

**Selectboard  
Meeting Minutes  
May 12, 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 May 12, 2021 at 6:04 p.m. by the Chairperson, Fred Orloski. Also present via Zoom were Selectboard Members Joyce Palmer-Fortune, Jonathan Edwards, Town Administrator Brian Domina, and Administrative Assistant Amy Schrader.

**Review and vote on the meeting minutes of April 26, 2021.**

The Board voted to approve the meeting minutes of April 26, 2021.

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

**Scheduled Appointments:**

**PUBLIC HEARING: Mosquito Spraying Opt-Out (6:05) Whately Board of Health and Whately Selectboard to accept public comment and to discuss opting out of the mosquito spraying program conducted by SRMCB under M.G.L. c. 252 § 2A for calendar year 2021**

Fred opened the public hearing and asked Fran Fortino from the Board of Health to discuss opting out of the mosquito spraying program. Fran discussed the opt-out process with specific attention to the opt-out alternative plan, public educational component, certified vote, and a potential for a future mosquito control board. Fran stated that the decision is made by the Selectboard with the recommendation by the Board of Health. The public hearing was closed. A motion was made to opt-out of the mosquito spraying program conducted by SRMCB under M.G.L. c. 252 § 2A for calendar year 2021. Motion was seconded. All in favor. Roll call vote: Jonathan – yes, Joyce – yes, and Fred – yes.

**(6:15) Chris Karney (R. Levesque Associates) to discuss a waiver request from the driveway regulations for a parcel of land located on State Road (Assessor's Map 5 Parcel 29)**

Brian informed the Board that he spoke with Town Counsel regarding the Town's driveway regulations. Town Counsel concurred that the Selectboard driveway regulations only apply to Town roads and recommended that the Board take a position that it does not have jurisdiction over the current location on State Road. State road is a state maintained and controlled road. The Board had a brief discussion regarding the driveway regulations with specific attention to the jurisdiction issue, MassDOT policies, and how to handle future waiver requests. Christopher Karney (R. Levesque Associates)

virtually appeared before the Board to discuss the driveway permit process and their next step. Keith Bardwell (Highway and Building Superintendent) discussed state highway jurisdictions. Keith stated that he would direct previous driveway permit applicants, specifically on State Road, to MassDOT for approval. After a brief discussion, Brian will send out communication to the Planning Board with the Board's decision. A motion was made to accept that this is not the Selectboard's jurisdiction as Town Counsel advised. Motion was seconded. All in favor. Roll call vote: Jonathan – yes, Fred – yes, and Joyce – yes.

**(6:30) Whately Water Commissioners to provide a status update on the water merger project and to discuss possible future capital projects (closing loops in the system, back-up water sources, etc.) as they relate to the America Rescue Plan Act funding and other possible future federal funding sources**

Wayne Hutkoski (Water Superintendent) virtually appeared before the Board to provide a status update on the water merger project. Wayne stated that the water merger project goes in front of the Planning Board on May 25, 2021 and the ZBA on June 7, 2021. The Water Department is hoping to have design drawings by the end of the week from the Engineers. The pump bids are out to bid which are due May 20, 2021. The Water Department could potentially start building in the middle of June. The Board had a lengthy discussion regarding the water merger project with specific attention to the water merger hook up fee process/payment options and potential federal funding sources. Brian Domina (Town Administrator) discussed potential funding sources with specific attention to the One Stop for Growth grant, American Rescue Plan Act funding, potential hook-up fee payment options, and grant timelines. Nicholas Jones (Whately Water District) stated that it would be helpful to know the funding use restrictions for the American Rescue Plan Act. The Board requested that the Water Commissioners draft a proposal regarding the water hook-up fee payment options and how potential funding sources, could be used.

David Theoharides (Pine Plains Estates Representative) stated that they surveyed the lot owners to see if they were still receiving odors. The survey results showed that several residents mentioned periodic sulfur smell in the water, red staining in their sinks, and water lines in the toilet. Sulfur smell comes mostly from the cold water only and only in the bathroom sinks. Some residents put in very costly water filtration system to help mitigate the issue. There are some residents do not let their children drink the Town's water. There has been a lot of theories regarding the sulfur odor issue: stagnant water in pipes, potential iron bacteria. The lot owners would like to know what is causing the sulfur odor and is it safe to drink. The lot owners inquired if it is possible, through Town grants, to get an expert analysis. David thanked the Water Department for mitigating the manganese problem and installing the manganese filtration system.

Pam McDaniel (Pine Plains Estates resident) stated that David covered their concerns. The cold water in their bathroom is not drinkable. Rebecca (Pine Plains Estates resident) stated that the smell is just in the master bathroom and just the cold water. The smell is extremely strong. They thought it was just a building flaw until they were informed it is a community wide problem. Should they be sending water out for testing or is this so common, that the town is aware and that it is a typical problem.

Wayne Hutkoski (Water Superintendent) stated that he has spoken to a water quality specialist and has taken samples from the Pine Plains Estates area, southern end of State Road, and southern end of River Road. Wayne is still waiting for the water results. Wayne stated that he is being told, it is because of an iron bacterium and it seems to grow more on the PEX pipes inside houses instead of copper pipes.

Jerry Lemmon (Pine Plains Estates resident) stated that he moved into Pine Plains Estates in August and noticed significant water spots on the shower, cooking utensils, silverware, tea pots, etc. Jerry contacted Culligan Water Systems, who tested for hard water and then recommended to install a water conditioning system for the spotting plus a carbon filter system for the odor. Jerry invested in putting in a Culligan Water System. Jerry stated the most recent test, after installing the Culligan system. There is no iron in the water that was tested, the water hardest was an 8 out of 10 which is considered very high. The total dissolved solids were at 197, 0-50 is ideal, 197 is considered marginally acceptable. Maybe Pine Plains Estates is getting all the residual since it is located at the end of the run. It is clearly a problem in the water even though the water has been treated. This is an on-going concern and wanted to bring it to the Board's attention.

The Board discussed the importance of improving the Town's water quality with specific attention to water quality concerns and the potential of closing the loop. The Board suggested that the Water Department and Water Commissioner come up with a plan to address this issue and present it to the Board. Town would consider different funding options/requests to address this issue. The Board would like to see a proposal on paper with a funding request to help move this forward.

David Theoharides (Pine Plains Estates Representative) stated that one of the homeowners did switch his pipes from PEX pipes to cooper pipes and it did not change.

Brian Margolis (Future Pine Plains Estates resident) stated that he has owned a lot in Pine Plain Estate for the last 5 years and will begin construct in the next few month. Brian expressed concern regarding the water quality issues in Pine Plains Estates and stressed the importance of this issue. Brian thanked Jonathan and David for bringing this to the Board's attention.

Jonathan Edwards (Selectboard) inquired how long it could potentially take to close the loop? Wayne Hutkoski (Water Department) and Keith Bardwell (Highway and Building Superintendent) stated that the biggest issue would be getting the permit to dig under the railroad tracks and funding sources. The next step would be what MassDOT would require for digging under the railroad tracks. Jonathan (Selectboard) expressed concern that this is a water quality issue and certain phone calls should be made to address this issue as soon as possible. David Theoharides is the Pine Plains Estates Representative and Fred Orloski (Water Department Liaison) will be available for any concerns/questions and assist with moving the project forward.

David Theoharides (Pine Plains Estates Representative) stated that the Pine Plains Estates residents love living in Whately and thanked the town for the Santa parade and other community events.

Keith Bardwell (Highway and Building Superintendent) inquired if MassDEP is aware of the potential health issue? Wayne Hutkoski (Water Superintendent) stated that his understanding it is not a health issues, it is more of an inconvenience/aesthetically displeasing.

The Board thanked the Pine Plains Estates residents for coming forward and bring this issue to the Board's attention.

Pine Plains Estates Feedback on Water Issues letter dated 04.2021 can be viewed at the Town Offices.

After much discussion, the Board requested that the Water Commissioners and Water Superintendent draft a recommendation/proposal for the water hook-up fee payment options and potential funding options. Brian will forward the American Rescue Plan Act funding uses to the Water Department for review of potential funding uses.

#### **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 of Holding Meetings for Town Departments, Boards, Committees, and Commissions and the Directive on Face Coverings*; or any other issues related to COVID19.**

Brian informed the Board that there are two proposed revisions to the Orders. The two orders requested to be revised are (1) the Directive on Face Coverings for Town Employees and (2) the Order Reopening Town Buildings to the Public for Limited Hours and Appointments Only. The revisions to these two documents are intended to address the loosening of the mask restrictions per Order of Governor Baker on April 29, 2021. After a brief discussion, a motion was made to adopt the newly revised COVID19 Orders. Motion was seconded. All in favor. Roll call vote: Jonathan – yes, Joyce – yes, and Fred – yes.

#### **Old Business:**

**To discuss the proposed fiscal year 2022 operating budget, capital projects and proposed transfers**

Brian provided the Board with an update on the Finance Committee status with the Town's FY22 budget process. Brian reviewed and discussed the budget review tool FY22 version #2 with specific attention to Whately Elementary School driveway, cemetery gates decisions, Free Cash use, potential Police Reform Bill expenses, and the creation of a building stabilization account.

The Board had a discussion regarding the Town's previous free cash amounts, stabilization accounts, and capital improvement project prioritization. The Board expressed concern regarding the Finance Committee's decision to delay the Whately Elementary School's driveway re-paving due to the potential increase in cost of paving materials. Keith Bardwell (Highway and Building Superintendent) expressed concern that the project could potentially cost 5% to 6% more next year and inquired why they would not fund the whole project this year? Brian stated that he understood their concerns and would reach-out to the Finance Committee. After much discussion, the Board requested to discuss this further with the Finance Committee at the next scheduled joint meeting.

**To review proposed administrative staffing changes and to review a draft job description for the Community Development Administrator/Assistant Town Administrator**

Brian informed the Board that the Lynn Sibley, Town Clerk, has expressed intentions to give up the Town Clerk role. Brian discussed the proposed staffing reorganization chart with specific attention to

the Town Clerk, Treasurer/Collector, Assistant Town Clerk, and Assistant Treasurer/Collector. There is a slight budget increase due to the Treasurer/Collector adding more hours. The Board had no comments at this time. Brian informed the Board that the draft job description for the Community Development Administrator/Assistant Town Administrator, if funded, would need to be approved by the Personnel Committee. Brian discussed the additional staffing need with specific attention to assisting Board/Committees, Community development, and potential grant opportunities. The Board had a brief discussion regarding the Community Development/Assistant Town Administrator job description and unanimously agreed to support the proposed position. Fred Orloski (Selectboard Chair) suggested condensing the job description details for advertising purposes.

#### **To discuss the feedback received on the Expressions of Interest submitted to the One Stop for Growth program and to discuss next steps**

Brian informed the Board that this a program that the state is requiring municipalities to go through to access many grant programs. Brian discussed the One Stop for Growth program with specific attention to economic development, public water system upgrades, increasing affordable housing opportunities, expansion of industrial land, and reuse of legacy school buildings (Center School). Applications are due June 4, 2021. The Selectboard has a meeting on May 26, 2021, Brian requested that the Board select two options for the One Stop for Growth program. Brian recommended the following two projects: Exit 35 economic development and increasing affordable housing opportunities. The Board had a discussion regarding the One Stop for Growth program recommendations with specific attention to program guidelines, potential water system expansion, and the Blue School redevelopment concerns/suggestions. After much discussion, the Board suggested that Brian proceed with the following two projects: Exit 35 economic development and increasing affordable housing opportunities.

#### **To discuss proposed plans for a limited Memorial Day celebration on Monday, May 31, 2021**

Jim Ross (Veterans Memorial Committee) virtually appeared before the Board to discuss the proposed plans for a limited Memorial Day Celebration on Monday, May 31, 2021 at 11: 45 a.m. (mid-day). Jim Ross discussed the proposed plan with specific attention to participants, scheduled events, and timeline. Jim stated that this event will not take longer than 15 minutes and will be open to the public. The Board inquired if FCAT could cover this event? Jim Ross stated that he would reach-out to FCAT. The Board of Health supports the proposed plan. The Board suggested that this event be posted on the Town's website but that residents should be encouraged to watch the event on FCAT. The Board unanimously agreed to support the proposed plans for a limited Memorial Day celebration on Monday, May 31, 2021.

#### **New Business**

##### **To discuss concerns about the ponding of water adjacent to Dickinson Hill Road**

Keith Bardwell (Highway and Building Superintendent) stated that he has spoken to the landowner regarding the raising water level of their pond adjacent to Dickinson Hill Road. Surrounding residents are concerned about potential flooding. The pond is located on private property and if were to overflow could potentially jeopardize a town road. Keith suggested that the town present the landowner with a formal letter addressing this concern. The Board discussed the proposed formal

letter with specific attention to mitigation efforts/expenses and previous communication efforts. The Board requested that this letter be sent by certified mail. A motion was made to support signing the draft letter. Motion was seconded. All in favor. Roll call vote: Jonathan – yes, Fred – yes, and Joyce – yes.

**To discuss a recommendation from the Highways & Buildings Superintendent on ending the probationary period of a highway department employee**

Keith Bardwell (Highway and Building Superintendent) informed the Board that Quincy Ortiz (Highway Department Employee) has completed all his requirements to end his probationary period. A motion was made to end the probationary period for Quincy Ortiz. Motion was seconded. All in favor. Roll call vote: Fred – yes, Jonathan – yes, and Joyce – yes.

**To discuss concerns over planned utility pole replacements on Long Plain Road and Christian Lane**

Fred Orloski (Selectboard Chair) informed the Board that Eversource is planning on replacing the utility poles on Long Plain Road and Christian Lane. Fred Orloski expressed concern regarding the potential pole replacements and the visual effects it could have on the Town's 250<sup>th</sup> anniversary parade and celebration events. Fred suggested inviting Eversource to a meeting to discuss the pole replacement schedule and request more information. Keith Bardwell (Highway and Building Superintendent) expressed his concern that Eversource might defer the pole replacement process to Verizon and stated that the pole replacements could be due to electrical upgrade for the marijuana establishments. The Board requested that an Eversource and Verizon Representative attend the next Selectboard meeting to discuss any planned pole replacements scheduled for Whately.

**To accept the resignation of Bill Skroski from the Tri-Town Beach Commission**

A motion was made to accept the resignation of Bill Skroski from the Tri-Town Beach Commission. Motion was seconded. All in favor. Roll call vote: Jonathan – yes, Fred -yes, and Joyce – yes.

**Town Administrator Updates:**

Jim Ross informed the Board that Alan Thackery and himself have been raising and lowering of flags for the last decade. Jim Ross discussed the seven flags' locations. Police Chief and Fire Chief will handle their own raising and lowering of the flag. The Center School and Herlihy Field flags are not raised and lowered. The Town Offices flag will need to be raised and lowered by a Town Official/volunteer. Jim Ross stated that he will continue to raise and lower the flag at the Town's Veterans Memorial. Jim Ross has notified the Post Office which is a federal issue. Jim Ross suggested logging into the state house to get notification as to when to lower and raise the flag. The Board thanked Jim Ross for his service.

Brian informed the Board that Keith Bardwell (Highway and Building Superintendent) prepped the site for the Town Hall storage shed. Keith Bardwell stated that once the ground hardens the shed will be delivered.

Brian informed the Board that the Complete Streets grant was submitted. Less money was applied for than originally planned because the program recently implemented a rolling three-year cap on funding per municipality.

Brian informed the Board that MassDOT has agreed to pay 100% of the design costs for Haydenville Road reconstruction project.

Brian informed the Board that there is a COVID19 vaccine clinic scheduled at Tree House Brewing in Deerfield– May 16, 2021.

Brian informed the Board that Joyce, Amy, and himself have been discussing the Town's AV needs for the meeting room.

Brian informed the Board that the filming at the Whately Diner and flare-off operations at Berkshire Gas are complete.

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

none

The meeting was adjourned 7:41pm

Respectfully submitted,

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Brian Domina, Town Administrator

Next Meetings: May 26, 2021 & June 9, 2021

**Document List Filed in the Selectboard Office**

Selectboard Meeting Minutes dated 04.26.2021

Vendor Warrant W21-23 dated 04.26.2021

Payroll Warrant WP21-23 dated 04.26.2021

Application for Alternative Mosquito Management Plan Required for a Municipality to Opt-Out of Spraying Conducted by the State Reclamation and Mosquito Control Board.

Application for Municipality Opt-Out of SRMCB Spraying dated 05.10.2021

Letter from R. Levesque Associates, Inc dated 04.29.2021

Letter from Pine Plain Estate homeowners/lot owners – Feedback on Water Issues dated 04.2021

COVID19 Revised Reopening Town Buildings to the Public for Limited Hours and Appointments Only

Dated 05.12.2021

Revised Directive on Face Coverings for Town Employees dated 05.12.2021

Further Revised Order regarding Face Coverings COVID19 Order No. 67 dated 04.29.2021

Town of Whately – Total & Enterprise Fund Budgets – FY22

Memorandum from Brian Domina, Town Administrator, dated 04.30.2021

Town of Whately Community Development Administrator/Assistant Town Administrator Job Description (draft) dated 04.30.2021

Community One Stop for Growth – Expression of Interest Feedback Report

Email from Fran Fortino (Board of Health Chair) dated 05.03.2021

Email from Jim Ross (Veterans Committee) dated 05.03.2021

Email from Keith Bardwell (Highway and Building Superintendent) dated 05.05.2021

Draft Letter to Peter Laird and Jeannine Adkins dated 05.12.2021

Email from Keith Bardwell (Highway and Building Superintendent) dated 05.10.2021

Resignation Letter from William J. Skroski (Tr-Town Beach Commissioner) dated 04.29.2021

Site- Bound 200912

Budget Review Tool FY22 Version #2 04.29.2021

FY22 All Budget Books

CSFP Tier 3 Application FY22RI