

**Selectboard  
Meeting Minutes  
April 11, 2023  
6:00 pm  
Hybrid (In-Person & Remote)**

The meeting was called to order by Selectboard Chairperson Joyce Palmer-Fortune at 6:05 pm. Selectboard members Fred Baron and Julie Waggoner were in attendance. Also present was Town Administrator, Brian Domina, Energy Committee member Nat Fortune, and Historical Commission Chairperson Donna Wiley.

**Meeting Minutes**

A motion was made and seconded to approve the meeting minutes of March 28, 2023. All in favor.

**Vendor & Payroll Warrants**

The Board members had no comments on the vendor and payroll warrants.

**Public Comment**

No public comment was offered by the meeting attendees.

**Scheduled Appointments**

**Whately Energy Committee** - Energy Committee member Nat Fortune discussed the municipal aggregation program and reviewed the indicative pricing that the municipal aggregation group had received through its broker Colonial Power. Colonial power received two indicative pricing bids with nearly the same pricing. The indicative pricing ranged between 15 cents to 18 cents per kWh depending on the length of term of the contract and the percentage and type of renewable energy credits involved. Nat reminded the Board that the actionable pricing will be received on April 24, 2023, and that the Board needs to authorize a signatory to the contracts. Nat recommended to the Board that the Town authorize the Town Administrator to sign the contracts if favorable pricing is received for a 24 month or 36-month contract. A motion was made and seconded to authorize the Town Administrator to sign the municipal aggregation contracts with no particular preference between 24 months or 36 months taking into consideration that the prices should be close to those of the products recommended by the Energy Committee (MA Class I RECS plus 5% and 100% Mass Class I RECS). All in favor.

**Old Business**

**To discuss and vote to approve entering into the statewide opioid settlement agreements with defendants Teva, Allergan, CVS, Walgreens, and Walmart** - Brian discussed with the Board the proposed statewide opioid settlement that the Town can participate in with defendants Teva, Allergan, CVS, Walgreen and Walmart. These defendants have agreed to provide funds to abate the opioid crisis and a certain percentage of the funding will be allocated to municipalities. Brian informed the Board that this is the second round of settlements and the exact amount that Whately will receive is not yet known. A motion was made and seconded to enter into the settlement agreements with the above-named defendants. All in favor.

**To confirm the date for the 2023 Annual Town Meeting (confirmed as Tuesday, May 23, 2023, at 6:00 pm)** - The Selectboard confirmed the date of the previously voted May 23, 2023 (6:00 pm) as the date of the Annual Town Meeting.

**To discuss updates to the Herlihy Park Accessibility project and vote on using contingency funds to pay for increased project expenses** - Brian discussed with the Board the increased costs for the Herlihy Park accessibility project mostly due to the significant increase in asphalt costs for paving the parking lot. Brian explained to the Board that previously appropriated funds exist for the project in a separate account that he was hoping to not have to use, but due to current circumstances he recommends that a portion of the funds be used to cover the increased costs. The Board members were in favor of using the funds to cover the additional costs. Brian requested that the Board not vote at this meeting because the bids for the paving had not yet been received, but will be received prior to the next meeting. The Board will discuss this again at the next meeting.

**To discuss the FY 24 recommendations Personnel Committee & Capital Improvement Planning Committee** - Brian provided a brief overview of the Town's finances as they relate to Proposition 2 ½ and his concern that the trend for the Town's excess levy capacity will continue to shrink. Brian informed the Board that the main drivers of this are increasing expenses and decreasing certified new growth. Brian clarified that the Town remains in a strong financial position, but the decreasing certified new growth is something to pay attention to in future years.

The Board discussed the COLA recommendation from the Personnel Committee of 7.1%. Joyce mentioned that she is the Personnel Committee member and believes that the Board should take the recommendation seriously. Fred mentioned that he is more comfortable with a number around 6.0% because the CPI for the New England region is at 5.5%. Julie mentioned that she is comfortable with a number around 6.0% as well. The Board did not take a vote and will discuss with the Finance Committee at the upcoming joint meeting.

JP Kennedy provided the Board with an overview of his request for the Fire Chief position and pay request. The Board discussed his request with particular attention to the additional activities proposed to be completed by the Fire Chief that would warrant increased compensation. The Board did not take a vote and will discuss this with the Finance Committee at the upcoming joint meeting.

The Board did not discuss any capital requests at this meeting.

## **New Business**

**To discuss input from the Whately Historical Commission in regard to possible historic preservation restriction if the Center School is ever sold** - Donna Wiley discussed the draft historic preservation agreement for the Center School that she prepared in consultation with staff members at the Massachusetts Historical Commission (MHC). Donna informed the Board that for an historic preservation agreement to be valid in Massachusetts it must be approved by MHC. Donna provided an overview of the agreement and the Board agreed to request that Donna take the next steps in seeking approval of the draft agreement from MHC. Once the draft is approved

by MHC it will be sent to Town Counsel for review and then included in a Request for Proposals to sell the building and property.

**To discuss and set the date of a Special Town Meeting (STM) and to review and approve the warrant for the next STM** - A motion was made and seconded to hold the next Special Town Meeting (STM) at the Whately Town Offices located at 4 Sandy Lane, Whately, MA for May 2, 2023, at 7:30 pm. All in favor. The Selectboard also reviewed, and a motion was made and seconded to sign the proposed STM warrant that included the following four articles:

Article 1:

To see if the Town will vote to transfer the sum of \$4,232.73 from available funds to pay unpaid bills of a prior fiscal year from Morton Salt, Inc. for road salt, or take any other action relative thereto.

9/10ths Vote Required

Recommended by the Selectboard

Article 2:

To see if the Town will vote to transfer the sum of \$99.34 from available funds to pay unpaid bills of a prior fiscal year from WB Mason Company, Inc. for office supplies, or take any other action relative thereto.

9/10ths Vote Required

Recommended by the Selectboard

Article 3:

To see if the Town will vote to repurpose \$20,000 of unexpended funds appropriated under Article 15 of the April 28, 2015, Annual Town Meeting and Article 17 of the April 26, 2016, Annual Town Meeting to include fiscal year 2023 operating expenses of the Water Department, or to take any other action relative thereto.

Majority vote required

Recommended by the Water Commissioners

Article 4:

To see if the Town will vote to authorize the Selectboard to enter into a contract for services with a duration in excess of three years, pursuant to the provisions of G.L. c. 30B, § 12(b), for the operation and maintenance of the solar photovoltaic system at the Town Offices, or take any other action relative thereto.

Majority vote required

Recommended by the Selectboard

All in favor.

**To review, discuss and vote to approve a special event application for a fun run to be held by the Whately PTO at the elementary school on May 7, 2023** - The Board discussed and a motion was made and seconded to approve a special event application for a fun run to be sponsored by the Whately PTO and to be held at the Whately Elementary School on May 7, 2023. Brian informed the Board that the necessary Town departments had been notified and no concerns were raised. A motion was made and seconded to approve the special event application. All in favor.

**To consider an employee request to be compensated for remaining leave time for which they are ineligible due to a change in positions within the town** - The Board discussed a request from Amy Lavalley to be compensated for her accumulated leave time. With Amy transitioning to

the elected Town Clerk position, she will be ineligible to accumulate leave time as an elected official. Brian informed the Board that the total cost would be approximately \$1,181 and the current budget has more than sufficient funds to cover the expense. A motion was made and seconded to compensate Amy Lavallee for her remaining sick time and vacation time. All in favor.

#### **Selectboard Liaison Updates**

Fred informed the other Board members that he, Keith and Brian met with two companies that are interested in completing a feasibility study for a new highway garage.

#### **Town Administrator Updates**

Brian informed the Board that proposals for the solar array project at the Town Offices are due next week on April 26, 2023. Brian informed the Board that one potential proposer attended the scheduled site visit.

Brian informed the Board that the two companies who provided information on the highway garage feasibility study were Weston & Sampson and KT architects and that each had a slightly different approach to completing the needed study.

Brian informed the Board that the consultant (VHB) hired by Mass Housing continues its work on a pre-development study (wetland delineation, Phase I study, and conceptual plans). Brian informed the Board that based on preliminary information it seems like the only unregulated space for development on the Dimaio lot is where the old foundation sits.

Brian informed the Board that the Town received a Municipal Energy Technical Assistance (META) grant to complete a plan to electrify the town's fleet.

A motion was made and seconded to adjourn the meeting. All in favor. The meeting was adjourned at 8:28 pm.

#### **Document List**

*Meeting Minutes March 28, 2023*

*Warrants (WP23-21, W23-21)*

*Indicative Pricing Spreadsheet from Colonial Power*

*Email from Brian Doming to Selectboard re: Herlihy Park budget*

*Herlihy Park Accessibility Project budget spreadsheet*

*Memo dated March 15, 2023, from Brian Domina to Selectboard re: FY24 Personnel Recommendations COLA & Wages*

*Memo dated March 23, 2023, from Brian Domina to Selectboard re: FY24 Additional Wage Adjustment Recommendations*

*Memo dated April 9, 2023, from Donna Wiley to Selectboard re: Draft preservation restriction agreement, Center School*

*Draft Special Town Meeting Warrant for May 2, 2023*

*Special Event Application – PTO Fun Run for May 7, 2023*

*Letter to Selectboard dated April 6, 2023, from Amy Lavallee re: compensation for leave time.*

*Short-term Goals as Incoming Fire Chief for FY24 (provided by JP Kennedy)*

