

**Selectboard  
Meeting Minutes  
April 8, 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 April 8, 2020 at 6:02 p.m. via Zoom by the Chairperson, Joyce Palmer-Fortune. Also present via Zoom were Selectboard Members Frederick Orloski and Jonathan Edwards, Town Administrator Brian Domina, and Administrative Assistant Amy Schrader.

**Review and vote on the meeting minutes of March 11, 2020, March 13, 2020, March 16, 2020 and March 24, 2020.**

The Board voted to approve the meeting minutes of March 11, 2020, March 13, 2020, and March 16, 2020. Roll call vote: Jonathan – yes, Joyce – yes, and Fred – yes.

Fred Orloski (Selectboard) stated that the meeting minutes from March 24, 2020 need to be amended on page 1, end of paragraph 5 to include: “Fred expressed his concern that only part-time police officers who are scheduled to work be paid sick time if they cannot work a shift due to COVID19 illness or quarantine” Brian indicated that was his current understanding of what the law requires.” The Board voted to approve the meeting minutes as amended. Roll call vote: Jonathan – yes, Joyce – yes, and Fred – 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

**COVID19 State of Emergency**

**To review Governor Baker’s extension of the Stay at home Advisory & Non-Essential Business Closures through May 4, 2020 and to consider modifications to the *Directive Limiting Work in Town Buildings to Only Essential Activities by Essential Employees & Board Members & Requiring Employees to Work from Home or Remain on Call to Perform Essential Functions* adopted by the Selectboard on March 24, 2020 to allow the return of Highway Department workers with special precautions imposed.**

Brian informed the Board that on March 24, 2020 the Board adopted a Directive limiting work in Town Buildings to only essential activities by Essential Employees/Board Members and requiring employees to work from home or remain on call to perform essential functions through April 8, 2020. Since that time, Governor Baker has extended the Commonwealth’s Stay at Home Order and the closure of non-essential businesses until May 4, 2020. Brian suggested that the Board have a discussion to consider modifications to their current Directive. Brian (Town Administrator) and Lynn Sibley (Town Clerk, Treasurer/Collector) discussed the Town Offices rotating work schedule. Brian and Lynn personally think that the employees at the Town Offices could continue their modified/rotating work schedule until May 4, 2020. Fred Orloski (Selectboard) inquired if the Town Buildings

Custodian has been regularly cleaning the Town Offices? Keith Bardwell (Highway and Building Superintendent) stated that the Town Buildings Custodian is cleaning only the Town Offices on Mondays, Wednesdays, and Fridays.

Keith Bardwell (Highway and Building Superintendent) reviewed his proposed amendments to the Selectboard's Directive with specific attention to the restatement of the Highway Department's non-essential employees, proposed special precautions, and summer/outdoor workload. The Board had a brief discussion regarding the Highway Department's workload, extension of compensation for employees, rainy day workload/accommodations, and social distancing challenges. Fred Orloski (Selectboard) requested Keith Bardwell (Highway and Building Superintendent) to be present at the next Selectboard meeting on April 29, 2020 to discuss the current and future schedule of the Highway Department. After much discussion, Joyce Palmer-Fortune (Selectboard Chair) made a motion to continue the Board's Directive with the amendment that the Board allow the Highway Department Employees to work under the conditions stated in Keith Bardwell (Highway and Building Superintendent) memorandum, to be reviewed at the next Selectboard meeting scheduled for April 29, 2020. Motion was seconded. Roll call vote: Jonathan – yes, Fred – yes, and Joyce – yes.

**To discuss Chapter 53 of the Acts of 2020, “An Act to Address Challenges Faced by Municipalities and State Authorities Resulting from COVID-19” as it pertains to the Annual Town Meeting, various payment deadline extensions and fiscal year 2021 budgets.**

Brian informed the Board that the Legislature adopted an Act to Address Challenges Faced by Municipalities and State Authorities Resulting from COVID-19” as it pertains to the Annual Town Meeting, various payment deadline extensions, and fiscal year 2021 budgets. Brian stated that the first section addresses Annual Town Meetings, prior to this being adopted Annual Town Meetings needed to be held prior to June 30<sup>th</sup>. This legislation allows towns to hold their Annual Town Meeting beyond June 30<sup>th</sup>, as long as the Commonwealth's State of Emergency is still in effect. Brian stated that one of the difficulties with holding the Annual Town Meeting after June 30<sup>th</sup> would be that the town would be starting FY21 without a budget. Brian stated that the Selectboard could make a request to the Director of Accounts at DLS for the town to adopt a 1/12th budget for July and subsequent months. The Legislation also includes language for municipalities to continue to use their previously certified Free Cash.

Brian inquired if the Board would entertain holding the ATM outside? The Board had a lengthy discussion regarding potential ATM dates/locations, FY21 state aid, funding shortfalls, Annual Town Meeting warrant requirements, 1/12th budget options, and the possibility of resuming Finance Committee meetings. The Board suggested that Brian have a discussion with the Chair of the Finance Committee to see how many additional meetings are needed. Jonathan Edwards (Selectboard) expressed concern regarding the proposed June dates for the Annual Town Meeting and wants the Board to err on the side of caution for making that decision right now. No decision was made at this time.

Lynn (Treasurer/Collector) stated that the Selectboard can decide whether to extend the due date for real estate and personal property taxes. Lynn suggested two options for extending tax payment deadlines: First suggestion is that tax payers could pay their taxes by June 1<sup>st</sup> instead of May 1<sup>st</sup> without any interest or penalty. Second suggestion is that any excise or water bill due in March, could also have the interest and penalties waived up until June 30<sup>th</sup>. These are two suggestion that the Selectboard needs to vote on. Lynn requested that the Board vote on these suggestions sooner rather than later so she can provide proper notification to tax payers. The Board had a brief discussion regarding deadline extension options and deadline extension language. Jonathan made a motion to extend the deadline for property taxes to June 1, 2020 without penalty. Motion was seconded. All in favor. Roll call vote: Joyce, yes – Jonathan, yes – Fred, yes. A motion was made to waive the interest and penalties on excise taxes and water bills until June 30, 2020. Motion was seconded. All in favor. Roll call vote: Joyce, yes – Jonathan, yes – Fred, yes.

Brian informed the Board that this legislation also authorizes the take-out and delivery of beer and wine in any establishment licensed to sell alcoholic beverages or only wine and malt beverages on premise. The Town has two on-premise alcohol licenses, Whately Diner and Whately Inn. These locations are now allowed to sell wine in its original sealed container and malt beverages in a sealed container, but needs to be sold as part of a same transaction with food. Brian stated that he heard the Whately Inn is currently closed, but thinks it would be worthwhile to have a discussion with the manager of the Whately Diner. Chief Sevigne (Police Chief) stated that the Whately Diner is accepting take-out orders and that the patron line is for the showers. The Board expressed concerns regarding the shower lines and strongly feel that patrons should wait outside. The Board recommended contacting the Board of Health to help address this issue. Chief Sevigne (Police Chief) stated the he provided the Board of Health with a list of businesses, who currently have employees on site, to investigate if they are essential or non-essential businesses. Brian stated that another section of this legislation allows a blanket extension for land-use permitting deadlines. Brian informed the Board that QuonQuont Farm, LLC, a local wedding venue has been negatively impacted by COVID19 restrictions. Quonquont Farms will be submitting a request to the ZBA to extend their allowable time to operate. The action the Board would need to take would be to extend their seasonal alcohol license beyond October 31, 2020. No action was taken at this time.

**To review fiscal year budget modification letters from the Deerfield and Sunderland Selectboards as they relate to the Frontier Regional School District's fiscal year 2021 budget.**

Joyce Palmer-Fortune informed the Board that they received letters from the Towns of Deerfield and Sunderland Selectboards for budget modifications related to the Frontier Regional School District's FY21 budget. The Town of Deerfield and Sunderland requested a 5 percent budget decrease. Brian stated that he has a call scheduled with Darius Modestow (Superintendent of Schools) and the other Town Administrators on Monday to discuss their requests and the potential financial impact of COVID19. The Board had a brief discussion regarding the budget planning process, potential future budget cuts, and the need for additional information. No action was taken at this time.

**Old Business:**

**To discuss and vote to award the contract for the Williamsburg Road Bridge Replacement project.**

Brian informed the Board that he sent out the two possible financing scenarios for the project. Scenario two of the agreement is possible because the Town was notified that MassDOT is providing an additional \$272,000 towards the project. There is a contract amendment that Joyce, Chair of the Selectboard, will have to sign. Brian stated that two documents will be signed; the construction contract with Davenport for the \$567,337 and the contract amendment with the State to give the town the additional \$272,000. The total amount from the state is \$769,000. Joyce inquired if the Board needs to vote on accepting money from the State and inquired if she has full support of the Board in signing the amended contract? Jonathan Edwards and Fred Orloski stated their approval for Joyce to sign the amended contract. Brian stated that Joyce only needs to sign the contract amendment. Keith Bardwell (Highway Superintendent) stated that even with the additional \$272,000, the Highway Department will still have to do the work under Alternate # 1. The Board had a brief discussion regarding the Alternate # 1 options, potential restrictions on construction projects, and the Complete Streets program deadline. Jonathan made a motion to award the contract and for Joyce to sign the amended agreement. Motion was seconded. All in favor. Roll call vote: Jonathan – yes, Joyce – yes, Fred – yes.

**To discuss the Department of Labor Standards, review of the Whately Highway Garage.**

Brian informed the Board that there was an informal review of the Highway Garage by the Department of Labor Standards. Brian stated that he thought the informal review went very well. Both the Highway Garage and the Fire Department have mezzanine areas for storage. OSHA regulations require that these areas be load tested and posted. Keith Bardwell (Highway and Building Superintendent) stated that the mezzanine is the biggest issue for the Highway Garage, which is used for storage. The proper safety measures need to be put into place for the mezzanine areas. All the other minor things will be addressed and taken care of by the deadline. Fred Orloski recommended using Sarah Campbell (Engineer) or Thayer Associates to determine the load ratings of the mezzanines.

**To discuss equipment (woodchipper)(excavator) needs of the Highway Department.**

Keith Bardwell (Highway and Building Superintendent) informed the Board that the woodchipper has self-destructed which caused a catastrophic failure. The Insurance Adjustor declared it to be a total loss. The estimates received for a woodchipper replacement are around \$50,000. Keith stated that he has things scheduled that require use of a woodchipper. The financial impact of COVID19 could potentially affect this decision. The Board had a brief discussion regarding the usage amount of the woodchipper and potential woodchipper rental. The Board suggested that Keith provide a list of options for the Finance Committee to review regarding the woodchipper purchase. Keith stated that the Excavator purchase is still necessary to complete future town projects. Keith had a discussion with the vendor and there is a rent to own option on the excavator. If the town decides not to purchase the machine than the Town will just have paid for the rental. Fred Orloski inquired whether municipalities can still purchase equipment from federal/military auctions? Keith stated that you can purchase small equipment, but the process is difficult. The Board had a brief discussion regarding the excavator and woodchipper purchase timeline. The Board made no decision at this time and stated that this will be reviewed at a future Finance Committee meeting.

**To review and sign a slope easement for the Whately Town Hall.**

Brian informed the Board that when the rear parking lot was constructed at the Town Hall, the slope needed to be extended onto the abutter's property and an easement is needed to formalize this arrangement. The easement is included in the packet and acceptable to Melissa Caldwell. It would be the Board accepting the terms of the easement. Melissa is donating the easement free of charge in exchange the Town will maintain the slope and small mulch bed with plantings and also maintain the fence that shields headlights from her house. Fred Orloski stated since it's going to be a legal document and attached to the deed, the stipulation should be very clear. Fred stated that the rear parking lot fence location should be clarified. Fred recommended changing the language to "the rear parking lot near/adjacent to the Smike's house to protect headlights in that direction". Fred suggested that a time-period should be stated for maintaining the mulch and landscaping on the slope. Keith Bardwell (Highway and Building Superintendent) agreed with Fred and stated that the landscaping requirements should be cleared-up. Brian stated that the sketch plan identifies where the fence is located which will be attached to the easement. In terms of continuing maintenance of the area, if Melissa is going to provide the town the right to continue using the property in perpetuity it would be the Town's responsibility to keep that slope in good condition. Brian stated that for clarification purposes, a memorandum of agreement (MOA) may be more appropriate to detail the specifics of the plantings. After much discussion, a motion was made to accept the easement. Motion was seconded. All in favor. Roll call vote: Jonathan – yes, Fred – yes, Joyce – yes. The Board also expects that a MOA will be developed to clarify what landscaping is expected to be on the slope.

**To discuss interior (stage) and exterior (parking lot) lighting at the Whately Town Hall.**

Brian informed the Board that at their last regular meeting, that the Friends of Town Hall have asked to install additional lighting for the stage. The Board approved the idea, but wanted to see what it would look like. The meeting material includes a “cut sheet” of the lights proposed by the electrician. Brian reviewed the “cut sheet” of the lighting proposed by the electrician. This would be a donation from the Friends of Town Hall. The Board accepted the lighting proposal for the installation of the new interior stage lights. Brian inquired if the Board would want Marc Bussiere to do the work during the COVID19 town buildings closure? The Board stated that they would like to know when the project would start and be completed. The work would ideally be done by two people with proper social distancing and the work areas would need to be sanitized.

Brian informed the Board that there have been many challenges with the Town Hall’s exterior lights. There have been issues with the exterior parking lot light that was switched over to an LED, then to a smaller LED and the neighbors are still not pleased with the light. Brian inquired if the Board would be amenable to having the light turned off and just trying to see if the post lights work well enough or alternatively to place the light on a timer? The Board had a brief discussion regarding the need for the exterior lights, potential use of the post lights, light locations and current electric usage/costs. Brian and Keith will continue to work on the Town Hall’s exterior light situation. No decision was made at this time.

**To review the terms and dates of the proposed 13-town municipal electricity aggregation collaborative.**

Brian informed the Board that the DPU has approved the plan of the 13-towns to aggregate their electric load and seek pricing. On April 29<sup>th</sup>, Colonial Power would like to issue an RFP to suppliers. On May 13<sup>th</sup>, they would request indicative pricing due. On May 20<sup>th</sup>, they would get executable pricing and towns would need an authorized signatory to lock in those prices. Colonial is looking at an agreement term of 36 months with a start date of August 2020. Brian reviewed the six different products that the RFP is soliciting prices for. Brian inquired if the Board would like to continue to move forward with this process. Jonathan Edwards clarified that Eversource will still be the service provider, but residents will be telling Eversource where to purchase the electricity.

The Board had a brief discussion regarding the residential/commercial options and how to appropriately notify Town residents. The Energy Committee supports this collaborative only if it’s greener energy at the same price people are now paying or the same mix at a cheaper price people are paying now. The Energy Committee will not support any mix that has less renewables or a deterrent to clean energy use. Colonial power has asked for a reply from the Town by April 15 as to whether its proposed schedule is amenable to the Town. Jonathan made a motion to continue with this process. Motion was seconded. All in favor. Roll call vote: Joyce – yes, Jonathan – yes, Fred-yes.

**New Business:**

**To discuss how to handle future pole hearings (pending petition for Long Plain Road from Eversource).**

Brian inquired if the Board would like to hold the hearing via zoom or postpone the pole hearings? Keith Bardwell (Highway and Building Superintendent) stated that Eversource does very little “clean-up” after the job is

completed. Keith suggested that the Board be cautious to move forward with these pole hearings until the previous job sites are cleaned up by the contractor. The Board requested a list from Keith of Eversource/Verizon “clean-up” locations. Keith suggested using this information as leverage to get the previous job sites cleaned up before approving pending pole petitions. Brian stated that the Long Plain Road petition has been reviewed multiple times and he thinks that Eversource has come to an agreement with abutters. The Board requested the latest petition from Eversource for Long Plain Road and asked for a response date to be able to provide proper notification to abutters. Brian informed the Board that the Christian Lane regulators were installed on existing poles and not on a platform. Brian expressed concern that the Town was not notified of this change.

**To discuss and vote to approve the issuance of a note for \$200,000 to Easthampton Saving Bank (1.15%) to refinance the Town Hall Historic Rehabilitation Project debt.**

A motion was made to accept the term of the issuance of a note for \$200,000 to Easthampton Saving Bank (1.15%) to refinance the Town Hall Historic Rehabilitation Project debt. Motion was seconded. All in favor. Roll call vote: Jonathan – yes, Fred – yes, Joyce – yes.

**Town Administrator Updates:**

**Conservation Assistance for Small Communities grant (OSRP update)**

Brian informed the Board that the Town was awarded the funds, but it doesn’t seem like the Town can use the funds this fiscal year. Joyce inquired if the Town can use them for FY21? Brian explained the requirements and deadline challenges. The Community Compact program is another source of funding the Town could apply for.

**Center School Committee Final Report** – Brian informed the Board that they received the Center School Committee’s Final Report and it can be revisited after the COVID19 situation slows down.

**Haydenville Road Project** - Brian informed the Board that so far Keith Bardwell, Fred Orloski, and himself have had success keeping this project on the Transportation Improvement Plan (TIP) for 2025. Keith, Brian, and Fred have attended one in person meeting and one virtual meeting. Projects will be approved at the end of April. Brian will follow-up with Rep. Blais regarding the status on future scheduled meetings.

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

None

The meeting was adjourned 8:26 p.m.

Respectfully submitted,

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Brian Domina, Town Administrator

Next Meetings: April 29, 2020 & May 13, 2020

**Document List on File in the Selectboard Office**

Selectboard Meeting Minutes dated March 11, 2020, March 13, 2020, March 16, 2020, March 24, 2020, and March 25, 2020

Vendor Warrant dated 03/30/2020

Payroll Warrant dated 03/30/2020

Memo to the Selectboard from the Highway Department

Directive Limiting Work in Town Buildings to Only Essential Activities by Essential Employees & Board Members & Requiring Employees to Work from Home or Remain on Call to Perform Essential Functions – Proposed Updated April 8, 2020.

Email from Lynn Sibley, Treasurer/Collector, dated 04/06/2020

Letter from KP Law, Municipal Relief Legislation Passed by State Legislature and Land Use Permitting Deadline Extensions: Municipal Relief Legislation (Chapter 53 of the Acts of 2020) dated 04/03/2020

Letter to Bob Halla, Chair of Frontier Regional School Committee, from the Town of Deerfield dated 03/30/2020

Letter to Bob Halla, Chair of Frontier Regional School Committee, from the Town of Sunderland dated 04/03/2020

Agreement between Owner and Contractor for Construction Contract – Tighe & Bond

Letter from the Department of Labor Standards to Keith Bardwell, Highway and Building Superintendent, dated 03/24/2020

Draft of Grant of Easement between Melissa B. Caldwell (the Grantor) and the Town of Whately

Email from Neal Abraham dated 03/18/2020

Email from Denise Allard (Colonial Power) dated 03/30/2020