

**Selectboard
Meeting Minutes
September 25, 2019
Town Offices
Open Session
6:00 p.m.**

The open session of the Selectboard of the Town of Whately was called to order on September 25, 2019 at 6:03 p.m. by the Chair, Joyce Palmer-Fortune. Also, present were Selectboard members, Frederick Orloski, Jonathan Edwards, Town Administrator Brian Domina, and Administrative Assistant Amy Schrader.

Selectboard member, Frederick Orloski, stated that the meeting minutes should be amended on the bottom of page 1 to state “for any installation other than a single pole”. A motion was made and seconded to amend the meeting minutes of September 4, 2019 on the bottom of page 1, to state “for any installation other than a single pole. A motion was made to approve the meeting minutes with this amendment. Motion was seconded. All in favor.

Review past vendor and payroll warrants:

The Board reviewed the vendor and payroll warrant dated September 2, 2019.

Comments from the public:

No public comment

Public Hearing(s) (cont.):

Petition submitted by Eversource for the placement of a utility pole and wires for a new electric service on Long Plain Road – Brian informed the Board that the owner pulled their request.

Scheduled Appointments:

Mark Wamsley from the Kestrel Land Trust to discuss the Whately Center Woods project - Mark Wamsley (Kestrel Land Trust) appeared before the Board to discuss the Whately Center Woods project. Mark stated that Kestrel Land Trust was approached by the current land owner, who was looking to conserve his 120-acre property. The Chair of the Kestrel Board is Scott Jackson, who is also the chair of Whately Conservation Commission. Scott has decided to recuse himself from all decisions that the Whately Conservation Commission has to make. Mark discussed the Kestrel’s history, current grant that Kestrel applied for, and how the land transfer process works. Kestrel has started to own their own land due to recreational threats and resource decline. The property located on Chestnut Plain Road is very beautiful and has high conservation value which sparked Kestrel’s interest. Joyce questioned whether a third party would own the conservation restriction? Mark stated that for this property the Kestrel Land

Trust would own the land and that someone else, hopefully the Town (through the Conservation Commission) would own the conservation restriction. The Board had a brief discussion about the location of the access road, potential recreational uses on the property, and the ability to build a structure/cabin on the property. Mark stated that it is possible to use the land for recreational uses besides hiking, but that it would need to be listed in the conservation restriction. And one of the main challenges for a structure would be how to get the utilities to these potential cabins/buildings. Kestrel Land Trust and the Whately Conservation Commission are currently in negotiations regarding the conservation restrictions.

As to next steps, Mark stated that he will be attending the next CPA committee meeting to have a preliminary discussion regarding the budget and funding. The Board questioned if there was a forest management plan? Mark stated that a new forest management plan would be created. Neal Abrahams questioned if recreational vehicles (snowmobiles, ATV's) and hunting would be allowed on Kestrel's land? Mark stated that hunting is typically allowed where its legal to do so and that motorized vehicles are generally restricted unless for maintenance and emergency access purposes. Snowmobiles are usually allowed on Kestrel land and that mountain biking would need to be written into the conservation restriction. Brian suggested that there might be a connection between this project and future sidewalk construction in the along Chestnut Plain Road. Fred questioned if any meetings had been held with the abutters yet? Mark stated that no formal meetings have been held, but they're going to be scheduled in the near future.

Old Business:

Ad hoc Center School Visioning Committee and discuss next steps - The Board reviewed the Center School Visioning Committee volunteer list along with the desired skill sets. A lengthy discussion ensued regarding the volunteer list, volunteer skill sets, local real estate market demands, potential town volunteers, and the overall goal of the Committee. The Board suggested contacting the following residents: Nicholas Jones (Contractor), Nancy Nickerson (Real Estate Agent), and JD Ross (Builder). Fred said that he would reach out to Don Mailloux (Real Estate Agent). Joyce stated that the Board can appoint the volunteer list with the understanding that additional names would be added that have the skill set that the Board is looking for. A motion was made to appoint the following persons to the Committee with the understanding that additional members may be added: Judy Markland, Becky Jones, Marc Bussiere, Keith Bardwell, Paul Antaya, Mary Stuart, Marissa Hashizume, Melissa Mikesell, Rich Korpieski, Stan Scordilis, and David Swift. Motion was seconded. All in favor.

Brian questioned if a Selectboard member would sit on the Committee? Fred and Jonathan both volunteered. The Board decided that Fred will be the official Board representative of the Committee.

The Whately Historical Society's lease at the Town Hall and an opinion letter from the Historical Commission on the topic of collection ownership – Brian informed the Board that

about a year ago the Town entered into a lease with the Whately Historical Society to occupy space at the Town Hall. The lease will expire on September 30, 2019. The Town entered into a one-year lease to give the Town some time to see what it would cost to operate the building. For the previous lease, the Town based the amount of rent charged to the Historical Society on the amount of square footage occupied which is approximately 25% percent of the building multiplied by the estimated utility costs. The Board reviewed the electrical usage chart for the last 10 months (excluding September 2018 and October 2018). Unfortunately, the Historical Commission and the Whately Historical Society couldn't attend tonight's meeting. Brian suggested that the Board have a preliminary conversation so he could proceed with lease renewal conversations with the Society. A brief conversation ensued regarding the previous rental agreement terms, accuracy of the electrical usage chart, average electrical usage, potential electrical usage, and new lease terms. The Board discussed the usage of the Town Hall and Neal Abraham (Town Hall Building Overseers) discussed the changes in the HVAC settings that he recently made in order to reduce utility costs.

Jonathan (Selectboard) has consistently expressed concerns regarding having a private entity occupy space in a Town Building and questioned what the legal bounds are in these situations. Jonathan suggested that the Historical Society research what it would take to become an arm of the Historical Commission. This would eliminate any future legal or precedent setting concerns. Fred appreciated the additional information provided by the Whately Historical Society, which lists Historical Societies in surrounding towns that are occupying Town building space. Fred requested additional information that states the amount of rent the societies pay and how much square footage of the town building they are occupying? The Board had a brief discussion regarding the financial future of the Historical Society, potential financial assistance from the Town, and the importance of financial planning. Joyce wanted to make it clear that the Historical Society is not on the brink of collapse. A motion was made to extend the lease for another year at the same rent and under the same terms as in the current lease agreement. Motion was seconded. All in favor.

Neal Abraham (Town Hall Building Overseer) stated that the Historical Commission sought guidance from the Massachusetts Historical Commission on the proper roles for a local Historical Commission as it relates to ownership of museum collections. The Massachusetts Historical Commission is not in favor of local Historical Commissions taking on the oversight and ownership of a museum collection. In the town of Hatfield, the collections of local historic artifacts are owned by the Town and as such are considered public property, subject to the demands of public procurement laws.

New Business:

Award the contract for the Fire Station siding project – Brian informed the Board that JDR Builders Inc. was the lowest bid for the Fire Station Siding project. The Town currently has \$31,500 budgeted for the project. A motion was made to award this contract to JDR Builders Inc. Motion was seconded. All in favor.

Vote to sign the MOU with the Franklin County Solid Waste District for the third-party inspection of the transfer station – A motion was made to sign the MOU with the Franklin County Solid Waste District for the third-party inspection of the transfer station. Motion was seconded. All in favor.

Re-appoint a Selectboard member to the Frontier Regional School District Capital Planning Committee – The Board unanimously voted to appoint Fred to Frontier Regional School District Capital Planning Committee.

To review the “draft” ADA self-evaluation and transition plan - Brian informed that the Board that the self-evaluation and transition plan is a requirement of the grant application that will be submitted for the Library to install the limited use/limited activity lift to provide accessibility to the lower floor. The self-evaluation plan and transition plan are due on October 8th. Brian finished the draft this afternoon and seeking public input. Brian stated that the self-evaluation plan is required under Title 2 of the ADA. The Town reviewed its programs, buildings, and website for compliance. To complete the evaluation, the ad hoc committee used templates that were developed by the New England ADA Center. Two questionnaires were sent out to all department heads, boards, committees and commission. One survey was a general non-discrimination questionnaire and the other an effective communication questionnaire. The surveys were sent out to 24 different persons and 11 persons submitted completed surveys. Brian summarized the key findings from the surveys as follows: that town representatives have a good idea of their general obligations under the ADA; that the Town should hold a training and prepare a guidebook to assist town representatives in providing reasonable accommodations when requested and that the town representatives need to do a better job communicating with contractors about their ADA obligations when working on behalf of the town.

Brian summarized the key findings from the analysis of the town’s buildings and facilities. The Town Offices and the Town Hall are almost 100% compliant. The few changes needed are stated in the transition plan. The Highway Garage and Fire Station are not fully ADA compliant but they’re single level buildings so the cost to remove the identified barriers wouldn’t be prohibitively expensive. As to the S. White Dickinson Library, patrons with a mobility disability can get in on the top floor but can’t get to the lower floor. The problem with that is that the restrooms are on the lower floor. The Whately Elementary School (WES) was built in 1990 and ADA compliance didn’t come into effect until 1992. The few changes that are needed are listed in the transition plan. The WES playground doesn’t have an accessible route from the building to the playground and there are no accessible play components. Herlihy Park doesn’t have an accessible path to the fields nor the restrooms and the restrooms are not ADA compliant. The Center School is the town’s least accessible building. It would take a full renovation to make that building ADA compliant.

Brian informed the Board that just because the Town has an inaccessible building that doesn’t mean it has to make it accessible, but the programs and/or activities provided by the Town

must be held at an accessible location. Brian stated that the website assessment still needs to be completed and then the documents made available for public comment. Brian will finalize the documents prior to October 8, 2019 and also submit the grant on behalf of the Library Trustees.

Town Administrator Updates:

Brian informed the Board that the Will Bike 4 Food Event is scheduled for Sunday, September 29, 2019. There will be a porta potty and water station set-up on the front lawn at the Town Offices.

Brian informed the Board that the Herlihy Field Softball project is coming along. All the grading is done, infield dirt is installed, and the water pipe installation will be complete by the end of the week. The fence will be installed after the grass takes in the fall. Due to height issues, only some of the existing backstop from the Blue School was used.

Brian informed the Board that he received a call on Friday from the Army Corps of Engineers regarding the Mill River Bank Stabilization Project. The Army Corps permit is still open and they would like to do a site visit. The Corps has asked the Town to do a wetland survey at two representative locations. The Board questioned how much wetland survey costs? Brian stated he received a quote from the engineer who has been involved in this project so far and the quote is around \$11,000. Brian reached out to Scott Jackson (Conservation Commission) and Patti Devine to get a sense if that is a reasonable cost or not. Brian stated that the Town still has approximately \$27,000 in the MEMA grant account for the project. The Board questioned if the permit will be closed contingent on the result of the studies and at what point is the Town held harmless for its efforts? Brian stated that he doesn't think there is a clear answer to that but there is a possibility that they could ask us to do additional mitigation.

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

Adjourn – A motion was made to adjourn at 7:54 pm. Motion was seconded. All in favor.

Next Meeting Dates: October 9, 2019 and October 30, 2019.

Respectfully submitted,

Brian Domina, Town Administrator

Document List on File in the Selectboard Office

Selectboard Meeting Minutes dated September 4, 2019

Invoice Warrant Report dated 09/16/2019 WP20-07 (payroll)

Invoice Warrant Report dated 09/16/2019 WP20-07 (vendor)

Eversource Pole Petition -6A921055

Center school Visioning Committee Volunteers List

Town of Whately: Center School – Desired Committee Member Skills

Letter from David M. Swift dated 09/24/2019

Email from Donna Wiley, Historical Commission, dated 09/21/2019

Whately Town Hall Eversource Electric Usage History – data from 09/05/2018-09/05/2019

Email from Judy Markland, Whately Historical Society, dated 09/23/2019

Lease between the Whately Historical Society and the Town – executed September 27, 2018

Whately Fire Station Bid Quote – JD Ross Builders, Inc.

MOU – Franklin County Solid Waste Management District and Town of Whately regarding third-party inspection of the Town's municipal transfer station & closed landfill

Email from Darius Modestow, School Superintendent, dated 09/17/2019

Town of Whately – Americans with Disabilities Act (ADA) Self-Evaluation & Transition Plan
October 2019 (Draft -09-25-2019)