

**Selectboard  
Meeting Minutes  
July 10, 2019  
Town Offices  
Open Session  
6:00 pm**

The open session of the Selectboard of the Town of Whately was called to order on July 10, 2019 at 6:00 p.m. by Selectboard Chair, Joyce Palmer-Fortune. Also, present were Selectboard members Fredrick Orloski, Jonathan Edwards, Town Administrator Brian Domina and Administrative Assistant Amy Schrader.

Review and vote on the meeting minutes of June 26, 2019 – Meeting minutes from last week's meeting will be voted on at the next Selectboard meeting scheduled for July 31, 2019.

**Comments from the public**– No public comment

**Liquor License Violation Hearings**

**Muffins General Market, LLC in violation of G.L. c. 138 s. 3. 4** - Brian informed the Board that this hearing is to review the sale of alcohol to a minor in violation of G.L. c. 138 s. 34. This came about as a result of the alcohol and tobacco compliance checks that the Police Department does in coordination with the Frontier School Resource Officer. Brian read the show cause hearing notice and alcohol compliance check letter written by Chief Sevine, that was sent to Muffins General Market, LLC. Diane and Bill Korza, co-owners of Muffins General Market, LLC, were present before the Board. Diane presented the Board with Muffins General Market, LLC revised Alcohol and Tobacco sales policy and procedures. Diane stated that after this incident occurred, she reviewed their surveillance video and addressed the employee immediately. Bill discussed Muffin's training process, employees' expectations, and preventative measures. The Board had a lengthy discussion regarding Muffin's policies, their proposed preventative measures, and small businesses hardships. Jonathan made a motion to take no action beyond what has already taken place. Motion was seconded. All in favor. The Board closed the public hearing at 6:14pm.

**Castaways Lounge in violation of G.L. c. 138 s. 69** – Brian read the show cause hearing notice that was sent to Castaways Lounge in violation of G.L. c. 138 s. 69. Attorney Brian O'Toole was present before the Board representing Castaways Lounge. Attorney O'Toole asked the Board for a continuance of the hearing to have time to interview people involved in the incidents. Brian informed the Board that the notice was mailed out on July 1<sup>st</sup> and because of the holiday and weekend, Attorney O'Toole claims to have not received the notice from his client until Monday, July 8<sup>th</sup>, which didn't give him adequate time to investigate these allegations. Attorney O'Toole stated that, along with these allegations, the potential closing date of the property is scheduled for Friday which by then the new conditions will be imposed on the license. The Board had a lengthy discussion regarding the volume of incidents, the current manager's information, the

Police Department's policies/procedures for handling these incidents, and the potential sale of the property. The Board questioned Police Chief, James Sevigne, incident reporting and notification process. Chief Sevigne stated that the Police Department did not notify, the current owner of Castaways about every incident, but notifies a responsible party for the establishment. Joyce made a motion to continue the public hearing to July 31, 2019 at 4 Sandy Lane at 6:00 pm. Motion was seconded. All in favor.

### **Scheduled Appointments**

**NAP Advisors, LLC for the Selectboard to consider signing a host community agreement for a proposed marijuana cultivation establishment to be located at 62 Christian Lane, Whately, MA** – Brian informed the Board that NAP has agreed to a 3% community impact fee however, NAP has removed the language about waiving the Town's annual obligation to review the impacts (#6 of HCA). Charles Smith (NAP Advisors, LLC) appeared before the Board to answer any questions they might have on the proposed HCA. Brian stated that Town Counsel was in a trial for 2 days which caused a delay for reviewing the proposed HCA. Brian read number 6, the "Waiver of Review." The Board questioned the removal of #6 of the HCA, the proposed Community Impact Fee, how to quantify the potential community impact, stabilization funds, and HCA Terms. Jonathan stated that depending on what the Town needs to show for Community Impact, he would like to propose capping the Community Impact Fee and putting the money into a form of an escrow account. After much discussion, a motion was made to accept the agreement as proposed, pending review by Town Council. Motion was seconded. All in favor.

**Adelia Bardwell (Whately Historical Society) to discuss the placement of a storage shed behind the Town Hall** – Brian gave the Board a brief overview regarding the Whately Historical Society's proposal to place a 10x14 foot storage shed behind the Town Hall. Brian informed the Board that he contacted the Building Inspector and he stated that the shed does not require any building or zoning permits, but the shed must comply with the zoning setbacks. Brian read the zoning setback requirements for sheds. The Board questioned if there's enough space for the proposed location placement. Brian stated that he would like to re-measure the shed's proposed location to successfully identify the rear lot line. Fred expressed concern regarding the leach field's location and that it needs to be completely identified too. The Board of Health should be contacted for those plans. Jonathan personally thinks that the Selectboard should be making a decision whether or not they are comfortable with this request and all the other architectural and bylaw questions should be deferred to Keith Bardwell (Highway and Building Superintendent). Fred stated that investigation work into whether this project is feasible or not should lay on the applicant. The Board had a lengthy discussion regarding the items that need to be relocated from the Center School, the precedent this sets for allowing a private entity use of town property, potential storage issues for Town Boards and Committees, other storage location options, use of the shed, and the suggestion of combining the Whately Historical Society and the Whately Historical Commission.

Ann Wroblewski (applicant) stated that two events (Memorial Day Parade and Fall Festival) in town are held at the Town Hall and due to the lack of volunteers it is becoming more difficult to move equipment and furniture. It would be more convenient for these items to be at the event location. Adelia Bardwell (Whately Historical Society) stated that the proposal by Jonathan has been discussed by the Whately Historical Society regarding the combination of the Historical Commission and the Society and they're not opposed to that suggestion. Adelia stated that the Whately Historical Society is paying the utilities (electric) in lieu of rent, they're not occupying the space for free and they do have the support of the Historical Commission for the proposed shed. Jonathan made a motion that the Board approve the shed to be built per the request of the Historical Society and the Board strongly encourages conversations on the administrative logistics between the two organizations to take place very quickly and that Keith or anyone else that needs to be involved in dimensions or zoning to make sure it's done correctly. Joyce seconded motion. Fred stated that the combining of the Historical Society and the Historical Commission should be a separate issue and shouldn't be a part of this conversation. All in favor.

### **Old Business**

**Address concerns of residents along Chestnut Plain Road** – Brian informed the Board that on May 29, 2019 residents from Chestnut Plain Road expressed 4 or 5 different neighborhood concerns. Brian has since spoken to the appropriate Town Department heads and drafted a memorandum with recommendations to help address their concerns. Brian read the memorandum with specific attention to noise pollution, speeding, tree/front lawn maintenance, tree debris clean-up, and sidewalk reconstruction. The Board had a lengthy discussion regarding potential signage placement for noise regulations, adopting a new bylaw at the next annual town meeting, police enforcement, town resources/equity, and the feasibility of a truck exclusion. Brian stated that MassDOT is the agency that decides if a reasonable alternative exists for new truck routes. Keith (Highway Superintendent) has the ability to make signs at a low cost.

Brian stated that speeding is a general concern across town. Since May 29, the Police Department has made more of an effort to run radar on Chestnut Plain Road and that the present radar speed sign is in rough shape. The Board had a lengthy discussion regarding speed location, how to deter people from speeding, radar speed sign options, cons of speed bumps, and available grants. The Board recommended that the Police Chief list a new radar sign as a capital improvement project for next year. Melissa Caldwell (resident) suggested that a speed sign be placed at end of Haydenville Road to remind people of the speed limit. The Board deferred that request to Keith Bardwell, Highway Superintendent.

Brian informed the Board that at the last meeting the Board asked Donna Wiley to look into the use of the land in the center of town. The conclusion was that the land was not generally used as public space.

In terms of maintenance of the greenspace, the Board had a lengthy discussion regarding available town resources, cost estimates for lawn maintenance, potential town hall parking issues, negative impacts on property values, and the potential deed transfers of the land in question. Fred stated that the residents requesting the information of what other towns are doing

to maintain their town commons should be gathering this information themselves which then can be presented to the Board. After much discussion, the Board decided that more investigation into available town resources was needed and discussion should continue with Keith Bardwell, Highway Superintendent.

In terms of tree maintenance, Brian informed the Board that \$5,000 of the \$5,500 goes to private tree services since the town doesn't have the equipment to address these issues. This concern could fold into the next budget season to help address tree debris.

The sidewalks/crosswalk concerns relate back to the Complete Street grants which will help address these concerns. Town Hall light pollution is thought to be caused by the utility scale flood light owned by Eversource. There are different lighting options and the town is hopeful it can work with Eversource on finding a better option.

Debbie Hale (Smikes House resident) questioned if the sidewalks were to move into the town common, how would that impact the budget resources for the Highway Department? And will the new budget items be listed? Joyce stated that we do not know the numbers without having a conversation with Keith Bardwell, Highway Superintendent.

Melissa Caldwell stated that saying "thank you" to the town residents for maintaining town land would go a long way. Joyce thanked town residents for maintaining the roadsides.

The Board suggested that the Whately Scoop can be used as a means of communication, the next Whately Scoop deadline is Wednesday, September 4<sup>th</sup>.

The Board agreed to have Brian send a copy of the memorandum to Melissa Caldwell.

**Proposed repair/replacement of siding on the Fire Station** – Fire Chief, John Hannum, was present before the Board to discuss the proposed repair/replacement of the siding on the Fire Station. Joyce informed the public that Fred, Brian, Keith Bardwell (Highway and Building Superintendent), and John (Fire Chief) viewed the siding decay and Keith rendered a written opinion about a month ago. Fred stated that he agrees that covering the existing siding is the best thing to do right now. The Board discussed different vinyl siding options, weather proofing, and the bidding process. Joyce made a motion to move forward on this capital improvement project. Motion was seconded. All in favor.

**Potential reuse of the Center School** – At the last Selectboard, the Board assigned itself homework to send a list of qualities/skills that they would like to see in a Center School Committee. Jonathan stated that he did not prepare a list of skill sets, but will have it prepared for the next Board meeting. Joyce stated that she came up with a list of names instead of skill sets. Joyce recommended Stan Kordillis, Ann Wroblewski, Jane Grybko, Judy Markland, Ann Barker, and possible obtaining input from Bob O'Bear. Joyce read Fred's list of skill sets. The Board had a lengthy discussion regarding the appropriate skill sets for potential committee members, the two-step planning process, and the MassDevelopment grant. Brian informed the Board that he has not received approval or denial of the Mass Technical grant. The Board will resume discussion on this topic at its next meeting.

**Special Town Meeting (July 31, 2019)** – Brian read the warrant articles proposed for the Special Town Meeting on July 31, 2019 at 7:00 pm:

**Article 1:**

To see if the Town will vote, pursuant to G.L. c. 44B, to appropriate and transfer the sum of **\$62,127** from the Community Preservation Fund Unreserved Fund Balance for the construction and development of a softball field at Herlihy Park, or take any other action relative thereto.

**Article 2:**

To see if the Town will vote to repurpose **\$3,000** of unexpended funds appropriated under Article 15 of the April 26, 2016 Annual Town Meeting to include the construction and development of a softball field at Herlihy Park, or to take any other action relative thereto.

The Selectboard signed the Special Town Meeting Warrant for July 31, 2019 at 7:00 pm as written.

**New Business**

**Bill Cadaropoli for the Town Building Custodian position** – Brian informed the Board that he and Keith (Highway and Building Superintendent) interviewed, Bill Cadaropoli, last week and felt he would be a good fit for the job. The position is budgeted for 6 hours per week. A motion was made to appoint Bill Cadaropoli for the Town Building Custodian Position. Motion was seconded. All in favor.

**Town Administrator Updates**

Brian informed the Board that the Town of Whately will deliver the Whately Town Flag to the Great Hall of Flags located in the Massachusetts State House on July 17, 2019 at 3:00 pm.

Brian informed the Board that up to this point, the Town has been mowing the ballfield at the Blue School. Since use of that field has stopped, the Town will no longer be mowing the ballfield. Brian stated that he received an update from Bob Obear regarding the Blue School renovation. Bob stated that he will be submitting his housing tax credit application by the beginning of August and start-up of the project should be by the beginning of the fall.

Brian read to the Board the inquiry they received regarding the Dimaio property. The inquiry stated that the potential land reuse would be for a small discreet towing/impound lot and a 12 car or less used vehicle sales lot. The Board had a brief discussion regarding the potential property taxes received from that type of business and housing needs. Fred stated there is renewed interest from the Housing Committee and they are studying the possible reuse of that property.

Brian informed the Board that he received an email inquiring if Whately would like to become a PVTA member community since the service cut to the Whately park and ride has had a negative impact. The Board questioned how the Town becomes a PVTA member community, how much

it costs, and how many meetings would someone have to attend? The Town is already a FRTA community. Brian can look into it.

Brian informed the Board that the manganese filtration project is still going on and hopefully will be completed soon.

Brian informed the Board that he has spoken to the prospective buyers of Castaways Lounge. Nicolas Spagnola stated after the closing they tentatively plan to close the establishment for 30 days for renovations.

Brian informed the Board that he had a meeting with Wayne, Water Department Superintendent, and the engineers regarding the Water merger. They continue to move the project forward. The Engineer is going to take the plans and start the permitting process with Mass DEP, in terms of allowing the two systems to connect.

Brian informed the Board that there is a Finance Committee meeting tomorrow night to review the Special Town Meeting Warrant articles.

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

Adjourn – Joyce made a motion to adjourn – 9:11pm. Motion was seconded. All in favor.

Next Meeting Dates: July 31, 2019

Respectfully submitted,

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Brian Domina, Town Administrator

**Document List on File in the Selectboard Office**

Letter to Demetrios Konstantopoulos d/b/a Castaway Lounge dated July 1, 2019

Whately Police Department Call Log dated March 2, 2019

Whately Police Department Call Log dated June 2, 2019

Whately Police Department Incident Report dated June 2, 2019

Massachusetts State Police Call Log dated January 26, 2019

Massachusetts State Police Call Log dated February 23, 2019

Whately Police Department Incident Report dated February 23, 2019

Massachusetts State Police Call Log dated March 12, 2019

Massachusetts General Law – Part 1, Title XX, Chapter 138, Section 69

Letter to Muffin's General Market, LLC Attn. Diane S. Korza, Manager dated July 1, 2019

Letter from Whately's Chief of Police, James A. Sevigne Jr., dated June 3, 2019

Letter to Muffin's General Market from Whately's Chief of Police, James A. Sevigne Jr.

Draft of Host Community Agreement between the Town of Whately and NAP Advisors, LLC.

Map of proposed Shed location to be located at the Town Hall

Email from Paul Holtz, Mass Historic, dated July 2, 2019

Email from James Hawkins, Building Inspector, dated June 21, 2019

Letter from Ruth Leahey, resident, "Views on Whately Historical Society's Application for outside storage shed

Whately Historical Society's reply to letter from Ruth Leahey

Memorandum from Town Administrator, Brian Domina to Selectboard – "Chestnut Plain Road Neighborhood Concerns" dated July 10, 2019

Report of the condition of the siding of the Fire Station dated June 2019 prepared by Keith Bardwell, Highway and Building Superintendent

Letter from Whately's Historical Commission to Selectboard dated June 24, 2019

Email from Selectboard member, Frederick Orloski, dated July 7, 2019

Special Town Meeting Warrant for July 31, 2019

Cover letter and Resume submitted by William Cardaropoli dated June 14, 2019

Email from Highway Superintendent, Keith Bardwell, dated July 9, 2019

On-line email submission regarding 268 State Road Parcel 25 dated July 3, 2019

On-line email submission from Carrie Morrison Penland dated July 1, 2019