

**Selectboard
Meeting Minutes
November 18, 2020
Town Offices
Open Session via Zoom
6:00 p.m.**

The open session of the Selectboard of the Town of Whately was called to order on November 18, 2020 at 6:00 p.m. by the Chairperson, Fred Orloski. Also present via zoom were Selectboard Members Joyce Palmer-Fortune and Jonathan Edwards, Town Administrator Brian Domina, and Administrative Assistant Amy Schrader.

Review and vote on the meeting minutes of October 28, 2020.

The Board voted to approve the meeting minutes of October 28, 2020.

Roll call vote: Joyce – yes, Fred – yes, and Jonathan – yes.

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

Brian informed the Board that he received an email from resident, Dan Denehy. Dan suggested that the Board invite FCAT to their next meeting to inquire why FCAT is recommending that the Town setup its own YouTube page and why the Town is still paying FCAT the full amount? Joyce Palmer-Fortune suggested that the Board have a conversation with Chris Collins (FCAT) regarding how FCAT's operations are going. Brian will coordinate with Chris Collins to attend a future Selectboard meeting.

Scheduled Appointments:

Sofia Bitzas (R. Levesque Associates, Inc. representing Whately RE Holding, LLC) to hold a preliminary discussion with the Selectboard about a proposed marijuana cultivation establishment on LaSalle Drive and to request permission to hold a virtual Community Outreach Meeting

Sofia Bitzas (R. Levesque Associates, Inc. representing Whately RE Holding, LLC) virtually appeared before the Board to have a preliminary discussion for a proposed marijuana cultivation establishment on LaSalle Drive. Sofia discussed the site layout with specific attention to site improvements, fencing specs, greenhouse security, and CCC required outdoor security measures. Sofia stated that majority of the property will remain the same, but improvements will be made to the existing greenhouses. There is a proposal to purchase the entire parcel including the house with certain contingencies attached. Chris Cimini and Neal Dach (Whately RE Holding, LLC) discussed the formation of Whately RE Holding, LLC with specific attention to business relationships, educational background, cultivation procedures, odor filtrations, and the facility's tier (potentially tier 3 – 20,000 square foot grow). John LaSalle (owner of LaSalle Florist) discussed the proposed sale of the property, potential future uses of the farm fields, and on-going greenhouse maintenance/improvements.

Mark Cybulski (resident) expressed concern regarding the proposed marijuana cultivation establishment on LaSalle Drive with specific concern to Whately RE Holdings, LLC lack of marijuana cultivation experience, public safety, property values, and odor control. Mark has expressed his concerns to the ZBA and appreciates the Selectboard's time. Christine Gordon (Mark's sister) thanked Mark for representing the residents of LaSalle Drive.

The Board had a lengthy discussion regarding outdoor security measures, potential community complaints, community outreach meeting efforts, on-site meeting precautions, enforcement procedures, lighting /security concerns. John LaSalle stated that blackout curtains can be used in the greenhouses to prevent light pollution. Fred Orloski requested information on odor control efforts by Whately RE Holdings, LLC. Neal Dach discussed potential odor remediation efforts and stated that he will provide the Board with additional explanation as to how odor is controlled.

The Board had a lengthy discussion regarding the importance of providing options for residents who are technologically challenged to attend the community outreach meeting. Site visits for small groups would be approved as needed. Brian discussed the next steps in the process to include the community outreach meeting, and Host Community Agreement discussion. The Board agreed to follow the same process as previous Host Community Agreements whereby Joyce and Brian take the lead in negotiations and report back to the Board. Whately RE Holdings, LLC will provide Brian with a copy of the community outreach meeting notice.

A motion was made to approve the remote community outreach meeting. The motion was seconded. A motion was made to amend initial motion to approve the remote community outreach meeting with the condition that abutters are notified by Whately RE Holdings, LLC and that they have the option to attend in person or make other arrangements to participate if they are not comfortable participating via Zoom. Motion was seconded for the amendment. All in favor of the amendment. Roll call vote: Jonathan – yes, Joyce – yes, and Fred -yes. All in favor of the now amended motion. Roll call vote: Jonathan – yes, Joyce – yes, and Fred -yes.

Nouria Energy Representative (Whately Diner) to request approval of a name change for the alcohol license at the Whately Diner

John Pszeniczny (Whately Diner Representative) virtually appeared before the Board to discuss his request for approval of a name change for the alcohol license at the Whately Diner. John stated that this requested has to do with the restructuring of the corporation. A motion was made to approve a name change for the alcohol license for the Whately Diner to Nouria Energy Retail, Inc. Motion was seconded. All in favor. Roll call vote: Joyce -yes, Jonathan – yes, and Joyce – yes.

Whately Inn Representative (Whately Inn) to consider a request from the Whately Inn for a reduction in the renewal fee for its alcohol license

Brian informed the Board that he received a request from the Whately Inn for a 50% reduction in the renewal fee for their alcohol license. Brian stated that a Whately Inn representative was invited to this meeting but is not present. The Board had a brief discussion regarding the Whately Inn's monetary contribution towards the Inn's parking lot improvements associated with the Chestnut Plain Road sidewalk/crosswalk. The Board suggested sending a friendly reminder that the agreed upon monetary contribution is due. Keith Bardwell (Highway and Building Superintendent) stated that the Town needs to complete the parking lot line painting, but this cannot be done until the tent is down. The Whately Inn's FY21 license fees are \$2,250.00. A motion was made to approve the 50% reduction in license fees for the Whately Inn. Motion was seconded. All in favor. Roll call vote: Jonathan – yes, Joyce – yes, and Fred – yes.

Jim Sevigne (Whately Chief of Police) to provide an update to the Selectboard on the activities of the Police Department

Chief Sevigne virtually appeared before the Board to provide an update on the activities of the Police Department. Chief Sevigne discussed the Police Department's activities with specific attention to patrols, stop

sign violations, traffic controls, speed data collection, electronic message board usage, new Part time Police Officer update, flu clinics success, and the increase in fraudulent unemployment claims. A link is posted on the Police Department's website that provides the public with information on how to deal with fraudulent claims. Chief Sevigne informed the Board that the Department received multiple requests for the Santa parade this year. The Police and Fire Department are working together to plan the parade. Fred Orloski inquired how the Police Department responded to the election? Chief Sevigne discussed two incidents that happened prior to election day that lead to two arrests. No incidents were report on election day. The Department continues to restrict the public's access to the Police station and is available to meet in-person by appointment. The Police Department continues to practice the same COVID19 protocols that were put in place back in March. The Board thanked Chief Sevigne for the update.

COVID19 State of Emergency

To discuss, review and consider modifications to the following:

Brian informed the Board that over the past month COVID19 numbers have significantly increased. Gathering sizes have been reduced again and a mandatory mask order at all public locations was passed. Brian would like to re-visit these orders to make appropriate updates.

i. *Directive on Town Employees Returning to Work During the COVID19 Pandemic*

Brian reviewed his suggested changes with specific attention to face coverings. The Board had a brief discussion regarding face covering, face mask material, and potential non-compliant town employees.

ii. *Order Reopening Town Buildings to the Public for Limited Hours and Appointment Only*

Brian reviewed his proposed changes to Order 2 – Reopening Town Buildings to the Public for Limited Hours and Appointment only.

iii. *Guidance on Holding Meetings for Town Departments, Boards, Committees, and Commissions*

Brian reviewed his proposed changes to guidance on holding meetings for Town Departments, Boards, Committees, and Commissions with specific attention to zoom meeting guidance. Jonathan inquired if it would be possible to use the conference room for viewing maps or site plans? The challenges with map sharing on Zoom is that the font is exceedingly small making it challenging to review the maps. Brian suggested using the large conference room and scheduling an appointment would be necessary.

To discuss and consider adopting a proposed *Face Covering Directive* for town employees pursuant to the Revised Order Requiring Face Coverings in Public Places adopted on November 2, 2020 by Governor Baker

Brian informed the Board that this directive is in response to the Governor's Order requiring a face covering in all public locations. Fran Fortino (BOH Chair) received guidance from DPH that closed portions of public buildings are not considered public locations. The Selectboard's Directive goes one step further than the Governor's Order and always requires town employees to wear masks while on private property when acting in their official capacity as a town employee. The Board had a lengthy discussion regarding the definition of public locations with specific attention to face covering requirements, town employee mask protocol/enforcement, and potential contract workers mask enforcement. Brian provided background information regarding the exceptions with specific attention to social distancing requirements for the hearing disabled persons and sector specific workplaces. After much discussion, the Board amended the Directive on face coverings for Town employees under "Exception" number 1 to include "but shall be required to take other precautions", number 3 to include "their own

workspaces with the door closed. """, and number 4 to include "other type of equipment with an enclosed cab alone (i.e. with no passengers)".

After much discussion, a motion was made to accept the revision to the COVID19 state of emergency orders with the amendments discussed this evening and to adopt the new amendment on face coverings. Motion was seconded. All in favor. Roll call vote: Jonathan – yes, Joyce – yes, and Fred -yes.

To discuss the status of reopening the Town Hall

Brian informed the Board that at the last Selectboard meeting there was a request to reopen the Town Hall. Brian personally thinks that it is not an appropriate time to reopen the Town Hall due to the increase of COVID19 cases. This decision should be made by the Board. Brian is willing to work with the Board of Health to create a directive on reopening the Town Hall when the public health conditions improve. The Board unanimously agrees that this is not the appropriate time to reopen the Town Hall due to the current COVID19 outbreak.

Post CARES Act (December 31, 2020 to future): to discuss on-going or new activities that may require funding

Brian informed the Board that the CARES Act funds will expire on December 30, 2020 if no other legislative action is taken. Brian suggested that The Town should consider what additional activities or expenses may be incurred (e.g. senior meals, ppe.) and how these items will be funded.

Old Business:

To discuss snow removal from town-owned properties and sidewalks on Chestnut Plain Road and to consider awarding contract(s) for snow clearing and treatment

Brian informed the Board that the Town received two bids for each. One of the bidders did not fill out the bid paperwork properly which narrowed it down to one bid for each. JD Ross submitted a bid for the snow removal from town-owned properties. John Hannum submitted a bid for the sidewalks on Chestnut Plain Road. The sidewalks will not be treated. The Board had a lengthy discussion regarding snow removal timelines, bids received, potential in-kind services, hourly rates, previous contractor's fees, FY21 winter roads budget, funding options, and equipment needs. The bids are valid for 30 days. The Board suggested changing the scope of the bids and readvertise during the 30-day period. After much discussion, the Board decided to table this discussion until the Selectboard meeting to give Brian and Keith time to work on this. No decision was made at this time.

To discuss and vote to adopt a social media policy applicable to all Town of Whately social media pages

The Board decided to table this discussion until this discussion until the next Selectboard meeting on December 9, 2020.

New Business

To discuss and vote to implement winter parking restrictions for the winter of 2020-2021

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, 2021. 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."

To review and vote to adopt the Whately 2020 Hazard Mitigation Plan

The Board unanimously voted to adopt the Whately 2020 Hazard Mitigation Plan. Motion was seconded. All in favor. Roll call vote: Jonathan – yes, Joyce – yes, and Fred – yes.

A motion was made to appoint Perrine Meunier-Jones to the Open Space Committee. Motion was seconded. All in favor. Roll call vote: Jonathan – yes, Joyce –yes, and Fred – yes.

A motion was made to allow the Snowmobile Club to use the Dimaio parking lot as done in the past. Motion was seconded. All in favor. Roll call vote: Jonathan – yes, Fred – yes, and Jonathan – yes.

Town Administrator Updates:

Brian informed the Board that the FY21 tax classification hearing will take place on December 9, 2020

Brian informed the Board that the Christian Lane railroad crossing was fixed.

Items Not Anticipated within forty-eight (48) hours of the meeting:

None

The meeting was adjourned 9:36p.m.

Respectfully submitted,

Brian Domina, Town Administrator

Next Meetings: December 9, 2020

Document List Filed in the Selectboard Office

Joint Selectboard and Whately Water Commissioners Meeting Minutes dated 10/28/2020

Payroll Warrant WP21-11 dated 11/09/2020

Vendor Warrant WP21-11 dated 11/09/2020

Email from Dan Denehy dated 11/18/2020

Email from Sofia Bitzas (Director of Operations R. Levesque Associates, Inc) dated 10/28/2020

Nouria Energy Retail, Inc. Application for Amendment – Change of Business Entity Information dated 10/23/2020

Letter from Stephen Kloc, III (Whately Inn) dated 11/04/2020

Selectboard - Directive on Town Employees Returning to Work During the COVID19 Pandemic revised November 18, 2020

Second Order Reopening Town Buildings to the Public for Limited Hours and Appointment only revised November 18, 2020

Second Guidance on Holding Meetings for Town Departments, Boards, Committees, and Commissions dated November 18, 2020

DRAFT – Directive on Face Coverings for Town Employees dated November 18, 2020

Whately Snow Clearing and Treatment – Winter 2020-2021 Spreadsheet

Whately Snow Clearing and Treating Group #2 Chestnut Plain Road Sidewalks BID pricing Form submitted by John Hannum dated 11/12/2020

Whately Snow Clearing and Treating Group #1 Whately Town Hall, S. White Dickinson Library, and Whately Town
Offices BID pricing form submitted by JDR Builders, Inc. dated 11/16/2020
Helstowski Tree and Landscaping – Town of Whately estimates – dated 11/16/2020
Town of Whately – Social Media Policy – draft dated 10/22/2020
Recommended Parking Restriction Language – Winter 2020-2021
Certificate of Adoption – Town of Whately Selectboard – A Resolution adopting the Town of Whately Hazard
Mitigation Plan