

**Board of Selectmen  
Minutes  
June 10, 2008  
Center School Offices  
7:00 p.m.**

Select Board Chair Alan Sanderson, Jr. called the regular meeting of the Board of Selectmen of the Town of Whately to order on Tuesday, June 10, 2008 at 7:00 p.m. Also present were Selectman Jonathan Edwards, Town Administrator/Town Clerk Lynn Sibley, and Municipal Secretary Barbara Hancock. Selectman, Paul Newlin was absent. Minutes from the May 27<sup>th</sup> and June 4<sup>th</sup> meetings were accepted as written. Vendor and payroll warrants were reviewed and signed.

**Town Administrator, Lynn Sibley: Police Station** – Testing on the inner wall insulation determined there was no asbestos. The project is progressing. The plumbers have a lot of rough work done and walls are going up. Lynn and Alan continue to meet with the general contractor weekly for updates. The project is on track for completion towards the end of July. Lynn did receive some communication from the Dept of Safety which may indicate that an extension of the original deadline may be possible, if necessary. **C & S Trucking** – Mr. Pasiernik met with the ZBA last week to appeal the Building Inspector's cease and desist order relating to the trucking business operating on his property. The ZBA continued the hearing without a finding. The ZBA members want to visit the site and to consult with counsel regarding some terminology. **Rooster** – Mr. Delaney told Lynn that the rooster has been moved into the barn and he is looking for an alternative home for him. **Cemetery Commission** – Lynn met with the Cemetery Commissioners last week. Roland Kinsman was elected to fill Adelia Bardwell's vacancy and hopes to become active in the record keeping and maintenance of the cemeteries. The group discussed the need for a central location (perhaps downstairs in the Center School) for the cemetery records. The Selectmen discussed the need for these records to be protected and preserved. It may be too expensive and impractical for Whately to digitalize them, but a fireproof safe should be considered. Lynn explained that preserving these records is something CPA funds could be used for if Whately votes to accept the CPA. The Commissioners also discussed options for mowing the cemeteries. Currently Whately rents the Bardwell's private lawn mower annually. But since the Bardwell's may not be the primary operators of the equipment, other arrangements were discussed. The Town may need to purchase their own equipment or hire a lawn care service. Roland will collect some quotes from area lawn care services for review before a change is recommended. **Senior Center** has received three resumes for the director's position. **Subdivision Application** – The Planning Board has received an application for a 41-lot subdivision on Long Plain Rd. A hearing will be held on June 24<sup>th</sup> at 7pm in the Town Hall to review the preliminary plan. A notice has been sent to the abutters and a notice regarding the hearing will be posted on the website and cable. The plans are available for review in the Selectmen's Office. **Frontier Master Agreement** – The Board formally voted Tom Fydenkevez as representative at the agreement reopening. **ZBA Secretary** – Diane Westman is leaving her position as ZBA secretary. Anyone interested in the position should contact the Selectmen's Office. The once-a-month position (10-15 hours/month) may need to be advertised.

**Town Clerk, Lynn Sibley: Conference** – Lynn will be out of the office this Wed. through Friday for a conference. She will be back in the office Friday from 2 –4 and 7-8 pm for voter registration sessions.

**Tim Nourse from Nourse Farms and Paul Dunphy from Representative Kulik's Office** were present to address the Board regarding a disagreement Mr. Nourse has with the Building Inspector's interpretation of his business' use classification. Building Inspector Cerone has determined that Nourse' 40-ft building expansion would require fire protection because of its use classification as Factory/Production. The fire protection would add approximately \$12-15,000 to this phase of the company's expansion. Mr. Cerone has maintained his position despite case law submitted by an architect on behalf of Mr. Nourse. Mr. Nourse contacted Representative Kulik's office for support. Paul Dunphy, a representative from Kulik's office appeared before the Board not to argue law but to ensure that farmers are protected. Mr. Dunphy is interested in what factors led to Mr. Cerone's decision. Representative Kulik's office doesn't want the law improperly applied which could be cited as precedence in other cases. Farmers shouldn't be penalized. Mr. Nourse will file a 15-page retort with Mr. Cerone requesting an agricultural exemption (a copy was submitted to the Board). Nourse Farms grows produce, packages and ships its crop on site. The new addition will expand their shipping area. The Selectmen will write Building Inspector Cerone regarding the agricultural exemption and will send a copy of the letter to the State Board of Appeals and State Agricultural Commission with copies to Rep. Kulik and Sen. Rosenberg.

**Highway Department, Keith Bardwell: Haydenville Rd Bridge** – Two abutters attended the recent public hearing held by Mass Highway. There were no objections to the repair plan. Whately needs to act on the permanent and temporary easements once the final plan is completed. Whately should consider whether it is beneficial for FrCOG to handle the proceedings (it is a county road) or the Town. Permanent easements total no more than 500 sq. ft. The temporary easements will allow access to the sloping area for seeding. **Dump Truck** – Marcotte Ford was awarded the bid at a previous Selectmen's meeting. The 2008 model truck is expected to be built during the first week in August. **Long Plain Rd** culvert replacements and repairs will require three easements. The new culverts are designed with less slope by expanding their width from 60 to 90 ft wide to decrease the erosion in the future. The amount of property involved in the easements is minimal and of no consequence. The NOI was finalized and submitted to the Conservation Commission. There was also a brief discussion about reconfiguring one driveway and one intersection (Straits Rd with Long Plain Rd) in order to make them perpendicular intersections rather than wide angled entrances. Resident Jane Banash, present for a later matter before the Board, mentioned that she uses the wide intersection at Straits Rd for a FCTS bus stop. Keith will discuss options with the Selectmen in the future. He asked the members to view the areas in the meantime. **Liberty Tree** – The planting ceremony went well. Keith appreciated the Hatfield Boy Scouts Troop 4's participation, which included a couple of Whately youths. The plaque will be installed when it arrives and a bench will be added in the future.

**Residents – Ruth Fairman and Jane Banash** appeared before the Board to make them aware of the trouble they are experiencing with a neighboring youth. Mrs. Fairman feels uncomfortable and unsafe at home because of her neighbor's son (approximately sixth grade) who comes onto her property regularly (she filed a trespass order to no avail) and has rung her doorbell as late as 10pm on one occasion and she is receiving menacing telephone calls. Mrs. Fairman has photos of the youth in her yard. She has installed two security systems and purchased new drapes for privacy. She has had checks missing from her mail, left in her mailbox and had to change bank accounts. Jane Banash provided further details of the boy's behavior involving entering resident's property. The boy has been seen by other neighbors striking Ms Banash's dog while it was tied outside during the day. Both women have attempted to resolve these issues with the boy's parents, but the behavior continues. The Whately police have been contacted but do not always respond. The women believe other neighbors are uncomfortable with his brazen and defiant behavior. Selectmen Sanderson offered to speak with Police Chief Sevigne regarding the women's concerns. He was under the impression that the Police were investigating more than the women may be aware of and that other agencies may be involved. He encouraged the women to call the Whately Police when the boy is on their property.

#### **New Business**

**Reschedule Board's June Meeting** – The Selectmen moved their June 24<sup>th</sup> meeting time up from 6:30 to 6pm to allow enough time for their business prior to Special Town Meeting. If necessary, the Board will reconvene following STM to finish any remaining business.

**Fuel Bids** – Lynn has delayed sending out fuel bids slightly, hoping to include the new Police Station's fuel needs. It is unclear at this time whether the building will use gas or oil. Bids should go out within the week and be awarded at the first Selectmen's meeting in July.

**Recreation Commission** – Christopher Kellogg and Roland Kinsman both asked not to be reappointed to the Recreation Commission. Chris has found work and family obligations leave him with little time to commit to the group. And Roland recently accepted a position on the Cemetery Commission.

**Council on Aging Appointment** – It was motioned and voted to appoint Barbara Banik to the Council on Aging.

**Muster Liquor License** – Fire Chief Hannum has requested a permit to sell beer and wine at the Fireman's Muster at Herlihy Fields on Sunday, June 22, 2008 from noon-6pm. Board approved the one-day license.

**ABCC** – The Castaway Lounge has received a three-day liquor license suspension (July 9,10, &11) and another three-days held in abeyance for 2 years. Mr. Konstantopoulos may appeal.

**Letter to Comcast** – The Board reviewed and signed a letter they will send to Comcast regarding the increase in pricing while decreasing programming for Whately residents.

**Franklin County Selectmen's Meeting** will be held June 19<sup>th</sup>.

**Northampton Water Treatment Facility** – Paul and Lynn attended the ribbon cutting ceremony last week.

There being no further business to come before this meeting it was adjourned at 8:22 p.m.

Respectfully submitted,

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Jonathan Edwards, Acting Clerk