

**Board of Selectmen
Minutes
September 21, 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, September 21, 2010 at 7:00p.m. Also present were Selectmen Joyce Palmer Fortune and Jonathan Edwards and Town Administrator/Town Clerk Lynn Sibley. Minutes from the September 7th and 13th meetings were accepted as written. Payroll and vendor warrants were reviewed and signed.

Town Administrator Update: Mass Broadband Institute - Lynn Sibley updated the board on the meeting she went to on the Mass. Broadband Institute's progress for the new broadband project for Western Mass. Fiber optic cable will be brought to all the town centers and most populated areas. This is considered the middle mile. The final mile is the part that is questionable. It is unlikely that the major providers will want to invest in the final mile as it will be costly. Mass. Broadband Institute will have the capability of setting the fees that providers will be able to charge. It has been suggested that an incentive be given to the providers that will make it less costly to provide the final mile charges. Paul commented that this project is being funded through ARRA money (taxpayer dollars) and should include all unserved areas as promised. He likened it to the Turnpike that you pay for that portion of the road but it doesn't get you to your destination. Lynn will keep the board updated on this topic. **MHA Loss Control Grant** – The town has received a \$5,000 grant to purchase an emergency response trailer. The trailer is estimated to cost \$5,800 but Keith and Lynn have agreed to fund the balance from their budgets. **Grange Citizen's Award** – Lynn reminded the Board of the Grange Citizen's Award program to honor the Whately Police Department on Thursday, September 23. **Compensation for employees to offset Health Insurance percentage increase** – Lynn revisited the subject of compensating the town government employees the same way that the school compensated their employees to offset the expense of the Health Insurance. The Selectmen agreed to the same compensation package that would cost \$1,500 (10 employees at \$150) in 2011, \$1,000 in 2012 and \$500 in 2013. It will only be given to employees that had insurance on July 1 and were affected by the cut. The payment will be made later in the fiscal year.

Town Clerk – Dog License Update – court letters have gone out to 8 dog owners. **Ethics Hearing** – Lynn reported that she had attended a hearing on ethics regulations at Holyoke Community College. Rep. Kulik and Rep. Kocot had recommended that Town Clerk's attend the meeting to voice their concerns over the advisory opinion that Town Clerk's can't have anything to do with the town election if their names are on the ballot. Although this topic was not specifically part of the hearing, the Ethic Commission members in attendance did listen to the Town Clerks' concerns. The Selectmen requested that a letter be drafted to the Ethics Commission in support of the Town Clerk's request for an exemption in the regulations that would allow town clerk's to run their elections even if their names are on the ballot. **Open Meeting Law Policy** – Lynn had drafted a policy that would require boards and committees to get their meeting notices to the Town Clerk 72 hours ahead of the meeting. This would give her time to post the notices on the web, cable, bulletin board, outside notebook and log it in the meeting book. The policy also would clarify the issue that if a meeting notice and list of topics does not get posted by the 48 hour deadline, it would not be a legal meeting. The Selectmen were concerned that this would put too much pressure on the boards and committees and would like to consider alternatives.

Highway Department – Lynn updated the Board on Highway issues. **Haydenville Road Bridge** – Construction has halted on the bridge. Northern Construction was unable to place the sheet piling necessary to create a cofferdam. MassDOT has been consulted for alternatives to sheet piling. Hopefully the engineers will find an alternative so that work can begin again. **Haydenville Road/Mountain street Status** – There is nothing new to report on this subject. **Culvert Replacement** – Keith and Lynn attended a site viewing with

the Conservation Commission. Ironically there was no water in this stream at this point. It is likely that this project will be delayed until spring because of elevated costs. **Williamsburg Road update** – There is nothing more to report on this issue. Northampton's structural engineer has not reported back to Keith.

Fred Warren – Recreation Commission – Mr. Warren was present to discuss a number of issues related to the Recreation Commission. **Membership** – The membership is currently seven and Mr. Warren was concerned on how this is determined and changed? Lynn explained that the membership was five members and increased to seven a couple of years ago at Town Meeting. Any changes would have to be done at Town Meeting. Fred indicated that there are some members that are not active. The Selectmen suggested asking them if they want to remain on the commission and if not the Selectmen would be happy to appoint other members. Fred has a couple of eager volunteers. Another suggestion was to use some of these volunteers as sub-committee members. **Construction of a Code of Conduct** – At the Selectmen's request the Rec. Comm. will prepare a Code of Conduct but Fred was looking for specific information. Joyce felt a critical portion of the Code of Conduct should be a Drug & Alcohol policy with a zero tolerance. The Code of Conduct should have sections for the Rec. Comm., Coaches, Referees & Umpires, Players and parents. It should be clear on the proper conduct, allow for documentation of a complaint, the process for which a complaint will be handled and the results if the situation is not corrected. **Goals for FY 2011** – Increased communication on all levels including especially sports heads/coaches with the community and those providing services to town, between the next level schools (middle school) and school choice families. They would also like to expand services in coordination with other town departments or groups, i.e. Library, Tritown beach, Grange. **5 year/10 year plan** - Fred would like the Rec. Comm. to come up with a plan for Herlihy Park and new programs but he also understands that there must be additional funds available. They would like to look at additional fundraising to continue to improve Herlihy Park and the other sports fields. The Rec. Comm. is also looking at ways to increase the usage of Herlihy Park and one suggestion is a boat ramp. The Selectmen were pleased that Mr. Warren came in to speak with them and would like an update on a quarterly basis. Jonathan Edwards asked about the field condition at the Blue School. Fred reported that the materials used to upgrade the infield were not what the Rec. Comm. was promised. They are letting the field grow over and will till the infield next year to see if it helps. Presently the infield turns to a cement like texture after a rain which makes it unsafe.

Old Business

Chapter 61 – Scott Right of First Refusal – Lynn reported that the Conservation Commission and Planning Board felt that the town should not exercise its right of first refusal on this property. The Selectmen signed off on the 4.77 acres of land on North Street.

Chapter 61 Policy – Lynn has received comments back from Katie Clines from K & P but has not had the opportunity to review them as of yet.

New Business

Veteran's Certification Form – Veteran's benefits will be done online and the town needs to appoint a person to be the contact person. Leo Parent suggested that it should be the Town Treasurer who confirms all payments to veterans. The Board appointed Susan Warriner to fill this role and signed the appropriate paperwork.

Re-precincting – As this is a decennial census year all towns with a population over 6,199 will undergo re-precincting. Although Whately will not be undergoing re-precincting, the town has to appoint a contact person and indicate a final decision maker. Lynn will be the contact person to help draw districts and Paul Newlin as Chair of the Board will be the final decision maker.

United Nations Proclamation – The Selectmen signed a proclamation making October 24, 2010 as United Nations Day in Whately.

Muffin's Market Liquor License – Selectmen signed the All Alcoholic Package Store license for Diane Korza, Manager and owner of Muffin's Market, LLC at 28 State Road.

APR Announcement – Department of Agricultural Resources intends to acquire an APR on a parcel of land located at Assessor Map 7, Lot 12 on River Road owned by the Green's. This announcement needed to be made at a public meeting of the Board of Selectmen.

Municipal Secretary Position- Jonathan and Lynn will be interviewing candidates on September 22 and September 23rd and will make a recommendation to the Selectmen's next meeting.

Comprehensive Economic Development Strategy 2010 Plan – The Board has received a copy of this plan from the FRCOG.

Special Town Meeting Warrant – Lynn reviewed the draft version of the warrant with the Board. There are 4 articles. The first is additional money for the Fire Station Roof of \$9,500, the second is money for interior storm windows of \$1,200, the third is to declare the grader as surplus property, and the fourth was an article to establish a surplus property policy for town owned property of a value of less than \$5,000.

Selectmen would rather have the fourth article appear on the Annual Town Meeting warrant. Lynn will replace the article with one that will declare a tree that has been removed as surplus property so that Keith can sell it. Presently the town is only allowed to sell property that has a value of less than \$500 without a town meeting. Selectmen will come in and sign the warrant later in the week. The Special Town Meeting will be held on Monday, October 18th at 6 p.m. Paul Fleuriel, Moderator was out of town on October 12th.

Police Cruiser – The 2004 cruiser has died. It is estimated that it would cost \$6,000 to have it repaired. The Finance Committee voted to wait until the next fiscal year to replace the cruiser. The Selectmen agreed with the Finance Committee. The Selectmen are aware that the Police Department will not be able to take advantage of the Governor's Safety Overtime grant because of only having one cruiser.

Appointments

Paul Newlin was appointed as the Board's representative to the Instructional Assistants negotiation team.

There was no public comment or executive session necessary. The next meeting will be held on Tuesday, October 12, 2010.

There being no further business to come before this meeting it was adjourned at 9:00 p.m.

Respectfully submitted,

Jonathan Edwards, Clerk

Documents used at this meeting and filed in the Selectmen's Office (Other locations in parenthesis)

Payroll and vendor warrants (Filed in Town Accountant's Office)

MIIA Loss Control Grant award letter

Delinquent Dog License list

Draft Open Meeting Law Policy

Discussion Topics prepared by Fred Warren, Recreation Commission

Scott Right of First Refusal under Chapter 61A

Veteran's Certification Form

Re-precincting letter of Secretary of State

United Nations Proclamation

Muffin's Market Liquor License

APR Announcement from the Dept. of Agricultural Resources

Special Town Meeting Draft Warrant

Comprehensive Economic Development Strategy 2010 Plan

Police Cruiser repair estimate

Letter from Regina Nash seeking a representative to the Instructional Assistants negotiation team