

**BOARD OF SELECTMEN MEETING
MONDAY, JANUARY 28, 2019
6:00 PM AT TOWN OFFICE BUILDING, SELECTMEN'S MEETING ROOM
240 SPRINGFIELD STREET, WILBRAHAM, MA
MINUTES**

PRESENT: Chairman Robert J. Boilard (presiding); Selectmen Susan C. Bunnell; Selectmen Robert W. Russell, Town Administrator Nick Breault and Heather Kmelius, Administrative Assistant to the Board of Selectmen and Town Administrator. The meeting was called to order at 6:03 PM.

EXECUTIVE SESSION

Chairman Robert Boilard 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) (6) to consider the purchase, exchange, lease or value of real property, regarding a sidewalk on Faculty Street and regarding Memorial School; and per M.G.L. c. 30A, § 21(a) (3) to discuss strategy with respect to collective bargaining with the UPSEU Local 424M, regarding a DPW position, and regarding the proposed MOA; and to discuss strategy with respect to collective bargaining with the NEPBA Local 120; and per M.G.L. c. 30A, § 21(a) (3) to discuss strategy with respect to litigation regarding a claim for payment, and to discuss strategy with respect to litigation involving the HWRSD; whereas an open meeting may have a detrimental effect on the bargaining and litigating positions of the Board of Selectmen, and as the Chairman I so declare, and that the Board of Selectmen shall reconvene in open session".

Selectmen Bunnell so moved to hold an executive session for the following purposes: per M.G.L. c. 30A, § 21(a) (6) to consider the purchase, exchange, lease or value of real property, regarding a sidewalk on Faculty Street and regarding Memorial School; and per M.G.L. c. 30A, § 21(a) (3) to discuss strategy with respect to collective bargaining with the UPSEU Local 424M, regarding a DPW position, and regarding the proposed MOA; and to discuss strategy with respect to collective bargaining with the NEPBA Local 120; and per M.G.L. c. 30A, § 21(a) (3) to discuss strategy with respect to litigation regarding a claim for payment, and to discuss strategy with respect to litigation involving the HWRSD; whereas an open meeting may have a detrimental effect on the bargaining and litigating positions of the Board of Selectmen, and that the Board of Selectmen shall reconvene in open session. Roll call vote: (Chairman Boilard – yes, Selectmen Bunnell – yes, Selectmen Russell – yes).

Following the conclusion of Executive Session, the Board reconvened in Open Session at 7:00 PM.

PLEDGE OF ALLEGIANCE

Chairman Boilard asked all to join the Selectmen in saying the Pledge of Allegiance. The meeting was recorded by Wilbraham Public Access and the Selectmen's Office. Chairman Boilard announced the meeting was being audio recorded and broadcast live on Wilbraham Public Access. Anyone wishing to speak during the hearing was instructed to sign in.

APPOINTMENTS WITH THE BOARD

Public Hearing: New Liquor License - Blue Elephant Restaurant, LLC, 2000 Boston Road

Chairman Boilard opened the public hearing at 7:02 P.M. Attorney Daniel O'Connell stated that all four restaurant principals for Blue Elephant Restaurant, LLC were present tonight including W. Andrew Czepiel, Nuchjaree O'Connell, and Todd Arunroj, all with extensive restaurant expertise. Attorney O'Connell and his wife love Thai food, have not found a good Thai restaurant in the region and have decided to open their own authentic Thai restaurant. Two of the restaurant principals just returned from Bangkok where they spent time purchasing Thai décor and gathering food recipe inspiration. Attorney O'Connell stated that they are not interested in running a bar, but are seeking to have beer and wine to complement their specialty dishes. Mr. Czepiel, General Manager has 17 years of food service experience and is Food Service Management, ServSafe, Allergen and TIPS certified. It was noted that all of the waitstaff would be required to be TIPS certified. Attorney O'Connell stated that the property owners allowed them to make the bar smaller in order to add more seating and the owners also completed a half million dollar kitchen renovation. The proposed restaurant hours are 10:30 A.M to 10 P.M. with beer and wine sales from 11:00 A.M. to 9:30 P.M. The Board did not have any issues with the application and no one in the audience asked to speak.

MOTION (Bunnell, Russell): Move to approve a new Section 12: Wine and Malt Beverages License for Blue Elephant Restaurant, LLC; Walter Andrew Czepiel, Manager; with the hours for sale of Wine and Malt Beverages as follows: Sunday - Saturday, 11:00a.m.-9:30p.m.; and forward said application to the Alcohol Beverages Control Commission for review and approval. Approved (3-0).

Materials referenced: Cover letter from Attorney O'Connell to the Board of Selectmen and ABCC new wine and malt license application hand delivered to the Selectmen's office 1.4.2019. Certified list of abutter received from the Assessor's Office by the Selectmen's Office 1.10.19 and proof of certified mail receipts mailed on 2.11.19. Time publication of Legal Notice dated 1.17.19

Public Hearing: New Entertainment License - Blue Elephant Restaurant, LLC, 2000 Boston Road

Chairman Boilard opened the public hearing at 7:10pm. Attorney O'Connell stated that proposed entertainment would include soft prerecorded authentic Thai music consisting of flutes and chimes. They are seeking permission play the music through speakers in the restaurant and on the outdoor seasonal patio Mondays through Saturdays. They offered to play samples of the music for the Board. They do not intend to invite live music performers. The resident of 35 Old Boston Road resident asked for clarification on hours of operation, seasonal patio usage, and parking. The seasonal patio is planned for use June through September with plans for 5 small tables. The Board stated that historically outdoor entertainment can create complaints so they emphasized that the outdoor music should not bother the neighbors. Attorney O'Connell that the restaurant's parking is shared with CVS and they pay a percentage of the plowing fee to share the parking area. They are hoping to open on March 1, 2019.

MOTION (Bunnell, Russell): Move to approve the new annual Monday – Saturday entertainment license to Blue Elephant Restaurant, LLC to approve entertainment including pre-recorded soft music in the restaurant and also on the facility's outdoor patio during the hours of 11am-930p. Approved (3-0).

Materials referenced: Application for an Entertainment License hand delivered by Attorney O'Connell to the Selectmen's office 1.4.19. Legal notice stamped by the clerk 1.11.2019. Certified list of abutter received from the Assessor's Office by the Selectmen's Office 1.10.19 and proof of certified mail receipts mailed on 2.11.19. Time publication of Legal Notice dated 1.17.19

Application for Tobacco Sales Permit – Vapers Haven, 2341 Boston Road, D. Lucchesi

David and Eva May Lucchesi, owners and operators of Vapers Haven were present. They have been running Vapers Haven located at 2341 Boston Road for eight and a half years. They exclusively sell vaping products, not tobacco. The Town requires a local tobacco sales permit.

MOTION (Bunnell, Russell): Move to approve a Tobacco Sale Permit to Vapers Haven pending satisfactory inspection by the Health Inspector. Approved (3-0).

Materials referenced: Application for Tobacco Sales Permit received by the Selectmen's Office by U.S. Mail 1.14.19.

Tammy Turcotte, Animal Control Officer regarding Interim Animal Control Officer

Animal Control Officer (ACO) Tammy Turcotte needs surgery due to a non-work related injury. She will not be able to perform her duties during her recovery for an estimated six weeks. The former Wilbraham ACO Mike Masley is willing to cover Tammy Turcotte's medical leave. The Board wished Ms. Turcotte the best during her recovery.

MOTION (Bunnell, Russell): Move to appoint Michael Masley as Interim Animal Control Officer effective Sunday, February 3, 2019 for an indefinite term to expire at the discretion of the Board. Approved (3-0).

Materials referenced: Letter from Mike Masley dated and received by the Selectmen's Office 1.28.19. Letter from ACO Turcotte hand delivered to the Board during the meeting on 1.28.19.

Community Preservation Committee (CPC), Chairman S. Smead and J. Smith

A.) 674 Main Street CPC Application

B.) General Discussion – CPC FY2020 Applications

CPC Chairman Stoughton Smead and CPC Member Jeff Smith stated the CPC received ten FY20 applications that currently under review by the CPC. The application submitted by the Children's Museum this fiscal year involves the purchase of a vacant property on north side of Children's Museum for sale. CPC Chairman Smead gave an overview of the success of the Children's Museum and the strong membership and volunteers involved with this group. CPC Chairman Smead stated that this expansion of the playground/recreation area for the museum is a project that meets CPA project requirements.

Chairman Boilard asked why the town would be inclined to remove this property from the tax rolls. CPC Chairman Smead responded that this project would improve the quality of life for young families. Mr. Smith stated the tax income for the vacant lot is \$2,192. He stated that the Town has benefitted from the growth and development of museum over the years. He stated that the Children's Museum maximizes its current space and has put some pressure on neighbors with increased parking and other development like the picnic pavilion. This vacant lot offers the Children's Museum room for growth.

In order to pursue this application, the CPC needs a need site plan, wetlands delineation, and an environmental review. Mr. Smith stated that working in the CPA allows for administrative costs to be paid out of their administrative fund. The CPC also needs an appointee to negotiate the sales transaction deal on behalf of the Town. CPC is also asking for permission to ask Town Counsel questions through TA Breault as needed if necessary during this process. Town Administrator Nick Breault and Town Counsel will be present at the next CPC meeting on February 6, 2019.

The Board shared support for the CPC's pursuit of the possibility of the project's success. The future purchase and sale agreement would be contingent on Town Meeting approval. CPC Chairman Smead is here to clarify the series of events needed in an endeavor such as this. Selectmen Bunnell stated that it is an appropriate project and that the land could be used for multiple purposes in addition to or as alternatives to use by the Children's Museum.

Materials referenced: CPC Chairman Smead hand delivered documents to the Board during the meeting including: "Wilbraham CPA FY2020 Estimated Revenue Projection", GIS maps of 674 Main Street, CPA Chart 1 "Community Preservation Fund Allowable Spending Purposes", Letter from Crowley & Associated to CPC Vice Chairman Jeffrey Smith dated 1.23.19.

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

Town Administrator's Report

Town Administrator (TA) Nick Breault attended the Annual MMA Trade Show last week and reported lots of activity at the event including great speakers, including Anna Chaves and Matt Light, as well as interesting vendors, some of whom may be able to assist the town with service gaps which may result from upcoming retirements.

The Governor and Finance teams announced that unrestricted local aid 2.7% in line with projected sales revenues, along with other budget updates such as 4% increase in Chapter 70 funding. Lastly, TA Breault plans to meet with Michael Clark from Senator Lesser's office next week regarding budgeting priorities.

Board of Selectmen Updates

Selectmen Russell talked about a meeting with Boy Scout Troop 359 last week where he spoke to the group about being good citizens and about his responsibilities as a Selectmen and about government operations. Selectmen Russell told the group that "showing up" and participating is most important in the community. He invited to Troup 359 to a Selectmen's meeting and also invited them to lead the Pledge of Allegiance at the Annual Town Meeting.

Selectmen Bunnell also attended the Annual MMA Trade Show. She attended a fascinating "Selectmen's Guide to Municipal Finance" breakout session. The event had an app so Selectmen Bunnell will be sharing further materials from the event soon. She encouraged the other Board members to attend in the future.

Citizens Open Forum

Resident Bob Tourville asked for clarification about conversations and topics discussed during this meeting related to the Green Communities application process for funding proposed projects, the meals tax proposal and sign placement authorized on Town property. Discussion ensued to respond to his inquiries. Resident David Sanders discussed the recall that just took place in Longmeadow and inquired about the Wilbraham Selectmen Board's response to the matter. Mr. Sanders asked for further details about Selectmen Bunnell's communications with the Town of Amherst and the state regarding "green projects".

OLD BUSINESS

FY 20 Budget Updates

Town Administrator (TA) Breault stated that he has updated the Board's electronic files with FY 20 budget workbooks for review, along with the department narratives. Calculations show the Town at \$27,825 under levy limit now. He is working with Assistant Town Administrator for Budget & Finance, Treasurer / Collector Tom Sullivan to refine the numbers in preparation for next week's budget presentation. TA Breault stated there is a limited salary pool of \$165,000. A presumed 3% assessment from the HWRSD placeholder is in place. Pension obligations and health insurance cost is anticipated to be \$180,000 over last year's budget numbers. Chairman Boilard confirmed that the free cash is certified. The Board discussed Capital Projects for FY19 and FY20. Chairman Boilard inquired about the exterior doors replacement project at the Middle School and Soule Road School as funding was approved at last year at Town Meeting. Building Inspector Trevallion stated that the project has not been done. Selectmen Bunnell also stated an opportunity through a State program to help DPW move to more energy efficient vehicles, at least one of which is on this year's Capital Plan, so an alternative funding source may be available. Discussion ensued about this project's impact on the HWRSD's proposed SOI for the MSBA.

Materials referenced: FY20 Excel workbooks prepared by TA Breault dated 1.25.19 and 1.28.19.

Annual Meeting Warrant Articles and Deadlines

Town Administrator (TA) Breault stated that warrant deadlines have been communicated and made public with February 1, 2019 being the deadline for financial articles and March 1, 2019 for non-financial related and petitioned articles. TA Breault asked about funding for proposed building studies. The Board agreed that an appropriation is necessary and discussed putting the expense in free cash, capital, or professional services line items. The board will seek input from the Finance Committee. TA Breault stated that in anticipation of Town Meeting, he asked the Board to consider if they would like to the Town Clerk position be an appointed or an elected position in the future, and possibly other positions. Selectmen Bunnell suggested consideration of 5 person Selectmen Board. TA Breault asked the Board if it wanted to consider proposing a local meals tax proposal. Discussion ensued out about the proposed ideas.

Green Communities Designation and Priorities

Town Administrator (TA) Breault stated that February 9, 2019 is the deadline for the Green Communities application. TA Breault stated he has learned that funds awarded cannot be banked for large projects in a subsequent fiscal year. TA Breault stated that the application will request funding for the amount of the ASHRAE Level II building studies not covered by the META grant received. Another proposed application funding request for the Board's consideration is a new temperature control system at the Fire Department. The Board discussed that funding was previously approved for this project at Town Meeting but the project is not done. Building Inspector (BI) Lance Trevallion stated that the Fire Department temperature control system has not been sufficient since the building's construction. BI Trevallion stated value engineering in the early stages of construction was imposed under budget pressure. BI Trevallion stated that he used to receive hourly complaints about the Fire Department temperate and with the work of Facilities Maintenance and Grounds Supervisor Ron Rauscher the system has greatly improved. Despite improvement, the system remains insufficient. Selectmen Bunnell stated that there are other projects including lighting and insulation that could be addressed at the Fire Department, both issues that were identified in a study done by Prism Energy. Discussion ensued and the Board agreed by consensus to have TA Breault include all of the discussed projects in the Green Communities application to be further discussed at next week's meeting.

Materials referenced: Letter to R. Rauscher from Automated Logic United Technologies dated 1.22.19.

Massachusetts School Building Authority (MSBA) - Statement of Interest (SOI)

Town Administrator (TA) Breault stated that he spoke with HWRSD Director of Finance, Operations and Human Resources Howard Barber and HWRSD Superintendent Ganem today regarding their progress on the SOI. The Selectmen should anticipate receiving a draft of the SOI by mi-week. This will likely be on the February 4, 2019 Selectmen's agenda. Mr. Barber and Mr. Ganem will present the SOI to the School Committee for a vote on February 7, 2019 and then plan to be at the Selectmen's meeting again on February 11, 2019 for final approval. The Board discussed the importance of letting the HWRSD officials aware of the FY 19 approved appropriation and funding for the Wilbraham Middle and Soule Road School doors so that they can plan accordingly. Selectmen Bunnell stated there is a \$500,000 application project minimum request, and she noted other application requirements.

Materials referenced: Statement of Interest Overview for Accelerated Repair Program and Statement of Interest Frequently Asked Questions both submitted by HWRSD representatives.

NEW BUSINESS

Approval of Compensation for Heavy Equipment Operator

Chairman Boilard stated this hire is for a vacant position.

MOTION (Bunnell, Russell): Move to approve the hire of Carmelo Perez to the position of Heavy Equipment Operator at Grade 6 Step C \$19.35 per hour. Approved (3-0).

Materials referenced: Application for Employment received from Carmelo Perez received by the Selectmen's Office 12.26.18.

Acceptance of Retirement Notice - Two Notices

MOTION (Bunnell, Russell): Move to accept the resignation of Ronald Rauscher from the position of Facilities Maintenance and Grounds Supervisor effective August 16, 2019. Approved (3-0).

MOTION: Move to accept the resignation of David Bourcier from the position of Fire Chief effective June 30, 2019. Approved (3-0).

Materials referenced: Retirement notice from R. Rauscher dated received by the Selectmen's Office 1.25.19 and Retirement Notice from D. Bourcier received by the Selectmen's Office 1.23.19.

Authorization to Hire Facilities Maintenance and Grounds Supervisor

It was noted that this hire will have future discussion.

MOTION (Bunnell, Russell): Move to authorize the replacement hire of a Facilities Maintenance and Grounds Supervisor. Approved (3-0).

Materials referenced: Facilities Maintenance and Grounds Supervisor Job Description submitted by HR Coordinator H. Dane.

Consideration of Replacement Hires and Promotions

This hire will have future discussion regarding process of hire.

MOTION (Bunnell, Russell): Move to authorize the replacement hire of a Fire Chief. Approved (3-0).

Personnel Policies Amendments: Vacation and Sick Leave

Mr. Joe Kelly from Personnel Board present with Herta Dane, HR Coordinator (HRC). HRC Herta Dane stated that they are presenting proposed changes to the Vacation and Sick leave policies. Regarding sick time, they are proposing to change the deadline for sick leave buyback notification to January 1st for retirement notification. This change will bring all employees onto the same required notification schedule. HRC Dane also stated that another proposed sick leave policy to allow sick leave for use for time for doctor appointments, which is already a common practice. Selectmen Bunnell stated that this is a very generous policy and would like to see the policy language in "one hour" increments, not "½ hour" increments with a one hour minimum. Finally, the last proposed wording policy change would award five days back to an employee who is out of work resulting from a worker's compensation claim that last twenty one days. This is justified as an employee's first five days of lost work are used as sick leave at the inception of the workers compensation claim.

The following changes were proposed for vacation time policy changes. HRC Dane stated that vacation time is awarded in July and this can be a lengthy accrual time for a new employee hired after July 1. HRC Dane explained a proposal to allow employees to accrue the equivalent vacation time at a faster pace proposed as earning one vacation day per full month worked to be awarded on January 1.

HRC Dane stated with lots of Department Heads retirements looming, it is suggested that the Board consider honoring a policy that will help attract good and experienced people with municipal experience. If the intention is to be able to attract candidates with municipal experience, the Town needs to be able to offer attractive time off and/or match a candidate's current benefits. Mr. Kelly stated that Wilbraham is desirable place to work and live and this policy will help the Town attractive good future candidates. Selectmen Bunnell clarified and added the word "fiscal" year for the awarding of vacation time and the motion reflects this amendment. Selectmen Bunnell stated that both policies acknowledge special policy language specific to the Fire Chief and noted that those will not carry on to any other individuals.

MOTION (Bunnell, Russell): Move to approve the amendments to the Sick Leave Policy for non-union personnel as submitted and as approved by the Personnel Advisory Board at their meeting on January 16, 2019. Approved (3-0).

MOTION (Bunnell, Russell): Move to approve the amendments to the Vacation Policy for non-union personnel as submitted and amended, and as approved by the Personnel Advisory Board at their meeting on January 16, 2019. Approved (3-0).

Materials Referenced: "SICK LEAVE BENEFITS" and "VACATION BENEFITS" policy documents amendment proposal drafts prepared and submitted by HR Coordinator H. Dane. Personnel Advisory Board Meeting Minutes from the 1.16.19 meeting.

Accept resignation of Town Registrar – D. Fountain

MOTION (Bunnell, Russell): Move to accept the resignation of Donna Fountain from the position of Town Registrar effective December 26, 2018. Approved (3-0).

Materials Referenced: Letter of resignation from D. Fountain dated 12.19.18 and received by the Town Clerk and the Selectmen's Office 1.24.19.

Fountain Park Paving

Selectmen Bunnell sits on Fountain Park Board as a representative of the Board of Selectmen. Wilbraham Nature Cultural Council (WNCC) is seeking funds to address paving at Fountain Park and is pursuing grant monies. The Town DPW Department is seeking permission to meet with WNCC Board to discuss how WNCC's grant monies can be used towards paving proposals.

MOTION (Bunnell, Russell): Move to direct the DPW to meet with the WNCC to discuss paving proposal at Fountain Park. Approved (3-0).

Materials Referenced: Letter from P. Brady to T. Bosch, Asst DPW Director dated and received by the Selectmen's Office 1.28.19. Email Correspondence from Selectmen Bunnell date 1.28.19.

LICENSING AND OTHER APPROVALS

Food Establishment Permit (Restaurant)

Blue Elephant Restaurant, LLC, 2000 Boston Road

MOTION (Bunnell, Russell): Move to grant an Annual Food Establishment Permit to Blue Elephant Restaurant, LLC, to prepare food in a commercial kitchen, located at 2000 Boston Road, Wilbraham, Massachusetts; pending the Health Inspector's approval. Approved (3-0).

Materials Referenced: Food Establishment Permit Application and related application materials hand delivered by Attorney O'Connell to the Selectmen's Office 1.4.19.

Common Victualer Permit
Blue Elephant Restaurant, LLC, 2000 Boston Road

MOTION (Bunnell, Russell): Move to grant a Common Victualer Permit to Blue Elephant Restaurant, LLC, located at 2000 Boston Road, Wilbraham, Massachusetts; pending the Health Inspector's approval. Approved (3-0).

Materials Referenced: Common Victualer Permit Application and related application materials hand delivered by Attorney O'Connell to the Selectmen's Office 1.4.19.

Request for Use of Public Property for Special Events

Friends of Recreation – Falcon Trail Race

Chairman Boilard stated this is a great annual event.

MOTION (Bunnell, Russell): Move to approve the Request for Use of Public Property for Special Events for the Friends of the Recreation to use the McDonald's Nature Preserve on April 13, 2019 for the 2019 Falcon Trail Race between the hours of 8am-12pm, and to forward to public safety officials for review. Approved (3-0).

Materials Referenced: Request for Use of Public Property for Special Events received from B. Litz to the Selectmen's Office via email on 1.11.19.

Request to Place Banners or Signs

Wilbraham-Hampden Coalition for Youth - A Community Talk with Dr. Ruth Potee

The event will take place on 2/28/19. Selectmen Russell stated that Dr. Potee is a fantastic speaker and highly recommends attending her events.

MOTION (Bunnell, Russell): Move to grant permission to the Hampden-Wilbraham Partners for Youth Coalition for temporary signs at the following Town Properties: Crane Park, Town Office Building, Bruuer Pond, Springfield/Faculty Streets (Hoover Park), and the Disposal and Recycling Center, Memorial School, Wilbraham Public Access (Little Red School House), 16 Main Street (IT Office), Main Street and Boston Road Intersection and the East Longmeadow and Stony Hill Road Intersection starting on February 8, 2019, promoting the Coalition's event "A Community Talk with Dr. Ruth Potee – Understanding Adolescent Brain and Risk Taking" Community Program"; with signs to be removed not later than Friday February 29, 2019. Approved (3-0).

Materials Referenced: Request to place Banners or Signs Application and related application materials received from R. Di Christoforo via email 1.14.19.

MEETING MINUTES

January 14, 2019 Exec. Sess.

MOTION (Bunnell, Russell): Move to approve the Executive Session minutes from January 14, 2019. Approved (3-0).

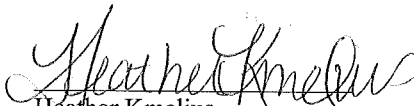
Materials referenced: Board of Selectmen Executive Session Minutes from 1.14.19 prepared by Admin. Assist. H. Kmelius and submitted for approval at this meeting.


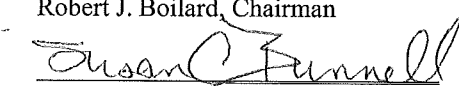

January 14, 2019 Open Session

MOTION (Bunnell, Russell): Move to approve the Open Session minutes from January 14, 2019. Approved (3-0).

Materials referenced: Board of Selectmen Open Session Minutes from 1.14.19 prepared by Admin. Assist. H. Kmelius and submitted for approval at this meeting.

Having no further business, the Board of Selectmen adjourned at 8:58 pm.


Heather Kmelius
Administrative Assistant to the TA/BOS


Robert J. Boilard, Chairman

Susan C. Bunnell, Vice Chairman

Robert W. Russell, Clerk