

Shutesbury Select Board Meeting Minutes
December 1, 2015 Shutesbury Town Hall

Select Board members present: April Stein/Chair, Mike Vinskey, and Michael DeChiara
Staff present: Becky Torres/Town Administrator; Linda Avis Scott/Administrative Secretary

Guests: Fire Chief Walter Tibbetts, Police Chief Tom Harding, Ken Rotondi/Chair Board of Health, Catherine Hilton and Arlene Read/Board of Health, Leslie Bracebridge/Clerk to the Assessors, Ken Holmberg/Administrative Assessor, Steve Schmidt and Susan Reyes/Assessors, W.W. Clark and Polly Clark/22 Pratt Corner Road, Tom Clark and Sara Clark/141 Pratt Corner Road, Peter Gees/31 Highland Drive, Diane Jacoby/230 Leverett Road, Bill Wells/371 West Pelham Road, Jim Aaron/Planning Board, Jessica Carlson-Belanger/483 Wendell Road, Police Sergeant Wendy Masiuk, Police Officer Sean Sawicki, Mary Anne Antonellis/339 Pelham Hill Road, and Jennifer Donnelly and Paul Danielovich/Shutesbury Athletic Club Board of Directors

Stein calls the meeting to order at 6:29pm.

Agenda Review: no changes.

Public Comment Period: no attendance.

6:30pm New Enhanced Dispatch System: Vinskey requests information about the cost of the system. Tibbetts: TriTech has yet to set a firm cost for the fire department side of the system; when we go live, the first year is free; in the original agreement, half of the cost for the first five years was to be subsidize, now, that subsidy may only be for the first two years. Vinskey: at the 10.27.15 meeting, it was reported that the state is going to reimburse the full cost for police departments for the first year, then one half of the cost for the second year. DeChiara: hardware vs. maintenance? Tibbetts: reimbursement is for the subscription; the Fire Department already has the mobile unit and a base computer that can handle the system, though is unsure if a separate unit is needed; we will be using one mobile device so one license will be needed; there will be a new Computer Aided Dispatch (CAD) system for each dispatch - this will be used more interactively by police than fire. Harding: TriTech already provides some service to the system the police are currently operating with; the Police Department already has one desktop and one mobile unit and we have not expanded due to limited mobile access (cell versus wireless); components tend to run \$600/each – once we are incorporated into the system, we will get a credit for subscription time not used. DeChiara: due to the need for a cell signal, the system would be helpful but limited for us. Tibbetts: once connected, Police can run licenses, etc.; when the Fire Department gets a call, dispatch prints and faxes data to the Department – multiple steps are required – with the CAD system, the sending of information is immediate – wireless to the mobile unit; connectivity will be very helpful with mutual aide calls – sharing information in real time even if we don't have full connectivity; this project has been ongoing for 2-3 years. Vinskey: right now, what is the cost for working with Shelburne Control? Tibbetts: there is no cost because the service is provided by the Massachusetts State Police; there could be a cost in the future. Harding:

the police and fire departments are billed separately for radios; we already have a license with TriTech for the CAD system. Vinskey: the cost for the Police Department will go up somewhat. Tibbetts: we currently pay a maintenance fee; the current system has limited functionality; the new system will have much greater usability; we do not yet have a fixed dollar amount. Vinskey: limited connectivity is the only downside to the new system; this may improve with the installation of broadband cell signal repeaters. Harding: we pay for the licensing we have now; each expansion will cost more and we don't yet know what the full license will cost when State funding goes away. Vinskey cites fees from his report (see attached); you're saying the costs are up in the air? Harding: originally, there was going to be a five-year subsidy, then, it went down to three then two years. Vinskey: the Select Board will be asked to sign a Memorandum of Understanding indicating that Shutesbury wants to participate in the system; what should we do? Tibbetts recommends waiting for fixed costs and fixed terms.

6:45pm Assessors – Classification Hearing:

Schmidt: this is the Assessors' annual visit to the Select Board; whether to have a single or split tax rate is a complex issue warranting further discussion therefore the Assessors are recommending a single rate this year. Schmidt: the Assessors use these classes – residential, commercial, industrial, open space, and personal property; our tax base is essentially residential. Schmidt: if the Select Board decided to split the tax rate, we could raise the rate on the personal, commercial and industrial classes; this would have a significant impact on those classes and little impact on the residential class. DeChiara: if we wanted to go there, could we split commercial and industrial? Schmidt: commercial, industrial, and personal are one bundle. DeChiara: why is one list commercial and one list business and some are listed on both? Holmberg: these are the businesses in town that report personal properties; the top portion of the list is businesses that have some personal and some commercial property. Holmberg: some businesses are strictly residential, however, they would still be affected by a split tax rate due to the personal property tax. Vinskey: how do you get on the personal property list? Holmberg: each year, people report their businesses and the furnishings of a second home on a Form of List. Schmidt: the furnishings of a second home are not exempt from personal property tax; personal property filings are not a public document. Stein: questions about one's own personal property can be asked of the Assessors. DeChiara confirms that the larger list is the personal property list for businesses and second homes. DeChiara: should we have a discussion earlier in the year and should the Assessors or the Select Board initiate this discussion? Schmidt: let us produce some better documents for a discussion to be held in June/July. DeChiara moves to approve a single tax rate for FY17; Vinskey seconds the motion; all Select Board members approve a single tax rate for FY17. Schmidt: we need to notice the Select Board of the excess tax levy totaling \$68,096.12. Holmberg: the DOR "Bureau of Accounts Classification Tax Allocation" form needs to be signed by the Select Board. Schmidt: the new estimated tax rate is \$22.08; about a 2.55% increase over the current rate of \$21.53. Holmberg: we submit our paper work to the State for confirmation of the tax rate.

Gees: how did this come about – who decides if we change the tax rate? Torres: every year the Select Board decides whether we will have a single or split tax rate. Schmidt: the decision is made every year as part of State tax law; it does not increase the total tax

revenue. Gees: there are very few businesses in our town; if the tax rate is changed, what benefit would businesses receive, would more business be encouraged, i.e., releasing the requirement to live on your business property? DeChiara: that would require a change to the Zoning Bylaw. Gees: this comes up every year and is a concern for everyone who owns a business in our town; asks Holmberg if all businesses were assessed on site? Holmberg: the first \$1,500 of a business's value is exempted; many meet that exemption. Vinskey: we are planning to meet in June or July of next year to talk about the split tax rate; there may be some reasons why we have to go to a split rate; generating more revenue will help the town though does not want to plant that burden on one group; the tax rate continues to go up and we need to talk about what to do because, at some point, it will not be sustainable. Schmidt: when the Board of Assessors makes recommendations to the Select Board, the meeting is held with only a legal newspaper notice; we want the tax rate discussion to have sufficient notice. DeChiara: the Select Board has a goal to be more transparent and for their to be greater communication. Stein appreciates the number of business owners who attended tonight.

Narcan: Hilton: in Shutesbury, the Board of Health is proud of how it works with other boards in Town; we cannot be ordered by the Select Board to do something on a deadline; we are colleagues. Stein apologies personally and on behalf of the Select Board that our colleagues and volunteers were commanded; we are collaborators. DeChiara clarifies that he was one of those pushing the discussion; there was a conversation with police and fire that seemed to be going nowhere; his intent was to facilitate the conversation by asking the Fire Chief, Police Chief and Board of Health to make a plan. Stein: has done some Narcan practice training and is very familiar with the issue. Tibbetts acknowledges the big push on this subject; being professional first responders, we have higher standards; we need a license and a memorandum of agreement (MOA); we have liability concerns the general public does not have; we need to go about this correctly by doing the proper steps. Tibbetts: using Narcan is being pushed by the Northwest District Attorney's office; they have a MOA with Dr. Ruth Potee; we would need two, one for Franklin County and one for Hampshire County. Tibbetts: at first, his first response was "no" he did not want his first responders carrying Narcan; then he consulted with the head of Emergency Medical Services for Amherst for his recommendation (this department works with Shutesbury for medical control); his suggestion to Shutesbury was yes, we should start work on carrying Narcan; we will have to work with the police as well. DeChiara: the alignment at both the state and federal level speaks to the need, why would Shutesbury be an outlier by not carrying Narcan? Stein: Tibbetts is very mindful. Harding: it is important to the Police Department that the DA's office be contacted to obtain a MOA; there is political will however it is not as simple as filling out paperwork; departments will need to make policy and submit it to the Select Board for approval; union feedback will be needed; besides the policy, there are the practical matters. Harding: under whose medical license will the department be carrying Narcan; the state has been covering the costs though once political will tapers, will there be support? Vinskey: what is the chance of having to administer a dose? Harding: we don't want to say; if we find an unattended death and we don't have Narcan that would be part of the story; there is political pressure to start the program. Tibbetts: at this point, the Amherst police are not carrying it. Vinskey: how do you know if there is a heroin

overdose? Tibbetts: there are signs, pinpoint pupils and other indicators; heroin shuts the body down. Read: there is no end to the evidence that Narcan is effective; she bows to Tibbetts and Harding and the other issues that need to be considered; from a clinical perspective, the Board of Health supports the use of Narcan; the police and fire department are the ones that have to carry and use it; the Board of Health stands as a resource. Rotondi: we would like to facilitate its use. Harding: “good Samaritans” can carry Narcan in their cars; professional first responders do not have that option. DeChiara: how do we facilitate an implementation that works for the police and fire departments? Harding: we are all taught how to keep a patient viable. Vinskey: to implement a program is burdensome on the professional side; on the moral side, it would be a good idea to have Narcan available; should we be working on an informal training for the public? Tibbetts: we need to move forward with a police and fire protocol for carrying Narcan in an organized and proper matter, i.e. liability, union, modified agreement with our medical control; our current medical control person is no longer at Cooley Dickinson Hospital (CDH); the Amherst EMS Chief suggests we work hand in hand with them. Tibbetts: we need to have an agreement with CDH (Hampshire) and with the DA (Franklin); right now the kits cost \$184 apiece; if we want to get the free ones, we need to go through Dr. Potee; the police do not need medical control agreements. Tibbetts: after Amherst said yes, he is willing to move forward. Wells: is there a detriment to giving Narcan to someone who is not overdosing on heroin? Tibbetts: no, it is basically benign; rarely, a reaction occurs. Harding: in this town, the police are as likely as not to be the first responder; drug users may not want to see the police; EMTs can give IVs, monitor, and bring the person back slowly; Narcan brings the person back suddenly and they may become combative which is a concern for officers. Antonellis: these are addicts; we have a liability if we don’t use Narcan. Vinskey: we can implement a program however we need to cover all the bases. Stein: understands Tibbetts and Harding are coming up with a plan; this is a professional matter for their departments. Harding: resources are there, systems are in place; we have a larger responsibility and have been talking about this for a while. Tibbetts: we want to do this right. DeChiara: appreciates conversation; at this point, the Select Board is interested in creating a manageable, responsible plan. Harding: the DA’s office will provide training for police departments. Vinskey: after listening to the discussion, if we are serious about doing something about the epidemic, we will be in better shape if we offer a class for the public. Antonellis: when someone overdoses, we call 911; expresses the need for our police and fire departments to be prepared. Read: the emphasis on public training is for the friends and family of addicts not the public in general; there are a lot of safety issues. Stein: we need to leave this in the hands of our professionals. DeChiara asks that the Select Board be kept in the loop; appreciates the conversation. Tibbetts: we will keep working on the details and issues of concern. Torres: as TA, she needs to be kept abreast of issues with the union contract. Harding: before training can occur, the union will have to be allowed to review the policy and provide input.

Celebrate Shutesbury: Stein appreciates Carlson-Belanger’s spearheading of this year’s event. Carlson-Belanger: this year’s Celebrate Shutesbury was a hit because so many groups and individuals were involved; for next year, we need to have folks from the different groups meet and plan the event, i.e. the library, Historical Commission,

Broadband Committee, Shutesbury Athletic Club, Fire Department, church, Community Network for Children, and the Vinskeys. DeChiara: it is not really a town event although it is a community-building event; is there a role for the Select Board? There is sense that Celebrate Shutesbury is not an official town event. Carlson-Belanger: people seem to like having one specific task to do for the day; is open to a planning session. Vinskey: we are not going to have official town involvement; is there a group willing to work together to plan? DeChiara: could the town put some money toward the event? Carlson-Belanger: some funds for live music would be helpful as well as assistance with announcing the event. Torres: there is no fee for using the common; the event was put on the town's insurance rider. Carlson-Belanger suggests the PTO as a sponsor for the event; the PTO is not yet a 501c3. Stein: likes the idea of the school; we (Select Board) can support as individuals. Carlson-Belanger suggests an "unofficial" committee similar to last year although starting earlier. All Select Board members support this approach. Vinskey asks Carlson-Belanger if she would spearhead the planning. Carlson-Belanger states her willingness to spearhead the planning.

Assistant Dam Keeper Appointment: Torres: Howard Kinder/Dam Keeper spoke with her about the position of Assistant Dam Keeper and raised concerns about a possible vacancy.

Shutesbury Athletic Club/ABCC & Local Permits: Stein appreciates changes the Shutesbury Athletic Club (SAC) has made over time and their willingness to sponsor events. Danielovich: it is the SAC's intent to offer space for raising money for worthy causes. The Select Board, Danielovich and Donnelly review the Memorandum of Agreement (MOA) between the Town of Shutesbury and the SAC. DeChiara asks about the reason for #10: **"Outside drinking is confined to the pavilion (as stated on the license) and is only allowed in the presence of an outside bartender and/or manager. Alcohol consumption will be monitored in out door areas.** Alcohol is prohibited in the parking lot area." Danielovich: it has been in the MOA for a long time; may have been warranted in the past and may not be as relevant now for family events; it is all usually well monitored. DeChiara: is it necessary? Torres and Tibbetts: it is part of State regulations. Torres: needed more attention in the past. Torres: outside drinking is confined to the pavilion (as stated in the description of the licensed premises). Danielovich: per State, the local license authority can decide on this. Scott reads the premises description from the Town of Shutesbury Club License form into the record: "one floor, cinderblock building at 282 Wendell Road and Plaza Road, kitchen, bar, dance floor, lavatory facilities, 4 exits, pavilion attached (open) cinder building 3600 sq. ft. pavilion 1680 sq. ft." Danielovich: we are looking at adding more outside space to include a patio and more tables; #10 was originally included to have more control. Tibbetts: the SAC will still have to follow State crowd management guidelines as per Tibbetts 6.19.07 letter to the SAC. Donnelly and Danielovich: you cannot bring your own alcohol into the establishment. DeChiara: now that there is a track record, proposes a possible amendment to the MOA eliminating the bold wording in #10. A motion is made and seconded that the following amendment be made to the MOA: "Outside drinking is monitored by SAC staff and/or their representatives. Alcohol is prohibited in the parking lot area." All Select Board members unanimously approve the stated amendment.

A motion is made and seconded to approve ABCC license renewal application including new director Brad Spry; motion is unanimously approved.

The Select Board agrees that the "Estimated Population Change" form is not applicable; document is signed.

A motion is made and seconded to grant the SAC a "Club License to Expose, Keep for Sale, and to Sell All Kinds of Alcoholic Beverages"; the motion is unanimously approved and the document is signed.

The amended MOA is signed.

"Form 43" is signed by the Local Licensing Authority/Select Board.

A motion is made and seconded to issue the SAC a license to operate a pool table as per MGL Chapter 140 Section 202; unanimously approved.

A motion is made and seconded to issue the SAC a license for live entertainment as per MGL Chapter 140 Section 183A; unanimously approved.

Discussion Topics:

1. Select Board Policy Manual: Vinskey will email his materials to all for their review. Torres suggests a separate meeting to discuss/attend to this and other related matters. All agree with this suggestion. Stein suggests the next meeting's agenda include an item re: setting a date for the special meeting.
2. Select Board Annual Report: Stein and DeChiara agree that Vinskey's "2015 Shutesbury Select Board Annual Report" summarizes the year.
3. 12.5.15 Four Town Meeting: The Board acknowledges they will miss Torres presence at the 12.5.15 meeting; she must attend an important WiredWest meeting. Stein: she and Hirshfield will do the introduction, Arvanitis will do the bulk of the presentation and Hatch will be present as their consultant. All agree the Administrative Secretary does not need to attend.
4. Town Administrator Update: Torres: special clothing and masks will be required correctly and consciously remove the dividing wall. Vinskey appreciates Torres work to clean the main meeting room. Fire Department site injections were done on 11.17.15; OTO is coming back Friday to do more testing. Republic (trash/recycling hauler) donated two turkeys to the Town. The Highway Department has purchased pressure treated wood to cover the public sand deposit. Doug Smith/Highway has injured his back. Vinskey: ensure proper training has been provided. Torres: yes. Torres: Hunting's/Highway Superintendent computer arrived and was set up yesterday by Hank Allen and Hunting has begun working on his email. Vinskey: school snowplowing? Torres: Hunting is still working on that; has interviewed four people without success.

Administrative Actions:

1. Select Board 10.20.15 meeting minutes: carryover to next meeting.
2. Appoint Ward Smith/Wetland Scientist Special Municipal Employee: Torres: Ward Smith will be a consultant to the Old Town Beach Committee on their Community Preservation project. A motion is made and seconded to grant Ward Smith special municipal employee status for his work on behalf of the Old Town Beach Committee; Select Board members unanimously agree.

3. Sign Hazard Mitigation Certificate of Adoption: Torres: Tibbetts wants to be sure this document is signed in order for it to be filed with FEMA before the end of the year. A motion is made and seconded to sign the “2016 Hazard Mitigation Certificate of Adoption”; Select Board members unanimously agree.
4. Vendor Warrants totaling \$95,958.62 are signed.
5. Payroll Warrants totaling \$100,610.78 are signed.

Issues not anticipated by the Chair:

1. Wired West News: Torres: Elizabeth Copeland/MBI Associate General Counsel was at the hearing and did not indicate that the agreement was an issue. Stein: it is hard to know what the role of private entities is in this situation. Torres: Rosenberg encouraged WiredWest to negotiate which is something we have been doing. Board reviews 12.1.15 MBI letter to municipal broadband leaders, in particular, “The MBI believes that the current draft WiredWest operating agreement is not compatible...” Torres: the last round of agreement inputs have yet to go to the select boards; MBI responded to a draft. DeChiara: the concept of WiredWest is so powerful – towns binding themselves together to achieve a goal. Vinskey: as you look down the road, there may be a glitch and some friction; the agreement is being put together and needs to be as advantageous to us as possible. DeChiara: MBI is objecting to the towns working together. Torres: we (WiredWest) are working to address all concerns and balance these concerns with the functionality of the new entity and be representative of the interests at the highest level. Vinskey noted the number of questions he had about the agreement. Torres: the Broadband Committee held two meetings to address their concerns. Vinskey: we have an obligation as the Municipal Light Plant (MLP) to provide the best agreement possible. Stein: the Broadband Committee systematically reviewed the document. DeChiara: concerned about losing momentum when we are so close to having an agreement; if this falls apart, we will be back to dealing with private vendors as a single town; this MBI letter is a “momentum killer.” Torres: WiredWest has hired a firm to review the financial plan; final draft of this review will be ready for release to the press on Saturday. Select Board members are in support of meeting with Senator Rosenberg if one is arranged. DeChiara recommends the Select Board support the continuing work on a final WiredWest agreement. Torres: this could be communicated to MBI. DeChiara recommends the Shutesbury Select Board recommit to the process of creating a viable WiredWest organization to support our Town.
2. All Boards Meeting Follow-up: DeChiara presents 12.1.15 draft “Requested procedures for electronic communications” for Board review for the next meeting.

Future agenda items: DeChiara: annual personnel review? Torres: cannot be done on the 15th because the Personnel Board does not meet until the 17th. Torres: DOR does the Free Cash Certification; FinCom transferred the funds for the well.

At 9:47pm, a motion is made and seconded to go into Executive Session for Reason #3/salt issue and not return to Open Session; Stein: aye, Vinskey: aye, and DeChiara: aye.

Documents and Other Items Used at the Meeting:

1. 11.19.15 minutes from the 10.27.15 “Shelburne Control Kick Off” meeting
2. DOR Classification Tax Allocation FY16 and Tax Value worksheet
3. 11.2.15 email request for SME designation/Wetlands Consultant to the Old Town Beach Committee
4. 12.1.15 MBI letter to Municipal Broadband leaders
5. Draft Select Board Annual Report
6. 11.16.15 Board of Health memo to the Select Board
7. SAC License document packet (see file)
8. 12.1.15 “Requested procedures for electronic communication”

Respectfully submitted,
Linda Avis Scott
Administrative Secretary