

**Selectboard
Meeting Minutes
June 26, 2019
Town Offices
Open Session
6:00 PM**

The open session of the Selectboard of the Town of Whately was called to order on June 26, 2019 at 6:00 pm by Selectboard Chair, Joyce Palmer-Fortune. Also, present were Selectboard members Fredrick Orloski and Jonathan Edwards, Town Administrator Brian Domina, and Administrative Assistant Amy Schrader.

Review and vote on meeting minutes of June 12, 2019 – The Board had a brief discussion regarding their previous conversation on the proposal made by the Whately Historical Society for an outside storage shed at the Town Hall. After much discussion, a motion was made and seconded to amend the meeting minutes of June 12, 2019 on page 4, end of paragraph 2 to include “No Final Decision was made at this time.”

Comments from the public

Ruth Leahey (Whately Grange) expressed concern regarding the Whately Historical Society’s application for an outside storage shed to be located at the Town Hall. Ruth personally thinks that a privately-owned business should not be allowed to occupy space on Town property. If the Town allows the shed it would be setting a precedent for other private entities to have access to Town properties. Ruth read her list of concerns with specific attention to grill odor, insurance liability, exterior/interior maintenance, rent, and permitting/inspection process. The Board requested a copy of Ruth’s concerns regarding the proposed shed. Ruth informed the Board that she will no longer be the Master of the Grange as of September 12 and would be interested in joining a Town Board or Committee. A brief discussion ensued regarding vacant Town Board and Committee positions. A motion was made and seconded to appoint Ruth Leahey to the Council on Aging. All in favor.

Scheduled Appointments

Karen Gaston (Diamond Shine) for the Selectboard to consider signing a host community agreement for a proposed marijuana retail establishment to be located at 85 State Road, Whately, MA - Karen Gaston (Diamond Shine) appeared before the Board to discuss a Host Community Agreement for her proposed marijuana retail establishment to be located at 85 State Road, Whately, MA. The Board had a brief discussion regarding Karen’s new location, traffic study, document preparation, and Host Community Agreement terms. A motion was made to adopt and sign the host community agreement as written. Motion was seconded. All in favor.

Ashley Picillo (NAP Advisors, LLC) for the Selectboard to consider signing a host community agreement for a proposed marijuana cultivation establishment to be located at 62 Christian Lane, Whately, MA – Ashley Picillo and Jace Levin (NAP Advisors, LLC) appeared before the Selectboard to continue the discussion regarding their proposed Host Community Agreement. Ashley gave a brief overview of what was discussed at the last Selectboard meeting and informed the Board that NAP Advisors, LLC held their community outreach meeting at the proposed location which was successful. The Board had a lengthy discussion regarding the proposed Host Community Agreement prepared by NAP Advisors, LLC with specific attention to the proposed community impact fee, prior executed Host Community Agreements, traffic/community concerns, and NAP Advisors, LLC business plan. Ashley stated that she appreciates and hears the Board's concerns regarding the lack of financial information provided and their proposed community impact fee. NAP, Advisors, LLC is open to the Board comments and would like to know the Town's needs and wants.

Ashley stated that the years one through three, their employee base will remain the same however the seasonal harvest will become a year-round harvest which will increase traffic. Ashley understand that the unknown market has many people concerned. The Board continued their discussion on the proposed community impact fee and the potential community impacts. Jonathan stated that he feels comfortable with a percentage fees, but doesn't feel comfortable with having some impact fees calculated on a percentage basis and some being a flat fee.

Jace stated that in the future the town could be responsible for showcasing the community impact/financial burden on the town. Jonathan stated that if suddenly we have huge community growth, we could have the operator bear that expense. Fred stated that NAP Advisors, LLC should know if their business can handle a 3% flat fee and not worry about the impact on the town. Ashley stated that she believes that the net benefit will be good but the challenge for NAP Advisors, LLC is that the HCA is based off of gross sales and not net sales. Jonathan questioned what their gross sales would be in year one and year three? Ashley stated 8 million in year one and 40 million in year three.

Joyce stated that what NAP Advisors, LLC has proposed is essentially a 1% community impact fee. Ashley questioned if the Board would entertain a cap on the impact fee? The Board had a brief discussion regarding the possibility of a cap and informed NAP Advisor, that the closer to 3% they get, the better the likelihood that this HCA will be approved by the Board. Ashley stated that the charitable and educational donation are listed in the proposed Host Community Agreements which are presented as a flat fee

Jonathan asked whether NAP Advisors, LLC would share their business plan with him. Jace stated that he would check with his business partners. Ashley stated that she is fine with that request. Fred questioned if the Board is considering a cap and if not, then why are we even asking for this information? Attorney Evan (Whately Mustang) suggested that the way to approach that would be that the town show their costs over the years and then that cost percentage be applied to the operators. Joyce and Jonathan requested to view their business plan; Fred opposed. Jonathan would like to review the business and read the proposed HCA that was sent to him 3 hours before the meeting. The Board requested NAP Advisors, LLC business plan and time to review the proposed HCA along with their financials.

Ruth Leahey (resident) expressed concerns regarding the potential increase traffic and accident liability. Attorney Evan questioned if the Board is asking for more money than what the Town's costs are? The Board declined to answer that question. Ashley stated that they will work on a revised summary and HCA. No decision was made at this time.

Old Business

Amendments to the Town Hall Building Policy – Brian informed the Board that this response is to address concerns raised by the party who filed the ZBA appeal. The original language in Section 11.3 states “Exceptions to this policy may be made at the discretion of the Selectboard, as it deems in the best interest of the Town”. The proposed amended language written by Town Counsel is “However, no exception to this policy shall permit, or be construed so as to permit, any use of the Town Hall which is not otherwise allowed by the Whately Zoning Bylaw, and no exception shall be a substitute for any approval which may be required from the Zoning Board of Appeals.” After much discussion, the Board agreed to adopt the new language drafted by Town Counsel.

Brian informed the Board that Section 7.1.1, Umbrella Insurance Liability Coverage, has been difficult for some applicants to obtain and suggested that this section be amended or removed. The Board had a brief discussion regarding the town's insurance liability coverage and proposed insurance amendments. Fred would like to know the town's current liability coverage amount. At this time, the Board decided not to act on Section 7.1.1. and tabled the discussion for a future Selectboard meeting. A motion was made to accept the change that was proposed for Section 11.3, as read earlier by Brian. Motion was seconded. All in favor.

A letter to the Zoning Board of Appeals regarding its decision on the Town Hall Building Policy - The Board voted to send a letter to the Zoning Board of Appeals regarding their decision on Town Hall Building Policy. All in favor. Joyce signed the letter to the Zoning Board of Appeals.

The potential reuse of the Center School - Brian informed the Board that he has not heard back from MassDevelopment regarding the technical assistance grant but they're hoping to make an announcement by the end of the week. Fred recommended holding a public meeting/brain storming session for residents who are interested in discussing all options for the property. The Board recommended forming a working group to help identify the potential reuses of the property and requested that the working group be dedicated to exploring all options. The Board would like a working group formed before the brain storming session is held. The Board decided that they will each send Brian a list of skill sets that would be required of the potential members of the working group. Brian informed the Board that, about a year or two ago, he had informal conversations with two separate parties who were interested in purchasing the property. Dan Denehy (resident) suggested to the Board that they should have a conversation with the Cemetery Commission regarding the remaining space at the Town center cemetery location.

The Board recommended having a conversation with town Boards, Committees, Departments, and residents who know that they have items in the Center School and ask what their plan is with

these items? Fred suggested that the town wide tag sale scheduled for September 7 would be a good opportunity to sell the remaining items in the Center School. This would also give folks plenty of time to dispose of any unwanted items at bulky waste day scheduled in October. Jonathan suggested that Fred and Brian make a plan to move this forward and present it to the Board.

New Business

Signing a lease on behalf of South County EMS for the existing ambulance facility located at 88 Greenfield Road, Deerfield, MA - Brian informed the Board that he received a request from SCEMS/Deerfield to sign the proposed lease on behalf of South County EMS for the existing ambulance facility located at 88 Greenfield Road, Deerfield, MA. Jonathan Edwards (Selectboard) stated that after much conversation, as the representative for the SCEMS Board of Oversight, he recommends that the Board sign the lease agreement. The Board signed the proposed lease agreement.

Award a contract for the purchase of diesel fuel and # 2 fuel oil - The Board voted to award the contract for diesel fuel and # 2 fuel oil to Kieras Oil of North Amherst. Kieras Oil was the lowest bidder. The gasoline contract was bid out through the Franklin Regional Council of Governments.

A Special Town Meeting for the late summer – Jonathan stated that CPC approved the CPA application for the construction of a new ball field at Herlihy Field. A public hearing will be held on July 10th. The next step is to schedule and vote at a Special Town Meeting to authorize the CPA Funding. The Board reviewed the map of the proposed ball field and had a brief discussion regarding field placement, completion timeline, funding, and the approval process. Fred questioned if the Recreation Commission endorsed this recommendation and requested a letter of support from the Recreation Commission to be presented. The Board scheduled a Special Town Meeting for July 31st at 7:00pm. Brian stated that he will check with the Moderator and Town Clerk for their availability.

Selectboard's Board and Committee appointments for fiscal year 2020 - The Board had a brief discussion regarding FY20 Selectboard's Board and Committee appointments with specific attention to the Town Accountant, Fire Chief, South County Senior Center Oversight Representative, and Council on Aging. A motion was made and seconded to appoint the elected officials as set forth in the document and to include the South County Senior Center Oversight Representative appointment. All in Favor.

Town Administrator Updates

Brian informed the Board that the sprinkler repair at the Whately Elementary School will be finishing soon.

Brian informed the Board that Frontier hired a new business manager, Shelly Poreda, and facilities director, Bill Hildreth. The current facilities director, Bob Lesko, will be retiring in August.

Brian informed the Board that he received a copy of the teachers' contract for Frontier. An agreement for Whately has not been reached yet.

Brian informed that Board that he and Joyce met with FCAT and Comcast regarding the technology needed to broadcast live. The Board had a brief discussion regarding which rooms should be able to broadcast live, cost, and final layout plans. If the work is completed next Tuesday then our next meeting could be broadcast live.

Brian informed the Board that due to schedule conflicts the Eversource Pole Petition Field viewings have been difficult to schedule. The Board agreed that at least one of the Board members should be present at the field viewings to make decisions.

Brian informed the Board that Lynn Sibley, Town Clerk, and himself are off on July 5th which means the office will be closed. Brian and Lynn will be using paid time leave. Brian suggested that a sign be placed in the door that the Town offices will be closed. The Board suggested a robo call for July 5th can coincide with the Special Town Meeting announcement.

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

Adjourn – Joyce made a motion to adjourn at 8:31pm. Motion was seconded. All in Favor.

Next Meeting Dates: July 10, 2019 & July 31, 2019

Respectfully submitted,

Brian Domina, Town Administrator

Document List on File in the Selectboard Office

Selectboard's Meeting Minutes dated June 12, 2019

Draft Host Community Agreement between the Town of Whately and Shine Diamond, LLC dated June 26, 2019

Letter from Hesketh Civil & Traffic Engineers (proposed dispensary – 85 State Road) dated June 21, 2019

Draft Host Community Agreement between The Town of Whately and NAP Advisors, LLC dated June 19, 2019

Email from resident, Mary-Lou Rup dated May 7, 2019

Whately Town Hall Building Policy adopted on by the Whately Selectboard on November 28, 2018 (revised by the Whately Selectboard on June 26, 2019)

Letter from Town Council, Attorney David Doneski, dated June 26, 2019

SCEMS Lease Agreement for 88 Greenfield Road South Deerfield, MA

Whately Fuel Bid Price Quotes FY20

FY20 Selectboard Appointment List

Letter from MDAR dated June 17, 2019