

Shutesbury Select Board Meeting Minutes
November 15, 2016 Shutesbury Town Hall

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

Select Board member via remote participation: Mike Vinskey/Chair due to geographical distance

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

Guests: Susan Millinger, Rita Farrell, Steve Schmidt and Diane Jacoby/Assessors, Leslie Bracebridge/Historical Commission, Lisa Saunders, Bill Wells; Dan Hayes, Lauren Thomas-Paquin and Steve Sullivan/School Committee members, Gabriele Voelker/Treasurer, Robert Groves, Jim Hemingway, Elaine Puleo, George Arvanitis, and Eric Stocker/Finance Committee members

DeChiara/Vice-Chair calls the meeting to order at 6:37pm.

Agenda Review: DeChiara requests adding a discussion topic regarding the Nolumbeka Project's upcoming meeting.

Public Comment Period: Millinger requests and receives confirmation that the 12.27.16 Select Board meeting has been cancelled.

Discussion Topics:

1. Classification Hearing: DeChiara calls the Classification Hearing to order at 7:00pm; Select Board determination of the tax classification is the purpose of the hearing. Schmidt: delaying the decision will not allow the Assessors to set the tax rate and the Tax Collector to mail tax bills. Schmidt: any change from a straight market assessment requires every category of the law to be followed; in the past, the Assessors have not recommended a split tax rate. Schmidt: in the case of a split rate, the tax rate on utilities would increase, however, such a rate would also significantly increase the tax rate on Shutesbury's small businesses. DeChiara inquires about the residential exemption. Schmidt: the residential exemption allows the town to reduce the tax assessment on moderately and lower priced owner occupied homes; for a residential exemption, Assessors review each parcel to determine which ones are owner occupied. Schmidt: there is not a definite one-one correlation between the value of a home and the owner's income; the Board of Assessors decided not to take a stand on the residential exemption, although, speaking for himself, notes his wariness about such an exemption. Vinskey recommends a single tax rate. Makepeace-O'Neil moves the Select Board approve a single tax rate for all property classes; Vinskey seconds the motion; Vinskey: aye, DeChiara: aye, and Makepeace-O'Neil: aye; motion passes unanimously. The Select Board decides not to support a residential exemption. Per Schmidt, the projected tax rate is \$22.76. DeChiara closes the Classification Hearing at 7:14pm.

2. Select Board Committee Reports:
 - a. Broadband Committee (BBC): Torres –during the 11.14.16 meeting, Martin reported on the 11.12.16 WiredWest meeting; on 11.10.16, the BBC met with Ashfield, New Salem, Wendell, and Rowe – the towns moving ahead with pole surveys – Rowe is the only town with a pole survey in progress; towns seem to be struggling with MBI’s noncommittal position; the BBC will present all the “knowns” during their community informational meeting scheduled for 11.17.16.
 - b. Cabot Risk: Torres – this informational session provided updates on insurance and workmen’s compensation for safety personnel.
 - c. Master Plan Working Group (MPWG): Per Torres, the MPWG is collecting information from their first session and preparing for the 12.5.16 session. DeChiara: even though the turnout was good for the 11.3.16 session, feedback was received only from those present; impartial and equally trained facilitators are needed. Makepeace-O’Neil appreciated the format of the 11.3.16 session. Vinskey: it was a brainstorming session. DeChiara: the “dots” process used reduced the data points to priorities; this seems problematic as the MPWG may be getting prioritization where there isn’t any because those who were vocal and adamant were heard. Vinskey: in order to provide direction to the MPWG, the consultant, Harriman Group, will eventually interpret and synthesize the information. Torres: some facilitators provided a non-pressured opportunity for participants to share. Vinskey will provide feedback to the MWPG that, from now on, Harriman should be required to provide the facilitators.
 - d. Water Resources Committee: Makepeace-O’Neil – during the 11.9.16 meeting, the WRC followed up on the All Chairs meeting recommendations regarding the need for a webpage and Open Meeting Law; the Committee’s email is now set up; data loggers in the monitoring wells will need to be replaced.
3. Town Administrator Updates: Mosher and Torres attended the recent FRCOG Public Records program. Darci Connor Maresca’s letter of resignation from the Conservation Commission is received and a thank you letter signed. The recent STAM meeting focused on grant opportunities – there may be a potential resource for the Locks Pond culvert replacement project; per McKay, additional Community Compact funds will be available once the towns that have yet to sign up, apply for the program. Vinskey asks about the status of contact with Army Corps of Engineers regarding the Locks Pond culvert project. Torres has yet to receive a response from her email to the Army Corps using contact information from Stinson/DEP therefore will follow-up via phone. Jim Cerone’s/FCCIP Building Inspector conducted the annual inspection of Town Hall: the door at the top of stairs is to be kept closed – twelve years ago, there was a plan to install a door with a window –the specs will be sent to Cowls so the project can be attended to. Vinskey asks about the status of the grant for elementary school security upgrades. Torres will follow up with Police Chief Harding. Per Torres, a meeting is being planned with Harding to re-open his contract; clarification is

needed as to whether this is re-opening or renewal. Select Board members state their understanding it is a contract renewal.

4. Future Select Board Agenda Items: DeChiara reviews upcoming items as per Vinskey's "Pre-meeting" notes; the Energy Committee will be asked about municipal solar. Four-Town meeting debrief is added to the 12.13.16 agenda; 1.10.17: FinCom and School Committee and 1.24.17: policy manual.
5. Finance and School Committee:
The FinCom meeting continues to be in session. DeChiara reviews the four topics for focused discussion.
 - a. Select Board Guidelines Inputs: Vinskey: when the different funds are tallied up, there is almost \$2 million in our cash accounts; this money is available and could be tapped into by a citizen petition warrant article or a special town meeting; what is the plan for this money and, if there is not a specific need, why is it being collected from taxpayers. Voelker/Treasurer: it will make a big difference in the town's borrowing rate if "Other Post Employment Benefits" (OPEB) is paid off; token funding of OPEB is not acceptable in the bond rating world especially in light of the large bonding necessary for Broadband; if the town's capital infrastructure is going to grow, a good bond rating is necessary; the OPEB Annual Required Contribution of \$1,756, 598 has grown to \$2,261,698. Voelker provides copies of the "9.30.16 Bartholomew Town of Shutesbury OPEB Account" statement: right now, the account is 7.29% funded. Voelker recommends the town allocate at least \$100,000 of the surplus annually to attain 20% OPEB funding; the minimum required annual contribution is \$176,000; it is a pay as you go system. Voelker: the actuarial is now done every two years. Arvanitis: the FinCom is committed to spending funds on OPEB however the Committee needs to confer on the dollar amount; with Broadband coming up, having cash available will satisfy the bond rating; funding some Broadband expenses will provide taxpayers some relief. DeChiara appreciates the financial reports provided by Torres in advance of the meeting and notes that this could be the time to allocate cash to various appropriate funds, i.e. the library building fund currently at ~\$127,000. Arvanitis: allocating funds will save money in the long run. Groves: OPEB is an actual liability that must be paid for. Hayes affirms the need to fund OPEB. Hayes notes the need to consider population demographics before allocating funds for projects; residents are concerned about the tax rate. DeChiara: if the whole levy is not used, funds can still be allocated for future projects. Puleo calls attention to the fact that the visioning process is taking place; as a town, we need to know what we want before allocating funds. Voelker: if free cash is high, it can go into general stabilization or capital stabilization; a 2/3rd vote is needed to move funds out of stabilization; funds need to be reserved then, for example, there is cash to use for Broadband; residents benefit from the use of the cash versus needing to borrow the full amount. Arvanitis: there is always

the question about what is the right reserve level; it might not be as much as it seems after the OPEB transfer and Broadband expenses; debt exclusion overrides only make sense for long term projects; recommends waiting for the visioning process before allocating reserve funds. Groves: many of us want to stop the increases in reserve funds and not to increase the tax levy this year. Arvanitis: the FinCom will review the first draft of the budget with the Select Board on 1.10.16; we will be looking at not increasing the tax levy. Arvanitis: as a FinCom, we seek to keep the tax levy steady because we know capital items will come along. Torres provides a table that identifies excess levy capacity that lessens the tax levy; excess levy capacity is the amount untaxed of the 2% allowable.

- b. Regional Assessment Negotiations: Arvanitis – the Regional Assessment Working Group did not have a productive year; initially, the need to incorporate the ability to pay was considered and work was done to determine what portion of the assessment would be ability to pay and what portion would be the five-year rolling average. Subsequently, when a decision needed to be made, there was disagreement between the towns. DeChiara: Pelham and Leverett prefer the five-year rolling average, Amherst will do what the other towns agree upon, and Shutesbury began by recommending a 20% ability to pay; a recommendation from the Superintendent’s office is pending. Arvanitis: essentially, no progress was made; Shutesbury needs to be sure that the other towns are serious. Puleo states her concern that a good faith 10% was a start with an intention to go to 15% and, then this year, no progress was made.
- c. Regional Capital Planning Method: Per Vinskey, this committee has not held a meeting in months.
- d. Four-Town 12.17.16 Meeting Coordination: DeChiara notes that after starting with 10%, no headway was made this year and asks those present what the town will put forth at the four-town meeting. DeChiara: at the four-town meeting, we need to discuss the other towns’ commitments to an ability to pay method. Groves: the statutory method is “out there”. Puleo: if we have a written agreement that shows movement on the part of the other towns, we can defend it to our town; without such an agreement, we cannot defend their position and we won’t. Torres: last year, the Committee intended to hold at 20% and ended up with 10%. Hayes suggests that planning and budgeting be done using the statutory method. Puleo: the Region should be planning a statutory method budget. DeChiara: the other towns will say the Region cannot afford the statutory method and that “Shutesbury is destroying the region”. Puleo: of course, we care about our children and we care about other things, such as a new library; Leverett and Pelham have new libraries. Torres: currently, the statutory method goes against Amherst. Arvanitis states he is not sure he likes Hayes suggestion; the lack of funding by the state is a hardship; Shutesbury will be the first of the four towns to reach the \$25/\$1,000 valuation tax rate; recommends stating that there needs to be a new ability to pay method for FY19. Hayes: if the town does not support this year’s

method, what will happen? Arvanitis: there are opportunities for savings in this year's school budget; why don't we take another year for the regional school to make cuts. Groves: the alternative method does not include a progressive ability to pay method. Hayes: it is necessary to be clear at the four-town meeting that, as a group, we are not getting support from Shutesbury residents for any alternative method and that this lack of support will be represented at town meeting. Sullivan: the Regional School Committee has not started work on the budget. DeChiara: the Region has been looking at cost savings and budget cuts for the last five years; states that he is not comfortable with forcing cuts. Puleo: Pelham will benefit by the statutory method; notes the need for information about the assessment method to be made public. Hayes: as a group, we have not come up with a method that is satisfactory for everyone. Arvanitis: the goal was to come up with a new method and a transition plan; we need a new method to be in place for FY19. DeChiara: we need to have a written commitment from the other towns to come up with a new method before our annual town meeting. DeChiara, in closing, emphasizes the need for Shutesbury to be well represented at the 12.17.16 four-town meeting.

Administrative Actions:

1. Select Board Minutes: Makepeace-O'Neil moves and DeChiara seconds the motion to approve the 11.1.16 meeting minutes as presented; DeChiara and Makepeace-O'Neil approve the motion. Vinskey is not in attendance at the time of this vote.
2. Extend Municipal Lighting Plant (MLP) Manager Appointment: Torres: the Broadband Committee recommends the position be extended by four months to 2.1.17. Makepeace-O'Neil moves and DeChiara seconds the motion to extend the MLP Manager position by four months to 2.1.17; Makepeace-O'Neil and DeChiara approve the motion. Vinskey is not in attendance at the time of this vote.
3. Highway Department Personnel Action Form (PAF): Vinskey refers to his "Pre-meeting notes" and notes that the PAF needs to be approved by the FinCom. Torres: Personnel has approved the PAF; Voelker calculated the total of the increase to be \$896; the FinCom approved up to \$1,000; both committees are reviewing the PAF a second time with more specificity; the retroactive cost is under \$900 for a one-step \$.55/hour increase. Vinskey moves that with FinCom approval of a one-step \$.55/hour increase, the Select Board approve the PAF; Makepeace-O'Neil seconds the motion; Vinskey: aye, Makepeace-O'Neil: aye and DeChiara: aye; motion passes unanimously. DeChiara, as Vice-Chair, signs the PAF in Vinskey's absence.
4. Vendor Warrants totaling \$131,263.11 and \$11,252.50 will be signed.
5. Payroll Warrants totaling \$101,101.78 will be signed.

Item not reasonably anticipated by the Chair:

1. Nolumbeka Project Meeting: DeChiara refers to the 11.12.16 email from Miriam DeFant referencing the 10.22.16 letter from the Nolumbeka Project inviting local

historical commissions to attend a 12.3.16 meeting the goal of which is to “create a memorandum of understanding (MOU) template whereby the tribes and towns support each other in protecting their Native American cultural resources. Bracebridge/Historical Commission: the Historical Commission (HC) never received an invitation nor discussed the HC’s presence at the 12.3.16 meeting. Bracebridge notes that she cannot speak on behalf of the HC or the town and that someone “just attending” the meeting cannot represent the town. Bracebridge: the goal is to create a MOU template – it is a starter meeting and, if one attends, it is almost impossible to do so without participating; the HC would be the recommending party on behalf of the town; information about the meeting came through DeFant not Nolumbeka who invited some historical commissions. DeChiara: for the last six months, the Select Board has put on hold scheduling a planning session about Native American heritage concerns. Bracebridge: the HC does not want to speak out without being invited nor does it want others to speak for them. DeChiara states there is no evidence Shutesbury was not supposed to be invited. DeChiara acknowledges the Nolumbeka Project invited historical commissions, however, if there is a MOU, the Select Board may have to approve it; if the town wants to learn about what happens at the 12.3.16 meeting, a member of the Select Board could attend. Bracebridge: the invitation came from a third party not from Nolumbeka. Makepeace-O’Neil states she agrees with Bracebridge; her concern is that Shutesbury did not receive a direct invitation and recommends asking first before attending. DeChiara states that he would ask if Shutesbury is welcome to attend; it seems like an opportunity. Makepeace-O’Neil: Nolumbeka has a process in mind. Vinskey affirms that the 12.3.16 meeting is a historical commission event and that the HC should be the point of contact; understands the HC is not meeting prior to the Nolumbeka meeting therefore suggests Bracebridge might attend to listen. Bracebridge states she is very interested in the Nolumbeka meeting and that a special HC meeting could be called if they were to receive an invitation; the letter did not indicate a need for full participation and respects that Nolumbeka will send the HC communication when appropriate. Torres will contact Nolumbeka to learn more about the 12.3.16 meeting. Bracebridge emphasizes the need for the HC to be involved in historical matters.

2. Legal Fee Invoice: Groves asks if insurance will cover any portion of the fee. Torres: because the lawsuit does not ask for damages, insurance will not cover any of the legal costs.

3. MPWG Request: Meryl Mandell/MPWG Chair requests the Select Board contribute \$60 to cover babysitting costs for the 12.5.16 visioning session. Torres confirms that the Select Board has funds to use for this purpose. Makepeace-O’Neil moves the Select Board give the MPWG up to \$60 to cover babysitting costs; Vinskey seconds the motion; Vinskey: aye, DeChiara: aye, and Makepeace-O’Neil: aye; the motion passes unanimously.

At 9:17, DeChiara moves to go into executive session for reason #3/salt issue and not to return to open session; Makepeace-O’Neil seconds the motion: Vinskey: aye, DeChiara: aye, and Makepeace-O’Neil: aye; the motion passes unanimously.

Documents and Other Items Used at the Meeting:

1. Vinskey’s 11.15.16 Pre-meeting Notes

2. 11.7.16 Schmidt memo "Classification Hearing, Additional Information"
3. *Assessment Administration: Law, Procedures and Valuation*: Chapter 4 Property Tax Classification
4. Mass DOR Division of Local Services Tax Rate Recapitulation for FY15-FY17

5. 11.4.16 Darci Connor Maresca letter of resignation from the Conservation Commission; 11.15.16 Select Board letter of thanks to Maresca
6. 9.30.16 Bartholomew "Town of Shutesbury OPEB Account"
7. 11.15.16 Torres' Excess Levy Capacity Table
8. 11.3.16 Free Cash Calculation/DOR Division of Local Services
9. 11.4.16 Jeff Lacy letter
10. Town of Shutesbury Revenue and Expense Reports FY16
11. Highway Department PAF for Doug Smith/Equipment Operator
12. 11.12.16 Miriam DeFant email with attached 10.22.16 letter to Historical Commissions from Lisa McLoughlin/Nolumbeka Project

Respectfully submitted,
Linda Avis Scott
Administrative Secretary