

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

Selectmen Jonathan Edwards called the regular meeting of the Board of Selectmen of the Town of Whately to order on Tuesday, September 9, 2008 at 7:00 p.m. Also present were Selectmen Paul Newlin, Town Administrator/Town Clerk Lynn Sibley, and Municipal Secretary Barbara Hancock. Selectmen Chair Alan Sanderson, Jr. was absent. Vendor and payroll warrants were reviewed and signed. Minutes from the August 26th meeting were accepted as written.

Town Administrator, Lynn Sibley: Emergency Spending – According to the DOR, the emergency spending would have to be reflected in this fiscal year's recap sheet without going over the tax levy. Whately's budget is too close to the tax levy to add another line item without going over. Therefore, at the end of the fiscal year free cash or reserve funds will have to be used to cover any department budgets overdrawn as a result of the July storm. The highway, police and fire departments all expended extra payroll during the state of emergency and the following cleanup. The cemetery fence will not be covered by insurance and will therefore affect their budget. The insurance policy will cover the damaged doors on the Chestnut Plain Rd barn, the sprinklers at the school, and the dugouts at Herlihy. **Police Station** – The building inspector issued an occupancy permit for the building with the following conditions: a fire extinguisher needs to be mounted, the fire chief must signoff on the project, and a handicap parking sign must be installed. Another project update meeting will be held at the station tomorrow morning. The hot water heater discussed at the last Selectmen's meeting, was repaired instead of replaced. The element needed to be replaced at a minimal cost, approximately \$30. **Mass Selectmen's Association** – A reminder that the meeting will be held at the Whately Inn on Sept 17th. **Performance Contracting** – The preliminary audit contracts should arrive soon. Frontier has joined the program. **Radio Stations** – Several responses from area radio stations have provided additional contact information in some cases. Other stations have confirmed that they are not available on weekends. **MMA Contest** – MMA wants to confirm the Selectmen's interest in the contest regardless of the school's decision to participate. The Selectmen confirmed their commitment. **Railroad Track Response** – David Nagy, safety coordinator for the Railroad Company contacted Lynn regarding the Town's concern about the track's conditions and future plans for the tracks. He confirmed that plans to expand rail service and improve the tracks are being worked on. He referred Lynn to Roger Bergeron who confirmed that there is a program that will bring Amtrak service through Whately into Brattleboro and will include moderate upgrades to the tracks. These upgrades are expected to begin toward the end of 2009. Until then, Mr. Bergeron said residents should report any specific areas of concerns. In addition to that program, the Pioneer Valley planning is interested in bringing commuter rail from Connecticut up through Northampton (the education corridor). That program is under study. FrCOG is also investigating Amtrak or commuter rail service for Greenfield's new transportation center.

7: 15 pm Castaway Lounge Liquor License Public Hearing

Castaway Lounge owner Demetrios Konstantopoulos and Movie Producer Andrew Bemis were present. There were no abutters. Reading of the public hearing notice was waived. Mr. Konstantopoulos explained that Andrew Bemis would be filming a movie at the Castaway Lounge during business hours. Mr. Konstantopoulos has requested a one-hour extension of his closing hour, from 1am to 2am beginning Sunday, Oct. 5th through Friday, Oct. 10th. The bar will be open for business during filming and will continue to serve alcohol until 1:30am on those days. However, the doors will be closed at 1am. There would be no activity outside. The Selectmen asked that Mr. Konstantopoulos be vigilant about not serving intoxicated patrons and to be sensitive to neighbors regarding noise. The police chief was made aware of the plans and had no additional concerns. The Selectmen voted yes to approve Mr. Konstantopoulos'

request to change his liquor license conditions to include the 2am closing for Oct 5th through Oct 10th. The Selectmen also approved an extension to the Castaway Lounge's entertainment license from Oct 5th – Oct 10th only, to include the 2am closing and allow entertainment on Sunday.

7:20pm Castaway Lounge Liquor License Public Hearing

Castaway Lounge owner Demetrios Konstantopoulos and Movie Producer Andrew Bemis were present. There were no abutters. Reading of the public hearing notice was waived. The Selectmen voted to restore Mr. Konstantopoulos' liquor license conditions to the original 1am closing time beginning October 11th.

Trench Regulation – The Division of Mandates has determined that the trench regulation is not an unfunded mandate because towns are allowed to bill the applicants by virtue of statement on the permit application. Attorney Joel Bard is reviewing the applications to see if the Town has the ability to charge applicants with court costs if payments are not received. In another update, the FrCOG is not going to be the permitting agency. Lynn is going to talk with other town administrators to see whom they are designating as the permitting authority.

Curbside Pickup – Gill just started roadside trash pickup and it is costing them \$53,000 just for the pickup service, not including dumping fees. Whately's transfer station costs \$23,000. Jonathan asked Lynn to investigate companies that may collect/recycle Styrofoam.

CPA Forum – October 8th was set for the Katherine Roth, Associate Director Community Preservation Coalition to speak at a CPA forum at the Whately Elementary School. The Selectmen asked that an alternative date be considered for those observing Yom Kippur. Lynn will contact Katherine Roth. **MMA Legislative Breakfast** will be held on October 31st from 8:30-10am at GCC. Jonathan, Paul, and Lynn plan to attend.

United Nations Day – The Selectmen agreed to sign the United Nations Day Proclamation to be observed on October 24th.

DCR Heritage Landscape Inventory – Lynn attended a meeting earlier today that outlined the program, which compiles an inventory of each town's assets such as properties, open land, or historic buildings. The program is free and there is no match required. There would be some labor required to gather Whately's information. Once Whately created a prioritized list of what needs to be protected, the program would offer suggestions how best to protect these areas. Input from various departments (Historic Commission, Ag Commission, Conservation Commission, Planning Board, Open Space Committee, Selectmen, and Preservation Group) would benefit Whately in directing future plans and may be useful on future grant applications. The Historical Commission Chair, Alan McArdle also attended today's meeting. Information must be submitted by September 26th.

Town Clerk, Lynn Sibley: Dog Licenses – Four owners with 6 dogs will be issued court-hearing dates for not registering their dogs.

Highway Department – Lynn updated the Board. **Haydenville Road Bridge** – Currently working with FrCOG to set up procedures for the permanent and temporary easements and takings associated with the expanded abutments.

Connect-CTY – Lynn met with Steve Lineham from Connect-CTY, an automated telephone message relay service. The service allows designated officials to record a message and choose what group of residents should receive the message. Connect-CTY would compile a listing of Whately's residents' telephone numbers to create a town-wide emergency contact list. In addition, residents may want to provide additional telephone numbers (land lines or cell) and even email addresses on a voluntary basis. The messages can be directed to the entire town, or to a neighborhood, or some other grouping of residents. There is a onetime fee of \$500 and an annual fee of \$2.50/per household (approx. 700 households would total \$1750). Lynn felt the system was worth the cost.

Possible Transportation Costs – There may be a new Smith Vocational student in Town, which would create new transportation and tuition costs. More information is expected by the end of October.

Veterans' Benefits – Veteran's Service Administrator, Leo Parent forwarded the Town's recent letter regarding creating a new funding mechanism for Towns to appropriate and pay veterans' benefits to the Department of Veteran Services. According to the DVS, the process is inflexible and would require legislative action to make any changes. The Selectmen suggested calling Kulik and Rosenberg's offices.

Cell Tower Buyout Offer – Another company has contacted Whately interested in making a buyout offer on our cell phone tower lease. The Selectmen agreed that the annual lease payments benefit the Town much more than the onetime payouts offered in the past.

Assistance to Firefighters Grant – There were 21,000 applications. Whately did not receive the grant.

Vacancies – There are vacancies on the Historical Commission, Council on Aging, and Assessor. The assessor's position will be advertised, as this position cannot remain vacant.

Change Selectmen's Next Meeting Date – Jonathan asked whether the next Selectmen's meeting on September 30th could be changed to September 23rd. Paul and Lynn were available. Lynn will check with Alan before the change is confirmed.

There being no further business to come before this meeting, it was adjourned at 8:00 p.m.

Respectfully submitted,

Paul K. Newlin, Clerk