

**Selectboard
Meeting Minutes
July 31, 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 31, 2019 at 6:00 pm by Selectboard Chair, Joyce Palmer Fortune. Also, present were Selectboard members Frederick Orloski and Jonathan Edwards, Town Administrator Brian Domina, and Administrative Assistant Amy Schrader.

The Board voted to approve the meeting minutes from June 26, 2019 and July 10, 2019. Motion was seconded. All in favor.

Liquor License Violation Hearings (continued)

(6:00 pm) Castaways Lounge in violation of G.L. c. 138 s. 69 – Brian informed the Board that this hearing was continued from the July 10th Selectboard meeting. Attorney O’Toole was granted a continuance to further investigate the allegations against his client. Since then, the Town received a letter from Attorney O’Toole dated July 12, 2019 stating that Castaways is closed until the sale takes place and that the buyers won’t move forward with the sale until the license matter is cleared up. The Board had a lengthy discussion regarding disciplinary options, transfer of ownership, conditions on the new license, and future disciplinary options if the sale does not go through. After much discussion, the Board reserved their right to take action against the current licensee if the closing does not occur. Attorney O’Toole informed the Board that his client would like to reserve their rights as well and requested that a letter be written to the potential buyers informing them of the outcome of the show cause hearing. The Board accepted Attorney O’Toole request for a letter. Joyce made a motion to close the show cause hearing without any further action, subject to the condition that if the sale of assets and license to Whately Investments, LLC is not completed the Board may reopen the hearing to consider whether any such licensing violations occurred and to impose such discipline as the Board may deem appropriate and with the statement of the Board that this action shall not be considered a precedent for treatment of any future licensing disciplinary matters which may come before the Board. Motion was seconded. All in favor.

Public Hearings

Verizon/Eversource for the placement of a utility pole and single pole mounted regulator on Webber Road – Joyce informed the Board that she and Fred viewed the proposed location of the utility pole and single pole mounted regulator requested in this petition. The proposed location has the pole reasonably well hidden from trees and homes. The Board had a brief discussion regarding abutter notification, notification cards, and the community’s access to additional information. Brian informed the Board that Eversource sent stickers with additional information to be placed on the notification cards. The Eversource representative informed the

Board that it can obtain more information and view what the regulators looks like online. A motion was made and seconded to approve the petition submitted by Verizon/Eversource for the placement of a utility pole and single pole mounted regulator on Webber Road. All in favor.

Verizon/Eversource for the placement of a utility pole and single pole mounted regulator on Masterson Road – Joyce informed the Board that she and Fred previously viewed the proposed Masterson Road location for a utility pole and single pole mounted regulator. Verizon and Eversource representatives appeared before the Board. Joyce and Fred confirmed that the proposed location will not obstruct a potential future driveway and/or a view for a new home. The Board had a brief discussion regarding the pole hearing notification process and the improved communication efforts. A motion was made to approve the pole location submitted by Verizon/Eversource for the placement of a utility pole and single pole mounted regulator on Masterson Road. Motion was seconded. All in favor.

Jonathan questioned if these poles are the final poles that are needed to connect the Christian Lane solar farm to the grid? and If so, when would the landscaping around the solar farm be completed? The Eversource and Verizon representatives did not know. Jonathan requested that Eversource provide the Board with this information and an updated timeline.

Comments from the Public

Ruth Leahey (Master of the Whately Grange) appeared before the Board. Ruth informed the Board that she is responding to Selectboard member, Fred Orloski's request for a letter stating how the Whately Grange has contributed to the Town over the years. Ruth read the Board her letter with specific attention to the number of years the Grange has been a part of Whately, Grange activities/events, community involvement and Grange's donations to the Town. The Board thanked Ruth for providing this information and for the previous/ongoing support from the Whately Grange.

Old Business

To review, discuss and vote on any proposed changes to the Host Community

Agreement between the Town of Whately and NAP Advisors, LLC - Joyce reminded the Board that at the last meeting it didn't have Town Counsel's recommended changes to the Host Community Agreement and the Board accepted the agreement as proposed, pending review by Town Counsel. Since then, Town Counsel has replied with his proposed changes and these changes have been agreed upon by NAP Advisors. The Board had a brief discussion regarding the Host Community Agreement's format, terms, language, and the tracking process for the community impact fee.

The Board made the following changes to the draft HCA; to make the language broader under the negative community impact section and under the positive impact section to strike out "increase of the capacity of the existing public water system." A motion was made to sign the

Host Community Agreement with the two recommended changes. Motion was seconded. All in favor.

The reuse of the Center School – Joyce informed the public that the reuse of the Center School has been listed on the Selectboard’s agenda multiple times. Recent energy studies have been conducted, which have found that the school is too far gone to make it energy efficient and that making it ADA compliant would be very expensive.

Joyce questioned whether the meeting attendees had any suggestions on what should be done with the building? Don Skroski (resident) stated that he would hate to see the building torn down because it has some sentimental and historical value. He would like to see someone take it over, refurbish, and use it, but that it may not be cost-effective. The Board had a lengthy discussion regarding the potential reuse of the building/land and potential members of a Center School Working Committee. Ellen (resident) stated that if a committee is going to be created, they should start from scratch with the appropriate knowledgeable people. Ellen personally thinks that residents of Whately would like to be involved in this decision.

Fred questioned whether it made more sense to issue an RFP and see who is interested in the building and what he/she wants to do with the building either before or simultaneously with the establishment of the Committee. The Board discussed the purpose of the Center School’s working committee. Joyce read Jonathan’s list of skill sets and Fred’s list of potential committee members. Jonathan suggested that he put a “charge” together for the committee and clarify that this Committee is just for ideas and not cost estimates. After much discussion, the Board decided to ask Brian to put together a combined list of names/skill sets. The Board requested that the Committee’s charge be listed on the Town’s website to see who would be interested in joining the committee and that an article be placed in the Whately Scoop. After much discussion, the Board decided that Jonathan will draft the “charge”, and Brian will work on a draft RFP to be presented to the Board and new committee at the end of September.

New Business

Fiscal year 2020 appointments:

Appointment of Elizabeth Unaitas as a part-time Whately Police Officer - A motion to appoint Elizabeth Unaitas as a part-time Whately Police Officer. Motion was seconded. All in favor.

Appointment of Robert Warger as a part-time Whately Police Officer - A motion to appoint Robert Warger as a part-time Whately Police Officer. Motion was seconded. All in favor.

Appointment of Jenny Morrison to the Whately Cultural Council – A motion was made to appoint Jenny Morrison to the Whately Cultural Council. Motion was seconded. All in favor.

Appointment of Larry Kutner as a member of the Franklin County Solid Waste District - A motion to appoint Larry Kutner as a member of the Franklin County Solid Waste District. Motion was seconded. All in favor.

Appointment of Quint Dawson as an Alternate to the Franklin County Solid Waste District - A motion to appoint Quint Dawson as an alternate to the Franklin County Solid Waste District. Motion was seconded. All in favor.

Appointment of Megan Wentzel to the Recreation Commission - A motion to appoint Megan Wentzel to the Recreation Commission. Motion was seconded. All in favor.

Franklin Regional Planning Board Representative – Appointment of Representative – The Board appointed Brian Domina, Town Administrator, as the Franklin Regional Planning Board Representative from the Selectboard. Brian will continue being the Selectboard representative until further notice.

Virginia C. Allis's resignation letter from Council on Aging - The Board accepted the resignation of Virginia C. Allis from the Council on Aging.

To consider delegating, to a single board member, the authority to review and approve bills and warrants for payment in accordance with G.L. c. 41 § 56 – Brian informed the Board that in 2016, the Municipal Modernization Act was passed and it now allows a board to delegate the authority to a single member to approve and sign the warrants on behalf of the Board. If the Board elects to do this, the law requires that a summary report of the warrant be given to the other members at the next meeting. After a brief discussion, a motion was made to delegate to a single board member, the Selectboard chair, the authority to review and approve the bills and warrants for payment and if (s)he is unavailable or unable, the Vice Chair, shall be designated to review, and approve the bills and warrants for payment. Motion was seconded. All in favor.

Franklin County Solid Waste Management District - MOU - Household Hazardous Waste Day – Brian informed the Board that the Town budgeted \$1,200 so residents can dispose of their household hazardous waste. The Household Hazardous Waste Day is Saturday, September 21, 2019 and collections will be at Greenfield Community College and the Orange Transfer station. The Franklin County Solid Waste District operates the event and it's free of charge for residents. A motion was made and seconded to sign the MOU. All in favor.

To consider selecting the Franklin Regional Council of Governments as the Town's Municipal Vulnerability Preparedness consultant – Brian informed that the Board that there are two planning efforts that the Town is currently working on, Hazard Mitigation Planning and the Municipal Vulnerability Preparedness planning. These two programs overlap and the Town is currently working with FRCOG to update its hazard mitigation plan. Brian informed the Board that FRCOG is also a designated MVP provider so it makes sense to have the same consultant do both. After a brief discussion, a motion was made to approve FRCOG as the Town's Municipal Vulnerability Preparedness consultant. Motion was seconded. All in favor.

To consider and sign the Order of Taking for the previously laid out portion of Poplar Hill Road - Brian informed the Board that he has not received the signed waivers of damages for the Order of Taking. Brian advised the Board that it should not sign the order without those documents. No action was taken at this time.

Family Medical Leave Act request – The Board had a brief discussion about the FMLA rules and regulations. A motion was made to grant the Family Medical Leave Act request. Motion was seconded. All in favor.

The Board voted at 7:01 pm to temporarily adjourn its meeting and to reconvene immediately upon the conclusion of the Special Town Meeting. The Selectboard reconvened its meeting at 7:06 pm.

Town Administrator Updates

Brian informed the Board that the sprinkler project at the Whately Elementary School has finally been completed.

Brian informed the Board that Joyce sent out an email along with the FCC draft order regarding the proposed funding cuts for PEG access. Brian stated that he drafted a similar letter and submitted that letter to the FCC.

Brian informed the Board that equipment is needed to broadcast the Selectboard meetings live. Brian would like to move forward with purchasing the appropriate audio/visual equipment. The Board approved this purchase.

Brian informed the Board that the Library handicap accessibility improvement project is moving forward and that the Municipal ADA Improvement Grant has just been released with a deadline of October 1st. Brian discussed the grant requirements, terms, and challenges. The Board questioned if Brian feels that applying for this grant would be a good use of his time? Brian stated that he thinks it is worthwhile. Fred stated that the Capital Improvement Planning Committee should be starting back up in the fall and the Town Offices build out should move forward too. The Board recommended asking the Library Trustees for assistance with completing the ADA self-evaluation and transition plan.

Brian informed the Board that the Veterans Memorial Committee contacted Snow's Landscaping for a preliminary design of a new veterans' monument. After the preliminary design is completed, a public hearing will be held. The funding for this project would be voted on at the next Annual Town Meeting and construction could begin in the spring.

Brian informed the Board that the Annual Source to Sea Cleanup is scheduled for September 28, 2019. Ronald Grosslein, Source to Sea Representative, asked for the Town's assistance with trash pickup. Brian asked the Board if they knew of any other locations that clean-up is needed and if so, they can email him.

Brian informed the Board that the Town Hall was nominated for an award from the Stavros Center for independent living and that Brian, Fred and Neal met with the folks from the Stavros Center and conducted a walkthrough of the building. The Town will be notified if the project is selected for recognition.

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

Next Meeting Dates: The Board decided to schedule the next Selectboard meetings for August 21st, September 4th and 25th.

Adjourn – A motion was made to adjourn the meeting at 8:02 pm. Motion was seconded. All in favor.

Respectfully submitted,

Brian Domina, Town Administrator

Document List on File in the Selectboard Office

Selectboard Meeting Minutes dated June 26, 2019

Selectboard Meeting Minutes dated July 10, 2019

Email from Attorney Doneski dated July 31, 2019

Letter from Attorney O'Toole dated July 12, 2019

Letter from Town Administrator, Brian Domina, to Demetrios Konstantopoulos dated July 1, 2019

Police Call Logs dated 03/02/2019, 06/02/2019, 01/26/2019, 02/23/2019, 3/12/2019

Whately Police Department Incident Report dated 06/02/2019
Whately Police Department Incident Report dated 02/23/2019
Whately Police Department Personnel Narrative Report dated 02/24/2019
Verizon Pole Petition – Webber Road
Draft Host Community Agreement – NAP Advisors, LLC dated 07/15/2019
Letter from MassDevelopment dated 07/12/2019
Email from Selectboard member, Jonathan Edwards, dated 07/31/2019
Email from Selectboard member, Fred Orloski, dated 07/28/2019
Email from Selectboard Chair, Joyce Palmer-Fortune, dated 07/27/2019
Letter from FRCOG – FY20 Representative to the Franklin Regional Planning Board
Resignation Letter from Virginia C. Allis
Copy of Mass Laws from KP Law
Letter from Franklin County Solid Waste Management District
Contract for MCP and Hazard Mitigation Planning
Draft Order of taking a public way easement
Email from Administrative Assistant, Amy Schrader, dated 07/15/2019
Letter from Highway and Building Superintendent, Keith Bardwell
Letter from Ruth Leahey – Whately Grange