

**Selectboard  
Meeting Minutes  
February 24, 2021  
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 February 24, 2021 at 6:03 p.m. by the Chairperson, Fred Orloski. Also present via Zoom was Selectboard Members Joyce Palmer-Fortune, Jonathan Edwards, Town Administrator Brian Domina, and Administrative Assistant Amy Schrader.

**Review and vote on the meeting minutes of February 10, 2021.**

The Board voted to approve the meeting minutes of February 10, 2021.

Roll call vote: Fred – yes, Joyce – 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**

Chris Kellogg (resident) requested guidance on unmaintained areas/facilities that are inaccessible due to snow not being plowed. Chris inquired with the Fire Chief if this is a safety concern. John Hannum (Fire Chief) stated that the solar fields that have been accepted by the Town should be maintained.

**Scheduled Appointments:**

**Michael Herbert & Stephen Herbert (Urban Grown) to hold a preliminary discussion with the Selectboard on a proposed marijuana cultivation establishment proposed for Route 5 immediately south of the Whately Diner (Map 32 Lot 6 – Whately Assessor's Map) and to seek permission to hold a virtual Community Outreach Meeting**

Michael Herbert and Stephen Herbert (Urban Grown) virtually appeared before the Board to hold a preliminary discussion with the Selectboard on a proposed marijuana cultivation establishment and to seek permission to hold a virtual Community Outreach meeting. Michael stated that they are quickly moving forward with their proposed marijuana cultivation establishment. Michael apologized to the Board that they scheduled a Community Outreach Meeting without seeking permission from the Board first. They were unaware of this new CCC requirement. Urban Grown's Community Outreach Meeting is scheduled for March 1, 2021 at 7:00 pm. Their zoom meeting link is available on their website and printed in the Recorder. Michael discussed their proposed marijuana cultivation establishment with specific attention to greenhouse cultivation, future retail location plans, 10,000 square foot license, provision license location change requirements, site plan, and potential water usage.

The Board had a lengthy discussion regarding surrounding parcels, bylaw concerns, and ABCC/CCC potential conflicts, and potential site location concerns. The Board discussed the concern that their

proposed location would not meet one of the town's zoning bylaw requirements of being more than 500 feet from a recreation area. Michael understood their concern and stated that the recreation area and the proposed location has 91 north and south between them and the 500-foot requirement may be reduced to 300 feet. Michael stated that re-design plans may be necessary.

Michael Saunders (resident) stated that their property is directly across the street from the proposed establishment location. Michael expressed his concerns regarding the potential retail location, odor, traffic, and aesthetics. Michael stated that there are residents in the area who should be kept in the loop as this project moves forward. Michael expressed his concern regarding Michael Herbert (Urban Grown) statement at the Planning Board meeting last night stating that this is commercial location, and no residences are around. Michael Herbert (Urban Grown) stated that he apologized, and he meant to say that it is not in a residential area. After much discussion, a motion was made for Urban Grown to move forward with their virtual Community Outreach Meeting scheduled for March 1, 2021 at 7:00 pm. Motion was seconded. All in favor. Roll call vote: Joyce – yes, Fred -yes, and Jonathan – yes.

### **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 Closing Town Buildings to the Public Except by Appointment; Guidance on Holding Meetings for Town Departments, Boards, Committees, and Commissions and the Directive on Face Coverings; or any other issues related to COVID19.***

Brian discussed the COVID19 vaccinations with specific attention to vaccination age requirements, vaccination site locations, and vaccine scheduling challenges. The Town currently has one active case.

**To discuss and vote to reopen the Town Offices on a limited basis for three mornings per week from 8:00 am to 12:00 noon or otherwise by appointment**

Brian informed the Board that they had a brief preliminary discussion at the last Selectboard meeting regarding reopening the Town Offices. Brian recommended that the Town Offices reopen on Monday, March 1<sup>st</sup>, 2021 on a limited basis for three mornings per week from 8:00 am to 12:00 noon or otherwise by appointment. The Board had a brief discussion regarding staff concerns, remote working option, re-opening concerns, and the importance of contact tracing. Brian informed the Board that he has tried to address staff concerns by changing the recommended open days. After much discussion, the Board decided to table this discussion until the next Selectboard meeting on March 10, 2021. No decision was made at this time.

### **Old Business:**

**To discuss grant priorities and project ideas that need further development**

Brian informed the Board that there was a short memorandum in their meeting material regarding the Center School RFI. Brian discussed the Center School RFI memorandum with specific attention to current workload, potential timeline, RFI town staff involvement, and the RFI process. The Board unanimously agreed that the Center School's RFI be targeted for publication in May.

Brian reviewed the grant priorities list with specific attention to the Shared Winter Streets and Spaces, Culvert Replacement Municipal Assistance grant, One Stop for Community Growth, Rural and Small-town Development Fund: expression of interest, Green Communities grant, Veterans Heritage grant, Efficiency and Regionalization grants, Complete Streets (Chestnut Plain Road sidewalks Phase II), MVP action grants, Community Compact Best Practices, IT Health check, and Mass EVIP (Charging stations). There has been

permits pulled for electrical work at the park and ride for four charging ports at level 2.

The Board unanimously agreed not to pursue the Shared Winter Streets and Spaces grant. Brian will follow-up with Wayne (Water Superintendent) to see if he heard back from Berkshire Design Group for proposed upgrades for the Water Department. The proposed upgrades might qualify for the Green Communities grant. The Energy Committee is currently focusing on solar and EV charging stations. There has been some interest from the Historical Commission to help move the Veterans Memorial project along. The Veteran's Heritage grant could be used towards this project, the Historical Commission and Veterans Committee will begin working on this grant. Brian will explore the Community Compact grant options and speak to Geoff in Sunderland regarding a potential joint position.

The Board had a brief discussion regarding EV charging station future demands, cyber security health check priority, and town staffing resources. Fred informed the Board that FRCOG performed a study identifying EV charging station locations and what is needed in the future. The study is located on the FRCOG's website.

The Board unanimously agreed to pursue the Culvert Replacement Municipal Assistance grant (Christian Lane), submit an expression of interest for the Rural and Small-Town Development Grant, explore Community Compact options, Green Communities grants, MVP action grants, and agreed to move the Cyber Security Health Check to a high priority.

### **New Business**

#### **To discuss and vote to sign a mutual aid agreement between the Whately and Hatfield Fire Departments regarding emergency response on Interstate 91**

John Hannum (Fire Chief) virtually appeared before the Board to discuss a mutual aid agreement between the Whately and Hatfield Fire Department regarding emergency response on Interstate 91. A motion was made to sign a mutual aid agreement between the Whately and Hatfield Fire Department regarding emergency response on Interstate 91. Motion was seconded. All in favor. Roll call vote: Jonathan – yes, Joyce – yes, and Fred – yes.

#### **To discuss a letter from the Whately Planning Board regarding the establishment of a resource replacement fee as set forth in recently adopted amendments to the solar zoning bylaw**

Judy Markland (Whately Planning Board Member) discussed a letter from the Planning Board regarding the establishment of a resource replacement fee as set forth in recently adopted amendments to the solar zoning bylaw with specific attention to the Attorney General's legal concerns. The zoning bylaw states that the amount of the fee should be determined by the Selectboard with input from the Agricultural Commission and Conservation Commission. The Board unanimously agreed to create an informal working group to obtain the appropriate information for what is needed to make an informed decision. Joyce volunteered to be the Selectboard representative of the informal working group. The informal working group will be made up of one member of Agricultural Commission, one member of Conservation Commission, and one member of the Planning Board. No decision was made at this time.

**To discuss and sign a joint letter opposing the prioritization of mass COVID19 vaccination sites over local vaccination sites**

The Board had a brief discussion regarding the challenges of mass COVID19 vaccination sites. A motion was made to sign a joint letter opposing the prioritization of mass COVID19 vaccination sites over local vaccination sites. Motion was seconded. All in favor. Roll call vote: Joyce – yes, Jonathan – yes, and Fred -yes.

**To accept the local cultural council grant award (\$4,800) from the Mass Cultural Council**

Brian informed the Board that a small annual grant was awarded to the Town to fund local cultural council projects - \$4,800. A motion was made to accept the local cultural council grant award of \$4,800. Motion was seconded. All in favor. Roll call vote: Fred – yes, Joyce – yes, and Jonathan – yes.

**To accept the resignation of Darcy Tozier from the Historical Commission**

A motion was made to accept the resignation of Darcy Tozier from the Whately Historical Commission. Motion was seconded. All in favor. Roll call vote: Joyce – yes, Fred – yes, and Jonathan – yes.

The Board requested that a thank you note be sent.

**Town Administrator Updates:**

Brian informed the Board that the Town received \$10,000 from the Small-Town Conservation Assistance grant. This grant will be used to update the Open Space Plan.

A motion was made to accept the Small Town Conservation Assistance grant. Motion was seconded. All in favor. Roll call vote: Jonathan – yes, Fred – yes, and Joyce -yes.

Brian informed the Board that the Town is still working on getting the capability for live broadcast meetings from the Town Offices. The Town is currently working with Comcast, FCAT, and Wassman AV to move forward with improvements to the Town Offices.

Brian informed the Board that the Urban Grown Community Outreach Meeting is scheduled for (03/01/21) at 7:00 pm. Their Zoom meeting link will be posted on the Town's website.

Brian informed the Board that the 250<sup>th</sup> Anniversary Committee has requested the Board's participation in the Mobile Parade scheduled for April 24, 2021 at 3:00 pm. No decision was made at this time.

Brian informed the Board that he is currently trying to close out the Manganese Filtration project with MassDEP.

Brian informed the Board that Fred and himself virtually attended the Franklin Regional Council of Government meeting for the Transportation Improvement Plan. Their plan is to still include the Haydenville Road project for FY2025. Brian, Fred and Keith will keep attending those meetings to make sure the project continues to remain on the TIP.

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

Fred inquired what the status was for the Water Merger project, specifically project management? Brian stated that he spoke to Wayne (Water Superintendent) about the engineers taking on a more significant role. Brian requested a scope of work from the engineers but has not received anything yet. Wayne (Water Superintendent) is moving the project along with the Engineers.

The meeting was adjourned 7:52 pm

Respectfully submitted,

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Brian Domina, Town Administrator

Next Meetings: March 10, 2021 and March 31, 2021

**Document List Filed in the Selectboard Office**

SB Meeting Minutes dated 02.10.2021.

Payroll Warrant WP21-18 dated 02.15.2021

Vendor Warrant WP21-18 dated 02.15.2021

Email from Michael Herbert (Urban Grown) dated 02.19.2021

Order Reopening Town Buildings to the Public for Limited Hours and Appointment only dated 02.24.2021

Center School Request for Information Timing Memorandum from Town Administrator, Brian Domina, dated 02.24.2021

Town of Hatfield Fire Department Mutual Aid Agreement

Planning Board Letter to the Selectboard RE: Solar Facility Resource Replacement Fee dated 02.09.2021.

Vaccine Distribution in Rural Communities letter dated 02.22.2021

Mass Cultural Council Letter with Scope of Services/Budget dated 02.10.2021.

Commonwealth of Massachusetts – Standard Contract Form – Mass Cultural Council

Darcy Tozier's resignation letter from the Historical Commission

Email from Nathaniel Thomas – Whately Small Communities Grant Award – dated 02.23.2021

Commonwealth of Massachusetts – Standard Contract form with Attachment A – Executive Office of Energy and Env. Affairs MMARS