

**Selectboard  
Meeting Minutes  
November 20, 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 November 20, 2019 at 6:00 p.m. by the Chairperson, Joyce Palmer-Fortune. Also present were Selectboard Members Frederick Orloski and Jonathan Edwards and Town Administrator Brian Domina.

**Review and vote on the meeting minutes of October 23, 2019 and October 30, 2019**

The Board voted to approve the meeting minutes of October 23, 2019 and October 30, 2019. Joyce abstained from voting on the October 23, 2019 meeting minutes.

**Review past vendor and payroll warrants**

The Board had no comments or questions on past vendor and payroll warrants

**Comments from the public on items not listed on the agenda**

None

**Old Business:**

- a. **To discuss the installation of a storage shed at the Town Hall – Mass Historic Commission approval received** - Brian informed the Board that the Massachusetts Historic Commission approved the placement of a storage shed behind the Town Hall. One of the conditions is that the shed be painted to match the Town Hall. Adelia Bardwell agreed that if the shed falls into disrepair it will be fixed by the Historical Society and that the Historical Society will remain the owner of the shed. Joyce made a motion to allow the shed to be installed. Jonathan seconded the motion. All in favor.

**Appointment:**

**Nick Spagnola (Club Castaways) for the Board to review the operation of the establishment under the terms of the Variance granted on August 8, 2018** - Joyce provided a quick overview of the action the Board took to grant a thirty-day extension for the licensee to construct the masonry wall as required by the license conditions. Brian suggested that the Board discuss two issues. The first issue being the monthly review of the establishment's operations as required by the Variance and the second issue is whether the Board is willing to extend the time for the licensee to complete the masonry wall.

In terms of the establishment's operation, Jim Sevine (Police Chief) provided a brief overview of the police detail reports and indicated that there were no significant issues with the operation of the establishment. Jim discussed several issues with the Board that were handled appropriately by the staff (customer trying to buy drinks for bartender made to leave, persons refused entry without identification, possible intoxicated persons cutoff and provide with a ride home). Jim has met with

Mark DeJackome (Castaway's security consultant) and discussed ways to improve the security (additional cameras, etc...). Jim's overall impression from his detail officers is that the establishment's operations seem to be going well.

In terms of the masonry wall construction, Joyce questioned Nick as to why it took so long for a building permit to be applied for seeing that the sale took place at the end of August 2019. Nick stated that he focused on the operational aspects of the business and stated that the quotes he had received from contractors were too high. Nick stated that he felt the establishment was right on time in terms of the business side. Joyce reminded Nick that the establishment needs to comply with the requirements of the license and suggested that he placed complying with the license conditions too far down the priority list. Nick disagreed. Jonathan stated that he suggested that Nick contact the Conservation Commission immediately after the last meeting to determine next steps and Jonathan questioned why this wasn't done. Nick stated that it takes time to pull everything together and get it done. Nick acknowledged that the wall was not built and stated that he needed more time. Nick stated that his plan is to hire someone to flag the wetlands and then get it surveyed. Nick stated that he has 3 or 4 people lined up to visit the property on Friday. Nick suggested that he feels like they have done a good job so far turning around many years of mismanagement. Jonathan expressed his opinion that meeting the conditions of the license should have been prioritized higher.

Fred questioned Nick as to how much of the masonry wall area was located in the wetland/wetland buffer and what role the Conservation Commission would play. Brian replied that because the proposed work is within 100 feet of the brook, they will need Conservation Commission sign-off to complete the work. Jonathan questioned whether the Conservation Commission knew about the proposed work. Nick did not know.

Jonathan asked the question as to where employees are taking their breaks. Nick replied that most of his employees do not smoke, but those who do are using the front porch area on the Route 5 side of the building. There is a partial enclosure surrounded by a white vinyl fence with an awning over the top of it. Jonathan expressed concern that this allows employees and the public to interact. Jim stated that there haven't been any issues thus far.

Joyce stated that the discussion thus far hasn't included any request for the Board to take any action. Nick requested from the Board an additional extension to construct the masonry wall. Joyce stated that she would not be in favor of another thirty-day extension because complying with the conditions has not been a priority of the licensee. Fred suggested that it is important that any extension include proof of progress being made. Jonathan questioned whether Board could keep granting extensions without it becoming a de facto change of the license.

The Board had a discussion about what would happen if the Board doesn't extend the time to comply. Brian replied that in his opinion, if the establishment operates without the wall in place, then the establishment is operating outside of its license and subject to possible disciplinary action. Any such disciplinary action would only occur after the typical public hearing and the opportunity for the licensee to present evidence.

Fred suggested that he would be willing to consider an extension until the next Selectboard meeting 12/04/19 provided that documentation is provided at the meeting on progress towards constructing the wall. Joyce suggested that she would expect a very well researched timeline and schedule on when the

wall will be completed. Jonathan suggested to Nick that he might want to have his wetland consultant at the next meeting and that any information or paperwork be submitted in advance of the meeting for the Board to review. Joyce stated that she would be willing to grant a short extension to allow the licensee to get put together a plan and schedule for completing the wall, but that she is not willing to grant multiple extension when no progress is shown. Jonathan stated that the information to be provided should focus on wetlands permitting, zoning and any other relevant information from the Building Inspector.

Nick stated that he feels he can get what the Board wants in the time period suggested. Fred made a motion to extend the time for the licensee to construct the wall to the next Selectboard meeting 12/04/19 on the condition that no employees be allowed out in the rear break area. Jonathan seconded the motion. All in favor. The Board also requested that the licensee submit by 11/27/19 a schedule to complete the construction of the wall that includes information and timelines on wetlands permitting, zoning approvals, permitting approvals and any other information related to when the construction of the wall will take place. The Board suggested that without this information it is unlikely that another extension will be granted.

### **Old Business:**

- b. To review and discuss the preliminary design for sidewalk reconstruction on Chestnut Plain Road and to set the date of a public/stakeholders meeting** – Brian informed the Board that he met with Keith Bardwell, Sara Campbell and Chip Kloc to discuss how the sidewalks might relate to the Whately Inn property. The solution agreed upon by all parties is to move the driveway on Chestnut Plain Road to the north, close off the Haydenville Road driveway and to construct the sidewalks between the road and the parking lot. The Board reviewed the plans and discuss the proposed sidewalk and crosswalk locations. Brian discussed with the Board the possibility of widening Chestnut Plain Road in front of the Library to allow for year-round parallel parking. Fred suggested that parking at the Library parking lot could be expanded. Fred also suggested that there should be a new sidewalk built between the Library and the Town Hall in the location of the existing sidewalk, in addition to a sidewalk being located closer to the road. The Board set the date of the public input meeting as December 11, 2019 from 5:30 to 7:30 pm.
- c. To discuss a report on the feasibility of a shared regional human resources staff person** – Brian provided the Board with an overview of the report completed by Deborah Radway on the feasibility of a shared human resources staff person for Deerfield, Sunderland, Whately, Conway and the Frontier Regional School District. The report was funded through a Community Compact Grant. The report suggests that a shared human resources staff person is needed and that each town conduct a human resources audit. The report further detailed several types of shared staffing arrangements. Brian informed the Board that Frontier is not currently interested in pursuing this. Brian told the Board that he and Lynn share the human resources duties now and they both feel that a shared staff person is unnecessary. Brian expressed his opinion that the Town would benefit from a human resources audit, from assistance with personnel bylaw updates and from an on-call resource as needed – not necessarily a dedicated

staff person. The Board agreed to accept the report and will wait to hear what, if anything the other communities want to do.

### **New Business**

- a. **To discuss and vote to adopt winter parking restrictions** - The Board voted to adopt the following winter parking restrictions: “No parking shall be allowed on streets or in municipal parking areas between the hours of 12:00 (midnight) to 7:00 am effective immediately until April 15, 2020. This parking restriction shall not apply to residents of the Smikes House and their guests who park in the spaces designated for the Smikes House.”
- b. **To consider a request from the Whately Snowmobile Club to use the former Dimaio property as a parking lot for club activities** – The Board voted to approve the request to allow the Whately Snowmobile Club to park vehicles at the former Dimaio property for the winter.
- c. **To discuss and sign an Emergency Management Planning Agreement** – Brian informed the Board that the Town received a small grant (\$2,500) for the purchase of a variable messaging board; however, the grant will not cover the entire amount of the purchase. This item will be submitted as a capital request for the FY21 budget planning process. The Board signed the grant agreement.

### **Town Administrator Updates**

Brian informed the Board that the Center School Visioning Committee has met and expressed concern that the requested two months is too short of a window and requests a bit more time with the goal of having recommendations in time for any actions to be taken at the next Annual Town Meeting. The Board agreed with this request. Brian provided the Board with an update on the progress of the Committee to date.

Brian informed the Board that he and Keith have a call setup with Tighe & Bond tomorrow to discuss details about putting out the Williamsburg Road Bridge project to bid this winter with construction anticipated in the spring/summer of 2020.

Brian informed the Board that the Energy Committee is pursuing the energy efficiency improvements suggested by the Umass Clean Energy Center. Brian and several members of the Committee are working with the utilities to explore what incentives are available for the project.

Brian reminded the Board that there is a meeting scheduled on December 3, 2019 at 7:00 pm to discuss solar energy and zoning.

Brian informed the Board that Free Cash has been certified by the Commonwealth in the amount of \$645,178 and the Enterprise Fund “Retained Earnings” is \$118, 124.

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

None

**Executive Session:** To go into Executive Session per M.G.L. c. 30A, Section 21(a), subsection 3 to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares. The Board will not be returning to open session.

The Board voted to go into Executive Session at 8:06 pm. Roll call vote Jonathan – Yes, Fred – Yes, Joyce – Yes.

Respectfully submitted,

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Brian Domina, Town Administrator

**Document List on File in the Selectboard Office**

Meeting Minutes (10/23/19 and 10/30/19)

Vendor/Payroll Warrant Reports – (11/7/19)

Letter dated October 25, 2019 from Town Administrator Brian Domina to Nicholas Spagnola

Email from Paul Holtz dated November 6, 2019

Feasibility Study Report for a Regional Human Resources Department - Deborah Radway

Memorandum to Selectboard from Town Administrator regarding Winter Parking Restrictions dated 11/11/19

Email from Robert Sabola dated 11/01/19