

**Selectboard
Meeting Minutes
May 29, 2019
Town Offices
Open Session
6:00 pm**

The open session of the Selectboard of the Town of Whately was called to order on May 29, 2019 at 6:00 pm by Selectboard Chair, Jonathan Edwards. Also, present were Selectboard members Frederick Orloski and Joyce Palmer-Fortune, Town Administrator Brian Domina, and Administrative Assistant Amy Schrader.

A motion was made and seconded to amend the meeting minutes of May 7, 2019 on page 2, beginning of paragraph 3 to change May 7th to May 2nd. The Board voted to approve the meeting minutes as amended.

Comments from the public

Susan Baron (250th Committee) appeared before the Board to discuss the Committee's desire to hold another town-wide tag sale as a fund raiser for the 250th celebration. Susan suggested that all tag sale permits issued for Saturday September 7th be in conjunction with the 250th Committee fundraiser. Susan stated that the 250th Committee will be providing maps of the participating tag sale locations and newspaper/Craigslist advertising. There was a brief discussion regarding the process of issuing permits and permit fees. Susan informed the Board that last year a couple residents held tag sales on the same day without the appropriate permit. Susan questioned how this situation can be prevented from happening this year and requested better enforcement. Susan stated that this year, the Committee has decided to not have a central location but are still working out the details. The Board recommended that Susan talk to Lynn Sibley, Treasurer/Collector, regarding the logistics for this event.

Doug (Chestnut Plain Road) stated that he would like to express a few concerns that he has with the Town. Jonathan (Selectboard) stated that he would like to follow the agenda and can address his concerns at the end of the meeting.

Appointments

Melissa Hancock (Eversource) to discuss the Selectboard's concerns with the pole petition process

Brian informed the Board that the Town received several additional pole petitions from Verizon and Eversource for regulator banks. The pole petition information that the Town is receiving has very generic language, in terms of the descriptions of the equipment that is being proposed which doesn't give the Selectboard or abutters adequate notice of what is being proposed. The Board questioned the Eversource representatives as to how the Board can get adequate

information that it can convey to the abutters? The Board also questioned how it could receive information about proposed future installations.

Jonathan (Selectboard) stated that he personally thinks that the site visits are how it should be done every time. The Board gets to see it and discuss different location options. It's a clearly defined communication vehicle. Jonathan expressed his displeasure that at the most recent field visit, the representatives in response to his question about future locations, stated there are not any other ones planned and now several more are being proposed.

Melissa Hancock (Eversource Representative) and Mike Rosenberg (Eversource Engineer) apologized to the Board for the miscommunication and lack of information. Eversource is putting these regulator banks in other Towns and is hearing the same concerns from other boards about the lack of information. At this point, Eversource is working on changing the process and providing clearer information to towns.

Fred (Selectboard) stated that he agrees with what Jonathan is saying. Fred expressed concern that the proposed locations may look good on paper, but look differently out in the field. Fred suggested that the process should be, at least for regulator banks, that Eversource should come to the Board or tell Brian the proposed location to be investigated by the Board prior to abutter notification. Then if the Board agrees that it's a feasible location, then Eversource would notify the abutters and hold a public hearing.

Mike Rosenberg (Supervisor for Field Engineer Design) stated that the particular projects in question are for circuit improvements to help regulate circuit voltage. Eversource has two types of regulator bank setups, regulators on single poles (x3) or a regulator bank platform. According to Mike, regulator platforms should not be going where they're obstructing views or obtrusive and Eversource has had internal discussions about not doing that. Mike suggested that the reason for the miscommunication about future installations had to do with the multiple engineering groups within the company.

Mike (Eversource) stated that he understands the frustration of the Board. He stated that when Eversource requests a pole placement from Verizon a reason for the pole is included in the request, but for some reasons that information is not being passed through to the Board. Mike indicated that Eversource will work with Verizon to resolve this issue.

Fred (Selectboard) questioned again what the overall plan is for the Town. Where are all these going to be in the town?

Mike (Eversource) stated that Eversource is regulated through tariffs by the Government on how it proceeds with the interconnection process. An application for interconnection comes in and a circuit study is done on what needs to be improved on that circuit for that project to move forward. Circuit studies can take 6 to 8 months. When final customer payment is received, the Eversource engineering group (in CT) will look at where devices need to go to keep the circuit trouble-free.

Jonathan (Selectboard) stated that this process needs to be addressed and that he is still irate about the poles off Christian Lane at the Nexamp solar array, which he believes adversely affected the property value of the closest abutter.

Fred (Selectboard) questioned why the infrastructure can't be located underground or limited to one pole?

Mike (Eversource) stated that it's an above ground area and New England is not an underground network. Any new developments bear the cost of the underground networks.

Brian (Town Administrator) questioned whether Eversource could provide the Board with a map of the Town showing all of the proposed electrical improvements, from all the different departments, known to date?

Mike (Eversource) stated that he would look into it creating a map.

Joyce (Selectboard) stated that it would be ok to list all the projects on the map, even tentative ones. Joyce told the Eversource representatives that it's really strange to be told at one pole hearing, "we absolutely need this at this location on River Road because the voltage regulators need it" and then the next week, another petition arrives for a different location. Joyce reiterated the Board's concern that all of the petitions contain very little information on the card so residents have no idea what is going up in their area. The Board had a site visit for two of them and found better locations. Joyce questioned why a field visit isn't the first step in the process?

Melissa (Eversource) stated she completely agrees with the Board and appreciates the feedback. Mike (Eversource) stated that Eversource is committed to working with the Board to make sure these installations are sited correctly.

The Board asked Brian to work with Melissa and Mike to figure out how to address these concerns.

Chestnut Plain Road Residents to discuss concerns related to traffic, sidewalk condition, noise, trees and light pollution –

Melissa Caldwell (Chestnut Plain Road) appeared before the Board as the spokesperson for a number of residents on Chestnut Plain Road. Melissa informed the Board that Chestnut Plain Road residents met a couple weeks ago to discuss concerns related to traffic, sidewalk conditions, noise, trees and light pollution. Brian suggested at that time for the residents to meet with the Selectboard to discuss their concerns. Residents from Chestnut Plain Road and North Street were present. Melissa stated that they're not here to complain, but would like to ask for the Selectboard's help regarding their concerns. Melissa stated that they understand that some of their concerns will be addressed by the Complete Streets projects. Melissa discussed the following concerns along with potential solutions;

- Noise pollution – Can the Town implement a “No Jake Brake” ordinance? Truck noise starts at around 4:30 am until 8:30 am in the morning and then in the evening.
- Speeding traffic – Paint a crosswalk somewhere on Chestnut Plain Road, use crosswalk cones, speed lumps, and electronic speeding devices.
- Tree and front lawn maintenance – the strip between the sidewalk and the road. Can the Town do the tree clean-up 2x a year, as well as the summer mowing? The library gets mowed on a regular basis and maybe the Town could continue the mowing for that strip.
- Sidewalk safety – the condition of the sidewalks is a concern – due to be addressed by the Complete Streets project.
- Light pollution – in and around the Town Hall parking lot.

Doug (Chestnut Plain Road) passed around pictures of the sidewalks on Chestnut Plain Road. Doug expressed concerns that there are a lot of older folks in Town that have/can trip and fall while using the sidewalks. Doug questioned why the sidewalks have not been addressed.

Fred (Selectboard) stated that 2 or 3 years ago there was a streetscape study that looked at sidewalks, traffic, and drainage by the Conway School of Design. The sidewalks were never ignored, it's been on the Board's agenda for several years; however, there are a number of related projects that need to be considered and fit into a single plan.

Donna Wiley (184 Chestnut Plain Road) stated that the two main issues that came out of the meetings with the Conway School, were speeding and light pollution. The speeding has gotten worse. The stop sign at Haydenville Road is doing nothing more than getting people to slow down. Another issue is light pollution, the lights on the side of the Library are very bright and many different houses in the neighborhood have very bright exterior lights on all night.

Doug (Chestnut Plain Road) stated that the speeding is really bad and dangerous and questioned why the Town doesn't put up a speed monitoring device and he also questioned why can't the police be out there during peak driving times.

Joyce (Selectboard) stated that there are proposals for some of this equipment in the Complete Streets Prioritization Plan, but it's in future years for which no funding is currently available.

Jonathan (Selectboard) stated that he doesn't want to have this be an intellectual discussion with no action steps to follow-up on. I don't know if each of these can be addressed or perhaps not. Jonathan expressed concern that if things happen in the center of Town then people will say why can't this happen in other parts of Town as well? The money does start to compound at some level. We can't treat one part of Town different than another part of Town. Jonathan suggested that if the space between the road and the sidewalk is actually a Town common then maybe it could be used as an asset.

Neal Abraham (184 Chestnut Plain Road) commented on the light pollution issue with a suggestion that the Town address those problems that are easily and inexpensively addressed like changing out switches at the Town Hall and Library to better control the operation of the lights.

Jonathan (Selectboard) questioned if the Common piece of land falls under the Open Space Committee or would it not be considered open space?

Donna (184 Chestnut Plain Road) stated that since it's a defining feature of the Historic District and it's on a scenic road, she thinks it would have to fall, at least, in part under the Historical Commission.

Melissa (Chestnut Plain Road) questioned if crosswalks are proposed across Chestnut Plain Road?

Donna (184 Chestnut Plain Road) stated that she thinks the 5 crosswalks that were recommended by the Conway School of Design are the same ones that were put into the Complete Streets application. The crosswalks were proposed at the Congregational Church, 2 at the Haydenville Road/Chestnut Plain Road intersection, across from the Library, and down by the Center School/Cemetery, but these may change based on the recommended design of the engineer.

Rich Korpiewski (15-19 State Road) expressed his opinion that the light pollution issue isn't just an issue on Chestnut Plain Road and that it may be appropriate to consider a bylaw to address the issue. According to Rich, there are 10 household on Route 5 leading up to the exit that are all dealing with light pollution. Having reflective limits or wattages that are allowed, may help a great deal. There needs to be more consideration in the by-laws to protect against any inappropriate future development regardless of where it is in Town.

Howard Nenner (203 Chestnut Plain Rd) expressed his concern about the condition of the sidewalks. Howard told the Board that he walks from his house to the Post Office and back every day and instead of taking the risk of walking on the sidewalks he walks in the road for better footing. He asked that the Board move the sidewalk reconstruction project up its list of priorities.

Jonathan (Selectboard) questioned what is the timing on the Complete Streets?

Keith Bardwell (Highway Superintendent) stated that his best guess is that construction will probably happen in April 2020 and be completed by June 2020.

Fred (Selectboard) questioned if there was a way to eliminate or restrict trucks on Christian Lane and Haydenville Road?

Keith Bardwell (Highway Superintendent) stated that to exclude trucks you have to offer another alternative route. It's very difficult to make limitations and he doesn't believe the Town can have a truck exclusion on this road. The biggest issue with this area is the classification of the roads. Chestnut Plain from the Haydenville Road intersection to Christian Lane to Route 5 is classified as a major collector. Major collector means that it's collecting traffic and bringing it from rural areas to a higher classification road thus it is more difficult to make a case to exclude trucks. Keith is likewise concerned about the exhaust brake and the issues that might be raised such as safety and liability.

Fred (Selectboard) stated that there is a national truck network and it specifies where trucks can travel and not travel. Trucks are going to Williamsburg and beyond and the Town would be forcing them to go to Northampton or Greenfield. Fred suggested that is something that can be looked into in more detail.

Jonathan (Selectboard) stated that these items on the list should be prioritized because not all of these items can be addressed at one time. The Historical Commission would be the perfect Commission to address the Town Common piece.

Brian (Town Administrator) stated that there could be low-cost short-term items that could be identified. Brian suggested that he work with the appropriate department heads to try to identify some solutions to these issues.

New Business

Annual Town Election to be held on June 11, 2019 – Brian presented the Board with the Annual Town Election Warrant. The Board signed the Annual Town Election Warrant.

Capital projects approved at the 04/30/19 ATM – Brian informed the Board that they have a list of capital projects in their packet that were funded at the most recent Annual Town Meeting. The Board discussed the list of capital projects plans with specific attention to the Fire Station siding repair. A lengthy discussion ensued regarding the siding repairs on the Fire Station and whether it was needed and the best way to do it. The Board requested a written report from Keith on his recommendations for the Fire Station. The Board decided to move forward with all the listed capital projects except for the Fire Station.

Chapter 90 project requests – Keith Bardwell (Highway Superintendent) presented the Board with Chapter 90 project requests. Keith discussed the following projects; chip sealing on Long Plain Road, paving of Poplar Hill Road, and Williamsburg Road project. The Board signed the Chapter 90 projects requests.

Haydenville Road reconstruction project (25% design) – Keith informed the Board that he and Brian have a meeting tomorrow with FRCOG, Williamsburg and PVPC to discuss this project with specific attention to construction funding. The Town's funding keeps getting push down the line by the Franklin County Transportation Planning Organization. Keith briefly discussed

the design plans and stated that he will be submitting his comments on the design plans to Boston. MassDOT staff has recommended that the Town comment on the MassDOT 5-Year Capital Improvement Plan stating that this project is very important to the Town. Brian stated that he will submit those comments and also write a letter to Representative Blais and Senator Comerford encouraging them to submit comments as well. The Board had a brief discussion regarding the City of Northampton's involvement in the design process. Keith stated that we will make sure that Northampton makes a comment on the 25% design.

2019 MassWorks Infrastructure Grant Program - Brian informed the Board that the MassWorks Infrastructure Grant Program is available and the application deadline is August 9, 2019. The Board had a brief discussion regarding potential projects that the program could pay for. Awards are announced on a rolling basis starting in October for projects to begin construction the following spring. Jonathan offered to investigate the MassWorks Infrastructure Grant opportunity.

Old Business

The status of the Castaways establishment; review police calls; and review conditions of the new licenses and variance –

Brian informed the Board that the Town received a notice of decision from the ABCC approving the transfer of Club Castaway's liquor license. Brian reminded the Board of the conditions that the Board imposed regarding the police detail for a 4-month probationary period. It's going to take a lot of coordination with the Chief of Police to schedule the details. The Board will review these conditions during the second meeting of every month. Brian stated that the sale needs to happen first before the Town can issue these licenses. The Board decided to table this discussion until the next Selectboard meeting.

Town Administrator Updates

Brian informed the Board that there will be a Municipal Solar Forum on June 17th, 2019 at the Town Offices. Joyce Palmer-Fortune stated that there is a newly available way to fund municipal solar and that the purpose of the forum is to explore how this financing model can be applied to Western Massachusetts communities. Joyce discussed the many advantages of municipal solar, the disadvantages/risks, potential municipal solar sites, and the new opportunities for funding. Joyce stated that they would like to have people attend from all towns.

Brian informed the Board that last night the Planning Board approved the site plan for the Mustang marijuana cultivation establishment proposed to be located in the existing greenhouses on the corner of Christian Lane and State Road. The applicant still needs to get special permit approval from the Zoning Board of Appeals. The operator of the establishment still needs to come before the Board to negotiate a Host Community Agreement.

Brian informed the Board that the Library Trustees have selected Jones Whitsett Architects to complete the final design of the handicap accessibility improvements at the Library. It is still not known how the improvements will be paid for.

Brian informed the Board that CPA Application are due June 11, 2019. Fred proposed two applications. Fred requested CPA funds for a permanent display of Blue School and Center School artifacts. The second request is to update the Whately History books to bring it current for the 250th celebration. Fred has found a Whately resident who is interested in helping with updating the history book. A brief discussion ensued regarding what would be displayed, how to display it, and the funds for these requests. The Selectboard agreed to sponsor these applications.

Items not anticipated within forty-eight (48) hours of the meeting.

Doug (Chestnut Plain Road) stated he has amazing photographs of the Town and thinks that the Board should use his work to their advantage. Doug stated that there is a huge dog waste issue in Town. Joyce suggested that an article could be written for the September issue of the Whately Scoop, deadline for submission is the end of the August. Doug questioned if there was a leash law. Brian stated that there is a leash law. The Board recommended that Doug contact the 250th Committee regarding his photography.

Executive Session: Jonathan made a motion to adjourn and go into executive session per M.G.L. c. 30A, § 21(a)(3) to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares. The Board will not be returning to open session.

Motion was seconded. Roll call vote: Joyce – yes, Fred – yes, Jonathan – yes. The open session was adjourned at 8:00 pm

Next Meeting Dates: June 12, 2019 & June 26, 2019

Respectfully submitted,

Brian Domina, Town Administrator

Document List on File in the Selectboard Office

Selectboard Meeting Minutes dated May 7, 2019

Email from Melissa Hancock, Eversource Representative, dated May 17, 2019
Email from Melissa Caldwell, resident, dated May 21, 2019
Annual Town Election Warrant
FY2020 – Capital Project Procurement Requirements
2019 MassWorks Infrastructure Program – Guidelines and Application Information
Whately Investments LLC – ABCC Licensing Authority Certification dated 05/22/2019
Notice of Decision – Application for Variance from Section 62-8 of Chapter 62 of the Whately Code, Police Officer on Duty at Premises Offering Certain Entertainment.
Notice of Decision – Application of Transfer of General On-Premises All Alcohol License
Notice of Decision – Application for Entertainment License
Police Log for Club Castaways Calls from September 2018 to May 7, 2019
Written decision of the Zoning Board of Appeals in regards to the Town Hall ZBA appeal dated May 2, 2019
Letter from Attorney David J. Doneski, KP Law, regarding the Old Town Hall dated May 2, 2019
Letter from Attorney David J. Doneski, KP Law, dated March 29, 2019
Email from Mary-Lou Rup, resident, dated May 7, 2019