

**Selectboard  
Meeting Minutes  
August 29, 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 August 29, 2023, at 6:02 pm by Chairperson Fred Baron. Also present were Selectboard members Julie Waggoner and Joyce Palmer Fortune. Town Administrator Brian Domina, Administrative Assistant Jessica Murphy, Planning Board member Judy Markland (via Zoom), Housing Committee member Cate Wolkowicz (via Zoom) and Megan Rhodes from FRCOG were present (via Zoom).

**1. Meeting Minutes: Review and vote to approve the meeting minutes from August 8, 2023**

Fred made a motion to accept the minutes from July 25, 2023. Julie Seconded. All in Favor. Joyce-yes, Julie-Yes, Fred-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. Housing Committee Members & Megan Rhodes (FRCOG) to review the Town of Whately's Housing Production Plan (HPP) and to seek the Selectboard's approval of the HPP.**

Megan discussed with the Board recommendations that can be used to potentially diversify the housing stock. These recommendations included zoning strategies and partnerships with developers such as Habitat for Humanity and RDI. Housing Committee Member, Cate Wolkowicz shared that she is excited to move forward with the Housing Production Plan.

Fred questioned if there would be grant opportunities after submitting a Housing Production Plan, which Megan confirmed there is.

Judy shared that the Planning Board reviewed the Housing Production Plan and suggested changes which were implemented. Judy also shared that the Planning Board will begin to work on Zoning recommendations.

Joyce motioned to approve the Housing Production Plan, Julie seconded, all in favor. Roll Call Vote. Joyce-yes, Fred-yes, Julie-yes

**5. COVID19:**

Fred stated that tests are still available at the Town Offices, Library, and Police Station for free for residents.

## **6. Old Business:**

### **A. To discuss a letter to the Cannabis Control Commission regarding the proposed draft revisions to the cannabis regulations (935 CMR 500.00)**

Brian explained that the Cannabis Control Commission (CCC) now has the authority to accept or deny any Host Community Agreements (HCAs) as well as to approve or deny reimbursements community impacts. The host community will be required to submit detailed invoices, which the CCC will then review before payment is due. Brian reviewed the new social equity requirements proposed by the CCC which appears to impose additional administrative obligations on host communities. Brian also discussed that the CCC is now asserting the authority to fine municipalities instead of the establishments themselves. These fines can be up to \$50K per violation, per day. Once the regulations are approved, Brian recommends proactively revising Whately's HCAs to comply with the new regulations and to retain the requirement that establishments pay Community Impact Fees and also to submit a public comment letter to the CCC with recommended changes to the regulations. Joyce motioned to send the letter to the CCC; Julie seconded, all in favor. Roll Call Vote. Joyce-yes, Fred-yes, Julie-yes

### **B. To review and discuss the draft Request for Proposals (RFP) for the sale and restoration of the Whately Center School**

Brian shared that the previous RFP had been modified and he has requested documents from Town Counsel which includes a Purchase & Sale Agreement and Right of Refusal Document. Town Counsel is also reviewing the Preservation Restriction that the Massachusetts Historic Commission has already reviewed. Once we get those documents back the RFP will be ready. Brian explained that the RFP includes no limitation on use, however there is a preference towards uses that benefit the community with little impact on the neighborhood. No action required from the Board at this time.

### **C. To review, discuss and vote whether to approve the covenant agreement with Quonquont Farms for the CPA historic silo restoration grant**

Brian discussed a minor change to the agreement that was previously approved by the Board. This change states that in the event of a Natural Disaster, Quonquont Farms will use their discretion in determining whether the Silo can be restored if there are enough insurance proceeds to perform the necessary repairs. Julie motioned to approve the agreement, Joyce seconded, all in favor. Roll Call Vote. Joyce-yes, Fred-yes, Julie-yes

### **D. To discuss the results of the drainage pipe inspection and town records research on the drainage system adjacent to Christian Lane**

Brian discussed with the Board the camera used for the inspection showed tree roots infiltrating into the drainpipe causing blockages in both pipes on the north and south sides. Town records are inconclusive as to who is responsible for the system. Brian could find no records for an appropriation of funds specifically for this project, but in 1949 an appropriation was defeated to install drainage on Depot Road (Christian Lane).

Jeff Kocot, property owner on Christian Lane, once again expressed concern regarding his property that is affected by the blocked drain, stating that year after year, the water run off becomes greater due to the road being built higher with no where for the water to go.

Fred Orloski, Library Trustee member and property owner on Christian Lane expressed concern about the condition of the drainage structure. He stated that the drainage structures are in the Towns right of way.

Tom Borawski, property owner on Christian Lane, stated that the blocked pipe is located in the middle of his front yard, making him believe that the system is not in the public right of way.

Scott Hutkoski, property owner on Chrisian Lane, shared that a catch basin on his property collects water during heavy rains. He states that Keith Bardwell at one point, worked on the catch basin across the street from his house.

Fred stated that there is no evidence that the Town allocated money to have the drainage system originally installed and will need more information to move forward. Julie requested surveys from residents to gain a better perspective on where the drainage pipes run.

## **7.New Business**

### **A. To review and discuss the 268 State Road (Dimaio Lot) Residential Development Study completed by the Towns consultant VHB**

Brian reminded the Board that the Town received a small grant from the Massachusetts Housing Partnership to conduct a high-level feasibility analysis of using the Dimaio lot for housing. Brian shared with the Board different housing options available based off the property yield analysis done by the consultant. Those options included a 24-unit twin multiplex, a 12-unit single multiplex, and a 12-unit townhome arrangement. No action was required from the Board at the time.

### **B. To discuss a request from the Whately Elementary School to use CLFRF monies to repair the emergency generator**

Brian informed the Board that the emergency generator will need to be replaced, however, Fred explained that he would like to refrain from using CLFRF Monies to repair the emergency generator which was estimated to cost \$4,561.60. Fred proposed putting this on an agenda for a Special Town Meeting to appropriate the funds.

### **C. To discuss the following upcoming projects:**

#### **1. Electric Vehicle Fleet Assessment (Municipal Energy Technical Assistance Grant) - to accept a proposal from Weston & Sampson to complete the assessment**

Sylvie shared with the Board that Weston and Sampson will be focusing on light to medium duty vehicles, with a high-level assessment of all vehicles. Sylvie explained that Weston and Sampson are addressing the concerns of vehicles needing to be out on the road for prolonged periods, as

well as the longevity of the vehicles themselves. Joyce motioned to move forward with the proposal, Julie seconds, all in favor. Roll Call Vote. Joyce-yes, Fred-yes, Julie-yes

**2. Bike Maintenance Station Installation (Shared Streets & Spaces Grant)**

Sylvie shared that she spoke with Finance Committee member, Jim Kirkendall, who is also an experienced cyclist, in which he concurred with the usefulness of the 3 locations (West Whately, Library, Herlihy Park) plus a fourth maintenance station at 4 Sandy Lane. Sylvie explained that there will be enough grant money to cover ongoing maintenance, purchase replacement parts as well as to reimburse the Highway Department for installation costs.

**3. Municipal Digital Equity Planning & Master Plan Visioning (Massachusetts Broadband Institute/Community Compact Grant) – committee members urgently needed**

Sylvie shared with the Board that she is still looking for members to join the Municipal Digital Equity Planning & Master Plan Visioning Project Committee. It's anticipated that members will meet 4-5 times between September 2023 and March 2024.

**D. To appoint Debra Carney as a Library Trustee to fill the remaining vacancy on the Trustees**

A motion was made to appoint Debra Carney as Library Trustee. All in Favor. Roll Call Vote: Fred-yes, Joyce-yes, Julie-yes.

**E. To review and approve special municipal employee status and conflict of interest exemptions for Whately's representative to the Franklin County Solid Waste Management District**

A motion was made to approve special municipal employee status and conflict of interest exemptions for Whately's representative to the Franklin County Solid Waste Management District, Larry Kutner. All in Favor. Roll Call Vote: Fred-yes, Joyce-yes, Julie-yes.

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

Joyce shared that the Senior Center recently published its newsletter and encouraged everyone to read it to learn of all the great things that are happening at the Senior Center.

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

**Recognition of recent retirements:** The Board will brainstorm ideas for future retirements.

**Shared conservation agent meeting on 09/14/23:** Brian shared that he will be attending this meeting.

**First cannabis retail shop opened on 08/24/23:** Brian shared that the first cannabis retail shop has opened in town.

**Williamsburg Road emergency culvert repair:** Brian shared that this been completed on Williamsburg Road.

**Board of Assessors vacancy:** Brian reminded the Board that there is a vacancy on the Board of Assessors.

**Solar array at Town Offices:** Brian informed the Board that an electrical engineer from ACE solar came to view the electrical system at the Town Offices.

**Personnel Policy revisions:** Brian shared that he does not have the revisions and has been asked for an extension of that work.

**Water Department loan payoff in October:** Brian shared that the Water Department has a loan payment due 10/20 and will be figuring out the best way to repay/renew the note.

#### **Items Not Anticipated**

None

#### **10. Adjourn**

Motion to adjourn at 8:20pm. Motion Seconded. All in Favor.

#### **Next Meetings: September 12, 2023 & September 26, 2023**

#### **Documents List**

*Meeting Minutes – August 8, 2023*

*Warrants - W24-05 & WP24-05*

*Housing Production Plan 2023 Update*

*Letter from Brian Domina about Christian Lane Drainage Update*

*268 State Road Residential Development Study*

*Estimate from Powers Generator Service LLC*

*Proposal from Weston & Sampson to Conduct an Electric Vehicle Fleet Assessment*

*Letter from Sylvie Jensen Shared Streets: Bicycle Maintenance Stations*

*Letter from Robert Smith to appoint Debra Carney to fill the Library Trustee Vacancy*

*Disclosure by special municipal employee of financial interest in a municipal contract*

*Letter from Larry Kutner to hold more than one appointed position*

