

Shutesbury Select Board Meeting Minutes
April 21, 2017 Shutesbury Town Hall

Select Board members present: Mike Vinskey/Chair, Michael DeChiara, and Melissa Makepeace-O'Neil

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

Guests: Susie Mosher, Gail Fleischaker, and Susan Millinger/Positive Presence; Eric Stocker/Finance Committee

Vinskey calls the meeting to order at 5:18pm.

Discussion Topic:

1. Annual Town Meeting Warrant: "2017 Annual Town Meeting Warrant Town of Shutesbury Commonwealth of Massachusetts" is reviewed. Torres: Town Counsel Donna MacNicol will provide any necessary wording changes to Article 16 (Land Swap) by noon on 4.24.17. Final approval of the annual town meeting warrant will occur 4.24.17.
2. Alternative Budget: DeChiara states that he does not support an alternative budget; as Article 10 (Alternative Budget) is currently written, it appears there is unanimity in its sponsorship and there is not; would prefer there be a re-vote reflecting his position. Mosher requests time to address Open Meeting Law concerns. Vinskey states that the 4.24.17 meeting would be a more appropriate time for Mosher to address her concerns. Mosher reads from the Open Meeting Law Guide: "Note that the expression of an opinion on matters within the body's jurisdiction to a quorum of a public body is a deliberation, even if no other public body member responds. For example, if a member of a public body sends an email to a quorum of a public body expressing her opinion on a matter that could come before that body, this communication violates the law even if none of the recipients responds" and from Open Meeting Law C. 30A Section 23 (c)(3): "Upon the finding of a violation, the attorney general may issue an order to nullify in whole or in part any action taken at the meeting". Mosher: a violation of Open Meeting Law would invalidate a vote on the article; asks Vinskey how the alternative budget was drafted – not only did it not get on an agenda and, if two members, as a quorum, are sending drafts it is a violation; did the budget development entail more than one member? Vinskey: no. Makepeace-O'Neil: no, her research was done after Vinskey sent the document as an item for discussion at a Select Board meeting. Torres refers to line 10 "town hall administrative support" and notes the change in comment language. Vinskey states that he changed the comment in advance of the 4.18.17 meeting. DeChiara states his concern that the Select Board is setting precedent by sponsoring an alternative budget; this action may demonstrate that the Select Board, if it does not like an article submitted by a committee, may submit an alternative article. DeChiara moves to approve the 2017 Annual Town Meeting Warrant striking Article 10;

there are no seconds voiced to his motion. DeChiara asks to revote the alternative budget. Vinskey prefers to revote the language regarding sponsorship of the budget. Vinskey moves the Select Board approve Article 10 of the 2017 Annual Town Meeting Warrant “To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide a sum of money to meet town expenses including operations, capital, salaries and school expenses of \$6,199,758.00 by raising the sum of \$6,179,333.00 and transferring \$20,425.00 from the Septic Betterment Fund, for the fiscal year beginning July 1, 2017 or take any other action relative thereto. Makepeace-O’Neil seconds the motion. Vote: Vinskey: aye, Makepeace-O’Neil: aye and DeChiara: nay. Sponsorship of Article 10 is not unanimous.

Motion to accept the 2017 Annual Town Meeting Warrant as amended is moved by Makepeace-O’Neil. No further action is taken on this motion. The Select Board will consider approval of the 2017 Warrant during the 4.24.17 meeting. DeChiara asks about the status of the 4.18.17 document “Why Two Proposed Budgets for FY18?” and whether it was voted on during the 4.18.17 meeting. Vinskey: this document is essential to the alternative budget. Torres states she is uncertain this document can be sent out with public funds as it represents an opinion and a bias about how to vote. Fleischaker: would there be backup for other articles included in the mailing? Torres: the alternative budget will be sent as support to Article 10. Vinskey agrees not to have the document included in the town meeting mailing.

Unanticipated Topics:

1. Chapter 90 Re-Authorization Contract: DeChiara moves to approve the 10-year Mass Department of Transportation (DOT) standard contract for Chapter 90 effective 7.1.17 through 6.30.27; Makepeace-O’Neil seconds the motion that passes unanimously. DeChiara moves to approve the Mass DOT Contractor Authorized Signatory Listing; Makepeace-O’Neil seconds the motion that passes unanimously.

At 6:20pm DeChiara moves to adjourn the meeting; motion is seconded by Makepeace-O’Neil and passes unanimously.

Documents and Other Items Used at the Meeting:

1. 2017 Annual Town Meeting Warrant
2. 4.18.17 Select Board Alternative Proposal to Finance Committee FY18 Budget
3. 4.18.17 The Shutesbury Select Board “Why Two Proposed Budgets for FY18?”
4. Open Meeting Law Guide Version 3.18.15, page 4
5. Open Meeting Law MGL C. 30A Section 23
6. MassDOT Standard Contract Form for Chapter 90 and Contractor Authorized Signatory Listing

Respectfully submitted,
Linda Avis Scott
Administrative Secretary