

Town of Colrain
Select Board/MLP Board Meeting
Colrain Town Office
55 Main Road
4:30 PM

**MINUTES OF SELECT BOARD
February 13, 2024**

Present: Benjamin Eastman, Chair; W. Thomas Griffin; Emily Thurber

Others Present: Natalie Blais, State Representative; Corinne Coryat, Legislative Aide; Mike Slowinski, MLP Manager; Marjorie Smith, Administrative Assistant; Kevin Fox, Town Administrator

Chair Benjamin Eastman called the meeting to order at 4:31 pm.

Appointments:

State Representative Natalie Blais – Annual District Update

Rep. Natalie Blais updated the members of the Board what she and the State have been doing to support the Town and Western Mass this past year: money for Natural Disaster Relief Fund for storms over the summer, MassWorks Grants, secured funds for farms impacted by summer storms, roadways particularly unpaved roads (pushing for additional money for Chapter 90 because formula doesn't work for rural communities), education and transportation and how to support rural schools (increased funding from \$1.5MM to \$15MM), and assisted the sewer district with obtaining State funds.

Select Board/Residents Questions & Concerns:

- Who figures out what buses each school district uses?
 - o The School District contracts through the RFP process. There are certain restrictions regarding busses at the state level, however, there is only one company in Franklin County, so with no competition the price goes up
- Stand on forestry management and carbon sequestration?
 - o There are a couple bills pending before the legislature regarding public land and the feeling on the issue is split in the District. The Woodlands Partnership of Northwest Massachusetts is working with private landowners on forest management.
- Elaborate on the sides of the forest land argument?
 - o The bills are aimed at no cutting happens on public forest land and the other side believes forests should be managed for habitat and health of the forest.
- What about clear-cutting for solar?
 - o There is a bill pending that would allow municipalities more control over companies wanting to clear-cut to put up solar. Legislators are concerned about the large forests and water sources that are doing tremendous work for the state and region as a whole and there is concern about the Commonwealth not prioritizing putting solar on the "built industry" like parking lots. The priority should be to put solar on built environment rather than cutting down trees for solar. There is language in the most recent climate bill that puts responsibility on the utility companies to upgrade the grid because the current grid isn't set up to handle large scale solar projects.
- Mike Slowinski requested Rep. Blais reach out to the Town of Hawley to help them obtain broadband internet because it would help Colrain with the RRR (Redundancy, Resiliency, Reliability). Rep. Blais has been in touch with Hawley

Mike Slowinski, MLP Manager – MLP Updates

Mike Slowinski updated the Board regarding demolishing a house and the process to ensure no broadband is in said house. The building inspector signs off prior to demolition that all broadband equipment has been removed (if applicable) and the process has been implemented and working well.

The Affordable Connectivity Plan (ACP) subsidy is scheduled to end around the end of April. First notice sent 1/25/2024 to all 46 Colrain residents subscribing to the subsidy. Next message sent around end of February to ask if people will stay subscribers without the subsidy. Congressman McGovern and many other legislators have signed and pledged support to extend the Federal funding for the program.

The ONT's (modems) are now three years old, and the original cost when purchased gave them a three-year warranty to provide support and keep them operational. Starting in FY2025 there will be a \$5.70 per year per modem cost to keep the support going. The replacement cost of a modem (ONT) is \$132.50, which would be paid out of the Enterprise Fund. The modems are owned by the town, and the router is owned by Whip City.

Lastly, there is a possible group insurance that Whip City is talking about trying to get all 19 towns to self-insure for repairs from the MST (box on pole) to the router. Currently, Whip City dispatches a truck, and the cost of repairs is to the Town. The insurance would cost \$2/month per subscriber and there would be no charge to the town or customer for any repairs. Mike requested the Board give thought to whether the Town is willing to cover the cost of the insurance, which would be approximately \$1,300/month. Using current repair costs, the cost to the Town for the insurance would be fairly "cost-neutral". Mike been asked to be on a task force by Whip City to put together a proposal for the 19 towns regarding the insurance and is requesting the Board's support.

Attorney Gwen King – Request to Participate in Amicus Brief RE: M.G.L. c. 82 sec. 32A

This appointment was cancelled. Kevin Fox explained that the FRCOG joined the brief, which encompasses Colrain, so there is no need for Colrain to join separately.

New Business:

Preliminary Discussion RE: Atlantic Farms HCA Renewal

Kevin Fox explained to the Board that the Host Community Agreement (HCA) to Atlantic Farms has expired, and they want to renew it. He has contacted Town Counsel who recommended three options for renewal: 1) waive the HCA in entirety 2) adopt the CCC HCA model once it is finalized or 3) initiate engaging Town Counsel in creating a new HCA. Kevin recommended the Board pursue option 3 and renegotiate the HCA to position the Town in the best manner possible and there are five HCAs in Town and to keep them all consistent. The Community Impact Fee can be used to help pay for the legal fees. The Board agreed to proceed with renegotiating the HCA and directed Kevin to contact Town Counsel to move forward with drafting a new HCA.

Request from Colrain Firefighters' Association RE: Boot Drive on 2/25/2024

The Colrain Firefighter's Association has asked to hold boot drive on Sunday, 2/25 from 8-4:30 in front of school.

MOVED: Thom Griffin moved to approve the Colrain Firefighter's boot drive on 2/25/2024. Emily Thurber seconded. **Approved unanimously.**

Accept, Abstain or Reject Joint Chapter 11 Plan of Reorganization of Endo International, PLC and its Affiliate Debtors

Kevin Fox explained that he initially received a petition to reorganize under Chapter 11 bankruptcy the company Endo International, PLC, an opioid creditor. The Town is a debtor and part of a state settlement and because the State is the plaintiff, by virtue the Town is already included.

Preliminary Discussion RE: Moving Forward with Culvert Replacement on Heath/Maxam Rd

Kevin Fox described the location of the culvert needing replacement to be on Heath Rd near the intersection of Heath and Maxam Rd. The project will need to be put out to bid. Discussion on the traffic detour, timing and cost. The updated estimate has a total cost of construction at \$565,000 with an additional \$31,000 for professional engineering services. The funding would come from the \$302,000 from the Barnhardt Settlement for culvert work and recommends using Chapter 90 funds for the difference. The project has been fully designed, fully permitted, and has been waiting on funding for two years. The Board agreed to move forward.

Approve /Sign Warrant for 2024 Presidential Primaries

Kevin Fox explained to the Board that the Town Clerk hadn't given him the warrant for the 2024 Presidential Primary Election for signature and suggested the Board approve signing and come to the office at a different time to sign the document.

MOVED: Thom Griffin moved to approve the warrant for the 2024 Presidential Primary. Emily Thurber seconded. **Approved unanimously.**

Old Business:

None

Unanticipated:

Wellman Farm

Ben Eastman asked for an update on Wellman Farm and Kevin explained that they stopped communicating with him and Town Counsel advised that it would cost more to pursue the mitigation money than it would be worth. Per the Host Community Agreement, the grower is supposed to pay the town 3% of gross wholesale sales for mitigation funds. These funds are being challenged in court and with the CCC.

Approve Select Board Meeting Minutes – (4/30/2018; 4/30/2018 Executive Session; 2/2/2022; 2/14/2023; 2/28/2023; 1/9/2024; 1/23/2024)

MOVED: Thom Griffin moved to approve the minutes of the Select Board dated 1/9/2024, 1/23/2024, 4/30/2018, 4/30/2018 Executive Session, 2/2/2022, 2/14/2023, 2/28/2023, as submitted. Emily Thurber seconded. **Approved unanimously.**

Snow Removal – Conservation Commission

Ben Eastman questioned whether Kevin had contacted the Conservation Commission regarding snow removal on the bridge. He hasn't contacted them yet; however, Steve is submitting his budget to the Finance Committee, which includes a piece of equipment for the snow removal and is waiting to hear how that goes first.

Town Administrator Updates:

Jacksonville Rd Washout

Currently it is in hands of the Conservation Commission and Army Corp of Engineers for the permitting. The engineering is nearly done, and money secured for construction.

Executive Session:

MOVED: At 6:06 pm, Ben Eastman moved to enter into Executive Session pursuant to M.G.L. c. 30A, § 21(â)(6): To consider the purchase, exchange, lease, or value of real property if the chair declares that an open session meeting may have a detrimental effect on the negotiating position of the public body. Thom Griffin seconded.

Roll Call Vote: Benjamin Eastman Aye
 W. Thomas Griffin Aye
 Emily Thurber Aye
Approved unanimously.


Returned to open session at 6:18pm.

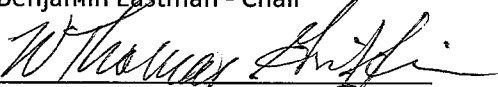
MOVED: Thom Griffin moved to dissolve the meeting at 6:18 pm.
Emily Thurber seconded. **Approved unanimously.**

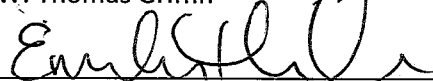
Respectfully submitted,

Marjorie Smith
Administrative Assistant

Accepted by the Select Board


Benjamin Eastman - Chair


W. Thomas Griffin


Emily Thurber

Documents Distributed to the Select Board Before the Meeting in a Packet or at the Meeting:

Select Board Meeting Notes

Email conversation between Corinne Coryat, Legislative Aide, and Kevin Fox, Town Administrator, dated 1/11/2024, 1/12/2024 and 1/18/2024 re: Natalie Blais Annual Visit to Select Board Meeting

Email from Mike Slowinski, MLP Manager, and Kevin Fox, Town Administrator, dated 2/5/2024 re: Select Board Appointment

Emails from Gwen King, Nolan & King, LLC, to Kevin Fox, Town Administrator, dated 1/31/2024 and 2/2/2024 re: Colrain's Discontinued Roads and Amicus Brief

c. 1900 Map Highlighting Three Discontinued Roads

Excerpt from minutes of County Commissioners of Franklin County dated 8/12/1925 re: Colrain's Discontinued Roads

Recorder Plan of Land dated 5/18/2005 re: Avery Hill Road Discontinuance

Recorded Deed dated 1/26/1932 re: Avery Hill Road Discontinuance

Parcel Map with Path of Avery Hill Road Highlighted

Current Trail Map of Catamount State Forest with location of Discontinued Road from Catamount Hill Rd to Davenport

Recorded Deed dated 12/22/1995 re: North End of Catamount Hill Rd

Parcel Map Showing Path of Discontinued Road from River Street to Coburn Farm

MGL c. 82, § 32A – Discontinuance of Certain Ways as Public Ways

Email between Kevin Fox, Town Administrator, and Nicole Costanzo, KP Law, dated 2/12/2024 re: Atlantic Farms Host Community Agreement

Host Community Agreement between Town of Colrain and Atlantic Farms dated 1/14/2019

Letter from Colrain Firefighter's Association, Inc. to the Select Board dated 1/30/2024 re: Request to Hold Boot Drive

Select Board Solicitation Policy dated 2/8/2022