

**Town of Wendell**  
**Selectboard Meeting Minutes**  
**November 15, 2023, 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, Treasurer Carolyn Manley; Road Commissioner Phil Delorey; Dan Keller, 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 extension cord for the vacuum cleaner in the Town Hall is missing. Anyone who locates it should tell Glenn Johnson-Mussad.

**III. Public Comment**

Dan Keller proposed that the Town intervene in the licensing process of the battery storage system that's proposed for Wendell.

- Dan believed that while the intervention might cost a lot of money, it would be the only way to enable an environmentally sound installation.
- The main concerns are fire, pollution (heat from the facility), and the destruction of forest (the site will occupy 5 to 6 acres of space with cement on top).
- Dan cited an article by Al Norman that he sent to the Selectboard, "Pushback: Assault and batteries in Wendell" (published Nov. 14, 2023, in the *Greenfield Recorder*).
  - a. It contains information about past problems with such installations.
- Town firefighter Asa de Roode says he's going to a training in the fall to learn how to fight lithium fires.
- Such fires might require a HAZMAT team, not the Wendell Fire Department
- Dan recommends calling a Special Town Meeting as soon as possible to get more money for the legal fees.
- The Town only has a matter of weeks to intervene.

*The Selectboard placed this time-sensitive issue under the Items Not Anticipated part of the agenda and discussed it next.*

**IV. Items Not Anticipated.** Laurie DiDonato

Lithium-Ion Battery System Intervention

The Selectboard talked about what to do about the proposed creation of a lithium-ion battery storage system in Wendell that Borrego Energy initiated.

- Dan thinks an intervention might cost between \$50,000 and \$100,000.
- Wendell asked the Massachusetts Emergency Management Agency (MIMA) to take a look at the issue but hasn't heard from them yet.
- Gillian wanted to touch base with the other parties involved, like the Planning Board and the Conservation Commission, to get the latest information.

- Dan and Laurie heard that one town, Carver, tried to stop a similar project but failed.
- Laurie wanted more information, including getting the exact deadline for an intervention and what steps the Town would need to take to begin one.

*Laurie will check in with Bill Stubblefield, a Wendell resident who has worked with the Planning Board on the Borrego Energy issue, to get more information.*

*Glenn will call Town Counsel David Doneski to get an estimate of the legal costs of an intervention.*

**V. Selectboard Updates and Comments.** Laurie

- Laurie will be on vacation for a week, starting the Wednesday before Thanksgiving.
- Gillian will be out for Thanksgiving and probably the day after, but she'll be available to sign warrants on Wednesday, Nov. 22.
- Gillian complimented Phil Delorey on the beautiful fix on the library walk.

**VI. Selectboard Meeting and Warrant Schedule Review**

The Selectboard reviewed the schedule of meetings and warrants.

- The fifth week of November (11/29) will be skipped, and then the meeting and warrant schedule will align.

**VII. Town Coordinator Report.** Glenn

Computer Installation at the Library

IT management and development company Entre Technologies resolved the problems they were having and now the installation is complete, including a new monitor.

Internet at the Town Office Building

- The part that enables reserve power for the Internet burned out some time ago. The replacement part came but it was the wrong one, so it's on reorder.
- Wi-Fi is having a hard time reaching the boards and committees room, so Glenn got a quote on devices that will extend service and will bring the results back to the Selectboard in December.

Wendell-Erving Bridge Repair

As previously discussed, in addition to other routine maintenance, the bridge's decking needs to be repaired. Glenn asked Phil to give the following update on the Wendell-Erving bridge repair.

- Both towns have agreed to evenly split the cost of the repairs.
- The engineering cost for the project: \$31,000.
- Engineering contractor Gill Engineering doesn't want to submit dual invoices to each town; they prefer to deal with just one person.
  - a. Erving Town Administrator Bryan Smith suggested that Wendell be the administrative lead on the project, since Phil has worked with Gill on other projects.
- Phil is in favor, but the administrative arrangement requires a letter of agreement between the selectboards in Erving and Wendell.

**Discussion**

- Treasurer Carolyn Manley suggested that when the time comes, Wendell should send Erving a copy of the invoice and let them pay half directly to Gill.
- Phil said Erving would agree.

- Carolyn will send Phil an email outlining how the payment part would work.
- An environmental review that comes up on projects like this one will reveal whether the bridge is designated as historic, and that will be considered before Wendell signs the contract.
  - a. The contract with Gill would stipulate that while Wendell is the administrative lead, Wendell and Erving would split the costs evenly.

*Phil will ask Gill to send the contract to him and meanwhile work with Erving on the interlocal letter of agreement.*

#### Annual Report

Glenn is waiting on a quote from the printer.

### **VIII. Consent Agenda**

The Selectboard considered the consent agenda.

- A. Approve minutes of November 1, 2023
- B. Approval of library declaration of surplus as presented

**Laurie moved to approve the consent agenda. Gillian seconded.**

#### **Discussion of minutes**

- Tom Mangan proposed that two items in the Nov. 1 minutes on Page 5, under “Statement from Tom Mangan” numbers 1 and 3, be amended to clarify what he was saying.
- Regarding number 1, reading from the draft minutes, he said, “Tom and Shawn agreed to do the following: 1. Write up the two proposals above.” He said his understanding was that he wasn’t going to write up the proposals. Rather, his intention was to write up questions related to the legal problems in the two proposals.
  - a. Gillian said she did ask that the two proposals be written out.
  - b. The Selectboard agreed to amend number 1, “Tom and Shawn agreed to do the following: 1. Write up the two proposals above,” to read “The Selectboard asked Tom and Shawn to consider doing the following: 1. Write up the two proposals above.”
- Regarding number 3, reading from the draft minutes, Tom said, “Avelar should personally present the two proposals to the Ethics Commission as they asked, with Tom sitting in to help. . . .” He said he did not agree to that suggestion. His response at the time was that it was up to Avelar.
  - a. The Selectboard agreed to amend number 3, “Avelar should personally present the two proposals to the Ethics Commission as they asked, with Tom sitting in to help. . . .” to include this addition: “Tom did not agree to number 3 above because he felt that the decision was up to Avelar.” (Tom was referring to Avelar Barros, the WRATS attendant who is willing to do the work if the redeemables program is reinstated at the Wendell Recycling and Transfer Station.)

**The motion to approve the consent agenda with the amendments to the minutes as discussed passed unanimously.**

#### **Discussion of library surplus**

Glenn and Carolyn confirmed that throwing out library equipment requires a Selectboard vote because it belongs to the Town.

- a. The Town accountant needs to get a report about it so she can keep track of the Town’s list of assets.

## **IX. Waived Fees Policy.** Glenn

At the Nov. 1 Selectboard meeting, the Historical Society asked that the society's current demolition permit be modified to include building permits so they can renovate the post office part of the building, and that related fees be waived.

- Building Inspector Phil Delorey granted the modification to the demolition permit but referred the society to the Selectboard for the fee waiver, since its members are the only ones who can waive Town permit fees.
- At the Nov. 1 meeting Carolyn asked the Selectboard to consider drawing up a policy as a guide for such requests.
- Glenn presented a draft policy for discussion.

### **Discussion**

- Gillian suggested lowering the cap on the waiver amounts in the draft policy, which are currently pegged at \$1,000 for a particular request/event and \$2,000 per fiscal year for any one entity.
- As part of the subsequent discussion about what dollar limit might seem more reasonable, Phil noted that no one in Town has asked for a fee waiver for construction for many years, except for the Historical Society.
- Phil suggested the maximum amount of the waiver be \$100.
  - a. Phil noted that this policy wouldn't apply to residents building a new house; those permits do tend to be thousands of dollars.
- After further discussion, the following changes were suggested:
  - a. Split number 1, Town exemptions, into two parts, one for Town-sponsored construction projects and one for non-profit-sponsored construction projects. Say "shall be exempt" for Town projects and "may be exempt" for non-profits.
  - b. Strike the first sentence in number 2, regarding events on Town property. That's already covered by another policy.
  - c. Under Section A, Purpose, in number 2, strike the first sentence about events on Town property.

*Glenn will incorporate the edits and bring them back for approval at the next meeting.*

## **X. Fee Waiver for Wendell Historical Society**

**Gillian moved to table a vote on this matter and take it up again after the fee waiver policy is finalized. Paul seconded.**

**The motion passed unanimously.**

## **XI. Water Operator Selection.** Glenn

In the ongoing effort to hire a permanent vendor to test the water at the Town Office building, Glenn presented a quote from East National Water for monthly inspection (\$75) and testing (\$35).

- East National's quote also includes other charges required by the Department of Environmental Protection (DEP) at various times, but not the fee charged by its sample testing lab, Quabbin Analytical Laboratories.
  - a. Glenn called East National for more info but hasn't heard back yet.
- Wendell's water is currently being tested by Housatonic Basin Sampling and Testing, but Glenn is not sure if they're willing to continue to do it.
  - a. According to a current invoice, Berkshire Engineering/Housatonic Basin's inspection managed service is \$150 monthly, plus \$30 for lab analysis.

### **Discussion**

- What does the DEP require? Is Wendell doing it now?

- a. Do the quotes from East National and Housatonic cover everything required?

*Once the questions that Glenn and the Selectboard have are answered, it's likely they'll be able to choose a permanent water testing company.*

## **XII. Green Communities Annual Report** Laurie.

The Green Communities Designation and Grant Program Annual Report is due at the beginning of December, before the next meeting, but it's not ready yet.

- The new solar bylaw might interfere with Wendell's Green Community status.
- We're not planning to apply for a grant.
- Questions for the Selectboard: Authorize Laurie to sign it and submit it, wait until everyone can consider it and submit it late, or do not submit the report this year?

### **Discussion**

**Gillian made a motion to authorize Laurie to sign and submit or postpone submitting the Green Communities Annual Report, at her discretion. Paul seconded. No further discussion.**

**The motion passed unanimously.**

## **XIII. Annual Report Help.** Glenn

Glenn reported on his plans for preparing and publishing the 2023 Annual Report.

- He learned that at one time there was an Annual Report Committee.
- With the experience he gained producing the 2021 and 2022 annual reports, which went to the printer in October, he is hoping to get the 2023 report to the printer by May 2024.
  - a. That includes asking the printing company to format things like page numbers and the table of contents instead of doing those things himself.
- It's possible that, when hired, the new Town Coordinator Assistant will be able to help.
- Producing the annual report falls into two rough categories:
  - a. Compiling information and putting it into book format, which doesn't require decisions by a Town official.
  - b. Making decisions about how long someone must be on a committee before they can be listed and catching up with people who haven't yet submitted their reports and encouraging them to do so.

*Glenn will start by canvassing the people who requested the printed report to see if some might be willing to volunteer and join an Annual Report Working Group, (which is different from a Selectboard-appointed committee).*

## **XIV. Photocopier.** Glenn

The current photocopier is still limping along, but it may break at any time.

- Glenn obtained a spec sheet from a town coordinator who bought a photocopier recently and used it to request bids from some vendors.
- An email from one vendor, who educated him about photocopiers, convinced him that some of the things he asked for in the original spec sheet weren't needed, so he plans to adjust it and send it out again.
- Baker Office Supply in Greenfield will sell Wendell a color machine for \$3,200. Baker notes it should last 10 years.
- The quote to repair the one we have is \$2,300.
- Rental quote for color copies from deRenzy Business Technologies: \$98 a month (for 36 months).

- More questions:
  - a. Do we want to buy with a service agreement? This is important because some vendors don't want to drive all the way out to Wendell.
  - b. Color or black and white? The current one is black and white.

*The Selectboard is leaning toward buying rather than renting.*

**XV. Non-Citizen Voting Petition.** Glenn

At the Annual Town Meeting, residents approved a request that non-citizens be allowed to vote in Town meetings and elections and serve on elected boards and committees.

- Before the request can be put before the state legislature, State Senator Jo Comerford's office would like to see the language of the relevant request from the Annual Town Meeting.

**XVI. Check About Using Attorney for SME Determination.** Laurie

Executive Director Jan Ameen from the Franklin County Solid Waste Management District suggested that Wendell ask the Town Counsel to look at the Special Municipal Employee (SME) issue and make a determination.

- The determination would affect what Avelar Barros can do. He is a Recycling and Transfer Station attendant who was taking the WRATS redeemables to a redemption center and turning over the proceeds to the Good Neighbors Food Pantry, minus a portion for gas money, with the non-profit's consent, until the Highway Department terminated the program.
- The matter has gone before the Massachusetts State Ethics Commission several times.

*The Selectboard prefers to wait for the latest response from the Ethics Commission.*

**XVII. Items Unanticipated**

Website Committee Appointment

**Laurie moved to appoint Beth Lewand to the Website Committee. Gillian seconded. No discussion.**

**The motion passed unanimously.**

**XVIII. Adjournment**

**Gillian moved to adjourn the meeting at 8:31 p.m. Paul seconded. No discussion.**

**The motion passed unanimously.**

**Documents**

- Historical Society Request, Oct. 27
- Waived Fees Policy v2, Nov. 2023
- Selectboard Meeting Minutes, Nov. 1
- East National Water Quote, Nov. 13
- Library Declaration of Surplus Nov. 13
- Home Rule Petition Cover Letter, Nov. 15
- Selectboard Posting and Agenda, Nov. 15
- Invoice H2310188 from Berkshire Engineering/Housatonic Basin Sampling & Testing