

Town of Wendell
Selectboard Meeting Minutes
March 6, 2024, 7 p.m.
Hybrid Meeting: Selectboard Offices and by Zoom

Present:

Chair Laurie DiDonato, Vice Chair Gillian Budine, Member Paul Doud

Also Present: Glenn Johnson-Mussad, Town Coordinator; Cynthia Bolling, Selectboard Clerk; Project Coordinator Phil Delorey; Treasurer Carolyn Manley; Al MacIntyre, Finance Committee; Michele Tontodonato, Elizabeth Zielinski, Ralph C. Mahar Regional School District; Chris Queen, Anna Gyorgy, Gloria Kegeles, Laurel Facey, Nina Keller, No Assault & Batteries in Wendell citizens' group; members of the public and press.

I. Roll Call/Call to Order

With all members present, the meeting was called to order at 7 p.m.

II. Announcements

There were no announcements.

III. Selectboard Updates and Comments

There were no Selectboard updates or comments.

IV. Selectboard Meeting and Warrant Schedule Review

The meeting and warrant schedules won't align for a few more weeks.

V. Public Comment

There were no public comments.

VI. Project Coordinator Report. Phil Delorey

Wendell Recycling and Transfer Station Landfill Capping Project

- The landfill was recently capped but there's still quite a bit of work to do.
- \$70,000 plus has been spent to date, but the funds aren't yet in place.
 - a. The state has designated funds to reimburse the Town, but the process is being slowed down by a personnel changeover.
 - b. Wendell will be repaid after the fiscal year begins.
- Phil is in the process of getting an estimate for the completion of the capping, which may run to another \$100,000, including getting a cover over the landfill and getting the sloping the state requires. There's no rush to complete this part of the project, however.

Erving-Wendell Bridge

- The engineer is working on a plan for the repairs to the bridge, with the cost to be shared equally by the towns of Erving and Wendell.
- The plan is to use the financial and design estimates the engineer comes up with as a test case for the Community One Stop for Growth online program the state has set up.

- a. The program is run by a combination of funding agencies: The applicant submits one application, which will be directed to the funding agency that's the best fit.
- Phil will also consider using the program for the landfill capping project.

Police Station Oil Leak

- The oil company overfilled the tank and created a minor spill.
- They have cleaned up the oil but the odor from it still lingers.
 - a. Glenn helped to get them back in today to see what they can do to solve the odor problem.

Mormon Hollow Culvert Funding

- Treasurer Carolyn Manley has assessed the current funding for this project and says it's sufficient.
 - a. The Town will be able to cover the \$79,000 needed out of the highway budget, in part because Wendell got a \$55,000 award from the state for storm damage.

Wendell Depot Road Paving

With a combination of Chapter 90 Program funds from the state and some of the funds left from the \$55,000 award, Wendell should be able to fully pave Wendell Depot Rd. this spring.

Discussion

- In response to a question from Vice Chair Gillian Budine, Phil noted that the Erving Selectboard has signed the interlocal agreement he drew up for the Erving-Wendell bridge repair.
 - a. The engineering will cost an estimated \$26,000 to \$30,000.
- In response to a question from Chris Queen about paving West Road, Phil said that the Road Commission and the Highway Dept. crew make the decisions about which road gets paved first.
 - a. He noted that West Rd. is on the list, but Farley Road has a slightly higher priority.

VII. Consent Agenda

- A. Approve the Selectboard meeting minutes of February 21, 2024.
- B. Approve the tax map maintenance proposal as presented.

Chair Laurie DiDonato moved to approve the consent agenda. Gillian seconded.

Discussion

In response to Laurie's question about what the tax map maintenance proposal was about, Glenn Johnson-Mussad said that as far as he knew, it's a tool that the assessors use routinely. Cost: \$2,000.

The motion passed unanimously.

VIII. Accounting Software and Services. Glenn

- Glenn and New Salem Town Coordinator Kathy Neal reviewed a proposal for new accounting software presented by a salesperson for Zobrio, the company that provides Wendell's accounting software for the Franklin Regional Council of Governments (FRCOG).
- The Selectboard is considering whether to stay with the FRCOG's accounting services program, using Town Accountant Erin Degnan and her assistant, or hire them independently. In either case, Wendell would need to buy Zobrio's new accounting software package.

Discussion

- If Wendell stopped using the FRCOG and hired Erin directly to do the job she's doing now, the process would be pretty seamless, since Zobrio would provide the software in either case.
- Zobrio agreed to lock in their rates for three years, but Wendell only needs to pay for one year at a time.
- An analysis Carolyn did of the costs involved was included in the meeting documents packet.
 - a. It includes a comparison of accountant salaries in surrounding towns by zip code and population. Factors considered: schooling, the cost of Erin's assistant, transportation and health insurance.
 - b. The FRCOG currently assesses Wendell \$29,452 for Erin's salary. This also includes their management piece. Erin is aware that she would be ineligible for the health insurance and mileage reimbursement that's included in this figure if she worked directly for Wendell.
 - c. Erin prefers to work independently and is not looking for benefits.
 - d. Wendell's assessment for the FRCOG's accounting service is currently \$750.
- Erin currently uses the FRCOG's computer, which she and her assistant leave in Wendell. She can probably keep it if she leaves the FRCOG program, according to FRCOG Director of Regional Services Bob Dean.
- New Salem is leaning toward hiring Erin independently. In a previous meeting, the Wendell Selectboard expressed its preference to continue working with Erin.

Next Steps

The Selectboard should consider how much they want to pay Erin to work for Wendell directly and whether she's willing to work for that amount.

Carolyn will meet with the Finance Committee a week from Monday, March 18, at 6:30 p.m. She'll discuss what salary Erin should be offered, the software options, and bring back a number to the Selectboard.

IX. **Mahar Budget Presentation.** Michele Tontodonato, Director of Finance; Elizabeth Zielinski, Superintendent of Schools, Ralph C. Mahar Regional School District

Here are highlights of the RCM School District budget for fiscal year (FY) 25 that Michele and Liz presented via screen-shared PowerPoint presentations:

RCM Budget Timeline

- Present a draft to the school committee before Christmas.
- Present it to the towns of Petersham, Orange, Wendell, and New Salem.
- Hold a public hearing on the budget in March.
- In April, the school committee votes on the budget.
- In June, the towns vote.

Some RCM Programs

- A new, five-period schedule that allows students to do internships or aid work.
- New courses: ARMY JROTC, Firefighting I and II, Study Seminar, Year-Long AP Courses.
- Credit recovery programs that address chronic absenteeism post-COVID.
- Dual enrollment courses, which give college-level credit.
- A Workforce Development grant that allows students to get paid for working.
- An academic coach and data analyst.
- Read 180 Program for middle and high school students.
- Sports for cognitively disabled students.

- Telemedicine and Telehealth, which give kids access to medical and mental health practitioners during the school day.
- Technology education, with a teacher in wood and metal fabrication.
- A Life Skills lab funded by grant money, allowing the kids to learn to operate a washer, dryer, fridge, and stove.

RCM Student Performance

- RCM 8th-grade students are performing at an average proficiency level of 45% in science, which is above the state average (41%).
- They're performing below the state average in English Language Arts (38% vs. the state's 44%) and math (31% vs. the state's 38%).

Enrollment

- In grades 7-12, total Mahar enrollment decreased from 623 in FY 19 to 517 in FY 24.
- The declining enrollment trend is statewide: In the entire state of Massachusetts, public schools gained a total of only 224 students—and all of them were immigrants.
 - a. One explanation: Post-COVID, people are opting to move out of Massachusetts and work remotely.
- Mahar did conduct an enrollment outreach recently and gained some new applicants.
- School Choice In program: Students from outside the district who choose to come to Mahar. 178 in FY 19, 85 in FY 24.
- School Choice Out program: Kids who are eligible to go to Mahar but choose not to. FY 19: 77. FY 24: 79.
- Homeschooled kids: FY 19: 19. FY 24: 45.

Sports and Clubs

- RCM has fall, winter, and spring sports. Roughly 45% to 50% of students participate in at least one sport.
- RCM has nearly two-dozen clubs. Theater is the most popular.

Physical Plant Upgrades

- RCM made upgrades to the student-run media room and gyms in the middle school and high school.
- A grant was used to purchase a new school van (12 passengers).
- RCM used a grant to buy a plow truck.
- The individual heating and cooling systems in 17 classrooms were replaced, along with the auditorium HVAC system.

Budget Numbers

In total, RCM's FY 25 budget will see a 4.5% increase in expenditures over the prior year.

Assessment

- Wendell will be responsible for 7.5949% of the budget.
- The Town is seeing a spike in its assessment this year due to its foundation enrollment number (from 35 last year to 42 this year).
 - a. Foundation enrollment is the number of students who are eligible to come to Mahar, even if they don't.
- In comparison, as the largest town, Orange is always assessed the largest percentage of the budget (about 70% this year).

X. Building Inspector Interview

The Selectboard interviewed Justin Gale, who is applying for the position of building inspector, which will be vacant when Phil Delorey steps down at the end of April.

Q&A with Justin Gale

- Justin’s professional background includes a variety of jobs that have given him experience with building permit regulations as well as public service.
- In addition to working with the Orange Fire Department (as a paramedic) for over a decade, he worked as the Marlborough building inspector for about a year, as a project manager, and is currently self-employed with a remodeling company.
- In response to Gillian’s request for information about the licenses he would need as a building inspector, Justin said that he had a license. However, when he was laid off from his job in Marlborough during COVID he didn’t have a use for it and let it expire.
- He is applying for the position with the understanding that his father would be the building commissioner, which every town is required to have.
 - a. His dad was the Orange building commissioner for about two decades and still has his license.
 - b. Justin would work under father while he retakes the exams required to become a building commissioner as well as the ones required for the lower license of local building inspector.
 - c. Scheduling the building inspector tests should take a few months, while the exams for building commissioner would take longer.
 - d. People are permitted to work for 18 months as a building commissioner while taking the exams.
 - e. He is scheduled to take over Phil’s duties in Warwick at the end of the month, working under his dad.
- Justin’s current remodeling job takes him out of town, but he believes he’ll have enough time to also perform his building inspector duties in Wendell.
 - a. He pointed out that a lot of the permitting process, including photos and applications, can be done online.
- When Justin was asked what Wendell would expect from him, Gillian said she personally would like to see the position filled by someone who has the ability to work things through with people, can be available, and can communicate with folks in a timely way. She’d also like to get a firmer timeline on when he’d get the licenses he needs.
- Justin said he’s used to public service, so he knows how to be flexible while helping people through the process. He also noted that the salary offered is similar to what’s offered by other towns.
- Glenn noted that the timely collection and turning over of fees would be important to Wendell.

Next Steps

- Glenn will get references for Justin and the Selectboard plans to put this item on the agenda for its next meeting in two weeks.
- Gillian noted that Wendell is still having an issue with another inspector, too, which the FRCOG might be able to help with. They’re the only other applicant to date.
- Laurie would like to see a cost comparison between using the FRCOG inspection service vs. hiring Justin.

XI. Battery Storage. Glenn and Laurie

The members of the No Assault and Batteries in Wendell (NAB) citizens’ group were present to talk about the bylaw they drafted concerning the proposed New Leaf Energy/Borrego battery storage facility.

- At their request, the Selectboard forwarded the bylaw to Town Counsel David Doneski for his opinion.
- After reviewing the proposed bylaw, Counsel Doneski concluded in a memo to Glenn that “For the reasons stated in the Attorney General’s decision of March 1, 2023, and the Carver decision, it is my opinion that the

bylaw as proposed to the Selectboard would likely not pass muster under the Attorney General’s review process.”

- Details of the Carver decision Attorney Doneski refers to can be found in the meeting documents folder:
 - a. Carver wrote a zoning bylaw in an attempt to put a hold on a battery storage facility in their town.
 - b. The AG struck down the bylaw that Carver approved at its April 12, 2022, Annual Town Meeting, saying in a letter to Carver that: “In the circumstances presented here, we conclude that the proposed moratoria on large scale solar and battery energy storage violate G.L. c. 40A, § 3’s prohibition against unreasonable regulations of solar uses because they lack any articulated public health, safety, or welfare justification sufficient to justify the prohibitions.”

Invited Comments from NAB Group Members

Anna Gyorgy

- This project and the kinds of safety issues involved are enormous, illustrating how difficult it is for a town as small as Wendell to deal with them.
- The group did anticipate that there would be problems with the bylaw they drew up.
- Their objections are about health and safety issues, but they’re also concerned about home rule.
- The group would like to go forward with the bylaw as written, as a way to bring the issue before the town.
- They are aware that they can take an alternate route to a town meeting that doesn’t involve the Selectboard by getting a petition together and submitting it to the town clerk.

Nina Keller

- Nina Keller noted that other approaches are also being tried:
 - a. The NAB has submitted a petition to the governor to slow down the licensing process.
 - b. The Board of Health is working on its own regulation about this.
- Nina thought it would be useful if the Selectboard could find out when the Massachusetts Department of Public Utilities (DPU) will put the New Leaf project on its docket for the required public hearing.

Gloria Kegeles

- Gloria said the DPU told Planning Board Chair Molly Doody that she would be contacted about when that agency would hold the hearing.
- Gloria also noted that the NAB has a bill before the legislature that aims to change the wording in General Law chapter 40 that bars towns from using zoning laws to protect themselves from projects like New Leaf’s.

Laurel Facey

- Laurel noted via the Chat that “People from other towns are very interested in this issue of home rule and the protection of our environment and have come to NAB meetings.”

Discussion

- Attorney Doneski is willing to work with Laurie on making changes to the NAB’s bylaw that might to give it a better chance of passing the AG’s review.
- Gillian noted that the DPU is currently doing road shows designed to get feedback from the public. An NAB member might want to attend, since some of it concerns the DPU’s energy facility siting process.
- The state has launched a new clean energy siting commission and New Leaf is represented on that commission.

Next Steps

- The Selectboard will accept Attorney Doneski's offer to work with them to change the NAB's bylaw so that it has a better chance of passing the AG's review process. New approaches in the changed bylaw:
 - a. Create a licensing committee that involves the Fire Department and Board of Health so that any proposed facility would have to meet certain criteria.
 - b. Cut out the land use and zoning approach.
- Glenn will update Senator Jo Comerford and Rep. Aaron Saunders about what Wendell is doing currently, share information about the fail-safe review request they asked Wendell to submit, and ask for help in getting details about when the DPU might put this project on their docket.
- Anne Gobi, the Massachusetts Director of Rural Affairs, says there is a group in the town of Oakham that has successfully kept New Leaf out. A retired judge who was involved in the matter is willing to talk to Wendell about it, so Glenn will follow up with her.
- The NAB group will put their request to include their current bylaw on hold for now and wait for the next Selectboard meeting.
- Gillian mentioned that Rep. Saunders always talks about equity when the New Leaf project comes up: Wendell just doesn't have the tools and resources to respond effectively to big corporation projects like New Leaf's.

XII. Town Meeting. Laurie

- The Annual Town Meeting is tentatively scheduled for Saturday June 8 at 10 a.m. Glenn will get feedback about the date from the larger pool of people who need to know.
- The Selectboard agreed to hold a technical dress rehearsal (monitors, screens, chair setup) in the Town Hall on June 7 at 12:30 p.m.

XIII. Playground Inspection. Glenn

Town Custodian Eric Shufelt is willing to inspect the playground equipment at the library on a regular basis.

- Eric says it shouldn't take more than an extra hour or so.
- He asks how often the inspection should be done, and that library staff notify him if things come up between inspections.

Discussion

- The Selectboard thought a monthly inspection would be okay, but Glenn will ask Eric if he thinks he needs to do it that often.
- Glenn will let Wendell Library Trustee Phyllis Lawrence know what Eric will be doing.

XIV. Items Not Anticipated

FY 25 Budget Proposals

This item should be on agenda for the next meeting. Glenn will propose his changes at that time.

Delivery of New Chairs and Dolly

The shipping company will deliver them on a Monday. Paul and Josh volunteered to help Glenn bring them into the Town Hall.

XV. Adjournment

Gillian moved to adjourn the meeting at 9:35 p.m. Laurie seconded. No discussion.

The motion passed unanimously.

Documents

Selectboard Meeting Minutes, Feb. 21, 2024
Building Inspector Cover Letter, Justin Gale, Feb. 23, 2024
Building Inspector Resume, Justin Gale, Feb. 23, 2024
Further Correspondence with Town Counsel, March 6, 2024
FY 25 Accountant Salary Analysis, March 6, 2024
FY25 Ralph C. Mahar Budget Book as of Feb. 3, 2024
FY 25 Ralph C. Mahar Budget Presentation to School, Feb. 9, 2024
FY 25 Zobrio Accounting Quotes, March 6, 2024
KP-#905858-v1 Attorney General Decision on Carver Solar Batteries, Nov. 14, 2022
Mail – Glenn Johnson-Mussad – Outlook, KP Law Email to Glenn Johnson-Mussad, Feb. 21, 2024
Wendell Battery Energy Storage System Licensing General Bylaw, Feb. 7, 2024
Wendell FRCOG MIP Transition, Feb. 23, 2024
Wendell FRCOG MIP Transition, no ZCM, March 4, 2024