

Shutesbury Select Board Meeting Minutes
January 26, 2016 Shutesbury Town Hall

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

Guests: George Arvanitis/Personnel Board; Police Sgt. Wendy Masiuk, Dog Officer Nancy Long, Lori Saleem/323 Locks Pond Road, James McNaughton/408 Montague Road, Donald Meck/12 Birch Drive, Adrian Meck and Renee Richard.

Stein calls the meeting to order at 6:32pm

Agenda Review: no changes

Discussion Topic:

1. Review of Annual Personnel Review Process: Torres: on the "Performance Review" spreadsheet, the reviews are by anniversary of employment. Torres: the Moderator appoints three members of the Personnel Board, the Select Board appoints one member, the Finance Committee appoints one member, and the Town Administrator is ex-officio, a non-voting member; there are five slots and the Personnel Board currently has three members: Stein/Select Board, Arvanitis/FinCom, and Armstrong/Moderator appointment. DeChiara, referring to the Shutesbury Organization Chart: all positions are accountable to the voters. Torres: the Personnel Board is relatively new. DeChiara states that he is seeking clarity about the appointing responsibility for the Personnel Board. Torres: the chart was created about twenty years ago. Stein: on the anniversary date of hire, a representative of the FinCom, Personnel Board, and Select Board and the TA would do the performance review. Torres: the practice has been that all the reviews come back to the Select Board however not in an open meeting; the Select Board Chair signs off and if other members of the Board wish to review them, the reports are available in the personnel files. Torres: Shutesbury reviews are not tied to compensation, they are done to support personnel development. Stein: the Personnel Board recommends continuing this practice. DeChiara: the Select Board should have part in the review process for some positions. Arvanitis: the supervisor is responsible for the review. DeChiara: we (Select Board) are responsible for the Highway Superintendent, Police Chief, Town Administrator, and Fire Chief. Torres: a member of the Select Board is part of the Personnel Board and a part of the review. Arvanitis: example, the three individuals reviewing the Town Administrator sit down and do the review, then meet with the Town Administrator (TA). DeChiara: for the TA, the three members of the Select Board do the review then sit down with the TA. Arvanitis: since the Select Board supervises the TA, it makes sense that the Select Board does the review. Stein: because Select Board membership on the review teams rotates, all members of the Select Board get a chance to participate in the review process. Arvanitis: personnel records are a private matter. DeChiara: professional competence is not a

reason to go into executive session unless it is a matter of mental health, reputation, or complaints; employee evaluations should be held in open session. Torres: should just the Select Board do the TA review and what role would Personnel or FinCom play? Vinskey: it ought to be the Select Board's responsibility to review those they supervise; the FinCom, Personnel Board and TA would be invited. Torres: the Personnel Board has a handle on the job descriptions, which is an integral piece they bring to reviews. DeChiara: there is a need to have a discussion about who else might have input into the review process – is it narrow or wide? Arvanitis: in the case of the TA, the FinCom and Personnel Board have direct input; for the others, the Personnel Board can provide the job description, however, it does not have direct input. Torres: job descriptions reside in the Personnel Board file cabinet and can be provided to the Select Board. DeChiara asks about the spreadsheet. Torres: the goal is to do everyone's review in Jan/Feb in order to have a baseline; the standard form, "Performance Review for Employees" will be used for the baseline then we will begin using the "Setting Goals for Professional Employees" document for department heads. DeChiara: who fills them out? Arvanitis: you want to give it to the employee in advance of the meeting for their review – the Select Board would meet, review each point and complete the review, then the employee would be given a copy of the review prior to their meeting with the Select Board. DeChiara: the Select Board review has to be in an open meeting. Arvanitis: differences of opinion should be decided before meeting with the employee; this is a private matter, as a supervisor, you complete the review and hand it to the employee. Torres: for a long time, the Select Board representative to the Personnel Board was the third member of the review team. DeChiara: looking at the spreadsheet and organizational chart, doing an annual review for the TA makes sense; some reviews could be biannual. Torres: in the end, everyone works for the Select Board. Stein: the TA sees the day-to-day of the Accountant, Treasurer, and Tax Collector. Torres: we never went into public session for reviews in the past; they are not tied to compensation. DeChiara: the review is about due diligence and accountability. Arvanitis: because of the volume of reviews, we need to keep a staggered schedule. DeChiara: if the full Select Board reviewed the TA every year along with the Fire Chief, Police Chief and Highway Superintendent and we could do the rest biannually – these would otherwise be done by the Select Board representative to the Personnel Board. Vinskey: if we are supervising all seven, we ought to be doing their reviews. Stein: their job reviews would be public. Torres suggests that for the first year, a Select Board representative be a part of the team doing the review for the Financial Team (Accountant, Tax Collector and Treasurer). Stein: options – the Select Board does four reviews annually or does all seven, or the Select Board does four and the Personnel group does the others; need to review all in a year. Arvanitis: open meeting to discuss and prepare review; is the meeting with the employee public? DeChiara: yes. Stein: this will be a cumbersome process. Arvanitis: when department heads are reviewing their staff, those reviews will be private. Torres: the Select Board does not work directly with the Finance Team, how will you do their review? Torres: we call the Finance Team "professionals" versus department heads because they are

departments of one. Arvanitis: the FinCom does meet with the Finance Team; it is the direct supervisor who is able to evaluate; the professionals go to the TA with their issues. Torres: in some towns, the TA has supervisory capacity. Arvanitis suggests a Select Board signature line on the review so the reviews come to the Select Board, even if they are preparing the review, before the TA meets with the employee. Torres: three options – the Select Board reviews all seven as suggested by Vinskey, there is a Select Board representative for each of the three finance team reviews, and DeChiara’s suggestion that the Select Board review four annually and the other three biannually. DeChiara states he is leaning toward having the Select Board do all seven because we are the supervisors; suggests inviting the TA into the process for input. Vinskey: the Select Board would do the Finance Team reviews with input from the TA. DeChiara: maybe input from the FinCom chair as well. Vinskey: it will be an open meeting. DeChiara: because the TA works closely with Fire Chief, Police Chief and Highway Superintendent, we would want her input for these reviews. Vinskey: all seven would be done with input from the TA. DeChiara suggests completing the reviews for the TA, Fire Chief, Police Chief and Highway Superintendent in the next five-six months - before the end of the fiscal year - and table the others until after the first four are complete. Arvanitis suggests leaving the door open for evaluating the process; three will be people you do not work with directly. A motion is made and seconded for the Select Board to do annual evaluations for the Town Administrator, Police Chief, Fire Chief and Highway Superintendent before the end of the fiscal year and the Finance Team within the next six months; motion passed unanimously. Plan is to do one review in the second half of each month in order to complete the first four before the end of the fiscal year. DeChiara: the form will be completed with input from the TA and the individual present.

7:30pm Dog Hearing: Stein administers the oath, asking those present for the dog hearing if they swear to tell the truth, the whole truth, and nothing but the truth in matters relative to this dog hearing. All those present for the hearing introduce themselves: Lori Saleem, Sgt. Wendy Masiuk, Dog Officer Nancy Long, Ronald Meck, Adrian Meck, Renee Richard, and James McNaughton all affirm the oath. Stein: goal of this dog hearing is to come to a mutually agreeable resolution noting that dog issues can be very emotional; Sgt. Masiuk is invited to begin. Masiuk: there have been numerous complaints about the barking dog at 323 Locks Pond Road (dog is owned by Lori Saleem). R. Meck: the barking issue has been going on for seven years, the dog was determined not to be a nuisance, and fines have been issued; it may now be an issue of the dog’s safety as it is left out in the cold and is barking for hours. Saleem: the dog is always on leash and is never out of the yard off leash; there are unoccupied houses around her; the dog is a hound; is not outside by herself - she has a heated area and a dog house; these dogs love the cold, they are bred to be outside; she works Tuesday through Saturday; her usual routine is to walk the dog who is then outside within a fenced area – the fence is eleven feet high and no one can see in – when the weather is bad, the dog is crated inside; uses a bark collar when the dog is outside; when I am home she is fine – she will let me know when someone is in the yard. Saleem: has heard from people and had phone calls that she has been barking; wonders how she could be barking in a bothersome way when the dog

collar is on; knows she cannot de-bark the dog. Stein: is the dog crated when inside? Saleem: yes, the crate is inside; she does not let the dog run; has canvassed neighbors; acknowledges that the barking bothers Ron Meck. Masiuk: owner has some confusion about the citations; asks Saleem if she is sure the bark collars work? Masiuk states that on two occasions, she took a short video of the dog barking so she had evidence for issuing citations. Saleem: collar must not be working. DeChiara: at the time of the last hearing, it could not be proven that the dog was barking. Torres: in the past, the town did not have evidence. McNaughton: the Police Chief did have evidence of the dog barking; the State Police also came by and he was with the Police when the dog was barking. R. Meck: that was after five years, now it has been seven years. McNaughton: at the past hearing, he felt that the problem was not acknowledged; hears that Saleem is attempting due diligence and suggests the dog be kept indoors when she is away. Saleem: it is cruel to keep the dog crated while she works. DeChiara: dog could be allowed to be loose in the house; are you worried about the dog damaging the house? Saleem: leaving her loose is a possibility; it is something to consider. Stein: there are resources that exist, i.e. dog walking, dog day care. Saleem states that she is upset about neighbors' concerns. Stein: the dog may be barking through the dog collar; suggests a dog trainer. Saleem states that she is open to this idea. Torres: dogs can be very content in the house; she may be less upset with activity outside the house if she is in the house. Saleem states that she is willing to try leaving the dog uncrated inside. R. Meck: the contention is that the dog is left alone outside in subfreezing temperatures and is barking through the bark collar – this is misery for the dog; how many citations have been issued since the last hearing? Masiuk: since August 2013, six town bylaw citations have been issued. DeChiara: the logical first step is to keep the dog indoors. Vinskey asks R. Meck if this would work for him. R. Meck: yes, this is a step. Masiuk: the last time the dog was outside, it was 11 degrees. Saleem: my dog likes to be outside – she is gentle, healthy, and is not upset with cold weather. Vinskey: can you keep your dog inside when you are not home? Saleem: yes – the dog will be unhappy – however agrees this is what she will do; when I am home, I will let her out and agrees to bring her back in if she starts barking. Stein: a dog that is constantly barking is distressed; she may be happier inside. Masiuk: since August 2013, we received calls, emails and responded - there were 23 of these interactions; she took a video with an image of the street number with an audio of the dog barking to document the dog barking outside. Saleem: had an experience of someone trying to get the dog to bark; received a weird note on her door which she reported to the police; received a phone call saying that it was the police and her dog had attacked someone - reported that to the police and it was not the police. Long: Saleem should keep the dog inside when not at home or take her to work; the dog collar is not working. DeChiara: are there outstanding fines? Long: six citations have been unpaid; it is not the money, it is the fact that your dog is outside barking. Stein: we are coming to an agreement that the dog is to be kept inside when you are not home. DeChiara: we need to find out, in a few months, that this is working; it seems that, at least informally, this is reaching a nuisance situation. Stein: the dog is not dangerous. DeChiara reads portion of MGL Chapter 140 Section 157(4)(b) relative to hearing authority and the determination of whether a dog is a nuisance into the record. A motion is made and seconded that the Select Board declare that Mocha, the dog owned by Lori Saleem, at 323 Locks Pond Road, is a nuisance dog; motion is unanimously approved. DeChiara: the dog will be kept inside when owner is

not home. Masiuk: citations will continue to be issued if there is a documented disturbance. DeChiara: there needs to be feedback that the plan is working. Stein: remediation is such that whenever the owner is not home, the dog will be kept indoors – whether to crate is the owner’s decision. Dog hearing closes at 8:06pm.

Discussion Topics:

2. Nextdoor Shutesbury: DeChiara: the question is, what are the best ways to get information out to residents - we have a town newsletter, a town website and the town announce system; there is an active audience on Nextdoor – the Town could put information on Nextdoor and not participate in the conversation; although it is not a Town organization, is it okay for Town committees to use Nextdoor? Stein states that she is not okay with official Town use of Nextdoor as it is a for-profit organization based in CA; even though the local moderator has control, she doesn’t want a profit based organization being the Town’s mouthpiece; recommends putting more effort into developing the Town website. Vinskey: we hardly use our official methods to put out information and we need to get information out, i.e. roadwork; a lot of the discussion on Nextdoor is people asking about what is going on in town; if not Nextdoor, we need to do it somewhere and where would it be? Stein: Nextdoor has a neighborly function. DeChiara: if the question is about using a profit making organization, we use newspapers to get the word out; the Select Board could say it is okay to use Nextdoor to put out factual information; we could do a trial. Stein: it makes more sense to put more energy into our website. Torres: the Police decided to use Facebook versus Nextdoor because it is a more controlled platform for providing information. Stein: Nextdoor has an important function though not for official use; do other towns use Facebook? Torres: attended a workshop on the use of social media – you have to find venues within which there is a controlled forum. DeChiara: on Facebook, you can have an information page that others cannot respond to; is mixed about Nextdoor; how do we use the tools – if each department has a Facebook page, there is no connectivity. Stein: the website needs more development to bring more connectivity. Vinskey: why are the Police using Facebook when they could be using “town announce”? Torres: it is visually more satisfying and you can visit when you want; town announce doesn’t work this way. Torres: people do respond to town announce. Stein: suggests charging the Web Committee with making our website stellar and user friendly – creating more ways for folks to know what is going on. DeChiara: people do want to know about things. Vinskey: we need to let people know about the calendar options. Torres: we need to get more town coverage in the newspaper. DeChiara suggests having a “newbie” page. Torres and Scott: people are using the Board of Health and ConCom webpages. DeChiara: we could think about Facebook, as it is much easier to use. DeChiara: would we have an objection to a committee exploring the use of Nextdoor? Torres: some committees use Nextdoor, i.e. Broadband and Library. Stein: putting information on Nextdoor could be okay. Torres: the Library just puts out events. Stein: people can explore Nextdoor, we cannot say no; we need to figure out how to make our website better and explore other platforms. DeChiara: Fred Steinberg, Jamie Malcolm-Brown, and himself will be

meeting to work on the website. Stein: we are not endorsing any one way at this point.

3. Broadband Issues: DeChiara: on 1.22.16, he had an opportunity to speak with Representative Kulik who reported that when they (Western Mass Legislative Delegation) met with the Wired West (WW) Executive Committee, he (Kulik) stated that a regional approach can be almost anything and that the Leverett model is fine; Kulik stated we (he and other legislators) had concerns with WW and he has serious concerns about WW. DeChiara states that he is concerned that we had a firewall of legislative support that we now do not have. Torres: has previously said that Kulik is not supportive of WW; he switched last March; Rosenberg has been supportive. DeChiara: there is not a wall of legislative support for WW; if MBI is beating down this wall and if the legislators do not have our back, what will we do? Stein suggests inviting Kulik to speak with our Broadband committee. Vinskey: is there a chance to change his mind? Torres: at the meeting with Rosenberg and Kulik, she explained why all towns could not do the Leverett model; it has been difficult without Kulik's support. DeChiara: Kulik is our representative; if one of our two legislators is not supportive, what do we do? Stein: he is not listening to his constituents. Vinskey: at last week's Broadband meeting, there was a reference to a plan B. DeChiara: we need to be actively thinking about what a plan B might be. Torres: Kulik has been deaf to the problems with the Leverett model; we have been trying to negotiate with MBI; Kulik has not been able to tell the other towns what it would cost them to do the Leverett model. DeChiara: the legislators have been saying they want a regional network. Vinskey: we need to continue to see how things play out. Vinskey requests an agenda item regarding the separation between the Select Board and the Municipal Light Plant. Torres states she is obtaining additional information on this subject.
4. Select Board Policy Manual: Torres: there is a town policy manual in the Town Clerk's office. Vinskey's proposed "Policies and Procedures Town of Shutesbury Select Board" manual will be reviewed in depth during the 3.5.16 meeting. DeChiara appreciates Vinskey's effort. Torres: redrafted sections could be sent out. Vinskey: all comments/revisions will be reviewed/considered on 3.5.16.
5. Select Board *Our Town* Article: draft article is reviewed and amended. A motion is made and seconded to submit the amended article; all Select Board members agree. Vinskey will prepare the final version for submission to the newsletter editor.
6. Select Board Memo to the Buildings Committee: memo requesting a quarterly report on the repairs, maintenance, and possible upgrades/additions/renovations needed on town owned property is reviewed. A motion is made and seconded to approve the 1.26.16 memo; motion is unanimously approved. Memo will be submitted to the Buildings Committee on Select Board letterhead.
7. Select Board Soup Dinner at the SAC: dates are considered and Friday, April 15th is selected; Vinskey will confirm that this date is still open.

8. Review Select Board Meeting Schedule: 2/9, 2/23, 3/8, 3/22 and special meeting 3/5.
9. Town Administrator Update/MMA: DeChiara: would like to take the organizational chart and scanned policies and put them on the website. Stein: could they be on the Select Board page? Torres: there are some committees missing and some no longer exist that are on the organizational chart; agrees to send updates to DeChiara who will proceed with updating the chart.
Torres: two dog bites have been reported - one 1.24.16 at 260 Leverett Road - the dog did not have a license however will be licensed and there are no other issues with this bite; then, a person on Cooleyville Road was bitten when neighbors' dogs got into a fight and one neighbor was bit - no further issue with this bite; both reports were given to the Board of Health.
DeChiara: what about Saleem's fines? Torres: collecting the fines would have to be civil matter; Saleem has asked if she could do community service in lieu of paying the fines; suggests working on a payment plan; we would need a system for community service. Select Board agrees to consider a policy for community service.

Administrative Actions:

1. A. A motion is made and seconded to approve the 12.1.15 Select Board meeting minutes as amended; motion passes unanimously. DeChiara notes need to follow-up on opioid/use of Narcan with the Police and Fire Chiefs. Torres: MMA issued a bulletin on the topic.
B. Consideration of the 1.5.16 minutes is carried over to the 2.9.16 meeting.
2. Vendor Warrants totaling \$495,001.79 are signed.
3. Payroll Warrants totaling \$90,775.80 are signed.

Issues Not Reasonable Anticipated:

1. Department of Elder Affairs Council on Aging Grant: A motion is made and seconded to approve acceptance of the COA Grant for \$2,300 and sign the award contract; motion passes unanimously.
2. Franklin County Regional Shelter Plan: Torres: document ("Addendum the Western Massachusetts Intergovernmental Emergency Mutual Aid Agreement") was included in Select Board packets for review prior to signing at the next meeting.

Future agenda: plan for a Narcan update during the 3.8.16 meeting

Future Select Board Meetings:

Tuesday 2.9.16 6:30pm Shutesbury Town Hall
Tuesday 2.23.16 6:30pm Shutesbury Town Hall

Documents and Other Items Used at the Meeting:

1. 1.26.16 Town of Shutesbury Performance Review spreadsheet, May 2010 "Performance Review for Employees," and "Setting Goals for Professional Employees"
2. Shutesbury Organizational Chart

3. 12.30.15 Notice of Violation of Town Bylaw or Regulation and 11.20.15 Dog Officer Control Form
4. 1.26.16 Draft “Policies and Procedures of Shutesbury Selectboard” and Draft Perpetual Calendar
5. January 2016 Draft Select Board article for *Our Town*.
6. 1.26.16 Select Board memo to Building Committee, Town Administrator, Finance Committee, and Capital Planning Committee
7. Department of Elder Affairs Council on Aging Grant contract 7.1.15 to 6.30.16.
8. 1.26.16 Draft Franklin County Regional Shelter Plan Mutual Aid Agreement Addendum

At 9:42pm, a motion is made and seconded to go into Executive Session for Reason #3 and not to return to Open Session: Stein: aye, Vinskey: aye, and DeChiara: aye.

Respectfully submitted,
Linda Avis Scott
Administrative Secretary