

**Selectboard
Meeting Minutes
April 24, 2019
Town Offices
Open Session
6:00 pm**

The open session of the Selectboard of the Town of Whately was called to order on April 24, 2019 at 6:03 p.m. by Selectboard Member, Joyce Palmer-Fortune. Also, present were Selectboard member Fredrick Orloski, Town Administrator Brian Domina and Administrative Assistant Amy Schrader.

The Board voted to approve the meeting minutes from April 2, 2019, April 10, 2019 and April 17, 2019. (Fred made the Motion – Motion was seconded. All in favor)

Comments from the public

No public comment

Public Hearings: a. (6:15 pm – continued) Eversource - petition for pole and wire locations on River Road

Melissa Hancock, Eversource Community Relations Representative, Karla (Eversource Engineer), and Carla (Solar Department Engineer) – Melissa stated that she was here to help explain the project and why it's needed. Karla presented the Selectboard with a revised map of the pole locations. Karla stated that the first map shows the proposed location from the original petition and the second map shows other pole location options, which are highlighted.

Joyce confirmed with the Eversource representatives that the location needs to be somewhere between Christian Lane and Straits Road, along River Road.

Carla (Solar Department Engineer) stated that these voltage regulators are for both of the solar farm projects on Christian Lane and that Whately Solar is under construction. Carla stated that Eversource needs to maintain a certain voltage level for customers and that when all this generation comes onto the circuit, it starts to raise and lower the voltage. So, these voltage regulators are going to help maintain the voltage with all the injections of electricity from the solar projects. The reason the pole has to be here, along this road, is because Eversource has to maintain the voltage going both ways on the circuit so this was the best place to accommodate both branches.

Fred questioned that since the substation is in Hadley then the voltage regulators need to be there to reduce power coming across the river?

Carla (Solar Engineer) stated the voltage regulators proposed for River Road are going to maintain the voltage for the customers on the rest of the circuit. This will keep the voltage at the acceptable level that Eversource is required to maintain.

Melissa (Eversource Community Relations Representative) stated that currently in Whately, if you take into account the projects currently in progress and the completed projects the Town has 22.3 megawatts of solar. In order to make sure that Eversource customers don't have low voltage, it has to put these regulators in throughout the circuits.

Fred stated if the need for the regulators come from the solar, why can't it be addressed at the solar farm and not on somebody else's property?

Karla (Eversource Engineer) stated solar generation effects the entire circuit, not just the people who are immediately around the solar array. Eversource needs to take into consideration, not just the area in which the generation is coming back out to the grid, but everyone on the grid.

Karla explained that based on the studies that were made and the solar generation that is planned to go on-line, this needs to be done ahead of time to prevent issues for anybody else on this circuit. Right now, there's enough equipment out there to maintain, what's being generated back onto the grid and what's being consumed by the customers, but as more generation is added, Eversource has to make these accommodations.

Melissa (Eversource Community Relations Representative) stated the solar projects cannot be done at the risk of other ratepayers and other customers. In order to have this clean reliable energy, which is great for Western Mass and really puts us on the map in a positive way, we have to make sure that all the voltage is continued for the rest of our customers who don't have solar.

Joyce questioned that it seems like power is flowing north on River Road and then splitting up Christian Lane and then the northern part of River Road, but the power from the solar farms would be going onto the grid, and who knows which direction it's going. How does the transformer or the voltage regulators, further south on River Road, do anything if the power is mainly flowing the other way?

Carla (Solar Engineer) stated that the voltage regulators which are transformers have something called tap changers on them which monitor the voltage on the load side to see how they need to adjust to keep the voltage level to those other two branches. Basically, power coming north can push one direction or another, as needed. Carla (Solar Engineer) stated that the substation has to send a certain amount of voltage out depending on what the load does, and the voltage will get affected because of the current.

According to Carla (Solar Engineer) on this circuit alone, there's 8.3 megawatts of solar. It's not just these two solar farms affecting the circuit, it's the combination, of these additional two solar farms. When you have full sun there's full output. When you have cloud coverage, you

have a jagged line of high output, low output. That's what we call flicker and that's what bothers our customer. That's why we have to keep the voltage even.

Joyce questioned whether the previously stated 22.3 megawatts of solar, are a combination of roof tops, solar farms, and private arrays? Carla (Solar Engineer) stated that is correct. Joyce stated that it makes sense to me that you can't take care of this necessarily at the solar farm. Having it along River Road, is more advantageous for controlling the voltage. It can be anywhere between Straits and the intersection of River Road and Christian Lane.

Fred asked what the dimensions of the regulators are? Karla (Eversource Engineer) stated that the regulators 8 feet high and the two poles on either side are 50 feet high. The two poles are 18 feet apart. The circumference of the regulators should be no more than 4 feet. The base of the platform is 13 - 14 feet from the ground. Fred questioned if that is a safety requirement for how high it needs to be off the ground? Karla (Eversource Engineer) stated yes, it has to be a certain height from the ground. Fred questioned if it would look like the regulator picture from Route 116. Karla (Eversource Engineer) stated yes, that is the most recent standard regulator platform.

Fred stated that they are small regulators throughout town. Carla (Solar Engineer) stated that those smaller regulators do different jobs. These regulators need to be bigger and handle a bigger current. They need to be heavy duty to handle the load coming through them. That's why they have to be on a platform.

Joyce questioned if anyone in the audience were abutters that were notified of this project?

No abutters were present.

Fred questioned if the location was marked out in the field? Karla (Eversource Engineer) stated it should be staked out and they would be happy to do a site visit as well.

Fred stated that it was not marked as of 12:00 p.m. today, unless it's paint on the ground or something. Karla (Eversource Engineer) stated that if it isn't staked out then she can come back in the morning and stake it out and can send you guys a picture to show you were it's located or we can meet on-site some point this week.

Fred expressed concern that there is nice clear open farm land and the platform in Sunderland has trees in the background. Here you're just putting it out in the middle of a field. Karla (Eversource Engineer) stated that's the reason we came back, after doing the studies, with the distance range that the poles can be set. That is the best area to maintain voltage for our customers.

Fred questioned what is the other options if the Board doesn't approve this location?

Melissa Hancock stated that would be unfortunate because the whole point of this is to encourage people to do solar within Western Massachusetts. Putting these projects together and helping get solar interconnected is something that Eversource is very passionate about. If

you want solar in your town, unfortunately, these regulators have to go up in some places. We're doing our best to accommodate and making sure it's not right in front of someone's house and doing our best to work with you.

Joyce stated that in the absences of the abutters showing up to say that they didn't have problem with it. The folks that are going to look at it are not here.

Fred asked to see the list of abutters contacted and the date they were contacted. Brian (Town Administrator) informed Fred that Eversource provides us with the post card to mail out to the abutters. Brian provided Fred with a copy of the post cards. Fred stated that Eversource needs to be more descriptive of the impact of what you're doing to the community. Joyce stated that if these maps were presented at the first pole hearing that would have been helpful since the maps show houses.

Joyce stated that Keith Bardwell (Highway Superintendent) has reviewed the location so she feels confident that its in a good location.

Fred stated that these regulators could prevent future use of the property due to the location of the regulators.

Karla stated that with the changes to the grid, Eversource has to make the appropriate changes. The regulator platforms are a "necessary evil". It doesn't look as pleasing as some of the equipment out there currently. But it is necessary to make sure people can continue interconnecting and not cause any issues to the grid.

Fred questioned if the abutters were notified of what this would look like? Karla (Eversource Engineer) stated that what goes out to the abutters is notification of the hearing. The intent is to notify them that there is a hearing for equipment that is going to be installed. Fred reviewed the post cards sent to the abutters. Fred stated that there is no description of what this is going to look like and that it's kind of deceiving. We have pole hearing all the time without knowing exactly what is going out there. This is not a regular pole you're putting out there, it's a regulator station. It has more visual impact that just one pole.

Fred stated he would like to see it staked out there and see what other locations might be more appropriate on River Road. Joyce stated it is marked, abutters have been notified, and chose not to look into it any further. I think they made their case that this is necessary infrastructure for today's grid.

Fred questioned when does this regulator platform need to be installed?

Karla (Eversource Engineer) stated that these poles need to be installed as soon as possible.

Joyce made a motion to approve the pole locations. Vote is one in favor and one against. Fred would like to view the pole site.

Joyce made a motion to continue the pole hearing to Tuesday May 7th at 4:00 p.m. Motion was seconded. All in favor to continue the hearing.

(6:30 pm) Verizon – petition for pole and wire locations on Long Plain Road – Jason Bachmann (Verizon Representative) presented the Board with a petition for pole and wire locations on Long Plain Road. Jason informed the Board that the new pole is going to be a joint pole between Verizon and Eversource. This pole needs to be placed across from 103 Long Plain Road for electrical upgrades. A transformer bank is going to be placed on this pole.

Joyce questioned if the transformer bank is similar to the one in the picture? Jason stated that it's going to be similar, but he wasn't certain if it's going to be that size. The pole will be placed 18 feet away from another existing pole.

Joyce questioned that this is a single pole not a line of poles going up? Jason stated that this is a single pole going to be 18 feet away from another existing pole within the pole line. Joyce reviewed the proposed pole location map and questioned why the map stated 197 feet apart and not 18 feet? Fred clarified that there was an error on the first map presented. The map was revised showing the poles 18 feet apart. Joyce questioned how Verizon comes up with these maps? Jason stated that these maps are drawn by a field survey, where they take the centerline measurements to the closet intersection. We do pull up the parcels from the GIS websites and that's where we get that information from for the abutters. This plan does not show where the houses are located but it does show where the parcels are. I did visit this site earlier today and know that this pole is going to be placed directly across the street from 103 Long Plain Road.

Fred questioned if the abutters have been notified? Joyce questioned if any abutters are present from Long Plain Road? No abutters were present. Fred stated that the abutters were notified that it's another pole location not regulators. Fred stated that he thinks there is a difference between a single pole and a bank of equipment. Fred questioned if the location is staked and where does the tree line start? Jason stated that yes, it's staked on the side of the road where the pole is going to be placed, on the east side of Long Plain Road, there is a tree line there but it will not be affecting the pole. There will be no tree trimming. This pole will be in front of a little wooded area.

Joyce stated that Fred's concern is that Verizon is notifying abutters about putting a pole up but it's actually a pole with a lot of infrastructure and people need to know that in the notification. Fred questioned how would you like that if it was in front of your property? I wouldn't like that if it was in front of my property. A pole and then instead, they are putting up 3 regulators.

Joyce read the pole notification card. Fred stated that it still doesn't provide enough information, it states fixtures, a fixture could be a streetlight. Joyce stated the fundamental question is, whose responsibility is it to tell people exactly what is going to be on the pole?

Joyce stated that it would be a good idea to ask the utilities that when they apply for a pole location, they be a little more descriptive of what is going in? Fred agreed and suggested that

the utility even show a picture of what is being proposed. Fred stated that it's very deceiving what they're telling people right now.

Brian stated that the petition that the Board receives from Verizon is similarly generic to the Eversource one. Joyce stated that she couldn't tell by the paperwork that Verizon sent in that it was something like this being proposed.

Joyce stated that Verizon, Comcast, and Eversource comes before the Board and doesn't feel like they need to tell us anything. Somebody is here with some sort of paper with measurements on it with minimal information as possible and we're supposed to rubber stamp it. That's the feeling I get time and time again. I don't know what's in our power to change about that. Is it in our power to dictate what goes on these notification cards? I know we can ask for anything but can we require that? Brian stated that we could include more in the mailing, but that would require us knowing exactly what's being proposed. Joyce questioned who gets to decide what goes on the petition? Brian stated the Board, as the approving authority, could ask for whatever information is necessary for the Board to sign the order.

Fred questioned what is the limit for the abutters? Jason stated that he believes it's just direct abutters, diagonally and adjacent. Fred questioned if other notification for abutters on other hearings have a distance? Brian stated that the Zoning Act requires abutters within 300 feet to be notified.

Fred stated that if you want to send the abutters more information it should be the responsibility of the petitioner. They should be doing that rather than the Town trying to figure out exactly what it is.

Fred stated that before we proceed on this petition for Long Plain Road maybe we should notify the abutters again with a description and even a picture from Eversource of what is being proposed. This is our first meeting for this location so I think it would be appropriate to do that.

Brian questioned if Jason knew of any additional installations like this being planned? Jason stated not right now in Whately, but they are happening throughout Western Massachusetts. Jason stated that he knows that his company recently changed its process due to other conflicts, we are notifying the DPW and Highway Departments every time we do a survey and send them our petition plans. Joyce questioned if Keith was involved with this one? Brian stated that he was notified and saw no concerns with the roads or other infrastructure.

Joyce questioned if we are going to renotify the abutters that this is a substantial installation? And who is going to be responsible for doing that?

Brian stated that for this one it would be best if the Town does it. Moving forward, we should have this discussion. We can take this abutters list and send out a mailing, but what would be included in that mailing? Joyce stated if it's a post card it can't include a lot of text but perhaps, we could include a web link to a photograph of similar installation and a description of what that is. Joyce questioned how could we get that additional information? Jason stated he will

contact the Eversource Engineer who is responsible for this project as well, and see what they can put together. I can contact you with that information. Brian stated if you could get a photograph and a description then email that to me.

A motion was made to continue the pole hearing to May 7, 2019 at 4:15 p.m. at the Whately Town Offices 4 Sandy Lane Whately, MA.

Scheduled Appointments (6:45 pm) Karen Gaston (Diamond Shine) to discuss a proposed Host Community Agreement for a retail marijuana establishment to be located at 13 State Road, Whately, MA – Karen discussed the proposed Host Community Agreement which includes more information regarding parking. Karen presented the Board with a proposal for phase 2 parking which might addresses overflow parking. The Board had a lengthy discussion regarding traffic issues, customer volume, parking lot capacity, handicap parking, overflow parking hazards, and public safety concerns. Extensive discussion occurred on the proposed Host Community Agreement, phase 2 parking plan, and parking study. The Board questioned MassDOT requirements for signage on Route 5/10 to prevent overflow parking on a state highway.

Brian questioned if Karen has a plan for when the parking lot is full and people need to park off site? And questioned if Karen talked to any additional abutters regarding parking and how she plans to keep her customer safe while crossing 5/10? Karen stated that she had not had any conversations with other landowners about additional parking. Karen suggested that an option may be to use a detail police officer or a Whately Police Officer to assist with public safety concerns.

Abutters, Dave Korpiewski (resident), Rich Korpiewski (resident), and Joe Whitner (resident) expressed concern regarding Karen’s phase 2 parking plan, traffic issues, public safety concerns and the potential negative impact on the neighborhood. Karen stated that she understood their concerns and as a business owner, she will do the best she can to prevent these potential issues.

The Board stated that a proposed draft Host Community Agreement will help Karen move forward with the appropriate committees and site plan review. The Board would like to hear from the Planning Board and Zoning Board on the above discussed issues – mainly parking and pedestrian safety. Joyce stated that the regulations state that an applicant doesn’t need a signed Host Community Agreement to continue the approval process, a proposed agreement is sufficient. The Board passed this along to the Planning Board and ZBA.

New Business

None

Town Administrator Updates

Brian informed the Board that they received an invitation from Frontier Regional High School to attend their Class Night on Wednesday, June 5, at 7:00 p.m. and their graduation on Friday, June 7, at 7:00pm.

Brian informed the Board that the Town received a letter from Keith Morris, Environmental Consultant, notifying the Town that PAM Am Railways, Inc. will commence with a post emergent herbicide application program on or after May 1, 2019 and conclude on or about August 1, 2019.

Brian informed that Board that the Town received two notification of Industrial hemp growers/processor license issued in Whately. Licenses were issued to Scott Hutkoski at 149 Christian Lane and Karen Gaston at 207 River Road. These licenses are issued by the Massachusetts Department of Agricultural Resources.

Brian informed the Board that the manganese filtration project is on-going. It should be completed in the next two to three months.

Brian informed the Board that the generator installed at the Whately Elementary School is waiting for final inspection from the electrical inspector. Whately Elementary School is the Town's designated emergency shelter.

Executive Session: To go into Executive Session per G.L. c. 30A § 21(a)(2) to conduct contract negotiations with non-union personnel. The Board voted to enter into Executive Session and to re-open the Open Session at the conclusion of the Executive Session.

Roll call vote: Joyce – yes, Fred – yes. All in favor.

The Board met in Executive Session to engage in contract negotiations with the Town Administrator.

The Board re-opened the Open Session of the Whately Selectboard

Town Administrator Employment Agreement: To vote to enter into a three-year employment agreement with the Town Administrator beginning on July 1, 2019

Joyce made a motion to enter into a three-year employment agreement with the Town Administrator beginning on July 1, 2019 for a period of three years as detailed in the Employment Agreement between the Whately Selectboard and Brian Domina. Motion was seconded. All in favor.

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

Adjourn – Joyce made a motion to adjourn – 8:12pm. Motion was seconded. All in favor.

Next Meeting Dates: May 7th at 4:00pm and May 29th at 6:00pm.

Respectfully submitted,

Brian Domina, Town Administrator

Document List on File in the Selectboard Office

Joint Finance Committee, Selectboard, Whately Water Department Meeting Minutes dated April 2, 2019

Selectboard Meeting Minutes dated April 10, 2019

Selectboard Meeting Minutes dated April 17, 2019

Verizon/Eversource Petition for Joint or Identical Pole Location dated March 14, 2019

Eversource Petition for Pole and Wire Locations dated March 5, 2019

Google Map of River Road/Christian Lane – Received from Eversource

Draft Host Community Agreement for proposed location – 13 State Road

Revised Employment Agreement between the Town of Whately and the Town Administrator

Final Employment Agreement between the Town of Whately and the Town Administrator

Letter from MassDEP dated April 1, 2019

MassDOT Capital Investment Plan Flyer

Letter from Frontier Regional School dated April 2019

Letter from Keith L. Morris dated April 15, 2019

Letter from MDAR dated April 9, 2019

Letter from MDAR dated April 19, 2019

Map for Phase 2 Parking Plan for 13 State Road