

**Selectboard
Meeting Minutes
February 16, 2023
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 February 16, 2023, at 6:02 pm by Chairperson, Joyce Palmer Fortune via Zoom. Present were Selectboard members Fred Baron, and Julie Waggoner. Town Administrator Brian Domina via Zoom, Eversource Representative Jesse Martin via Zoom. Resident Edwin Zaniewski present. Castaways representatives Nicolas Spagnola and Julius Sokol via Zoom. Franklin Regional Retirement System Director Dale Kowacki via Zoom, Nectarize Representative Phil Silverman via Zoom, Nectarize owner PJ Patel via Zoom, and ToroVerde representative Taylor Lovejoy via Zoom. Judy Markland via Zoom. Donna Wiley, 184 Chestnut Plain Road, was present

1. Meeting Minutes: Review and vote to approve the meeting minutes from January 31, 2023

Fred made a motion to approve the minutes from January 31, 2023. Motion seconded by Julie. 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

None

4. Public Hearings:

a. Utility Pole Hearing (6:05 pm): Petition to Install and Maintain Underground Lines for the Transmission of Electricity from Western Massachusetts Electric Company (dba Eversource) in the area of the intersection of River Road and Straits Road in Whately, MA.

Jesse Martin discussed with the Board that Eversource is asking to place 1 new pole to upgrade an existing underground circuit in the public right of way at the intersection of River Road and Straits Road. Fred asked if there were any obstructions to residents' properties and Jesse replied that there was not. Jesse explained that this is an upgrade to the current system in place. Edwin Zaniewski, 105 River Road, asked where the new pole is going to be installed. Julie showed him on the map provided.

The Board discussed the issue of the plethora of double poles that are still remaining and the Town's wishes to have them removed before they approve any new ones. It was discussed that Verizon actually owns the poles and Jesse agreed to reach out to Verizon. Joyce requested the hearing be continued until further information is provided about progress on the removal of existing double poles. Brian stated there were proximately 65 double poles at last count this past summer.

Joyce motioned to continue hearing to next Selectboard meeting February 28, 2023 at 6:05 pm at 4 Sandy Lane, South Deerfield, MA 01373 . Fred seconded. All in favor. Roll Call Vote. Joyce-yes, Fred-yes, Julie-yes

5. Scheduled Appointments:

a. (6:25 pm) Nicholas Spagnola & Julius Sokol (226 State Road) to discuss with the Selectboard future plans with the property

Nicholas Spagnola discussed with the Board their plans to reopen Castaways within the next 60 days as currently operated. They discussed their purchase of Shine Diamond LLC and their desire to move the current marijuana dispensary license to 226 State Road from 85 State Road and to operate a topless dispensary with the possibility of public consumption at the location in the future. Julie requested to see the current license and Brian can provide a copy. Brian thinks the proposed use would require a special permit approval for the change of use. There was discussion on how the entertainment license would need to be amended. The property owners will provide additional information if they move forward.

No action taken by the Selectboard at this time.

b. (6:45 pm) Dale Kowacki (Franklin Regional Retirement System) to discuss with the Selectboard the recent request for the Board to vote on a 2% COLA increase for retirees in fiscal year 2023

Dale discussed with the Board that the FRRS Board typically votes on an up to 3% COLA every year on retiree benefits up to \$17,000. The FRRS Board is requesting towns in the system to vote for an additional 2% COLA on top of the 3% this year due to current inflation. He explained that the Board tries to keep their COLAs level with Social Security. Whately's portion totaling \$6,544 would first be paid in FY26 and goes up approximately \$200 a year for the next 13 years. Dale did not have the exact number of employees in the retirement system from Whately, but the Board guessed around five or six. Dale explained that the extra 2% COLA has to be approved by 2/3rds of the 24 towns participating in the retirement system before it takes effect.

Julie motioned to approve the additional 2% increase for retirees for Fiscal Year 2023. Motion seconded by Fred. All in favor. Roll Call Vote. Joyce-yes, Fred-yes, Julie-yes

c. (7:00 pm) Toroverde III, LLC to discuss the Host Community Agreement for the retail marijuana establishment at 424 State Road and the sale of the business

Phil Silverman explained to the Board that his company Nectarize is in the process of purchasing ToroVerde III who has a provisional marijuana retail license at 424 State Road with the intent for Nectarize to purchase and transfer the ownership of ToroVerde to Necatrize with continuation of the Host Community Agreement, permits, and the CCC license. They will have to renew the special permit and building renovations are nearly complete. PJ Patel introduced himself to the Selectboard and gave them a synopsis of his background. Phil stated that he hopes to open in May of 2023. The current HCA allows for the transfer of ownership upon the consent of the Selectboard, but it's not clear whether the sale of the entire LLC constitutes a change of ownership. Judy stated that change of ownership requires a new special permit and will require going before the ZBA and getting a new one. Nectarize is aware. No significant changes to the previous buildout are anticipated. The Board is unsure if approval is necessary under the HCA, but has no issues with the transfer of ownership.

Motion made by Julie to approve the continuation of the ToroVerde's HCA under ToroVerde III, LLC as owned by Patik Patel. Fred seconded. All in favor. Roll Call Vote. Joyce-yes, Fred-yes, Julie-yes

6. COVID19: *Reminder – COVID19 rapid tests are available at the Town Offices*****

7. Old Business:

a. To discuss the installation of water meters at town buildings

The Water Commissioners were unable to attend the meeting and requested to meet at the next Selectboard meeting. The Board agreed to table the discussion until its next meeting.

b. To discuss next steps with the Whately Center School

There were no responses to the RFP seeking a long-term lessee for the building. Donna discussed with the Board that in 2018/2019 a committee was formed to explore potential reuses of the Center School. Donna stated that at a prior Selectboard meeting it was commented that the building should be demolished and have a park put in. She disagrees with this opinion based on the building's historical significance, but also environmental repercussions as well. She stated that behind the library is a better location for a park should the Town decide to put one somewhere. Donna stated that according to the Open Space Commission survey in 2021 additional parks are not something residents are looking for.

It is her opinion that the lease offer in the RFP was unattractive to developers. Donna requested that the Selectboard allow the Historical Commission time to discuss the situation and to consider whether the sale of the property with restrictions to keep the character of the building preserved makes sense. Julie concurred with Donna's request.

Julie agreed to contact Natalie Blais regarding possible funding. Judy Markland stated that more funding may be in the works at the state level for affordable housing and recommends the Town take its time in moving forward. The Board agreed to table the discussion until they get more input from the Historical Commission.

7. New Business

a. To review, discuss and vote on whether to sign the Right of First Refusal at the Congregational Church

The Town approved the use of CPA funds for window restoration on the Congregational Church at the last Annual Town Meeting. One condition in the Article stated that the Town would be granted a right of first refusal in the event the Church is sold in the future. This document has to be agreed to and signed by the Selectboard.

Fred motioned to approve the right of first refusal agreement for the First Congregational Church. Julie seconded. All in favor. Roll Call Vote. Joyce-yes, Fred-yes, Julie-yes

8. Selectboard Liaison Updates: Timely updates from the Selectboard members serving on other boards and committees

Joyce stated that the SCSC Board Of Oversight is trying to get together to tour the Congregational Church in Deerfield as a potential future site of the Senior Center.

Joyce stated that the Personnel Committee made recommendations to the Finance Committee to raise salaries to the median and recommended a 7.1% COLA.

Fred stated they are interviewing for Treasurer/Collector and Fire Chief positions next week.

Julie stated the Climate Resiliency Committee held a public meeting. A small number of residents attended. There is another meeting at 6:30 pm on February 27, 2023.

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

Hiring Treasurer/Collector, Hiring CDC/ATA. Community Development Coordinator position- still doing interviews.

Municipal Aggregation meeting was this afternoon to talk about the continuation of the existing aggregation effort. Brian would like to have the Energy Committee meet with the Selectboard to explain the process at a future meeting.

10. Items not Anticipated:

None

11. Adjourn

Motion to adjourn at 8:03 pm.

Next Meetings: February 28, 2023

Documents List

Eversource Petition, Petition to Install and Maintain Underground Lines for the Transmission of Electricity, 2.16.2023

Email from Dale Kowacki to Brian Domina, RE: 2% addition to FY2023 retirees' COLA, February 1, 2023

Covenant and Right First Refusal Agreement for Window Restoration Project

Second Amendment to the Amended and Restated Host Community Agreement Between the Town of Whately and Toroverde (Massachusetts) III Inc.

Vendor and Payroll Warrants W23-18, 2/13/2023

Meeting Minutes, January 31, 2023