

**BOARD OF SELECTMEN MEETING  
MONDAY, OCTOBER 5, 2020 6:30 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 approximately 6:30 PM.

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

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; 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; 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: 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; 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, 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 7:02 PM.

**ALSO PRESENT BY PHONE IN OPEN SESSION:** 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; Reopening of Town Offices by appointment only - Safety Protocol and Policies, Karen Demers, Library Director - Library Soft Opening

Fire Chief Mike Andrews stated that his department is operating normally. In the last week, they have responded to three suspected cases and zero confirmed cases. PPE supplies were ordered this morning to help restock the supplies. The Public Health Nurse was not present for a report at this meeting. Health Inspector McCool stated that there is new guidance and the community is now in Phase 3, Step 2 of the Massachusetts Reopening Plan. She is busy working with local vendors adopting the new regulations. There was an establishment in town with some Covid-19 positive staff. According to McCool, the establishment has been very cooperative and transparent and she assured the public that these types of issues are being managed well. Police Chief Zollo and Supervisor Gentile stated that their departments are also operating normally.

Library Director Karen Demers gave an overview of the library's soft opening starting this week. Curbside pickup hours have been extended. Patrons will have scheduled appointments for computer use. All materials used by public who are browsing must be quarantined for one week if they are touched. Director Demers hopes that if all goes well that expanded service can start in November.

TA Breault stated that Town Hall is open by appointment only starting today and also encouraged people to please conduct business online if possible. Residents were reminded that there is a drop box located at Town Hall. The Town also asks that cash transactions be limited if possible.

Materials Referenced: "Library Phase Three Patron Packet (1)" prepared and submitted by Library Director Demers.

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

Town Administrator's Report

TA Breault reported that the Solid Waste Advisory Committee visited the DRC and 120 Old Boston Road facilities recently. USA Waste was present for the visit and for discussion at the meetings. There are plans to create an Ad Hoc committee focused on working towards an agreement with USA Waste.

The Police Chief has notified the Town that his department has a surplus vehicle. More than one department has shown interest in the vehicle. The Board deferred the tie breaking issue to TA Breault for management.

State legislature's round table FY21 budget discussions are scheduled this month.

The FY21 Tax Classification hearing is scheduled for November 2, 2020 at 7:10pm. There will not be a Board of Selectmen meeting on October 9th due to the Columbus Day holiday. TA Breault suggested that the Board could consider canceling the meeting on November 26<sup>th</sup>. The Town's real estate closing took place today on the Gleason property according to Counsel.

Board of Selectmen Updates

Chairman Russell stated that it was a busy weekend for the hiking trails. He gave kudos to the DPW department for the work completed to improve trail access with new parking space at Hollow Road to help alleviate the traffic congestion for the Highmoor Drive residents.

Citizens Open Forum

No citizens took advantage of the Citizens Open Forum.

**OLD BUSINESS**

Regional Dispatch

Chairman Russell stated that the Hampden Board of Selectmen have expressed interest in regionalization of dispatch services. There will be a meeting this Thursday to discuss this further.

Public Health Nurse Position

This matter was tabled.

Appointment to Finance Committee (amendment from 9/28/2020)

Chairman Russell stated that this is an amendment to correct the dates of an appointment to the Finance Committee last week.

**MOTION (Boilard, Brennan): Move to amend the motion made on September 28, 2020 to appoint Susan Bunnell to the Finance Committee for a term beginning September 28, 2020 through June 30, 2023. Roll call vote: (Chairman Russell – yes, Selectman Boilard – yes, Selectman Brennan - yes).**

Release of Executive Session Minutes

TA Breault and Chairman have worked to prepare the following in accordance with the law. Chair Russell stated the following declaration.

"As Chairman of the Board of Selectmen I announce the release to the public of the following executive session minutes with the exception of those minutes or sections of minutes that are still exempt under MGL C. 30A: September 10, 2018, November 5, 2018, November 19, 2018, October 22, 2018, June 8, 2020, June 15, 2020, June 29, 2020, August 25, 2020."

Materials Referenced: BoS approved Executive Session Minutes for September 10, 2018, November 5, 2018, November 19, 2018, October 22, 2018, June 8, 2020, June 15, 2020, June 29, 2020, August 25, 2020, and the redacted versions of the same minutes prepared and submitted by TA Breault.

2021 Liquor License Renewal Fees (amendment for 9/21/2020)

This amendment is a clarification of a motion made on September 21, 2020 by the Board.

**MOTION (Boilard, Brennan): Move to amend the motion made on September 21, 2020 to waive FY21 Liquor license renewal fees for Section 12 on premise liquor license holders. Roll call vote: (Chairman Russell – yes, Selectman Boilard – yes, Selectman Brennan - yes).**

Draft MGM One Year Lookback Study

TA Breault stated that this MGM One Year Look Back study is available for review and encouraged others to share their comments about it with him. TA Breault will submit a formal response after the 19<sup>th</sup> with Town's comments.

Materials Referenced: Report submitted to the Selectmen's Office by CivicEconomics titled "*MGM SPRINGFIELD SURROUNDING COMMUNITY IMPACTS ONE YEAR LOOK BACK STUDY 2020 DRAFT REPORT WILBRAHAM SEPTEMBER 21, 2020*".

**NEW BUSINESS**

Ambulance Billing Clerk--Consideration of Hiring Recommendation

Fire Chief Andrews has recommended a candidate for the Ambulance Billing Clerk position. The candidate selected has been successfully working in this position as a temporary employee for the last year.

**MOTION (Boilard, Brennan):** Move to approve the hire of Melissa Torres for the position of Ambulance Billing Clerk at a starting rate of \$18.09/hr, pending satisfactory completion of a Criminal Offender Records Inquiry and to be effective on a date determined by the Fire Chief. Roll call vote: (Chairman Russell – yes, Selectman Boilard – yes, Selectman Brennan - yes).

Appoint Municipal Records Officer – Assessor's Office

Each office must have an appointed Municipal Records Access Officer.

**MOTION (Boilard, Brennan):** Move to appoint W. David Zagorski as the Municipal Records Access Officer in the Assessor's office. Roll call vote: (Chairman Russell – yes, Selectman Boilard – yes, Selectman Brennan - yes).

Chapter 41 Section 111F: Injury on Duty

**MOTION (Boilard, Brennan):** Move to indemnify Private Victor Robidoux according to MGL Chapter 41 Section 111F for 70 hours lost from September 1, 2020 through September 26, 2020 due to his injury on duty of June 27, 2019. Roll call vote: (Chairman Russell – yes, Selectman Boilard – yes, Selectman Brennan - yes).

*Materials Referenced: Memo from Fire Chief Andrews to HR Coordinator H. Dane dated 10.1.2020 via email.*

Approval of pay increase for the Administrative Assistant to the Board of Selectmen and Town Administrator

**MOTION (Boilard, Brennan):** Move to approve a pay rate of \$30.36/hr for Heather Kmelius, Administrative Assistant to the Board of Selectmen and Town Administrator, effective September 28, 2020. Roll call vote: (Chairman Russell – yes, Selectman Boilard – yes, Selectman Brennan - yes).

**LICENSING AND OTHER APPROVALS**

Application for License for Public Entertainment on Sunday - Fern Valley Farms LLC, 757V Main Street

**MOTION (Boilard, Brennan):** Move to grant permission to Daniel Fernandes of Fern Valley Farms LLC to have public Sunday entertainment at Fern Valley Farms LLC, 757V Main Street on October 11, 2020 from 10:30am to 5:30pm including live amplified outdoor music subject to any existing restrictions imposed due to COVID-19, and pending receipt of the application documents and pending approval of the Mass Dept. of Public Safety and payment of the Town of Wilbraham and Commonwealth of Massachusetts's application fees. Roll call vote: (Chairman Russell – yes, Selectman Boilard – yes, Selectman Brennan - yes).

*Materials Referenced: Email correspondence from D. Fernandes to Admin Assistant H. Kmelius dated 10.5.2020.*

Application for Public Entertainment Mon-Sat (One Day) - Fern Valley Farms LLC, 757V Main Street

**MOTION (Boilard, Brennan):** Move to grant permission to Daniel Fernandes of Fern Valley Farms LLC to have public entertainment at Fern Valley Farms LLC, 757V Main Street on October 10, 2020 from 10:30am to 5:00pm including live amplified music subject to any existing restrictions imposed due to COVID-19, and pending receipt of the application documents and pending payment of the Town of Wilbraham license fee. Roll call vote: (Chairman Russell – yes, Selectman Boilard – yes, Selectman Brennan - yes).

*Materials Referenced: Email correspondence from D. Fernandes to Admin Assistant H. Kmelius dated 10.5.2020.*

Application for a Temporary Food Establishment Permit – Creative Cakes by Colleen, LLC

**MOTION (Boilard, Brennan):** Move to grant a Temporary food establishment permit to Colleen F. Nadeau of Creative Cakes by Colleen, LLC located at 69 Carpenter Road, Monson to sell prepared food at Fieldcrest Brewing Company LLC subject to any existing restrictions imposed due to COVID-19, located at 2343 Boston Road from 4pm to 8pm on October 9, 2020; and pending the Health Inspector’s favorable approval and receipt of application fee. Roll call vote: (Chairman Russell – yes, Selectman Boilard – yes, Selectman Brennan - yes).

*Materials Referenced: Application for a Temporary Food Establishment Permit submitted by C. Nadeau via email to the Selectmen’s Office on 9.30.2020.*

Application for a Temporary Food Establishment Permit – Jaju Pierogis, LLC

**MOTION (Boilard, Brennan):** Move to grant a temporary Food Establishment Permit to Casey White of Jaju Pierogi LLC located at 271 Western Ave, Lynn, MA to prepare and sell food at Fieldcrest Brewing LLC subject to any existing restrictions imposed due to COVID-19, located at 2343 Boston Road from 4pm to 8pm on October 9, 2020; and pending receipt of the application documents and pending the Health Inspector’s favorable approval and payment of the Town of Wilbraham license fee. Roll call vote: (Chairman Russell – yes, Selectman Boilard – yes, Selectman Brennan - yes).

Application for a Section 14 Special Alcohol Service – Fieldcrest Brewing Company LLC

**MOTION (Boilard, Brennan):** Move to grant a Section 14: Special Alcohol Service Licenses to the Adam Field of Fieldcrest Brewing Company LLC to permit malt beverages service subject to any existing restrictions imposed due to COVID-19 located at Fern Valley Farms, 757V Main Street serving the “pick your own apple and pumpkin patrons” of the orchard to be held on October 10, 2020 (with a rain date of October 11, 2020) between the hours of 12:00 PM and 6:00 PM. Roll call vote: (Chairman Russell – yes, Selectman Boilard – yes, Selectman Brennan - yes).

*Materials Referenced: Application for a Section 14 Special Alcohol Service License from Adam Field of Fieldcrest Brewing Company LLC received by the Selectmen’s office on 9.28.2020.*


**MEETING MINUTES**

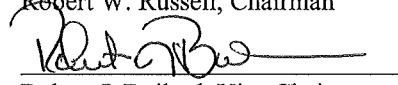
December 17, 2018 – Open Session

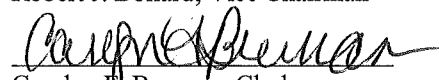
**MOTION (Boilard, Brennan):** Move to approve the Open Session Meeting Minutes from December 17, 2018 as presented. Roll call vote: (Chairman Russell – yes, Selectman Boilard – yes, Selectman Brennan - yes).

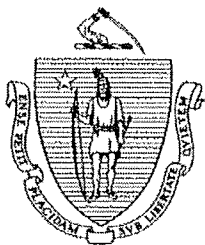
*Materials Referenced: Draft Open Session Meeting Minutes for 12.17.2018 prepared and submitted by Admin. Assistant H. Kmelius.*

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 7:30 PM.

  
Heather Kmelius  
Administrative Assistant to the BoS/TA

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Robert W. Russell, Chairman  
  
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Robert J. Boilard, Vice Chairman

  
\_\_\_\_\_  
Carolyn Brennan, Clerk



OFFICE OF THE GOVERNOR  
**COMMONWEALTH OF MASSACHUSETTS**  
STATE HOUSE • BOSTON, MA 02133  
(617) 725-4000

**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.

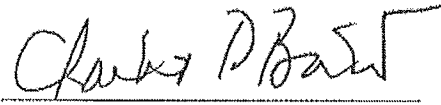
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby 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 8:40 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