

Town of Wendell
Selectboard Meeting Minutes
January 17, 2024, 7 p.m.
Hybrid Meeting: Selectboard Offices and by Zoom

Present:

Chair Laurie DiDonato, Member Paul Doud

Also Present: Glenn Johnson-Mussad, Town Coordinator; Cynthia Bolling, Selectboard Clerk; Treasurer Carolyn Manley; Anna Gyorgy, Dan Keller, Nina Keller, Gloria Kegeles, Bill Stubblefield, No Assault and Batteries in Wendell citizens' group; Martha Senn, Chair, Board of Tax Assessors, Adam Hemingway, Associate Assessor; members of the public and press.

I. Roll Call/Call to Order

With Chair Laurie DiDonato and Member Paul Doud present, the meeting was called to order at 7:00 p.m.

II. Announcements

There were no announcements.

III. Public Comment

Dan Keller on the Battery Bylaw

- Dan said that the No Assault and Batteries in Wendell (NAB) citizens' group sent out a draft of a battery bylaw to the Selectboard yesterday.
- The group wants the Selectboard to take it over: To review it, do whatever they need to do and then maybe turn it over to legal counsel.
- The group hopes that the Selectboard will then take the next step and put it on the warrant for a Special Town Meeting (STM).
 - a. That way, the battery group won't have to file a petition to do so.

IV. Selectboard Updates and Comments

Laurie will be unable to attend the Feb. 7 Selectboard meeting because she will be traveling.

V. Selectboard Meeting and Warrant Schedule Review

- There will be an STM on Jan. 31, for the school bus contract.
- The warrants and meetings won't be aligned for a while.

VI. Town Coordinator Report. Glenn Johnson-Mussad

IT Support

- Entre Technologies, which manages Wendell's IT technology, installed a wireless Wi-Fi extender in the room the Selectboard meets in.
 - a. The wireless device is now providing a strong signal to the boards and committees room.
- An uninterrupted power supply device failed awhile ago, and the replacement didn't work.
 - a. Glenn signed off on a quote for a new one. Since the replacement didn't work, there's a credit for it with Entre.

Timely Snow Removal

- Jason, the person who was hired to remove snow (from five Town office buildings) took another job that has priority, so he may not be as prompt as Wendell would like.
 - a. Later in the meeting Glenn will ask the Selectboard if they want to consider hiring someone else.

University of Massachusetts Intern

New Salem has engaged an intern from the Public Policy Department at UMass.

- Glenn has made an appointment to discuss getting a similar intern for Wendell.
- What projects would the Selectboard like to see the intern work on?
- Suggestion: The intern could research the Selectboard's policies and procedures—like organizing meetings and choosing the eldest citizen—write them up if needed and put them in one place.

New Building Inspector

- Phil Delorey has officially notified Glenn that at the end of April he will no longer be Wendell's building inspector.
 - a. Options to consider:
 1. Hire a new inspector.
 2. Explore working with the Franklin Regional Council of Governments (FRCOG) to find a replacement.

Warrant for Jan. 31 STM

The warrant has been posted, it's on the website and has been sent to the constable.

Discussion

Suggestion: Since Phil is the building inspector for some other towns and will be leaving them in a staggered way, Glenn might want to consider working with them to find a replacement for everyone.

VII. Consent Agenda

The Selectboard considered the consent agenda.

- A. Approve minutes of January 3, 2024
- B. Appoint Nico Naparstek to the Zoning Board of Appeals

Laurie moved to approve the consent agenda. Paul seconded. No discussion.

With Laurie and Paul voting aye, the motion passed 2-0.

Glenn noted that he will pass on Nico's contact information to Town Clerk Anna Wetherby.

VIII. FY 25 Town Coordinator Salary. Glenn

To help Wendell plan the fiscal year (FY) 2025 budget, Glenn presented a spreadsheet comparing the salaries of town administrator/coordinators in Berkshire, Franklin, Hampden and Hampshire counties.

- In addition to annual salary, the spreadsheet includes such categories as town population, tenure, hours worked per week, yearly budget and salary as a percent of the budget.
- Wendell has the lowest hourly wage in Franklin County for a Town coordinator.

Discussion

- The salaries posted don't include such variables as vacation times and academic degrees.
- Glenn and Carolyn have been dividing the tasks associated with the unfilled Finance Coordinator position and are interested in continuing to do it. However,

- a. Does the Selectboard want to formally add those tasks to their individual job descriptions?
- b. What impact would that have on hours or compensation?
- Glenn noted that he loves his job and wants to continue doing it but wants the Selectboard to be prepared for future possibilities.

Laurie noted that the salary issue might be discussed further at the Money Managers meeting.

IX. Leverett Fire Dept Study. Laurie

Leverett has a \$20,000 grant to study the feasibility of sharing fire department services with Shutesbury, Wendell and New Salem, and at the last Selectboard meeting they asked Wendell to sign on.

- The Public Safety Committee had mixed feelings about it because the study might take up a lot of staff time, and also because regionalization always has its pros and cons.
- At the last meeting, the Selectboard generally felt that the study was a good idea; it would help identify those pros and cons.
- Earlier, Gillian told Laurie that the Leverett fire chief called her to say he's available if anyone has any questions.

Discussion

At the last meeting, Gillian noted that it might be possible to give people a stipend to compensate them for their time.

Laurie moved to support the Leverett Fire Department study to regionalize fire department services. Paul seconded.

With Laurie and Paul voting aye, the motion passed 2-0.

X. Proposal to Cover the Chapter 90 Deficit from ARPA-SLFRF. Treasurer Carolyn Manley

Carolyn suggested that the Selectboard transfer funds from the American Rescue Plan Act (ARPA)-Coronavirus State and Local Fiscal Recovery Funds (SLFRF) federal grant program to cover the Chapter 90 June 2023 deficit.

Laurie moved to transfer \$12,374.24 from ARPA account 440-122-5400 to Chapter 90 account 210-0422-5400 to cover the Chapter 90 deficit as of June 30, 2023. Paul seconded. No discussion.

With Laurie and Paul voting aye, the motion passed 2-0.

XI. Tax Classification Hearing. Adam Hemingway, Regional Resource Group (RRG) Consulting Assessor

Adam screen-shared the six-page Tax Classification Hearing document prepared by the Board of Tax Assessors.

- According to the hearing document, before the tax billings are mailed, the Selectboard "holds a public hearing to determine the percentage of the Town's property tax levy to be borne by each major property class."
- Some figures in the document are averages; if anyone wants a specific figure for a piece of property, Adam said he's available for individual questions from 9 a.m. 3 p.m. on Tuesdays in Wendell.

Hearing Highlights:

- Of the eight steps to be taken to set tax rates before, during and after the hearing, Wendell is currently at step five, where the Selectboard votes on a tax shift factor.
- The following dollar amounts must all fit within each other, like nesting dolls:
 - a. The levy (amount of property taxes to be raised): \$2,673,019.

- b. Levy ceiling (2.5% of the full value of the Town): \$3,222,058.
- c. Levy limit (the maximum allowable levy): \$2,859,035.
- Major property classes: residential, commercial, industrial and personal property.
- According to the hearing document, “municipalities with a large commercial and/or industrial tax base often see fit to shift the burden to help maintain lower residential taxes. Given Wendell’s relatively small commercial, industrial and personal property tax base, it takes a CIP tax rate increase of 10% to yield an approximate 2% residential tax rate reduction.”
- The tax rate has been declining slightly over the years.
- The value of property class types has gone up in Wendell, but when that happens, the tax rate often decreases.
- The average tax for a single-family home: \$4,441.57 (a decrease of 1.55%).
- The \$2,673,019 that the Town will be raising in property tax revenues represents a 0.20% decrease (\$5,280) over last year’s levy.
- The Board of Assessors recommends that the Town continue to adopt a single tax rate for all property classes and has prepared a recommended motion to do so.

Discussion

Farms of at least five acres can enroll in a state program that allows for a tax reduction under certain conditions.

In the following motion, Laurie read the words in quotes from the tax hearing document:

We the board move “in accordance with Mass. General Law, Chapter 40, Section 56 as amended,” that “the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the fiscal year 2024 tax rates and set the Residential Factor at 1.0, with a corresponding commercial industrial personal shift of 1.0, pending approval of the Town’s annual tax recap by the Massachusetts Department of Revenue.” Paul seconded. No discussion.

With Laurie and Paul voting aye, the motion passed 2-0.

XII. Energy Storage Bylaw. Anna Gyorgy, NAB

The No Assault and Batteries in Wendell citizens’ group, which has been working since October on ways to prevent the construction of the proposed Borrego/New Leaf Energy lithium-ion battery storage facility in a forested, environmentally sensitive area of Wendell, presented a general bylaw to the Selectboard to consider.

- The bylaw incorporates what the people in the town of Carver learned from their unsuccessful attempt to pass a bylaw to prevent a similar facility from being constructed in that town and is focused on health and safety.
- Anna noted that NAB isn’t against lithium-ion battery storage itself; they just want it done as safely as possible.
- The group is also gaining attention from others, like the Millers River Watershed Council, whose board of directors met and went on record as being against the New Leaf project. The council is particularly concerned with what adverse effects the heat generated by the facility might have on the Millers River watershed.
- They know they missed the Jan. 31 deadline for an STM, but now there’s more time for changes to the bylaw to be made.

Discussion

- To provide background to the new bylaw being presented, Gloria Kegeles from NAB remarked that the Planning Board had written a solar bylaw that contains a total prohibition against energy storage facilities in Wendell, but the Massachusetts attorney general (AG) struck it down.

- a. Bill Stubblefield from NAB noted that the Massachusetts Department of Public Utilities (DPU) and the Energy Facilities Siting Board (EFSB) were initially involved in the New Leaf proposal.
- The basis of their joint participation was a current state zoning regulation (Chapter 48, Section 3), which states that there shall be no prohibition or unreasonable regulation of solar projects or things ancillary to solar.
 - a. The state has viewed storage as ancillary to solar and has the power to override a town’s zoning bylaws, which is why the AG was able to strike down Wendell’s solar bylaw.
 - b. However, the Siting Board is now saying they don’t have jurisdiction over these stand-alone battery projects because they only oversee energy-generating facilities, not storage.
 - c. The New Leaf project is now before the DPU, but the date of the mandatory public hearing has not yet been announced.
- NAB feels that, while still an outside shot, the approach with the best chance of success is to send the AG a general bylaw rather than a zoning bylaw, with a focus on public safety.
- The group would like to see this on a warrant for an STM, get the Town’s approval and test it at the state level.
- Nina Keller from NAB remarked that another goal is to slow the process down, giving towns the chance to consider the impact of energy production in an ever-changing technology environment.
- Laurie expressed concern about whether this bylaw should come from the Planning Board instead of the Selectboard, using the Planning Board’s procedures.
 - a. According to the proposed bylaw, the Planning Board is in charge of permitting such facilities and has the authority to enforce its provisions.
 - b. The Planning Board, via an independent committee, has been involved in this bylaw’s formulation.
- When asked, Meg Sheehan, the environmental lawyer who defended Carver on the town’s battery storage issue, sent NAB’s legal subcommittee its ordinance against battery storage facilities, which Carver worked on for a year.
- While Anna wanted to include the purpose of the proposed bylaw submitted tonight (as written in Section A), Gloria wanted to detach that section and submit it separately because she felt ordinances usually are not prefaced with a purpose section.
- The Selectboard members were in favor of going forward with the bylaw as presented.

Next Steps to Consider

- Get an opinion from legal counsel.
- Hold a special Selectboard meeting after the Jan. 31 STM to discuss it further if necessary.
- Put it on a warrant for an STM and perhaps schedule it for the end of February.

XIII. PFAS Treatment Installation. Pete Valinski, Tighe & Bond

Pete, who is Vice President at lead contractor Tighe & Bond, gave an update on the Swift River Elementary School project to install a filtration system to remove PFAS contaminants from the school’s water.

- The original contract was for roughly \$150,000, plus a well pump replacement and a new bladder in the water tank.
- With the complete removal of PFAS contaminants in the water following testing, the project was substantially completed on Nov. 14.
- The school approved some additional plumbing maintenance work for \$4,800, including the repair of some leaks, the replacement of an old pressure relief valve, the replacement of an old pressure gauge and the addition of a surge tank to maintain pressure while the toilets were flushed.

- Regarding the two items that were outside the base bid, the pump was replaced in the summer for \$8,600, but the bladder wasn't.
 - a. When workers attempted to replace the bladder, which is attached at the bottom of the tank, they ran into difficulties.
 - b. Tighe & Bond concluded that to replace the bladder, the correct procedure would be to haul out the entire tank, using heavy equipment.
 - c. Consequently, instead of replacing the bladder, which has been paid for, Tighe & Bond recommends taking the \$3,800 credit offered for it and replacing the tank at the end of its life (in about 15 years, for an estimated cost of \$20,000).

Discussion

- In response to a question about why the bladder replacement issue wasn't discovered earlier, Pete replied that the difficulty wasn't apparent until a worker was actually in the pit, tried to do it, and discovered that access was severely restricted.
 - a. According to Tighe & Bond, with access that limited, the probability of a successful installation dropped drastically, so Tighe & Bond think it would be better not to attempt to replace the bladder now, which still has about 15 years of life on it.

Laurie made a motion to approve Tighe & Bond's recommendation to not replace the bladder for the water tank in the Swift River School and to accept the \$3,800 credit for it. Paul seconded.

Discussion

The Selectboard agreed to replace "the school" with "the Swift River School" in the motion above.

With Laurie and Paul voting aye, the motion as amended was passed 2-0.

Laurie intends to send an email about this vote to New Salem Board of Selectmen Chair Sue Cloutier, giving her a heads-up ahead of their meeting on Monday.

XIV. District Local Technical Assistance (DLTA) Application. Laurie

The Selectboard reviewed the categories of services Wendell should apply for through the Franklin Regional Council of Governments (FRCOG) and found the following to be of interest:

- Brownfields Redevelopment Support (if it helps with the landfill capping project).
- Municipal Succession Planning.
- Under IT Training and Policy Development: Develop an Education Program Around Cybersecurity.
- Under Shared Services: Municipal Financial Services like Accounting, Public Safety, Grant Administration/Management (and Grant Writing?).
- Under Zoning, Polices, and Plans: Zoning Bylaws and/or City Ordinance Development, Stormwater Management-Related/Flood Resilience Zoning.

Discussion

- This year the FRCOG will be selecting a smaller number of projects than usual. While this will allow them to go into more depth for each, fewer towns will be awarded funds.
- A new question on the form this year asks if Wendell is interested in sharing a part-time or full-time municipal planner. Glenn will ask the Planning Board if they're interested.

Next Steps

Tonight's top choices: Municipal Succession Planning, Grants, Financial Services, Rural Policy Plan Implementation.

The Selectboard will revisit the DLTA application at the Money Managers meeting on the 24th and get Vice Chair Gillian Budine's opinion.

Glenn will fill out the form based on tonight's conversation and bring it to the meeting.

XV. Items Not Anticipated. Glenn

Snow Removal Person

- Glenn obtained the Selectboard's permission to search for a new snow removal person.
- He will check the hourly wage and circulate the job description on the email list.
- Laurie will post it on the bulletin board later this week.

XVI. Adjournment

Laurie moved to adjourn the meeting at 9:13 p.m. Paul seconded. No discussion.

With Laurie and Paul voting aye, the motion passed 2-0.

Documents

Battery Storage Bylaw, Jan. 16, 2024

Tighe and Bond Email, Jan. 16, 2024

Wendell Tax Classification Hearing, Jan. 17, 2024

Selectboard Posting and Agenda, Jan. 17, 2024

Coordinator-Administrator Salary Comparison

Chapter 90 Deficit from ARPA Email, Jan 4, 2024

Selectboard Meeting Minutes, Jan. 3, 2024

District Local Technical Assistance 2024 Request Form

DLT Cover Letter, January 4, 2024, from Linda Dunlavy, FRCOG Executive Director

Snow Removal Job Description, Nov. 21, 2022