

**Selectboard  
November 28, 2018  
Town Offices  
Open Session  
6:00 pm**

The open session of the Selectboard of the Town of Whately was called to order on November 28, 2018 at 6:00 p.m. by the Chair, Jonathan Edwards. Also, present were Selectboard members Frederick Orloski and Joyce Palmer-Fortune (via remote video connection). Town Administrator Brian Domina and Administrative Assistant Amy Schrader were also present.

Jonathan informed the audience that Joyce was participating remotely in the meeting due to geographic distance and that all votes would need to be done by roll call vote.

**Minutes**

The Board voted to approve the meeting minutes from November 7, 2018.

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

**Comments from the Public**

No comments from the public.

**Old Business**

- a. **Host Community Agreement with ToroVerde (Massachusetts) III, Inc. (424 State Road, Whately, MA)** – Brian informed the Board that the draft host community agreement being discussed is the same agreement the Board entered into with Urban Grown with a few changes proposed. Brian and Joyce recommended that the charitable donation and educational programming donation be increased to \$10,000 per year since the proposed marijuana establishment is retail instead of cultivation, Joyce stated that the Board had previously discussed that the amount of the donation should be increased or decreased based on the size and type of the establishment.

Fred recommended that the agreed upon donations should begin in year 1 and not in year 2 as proposed in the agreement. Brian stated that the host community agreement with Urban Grown provided for this exception for year 1 to allow Urban Grown time to establish cash flow before making the donations. Joyce stated that in her opinion any new business, especially one with the security requirements that these establishment have to meet might have difficulty making payments in year 1.

Jonathan stated that the only two retail marijuana locations open for business are experiencing much higher than anticipated traffic and revenues.

Attorney Dick Evans (Attorney for Applicants) discussed with the Board ToroVerde's business plan, history, and affiliation with a larger company called Harvest, Inc. Attorney Evan indicated that ToroVerde anticipated applying for site plan approval and a special permit in December/January. Attorney Evans stated his disagreement with parts of the agreement suggesting that the recitation of potential negative impacts from the establishment are overstated and that the Town has no legal basis for requesting charitable donations and educational programming donations. Attorney Evans mentioned that the community impact fee of 3% and the 3% excise tax rate could potentially generate significant revenue for the Town and that his client wants to do business with Whately but feels as though the two \$10,000 payments are a bit too much. Attorney Evan suggested that the Board not require those two \$10,000 payments, but instead insert language from the CCC guidance document about the parties working together collaboratively.

Jonathan stated that the educational programming money would go directly go to the schools and that the donations would be tax write offs for the company. Jonathan stated that the donations are not designed to prevent any business from coming here, but instead to foster a relationship between the Town, the establishment and the community. Joyce stated that in her opinion \$20,000 a year should not be a huge issue for a retail establishment like ToroVerde based on its anticipated revenues. Joyce stated that the agreement is reasonable and the donations are intended to address an important community need

Attorney Evan questioned how the Board would like to proceed? Attorney Evans suggested that the donations be structured as follows for charitable donations: year one \$5,000, year 2 \$5,000, year 3 \$10,000, year 4 \$10,000, year 5 \$10,000 and that the same payment and payment schedule be adopted for educational programming donations. The Board agreed with this proposal because at the end of the five-year period the total amount donated is the same, although structured differently

Jonathan made a motion to adopt and sign the host community agreement as written with the amendment that the charitable and educational donations read as \$5,000 each in year one and year two and then increase to \$10,000 for years 3, 4 and 5. Fred seconded the motion. Roll call vote: Joyce – yes, Fred – yes, Jonathan – yes. All in Favor.

- b. **Town Hall Building Policy** – The Board discussed the most recent version (draft # 4) of the Town Hall Building Policy. The Board discussed the following amendments to draft # 4 of the policy based on feedback received from the public:

- i Section 9.3 to read as follows:

The smoking or vaping of any substances, including but not limited to tobacco and/or cannabis and the use of illegal substances in the Town Hall and on Town Hall property is strictly prohibited.

- ii Section 9.4 to read as follows:

The consumption of alcohol and/or cannabis in the Town Hall and on Town Hall property is strictly prohibited.

iii Section 9.9 to read as follows:

The Town Hall shall be left in an orderly and clean condition (i.e. broom clean). Users of the Town Hall who do not leave the building in an orderly and clean condition may forfeit all or a portion of their security deposit to pay for extraordinary cleaning costs.

iv Section 11.4 to read as follows:

This Policy may be amended by the Selectboard at any duly noticed meeting of the Selectboard. The Selectboard shall provide at least forty-eight (48) hours notice to direct abutters of scheduled meetings at which substantive changes to this Policy will be considered by the Selectboard.

Fred made a motion to approve the policy with the changes discussed above. Jonathan seconded the motion. Roll call vote: Jonathan -yes, Fred – yes, Joyce – yes. All in Favor.

### New Business

- a. **Lease with NUPRO for leasing storage space at the Town Offices** – Brian informed the Board that the lease with NUPRO to rent space at the Town Offices expires on January 1, 2019. Brian told the Board that the relationship with NUPRO has been very good and not disruptive to the Town. Fred suggested that at the next lease renewal the Board should consider increasing rent. Joyce made a motion to enter into a new 18-month lease with NUPRO on the same terms and conditions as the current lease. Jonathan seconded the motion. Roll call vote: Fred – yes, Jonathan, yes – Joyce, yes. All in Favor.
- b. **Whately Snowmobile Club to park vehicles on town-owned property located on Routes 5/10** – Brian passed along a request from the Whately Snowmobile Club to use town-owned property on Routes 5/10 to park vehicles and snowmobile trailers. The Board approved the Whately Snowmobile Club’s request.
- c. **Western Mass Mother’s Day Half Marathon** – Brian passed along a request from Sue Monahan to use town property to hold the Western Mass Mother’s Day Half Marathon. The Board discussed last years event and the concerns raised by the Fire Chief about inadequate notice of road closures. The Board would like to see better communication on road closures between departments. The Board approved this event being held on town property.
- d. **Appointment to the Whately Cultural Council** - Joyce made a motion that Jenny Morrison be appointed to the Whately Cultural Council. Jonathan seconded the motion. Roll call vote: Fred – yes, Jonathan, yes – Joyce, yes. All in Favor.

- e. **Special Town Meeting (December 12, 2018)** – Brian read the warrant articles proposed for the Special Town Meeting on December 12, 2018 at 7:00 pm

Article 1: To see if the Town will vote to amend the vote taken under Article 1 of the July 13, 2016 Special Town Meeting, which appropriated the sum of \$410,000 for the purpose of financing the construction and installation of a manganese removal system for the Town's water supply system, by increasing the amount of the appropriation to \$440,000 and by increasing the amount that the Treasurer is authorized to borrow for said purpose, with the approval of the Selectboard, from \$410,000 to \$440,000, or to take any other action relative thereto.

Article 2: To see if the Town will vote to transfer the sum of \$19.88 from available funds to pay unpaid bills of a prior fiscal year from the Lower Pioneer Valley Educational Collaborative, or to take any other action relative thereto.

Article 3: To see if the Town will vote to repurpose \$4,792 of unexpended funds appropriated under Article 17 of the April 24, 2018 Annual Town Meeting to include painting and other exterior repairs to the Highway Garage, or to take any other action relative thereto.

The Selectboard signed the Special Town Meeting Warrant for December 12, 2018 at 7:00 pm as written.

### **Town Administrator Updates**

Brian informed the Selectboard that as part of the supplemental budget bill passed by the Legislature and signed by the Governor the Town received an additional \$29,000 in Chapter 90 funds.

Brian mentioned to the Board that notices for submitting capital planning projects have been sent out to department heads, boards, and committees and the deadline to submit completed forms is mid-December.

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

Adjourn – Motion to adjourn (Jonathan Edwards) – 7:21 pm.

Respectfully submitted,

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Brian Domina, Town Administrator

Next Meeting Date: December 12, 2018

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

Meeting Minutes dated 11/07/2018

Town of Whately Host Community Agreement Draft dated 11/26/2018

Whately Town Hall Building Policy Draft #4 dated 11/28/2018

NUPRO Lease Agreement dated 06/22/2017 with Attachment A – NUPRO Interior & Garage Space

Town of Whately Special Town Meeting Warrant dated 12/12/2018