

**Board of Selectmen
Minutes
September 8, 2009
Center School Offices
7:00 p.m.**

Select Board Chair Jonathan Edwards called the regular meeting of the Board of Selectmen of the Town of Whately to order on Tuesday, September 8, 2009 at 7 p.m. Also present were Selectmen Paul Newlin and Joyce Palmer Fortune, Town Administrator/Town Clerk Lynn Sibley, and Municipal Secretary Barbara Hancock. Minutes from the August 18th meeting were accepted as written. The vendor and payroll warrants were reviewed and signed.

Town Administrator, Lynn Sibley: Special Town Meeting – The Board of Selectmen agreed to hold a special town meeting on Oct 13 beginning at 6:30pm at the Whately Elementary School. Anticipated items include: Rooms/Meals tax increase, Re-vote to decrease the school roof expense, Allocate funds for an anticipated Smith Voc student's tuition and transportation, Vote additional funds to the Town Clerk's budget for two extra state elections (\$2500), and Increase the amount approved for the water dept. truck (\$5000). **Quinn Bill** – Awaiting a possible vote of the legislators to remove their participation in the program, which may relieve towns of any financial responsibility. **Municipal Regionalization Mtg** – Lynn attended two seminars at the Sept 3rd regionalization meeting held in Worcester. The Police/Fire seminar offered some helpful information on how to write municipal agreements. The other seminar was on procurement. The process of creating a regionalized service such as combining Police Depts., Fire Depts., or entire towns could take a much as three years. Two towns are actually considering joining into one. **ISO** – The Town's insurance rating has dropped because pump and hose testing results have not been submitted. The reduced rating will increase the Town's costs. The fire chief has been asked for the past four years to submit this information. We do have a grace period until November. **GASB 45** – The Selectmen had decided (Jan 27, 2009 meeting) to create their own actuary through a computer program to determine post employment benefits, required by 2010, rather than hiring someone to do it. The Board approved of the \$750 purchase, which had been postponed until the 2010 fiscal year. **Connect CTY** is compiling residents' data through public sources such as Verizon and Comcast. Lynn has supplied them with a list of employees who would be authorized to use the system. Residents will be allowed to register as many as two email addresses, one text source, and three phone numbers as contacts. Residents will be able to add contact information or opt-out by visiting the Town's website. More information will be made available soon on the website and in the Scoop. **Special Elections** will be held to fill Kennedy's vacant Senate seat. The primary will be held Dec. 8th and the election on Jan 19th. **Fire Station Roof** – The fire chief has reported some decay holes that were discovered on the fire station's metal roof. The building was being power washed when the areas were discovered. Through the volunteer efforts of Ted Cycz and fire department personnel, the holes will be filled and painted to hold off further rot. Lynn recommended that the fire chief submit the project to the Capital Planning Committee in January. **Water Dept Truck Bids** came in \$5000 over budget. The Selectmen considered re-bidding the truck. However, the truck is needed this winter for plowing and the Board felt the pricing would likely increase rather than decrease. So, the additional cost will be presented to the Finance Committee and then onto STM. The Town has 45 days to accept a submitted bid. **ATM Articles** were approved by the Attorney General's

office. The Town was cautioned on the Town's right to issue fines under the trench regulation because the Dept of Public Safety has that authority. And the CPC committee should include a member of Whately's Recreation Commission. **Green Communities Act** – If the Board chooses not to become a Green Community (as discussed July 14th mtg) the Town will not be eligible for clean energy funds. The Selectmen will review the program at their next meeting before making a decision. **Conway Rd Culvert** – The Board reviewed and signed a letter of support for the culvert replacement on Conway Road through the River Restoration Program with American Rivers and The Nature Conservancy.

7:30pm Chang Gas Tank Hearing

The Selectmen opened the hearing on an application by Tso-Cheng Chang for the installation of eight 1000-gallon underground liquid petroleum (propane) tanks at the Chang Farm on River Rd. The applicant was not present. Reading of the public hearing notice was waived. The Selectmen reviewed the application and the accompanying design drawing. The property already has 1100 gallons on site (one 1000 gal tank and one 100 gal tank, both above ground). The license would authorize a total of 9100 gallons for that property. Whiting Fuels (not present) has created the design and safety plans. In attendance were residents Maryann Sadoski and Mary Nourse. Ms Sadoski asked why tanks were being placed underground when the current trend is to remove underground tanks because of leaks? And furthermore, who will monitor these tanks? Ms Nourse questioned the amount of storage as a necessity to fuel the building or a cost-saving tactic to buy in bulk? And whether the tanks needed to be clustered so closely together? The Selectmen will leave the hearing open and invite the parties back to their September 29th meeting at 7:30pm to answer these questions and review the entire project. John Hannum will also be asked to attend. Additional questions were raised concerning who will do the inspections and where the gages will be located? Lynn explained that a fuel storage license is issued to the property and not the property owner. As long as the license is kept current, the tanks can be removed and replaced up to the license capacity by subsequent owners. The Selectmen asked that the questions raised tonight be forwarded to the applicant so that answers will be available at the next meeting.

Town Administrator, cont – Whately's Public Information Officer for health related issues is currently Health Agent Jackie Duda. However, she feels her schedule may not allow her to fulfill those duties and a new PIO should be selected. The Board of Health is meeting tonight and will hopefully select a new PIO. **Thank You Received** – The Selectmen received a thank you for supporting the Massachusetts Broadband Institute's application for funding to support service in rural towns.

Town Clerk, Lynn Sibley: Dog Licenses – Eight dogs remain unlicensed (4 dog owners).

Highway Dept. – Lynn updated the Board. Nothing new to report with the ongoing projects. Keith is unsure whether the Hatfield grader's size will serve Whately's needs.

7:45pm Frontier Senior Center Discussion

Meeting attended by Sunderland and Deerfield Select Board members and Town Administrators as well as Whately, Sunderland, and Deerfield Council on Aging members, the Frontier Senior Center Director, and Chase Scheinbaum reporter for The Recorder. (Complete list of attendees attached).

Whately Selectmen's Chair, Jonathan Edwards explained briefly how the meeting would be conducted and the mutually respectful manner in which speakers will conduct themselves. He asked Whately Town Administrator Lynn Sibley to give some background to this meeting. Lynn - The Senior Center has served seniors in Deerfield, Whately, and Sunderland for approximately thirty years. The three towns have worked together to share financial and operational responsibilities. The part time director, often an attending senior, facilitated programs and paid operating bills. Each town eventually created a seven member Council on Aging whose members also comprise a 21 member three town consortium that serves as an advisory committee to the director, dictated through the consortium by-laws. This past year the center hired an outside person to serve as director after the retirement of the long-time senior director. The transition has been less than smooth, culminating in June at the Deerfield Town Meeting when Deerfield voted not to fund the director's salary. Since then there have been many rumors circulating surrounding the future of the Center. A group of Deerfield CoA members are interested in working at the Center on a volunteer basis. Jan Filarey asked to attend this Selectmen's meeting to explain the volunteers' plan and planned to visit Sunderland also. Sunderland decided to attend Whately's meeting and tonight's meeting attendance grew from there.

Volunteers Plan – Marcia Gobel a Center volunteer explained the volunteers' interest in opening the Center on Tue and Thu to offer seniors a place to go five days a week. The Deerfield group has developed a handbook as a guide for volunteers working in the Center. (Handbook was distributed to the Whately Selectmen at the start of their meeting). Bernie Kubiak explained that volunteers and those attending the Center are covered under an umbrella insurance policy. Nancy Paciork explained that many volunteers have been at the Center for many years and some have CPR certification and have had CORI checks run on them. Jonathan reviewed the structure that currently supports the Center. The three town Select Boards have fiduciary responsibility according to Mass Gen Law and the Director is responsible for the daily operations of the Center whether physically present or not. Jonathan questioned who would oversee the volunteers?

MOU- A discussion regarding the complicated organization that supports the Center focused on the apparent confusion over roles and responsibilities. Jonathan led a discussion pointing out minutes that refer to a treasurer for the consortium, which as a group has no funds or financial responsibility. Carolyn Ness explained that in the past the Senior Center Association has supplemented operational costs (fuel bills, social worker, etc) at the Center. The Association has many of the same members as the Consortium and maintains donation accounts for the Center. Bernie Kubiak explained that Deerfield had voted a simple three sentence by-law at one of their town meetings allowing Deerfield to join with any other towns' CoA, something that Whately and Sunderland did not do. A memorandum of understanding between the three towns would legally join the three and provide guidelines for participants' roles and responsibilities. Scott Bergeron suggested simplifying the organization as the towns move forward.

Oversight Committee – Mark Gilmore - The Selectmen are responsible for the employees and town expenses. Jonathan Edwards pointed out that the Center's director is responsible for the daily operations of the building according to the consortium bylaws and the director's job description. Margaret Nartowicz added that according to EOE, program volunteers report to the

director. The Center will function under that structure and Jonathan Edwards suggested one member from each of the three towns' Select Boards form an oversight committee that would oversee operations and expenses. The Center's director would report to the oversight committee. The committee should form immediately and meet as soon as possible and serve until an agreement is worked out, hopefully by the end of the year. In addition, a brainstorming group made up of the three-member oversight committee, a CoA member from each town, and the Center's director should discuss how best to organize and create an agreement for the three-town collaboration. Tom Fydenkevez has already been designated as the Senior Center liaison for the Sunderland Select Board. The Deerfield Selectmen will choose their representative at their next meeting.

The discussion concluded at 9pm and all attendees exited, except for Whately Council on Aging Chair Barbara Banik and Whately Council on Aging member Virginia Allis.

Whately Council on Aging – Barbara Banik, Whately CoA Chair and Virginia Allis CoA member appeared before the Board. They provided the Board with some Whately-specific information and background. Virginia explained that the consortium has bylaws that they abide by and continue to update, but no voted agreement. EOEA provides guidelines for town CoA but nothing about consortiums. Whately's CoA elects their chair each year, while Sunderland and Deerfield's CoA chair is appointed by their Select Boards. Barbara Banik pointed out that the 15 hours week of the director is not enough to cover all her responsibilities including supervising volunteers. She suggested a volunteer coordinator work with the director and the volunteers. She also pointed out that volunteers need to be standardized for safety according to TRIAD. Virginia agreed that the director couldn't do everything in her charge and mingle with seniors within her 15 hours.

Lynn Sibley agreed with the earlier discussions regarding confusion about roles, responsibilities, and how/when to take votes. Moving forward to straighten out the organization would be helpful, but Deerfield has voted at their town meeting not to fund the director's salary. So, at some point there won't be enough money for the director to work all year.

Joyce Palmer Fortune moved that Jonathan Edwards serve on the three-member oversight committee. Paul Newlin seconded the motion.

The Selectmen thanked Virginia and Barbara for attending the meeting as they departed.

New Business

CPC Appointment – The Board unanimously appointed Alan Sanderson, Jr. to the CPC, Community Preservation Committee, as an at-large position.

Cultural Council Appointment – Joyce nominated Neal Abraham to fill one of the vacant Cultural Council positions. The Board agreed unanimously.

Town Hall Structural Assessment – Two engineers have submitted estimates to conduct a structural assessment of the Town Hall. Shaffer Engineering estimated \$1500 and Mike Rainville submitted an estimate of \$1200. Mr. Rainville did inspect the building before bidding and

offered some helpful building code advice. Shaffer did not come out to see the building. The Board voted unanimously to accept Mike Rainville's contract and the funds would come from the Town Building's account.

APR – The Board agreed to provide the Conservation Commission a note of support for the Farrick APR on Christian Lane, as it preserves open space in Whately.

Chapter 61 – Judy Markland printed a sample policy guide for select boards to use when considering Chapter 61 properties that the town is offered a first refusal on. The Board will review the policy. Paul questioned the need for a policy. Whately has very few Chapter 61 properties that come before the Town. A policy may help guide the Board in considering Chapter 61 properties in a uniform manner.

CDBG – Whately was awarded the most recent grant. There are still some funds available under the previous grant. Consider having the local newspaper feature the grant in an article. The website includes information already and the Scoop has had an article. Lynn reviewed some of the qualifications and provisions of the grant for the viewing audience.

Hazardous Waste Day – The Board reviewed and approved the MOU, a standard contract, for Whately participation in the September 26th event to be held in Athol and Greenfield. Pre-registration is required. Forms are available at the Library, Post Office, Selectmen's Office, Transfer Station, and on the Town's website.

There being no further business to come before this meeting, it was adjourned at 9:45 p.m.

Respectfully submitted.

Joyce Palmer Fortune, Clerk

Sunderland

Tom Fydenkevez, BOS
Scott A Bergeron, BOS
Margaret Nartowicz, Town Admin.
Edna Gunn

Whately

Barbara Banik, CoA Chair
Josephine Wasielewski
Virginia Allis

Deerfield

Mark Gilmore, BOS
Carolyn Shores-Ness, BOS
Bernie Kubiak, Town Admin
Karen Herold, Senior Center Director
Nancy Paciorek, CoA
Elsie Kolakoski, CoA
Janet Filarey
Marcia Gobeil
Steve Perkins
Martha Messier