

Shutesbury Select Board Meeting Minutes
April 26, 2016 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: Gabe Voelker/Treasurer; Gail Huntress/Co-Chair, Craig Martin, Steve Schmidt, Graham Sephton, Ayres Hall, and Frank Citino/Broadband Committee members

Stein calls the meeting to order at 6:33pm.

Land Auction Bid Opening with Gabe Voelker/Treasurer: Voelker opens the single bid for the tax title auction for Lots B710 and B709 that was posted at the post office, library, and outside of town hall. Per Voelker, the bid is \$3,200 each for the two referenced properties; this was the minimum bid set by the Select Board and requires a \$750 down payment and payment of the \$500 tax title search fee. A motion to accept the bid is made by DeChiara, seconded by Vinskey, and unanimously approved.

Discussion Topics

1. Broadband Issues:

Torres: the Broadband Committee prepared a resolution for the warrant; the Committee is talking about forming a financial team and is attempting to obtain additional desired information from MBI. Stein appreciates the resolution. Huntress: thinking forward, there will be a WiredWest (WW) sponsored statewide petition asking Governor Baker for action; all underserved communities will be asked to sign the petition that will ask the Governor to: 1. Release funds to allow towns to move forward and 2. Give back local control. Huntress: Fred Steinberg/Web Committee referred her to the Select Board to ask if it is appropriate to use the “town announce” system to educate citizens about the petition; also, the Broadband Committee has links to outside, non-governmental groups on its website. DeChiara: subsequent to the Select Board decision to allow Mary Anne Antonellis/Library Director to use the “town announce” system for a survey link, he communicated with Paul Vlach/Web Committee Chair that the Select Board would like the Web Committee to review the 2005 website use policy. Stein: the Broadband Committee is asking to use “town announce” and permission for the already in-use links on their web page. DeChiara: what is the gray area? Huntress: the policy does not allow use of anything political in nature; we are not asking for a “vote” – we are calling for political action. Vinskey: notifying folks that the petition is available is not a problem; regarding links to non-governmental sites, we are giving short-term permission until the policy is reviewed; suggests - “pending review of the policy, we are allowing links to non-governmental sites”. Stein: pending review, the Select Board is approving use of “town announce” for the petition and non-governmental website links. DeChiara moves the Select Board request the Web Committee to review the existing “Town of Shutesbury Web Site Policy” regarding links to outside entities and, pending the submission of recommendations from the Web Committee and a subsequent decision by the Select Board, town bodies can continue their current practice of linking to non-governmental

websites. Vinskey seconds the motion and it is unanimously approved. DeChiara moves to support the Broadband Committee use of the “town announce system” to educate residents about current Broadband developments and the potential statewide petition. Vinskey seconds the motion and it is passed unanimously.

2. Town Meeting Preparation:

Torres: the “town meeting” mailing will go out 4.27.16. DeChiara asks if there is a capital planning item for replacement of the copier. Torres: the back-up plan is to rent a copier and, before purchasing a new copier, to assess the used/donated copiers. Torres: as the warrant was going to print, Attorney Donna MacNicol/Town Counsel clarifying the language in Article 6 to allow the Select Board to “negotiate an agreement”. Vinskey does not recall the Select Board deciding to recommend Article 3. Stein asks for a motion to accept the change to Article 6 made subsequent to the Select Board signing the warrant. DeChiara moves, Vinskey seconds and the Board unanimously approves the motion. Stein asks for a motion for the Select Board to recommend Article 3 as written. DeChiara moves, Vinskey seconds and the Board unanimously approves the motion. DeChiara: is this the language everyone is using for Article 8? Torres: yes. Vinskey: what are the differences in the type of votes required? Torres: traditionally, a ballot vote is used when a 2/3rds majority is required; the Town Moderator decides whether a paper ballot is used. DeChiara: why isn't it a ballot vote required for Article 24? Torres: it is less political than other articles. Vinskey: what is the difference between Articles 23 & 24 regarding required votes. Torres: will have to research reason. Vinskey: where does guidance on the vote requirements come from? Torres: MacNicol reviews the warrant; guidance comes from Mass General Law. Torres will have the warrant motions with a “menu of motion options” prepared for the next meeting.

Administrative Actions:

1. FRCOG Regional Sheltering Agreement:

Torres: Mendonsa/SES Principal reported being fine with the agreement however she did not send it to the School Committee for their review. Vinskey suggests sending the School Committee a copy of the document. Torres suggests and the Select Board agrees to resend the document to Mendonsa and copy the School Committee to allow their review prior to Select Board sign-off. DeChiara: Fred Steinberg is the new School Committee Chair.

2. Election Warrant: Torres: the election warrant authorizes the Town to hold elections on 5. 7.16. DeChiara moves and Vinskey seconds the motion to approve and sign the 5.7.16 election warrant; motion passes unanimously.

Unanticipated Topics:

1. Broadband Committee Request: Huntress requests time for the Broadband Committee to talk with the Select Board about preparation for a town meeting presentation; the goal of the presentation is to show the Committee members are doing due diligence. Huntress: regarding a “Plan B”, the Committee is talking about sending a request for proposal (RFP), at no cost to the town, for bid document proposals for a network design; Sephton would draft the RFP; the design proposals would need to comport with MBI guidelines to allow reimbursement for the cost of the design; the Broadband Committee would be

asking the Select Board for permission to go forward; the RFP would give something forward and positive to talk about at town meeting. Stein: the downside is that it could be seen as undermining WiredWest (WW). Huntress leaves to ask other Committee members to meet with the Select Board.

2. Planning Board Matter: Stein refers to DeChiara's email recommending the Select Board meet with the Planning Board about the concerns of a particular gentleman: the Select Board does not have a role in this matter; we do not have oversight. DeChiara: agrees with Stein, not his intent; the Select Board is responsible for the workings of the town; how do we do so without oversight? Stein: this matter is the purview of the Planning Board. Topic will be resumed after meeting with the Broadband Committee.

Continue Broadband Committee Request:

Huntress: Plan B is to go it alone; the Broadband Committee recommends the Select Board support the Broadband Committee in drafting a RFP to obtain proposals, at no cost to the town, from fiber network designers to provide bid documents for Shutesbury to build its own fiber to the home system; Sephton reckons that Shutesbury could obtain a design for \$35,000; a special town meeting would be needed to fund such a design. Stein: would this undermine WW? Martin: no. Schmidt: we are very supportive of the WW plan though, how long do we wait? – It is important to start our planning now in case something happens to WW. Martin: it is important to say that we are not abandoning WW; we are still supportive of WW. Vinskey: what about folks who will say that we need to go it alone? DeChiara: the key is that the design would be WW compliant. Martin: we are becoming less confident that MBI is going to do a “good build”. DeChiara appreciates the Broadband Committee recommendation. Martin: because I have a responsibility to the town, I support WW. DeChiara: having this proposal raised at annual town meeting allows it to be duly vetted. Sephton: we could be the first town ready to plug into a WW system. At town meeting, Huntress will do a short presentation about what has happened since the last town meeting – what went wrong, what are we doing now, the resolution to the Governor, encourage signing the petition, what the town is doing to support WW, and what we are doing about a Plan B; the Harvard report that is already linked on the Broadband Committee webpage will be referenced. Sephton: the Broadband Committee will write the RFP; a designer does the design work for a one-town system. Martin: WW wants to oversee everything however MBI wants oversight over everything. Sephton: it looks like MBI has allowed more than \$40,000 per town. Sephton: the Broadband Committee will write the RFP then the Select Board will send it out; subsequently, the Broadband Committee will assist with hiring a designer. Martin: this is just for the RFP; if we decide to commission a design, we will need to ask the town for funding and we would not want to proceed without MBI approval. Huntress: if we were to move forward, we would need to either pay for it ourselves or receive assurance for payment from MBI. DeChiara: timing? Sephton: usually a response is requested within one month and we will ask that the price is good for nine months. Huntress: the downside is wasted work though no money will be lost; the other risk is perception – how do we talk about this in such a way as to not undermine WW – it will be up to the Broadband Committee to communicate this clearly. Vinskey: how do we know when it is time to go to Plan B? Huntress: we don't know. Vinskey: initially, doing it on our own

was not selected as an option; notes his concern about the amount of work required by Broadband Committee members. Schmidt: it feels good to have something to work on. Huntress: if WW doesn't happen, any Plan B will require a great deal of work for the town. Stein: would we have to vote another bond? Huntress: if we decide to pursue, what does it mean for the bond for a regional network we voted for? Schmidt: the regional aspect of the original vote probably doesn't matter because we will want to connect with Leverett and other nearby towns. DeChiara: this is, in fact, taking back local control and keeping momentum going; this has the potential to make us more competitive. Stein: this could be powerful in the context of WW. DeChiara moves the Select Board support a RFP, at no cost to the town, drafted by the Broadband Committee for submission to the Select Board to obtain cost proposals from fiber network designers. Stein notes the need for WW to be included. Vinskey agrees. DeChiara states he is unsure about including WW and may need to abstain. Huntress recommends "with the understanding that current support is with a regional cooperative system, WW". DeChiara withdraws the original motion. DeChiara moves that the Select Board support a no-cost RFP drafted by the Broadband Committee, for submission to the Select Board, to get proposals from fiber network designers to provide bid documents for Shutesbury to build its own fiber to the home system to MBI's requirements with the understanding that current support is for a regional cooperative system, WiredWest. Vinskey seconds the motion; Vinskey: aye, DeChiara: abstains, Stein: aye.

Continue Planning Board Matter: DeChiara: if a resident feels they are not being well treated, isn't it the Select Board's role to be accountable? Torres: as elected officials, the Planning Board is accountable to the public on this matter not to the Select Board. Vinskey: what would be the goal of such a meeting? DeChiara: the goal is to find out what is going on; what do we do if a resident complains about not being treated well in a meeting? Vinskey notes the creation of the group for civil communication and the need for education and awareness. Stein: Select Board intervention risks undermining the work of committees. Torres: it is the committees' responsibility to work with individuals; if the shoe were on the other foot, the citizen would have to work out matters with the committee. Stein: citizens have the power to elect. Torres: situations can be very demanding on both sides. DeChiara acknowledges the differences of opinion on how to handle such a situation; as a town, there is an expectation for how individuals will be treated. Stein: the vehicle is for the individual to go back to the committee to work out the issue. Vinskey notes that he has been an individual whose opinion has not been taken well at meetings and that he experienced verbal abuse; it happens though it should not; how the Select Board deals with issues sets an example – you can have a civil conversation with opposing points of view.

3. Dog Issue: Stein: the barking dog situation at 323 Locks Pond Road has been going on for years. Torres: Lori Saleem/dog owner has been issued two \$50 tickets within ten days; Chief Hunting was sent an email inquiring whether the barking dog was outside or inside; Officer Sawicki did not see the dog though it seemed to be outside within the fenced in area. Torres: DeChiara suggested the dog license be withheld as an incentive to pay the tickets; after town meeting, Town Clerk Susie Mosher will research whether this method can be used; the license is evidence that the rabies vaccine is up to date –

withholding the license could create a public health issue. DeChiara: currently, there is no leverage – fines are being issued and the owner is not responding; if fines are not paid, the license is not issued - does that change the status? Torres: there is a \$5 fine for not having a dog license. Vinskey: at what point can you have the dog removed and kenneled until the fines are paid? Torres: the dog officer can pick up a dog if it is roaming; that is not the case here; a dog could be taken for poor conditions. Vinskey: as a result of the last dog hearing on this matter, the dog is to be inside when the owner is not home; if the dog is barking outside, she needs to bring it inside; if the dog is outside when she is not home, she is in violation. Torres: it is almost impossible to enforce the noise bylaw. DeChiara: at the last hearing, the Select Board designated the dog as a nuisance. Torres: we know past efforts have not worked – things go well for a while then slip back. DeChiara: the issues are non-responsiveness by the owner and the dog barking while windows are open; there is a neighbor who is not getting resolution of the matter. Torres: the town could take the matter of unpaid fines to civil court though this would cost more than the fines. DeChiara: what is the origin of the fines? Torres: MGL allows the fines; Paul Vlach, former dog officer, helped write the bylaw. Torres composes an email to Nancy Long/Dog Officer asking if a dog can be picked up for unpaid fines. Stein: dog training could make a difference. DeChiara: could the town assist with communication between the neighbors? Vinskey: there has to be some recourse regarding the fines. Torres: Saleem offered to “work-off” her fines. Stein: this has been a years long situation. Torres: the fining has occurred over the past several years. Vinskey suggests the Select Board consider the matter further at a future meeting. DeChiara notes the need for a continued paper trail by the police. Torres: the police department is doing the fining because by the time the dog officer arrives, the matter is resolved. Vinskey acknowledges the police time taken up by this issue.

Other Unanticipated Items:

1. Torres: MacNicol provided the items in tonight’s Select Board packet regarding payment in lieu of tax agreements as guidance.
2. Stein requests a motion to appoint Susan Quigley and Orson Jones to the Recycling and Solid Waste Committee. DeChiara moves and Vinskey seconds the motion; all Select Board members approve these appointments. Volunteer letters will be sent.

DeChiara moves and Vinskey seconds the motion to adjourn the meeting at 8:39pm; all Board members agree.

Documents and Other Items Used at the Meeting:

1. 5.7.16 2016 Annual Town Meeting Warrant
2. 5.7.16 Town Election Warrant
3. FRCOG Sheltering Agreement
4. 8.7.14 Issue of “City & Town”
5. September 1998 “Valuation and Taxation of Electric Generating Facilities”

Respectfully submitted,
Linda Avis Scott
Administrative Secretary