

Shutesbury Board of Selectmen Meeting Minutes
May 19, 2015

Members present: Elaine Puleo/Chair and April Stein

Remote participation: Mike Vinskey/Selectman on vacation

Staff present: Becky Torres/Town Administrator and Linda Avis Scott/Admin. Secretary

Meeting opened at 6:30pm by Puleo/Chair at the Shutesbury Town Hall

Guests: Mickey Marcus/New England Environmental, Julie Marcus/visitor, Diane Gula, Colleen Chudzik, William Wells; Miriam DeFant, Michael Suter, and Julie Stepanek/Alliance for Appropriate Development; Eric Stocker, George Arvanitis, Gary Hirschfield, Allan Hanson, and Weezie Houle/FinCom; Jeff Lacy and Deacon Bonnar/Planning Board; Penny Jaques and Gail Fleischaker/Conservation Commission; and Jim Walton

Appointments:

6:35pm Police Chief Harding reports that he is still looking for part-time officers; a weekly RAD class, held at the school on Thursdays, will run through the last week in June; the interim staff is assisting with the RAD class. Harding: Sergeant Masiuk is recovering and is expected to return June 22; she may come in for a criminal case on June 2 if she is needed to testify; will check with Voelker/Treasurer on how to manage pay as Masiuk will still be on sick leave. Harding is working with the District Attorneys office to see if this case can be rescheduled.

7:00pm Fletcher Clark/DCR Service Forester

7:30pm Finance Committee/Regional Assessment Review Charge

Topics:

- 1. Cows Solar Project:** Mickey Marcus/New England Environmental (NEE) states that he will be listening on behalf of Cows. Torres: item is on the agenda because the Select Board is working with the Assessor on a related tax matter. Torres recognizes that a number of residents have written a letter to W. D. Cows, Inc. and Lake Street Development raising concerns. Torres notes that Cows and Lake Street have been willing to answer questions. Puleo: listening is appropriate for the Select Board because they have yet to formally receive the letter which may be premature in light of the process thus far. Miriam DeFant/74 Pratt Corner Road states that she is voicing concern in the interest of raising a dialogue; has major concerns, citing that the letter regarding the 5.5.15 information session did not provide sufficient notice because it arrived on Friday 5.2.15 for a Tuesday meeting and that the map referenced in the letter was not attached; folks who did attend the 5.5.15 meeting did not have their questions answered. DeFant: the proposed site is in the watershed and wonders if her well will be affected; she understood, per the developers, that no wetlands will be affected; based on her knowledge of the parcel, there are wetlands, a stream, and vernal pools. DeFant takes exception to the fact that land use will be changed from forestry to light industrial with directly abutting wetlands; is concerned about setting a precedent

so that another developer will want to come in to change another piece of contiguous forest. Michael Suter/94 Pratt Corner Road states that his property directly abuts Reed Road which is to be trenched for lines; it is a very wet road and he finds it difficult to imagine how the road can be maintained as water runs down the bank; the vernal pool on his property will be affected by proposed changes; is concerned about affect on his well; a 30 acre clear cut will affect the water table. Suter states that he has done significant landscaping to decrease water coming into his house and is concerned change will affect this; concerned about potential changes to habitat; logging roads in the area have significant water and, in season, are used by wildlife. Diane Gula/Pratt Corner Road states she is concerned about the stripping of thirty acres; has a stream and small vernal pond in her back yard; is also concerned about setting a precedent. Torres: no change to Zoning Bylaw; State regulation allows the installation of solar farms by Green Communities; there is a standing exemption on private property. Gula states concern about power station creating more noise. Torres: details will be worked out regarding the power lines; the final application has yet to be submitted. Torres: over the last five years, this is the third application by Cowls. DeFant states she is a supporter of solar energy, however is concerned about the impacts of large solar farms such as changes to forest hydrology absorption versus more evaporation with open area; feels these concerns need to be addressed thoroughly along with an environmental impact study; states concern about long term impact with short term gain. Puleo: Select Board proceeds slowly and this project is in the very early stages and expects related boards, the Conservation Commission (SCC) and Planning Board (PB) will be involved; this is a private landowner wanting to do something legal with their property; there will be tax benefits to town and the pros and cons will be weighed in an open process, questions will be addressed; the Select Board is willing to listen and does not want this to be a difficult situation. Puleo notes the need to weigh facts and lessen polarization. Vinskey requests Marcus/NEE for a next step update. Marcus/NEE and consultant for Lake Street Development: there have been eight months of planning and due diligence; right now, the engineering and hydrology work is being done; all of the stated concerns are relevant and part of the permitting process; NEE is getting close to submitting applications to SCC and PB. Marcus states that he is not involved in tax issues; those will be discussed with other project parties; tax is negotiated. Puleo: our Assessor is up to date on how to handle tax. Torres: DOR has formulas to assist with determining tax; this is a negotiation and due diligence will be done on behalf of town. Marcus: land is now in Chapter 61A status; when it comes out, it will be taxed; past value of tax will be recouped. DeFant asks if the solar equipment depreciates over time. Torres: there are different approaches to how this will be handled. DeFant asks Marcus about the wetland survey. Puleo states her wish to wait until full information is available. Torres: there was inadequate notice to be prepared for tonight's discussion. Puleo: the only reason Marcus asked to be here was that notice of the Alliance letter was put on Nextdoor Shutesbury and sent out publicly before owners/developers could receive the letter privately; the Select Board does not want to derail the process with the other boards; acknowledges the Select Board's formal receipt of the

Alliance's letter. Torres: Lake Street Development is leasing property from Cowls for this project; the letter from the Alliance for Appropriate Development was directed to those parties; recommends taking a step back and waiting for process with Planning Board and Conservation Commission. Stein: the Water Resources Committee (WRC) will want to become involved. Torres: Select Board and WRC will only have an advisory role; PB and SCC have authority. Bonnar: PB will have some discussion during their 6.8.15 meeting and will be happy to talk about the project at that time. DeFant states she felt invited by Lake Street and Cowls to ask questions and hopes to receive responses; affirms that the Alliance can have a dialogue with these parties. Torres: Lake Street Development and Cowls waited until after Town Meeting for their information session; they are taking concerns seriously. Marcus: the PB and SCC have separate requirements for sending abutter notices; notices will be sent direct to abutters and published in the newspaper; copies of permit applications will be available in Town Hall; is hoping people will be informed and involved. Jaques/SCC asks about timeline for receipt of application. Marcus: engineering is being finalized; application will most likely be ready within a couple of weeks.

- 2. Forest Cutting Plan and Role of Service Forester:** Torres introduces Fletcher Clark/Department of Conservation and Recreation (DCR) Service Forester; Clark replaced Helen Johnson and is new to this area. Clark: the DCR Service Forester upholds M.G.L. Ch.132, the Forest Cutting Practices Act, which is regulatory; the Service Forester reviews Forest Cutting Plans (FCP) and ensures that Best Management Practices (BMPs) are implemented. Clark states that he uses the BMP Manual and provides this information to foresters. Clark: the DCR Memorandum of Understanding with DEP, M.G.L. Ch. 131, the Wetland Protection Act, exempts forest cutting under an agricultural exemption; forest cutting is not exempted for change of use. Clark: Chapter 61 requires that, in order to continue to grow trees, owner must have a FCP written by a licensed forester and approved by then Service Forester. Clark: reviews the FCP to ensure wetlands and streams are identified; appropriate crossings are indicated and Natural Heritage is notified if the parcel is in the estimated or known habitat polygon; the Service Forester deals with landowners and harvesters. Per Clark, Ch. 132 is under DCR jurisdiction; the Conservation Commission will ask questions of the Service Forester who is available for the public to ask questions and asks those present for questions about the Rosenthal/Phelps Davis lots owned by Cowls. Vinsky confirms that the Service Forester monitors FCPs. Clark: because a plan is in place, the Service Forester works with the landowner, logger and forester; when a FCP is filed, he goes out before any cutting is done and ensures resources have been identified and verifies how the forester/logger will work around resources. Vinsky asks for clarification as to why the item is on the agenda. Puleo: the Phelps Davis/Rosenthal lots are where folks are concerned about clear cutting. Clark: this FCP has many amendments; Helen Johnson started the plan review; Clark took over in December. Referring to the FCP, Torres asks about the size of the lot. Clark: FCP is for 30 acres within a 600-acre parcel; plan is for regenerative forestry leaving trees of a certain size and slash

piles. Clark: parcel is within the 3,200-acre Brushy Mountain/Paul Jones Working Forest, the largest Conservation Restriction (CR) in the State and is held by the Division of Fisheries and Wildlife (DFW). Lacy: a portion on Montague Road was left out of the CR. Clark confirms that the FCP is not for this excluded area; the FCP is all on CR land; DFW is in charge of monitoring the area as a CR along with Natural Heritage and Endangered Species Program (NHESP) and DCR; area is definitely not clear cut; it is cut to seed tree standard. Clark states that he visited the site to ensure adherence; abutter Steve Puffer is working on the west side; eastern portion is done except for removing the logs on the landing. Per Clark, the filer of the FCP needs to notify abutters within 200' of boundary; Cowls' forester is pretty thorough and suggests asking Shane Bajnoci/Cowls to explain silviculture. Clark: woolly adelgid infected Hemlock was found in this area and removed; disease slowly reduces the health of the tree; on eastern side, healthy trees are left as seed source for the next generation of trees; more robustly healthy trees will better withstand stress. Clark: this land will continue to grow trees; they did a great job working around wetlands and communicate well with the Service Forester regarding changes. Stein: appreciates explanation; as an abutter has never seen logging like this recent cutting; appreciates that they are following plan and that it will become a more vigorous forest. Stein asks if this will be the plan throughout the forest. Clark: in two years, forest will green up and there will be more wildlife in the young forest habitat and more carbon sequestration. Puleo notes that timber harvesting is being done on the Beech lot. Clark: a lot of Hemlock is cut; refers to Bajnoci/Cowls for close review of any amendment on the Rosenthal lot. Lacy: because nothing grows under a hemlock, when it is cut it leaves open space and looks empty. Clark: area will stay a dynamic forest. Jaques asks if a DCR Service Forester will oversee cutting at proposed solar farm site. Clark: not with change with use because a Forest Cutting Plan cannot occur with change of use. Torres: solar farm site land will come out of Chapter 61. Stein appreciates Clark's presentation. Torres asks if a tour is needed. Clark: permission of the landowner is needed to access property under a FCP. Torres: Cinda Jones suggested David Kittredge be asked to join the site tour. Clark provides the Board with handouts about the DCR forestry programs.

3. **Assessment Review Charge:** Puleo asks if the FinCom has had any inquiries for membership. Torres: Kim/Town Moderator is working on this.
4. **Regional Assessment Review Committee Appointments:** Puleo questions how the appointments to this committee will be handled, the goal is to have the committee's charge ready by June; this will be an intense summer project in order for recommendations to be ready by September in time for the budget process. Lacy states his interest in being on the committee. Puleo asks the FinCom if they have any recommendations and how many members will comprise the committee. Arvanitis: last year, a regional committee was formed to talk about this; notes need for Shutesbury to have our own committee. Puleo: we heard from the State on the statutory method and know that the statutory method is good for the Town; we know the statutory method will decimate the secondary budget especially if

Leverett doesn't pay their share. Vinskey notes the need to determine committee appointments. Puleo: Sean Mangano/Director of Finances Amherst Regional Schools is willing to provide information for the committee. Arvanitis asks how the four towns will be approached. Torres: we don't know how the committee's recommendations will come out. Vinskey: committee will be composed of two members of the FinCom, two School Committee members and three at-large members. Torres: Dan Hayes/School Committee has stepped forward. Hanson asks if there will be a Select Board member on the committee. Vinskey states that he did not think Select Board membership would be needed; the committee will come up with a report for the Select Board. Torres asks how the three at-large members will be chosen. Puleo suggests including a description of the committee in tomorrow's mailer with a timeline for expressing interest, perhaps June 1; the Select Board will decide on at-large members. Hanson notes need for broad membership and the need for a parent with children in the school to be on the committee. Torres: it is important to include the charge in mailing. Select Board reviews draft charge. All agree delete #7. Puleo: #1 was already done by Hatch; #2 & 3 are okay. Lacy: what will it tell us if we just look at Shutesbury in isolation. Torres asks if we should look at all four towns. Houle asks what will this contribute. Torres: drivers for statutory formula; others wonder what this information will contribute. Puleo: we want basic population demographic trends for the four towns which will tell us age groups, employment status, i.e. full time, part time, retired, unemployed. Houle: referring to #5, in the committee, any proposed formula put forward has to have the past ten and future three or five years; this is difficult to obtain because formulas change so many times; wonders how we will assess information. Torres: we need to determine how to assess comparative formulas. Vinskey references a chart on which the blue line represents the statutory method and the red line the alternative and asks why the lines crossed over in 2008 and asks if they will crossover again or will they stay parallel for a while. Puleo: the questions are what variables cause this change to occur, what may drive this change to occur again, and what variables will change to cause this to occur. Puleo recommends omitting #6 noting that we are not at the point to talk about this. Vinskey: two years ago at Town Meeting, it was stated that we couldn't vote for the statutory method as it will wreck havoc on the budget; he included #6 in order to consider what will happen if we vote for the statutory method at Town Meeting. Stein: more broadly, whatever is brought forward will impact the town and region. Lacy: if the committee decides a formula is better for Shutesbury, how will the needs of other towns be affected. Stein: whatever is proposed, there has to be a buy-in from the other towns. Lacy: the difficulty will be the transition. Arvanitis: #6 is the analysis of the methods; notes need for #5 and #6 to be separate. Lacy notes the need to look at the transition issue assuming another methodology is better. Puleo suggests wording for #5: "Using demographic and financial projections and historical data review the Alternative Method and the Statutory Method over the past 10 years and project trends into the future" citing the need to look at what we have now and the need to look at a future projection for any method proposed. Arvanitis: in # 6 see advantages of each and in #7 we look at each alternative. Hanson notes the need

for the same depth of analysis for all the methods. Puleo: we already know two methods. Arvanitis: new #6 is the analysis of new #5 and new #7 looks at all of the alternative methods; looking for the best method for all concerned. Arvanitis: once we know what is wrong, we can find alternatives, vet all in the same way, and then work on the best method. Torres: any proposal must be discussed with member communities. Puleo cites need to work through transition with other communities and acknowledges the progress that will be made by this committee. Torres: if no one on the FinCom is able to serve, the FinCom can seek someone to represent them and report back to them.

5. **Personnel Board Update on Job Description for Assessors' Clerk:** Stein reports that the job description update is still in process.

6. **WiredWest/MBI Update:** Torres: fourteen towns have approved Broadband. Vinskey notes that at last week's meeting in Wendell, Axia did not have adequate material in their presentation. Stein: per recent article in the *Gazette*, there was a good proposal by Axia. Puleo: Crocker could be a good company to partner with through Wired West. Vinskey hopes that WiredWest will pay back via subscriptions; felt his attendance at the Wendell meeting was worthwhile. Vinskey states his appreciation for how things are going with WiredWest. Torres: the Broadband Committee is holding a fundraiser to cover costs of their mailings. Vinskey acknowledges that the Committee is limited as to how they pay for mailings. Torres: per the Office of Campaign and Political Finance, public funds cannot be used to promote a vote or to persuade a certain position; the public has a right to do so privately. Vinskey verifies that a Town Committee is not doing fund raising; actually, fundraising is being done by a group of folks to raise money to promote the special election. Torres: in the future, the Town could produce something like the State Red Book, which outlines positions.

7. **Knotweed Forum Planning:** Torres: no further progress in planning. Puleo and Stein observed test patches on Pelham Hill Road: there were six to seven sprouts otherwise site is decimated; there may be some other plants coming up. Torres: Bay State Forestry is to return; she noticed a vigorous patch on Leverett Road. Torres will continue to plan an educational forum with Lena Fletcher.

Select Board Action Items:

1. All members of the Select Board agree to approve the 4.7.15 Select Board meeting minutes.
2. Upper Pioneer Valley Veteran's Services District Appointment: Torres recommends the Select Board appoint Albert Springer; all members of the Select Board agree.
3. Vendor Warrants totaling \$171,186.10 are signed.
4. Payroll Warrants totaling \$99,689.34 are signed.
Vinskey asks if there is any follow-up in detail pay. Torres: the union negotiator referred matter to Sawicki/Steward who is working with Voelker/Treasurer; Sawicki is also working with Robinson on how to organize the detail paperwork

- to ensure timely payment; if timely paperwork is achieved, then the Police can come back to negotiate another way to handle detail pay.
5. Letter of Interest for Master Plan Visioning Working Group: letter was printed today for inclusion in newsletter; per Lacy and Bonnar the second version of the letter will go to Committees and Boards.
 6. Review of Police Union Negotiated Changes to Contract: Stein recommends postponing review to the 6.2.15 meeting; it is the same contract. Stein: Article 9 adds a 2% increase plus one-step; new paragraph 93: fingerprint/photographic assignment, per State statute, is now written into the contract and ensures a stipend; new paragraph 94 adds \$50/month toward the monthly cost of a cell phone only for full-time officers. Torres confirms that it is understood this refers to use of personal cell phones. Stein: Article 17 added a sentence to increase detail guarantee from six to eight hours. Torres: this will not financially impact town; there was a compromise on the amount paid for in-town detail to be commensurate with that of neighboring towns; this is a 3-year agreement effective July 1, 2015. All agree to carry over item to the 6.2.15 meeting.
 7. Personnel Action Forms: A motion is made, seconded and all agree to sign Leslie Bracebridge's official retirement from Administrative Secretary and Town Clerk; Linda Avis Scott as Administrative Secretary beginning 3.4.15 and Susie Mosher as Town Clerk beginning 5.9.15.
 8. Green Communities: A motion is made, seconded and approved for Torres to move forward with requesting an extension. Torres: the Town Hall project is not complete and the final money is needed for this project; this is a reimbursement program so the final invoices for Fire Station project are needed in order to seek reimbursement.
 9. Common Victualler's License: A motion is made, seconded, and approved to sign William K. Mick's Common Victualler's License for a location at Lake Wyola State Park.
 10. Chapter 90 project reimbursement requests from Hunting for a total of \$140,427.11. Motion is made, seconded, and approved to sign document. Torres: \$156,000 is encumbered. Puleo asks if the remaining \$16,000 will be spent. Torres: this can stay as residual in the account; Hunting is talking about doing culvert projects and there are gravel road issues. Vinskey: per Tibbetts, may be emergency management funds for culvert repair. Torres states that she is talking with FRCOG about this. Vinskey requests Hunting attend the 6.2.15 meeting for an update on the status of dirt roads.

List of Documents and other Exhibits used at the meeting

1. 5.17.15 letter to Lake Street Development from the Alliance for Appropriate Development
2. 5.17.15 letter to Cinda Jones/W. D. Cowls, Inc. from the Alliance for Appropriate Development
3. Portions of the Rosenthal/Phelps Davis Lot Forest Cutting Plan
4. Handouts from Fletcher Clark/DCR: *Massachusetts Best Management Practices Manual; The Working Forest Initiative; Service Forestry Program; and Chapter 6I Programs*

5. Draft and final version of the “Shutesbury Regional Assessment Summer Study Committee” Charge
6. 4.7.15 Select Board meeting minutes
7. Upper Pioneer Valley Veteran’s District Appointment document
8. Common Victualler’s License for William K. Mick
9. Town of Shutesbury expense report 7.1.14 to 5.15.15
10. 4.13.15 DCR PILOT letter
11. FRCOG FY16 Gasoline bid document

At 9:03pm, all members of the Select Board agree to adjourn the Open Session.
Next meeting: June 2, 2015

At 9:03pm, a motion is made and seconded to go into Executive Session for Reason #3: Salt Issue on Leverett Road. Stein: aye, Vinskey: aye, and Puleo: aye.

Respectfully submitted,
Linda Avis Scott
Administrative Secretary