

**Selectboard  
Meeting Minutes  
August 25, 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 August 25, 2021, at 6:00 p.m. by the Chairperson Jonathan Edwards. Also present via Zoom were Selectboard members Joyce Palmer-Fortune and Fred Baron and Town Administrator Brian Domina.

**Review and vote on the meeting minutes of August 11, 2021**

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

**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**

Brian read an email from resident Shelley Yagodzinski that was sent to the Board of Health and Selectboard inquiring about how the Town tracks COVID19 cases and whether a weekly report could be sent to residents via the robocall system. Brian read a reply sent to Ms. Yagodzinski from Fran Fortino (Board of Health Chairperson) explaining how COVID19 cases are tracked and under what circumstances the Board of Health would feel it necessary to communicate with residents about COVID19 case numbers. The Board thanked Ms. Yagodzinski for her email and felt that Fran Fortino's email was an adequate response so no further action was needed.

**Public Hearing**

Brian read the public hearing notice aloud and Jonathan opened the public hearing at 6:07 pm on the application from DMCTC to store 8,000 gallons of liquid propane at 7 River Road. Jared Glanz-Berger (DMCTC) and Mike George (Georges Propane) explained the license request and reviewed the site plan with the Board. The application is for the storage of up to 8,000 gallons of liquid propane in (x4) 2000 gallon above ground storage tanks to support the marijuana cultivation facility. Brian informed the Board that Fire Chief John Hannum has reviewed and endorsed the application. Jonathan wondered about the security of the tanks and Jared indicated that the property will have an on-site guard 24/7. Tim Smith (abutter) inquired why the location of the propane tanks wasn't shown on the initial site plan. Jared responded that the location was shown on the site plan approved by the Planning Board. A motion was made and seconded to close the public hearing. Roll call vote: Jonathan – yes, Joyce – yes, Fred – yes. Public hearing was closed at 6:22 pm

Joyce made a motion to grant the license as described in the application for the storage of up to 8,000 gallons of liquid propane at 7 River Road. Motion was seconded by Fred. Roll call vote: Jonathan – yes, Joyce – yes, Fred – yes. Motion passed.

**Scheduled Appointments:**

None

### **Old Business:**

#### **To discuss public comments received on the draft Request for Interest, Ideas and Innovation (RFI) for the Whately Center School.**

Brian acknowledged receiving public comments on the draft RFI from three individuals (Fred Orloski, Donna Wiley and Judy Markland). The public comment emails from those individuals were included in the meeting material provided to the Board. Brian summarized the comments as pertaining to (1) the milk bottle, (2) concerns over the lot dimensions, and (3) a suggestion of including pictures of the attic. For the milk bottle, Fred Orloski submitted a comment that the milk bottle shouldn't dictate the reuse of the property and it can be moved. Donna Wiley on behalf of the Historical Commission submitted a comment that the milk bottle should remain on the Center School property and the Historical Society should be provided an exclusive easement for its use. Judy Markland submitted a comment that the RFI should better emphasize the iconic status of the milk bottle. Fred Orloski also submitted a comment that the lot dimensions listed on the Assessor's map may be incorrect. Judy Markland submitted a comment that the RFI should mention that the Center School may be eligible for Community Preservation Act funding.

The Board discussed the comments that were submitted, in particular the Board discussed the milk bottle and its future on the Center School property. The Board decided to include language in the RFI about encouraging respondents to find creative ways to use the milk bottle on the property, but not making it a requirement at this point that the milk bottle remain. The Board agreed with the comment on inserting language into the RFI to provide notice to respondents that a survey is recommended to confirm lot dimensions. The Board also agreed to include pictures of the attic space in the RFI. The Board asked Brian to make the changes in the RFI as discussed and to make the RFI available to the public on August 30, 2021 with letters of interest due on October 25, 2021.

#### **To hold a follow-up discussion re: vehicles speeds on Poplar Hill Road**

The Board received an email from Gabe Cooney requesting that the Board not pursue a speed study to certify the speed limit on Poplar Hill Road. After the last Selectboard meeting, Mr. Cooney was able to view the speed of passing vehicles on Poplar Hill Road on the message board and found that vehicles weren't travelling as fast as he thought; although, Mr. Cooney would still like the Town to consider removable speed bumps as an option to slow down passing vehicles. Police Chief Jim Sevigne said that the average speed based on two weeks of collecting data was around 30 miles per hour. Joyce indicated that she doesn't support the installation of speed bumps in a default 40-mph zone. Fred agreed. Jonathan suggested that the context of Poplar Hill Road as a dead-end road may warrant a continued look into whether removable speed bumps make sense. The Board decided to not pursue the speed study with MassDOT and to send a letter to Smith College about the neighbors' concerns about vehicle speeds.

### **New Business:**

#### **To review, discuss and vote to approve an easement agreement between the Town of Whately and Quonquont Farms for the purpose of constructing a water pumping station on North Street**

Brian informed the Board that the easement agreement for the pumping station adjacent to the Center Cemetery has been drafted by Town Counsel and is included in the meeting material provided to the Board. Brian informed the Board that the delay in the Town acquiring the easement was caused by previously unknown title issues with

the property. Brian encouraged the Board to approve the easement agreement tonight so the permitting process doesn't get delayed any further. Brian expressed concerns that if the process is delayed much longer then the likely construction of the pumping station will be pushed back to next spring. Brian reviewed the easement plan with the Board along with the draft easement agreement. A motion was made to accept and sign the easement agreement. Motion was seconded. Roll call vote: Jonathan – yes, Joyce – yes, Fred – yes. Motion passed.

**To discuss and vote to make an offer of employment for the Operator/Laborer position with the Highway Department.**

Brian informed the Board that he and Highway Superintendent Keith Bardwell recommend that the Board make an offer of employment to Eric Elliott for the Operator/Laborer position. The Board was provided with a redacted copy of the candidate's resume. A motion was made to make an offer of employment to Eric Elliott for the Operator/Laborer position. Motion was seconded. Roll call vote: Jonathan – yes, Joyce – yes, Fred – yes. Motion passed.

**To review, discuss and vote on a special event application for the Black Birch Vineyard 10 Miler Road Race to be held on September 12, 2021**

Brian reviewed with the Board the special event application submitted by Grant Ritter for the Black Birch Vineyard 10 miler road race. The Board discussed the event, which begins in Hatfield at Black Birch Vineyard and goes through Whately up to a turn around on Conway Road and then back to Black Birch Vineyards in Hatfield. At the time of the meeting not all department sign-offs had been received. A motion was made to approve the application contingent on the approval of all of the remaining sign-offs from department heads. Motion was seconded. Roll call vote: Jonathan – yes, Joyce – yes, Fred – yes. Motion passed.

**Town Administrator Updates:**

Brian informed the Board that written bids from vendors for the Cemetery Stone Restoration Project – Phase 4 are due on August 26<sup>th</sup>.

Brian informed the Board that the Town has received a \$10,000 earmark in the Commonwealth's FY22 state budget to support the Town's 250<sup>th</sup> Anniversary Celebration.

Brian informed the Board that the Administrative Assistant and Community Development Administrator – Assistant Town Administrator positions are still open and the Town is actively seeking candidates for these jobs.

Brian reminded the Board that at a previous meeting last winter, the Board agreed to establish a tax rate working group to investigate the pros and cons of adopting a split tax rate. The Board discussed what interests should be considered when appointing members to the working group. The Board decided that the working group should consist of a Selectboard representative, a Finance Committee representative, and a representative from the Board of Assessors. Fred was designated as the Selectboard representative.

Brian informed the Board that Town Counsel has been asked to clarify whether a rollback/conveyance tax is due on Chapter 61A land that is used for marijuana cultivation. This issue was raised during the sale of the greenhouses located on the corner of State Road and Christian Lane. Brian will keep the Board updated on this issue.

Brian informed the Board that he anticipates the library accessibility project being put out to bid within the next month. The project architects, Jones Whitsett Architects, are finalizing the construction plans and preparing the bid package.

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

None

The meeting was adjourned 7:21 pm

Respectfully submitted,

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Brian Domina, Town Administrator

**Document List Filed in the Selectboard Office**

Selectboard Meeting Minutes dated 08.11.2021

Payroll Warrant WP22-05 dated 08/13/2021

Payroll Warrant W22-05 dated 08/13/2021

Email from Shelley Yagodzinski dated 08.20.21

Email from Fran Fortino dated 08.20.21

Application For License – DMCTC Storage of Liquid Propane

Email from Fred Orloski dated 08.18.21

Email from Donna Wiley dated 08.23.21

Draft Request for Interest, Ideas and Innovation (RFI)

Email From Gabe Cooney dated 08.19.21

Draft Easement Agreement with Covenants, Conditions and Restrictions – Pumping Station

Resume (redacted) Eric Elliott

Email from Grant Ritter to Brian Domina dated 07.19.21

Special Event Permit Application – Black Birch Vineyard 10 Miler

Letter from Executive Office of Housing & Economic Development re: Earmark for 250<sup>th</sup> Celebration