

**Board of Selectmen
Minutes
December 9, 2008
Center School Offices
7:00 p.m.**

Selectman Jonathan Edwards called the regular meeting of the Board of Selectmen of the Town of Whately to order on Tuesday, December 9, 2008 at 7:00 p.m. Also present were Selectman Paul Newlin, Town Administrator/Town Clerk Lynn Sibley, and Municipal Secretary Barbara Hancock. Selectman Alan Sanderson, Jr. arrived later after tending to a broken pipe discovered at the Elementary School. Vendor and payroll warrants were reviewed and signed. Minutes from the November 29th meeting were approved as written, after Alan arrived.

Community Development Strategy Hearing

The hearing began at 7pm. No residents attended. The purpose of the hearing was to update the CDS to include the Weatherization Program that would be funded by a grant the Franklin County Regional Housing and Redevelopment Authority is applying for. The program will provide residents with deferred loans for home weatherization projects. The income guidelines are higher than those used for the housing rehabilitation program. It will likely be summer before the program is approved and ready. The Selectmen reviewed and approved some other updates to the Comm. Dev. Strategy: changed the status of the police station renovation project to completed, rescheduled the Historical Commission's preservation plan for next year instead of last year, and the priority projects' list was reviewed. Paul moved to accept the Community Development Strategy with its updates and Jonathan seconded. Voted to approve the updated Strategy.

Town Administrator, Lynn Sibley: Trench Regulations – Enforcement of the new trench regulations has been postponed until March 1st. **Regional Advisory Committee** – Tom Mahar has agreed to represent Whately on the committee of Union 38 Finance Committee representatives who will monitor the Frontier school budget. **ZBA Secretary** position is still vacant. Anyone interested in the position should contact Lynn. Responsibilities include attending evening meetings, taking and transcribing meeting minutes. It involves 5-10 hours per month, although 10-20 hours a month may be available. **Franklin County Regional School Meeting**- Lynn attended the meeting along with approximately 100 other attendees. Alan Hurwitz, hired consultant to compile the ideas and suggestions, conducted the meeting. The Franklin County School Project is funded by a grant to study better ways to efficiently and effectively manage educational needs by cooperating regionally. The state is monitoring the success of this project. This last meeting of the series lacked structure. Some ideas or points of concern that came out of the meeting centered on funding, unfunded mandates, and the need for quality programs. **MMA Conference** is scheduled for Jan 23 & 24. Lynn has received scholarship funds to attend. **FrCOG Technical Assistance Grant** – The Board discussed areas that Whately may need technical assistance. The master plan needs to be updated (last done in 1997) and should include a regional section. The zoning bylaws need to be updated to include cluster development. Economic development and shared highway equipment were other ideas to be included on the Whately's priority list to be submitted to FrCOG. **Railroad Update** – Lynn spoke to Federal Railroad Administration's Safety Inspector, Phil Grady recently, who confirmed that all 57 exceptions (corrections needed) noted in an earlier inspection of the railroad tracks through Whately have been corrected. Some exceptions still exist in Deerfield and Lynn notified the Town Administrator regarding her conversation with Mr. Grady. The Board was satisfied with the response and will include the Federal Railroad Administration in any future correspondence regarding concerns with Pan Am. **Frontier Senior Center Intermunicipal Agreement** – There is no existing agreement between the towns that participate at the Senior Center. Lynn explained that an agreement to participate and support the Center is being created. The agreement will also establish a system for the towns to contribute towards a budget that the Senior Center Director would pay bills from.

[Received an update from Selectman Alan Sanderson by phone on the damage at the Elementary School. There is significant water damage in the main office, principal's office, teacher's lounge, conference room, and several classrooms from a broken sprinkler system pipe. School has been canceled for tomorrow.]

Roland Butzke, Siemens Building Technologies' Account Executive for Municipal Entities –

Also present were Energy Committee members: Lynn DiTuillio, Nat Fortune, and Jonathan Edwards. Bill Gran from FrCOG recognized the region's small towns were at a disadvantage in securing competitive performance energy contracts. He developed the regional effort to combine towns into one contract. Whately along with other towns and school districts applied together to procure an energy performance contract. Siemens won the bid. Mr. Butzke explained how the contract would work for Whately. There would be no upfront costs. Guaranteed savings would fund the performance contracting work. Whately's utilities including septic and wells would be evaluated and recommendations for updates made along with measurements of energy savings. Then Whately and Siemens would come to an agreement on what value each measurement of savings would be and the guaranteed savings calculation would be determined. Maintenance, done by the Town or third party, is also calculated into the costs. Whately could pick and choose what projects would be completed. Mr. Butzke explained that the Town would secure a loan with a 20 year maximum term. Siemens will provide an annual report of savings. The amount saved in energy would be used to pay the loan amount each year having a neutral effect on Whately's budget. Siemens guarantees the savings or better. The next step would be a preliminary audit which is nonbinding. Lynn explained that Kopelman and Paige has reviewed the preliminary audit contract (submitted by Sunderland). Paul moved to sign the preliminary audit. Jonathan seconded the motion. Paul and Jonathan agreed to wait for Alan's signature as Select Board Chair. Jonathan encouraged Mr. Butzke to have interested high school students involved in the audit process. The curriculum coordinator at Frontier should be contacted.

Town Clerk, Lynn Sibley: Census Forms will be going out soon. Lynn encouraged residents to return the completed forms.

Highway Department Superintendent, Keith Bardwell: Haydenville Rd Bridge – The Planning Board delayed signing the Mylar because of a resident's concern regarding access to their property. The Planning Board is expected to sign the Mylar at their meeting next week. FrCOG's Executive Council is meeting this Thursday. They are reviewing one concern and are expected to sign the Mylar.

[Alan Sanderson arrived, 8:40pm] Funds associated with the legal fees and easements for the project will be appropriated through an article to be voted at the Dec. 16th STM. **Long Plain Rd –** The paving is done. Some shoulder work and seeding will be done in the spring. Still working on satisfying DEP regarding the one culvert that required a NOI. Keith met with Conservation Commission Chair Scott Jackson who made a couple of suggestions, such as finding other property to recreate the wetlands lost. The amount of land necessary is less than 1000 sq. ft. **Trench Regulation –** Keith is concerned with the new regulation. There are no guidelines to follow when a complaint is made about who should respond and how long that person has to respond. The Selectmen agreed to send a letter to legislators requesting them to repeal the regulation.

Annual Licenses – The Selectmen reviewed and signed all business licenses in Town. (List attached)

Yankee Candle Annual Gift – The Selectmen were invited to Yankee Candle's annual gift presentation on Friday, Dec. 19th. RSVPs are requested.

Open Space Advisory Committee – Original members of the Open Space Committee that worked to develop the plan have agreed to serve on the committee to oversee and implement the plan, as follows:

Jonathan Edwards, Mary Shanley Koeber, Cris Coffin. Tim Nourse did not feel he could serve but recommended Bill Obear. The Selectmen voted unanimously to appoint Jonathan Edwards, Mary Shanley Koeber, Cris Coffin, and Bill Obear. Tom Litwin was not sure he could serve.

There being no further business to come before this meeting, it was adjourned at 9:07 p.m.

Respectfully submitted,

Paul K. Newlin, Clerk

2009 Liquor and Regular License Renewals

Liquor Licenses

General On Premise All Alcoholic Beverages - \$2,000.00
Demetrios Konstantopoulos, d/b/a Castaways Lounge
Inn holder, All Alcoholic Beverages \$2,000.00
Kevin A. Kloc, d/b/a Whately Inn
Retail Package Goods Store, Wine & Malt \$1000.00
IOCMA Inc. d/b/a Whately Blue Canoe
Retail Package Goods Store, All Kinds of Alcoholic Beverages \$1,300.00
JP & CT, LLC

Automatic Amusement Device Licenses \$20.00 each

Royal Greenfield, Inc. Whately Diner (4 licenses for 4 machines)

Common Victualler's License - \$25.00

Whately Elementary School
Whately Exxon Truck Stop – F. L. Roberts
Royal Greenfield, Whately Diner
Tammy Fiske – Northampton Cooperative Auction Barn
Thomas LaBelle d/b/a Tom's Hot Dog

Inn holders License \$25.00

Stephen Kloc d/b/a Whately Inn

Entertainment License \$100.00

Demetrios Konstantopoulos d/b/a Castaway Lounge

Class I - \$150.00

Orchard Trailers, Inc.

Class II - \$100.00

Goin' Gray Auto, Robert A. Kubosiak

General License \$50.00

Paul Fleuriel, Jr. Pioneer Supply Corporation. Special Permit for a storage magazine for explosives