

Shutesbury Select Board Meeting Minutes
December 18, 2018 Shutesbury Town Hall

Select Board members present: Melissa Makepeace-O'Neill/Chair, Elaine Puleo, and April Stein
Staff present: Becky Torres/Town Administrator; Linda Avis Scott/Administrative Secretary

Guests: Jeff Lacy, Mike Vinskey, and Kevin Medei/Lodestar

Makepeace-O'Neil calls the meeting to order at 6:00pm.

Agenda Review: Torres: per request of the dog owner, the dog hearing has been postponed to 1.8.19.

Public Comment:

Mike Vinskey: in November, he sent an email letter (11.1.18 "Inconsistent Finance Committee Appointments" to the Town Moderator, Select Board and Finance Committee) outlining errors in Finance Committee appointments that seem to violate Open Meeting Law (Vinskey's letter refers to the Finance Committee Bylaw); the Town Moderator did not clarify/respond to the errors; the Town Moderator is a committee of one who doesn't publish criteria for selection, does not publicize openings, and does not hold public hearings for membership and there is no oversight of the Moderator's appointment decisions; the only documentation is in the annual town report which is where he observed the inconsistencies. Vinskey states that his comment is being made as a matter of public record noting that his request for resolution of his issues has not been met and that he may have to go outside the Town of Shutesbury for resolution.

Jeff Lacy states that he seconds Vinskey's statement and notes that he read the letter and reviewed the spreadsheet documenting Vinskey's research. Lacy notes that he has tried to be appointed to the FinCom without success; he was at the head of the line and was passed over; his review of Vinskey's research indicates that there have been vacancies not filled within 30 days, some terms have been filled for the remainder of a vacated term and, in other cases, a new term has been started for a vacated term, as in the case of Bob Groves - this is an irregularity; Vinskey has the numbers and, apparently, the Moderator has not responded to him. Lacy: if he received these numbers as an elected official, he would have responded in detail.

Makepeace-O'Neill acknowledges the public comments made by Vinskey and Lacy.

Puleo recommends the Select Board look into the matter of Finance Committee appointments and states her willingness to be the point person to do so.

Discussion Topics:

1. Dog Hearing/323 Locks Pond Road: postponed to 1.8.19.
2. MLP Manager/Broadband Employee Job Description: Per Torres, the new job description is in flux and currently on hold due to issues/possibilities that remain to be sorted, i.e. the need for the MLP manager to step down from an elected position. Torres: Gayle Huntress/MLP Manager is seeking a written statement from the Mass. State Ethics Commission regarding the legal relationship between the Select Board, Municipal Lighting Plant and MLP manager. Lacy: is this a job description that has been finalized and on the Town website? Makepeace-O'Neil: the job description has not been finalized.

Torres: this will be a 20 hour/week minimum wage temporary position for up to one year. Vinskey: the MLP members were elected so why would the Select Board be getting involved with the MLP's business? Torres: in the past, the MLP was considered a stand-alone entity; presently, according to Department of Revenue (DOR) rules, the MLP is a town department, however, it will still be independent; the State made the Select Board and MLP jointly responsible for the MLP funds to be held in Town accounts; we are talking about a position for the construction phase of the project. Makepeace-O'Neil: the project manager position is not the same as the MLP manager. Vinskey: the MLP ought to be able to hire who they want. Makepeace-O'Neil: the Select Board does the hiring. Vinskey: will the MLP be able to set rates and fees? Torres: the MLP budget will be approved by town meeting. Vinskey: now that he knows the MLP budget will be approved at town meeting, he does not know if he will subscribe due to his concern about budgets and rates being set at town meeting. Torres recommends Vinskey share his thoughts with the DOR.

3. Hampshire Group Insurance Trust Discussion: Torres: during the 12.11.18 meeting, Joe Shea/HGIT made a presentation to the Board; what is the Board's feedback about whether the Town should move ahead with adopting Chapter 32B Sections 21-22? Makepeace-O'Neil: it seems like adoption would benefit the town. Puleo: based on Amherst's experience, she recommends the Select Board move ahead on adoption. Stein: there was nothing in Shea's presentation indicating that we should not go ahead. Torres: based on your feedback, we will move ahead with the necessary notifications to the bargaining units. This item will be considered during an extra Select Board meeting scheduled for 1.9.19.
4. Lodestar PILOT Amendment: Makepeace-O'Neil reads the "Second Amendment to Agreement for Payment in Lieu of Taxes for Personal Property" in to the record. Torres: this amendment extends the date for the project to be online to 6.30.19. Kevin Medei/Lodestar: we do expect for the project to go online within the month of January; the delay was requested in case there are problems with the utilities. Puleo moves the Select Board approve the "Second Amendment to Agreement for Payment in Lieu of Taxes for Personal Property"; Stein seconds the motion. Torres in answer to Lacy's question: some towns have higher PILOT rates and others have lower PILOT rates; the PILOT negotiations were done by the Select Board. Torres to Vinskey's question: the November amendment had to do with the increase in the project's size; this amendment is a time extension for the online date. Motion passes unanimously.
5. Holyoke Gas & Electric Intergovernmental Agreement for Project Management: Per Torres, the document is still being reviewed by HG&E. This agenda item will be considered during the 1.8.19 meeting.
6. Town Administrator Updates:
 - A. The water quality test results for the new well at the Fire Department site are expected 12.19.18; the installation required the use of sharp clips that need tape containing volatile organic compounds (VOCs) – the use of this tape was minimized as much as possible and the water was run a long time to flush the VOCs. Torres to Makepeace-O'Neil's

question: a full horsepower pump and higher gauge wires were installed to ensure the water will flow the distance to be traversed. Tim Hunting/Highway Superintendent declined to excavate the trench for the water line and another potential excavator cannot do the project. It is a 1,600' run that begins near a wetland and the Leverett Road right-of-way has complicated underground drainage systems; due to the amount of rain, the ground is very wet and can cave in with the weight of the heavy equipment; W.W. Clark Excavating is busy with an out of town project; companies that do directional boring have been consulted and declined the work; another local excavator will be asked to quote the project.

- B. The Building Committee will be asked to work on a more secure hinge for the front door; there was an accident earlier 12.18.18 when a member of the public injured her hand when, due to windy conditions, the door closed on it. Board members advise the door not be used in windy weather and recommend the use of a caution sign.
- C. The Town Hall roof project is complete and there have been no recent reports of leaking at the school. The Mass. School Building Authority grant round is expected to come out in mid-January; the Building Committee wants to do the gym roof work separately and soon.
- D. Torres reports that she has a complete folder and spreadsheet regarding FinCom appointments. The plan is for Puleo to review these documents with Torres then a meeting with Vinskey and Lacy will be arranged. Per Torres, there have been no violations of the FinCom bylaws.
- E. Makepeace-O'Neil moves and Stein seconds a motion to close Town Hall a half day early on Christmas Eve; motion passes unanimously.
- F. Torres to Puleo's question: she spoke, emailed then talked again with Fire Chief Walter Tibbetts about the need to have his monthly report to the Select Board by the 15th of each month; Tibbetts hoped to have it done for this meeting. It is noted that the 12.17.18 Emergency Management Team training went well.
- G. Per Scott, the ABCC approved the Shutesbury Athletic Club's 2019 license.
- H. It is noted the new agenda posting system, put in place by Town Clerk Susie Mosher, is working well.

Committee Updates:

School Committee: Per Puleo, the Committee met 12.17.18 to be made aware of a FY19 budgeting error of \$30,000; the elementary school actually received a much smaller amount in Circuit Breaker funds.

Prior Actions: Makepeace-O'Neil reports on her phone conversation with Bill Ennen/Executive Office of Housing and Economic Development during which Ennen appreciated the Select Board's 11.27.18 letter letting Lt. Governor Polito know about the make-ready delays. Per Makepeace-O'Neil, the Lt. Governor and Governor Baker discussed the letter and acted on it by having utility crews from other projects moved to Shutesbury and another town. On behalf of the Select Board, Makepeace-O'Neil thanked Ennen; she also has had phone messages from Lt. Governor Polito. The Board recommends inviting the Governor, Lt. Governor and Ennen to the Broadband "Light-Up" party. Torres: the last make-ready truck finished 12.13.18; the first pre-construction meeting with Tri-Wire will be

held 12.19.18 and the Broadband Committee/MLP will be making a budget presentation to the FinCom this evening.

Administrative Actions:

1. FY19 Personnel Action Forms: carry this agenda item over to the 1.9.19 meeting.
2. 12.11.18 Meeting Minutes: carry this agenda item over to the 1.9.19 meeting.

At 7:16pm, Puleo moves and Stein seconds a motion to adjourn the meeting; motion passes unanimously.

Documents and Other Items Used at the Meeting:

1. "Second Amendment to Agreement for Payment in Lieu of Taxes for Personal Property"

Respectfully submitted,
Linda Avis Scott
Administrative Secretary