

**Selectboard  
Meeting Minutes  
September 13, 2022  
Town Offices  
Hybrid Session Via Zoom  
6:00 pm**

The open session of the Selectboard of the Town of Whately was called to order on September 13, 2022, at 6:05 pm by the Chairperson, Joyce Palmer-Fortune via Zoom. Also present were Selectboard members Fred Baron, Julie Waggoner via Zoom. Present were Town Administrator Brian Domina, Community Development Coordinator and Assistant Town Administrator Hannah Davis via Zoom, Transfer Station Representative Fran Fortino via Zoom, Board of Health member Rebecca Jones via Zoom

**1. Meeting Minutes: Review and vote to approve the meeting minutes from August 24, 2022**

Motion made to approve the minutes from August 24, 2022, Motion seconded. All in Favor. Roll Call Vote: Joyce-yes, Fred-yes, Julie-yes.

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

No Comments

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

No Comments

**4. Scheduled Appointments:**

**a. 6:05 pm - Becky Jones/Montserrat Archbald to discuss a town composting and recycling policy for events**

Fran informed the Board that they submitted a proposal for a new policy to the Board regarding offering composting and recycling at Town events. It was offered as a pilot program at the 250<sup>th</sup> events and went well. They would also like to offer compostable plates, cups, and utensils for event organizers to purchase to reduce single use waste. There was discussion regarding what events it would be available at, i.e., Town sponsored versus private events. Fran also informed the Board that Whately was the first town in the State of Massachusetts to offer composting at the municipal level. The Board of Health is still working on drafting the policy. The Board of Health would like to have this rolled out as policy within a year. The Board was receptive to the idea and asked the Board of Health to present a policy for consideration when it was finalized.

## **5. COVID19:**

Brian reminded everyone that free at home COVID19 tests are still available for residents and employees at the Town Offices

## **6. Old Business:**

### **a. To discuss and authorize the issuance of bid documents for the Herlihy Park accessibility project (restrooms and parking lot)**

Brian informed the Board that he is seeking authorization from the Selectboard to put out to bid the restroom renovation work - ADA accessibility portion of the project at Herlihy Park. He presented the current renovation plan to bring the bathroom up to ADA code. He also shared the scope of work document for the renovations.

A motion was made to approve the scope of work with the caveat that air dryers replace the paper towel holders. Motion seconded. All in Favor. Roll Call Vote: Joyce-yes, Fred-yes, Julie-yes.

Brian shared with the Board the drawn plans and scope of work for the parking lot renovations. Keith met with Warner Brothers (paving company) to discuss the permeable pavement aspect of the project. Keith was told that permeable pavement needs a warmer outdoor temperature when curing and that it wasn't advisable to pave beyond the middle of October. At this point it's looking more advisable to pave in the late spring when temperatures begin to warmup, but other site work is still possible to be done this fall.

### **b. To discuss the Request for Proposals for the long-term lease of the Center School**

Brian is waiting to hear back from Town Counsel regarding the specifics of a proposed long-term lease but hasn't yet. Brian suggested that the Board table this discussion until the next meeting when we have a specific sample lease to discuss with detailed terms and requirements to discuss.

Board agrees to table the item until the next meeting.

## **7. New Business**

### **a. To discuss applying to the Community Compact Municipal Best Practices grant program**

Hannah informed the Board that the Town can apply for a small grant up to \$20,000 to help the Town adopt and implement a defined "best practice". The "best practices" list is extensive, and Brian and Hannah came up with five suggestions for the Board. Hannah is looking for the Board to select the top three. Because the grant has a rolling deadline, the Board agreed to investigate the options further and revisit at a future meeting.

### **b. To discuss the recent legislative amendments to the state cannabis control laws**

Brian included in the meeting material a summary of the changes to the cannabis control laws prepared by KP Law (town counsel) with his highlights. The most concerning changes to Brian are related to host community agreements and community impact fees. The changes appear to

restrict the uses of the community impact fee and impose penalties on municipalities that might spend the impact fees in a manner not agreed to by the marijuana establishment. The Cannabis Control Commission (now with regulatory power over HCAs) will be issuing further guidance. The Town has not received any requests to amend our existing HCAs.

No action is required by the Selectboard at this time.

**c. To discuss two unsigned letters expressing concern over the property located at 148 State Road and Lot 12-0-24-2 also on State Road 2**

The Selectboard discussed two letters received from residents regarding the property at 148 State Road and its usage and possible zoning violations. The letters state concerns that the business at 148 State Road will spill over to the adjacent property owned by a family member. The Board agrees that because letters are unsigned a request for enforcement is difficult. The Building Inspector is aware of the issues. The Planning Board has sent a letter to the Building Inspector requesting that the owner of adjacent building lot provide assurances that the lot will not be used for commercial purposes or as an extension of the business located at 148 State Road. Selectboard agrees to draft a letter to the Building Inspector on behalf of the residents with the concerns and revisit at next Selectboard meeting.

**8. Town Administrator Updates: (Items likely to be discussed)**

**Water merger project update:** Utility poles were installed last week to bring electricity to the pump station- the generator is back-ordered due to supply chain issues. Brian will try to get an update estimate on the actual changeover of the systems from Wayne

**MVP solar project update:** Hannah, Joyce and Brian met with the Energy Committee and will be exploring some different issues and reaching out to some resources who may be able to provide some information. The next step is to begin drafting the Request for Proposals.

**South County Senior Center moving to temporary location:** The South County Senior center is moving to its temporary location in Sunderland (22 Amherst Road) and likely opening in that location sometime in October. This location will serve as the temporary home of the SCSC until a new location is ready.

**Veterans memorial names - deadline for submission/review (09/16/22):** September 16, 2022, is the deadline to submit corrections or names for consideration to be listed on the plaques.

**Town Hall window issue update:** Brian informed the Board that they had a sample taken from the window and the sample is being tested to determine if the iridescent staining is biological or not. Brian has also been in contact with the Building Sciences Department at UMass and their "off the record opinion" is that the iridescent staining is likely due to oxidization of the low E coating due to moisture and delamination of the coating that allows air to react with the coating. The Town is waiting for results from the sample to come back before contacting the window manufacturer again.

**Housing Production Plan update:** The Town received 47 responses to the Housing Survey put together by the Housing Committee. The next committee meeting is October 3, 2022. The Committee will be discussing the draft plan FRCOG has put together, and any affordable housing zoning issues on town owned or private properties.

**9. Items not Anticipated:**

None

**10. Adjourn:** Motion to adjourn at 8:20pm. Motion Seconded. All in Favor. Meeting adjourned.

**Next Meetings: September 27, 2022, and October 11, 2022**

**Documents**

*Meeting Minutes, August 24, 2022*

Vendor and Payroll Warrants, W23-06, WP23-06

Email from Fran Fortino to Brian Domina, *Selectboard agenda for 9/13, September 1, 2022*

Herlihy Park-Restroom Accessibility Improvements, *Attachment A- Scope of Work & Plans*

Parking Lot Improvement Plans, *Herlihy Field Parking Improvements*

KP Law eUpdate, *An Act Relative To Equity In The Cannabis Industry Marijuana Reform*, September 6, 2022

Letter to Whately Planning Board, Whately Zoning Board, Building Inspector Jim Hawkins from Anonymous, August 16, 2022

Letter to Whately Planning Board from Anonymous, August 24, 2022