

**Board of Selectmen  
Minutes  
September 29, 2009  
Center School Offices  
7:00 p.m.**

Select Board Chair Jonathan Edwards called the regular meeting of the Board of Selectmen of the Town of Whately to order on Tuesday, September 29, 2009 at 7 p.m. Also present were Selectman Joyce Palmer Fortune, Town Administrator/Town Clerk Lynn Sibley, and Municipal Secretary Barbara Hancock. Selectman Paul Newlin was absent. Minutes from the Sept 8<sup>th</sup> meeting were accepted as written. The vendor and payroll warrants were reviewed and signed.

**Town Administrator, Lynn Sibley: Special Town Meeting Warrant** was reviewed and signed. The STM will be held at Whately Elementary School on Oct 13<sup>th</sup> at 6:30pm. The Selectmen discussed the school roof article to lower the original debt exclusion vote of \$240,000 to the actual cost (approximately \$204,000). The exact figure will be available at STM and may be voted on that night. **Connect CTY** is almost up and running. Still need Verizon to install an additional telephone line dedicated to the system. **Green Communities** – Lynn reviewed the program and its requirements. After reviewing the program in more detail and attending a seminar session at a meeting of the Small Town Administrators, Lynn felt the commitments required by the Town were not as restrictive as they first appeared. Lynn outlined the five qualification requirements to be considered a Green Community: 1. As-of-right siting of renewable or alternative energy generating, manufacturing, or research and development facilities, 2. Adopt an expedited application and permitting process under which these facilities may be sited, 3. Establish a comprehensive program to reduce energy use of municipal inventory (buildings, vehicles, street/traffic lighting) by 20 percent within 5 years, 4. Purchase only fuel-efficient vehicles for municipal use, which would apply to the highway superintendent's vehicle only (heavy-duty vehicles are exempt), 5. Require all new residential construction over 3000 sq ft and all new commercial and industrial construction to minimize the life-cycle cost of the facility by adopting the Stretch Code. Some remaining concern about the classification of agricultural businesses as commercial businesses needs to be investigated further. Lynn will ask the energy committee to review the program. Jonathan also asked Lynn to contact Charlie Clines about the viability of installing solar panels at Whately's old landfill site. **Conflict of Interest Law** – The Board received a summary of the recent changes to the law. All town employees and board/committee members will be required to take an online course and supply the Town Clerk with a certificate of completion. The Town Clerk must see to it that all employees and board/committee members receive and read the open meeting law and complete the online course. The Selectmen unanimously appointed Lynn as the Town's liaison to the Ethics Commission. **Structural Evaluation** – The Selectmen each received a copy of the comprehensive report on the findings of the Town Hall's structural evaluation. Overall, the building is structurally sound in spite of many maintenance projects that need attention. The report outlines things that need to be addressed soon and things to consider in relation to renovation or addition projects. Lynn recommended getting an estimate from a contractor based on the items outlined in the report. **Energy Performance Contract** – FrCOG will conduct a meeting on funding this week. Lynn plans to attend. Siemens is waiting for several towns to be ready for their investment grade audit at the same time. In the meantime, Siemens representative Roland Butzke recommended that Whately get the funding legwork started.

**7:15pm Housing and Redevelopment Authority – CDBG**

Charity Day from the HRA appeared before the Board to announce Whately's acceptance under a four-town CDBG with Warwick. Whately was awarded \$97,000 in grant funds for up to three units. The program allows low to moderate-income residents to complete renovations to their homes and defer any loan payback until they transfer ownership of the property. Charity explained that the HRA will do a town wide mailing of their brochure explaining the program. Lynn encouraged residents to call if they are interested because the income guidelines are fairly generous.

### **7:30pm Chang Farm Propane Tank License Hearing Continuation**

The applicant, Tso-Cheng Chang was not present. Tom Norris and Paul Beaupre from Whiting Energy Fuels appeared before the Board to answer questions regarding their company's plan to install eight 1000-gallon underground propane tanks at Chang Farm on River Rd in Whately. Maryann Sadoski, River Rd resident, was also present for the tank hearing. The hearing was originally opened at the Sept 9<sup>th</sup> Selectmen's meeting, but neither the applicant nor the representatives from the fuel company were present. The Whiting Energy representatives explained that the eight tanks were needed to fuel Chang Farm's four 1.5 million BTU boilers. The tanks simultaneously feed the boilers in order to produce enough heat. Underground tanks are used because they are safer and more efficient than above ground tanks, they explained. The likelihood of the tanks coming into contact with the Farm's equipment and vehicles is greatly reduced with underground tanks. In addition, underground tanks are more efficient and therefore require fewer tanks. And because the tanks are underground they won't get hot enough to explode. The tanks are positioned next to each other so the area can be fenced off and the supply pipes are not spread all over the property. The pipes and gauges above ground are inspected each time fuel is delivered. The tanks also have advanced safety features such as excess flow valves that disable tanks if a change in pressure is detected. The tanks have two turnoffs on each tank. Anode bags are installed next to each tank (2 bags for a 1000 gallon tank) and connected to the tank to detect a change in electron levels, an indication that the tank is corroding. Whiting Energy conducts these tests four times a year. The tanks are replaced when needed or after 25 years. Whiting Energy continues ownership of the tanks and bears full responsibility and liability while the tanks are in place. If Chang Farms were to discontinue their business with Whiting Energy, the tanks would be removed. The property already has 1100 gallons on site (two 500 gal tanks and one 100 gal tank, all above ground). The license would authorize a total of 9100 gallons for that property. With no further questions or concerns, the Selectmen motioned to approve the license with one condition: Whiting Fuel will forward the results of the tank inspections annually. The project is expected to take Whiting Fuel approximately one week to install the tanks. Chang Farms hopes to be ready for the tank installation by the end of October.

### **7:45pm FCAT**

FCAT Director, Martin McGuane appeared before the Board. He explained that FCAT continues to thrive in the studio they have occupied since July 2008. He submitted a report on FCAT's recent activity and plans for the future. Mr. McGuane requested an increase in the percentage of the Town's PEG Access funds allocated to FCAT, from approximately  $\frac{1}{3}$  to  $\frac{1}{2}$ . Similar requests will be presented to Deerfield and Sunderland. FCAT hopes to purchase a portable field production unit to broadcast football games, plays, concerts, etc. To date, FCAT has not requested funding for any capital items and most of the equipment at the studio has been donated or purchased using funds from FCAT's operating budget. Jonathan requested a copy of FCAT's FY09 annual report and a copy of their planned vs. actual budget report. Whately's number of cable subscribers has increased over the past two years along with the requested increase of funding, Whately would be sending FCAT 2515.68 quarterly payments totaling 8963.29 annually. Currently Whately contributes quarterly payments of \$1375.00 to FCAT from its PEG Access revenues. Joyce recused herself from voting on the budget increase. The Board will vote on the request at their next meeting when Paul is present.

**Highway Department, Keith Bardwell Superintendent: Haydenville Rd Bridge** – Nothing new to report. **STRAP** – Lynn is completing the Commonwealth Capital Application. **Hatfield Grader**- The grader is much smaller than Whately's old grader. Keith watched Hatfield do some work with it recently and felt that it required more time to complete the job. He may have an opportunity to try it out himself. He would recommend reducing the hourly rental rate if the work is going to take much longer to complete. And since Hatfield received the machine under the Federal Surplus program, most likely at no cost, Whately should remove the minimum annual usage from the original agreement. FrCOG is exploring the idea of a regional shared equipment program. **Williamsburg Rd** – Currently working on a Hazardous Mitigation Grant application. The washouts that occur in that area are not necessarily expensive to repair and don't interrupt too many commuters, but they do cause a lot of runoff into the Northampton Reservoir. Whately is hoping to emphasize the environmental impact in this application. A letter of support from DEP would be helpful along

with the Whately Conservation Commission. Whately applied for this grant last year, unsuccessfully. Northampton has agreed to provide support for the grant again this year with design work and help with the narrative. **Haydenville Rd** – Keith had been working with Joe Dunn on the plans for the NOI. As time has passed, Joe Dunn is no longer able to commit time to this project and recommended contacting Heritage Survey, as they have been involved with some of the work already. Keith will contact Heritage and hopefully the surveying work can be completed before snowfall so the permitting work can be done during the winter months. **Trench Permits** – It appears that fewer trench permits are being requested lately. Keith wanted the Board to be aware. The towns are required to respond to any reports of trench law violations. Lynn will find out what other towns are experiencing.

**Town Clerk, Lynn Sibley: Dog Licenses** – Court letters have gone out to three remaining owners of unlicensed dogs.

#### **New Business**

**FCSWMD MOU** – The Selectmen reviewed and signed a contract for FCSWMD to conduct the annual transfer station inspection.

**Thank you letters** – The Selectmen have received thank you letters for conducting the meeting regarding the Frontier Senior Center during their last Board meeting. The oversight committee is getting organized. The Attorney General's office may be able to provide guidance concerning open meeting law with regard to the committee's meetings. Jonathan has created short and long-term organizational charts.

**April Door-to-Door Drill** – Received reimbursement (\$1300) to cover the costs associated with Operation Delivery conducted in April.

**Public Information Officer** for health issues will be Michael Archibald. Lynn announced that the Oct 3<sup>rd</sup> Flu Clinic for the four-towns to practice their emergency dispensing operation has been postponed. Not enough vaccines arrived in time to hold the clinic. Once the new flu clinic date is set it will be announced on the website and cable channel 15.

**FCTS Negotiations Representative** – Scott Bergeron from Sunderland is serving as the Select board representative and is willing to attend a Selectmen's meeting to update the Board.

**Election Officials Appointments** – The Selectmen appointed election officials. List attached.

**Ambulance Abatements** – The Board reviewed and approved the ambulance abatements for various fiscal years. The ambulance budget is created based on anticipated revenues, taking into account that only a portion of the bills will be collected. The abatements do not create a budget deficit. Ambulance revenues used to be set aside to purchase a new ambulance. But in recent years, the ambulance revenues have been used to offset the budget.

#### **Upcoming Meetings** –

Special Town Meeting on October 13<sup>th</sup> at the Whately Elementary School at 6:30pm.

Selectmen's Meeting on October 13<sup>th</sup> at the Whately Elementary School at 7:00pm.

There being no further business to come before this meeting, it was adjourned at 9:20.m.

Respectfully submitted.

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Joyce Palmer Fortune, Clerk

## **Appointment of Election Officials – FY10**

Virginia Allis  
Carol Annis  
Patricia Barschenski  
Lois Bean  
Carl Brooks  
Wilma Brooks  
Charlene Butterworth  
Jeff DeRose  
Lynn DiTullio  
Katherine Fleuriel  
Jane Grybko  
Janet Hale  
Constance Ludlam  
Janet Korytoski  
Sylvia Nye  
Walt Nye  
Joanne O'Shea  
Diane Porcella  
Shirley Pielock  
Robert Reardon  
Jennie Rup  
Beverly Sanderson  
Randy Sibley  
Marianne Simon  
Frances Symanski  
Linda Theriault  
Martha Zigmont