

**Town of Wendell  
Selectboard Meeting Minutes  
December 20, 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, Don Bartlett, Chair, Zoning Board of Appeals; 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 7:00 p.m.

**II. Announcements**

There were no announcements.

**III. Selectboard Updates and Comments**

In a previous meeting the Selectboard discussed a change in Fire Chief Joe Cuneo's health insurance.

- Joe had notified the Selectboard that now that he's 65, the board would be obligated to pay his lost wages instead of the health insurance company if he experiences a cardiac event.
- Chair Laurie DiDonato has since learned that Joe wants to know if it's possible for his insurance to cover his lost wages under those circumstances instead of the Selectboard.

*Glenn Johnson-Mussad didn't think the insurance policy could be changed to accommodate Joe's request, but he will ask.*

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

The meeting and warrant schedules are aligning.

**V. Consent Agenda**

- A. Approve the Selectboard meeting minutes of December 6, 2023
- B. Appoint Jim Thornley to the Energy Committee

**Laurie made a motion to approve the consent agenda as written. Paul Doud seconded. No discussion.**

**Discussion**

Regarding Jim's appointment to the Energy Committee, even though a form for board and committee appointments is now available, the appointment can go through without it, as long as the slip is put in Town Clerk Anna Wetherby's inbox as usual.

**The motion to approve the consent agenda passed unanimously.**

**VI. Public Comment**

Christine Heard on a Land Use Agreement

Christine wanted to remind the Selectboard of the existence of an agreement between Francesco (Apollo) Compagnone and the Town of Wendell that was made in 2011, while she was serving on the board with Dan Keller.

- Apollo had been using a piece of land, which abuts Town property, for agricultural purposes, thinking it was his own.
- A subsequent survey showed that the portion he was using really belonged to the Town.
- After discussing it with Apollo over a number of years, Dan and Christine came up with a licensing agreement that allows Apollo to use that Town land along with his wife as long as either is alive.
- After that, the land reverts to the Town.
- He can't alter the use of it, and if he sells his property the agreement ends.

*Glenn offered to add a reminder about this agreement to the Town Coordinator's calendar, for annual presentation to the Selectboard.*

*The Selectboard liked the idea of having the Town Coordinator send Apollo a reminder letter about the agreement every five years.*

#### Christine Heard on Thompson Rd.

- Although it's more passable and less messy than it used to be, it's still known as a location for graduation parties and private bonfires, to name a few activities, and Google Earth is still sending people down there.
- When Christine was on the board, the state forest manager agreed that a gate should be put up at the intersection where Farley Road meets Thompson Road, but nothing was done, perhaps due to lack of money. But that has changed.

#### **VII. Town Coordinator Report. Glenn**

##### Photocopier Update

Glenn has been looking into prices for a new copier, since repairs to the old one would be very expensive.

- He has revised the specs and has sent them out to vendors for a second round of quotes.

##### Annual Report

The Highland Press in Orange seems to be overbooked; Glenn has contacted them several times but hasn't received a response about when they'll print the report.

#### **Discussion**

- The Sheriff's office prints annual reports for some towns.
- The Annual Report needs to be printed on special acid-free paper, according to Anna, so Glenn will get the specs on the paper the Sheriff's office uses and ask Anna if they're acceptable.

##### Water Operator Update

- Glenn had been looking for a new water testing operator for the Town of Wendell because the town's vendor, Housatonic Basin Sampling and Testing, stopped testing for about a year and told Wendell they didn't wish to do it anymore.
- Housatonic resumed testing on a temporary basis when asked, while Glenn sought bids from other vendors.
- Housatonic hasn't submitted a bid, but they have been doing the job with no complaints.
- The Selectboard agreed with Glenn that he doesn't need to search for another vendor right now since Housatonic is doing what needs to be done.

##### Procurement Training

- The last day of training is tomorrow. Once he passes the quiz, Glenn will be a certified procurement officer.
- Selectboard Clerk Joy Gorzocoski will start to help out with the bill schedule for utilities.

### Coordinator Assistant Position

- One person has applied for the job of Town Coordinator Assistant, which is an hourly position that calls for someone with digital experience to work 8 hours a month.
- Glenn will schedule the person for an interview at the next Selectboard meeting.

### Vacation

Glenn will be away for a week, between Christmas and New Year's Day. He'll return Jan. 2 and Jan. 3 and then he'll be out again until Jan. 8.

### **VIII. Approve 2024 Liquor License Renewals**

- A. Deja Brew
- B. Wendell Country Store

**Laurie made a motion to approve the liquor license renewals as presented. Gillian seconded. No discussion.**

**The motion passed unanimously.**

### **IX. Approve Class III License for Scott's Garage**

**Laurie made a motion to approve the Class III license for Scott's garage as presented. Gillian seconded.**

### **Discussion**

- There is a different auto place on Mormon Hollow Road that might not be following the new parking restrictions, but Glenn checked today, and Scott's Garage is complying.
- There's a possibility that a transfer of ownership will occur at some point, which would involve a transfer of the permit, but it hasn't happened yet.
- Glenn doesn't think a license is needed to repair autos only, but he'll check.

**The motion passed unanimously.**

### **X. Accounting Software. Glenn**

A while ago the company that owns the software that Town Accountant Erin Degnan uses for Wendell's accounting program (along with other towns through the program's single administrator, the Franklin Regional Council of Governments) notified everyone that it was changing its agreement with the FRCOG.

- The change would force the Town to either pay thousands more for the existing program or find a new software vendor and possibly a new Town Accountant.
- Erin would like to stay with the current software and Treasurer Carolyn Manley and Glenn would very much like to continue working with her.
- One possible solution: Enter a joint agreement with New Salem to have Erin work for both towns on a part-time basis, which might help offset the increase in the software's price.
- Glenn has asked FRCOG Director of Regional Services Bob Dean if he could provide information about how much other towns are paying for their accounting software.
- The timeline has been extended, so Wendell will have a couple of months into fiscal year 2025 before the increase will go into effect.

### **XI. Special Employee Status/WRATS. Laurie**

With the goal of getting the redeemables program reinstated at the Wendell Recycling and Transfer Station (WRATS) following its termination in July, at a previous meeting Tom Mangan and Shawn Jarrett asked the Selectboard to grant Special Employee Status to Recycling and Transfer Station Attendant Avelar Barros. (Avelar was separating the redeemables during his work hours, turning them in to a redemption center for cash, keeping a portion of the proceeds — with the consent of the Good Neighbors Food Panty — as reimbursement for gas mileage and turning over the remainder to Good Neighbors.)

- Tonight’s discussion involved emails sent to Tom and Carolyn by Attorney T. Michael McDonald, Senior Assistant General Counsel of the Massachusetts State Ethics Commission, about what Massachusetts law says about activities that might be against the law because they would be viewed as a conflict of interest. (When the original request was made, Tom and Shawn believed that if the Selectboard granted Special Employee status to Avelar, he would be able to file for a conflict-of-interest exemption and be allowed to continue to sort the redeemables.)
  - a. In an Oct. 30 email to Carolyn, Attorney McDonald wrote that, according to Massachusetts law,
    1. Avelar’s position wasn’t eligible for Special Municipal Employee status,
    2. His acceptance of money for the task was a conflict of interest, and
    3. In the absence of a policy or contract, Good Neighbors’ acceptance of funds from the redeemables was an “unwarranted privilege,” which is prohibited under another section of the conflict-of-interest law.
- Tom said he was still interested in having the Selectboard grant Special Employee status to Avelar.

### Discussion

- While Shawn didn’t ask that the gas money reimbursement practice be reinstated, and Tom didn’t think that returning to that practice would be possible right now, he still thought that it was a reasonable for Avelar to be reimbursed for gas and that the practice should be reinstated if that became an option in the future.
- Laurie and Tom agreed, however, that if Good Neighbors didn’t reimburse Avelar for gas, the Special Municipal Employee status request wouldn’t be necessary.
- Laurie agreed with Shawn that the law grants Special Employee status to a position, not an individual employee — a distinction that could be useful in the future.
- Glenn pointed out that the WRATS Attendant position is funded for up to 19 hours per week for 52 weeks, for a total of 988 hours per year, which is above the 800-hour threshold allowed by Massachusetts law covering conflicts of interest.
- When asked, Tom explained the idea of unwarranted privilege:
  - a. A town should have a policy describing how a charity is selected to do something in that town, and
  - b. The decision to select one charity should be made only after a public announcement of intent, posted ahead of time, perhaps on the town website and elsewhere, for 21 days prior to implementation. This avoids the appearance of favoritism by allowing any interested charities to apply for the position.
- As a way of getting a broader sample around Town, after the holidays Shawn is interested in canvassing opinion about the redeemables issue (rather than sending around a petition).

### Next Steps

- The Selectboard members agreed that they would not grant Special Municipal Status to the WRATS Attendant position.
- Gillian observed that the Selectboard wants to encourage volunteering in the Town.
- The Selectboard intends to come up with a policy for Town interactions with charities in general, including unwarranted privilege.
- The Selectboard will check in with the Road Commission about the redeemables policy and will try to find someone who wants to draft a policy that would cover unwarranted privilege.



**XII. Accountant Staffing.** Treasurer Carolyn Manley  
Carolyn presented a report comparing the major costs of retaining the FRCOG's accounting services program to the costs of finding a new arrangement outside of the FRCOG.

#### Highlights of Accounting Agreement Expenses

- Currently, Erin and her assistant are paid for mileage from home to work. Wendell and New Salem aren't allowed to reimburse employees for commuting, however.
- Erin's hometown of Northfield carries her dental and health insurance and the FRCOG pays her 25% of her health insurance premium each month.
- The FRCOG pays for Erin and her assistant to go to school each year.
- Estimate from Zobrio, the FRCOG's software vendor, for the proposed new cost to towns for its accounting software: \$12,733.
- Estimate for sticking with the FRCOG, including Zobrio's increased price: **\$42,792** (this includes mileage, insurance, and schooling).
- Estimate for terminating the FRCOG agreement but sticking with Zobrio: **\$42,385**, which includes the following:
  - a. Wendell's current budget (\$30,402)
  - b. Minus the flat fee that the Town now pays to the FRCOG for software (\$750)
  - c. Plus Zobrio's proposed price (\$12,733).
- Additional expenses for accounting to be considered if the FRCOG isn't used: laptops for Erin and her assistant, currently supplied by the FRCOG.
- New Salem Town Treasurer Gabriele Voelker told Erin she was interested in a sharing agreement, but no financial details were discussed.

#### **Discussion**

- Personnel and software changes are now handled by the FRCOG, but Wendell might find that difficult to do.
- Erin is currently receiving benefits for vacation, sick and personal time that she wouldn't be eligible for as a 12-hour-per-week Wendell employee.
  - a. Since she wouldn't meet the criteria for prorated sick, vacation, holiday and retirement benefits, a new set of rules would have to be written just for this position.
- The FRCOG has a history of having difficulty administering this program in terms of funding, training and managing people, so its longevity isn't guaranteed.
- There is only one other accounting software vendor that's suitable for Wendell, and while they're less expensive, the program doesn't have as many features and the learning curve would be time-consuming.

#### **Next Steps**

- The Selectboard wanted to research what other towns are paying for private accounting services.
- For now, the Selectboard will stick with the FRCOG program and accept the increased price of the software.
- The Selectboard can still explore what a shared accounting services agreement with New Salem would look like, in case the FRCOG decides to discontinue administering the accounting software program at some point in the future.

#### **XIII. Possible Items for January Special Town Meeting.** Glenn

Wendell may need to hold a Special Town Meeting (STM) to discuss the school bus transportation contract and the proposed lithium-ion battery storage facility in Wendell.

### Transportation Contract

The last time the school superintendent signed this five-year contract, the signing occurred first and then an STM was held. If the Selectboard wants to have a Town meeting first, it must occur within 60 days of December 15, when the bid was put in.

#### **Discussion**

Proposed bus transportation contract for Wendell: \$173,376

Current bus transportation contract: \$156,158

### Battery Facility Regulation

The Assault & Batteries group is preparing an STM article opposing the proposed battery storage facility in Wendell, using a bylaw approach. They plan to send around a petition to have an STM.

#### **Discussion**

- Wendell just got word about money from Chapter 90 funds allocated by the state for municipal transportation needs, which will help in figuring out the Highway Department budget, including what can be used for the Mormon Hollow Culvert repairs.
  - a. If needed, a vote to allocate funds for the Highway Department could be added to the STM agenda.
- Talk to the Finance Committee (FinCom) about how much money should be put aside for the battery storage facility defense, whether funds should be put into a Town account or gathered privately, and then consider adding the issue to the STM agenda.
- Glenn will send out a process document he's prepared for STMs for the Selectboard's review.
- Caitlin Sheridan, Director of Finance and Operations at Union #28, who is involved in the school bus contract, will be notified about the date of the STM.

*The Selectboard will schedule a Special Town Meeting for Wednesday, Jan. 31, 2024.*

#### **XIV. Zoom Accounts/Issues.** Glenn

There's a lot of demand for hybrid Zoom meetings and the Town's two accounts aren't always enough to accommodate requests from boards and committees.

- Glenn proposed that those committees that have a budget and are the busiest, like Open Space, Website and the Planning Board, purchase their own dedicated Zoom accounts this fiscal year, and then talk to the FinCom about where to charge the expense.
- He noted that giving more than one person access to the same email account can be difficult.

#### **Discussion**

- While the Selectboard's ability to hold public meetings virtually is supposed to expire in March, it's become such a popular option that the possibility that it will go away was thought to be remote.
- Open Space Committee Chair Dan Leahy said after his committee no longer had access to a Zoom account provided by a FRCOG rep, his committee has had significant challenges using the Town's account.
  - a. They've been bumped off their meetings several times and haven't been able to get back in. They need a reliable, secure Zoom account.
- Renewal date of the Town Zoom account: March 28, 2024. Cost: \$149.90 (without the taxes, or probably \$165 a year with taxes).

#### **Next Steps**

- Committees and boards that have the funds should buy their own Zoom account, using one individual member's email.
- Those that don't could be assigned to a specific Town account, which might cut down on the problems that have been cropping up with authentication requests.
- Glenn will work with anyone interested to help them upload the Town's tax-exempt certificate when they're purchasing an account. Otherwise, reimbursement from the Town won't include taxes.

*Glenn will send an email to boards and committees saying if they have the funds to buy their own Zoom accounts, please do so and expense it. If they can't afford it, the Town will work out something else.*

**XV. Newsletter Item Request.** Gillian Budine

Laurel Facey from the No Assault & Batteries in Wendell (NAB) citizens' group asked the Selectboard to place an item in its newsletter.

- The one-paragraph item in the Selectboard's meeting folder announces the group's formation, its opposition to the proposed placement of a lithium-ion battery storage facility in a forested part of Wendell and its intention to petition Governor Healey for a freeze on such installations.

**Discussion**

The Selectboard agreed to include the short announcement in the Selectboard's newsletter, along with a note that it is being published with the Selectboard's permission.

**XVI. Parameters for Use of Town Counsel.** Glenn

Glenn presented a form people can fill out and submit to the Selectboard if they have a matter to bring before Town Counsel.

- It includes a question about what prior research the applicant conducted before requesting to use Town Counsel services, a description of the request, its priority, the expected response time and an invitation to include relevant documentation.
- It shows a place for the Selectboard's signatures as well as the Town Coordinator.
- Glenn would prefer to have just the Selectboard sign.

**Discussion**

- The Selectboard liked having a formal request in writing, making it easier to document requests as well as tracking possible legal expenditures.
- Suggestion: Make it accessible by putting it on the Selectboard's website under Documents.

*The Selectboard agreed to start using the form, with signatures from Selectboard members only.*

**XVII. Dog Notice.** Glenn

Glenn presented the dog notice discussed in an earlier meeting, amended to delete the passage that draws the reader's attention to the provision in the law that "provides for the immediate destruction of any dog."

**Discussion**

- In answer to Glenn's question about the need to post this dog notice every year, Gillian said she believed the purpose was to give the police a document they can refer to that's been posted, if the issue comes up.
- The Selectboard considered other options: include the possibility of euthanization but soften the language or accept the amended notice now, knowing it can be changed later and posted again if necessary.



**Gillian made a motion to approve the amended legal notice for unrestrained dogs in the town of Wendell as presented on December 20, 2023. Laurie seconded. No discussion.**

**The motion was approved unanimously.**

**XVIII. Waived Fees Policy.** Glenn

Glenn presented a third version of a policy containing Selectboard guidelines for applicants requesting the waiver of fees for the following: construction projects sponsored by the Town or a non-profit organization; the Recycling Center; public safety/emergency issues; and other applications.

**Gillian moved to approve the Selectboard policy and waiver of Town permit fees as presented. Laurie seconded. No discussion.**

**The motion passed unanimously.**

**Discussion**

Glenn noted that the policy was created because there wasn't one when the Wendell Historical Society asked at an earlier meeting for the Selectboard to waive the fees on its construction project.

**Gillian moved to waive the building permit fees for the Wendell Historical Society, not to exceed \$100. Laurie seconded. No discussion.**

**The motion passed unanimously.**

*Glenn will let the Historical Society know that its building permit fees have been waived, up to \$100.*

**XIX. Flag Policy.** Glenn

Glenn presented the draft of policies covering what flags can be flown on the Town's flagpole.

- The policies were drawn up in response to a notice about a May 2022 U.S. Supreme Court decision ruling against the city of Boston's rejection of a religious group's request to fly a religious flag on City Hall Plaza.
- The basic policy limits the kind of flag that can be flown to the following entities: U.S., state, Town, branches of the military services and MIA-POW.

**Discussion**

The Selectboard preferred the basic policy and agreed that if there's a request for something outside of those entities, they can revisit the issue.

**Laurie moved to approve the version 1 basic flag policy — with Wendell inserted on the blank line for town — as presented. Gillian seconded. No discussion.**

**The motion passed unanimously.**

**XX. Coordination of January 3 Meeting.** Glenn

Since Glenn will be on vacation, he will send the agenda items for the meeting to the Selectboard.

- Someone should be designated to update it and post it.
- Glenn will return Tuesday, Jan. 2.

**Discussion**

Laurie will post the agenda by December 29.

**XXI. Items Not Anticipated**

The documents in the meeting folder about the DiDonato deed will be considered at the next meeting.

**XXII. Adjournment**

**Laurie moved to adjourn the meeting at 9:38 p.m. Gillian seconded. No discussion.**

**The motion passed unanimously.**

**Documents**

Waived Fees Policy V3, Dec. 20, 2023

Liquor License Renewal Applications, Nov. 30, 2023

Selectboard Meeting Minutes, Dec. 6, 2023

Request for Newsletter Item, Dec. 14, 2023

Conflict of Interest Email Chain, Dec. 15, 2023

Transportation Bid Email, Dec. 15, 2023

Scott's Garage License Application, Dec. 18, 2023

Selectboard Posting and Agenda, Dec. 20, 2023

Wendell Legal Dog Notice, clean, Dec. 20, 2023

Wendell Legal Dog Notice, with strikeouts, Dec. 20, 2023

Zoom Plan Pricing, Dec. 20, 2023

Apollo's License with Signature, March 1, 2011

Flag Policy, KP Law Update on Boston's Flag-Raising Decision, May 16, 2022

Flag Policy, v1, Basic, November 28

Flag Policy, Detailed, November 28

Flag Policy, Town of Pepperell, June 14, 2023

Notes re Accounting Position and Software, Dec 20, 2023

Request for Legal Services Use of Town Counsel, Nov. 13, 2023