

**Board of Selectmen
Minutes
November 29, 2011
Center School Office
7:00 p.m.**

Select Board Chair Joyce Palmer Fortune called the regular meeting of the Board of Selectmen of the Town of Whately to order on Tuesday, November 29, 2011 at 7:00 p.m. Also present were Selectmen Jonathan Edwards and Paul Newlin, Town Administrator/Town Clerk Lynn Sibley and Municipal Secretary Maryellen Cranston. Minutes from the October 25 meeting were approved by Joyce and Jonathan. Minutes from the November 8 meeting were approved by Joyce and Paul. Payroll and vendor warrants were signed.

Town Administrator Update – Rooster Case – Bussiere vs. ZBA – Lynn reported that the rooster case has been dismissed because the rooster no longer exists. In the case of Bussiere vs. ZBA, the Bussieres have come to an agreement with Citizens Energy. Citizens Energy plans to proceed with the solar array in the spring. Their access needs thru town property still need to be finalized. **MMA Annual Meeting** – Lynn and Jonathan will be attending the MMA Annual Meeting. **Insurance Review** – Lynn reported that during a recent insurance review, the agent recommended that Employee Back Wages be increased from \$50,000 to \$125,000 at a cost of \$354. Lynn will clarify with the agent exactly what this is for.

Town Clerk – 1 owner brought to court and awaiting court date – No court date has been set yet. **Signing of Letter of Support for HB 1972** – Joyce and Paul signed this letter. Jonathan did not. **Date for primary is Thursday, September 6, 2012** – Lynn reported that this date may be changed again because it is the last day of the Democratic National Convention as well as the first day of school for some towns. The Town Clerks are working to get election day declared a holiday or a teacher in-service day for ease of using schools as polling locations.

Tax Classification Hearing - The Board waived the reading of the notice. The Board needed to decide whether to have a single tax rate or a split rate for residential and business. Lynn said that a split rate would have an impact on the small businesses in town. The preliminary tax rate of \$15.85 is lower than anticipated. Currently the real estate property in town is valued at \$174 million for residential, \$19 million for commercial and \$18 million for industrial. The Board voted unanimously to maintain a single tax rate.

Highway Department – Haydenville Road Bridge Update – punch list – Keith reported that the punch list still needs to be completed. **Haydenville Road/Mountain Street Status** – The town has received a letter from District 2, but it does not state the road width that they will approve. Lynn and Keith discussed with the Board how the towns in District 2 are not receiving service from the Department of Transportation when compared to District 1. Lynn will call the head of District 2, Al Stegemann, as well as Rep. Kulik and Mary Jane Bacon from Senator Rosenberg's office. **Haydenville Road – Drainage** – Because a highway employee has been out for medical reasons, Keith reported that this project has been worked on in bits and pieces as time allows. **Mitchell Brook – Corps of Engineers approval** - Approval has been received from the Corps of Engineers for this project. **Chapter 90** – The Board signed paperwork to be reimbursed \$55,500 from the state for chip sealing the following: Haydenville Road from the intersection of Webber Road to bridge #W-33-9; Webber Road and all of the paved surface of Conway Road. Additionally, the Board signed paperwork to receive \$13,459.50 from the state for the survey and preparation of the Notice of Intent on Haydenville Road for submittal to the state and obtain approval.

Old Business

Town Hall Feasibility RFP – Lynn is working on a draft version which will be revamped with a possible design on the same sketch. This will not be a biddable design, but is part of the process. Jonathan asked Lynn to create a schedule of time line leading up to the final decision as to what to do about town hall.

Animal Control Agreement – Lynn presented the finalized animal control agreement to the Board. The agreement is clear on which responsibilities are the town's and which ones are the sheriff's. The regional kennel will be located at the Montague Public Safety building and run by a licensed animal control officer. Participating in this agreement will allow the town to be in full compliance with animal control laws. The assessment for Whately in FY12 is \$100. The FY13 assessment will be no more than \$700. Joyce signed the agreement as chair.

Contracts – Don Bates and Lynn Sibley – Lynn will meet with Don to review the new language proposed by town counsel.

New Business

EMS Service Zone Plan Application – Joyce signed, as chair, the application.

License Renewal Fees – After reviewing the license fees for 2011, the Board voted to have the fees remain the same for 2012.

Congratulations letter for Sustainable Material Recovery grant from Steve Kulik – This grant was used to purchase more blue bins for the transfer station and recycling carts for the school.

Comcast programming changes – Lynn informed the Board of new programming changes for Comcast.

Senior Center Survey – Lynn reported that the Senior Center Survey is complete. She was surprised at the number of people who use the Center. She will try to get the report electronically in order to email it to the Board.

Notice of APR application of 24 acres on Christian Lane – Assessor Map 20 Lots 37, 38, 39 and Map 21 Lots 9 & 40 – Paul signed, as clerk, the announcement from the state that these parcels are being considered for an APR. Lynn reported that the CPC committee would consider having an additional time period for applications if there is a pressing need. The Committee does not feel that having a cap of \$50,000 will set a precedent of expectation for that amount. The Committee will discuss at their next meeting the hiring of a secretary with their administrative funds. Committee members are finding it difficult to participate in the meeting and also take minutes

BHA Intercept Agreement – The agreement has not been finalized. Lynn will have it for a later meeting.

John Evans Class I license – Also present were John and Marsha Evans. The ZBA had previously approved a special permit for Mr. Evans to operate "Whately Vehicle Sales". He has a good history of complying with special permits. There will be no new lighting at the location. Hours of operation are Monday thru Saturday from 8 am – 6 pm with a maximum of 24 vehicles. He will mostly be selling recreational vehicles and campers. The Board voted unanimously to approve a Class I license for John Evans for the upcoming calendar year.

Remote Participation – Lynn reviewed with the Board the new rules for remote participation in meetings that were just implemented by the Attorney General's office. The rules state that only one member of a board can participate remotely via a 2 way phone. That individual must have access to the materials presented at the meeting. The Chair must be physically present at the meeting. The Select Board votes to adopt the regulations and to what extent they are applied. The Town can set additional regulations if desired. Joyce discussed making a minimal investment in technology which would allow something like this to be doable. Once additional information is obtained, this issue will be discussed further at a later meeting.

Railroad Medicare Participation Form – Joyce signed, as chair, this form.

Appointments

Municipal Building Committee – Fred Orloski – The Board voted unanimously to appoint Fred Orloski to the Municipal Building Committee.

Council on Aging – Joanne O'Shea – The Board voted unanimously to appoint Joanne O'Shea to the Council on Aging.

There being no further business to come before this meeting, it was adjourned at 8:15 p.m.

Respectfully submitted,

Paul Newlin, Clerk

Documents Used at Meeting and are on file in Selectmen's Office

Payroll and Vendor Warrant #12-11

2012 MIIA business meeting invitation

11/4/2011 Michael Garrold email

FY2012 Tax Rate documentation

11/29/11 resolution supporting HB 1972

11/15/2011 Department of the Army letter re: Mitchell Brook

11/15/2011 documents regarding Franklin County Dog Officer Control and Kennel

Employment Contracts for Don Bates and Lynn Sibley

10/26/11 EMS Service Zone Application

2011 Liquor and Regular License Renewals Fees

11/16/11 Stephen Kulik letter

11/7/11, 11/10/11 and 11/18/11 Comcast letters

11/16/11 South County Senior Center Survey

10/24/11 Department of Agricultural Resources letter re: Map 20-37, 38, & 39; Map 21-9, 40

Baystate Ambulance Agreements

2011 Whately Vehicle Sales Class I Application

11/15/11 email regarding remote participation in public meetings

Railroad Medicare application