

**Selectboard
Meeting Minutes
February 13, 2019
Town Offices
Open Session
6:00 pm**

The open session of the Selectboard of the Town of Whately was called to order on February 13, 2019 at 6:32 p.m. by Selectboard Chair, Jonathan Edwards. Also, present were Selectboard members Fredrick Orloski, Joyce Palmer-Fortune, Town Administrator Brian Domina and Administrative Assistant Amy Schrader.

The Board voted to approve the meeting minutes from January 30, 2019.

Comments from the public on items not listed on the agenda

Paul Newlin (resident) requested that he be given time at the Selectboard meeting on March 13, 2019 to discuss his work on establishing a network of trails through town. Jonathan informed the Board that the Community Preservation Committee is already having preliminary discussions about how to improve the trail system.

Public Hearing

Petition for joint utility pole placement (Poplar Hill Rd, Whately, MA) (Verizon) –

Paul Davis (Verizon Representative) discussed the Verizon petition that was filed to place a utility pole on the westerly side of Poplar Hill Road. Mr. Davis briefly discussed the reasons why Verizon/Eversource is requesting a jointly owned pole. The pole would accommodate an electrical system upgrade and be used as a service pole for 4 Poplar Hill Road. The Board questioned if any existing trees would need to be removed or trimmed? Mr. Davis suggested that the Town contact Eversource to see if any tree removal is needed. Keith Bardwell (Highway Superintendent) expressed concern that there is an existing drain pipe that would interfere with the new pole placement. Paul Newlin (abutter) questioned the feasibility of the project and if the new pole is really necessary. The Board reviewed the petition plan and had a lengthy discussion as to the placement of the pole and the extent of tree removal. After reviewing the petition plan, the Board asked Mr. Davis for clarification on the placement of the new pole and the extent of any environmental impacts. Joyce Palmer-Fortune made a motion to continue this hearing to the next Selectboard meeting on February 27th at 6:00 pm at 4 Sandy Lane Whately, MA. All in favor.

Scheduled Appointments

Sue Monahan (Western Mass Mother's Day Half Marathon) appeared before the Selectboard. The Board reviewed WMass Mother's Day Half Marathon/Hitchcock Brewing Co.'s proposed application for a special one-day alcoholic beverages license for an event to be held at 63 Christian Lane on May 12, 2019. The Board had a lengthy discussion regarding about the application and the need to contain the "beer garden". The Board suggested that areas for which alcohol is to be served should have clearly marked boundaries and the entrances shall be monitored to ensure alcohol stays within the

designated area. Ms. Monahan stated that her plan is to have an actual “beer garden” and is considering renting a tent with sides. Ms. Monahan agreed that some type of border will be put in place to control access to the area. Jonathan Edwards made a motion to approve the application for a special one-day alcoholic beverages license (wine and malt) subject to the following conditions: (1) the areas in which alcohol is to be served will have clearly marked boundaries and (2) entrances (to the area in which alcohol is to be served) shall be monitored to ensure that alcohol stays within the designated area. Motion was seconded. All in Favor.

Old Business

Special one-day alcoholic beverages license rules and application – Brian presented the Board with proposed revisions to the Board’s rules for the issuance of a special one-day license. Most of the proposed revisions are minor and based on changes in the State’s rules and regulations. The Board had a lengthy discussion regarding 204 CMR 7.03 and the proposed revisions. Brian explained to the Board that Section 9 is important to include so applicants are aware that the Board has the right to impose conditions on the licenses and even deny licenses based on an objective standard. Jonathan Edwards questioned the language proposed in Section 8 because it only would apply to “purchases” of alcohol. Joyce Palmer-Fortune suggested that Section 8 could be amended as follows “all alcohol for the event must be provided by an authorize provider.” Jonathan made a motion to amend the rules and regulations as proposed including the language change suggested for Section 8. Motion was seconded. All in favor.

Special event application for events that will use town property or the public right of way - The Board tabled this item until the next Selectboard meeting.

Town Counsel on permissible uses of the Town Hall and to consider requests to use the Town Hall - Jonathan Edwards (Selectboard Chair) read Attorney David Doneski’s (Town Counsel) e-mail dated February 13, 2019. The Board had a lengthy discussion on Town Counsel’s email and how it related to current and future Town Hall applications for use. Brian informed the Board that the ZBA appeal hearing is tentatively scheduled for April 4, 2019. Paul Newlin (applicant) questioned that if the Board approves his application and the ZBA requires the Town to seek a special permit will he be unable to hold his concert at the Town Hall? Brian stated that with the ZBA hearing tentatively scheduled for April 4th and the concert scheduled for April 20th, there wouldn’t be enough time for the ZBA to advertise and schedule a public hearing. After reviewing the advice of Town Counsel, a motion was made and seconded to approve the request from Paul Newlin to use the Town Hall for a community concert on April 20, 2019. All in favor.

The Board also reviewed a request to use the Town Hall from Martha Zion, on behalf of the Hartsbrook Garland Dance Group. The Board decided that the Hartsbrook Garland Dance Group should submit a revised application. A motion was made and seconded. All in Favor.

Fiscal Year 2020 Budget

Presentation: expense and revenue trends – The Board tabled the presentation until the next Selectboard meeting.

New Business

Change health insurance benefits in accordance with G.L. c. 32B – Brian informed the Board that Whately is part of the Hampshire County Group Insurance Trust. The Trust makes decisions as to plan benefit changes. Brian informed the Board that the Hampshire County Group Insurance Trust is proposing a smaller number of plan changes this year. The Board reviewed the spreadsheet with the listed changes and had a lengthy discussion regarding the benefit plan changes, the impact on town employees, and if appropriate notification was given to members. Attorney Brad Brousseau (representative from Mass Teachers Association) attended the meeting. Replying to a question from Jonathan Edwards, Mr. Brousseau stated that union members were not individually surveyed about whether they prefer premium increases or co-pay increases. Brian stated that the Board needs to vote its intent to make the plan changes. Jonathan made a motion that the Town of Whately elect to engage in the process to change health insurance benefits under Massachusetts General Law Chapter 32B Section 21 through 23. Motion seconded. All in Favor.

Insurance proposal for the Center School (218 Chestnut Plain Road) – Brian informed the Board that he received a vacant building policy quote from MIIA for the Center School. The Board had a brief discussion regarding the future of the Center School. Brian suggested putting the Center School on a vacant building policy at least until our insurance renewal in July that would give the Board four months to figure out the future of the building.

Third-party inspection report of the transfer station – Jonathan signed the inspection report of the transfer station completed by the Franklin County Solid Waste Management District. The inspection found no issues.

Complete the performance evaluation of the Town Administrator - The Board discussed the Town Administrator's evaluation composite document. The Board had a brief discussion regarding the Town Administrator's performance, job description, hours, and staff support. The Board accepted the composite evaluation with the understanding that the Board is very happy with the current Town Administrator's performance and that it would like to enter into contract negotiations with him for another three (3) year term. Jonathan Edwards as the Selectboard Chairperson will represent the Selectboard in the contract negotiations.

Town Administrator Updates

Brian informed the Board that the Commonwealth approved the joint application for financial assistance for the FRCOG regional accounting program. Thus, FRCOG should be hiring a full-time accountant to be shared among several communities including Whately in the near future.

Brian informed the Board that bids for the sprinkler repair project at the Whately Elementary School are due on February 22, 2019.

Brian informed the Board that Peter Crisci and Smith College are preparing a street acceptance plan and will be asking the Town to extend the layout of Poplar Hill Road from Mr. Crisci's driveway to the Smith College parking lot. That portion of the road was inadvertently discontinued by the Town. As part of the project, the Town will ask Smith College to cover the costs to pave the road from where

the pavement ends now to its parking lot, which will address many of the dust complaints that the Town receives from traffic driving to and from the environmental center. The arrangement for Smith College to pay the costs of paving still needs to be formalized.

Brian informed the Board that the Department Heads and himself had their first meeting with MIIA Safety Risk Manager, Debra Williams to discuss work place safety and OSHA compliance. Ms. Williams has offered to meet with town employees on a quarterly basis and to help with the town's self-auditing of its facilities and departments for OSHA compliance. Brian informed the Board that municipalities must now comply with OSHA regulations as minimum safety standards and that these new standards may require Town Departments to purchase new equipment and safety items.

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

Jonathan made a motion to adjourn and go into executive session per M.G.L. c. 30A, § 21(a)(2) to conduct strategy sessions in preparation for contract negotiations with non-union personnel. Jonathan further stated that the Board will not be returning to open session. Motion was seconded. Roll call vote: Joyce – yes, Fred – yes, Jonathan – yes. The open session was adjourned at 8:50 pm

Next Meeting Dates: February 27, 2019 and March 13, 2019

Respectfully submitted,

Brian Domina, Town Administrator

Document List on File in the Selectboard Office

Meeting Minutes dated January 30, 2019

Petition for Verizon job #1A3E0DX – Poplar Hill Road

Western Mass Mother's Day Half Marathon/Hitchcock Brewing Co. – Special One Day Alcoholic Beverage License Application

Town of Whately Special One Day Alcoholic Beverage License Application – Original

Town of Whately Special One Day Alcoholic Beverage License Application – Revised

204 CMR: Alcoholic Beverage Control Commission

Town of Whately One Day Event Permit – Draft

Email from Town Counsel, Attorney Doneski, dated February 13, 2019

Paul Newlin's Town Hall use application dated 01/09/2019
Martha Zorn's Town Hall use application dated 02/04/2019
Hampshire Group Health Insurance proposed changes chart
Commercial Property Policy – 218 Chestnut Plain Road
MassDEP Annual Inspection Report – Whately Transfer Station dated 10/20/2018
Invite for MassDOT's Complete Streets Funding Program
Letter from Lieutenant Governor, Kathryn E. Polito, dated 01/31/2019