

**Selectboard  
September 12th, 2018  
Town Offices  
Open Session  
6:00 pm**

The open session of the Selectboard of the Town of Whately was called to order on September 12th, 2018 at 6:02 pm by the Chair, Jonathan Edwards. Present were Selectboard members Fredrick Orloski, and Joyce Palmer-Fortune (via remote video connection). Town Administrator Brian Domina and Administrative Assistant Amy Schrader were also present.

Jonathan informed the audience that Joyce was participating remotely in the meeting due to geographic distance and that all votes would need to be done by roll call vote.

**Review and vote on meeting minutes of August 8, 2018**

A motion was made and seconded to amend the meeting minutes of August 8, 2018 on page 3 paragraph 5 from “no capacity of parking lot” to “no capacity for the number of people in the parking lot”. Roll call vote: Jonathan – yes, Fred – yes, Joyce – yes. All in favor.

**Comments from the public on items not listed on the agenda**

None

**Reimbursement/Project Requests**

- a. Keith Bardwell (Highway Superintendent) presented to the Board a Chapter 90 project request for crack sealing on Haydenville Road. A motion was made and seconded to approve the project. Roll call vote: Jonathan – yes, Fred – yes, Joyce – yes. All in favor. Fred and Jonathan signed the project request form.
- b. Brian Domina (Town Administrator) presented the Board with the Complete Streets Grant reimbursement request form so the Town can be reimbursed by MassDOT for expenses incurred to complete the Tier II Prioritization Plan. Fred and Jonathan signed the reimbursement request.

**Scheduled Appointments**

- a. Bob Obear (Obear Construction) appeared before the Board to discuss a purchase and sale agreement and license agreement for 219 Christian Lane, Lot # 1. The Town’s attorney had prepared a purchase and sale agreement and license agreement for Mr. Obear and the Board to consider. Mr. Obear expressed concerns about safety and the liability of opening the property to the public during times of active construction. The Board discussed concerns over parking, maintenance of the ball fields and the uncertainty of when the ball fields would become unavailable. Brian clarified that the license agreement provides that Mr. Obear would have to give the Town thirty (30) days written notice to vacate the property and that the Town would be responsible for maintenance. Brian informed the Board that the license agreement, if it were to be signed, could take place at the closing.

A motion was made and seconded to table the license agreement. Roll call vote: Jonathan – yes, Fred – yes, Joyce – yes. All in favor.

A motion was made and seconded to sign the purchase and sale agreement. Roll call vote: Jonathan – yes, Fred – yes, Joyce – yes. All in favor. Fred and Jonathan signed the purchase and sale agreement.

- b. Nicholas Spagnola & Julius Sokol (Bloom Market Garden) appeared before the Board to discuss Bloom Market Garden, Inc.'s plans to cultivate marijuana in the existing greenhouses at 62 Christian Lane. Bloom Market Garden, Inc. signed an option to purchase 62 Christian Lane back in May. The proposal is for the company to cultivate and supply dispensaries that Bloom Market Garden owns and operates. There will be no retail sale of marijuana at the property. Bloom Market Garden, Inc.'s consultants are working to develop plans to submit to the ZBA and Conservation Commission. Mr. Spagnola asked the Board if it would consider a flat manufacturing fee instead of a community impact fee based on a percentage of gross wholesale sales. According to Mr. Spagnola this would help to facilitate the transaction and purchase of the farm. Joyce expressed concern that it would be difficult to figure out the flat rate price. The Board assigned to Joyce and Brian the task of researching and negotiating a draft host community agreement to be presented to the Board at a later date.

## **Old Business**

- a. Town Hall Historic Rehabilitation Project
  - i. Construction update – Fred informed the Board that the Building Inspector from FRCOG did the final inspection. Two certificates of occupancy have been issued, one for the original Town Hall building and one for the addition. Fred stated that additional work still needs to be done to satisfy the Building Inspector, such as installing a lock on one door, putting some drywall up, and placing tags on the fire extinguishers. Fred also stated that a number of punch list items remain to be completed. The Whately Historical Society is planning its move on Saturday, September 15<sup>th</sup>.
  - ii. Appointment of building steward for the Town Hall – Brian discussed an offer from a Whately resident, Neal Abrahams, to act as the building steward. The Selectboard accepted Mr. Abrahams offer to serve as the building steward for the Town Hall.
  - iii. Official building opening on September 30, 2018 – The official building opening ceremony and ribbon cutting is scheduled for 11:30 am on September 30, 2018 in conjunction with the Whately Historical Society's Fall Festival and the Library's book sale. The Historical Commission wants to present a slide show of the history of the Town Hall and the Grange would like to set-up in the building to promote its activities. The Milk Bottle band will be performing at the event. Fred suggested that the Town invite FCAT to film the ceremony and that the Town inform other media outlets of the event. Jonathan stated that the Town Hall project has been going on for seven (7) years and that this should be a well-thought out event to celebrate what this Town has accomplished. Jonathan stated that the Town should celebrate its collective success and invite people who have helped the Town along this path. Representative Kulik and Former Senator Rosenberg should be invited.
- b. Historic Preservation Restriction – Brian stated that one of the conditions of the Mass Historic Grant is that the Town agreed to execute a preservation restriction for the Town Hall. Fred and Jonathan signed the Historic Preservation Restriction agreement.

- c. Town Hall Use Policy: The Board was previously presented with the draft Town Hall Use Policy. Brian received comments back from the Board in terms of questions and proposed additions/edits. Brian stated that one outstanding issue is the user fees. Joyce questioned how a Whately non-profit organization such as the Scoop would be treated under the proposed use policy. Joyce informed the Board that she was contacted by a Whately Resident requesting that the user fee be as low as possible or zero for Whately residents. Joyce suggested putting language into the usage policy so people knew that the nominal fee was going back into the building. Jonathan stated that one of the advantages of a user fee, even a nominal one, is that it helps aid in the covering of costs of maintenance and extra things that might enhance the property. Fred expressed his thought that charging a user fee promotes the responsible use of the building. Jonathan suggested that a revolving fund be established for the Town Hall that would allow for special projects to be completed that wouldn't necessarily be on the backs of the tax payers. Fred stated that if a revolving account is created the Town would have to make it clear to the public that the revolving account might partially cover the future maintenance of the building.

Judy Markland (resident) suggested that a group of people who are aiming to hold performances be offered the opportunity to sign some sort of agreement that would commit them to put on a benefit concert to benefit the Town Hall in lieu of a user fee. Jonathan agreed and suggested that if it was a revenue generating event that the Town would get 1% of net or some other percentage and it would go to the revolving account. Joyce suggested adding a separate category to the user fee schedule for an event for which admission is charged. Fred stated that he doesn't view the Town Hall as a money maker for the Town.

The Board expressed concern about the reservation and application process for local organizations who might use the building on a recurring basis. Fred Baron (resident) suggested that any local organization could file one initial application that can be used throughout the year with a responsible contact person available.

The Board is going to review the draft policy and make it available for public comment. The draft policy will be posted on the Town's website and comments can be e-mailed to the Town Administrator.

- d. Town Hall Lease - Brian discussed a potential agreement for the Whately Historical Society to have space in the building for a local/town historical museum. The Board discussed a proposal from the Historical Society to pay an annual fee equal to twenty-five percent 25% of the cost of utilities. Jonathan suggested that the Historical Society could be merged with the Historical Commission and become part of the Town. Adelia Bardwell (Historical Society Co-President) stated Jonathan's idea is in the back of her mind and should be addressed at a future time. Brian stated that the Historical Society and the Friends of Town Hall raised and donated over \$150,000.00 for this project. The Board agreed to an annual payment of \$1,600.00 to be paid on an annual basis. A motion was made and seconded to approve the terms of the agreement as written. Roll call vote: Joyce, yes – Fred, yes – Jonathan, yes. All in Favor.

## **New Business**

- a. MGL c. 61A Right of First Refusal: The Board discussed whether to waive the Town's right of first refusal for land located at 134 Christian Lane. Brian stated that the Conservation Commission and Agricultural Commission were notified per the Town's APR policy. A motion was made and

seconded to waive the right of first refusal by the Town. Roll call vote: Joyce, yes - Fred, yes - Jonathan, yes. All in Favor.

- b. MGL c. 61A Right of First Refusal: The Board discussed whether to waive the Town's right of first refusal for eight (8) acres of land located off North Street (Parcel ID 25-0-02). Brian stated that the Conservation Commission and Agricultural Commission were notified per the Town's APR policy. Attorney Nathaniel Tripp (Attorney for Mr. Wroblewski) and Scott Reiman from Hexagon Energy, LLC were present to discuss the proposed solar project to be operated by Hexagon Energy, LLC. A motion was made and seconded to waive the right of first refusal by the Town. Roll call vote: Joyce, yes - Fred, yes - Jonathan, yes. All in Favor.
- c. Appointment of Election Officials – Jonathan read the names of residents to be appointed as election officials for fiscal year 2019. A motion was made and seconded to appoint the election officials as set forth in the document. Roll call vote: Joyce, yes - Fred, yes - Jonathan, yes. All in Favor.
- d. Board of Health Vacancy: The Selectboard accepted the resignation of Barbara Banik from the Board of Health. A motion was made and seconded to appoint Rebecca Jones to the Board of Health to replace Barbara Banik. Roll call vote: Joyce, yes – Fred, yes, and Jonathan, yes. All in Favor.
- e. Cemetery Stone Restoration – Phase III: Brian stated that the Town received one proposal from Gravestone Services of New England to complete the restoration work. A motion was made and seconded to award the contract to Gravestone Services of New England. Roll call vote: Joyce, yes – Fred, yes, and Jonathan, yes. All in Favor.

### **Town Administrator Updates**

Brian discussed that the Town will be advertising for the custodian position in the near future. The custodian would be responsible for cleaning the Town Hall and Town Offices. The Town budgeted for six (6) hours a week. The custodian job will be posted on the Town's website.

Brian discussed the emergency generator for the Whately Elementary School. Brian received the final cost estimate for the installation from Mark Bussiere. The estimate was around \$21,000 for the additional equipment and installation. The total estimated project cost would be approximately \$36,000. The Town has already appropriated \$58,000 for the project.

Brian discussed the Economic Development Report from FRCOG. The Board requested that the report be posted on the Town's website for the public to view it.

Brian discussed the bids received for the magnesium filtration project. All the bids came in over budget. The Town has a loan of \$410,000 from the Massachusetts Clean Water Trust. The lowest bid was \$454,000 so there is a significant gap in the available funds compared to the funds needed to complete the project. Brian is going to have a discussion with MassDEP staff and the Water Commissioners to collectively determine the best path forward.

Brian informed the public that the Town needs members for the Cultural Council and the Recreation Commission.

Brian suggested to the Board that the Town has a critical number of items to schedule a Special Town Meeting. The Board decided that the next Special Town Meeting will be held after the Selectboard Meeting on October 24<sup>th</sup> at 7:00 pm.

Adjourn – Motion to adjourn 8:43 pm.

Roll call vote: Joyce, yes – Fred, yes, and Jonathan, yes. All in Favor.

Next Meeting dates

October 3, 2018

October 24, 2018 – Selectboard Meeting at 6:00 pm, Special Town Meeting at 7:00 pm

Respectfully submitted,

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Brian Domina, Town Administrator

### **Documents List on File in the Selectboard Office**

Meeting Minutes – August 8<sup>th</sup>, 2018

Purchase and Sale agreement for 219 Christian Lane Lot #1 with attached license agreement

Email from Nick Spagnola dated September 6, 2018

Letter from Neal Abraham dated August 20, 2018

Preservation Restriction Agreement for 194 Chestnut Plain Road (Town Hall)

Whately Town Hall Use Policy (draft)

Lease for the Whately Historical Society (draft)

MGL c. 61A Right of First Refusal for 134 Christian Lane

MGL c. 61A Right of First Refusal for approximately eight (8) acre portion of his land located east of North Street

Letter from Fran Fortino, Chair of Whately Board of Health dated August 9, 2018

BID from Gravestone of Services of New England, LLC.

Appointment of Election Officials – September 2018 – August 2019

Town Hall Utilities Estimate (only)

Email from Judy Markland dated August 24, 2018

Email from Larry Kuttner dated August 28, 2018

Town of Whately Consultant Agreement