

**Selectboard  
Meeting Minutes  
January 19, 2022  
Town Offices  
Open Session Via Zoom  
6:00 pm**

The open session of the Selectboard of the Town of Whately was called to order on January 19, 2022, at 6:02 pm by the Chairperson, Jonathan Edwards. Also present via Zoom were Selectboard members Fred Baron and Joyce Palmer Fortune, Town Administrator Brian Domina, Community Development Administrator and Assistant Town Administrator Hannah Davis, Administrative Assistant Amy Lavallee, Toro Verde President Billy Beetz, Toro Verde Representative Dick Evans, Toro Verde Attorney David Ullian.

**Meeting Minutes: Review and vote to approve the meeting minutes from December 1, 2021, December 8, 2021, and December 22, 2021**

The Board voted to approve the meeting minutes of December 1, 2021, December 8, 2021, and December 22, 2021.

Roll call vote: Jonathan-yes, Fred-yes, Joyce-yes

**Vendor & Payroll Warrants: Review past vendor and payroll warrants:**

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

**Public Comment: Listen to comments from the public related to items not listed on the agenda:**

There were no public comments on any items not listed on the agenda.

**Scheduled Appointments:**

- a. Dick Evans (Toro Verde) to discuss the status of the marijuana retail establishment located at 424 State Road and to request the renewal of the Host Community Agreement**

Dick Evans presented to the Board a request to extend the date stated in Clause 3 of the current Host Community Agreement (HCA) between the Town of Whately and Toro Verde from January 30, 2021, to December 31, 2022. Mr. Evans stated that everything is still moving forward with hopes to open in the spring. The Board discussed the feasibility of extending the HCA year by year versus 2 years. Joyce made a motion to amend the HCA with a lapse date of December 31, 2022. Motion seconded. All in favor. Roll call vote: Jonathan-yes, Joyce-yes, Fred-yes. Motion passed.

### **COVID19:**

- a. To consider the adoption of a return-to-work policy based on the new Mass DPH guidance and input from the Whately Board of Health.**

Brian presented to the Board a revised Directive on Town Employees Returning to Work Near the End of the Covid19 Pandemic. The revised Directive incorporates updated guidance from the U.S. Center for Disease Control and the Mass Department of Public Health for when employees are able to return to work after exposure or contracting the virus. Fred made a motion to adopt the proposal from the Board of Health with their language. Motion seconded. All in favor. Roll call vote: Jonathan-yes, Joyce-yes, Fred-yes. Motion passed.

### **Old Business:**

- a) To discuss the immediate use of America Rescue Plan Act funds in response to the ongoing pandemic (response costs vs. recovery costs)**

Brian presented to the Board a request for the Board to set aside \$5,000 from the America Rescue Plan Act (ARPA) monies to be allocated into an account to be used at the discretion of the Town Administrator should the need arise for COVID19 related purchases that are urgently needed. The Board members discussed with Brian the need for the fund and requested notification of any expenditures from the account. Joyce motioned to allocate \$5,000 of the ARPA funds for discretionary purchases related to response and recovery at the discretion of the Town Administrator with the caveat that he will keep the Selectboard informed. Motion seconded. Jonathan offered an amendment that if a Board member has an objection that it needs to be brought before the Board at the next Selectboard meeting. The friendly amendment was not accepted. All in favor of the motion. Roll call vote: Jonathan-abstain, Joyce-yes, Fred-yes. Motion passed.

- b) To discuss the creation of an extended payment plan program to support income qualified residents impacted by the merger of the Whately Water District with the Whately Water Department**

Brian presented to the Board the Water Hookup Fee Extended Payment Plan Program and discussed prior conversations regarding financial support for the residents that may have difficulty paying the \$5,000 fee to hook up to the Whately Water Department as part of the merger. He informed the Board that the Water Department will be sending out a mailing that will include a letter from the Water Commissioners updating them on who will be affected by the merger, the water agreement that the residents need to sign, as well as a half page mailing insert regarding income qualifications for the proposed extended payment plan. There was discussion whether the Town can borrow money from the ARPA fund or Free Cash for an immediate funding source to cover costs with money paid by residents over the two-year period being put back into the fund. The Board discussed possibly extending the payments over 8 payments instead of 4 payments. Fred motioned to approve the extended payment plan of 8 payments of \$625 each rather than the 4 payments of \$1,250 in as spelled out in the draft presented; if the property is sold with an outstanding balance the remaining money owed must

be paid at closing of said property; and any money that needs to be used to operate the payment plan program shall come out of ARPA funds. Motion seconded. All in favor. Roll call vote: Jonathan-yes, Joyce-yes, Fred-yes. Motion passed.

#### **New Business**

- a) **To discuss a public comment letter on H.3821: "An Act creating a Municipal and Public Safety Building Authority" to include highway garages and DPW facilities as eligible municipal buildings under the proposed legislation**

Brian presented to the Board a draft letter to be sent to the Massachusetts State Legislature regarding the Town of Whately's stance on the legislation H.3821. The letter requested that Highway Department garages be included in the legislation as eligible facilities. The Board discussed a suggestion that the reimbursement should be expanded from \$1 million to \$2 million. Joyce made a motion to sign the letter and to request \$2 million for the cap on municipal reimbursement. Motion seconded. All in favor. Roll call vote: Jonathan-yes, Fred-yes, Joyce-yes. Motion passed.

- b) **To discuss the draft Expressions of Interest to be submitted to the Municipal Vulnerability Preparedness (MVP) program**

Hannah presented to the Board the draft expressions of interest for the MVP program. She explained that the EOIs are focused on solar panel and battery pack installation at the Town Offices at 4 Sandy Lane and culvert repair and replacements. Hannah is looking for approval from the Board to submit these expressions of interest to get feedback from the MVP program and then be able to finalize and submit the grants applications in several months. The Board discussed costs of the solar system and placement of panels. The Board discussed the 3 culvert expressions of interest. Motion to submit expressions of interest as written. Motion seconded. All in favor. Roll call vote: Jonathan-yes, Fred-yes, Joyce-yes. Motion passed.

- c) **To discuss future One Stop for Growth projects**

Hannah presented to the Board possible One Stop for Growth project ideas. Hannah presented 3 options that could be submitted (1) funding for a Master Plan, (2) economic planning study for exit 35, and (3) water main loop closure and paving on Egypt Road. The Board discussed the pros and cons of each project. The Board decided that a Master Plan was not advisable at this point in time due to the staff's current workload. A motion was made to submit the Exit 35 Planning Study and the Egypt Road Paving and Water Loop Closure projects. Motion seconded. All in favor. Roll call vote: Jonathan-yes, Fred-yes, Joyce-yes. Motion passed.

**d) To discuss the District Local Technical Assistance (DLTA) program solicitation**

Hannah discussed with the Board that she reached out to Boards and Committees regarding the DLTA program requests for assistance from FRCOG. The Town needs to submit a draft with proposals by January 28, 2022. Hannah will request an extension and then circle back to the Board at the next meeting.

**e) To discuss the petition to amend the Zoning Bylaws submitted by John Baronas on January 5, 2022, and to refer the petition to the Planning Board**

Hannah presented to the Board a petition for a zoning amendment submitted by a property owner. Hannah informed the Board that the next step is for the Selectboard to forward the petition to the Planning Board for a public hearing. Motion made to forward to the Planning Board. Motion seconded. All in favor. Roll call vote: Jonathan-yes, Fred-yes, Joyce-yes. Motion passed.

**f) To appoint Rick Adamcek as the Whately Animal Control Officer for calendar year 2022**

A motion was made to reappoint Rick Adamcek as Animal Control Officer. Motion seconded. Roll call vote: Jonathan-yes, Joyce, yes, Fred-yes. Motion passed.

**g) To set the calendar year 2022 mileage reimbursement rate**

Brian informed the Board that the 2022 mileage rate set by the IRS is 58.5 cents. Motion made to set the year 2022 mileage reimbursement rate to reflect the same rate designated by the IRS. Motion seconded. Roll call vote. Jonathan-yes, Joyce-yes, Fred-yes.

**Town Administrator Updates:**

**Items likely to be discussed: Eversource & ISO-NE notification regarding cold weather events-** Brian discussed with the Board that he forwarded the letter to our local State Representative received by Eversource regarding cold weather events. He stated that the representative is looking into it. The Board decided to continue the discussion at a future meeting and for staff to continue finding out information.

**Status of marijuana establishments with signed host community agreements-** Brian presented to the Board a spreadsheet of companies that have executed a host community agreement with the Town. Whately has 6 active establishments seeking to open and 5 establishments no longer seeking to operate in Whately. The Town has 1 company that has received its final license and is operational.

**Recap of MassDOT's 25% design hearing on the Haydenville Road Reconstruction project-** Brian informed the Board that they had the public meeting last Wednesday. Several abutters voiced concerns over driveway and tree impacts. He stated that Keith met with them to discuss their concerns. Construction costs are currently programmed into the FY25 Franklin Regional Transportation Improvement Plan.

**Whately 250th Parade participation forms available and due May 1, 2022**

**Whately Town Hall window issues-** the storm windows at the Town Hall are showing some delamination and are currently under warranty. The Town will be working with the manufacturer to remedy the situation.

**Annual Town Reports due January 28, 2022**

Brian reminded folks that the Senior Center Survey is available to residents to complete.

**Grants Awarded: (1) FY22 Firefighter Safety Equipment Grant (\$10,499) (Turnout gear and communications equipment); (2) Volunteer Firefighter Assistance Grant (\$2,878) (protective shirts, equipment)**

**Items Not Anticipated:**

None

**Adjourn:**

Motion to adjourn at 7:36 pm. Motion seconded. Adjourned.

**Documents:**

Meeting Minutes December 1, 2021

Meeting Minutes December 8, 2021

Meeting Minutes December 22, 2021

Warrant WP22-15

Warrant W22-15

Email to Brian Domina from Richard Evans regarding Toro Verde HCA extension request

Town of Whately Amended and Restated Host Community Agreement for Toro Verde dated July 29, 2020

Directive on Town Employees Returning to Work Near the End of the Covid19 Pandemic dated June 2, 2021

Water Hookup Fee Extended Payment Plan Program

Application for income qualified residents to sign up for payment program.

Draft letter Re: Support of H.3821

Solar Battery and Installation Draft Proposal

Combination Culvert Survey and Replacement Draft Proposal

MVP Grant Culvert Survey and Repair Prioritization proposal

Town of Whately One Stop for Growth Project Development proposal

FRCOG Local Technical Assistance Request Form

Letter to Selectboard from John Baronas dated January 5, 2022, re: Request for Zoning Bylaw Change Related to Solar

Exhibit 1: Whately Zoning Map

Exhibit 2: Proposed Warrant Article for 2022 Whately Town Meeting

IRS Issue Standard Mileage Rates for 2022

Email from Elena Cohen dated January 13, 2022, regarding ISO NE load shedding  
Marijuana Establishment Tracking Spreadsheet