

**Selectboard  
June 13, 2018  
Town Offices  
Open Session  
6 pm**

The open session of the Selectboard of the Town of Whately was called to order on June 13, 2018 at 6:00 pm by the Chair, Frederick Orloski with Selectboard members Jonathan Edwards and Joyce Palmer-Fortune present. Town Administrator Brian Domina and Town Counsel David Doneski was also present.

The Board voted to reorganize as follows: Jonathan Edwards – Chairperson, Joyce Palmer-Fortune – Vice Chairperson and Frederick Orloski – Clerk.

The Board approved the meeting minutes of May 30, 2018.

There were no comments from the public in attendance.

**Public Hearing Continuance – Liquor License Transfer from Demetrios Konstantopoulos to Whately Investments, LLC**

Mr. Edwards re-opened the public hearing that was continued from May 30, 2018 in relation to the transfer of the liquor license as stated above.

Mr. Edwards recalled that the concerns of those in attendance last time were related to extended hours of operation, outside activity, noise and parking. Mr. Edwards questioned how increasing the activity on the site will not negatively impact abutters.

Attorney Tom Lesser stated there is more than enough parking spaces for the allowable occupancy of the building. He stated that the Applicants want to improve and upscale the customer base by having customers pay more money for the entertainment and drinks. He stated the applicants intend to soundproof the smoking area. He stated there is no noise outside of the club and in fact the bylaws prohibit any noise from being heard that the street. He stated that the Applicants intend to construct an eight-foot high barrier around the three sides of the smoking area to prevent noise impacts. He stated that there are no police complaints and that the establishment has been operating without a noticeable impact.

Ronald Lavalley (Christian Lane) stated that he lives directly across the street from the establishment and has no issues with noise from the establishment. He indicated that accidents used to be a problem, but since he trimmed bushes on his property the incidents of accidents have declined.

Mr. Orloski asked Mr. Sokul and Mr. Spagnola about their plans about increasing customers.

Mr. Lesser indicated that he will speak for the Applicants this evening. Mr. Lesser stated that the Applicants don't know these exact customer base, but there have been 30 to 40 to sometimes 70 to 80 customers in the establishment at one time. He stated the building capacity will not change. He reiterated that his clients intend to fix up the building, renovate the bathrooms and make it a more pleasant place to be. If capacity is ever to be increased, Mr. Lesser stated that the Applicants will come back to the Board.

Mr. Orloski questioned why the current owner is selling the business.

Mr. Lesser replied that the current owner is getting old and he and his wife want to leave the business due to their age.

Mr. Edwards queried why the Applicants would want to purchase an existing business without knowing the number of customers and projected revenue streams.

Mr. Lesser indicated that any such information is proprietary. He stated that if there are 70 people in the club that means 35 cars in the parking lot with customers coming and going at different times possibly adding 20 cars an hour to traffic flow. He stated that traffic not an issue and parking is not an issue.

Ms. Palmer Fortune asked for a better description of the smoking area

Mr. Lesser stated that the smoking area is located on the right side of the building closest to the swamp and is currently a space enclosed by a 5-foot-high chain link fence. He stated that the Applicants intend to construct an eight-foot-high solid fence with no top and that the Applicants would offer this as an agreeable condition

Ms. Palmer Fortune stated that sound can travel over the top of the proposed enclosure so it won't actually be soundproof.

Mr. Orloski questioned how close the property line is from the smoking area.

Mr. Lesser said that he spoke with the Building Inspector about the smoking area and that he was unsure exactly how far it is from the property line.

Mr. Spagnola informed the Board that it might be possible to enclose the back walkway as an additional means of avoiding noise coming from inside the club. He stated that he is willing to work with the Town and abutters on making security improvements.

Robin McGuffey (Chestnut Plain Road) stated that most traffic in the area of the establishment is from Yankee Candle and Umass. She stated that we all should not assume that the establishment if granted a license is going to be bad and suggested that the Town should not shoot down every little thing.

Marc Bussiere (Christian Lane) stated that traffic is always an issue at that intersection especially during peak traffic times and oftentimes people will stop at the establishment after work to get a beer or two so there is a group of people coming and going around 6:00 PM.

Kathryn McGrail (Christian Lane) expressed her concerns that if the hours of operation are lengthened and the building improved with added food service that there will be more traffic and thus more accidents and a greater demand on police and fire services. The greater demand on town services imposes a greater burden on tax payers. She is also concerned about the possibility of drug trafficking and general decreases in the property values of abutters. She wondered what the Town might be able to do to ensure that the establishment remain understated.

Joseph Zewinski (Christian Lane) stated that he and his wife purchased their house knowing the business was there, but that it was a low-key business at the time. He is still concerned about an increase in the number of hours and the possible impacts on his property and his family. He wondered why the Board was talking about concessions but that if the license were granted he would like to see a wall around the smoking area and the entire parking lot. He suggested that the smoking area be moved to the opposite side of the building along Routes 5 & 10.

Sheila Zewinski (Christian Lane) stated that the foliage in the swamp area is not a great noise block because it goes away in the fall and winter. She stated they have been able to co-exist with the establishment because it has been low-key. She stated that peak traffic times for Yankee Candle on Christian Lane are 6 AM, 2 PM and 10 PM. She stated that the Town has good strategies to keep businesses and allow responsible growth, but the anticipated increase in the volume of business is not appropriate for a rural farming community like Whately.

Mr. Edwards posed the question as to why it was different if the current owners just upgraded which could be done without any permissions compared to new owners doing it that requires a transfer of a license?

Sheila Zewinski (Christian Lane) stated that this has been a mom and pop shop for a long time and if the current owners wanted to do it they could have but choose not to. She expressed concerns that the new owners have no connection to Whately and like to live in Boston where there are things to do.

Mr. Lesser provided a google map aerial view printout of the establishment to the Board showing parking spaces. He discussed the number of spaces in the parking lot as sufficient for the establishment.

Mr. Edwards questioned whether the parking lot would function properly if every spot in the parking lot as full.

Marc Bussiere (Christian Lane) expressed his desire to see a reasonably accurate statement of what is allowed for parking.

Sheila Zewinski (Christian Lane) stated that the impacts are more related to the vehicles coming and going from the establishment and not about on-site parking. She reiterated her concerns about the increased activity at the site and the somewhat limited police coverage at night.

Robin McGuffey (Chestnut Plain Road) reiterated her position that people shouldn't just focus on traffic and the possible bad things about the establishment.

Mr. Spagnola told the Board that he gave the abutters his email and phone contact information and that no one called him. He reiterated his willingness to make this work. He stated that there is a lot of work to do with the establishment itself and many aspects need to be upgraded in terms inventory control and making necessary improvements to the bathrooms, roof, walls around the smoking area and security cameras. He stated that the Applicants intend to run a clean operation. He stated that he felt shocked about certain questions as to why millennials would want to move to town. He invited Joe and Sheila to reach out to him.

David McGuffey (Chestnut Plain Road) stated that back in the day sixty parking spaces were planned for but they were never filled and now nobody wants it.

Mr. Edwards questioned whether the new owners and abutters might be amenable to sitting down together to see if reasonable compromises might be reached.

Joseph Zewinski (Christian Lane) stated that if the Board is not taking a vote tonight then he would be willing to sit down and have that conversation.

Mr. Lesser reminded the Board that it cannot deny a license based on speculation or possibility and that there must be a factual basis for the denial. He stated again that the Applicants would be agreeable to a condition that sound does not travel to the abutters house.

Mr. Edwards stated that he wants to see if the new owner and neighbors can establish a working relationship. He also wanted a study to be completed on the physical footprint of the parking lot.

Mr. Lesser responded that the use is a non-conforming use and the parking lot is what it is and can be used for the pre-existing non-conforming use.

Mr. Edward reiterated his request for a meeting with the abutters and new owners

Mr. Lesser questioned what else there was to discuss other than the noise issue.

Marc Bussiere (Christian Lane) in responding to an earlier question he stated that the law gives abutters a voice now. He stated that he is not naïve enough to think it's going away, but that he doesn't want to see the establishment turn into something like Worthington Street in Springfield. He doesn't want to see neon signs and doesn't want the establishment to become an eyesore.

Mr. Spagnola stated that he already made a sincere attempt to communicate with the abutters and no one contacted him so he asked that the license be transferred.

Attorney Edward Ryan stated that the business has operated for over 35 years, it is situated on a major artery in town, the zoning bylaws regulate parking and use, the state fire code regulates seating and fire safety and that much of what is being discussed is all speculation. He stated that it would be ridiculous to impose conditions on the volume of business and not within the Board's authority to do so.

Mr. Orloski expressed concerns about the line of sight at the intersection being blocked from cars in the parking lot. He suggested that one or two cars need to be restricted from the 200-foot clear sight triangle.

Ronald Lavalley (Christian Lane) stated that he has seen a decrease in the number of accidents at the intersection, that he is in favor of the application and that some type of additional screening may help the Zewinskis.

Joseph Zewinski (Christian Lane) stated that years back promises were made by a solar developer that we not kept so he is skeptical about promises from developers.

Mr. Spagnola indicated that he is willing to sit down and talk with the abutters.

Fred Baron (North Street) informed the Board that Mr. Spagnola forgot to check a box on the application relating to whether he had ever been convicted of a state or federal crime.

Mr. Spagnola replied the answer is no.

Mr. Orloski expressed concern to ensure that the Board is acting within applicable time lines.

Mr. Doneski replied that the Board should expect to take a vote on the applications at its next session and sought agreement from the Applicants to participate in the meeting with abutters before the next hearing.

Mr. Lesser and Mr. Sokul and Mr. Spagnola replied yes to the proposed abutter meeting and they asked for clarification of the abutters who are being asked to participate.

The Board agreed to ask Brian to invite Bussiere, Zewinski and Lavallee to the abutters meetings and to coordinate the meeting as soon as possible and before the next meeting. The Board also designated the Town Administrator or his designee to attend on behalf of the Town.

Mr. Edwards made a motion to continue the public hearing to June 27, 2018 at 7:30 PM at the Whately Elementary School located at 273 Long Plain Road, Whately, MA. Seconded by Mr. Orloski. The Board voted unanimously to continue the public hearing.

**Public Hearing Continuance – Entertainment License to Whately Investments, LLC, Manager Nicholas Spagnola**

Mr. Edwards opened the public hearing that was continued from the previous hearing on May 30, 2018 in relation to the issuance of an entertainment license.

Ms. Palmer-Fortune asked the Applicants a series of questions (unless otherwise indicated all questions are being asked by Ms. Palmer-Fortune).

Q. WHAT WILL THE SHOWS YOU PLAN TO OFFER CONSIST OF?

A. (Mr. Lesser) Nude dancing and everything else that is listed in the application.

Q. ARE YOU PLANNING ANY MODIFICATIONS TO THE EXISTING STAGE AREA?

A. (Mr. Lesser) No

Q. HOW MANY PERSONS WILL BE PERFORMING AT ONE TIME?

A. (Mr. Lesser) Undetermined

Q. WHAT WOULD BE THE TOTAL NUMBER OF PERFORMERS FOR A TYPICAL SHOW?

A. (Mr. Lesser) It would depend on the number of customers 1 to 2 at a time and possibly 5 to 10 a day.

Q. WHAT WILL THE SEATING ARRANGEMENT AND LAYOUT FOR THE AUDIENCE AREA BE?

A. (Mr. Lesser) As it is

Mr. Edwards asked how it is laid out now.

Mr. Lesser responded that there are tables around a stage area and a bar from which the stage can be seen.

Q. WHAT KIND OF MUSIC OR OTHER SOUND EFFECTS WILL BE INCLUDED AS PART OF THE SHOWS, AND WHAT KIND OF AMPLIFYING SYSTEM WILL BE USED?

A. (Mr. Lesser) The existing amplification system will be used for music and the Applicants have applied to have a DJ and recorded music.

Q. WHAT ARE YOUR PLANS FOR CONTROLLING NOISE IN CONNECTION WITH THE SHOWS YOU WILL OFFER?

A. (Mr. Lesser) The same soundproofing currently installed will remain.

Q. WILL THERE BE ANY SOUNDPROOFING MEASURES TO CONTAIN NOISE FROM THE PERFORMERS OR PATRONS WITHIN THE BUILDING?

A. (Mr. Lesser) There is no noise outside of the building and we previously discussed the smoking area.

Q. WHAT ARE YOUR PLANS FOR CONTROLLING NOISE ASSOCIATED WITH PATRONS ENTERING AND EXITING THE PREMISES?

A. (Mr. Lesser) The parking lot will be monitored, but there will be no employee dedicated solely to monitoring the parking lot. An employee will from time to time go out to the parking area to check on it. He stated that the Applicants plan to setup video cameras.

Q. WHAT LEVEL OF LIGHTING ARE YOU PLANNING FOR THE ENTERTAINMENT AREA?

A. (Mr. Lesser) Same as in there now

Mr. Sokul stated that there is no anticipated change in the lighting.

Q. WILL THE ROOM BE DARKENED FOR ANY PORTION OF THE SHOWS YOU ARE PLANNING?

A. (Mr. Lesser) The lighting is going to be as it is currently and there is no expectation that the room will be darkened.

Q. WHAT IS THE NUMBER OF CUSTOMERS YOU ARE PLANNING FOR ON EACH DAY OF THE WEEK?

A. (Mr. Lesser) Under ninety customers at a time. There is no business plan that projects this figure.

Q. WHAT ARE THE CURRENT CUSTOMER NUMBERS AT THE LOUNGE FOR EACH DAY OF THE WEEK?

Mr. Konstantopoulos approximately 120 to 130 per night over the space of the night

Mrs. Konstantopoulos approximately 30 per night maybe a little more on the weekends.

Q. WHAT KIND OF ADVERTISING ARE YOU PLANNING FOR YOUR BUSINESS?

A. (Mr. Lesser) There are no plans to advertise, but that could change.

Mr. Orloski stated that he sees the establishment listed in the weekend edition of the newspaper.

Mr. Sokul stated that they will advertise like any other business.

Q. WILL YOU USE ADVANCE TICKET SALES FOR ANY OF THE SHOWS YOU WILL OFFER?

A. (Mr. Lesser) No plans for advanced ticket sales to shows

WILL YOU HAVE A MASSACHUSETTS CERTIFIED CROWD MANAGER?

A. (Mr. Lesser) Never heard of such a term

Ms. Palmer-Fortune stated that it is required by the state fire code for clubs with a capacity of 100 persons or more and a capacity of 95 is really close.

Mr. Lesser stated that he is not sure what it is and if there is training we will look into it and get back to the Board.

Q. WHAT IS YOUR PLAN FOR PROTECTING YOUR EMPLOYEES FROM ANY ROWDY OR DISRUPTIVE CONDUCT BY PATRONS OR PERFORMERS WHEN SHOWS ARE BEING PRESENTED?

A. (Mr. Lesser) Employees will try to calm people down. Employees will be there to prevent a customer from attacking an entertainer and they would call the police if needed.

Mr. Sokul stated that they will have employees there specifically for the purpose of security

Q. WHAT IS YOUR PLAN FOR PROTECTING PATRONS FROM ANY ROWDY OR DISRUPTIVE CONDUCT BY OTHER PATRONS OR PERFORMERS?

A. (Mr. Lesser) There will be trained security employees.

Q. WHAT IS YOUR PLAN IN THE EVENT OF A FIGHT OR ARGUMENT BETWEEN CUSTOMERS, OR BETWEEN CUSTOMERS AND EMPLOYEES?

A. (Mr. Lesser) Employees will be trained in security and the police will be called when needed.

Mr. Sokul stated there will be no less than two people trained for security purposes.

Ms. Palmer-Fortune questioned what type of training happens.

Mr. Lesser stated whatever type of training people go through for security.

Q. WHAT ARE YOUR PLANS FOR PROTECTING PATRONS AND EMPLOYEES FROM ANY HEALTH, SAFETY OR FIRE HAZARDS IN CONNECTION WITH THE SHOWS YOU WILL OFFER?

A. (Mr. Lesser) There will be no health, safety or fire hazards. There will be no firecrackers and no pyrotechnics

Mr. Konstantopoulos – there are exists from the building

Q. WHAT IS YOUR PLAN FOR PROTECTING NEIGHBORS AND THE GENERAL PUBLIC FROM ANY DISRUPTIVE CONDUCT AT THE PROPERTY IN CONNECTION WITH THE SHOWS YOU WILL OFFER?

A. (Mr. Lesser) There will be no disruptive conduct tolerated. Someone will call the police. If we see anyone being assaulted we will call the police.

Joseph Zewinski (Christian Lane) stated that one should not assume this doesn't happen. He stated that he has seen people run onto his property to evade police and people bloodied on his property that came from the establishment.

Mr. Edwards asked the Whately Police Chief Jim Sevigne what the police logs show.

Chief Sevigne stated that since 2003 there have 58 calls, 16 criminal related calls and the rest of the calls are not criminal related calls, like alarm issues or noise issues not amounting a criminal complaint.

Q. WHAT ARE YOUR PLANS FOR PROTECTING NEIGHBORS AND THE GENERAL PUBLIC FROM ANY HEALTH, SAFETY OR FIRE HAZARDS IN CONNECTION WITH THE SHOWS YOU WILL OFFER?

A. (Mr. Lesser) There will be no fire, safety or health hazards. There will be no pyrotechnics and germs will not be spread beyond the premises. He stated that sixteen criminal related calls since 2003 is about one criminal call per year.

Ms. Palmer- Fortune stated that is sixteen more than came to my house over that time period.

Q. WHAT ARE YOUR PLANS FOR CONTROLLING CUSTOMER ACCESS TO THE PREMISES?

A. (Mr. Lesser) There will be single customer entrance.

Q. WHAT ARE YOUR PLANS FOR PREVENTING ACCESS TO THE PREMISES BY UNAUTHORIZED PERSONS?

A. (Mr. Lesser) There will always be a security check at the door

Q. WHAT ARE YOUR PLANS FOR A SITUATION WHERE THE OCCUPANCY LIMIT OF THE BUILDING HAS BEEN REACHED BUT YOU STILL HAVE PERSONS WAITING OUTSIDE TO ENTER THE BUILDING?

A. (Mr. Lesser) Additional customers will be denied entry

Q. HOW MANY CUSTOMER EXIT POINTS FROM THE BUILDING WILL THERE BE, AND WHERE WILL THEY BE LOCATED?

A. (Mr. Lesser) Three exit points plus the front entrance. All exits are visible to employees working to prevent unauthorized entry.

Q. CAN YOU EXPLAIN YOUR PLAN AND THE TRAVEL PATH FOR SITUATIONS WHEN PATRONS AND EMPLOYEES HAVE TO LEAVE THE BUILDING ON ACCOUNT OF A FIRE OR OTHER EMERGENCY?

A. (Mr. Lesser) There are clear paths to all three exit doors and these are split between two large rooms.



Q. THE TOWN'S ADULT ESTABLISHMENTS BYLAW, IN SECTION 62-8, REQUIRES A POLICE DETAIL OF AT LEAST ONE OFFICER WHEN ENTERTAINMENT IS SCHEDULED AT PREMISES WITH A LIQUOR LICENSE. WHAT ARE YOUR PLANS FOR POLICE DETAILS IN CONNECTION WITH THE SHOWS YOU WILL OFFER?

A. (Mr. Lesser) Applicants plan to comply with the Whately Bylaws and the bylaws are pretty specific.

Ms. Palmer-Fortune asked so you will either have on officer there or ask for a variance?

Mr. Sokul asked whether that meant a police detail inside. He wondered why that was necessary and questioned whether that meant a police detail would be needed for every hour they are open?

Mr. Ryan stated that for the last 35 years a police officer was never required

Ms. Palmer-Fortune stated that she wants the Applicants to be aware of this bylaw and that they plan to comply or ask for a variance?

Mr. Lesser stated that if you say this is a requirement then we plan to comply or seek a variance, but we will face that fact when we come to it.

Q. WHAT ARE YOUR PLANS FOR HIRING EMPLOYEES?

A. (Mr. Lesser) There are no plans for how many people will be hired

Q. WHAT TYPE OF TRAINING WILL BE GIVEN TO EMPLOYEES BEFORE THEY BEGIN WORKING AT THE BUSINESS?

A. (Mr. Lesser) If serving alcohol, employees will be TIPS trained and whatever training is typical in the restaurant business. Security personnel will be trained by the owners

Q. DO YOU PLAN TO HIRE ANY STAFF WHO WILL BE EMPLOYED ONLY FOR SECURITY OR SAFETY PURPOSES?

A. (Mr. Lesser) Security personnel will be employed but not for that exclusive purpose.

Q. WHAT IS THE NUMBER OF ON-DUTY STAFF YOU ARE PLANNING FOR, BY DAY OF THE WEEK?

A. (Mr. Lesser) This has not been decided.

Q. WILL THERE BE A PARKING LOT MONITOR OR ATTENDANT?

A. (Mr. Lesser) No

Q. ARE YOU EXPECTING OR PLANNING FOR ANY PATRONS TO ARRIVE BY WALKING OR OTHER MEANS NOT INVOLVING AN AUTOMOBILE?

A. (Mr. Lesser) No

Q. WHAT IS THE VEHICLE CAPACITY OF THE PARKING LOT?

A. (Mr. Lesser) Approximately 50 maybe to 60 vehicles

Q. WHAT IS THE CURRENT USAGE LEVEL FOR THE PARKING LOT, BY NUMBER OF VEHICLES PER EACH DAY OF THE WEEK?

A. (Mr. Lesser) Not known at this point

Mrs. Konstantopoulos stated maybe 25 during the course of the day.

Q. WHAT ARE YOUR PLANS FOR CONTROLLING ACCESS TO THE PARKING LOT, AND PARKING OF VEHICLES IN THE LOT?

A. (Mr. Lesser) Existing entrances and exits will be used. No use of one-way traffic is planned.

Q. ARE YOU PLANNING FOR OR ANTICIPATING ANY SHOWS WHERE THE NUMBER OF PATRON VEHICLES MIGHT EXCEED THE NUMBER OF PARKING SPACES IN THE PARKING LOT?

A. (Mr. Lesser) No

Ronald Lavalley (Christian Lane) asked if someone is taking minutes of the meeting and he want to see a copy of Ms. Palmer-Fortune's notes.

Ms. Palmer-Fortune indicated that the meeting is being recorded for the record.

Mr. Edwards expressed his concern about the treatment of employees and he wants to make sure with a written plan that certain illegal activities do not take place or the establishment serve as a catalyst for certain activities. He expressed interest in seeing a written policy to make sure no drug trafficking, no extra cash is to be made by certain individual off premises, that entertainers are given absolute and total respect and not harassed by other employees or customers. He stated that if you want the town to accept promises and guarantees that there will be no adverse impacts to the community then it is fair to ask for a written policy to be created.

Mr. Lesser stated that Mr. Edwards assumptions are incorrect and studies show no link to criminal activity from an adult entertainment establishment compared to a restaurant. He stated that the Applicants will have a no drug use policy, an employee sexual harassment policy like any other business. He stated there is nothing the Applicants can do if two customers meet and go off to a motel. He stated there will be a policy that entertainers not engage in prostitution. He stated if you are looking for something very comprehensive you are not going to get it.

Mr. Edwards asked whether it was unfair to ask for a policy

Mr. Lesser stated that the Applicants will provide a policy, but the Board is misconstruing the statute and the applicable standard of review and should check with counsel about requiring a policy.

Mr. Edwards replied that a policy will hopefully eliminate or minimize the likelihood that these things will happen.

Mr. Doneski stated that the Board can inquire about these topics under the statute and it is a fair question

Susan Baron (North Street) wondered what recourse the Board has if there are problems

Mr. Doneski stated that the statute provides that after a hearing the Board may suspend or revoke the license

Mr. Orloski questioned how it would work to make sure there are not two licenses for the same premises. He questioned whether the sale had to happen first.

Mr. Doneski stated that there is only one liquor license because it is a singular license. The entertainment license is a new license and there will be a point when the existing license will cease and the new entertainment license would take effect.

Sheila Zewinski (Christian Lane) questioned whether the entertainment license was a two-year license

Marc Bussiere (Christian Lane) questioned whether there was a requirement on the transfer of a deed that the building inspector and health inspector have to inspect the building.

Mr. Doneski stated that the entertainment license is an annual license and that there is no requirement for inspections, but he would defer to the local practice of the building inspector on code compliance.

Mr. Edwards stated that he is looking for a sexual harassment and plan around illegal activity. He stated his belief that it will be helpful and give the Board a sense of what is being doing right and that the public health and safety is protected. Mr. Edwards stated that he would like to the information before this Board makes its decision.

Mr. Edwards made a motion to continue the public hearing to June 27, 2018 at 7:45 PM at the Whately Elementary School located at 273 Long Plain Road, Whately, MA. Seconded by Joyce Palmer-Fortune. The Board voted unanimously to continue the public hearing.

### **Appointments:**

Chief Sevigne (Whately Police) Informed the Board of his recent efforts at filling out the part-time police officer roster. Chief Sevigne asked the Board to appoint Elizabeth Unaitis as a part-time police officer subject to a pre-employment physical and drug test. The Board voted unanimously to appoint Officer Unaitis as a part-time Whately Police Officer.

Jim Ross (unable to attend). Brian briefed the Board on the efforts of the ad hoc veteran's monument committee that has been meeting on a regular basis to move forward a project to redesign and improve the existing veteran's monument adjacent to the Town Hall. The veterans group is requesting that the Selectboard remove a mature maple tree from the area to allow for the installation of pavers as part of the redesigned monument area. Keith Bardwell (Tree Warden) told the Board that he had spoken with Jim and seen the arborist report that Jim provided. Keith agreed the tree is not in perfect health but could still last for a long period of time, but there is no way of knowing. Keith said he would include the maple tree for the next public hearing that he holds on tree removal and the date for that has not yet been set.

Laurie Scarborough (FRCOG) presented the Board with the updated Complete Streets Prioritization Plan that was developed by the Complete Streets Committee. Fred asked about the possibility of a path along an existing easement owned by the Town to the elementary school. Laurie stated that language in the plan was broad enough to cover that option. The Board voted unanimously to submit the Prioritization Plan to Mass DOT.

### **Old Business**

Keith Bardwell presented to the Board Chapter 90 requests for chip sealing on Upper Conway Lower Conway and Weber Road and small portion of Haydenville Road. The Board signed the requests. Keith provided an update on the Haydenville Road reconstruction project engineering and the Williamsburg Road bridge

Brian provided a brief update on the Town Hall project that the site work is continuing and the curbing to be installed by the Town has been done. Paving of the parking lot will happen in the near future. Punch lists for the interior of the building are being developed.

Joyce provided a summary of the process used to develop the host community agreement. The Board reviewed the draft document and discussed items such as community impacts, fees, charitable donations and educational fees. The Board asked Brian to forward the draft agreement to Mr. Herbert.

Brian provided the Board with a brief update on the electricity aggregation process. It appears that DPU will now accept the previous warrant article adopted by the Town. Brian will reschedule Mark Cappadona for the first meeting in July so he can provide an overview of the process and next steps.

### **New Business**

The Board signed an agreement with the Franklin County Sheriff's Office to participate in the regional dog kennel program for fiscal year 2019. Brian informed the Board that Rick Adamcek, Whately Animal Control Officer recommends the Board sign the agreement.

The Board signed a confirmatory deed for the Town Hall located at 194 Chestnut Plain Road. Brian explained that the Town does not have a recorded deed for the property and that the Massachusetts Historic Commission requested that the Town execute the deed as a condition of its grant.

The Board voted to award the contract for diesel fuel and #2 fuel oil to Kieras Oil of North Amherst. Kieras Oil was the lower bidder. The gasoline contract was bid out through the Franklin Regional Council of Governments and the low bidder was Sandri Energy of Greenfield.

### **Town Administrator Updates**

No Town Administrator updates were provided due to the length of the meeting

The meeting was adjourned at 9:07 PM

Respectfully Submitted

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Brian Domina, Town Administrator

### **Document List**

Meeting Minutes – May 30, 2018

Application for Retail Alcoholic Beverages License from Whately Investments, LLC

All Alcohol License (2018) – Demeterios Konstantopoulos  
Public Hearing Notice – Greenfield Recorder – June 9, 2018  
Entertainment License Application from Whately Investments, LLC  
Entertainment License (2018) - Demetrios Konstantopoulos  
Whately General Bylaws – Adult Establishments  
M.G.L. c. 140 § 183A  
Public Hearing Notice – Greenfield Record – June 9, 2018  
Listing of Bids to Purchase 2009 Chevy Impala  
Complete Streets Prioritization Plan  
Complete Streets Project Details  
Franklin County Sheriff's Office Regional Dog Kennel Agreement  
Fuel Bids – Summary Sheet  
Email from Stephen Herbert  
Email from Adelia Bardwell  
Berkshire Gas Letter & Notice of DPU Filing