

**Selectboard
Meeting Minutes
December 9, 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 December 9, 2020 at 6:04 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 November 18, 2020.

The Board voted to approve the meeting minutes of November 18, 2020.
Roll call vote: 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

none

Public Hearings:

Tax classification hearing for fiscal year 2021: Brian read aloud the tax classification hearing notice that was published in the Greenfield Recorder on Wednesday, December 1, 2020. Fred opened the public hearing at 6:22 p.m. Brian informed the Board that the purpose of the hearing is to solicit comments regarding the tax classification for fiscal year 2021. Brian discussed the different tax rates: split, uniform tax rate, open space discount, residential exemption, and small commercial exemption. The Board and discussed the pros and cons of a split or uniform tax rate and the potential exemptions that might be adopted.

Paul Antaya (Finance Committee Chair) inquired about question 2 – vacant land classification? Is vacant land taxed in a different manner? How does the Town view vacant land vs. open space?

Fred Orloski (Assessor) stated that open space land is not identified. Vacant land with no building is assessed as a building lot. The assessed value of the lot made be reduced, but the tax rate may be the same.

Cynthia (Assistant Assessor) stated that vacant land is categorized as residential which is a 100 category. Category 200 is used for chapter land only.

Jim Kirkendall (Finance Committee Member) inquired what is driving this discussion in general?

Jonathan Edwards (Selectboard) stated that historically the town has always adopted a 1 to 1 tax rate and that the Town has never adopted a split tax rate and has never adopted any of the exemptions.

Brian Domina (Selectboard) stated that when the Town submits information to DLS to set the tax rate, the Town needs to answer these three questions. The Finance Committee requested to be more involved in this process and so Brian invited them to the public hearing.

Fred Baron (Finance Committee Member) stated that he personally thinks that going to a split rate would give a lot more flexibility to keep taxes down for residential taxpayers. Fred Baron discussed his research efforts with specific attention to Franklin County towns with split tax rates and commercial exemptions. The Board had a lengthy discussion regarding the pros/cons of split tax rates regarding the effects on existing and future commercial businesses, Yankee Candle, and vacant commercial building lots.

Fred Orloski (Selectboard Chair) stated that there has been issues in the past with the two or three larger commercial properties in town regarding assessments and tax rates. Fred inquired if it is worth the risk of losing commercial businesses? Residential property values have significantly increased in town. Fred cautioned that increasing the tax rate could potentially deter businesses from coming to Whately.

Paul Antaya (Finance Committee Chair) stated that if the Board decides to go down this road, this should be displayed on a spreadsheet to be discussed and should be discussed for the benefit of residential taxpayers. Paul suggested that Town Management research and prepare a spreadsheet for next year.

Fred Orloski (Selectboard Chair) inquired why the 25 other surrounding towns do not have split tax rate?

Fred Baron (Finance Committee) stated that other surrounding towns do not have the 2 or 3 large industrial businesses like Whately does.

Lynn Sibley (Treasurer/Collector) inquired how adopting a split tax rate would affect the smaller commercial businesses? Most of the small businesses would have more than 10 employees which would disqualify them for the small commercial exemption.

Joyce Palmer-Fortune (Selectboard Member) stated that she has no problem with looking at numbers to make a more informed decision for next year.

Joyce made a motion to not split the tax rate for 2021 and request that the Finance Committee, Selectboard, and Board of Assessors work with Brian. Motion was amended that a working group should be established by the Selectboard, made up of the Selectboard, Finance Committee, and Board of Assessors to better understand what a change in the tax rate would do to residential and commercial individuals and organizations in Whately. Amended motion was seconded. All in favor. Roll call vote: Fred-yes, Jonathan – yes, and Joyce- yes.

A motion was made to decline to adopt the exemptions, but this is something that the working group should look at. Motion was seconded. All in favor. Roll call vote: Fred -yes, Jonathan – yes, and Joyce – yes.

The public hearing was closed at 6:55 p.m.

Scheduled Appointments:

Susan Baron/Keith Bardwell (250th Committee): to provide the Selectboard with an

update on the planning efforts for Whately's 250th Anniversary Celebration - Susan Baron and Keith Bardwell (250th Committee) virtually appeared before the Board to give an update on the planning efforts for Whately's 250th Anniversary Celebration. Susan discussed the challenges of holding Whately's 250th celebration in 2021 due to the COVID19 outbreak. The Board of Health recommended that activities currently scheduled do not take place in 2021. Susan discussed the challenges of fundraising due to the uncertainty of celebration dates. Surrounding towns had to significantly modify their anniversary celebrations due to statewide health restrictions. The 250th Committee would like to prevent that from happening to Whately's celebration. The 250th Committee published an article in the Whately Scoop to promote the sale of their face masks which are \$10.00 each. Pottery sales are also doing very well; the next round will be manufactured in the winter months and will be distributed next spring. These items along with private donations have significantly helped their fundraising efforts. Once the 250th Committee meets with the Board of Health regarding the celebration timeline/dates, the 250th Committee will reach-out to the Selectboard. The Board appreciates the 250th Committee planning efforts during these challenging times.

Julius Sokol/Nicholas Spagnola (Castaways): to discuss a request for a reduction in

the licensing fees for calendar year 2021 - Julius Sokol and Nicholas Spagnola virtually appeared before the Board to discuss their request for a reduction in the licensing fees for calendar year 2021. Julius informed the Board that due to the COVID19 pandemic; they have experienced serious and prolonged economic hardship. Julius expects to be closed at least until the fall of 2021. Jonathan Edwards (Selectboard Member) supports their waiver request with the contingency that if the establishment opens in July or August, the fees will be re-addressed. Fred inquired if you could waive the entire license fee amount and still renew their ABCC license? Brian stated that yes, but he will double check that with the ABCC. Joyce Palmer-Fortune stated that she feels more comfortable with a 50% reduction. After a brief discussion, A motion was made to waive the fee by 100%. Motion was seconded. Roll call vote: Jonathan – yes, Joyce – no, and Fred -yes.

Jonathan and Fred informed Julius and Nicholas that a panel of fence was taken down by a plow truck last year and that the fence should connect to the concrete block wall. Julius stated that they will take care of that.

COVID19 State of Emergency

To review, discuss, and consider modifications to the following: Directive on Town Employees Returning to Work During the COVID19 Pandemic; Order Reopening Town Buildings to the Public for Limited Hours and Appointment Only; Guidance on Holding Meetings for Town Departments, Boards, Committees, and Commissions; and the Directive on Face Coverings -

Brian informed the Board that conditions have changed for the worse in the past month or so. The Board of Health recommended rolling back in-person access to town buildings, by appointment whenever possible for town offices, and suspending in-person browsing at the library and suggests that this continues at least through the holidays to the 2nd week of January if current COVID-19 trends continue. The Board had a lengthy discussion regarding the increase in COVID19 cases with specific

attention to closing town buildings to the public, employee safety concerns, and remote working challenges.

Lynn Sibley (Town Clerk) discussed the challenges of working from home with specific attention to remote access, marriage certificate requests, and state computer access. After much discussion, a motion was made to close the town offices to the public, except by appointment, to a future date. Motion was seconded. All in favor. Roll call vote: Joyce – yes, Fred – yes, and Jonathan - yes.

To discuss any other items related to COVID19, including the possible postponement of the 2021 Annual Town Meeting - Brian informed the Board that the Annual Town Meeting is usually scheduled for last Tuesday in April. The Board had a brief discussion regarding the postponement of the 2021 Annual Town meeting. Joyce suggested that mid or late June of 2021 could be a target date. June 8th or June 15 would be a reasonable target date. Brian will coordinate with the Finance Committee as to when the budget season will begin. No final date was set at this time.

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 buildings snow clearing was re-bid with changes to the frequency of the services to be provided during non-operating hours, which resulted in cost savings over the prior bids. The Town did not re-bid the sidewalk clearing since the scope of services did not change. JDR Builders submitted a bid to clear snow at the Town Buildings with cost saving alternatives proposed. John Hannum previously submitted a bid for the sidewalks on Chestnut Plain Road. The Board had a lengthy discussion regarding the pros/cons of maintaining the sidewalks, snow clearing at other town-properties, the scope of snow removal work, safety concerns, and funding options. Brian stated that there are funding options for the town buildings and recommends that the sidewalks could be funded by the Winter Roads account. Fred requested that the Highway Department plow the Herlihy Field parking lot to allow access for winter activities. Jonathan agrees with Fred's request. Joyce stated that she does not have enough information to make an informed decision. Keith Bardwell (Highway and Building Superintendent) stated that he will see how much use Herlihy Field gets which will determine how much plowing is needed.

A motion was made to award John Hannum the bid to maintain the sidewalks on Chestnut Plain Road. Motion was seconded. All in Favor. Roll call vote: Jonathan – yes, Joyce -yes, and Fred -yes.

A motion was made to accept the bid for the reduced cost option from JDR Builders to remove snow from the Town Offices, Town Hall, and Library. Motion was seconded. All in Favor. Roll call vote: Jonathan – yes, Fred – yes, and Joyce -yes.

To discuss and vote to adopt a social media policy applicable to all Town of Whately social media pages - Brian informed the Board that this was previously discussed with specific attention to public comments. Brian stated that he spoke to Chief Seigne regarding the Police Department's Facebook page and currently the Department allows public comments. The Recreation Department, Fire Department, and the Library have social media pages. The Board had a brief discussion regarding the pros and cons of social media pages, public comments, page oversight efforts, public record requests

concerns, and potential volunteer involvement. A motion was made to adopt the social media policy as provided. Motion was seconded. All in favor. Roll call vote: Jonathan – yes and Fred – yes.

New Business

To review, discuss and vote to approve license renewals for calendar year 2021 (alcohol, entertainment, automatic amusement device, common victualler, innholder, class 1/class 2 used motor vehicle sales - A motion was made to approve the following licenses for the following establishments as listed. Motion was seconded. All in favor. Roll call vote: Jonathan – yes, Fred – yes, Joyce – yes.

- **Whately Inn:** Inn Holder - All Alcohol, Common Victuallers, and Inn Holders
- **Whately Investments, LLC** – General on Premises – All Alcohol, Entertainment License
- **Circle K:** Retail Package Goods Store - Wine, Malt
- **Muffins:** Retail, Package Goods Store - All Alcohol, Common Victuallers
- **Nouria Energy Retail, Inc (Whately Diner):** Retail, On-Premises - Wine, Malt, Automatic Amusement Devices (4), Common Victuallers
- **Toms Long Dog & Grill:** Common Victuallers
- **Orchard Trailers:** Class I - Second Hand Vehicle Sales
- **Whately Vehicle Service:** Class I - Second Hand Vehicle Sales
- **Zononi's:** Class II - Second Hand Vehicle Sales
- **Whately Recreation Department:** Common Victualler

To review, discuss and vote to accept the conservation restriction for the Whately Center Woods project - Brian informed the Board that this is the Conservation Restriction for the Whately Center Woods project. The town is contributing \$60,000 in CPA funds and in-kind work to repair a culvert. The Conservation Restriction has been reviewed and approved by Town Counsel. A motion was made to approve the Conservation Restriction for the Whately Center Woods project. Motion was seconded. All in favor. Roll call vote: Joyce – yes, Jonathan -yes, and Fred – yes.

To review and discuss the annual inspection report for the Whately Transfer Station - Brian informed the Board that each year the Transfer Station gets inspected by a third party. One corrective action is the scrap metal pile behind the Highway Garage should be discontinued because it is not part of the transfer station permit issued by MassDEP. Depositing of scrap metal is still happening. There will have to be some modification made to stop people from dumping scrap metal there. Keith Bardwell (Highway Superintendent) and the Solid Waste Committee are working together to solve this issue and suggest installing video cameras and signage to make people aware that no dumping is allowed. The Board unanimously agrees that signage would be appropriate for no more scrap metal dumping. Fred (Selectboard Chair) will sign the annual inspection report.

To review, discuss and vote to accept a proposed agreement to allow Frontier Energy to study the performance of the HVAC system at the Town Hall for a 12-month period - Brian informed the Board that the Town has the opportunity to participate in a study sponsored by the NREL of its newly installed mini-split system. Benefits to the town include a report of the system and a \$1,000 honorarium. The duration of the study is for 12 months and the Town would grant Frontier Energy the

right to put monitoring equipment in the building to measure and record the performance of the system. The Board had brief discussion regarding their directive that limits access to the Town Hall, monitoring demands, additional energy expenses, reasonable restrictions due to COVID19, data collection efforts, and agreement terms. Fred inquired if there is a clause to that if the town were to opt-out before the end of the 12-month period, would someone come and remove the equipment? Brian stated that the Town can always ask them to remove their equipment but might have to forfeit the \$1,000 honorarium. Keith Bardwell (Highway and Building Superintendent) inquired how much power their monitoring system will consume? And how the data is collected? Brian stated that he is fairly sure that the data collection is wireless and that he would inquire what the electricity costs will likely be. Keith Bardwell (Highway and Building Superintendent) stated that he supports this study. A motion was made to accept this agreement with Frontier Energy. Motion was seconded. All in favor. Roll call vote: Jonathan – yes, Fred – yes, and Joyce -yes.

Town Administrator Updates:

Brian informed the Board that CPA applications were submitted for the library lift project and the Veterans memorial. Brian stated that he did not submit for Frontier Regional's track since first payment is not due until FY 2023.

Keith Bardwell (Highway and Building Superintendent) informed the Board that the Williamsburg Road Bridge project is almost complete. Davenport has almost completed all their work. There is a small punch list that needs to be completed. The road can be open once the guardrail is installed, weather permitting. Hopefully, the road will be open before the end of January 2021. MassDOT and Keith will communicate once the guardrail is completed then the road can be set to reopen.

Keith Bardwell (Highway and Building Superintendent) informed the Board that the Whately Center Woods materials are going to be ordered to repair the culvert.

Brian informed the Board that he checked with the hosts of active Host Community Agreements with the Town. ToroVerde (Sugarloaf Shops) is hoping to see activity on their site in the spring of 2021, Full Bloom is beginning their facility renovation design, and Karen Gaston (Diamond Shine) has not moved forward since the last time the Board spoke to her. Whately RE Holdings, LLC. (LaSalle Florist) held their virtual community outreach meeting. Their meeting was interrupted twice due to being "Zoom bombed". Brian noticed that some participants on the first meeting were not present after the disruptions. Brian recommended that Whately RE Holdings, LLC should check with the CCC on how they would like them to proceed. Brian also received their draft host community agreement.

Brian informed the Board that the state budget came out of the conference committee and it has been adopted by the legislature. The Governor has until the 14th to sign the state budget. The numbers are favorable for the Town.

Brian informed the Board that the Town Hall mini split I-wave units have been installed. Brian has reminded everyone that if additional upgrades are needed for other buildings they need to be done soon because the CARES Act funds expire on December 30, 2020.

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

None

The meeting was adjourned 8:36 p.m.

Respectfully submitted,

Brian Domina, Town Administrator

Next Meetings: December 30, 2020

Document List Filed in the Selectboard Office

Selectboard Meeting Minutes dated 11.18.2020

Payroll Warrant WP21-12 dated 11.24.2020

Vendor Warrant WP21-12 dated 11.24.2020

Tax Classification Hearing Legal Notice dated 12.01.2020

Tax Rate Recapitulation Fiscal Year 2021

Letter from Whately Investments, LLC dated 11.19.2020

Town Building Re-Bid from JDR Builders dated 12.07.2020

Chestnut Plain Road Sidewalk bid from John Hannum dated 11.12.2020

Social Media DRAFT Policy dated 10.22.2020

List of Whately License Holders 2021

Whately Center Woods Conservation Restriction, attached Exhibit B, Exhibit C, Exhibit D, Exhibit E, and Exhibit F.

MassDEP Annual Transfer Station Inspection Report

Frontier Energy Site Access Agreement RE: 194 Chestnut Plain Road Whately, MA

Conservation Assistance for Small Communities Grant Program Application Form – FY2021