

Town of Wendell
Selectboard Meeting Minutes
October 4, 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; Carolyn Manley, Treasurer; Phil Delorey, Road Commissioner, Al MacIntyre, Finance Committee Member; Tom Mangan, Shawn Jarrett, 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

Glenn Johnson-Mussad will join the meeting around 7:30.

III. Public Comment

There were no public comments.

IV. Selectboard Updates and Comments. Gillian Budine

The Town newsletter went out with a page missing, due to a printing error. The printer will send out the missing page soon.

V. Selectboard Meeting and Warrant Schedule Review

The Selectboard reviewed the warrant and meeting schedule, which are not lining up.

VI. Consent Agenda

The Selectboard considered the following consent agenda:

- A. Approve Selectboard Meeting minutes of September 20, 2023
- B. Appoint Leah Velleman to the Wendell Cultural Council

Laurie moved to approve the consent agenda. Gillian seconded.

Discussion

In the minutes, correct a typo by adding a zero to the Department of Conservation and Recreation's wood bank grant amount so that "\$10,00" becomes "\$10,000."

The minutes were amended to include the new wording as written above.

The amended motion was approved unanimously.

VII. Project Coordinator Report. Phil Delorey, Road Commissioner

At the meeting, Phil summarized his written report, which appears as indented text (see numbers 1 through 4):

1. Mormon Hollow Culvert

As a result of an intense 4-inch rainstorm on July 10th, the streambed in the Mormon Hollow Culvert washed away for a second time. This culvert has proved to be very susceptible to heavy rain; the culvert has gone from a steel tube to natural streambed materials and the pitch of the streambed was increased during reconstruction. Storm surges appear to be more intense and of higher volume than they have been previously, as we've seen with other washouts that have occurred recently.

The Town has an estimate for a repair that will include filling the streambed completely with 12-18 inches of 4,000 lb. concrete (a denser mix), from the inlet to the outlet, whereas we previously used concrete on only one-third of the culvert: that concrete was not damaged due to water flow. I have received Conservation Commission approval of the Order of Conditions for this repair, and an engineer's assurance that this method, i.e., a concrete streambed, was not contrary to engineering practice or other regulatory concerns. Further, I have discussed the method of payment proposed with the Finance Committee (FinCom) and with the Treasurer. The cost of the repair is \$79,665.

MOTION: That the Selectboard approve the payment of \$79,665 for the MH Culvert repair from the Town highway budget and that that amount of funds will be recommended at the next Special Town Meeting for reimbursement to the highway budget from the Town Stabilization Fund.

Discussion

- Phil has talked to Town Counsel David Doneski about filing a lawsuit to determine who is responsible for the money spent on repairing the Mormon Hollow Culvert twice within the last year or so.
 - a. While Doneski will do whatever the Selectboard decides, he considers the scope of the project to be relatively small in terms of big construction projects, lawsuits, and legal fees.
 - b. Doneski also thinks a legal fight would probably be long and expensive, with no guarantee about who would win.
 - c. An alternative might be mediation among the Town, engineer, and contractor.
- This is a bonded project; that's what the bond is for.
- More Chapter 90 money (\$125 million) may be coming from the state for storm damages in small towns in Western Massachusetts, but who gets what and when is uncertain.

Laurie made a motion that the Selectboard approve the payment of \$79,665 for the Mormon Hollow Culvert repair from the Town Highway budget, and that that amount of funds will be recommended at the next Special Town Meeting for reimbursement **to the Highway budget from the Town Stabilization Fund**. Paul seconded.

Discussion

- The Selectboard wanted to maintain the Stabilization Fund as much as possible.
- Funds from the American Rescue Plan Act (ARPA) or the state may be available at that time.
- Change the wording of the motion by replacing "to the highway budget from the Town Stabilization Fund," with **"to the Highway budget from available funds to be determined."**

The motion was amended to include the new wording as written above in quotes.

The amended motion passed unanimously.

Phil will ask Doneski how Wendell would get reimbursed from a bond and also ask about the steps that would be needed for a mediated settlement.

2. Wendell Erving Bridge

During 2022, the Massachusetts Department of Transportation (MassDOT) examined the bridge over the Millers River at the lower end of Farley and found the structure to be in sound condition. However, there are maintenance issues that must be dealt with. The steel bridge will need to be painted and the rust removed.

During 2023, the deteriorated conditions of the wooden deck on the bridge worsened to the point where boards are lifting off the substructure and will become a hazard to driving, especially to plowing. It is assumed that the bridge is jointly owned by the two towns.

- The Wendell and Erving town administrators and highway crews met and agreed that an engineer will be needed to:
 - a. Assess the likelihood of the effectiveness of a temporary repair and
 - b. Devise an engineered plan for the full repair of the bridge, including both the decking and the maintenance noted in the MassDOT report. Gill Engineering was contacted, and they have submitted a proposal for \$ 31,183 for the engineering of a planned repair of the bridge. Additionally, the two road crews have discussed their willingness to jointly reconnect the loosened deck boards, for the purpose of making the bridge safe for driving and plowing, at least on a temporary basis. There will be a cost for the purchase of lumber and high-quality screws and time in labor needed. A brief estimate of those costs is approx. \$3,000 plus the labor, and all of these costs would need to be shared by the two towns.

Discussion

- Erving is doing a big repair on the other end of the bridge. It will be closed for a few months next summer.
- Phil estimates that the total cost of a permanent fix might be as high as a few million dollars.
- There may be some money available if the bridge has historic status.

Gillian moved to approve the engineering fee for the Wendell-Erving bridge design and temporary repairs, Wendell’s share to be paid for from ARPA funds, not to exceed \$20,000. Laurie seconded. No discussion.

The motion passed unanimously.

3. Landfill Capping

The Town has received a grant of \$75,000 from the state of Massachusetts for the capping of the Wendell Landfill, an operation that ceased in the mid-1990s. Work has progressed enough to know that that amount will not finish the project, although the remaining amount needed is not known at this time.

To date, the project has included procurement by	FRCOG	\$900
Tree cutting and removal by	D&D Forest Products	\$8,100
Excavator work	G&S Lyman	\$7,087

Soils and trucking	M&M Hardscapes	\$9,750
Soils, trucking, and earth moving	L&F Trucking	<u>\$25,000</u>
To date		\$50,837

Additionally, the Town has procured WjF GeoConsultants to install test wells at the site for a bid quote of \$18, 275, bringing the total of funds committed to the project to \$69,112. That leaves a balance of uncommitted funds of \$3,188.

Discussion

- Buried debris from the old landfill was uncovered that was 40 feet beyond what was originally assumed, making the capping an even bigger project.
- Phil wants to negotiate with the state to allow a less gradual slope, which would save the Town having to pay for hundreds of truckloads of fill.
- The monitoring wells are hopefully going in later this month.
- The state has been happy with the project getting done after 25 years of inattention and has been patient, so it’s probably okay if it’s not finished for a few more years.

4. Storm Damage Update

The Town has applied for the use of Chapter 90 funds to make roadway repairs due to the July storms in the amount of \$88,650. The highway budget has already submitted an estimate for emergency repairs in the amount of \$157,645, and that amount includes the culvert repair at Mormon Hollow. The final estimate of damage from the July storms will increase with the addition of Town employees’ labor time and Town materials already stored when the emergency occurred. The total amount for July storm damage will be in the area of \$270,000 to \$280,000.

VIII. Wood Bank Grant. Cliff Dornbusch, Tree Warden

The contract for the Department of Conservation and Recreation’s (DCR) Urban and Community Forestry Challenge Grant, for \$10,000, which was awarded in May, says the Town must match the funds.

Cliff said the grant is good until May or June of next year.

Discussion

- When he submitted the proposal, the DCR rep told Cliff that the Town funding match could be covered by the hours volunteers spent.
- Suggestions to Cliff:
 - a. Put together a wish list of equipment he wants to buy together with a dollar total.
 - b. Establish an hourly pay rate for volunteers (on paper).
 - c. Determine what combination of equipment and volunteer hours (including his own) would be needed to complete the Town match.

Cliff will ask Julie Coop at the DCR for suggestions about documenting volunteer hours.

Laurie volunteered to meet with Cliff and anyone else who is interested, before the next Selectboard meeting, to help plan the details of spending this grant money.

IX. WRATS Redeemables Policy. Tom Mangan, Shawn Jarrett

Tom and Shawn presented their reasons for wanting to reinstate the redeemables policy at the Wendell Recycling and Transfer Station (WRATS).

Tom Mangan

After attending three Road Commission meetings without a positive result, Tom is turning to the Selectboard to present his case.

- While the document Tom submitted to the Selectboard lists 13 issues that are in contention, he addressed one in particular: The granting of Special Municipal Employee status to the WRATS attendant.
 - a. According to Tom, if that were to happen, that employee would be able to file for a conflict-of-interest exemption with the Selectboard.
 - b. If the exemption is granted, the employee can then petition the Selectboard to exempt his position from any potential conflict of interest. That conflict might arise if the Good Neighbors Food Pantry—which has been receiving half the money from the redeemables—were to reimburse the employee for mileage traveling to and from the redemption center, on his own time.
 - c. More specifically, according to Tom, the employee is eligible for Special Municipal Employee status because he didn't work more than 800 hours this year. That requirement is in Mass. law.
 - d. Tom is presenting this position after consulting Nora Mallum and John McDonald, attorneys for the Massachusetts State Ethics Commission.
 - e. After consulting a Department of Revenue lawyer, Carolyn Manley's position as Wendell's Director of Personnel is that the employee is ineligible for Special Municipal Employee status because that position calls for more than 800 hours per year.

Shawn Jarrett

Shawn asked the Selectboard for feedback about the survey results she sent to the board. The survey canvassed 57 Wendell residents about whether they favored a reinstatement of the WRATS recycling and redemption program.

- Shawn will attend a meeting that Jan Ameen, the executive director of the Franklin County Solid Waste Management District, is hosting on Oct. 17 at the library to talk about what residents would like from WRATS.
- An all-volunteer operation at the Northfield Transfer Station is working: One volunteer, who is the head of that town's branch of Good Neighbors, processes the redeemables a few times a week, calling on two or three volunteers when he needs help.
 - a. The processing takes place in a shed right across from where people drop things off, which is ideal.
- The goal of the people who favor a reinstatement of redeemables is to come up with a written proposal to resume the program that the Road Commission will consider.
- Their group would also like to have:
 - a. A chance to discuss major decisions at WRATS before they're made and get a mission statement.
 - b. Accurate figures from the returnables operation.

Discussion

Gillian said she supports the idea of recycling. She felt that the issue is separating out the money involved with the returnables and the role of the municipality: keeping those tasks separate.

Laurie said the Selectboard will discuss the issue at the next meeting and hopefully make a decision.

X. Car Dealers License Application Process. Glenn

Kery Johnson, who currently co-owns Scott's Garage in Town, wants to become the sole owner, probably in 2024. He wanted to start the application process for a Class II dealer's license, but the Town doesn't have an application form for this.

- Proposal: Base the application on one that was taken from another town.
 - a. The form includes Class I, II, and III licenses and includes requirements for permits from the Board of Health and the Fire Department.
 - b. Glenn sent the form to Town Clerk Anna Wetherby, who thought it would provide a good car dealer license template for Wendell.

Discussion

- A Class II license is for a business that primarily sells used cars, while a Class III license is for a business that primarily buys used cars, takes them apart, rebuilds and sells them. Scott's Garage may be a Class III business. Glenn will confirm that the application will be for a Class III license, not Class II.
- The license renewal form the garage has been completing every year is much simpler.
- Glenn will let Kery know that he should check with the Fire Department, the Road Commissioner, and the Board of Health about what permits they might require for the business in the future.

The Selectboard agreed that the owner of Scott's Garage could fill out the simpler renewal form for this year, with a notice that next year's will be more detailed.

XI. Resolving Past Years' Policing Funds. Carolyn

When Wendell first started sharing policing services with Leverett three years ago, the actual percentage of services each town would use weren't known, so the Town simply paid what was in its policing budget.

- Carolyn and Leverett Town Administrator Margie McGinnis have reviewed those payments with an eye toward how much Wendell actually owed Leverett in fiscal years 2021, 2022, and 2023.
- Leverett based its review on calls for policing services each town made and came up with an estimate of 17.5% for Wendell and 82.5% for Leverett.
 - a. Administrative costs were not included in the call share percentages.
 - b. Wendell's call share number will be increased to 22.5% for FY 24.
- Carolyn suggested that Wendell find a way to track its actual call share volume percentage going forward.
- When looked at one way, Wendell overpaid Leverett in the first two years, but owes Leverett \$2,475 in the third year.
- Margie says Leverett is willing to cover the shortfall of \$2,475 that Wendell owes for FY 24, and Carolyn is in favor of this resolution.

Laurie moved to propose to Leverett that any excess remaining from the payments the Town of Wendell made to Leverett based on the Leverett-Wendell policing agreement for FY 2021 through FY 2023 will be used to cover Wendell's deficit in the FY 2024 budget, such that Wendell will be considered paid in full. Gillian seconded. No discussion.

The motion passed unanimously.

XII. Electric School Bus Letter. Glenn

The Selectboard was asked to consider signing a letter to Governor Healey proposing the establishment of a \$70 million fund for the purpose of procuring all-electric school buses. The group behind the letter wanted a signature by the next day (Thursday, Oct. 5).

Discussion

- While the Selectboard members seemed to be in favor in principle, Gillian observed that the Town’s schools don’t have enough money as it is.
- FinCom member Al Macintyre pointed out that the program might not be taking money away from existing school funds; the state might be able to tap into federal money designated for the purpose.
- Wendell doesn’t buy school buses; it contracts with a bus company.

XIII. Community Compact Cabinet Best Practice Program. Glenn

The Edward J. Collins, Jr. Center for Public Management is asking if Wendell wants to apply for Best Practice Program grants. We can choose any two of the 10 program areas and the Collins Center will prepare and submit the grants.

Discussion

After reviewing detailed descriptions of the program areas, the Selectboard chose the following two:

- Financial Management Best Practices. This provides expert guidance in such things as developing a capital improvement plan that reflects a community’s needs.
- Regionalization/Shared Services Best Practices. This helps with things like animal control, water testing, and municipal staffing.

XIV. Special Town Meeting Scheduling and Coordination. Glenn

No one has contacted Glenn requesting a Special Town Meeting.

At some future point, an STM will be needed to approve Highway Department funding of the Mormon Hollow culvert repairs.

XV. Website Update. Glenn

A. Rollout and Training

The website will be rolled out soon, but it won’t be announced right away, giving the Town time to work out any early kinks.

- Glenn shared a preview of the website via his screen and scrolled through some Selectboard pages.
 - a. Anyone can access the Selectboard agendas and meeting documents.
 - b. General tabs across the top include such categories as Services, Government, and Community.
 - c. Glenn and the website committee are working on getting people trained to use it.

B. Funding

At the Selectboard’s May 3 meeting, \$5,800 was approved for the website. Wendell has paid \$4,500 to ProudCity for website creation.

- Another bill for \$2,400 has come in from ProudCity (\$1,800 for the annual subscription, plus \$600 for the meetings module), but only \$1,300 is left of the amount approved in May.
- The Selectboard asked Glenn to use the IT Systems Maintenance line, which has \$15,400 left, to pay this bill.
- Glenn will make sure that the IT Systems line can also accommodate a year’s worth of monthly bills from IT management company Entre Technologies.

XVI. Ghost Town on the Common. Glenn

The Wendell Free Library is once again hosting a pop-up trick or treat village on the south common. This year's event is planned for Saturday, Oct. 28 at 6 p.m., with a rain date of Saturday, Oct. 29 at 6. The library is asking for permission to use the Town Hall bathrooms.

The Selectboard granted the library permission to use the Town Hall restrooms during the event.

XVII. Items Not Anticipated. Glenn

Last year, Wendell had unknowingly dropped the water sampling and testing company that had been conducting the monthly tests required by the state. The Town resumed them this summer after it received a notice of noncompliance from the state.

- Housatonic Basin Sampling and Testing, which was hired to conduct the sampling and testing on a temporary basis, may be interested in continuing.
- Glenn is meeting with another vendor on Wednesday.
 - a. The job is small, involving testing water from one sink, looking at one meter and one generator, taking a sample, and doing paperwork.
- Wendell still has the option to have a Wendell employee undergo training to do the testing (and perhaps another to do the paperwork).

XVIII. Adjournment

Gillian moved to adjourn the meeting at 9:45 p.m. Laurie seconded. No discussion.

The motion was approved unanimously.

Documents

Town of Wendell Memo – Police Overpayment Issue, Sept. 27, 2023

Town of Wendell Project Coordinator Report, Oct. 4

WRATS, the RC and the Campaign to Reinstate Returnables Processing, Oct. 4

Sign On Form for Electric School Bus Letter, Oct. 2

Coordinator Assistant V2, Sept. 27

Best Practices Program Overview, Sept. 27

Best Practices Program Areas, Sept. 27

Mass General Law Class II License, Sept. 9

Draft Used Car Dealer's Application, Classes I-III, Oct. 4