

## Shutesbury Board of Selectmen Meeting Minutes July 29, 2014

**Members present:** Chairwoman Elaine Puleo and members April Stein and Mike Vinskey.

**Members Absent:** None.

**Remote participation:** None.

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

**Press present:** None.

**Chairman Puleo opened the meeting at 6:33 P.M. at the Shutesbury Town Hall.**

### **Appointments**

#### **Police Chief Harding:**

1. There have been no more breaking and entering (“B&E”) events in our town.
  1. The fear is that residents will become complacent and resume not locking their doors.
  2. The Department has received a higher than normal number of requests for house checks.
  3. Regional B&E’s are up; local officers are getting help from state police.
  4. Right now New Salem is investigating 2 breaks.
  5. The heroin issue has touched this town, and is fueling breaks in Hampshire and Franklin Counties.
  6. Officers Masiuk and Sawicki are distributing informational fliers door to door.
  7. The email announcement notice put out by the Shutesbury Police Department has helped to encourage neighbors to watch out for each other.
2. April points out the letter of thanks and praise to Shutesbury police officers from the Graeme Sephton:
  1. Chief Harding points out other good work of the Department officers that deserves praise also.
  2. Officers feel it’s their job, but it is nice to receive thanks and praise, and even nicer if people take the time to write or call the Select Board to thank and praise police officers.
3. There were no issues at the July 26 Lake Wyola Association Beer Tasting:
  1. Officer Sawicki reported he got thanks for being more visible in the Lake Wyola neighborhood.
  2. The weather put a damper on 4<sup>th</sup> of July festivities. There were more complaints of fireworks in the ensuing 2 weeks, both at the Lake and Montague Rd.
  3. This was the last year for Bob Thompson to organize the beer-tasting. He caps the event at 350 participants.
4. Selectmen scheduled the first meeting in August to interview a candidate for a part time officer position. Chief Harding would like to get the department back to the full coverage it used to be.
  1. Chief Harding has already interviewed the candidate and is investigating his background.
  2. A town resident will be invited to serve as a citizen interviewer.
5. There have been no problems at the Athletic Club (AC) since a motorcycle club event on Memorial Day, which brought noise and heavy traffic to the neighborhood and to the roads leading to the AC.
  1. President Paul Danielovich still sends the AC events schedule and estimated attendance numbers to Chief Harding in advance of events.
  2. There have been no complaints from residents about parking or noise.
  3. The motorcycle event had a lot of people and more than normal noise due to the bikes.
  4. Resident Al Springer reports there were over 200 motorcycles at the Club at one point.
6. It is hoped that the new all-wheel drive cruiser will be in by July 30<sup>th</sup>. Arrangements will be made to send the 2008 vehicle to the dealer to transfer the reusable police department parts before it is passed to the fire department.
7. The Explorer needs a new CV joint, which is deemed par for the course due to the rural roads. It has not been a high maintenance vehicle overall.

**Central Franklin County Veterans District Assistant Representative Al Springer** – Provided handouts regarding a proposed merger of veterans’ services:

1. Al brought Central Franklin County Veterans District Representative Ted Cumberledge to the Central Franklin County District Veterans Services July 28, 2014 meeting.
2. The meeting focused on the details of a proposed merger of the Central Franklin County Veterans District with Greenfield’s Veterans services, proposed to be called the: **Upper Pioneer Valley Veterans’ Services District**. Drivers for this change include:
  - Central Franklin County District Veterans Services Director Leo Parent will retire soon and Veterans Services Officer Mark Fitzpatrick will be leaving within a year.
  - The Massachusetts Department of Veterans Services mandates minimum staffing requirements for veterans’ services based on population figures. Very soon the District will need to add another full time officer.
  - Orange was looking at leaving the Central Franklin County District, which would put more financial burden on the other towns.
  - There was talk of joining services with Greenfield last fall.
3. District Representatives have talked with Senator Rosenberg, and Representatives Kulik and Andrews about the proposed merger.
4. The vote by the Central Franklin County Veteran Services District Advisory Board will be in September. If the Board approves the merger, Selectmen of each member town will have their final vote. If the town doesn’t agree to merge with Greenfield there won’t be another regional option.
5. The billing method will change: Right now it is determined by valuations of the towns.
  - The proposed method will be 50/50: 50% by valuation and 50% by population.
  - The chart on page 5 of the handouts shows that Shutesbury would pay \$741 more under the new formula, plus a 2% annual wage increase.
  - Employees would be paid out of the Greenfield town offices.
  - Greenfield will pay 56% and the other towns will pick up the rest
6. Greenfield wants 5 votes, and each member town will get one vote.
7. Select Board members may contact Tim from the Greenfield office directly with ideas or questions.
8. The Central Franklin County Veteran Services District Advisory Board voted last night to let the process go forward. There’s not much other choice.
9. The Commonwealth of Massachusetts Department of Veterans’ Services Secretary Nee has approved the proposed merger.
10. If other towns don’t agree to the merger, the remaining towns will have to make up the difference. Orange may choose to merge with Athol.
11. The Central Franklin County Veterans’ District provides support services for veterans of the 26 member towns: help finding jobs and benefits. Representatives will go to a veteran’s home if the veteran can’t get out. The new Greenfield office will have computers for veterans to use.
12. Any person who has served a minimum of 6 months active duty is considered a veteran.
13. Right now no one in Shutesbury is collecting benefits.
  - Veterans are aware of this program.
  - Fewer people know that benefits are also for widows of veterans.
  - Outreach is minimal.
  - Outreach fliers are available in the Town Hall hallway.
  - If Shutesbury had our own veterans’ services program, all employees would have to be schooled. There would be a salary and benefits for a 40 hour /week position and office space.
14. Al has requested the minutes of Central Franklin County Veteran Services District Advisory Board July 28 meeting.
15. Mike: Our options are limited: Either try to do it on our own or go with Greenfield

16. Al concluded: The question will come back to the Selectmen in September and the 1-year budget in October. We have to take care of the guys.

## **Topics**

1. **Review Select Board Meeting Schedule/Vacations:** September 9 is the state Primary. Meetings are frowned upon on election-day, though there is no statute forbidding meetings on election-day, so Selectmen will meet on Wednesday, September 10 at 6:30 PM.

- The September 23 Select Board meeting will be pushed up to September 16 at 6:30 PM; Elaine and April will sign warrants on 24th.
- The Tuesday October 7, and Tuesday 21<sup>st</sup> meetings will stay as scheduled.
- Selectmen will meet on Wednesday Nov. 5 and Nov. 18, and December 2 as scheduled. They will meet at 8 AM on December 16<sup>th</sup> and at the usual 6:30 PM on December 30.
- Payroll must go out on time due to other legal ramifications. Vendor warrants may have to wait.
- The Town Clerk can only sign warrants in emergency situations, when the Select Board membership is down. Vacations do not rise to the definition of an emergency: MGL 41:56.

2. **Discuss Select Board email address(es):**

- Mike requested an email address ending in Shutesbury.org rather than use his personal address for Select Board messages. He further requested all Select Board email be forwarded to him because he wants to see what people want to talk about to the Board.
- April didn't feel comfortable with Mike's Shutesbury.org email address because it hadn't been talked about as a Board.
- Mike: How the information gets to him isn't as important as that he gets it. He actually prefers that all 3 members get all emails that are sent to the Select Board.
- April: Wonders why not let the Town Administrator forward the emails.
- Mike wants to be sure that emails get answered.
- Elaine: While it may be desirable to see the emails she worries about violating Open Meeting Law by forwarding emails containing deliberation to a majority of Board members and explains that as the primary reason Select Board emails are all forwarded to the Town Administrator.
- April: Describes emails as different from citizens talking to Board members, in which case the information is not shared amongst Select Board members. She asks if there is another solution.

Mike: There may be a time when people want to talk to just one member.

Becky: Explains that is the reason not to have individual emails because members must represent the Select Board as a whole. Individual emails start to splinter the Board's ability to deal with information.

Elaine: That already happens when people call on the phone. We do get individual phone calls.

Mike doesn't know that he wants his personal email address used if it's a public record.

April feels the answer is that everyone just email to [Selectboard@shutesbury.org](mailto:Selectboard@shutesbury.org) which goes to the Town Administrator, the Town Administrator then forwards the emails to Board members and the Board members can respond to the Town Administrator. That's a public record.

April: Describes each Select Board member as 1/3 of "the mayor."

Mike: What is the problem with having an email on shutesbury.org?

April: Feels it forces discussion which is different from casually running into each other and phone calls.

Becky: When one speaks as a Selectman one is representing a board of 3. If the others have a different viewpoint then you have to go back and adjust: You're part of a 3-headed animal at this point.

Mike: Asks for credit not to speak for the Board without bringing a topic up with other members first.

April: Sees this as a start at institutionalizing something that could become something that was not originally intended.

Mike: Or it could allow us to be more efficient.

April: How?

Mike: Doesn't feel asking the Webmaster for an email address needs to be approved.

April: Disagrees. That's an example of something that really should be talked about here.

Elaine: Hypothetically, would April be more comfortable if Mike had Mike Vinskey at Shutesbury.org Gmail exclusively for Select Board business?

April: Shutesbury.org represents the town. It would be like sending letters out on town stationary. It implies it's from the town not from Mike Vinskey.

Elaine: The Regional School Committee members have addresses at arps.org.

April: Doesn't think it should be; the government could become more split apart.

Mike: wonders why is it easier if everything is filtered through Becky?

Becky: Objects to the word "filter" as she always forwards emails. She recalls that originally emails only went to the Select Board Chairman and the Town Administrator.

Elaine: Suggests with the quantity of email the Town Administrator gets, it would be more efficient if the Select Board.org emails automatically got switched over to all members and the Town Administrator.

Elaine: That only leaves the question of Mike wanting to be on shutesbury.org and April doesn't agree.

Mike: People have the option to email the entire Selectboard or just mine.

April: If Mike is the only one with a shutesbury.org address it gives a different weight to it. It's OK to have private conversations but April worries about emails forcing meetings.

Becky: Suggests not listing Mikes Select Board email address on the official town website.

April: If all emails go to all 3 of us, then public documents and conversations will be generated that will need to be preserved. Having a phone number is one thing. It's not a written document; one can be more candid. People feel freer to say things that they wouldn't say in public.

Elaine: If the email is Mikevinskey@gmail it is more you talking to another person versus mikevinskey at shutesbury.org.

Mike: Wants documentation of official issues.

**At this point in the meeting the computer battery dies and the minutes switch to transcription from handwritten notes.**

April: Suggests continuing as things are presently done and revisiting it in a couple of months.

Mike: Is uncomfortable with this as he wants the information.

Elaine: Most people wouldn't realize that their email to mikeviskey@Shutesbury.org is a public document.

April: The more we have these discussions the better.

Mike: Wants to know what people are thinking and looking for.

**Elaine: Proposes all Board members get a shutesbury.org address and all incoming emails get forwarded to everyone else. Board member requests for the content of any emails to be added to agendas be sent to Becky.**

**Becky: Suggests a statement on the website reminding people that emails are public documents.**

**April: Agrees to shutesbury.org addresses and that the system be re-evaluated in the future.**

**Elaine: Offers to create a statement as Becky suggests and asks Web Committee member Leslie Bracebridge to forward the plan to the Web Committee to implement.**

### **3. Shutesbury Well Project:**

- The bid request has been published and Becky has had 3 or 4 responses
- That things never went forward with an offer from Cinda Jones to use the Cows' established road to access the Lot O-68 site rather than cut a new driveway was seen by Mike as a missed opportunity for "community feel good stuff." (Interpretation by Town Administrator Torres from an email distributed in the Select Board packets: Mike called Cinda and found her receptive to the idea of the town putting one of the 4 test wells on Cows' property on a logging road close to the town's site. Mike wanted to save the cost of the Highway Department clearing trees. He wants the Water Resources Committee to change the location. The Water Resources Committee found it best to have the test wells on town property when possible.)

- The Water Resources Committee hasn't met, but things changed: Committee member illness, ability of Highway Department to construct the driveway in a couple of hours.
- Bidders walk at 4:30 PM tomorrow, Select Board members are invited to attend.

#### 4. **Gas Leak/Fire Station Update:**

- Becky has asked O'Reilly, Talbot & Okun's (OTO) Jim Okun to quote a temporary solution.
- Option #1 would cost \$6,000/year for monitoring the site and Department of Environmental Protection (DEP) required reporting. Plus there is an additional annual fee of \$2,000 to the DEP for a total of \$8,000/year. Option #1 is a must.
- Because Selectmen have previously sought aggressive treatment of the contaminated soil, Becky also asked OTO for a second, most conservative option, which would be another round of injections. That price came in at an additional cost of \$21,000, and if selected, might require a Notice of Intent to the Conservation Commission.
- Selectmen see a need to meet with DEP officials to hear their read on the newest reading numbers, and for new Selectman Vinskey to meet the DEP officials. Becky will set up a meeting.
- Thumbnail explanation given to Mike: Of the event causing the town to be aware of the underground contamination, the Immediate Response Action (IRA) and subsequent periodic reports to DEP and town efforts to achieve a completion report that says that the town has done everything that it can and now it is just a matter of monitoring the site.
- Because the town uses private wells rather than a public water supply, the town is held to reaching the very highest "drinking water standards" to be done. That could take anywhere from 20 to 50 years to reach full completion.
- The town has reached a place where it can achieve a temporary solution, due to previous removal of contaminated soil and previous injections under the fire station which were successful.
- A meeting with DEP officials would confirm if they feel that what we have done is enough. Previous meetings have found DEP officials to be very reasonable. They have seen the amount of work the town has put into clean-up.
- The site will keep oxidizing naturally. The town must continue reporting until drinking water status is achieved. The previous injection treatment was so successful drinking water status might be down to 7 to 10 years away.
- Meeting with DEP officials is a collaborative effort. They want us to reach a solution.

5. **Salt Legal Issue/Possible Executive Session: At 8:48 PM motion was made and seconded to enter into executive session for reason number 3: to discuss strategy with respect to litigation when an open meeting could have a detrimental effect on the litigating position of the public body and the chair declares so: Vinskey – Aye, Stein – Aye, Puleo – Aye.** Selectmen resumed open meeting at 9 PM.

#### **Select Board Action Items**

1. Selectmen agreed to postpone approval of the July 15 meeting minutes until the next meeting.
2. Selectmen unanimously voted to sign the September 9, 2014 State Primary Warrant.

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

1. The vote regarding regionalization was rescheduled from fall 2014 to Annual Town Meetings 2015 a number of months ago.
2. Selectman Vinskey requested two future agenda items: 1. A meeting with a group of citizens who call themselves the Group for Civil Communication and 2. the Select Board role in the budget formulation.
3. The Council on Aging is looking for a laptop computer that they can lock up for their med.-ride program. The laptop will be funded through their grant program.

- 4. Becky contacted Planning Board Chairman Deacon Bonnar concerning the May 16, 2014 application of Marcus Nolan for a license to buy, sell, exchange or assemble second hand motor vehicles at 361 Montague Road; Deacon feels that it is a Zoning Board of Appeals question.
- 5. Elaine notified the Select Board that the Emergency Management Team has added a new item to their regular agenda of requesting member reports of items and actions of pertinence to the Team.

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

- 1. Documents provided by Al Springer concerning Proposed Upper Pioneer Valley Veteran’s Services District.
- 2. July 28 email from James Okun to Town Administrator Becky Torres regarding options for Fire Station soil contamination clean-up options.
- 3. Unsigned September 9, 2014 State Primary Warrant.

The Select Board **adjourned at P.M.**

Respectfully submitted,

Leslie Bracebridge  
Administrative Secretary