

Shutesbury Select Board Meeting Minutes
July 28, 2015
Shutesbury Town Hall

Select Board members present: April Stein/Chair, Mike Vinskey, and Michael DeChiara
Staff present: Becky Torres/Town Administrator and L.A. Scott/Administrative Secretary

Stein/Chair calls meeting to order at 6:34pm

Guests: Attorney Michael Pill for the Watkins, Attorney Donna MacNicol/Town Counsel, Alan Weiss/Cold Spring Environmental, Mark Watkins and Susan Watkins/63 Leverett Road, Zachary Shulman and Marnin Lebovits/Lake Street Development Partners, LLC, Penny Jaques/Conservation Commission, Mary Anne Antonellis/Library Director, and Michele Cunningham/resident

Leverett Road Salt Issue: Mark and Susan Watkins, Attorney Michael Pill representing the Watkins, Town Counsel Donna MacNicol, and the Select Board all agree to an open session. MacNicol: this is a negotiation session. Pill: all parties agree that none of what occurs in this open session will be used as testimony during litigation. MacNicol explains that she will present a broad brush of the settlement agreement: the Town will drill a well on the Watkins property in the far corner away from the current well; this will be a deep well and the town will pay all installation costs; the release will contain the contingency that the well will be tested within one year of signing; it will be known in a short period of time if the salt plume has gone into this area; if after one year, the water is clear, the contingency is done. MacNicol: if the water is not clear, we will need to look at another option such as Lot O32; the experts expect that water found in this location will be good and will allow the Watkins to keep their appurtenances on their own property. MacNicol explains that a town meeting vote would be required for a well installation on Lot O32. Pill cites Prescott versus White 1838 and notes that the easement holder has the right to, not the responsibility for, maintenance. MacNicol: the Town prefers this option; the Town is not interested in maintaining the Watkins' well; it is best for it to be on their own property. M. Watkins asks where the proposed site is located. Weiss refers to site on map and notes that he and Werner/Mount Holyoke College Professor of Geology agree on this location. Weiss explains that lineaments may cause the salt flow to run in the direction of the red inked line on the map. Weiss points to the potential well location on the map. S. Watkins, referring to Weiss's proposed site and states that Kosuda (former owner) dumped waste in this area over the years. M. Watkins points to the area on the map. Pill recalls that in 1982 he looked at this property and one condition was that the junk cars be hauled out of this area. M. Watkins: they built their house away from this area. Pill: the existing shallow well for his "back lot house" was full of horse manure; a clean deep well was drilled; the well driller explained that bedrock is close to the surface and whatever was in the dirt did not go through the bedrock. Weiss states that he has taken part in many dump cleanup sites and that his intuition is that most of the components, hydrocarbons etc., would stay close to the surface. M. Watkins: you can see things poking up out of the ground in this area. S. Watkins: cans, etc. Weiss: there are plenty of offsets if we go to another location.

M. Watkins: we stopped digging the pond because we kept finding cans, bottle, car parts, and toys. S. Watkins: we found a refrigerator and cars along the property line. MacNicol: the proposal is still on the table; the next step will be a walk on the site. Weiss asks the Watkins if they had a choice, where would they put the new well. M. Watkins: Buzzy Booth said that there is no clean spot on the property. M. Watkins points to a corner area and states that Ritchie Roberts recommended this site; asks if it is possible to stay far enough from the abutting property line. Pill cites stories about Weiss's work noting Weiss's credibility and that he does things by the book; Weiss's record lends credibility to the proposal; the Town will be at risk. Weiss: the deep well will have to have a lot of safety features. Stein: the well will have extra casing. Weiss explains that the well will have steel casing; when you case deeper, an extra section is used; the open hole is where you catch a seam and the water comes in; the extra casing blocks surface contaminants from coming down the casing which is banged in; the seal blocks any other surface water from coming in. Weiss: this should keep any surface contaminants from getting in the water; soil can have natural coloration when it meets the surface. Weiss states that he has confidence in a deep well; salt generally goes to the path of least resistance; geological lineaments drive the direction of the salt; this is a guess, as has no back up data. Weiss: salt is diluted over time and should be much lower in concentration in this area. M. Watkins asks what happens if they find "crappy" water. MacNicol: the goal is to get the Watkins drinkable water. Weiss: real estate-wise, having the well on their property is of value. MacNicol: if there is a problem within one year, we go to plan B. Weiss suggests the Watkins have the salt conditioner removed from their house, as it is terrible on plumbing and septic systems. S. Watkins: they are using potassium now. Weiss: they can look into reverse osmosis. All agree that a site walk is the next step. Werner will soon return to Shutesbury. MacNicol: plan is to get available dates from Weiss, Werner and the Watkins for a site walk then meet again. M. Watkins states that he is agreeable to moving forward. Weiss states that he will use historical tools to look back at the area. Vinsky asks if there are any junk cars on the site. Watkins: yes, not too far from the brush pile. M. Watkins: they hauled out a lot when they bought the property. Torres: when the Town bought Lot O32, the sellers, as a condition of purchase, removed thirteen full size dumpsters of material from the lot. S. Watkins: Kosuda had an auto repair business; he dumped a lot of stuff into the ground. Weiss: buried material is the most problematic, not material on the surface; technology to look under the surface is expensive. MacNicol: the point of the walk is to determine if the site is clean enough to drill. Vinsky notes the need for a secondary area as plume may have gone in the direction of the first area, which is where the dump is. MacNicol: the point of the walk is to see what is on the surface; we may find a site in between. Weiss: geologists can read the land to determine if it has been disturbed; suggests Buzzy Booth attend the site walk to provide guidance for rig access. MacNicol: Torres will coordinate the walk then we will re-meet. Pill suggests setting an outside end date for the walk. MacNicol: walk will occur no later than 9.15.15. Torres asks all present for dates that will not work. At 7:04pm, Weiss and the Watkins leave the meeting. All agree to try to schedule the Watkins walk-through in August and set a target date of 8.18.15 at 5pm; Torres will work on scheduling; all agree that the Town will pay for Buzzy Booth's time.

Topics:

1. **Application of the Rule of Necessity:** MacNicol explains that the rule of necessity is a mechanism created pursuant to the Conflict of Interest statute; to invoke the rule, members with conflicts declare their conflicts, Town Counsel looks at the conflicts, verifies them, then Town Counsel invokes the rule, at that point, all members return to the Select Board meeting and rule on the matter at hand. DeChiara asks if he would abstain. MacNicol: one can sit on the Board and abstain; both members with conflicts cannot abstain at the same time. DeChiara, referring to #4 and 5 of *Advisory 05-05: The Rule of Necessity*, asks about the mechanics for invoking the rule of necessity. MacNicol: in the meeting minutes, declare that the rule of necessity is being invoked and declare, on the record, what the conflict is; it is necessary to have a ruling from Town Counsel that the rule is necessary. Stein confirms that the rule is invoked only when there is a matter at hand. Vinskey asks for a reason why the Board would need to invoke the rule of necessity. MacNicol: the PILOT (payment in lieu of taxes); there is no conflict with the Select Board deciding whether to hold a special town meeting. MacNicol: the Planning Board has scheduled the public hearings for the petitions on 9.9.15; if a special town meeting is not held within six months, the process will need to start over six months prior to annual town meeting; if there is a special town meeting, the petition warrant articles still need to be on the annual town meeting warrant as that is what the petitions say. DeChiara confirms: if six months expire without a special town meeting, the process starts over. MacNicol: yes, the petitions are still there and part of the whole issue; per Chapter 40A Section 6, a building permit and/or special permit that is granted after the first publication of a notice for a zoning change, i.e. notice of the public hearing, is subject to the zoning change if it is voted in. MacNicol explains: a special permit for a liquor store is issued on September 1, the notice for a “no liquor store” zoning change public hearing is published on September 9; if the special permit was issued on September 10, it would be subject to the zoning change. MacNicol: where this fits in the current situation is that, given the complexity of the plans, this special permit will not have been issued before the notice for the zoning change public hearing is published, therefore, the project will be subject to the zoning change. MacNicol: however, in order for the zoning change to be in effect, it has to pass by a 2/3 vote at a special town meeting or annual town meeting; the argument could be made at town meeting that based on whether the bylaw is a good idea and that the project has already been permitted, voters could let the project go forward, then change the bylaw. Stein asks who decides on the permitting process. MacNicol: the special permit is subject to the zoning bylaw. DeChiara asks when the bylaw can be brought back if voters decide to let the project go through. MacNicol: per statute, two years. DeChiara asks if the Select Board can decide to put the bylaw petition on a special town meeting warrant. MacNicol: yes, at a special town meeting within six months of the petition public hearing or, if a redo of the public hearing notice were needed, the second notice would be applicable to the project. Torres asks, if passed within six months, could the petitions evaporate. MacNicol: no; all of this will have to be common sense as there is no case law; the timing of the petitions makes the usual process

impossible – the town is unable to meet the petition requirement and follow the process; a petition with ten signatures goes on the annual town meeting warrant. DeChiara notes that the content of the petition cannot change and asks if the petitioners could say they are okay with waiting until annual town meeting. MacNicol: once filed, the petition is a done deal; under the Zoning Act, a town meeting must happen within six months. Pill: in the late 1980s there was a desire to change zoning and to decide what will or won't be grandfathered; a local zoning bylaw can grant more grandfathering than the State. MacNicol: they can do that; petitions have to be put on the warrant as is; notes that the petitioners are willing to work collaboratively on the solar bylaw. MacNicol, referring to Chapter 40A Section 6, notes that the grandfathering statute is a very litigated statute; this statute also establishes the ability to buy time by filing an "Approval Not Required" (ANR) or a preliminary subdivision plan before the town meeting vote that changes the zoning bylaw, thereby, allowing one to do their project. MacNicol: an ANR is a plan that is filed under the subdivision control law for land that has sufficient frontage such that it does not need a road; under grandfathering, a special permit is still needed and would be granted under the current zoning. MacNicol: the project would go through if an ANR or a preliminary subdivision plan were filed before a zoning change. Pill: the land shown on the plan is grandfathered for eight years under subdivision law, so it is protected for that long under a special permit; under an ANR it is protected for three years; this is a way for the project to move forward under current zoning. Pill: refers to 1988 zoning amendment and notes talk last night (during the Planning Board public hearing) of bringing folks together to create a solar zoning bylaw. DeChiara: if the special permit is denied, can one apply for an ANR and then reapply for a special permit. MacNicol: after a denial, one cannot file for a special permit for two years unless there is material change in the project; an ANR would protect it for three years; it is protected for eight years under subdivision law; under subdivision law, they would be making Reed Road a subdivision road not a public way. MacNicol: the decision to hold a special town meeting lies with the Select Board; the petition came in good faith and the Planning Board is following their process. MacNicol: the Planning Board could be asked if they are planning to develop a solar bylaw; if the process is going forward, she encourages taking the petition on good faith; the process is very messy because of the way it has been done; with all the Planning Board has on its agenda, they may not be able to take up writing a new bylaw. MacNicol recommends a discussion with the Planning Board on how they want to proceed. Stein: the Select Board has no control over how the applicants want to proceed. Pill: the special permit puts the application under the discretionary control of Planning Board; any solar bylaw, per Chapter 40A Section 3, cannot prohibit or reasonably restrict a solar project except for protecting the public health and well being; it is anybody's guess how a court will deal with this; a bylaw cannot unreasonably regulate. MacNicol: DOER has a model bylaw and notes that litigation will be costly for the town. Stein suggests meeting with the Planning Board at the next possible meeting.

2. **Special Municipal Employee Status Request:** Torres: the Conservation Commission is working on a third party review contract and the potential contractor is requesting "Special Municipal Employee" status. MacNicol: essentially, the Ethics Commission created a special advisory allowing that consultants who want to work on a special project for a board can, subsequently, come before that board without coming into conflict. MacNicol: a special municipal employee is not an actual employee; in this case, the consultant works for the Conservation Commission and, in the future, will be able to come before the Commission without coming into conflict; this will be in her contract. Jaques provides a sample letter from another town for the exact same circumstance. MacNicol: designation is for the position not the person and the project is referenced. DeChiara states his agreement with the proposed designation. Vinskey asks if there is any financial obligation. MacNicol: no; the contract is public; refers to sample letter. Motion to grant special municipal employee status for the position of wetland consultant to the Shutesbury Conservation Commission for the solar array project is moved and seconded; all Select Board members agree. DeChiara confirms that Select Board members are special municipal employees and asks if all employees and committees shall have the same classification. MacNicol: the Select Board can grant special municipal employee status. Torres: the Select Board granted special municipal employee status to all Town positions years ago. MacNicol recommends all volunteers and employees receive information regarding special municipal employee status.
3. **Library Assistant Job Description:** Torres: although the rating had not been done, the description for the position has been on the books. Stein, also Chair of the Personnel Committee: the job has changed and become more sophisticated, the Personnel Board reviewed the job description and found that a rating of 385 brought the position to Grade 6. Antonellis/Library Director: the position remains at 12 hours/week. Stein: the job description was rewritten to more accurately reflect the work of the position. DeChiara asks what the Select Board approves. Stein: the job description, including the grade, and the raise in the rate of pay. Antonellis: the current rate of \$14.35/hour will go up to \$16.45/hour. Antonellis explains that she can cover the increase in hourly rate with funds she has already budgeted for FY16; this is not a benefited position. Torres: currently, the position has the same pay rate as substitutes/\$14.35 an hour. Antonellis: the job has changed since the position was created prior to her time as Director. Vinskey: the grading method has been used for a long time; refers to a FRCOG class in which he learned that some of the ways we describe jobs are no longer valid, i.e. lifting, unless it is unusual. Torres: each activity may not lead to an increase in grading. Vinskey: current personnel rating methods do not take into account certain activities that are in the Shutesbury rating system. Torres notes the need to look at each position independently; lifting is a fact of this position; the rating method chart can be reviewed. MV: the rating chart does need to be looked at it was developed in 1999. Torres: Shutesbury was one of the first towns to professionalize job descriptions. DeChiara states that he is supportive of the grade and in moving forward with the position and that it seems fair to use the current rating system; the Personnel Committee would need to update system. Torres:

updating would require each chart to be re-structured and all job descriptions recalculated. Vinskey agrees to approve job description with this specific rating. Motion is made, seconded, and agreed to by all Select Board members to approve the library assistant job description as presented. Antonellis leaves the meeting.

4. **Solar Bylaw Petition:** DeChiara moves the Select Board send to the Planning Board the warrant article petition form “Amend Zoning By-law – Large Scale Solar Photovoltaic Installation.” Torres explains the process to Shulman/Lake Street. Stein: signatures make the petition valid; the Select Board does not comment on content. DeChiara: the Planning Board pre-emptively scheduled the public hearing petition articles for 9.9.15. All Select Board members vote in favor of passing the “Amend Zoning By-law – Large Scale Solar Photovoltaic Installation” petition onto the Planning Board. Shulman and Lebovits/Lake Street Development Partners leave the meeting.
5. **Select Board Agenda Recommendations:** DeChiara explains that his recommendations come from his experience on the School Committee. DeChiara refers to “Specific Suggestions” in his document “Agenda Related Suggestions” and notes that adding a public comment period at the beginning of the meeting and attaching a time to broad categories will allow people to plan when to attend a meeting; this process would differentiate administrative duties, such as signing documents, and make meetings more accessible. DeChiara then refers to “Public Participation at School Committee Meetings” and explains that this process is different from Roberts Rules and allows people to talk within reason; the chair can determine the flow of the meeting. Returning to “Agenda Related Suggestions: Suggested Agenda Process,” DeChiara suggests a team approach in which Torres sends out a draft agenda, members review the draft and make recommendations. Per DeChiara, the School Committee gets their agenda one week ahead and the Regional School Committee gets theirs several days ahead; in order to have the agenda in advance, it seems best to shoot for Friday; if there is a change to the agenda, the Select Board members have to be made aware; see sample “Shutesbury Selectboard Agenda for 7.28.15.” DeChiara, referring to “Related Meeting Suggestions,” recommends ending the standing appointment for Police Chief Harding and that once per month or as needed written reports be submitted by department heads; the Police and Fire Chiefs and the Highway Superintendent may be required to submit monthly reports. DeChiara suggests leaving “Related Meeting Information Management” for another meeting. Stein asks how the current system evolved. Torres: in the current system, appointments are set for specific individuals and/or items; Hadley and South Hadley do not use time slots for their whole agenda as is done by the School Committee. Torres: appointments are critical for certain issues with a specific person/department, i.e. the library, dog issues, Fire Chief/Emergency Management Director, department grants, Vet programs; not for items needing to be signed. Vinskey asks why time slots wouldn’t work. Torres cites the example of earlier in tonight’s meeting when the scheduling of an anticipated executive session made it difficult to schedule subsequent appointments; for a long time, it has been the practice for the Chair to call on people in the audience so their concerns can be addressed. Vinskey: the Board has a lot to due in a short period of time; when folks come in unexpectedly,

time is used that the Board wasn't planning on; likes the idea of a public comment period and, if no one from the public is present, the Select Board can do non time-sensitive items from the agenda. Torres asks Vinskey if this is how he feels about the current situation. Vinskey: yes. DeChiara: budgeting time is helpful. Torres notes the long length of School Committee meetings. Stein asks what makes the School Committee meetings so long. DeChiara: structure does not define long meetings. Vinskey: if an item is going on for too long, it is an indication that the Board needs to come back to the item. DeChiara: structure creates more accessibility. Stein asks if it is necessary for the agenda to have specific times for items. DeChiara states he will concede on time; does want the agenda items to be listed in order that they will be taken up. Vinskey: taking items out of order makes it hard to follow. Stein suggests trying the new method for one to two months; the Select Board wants people to come and feel recognized and for information to flow. Vinskey asks if DeChiara will work with Torres to begin using the new format. DeChiara suggests Torres send him the draft agenda on Thursday. Torres: the Board will have a problem if she is unable to add items on short notice, not from over-looking items, but from people walking in the door with new issues or emergencies. DeChiara: unexpected items can be added without amending the agenda. Torres: if items are not listed, it is easy to overlook them. MD: items needing to be signed and/or reviewed cannot happen if they are not an emergency. Torres: with two-week intervals between meetings and meeting dates changing from the standing warrant week standing schedule, she needs, at times, to push items through on short notice; it has been the practice for the Town Administrator to explain an item. DeChiara: it is not reasonable to get things on short notice. Stein: the Town Administrator is well versed on contracts and is able to explain items much as Town Counsel does; Torres will get things as far out ahead as possible, however, we are working within small town parameters. DeChiara: sometimes it is okay to have agenda changes. Torres: until there is a new system for the Town Clerk to post items to the Town website, having agendas a week ahead and knowing there will be changes, results in the Town Clerk having to make time consuming agenda updates. DeChiara: the agenda is needed by Friday. Torres: the agenda has to be as close as possible by Friday in order to meet posting requirements. Vinskey: changes to the agenda can be handled under "Any other issue not reasonably anticipated by the Chair." Torres: points to the need for the checklist and notes that it was former Chair Puleo's process to go through the checklist before the end of the meeting. Vinskey: this is not a valid reason. Stein states she is hearing that time frames for agenda items may not be realistic. DeChiara agrees to let go of time frames, however, chronology is important because folks need to know when to come to the meeting. Stein: this has been our process for many years and we need to look at the process without adding more work. Stein: not having the Police Chief would be a mistake as his presence is important. Vinskey states that he would rather talk with Hunting/SHD Superintendent rather than Harding/Police Chief. Torres: in the past, the Select Board Chair and Town Administrator used to meet once/week with Harding, this then evolved to a once/month rotation of Select Board members meeting with Harding in order for all members to get a feel for the Chief's concerns and issues;

Tibbetts/Fire Chief gives an update once/month at Emergency Management Team meetings which Select Board members attend; due to his schedule, it is hard to align time for Hunting to come to meetings. DeChiara: it will make meetings shorter if we take out Harding's regular appointment. Vinskey: if something is important, a department head can make an appointment and suggests departments provide a monthly written check-in. Stein: the Select Board needs to be careful not to become micro-managers of departments. Vinskey asks the other members of the Board what they want to do. DeChiara suggests they try to sequence agenda items thereby creating a road map and allowing flexibility. Vinskey: Torres will give a list of agenda items to DeChiara on Thursday and DeChiara will do a quick turnaround. Vinskey suggests putting last minute items in a folder with the warrant folders. Stein: Torres will make the agenda by Thursday; suggests trying the new system for one month. Vinskey and DeChiara agree. Stein suggests Board members could meet with Torres and Harding on a biweekly basis or could rotate. DeChiara states that he is okay with Vinskey and Stein covering the meetings with Harding. All agree to try system for two meetings; the start time of the meeting will stay at 6:30pm. Upcoming meeting dates: August 4 and August 25; August 11 is cancelled; Stein and Vinskey will sign warrants on the 8.11.15. Torres: warrants should be signed by the Friday before the following Monday when checks go out; there is a schedule of warrant weeks unless there is a special check that has to go out in the interim; warrants need to be signed by two Board members. Stein: when warrants are signed as part of the Select Board meeting, it ensures they get done. Vinskey states that he comes in the day after the meeting to sign the warrants because he likes to look them over thoroughly. DeChiara: the Select Board could meet on the 25th without him. Stein: the 11th and 25th are warrant weeks.

- 6. Select Board Email System:** Referring to his email communication diagram, DeChiara states the public expects that if they send an email to a group that the group is receiving it; there are emails that go to selectboard@shutesbury.org that we are not getting even though these emails should be forwarded automatically. DeChiara spoke with Paul Vlach/Web Committee; all activity on the Shutesbury.org account is public record; if someone wants to approach an individual they should be able to do so. DeChiara: the School Committee used a Google group for agenda materials; the Amherst Region uses "Google for Education," there is "Google for Government" as well; the point is, that when Torres does the agenda, she can upload documents to a folder on Google Drive then users log in to look at the documents; this does not preclude paper. Stein asks Torres if this would be hard to manage. Torres: scanning is the time consuming part; has had problems with "Google Docs." DeChiara offers to assist. Vinskey likes the idea. Torres: use of a Google group will not eliminate the need for packets. DeChiara states that he is fine with digital versions of documents and will print out what he needs. Torres notes that she will need to scan documents when Vinskey is away anyway; scanning is the most time consuming as machine can scan only a single side at a time. Vinskey asks Torres if she receives most documents on paper. Torres: yes, it is a combination. DeChiara: this is the direction to go in. Torres: we need to keep identifiable physical copies of

documents with the meeting minutes. Vinskey recommends the Board come back to talking about Google Drive. Vinskey notes that he originally wanted his own Town email as well as one to do Town business, however, does not get a lot of personal email from folks; Select Board email does not always forward to his account; agrees with the need to look at the account. Torres: it is easy to miss emails on the current account system. Vinskey: the idea was to know what folks are saying to each Select Board member; email that comes to selectboard@shutesbury.org goes to each of them rather than it being a separate email. Stein: current email system is impossible to manage. DeChiara proposes only one email, which, for example, would go directly to Stein and selectboard@shutesbury.org. Vinskey notes the need to keep connection. Stein and Vinskey agree that DeChiara will talk to Fred Steinberg/Web Committee to arrange for all selectboard@shutesbury.org email to be automatically forwarded to each Select Board member and Torres; DeChiara will advise all when this change has occurred.

7. **Forest Walk-through Plans:** Torres confirms that the walk-through is scheduled for 8.4.15 at 5pm.
8. **Analysis of House Bill #3665 An Act to Improve Public Records/FRCOG:** Torres, referring to the 7.24.15 email from Rebekah Boyd-Owens/FRCOG Administrative Services Coordinator to Ellen McKay/Tax Collector and Town FRCOG Representative and the FRCOG "Analysis of House Bill #3665, explains that, per Council minutes, the FRCOG will communicate with Representative Steve Kulik and others about FRCOG's support of the bill for state agencies only, not for municipalities. Torres: consideration of the bill will be taken up in September. DeChiara states that he likes some things about the intent of the bill, however, there is no funding for staff and the state is not providing infrastructure for towns; there is a middle ground. Vinskey asks if FRCOG is asking for the Town's input on the proposed bill. Torres: the proposed bill will impact the Town Clerk; the timing requirements are onerous; FRCOG is asking for the bill to be applied to state agencies only and that small towns be exempted until they can adapt. DeChiara thinks fifteen days may be too long. Torres: the ten-day requirement still exists; the fifteen-day requirement is for a different thing. DeChiara: the intent of Open Meeting Law is good and asks what the bill replaces. Torres: may be in addition to. Vinskey: since he has no experience with this subject, suggests Susie Mosher/Town Clerk may have some input; asks if DeChiara wants to write something for the Board. DeChiara: FRCOG and MMA are against the bill for towns. Torres: input is worthwhile; this would be a new body of work added to the body of work the Town Clerk already has; supports FRCOG's recommendation that the bill start at the state level until towns can obtain/use the technology needed to meet the requirements of the bill. DeChiara confirms that McKay/Tax Collector is our town representative to FRCOG and Torres is the alternate. Torres: McKay will provide information from her FRCOG meetings to the Town. DeChiara: suggests McKay take Select Board feedback to FRCOG. Torres: depending on the Board's thinking, asks if their target is FRCOG or our legislators. DeChiara offers to write something for our legislators; Vinskey and Stein agree.

Select Board Action Items:

1. Select Board Meeting Minutes: Motion is made and seconded to approve the 6.30.15 meeting minutes; Stein: aye, Vinskey: aye; DeChiara: abstains. Vinskey: regarding an “unanticipated topic” item, asks if Bracebridge was appointed as a voting member of the Emergency Management Team noting that she was appointed as the volunteer clerk for the Team and that the Team wanted this to be a voting position. Stein makes a motion for the position of Emergency Management Team Volunteer Clerk to be a voting position. Torres: this is a new position so the Select Board needs to appoint the person as a voting member. Stein: motion is moved and seconded for the position of Emergency Management Team Volunteer Clerk to be a voting position. DeChiara asks who else is on the EMT. Vinskey lists the members. DeChiara asks if it makes sense for someone who takes minutes to vote. Torres: during the EMT meeting, the Team did not decide to have the position be a voting member. Stein: sounds like there was discussion about the position being a voting member although none of the clerks for other committees are voting members. Torres: Hilton is for the Board of Health; there is a separate warrant item for this at annual town meeting. DeChiara recommends the Board vote down making the volunteer clerk position to the EMT a voting member then bring the item back to a subsequent meeting. All members vote against the motion and agree to bring it back when there is further information.
2. Sign Vendor Warrants totaling: \$541,990.45
3. Sign Payroll Warrants totaling: \$87,325.65
4. Library Request for Use of Town Hall: All Select Board members agree to sign the request for the Wednesday morning yoga program to continue through the end of the summer.
5. MBI Grant Attachment B-3: DeChiara asks if the Board has a copy of the WiredWest completed MBI Planning Assistance Grant. Torres: copies will be available on 8.8.15. DeChiara: then we would be signing the B-3 without seeing the complete WiredWest grant application. Torres: yes, monies will primarily be used for legal expenses and marketing; all B-3s will be sent with WiredWest’s grant application; each town’s \$5,000 grant goes to WiredWest. DeChiara: per the 6.23.15 Huntress email, the Broadband Committee reviewed the grant and voted to recommend. Torres explains that she has reviewed the draft WiredWest grant application and the money will be used primarily for legal fees and marketing; legal fees will be used to pay for the review of contracts between the towns and WiredWest and between MBI and WiredWest; twenty-three towns have passed both parts to demonstrate their commitment. Torres: WiredWest is hoping that all of these towns will submit B-3s; thus far, twelve have; some are waiting for the full text. Stein asks for a motion for the Select Board to sign “Attachment B-3 Massachusetts Technology Collaborative Town’s Confirmation of Consent to Grant Application by Delegated MLP Cooperative.” DeChiara states that he is unsure if he wants to do a motion. Vinskey asks about the process. DeChiara: moving commits Shutesbury to signing the grant. Torres: Eric Nakajima/MBI Director will attend the 8.4.15 Select Board meeting; he is going to every

WiredWest town that has passed their warrant; signing the B-3 will demonstrate the Town's support for WiredWest; Crocker met with Wendell last week. Torres: WiredWest is seeking ongoing support from towns; the Broadband Committee recommends supporting the grant and use of the funds to obtain professional services. DeChiara states that he understands the reasons for supporting the grant; according to his reading, if you don't want to go with WiredWest, the grant will give you money to do so; the issue is that the deadline has passed, however, it is a rolling deadline so the Board can wait two weeks to review the full text. Torres: MBI's approach is giving towns conflicting information; she has been fielding questions. Vinskey: would like to have the grant document. Torres: document can be available for the next meeting. DeChiara states that he is content to see a draft. Torres will inform the Broadband Committee. Stein: the Select Board is in support of WiredWest, however, is unable to sign until they at least see a draft of the grant document. Vinskey states that he is leaning toward supporting WiredWest, however, will not continue to do so if it is not in the best interest of the town. DeChiara affirms that WiredWest needs to benefit the town. Stein: this is a broad discussion for another time. Torres: support for the grant needs to come from towns that are going to benefit from WiredWest; notes the need for support from the Select Board and is disappointed with decision to wait until vetted documents are in hand. Stein: will bring item back up next week. DeChiara asks if separate meetings are held for the MLP. Torres: yes.

6. Winter Recovery Assistance Program (WRAP) and Chapter 90 Reimbursements:
Torres: Hunting/Highway Department Superintendent has submitted the documents for \$20,294 reimbursement of WRAP related expenses and Chapter 90 reimbursements of \$32,112.23. Torres: the WRAP document has to be signed by 7.31.15 in order to receive reimbursement; on 3.24.15, the Select Board approved use of the funds by signing the MassDOT form allowing the expenditure. DeChiara confirms that this is cost reimbursement. Board reviews equipment used and what was purchased. Torres: sometimes MassDOT waits until the end of the work season to release reimbursement money; Chapter 90 cost reimbursement is for the January Hills Road and Farrar Road paving projects. DeChiara moves to approve Chapter 90 reimbursement for \$32,112.23. Motion moved and seconded. Torres: there will be a balance in the Chapter 90 fund. All agree to sign the Chapter 90 document. DeChiara moves the Board approve WRAP reimbursement for \$20,294 as approved on 3.24.15. Motion moved and seconded; all members vote in favor of signing the WRAP document.

Future agenda items: DeChiara suggests committee assignments be an item on the agenda for the next meeting; other items include the Select Board policy manual discussion, MMA opioid discussion, and the need to talk about PILOT before there is a deadline. DeChiara: longer term, review town website, email communication, and the role of the Select Board with other Boards and Committees.

Vinskey appreciates that the Select Board meeting minutes have been uploaded to the Select Board webpage; notes need for back minutes from Bracebridge. Torres: has been following up with Bracebridge and will do so again.

List of Documents and Other Exhibits used at the meeting:

1. State Ethics Commission Advisory 05-05: The Rule of Necessity
2. State Ethics Commission: Special Municipal Employee
3. Library Assistant Job Description and supporting documents
4. 7.9.15 Warrant Article Petition: Amend Zoning By-Law – Large-Scale Solar Photovoltaic Installation
5. Documents provided by DeChiara: Agenda Related Suggestions, Public Participation at School Committee meetings, and sample Select Board agenda
6. Documents provided by DeChiara: Email Communication Tree, two sample Select Board agendas from other towns, and “Policies and Procedures Town of Hadley Selectboard”
7. 7.24.15 FRCOG email to McKay and 7.23.15 FRCOG letter re: Analysis of House Bill #3665: An Act to Improve Public Records
8. 7.16.15 M. N. Spear Library Request to Use Town Hall
9. 6.23.15 Huntress/Broadband Committee email, 7.24.15 MBI email, MBI Broadband Planning Assistance Grant Solicitation, and Attachment B-3
10. Chapter 90 and WRAP Final Reports prepared by Hunting/SHD Superintendent

Next meeting dates: 8.4.15 and 8.18.15 at 6:30pm.

Motion to adjourn at 10:04pm.

Respectfully submitted,

Linda Avis Scott

Administrative Secretary