0.**

*Materials Referenced: Agreement and Estoppel Certificate between the Town of Wilbraham and WB MA Solar, LLC c/o Altus Power America, Inc., dated August 12, 2016 as submitted by Stephen Reilly, Town Counsel; Memo, dated August 11, 2016, from N. Breault, Town Administrator, regarding the Solar Project Bond, net Metering Credit Purchase Agreement, dated August 24, 2015, between Wilbraham LF Solar, LLC and the Town of Wilbraham.*

#### Wilbraham Middle School Boiler

Lance Trevallion, Building Inspector, and Ed Cenedella, Director of Facilities and Operations at Hampden-Wilbraham Regional School District (HWRSD), joined the Selectmen. Inspector Trevallion informed the Selectmen that the boiler and equipment has a six to eight week lead time before arriving for installation, placing project completion into October 2016. He explained the original estimate the Town received for the cost of the boiler from B & G Mechanical was \$167,000, based on a smaller boiler system than will be required. The original proposal submitted by Robert Griffin of Robt. W. Hall Consulting Engineers, Inc. for the boiler was \$250,000; however, the proposal was reduced to \$175,000. Inspector Trevallion said that the Town will buy the boiler directly from the Distributor to shorten the time frame. He mentioned that Administrative Assistant Gaumond obtained an emergency waiver from the Massachusetts Division of Capital Asset Management and Maintenance (DCAMM) to waive the procurement process, which has also shortened the period of time to replace the boiler.

Chairman Bunnell asked Administrative Assistant Gaumond to explain the process of obtaining the waiver of the procurement practice. Administrative Assistant Gaumond said that the procurement process would extend the time frame to replace the boiler another several weeks, into November 2016. As , this would place a threat to the health and safety of

516 children, who are enrolled at Wilbraham Middle School, as well as to the adults who work at the school application was made to DCAMM, who granted an emergency waiver of the procurement process as it pertains to MGL Chapter 149. Although the normal procurement process was waived, the Town is still required to seek three quotes for the equipment and services, maintain prevailing wage standards and the required bonds. Chairman Bunnell appreciated that this still protects the financial side of the equation and best interests of the Town. She mentioned that she spoke to Senator Lesser's Chief of Staff, who indicated that Senator Lesser contacted DCAMM on the Town's behalf, in response to Administrative Assistant Gaumond's letter to DCAMM. Administrative Assistant Gaumond mentioned that both state legislators were contacted. Both Senator Lesser and Representative Puppolo contacted DCAMM on the Town's behalf, which expedited the waiver process.

A motion was made and seconded. Chairman Bunnell asked if there were any questions or discussion. Selectman Boilard asked a clarifying question regarding the original estimate and current cost of the boiler. Inspector Trevallion responded. He also mentioned that there is a \$20,000 rebate, which the Town will be reimbursed. Selectman Russell asked about the savings the Town will receive from the efficiency of the new boiler. Director Cenedella responded that there will be a substantial savings of twenty percent. Inspector Trevallion said he was informed that the Town will receive, not only the \$20,000 rebate but, a savings of approximately \$20,000 a year due to the efficiency of the new boiler. Discussion commenced about the removal of the underground flammable storage tanks at the school.

Chairman Bunnell asked Thomas Sullivan, Assistant Town Administrator of Finance and Budgeting/Treasurer/Collector, who was in the audience, about the allocation of monies to pay for the project. Treasurer Sullivan responded that the Town encumbered monies from Town Properties and Technology Fund Accounts to cover the cost of the project. He said that if there is still a remaining balance after the encumbered funds have been expended, then the remaining balance can be paid from the Reserve Fund. It was also mentioned that the HWRSD will contribute \$25,000 towards the project. Director Cenedella advised that a portion of HWRSD's contribution may have to be utilized to replace a technological device, which function is to connect and facilitate communicate between the boiler and the School's energy management system.

Chairman Bunnell asked if there were any other questions. None were offered. Selectman Russell thanked Administrative Assistant Gaumond on her work to obtain the emergency waiver. Chairman Bunnell agreed and also thanked the State Legislators for contacting DCAMM on the Town's behalf.

**MOTION: Made (Russell) and seconded (Boilard) to approve the fiscal option #3, as presented in an email, dated August 3, 2016, from the Wilbraham Town Accountant, to cover the expenditures necessary to replace the boiler at Wilbraham Middle School. Approved 3-0.**

A motion was made and seconded. Chairman Bunnell asked if there were any questions or discussion. No questions were asked or discussion offered.

**MOTION: Made (Russell) and seconded (Boilard) to accept the proposal, dated August 10, 2016, offered by Robt. W. Hall Consulting Engineers, Inc., in the amount of \$6,600.00, to provide Engineering Services for the Boiler Replacement at Wilbraham Middle School; and authorize the Chairman to sign said proposal on behalf of the Board of Selectmen. Approved 3-0.**

*Materials Referenced: Project Proposal, dated July 26, 2016, B-G Mechanical Services, Inc.; Memo, dated August 12, 2016, from E. Cenedella, HWRSD Director of Facilities and Maintenance, regarding Wilbraham Middle School Boiler, Letter, dated August 9, 2016, to C. Gladstone, Commissioner, DCAMM, requesting emergency waiver of procurement process, sent by C. O. Gaumond, Administrative Assistant to the Town Administrator and Board of Selectmen and related Approved Emergency Waiver, dated August 10, 2016, and Fee Proposal, dated August 10, 2016, regarding Engineering Services for the Wilbraham Boiler, as submitted by R. Griffiths of Robt. W. Hall Consulting Engineers, Inc.*

#### Approval of Stipend for Executive Director of Wilbraham Public Access

Chairman Bunnell stated that this matter was tabled until August 22, 2016 Selectmen's meeting.

#### **NEW BUSINESS**

##### Application for Temporary Food Establishment Permit – Wilbraham/Hampden Rotary Club (Senior Picnic)

A motion was made and seconded. Chairman Bunnell asked if there were any questions or discussion. No questions or discussion were offered.

**MOTION: Made (Russell) and seconded (Boilard) to grant a temporary food establishment permit to Edward McFarland of the Wilbraham Hampden Rotary Club for food service and preparation on August 24, 2016, between the hours of 11:00am and 2:00pm, at Spec Pond Pavilion, 2540 Boston Road, Wilbraham; and waive the permit fee. Approved 3-0.**

*Materials Referenced: Application for Temporary Food Establishment Permit, n. d., submitted by E. McFarland, President, Wilbraham Hampden Rotary Club, and Letter, n. d., sent by E. McFarland, President of Wilbraham Hampden Rotary Club, regarding a request to waive permit fees.*

Request for Reserve Fund Transfer

1.) Parks and Recreation Department

Bryan Litz, Director of Parks and Recreation Department informed the Board that the sewer pump at Spec Pond which services the Pavilion and restrooms had failed. Chairman Bunnell asked if the sewer system was only two years old. Director Litz said yes. Chairman Bunnell asked if there was any recourse for the Town, whereas the sewer system was that new. Director Miga informed that there is no recourse because people throw rags and other non-flushable items down the toilet, clogging the pump and causes the sewer system to fail. Director Miga explained that the new sewer pump system will have a thermal piece, which will aid in eliminating this type of situation from happening again. Selectman Russell asked if the sewer system was not functioning now. Director Litz said that it is operational and is being pumped out daily. Chairman Bunnell asked if signs were posted directing people not to flush non-flushable items in the toilets. Director Litz responded. Director Miga mentioned that this is not an uncommon occurrence. He said the Town experienced similar problems in the past.

A motion was made and seconded. Chairman Bunnell asked if the cost to replace the sewer pump was for parts and installation. Director Litz responded affirmatively.

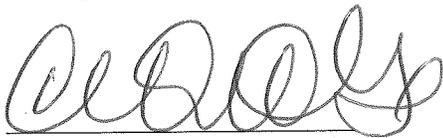
**MOTION: Made (Russell) and seconded (Boilard) to recommend a transfer of \$3,264.00 from the Reserve Fund to the Parks and Recreation Department's Grounds and Building Maintenance Line Item # 01-620-5202 for extraordinary and unforeseen expenditures associated with the replacing a failed sewer pump at Spec Pond. Approved 3-0.**

*Materials Referenced: Request for Reserve Fund Transfer, dated August 11, 2016, B. Litz, Director of Parks and Recreation Department.*

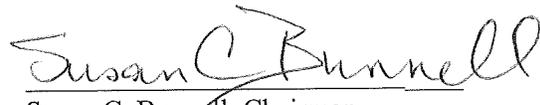
2.) Wilbraham Middle School Boiler

Chairman Bunnell announced that this item was tabled.

Having no further business, the Board of Selectmen adjourned at 12:39pm.



Candace Ouillette Gaumont  
Administrative Assistant to the TA/BOS



Susan C. Bunnell, Chairman



Robert W. Russell, Vice Chairman

Robert J. Boilard, Clerk