

## Shutesbury Board of Selectmen Meeting Minutes June 3, 2014

**Members present:** Chairwoman Elaine Puleo and members Al Springer and April Stein.

**Members Absent:** None.

**Remote participation:** None.

**Staff present:** Town Administrator Rebecca Torres, Administrative Secretary Leslie Bracebridge.

**Guest present:** Selectman-elect Michael “Mike” Vinskey and Police Chief Harding, Fire Chief Tibbetts and Library Director Antonellis for their appointments as listed below.

**Chairman Puleo opened the meeting at 6:30 P.M. at the Shutesbury Town Hall.**

### **Appointments**

#### **6:35 PM Police Chief Harding:**

1. Bulky Waste Day: This Saturday, June 7. The Department has 2 officers working.
2. Expecting to hear from the Lake Wyola Association (LWA):
  - Chief Harding usually speaks at the annual LWA meeting about use of private fireworks.
  - The Department is staffing up for the Lake Wyola Road Race on this Sunday, June 8.
  - The Department is also staffing up for the July Beer Tasting event.
  - Chief Harding was called about a concern that private buoys going out beyond private docks are interfering with fishing rights. Chief Harding described the concentric use rings of the town bylaw at 75 feet for swimming and 150 feet for motorboats, and water and property ownership to the caller, who seemed to be satisfied with his explanation.
3. Chief Harding listed various recent events, some of which have demanded a lot of his and officer time, including heroin arrest, hit and run accident, multiple “family” cases, and also loose horses.
4. Chief Harding will speak with the Web Committee regarding resumption of police logs on the website.
5. Next week he will start nailing down the details on the new cruiser voted at Annual Town Meeting.
6. The Department has needed more money for vehicle safety maintenance, most recently for brake repairs, than was in the FY14 budget line. A transfer was made for vehicle maintenance, a second has been requested. Chief Harding anticipates unexpended funds at the end of FY 14 in the Police Department operations line.
7. A dog bite last night is being addressed by the officials involved. The victims are advocating the attacking dog, which was a rescue dog, not be euthanized.
8. A fine was issued following a barking dog complaint from the Lake area. Was the dog-owner over-fined? Chief Harding will follow-up with the officer involved as to how the amount of the fine was calculated and re-issue the ticket if the dog-owner was over-charged.

#### **Fire Chief Tibbetts:**

- Brought a 2014 Volunteer Fire Assistance grant application to the Select Board for their signatures:
  - Funding for the program is provided by the United States Department of Agriculture’s Forest Service and is administered by the Bureau of Forest Fire Control and Forestry.
  - Applications are due to the Massachusetts Department of Conservation and Recreation Forest Fire Control and Forestry Department by Monday, June 9.
  - Shutesbury has been awarded funding for these grants in many previous years.
  - Applicants bear the full cost (up to \$4,000 allowed) and are reimbursed 50%. Chief Tibbetts has prepared an application totaling \$2,790.75 for eligible materials, which he needs, and the town will receive the materials for half the price in the end.

**Selectmen unanimously voted to sign the 2014 Volunteer Fire Assistance grant application in the amount of \$2,790.75, with an anticipated reimbursement amount of up to \$1,395.37.**

- Chief Tibbetts shared information regarding how to receive federal surplus materials. He thanks Selectman-elect Michael Vinskey and resident William “Bill” Wells for getting the research started:
  - Unlike the Department of Conservation and Recreation (DCR) surplus property program, which only allows materials to go to the Fire Department and those materials must stay in that department or be returned to the DCR, the federal/state surplus property can go to any town department and once in use for a year, may be disposed of in any manner.
  - There are unanswered questions about the application and the process, including who would be designated as the town’s representative(s) for the purpose of screening and holding items of interest to the town. Chief Tibbetts advises that for controlled screening, just one person manage that part.
  - The application requires Select Board signatures when it is ready.
  - Becky suggests talking to other towns actually using the program to learn about different town process models.
  - The state contact person “Paul” recommends doing a screen print of the page with the desired item and number and attaching the screen print to an email request to “Paul,” who is the only person in the state who can “freeze” materials for Massachusetts cities and towns.
  - The town can request a “freeze” on an item, go look at it and then say “no thank you,” but probably shouldn’t do that too much if we want to be taken seriously.
  - The town should use caution in making purchases through the program, so as not to accumulate a surplus of unneeded items to be stored and maintained.
  - Towns can put in a “second reserve” on items already “frozen” by another town and if the first town declines, the item travels down through the line of towns that have put in requests.
  - There is a cost of 3% of the value of the item, and the cost to get it here:
    - Small tools could be sent via a UPS (United Parcel Service) account.
    - Big items such as a vehicle, the town would be responsible to get from there to here.
    - “Paul” recommends sticking to the Northeast region when screening for large items.
    - Finance Committee Reserve funds might work at first for those expenses. If we find the program works, we might want to have a small budget line.
  - If we are going to be involved, we need to be diligent. Repairs and storage are a big thing.
  - Chief Tibbetts offers to be the point person, or suggests Selectman-elect Mike Vinskey.
  - Selectmen will call a meeting with the Finance Committee and the Capital Plan Committee.
  - Mike: Wonders if a meeting is necessary yet. This is just applying for the program, not that we are going to select anything.
  - April: Suggests the need to bring everyone to the table, citing the value of collaboration with the other groups.
  - Becky: The more people that you bring to the table the more information you get:
    - Town Treasurer Voelker told Becky of New Salem’s experience of applying from 10 to a dozen years to the fire truck program, which in turn required the town to keep the matching funds available. Finally, their Finance Committee determined they no longer wanted to tie up the funds without use year after year, and asked the town to stop applying to the fire truck program.
    - Chief Tibbetts adds that there are a lot of other things towns must also do to comply with the mandates of the fire truck program: Fire-fighter driving courses, certifications that the town will continue to do certain things, annual audits.
  - The town doesn’t want to be blind-sided at the end, that the program costs something that wasn’t realized at the beginning.

- With the exception of “Hummers” and firearms, which the federal government never releases ownership of, and requires annual reports from the towns which are using them on, the only mandate on the remaining available federal surplus goods is that the town has to put the equipment into service within a year, and keep in service for a year. After that, the town can do anything it wants with the surplus property. (“Paul” won’t do “Hummers” and firearms anymore, as the paperwork is too much.)

**Becky will coordinate a meeting of the Finance and Capital Planning Committees with the Board of Selectmen to discuss the federal surplus goods program.**

**7:00 PM Highway Superintendent Tim Hunting/Pavement contract:**

1. Highway Superintendent Timothy “Tim” Hunting came to the Board to talk about paving:
  - The Leverett/Cooleyville/Prescott Roads project (LCP) was pitched to the town as a 20-year road and in this 5<sup>th</sup> year out Tim is not pleased with the condition of the pavement. There is typically no more than a 1 year “warranty” on paving.
  - The Franklin Regional Council of Governments (FRCOG) does our pavement bidding, and it is usually awarded to the low bidder. Tim distributed copies of the FRCOG bid results: Warner Brothers is the FRCOG low-bidder again this year, Palmer Paving is second lowest.
  - Warner Brothers paved the LCP.
  - Tim is running out of time to respond to the FRCOG relative to his interest in purchasing through the bid.
  - Tim is looking to pave Lakeview Road from the Leverett to Wendell town lines this summer.
  - The difference between using Warner Brothers and Palmer Paving would be roughly \$5,300.
  - Tim rode the LCP with a Warner Brothers representative who made the following observations:
    - i. There is no pattern to the potholes.
    - ii. Wondered if there had been a “tac-coat” between the base and the top coat. Normally with new work, which is what LCP was, they don’t generally tac because the base is brand-new and bonds very well. It doesn’t appear that a “tac-coat” was done on the LCP.
    - iii. The representative offered no good explanation for the condition of the LCP pavement.
    - iv. The representative doubts that Warner Brothers will do anything about its condition.
  - By chance, Tim subsequently ran into the manager of Warner Brothers paving division, and said that he wasn’t sure if Shutesbury would award to them this year, mostly because of the LCP.
    - i. The manager told Tim that the asphalt mix design is the state’s own formula, and that towns generally use a “tighter” design. The state design would have been used on the LCP.
  - Core samples were taken during paving. Does the state have the results of the core samples?
  - Becky: The contract was between the state and the company, not between the town and the contractor. There was a lengthy sign-off process for the LCP. Once the sign-off was done, the contractors were free and clear, so there is no way for the state to go back to the contractors now.
  - How would we have known that it would look like this in 5 years? How do we know what it will look like in 5 more years?
  - They said 20 years. Tim knows of no road that holds up for 20 years. Both he and the Warner Brothers representative would have expected more like 10 years.
  - It was an exceptionally tough winter.
  - We need to get it fixed.
  - The Warner Brothers manager hopes that we wouldn’t judge their work solely on the LCP.
  - We also had concerns about Pelham Hill Road paving by Warner Brothers. They got a replacement work screen from Caterpillar to address what they feel affected their work on Pelham Hill Road.
  - Tim wonders if they possibly used too much RAP (recycled asphalt product) on LCP. Both of Warner Brothers’ contacts denied that concept.

- The pavement division manager offered to Tim to come to talk with the Select Board.
- Tim has requested a week's extension with FRCOG on determining whether or not to use Warner Brothers for the Lakeview Road paving project, and feels it would be ideal if the meeting could happen before the choice is made. Palmer Paving is doing Rte. 202 and they have a good reputation.
- Do we want to spend an extra \$5300, or say that it was the state mix design?
- Becky talked to Meryl Mandell (former Shutesbury Roads Committee member and retired from a career in roads management and paving.) Due to the locations of the potholes, Meryl wondered if drainage and the prior road composition may be affecting the LCP pavement. To Meryl, there seem to be more potholes in drainage areas. Even if the town got core samples, and something could be proved, because of the sign-off, there's nothing to be done.
- We don't have to use the state mix design when LCP is repaved.
- Historically Tim has not had a problem with Warner Brothers.
- What does Tim recommend?
  - i. There's a lot of cracking, so it looks to Tim to be the mix.
  - ii. Tim was ready to go with Palmer, but after talking with the representatives, if it is the one road - LCP, and the town got \$2400 worth of Warner Brothers' service for free to make amends on the Pelham Hill Road ripples, coupled with the number of projects waiting to be done with limited Chapter 90 funds, though Tim has enough funds to cover the additional \$5300, he states that he is leaning toward giving Warner Brothers another chance.
- Elaine: Warner Brothers compensated for Pelham Hill Road, and they are the closest for asphalt pick-up.
- Tim: If the town does award to Warner Brothers, Tim will have a direct conversation with the manager and say we will try once more, but if there are any future problems, that will be it.
- Tim plans to put "hot mix" into the potholes on the LCP. It was recommended to Tim that he "tac" the holes before using the hot mix.
- The town also got an additional \$20,000 in "pothole" money from the state after the harsh winter.
- Tim states that the hardest thing with patching is the mix cools off too quickly. Tim is pricing a "hot box" that sits in the body of a one-ton truck, and keeps hot patch hot, and can keep cold patch hot when patching in the wintertime.
- We can crack-fill LCP to keep water out of existing cracks with the extra \$20,000.
- Selectmen agreed to invite the Warner Brothers pavement division manager who Tim spoke with, "Alan Chicoigne" to come to speak with the Selectmen.
- April voices her support to go ahead with Warner Brothers and she still wants to meet with Alan Chicoigne. Tim will arrange a meeting.

**On another topic, Tim has 16 truck-loads of ground up asphalt from the Rte. 202 milling:**

- Tim wants to put it on the gravel road hills to address washboard and wash-out: Sand Hill Road first, possibly "Task Hill" on Montague Road, and also the Wendell Road hills. Tim is not so much recommending it for the Baker Road hill, as that drains nicely down the sides.

**This year's summer projects include:**

- Replace the catch basin at Farrar and Lakeview Roads,
- Repair the Ames Brook culvert on Wendell Road. Tim is working with the Conservation Commission on this project. He hopes to work with W.W. Clark and finish the project in a day.
- Preparation and paving of Lakeview Road.
- Cut pine trees and shape the road bank on the second big hill above Pratt Corner Road on Sand Hill Road, in order to provide space for the snow from the plow to fall and remain off the road.
- Becky states that she has extra projects for the Highway Department that she will talk about later.

## 2. **Mary Anne Antonnelis – Kayak Grant**

- Mary Ann has applied for and received \$1,000 to start a library kayak loan program. She plans to purchase 3 kayaks and accompanying paddles and life jacket gear.
- She plans for the boats to be secured at the old town beach, and the life jackets and paddles will be kept at the Library.
- People will have to sign a release to borrow a kayak.
- There will be some way to make sure that people have enough knowledge to safely use the kayaks.
- There will be a policy and protocol in place modeled after “Paddle Boston”.
- Children will be allowed to participate with a parent.
- Will the program be covered by our insurance? Becky has had a brief conversation with Town Counsel MacNicol: UMass Boston and UMass Lowell have programs.
- Mary Ann has talked with the Friends of the Library, the Parent Teacher Organization (PTO) and members of the Conservation Commission and the Community Preservation Committee who are all excited about the revitalization of the Conservation area at Randall Road.
- The program will start this year, after Mary Ann arranges the Summer Reading Program.
- Mary Ann has also applied for a grant for a pre-school STEM program, which she is sure to get.
- Then Mary Ann wants to pull together a Recreation Committee to apply for a Community Preservation grant for improvements to the Randall Road property overseen by the Conservation Commission.
- Mary Ann planned to start with storing the kayaks on pallets on the ground. It was suggested that she speak with Ryan Regan-Ladd who might have some kayak storage suggestions for her.

## **Topics**

1. The Fire Station gas contamination report has not come in yet.
2. Conservation Commission legal issue – no more executive sessions:
  - All bills are paid to date.
  - All parties have come to the table to negotiate an agreement.
  - Outstanding executive session meeting minutes will be approved during the next executive session and then released as public.
3. Salt Legal Issue/possible executive session:
  - At 8:21 PM a motion was made and seconded to go into executive session for reason number 3 and not to resume open meeting: Springer – aye, Stein – aye, Puleo – aye.

## **Select Board Action Items**

1. Selectmen reviewed a draft Wired West letter from Wired West Select Boards to MBI (Massachusetts Broadband Institute) in support of H.3770, the IT bond bill providing \$50 million to the Massachusetts Broadband Institute for last-mile broadband. **Selectmen unanimously voted to sign the letter to MBI.** Becky will get it onto Shutesbury letterhead and make it available for the Select Board to sign.
2. Selectmen signed payroll warrants totaling \$93,621.78.
3. Selectmen signed vendor warrants totaling \$75,491.62.

## **Topics the Chairman Could Not Reasonably Have Anticipated**

1. A draft appointed officials list for July 1, 2014 is being prepared for the Board’s June review. There are 2 new requests from committees for new appointments. **Selectmen decided to make the appointments in advance of July 1, and unanimously voted to appoint:**
  - **Melissa Makepeace to the Memorial Day Committee, and**
  - **Michael DeChiara to the Broadband Committee.**

**List of Documents and Other Exhibits Used at the Meeting:**

1. July 1, 2014 chart of FRCOG asphalt bid results.
2. Draft letter for Wired West Select Boards to send to MBI.

The Select Board **adjourned to executive session at 8:21 P.M., not to resume open meeting.**

Respectfully submitted,

Leslie Bracebridge  
Administrative Secretary