

**BOARD OF SELECTMEN MEETING  
FRIDAY, AUGUST 7, 2020 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 Heather Kmelius - Administrative Assistant to the Board of Selectmen and Town Administrator. The meeting was called to order at approximately 12:11 PM.

**PHYSICALLY PRESENT:** Selectmen Carolyn Brennan and Nick Breault - Town Administrator

**NOT PRESENT AT THE START OF THE MEETING:** Selectmen Robert J. Boilard

**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 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.

Procedures to Issue Outdoor Entertainment Licenses during COVID-19

TA Breault stated that several Town officials and Department Heads are participating in today's meeting, along with Town Counsel Steve Reilly. Public Health Nurse (PHN) Jill Conselino reported that there have been a few new Covid cases reported this week. She also confirmed that there is one positive case at Vero Healthcare. There is an employee exposure report at the YMCA that she is monitoring. Gov. Baker has a conference at 1pm today. Fire Chief Michael Andrews reported his department has received a low amount of Covid calls and only had one confirmed case call last week. He has large supply of PPE and operations are normal with all healthy staff. They are working on issues caused by the recent storm. He reported that 450 customers remain without power after Tuesday's storm and they are helping with cleanup efforts in Town.

TA Breault stated that this discussion is related to the Selectmen's approval of the outdoor dining applications in Town in accordance with the Governor's order. A Boston Road vendor has asked that the Board consider the allowance of temporary outdoor entertainment to accompany outdoor dining, with a streamlined process through the Selectmen foregoing the standard public hearing procedures. Historically in Town entertainment is only permitted through a formal public hearing process with the Selectmen. TA Breault discussed the Board's consideration of the request in terms of the type of entertainment to be considered, Covid safety procedures and regulations, allowable hours, and enforcement issues.

A streamlined process would entail an application for temporary outdoor entertainment being submitted to the Selectmen's Office. The application would be reviewed and approved by the following departments: Building, Health, Fire, and Police. Upon departmental approval, the Town Administrator, or his designee in his absence, would offer the final approval.

Town Counsel Steve Reilly discussed the State statute relevant in this case, Chapter 140 sec 183A that states that the Town has 45 days from application receipt where there must be a decision rendered or a public hearing must take place. Town Counsel Reilly stated that entertainment hearings have been done by Selectmen historically, but are not required by law. He suggested that the board could offer a waiver of the public hearing due to Covid 19 and specifically outline that these licenses will not automatically renew. Town Counsel clarified that this license would be subject to the same enforcement standards as the other licenses with a violations public hearing process and potential disciplinary action as needed.

The Board agreed that entertainment should not be allowed after 9pm. The Board agreed that these permit would expire at the end of October. Discussion ensued about the types of outdoor entertainment to be allowed such as duos, trios and solos, and live and/or recorded music.

Selectman Robert Boilard joined the meeting by phone at 12:27pm.

All Town entertainment licenses issued for indoor venues are issued with the following conditions:

**Entertainment [MGL Ch. 140, S. 181, 184, 185A; Ch. 180, S. 29 & LLA]**

All entertainment including live or recorded music, dancing, coin-operated amusement devices (video games, pool tables), and juke boxes must be licensed by the Board of Selectmen.

Restaurants which have entertainment are limited to the specific provisions expressed in the license, in no case to exceed a four-piece string band. One vocalist at a time is permitted. No duets, trios, quartets or choral groups are permitted.

Applications for other musical entertainment may be made for private parties in banquet facilities or clubs.

All entertainment shall be conducted so that noise is not audible, under any circumstances, upon the sidewalk adjoining the licensed premises or upon any abutting residential premises.

All entertainment, including music and associated noise by patrons or others within or outside the licensed premises, shall be considered a nuisance if audible more than 50 feet from the licensed premises, or upon any abutting residential property.

All amplifiers shall face the licensed premises and not the street. The operation of any radio, phonograph, musical instrument, machine or device between the hours of 11:00 PM and 9:00 AM on weeknights and 12:00 (midnight) and 9:00 AM on weekend nights in such a manner as to be plainly audible at a distance of 50 feet from the licensed premises shall be a violation of the entertainment license.

The meeting took a brief recess with all participants remaining on the phone in order to carefully review the indoor entertainment conditions language that Administrative Assistant Kmelius emailed the Selectmen and Town Counsel for review.

The meeting proceeded and Town Counsel Reilly suggested that the Town be consistent with the guidelines that regulate the indoor applications. The Board agreed to accept the same indoor regulations for outdoor entertainment as a standard. Administrative Assistant Kmelius read the conditions aloud. Town Counsel Reilly stated that hours can be more limited by the Board due to Covid. The Board agreed that application fees would be waived for those who hold current license and there would only be a fee for new entertainment licensees. The Board agreed that this temporary license would be for Monday through Saturday entertainment only.

**MOTION (Brennan, Boilard):** Move to approve the draft of the “Monday through Saturday Temporary Outdoor Entertainment application” for use during the Governor’s declared State of Emergency resulting from Covid-19 to all consider and approve the allowance of outdoor entertainment associated with approved Temporary Outdoor dining through November 1, 2020 or per the Governor’s order for Monday through Saturday Temporary Outdoor Entertainment. Roll call vote: (Chairman Russell – yes, Selectmen Boilard, Selectmen Brennan-yes).

**MOTION (Brennan, Boilard):** Move to grant authority to the Town Administrator and/or his appointee for the final approval following departmental review by the Fire Dept, Building Dept, Health Dept, and the Police Dept. of the “Monday through Saturday Temporary Outdoor Entertainment applications” administratively. Roll call vote (Chairman Russell – yes, Selectmen Boilard, Selectmen Brennan-yes).

*Materials Referenced: Draft application titled “APPLICATION FOR TEMPORARY OUTDOOR ENTERTAINMENT LICENSE MONDAY THROUGH SATURDAY ONLY” prepared by Admin. Assistant H. Kmelius. Current Town of Wilbraham Entertainment license regulations. Theater and Performance Venues MA Safety Standards. Email correspondence from Town Counsel Reilly to TA Breault and Admin. Assistant H. Kmelius dated 8.3.2020. Section 183A: Concerts, dances, exhibitions, public shows, etc.; license; application; suspension or revocation; rules and regulations.*

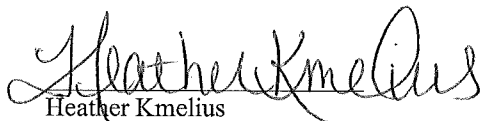
Request for Outdoor Entertainment

**MOTION (Boilard, Brennan):** Move to approve the request of Laurie Bongiorno of Route 20 Boston Bar and Grill located at 2341 Boston Road for the allowance of temporary outdoor entertainment to include live music for permitted outdoor during dining hours on Thursday through Saturdays from 6:30p to 9:00p through October 31, 2020. Roll call vote (Chairman Russell – yes, Selectmen Boilard, Selectmen Brennan-yes).

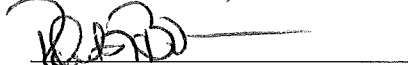
TA Breault stated that the Selectmen’s Office will circulate the application to vendors for application consideration.


*Materials Referenced: Email correspondence from L. Bongiorno to Admin. Assistant H. Kmelius dated 7.23.2020. Entertainment application submitted via email on 8.10.2020 to Admin. Assistant H. Kmelius from L. Bongiorno of Route 20 Bar & Grill.*

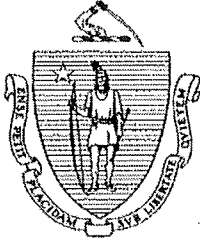
Having no further business, Selectman Boilard made a motion to adjourn the meeting, Selectman Brennan seconded the motion and the Board of Selectmen unanimously voted in a roll call vote (Chairman Russell – yes, Selectman – Boilard, Selectmen Brennan-yes) to adjourn at 1:00 PM.

  
Heather Kmelius  
Administrative Assistant to the BoS/TA

  
Robert W. Russell, Chairman

  
Robert J. Boilard, Vice Chairman

  
Carolyn F. Brennan, Clerk



OFFICE OF THE GOVERNOR  
**COMMONWEALTH OF MASSACHUSETTS**  
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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.

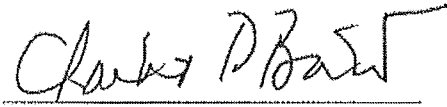
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby 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 6:40 PM this 12th day of  
March, two thousand and twenty.

A handwritten signature in cursive script, reading "Charles D. Baker". The signature is written in dark ink and is positioned above a horizontal line.

CHARLES D. BAKER  
GOVERNOR  
Commonwealth of Massachusetts