

**Selectboard  
Meeting Minutes  
June 2, 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 June 2, 2021, at 6:02 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 May 12, 2021**

The Board voted to approve the meeting minutes of May 12, 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:**

**(6:05 pm) Jared Glanz-Berger (DMCTC) to discuss a proposed Host Community Agreement for a marijuana retail establishment to be located at 424 State Road**

Jared Glanz-Berger (DMCTC) virtually appeared before the Board to discuss a proposed Host Community Agreement for a marijuana retail establishment to be located at 424 State Road. This agreement has the same language and terms as previous Host Community Agreements. Jared Glanz-Berger (DMCTC) informed the Board that their CCC provisional license review is scheduled for July 15, 2021, at their 7 River Road cultivation location. If approved, cultivation would begin with potential sales beginning in September. A motion was made to approve this Host Community Agreement. Motion was seconded. All in favor. Roll call vote: Jonathan – yes, Joyce – yes, and Fred – yes.

**(6:15 pm) Johnny Morin to discuss the Bikes Fight Cancer – charity bike ride event scheduled for June 12, 2021 starting in Whately**

Johnny Morin and Meghan Morin virtually appeared before Board to discuss the Bikes Fight Cancer – charity bike ride event scheduled for June 12, 2021. Johnny and Meghan discussed their bike ride event with specific attention to COVID19 protocols, bike ride timeline, and appropriate town notification. A motion was made to approve the Bikes Fight Cancer ride as planned. Motion was seconded. All in favor. Roll call vote: Jonathan – yes, Fred – yes, and Joyce – yes.

### **(6:30 pm) Eversource/Verizon representatives to discuss planned utility pole replacement projects in Whately**

Aaron Maxam (Eversource Representative) and Nick Langone (Eversource Representative) virtually appeared before the Board to discuss planned utility pole replacement projects in Whately. Fred Orloski (Selectboard Chair) expressed concern that the Town has multiple events planned for 2022 and inquired when the pole replacements would be taking place? Fred expressed his concern regarding the unsightly visual effect that double poles have. Nick Langone (Eversource Representative) stated that the Yankee Candle Factory on Christian Lane requested that Eversource increase their electricity supply since they are expanding. Nick discussed Yankee Candle's request with specific attention to updating infrastructure on Christian Lane, Eversource/Verizon's pole replacement process, double pole concerns, and estimated project completion date. Nick stated that the project should be completed by the first or second quarter of next year. Fred Orloski (Selectboard Chair) inquired if Eversource could work on other projects since the Yankee Candle Project could potentially affect the Town's 250<sup>th</sup> events. Aaron Maxam (Eversource Representative) stated that one of the other projects is located on Long Plain Road and inquired where the double poles are in town?

Fred Orloski (Selectboard Chair) stated that there are double poles located on River Road, Christian Lane (near bridge), and Haydenville Road (near Conway Rd). Keith Bardwell (Highway and Building Superintendent) stated that there are double poles everywhere that voltage regulators were installed. The Board expressed concern regarding Verizon/Eversource's lack of concern regarding the Town's aesthetics, monitoring efforts, and responsibility/accountability between utility companies. Nick Langone (Eversource Representative) requested that the Board provide something in writing that can be presented to all the utility companies involved.

Ellen Cummings (Verizon Representative) discussed Verizon's pole replacement process with specific attention to the double pole report (19 poles on River Road), double pole database, and utility notification process. Ellen will check on how long the double poles have been there and will send the Board the double pole report. Fred Orloski (Selectboard Chair) inquired about what legal authority the Town has to postpone work in the town until the double poles are removed? Brian Domina (Town Administrator) deferred that question to legal counsel. Keith Bardwell (Highway and Building Superintendent) stated that the majority of these poles are being held-up by Comcast. Fred Baron (resident) inquired if there were any contractual agreements to make the utility companies move more quickly? Jonathan Edwards (Selectboard member) stated that the Public Utilities Commission would be who the Town would reach-out too. Nick Langone (Eversource Representative) suggested working with Verizon and Comcast to eliminate the current double poles before the new project work begins and develop a clean-up response. Ellen suggested that Eversource take care of their poles listed on the report then pass the pole list to Comcast. After much discussion, the Board requested that Verizon, Eversource, and Comcast provide a schedule as to when/where the work will begin and a plan for when the current double poles will be removed. The Board requested that this plan be presented to them within the next 60 days.

### **COVID19 State of Emergency**

#### ***Order Ending the Local COVID-19 Emergency Declaration***

Brian informed the Board that this order would be declaring an end to the local COVID19 emergency declaration. The Town's last reported COVID19 case was in April 2021. The Commonwealth's State of Emergency is scheduled to end June 15, 2021. A motion was made to end the emergency declaration order that began on March 13, 2021 effective immediately. Motion was seconded. All in favor. Roll call vote: Jonathan – yes, Fred -yes, and Joyce – yes.

### ***Order Fully Reopening Town Buildings to the Public***

Brian informed the Board that he reached out to the Board of Health to see what their opinion was on fully reopening Town buildings to the public. The Board of Health suggested that when entering all Town buildings face coverings shall be worn when a person is not able to maintain six feet (6') of distance between another person from a different household. This requirement applies to both vaccinated and unvaccinated individuals. The Board had a lengthy discussion regarding COVID19 protocols, mask mandate concerns, and CDC recommendations. The Board unanimously agreed to revisit this every month for revision purposes. A motion was made to re-open Town buildings for normal use and hours to be effective on June 7, 2021. Motion was seconded. All in favor. Roll call vote: Fred -yes, Joyce -yes, and Jonathan – yes.

### ***Directive on Town Employees Returning to Work Near the End of the COVID19 Pandemic***

Brian reviewed the Directive on Town Employees returning to work near the end of the COVID19 pandemic with specific attention to the Town's COVID19 sick policy. The Board previously adopted a COVID19 Paid Sick leave directive that is in effect until the Board rescinds it. After much discussion, a motion was made to approve the Directive on Town Employees Returning to work near the end of the COVID19 Pandemic. Motion was seconded. All in favor. Roll call vote: Joyce – yes, Fred – yes, and Jonathan – yes.

### ***Second Revised Directive on Face Coverings for Town Employees***

Brian informed the Board that the Board of Health recommended that Town employees and anyone entering Town buildings (effective immediately) be required to wear a mask when indoors and social distancing of 6' is not possible from persons outside of their household and to require a mask when in a vehicle with another person outside of their household. A motion was made to approve the second revised directive on face coverings for Town employees. Motion was seconded. All in favor. Roll call vote: Joyce – yes, Fred – yes, and Jonathan -yes.

### ***Third Guidance on Holding Meetings for Town Departments, Boards, Committees and Commissions***

Brian inquired how the Board would like to handle in-person meetings? The Governor's Order allowing remote meetings will end on June 15, 2021. There is proposed legislation to extend the remote meeting option to September 1, 2021. The Board discussed the pros/cons of remote vs in-person meetings, hybrid meeting options/concerns, and Town Offices AV improvements. Fred Baron (resident) stated that if there is a contentious public hearing the hybrid meeting option could be challenging. The Board had a lengthy discussion regarding hybrid meeting concerns, future of recording meetings, and COVID19 in person meeting protocols. Brian informed the Board that there would be a dedicated laptop available in the large conference room at the Town Offices for Boards/Committees to use. Brian inquired if the Board would allow in-person meetings that are not recorded? Joyce and Jonathan do not support in-person meetings that are not recorded. The Board voted for remote participation during in-person meetings to be reviewed in 30 days. The Board unanimously agreed to tentatively hold their next meeting on June 30<sup>th</sup>, 2021, via Zoom unless legislation says otherwise. After much discussion, a motion was made to approve the Third Guidance on Holding Meetings for Town Departments, Boards, Committees, and Commissions. Motion was seconded. All in favor. Roll call vote: Fred -yes, Jonathan – yes, and Joyce – yes.

### **Old Business:**

#### **To discuss the request from the Frontier Regional School District to use additional Excess & Deficiency Funds for deferred capital items**

Brian informed the Board that this was discussed at the previous Joint Finance Committee/Selectboard meeting. The local appropriating authority is Town Meeting. If residents at the Town Meeting take no action, then it is

considered approved. Deerfield and Sunderland are not putting this article on their Annual Town Meeting warrants. The Board discussed their concerns regarding the administrative process for this decision. The Board unanimously agreed not to put this on the Town's Annual Town Meeting warrant.

**To review, discuss and vote to approve the articles for the 2021 Annual Town Meeting warrant to be held at the Whately Elementary School on June 15, 2021 at 6:00 pm**

Brian informed the Board that they have the draft warrant articles, draft operating budgets, proposed capital projects, CPA funding proposals and bylaw amendments. Brian reviewed the Annual Town Meeting draft warrant articles. A brief discussion ensued regarding the draft warrant articles with specific attention to warrant article 6, article 8, article 9, proposed CPA projects, proposed scenic roads, proposed bylaw amendments, and proposed capital projects appropriations and authorizations. Fred Orloski (Selectboard Chair) inquired what trucking equipment means in regard to the Zoning bylaw amendment. The Board discussed the proposed bylaw amendment's subjective language. The Board suggested that the language be clarified before being presented at the Annual Town Meeting. Hard copies of the warrant articles will be given out at Town Meeting along with a booklet that summarizes the warrant articles. The Board recommended each article on the warrant as written. A motion was made to approve the warrant as written. Motion was seconded. All in favor. Roll call vote Joyce – yes, Jonathan – yes, Fred – yes

**To review and vote to submit the Community Planning Grant applications (One Stop for Growth) for the Exit 35 study area and housing planning.**

Brian informed the Board that the grant applications require a letter of support from the municipal CEOs. The grant applications are for a planning study for exit 35 area and an affordable housing study/production plan. A motion was made to sign the letters of support for these grants. Motion was seconded. All in favor. Roll call vote: Fred -yes, Joyce – yes, and Jonathan – yes.

A motion was made to submit the Community Planning Grant application for the Exit 35 study area and increasing affordable housing opportunities. Motion was seconded. All in favor. Roll call vote: Jonathan – yes, Joyce – yes, and Fred – yes.

**New Business**

**To discuss and vote to designate an Authorized Contract Signatory for the regional Construction Services bid from FRCOG**

Brian informed the Board that the Board needs to designate an authorized contract signatory for the regional construction services bid from FRCOG. In previous years, the Board designated the Selectboard Chair as the signatory. This is for all the construction bids throughout the year that the Highway Department utilizes. FRCOG requires proof of a designated authorized signatory. A motion was made to designate, Selectboard Chair, as an Authorized Contract Signatory for the regional Construction Services bid from FRCOG. Motion was seconded. All in favor. Roll call vote: Jonathan – yes, Joyce – yes, and Fred – yes.

### **Town Administrator Updates:**

Brian informed the Board that the Water Merger project will be presented to the ZBA at their meeting tomorrow night to request a special permit for the pump house. There appears to be a title issue with the landowner that needs to be worked out before the Town can acquire an easement.

Brian informed the Board that the Haydenville Road and Mountain Street reconstruction project continues to be on the regional Transportation Improvement Plan "TIP" which was approved by the Franklin Transportation Planning Organization. Fred Orloski (Selectboard Chair) has participated in most of the meetings.

Brian informed the Board that there was a resignation from the Highway Department. The Town is currently advertising for the Operator/Laborer position. Keith Bardwell (Highway and Building Superintendent) discussed the Highway Department's vacation time overage and requested that the Highway Department be allowed to carry-over more than 80 hours (for this year only). A motion was made to accept Keith's request. Motion was seconded. All in favor. Roll call vote: Joyce – yes, Fred -yes, and Jonathan – yes.

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

none

The meeting was adjourned 8:55pm

Respectfully submitted,

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Brian Domina, Town Administrator

Next Meetings: June 30, 2021

### **Document List Filed in the Selectboard Office**

Selectboard Meeting Minutes dated 05.12.2021

Payroll Warrant WP21-25 dated 05.24.2021

Vendor Warrant W21-25 dated 05.24.2021

Letter from Johnny and Meghan Morin – Bike's Fight Cancer

Town of Whately Special Event Permit Application from Johnny and Meghan Morin – Bike's Fight Cancer  
Dated 05.05.2021

Town of Whately – Order Ending the Local COVID-19 Emergency Declaration dated 06.02.2021

Town of Whately – Order Fully Reopening Town Buildings to the Public dated 06.02.2021

Town of Whately – Directive on Town Employees Returning to Work Near the End of the COVID19 Pandemic  
dated 06.02.2021

Town of Whately – Third Guidance on Holding Meetings for Town Departments, Boards, Committees, and  
Commissions dated 06.02.2021

Email from Darius Modestow (Superintendent of Schools) dated 06.01.2021

Letter from Frontier Regional and Union 38 School Districts dated 05.14.2021

Community Planning Grant Program Information and Guidelines FY2022

Franklin Regional Council of Governments – Collective Highway Bid Participants dated 05.03.2021

DRAFT – DMCTC and Town of Whately Host Community Agreement dated 06.02.2021 v. 1.0 track changes

DRAFT – 2021 Annual Town Meeting Warrant Draft (3) 06.15.2021  
LOS Whately Affordable Housing  
LOS Whately Exit 35 Area Planning