

Selectboard  
November 7, 2018  
Town Offices  
Open Session  
6:00 p.m.

The open session of the Selectboard of the Town of Whately was called to order on November 7, 2018 at 6:02 p.m. by the Chair, Jonathan Edwards. Also present were Selectboard members Fredrick Orloski, Town Administrator Brian Domina and Administrative Assistant Amy Schrader.

The Board voted to approve the meeting minutes from October 24, 2018.

**Comments from the Public** –Marie Huet (resident) expressed concern regarding two applications for growing and selling marijuana in Town. Ms. Huet suggested that the Town consider a moratorium until these two applications are successfully completed. Jonathan Edwards (Selectboard) explained that none of the Town's bylaws and/or zoning bylaws have a cap for the amount of cultivation that can take place. Jonathan indicated that the Board will act prudently as these applications come forward.

### **Public Hearing**

**Tax classification hearing for Fiscal Year 2019** – This is the annual hearing at which the Board welcomes public comment on how the tax classification should be set. No one from the public provided any input. Brian informed the Board that it needs to determine whether to adopt a split tax rate or a single tax rate. Brian briefly described the tax rate options to the Board.

- (1) Will the Town adopt a split tax rate that shifts the tax burden onto residential/open space property or commercial/industrial/personal property?
- (2) Will the Town adopt a discount for properties classified as open space?
- (3) Will the Town adopt a residential exemption for residential properties that are the principal residence of the taxpayer?
- (4) Will the Town adopt a small commercial exemption for properties occupied by businesses with an average annual employment of no less than 10 or fewer people at all locations during the preceding calendar year?

The Town has historically adopted a single tax rate. The Town can shift the tax burden on to certain categories of properties if it so chooses. Jonathan made a motion to adopt the single tax rate that historically existed in Whately and to not adopt the discounts and exemptions previously mentioned.

Joyce Palmer-Fortune joined the meeting via remote video connection at 6:19 pm. Jonathan informed the audience that Joyce was participating remotely in the meeting due to geographic distance and that all votes would need to be done by roll call vote.

### **Petition for utility pole placement (108 River Road, Whately, MA) (Verizon) –**

Paul Davis (Verizon Representative) discussed the Verizon petition that was filed to remove a pole to tree guide which is currently in place. Eversource requested that Verizon remove the pole. The Town also wants to remove the decayed tree that has the guide in it. The petition plan shows there will be a new stub pole attached to the pole across the street. The stub pole will act as a substitute for the tree. Keith Bardwell (Highway Superintendent) expressed support for the pole replacement due to the deterioration of the tree. Marion (108 River Road) stated that the anchor might be on her property and that an easement might need to be granted. Keith Bardwell will verify that all the work will take place and the pole located in the public right-of-way. Jonathan made a motion to approve the petition and asked that the work be coordinated with the Highway Superintendent. Roll call vote: Jonathan, yes – Fred, yes – Joyce, yes. All in favor.

### **Old Business**

- a. Bloom Market Garden Host Community Agreement - off the agenda for tonight. Applicants were not able to attend the meeting. Brian and Joyce had a meeting/conference call with representatives from Bloom Market Garden the previous week at which a flat fee was discussed in lieu of a 3% community impact fee. The recommendation of Joyce and Brian is that the Board not consider a flat fee at this time. Brian will inform Bloom Market Garden that the Board expects them to hold a community outreach meeting prior to the Board considering any formal agreement.
- b. Manganese Filtration Project – Brian informed the Selectboard that the Town only received one bid for the project at \$398,000. The Water Commissioners voted to award the contract, but MassDEP expressed concern about the Town not having enough money to cover up to \$20,000 in administrative costs and another \$20,000 for contingencies in addition to the bid price. The Water Department needs another \$30,000 to pay for the total cost of the project beyond what it is currently authorized to borrow. Brian informed the Board that the easiest way to do this would be to increase the borrowing authorization for the Clean Water Trust Fund loan or alternatively to use some of the retained earnings in the enterprise fund, either choice requires holding a Special Town Meeting to appropriate the extra funds. Fred suggested that the Town seek permission of MassDEP to award the contract because it has sufficient funds without a contingency and then to appropriate extra funds as soon as possible. Jonathan made a motion to award the contract to Dankris Builders based on the recommendation of the Water Commissioners. Roll call vote: Jonathan, yes – Fred, yes, Joyce – yes. All in favor.
- c. Town Hall Building Policy - Brian informed the Board that he revised the draft Town Hall Building Policy to reflect the public input received from residents wherever possible. The following items were discussed by the Board:
  - User Fees: Jonathan expressed his concerns about custodian costs if the building is used frequently. Fred thinks the fees are reasonable and questioned if the four-hour time period includes set-up and take-down time. Joyce stated that the Selectboard still

has a lot of discretion and the policy could be amended to reflect changing circumstances.

- Security Deposit: As currently written, any non-town government user would pay a \$100 security deposit up front if the event is planned to exceed 50 people.
- Insurance: As currently written, any non-town government user would be required to obtain event insurance for any event with 75 attendees or more.
- Availability: The times available for non-town government users to use the Town Hall would be from 7:00 am to 10:00 pm.
- Alcohol: As currently written, alcohol is prohibited at the Town Hall. Brian mentioned that some residents expressed concern that the Town Hall might turn into an inexpensive party venue. Joyce expressed her opinion that any language used in the Policy to suggest this building is a party venue should not be included in the policy because that is not the intent of the Board.
- Smoking: As currently written, smoking is prohibited at the Town Hall and on Town Hall property. Melissa Caldwell suggested that no smoking signs also be posted outside the building.
- Parking: As currently written, parking is allowed in marked spaces only. Concerns were raised about parking on Chestnut Plain Road, especially during winter months with snowbanks.

Mary-Lou Rup (Chestnut Plain Road) suggested to the Board that because it was imposing a user fee then it seemed that the use of the building was intended to be more commercialized and she wondered whether the Board was considering pursuing a special permit for a change of use. Brian suggested to the Board that it seek the opinion of town counsel on this matter.

The Board asked Brian to post the revised Town Hall Building Policy on the Town's website for additional public comment. Ms. Rup informed the Board that she had a difficult time finding the Policy the last time it was posted and asked that the Board consider other ways to publicize the Policy.

- d. Massachusetts Downtown Initiative Program – Brian discussed the Massachusetts Downtown Initiative Program with the Board. An MDI grant could provide funding for the Town to hire a consultant to develop a wayfinding plan and to generate ideas for branding the Town. There would be no cost to the Town except for the time of a volunteer committee. Jonathan signed the MDI grant application.
- e. Rural Commonwealth Letter request – Brian discussed a draft letter the Board is being asked to send that had been prepared by Rural Commonwealth. The letter is requesting that the Commonwealth act more transparently and with sufficient notice when it takes action to acquire land.

### **New Business**

- a. Appointment of representatives to the Franklin County Solid Waste Management District – Fran Fortino from the Board of Health requested that the Selectboard appoint the following members to the Franklin County Solid Waste Management District, Larry Kutner as a member and Quint Dawson as the alternate. Joyce made a motion to appoint Larry Kutner as a member and Quint Dawson as the alternate to the Franklin County Solid Waste Management District. Roll call vote: Jonathan – yes, Fred – yes, Joyce, yes. All in favor.
- b. Letter from the Historical Commission – The Historical Commission submitted a formal request to the Selectboard to identify the Town Hall as their permanent place for holding meetings, storing files, and otherwise conducting its business. Joyce made a motion to set the Town Hall as the permanent meeting location for the Historical Commission. Roll call vote: Jonathan – yes, Fred – yes, Joyce - yes. All in favor.
- c. Letter from Judy Markland regarding the parking spaces reserved for the Smikes House – Brian informed the Selectboard that four of the five non-handicap-accessible spaces at the rear Town Hall parking lot are currently reserved for the Smikes House. Judy Markland’s letter requests that the Board release two of the parking spaces for general use. After a brief discussion, Jonathan made a motion to remove one of the signs that says “reserved parking for Smikes House residents” which leaves three of the parking spaces reserved for the residents. Roll call vote: Jonathan – yes, Fred – yes, Joyce - yes. All in favor.
- d. Winter parking ban - Jonathan made a motion to implement the winter parking ban with the condition that the Smikes House residents and guests have the ability to park in the rear Town Hall lot. Fred – yes, Jonathan – yes, Joyce – yes. All in favor.

Town Administrator Updates:

- Brian informed the Board that the HVAC work at the Town Offices was completed.
- Brian informed the Board that the highway garage roof was stripped and re-shingled and will be painted soon.
- Brian informed the Board that the closing on the Blue School between the Town, Frontier and Obear Construction has been pushed back to December 31, 2018.

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

Adjourn – Motion to adjourn (Jonathan Edwards) – 8:21 pm.

Respectfully submitted,

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Brian Domina, Town Administrator

Next Meeting Dates: November 28, 2018, December 12, 2018

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

Meeting Minutes dated October 24, 2018

Tax Classification Legal Notice

Massachusetts Department of Revenue Division of Local Services Bureau of Accounts –  
Classification Tax Allocation Fiscal Year 2019

Petition from Verizon dated October 23, 2018

Whately Town Hall Building Policy Draft #3 dated 11/02/2018

Bid from Dankris Builder Corporation dated 10/15/2018

Narrative for Town of Whately's Wayfinding/Branding MDI Application

Email from Beth Bandy, Co-Director of Rural Commonwealth dated 10/05/2018 with draft letters  
attached

Memorandum from Town Administrator dated 11/06/2018

Letter from Historical Commission dated 11/17/2018

Letter from Judy Markland dated 10/25/2018

Letter from Town Clerk, Virginia C. Allis dated 08/21/1996

Application of the Franklin County Regional Housing Authority dated 7/30/1996

Memorandum from Town Administrator dated 11/06/2018