

**Selectboard  
Meeting Minutes  
January 16, 2023  
Town Offices  
Hybrid Session via Zoom  
6:30 pm**

The open session of the Selectboard of the Town of Whately was called to order on January 16, 2024, at 6:38 pm by Chairperson Fred Baron. Also, present were Selectboard members Joyce Palmer Fortune and Julie Waggoner (Via Zoom). Town Administrator Brian Domina, Administrative Assistant Jessica Murphy (Via Zoom), Community Development Coordinator Sylvie Jensen (Via Zoom), Community Preservation Committee member Judy Markland (Via Zoom), Police Chief Jim Sevigne (Via Zoom), Club Castaways Owner Nick Spagnolo (Via Zoom), Residents Ann Lomeli (Via Zoom) and Christopher Kellog (Via Zoom) were also present.

**1. Meeting Minutes: Review and vote whether to approve the meeting minutes from December 21, 2023**

Joyce made a motion to accept the minutes from December 21, 2023. Fred Seconded. All in Favor. Fred-yes, Joyce-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**

Judy Markland shared that she would like to see the Town promote the Senior Circuit Breaker tax credit which is a state tax credit that applies to property owners whose water and sewer tax payments exceed 10% of their income but does not apply to those whose income exceeds \$69,000 per single income, \$86,000 per head of household and \$103,000 for married couples. Judy recommended that a letter be sent to notify residents over 65 years old as well as publishing an article in the Scoop. Judy will touch base with Brian to come up with a plan to better publicize tax breaks for senior residents.

Brian shared an email from Dan Denehy stating that he would like Brian to be given the authority to pursue the purchase of the three-phase generator for the Town Offices, stating that the Town voted ~\$30,000 several annual town meetings ago for this purchase. Brian will look into whether or not the \$30,000 will cover the additional costs for the electrical portion of the purchase.

#### **4. Scheduled Appointments:**

##### **a. Nick Spagnola (Club Castaways) to meet with the Selectboard for a regular check-in on the operations of the establishment pursuant to the terms of the variance**

Nick shared that the club operations have been going well, stating that they have reintroduced special event nights such as amateur night, entertainer of the year, and disco night, adding that all special event nights will now be hosted on Friday and Saturday nights. Nick stated that because Wednesday and Thursday nights are typically slower, he would like to move the police detail to Friday and Saturday nights only. Jim Sevigne shared that he is in agreement with Nick about operations at the club going smoothly, stating that Wednesday and Thursday nights have seen less activity, therefore he has no issue moving the details to Friday and Saturdays going forward. Jim brought attention to two incidents that were recently reported, one of which consisted of a medical issue and the other was a disturbance in the club between two individuals in which staff had to escort both parties out. Jim noted that both incidents were handled appropriately by staff and no other issues have been reported.

Joyce and Julie stated that they are hesitant to limit the police detail to the weekend and would like more information regarding the two incidents that recently occurred before making any final decisions. The Board will meet with Nick at the next Selectboard meeting January 30, 2024, to discuss the next steps before the Variance ends on February 4, 2024.

##### **b. Judy Markland (Planning Board) to discuss a request from the Planning Board for the Selectboard to support S.1319/H.2082 “An Act Regarding Municipal Zoning Powers”**

Judy shared that the Planning Board has voted unanimously to ask that the Town support bill S.1319/H.2028. Judy explained that the adoption of the Act will resolve questions about the authority of municipalities to regulate solar energy systems and allow municipalities reasonable control over the location of large-scale solar energy systems. Judy noted different locations within a municipality where solar energy systems should not be located such as residential areas and agricultural land.

Resident Ann Lomeli stated that she is in full support of the Act and thinks it's important for Towns to have the authority to regulate location, due to potential danger that lithium-ion batteries can create.

Resident Christopher Kellog stated that he is also in support of this Act, noting possible containment to water sources if fires or explosions were to happen. Christopher brought attention to similar events that recently took place in New York and Arizona, stating that the Town has a limited volunteer Fire Department if such thing were to occur.

Joyce moved to send a letter in support of S.1319/H.2082, An Act Regarding Municipal Zoning Powers. Julie Seconded. All in Favor. Fred-yes, Joyce-yes, Julie-yes

**5. COVID19:**

COVID19 rapid tests are available at the Town Offices, Library and Police Station

**6. Old Business:**

**a. To review a draft of an Intermunicipal Agreement for a shared Town Accountant position with the Town of Shelburn**

Brian shared that the Intermunicipal Agreement draft has been written as a 3-year agreement that will appoint Whately as the lead employer, adding that there would be no significant cost savings if Shelburne were to be the lead employer. Brian stated that each Town would be responsible for procuring their own software, but costs would be split evenly for personnel. Fred and Joyce stated that they think this is the best plan of action. Brian will ask Town Counsel to review the draft when the details are agreed upon.

**7. New Business**

**a. To receive updates on recently completed and on-going projects, to discuss grant opportunities and to otherwise discuss priorities for future grants and projects**

Sylvie shared that she is waiting to hear back from Weston & Sampson who is currently looking at the Towns municipal fleet to give recommendations for hybrid or electric vehicles to consider for future use, as well as charging stations for these vehicles. Sylvie added that Weston & Sampson will also be giving recommendations for the replacement of a pick-up truck from the Highway Department. Sylvie noted incentive and rebate programs that might be utilized based on size and class of vehicles. Fred questioned if the Towns infrastructure will be able to support the charging stations, in which Sylvie confirmed that she will request that information if it's not already in the report when provided.

Sylvie shared that an application was submitted last week for the BRIC Grant which will fund site surveys to further investigate the flooding on Christian Lane. Sylvie noted that this project can take up to 6 months to complete and is estimated to cost \$85,000 with the grant covering 75%. Sylvie shared that she will also be exploring other grant opportunities for the replacement of the culvert on Christian Lane.

Sylvie shared that she submitted an expression of interest to the municipal Vulnerability Preparedness Grant Program in regard to doing more pollinator focused habitat work that could potentially address some concerns about invasive species. Sylvie stated that she was able to meet with Evan Abrams from Landscape Interactions who gave insight to 3-4

locations in Town that would be ideal, such as the Library and Town Offices. Julie stated that she is thrilled to support the Town going in that direction.

Sylvie shared that bicycle maintenance stations have been installed and are ready for use. Fred questioned if there was a plan in place in case replacements are needed. Sylvie noted that replacement parts are on standby and encouraged residents to report any issues to her or anyone in the Town Offices.

**b. To discuss options for Animal Control Officer and Animal Inspector for fiscal year 2025**

Brian shared that Richard Adamcek has requested to not be appointed as the Animal Control Officer for FY25. Brian noted that this is a good opportunity for anyone who is passionate about the well-being of animals and people. Jim stated that it is important for the next Animal Control officer to have the availability and flexibility to respond to the scene or take custody of the animal on short notice. Brian will be in touch with Jim to discuss next steps.

**c. To discuss the date and time of the next Annual Town Meeting and the schedule for the budget planning process**

Brian shared that the Moderator will not be available from April 6 to 10 or April 15 to May 25. Brian stated that there is a possibility of having a temporary Moderator, however he would prefer to schedule the Annual Town Meeting when the Moderator is available, which might push back the meeting until June, noting that June 11, 2024, is the local elections. The Board agreed to a target date of June 4, 2024, as the date for the next Annual Town Meeting.

**d. To appoint Don Bates to the Recreation Commission**

Joyce moved to appoint Don Bates to the Recreation Commission. Julie Seconded. All in Favor. Fred-yes, Joyce-yes, Julie-yes

**e. To discuss and vote to set the mileage reimbursement rate for calendar year 2024**

Brian shared that the IRS mileage reimbursement rate is \$0.67 a mile. Joyce moves to approve the reimbursement rate of \$0.67 a mile. Julie Seconded. All in Favor. Fred-yes, Joyce-yes, Julie-yes

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

Fred shared that the new SCEMS Director will be approved soon, and he will plan to inquire more about an exact start date. Fred also shared that he and Brian have a meeting planned with a consultant for the new Highway Department building project.

Joyce shared that the SCSC Board of Oversight had a meeting Saturday morning to discuss the intermunicipal agreement and any changes or updates that might need to be done, as well as review the budget for the upcoming year. Joyce also shared that there have been recent changes with staffing.

Julie shared that she will be attending the Water Commissioners meeting on Friday via Zoom. Julie also shared that both her and Brian attended a municipal flag flying seminar which raised questions about implementing a clear policy for what can and cannot be flown.

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

Brian reminded the Board of an offer from FRCOG to provide technical assistance.

Brian shared that 100% of the design for the Haydenville Road reconstruction project has been submitted to MassDOT and the engineer is waiting to hear back. Brian noted that he followed up with the State once again about Article 97 and the use of soil nails that are outside of the right of way but has not heard back. Brian shared that Town Counsel has begun the process of title searches on each property to identify the owners, who will then receive a notice letter. Brian stated that the Town will need to hire an appraiser to appraise the land to be donated, sold, or obtained by the Town. Brian added that the Town is required by law to pay the appraised value for the property if that is what the owner decides.

Fred shared that the Housing Committee sent a letter to the property owners of 9 Lasalle Drive regarding the development of affordable housing.

**10. Items Not Anticipated**

None

**11. Adjourn**

Motion to adjourn at 7:43pm. Motion Seconded. All in Favor

**Next Meetings:**

January 30, 2024, and February 13, 2024

**Documents:**

*Meeting Minutes December 21, 2023*

*Vendor and Payroll Warrants, WP24-13 and WP24-14*

*Email from Dan Denehy*

*Letter from Planning Board regarding S.1319/H.2082 "An Act Regarding Municipal Zoning Powers"*

*April ATM Budget Planning Schedule / June ATM Budget Schedule*

*Massachusetts Senior Circuit Breaker Tax Credit / Best Property Tax Break for Seniors*