

## Shutesbury Board of Selectmen November 8, 2011 Meeting Minutes

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

Also Present: Town Administrator Rebecca Torres, Administrative Secretary Leslie Bracebridge recording.  
Meeting opened at 6:35 P.M. at the Shutesbury Town Hall

### Appointments

**Police Chief Harding:** Was not present at the Select Board meeting.

### **Stephen Gaughan, Amherst Fire Department:**

- The Town of Amherst is trying to complete the EMS Service Zone Plan Application that the state Department of Public Health (DPH) sent out for towns to complete in 2004. Along the way, forms have changed, responses made have not met the needs of the DPH, and sometimes completion of the application has been set aside to accomplish other things.
- More recently, an incentive to complete the application has arisen: First responder services (such as Shutesbury's) will be able to carry and administer EpiPens once the applications are complete and the program is up and running. (Chances of survival are increased by early use of an EpiPen.)
- The form is not a "good fit" for the smaller communities of Western MA.
- The ultimate goal of the EMS Service Zone Plan is to provide for stability in larger communities with nursing homes and assisted living communities.
- Emergency Management Director and Fire Chief Tibbetts was not able to be present tonight because of another meeting so Becky reported his comments:
  - Personnel and name spelling corrections were made.
  - The Operation (Start-End) column on the Chart on page 16 will be changed to "part time with combination/Massachusetts State Police."
  - On page 24, the Operational Plan for EMS Response makes no mention of the presence of fire personnel; perhaps it is presumed. That fire personnel are always called and are always present will be spelled out to clarify the Plan's wording.
  - Review of Part C Section 1 response times: Times were formulated from past response records.
- Stephen will make the changes and get the application back for Select Board signatures.

**Selectmen unanimously voted to approve and sign the EMS Service Zone Plan Application once the suggested changes have been incorporated.**

### Topics

#### 1. **EMS Service Zone Plan review with Select Board:**

- See Appointments with Stephen Gaughan above.

#### 2. **Sugarloaf Mountain Athletic Club request for 10 mile road race Feb, 25, 2012:**

- Selectmen received a letter from the Sugarloaf Mountain Athletic Club requesting permission to use a section of Pratt Corner Road, Cross Road and Cushman Road for a February 26, 2012 10 mile Road Race. **Selectmen agreed to permit the Sugarloaf Mountain Athletic Club to use those roads for their event.**

#### 3. **Fire Station gas cleanup/OTO's latest chemical oxidation ("chem.-ox") proposal:**

- Shutesbury's Licensed Site Professional (LSP) O'Reilly, Talbot & Okun Associates, Inc. (OTO) have suggested a milder form of chem.-ox is less expensive than the method suggested at the October 24 meeting in Springfield, and it only requires one application.
- Selectmen need to receive more information on this method and a scope of work to go out to bid.
- Town Administrator Torres has received from the Department of Environmental Protection official Ben Fish a list of 8 vendors which do chem.-ox treatments.
- OTO's LSP Jim Okun has stated that he cannot guarantee the results of anything proposed. The most reliable method is when you dig out from the source.

- It was clear at the October 24 meeting that DEP will not “just let it sit;” they want remedial action.
- Selectmen recollected that at the Springfield DEP meeting previous to Oct. 24, we were through.
- The best we can get is a temporary closure which would cost \$500 in DEP fees and tests totaling \$2000/year.
- Representative Kulik’s Aide Paul Dunphy called about making an appointment with the University of Massachusetts (UMass) Amherst’s Dean of Natural Sciences Steve Goodwin whose department is working with the federal military on new treatments for gasoline, specifically benzene.
  - Paul Dunphy is working to get an appointment with Steve Goodwin to discuss:
    - An enzyme that attacks Benzene.
    - UMass has contracts with the U.S. Navy to use this method of clean-up.
    - Could this method be used in Shutesbury?
  - Steve Kulik’s office is pushing for UMass to try the treatment “pro bono.”
  - Selectman (and a UMass Associate Dean herself) Elaine Puleo: Spoke of a one-day/month option for UMass staff to do volunteer work in the community and still get paid.
    - Elaine knows Steve Goodwin, feels this is a possibility and offers to be involved.
    - Elaine will be happy to be in a meeting with Representative Kulik’s office and Dean Goodman. She offered to contact him internally through UMass.

**4. Disaster Recovery Plan and Survey/Review, do we want assistance from the Franklin Regional Council of Governments (FRCOG):**

- **Tabled to the next meeting. Becky will review with Chief Tibbetts.**

**5. Highway Complaint – from 441-443 Wendell Rd:**

- People on downhill side of Wendell Road need to contract their own contractors to create berms on their property to block roadside run-off just as residents do who live on other town roads.
- The drinking water well at 441-443 Wendell Road is close to the house and in a low area.
- Highway Superintendent Tim Hunting actually removed less than a pick-up load of material early in the year, which helped to relieve a large puddle that ices up the entire entrance to Wendell Road for the winter.
- It is presumed that the property owner thought the town trucks had been there more recently due to truck tire ruts left by a tree trimming truck that had been parked there. The tree-trimming tire ruts could also have contributed to the roadside runoff.
- Becky will write a letter encouraging the property owner to make repairs to her property
- Many, many people had standing water in their yards during this exceptionally wet summer and also after Hurricane (turned Tropical Storm) Irene.

**6. Library Building Committee Charge:**

- Selectmen took no action on a request to approve a New Shutesbury Library Building Committee charge at this time.

**7. All Boards Meeting:**

- Is January a little late for an All Boards meeting?
- Becky suggests that more budget information will be available from the state at that time and that Selectmen just think about calling an All Boards Meeting.
- Sometimes All Boards Meetings have a specific topic: If the budget goes completely crazy in January we might want to focus on financial.
- Selectmen may focus in on a date and topic at a future meeting.

**8. Annual relicensing for Shutesbury Athletic Club (SAC)**

- Becky will look into where the SAC stands on local taxes; the status of state taxes is not public information.

- The local bylaw concerning late payment of local taxes states that the party must be late for 12 months before a license can be denied.
- Chief Harding does not have any changes for the Memorandum of Understanding (MOU) at this time. He will let Selectmen know by the November 22 meeting if he has a suggestion for change.
- Elaine would like an update from Chief Harding on Police Department progress with getting a monthly schedule of SAC events.

9. Selectmen received a copy of **Superintendent Wickman’s letter of support for Representative Kulik’s Charter formula revision (House Bill 3597).**

**10. Use of Town Hall under Campaign Finance Regulations:** A request to use town hall by a group of citizens who are opposed to the Proposition 2.5 debt-excluded override vote requested use of town hall to hold a meeting. Use was denied based on Campaign Finance statute that states that municipal resources cannot be used to promote a vote on an election.

### **Select Board Action Items**

1. Selectmen unanimously voted to approve personnel action forms for Paul DeMarco and Jason Viadero as Fire Department Fire Fighters.
2. Selectmen signed vendor warrants totaling \$72,047.11.
3. Selectmen signed payroll warrants totaling \$82,434.60.
4. Selectmen unanimously voted to approve the October 11<sup>th</sup> and 25<sup>th</sup> meeting minutes as written. Approval of the October 24<sup>th</sup> meeting of the Select Board, the Department of Environmental Protection (DEP) staff and Licensed Site Professional Consultant James “Jim” Okun meeting was tabled until the next meeting.

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

1. **Walk-in: Resident William “Bill” Wells:** Stated, “What happened at town meeting was fiscally irresponsible; not letting people speak for more than a couple of minutes; and especially not letting voters know more about how much we owe and how much we still have to do.”
  - Elaine: 2 minutes is not enough, but no one was cut off. We got to 9:30 PM there has to be a balance.
  - Bill: This was the second time the library got to show their presentation; other people didn’t get to speak.
  - Bill: 1. Had been told that \$450,000 was needed in free cash to pay bills without borrowing to cover the time between incoming revenues/taxes and invoice due dates. We do have it in free cash, the question is, do we want to use it and borrow? No one in the town would want to drain ourselves of too little free cash.
  - Bill: 2. “The other question asked of the town treasurer was the OPEB question: People in town don’t know we owe \$719,000 and then they turn around and vote for a library.”
  - Becky: 1. Regarding the \$450,000, it’s a cash flow item, you represent it as something spent.
    - If it’s not appropriated, it’s the town’s to use.
    - Other towns: Greenfield, Hadley and Pelham just spent all their free cash: They don’t have concern about the timing. We should look at how we handle it.
  - Bill: No matter the town needs the money to clear the checks.
  - Becky: That takes two weeks. Checks clear faster than they did.
  - Elaine: A lot of people pay taxes early.
  - Bill: We have delinquent taxpayers.
  - Becky: As of the date of your letter (10/24/11) we had 99.5% collection.
    - For fiscal 2011
    - Ellen McKay is an excellent tax collector.
  - Becky: Also uncomfortable with representation of OPEB.
    - We are thoroughly within regulations:

- Right now there are only reporting requirements to make people are aware of their future responsibilities, and encourage them to plan for them.
- They (DOR) are starting to encourage towns to fund OPEB:
  - a. Pelham put in \$150,000 not \$200,000 as stated in the letter.
- Becky: I've tried to engage you in what you were thinking about.
  - Free cash interpretation (discussion at the flu clinic) didn't make sense: Your presentation lists \$450,000 as spent; it's a cash flow issue only. The money is not being spent but you list it as a capital item that needs funding in 3-5 years.
  - Those numbers have half truths in them.
  - You asked specific questions; you didn't tell the whole picture. It doesn't add up.
- Bill: If it wasn't right how come Treasurer didn't correct the \$719,000 when it was brought up at town meeting?
- Becky: Because the \$719,000 is the OPEB figure on record, but it is long term, not owed for 20 years:
  - Right now we have 8 retirees. They are already within our actuarial tables.
  - We may not have funded the trust fund but we are already funding the "other benefits" with cash and will be funding up a trust fund through the years as we go.
  - It's not today's liability, it is a future liability.
- Becky: Gabe's (Town Treasurer Voelker) budget request was for the first time last year.
  - Gabe's (Town Treasurer Voelker) withdrew the request because we had to fund up health insurance. At no time has the finance committee ignored a request OPEB.
  - There is no legislation to lump fund (OPEB).
  - The state is going to require towns to fund up because they are very nervous about Governmental Accounting Standards Board (GASB) 45. The state is encouraging towns to start funding GASB 45 and OPEB.

**Selectmen invited Town Treasurer Gabriele Voelker to join the discussion:**

- Gabriele Voelker: The "arc" is \$719,000.
- OPEB statement that we paid to have done is an actuarial liability of the lifespan ultimate cost of health insurance; if you put that money in the bank the earnings will support what it costs you so you do not have to fund it.
- **Gabe:** Has not explained that at town meeting.
  - It is not yet mandated.
  - Has started talking about funding it and last year was the first year she asked for funds.
  - In 2008 she requested \$6,000 of the Finance Committee to pay for the actuarial study.
  - We had to have the actuarial study done by 2010. Shutesbury was the first town to have it done and it will be updated in 2012.
  - We are going to have to fund this and we are going to have to start putting this money away.
  - The \$719,000 grows and changes every year.
- Elaine: This year \$50,000 and funding the 8 retirees out of our budget: It offsets to a certain extent.
- Gabe: But you are paying as you go: 80 years from now, you're still going to have to fund that every year.
  - You're paying as you go now knowing new people are coming onboard.
  - As long as this person's retirement stays in our budget, then we're paying to fund them.
  - The point of OPEB is not to keep them in the budget: In 15 years the goal is to fund them from the OPEB trust fund.
  - Instead of paying that out now we should be putting it into OPEB for the people who haven't retired yet.

- Bill: The purpose is so that if the town is in financial trouble the people continue to receive insurance coverage.
- Gabe: The reason OPEB is growing and is an unfunded liability is because I'm replacing new employees and retaining retirees.
  - We need to get out of the position of funding as you go.
  - It's going to require time.
  - You can play algebra games with it.
  - What you are not solving is that during the retiree's life that person will be replaced by new employees.
  - If we put \$50,000 in a year...
  - We are changing the retiree health package: My hunch is that when the actuarial study is redone it will be over \$1million.
  - I really feel we need to start putting something away for OPEB to be fiscally responsible.
- Becky: We're doing it in a timely manner.
  - We have the warrant article language for 2 articles to take to Annual Town Meeting, one to establish the OPEB Trust Fund and the second to fund it.
  - We gave out packets at the last Finance Committee meeting:
    - They have not had a discussion on the dollar amount.
    - It's not a million dollars we pay this year. The goal is to start to pay into the fund, establish the investment account, to make it self-sustaining in the future.
- Bill: If the state requires us to put money aside...
- Gabe: The state is saying we had to have the actuarial study done.
  - The state could say: We're telling you for 4 years it's coming down the road,
  - At some point they're going to say you had 8 years to do something about it.
  - My job is to be a good steward about our money.
  - That's why I started talking about it before all of a sudden we have a big bill.
  - The government changes all the time.
  - How long are they going to give us?
  - I'm thinking: let's look at the \$719,000 and build it into the budget.
  - If it's easier to go to 20 years, we need to put \$30,000 away every year and when it starts accumulating we hire a company to invest it wisely because CD's are not going to work.
- April: Your planning is thoughtful and the best we can do.
- Gabe: At some point we're going to "arc": This money you put away, we will use the interest to pay some of it (retire benefits) to take us after the budget.
  - This is a long term thing that you have to commit to.
  - I've reviewed it every year.
  - I originally asked for \$10,000 last year.
  - Now I have re-thought it for this year and \$50,000 makes more sense.
- Becky: Massachusetts has some positive economic things starting to happen.
- Gabe: New Salem has started putting away and they're not in good financial shape. Other towns are doing it. It's something everyone is really trying to get onboard with.
- Bill: A lot of people are very concerned and could have to leave town due to taxes.
  - A foreclosed \$350,000 Shutesbury home did not receive a single bid on the \$150,000 minimum bid.
  - Foreclosures are going up across the state.
- Becky: The problem with your letter:
  - You put a lot of information together to scare people.

- I felt ½ was inaccurate: You put the full cost as to what has to be paid in 3 to 5 years over \$5 million.
- We have to borrow within 3 to 5 years to get started on the library.
- Becky: We pay for it over 20 years, not 3 to 5 years.
- You presented it in a way that scared people:
  - I was taking calls from people who were scared by your letter.
  - All the people are confused by misrepresentation.
  - At a time like this, the one project that means the most that provides to everyone is the library.
  - Library use is up 50% across the country. Libraries provide services, internet access, job search information, resume writing support to those hurting in this economy.
  - The final cost in the budget, compared to all the other things on the tax rate is very small, 3% declining to 1% of the budget using the most conservative figures possible.
  - People share your concerns for those who are struggling, but those who are struggling are also people who benefit most with a new library.
  - How does a community provide for all the services? The whole budget should have been reviewed at this meeting. Why wasn't it? The taxpayer needs to know about all costs, now and in the future to make this decision.
  - The letter was a smear of the Finance Committee. It discredited committees and officials, all of which voted 100% to support the project. You claim that town officials mislead voters. That the Finance Committee, Capital Planning Committee and Selectboard were giving support to the library project under false circumstances. Your letter infers that the town is not in a good financial condition and that our financial officials are not planning for the future. You say we have \$5 million in current, 3-5 year obligations and our financial people are hiding that information from you.
  - I would love to go through the full capital plan (with Bill.)
  - Looking at those growth costs and without any increase, that's what it is.
  - There is a lot of capacity for capital opening up as we pay off loans.
  - It was 1.5 hours meeting with Capital Planning Committee.
  - You are taking fragmented questions to different people.
  - Your summary grossly misrepresented our financial condition.
  - Financial people were not given a chance to respond.
- Bill: No one ever mentioned to the townspeople that there were other costs.
- Becky: George went through a detailed description of where our capacity is.
  - The Annual Town Meeting (ATM) goes through the full budget.
  - This wasn't ATM this was a specific special town meeting.
  - The library gave a presentation because many people who came to this meeting had not heard it before. The subject of the meeting was the library and the presenters did all the work on the library.
  - You got a chance to make your statement and then you made your decision.
- Bill: A lot of people were not able to get to the meeting.
- Becky: The road being blocked off at 4 in the afternoon to the surprise of everyone.
  - I got three complaints the next day: 3 people went home.
  - Most people walked in.

- I was running out watching, doing the traffic counts, checking for lights. The meeting was delayed for 25 minutes to accommodate the heavy traffic.
  - The police were attempting to do the best service they could upon learning that Leslie was printing up extra ballots. That's the first they knew.
  - The no-parking signs really didn't help.
  - We've never had problems before.
- Becky: The parking situation affected everyone the same.
  - April: We wanted everyone to be represented.
  - Becky: Would love to have more conversation about financial stuff.
  - Bill: The 2.5 % increase just raised your tax rate.
  - Becky: The tax levy increases by 2.5 % every year.
  - Bill: Would like to see where payments are coming from if not to be borrowed.
  - Becky: Taxes go up because of the pressures we all face. Prop 2.5 allows the town to pay for increases in electricity and fuel costs keep going up.
  - Becky: Instead of using free cash to balance the budget we're trying not to use free cash from the budget to keep the budget under control. We've been very conservative holding people to 0% increase for 4 years, not 2 years as in your letter.
  - Gabe: The school doesn't count; because it is debt excluded, the school goes away.
  - Bill: Where is that money?
  - Becky: The school drops out of our tax rate. If you look at the annual budget presented at annual town meeting, the yellow sheet, you will see a separate debt excluded section, when you calculate and below it is the debt exclusion when paid off, it disappears.
  - Al: Once the principle is paid for, you're not giving it back to the tax payer.
  - Becky: We are giving the money back to the taxpayer every year until it is fully paid off.
  - Becky: Debt exclusion goes away permanently.
    - Appropriations are within the tax levy.
    - That's our debt capacity and we're managing it by putting money into stabilization.
    - We won't have to ask for more money if we need something.
    - The plan is that we are working very hard to live within what we have.
    - So it was crushing to see the letter dismissing the work the financial people had done.
2. **Selectmen received a letter of praise for Police Department Sgt. Wall** for his kind actions and assistance to a woman who had skidded off Cooleyville Road during the October 29-30 snowstorm.
  3. **A request for use of town Common for Morris dancing on Saturday, November 12 in honor of Roger Cartwright who passed away was unanimously approved.**
  4. **Selectmen unanimously voted to approve and sign the annual Executive Office of Elder Affairs COA formula Allocation Budget application for FY 2012.** Unused funds from last year may be taken back, or may create an accumulated amount of \$5,000.
  5. **Following the report of the results of the day's Special Proposition 2.5 Debt Excluded Override Election: Yes: 382, No: 423, Blank: 2,** Becky returned to the Select Board meeting having met the Library Director and Chair of the Board of Library Trustees in the hallway. They were asking what happens next?". Becky brought the question to the Select Board, "Will there be another debt-exclusion vote, as allowed by law?" Becky explained that if there is not another debt exclusion vote the town will have to revote the whole project. Because of the importance of the question, and because the topic was not on the agenda, Selectmen agreed to meet to discuss the question at a special Select Board meeting on Monday November 14 at 7:30 AM.

The Select Board **adjourned at 9:28 P.M.**

Respectfully submitted, Leslie Bracebridge, Administrative Secretary