

**Selectboard
Meeting Minutes
December 21, 2023
Town Offices
Hybrid Session via Zoom
6:00 pm**

The open session of the Selectboard of the Town of Whately was called to order on December 21, 2023, at 6:02 pm by Chairperson Fred Baron. Also, present were Selectboard members Julie Waggoner and Joyce Palmer Fortune. Town Administrator Brian Domina and Administrative Assistant Jessica Murphy were also present.

1. Meeting Minutes: Review and vote whether to approve the meeting minutes from November 28, 2023, and December 5, 2023

Joyce made a motion to accept the minutes from November 28, 2023, and December 5, 2023. Fred Seconded. All in Favor. Fred-yes, Joyce-yes, Julie-yes

2. Vendor & Payroll Warrants: Review past vendor and payroll warrants

No Comments

3. Public Comment: Listen to comments from the public related to items not listed on the agenda

No Comments

4. Scheduled Appointments:

a. Phil Silverman (ToroVerde (III) Massachusetts, Inc.) to discuss a revised Host Community Agreement with the Town and to discuss the potential co-location of a marijuana delivery business at the 424 State Road location

Phil shared that he and Brian have drafted a new HCA that is compliant with the recent changes that the Cannabis Control Commission has made. Brian stated that the new draft HCA will allow the Town more control over establishments and maintains the Town's right to collect Community Impact Fees. Brian noted that the CCC will allow municipalities to waive the HCA requirement, however, he recommended not pursuing that option. Brian stated that the HCA draft now includes a yearly meeting with the owners of an establishment for the Board to discuss concerns, or changes of any kind. Fred questioned if the CCC will continue revising HCA requirements, in which Brian stated that he does not anticipate any more changes, noting that the CCC will release a template HCA in the near future. Julie and Fred stated that they prefer a 1-year HCA versus a 3-year as a precautionary step under the new regulations, with the understanding that the length of the agreement could change after the first year. Phil stated that he is agreeable to a 1-year agreement.

Julie moves to approve the 1-year Host Community Agreement with ToroVerde (III) Massachusetts, Inc. Fred Seconded. All in Favor. Fred-yes, Joyce-yes, Julie-yes

Phil shared that the company “Enhanced Delivery” is looking to explore cannabis delivery options in Town and hopes to sublease part of the Cheech and Chong’s dispensary. Phil noted that this will be a minimal operation with benefits to the Town such as collecting a 3% tax on sales from the Whately store. Fred questioned if there was any liability associated, which Brian confirmed there was not. The Board noted that there are already current bylaws in place that allow cannabis delivery in Town. Brian and Phil will plan to create a draft HCA regarding the cannabis delivery business at 424 State Road.

5. COVID19:

Tests continue to be available at the Town Offices, Library, and Police Station for free for residents.

6. Old Business:

a. To discuss and vote to appoint a review committee to evaluate and rank the proposals received by the Town for the purchase and restoration of the Center School

Brian shared that he suggests creating a review committee with one member from the Selectboard, Planning Board, Historical Commission, Center School Visioning committee, and potentially the Finance Committee. Brian is hoping to have the committee set up in time to allow the group to meet in early January.

7. New Business

a. To discuss and vote whether to approve local licenses for calendar year 2024

Joyce made a motion to approve local licenses for the calendar year 2024 as listed in the document titled “Whately License Holders 2024”. Fred seconded. All in Favor. Fred-yes, Joyce-yes, Julie-yes

b. To discuss and vote whether to allow the Whately Snowmobile Club to use the former Dimaio property on State Road as a parking area for access to the snowmobile trail network

Joyce made a motion to allow the Whately Snowmobile Club to use the former Dimaio property on State Road as a parking area for access to the snowmobile trail network. Fred Seconded. All in Favor. Fred-yes, Joyce-yes, Julie-yes

c. To discuss and vote whether to approve a pay rate of \$26.61/hour for the Assistant Town Clerk position

Brian shared that a new pay rate for the Assistant Town Clerk position was never voted due to the reshuffling of positions when Lynn Sibley retired. Brian stated that the Personnel Committee recommends a pay rate of \$26.61, noting that the proposed amount is the prior year rate plus the 5.5% COLA that was added for this year.

Joyce made a motion to approve a pay rate of 26.61/hour for the Assistant Town Clerk position. Fred Seconded. All in Favor. Fred-yes, Joyce-yes, Julie-yes

d. To discuss the Notice of Acquisition from the MA Department of Fish & Game of a twenty-two (22) acre parcel in West Whately

The Board acknowledged receipt of the letter regarding the Notice of Acquisition from the MA Department of Fish & Game of a twenty-two (22) acre parcel in West Whately.

e. To discuss the License Expiration Notice from the MA Department of Telecommunications and Cable regarding the expiration of Comcast's cable franchise agreement on 12/11/2026

Brian shared that he received a letter from the State alerting that the Towns ten-year cable franchise agreement with Comcast is set to expire in December 2026. Brian noted that it might also be an opportunity to re-think the services that FCAT provides to the Town as people rely more on the internet and streaming services compared with cable. Brian stated that he believes the existing agreement was made in connection with Deerfield/Sunderland and plans to reach out to the Town Administrators.

8. Selectboard Liaison Updates: Timely updates from the Selectboard members serving on other boards and committees

Fred shared that he spoke with Fire Chief JP Kennedy who has been putting together training for current and newly hired fire fighters, as well as continuing to update office space within the fire station.

Joyce shared that the South County Senior Center had their Holiday party and plan to deliver meals on Christmas morning to over 40 households.

Julie shared that she attempted to join the Water Commissioners meeting via Zoom but was not able to attend because the meeting hosts did not allow attendees into the virtual meeting.

9. Town Administrator Updates: (Items likely to be discussed)

Possible shared Town Accountant position with the Town of Shelburne:

Brian shared that he met with the Town Administrator from Shelburne last week to discuss the idea of a shared Town Accountant. Brian noted that Whately and Shelburne currently share the same Town Accountant through the FRCOG program. Brian stated that under the arrangement with Shelburne, one town would hire the employee and enter into an intermunicipal agreement with the other to share the costs. Brian stated that the benefits of remaining with FRCOG are becoming less and less, recommending that the Town pursue this option.

Additional Chapter 90 funding from Fair Share Amendment (\$88,365):

Brian shared that Whatley received an additional \$88,365 in Chapter 90 funds.

Transfer Station inspection report:

Brian shared that there were no issues found in the inspection report.

Haydenville Road reconstruction project:

Brian shared that the project is still underway, with 100% of the design submitted.

Santa Parade:

Brian shared that the Santa Parade starts at 4:30pm on Saturday, December 23, 2023. The map can be found on the Town's website.

10. Items Not Anticipated

None

11. Adjourn

Motion to adjourn at 7:01 pm. Motion Seconded. All in Favor

Next Meetings:

January 9, 2023, and January 30, 2023

Documents:

Meeting Minutes, November 28, 2023, and December 5, 2023

Vendor and Payroll Warrants, WP24-13 and WP24-14

DRAFT Host Community Agreement for Retail Marijuana Establishment

Whately License Holders 2024

Email from Robert Sabola regarding snowmobile season and the use of the former Dimaio lot

Letter from The Commonwealth of Massachusetts Department of Fish and Game regarding interest in acquiring property in Whately

Letter from The Commonwealth of Massachusetts Department of Telecommunications and Cable regarding Cable Television License expiring & Guide to renew license

Letter from MassDOT regarding Fair Share apportionment FY24

MassDEP Bureau of Waste Prevention / Solid Waste Management inspection plan and schedule