

Shutesbury Select Board Meeting Minutes
May 28, 2019 Shutesbury Town Hall

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

Guests: Ron Meck, Joyce Braunhut, and Nancy Long/Dog Officer

Makepeace-O'Neil calls the meeting to order at 6:41pm.

Agenda Review: No changes are requested.

Public Comment: None offered.

Discussion Topics:

1. Pioneer Habitat for Humanity/Local Initiative Program Application: Torres reviews the "Community Preservation Act Grant Agreement" document with the Select Board. Puleo moves and Stein seconds a motion for the Board to approve and sign the "Community Preservation Act Grant Agreement" as amended; motion passes unanimously. Puleo moves the Select Board approve the "Local Initiative Program Application for Local Action Units"; Stein seconds the motion that passes unanimously.

Unanticipated Topic/Mass Cultural Council Grant: Stein moves the Select Board approve and sign the Mass Cultural Council Grant Agreement for the "Local Cultural Council Allocation for the Shutesbury Cultural Council"; Puleo seconds the motion that passes unanimously.

2. Historical Commission Candidates: Neither Craig Pepin or Mary Lou Conca, the candidates for the open Historical Commission position, attended the meeting. The Board requests Torres to contact the candidates and request their attendance at 7:00pm on 6.11.19.
3. Broadband Celebration Planning: The Select Board will initiate planning a celebratory event; various options and dates are considered; the tentative date is 9.14.19, the full harvest moon.

At 7:24pm, Puleo moves and Stein seconds a motion for the Select Board to enter executive session for reason #3, to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the government's litigating position, salt contamination lawsuit/Watkins and return to open session. Roll call vote: Makepeace-O'Neil: aye, Puleo: aye and Stein, aye.

Open session resumes at 7:37pm.

4. Town Administrator Updates:
 - a. Shutesbury Community Church special event application for a 6.22.19 tag sale: sign offs by the Fire Chief and Board of Health are pending. Stein moves the Select Board approve and sign the Shutesbury Community Church special event application for a tag sale 6.22.19. Puleo seconds the motion that passes unanimously.

- b. New water fountain for the Shutesbury Elementary School: Select Board members receive a letter from Charlie in Grade 2 requesting funding for a new water fountain that has a spout for filling water bottles. Stein moves the Select Board accept and appreciate the new water fountain designed by Charlie in Grade 2 and recommend funding by Capital Planning, if needed; the motion is seconded by Puleo and passes unanimously.
 - c. Administrative Assessor: The Board of Assessors will meet 6.4.19 to review resumes and the RFPs and, subsequently, make a recommendation to the Select Board; the Personnel Board met with the Assessors 5.21.19 about the comparison between hiring an employee to fill the position or hiring contract personnel. Torres is working on data to be used in this comparison.
 - d. Assistant Town Clerk: Torres and Town Clerk Susie Mosher interviewed candidate Grace Bannasch, a Shutesbury resident, on 5.24.19; Bannasch has good communication and computer skills and is thoughtful and caring about the town. An ad for the position was just placed in the “Roadtown News”, therefore in case other responses are received, Mosher would like to wait until 5.31.19 to hire Bannasch. Torres suggests planning a special Select Board meeting for 12:45pm on 5.31.19, just prior to the tree walk, to consider hiring Bannasch for the position of Assistant Town Clerk.
 - e. Broadband: On 5.24.19, the first “live” computer was set up on Shutesbury.Net in the Hut; there is more testing to be done before work on the drops begins in about two weeks; the plan is to begin at the lake where there is the densest population with the highest need and more residents are present during the summer months.
 - f. Lot O32/Conway School of Landscape Design: On 5.24.19, the students conducted a presentation for their faculty; the next presentation for stakeholders will be held 6.5.19 at 1pm.
5. Committee Updates:
Puleo refers to the “Establishing the State Action for Public Health Excellence (SAPHE) Program” document regarding modernizing the public health structure in Massachusetts and supporting House 1935/Senate 1294 to advance the goals identified by the Special Commission on Local and Regional Public Health. Puleo moves the Select Board endorse “Establishing the State Action for Public Health Excellence”. Stein seconds the motion that passes unanimously. Puleo notes that the “2019 Community Health Needs Assessment Results Briefing” will be held on 6.26.19 from 9:30 – 11:30am; the needs of Franklin, Hampshire and Hamden counties were assessed. Puleo will provide a report from this meeting.
LWAC: Torres attended the recent meeting to provide an update on the Locks Pond Road culvert project.
6. Dog Hearing/323 Locks Pond Road – Saleem: Makepeace-O’Neil calls the hearing regarding the dog at 323 Locks Pond Road to order at 8:05pm. Makepeace-O’Neil asks Ron Meck if he wishes to speak during the hearing and Meck states that he wishes to do so. Makepeace-O’Neil to Meck: do you solemnly swear and affirm to tell the truth, the whole truth, and nothing but the truth under the pains of perjury. Meck swears to do so. Meck: it seems the dog was ordered out of town and nothing happened; he heard from

Torres that there was a procedural error. Torres: the last hearing was held 10.23.17; at that time, new conditions were added to those set on 10.18.16 - the installation of a wildlife video camera with audio and that if a complaint of barking is made, the dog is to be removed from the premises within 60 days. Per Torres, there were no dog complaints until 7.9.18; the problem is that there was a plan to hold a hearing in April of 2018 to review conditions and, when that did not happen, Lori Saleem/dog owner argued that this hearing was not held; per Town Counsel Donna MacNicol, because the 4.23.18 hearing was not held, a new hearing needed to be held. Torres continues: the rescheduling of the hearing was delayed because Saleem was away and, subsequently, there was a death in her family. Torres to Meck's question: per MacNicol, a second hearing needed to be held to close the gap. Stein notes that the dog is not represented. Torres: the owner, Lori Saleem was notified and stated that her lawyer would be present to represent her. Meck: it was previously established that the dog is a problem and he assumed the dog was gone as did not hear it barking for a couple of months. Meck states that he is worn out by the process, so much so, that several times he did not call about the dog's barking. Meck is concerned that if the dog is not removed, the barking will increase again over the winter. Meck to Stein's question: he started hearing the dog again a couple of months ago during the late evening. The Select Board refers to MacNicol's 5.22.19 email "Re: dog hearing" for options. Puleo moves the Select Board recommend the dog Mocha be removed from 323 Locks Pond Road within 60 days; Stein seconds the motion. Torres to Stein: the Select Board can move ahead or close the fact-finding portion of the hearing and continue deliberation. The Board members agree to vote and unanimously approve the motion. Torres will follow-up with written communication to Saleem. Stein moves the Select Board approve a letter written by Torres to Saleem to be signed by the Makepeace-O'Neil/Chair; Puleo seconds the motion that passes unanimously. Makepeace-O'Neil moves and Puleo seconds a motion to close the dog hearing at 8:18pm. Nancy Long/Dog Officer arrives at 8:33pm. Torres provides Long with a summary of the dog hearing and that the Select Board is requesting the dog be removed from the premises of 323 Locks Pond Road within 60 days.

Unanticipated Topic/Changing the Date of Annual Town Meeting: Joyce Braunhut inquires about the status of her request to change the date of annual town meeting from the first Saturday in May to an alternate date. Torres explains that a survey was sent out earlier 5.28.19, via Town Announce, asking for residents' preferences for annual town meeting dates. Makepeace-O'Neil; the survey is requesting input from the town. Torres: a vote to change the date of annual town meeting from the first Saturday in May has to be made at an annual town meeting. Torres: the last question in the survey asks whether folks would be comfortable with the date changing from year to year; the timing of annual town meeting is relative to the fiscal year and budget process. Stein appreciates Braunhut bringing her concern about the date of annual town meeting conflicting with the annual Pride parade on the first Saturday in May. Torres will investigate if it is possible to change the date for one year. Braunhut points out that gay rights are a civil rights issue. Torres: the questions asked in the survey were per the Select Board's 5.14.19 discussion on the topic.

Administrative Actions:

1. Select Board members sign vendor warrants totaling \$74,531.33.
2. Select Board members sign payroll warrants totaling \$99,782.28.
3. Select Board members sign broadband warrants totaling \$13,664.08.
4. Puleo moves and Stein seconds a motion to approve the 5.14.19 meeting minutes; the minutes are unanimously approved as presented.
5. National Grid Tree Walk: Puleo and Stein along with Don Wakoluk will attend the tree walk with a representative from National Grid on 5.31.19 at 1pm.
6. Puleo reports that per Chuck DiMare/ZBA Chair, Herb Gilmore would like to fill the ZBA alternate position left vacant with David Dann's death. Puleo moves and Stein seconds a motion to appoint Herb Gilmore as an alternate to the Zoning Board of Appeals; motion passes unanimously.

At 8:43pm, Puleo moves and Stein seconds a motion to adjourn the meeting; motion passes unanimously.

Documents and Other Items Used at the Meeting:

1. "Community Preservation Act Grant Agreement for Pioneer Valley Habitat for Humanity"
2. DHCD "Local Initiative Program Application for Local Action Units"
3. Mass Cultural Council Grant Agreement for the "Local Cultural Council Allocation for the Shutesbury Cultural Council"
4. Special Event Permit Application: Shutesbury Community Church 6.22.19 tag sale
5. Letter from Shutesbury Elementary School Second Grader Charlie
6. "Final base map of Lot O32" by Conway School of Landscape Design
7. "Establishing the State Action for Public Health Excellence (SAPHE) Program" document
8. Documents relative to the dog hearing:, 5.28.19 MacNicol email "Fwd: hearing", 5.22.19 MacNicol email "Re: dog hearing", 5.17.19 Select Board letter to Lori Saleem, 10.30.17 Select Board letter to Lori Saleem, 3.6.17 Torres/MacNicol email "Re: Shutesbury Dog Hearing", 3.2.17 Draft chronology, 2.24.17 Torres letter to Saleem, 10.19.16 Select Board letter to Lori Saleem, 1.26.16 Select Board minutes regarding Dog Hearing, Police Chief Tom Harding "Dog Complaint History for 323 Locks Pond Road" 12.31.15 to 8.4.16, 10.11.16 "323 Locks Pond Road dog issue" memo from Mike Vinskey, and MGL Chapter 140 Section 157.

Respectfully submitted,
Linda Avis Scott
Administrative Secretary