

**BOARD OF SELECTMEN MEETING
MONDAY, JANUARY 4, 2021 6:00 P.M.
TOWN OFFICE BUILDING, SELECTMEN'S MEETING ROOM
240 SPRINGFIELD STREET, WILBRAHAM, MA
MINUTES**

This meeting is conducted in compliance with Massachusetts Governor Charles D. Baker's Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, § 20 (attached) signed on March 12, 2020.

PRESENT BY PHONE: Chairman Robert W. Russell, and Administrative Assistant to the Board of Selectmen and the Town Administrator – Heather Kmelius. The meeting was called to order at 6:00 PM.

PHYSICALLY PRESENT: Selectmen Robert J. Boilard, Selectmen Carolyn F. Brennan, and Town Administrator Nick Breault.

Chairman Russell stated the following: "As Chairman of the Board of Selectmen I hereby announce the Board of Selectmen will hold an executive session for the following purposes: Per M.G.L. c. 30A, § 21(a) (2) to conduct strategy sessions in preparation for negotiations with nonunion personnel - Health Agent, Public Health Nurse; and per M.G.L. c. 30A, § 21(a) (3) to discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares--UPSEU Local 424M, NEPBA Local 120, IAFF Local 1847, IUOE Local 98 and per M.G.L. c. 30A, § 21(a) (6) to discuss to consider the purchase, exchange, lease or value of real property--186V Tinkham Road and as the Chairman I so declare and that the Board of Selectmen shall reconvene in open session"

Selectman Boilard seconded the motion. Boilard so moved the motion hold an executive session for the following purposes: Per M.G.L. c. 30A, § 21(a) (2) to conduct strategy sessions in preparation for negotiations with nonunion personnel - Health Agent, Public Health Nurse; and per M.G.L. c. 30A, § 21(a) (3) to discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares--UPSEU Local 424M, NEPBA Local 120, IAFF Local 1847, IUOE Local 98, and per M.G.L. c. 30A, § 21(a) (6) to discuss to consider the purchase, exchange, lease or value of real property--186V Tinkham Road and the Chairman so declares and that the Board of Selectmen shall reconvene in open session. Roll call vote: (Chairman Russell – yes, Selectman Boilard – yes, Selectman Brennan - yes).

Following the conclusion of the Executive Session, the Board reconvened in Open Session at 7:03 PM.

PLEDGE OF ALLEGIANCE

Chairman Russell asked all to join the Selectmen in saying the Pledge of Allegiance. He then stated the following "In accordance with Mass. General Law Chapter 30(A), section 20, I announce that this meeting of the Board of Selectmen is being recorded by Wilbraham Public Access and the Board of Selectmen's Office and the "Go To Meeting" system; and ask if there is anyone present who is also recording this meeting". Chairman Russell confirmed that no one was recording the meeting.

The Chairman announced that this meeting is conducted in compliance with Massachusetts Governor Charles D. Baker's Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, § 20 signed on March 12, 2020. Most participants of this meeting are attending electronically and he asked all individuals to please identify themselves each time that they speak. He asked all microphones be muted when not speaking.

APPOINTMENTS WITH THE BOARD

7:00pm Fire Chief Andrews; Jill Conselino, Public Health Nurse; Lorri McCool, Health Director – COVID-19 Coronavirus update
Fire Chief Andrews reported his department has been responding to a steady number of "Covid positive" calls. The staff of the Police, Fire, and Dispatch departments will receive the first dose of the Moderna vaccine in January. Public Health Nurse (PHN) Jill Conselino reported that there has been an increase in cases following the holidays. PHN Conselino reported that there are 91 active cases of Covid including 38 from the school district, 17 student cases, 21 school district household cases, 3 probable antigen tests, and one long term assisted living case. She discussed further analysis of the Covid case demographics. There have been 781 total confirmed cases to date. Covid vaccine clinics are starting operations next week across the State. The State's Covid Dashboard is becoming interactive so that residents can track reports themselves. Health Inspector Lorri McCool, Dispatch Supervisor Anthony Gentile, and Police Chief Robert Zollo all reported that their departments are operating normally.

Materials Referenced: Email from PHN Conselino to TA Breault, the BoS members, Chief Zollo, Chief Andrews and Dispatch Supervisor Gentile dated 12/31/2020. COVID-19 Command Center Mass. Emergency Management Agency Situation Update dated 12.30.2020. Police Reform Booklet from Law Enforcement Dimensions LLC.

OPEN SESSION (for topics not reasonably anticipated 48 hours in advance of meeting, such as :)

Town Administrator's Report

Town Administrator (TA) Breault spoke with Jeff Christensen from EntryPoint Technology about broadband information. The Police reform bill passed recently. TA Breault and Police Chief Zollo will discuss this as more information becomes available about it.

Board of Selectmen Updates

None.

Citizens Open Forum

Resident Bob Tourville asked for an update about Covid hospitalization rates. PHN Conselino reported there are a few residents hospitalized with Covid but she cannot release an exact number. Resident Tourville also asked if billiards are allowed and Health Inspector McCool confirmed that they are operational.

OLD BUSINESS

FY 22 Budget

TA Breault reported that budget discussions have started with Department Heads. Hampden County Assessments have been released. The Town of Hampden's assessment went up 17%. The SVRHT will meet this month and will develop preliminary numbers for health insurance budget consideration. TA Breault also mentioned that the Town anticipates proposals for the Board of Health budget changes as this may become a regionalized service. A budget presentation will take place in coming weeks.

Right of First Refusal (ROFR): 186V Tinkham Road

Chairman Russell stated that a Board of Selectmen Executive Session meeting took place last week with the stakeholders present. The Board is seeking more information about this decision to waive rights to this parcel. Planning Board Chairman Jeffrey Smith, present by phone, stated that the Planning Board will analyze the zoning by-laws and plans to exercise the full schedule of the process. Any new solar by-laws would be in place by the end of the right of first refusal timeline. DPW Director Basch reported that she is working on gathering information about the land and environmental components for the next meeting.

Materials Referenced: Forest Stand and Boundary Map for Dr. Robert Matthews Property, Tinkham Road, Wilbraham, MA prepared by Gerrish Forestland Management using a map supplied by the landowner and on site reconnaissance, 1/04.

Consideration of Solar Bylaws

This matter was covered this during this matter under agenda item: "Old Business: Right of First Refusal (ROFR): 186V Tinkham Road".

Regional Dispatch

Dispatch Supervisor Gentile attended the Hampden Board of Selectmen meeting this evening and reported to the Board that Hampden voted 2-1 to engage with Wilbraham in a Regional Dispatch service.

Town Accountant position

TA Breault reported that the selected candidate for the Town Accountant declined Wilbraham's job offer in order to become Monson's Town Finance Director. The HR Coordinator reposted the position and is seeking applications. The selection process will continue as it did the first time. Town Accountant Nancy Johnson will stay in her position until it is filled.

Belas Inc. dba Anchor House license renewal

TA Breault reported that Town Counsel is working on this licensing matter with Belas Inc.'s legal counsel.

NEW BUSINESS

Approval of an Order of Taking For Public Ways: Julia Way and Willow Brook Lane

Chairman Russell stated that this matter was accepted at Town Meeting.

MOTION (Boilard, Brennan): Move to approve and adopt, in accordance with MGL Chapter 40, Section 14 and Chapter 79 of the General Laws of the Commonwealth of Massachusetts and all other acts in addition thereto and in amendment thereof and of all other power and authority hereunto enabling, having been duly authorized by appropriate vote at the Annual Town Meeting of June 15, 2020, appropriations where required having been made at said Town Meeting, do hereby adopt the following order:

We do hereby take an easement to use for all purposes for which public streets are commonly used together with all trees thereon and structures affixed thereto, if any, in the following ways in said Wilbraham which layouts are shown as described below:

JULIA WAY beginning at the intersection with Glendale Road and extending approximately 720 feet westerly and then southwesterly to and including the cul-de-sac as shown on plan entitled "Definitive Subdivision Plan | Samble Estates | 863 Glendale Road Wilbraham, Ma" (Sheet P-1; No. 2 of 12) prepared by Paul S. Smith Land Surveying, dated 10/5/2016 and revised 12/5/2016, recorded in the Hampden County Registry of Deeds in Book of Plans 378, Page 69 and being the same land as described in the document entitled "Conveyance of Easement Rights in Street" for Julia Way granted to the Town of Wilbraham and recorded in the Hampden County Registry of Deeds in Book 21558, Page 73.

WILLOW BROOK LANE beginning at the intersection with Main Street and extending approximately 840 feet westerly to and including the cul-de-sac as shown on plan entitled "Definitive Subdivision Plan [Willow Brook Estates] | Wilbraham, Ma | Owned By | 601 Main Street, LLC" (Sheet P-1; 2 of 12) prepared by Paul S. Smith Land Surveying, dated 9/14/2015 and revised 10/10/2015, recorded in the Hampden County Registry of Deeds in Book of Plans 374, Page 70 and being the same premises as described in the document entitled "Conveyance of Easement Rights in Street" for Willow Brook Lane granted to the Town of Wilbraham and recorded in the Hampden County Registry of Deeds in Book 20971, Page 556.

The above described land being streets shown on recorded subdivision plans which have been constructed to subdivision standards with deeds of easement rights granted for dedication as public ways, therefore no damages will be sustained and no monetary compensation will be awarded. Roll call vote: (Chairman Russell – yes, Selectman Boilard – yes, Selectman Brennan - yes).

Materials Referenced: Order of Taking for Public Ways prepared by Planning Director Pearsall and submitted to the BoS office for signature, 2 pages.

CARES Act CvRF-MP Extension

Chairman Russell stated that the Cares Act has been extended through December 31, 2021.

Materials Referenced: Memorandum to Municipal Coronavirus Relief Fund Recipients from A&F Federal Funds Office dated 12.29.2020 re: Extension of CARES ACT Coronavirus Relief Fund Covered Period.

Draft for Reminder Article

TA Breault will prepare an article for submission to the Reminder publication to the Board for review next week.

Establish Annual Town Meeting Date

TA Breault confirmed that the Town Election will be May 15, 2021.

Resident Matt Villamino asked about Town Meeting warrant deadlines. TA Breault responded that warrant articles that require funding would typically be January 31. Other articles would be due the first week of March. Petitioned articles have a separate timeline.

MOTION (Boilard, Brennan): Move to schedule the Annual Town Meeting on May 10, 2021. Roll call vote: (Chairman Russell – yes, Selectman Boilard – yes, Selectman Brennan - yes).

Acceptance of resignation of Part Time WPA Program Coordinator – J. Buchanan

MOTION (Boilard, Brennan): Move to accept the resignation of part time Wilbraham Public Access Program Coordinator Jennifer Buchanan effective January 31, 2021. Roll call vote: (Chairman Russell – yes, Selectman Boilard – yes, Selectman Brennan - yes).

Materials Referenced: Email Correspondence from J. Buchanan to WPA Director Aube dated 12.28.2020.

Authorization to hire Part Time WPA Program Coordinator

MOTION (Boilard, Brennan): Move to authorize the hire of a part time Wilbraham Public Access Program Coordinator. Roll call vote: (Chairman Russell – yes, Selectman Boilard – yes, Selectman Brennan - yes).

Acceptance of retirement notice - Planning Director J. Pearsall

Chairman Russell stated that Mr. John Pearsall has announced his retirement after 32 years of service. With regret the Selectmen accepted his retirement.

MOTION (Boilard, Brennan): Move to accept the retirement notice of Planning Director John Pearsall on or around June 18, 2021. Roll call vote: (Chairman Russell – yes, Selectman Boilard – yes, Selectman Brennan - yes).

Materials Referenced: Retirement notice letter from Planning Director J. Pearsall to TA Breault dated 12.31.2020.

Authorization to hire - Planning Director

MOTION (Boilard, Brennan): Move to authorize the hire of a Planning Director. Roll call vote: (Chairman Russell – yes, Selectman Boilard – yes, Selectman Brennan - yes).

LICENSING AND OTHER APPROVALS

Application Permits (3) for Temporary Food Establishment – Mary Barcome dba Bobo’s

MOTION (Boilard, Brennan): Move to grant a temporary Food Establishment Permit to Mary Barcome dba Bobo’s located at 17 Clifton Ave, Westfield to prepare and sell food subject to any existing restrictions imposed due to COVID-19 at Fieldcrest Brewing Company LLC located at 2343 Boston Road from 4pm to 9pm on January 8 and 15, 2021; and pending the Health Inspector’s favorable approval. Roll call vote: (Chairman Russell – yes, Selectman Boilard – yes, Selectman Brennan - yes).

MOTION (Boilard, Brennan): Move to grant a temporary Food Establishment Permit to Mary Barcome dba Bobo’s located at 17 Clifton Ave, Westfield to prepare and sell food subject to any existing restrictions imposed due to COVID-19 at Frankie B’s Billiards & Sports Bar located at 2957 Boston Road from 4pm to 9pm on January 16, 2021; and pending the Health Inspector’s favorable approval. Roll call vote: (Chairman Russell – yes, Selectman Boilard – yes, Selectman Brennan - yes).

Materials Referenced: Application materials for Temporary Food Establishment Permits from M. Barcome of Bobo’s received by the BoS office on 12.30.2020.

Application for a Temporary Food Establishment Permit - Cousins Connecticut Truck LLC dba Cousins Maine Lobster

MOTION (Boilard, Brennan): Move to grant a temporary Food Establishment Permit to M Y Shahul Hameed of Cousins Connecticut Truck LLC dba Cousins Maine Lobster located at 77 Lexington Ave., New York, NY to prepare and sell food subject to any existing restrictions imposed due to COVID-19 at Fieldcrest Brewing Company LLC located at 2343 Boston Road from 12pm to 7pm on January 14, 2021; and pending the Health Inspector’s favorable approval. Roll call vote: (Chairman Russell – yes, Selectman Boilard – yes, Selectman Brennan - yes).

Materials Referenced: Application materials for a Temporary Food Establishment Permit from Cousins Maine Lobster received by the BoS office on 12.30.2020.

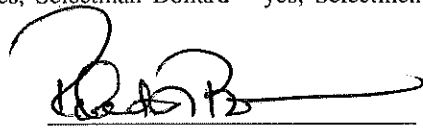
MEETING MINUTES

None.

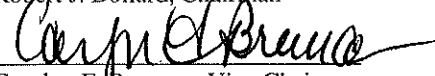
Having no further business, Selectman Boilard made a motion to adjourn the meeting and Selectman Brennan seconded the motion. The Board unanimously voted in a roll call vote (Chairman Russell – yes, Selectman Boilard – yes, Selectmen Brennan-yes) to adjourn at 7:40 PM.



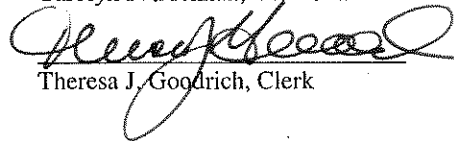
Heather Kmelius
Administrative Assistant to the BoS/TA



Robert J. Boilard, Chairman



Carolyn F. Brennan, Vice Chairman



Theresa J. Goodrich, Clerk



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CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

**ORDER SUSPENDING CERTAIN PROVISIONS
OF THE OPEN MEETING LAW, G. L. c. 30A, § 20**

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”); and

WHEREAS, many important functions of State and Local Government are executed by “public bodies,” as that term is defined in G. L. c. 30A, § 18, in meetings that are open to the public, consistent with the requirements of law and sound public policy and in order to ensure active public engagement with, contribution to, and oversight of the functions of government; and

WHEREAS, both the Federal Centers for Disease Control and Prevention (“CDC”) and the Massachusetts Department of Public Health (“DPH”) have advised residents to take extra measures to put distance between themselves and other people to further reduce the risk of being exposed to COVID-19. Additionally, the CDC and DPH have advised high-risk individuals, including people over the age of 60, anyone with underlying health conditions or a weakened immune system, and pregnant women, to avoid large gatherings.

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise authority over public assemblages as necessary to protect the health and safety of persons; and

WHEREAS, low-cost telephone, social media, and other internet-based technologies are currently available that will permit the convening of a public body through virtual means and allow real-time public access to the activities of the public body; and

WHEREAS section 20 of chapter 30A and implementing regulations issued by the Attorney General currently authorize remote participation by members of a public body, subject to certain limitations;

NOW THEREFORE, I hereby order the following:

(1) A public body, as defined in section 18 of chapter 30A of the General Laws, is hereby relieved from the requirement of section 20 of chapter 30A that it conduct its meetings in a public place that is open and physically accessible to the public, provided that the public body makes provision to ensure public access to the deliberations of the public body for interested members of the public through adequate, alternative means.

Adequate, alternative means of public access shall mean measures that provide transparency and permit timely and effective public access to the deliberations of the public body. Such means may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body while those activities are occurring. Where allowance for active, real-time participation by members of the public is a specific requirement of a general or special law or regulation, or a local ordinance or by-law, pursuant to which the proceeding is conducted, any alternative means of public access must provide for such participation.

A municipal public body that for reasons of economic hardship and despite best efforts is unable to provide alternative means of public access that will enable the public to follow the proceedings of the municipal public body as those activities are occurring in real time may instead post on its municipal website a full and complete transcript, recording, or other comprehensive record of the proceedings as soon as practicable upon conclusion of the proceedings. This paragraph shall not apply to proceedings that are conducted pursuant to a general or special law or regulation, or a local ordinance or by-law, that requires allowance for active participation by members of the public.

A public body must offer its selected alternative means of access to its proceedings without subscription, toll, or similar charge to the public.

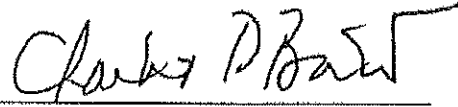
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby suspended.

(3) A public body that elects to conduct its proceedings under the relief provided in sections (1) or (2) above shall ensure that any party entitled or required to appear before it shall be able to do so through remote means, as if the party were a member of the public body and participating remotely as provided in section (2).

(4) All other provisions of sections 18 to 25 of chapter 30A and the Attorney General's implementing regulations shall otherwise remain unchanged and fully applicable to the activities of public bodies.

This Order is effective immediately and shall remain in effect until rescinded or until the State of Emergency is terminated, whichever happens first.

Given in Boston at 5:40 PM this 12th day of
March, two thousand and twenty.

A handwritten signature in black ink, appearing to read "Charles D. Baker". The signature is written in a cursive style with a horizontal line underneath it.

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts