

**Selectboard  
Meeting Minutes  
May 13, 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 May 13, 2020 at 6:05 p.m. 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 April 29, 2020.**

The Board voted to approve the meeting minutes of April 29, 2020.

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

**Public Hearings:**

**(6:00 p.m.) Petition from Eversource to install utility poles and three (3) regulators on Long Plain Road.**

Joyce opened the public hearing at 6:05 pm. Michael Rosenberg (Eversource Engineer) virtually appeared before the Board to discuss Eversource’s petition to install utility poles and three regulators on Long Plain Road. Michael stated that this petition has been through the petition process a few times, due to pole location disagreements. Michael stated that Eversource and abutters to the proposed location have come to an agreement. Michael discussed specific details of the new location. Kathleen Wroblewski (abutter) inquired when Eversource is going to start the project? Michael stated that Eversource has taken a step back and are currently focusing on emergency work. At this time, Eversource doesn’t want to put more workers on a jobsite than necessary. Jonathan inquired if this regulator bank will be connected to one of the solar fields? Michael stated this regulator bank is purely for distribution benefits.

Fred inquired if Michael could update the Board on the status of the Christian Lane and River Road petitions? Michael stated that there was a misstep by Eversource (River Road location) due to the proximity of a storm drain so the project is paused. They don’t want to put something up that would have negative environmental impact. For the Christian Lane location, the regulators were down sized and Eversource used smaller regulators on three poles instead of an 18-foot platform. Eversource thought it was the best way to ease abutter concerns. Michael was not sure if this job was completed.

Kathleen Wroblewski (abutter) inquired if the regulators on single poles could be done on Long Plain Road too? Michael stated due to a number of factors, Eversource can’t down size the regulators for the Long Plain Road location. Fred inquired if the Board should be asking for a status report from Eversource over the next 3-6 months? The Board had a lengthy discussion regarding the pole petition process/timelines. The Board inquired if Eversource could provide a report on future regulator locations and asked what Eversource can do to address

unfinished installation projects/old pole removal? Michael stated that Melissa Hancock (Communications Director) can reach-out to Brian and provide a report to the Board or Brian. Michael stated that pole petition projects are due at the end of the year. The Board discussed the possibility of using the list of double poles and unfinished installation projects for leverage purposes. After much discussion, Jonathan made a motion to approve the pole location as petitioned by Eversource to install utility poles and three (3) regulators on Long Plain Road. Motion was seconded. All in favor. Roll call: Joyce – yes, Jonathan – yes, Fred – yes.

**Scheduled Appointment:**

**(6:15 p.m.) John Hanmer & Jared Glanzberger (Debilitating Medical Conditions Treatment Centers, Inc.) to discuss a request for permission to hold a remote Community Outreach Meeting per recently adopted Cannabis Control Commission regulations; and to introduce plans for a proposed marijuana cultivation establishment at 7 River Road.**

John Hanmer and Jared Glanzberger appeared before the Board to discuss a request for permission to hold a remote Community Outreach Meeting per recently adopted Cannabis Control Commission (CCC) regulations; and to introduce plans for a proposed marijuana cultivation establishment at 7 River Road. John stated that Jared and himself would like to submit a draft Host Community Agreement. John stated that their previously scheduled community outreach meeting was canceled due to the COVID19 outbreak. Since then, the Cannabis Control Commission has come out with a new regulation that permits remote Community Outreach Meetings. John stated that they have been in-touch with the realtor of 7 River Road to act as the moderator for their Community Outreach Meeting. Jared clarified that this project is different from the project on the Hatfield/Whately town line.

Joyce inquired which Town Boards are going to be notified of the public meeting and what are the requirements for the moderator? John stated that there is specific notification and moderator criteria that he will email to the Board. John stated that there has to be a third-party moderator for the meeting. Joyce stated that the realtor doesn't seem like a "disinterested" third party to run the meeting. John and Jared stated that they are open to suggestions on another moderator option. Jonathan suggested that the Town Moderator could potentially be a possibility and would also provide a comfort level to the townspeople. Jared stated that he will follow-up with the Town Administrator, Brian, to get the Town Moderator's contact information.

Jared stated that they would like to schedule their community outreach meeting as soon as possible. The week of the 25<sup>th</sup> is their target date. Brian stated that one of the beneficial things about prior in-person meetings is walking the location and he requested that they stake out where the greenhouses are going to go? Jared stated that they will speak to the lessor and ask if they would allow Town officials and interested parties to walk the property.

Jared informed the Board that this facility would be a Tier 11 operation with 45,000 square feet of greenhouse and the remainder of the property would be outside cultivation. They are currently working with the Berkshire Design Group on plans. They have a lease with an option to purchase and intend to purchase in the first year of the operation.

Jared inquired if the Board would accept a Host Community Agreement draft to review? The Board suggested that they review the Town's HCA template. Jared stated NAP advisor's agreement is very similar to theirs. The Board agreed to review their Host Community Agreement and asked them to submit it for review.

A motion was made to give permission for the Community Outreach meeting as specified by the new CCC regulations and to have Joyce be the authorized signatory. Motion was seconded. All in favor. Roll call vote: Joyce – yes, Jonathan – yes, Fred – yes.

**(6:45 p.m.) To meet with the Whately Energy Committee to discuss recommendations for the Town in regards to the current municipal aggregation effort that will set the default electric supplier for residents and likely provide additional options for residents seeking to purchase electricity generated with a higher percentage of renewable sources; and to vote to authorize an individual to contract on behalf of the Town of Whately in relation to the municipal aggregation effort.**

Nat Fortune, Paul Newlin, and Jonathan Edwards (Energy Committee members) virtually appeared before the Board to discuss recommendations for the Town in regards to the current municipal aggregation efforts. Nat discussed the Town's past aggregation efforts, electricity cost savings, Colonial Power's involvement, and contract options. Nat stated that Colonial Power is soliciting bids based on the criteria agreed upon by a 13 town collaborative. All 13 towns will choose a single provider of electricity for the same term. The towns decided to pursue two separate contracts; the first contract will start in August and expire at the end of the year and the second contract will start at the end of the year and will expire after 36 months. Separate contracts could potentially provide the towns with pricing flexibility. No action is required by ratepayers to participate in this cost-saving program. The program will be operated on an opt-out basis for all basic service customers. Residents can opt-out of this entirely. Every resident in Whately on basic service will get a post-card in the mail for this opt-out option. If someone does not respond to that postcard, the electric that they will be provided will be cheaper and greener than what they currently get through the basic service option. On May 20, 2020, Colonial Power will provide the Town with executable pricing and the Town will need to make a decision on who to go forward with. Nat discussed the following three recommendations:

- Default option – 100% National Wind – cheaper and greener than the three year average for basic service from Eversource;
- 1<sup>st</sup> opt-in - as high as a percentage of renewables as the price point would allow, but not going over the three-year average for basic service from Eversource;
- 2<sup>nd</sup> opt-in - option would be 100% new, locally produced clean energy,

The Board/Committee had a lengthy discussion regarding Nat's three recommendations with specific attention to the 2<sup>nd</sup> opt-in option and the renewable percentage amount, indicative pricing, DPU requirements and pricing criteria.

Brian stated that in terms of the process, the Town will receive executable pricing on May 20<sup>th</sup>, the Town will need to make a decision by 3:30 pm. The Board will need to decide if they're going to meet on May 20<sup>th</sup> prior to the executable pricing release. Nat suggests that agreeing on criteria now would be beneficial since there are such time constraints on May 20<sup>th</sup>. Paul Newlin stated that he agrees with Nat's initial recommendations. Jonathan Edwards stated from an Energy Committee member perspective he would go with the 50% option, but as a Selectboard member, I'm going to vote for what the Energy Committee recommends. Paul Newlin recommends the 100% option.

Fred Orloski inquired if the pricing on the print-out are just an estimate and if the option Whately picks would affect the 12 other communities? Nat stated that the print-out represents the prices the Town would receive if it signed a contract today. The projected pricing for the next 3 years is unchanged. As long as the 13 towns chose the same supplier, the towns can choose their own default option and opt-in options. Fred suggested going with 25% or 50% renewable option instead of 100%.

The Energy Committee's official recommendation for the 2<sup>nd</sup> opt-in is the 100% local renewables. The Board discussed the need for a meeting on May 20<sup>th</sup> to review the executable pricing. Joyce Palmer-Fortune suggested that Brian be authorized to sign the contract and she would be available to provide assistance. Brian stated that he would value input on the 20<sup>th</sup>. Nat stated that whoever the designee is, would have the option to walk away if the option doesn't meet the criteria agreed upon by the Selectboard.

After much discussion, Jonathan made a motion for the default option for a new source for Whately residents to be 100% National Wind, 1<sup>st</sup> opt-in - 25% above the Massachusetts RPS, and the 2<sup>nd</sup> opt-in per recommendation of the Energy Committee, 100% locally founded clean energy product as suggested by Nat. Nat suggested amending the 1<sup>st</sup> opt-in option to state "as large of a percentage as possible while remaining below the 3 years average from Western Mass Electric basic service.

Jonathan withdrew his motion.

Jonathan made a motion that the default option would be 100% National wind, 1st opt-in option- the highest renewable percentage that does not put us over the current 3-year average that was paid through WMECO. 2nd opt-in option – 100% new locally produced clean energy, according to the definition of the state, class 1. Motion was seconded. All in favor. Roll call vote: Jonathan – yes, Joyce – yes, Fred – yes.

A motion was made to designate Brian to sign and to seek advice on the day of May 20, 2020. Motion was seconded. All in favor. Roll call vote: Jonathan – yes, Joyce – yes, Fred – yes.

### **COVID19 State of Emergency**

**To discuss, review and consider modifications to the following:**

- i. *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;***

Brian informed the Board that the Governor has come out with universal workplace safety guidelines that the Town will need to abide by to reopen. The Board decided to wait and see what the Governor decides for the Commonwealth's reopening process. After a brief discussion, the Board took no action and will revisit this on May 27, 2020.

- ii. *Directive on Employee Pay Through May 18, 2020;***

Joyce Palmer-Fortune made a motion to extend the date on the employee pay directive until May 27, 2020. Motion was seconded. All in favor.

Roll call vote: Joyce- yes, Jonathan – yes, Fred – yes.

- iii. *Emergency Order Restricting Public Access to Town Buildings adopted by the Selectboard on March 24, 2020.***

The Board took no action and will revisit this on May 27, 2020.

**To discuss any updates on the Annual Town Election or Annual Town Meeting.**

Brian informed the Board that he emailed the Board the WES gymnasium capacity and previous voter turnout information. A discussion ensued regarding Whately Elementary School as the meeting location with specific attention to FCAT technical capabilities, potential technical issues, seating arrangements, and gymnasium floor protection. Fred Orloski inquired if anyone has looked into Quonquont Farms facilities? Brian stated that he has not had time to look into it. After much discussion, the Board decided that the Whately Elementary School will be the location of the Annual Town Meeting unless public health concerns dictate otherwise.

**Old Business:**

**To discuss and vote to enter into an Agreement for Services with FRCOG to assist the Town with bids for the Chestnut Plain Road sidewalk reconstruction project.**

Fred Orloski made a motion to enter into an Agreement for Services with FRCOG to assist the Town with bids for the Chestnut Plain Road sidewalk reconstruction project. Motion was seconded. All in favor. Roll call vote: Joyce-yes, Jonathan – yes, Fred – yes.

**To discuss and vote to enter into a Contribution and Donation Agreement with Smith College for Poplar Hill Road.**

Fred Orloski inquired what the total project costs are? Brian stated that he was waiting for two things from Keith; total project cost and project specifications. Fred made a motion to approve the Contribution and Donation Agreement with Smith College for Poplar Hill Road. Motion was seconded. All in favor. Roll call vote: Jonathan – yes, Joyce – yes, Fred – yes.

**To review the list of double utility poles remaining in town as submitted by the Highway Superintendent.**

Brian stated that he will reach-out to Verizon since most of these poles are Verizon poles.

**New Business:**

**To consider a proposal from Earthlight Solar & Energy Solutions (submitted by Frontier/Union#38 Staff) for lighting and energy efficiency improvements at the Whately Elementary School**

Brian informed the Board that he received a proposal for lighting and walk-in cooler/freezer motor upgrades from school staff. There would be no cost to the town. Eversource would pay the entire cost for the upgrades. Earthlight is a pre-certified contractor for Eversource. Earthlight has submitted proposals for upgrades at other local schools. The Board approved the work on the condition that Eversource provide a written agreement that it will pay for the work.

**To consider a request to extend the time for employees to use “banked” vacation time and to increase the amount of allowed carryover vacation time from fiscal year 2020 to 2021 due to COVID19.**

Joyce Palmer-Fortune informed the Board that this would allow employees to carry-over vacation time to the following year. Joyce made a motion to extend the time for employees to use “banked” vacation time (additional 12 months) and to increase the amount of allowed carryover vacation time by 40 hours from FY20 to FY21 only. Motion was seconded. All in favor. Roll call vote: Jonathan – yes, Joyce – yes, Fred – yes.

**Town Administrator Updates:**

Brian informed the Board that FRCOG requested an extension for the MVP planning grant on behalf of the Town. The workshops that are associated with the planning grant have been postponed. Jonathan suggested looking into zoom communication to complete the planning process.

Brian informed the Board that the 2019 Annual Report is almost done.

Brian informed the Board that he submitted a grant for culverts to EOE. In the past years, he submitted applications for a culvert on Williamsburg Road. This year, the he and Keith submitted an application for the culvert on Christian Lane near State Road.

Brian informed the Board that the Williamsburg Road bridge project contractor is looking to start preliminary work.

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

Jonathan Edwards inquired if someone could be in contact with the owners of Castaways to let them know that their wooden fence is falling down. Fred Orloski stated that the owners need to close the gap between fence and the smoking area.

Fred Orloski suggested sending something out to the public regarding the change in plans for the Town's Memorial Day event. Jonathan Edwards stated that isn't our office, that is the Grange and Historical Society event.

Fred Orloski inquired if the Town is receiving notification regarding the proposed marijuana cultivation facility on the Whately/Hatfield town line. Brian stated that he has no seen anything in regards to that location.

The meeting was adjourned 8:49pm

Respectfully submitted,

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Brian Domina, Town Administrator

Next Meetings: May 27, 2020 & June 10, 2020

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

Selectboard Meeting Minutes dated 04/29/2020

Vendor Warrants dated 04/27/2020 and 05/11/2020

Payroll Warrants dated 04/27/2020 and 05/11/2020

Eversource Pole Petition #6A822164

Cannabis Control Commission Letter dated 04/27/2020

FRCOG Complete Streets Construction Bid

Contribution and Donation Agreement between the Town of Whately and Smith College

Whately Elementary School Earthlight Proposal dated 04/21/2020