

Shutesbury Select Board Meeting Minutes
January 22, 2019 Shutesbury Town Hall

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

Guests: Walt Kohler/Pioneer Valley Habitat for Humanity, Police Chief Dan Fernandes, Rory Fitzgerald and Jan Tyner/Shutesbury Elementary School, Susie Mosher/Women of Positive Presence, Paul DeMarco/Massachusetts Teachers Association and Brian McHugh/Franklin County Regional Housing & Redevelopment Authority

Makepeace-O'Neil calls the meeting to order at 6:35pm.

Agenda Review: Per Torres, the executive session scheduled for 7:00pm will be rescheduled as Town Counsel Donna MacNicol is unable to attend.

Public Comment: None offered.

Discussion Topics:

1. Habitat for Humanity Community Preservation Application: Walt Kohler/Pioneer Valley Habitat for Humanity volunteer: Habitat for Humanity would like Select Board support for their Community Preservation Committee (CPC) application requesting funds for the purchase of Lot Q41 West Pelham Road which is 1.7 acres, non-conforming and has 150' frontage; the grandfathered status of the lot needs to be confirmed; construction will be affordable with CPA funding to assist with the purchase of the lot; the offer to purchase is contingent upon receipt of CPA funds; the home will be deeded as "affordable housing" with groundbreaking expected in 2020. Stein moves the Select Board write a letter of support for the Pioneer Valley Habitat for Humanity CPC application for funding to purchase a lot in order to construct an affordable single-family home; Puleo seconds the motion that passes unanimously. Makepeace-O'Neil will draft the letter on behalf of the Select Board.
2. Police Department/New Policies:
 - A. Body Camera Policy: Police Fernandes refers to the "Body-Worn Cameras" policy: the cameras have been ordered; the policy has been brought to the Union and they may have some wording changes. Puleo suggests using "their" instead of "his/her" to avoid distinguishing two genders. Fernandes requests Board members forward recommended changes to him; explains that the proposed policy is modeled on a policy created by the Mass Chiefs of Police Association's attorney. Fernandes to Stein's question about the use of "will" rather than "may" in "A. Body-worn cameras *will* be used to record interactions...": this section defines what the cameras can be used for. Fernandes, referring to Section G.2 "Mandatory Recording": "Calls for service" is a medical call; a Section 12 (transportation to a hospital) is considered a medical call; the recordings will be stored on a designated computer for review only by the Chief; specific events can be stored. Stein confirms that the recordings are HIPPA compliant. Fernandes: the recordings can be used a learning tool; Officer Shoemaker, as Warwick Police Chief, has

had success using camera recordings for court cases and when there has been a complaint against the department as the recordings are unbiased; the camera is capable of back-recording without sound. Torres asks about record retention and necessary storage space. Fernandes will obtain the most recent record retention requirements; Officer Shoemaker uses an external hard drive in Warwick. Torres: are changes to the Union contract anticipated? Fernandes has conferred with Officer Golann/Union Steward. Fernandes sees use of body cameras as a benefit for officers; they can be considered “use of a new technology”; as Chief, with Select Board approval, he can enact the policy though he wants it to be as fair as it can be. Fernandes notes the need for consistent recording and for there to be some parameters about recording. Fernandes requests the Select Board review the proposed policy; changes will be incorporated for future Board approval.

- B. Civilian Ride Along Policy: Fernandes: the goal of the “Civilian Ride Along” program is for community members to more fully understand the work of the department which is important going forward; there is no cost and no burden on the department; the program will increase the transparency of the department; his experience with a “ride along” sparked his interest in law enforcement. Fernandes to Puleo’s question: a valid Massachusetts Driver’s license is required to determine if there is a criminal history that may exclude someone from the program; the goal is not to exclude anyone; the “BOP” criminal history check is more in depth than a CORI check; these free checks are for officer safety. Fernandes: a separate policy requiring parental permission will be needed for a minor to “ride along”. At Torres’ suggestion, Fernandes acknowledges that a valid photo ID may serve in place of a driver’s license; he anticipates the rides to be 2-3 hours long. Stein: this is a great opportunity to get to know the department. Proposed changes to the policy will be forwarded to Fernandes; a revised draft will be considered by the Board at a future meeting.

Per Fernandes, Officer Hudock, who started today, has been studying the roads and already knows his way around; his shift will be 2pm -10pm; an ad for another full-time officer, to fully staff the department, is in process. Fernandes suggests keeping the option of sending someone to the academy on the table as hiring the right people is what is most important.

3. Hampshire Group Insurance Trust (HGIT)/MGL Chapter 32B, Section 21-22: Torres: HGIT recommends the Select Board adopt Chapter 32B Section 21-22 in order to support plan changes being proposed by HGIT and to engage in a process with the unions regarding the proposed changes; the goal of the proposed changes is to control costs without affecting benefits; the procedure for adopting Chapter 32B Sections 21-22 and negotiating with the unions are defined by the State; labor counsel recommends adopting Section 21-22 as doing so provides a way to adopt plan changes. Jan Tyner/Shutesbury Elementary School teacher reads a letter from the members of the Shutesbury Elementary Educators and Shutesbury Affiliated Workers (SEESAW) into the record. Rory Valentine/SEESAW member: Torres mentioned channels of negotiation, however, our letter states that these channels will be affected if the Select Board passes Section 21-22. Torres: passing these Sections provides a path toward making changes; if the town does not adopt, there is not a path that moves forward without complications; HGIT management feels changes are needed to keep the system healthy; in Amherst, without Chapter 32B, they could not make changes to keep their health insurance system solvent.

Torres: to keep our system healthy, we need to adopt Chapter 32B Sections 21-22.

Valentine: to do so, goes against our contract. Torres: currently, your union contract only allows a change in the percentage the Town pays; right now, the Town pays 75% and it could be recommended that the Town pay less which would increase premiums; Sections 21-22 allow more flexibility and, without adopting them, there are limited options for negotiation. Tyner: what is the precipitating need? Torres: the dramatic increase in health care costs; \$500,000 of the Town's budget goes to health care. Valentine: adopting will disempower our union; we need to advocate for our best interests; it could be equivalent to getting a pay-cut. Torres notes that she is impacted just as members of the school union are; we currently have one of the best health plans. Makepeace-O'Neil: right now, with the union contract, the only thing that can be changed is the percentage of the premium paid by the Town; with the Sections, other pieces of the coverage, that may have a smaller impact than an increase in premiums, can be changed. Paul DeMarco/Mass. Teachers Association Representative: if Sections 21-22 are adopted, the Select Board would have to provide the unions with an analysis then the unions would have thirty days to agree; if the union does not agree, the town and the union would go to a tripartite panel. DeMarco has seen the proposed changes, via another town, and is waiting to receive current HGIT financial data from Joe Shea; the value of the proposed changes is 3.25%; he is curious what the proposed premium increases are. Torres: we do not yet know the premium rates. DeMarco: GIC is going up 3.12%; enacting Sections 21-22 would cutoff collective bargaining rights; refers to handout "Fund Our Future: Building the Public Schools and Colleges Our Students Deserve" and states that the MTA is trying to get the State to raise funding for education and that he is focusing on this campaign rather than healthcare as it has a greater impact than the \$3-4,000 saved in health care costs. Torres: the Town is spending \$500,000 on health care. DeMarco: endorsing the "Fund Our Future" resolutions will help the big picture; the Select Board could pass Section 19 as it allows bargaining for insurance design changes with a six-year agreement; the MTA does not consider Section 21 "bargaining" because as long as the changes are reasonable, the union has to agree; Sections 21-22 say to follow Section 19 rules except that Section 19 is actual bargaining. Puleo wishes that Joe Shea/HGIT was present so she could hear both sides of the arguments for/against adopting Sections 21-22; Shea indicated that it is necessary to adopt Sections 21-22. Torres: per Shea, we need to start to make incremental changes in order to plan ahead and be prepared. DeMarco: the HGIT has been over reserved; the MTA will not litigate if you do not adopt Sections 21-22 tonight and put off your decision until he can provide the Board with more information. Torres to Puleo's question about timing: the hope was to adopt the sections by the end of January so the HGIT would know how many towns have done so. Torres: if the Board votes to adopt Section 21, you will not leave yourselves open to litigation. Makepeace-O'Neil: the Board has bits and pieces of information. Puleo: the Board does not have a narrative from both sides in order to make a decision; she does not want HGIT to suffer financially and does want to bargain with the teachers; where does it say that Sections 21-22 do not allow collective bargaining? Stein: how does adopting Sections 21-22 affect collective bargaining? DeMarco: our fear is that if you adopt, the Board will not bargain collectively. Torres: per the Town's labor attorney, sometimes unions and management get into gridlock; if this happens, there is a 30-day window to decide what is reasonable. DeMarco: once they have received the design changes, the union has 30 days

to meet with the Select Board; Sections 21-22 are an expedited process; the MTA offered Easthampton to waive our right to litigate; if the Trust makes the decision, we want to bargain over the impact. Puleo to DeMarco: you said that if we adopt, we cannot bargain? DeMarco, referring to Section 21 (e): the Trust has been a good deal; BCBS gives the Trust a preferred rate because they do not go out to bid. Puleo asks DeMarco to explain Section 21 (e). DeMarco: the Select Board notifies the union they are adopting Sections 21-22; the union then forms a “public employee committee”; once you receive the numbers from HGIT, you must give us the numbers and the panel decides how to handle the impact; we make the proposal then negotiate. DeMarco: if we do not agree, Section 21 (f) and the tripartite panel decide; the MTA is hoping to make an agreement with Easthampton that will serve as an example. Puleo confirms that per the agreement with Easthampton, they would not be adopting Section 21-22. DeMarco: collective bargaining agreements are good for three years; under Section 19, it could be up to nine years. DeMarco urges the Select Board to get up to date on HGIT finances. Torres confirms with DeMarco that he does not want the town to adopt Sections 21-22. DeMarco: the Select Board can always change their minds; you are supposed to adopt before the Trust votes, however, if you do not, we promise not to litigate. Torres: last year, the HGIT Executive Council voted before the full meeting. DeMarco: last year, one town did not follow the rules to inform employees about the design changes and did not adopt Sections 21-22 properly. Torres: last year, the HGIT held the premium price at the level it would have been with design changes and did not make any design changes; there was a sense that towns would be sued. Torres: HGIT urges towns to adopt using the right process; the goal is to bring the Trust into the future. At this point, DeMarco sends a copy of the Easthampton draft agreement to the Select Board. Torres: if the Select Board holds another meeting to vote, re-notices will need to be sent. Torres: the HGIT will vote at the end of January. Valentine: it seems as though the Select Board is being pressured to vote but there is no penalty to not do so? DeMarco: if not adopted by 1.31.19, the MTA could file unfair labor practices, however, we have no interest in going after the Town for not making the decision. Stein: we need more information. Torres: if you do vote, bargaining is not disallowed. Select Board members agree they need more time and plan to continue the discussion during their 2.12.19 meeting. Puleo moves the Select Board authorize Town Administrator Torres to represent the Town to the HGIT in Treasurer Ryan Mailloux’s absence; Stein seconds the motion that passes unanimously.

4. HRA Grant Process: Brian McHugh/Assistant Director Franklin County Regional Housing & Redevelopment Authority (a Community Development Block Grant program) reads the notice of the FY19 Community Development Block Grant Program (CDBG) public informational meeting into the record: “The purpose of this meeting will be to discuss and solicit public input into the Town of Shutesbury’s FY2019 Massachusetts Community Development Block Grant application. Local citizens are requested to attend and propose activities which the Town should apply for in this application”. Per McHugh: eligible activities must benefit low/moderate income people; because Shutesbury’s percentage of residents in this category is on the low side, 32%, this program would not have a town-wide benefit; it would need to have a direct benefit, i.e. a housing rehabilitation program for those who are income qualified. McHugh: Shutesbury receives 7 out of 10 points (for the 32%) on the scored application and, as this is a

competitive grant round, McHugh advocates for Shutesbury to partner with Wendell whose qualified population is 50.5%, 10 points; the composite score is weighted so Shutesbury's score would increase to 8; the total points to be allocated is 65. McHugh continues: if Shutesbury applies, the FCHRA will need to see how much is in the revolving fund account; when properties are sold the loans are repaid; these funds are then re-loaned; some projects have more administrative costs than others. McHugh will let the Select Board know Shutesbury's balance; generally, when there is less than \$50,000 in the fund, it is reserved for an emergency situation; there are currently nine people on the waiting list that has been refreshed recently; we never know when a payoff will come in and we are not designed for emergency cases; applicants need to be income qualified. Per McHugh: if new funds are granted, the waiting list would be processed first then advertising for more interest will take place. Puleo: does the rainy-day fund affect the new grant? McHugh: we did a wind shield survey of the housing stock; the grants are for 18 months and can be extended; 27% of the grant is for staffing; we feel it will be a stronger application if Shutesbury partners with Wendell who will be the lead town; the Wendell public hearing is scheduled for 2.6.19; FCHRA does the qualifying, inspections, and environmental review; the projects go out to bid and there is a recommended list of contractors; the bidding and contractor choice is the homeowners' responsibility; FCHRA sees the projects through and does the inspections; owners authorize payments to the contractors; there is a lead inspection for any house built before 1978. Puleo moves the Select Board join with Wendell for the FY19 Massachusetts Community Development Block Grant application; Stein seconds the motion that passes unanimously.

5. Town Administrator Updates:

- a. Although not previously arranged, the Highway Department is plowing Lot O32 for TriWire.
- b. Puleo moves the Select Board hire Gayle Huntress for the MLP Manager/Temporary Project Manager position; Stein seconds the motion that passes unanimously. Torres: this will be a salaried rather than hourly position.
- c. Per Torres, attending the MMA annual conference was worthwhile; the opioid session was very informative. Stein recommends Narcan be more readily available at town hall.

6. Committee Updates:

- a. Per Stein, the Lake Wyola Advisory Committee meeting has been rescheduled to February.
- b. Per Makepeace-O'Neil, the Emergency Management Team is looking into "Reverse 911" and a webinar about "Code Red", a possible "Reverse 911" product, will be scheduled; the use of ballistic vests with medical supplies, purchased from the EMPG, was discussed; the new chairs are great. Tim Hunting/Highway Superintendent was present for the discussion about the fuel level in the tanks at the Highway Department; the tanks were 25% full just prior to the recent storm; a pre-event check list, i.e. who will do what, may be a way to ensure the tanks are full in advance of a weather event. Torres emphasizes the need for her to be kept in the loop and that facts are correct; it has been ensured that the tanks are on automatic delivery. Makepeace-O'Neil: a check list will reduce contention; a memorandum of agreement

- for the purchase of emergency food and related supplies is being considered. Torres: it may not be necessary for the Town to maintain an open account.
- c. Puleo cites the Greater Springfield Area on Aging Advisory Board's initiative to train town employees to be more "aging friendly" and that she is willing to look into the training and whether it may be offered to Town Hall staff. It is noted that the Police Department is helping an elderly individual in a sensitive manner. Torres: the sexual harassment policy needs to be updated and an in-service held. Puleo: do our first responders have training for dementia related calls?
7. Prior/Future Items: Makepeace-O'Neil will compile the "Our Town" article; the three-month review for Police Chief Fernandes will be scheduled in February; the draft revision of the "Town of Shutesbury Special Event Permit Application" prepared by Makepeace-O'Neil will be reviewed for feedback.

Administrative Actions:

1. Statement of Interest/MSBA Roof Repair Grant: Torres explains that she is working with Bruce Turner/Director of Finance and Operations Erving School Union #28 on a grant application with the Massachusetts School Building Authority for a new roof on the Shutesbury Elementary School; support for the grant application is needed from the School Committee and Select Board. Stein moves the Select Board approve and support the following Statement of Interest:
"Resolved: Having convened in an open meeting on January 22, 2019, prior to the SOI submission closing date, the Shutesbury Board of Selectmen, in accordance with its charter, bylaws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated January 30, 2019 for the Shutesbury Elementary School located at 23 West Pelham Road, Shutesbury Massachusetts which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future Priority 5, Replacement, renovation or modernization of school facility systems. The Shutesbury Elementary School is asking for the replacement of the 35,000 square foot roof which is 25 years old and is currently leaking after continued attempts to repair and boilers that are 25 years old; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City/Town/Regional District to filing an application for funding with the Massachusetts School Building Authority.
Makepeace-O'Neil seconds the motion. There being no discussion, the motion is passed unanimously.
2. Select Board members sign vendor warrants totaling \$535,454.08.
3. Select Board members sign payroll warrants totaling \$95,688.70.
4. Select Board members sign Broadband warrants totaling \$41,021.91.
5. Consideration of the 1.15.19 Select Board meeting minutes will be carried over to the 2.12.19 meeting.

Due to the lateness of the hour, Select Board members agree to carry over the executive sessions for reasons #1 and #2, only for the purpose of approving minutes, to the 2.12.19 meeting.

At 10:03 pm, Stein moves and Puleo seconds a motion to adjourn the meeting; motion passes unanimously.

Documents and Other Items Used at the Meeting:

1. Draft Pioneer Valley Habitat for Humanity application for Community Preservation funding
2. Draft “Body-Worn Cameras Policy & Procedure No. 4.33” and “Civilian Ride Along Policy”
3. MGL Chapter 32B Sections 21-22
4. 1.22.19 letter from members of the Shutesbury Elementary Educators and Shutesbury Affiliated Workers
5. MTA’s “Fund Our Future” information sheet
6. “FCHRA’s Housing Rehabilitation Program” and “FY 2019 Community Development Block Grant Program Informational Meeting” statements
7. 1.21.19 letter of interest in the MLP Manager/Temporary Project Manager position and resume from Gayle Huntress
8. Draft “Town of Shutesbury Special Event Permit Application”

Respectfully submitted,
Linda Avis Scott
Administrative Secretary