

**Board of Selectmen
Minutes
February 9, 2010
Center School Offices
7:00 p.m.**

Selectman Paul Newlin called the regular meeting of the Board of Selectmen of the Town of Whately to order on Tuesday, February 9, 2010 at 7:00 p.m. Also present were Selectman Joyce Palmer Fortune, Town Administrator/Town Clerk Lynn Sibley, and Municipal Secretary Barbara Hancock. Select Board Chair, Jonathan Edwards was absent. Minutes from the Jan 26th meeting were accepted as written. The vendor and payroll warrants were reviewed and signed.

Town Administrator, Lynn Sibley: Updates – Chapter 61 Policy Meeting will be held during the Feb 23rd Select Board meeting. Lynn has invited the Assessors, Whately Land Preservation, Conservation Commission, and Agricultural Commission. **Deerfield Urethane** – Lynn spoke with Joe Kellogg the Town Administrator in Sheffield. Sheffield has Sheffield Plastics which is also owned by the same company as Deerfield Urethane and they feel that the loss of Sheffield Plastics would be a critical blow as they are a major employer. Sheffield is willing to work with Bayer to help them thru this situation. Bayer Material Science, LLC will not be granted a personal property exemption by the state. The Company's recent restructuring process caused them to lose their personal tax exemption that they received as a manufacturing company. The Board discussed the importance of keeping Deerfield Urethane operating in Whately. The company makes up a large portion of Whately's industrial park and is a large employer. However, the Company is benefiting from other tax incentives (corporate tax, etc) by becoming a LLC and should have known they were going to lose their personal tax exemption. According to Joe Kellogg, if Bayer Material Science, LLC (Deerfield Urethane) was given a small TIF, real estate tax incentive, the Company would then be eligible for the state's personal property tax exemption. Most TIF's require an arrangement that would benefit the economic area such as additional jobs. Otherwise, Whately could just do nothing and hope that Deerfield Urethane continues to operate in Town. It is questionable as to whether Whately could offer the Company a personal property tax exemption without the TIF. Lynn will consult Town Counsel. The Board made no decision and will revisit the subject at an upcoming meeting.

Long Plain Rd – Following last month's meeting, Lynn was unable to find an agency that could assist the Lesenskis. The DEP and USDA could offer no assistance. They recommended the residents and farm owners get together to consider possible remedies. The Town does not have the funds or engineering expertise to offer. There was a discussion regarding the implications of altering the drainage in that area and the effect that may have on another set of property owners for which the Town would then be liable. A resident downstream wrote the office concerned about drainage changes and the ultimate effect on them. The Town has refused to remedy water problems on private property in the past, one decision was upheld through litigation. Highway Superintendent Keith Bardwell arrived and added that the area had always suffered from washouts and flooding during wet periods of the year dating back to when it was a dirt road. Keith had given some thought to applying for a mitigation grant for the area, but didn't think it would qualify because the Town doesn't repeatedly spend money to repair damage. A surveyor would have to do a topographical study of the area to recommend solutions. The Conservation Commission brought the matter to the attention of the Ag Commission who may be able to facilitate talks between the farmers and the landowners.

Noise By-law – Following the last meeting, Lynn forwarded the noise bylaw to Police Chief Jim Sevigne and Peggy Sloan from FrCOG. No response yet. Lynn will contact other town clerks regarding their noise bylaws. It seems unlikely that revisions will be done in time to vote on it at the April Town Meeting. The Board briefly discussed the issue of measuring and enforcing 'plainly audible' noise.

Green Communities Act – Jonathan had suggested that Jim Berry attend a Select Board meeting to discuss the Green Communities Act. Lynn reviewed the Act's guidelines and requirements with the Board and will discuss it with Jonathan at the next meeting. There doesn't appear to be a need for further explanation.

Town Clerk, Lynn Sibley: Dog Licenses are now available. A late fee will apply on June 1. **Nomination Papers** are available for Town elections. A list of expiring terms is available on the Town's website. **Town Hall Data Logger** – A monitor has been installed within the vault at Town Hall to measure the vault's humidity levels. Another monitor was installed on the outside of one of the Town Hall's second story windows. The monitors were paid for by the Mass. Board of Library Commissioners and will gather information through June before being removed and evaluated.

Highway Department, Keith Bardwell Superintendent: Haydenville Rd Bridge – The bid opening date has been moved from Feb 9th to March 30th. ARRA funding projects have taken a priority, pushing other projects to later dates. With no further delays, Keith felt the project would be underway in May given the March bid opening date. He is extremely concerned for drivers' safety if the bridge repair is not completed before next winter. It would be very difficult for drivers coming down the hill from Williamsburg to stop for one-way traffic on the bridge during the winter. Lynn will write letters to Boston and Al Stegemann, District 2 Highway Director regarding these concerns. **Williamsburg Rd Hazardous Mitigation Grant** – Lynn explained that during a meeting she attended recently, she learned the grant deadline had been extended because there weren't many applications. Lynn plans to revamp Whately's application and add an explanation regarding the cost benefit ratio. **Haydenville Rd/Mountain St** – Keith and Lynn met with Williamsburg's Town Administrator and Highway Superintendent to work on the project needs form. No response from Northampton yet. Lynn will talk with Ned Huntley. Next step would be to get an estimate of the engineering costs for the project.

Poplar Hill Rd – Keith received a complaint that a stonewall had been erected on the Town's layout near the turn-around at the end of Poplar Hill Rd. The stonewall runs perpendicular to the road and parallel to the turn-around. The road is narrow with one lane traffic in that area as a compromise between the landowners and a previous Select Board. Keith feels there is a good chance that a large truck trying to turn around up there will be damaged because the stonewall is close to the sides of the turn-around and meets up to the road. He wanted to make the Selectmen aware of the situation. A tractor trailer truck lost its way up there last year and got hung up on a large boulder that a resident had placed in the same area, dragging the boulder and damaging the lawn. The stonewall has been erected in its place. Keith offered to place a road sign at the foot of Poplar Hill Rd indicating the road is a 'dead-end' or has 'no outlet'. There was a discussion about the struggle between the Town wanting to maintain two-way traffic at that end of the road for access by emergency vehicles and the residents wanting to keep it narrow. The Board considered ordering that the stonewall be removed, but decided to wait until the next meeting before making a decision. The Selectmen did recommend that the resident that presumably erected the stonewall, be notified of the Town's decision to install road signs as it contemplates a decision regarding the stonewall. **Budget and Capital Plan Items** – Keith created a new line item for the replacement of the department's pickup truck, a hand-me-down from the water dept, on the FY12 capital plan budget. The highway dept also has a van that is in very poor condition. Keith hopes to get another year out of it and replace it with something used for under \$5000, keeping it off the capital plan. The 1997 dump truck's replacement could get pushed off for another year, but then the dept runs the risk of needing to replace three trucks (currently own 1997, 2000, and 2002) within consecutive fiscal years. Keith submitted a level funded budget for FY11 with the exception of \$3600 for equipment rental, Hatfield's grader. **Winter Roads** – The Selectmen asked how the balance in the winter roads account was doing for this year. Keith explained that although there have been very few large storms, the small lingering storms are just as costly.

New Business

Capital Planning Member Appointment – Sandra Saunders had resigned, leaving an at-large position available. Sandra recommended Bob Duda. Lynn explained that the committee meets 2-3 times a year during the early spring and anyone interested should contact the Selectmen. The Board will appoint someone at their next meeting.

22nd Annual Farm and Garden Tour will be held throughout Whately and Conway, June 26-27. The Town received notification so as to anticipate additional traffic.

Comcast released their annual report of customer complaints.

Conference for Municipal Officials – Stan Rosenberg’s annual conference will be held March 27th.

WMECO – Representatives from WMECO met with Lynn recently to review the results of a street light audit they recently completed. The light at Town Hall will be replaced. As a result of the meeting, Lynn learned that WMECO no longer installs street lighting at the request of private residents. The lighting of a public way by a private resident could create liability issues for the resident.

Anonymous Letter – The Selectmen reviewed an anonymous letter received recently. Lynn forwarded copies to the ZBA and the building inspector.

Ambulance Abatement – An out-of-state resident who received services from the Whately Ambulance, wrote a letter explaining that he is currently unable to pay his ambulance bill. The Board decided to postpone the bill for six months and then review the situation.

FrCOG Local Technical Assistance – Whately was asked to prioritize the Town’s top projects with which the FrCOG may provide services. The Selectmen agreed with Lynn’s list: Update existing outdated Master Plan & Community Development Plan, Help to eliminate the requirement of a Commonwealth Capital Application as part of STRAP grant applications, Shared Equipment Agreements, Help survey fee schedules in area towns, and Help write municipal agreements for inter-town resources exchange.

There being no further business to come before this meeting, it was adjourned at 8:45 p.m.

Respectfully submitted.

Joyce Palmer Fortune, Clerk