

**BOARD OF SELECTMEN MEETING
MONDAY, SEPTEMBER 21, 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. The meeting was called to order at approximately 6:05 PM.

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

Chairman Russell stated the following: "As Chair 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; and to conduct contract negotiations with nonunion personnel; 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; per M.G.L. c. 30A, § 21(a) (6) to consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the bargaining or negotiating positions of the Board of Selectmen – DPW Facility Property; and per M.G.L. c. 30A, § 21(a) (7) to comply with, or act under the authority of, M.G.L. C. 30A, s. 22 (g) (1) and (2) relative to the release of executive session minutes, and M.G.L. C. 66 relative to public records requests; and as the Chairman I so declare, and that the Board of Selectmen shall reconvene in open session."

Selectman Boilard so moved the motion hold an executive session for the following purposes: Move the Board of Selectmen 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; and to conduct contract negotiations with nonunion personnel; 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; per M.G.L. c. 30A, § 21(a) (6) to consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the bargaining or negotiating positions of the Board of Selectmen – DPW Facility Property; and per M.G.L. c. 30A, § 21(a) (7) to comply with, or act under the authority of, M.G.L. C. 30A, s. 22 (g) (1) and (2) relative to the release of executive session minutes, and M.G.L. C. 66 relative to public records requests; and the Chairman so declares, and that the Board of Selectmen shall reconvene in open session, 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 7:10PM.

ALSO PRESENT BY PHONE: Administrative Assistant to the Board of Selectmen and the Town Administrator – Heather Kmelius.

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.

APPOINTMENTS WITH THE BOARD

7:00 pm Fire Chief Andrews; Jill Conselino, Public Health Nurse; Lorri McCool, Health Director - COVID-19 Coronavirus Update, Outdoor Dining/COVID-19 Order No. 50

Fire Chief Michael Andrews reported status quo operations in the Fire Department and staff members are all healthy. They have not responded to any Covid positive calls. The PPE supply remains adequate. The Eastfield Mall Covid testing site will remain open until September 30.

Public Health Nurse (PHN) Jill Conselino reported current 8 active cases in Town, the same number as last week's reports. Five new active cases have been reported and five have just been released from isolation. The first positive case in the school district was reported and the school followed its procedures and notified close contacts. To date, there have been 257 confirmed cases in Town, and 20 probable additional cases (antibody tests). Both long term care facilities are operating at status quo. There are no new deaths to report. Chief Zollo also reported status quo operations and stated that the Police Department supplies are adequate.

TA Breault stated that Local Licensing Authorities can authorize the extension of outdoor dining per the Governor's order. Department Heads have been asked for feedback. The Fire Department has stated that outdoor heaters are a concern in the outdoor dining tents and only electric heater allowed. There are three tents in Town now and all of the tents must meet Fire Protection agency rating. The Board will consider this again next week.

Materials Referenced: Governor Baker's ALCOHOLIC BEVERAGES CONTROL COMMISSION ADVISORY REGARDING EXTENSION OF ALLOWANCE OF OUTDOOR TABLE SERVICE issued 9.11.2020.

7:10pm Volunteer Interviews for Solid Waste Advisory Committee and Finance Committee Vacancies

7:15pm – Interview E. Rau Jr. – SWAC candidate

Ed Rau was present by phone to interview for the Solid Waste Advisory Committee vacancy. He gave an overview about himself and his relevant work experience. He is a new resident of Wilbraham. He is able to make the commitment to the meeting schedule.

7:25pm – Interview R. Grove – Finance Committee Candidate

Mr. Grove was taken out of order due to technical issues. Robert Grove was present by phone to interview for the Finance Committee. He is a 13 year resident of Wilbraham who moved here from Silicon Valley. He gave an overview of his media career. He has some experience in town committee work and would like to be more involved with Wilbraham. Selectman Boilard reiterated the importance of attendance and participation for Town Committees. Mr. Grove responded that he is a committed individual that is ready to fully engage if he is appointed.

7:20pm – Interview V. DeSantis – Finance Committee Candidate

Vincent DeSantis was present by phone to interview for Finance Committee. He is a Wilbraham native who is raising two young boys in Town with his wife. His father was on the Finance Committee many years ago. He works for T-Mobile USA managing 70 stores. He gave an overview of his relevant work experience and he is committed to the meeting schedule.

Susan Bunnell, also a Finance Committee applicant, was present on the call. She did not have a formal interview scheduled tonight due to her recent extensive work and volunteer experience with the Town. She has 20 plus years of municipal finance experience and stated that she brings finance corporate memory to the table. She is committed to the meeting schedule also.

MOTION (Boilard, Brennan): Move to appoint Ed Rau Jr. to the Solid Waste Advisory Committee for a term beginning September 21, 2020 through June 30, 2023. Roll call vote: (Chairman Russell – yes, Selectman Boilard – yes, Selectman Brennan - yes).

MOTION (Boilard, Brennan): Move to amend the motion to appoint Mr. Rau Jr. to the Solid Waste Advisory Committee for a term beginning September 21, 2020 through June 30, 2021. Roll call vote: (Chairman Russell – yes, Selectman Boilard – yes, Selectman Brennan - yes).

Materials Referenced: Volunteer Applications and associated document received by the Selectmen's office from Vincent DeSantis, Susan Bunnell, Robert Grove and Ed Rau Jr.

7:35pm Library Director K. Demers – Reserve Fund Transfer Request

Library Director Karen Demers was present by phone to present a Reserve Fund Transfer request to the Board. She explained that financials projections fell somewhat short of their estimates. She has proposed adding \$1,500 to Grounds & Maintenance, \$2,000 to Materials, and \$1,500 to office supplies to meet the MAR. A waiver will not be required if this transfer is approved. Selectman Brennan, former Chair of the Finance Committee, asked for more information about meeting the MAR. Director Demers detailed the shortfall related to the salary increase projection.

MOTION (Boilard, Brennan): Move to recommend approval to the Finance Committee the reserve fund transfer requested by Library Director Karen Demers in the amount of \$5,000 to meet the Municipal Appropriation Requirement. Roll call vote: (Chairman Russell – yes, Selectman Boilard – yes, Selectman Brennan - yes).

Materials Referenced: Library Request for Transfer from the Reserve Fund submitted to the Selectmen's office via email from Town Accountant N. Johnson.

7:40pm Tom Sullivan, Assistant Town Administrator for Budget and Finance Collector / Treasurer: Consider Changing FSA Due Dates

Assistant Town Administrator for budget and Finance Collector / Treasurer (ATA/C/T) Tom Sullivan was present by phone. ATA/C/T Sullivan stated that Congress has approved a law in response to the impacts of Covid-19 giving employees more time to incur medical expenses that are reimbursed by a Flexible Spending Account (FSA) plan. The FSA for the Town uses pretax dollars for expenses and is a "use it or lose it plan". The new law allows an extension to be offered through December 2020.

MOTION (Boilard, Brennan): Move to amend the Flexible Benefits Plan and associated deadlines as presented and to authorize the Chairman to sign the Certificate of Adopting Resolution on behalf of the Board. Roll call vote: (Chairman Russell – yes, Selectman Boilard – yes, Selectman Brennan - yes).

Materials Referenced: Summary of Material Modifications for the Town of Wilbraham Flexible Benefits Plan and the Certificate of Adopting Resolution submitted by ATA/C/T T. Sullivan to TA Breault.

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

Town Administrator's Report

TA Breault attended the HWRSD Finance & Operations Subcommittee meeting by phone earlier today. TA Breault and ATA/C/T Tom Sullivan plan to have a discussion with Aaron Osborn, the new Director of Finance and Operations with the HWRSD. Decisions need to be made to determine how to distribute the Town's \$1.3 million CARES Act reimbursable funds. Approximately \$100,000 has been spent to date against this number. The deadline to use this funding is December 31, 2020. All of the expenses must meet eligible reimbursement qualifications.

Board of Selectmen Updates

No updates were available.

Citizens Open Forum

Resident Matt Villamino asked about the expenses associated with an outdoor Annual Town Meeting and the possibility of having the expenses of the meeting be reimbursed by the CARES Act funding. TA Breault clarified that the funding available is only applicable to expenses incurred before December 31, 2020 at this time.

Resident Dave Sanders inquired about Building Study RFP status. TA Breault stated it is not issued yet due to several reasons including the impacts of Covid-19, the transition of new Building Inspector following a retirement, the closure of Town building restricting access for the study, no anticipated fall Town Meeting, and questionable dependability of the study results if it is done now versus closer to spring 2021.

Resident Michael Squindo inquired about the establishment of the Broadband Building Committee. TA Breault stated that the reissuance of the RFQ was done and the responses are due back this Wednesday at noon. Next week TA Breault will have more of an update.

OLD BUSINESS

Public Health Nurse Position

Chairman Russell stated that the Board is working on the request to make the Public Health Nurse (PHN) position full time versus ten hours a week. The Town has received a proposed PHN job description and is gathering input and information from surrounding communities. The Chairman shared that the Board has approved PHN Conselino's request to have a Town issued cell phone.

Materials Referenced: Document Titled "Public Health Nurse survey 9-2020-1" submitted by HR Coordinator H. Dane dated 9.21.2020.

Sharps Program

PHN Conselino discussed information about the Sharps Container programs proposed in Town. She presented her vendor recommendation to pursue. The Police Chief shared his support for having the Sharps container/kiosk located at the Police Station as long as his staff does not have to be responsible for handling it.

MOTION (Boilard, Brennan): Move to approve the Sharps Container Program to be located at the Police Station, 2780 Boston Road as presented. Roll call vote: (Chairman Russell – yes, Selectman Boilard – yes, Selectman Brennan - yes).

Materials Referenced: Email correspondence from PHN Conselino to TA Breault dated 9.18.2020; Document titled "Options for Sharps Disposal Program for Wilbraham, MA" submitted from PHN Conselino to TA Breault on 9.18.2020; Email correspondence from S. Novoseller of Advowaste Medical to PHN Conselino dated 9.10.2020.

NEW BUSINESS

Release of Executive Session Minutes: Protocol; Pending Request

TA Breault asked the Board to consider protocol as to how to release executive session minutes. The law calls for the executive session minutes to be released in timely manner when the exemption for the need for executive session no longer applies. He noted that some issues such as personnel matters may never be released and some issues are subject to redaction. There has been a recent request for executive session minutes. The Board was not prepared to release all of them yet. TA Breault will work with the Chairman and release the requested executive session minutes at the next meeting.

Administrative Assistant, Planning and Building--Consideration of Hiring Recommendation

This matter was tabled.

Authorization to Hire – Ambulance Billing Clerk

TA Breault stated there was a need dating back to last December resulting from a lateral promotion for an Ambulance Billing Clerk. A temporary employee from a staffing agency was used since that time. Fire Chief Andrews noted the value of having an in house billing clerk makes that makes it easy to handle the incoming calls/inquiries. He recommends a 26 hour work week. This is a union position. There is approximately \$8,000 difference between having an in-house staff versus using an agency.

MOTION (Boilard, Brennan): Move to authorize the hire of an Ambulance Billing Clerk. Roll call vote: (Chairman Russell – yes, Selectman Boilard – yes, Selectman Brennan - yes).

Materials Referenced: Ambulance Billing Survey August 2019 submitted by HR Coordinator H. Dane, Email correspondence from HR Coordinator H. Dane dated 9.21.2020 to TA Breault and Admin Asst. H. Knelius. Draft Ambulance Billing Service Request for Proposals dated September 2019.

Authorization to Hire – Town Accountant

Chairman Russell stated that the Town Accountant is retiring soon.

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

Ambulance Billing Fees

Fire Chief Michael Andrews gave an overview of the Ambulance Oversight Committee's recent motion recommending to increase the ambulance billing fee rates over the next two years highlighting that Wilbraham's rates are noticeably lower than all of the comparisons. He referenced the local community survey in the Board's e-folders for review. Wilbraham's rates have not been updated over the last five years.

Fire Chief Andrews stated that Baystate Hospital and the Wilbraham Fire Department are developing a partnership to develop a fellowship one year program that will rotate medical residents to go on calls with them to earn credit towards emergency medicine education. He stated that being selected for this program is a testament to Wilbraham's great service.

MOTION (Boilard, Brennan): Move to approve the recommendation of the Ambulance Oversight Committee made on August 26, 2020 to increase the ambulance fees by medicare rate plus 40% increase over a 2 year period. Roll call vote: (Chairman Russell – yes, Selectman Boilard – yes, Selectman Brennan - yes).

Materials Referenced: Excel Spreadsheet titled "Ambulance Fee Schedule Survey 2020", Letter from Fire Chief Andrews to Chairman Russell dated 9.15.2020, and Fee Recommendation Memo from the Ambulance Oversight Committee.

2021 Liquor License Renewal Fees

TA Breault stated that the Board is being asked to consider a discount or waiver of the FY21 liquor license fees for Section 12 liquor licenses holders (restaurants). Many Towns and communities are considering this matter currently. The Board agreed that it would be appropriate to waive the renewal liquor license fees as a sign of good faith as restaurants are still operating at very limited capacities with strong regulations. The Board was supportive of helping the Section 12 license holders during the pandemic.

MOTION (Boilard, Brennan): Move to waive FY21 renewal fees for Section 12 on premise liquor license holders. Roll call vote: (Chairman Russell – yes, Selectman Boilard – yes, Selectman Brennan - yes).

Materials Referenced: Excel spreadsheet titled "2021 Liquor renewal fees (anticipated)", Schedule of License & Permit Fees 1-24-18, and Email correspondence from Northampton's A. Lesko to H. Kmelius dated 9.21.2020 submitted by Admin. Assistant H. Kmelius.

Halloween Trick or Treating

Chairman Russell stated that the City of Springfield has officially cancelled Halloween this year and this issue is being brought to the Board for review for Wilbraham. Selectman Boilard talked about the importance of safety for kids and families, and he does not want Wilbraham to attract Halloween visitors from surrounding communities in the event Wilbraham does not take action to cancel trick or treating. Discussion ensued. The Board did not take any action tonight and will consider this matter again at the next meeting.

LICENSING AND OTHER APPROVALS

Request for Use of Public Property for Special Events - 2020 Virtual Wilbraham Turkey Trot

TA Breault stated that this race is proposed as a virtual event so as to preserve the race tradition. The race Start and Finish lines will be marked, and participants will run the race on their own time. The race organizer Mackenzie Gray was in attendance by phone to this meeting to answer any questions the Board may have. The Board was supportive of the virtual event and did not have any objections or concerns.

MOTION (Boilard, Brennan): Move to grant permission to Mackenzie Gray, representing the 2020 Virtual Wilbraham Turkey Trot, for the use of public ways and sidewalks for a charitable, public road race, and use of Woodland Dell Road, Main Street, Monson Road, Ridge Road, and Mountain Road, between November 25 through November 29, 2020; and forward to public safety officials for review. Roll call vote: (Chairman Russell – yes, Selectman Boilard – yes, Selectman Brennan - yes).

Materials Referenced: 2020 Virtual Wilbraham Turkey Trot application, race route and associated documents received from M. Gray by US Mail on 9.14.2020 to the Selectmen's office.

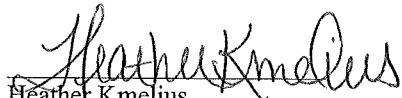
MEETING MINUTES


August 10, 2020 - Executive Session

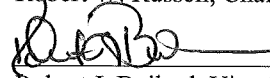
MOTION (Boilard, Brennan): Move to approve the Executive Session Minutes from August 10, 2020 as presented. Roll call vote: (Chairman Russell – yes, Selectman Boilard – yes, Selectman Brennan - yes).

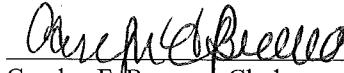
Materials Referenced: Draft Executive Session Meeting Minutes for 8.10.2020 prepared by Admin. Assistant H. Kmelius. Email correspondence from M. Gray to Admin Assistant H. Kmelius on 9.21.2020.

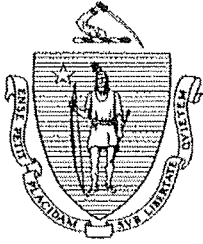
Having no further business, Selectman Boilard made a motion to adjourn the meeting and Selectman Brennan seconded the motion. The Board unanimously voted in a roll call vote (Chairman Russell – yes, Selectman Boilard – yes, Selectmen Brennan-yes) to adjourn at 8:35 PM.


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.

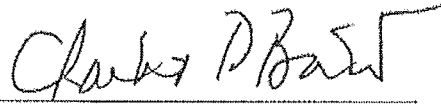
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby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

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

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts