

Shutesbury Select Board Meeting Minutes
August 9, 2016 Shutesbury Town Hall

Select Board members present: Mike Vinskey/Chair and Michael DeChiara

Select Board member absent: Melissa Makepeace O'Neil

Staff present: Becky Torres/Town Administrator; Linda Avis Scott/Administrative Secretary

Guests: Dan Nietsche/FRCOG MACC Emergency Preparedness Coordinator, Walter Tibbetts/Shutesbury Emergency Management Director, Pam Parmakian/Director of Community Development at Franklin County Regional Housing, Suzan Young and Mike Browsky/89 Montague Road, Susan Rice/243 West Pelham Road, and Gabe Voelker/Town Treasurer

Vinskey/Chair calls the meeting to order at 6:30pm.

Agenda Review: Vinskey acknowledges the time needed to compile the agenda. Torres verifies the final agenda. DeChiara requests an update on road ownership and the "no trespass" signs along Pratt Corner Road.

Public Comment Period: Suzan Young and Mike Browsky/89 Montague show a leaf covered with dust as an example of the dust infiltrating their house from vehicle traffic on Montague Road; they are spokespersons for other Montague Road residents and are very concerned about the health hazards of the dust. Young has lived on Montague Road for thirty years; acknowledges the road is higher now than when she moved in; the loss of particulate matter is causing the road to degrade; this is an issue for those close to the road-she has to keep the front of her house closed. Browsky offers the Select Board research on how calcium chloride, starting in April and used throughout the summer, can be used to keep the dust down and notes that there are environmentally safe methods to reduce dust. Young asks the Town to make the reduction of dust on Montague Road a priority. Browsky: there are folks on the Leverett end of Montague Road who are sprinkling water on the road; this is a quality of life issue. Young: you can watch the dust filter over the house and into the woods. When asked about asphalt, Young and Browsky express concern about vehicle speed and cost. Young: the house is raised up from a level section of the road; there are no runoff problems in their area. Young is interested in remedying the situation. Browsky: even with the windows closed, the dust filters in.

Discussion Topics:

1. Memorandum of Understanding (MOU) with Franklin County Multi-Agency Coordination Center (MACC): Tibbetts introduces Dan Nietsche/FRCOG Emergency Preparedness Coordinator. Nietsche: MACC is an extension of a town's emergency management team and can be called on for personnel and equipment needs in the wake of a disaster; MACC will help fill gaps, i.e. time keeping, resource requests, work with MEMA, assist with FEMA documentation; MACC will first seek to fill resource requests within Franklin County before going through MEMA. Tibbetts: MACC works on the local level. Nietsche:

MACC also assists with situational awareness and the dissemination of information; currently, there is no cost to use MACC – the Homeland Security Council paid the initial costs; in the case of multiple subsequent disasters, there may be a request to assist with costs (\$800-\$1,200 divided among participating towns). Nietzsche: the MACC can be mobile and travel to an area of need; the MACC relies upon volunteers; the next step will be for the MACCs in adjacent counties to develop mutual aid MOUs. Vinskey: how many people do you envision being involved? Nietzsche: a fully staffed MACC is six people; the number of people needed will depend on the event. DeChiara: who makes sure the essential communication happens? Nietzsche: his goal is to get a MACC operation up and running; Tibbetts is the Shutesbury representative to the Regional Emergency Preparation Committee (REPC). Nietzsche: there are already twenty-two MACC member towns in Franklin County; some towns declined membership. Vinskey states he is not convinced this is not another level of bureaucracy. Tibbetts: MACC is being formed to fill the void that exists before MEMA can arrive to assist; MEMA will work with the MACC. Nietzsche: the MACC is there to assist if you need them. Tibbetts: without MACC, everything is requested through MEMA and may take longer to receive; MACC is a way to coordinate and allocate resources. DeChiara: MACC makes sense; it is key that the MACC does not supersede the local agencies; the MOU is a three-year agreement with a sixty-day notice of cancellation. Nietzsche: a member town does not have to use the MACC. Vinskey: is the MACC obligated to respond? Nietzsche: there will be thresholds for activation; when staff is shared from another town, the sending town retains the liability insurance. Vinskey, referring to the MACC “Concept of Operations” dated 7.24.15 asks about the four “To Be Developed” criteria. Nietzsche: those are all internal MACC operational procedures. Tibbetts: as a member of the Incident Management Team, MACC is a benefit. Torres appreciates having MACC resources available. Tibbetts acknowledges the benefit of having the coordination of local resources. DeChiara moves the Select Board approve the Memorandum of Understanding for Emergency Management Coordination Services between Franklin Regional Council of Governments on behalf of the Franklin County Regional Emergency Planning Committee and Town of Shutesbury; Vinskey seconds the motion, and as there is no further discussion, the motion passes unanimously. Nietzsche will take both signed copies for additional signatures.

2. Community Development Block Grant Application/Franklin County Regional Housing: Pam Parmakian, Director of Community Development at Franklin County Regional Housing and Redevelopment Authority (FCRHRA) explains the Community Development Block Grant (CDBG) application process: FCRH writes the CDBGs (Federal Housing and Urban Development grants) on behalf of member towns; Shutesbury has participated in four successful grants; Massachusetts has an annual competitive award cycle for entitlement zones, mini-entitlements (only Greenfield); CDFI towns might have more need; Shutesbury is a CDFII town which means the needs are lesser; the Housing Authority is putting

together a regional CDFII grant this year for Whatley, Conway, Deerfield, Sunderland, and Shutesbury. The intent of the CDBG is to address needs for low-moderate income families; activities covered are housing rehabilitation for those at or below 80% median income and a social service component, i.e. Fuel Assistance (FA) for those not eligible for other FA programs, home delivered meals by a social service agency. Housing rehabilitation interest free loans for up to \$35,000 are paid back when a property is sold; in Shutesbury, 1/15th of the loan is forgiven each year for 15 years. A property is assigned a housing rehab specialist to assist with determining what upgrades need to occur on a property according to a hierarchy of safety and code issues, the homeowner selects the general contractor however must go with the lowest quote on the contract of work; progress payments are made – the contractor is paid only for completed work. Vinskey: the question is whether Shutesbury is interested. Parmakian: right now, Shutesbury has two applicants on the wait list; only the properties on the wait list can be funded; Shutesbury will need to demonstrate more need sometime between now and mid-September; the CDBG application contains various thresholds the town must meet including updating the Community Development Strategies (CDS) which Torres has already sent to FRCOG for updating. Parmakian: CDS are required to be updated every five years; FRCOG will send a draft CDS for boards to weigh in on, a public meeting is held and changes may be made, then a second public meeting is held. Regional grants are capped at \$900,000; each town puts out a separate RFP for social services, i.e. an identified priority. DeChiara: Shutesbury may have other needs, i.e. transportation. Parmakian: there has to be a social service agency to provide the services and the activity would only be open to qualified low to moderate-income individuals. DeChiara suggests the Board confer with Torres about demonstrated need. Parmakian: the Select Board has to decide to go to the next level. DeChiara moves the Town of Shutesbury work with FCRHRA to write the CDBG for FY17. Vinskey seconds the motion that is then unanimously approved. Torres: in the past, the CDBG public meetings have taken place prior to a Select Board meeting and participation has been low.

3. Sale of Lot B-10: Vinskey: Voelker/Treasurer will not be opening the bids this evening because the public notice contained an error in the low bid amount; the process will be restarted. Voelker affirms the plan to restart the process. Vinskey: bidders have been notified of the reason for restarting. Voelker: the two bidders left their bids for the next process; going into the current bid process, it was not known there would be two parties bidding. Torres: the Select Board did know there would be two interested parties. DeChiara: if the other party wins the bid, the party interested in ownership in order to install a well, as required by the Board of Health, will not be able to move forward. Vinskey: Douglas cannot install a well on the property at 66 Lake Drive and will need a waiver to install a well on Lot B10; Douglas indicated an interest in Lot B10 even if he cannot install a well on it, therefore, the process is for the property to go to the highest bidder. Voelker: previous Select Boards have not wanted to sell town-owned land; land acquired through tax title must be sold through an auction; other requests to

purchase lots have been denied. Voelker states she has respected the Boards' wishes not to sell; this Board is going in another direction. DeChiara: can there be qualifiers for a sale? Voelker: any properties with a conservation interest are not sold. DeChiara: could we condition use, i.e. allowing a neighbor's well? Voelker: no, conditions can only be on behalf of the town; the advantage of selling the small lake parcels is that the tax basis increases because they are often added to an existing lot thereby creating a Z lot. DeChiara: it is important to have a process in order to know what questions to ask. Voelker: one bid was pulled today because it did not state a solid amount; in her absence on 8.23.16, Vinskey will open the bid; only solid bids can be considered. Vinskey confirms that \$3,200 is the minimum bid. Voelker: per the tax attorney, if there is only one bid and it is lower than \$3,200, it could be accepted; if necessary, Voelker can be reached by the phone on 8.23.16; cancelling the bid opening scheduled for this evening was for a solid reason – a typographical error; there is no legitimate reason to delay longer. Voelker supports the development of a policy. After the opening of the bids, Voelker will take care of the next steps including return of unused checks to the losing bid(s); the Select Board will need to vote to accept a bid.

4. Official Town Use of NextDoor Shutesbury (NDS): Vinskey: the Board is not quite ready to make a decision; there is a need to know what residents want to be informed about. DeChiara: NDS is email driven; suggests posting the Planning Board vacancy on Town Announce and NDS; posts would only be informational, no discussion. Vinskey: as general guidance, how will we proceed and what about incorporating the reporter aspect by interviewing one another about what is happening. DeChiara: there are concerns about that idea as it is hard to be objective; in the course of meetings, we might make note of items we want residents to know about – suggests a six-month trial for information that is worth broadcasting broadly. Vinskey: the Select Board sets the standard for leadership; this might be an opportunity to show how we are working for the town. Vinskey asks for Torres' input. Torres: it depends what the topic of the information is; concern is that a significant segment of our population is not on the internet, about 50% of the town uses Town Announce, and emphasizes the importance of mailings. Scott: everyone receives mailings and has a choice about whether to read the mailings; those without internet do not have a choice. Torres: when we send out an email, we know there are residents who do not receive it; mailings are sent to all residents. DeChiara: even with Broadband, there will be folks who will not use the internet. Torres: when the town has Broadband, the communication landscape will be different; official town postings have to get to everyone; Vinskey's personal information postings on NDS are helpful. Torres: the goal is to get information to everyone. Vinskey: we need a method that everyone has access to. Vinskey: Connect CTY email/phone and Town Announce email can be used. Torres: the Town Administrator report was shared via Town Announce; there is a need to look at demographics and messaging. Torres: to be an official town policy, there have to be messages via multiple means. DeChiara: the Town cannot afford the cost of mailings for the "day to day". Torres: press releases can be used as there are ~400 newspaper subscriptions in town. Torres states she

remains uncertain about the added value of NDS versus Town Announce and is concerned about the direction discussions can take on NDS. Vinskey: whatever town officials put on NDS should not need discussion. Vinskey: during the next NDS discussion, we will look at the modes that inform the most people.

DeChiara: mailings access the most people. Torres: another method to inform residents is via free press releases. Vinskey: if we agree that NDS is a means, we will need to determine what will be posted, however, is not sure NDS is the means. DeChiara: it comes back to how the Select Board effectively and equitably communicates with residents.

5. Master Plan Working Group Consultant: Torres: Meryl Mandell/Chair of the Master Plan Working Group is not attending tonight's meeting; she was going to make a request for an appointment based on a reference check by Lacy; there is some uncertainty about the references therefore the Committee will be scheduling a meeting to consider their next steps.
6. Select Board/Planning Board Regional Planning Board Representative: Vinskey: the Planning Board does not have anyone available to be the representative to the Franklin Regional Planning Board (FRPB); the Select Board representative has been Torres; how does the Select Board want to proceed? Torres: the FRPB meetings are usually held quarterly. DeChiara suggests Torres be the Planning Board representative and that he will be the Select Board representative. Vinskey: currently, Torres attends; suggests the Planning Board have an opportunity to consider this plan; agrees with DeChiara being the Select Board representative; this topic will be considered during the next meeting.
7. Franklin County Cooperative Inspection Program Representative: Torres: in the past, the representative has been a Building Committee member; this Committee is meeting 8.10.16 when she will ask if any of the members are interested in serving; if not, the Board might want to reach out to other building professionals in town. DeChiara: there is a benefit in having Shutesbury representation on regional committees/forums; we may want to set this expectation during the All Boards meeting; notes the need for participants to have connectivity to the Town. Torres: professionally, Jeff Lacy/Planning Board member is well connected with the regional land use/planning community.
8. Planning Board Vacancy: Vinskey: the Select Board has been informed of a vacancy on the Planning Board via the 7.29.16 letter from Deacon Bonnar/Planning Board Chair. DeChiara suggests a joint meeting to consider how to go about seeking a member. Torres: usually, the joint meeting is held to appoint a member. DeChiara: there is an opening on an elected Board and a need to expand the pool of prospective members. Vinskey suggests the Select Board attend an upcoming Planning Board meeting. Scott reminds the Board of the upcoming issue of *Our Town*. DeChiara and Vinskey suggest placing information about vacancies in the issue to be mailed in early to mid-September. DeChiara

will write a draft Select Board article and vacancy list to be reviewed on either 8.16.16 or 8.23.16.

9. Select Board Committee Reports:

- a. Vinskey: no additional updates from the Master Plan Working Group beyond that already given by Torres.
- b. DeChiara: FRCOG – there is an expectation that the Community Compact program will continue - suggests the Select Board have a discussion about participating. Torres: Community Compact funds are used as a tool and could be used for financial planning workshops. DeChiara: Complete Streets money is available; sand and salt bids will be coming out in September.

10. Celebrate Shutesbury Tasks: Vinskey: this year, Celebrate Shutesbury is scheduled for 9.17.16; he is unable to attend however will obtain all the materials, in advance, for the Select Board booth - Makepeace-O'Neil has volunteered to help with booth. DeChiara will confirm his availability on 9.17.16 (Celebrate Shutesbury) and suggests carrying the topic over to the next meeting.

11. Town Administrator Updates:

- a. Fire Station Gasoline Leak: The 8.5.16 O'Reilly, Talbot & Okun (OTO) report was submitted to DEP last week; the last round of injections have lowered the numbers on two wells; the numbers for the other two wells have gone up bit – this is a typical part of the process; the next round of testing will be done in November 2016 – one year from the last round of injections. At that time, Okun expects the Town to apply for Temporary Solution status, which will reduce our Tier One exposure and reduce our DEP annual costs from \$5,000 to \$1,000. The tests in November 2016 will be the fourth round of tests: baseline in November 2015, post-injection test in December 2016 and a second round in May 2016. DeChiara: after the contract has ended, OTO will be retained for further testing? Vinskey: will OTO file the request for Temporary Solution paperwork as part of the contract? Torres: the Temporary Solution paperwork will be a separate invoice; DEP has appreciated that the Town has taken strong action; does the Select Board want to meet with OTO to review the project; notes that Makepeace-O'Neill has yet to meet with OTO – Torres will go over the report with her. DeChiara does not see a reason to meet with OTO at this time; we are going in the right direction. Vinskey: is there a reason for the Select Board to meet with DEP? Torres: currently, there is no specific need to meet with DEP; if necessary, however, we could meet with DEP and OTO in Springfield.
- b. Letter of Agency/Verizon: Torres: Gail Huntress/Broadband Committee Chair recommends the Select Board sign the letter to the Licensing Administration as part of MBI's requirements; the Broadband Committee has yet to review/approve the letter. DeChiara: can the Board vote to approve the letter pending approval by Broadband Committee? Torres suggests the Select Board invite John Furey/MBI to a meeting; Huntress will ask about Furey's

availability to meet on 8.23.16; an early morning meeting may be necessary. The Board requests either Huntress or Strazzero-Wild attend the meeting with Furey. Torres: Huntress is requesting information from Bond Counsel, Rick Manley via Gabe Voelker/Treasurer; questions are related to the potential need for a revote and the possible need to change our preference on the MBI application.

- c. Road Ownership and the “No Trespass” Signs Along Pratt Corner Road:
On 7.22.16, Torres visited the Map Room and received assistance from Bob Dean: in 1771, Pratt Corner was probably a town road – this was before the county started taking petitions for roads running through several towns – once the county is petitioned, the road becomes a county road. Pratt Corner became a county road – in 1812, it had an adjustment to make it “more acceptable for the wayfarer to enjoy” – at this time, the county was petitioned and property owners were compensated for the alterations to the individual parcels – this leads to the conclusion that the road was a “fee taking” rather than an “easement”. At this point, it is not fully clear how much legal authority the county has however, the road is not fully owned by the town. Leverett Road is also a county road. Torres: the question is, do we spend funds for guidance from Town Counsel and/or do we dig deeper; we do not know for certain whether the town or the county owns the road - it is not an easement, it was a fee taking. DeChiara: posting “no trespassing” signs on the trees on the side of the road is not acceptable – the trees are owned either by the town or the county. Torres: “no trespassing” signs are to be posted in full view; Cowsls may have different information regarding road/abutting property ownership; there is documentation in 1999 that Pratt Corner is a county road. DeChiara: it makes sense to know who owns the roads. Vinskey: where does the right of way come into play? Torres: the right of way is two rods/33 feet in width. Vinskey: whether trees are inside or outside of the right of way will determine ownership. Torres: it all depends where the right of way is located – a survey is required to determine where the right of way is located. DeChiara: if the county does not exist, can we ask FRCOG to survey the road? Torres: the town would be asked to pay for the survey. DeChiara appreciates Torres’ research; from a municipal perspective it is helpful to know about road ownership.
- d. Buildings: Cowsls’ estimate for replacing the Town Hall back door unit was approved by the Building Committee and will be installed within the next two weeks, painting will start soon, and we are awaiting a new bid for the school gutter repair and caulking.
- e. Miscellaneous: Interest in a shared police chief is waning. Torres has been in touch with Baystate Forestry about a non-airborne treatment for the knotweed around Town Hall as well as an estimate for work on the returning knotweed along Pelham Hill Road.

Administrative Actions:

1. Select Board Meeting Minutes:
DeChiara moves and Vinskey seconds the motion to approve the 4.5.16 Select Board meeting minutes as presented; motion passes unanimously.
The 6.14.16 Select Board meeting minutes are reviewed and edited by the Select Board; a quorum of those present at the 6.14.16 meeting is not available to consider a vote to approve this set of minutes.
DeChiara moves and Vinskey seconds the motion to approve the 7.26.16 Select Board meeting minutes as presented; motion passes unanimously.
2. 2016 State Primary Warrant: DeChiara moves the Select Board approve and sign the Commonwealth of Massachusetts Warrant for 2016 State Primary; Vinskey seconds the motion, and there being no discussion, the motion passes unanimously.
3. Vendor Warrants totaling \$148,266.66 will be signed.
4. Payroll Warrants totaling \$74,776.27 will be signed.

Next meeting: 8:23.16 – Walter Tibbetts/Fire Chief is unable to attend on this date therefore, his review is scheduled for 9.6.16; Vinskey has drafted a response to the DOT letter that is being reviewed by Hunting; other agenda items are reviewed - Vinskey suggests an initial conversation with the Finance Committee for 9.6.16.

The road discussion is planned for 9.20.16; it is suggested planning Hunting's review on 9.20.16 as well. Vinskey questions how to proceed with the proposal for the use of calcium chloride to reduce dust on dirt roads. Torres: consultation with the Conservation Commission may be needed and it needs to be determined if there are Americans with Disabilities Act concerns; agrees to consult with relevant parties.

DeChiara asks Torres to provide information to the Select Board about the Municipal Modernization Act passed 8.9.16.

At 10:05pm, a motion is made by DeChiara and seconded by Vinskey to enter into executive session for reason #3/salt issue and not to return to open session. Vinskey: aye and DeChiara: aye.

Documents and Other Items Used at the Meeting:

1. 7.24.15 Franklin County Multi-Agency Coordination Center Concept of Operations
2. Memorandum of Understanding for Emergency Coordination of Services between FRCOG on behalf of the Franklin County Regional Planning Committee and the Town of Shutesbury, MA to commence 7.1.16
3. Town of Shutesbury Community Development Block Grant presentation by Pam Parmakian
4. Town of Shutesbury 2012 Community Development Strategy
5. Housing Rehabilitation Flyer
6. Lot B10 "Auction of Property by Foreclosure of Tax Title" notice document
7. 7.22.16 FRCOG letter re: Franklin Regional Planning Board appointments

8. 7.29.16 letter from Deacon Bonnar/Planning Board Chair re: Planning Board vacancy
9. 8.5.16 OTO “Immediate Response Action (IRA) Status Report and Tier 1 Permit Extension Application”
10. Warrant for 2016 State Primary
11. 9.1.16 letter to the License Administration re: Verizon New England, Inc.

Respectfully submitted,
Linda Avis Scott
Administrative Secretary