

**Selectboard
Meeting Minutes
February 13, 2024
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 February 13, 2024, 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, Treasurer/Collector Amy Schrader, Town Clerk Amy Lavallee, Fire Chief JP Kennedy, Community Development Administrator Sylvie Jensen (Via Zoom), Phil Silverman (Via Zoom), and Jonathan Smit from Heilts Propane Systems (Via Zoom) were also present.

1. Meeting Minutes: Review and vote whether to approve the meeting minutes from January 30, 2024

Julie made a motion to accept the minutes from January 30, 2024. 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

Joyce shared that she received a letter regarding the issue of the Whatley postal code which had been left unresolved from previous meetings. Joyce suggested creating a warrant at the upcoming Annual Town Meeting to get a better sense of the residents' stance on the matter, noting that attendance is around 200-300 residents which is far greater than past meetings. Fred stated that he is unsure if discussion of the issue at a Town Meeting is the right place, however the Board acknowledged that ignoring the issue entirely was not a viable solution, and further discussion on the topic is planned for future Selectboard meetings.

4. Scheduled Appointments:

a. Hearing on License Application to Store Propane at 40 River Road, Whately, MA: To conduct a public hearing pursuant to M.G.L. Chapter 148 to accept comments from the public on an application by Nourse Farm Acquisition, LLC to store 30,000 gallons of propane in an aboveground storage tank and for the Board to vote whether to grant the requested license

Fred moves to open the public hearing session. Joyce Seconds. All in favor.

Brian shared that Nourse Farms is planning to expand their greenhouse and install a 30,000-gallon propane tank that is 11 feet tall and will be placed on concrete piers about 3 feet off the ground, enclosed by a 6-foot fence with crash protection. Jonathan Smith, engineer for Heilts Propane Systems explained that the project will adhere to national fire codes and local regulations, with oversight from the State Fire Marshal. Jon assured the Board that this project will undergo thorough safety inspections and meet all requirements. Julie raised concerns over the potential environmental impacts in case of a leak in which both Jonathan and JP Kennedy addressed concerns about propane behavior. JP added that he is confident there will be no foreseeable issues.

Fred moves to close the public hearing portion of the meeting. Joyce Seconds. All in favor

Joyce moved to approve the license application for propane at 40 River Road, with incorporation of the fire chief's recommendation. Julie Seconded. All in Favor. Fred-yes, Joyce-yes, Julie-yes

5. Scheduled Appointments:

a. Phil Silverman (Vicente LLP on behalf of Enhance Delivery, LLC) to request that the Selectboard enter into a Host Community Agreement with Enhance Delivery, LLC for the operation of a Marijuana Courier Establishment to be located at 424 State Road, Whately, MA

Phil Silverman shared that he and Brian have worked out the details of the Host Community Agreement and he is seeking approval to proceed with the establishment. Treasurer/Collector Amy Schrader questioned how and where the cars that are used for delivery will be stored and registered, noting that the Town will want to ensure that proper excise taxes are paid. Phil clarified that the vehicles would be registered to Enhanced Delivery LLC at 424 State Road, Whately, MA and would follow regulations set by the Cannabis Control Commission. Phil also noted that vehicles will have secure lockboxes, cameras, GPS systems to ensure proper compliance.

Julie moves to enter into a Host Community Agreement with Enhance Delivery, LLC for the operation of a Marijuana Courier Establishment to be located at 424 State Road, Whately, MA. Joyce Seconded. All in Favor. Fred-yes, Joyce-yes, Julie-yes

6. COVID19:

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

7. Old Business:

a. To review, discuss and vote whether to support the Agricultural Preservation Restriction proposed for 269 River Road, Whately, MA

The Selectboard agrees for the applicants to move forward by seeking funding from the CPC for the Agricultural Preservation Restriction proposed for 269 River Road, Whately, MA. Joyce Seconded. All in Favor. Fred-yes, Joyce-yes, Julie-yes

b. To discuss whether to develop a policy for the display of flags on town-owned property

Brian shared that he recommends having a flag policy in place, emphasizing that the policy should outline that flags displayed should be limited to those of the town and not from private organizations or individuals. Julie questioned whose responsibility it was for handling flag display requests and implementing the policy, in which the Board agreed that it would likely fall under the Town Clerk's jurisdiction. Amy Lavallee stated that she will reach out to surrounding Town Clerks for a potential template. The Board agreed to work on drafting a policy to implement under the next Town Administrator.

c. To discuss the idea of a directory sign for the Whately Industrial Park

Brian shared ideas of installing a directory sign for the Industrial Park in order to avoid clutter and provide better organization if other businesses decide to also have signs installed. Brian proposed next steps that include reaching out to the businesses within the park to gauge interest and potentially sharing the costs of installation and maintenance. The Board noted no immediate urgency in the matter and will facilitate with the next Town Administrator.

8. New Business

a. To discuss the schedule of the Treasurer/Collector position

Amy Schrader shared that she would like to change her current schedule (Monday 8 AM to 5 PM, Tuesday, Wednesday, and Thursday 8 AM to 4 PM, with Fridays off) to a proposed schedule of Monday, Wednesday, and Thursday 8:30 AM to 3 PM, Tuesday 8:30 AM to 6 PM, and Friday 9 AM to 1 PM. Amy stated the request for the schedule change was made due to personal reasons, aiming to align better with the schedules of her children. Amy noted that the changes were proposed before the transition of the current Town Administrator and expressed willingness to assist wherever needed despite the schedule change. The Board is in support of the new schedule change. Jessica will make the appropriate updates to the hours posted on the front door of the Town Offices.

b. To review, discuss and vote whether to sign the election warrant for the March 5, 2024 Presidential Primary Election

Joyce moves to sign the election warrant for March 5, 2024, Presidential Primary Election. Julie Seconded. All in Favor. Fred-yes, Joyce-yes, Julie-yes

c. To review, discuss and vote to participate in the FY25 FRCOG Collective Highway Bid program

Julie moves to participate in the FY25 FRCOG Collective Highway Bid program with Keith Bardwell as the signatory. Joyce Seconded. All in Favor. Fred-yes, Joyce-yes, Julie-yes

d. To review, discuss and vote whether to request a hearing on the application for KENO to be played at Club Castaways located at 226 State Road, Whately, MA.

The Board agreed that a public hearing will not be necessary on the application for KENO to be played at Club Castaways located at 226 State Road, Whately, MA. No action is needed.

e. To review, discuss and vote whether to appoint poll workers as requested by the Town Clerk

Julie moves to appoint poll workers as requested by the Town Clerk. Joyce Seconded. All in Favor. Fred-yes, Joyce-yes, Julie-yes

f. To discuss next steps for filling the impending Town Administrator vacancy

Brian shared that his last day as the Town Administrator for Whately will be March 4, 2024. Brian recommended that the Board appoint an interim Town Administrator while establishing a small committee to search for a permanent Town Administrator. The Board discussed that the search committee should consist of three members: a Select Board representative, someone knowledgeable about the functions of the position, and a long-time member of the community. Joyce shared thoughts on a candidate recommendation that she believes could be an option and will look inquire further. Brian noted that the interim appointment is crucial, especially with the upcoming budget season. Brian will follow up on the posting of the positions, and further updates will be provided as progress is made. The search Committee will be Fred Baron, Amy Schrader and either Jim Sevine (Police Chief) or Keith Bardwell (Highway Superintendent).

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

Fred shared that there is a tentative meeting scheduled with Weston & Sampson as well as a SCEMS Board of Oversight meeting on Thursday.

Joyce shared that the SCSC Board of Oversight is continuing to have a consultant look at the Intermunicipal agreement to explore areas of improvement. Joyce also shared about a Consortium agreement for surrounding senior centers that is being looked over.

Julie shared that she attended 2 water department meetings in the last week that discussed testing locations at the dumping site, as well as dumping on Westbrook Rd. Julie stated there was no response of who was responsible for dumping, however Keith believes it may be construction related. Julie also shared that the Treatment Plant on Chestnut Plain Rd has a grant to install solar panels on the roof, but the roof is over 30 years old and will need to be replaced.

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

Center School RFP:

Brian shared that the committee has received two proposals and have compiled a list of questions for each proposal, noting that these questions have been sent out, and responses are expected by tomorrow. Brian stated that the committee plans to hold a second meeting to review the additional information and discuss whether to interview representatives from the proposing parties or proceed directly to making a decision and providing a recommendation to the Board.

Town Office Solar Array:

Brian shared that the interconnection application to Eversource has been submitted but there have been some complications in the process. Brian stated there was discussion between Eversource and Ace about potentially relocating equipment to a pad-mounted transformer near the road, However, Eversource did not appear to be supportive of this idea. Brian stated that the next steps are based on Eversource's response and once the decision is received, the team can proceed with determining the appropriate course of action.

FY25 budget planning schedule:

Brian shared important dates surrounding school budget hearings and committee meetings.
February 28th: Meeting with the Finance Committee and Select Board, where schools will be available to discuss matters.

March 5th and March 6th: Frontier Regional Budget Hearing and Elementary School Budget Hearing respectively.

March 12th: Regular meeting.

March 13th: Another meeting, possibly with the Finance Committee.

Brian noted that attendance is still necessary due to legal requirements and potential last-minute updates.

Haydenville Road Project:

Brian shared that there is a call with MassDOT on the Haydenville Road project which is scheduled to be funded in the Transportation Improvement Program (TIP) for fiscal year 2026, with an anticipated advertising date of October 2025. Brian explained that this project involves acquiring land, and the process includes title searches and seeking donations from property owners. If donation isn't possible, the Town will need to purchase the land at fair market value, including any required easements.

Brian reminded the Board that there is complication of some of the property being protected by Article 97, which involves petitioning the State Legislature for the release of the Article 97 land.

11. Items Not Anticipated

None

12. Adjourn

Motion to adjourn at 7:20 pm Motion Seconded. All in Favor

Next Meetings:

February 27, 2024, and March 12, 2024

Documents:

Meeting Minutes January 30, 2024

Vendor and Payroll Warrants, WP24-17

Draft Marijuana Courier Host Community Agreement

FRCOG FY25 Budget Notice and Signatory Authorization Form

Letter from Massachusetts State Lottery Commission regarding KENO License for Club Castaway

June ATM Budget Schedule

Poll Worker Appointments