

Town of Wendell
Selectboard Meeting Minutes
November 1, 2023, 7 p.m.
Hybrid Meeting: Selectboard Offices and by Zoom

Present:

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

Also Present: Glenn Johnson-Mussad, Town Coordinator; Cynthia Bolling, Selectboard Clerk; Treasurer Carolyn Manley; Road Commissioner Phil Delorey; Tighe & Bond Vice President Peter Valinski, Lori Perkins, Shawn Jarrett, Tom Mangan, 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

- The Ghost Town at Sundown event was a blast, said Vice Chair Gillian Budine.
- The 2021 and 2022 Annual Reports are at the printer.
- IT management company Entre Technologies has set up more computers at the library. There are some networking problems but they're being worked out.

III. Public Comment

There were no public comments.

IV. Selectboard Updates and Comments

There were no Selectboard updates or comments.

V. Selectboard Meeting and Warrant Schedule Review

The Selectboard reviewed the schedule of meetings and warrants.

- There will be a warrant next week. The fifth week of the month will be skipped, and then warrants and meetings will line up again in December.

VI. Project Coordinator Report. Phil Delorey, Road Commissioner

Mormon Hollow Culvert Repair Project

Last week the base of the culvert was filled in with 12 to 18 inches of concrete, which fully completes the project, making it safe from any water damage.

Wendell-Erving Bridge

As previously discussed, in addition to other routine maintenance, permanent repairs need to be made to the bridge's decking.

- A contract to do that work was drawn up with Gill Engineering, and it was approved by the Erving Selectboard.
 - a. Gill will invoice each town separately for half of what's owed.
 - b. Gill did ask for a cover letter from each town agreeing to that method of payment and identifying each town's contact person.

- c. Phil will draw up and distribute a draft cover letter.

Library Tree-Cutting Project

All of the stumps were cleared out the week before last and the project is finished.

WRATS Landfill Capping

- Well drilling for the Wendell Recycling and Transfer Station landfill capping project has been put off again due to equipment failure.
- The wells should be drilled sometime in November. Weather shouldn't interfere with that.

Paving Farley Road and Wendell Depot Road

Paving to repair storm damage is scheduled to take place this coming Tuesday (Nov. 7).

- No road will be closed, but single-land roads will lead to some delays.

Phill will connect with Gillian to circulate a notice about it.

Discussion

- Phil wanted to know how to use the website to post meetings and was advised that the easiest way is to use the form that's on the website, which comes with instructions.
- Phil will consult with the lawyer tomorrow about how the bond that was taken out for the Mormon Hollow Culvert project might be used to cover the extra expenses for the repairs.

VII. Consent Agenda

The Selectboard considered the consent agenda.

- A. Approve minutes of October 18, 2023
- B. Approval of exemption for Asa de Roode's part-time, call or volunteer services
- C. Approval of an alcohol permit as presented

Laurie moved to approve the consent agenda. Gillian seconded.

Discussion

- Lori Perkins from Home Fruit Wine applied for a one-day liquor license (\$25) for a Thanksgiving fair at Diemand Farm.
 - a. The approved application will be valid for the two days the fair will be held (11/21 to 11/22) after Lori sends another \$25 for the second day.

The motion passed unanimously.

VIII. Stone Cut Off Road/Special Town Meeting. Laurie

The Selectboard has been asked to consider discontinuing Stone Cut Off Road, which would require holding a Special Town Meeting.

Stone Cut Off Road Update from Phil

- Phil visited the road with Highway Department Supervisor Allen Frost and talked to Adam, who lives along the road and has complained about its condition.
- Phil confirmed that the road is only marginally passable now; there's some significant washout.

- Adam is concerned about the possibility that he might build on a section of his land and is worried about losing frontage when he does so.
- Adam and Al have agreed that Al can do a repair on the road in the next week to 10 days to make it passable.
 - a. Adam has agreed to clear out some items he stored along the side of the road so it's not so narrow.
- The repair doesn't require a Special Town Meeting.
- There's another owner on the roadway, so discontinuing it wouldn't involve just Adam.
- The road is susceptible to runoff, so the Town will redo the drainage in that area to prevent future washouts.

Funding for Mormon Hollow Road Repairs

Phil suggested that a Special Town Meeting for this could wait until March, and the Selectboard agreed.

- a. Chapter 90 money might be available by then.
- b. A motion the Selectboard passed at its Oct. 4 meeting says that funds for this will come from the Town highway budget for now and that the matter would be discussed at a future Town meeting.

IX. Wendell Historical Society Request for Waivers. Phil

Ed Hines of the Wendell Historical Society asked that the society's current demolition permit be modified to include building permits. The permit includes renovating the post office part of the building. The group also requests that the Selectboard grant a waiver of any related fees.

Discussion

- Only the Selectboard can waive the \$50 building permit fee.
- Since the Historical Society is an agency that benefits the Town and the amount is minor, Phil said he'd be okay with such a waiver.
- He has already issued the permit, which is his policy. Payment of the fee comes later, so there's no time constraint.
- Treasurer Carolyn Manley said Wendell should consider establishing a public policy for waiving fees and put it into the minutes. This prevents the appearance of favoritism.
- Such a policy could focus on nonprofits that benefit the Town.
 - a. The town of Brewster has a waiver policy with criteria that include affordable housing, nonprofits, and application limits.

Gillian will send Brewster's policy to Glenn, and he'll use it to draft a fee waiver policy for Wendell.

Glenn will let Ed know that a policy is being drawn up and his request will be addressed at the next meeting.

X. Town Counsel Responsiveness. Gillian

Gillian reviewed the steps Selectboard members came up with at the last meeting to encourage Town Counsel to be more responsive:

1. Make a phone call first.
2. If there's no contact, say you'll follow up with an email.
3. Say that if you don't get a response by a certain date, you assume Town Counsel won't have an issue with your moving forward.

Discussion

- Glenn shared the guidance he received from the Small Town Administrators of Massachusetts:
 - a. Put a response time limit into the contract with Town counsel.
 - b. Call, then follow up with an email so there's a time stamp for the initial request.

- c. Establish clear communication.
- We're not alone with this issue, Glenn said: In addition to KP Law, a lot of towns do use one particular attorney, but they're having a problem with delayed responses from her, too.
- The Selectboard agreed to try again to get answers to outstanding questions within the next two weeks, including the dry hydrant easement (Laurie prefers that Asa and Joe address this one), the personnel policy, and the Gate Lane property.

Glenn will research the contract with KP Law and find out when it is up.

XII. Update on Swift River School PFAS Remediation. Peter Valinski, Vice President, Tighe & Bond Pete gave highlights of the PFAS remediation project at the Swift River School. His company is the lead on the job.

Spring

- Got a contractor on board and within a few weeks Tighe & Bond had all of the paperwork in place, including a signed contract and insurance.
- Equipment was ordered.

June

- We planned to start work on June 28, the last day of school, but actually got in a few days early.
 - a. The company was able to do some basic construction work and set aside some closet space to become the water treatment room.

August - September

- Due to supply chain issues, which we've experienced across all our projects, the equipment we ordered didn't arrive until August 7.
- We installed the well pump and other pieces, but parts were still missing.
- After school started, we could only work on Saturdays and holidays.
- To complicate matters, we were required to coordinate with two other entities: WhiteWater Water & Wastewater Solutions, which tests the school's water for the state (but only once a month), and the Massachusetts Department of Environmental Protection.
- A performance test had been planned for Saturday, Sept. 23, but didn't take place because:
 - a. Prior to that, the first time water was passed through the system, some leaks were found, some components in one of the tanks became clogged, and some media (about a handful) passed into the distribution system.

October - November

- On Oct. 9 the plumbing was fixed and no media came through.
- We returned on Oct. 12 and ran two parallel systems, one going into the school system and one going around it.
- Last Saturday (Oct. 28) we returned to run flow through the system, and it worked fine.
 - a. We should have the results of that test by the end of the week; it's highly likely no PFAS will be found.
- The plan is to run the system for another week to see how it works.
- As part of routine maintenance, a bladder will be replaced in the tank on Friday, Nov. 10.
- Next step: The operator has to come back out to switch over the system, probably around mid-November.
- To make reading the meter easier, a remote reader will be put in place after everything else is done.

Discussion

- School Principal Kelley Sullivan is supposed to keep a gallon of water on hand for each person, which adds up to 200 gallons of water every day.
 - a. Gillian wondered if there was a way for Tighe and Bond to offset the increased cost the school has had to bear for bottled water.
 - b. While Pete wasn't aware of any company funds that might help offset the increase cost, he was impressed that Wendell got twice the usual amount of grant money for the PFAS remediation project.

Glenn will be notified of the test results.

XIII. Special Municipal Employee for Redeemables at Wendell Recycling and Transfer Station (WRATS). Laurie Carolyn Manley, in her capacity as Director of Personnel, got new information from Attorney Mike McDonald at the State Ethics Commission in an Oct. 30 memo. Highlights include the following:

- In the memo, Attorney McDonald said he understands that Carolyn wanted a ruling on whether Avelar Barros, who is a Recycling and Transfer Station Attendant, can take the redeemables to a redemption center, working after hours, and keep a portion of the corresponding funds as gas money, with the rest going to a charity.
- Avelar's position is not eligible for Special Municipal Employee status. (If he were eligible, he might be able to file for a conflict-of-interest exemption.)

Statement from Tom Mangan

- Attorney McDonald believes several things are true that aren't:
 - a. Avelar is doing this at the request of the Town. He's not. He's doing it for the Good Neighbors Food Pantry.
 - b. Avelar is a full-time employee. He's not, he's a part-time employee.
 - c. Tom believes the conflict-of-interest exemption only applies to part-time employees.

Discussion

- Carolyn said she made it very clear to Ethics that Avelar is a part-time employee.
- Shawn Jarrett said the group in favor of reinstating the redeemables program proposes that either:
 1. Volunteers should be able to process the cans in or outside of working hours at the WRATS, whether or not they're Town employees. All proceeds would go directly to Good Neighbors.
 2. Follow the same scenario, except the volunteer would keep some of the money from the proceeds for gas mileage.
- The Selectboard asked Tom and Shawn to consider doing the following:
 1. Write up the two proposals above.
 2. Email them to the Selectboard for review. If the board has no objections, proceed to #3.
 3. Avelar should personally present the two proposals to the Ethics Commission as they asked, with Tom sitting in to help, and ask for a written response.
- Tom did not agree to number 3 (above) because he felt that the decision was up to Avelar.
- Carolyn noted that the Massachusetts Division of Local Services prohibits municipalities donating to charities because it's a violation of the anti-aid amendment.
- Tom thought that a conversation with Good Neighbors should take place after these issues are resolved.
- Shawn wants to circulate a petition about reinstating the redeemables program and find out how many people still want it.
 - a. She noted that right now they only have two volunteers: Avelar and an ex-employee.

- b. Laurie suggested that the petition include a question about whether the signer would be willing to volunteer for the project.

XI. Town Coordinator Assistant. Laurie

Glenn is looking for an assistant who can work in person or remotely up to 8 hours a month for \$16.97 an hour.

Discussion

- The Town Coordinator Assistant position is hourly and is not benefitted.
- The funds are already set aside and are coming out of the same line as the Recording Secretary (hourly) and the Selectboard Clerk (salaried).
- The hours for the position can be adjusted at any time.
- Glenn will send it to the Wendell email list, post it on the bulletin board and maybe send it to a Western Mass. online bulletin board. He'll also make it postable for social media.

Gillian moved to create the position of Assistant to Town Coordinator for approximately 8 hours a month at the hourly clerk rate, to begin when the position is filled, and to be funded out of the Selectboard Clerk line, account number 0011225120. Laurie seconded.

Discussion

The motion was amended to include the funding source.

The motion passed unanimously.

XV. Adjournment

Gillian moved to adjourn the meeting at 8:48 p.m. Paul seconded. No discussion.

The motion passed unanimously.

Documents

Historical Society Request, Oct. 27
Asa de Roode, Part-time, Call or Volunteer Services, Oct. 23
State Ethics Opinion on Redeemables Issue, Oct. 30
Selectboard Meeting Minutes, Oct. 18
Selectboard Posting and Agenda, Nov. 1
Swift River School PFAS Update, Oct. 17
Carolyn Manly Memo – State Ethics Reg. Option 2, Nov. 1
One-Day Liquor License Application, Oct. 31
Oct. 4 Selectboard Minutes Excerpt for Mormon Hollow Culvert
Oct. 4 Minutes Excerpt for Annual Meeting
Coordinator Assistant Position v2
DLS Alert – Allowable Municipal Expenditures, Oct. 30