

**Selectboard  
Meeting Minutes  
July 21, 2021  
Town Offices  
Open Session via Zoom  
6:00 p.m.**

The open session of the Selectboard of the Town of Whately was called to order on July 21, 2021, at 6:00 p.m. by the Vice-Chairperson, Joyce Palmer-Fortune. Also present via Zoom was Selectboard Member Fred Baron and Town Administrator Brian Domina.

**Review and vote on the meeting minutes of June 30, 2021**

A motion was made to approve the meeting minutes of June 30, 2021. Motion was seconded. Motion passed.  
Roll call vote: Joyce – yes, Fred – yes.

**Review past vendor and payroll warrants**

The Board had no comments or questions on past vendor and payroll warrants.

**Comments from the public on items not listed on the agenda**

None

**Scheduled Appointments:**

Julie Beauchemin (Greenjeans Farms Coop) came before the Board to discuss her plans to cultivate marijuana at 149 Christian Lane at Long Plain Farms. Greenjean Farms is a craft marijuana cooperative that works with farmers to grow cannabis. The proposal is to cultivate marijuana in the existing greenhouses and to add one additional greenhouse and a metal barn for storage and security purposes. The Board discussed the proposal with Ms. Beauchemin, in particular the discussion covered the following topics; setbacks from the elementary school; site plan details; Host Community Agreement (HCA) process, land use permitting processes with the ZBA and Planning Board. Brian informed Julie of the Board's preference that a Community Outreach Meeting be held prior to the Board entering into formal negotiations on an HCA. The Board appointed Joyce to negotiate the terms of the HCA on behalf of the Board and to provide the Board with a recommendation on the terms of the HCA at a future meeting. Several residents from Mieczkowski Circle expressed concern about the proposal and wanted to ensure that their opinions would be heard as the proposal went through the local process. Brian explained the different local approvals needed and the opportunities for abutter/public input. Julie will schedule the Community Outreach Meeting and provide notice to the Town, abutters and the public as required.

**Old Business:**

**To discuss water merger project and possible financial assistance to income qualified customers**

The Board had a discussion with the Water Commissioners about the possibility of providing financial assistance to residents impacted by the merger of the Whately Water District and Water Department. Georgeann Dufault (Water Commissioner) shared the opinion of the Water Commissioners that each new user still be charged a \$5,000 hook-up fee, but that the Commissioners did not object to a draft proposal that would offer an extended payment plan (24 months as opposed to 12 months) for income qualified residents. The Board and Commissioners discussed whether financial assistance would be limited to the merger project or whether it should extend to other customers outside the merger area, but still not yet connected. Both the Board and the Water

Commissioners agreed that any such assistance should be extended beyond the merger. John Lukin (Water Commissioner) expressed the opinion that the financial assistance be provided town-wide to both customers of the system and those with private wells – who need assistance obtaining clean drinking water. The Board asked Brian to provide additional information about the scope and feasibility of providing financial assistance on a town-wide basis.

**To discuss a process/plan for spending future revenue (Coronavirus Local Fiscal Recovery Fund, Community Impact Fees (marijuana), etc.**

The Board discussed anticipated sources of new revenue that the Town anticipates receiving, in particular the Board discussed the Coronavirus Local Fiscal Recovery Fund (CLFRF), cannabis impact fee and cannabis excise tax. Fred suggested that an ad hoc committee be established to develop recommendations for the Board to consider for spending the CLFRF monies and then look at other revenue sources. The Board briefly discussed the eligible categories of spending for the CLFRF. Brian discussed with the Board the difference between the cannabis impact fee and excise tax, with the impact fee monies having more constraints on what it can be spent on (i.e. impact fees must be spent on impacts attributed to the facility). The Board discussed the different interests that should be represented on the ad hoc committee. The Board decided that the following interests should be represented: Water Department, Capital Improvement Planning Committee, Board of Health, Selectboard, Finance (x2 members) and schools. Brian will extend invitations to serve on the committee.

**New Business**

**To discuss and vote on a request for the Selectboard to not exercise its right of first refusal under M.G.L. c.61A to purchase the land located on the corner of State Road and Christian Lane (Parcel ID 19-0-11) currently owned by Full Bloom Market Garden LLC.**

Joyce provided background on the issue currently before the Board. The subject parcel is enrolled in MGL c. 61A (tax discounted agricultural land) and is being sold to Whately Mustang (real estate company), who intends to lease the property to a third party for cannabis cultivation. When a property enrolled in MGL c. 61A is sold for an ineligible use (cannabis cultivation is not an allowable use under MGL c. 61A) the Town is given the option to purchase the property on the same terms and conditions as the private sale. In this case, the stated sale price for the property and greenhouses is slightly over \$12 million. The Board briefly discussed the option to purchase and determined that it was not in the Town's best interest to purchase the property for \$12 million. A motion was made to not exercise the Town's option to purchase the property. Motion was seconded. Motion passed. Roll call vote: Joyce – yes, Fred – yes.

**To appoint Town Administrator, Brian Domina as the FY22 Franklin Regional Planning Board representative.**

A motion was made to appoint, Town Administrator Brian Domina as the Selectboard representative to the Franklin Regional Planning Board. Motion was seconded. Motion passed. Roll call vote: Joyce – yes, Fred – yes.

### **M.G.L. c. 90 project requests**

The Board had a brief discussion about Keith Bardwell's (Highway Superintendent) request to use c.90 funds (state transportation money) to complete crack sealing on River Road from the Hatfield/Whately line to Straits Road. A motion was made to approve c. 90 funds for crack sealing on River Road. Motion was seconded. Motion passed.

Roll call vote: Joyce – yes, Fred – yes.

### **Town Administrator Updates:**

Brian informed the Board that the Town received a Municipal Culvert Replacement Assistance grant of \$57,120 to design a replacement culvert on Christian Lane adjacent to Castaways.

Brian informed the Board that the Town received a Complete Streets grant of \$165,098 to complete the sidewalk project along Chestnut Plain Road, extend the sidewalks at the elementary school to Long Plain Road and to undertake several other roadways safety initiatives.

Brian informed the Board that the Town's application to opt-out of the state mosquito program was approved, but the State still reserved the right to spray if the risk of mosquito borne illness became too high.

Brian informed the Board that the PARC grant application was submitted for improvements to Herlihy Park.

Brian informed the Board that he hopes to move forward with the Veteran's Memorial project and Library Accessibility project since both these projects received funding at the most recent Annual Town Meeting.

Brian provided an update to the Board on hiring for the Administrative Assistant position and the newly created community development position. Interviews for the Administrative Assistant position are scheduled for the following week. Brian is drafting a job description to bring before the Personnel Committee for approval prior to advertising for the position.

### **Items Not Anticipated within forty-eight (48) hours of the meeting**

Brian informed the Board that the most recent annual appointment list approved by the Board mistakenly had Darcy Tozier re-appointed to the Historical Commission. Ms. Tozier had recently resigned from the Historical Commission and was replaced by Allison Bell. To correct this oversight, a motion was made to appoint Allison Bell to the Historical Commission for FY22. Motion was seconded. Motion passed.

Roll call vote: Joyce – yes, Fred – yes.

The meeting was adjourned 7:54 pm

Respectfully submitted,

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Brian Domina, Town Administrator

**Document List Filed in the Selectboard Office**

Selectboard Meeting Minutes dated 06.30.2021

Payroll Warrant WP21-27 dated 06/21/2021

Vendor Warrant W21-27 dated 06/21/2021

Payroll Warrant W22-01 dated 06/21/2021

Vendor Warrant WP22-02 dated 07/05/21

Letter from Greenjeans Farms dated July 19, 2021

Sketch Plan – 149 Christian Lane

Draft Water Hookup Fee Extended Payment Plan

Division of Local Services Bulletin dated June 2021: Coronavirus State & Local Fiscal Recovery Funds

Executive Office for Administration & Finance Federal Funds Office Memo dated June 3, 2021: Coronavirus Local Fiscal Recovery Fund Eligible Uses

Division of Local Services: Local Finance Option Bulletin dated September 24, 2018

Town of Whately Policy to Protect APR Lands adopted 10/26/16

Notice of Intent to Sell for Another Use under MGL c. 61 § 14, Request for Notice of Non-Exercise dated July 9, 2021 from Attorney Dan Rothschild

Grant Award Letter dated July 14, 2021 (Culvert Replacement Municipal Assistance Grant)

Grant Award letter dated July 12, 2021 (MassDOT – Complete Streets)

Letter from Executive Office of Energy and Environmental Affairs dated July 12, 2021 re: mosquito spraying opt-out