

**Board of Selectmen  
Minutes  
July 27, 2010  
Center School Office  
7:00 p.m.**

Select Board Chair Paul Newlin called the regular meeting of the Board of Selectmen of the Town of Whately to order on Tuesday, July 27, 2010 at 7:00p.m. Also present were Selectmen Joyce Palmer Fortune and Jonathan Edwards, Town Administrator/Town Clerk Lynn Sibley, and Municipal Secretary Barbara Hancock. Minutes from the July 13<sup>th</sup> meeting were accepted as written. Payroll and vendor warrants were reviewed and signed.

**Town Administrator, Lynn Sibley: Senior Center Update** – The new senior center director has decided not to take the position, scheduled to begin on Monday. The second candidate for the position has been contacted and offered the position. She will need to give notice to her current employer. The Deerfield Selectmen will vote to hire her this Friday and Deerfield's Town Administrator will discuss the benefits with her. Juli Mason has done a great job serving as director for the past month. The Selectmen requested a thank you letter be sent to her. The Selectmen would like to ask the Whately CoA Chair, Barbara Banik if she would be available to oversee the Center until the new director started. The new director may be able to work a few hours in the next couple of weeks and Lisa, the previous director, may be available for training. Lynn has notified Barbara Banik and Franklin County Home Care about the new hire change at the Center. **Capital Stabilization Fund** – The Selectmen reviewed and approved the final wording for the November ballot question to establish the Capital Stabilization Fund. The wording is as it appeared on the June election ballot except for the dates. **Railroad Meeting** – Lynn attended a recent meeting about upgrades to the railroad tracks through Whately as plans progress to expand train service from Conn. through Vermont. There are two road crossings in Whately and the Federal Railroad Administration recommended closing the Egypt Rd crossing, making Egypt Rd a dead-end street. That particular crossing is elevated from the street and would need roadwork to create a gradual approach to the crossing. That would be difficult to achieve without disrupting the abutting properties. It is unclear how residents on Egypt Rd would feel about the closing. Jonathan requested traffic counts. A hearing will be scheduled regarding the plan. It is a county road and therefore the decision about the plan would rest with FrCOG.

**Town Clerk, Lynn Sibley: Dog Licenses** – Fourteen dogs (12 owners) remain unlicensed.

**Highway Dept.** – Lynn updated the Board. **Haydenville Rd Bridge** – Waiting for the traffic lights to be installed, subcontractor. **Haydenville Rd/Mountain Rd** – Waiting to hear from Mass Highway about enhancement funds. **State Rd Paving** – Scheduled for 2013. No word yet about including Old State Rd in the project. (Letter received from Mass DOT) **Conway Rd Culvert** – The culvert replacement is being funded by a foundation grant. Whately agreed to handle the bidding as a contributing match. The total project cost is estimated at \$114,000. The higher project price makes the bidding more complex. Whately is also responsible for filing a NOI with the Natural Heritage of Endangered Species, \$300. The Selectmen reviewed and signed the NOI paperwork. Keith met with the engineers on the project. It may be difficult to deliver the materials without closing the road temporarily because of power lines.

**Old Business**

**Chapter 61 Policy** – Still working on it. It needs to be sent to Pat Cantor, Town Counsel.

**One-person, One-vote** – The Town of Sunderland has reconsidered and agreed to meet with Whately to discuss changing the method for determining the Frontier School Committee's composition. Whately would like to see equality in assessments as well as voting. Sunderland is also looking to discuss regionalization possibilities between the district towns.

**Zero Tolerance Policy** – Police Chief Sevigne is reviewing the Selectmen’s policy to make sure it is compatible with the Police Dept’s policy.

**MIAA** responded to the Selectmen’s complaint about the unexpectedly high increase in premiums for FY11. MIAA will make efforts to do a better job estimating policy costs. Lynn plans to bid out the insurance next year. MIAA did issue Whately a \$3700 rebate that brought the insurance premium close to budget estimates. A reserve fund transfer covered the remainder. (Letter from MIAA on file)

**Election Officials** – The Selectmen reviewed and appointed election officials, list attached.

### **7:30pm Muffin’s Convenience Store (Korza) Liquor License Hearing**

Present: Diane Korza applicant/co-owner, William Korza co-owner, James Pasiecznik and Victor Chuck Trombley co-owners of Gay’s Package Store, and Judy Markland Whately resident and Planning Board member.

Lynn read the public hearing notice, which was sent to abutters and advertised in the Recorder on July 17<sup>th</sup>. There were no objections to the hearing notice.

Judy Markland questioned whether the special permit issued by the Planning Board would be valid if the store’s use changed. Lynn will seek Town Counsel’s opinion. Judy also questioned whether an all-alcohol license should be allowed so close to the other all-alcohol package store in town. Whately is allowed two off-premises all-alcohol licenses. This would situate both of them less than 1000 ft away from each other. Judy suggested the Korza’s apply for a beer and wine license instead. The Korza’s explained that their store is different from Gay’s package store in that they are a convenience store/deli.

James Pasiecznik and Chuck Trombley, owners of Gay’s Package Store, felt that there wasn’t a need to have two all-alcohol licenses so close to each other in town. Mr. Trombley explained that Gay’s Package Store does not generate a very large profit as it is. With two package stores right next to each other, one of them will end up going out of business. They also questioned whether the Korza’s would need to go before the ZBA again to include the liquor license in their special permit to operate. Lynn will check with the ZBA. In addition, the ZBA granted the special permit to William Korza. There may be an issue because Diane Korza applied for the liquor license.

The Selectmen discussed the issues. As the Local Licensing Authority, they questioned whether it was within their authority to influence business owners to operate in one location and oppose another within the same zoning. The Town may benefit from the added revenue of another liquor license in use, but only if the two can stay in business. The Selectmen will take all the information under advisement and will wait on Town Counsel’s opinion and that of the ZBA before making a decision on the application.

8:00pm the public hearing was continued until Aug 10<sup>th</sup>. (Application is on file.)

### **New Business**

**One-day Liquor License** – The Selectmen reviewed and approved a one-day liquor license application for the Fire Dept on August 15<sup>th</sup> as they hold their Firefighters’ Muster.

**Managing Electricity Costs** – A training session sponsored by MMA and MunEnergy will be held in Holyoke on Aug 12<sup>th</sup>. Three free breakfast seminars will focus on managing energy costs. (Letter from Constellation Energy is on file)

**Audit Management Letter**- The Board reviewed the auditor’s report following the Town’s FY09 audit. The report included some recommendations such as: Establishing a cell phone use policy, Separate the billing of water bills from the payment of water bills between two positions (currently both are done by the Collector), and set up a Medicaid revolving account. Plans are in the works to remedy these items. (Management Letter and Report on Financial Statements is on file)

**Park & Ride Hearing** – A public hearing to discuss the plans for a park & ride in Whately, will be held tomorrow evening, Wed. July 28<sup>th</sup> at 7 pm at the Town Hall.

**Ambulance Abatements** – The Selectmen reviewed and approved of the FY10 ambulance abatements, as submitted. There was a short discussion regarding the handling of the ambulance department’s revenue. The Selectmen were interested in setting aside any revenue generated by the ambulance service in a separate account to cover the cost of a new ambulance in the future. The Board will revisit the idea at budget time. (List of abatements is on file but are secure due to HIPPA regulations.)

**Four-town Regionalization Meeting** – Whately, Sunderland, Deerfield and Conway Selectmen will meet in Sunderland on Sept 27<sup>th</sup> at 7pm to discuss opportunities to share town services.

**Franklin County Selectmen’s Meeting** will be held at the South Deerfield Polish American Citizens Club on Sept 16. The meeting will honor the departure of three FC Representatives, Bosley, Donelan, and Guyer, and discuss ways to help the serving members in the future. (Meeting notice on file.)

**Town Clerks’ Conflict of Interest** – Under the new ethics regulations, Town Clerks are not allowed to run an election if they are on the ballot. Lynn attended a meeting with Representatives Kulik and Kocot who will be working to get an exemption to the regulations of the Conflict of Interest Law.

**WMECO** – The Department of Public Utilities will hold a public hearing on Aug 19, 7 pm at GCC, Sloan Theater in Greenfield to obtain public comment on WMECO’s proposed rate increase. The filings are available on the Dept of Public Utilities’ website. (Hearing notice on file.)

**Next Meeting** – August 10. The Korza Public Hearing will resume.

There being no further business to come before this meeting, it was adjourned at 8:27 p.m.

Respectfully submitted,

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Jonathan Edwards, Clerk

**Appointment of Election  
Officials – FY11**

Virginia Allis  
Carol Annis  
Patricia Barschenski  
Lois Bean  
Carl Brooks  
Wilma Brooks  
Charlene Butterworth  
Jeff DeRose  
Lynn DiTullio  
Katherine Fleuriel

Diane Porcella  
Shirley Pielock  
Roberta Reardon  
Jane Grybko  
Janet Hale  
Constance Ludlam  
Janet Korytoski  
Sylvia Nye  
Walt Nye  
Joanne O’Shea

Jennie Rup  
Maryann Sadoski  
Beverly Sanderson  
Randy Sibley  
Marianne Simon  
Frances Symanski  
Linda Theriault  
Martha Zigmont