

**BOARD OF SELECTMEN MEETING
MONDAY, FEBRUARY 8, 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 6:02 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."

Selectmen 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. Selectman Brennan seconded the motion. 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 7:15 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 and to please remain on "mute" if you are not speaking.

APPOINTMENTS WITH THE BOARD

7:00pm Fire Chief Andrews: Jill Conselino, Public Health Nurse; Lorri McCool, Health Director – COVID-19 Coronavirus update, Vaccine Clinic update

Fire Chief Andrews reported his staff is healthy and has started receiving the second round of vaccinations. Chief Andrews thanked everyone who has helped with the Town's vaccine clinic planning. Public Health Nurse (PHN) Jill Conselino helped register seniors at Senior Center today for vaccines as the clinic is starting one week early. Notification has been issued to residents by robocall. The Town has 100 vaccinations confirmed and a waiting list is created. Covid cases are currently down. There are 49 active cases and 4 probable cases. Cases include 3 HWRSD students and 12 household members of HWRSD, 4 WMA community members and 11 long term facilities community members. There have been 1,078 Covid cases confirmed in Town since March 2020. PHN Conselino stated that Covid numbers are decreasing across the State and she answered questions about side effects from 2nd vaccine. The Town is distributing the Moderna vaccine. She confirmed that paramedics will be present at the clinic. A new vaccine may be available in the next few weeks also to assist supply demand. Health Inspector Lorri McCool was pleased with vaccine site plans and she encouraged people to seek out vaccination clinics. The Governor's orders have been relaxed from 25% to 40% for restaurant capacity. Dispatch Supervisor Gentile stated that his staff is all well and they are getting vaccinated this week. Police Chief Zollo was not present tonight. Chairman Russell stated that Big Y stores in East Longmeadow & Wilbraham are doing vaccinations.

Materials Referenced: Email Correspondence from PHN Conselino to Fire Chief Andrews, TA Breault, Director of Elder Affairs P. Dubord and Hampden COA Director R. Moriarty dated 2.5.2021. Memo from TA Breault to BoS dated 2.5.2021 regarding COVID Vaccine Clinic. Email dated 2.5.2021 to TA Breault from G. Tuoti, Public Information Officer. Email correspondence from PHN Conselino to TA Breault dated 2.5.2021.

7:10pm Public Hearing – Massachusetts Electric Company dba NATIONAL GRID, Petition for Pole and Wire locations – Boston Road - #30288496

The public hearing was opened by Chairman Russell at 7:28 pm. Selectmen Boilard read the motion into the record.

MOTION (Boilard, Brennan): Move to approve the Petition for Massachusetts Electric Company d/b/a NATIONAL GRID on a plan #30288496 including the necessary sustaining and protecting fixtures, along and across the following public way: Boston Road, Wilbraham, Massachusetts. NATIONAL GRID is to install (1) SO pole 47-2 on Boston Road beginning at a point approximately 675 feet northeast of the centerline of the intersection of Boston Road and Lake Drive and continuing approximately 40 feet in a northwest direction. Existing tree has rotted and pole to tree guy needs to be replaced with a stub pole; National Grid to install a new 35'C2 stub pole 47-2 on Boston Road and install +/-40 feet guy wire from pole 47 to new pole 47-2 on Boston Road. NATIONAL GRID is granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – Boston Rd. - "P47 Boston Rd., Wilbraham, MA, 01095", - National Grid #30288496 dated December 22, 2020"; and for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as said petitioner may desire for distributing purposes. The Petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes. **(This motion did not carry.)**

Connor Reynolds, Designer B from National Grid was present by phone. Mr. Reynolds stated that the support pole for an existing pole is rotted and a new pole needs to be installed for stability using a non-energized wire. Chairman Russell asked if National Grid planned to remove the rotted tree and Mr. Reynolds did not know the answer. Selectman Boilard asked if this pole could be used for Broadband services and Mr. Reynolds answered "potentially". Mr. Reynolds did not know if the State had approved this work on Boston Road, a State highway. National Grid will look into the outstanding questions and report back. Resident Michael Squino asked what the alternate plan is if the State does not offer approval on this matter.

MOTION (Boilard, Brennan): Move to continue to the hearing to February 22. Roll call vote: (Chairman Russell – yes, Selectman Boilard – yes, Selectman Brennan - yes).

Chairman Russell closed the public hearing at 7:35pm.

Materials Referenced: Copies of abutter notification notices, GIS map of property, National Grid petition documents submitted to the Selectmen's office received on 1.12.2021 from J. Kehrer, Supervisor, Distribution Design, and Petition for Pole and Wire Locations Boston Road #30288496.

7:15pm Bryan Litz re: Spring Sports Programming

Parks and Recreation Director Bryan Litz was present by GoToMeeting. Director Litz is seeking permission to run several spring sports programs including volleyball, lacrosse, tennis, baseball, dance, baseball, etc. following all of the CDC and State guidelines. The Board was supportive of the plans.

7:20pm Interview for Historical Commission

Chairman Russell stated that the Board will interview a candidate on February 22, 2021 in order to fill a vacancy on this committee. No action needed this evening.

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

Town Administrator's Report

TA Breault and IT Director Nate DeLong had a Broadband meeting today with Entry Point. TA Breault stated that this would be an opt-in service for residents where it would be a rate payer sustained service, not tax payer service. Building studies need to begin with an RFP process. The Finance Committee is meeting this Wednesday and TA Breault will attend to discuss the budget. Town offices are closed on February 15, 2021 for Presidents Day.

Board of Selectmen Updates

Selectmen Boilard and Selectmen Brennan thanked the DPW for excellent plowing work.

Citizens Open Forum

Resident Bob Tourville asked why Town electric bills have increased lately and is looking for answers as to why and also inquired about aggregation. Infrastructure improvement push back was suggested as a potential impact. Finance Committee member Susan Bunnell addressed some discussion about aggregation. CPC Chairman John Broderick discussed the Historical Commission's request in the FY22 budget for funds and suggested that CPC funds could be possibly be applied to this request. The CPC application deadline is February 19, 2021. Resident Matt Villamino

inquired about the proposed Building studies relative to the mechanical and structural aspects of the sites and confirmed that the depth of the study would include parking lots, hazardous materials, etc.

OLD BUSINESS

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

TA Breault stated that Town Counsel sent a letter to seller's counsel advising the position that notification was not presented accurately to the Town. Seller's counsel has since resubmitted proper notice which prompts a new timeline for this matter. TA Breault asked the Chairman if an application should be submitted to CPC regarding this property, although the application is subject to change and amendments. Selectman Brennan and Selectman Boilard are not ready to present a CPC application. CPC Chairman Broderick spoke at length about the CPC's involvement in the future of this property. Discussion ensued. Resident Dan Fernandes, property abutter to this property, joined the meeting by phone and he is pleased that the Board is seriously considering this as he has some concerns about water runoff affecting his property.

Materials Referenced: Email from Asst Collector L. Frederick to TA Breault and Admin. Asst H. Knelius dated 2.5.2021, copy of tax bill for this property, Copy of Notice of Intent to Sell for Other Use M.G.L. c.61A § 14 received by certified mail by the Selectmen's Office from Bacon Wilson on 2.4.2021. Memo from Open Space and Recreation Plan Committee to the Board dated 2.8.2021.

FY22 Budget

TA Breault and Chairman Russell joined the HWRSD Subcommittee meeting today. The minimum local contributions calculations issued from the State calls for reductions of approximately \$269,000 for Hampden and approximately \$16,000 for Wilbraham. The school budget predicts a \$213,000 increase that Wilbraham would have to make up. TA Breault noted an error to the good of the Town that was noticed following his presentation at the last meeting. TA Breault reviewed the budget numbers and variables. The SVRHT meets on February 9th and will vote on health insurance rates.

Materials Referenced: HWRSD Documents including "2021 HWRSD FIN OPS Meeting Schedule-Revised 02.03.2021", "FINANCE AND OPERATIONS SUBCOM MEETING SUB POSTING 02-08-2021", "HWRSD PRELIMINARY 2.0% BUDGET COLORED SHEET 2-8-2021". SVRHT Draft meeting minutes from 12.1.2020, "Copy of SVRHT FY22 Rate Projections - preliminary 2 (1)", Feb4 FY22 BUDGET WORKBOOK, General Law - Part I, Title XXII, Chapter 161B, Section 3, Letter to the BoS Chair from PVT A dated 12.24.2020, Email correspondence from J. Anderson to HR Coord. H. Dane, TA Breault, etc. regarding SVRHT FY22 Renewal Calculations dated 2.4.2021, SVRHT meeting agenda dated 2.9.2021.

2021 ATM Warrant

TA Breault stated that warrant articles are due on March 12 and he asked the Board to consider warrant articles to include on the warrant this year.

Draft BOS 2020 Annual Report

TA Breault is working on this report for a future Board meeting.

NEW BUSINESS

Consideration of 96V Lake Drive Property Donation

This matter was tabled.

Consideration of Maintenance Contract - Landscape and Maintenance Services of 540 Stony Hill Fields

Mr. Dan Fernandes was present by phone. For several years, Mr. Fernandes and his father have revived fields behind Middle school and brought it back to agricultural use. This motion is to approve the continuation of Mr. Fernandes's work at 540 Stony Hill Road.

MOTION (Boilard, Brennan) Move to approve the contract renewal of the Landscape and Maintenance Services of 540 Stony Hill Fields for term starting February 8, 2021 and ending February 7, 2024 as presented. Roll call vote: (Chairman Russell – yes, Selectman Boilard – yes, Selectman Brennan - yes).

Materials Referenced: Draft(s) Maintenance Contract Landscape and Maintenance Services of 540 Stony Hill Fields, 540 Stony Hill plot plan, USDA Land Values 2018 Summary August 2018, Email correspondence between TA Breault and Town Counsel Reilly regarding contract.

Consideration of Appointment of Alternate Plumbing & Gas Inspector

Chairman Russell asked for the motion.

MOTION (Boilard, Brennan): Move to appoint Mr. Heath Dion as Alternate Plumbing and Gas Inspector for the ensuing year contingent on a satisfactory Criminal Offender Records Inquiry and effective on a date determined by the Building Inspector. Roll call vote: (Chairman Russell – yes, Selectman Boilard – yes, Selectman Brennan - yes).

Materials Referenced: Employment application from H. Dion, Email from HR Coord. Dane to Admin Asst H. Knelius, Building Inspector J. Walsh and TA Breault dated 2.4.2021.

LICENSING AND OTHER APPROVALS

Application Permit for Temporary Food Establishment – Cousins Connecticut Truck LLC dba Cousins Maine Lobster
Chairman Russell stated he and wife have tried this food truck and stated it is very good.

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 February 19, 2021; and pending the Health Inspector's favorable approval. Roll call vote: (Chairman Russell – yes, Selectman Boilard – yes, Selectman Brennan - yes).

Materials Referenced: Application Permit for Temporary Food Establishment packet from MY Shahul Hameed submitted to the Selectmen's Office via email on 1.28.2021.

MEETING MINUTES

March 2, 2020 Executive Session

MOTION (Boilard, Brennan): Move to approve the Executive Session Meeting Minutes from March 2, 2020 as presented. Roll call vote: (Chairman Russell – yes, Selectman Boilard – yes, Selectman Brennan - abstained).

Materials Referenced: Draft Executive Session meeting minutes from 3.2.2020 prepared by Admin. Assistant H. Kmelius.

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 8:20 PM.



Heather Kmelius
Administrative Assistant to the BoS/TA



Robert W. Russell, Chairman



Robert J. Boilard, Vice Chairman



Carolyn F. Brennan, 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.

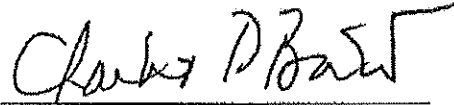
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby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

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts