

Shutesbury Select Board Meeting Minutes
December 15, 2015 Shutesbury Town Hall

Select Board members present: April Stein/Chair, Mike Vinskey, and Michael DeChiara
Staff present: Becky Torres/Town Administrator; Linda Avis Scott/Administrative Secretary

Guests: Tom Williams/ZBA; Jeff Lacy, Deacon Bonnar, and Jon Thompson/Planning Board; Sarah Clark/Clark Auto Wrecking; Jim Aaron/60 Macedonia Road and Jim Hemingway/318 Locks Pond Road

Meeting called to order at 6:31pm by Stein/Chair.

Agenda Review: DeChiara suggests discussing the 1.5.16 meeting agenda

Public Comment Period: no attendance

7:00pm: Review List of Volunteers and Appoint Master Plan Working

Group/Visioning Project with Planning Board: Bonnar: the list of volunteers was compiled from those that called either himself or Torres; they did not seek additional volunteers or cast a wider net; these are folks who have volunteered to be members of the group. DeChiara: no one on the list has children in the elementary school. Torres and Vinskey share that they each spoke with parents however no one volunteered. Bonnar: further appointments could be made in the future. Stein: how many Working Group members will there be? Lacy: the advisor suggested nine; there are ten on the list and in our write-up, we suggested nine-fifteen members. Vinskey: Brad Spry was interested in being on the committee. DeChiara: did they talk with Jessica Carlson-Belanger about prospective parents for group? Vinskey: do you want to look for more members or start with those that have volunteered? Torres: folks are asking why they have yet to be appointed. Thompson: others can still be appointed. Vinskey: once appointments are made, will you plan a meeting? Lacy: yes and we can add others who are interested up to a total of fifteen. A Select Board motion is made and seconded to appoint the following individuals to the Master Plan Working Group: Mary Anne Antonellis, Michele Cunningham, Nancy Dill, Bob Groves, Al Hanson, Dale Houle, Dave Kittredge, Jeff Lacy, Meryl Mandell, and Mike Vinskey; the motion is passed unanimously. Vinskey nominates Brad Spry for Working Group membership. All members of the Select Board agree to add Spry to the list of members pending his confirmation. DeChiara suggests more outreach to elementary school parents. Lacy: the consultant gave pro bono advice. Bonnar: after the Working Group starts, the consultant will be determined. Lacy: the Scope of Services describes the tasks we will follow. DeChiara: what does it say about town outreach? Lacy: reads this section of the Scope of Services into the record. DeChiara requests that time to be planned for the Working Group to report back to the Select Board.

7:30pm: Clark Auto Wrecking Class III Permit Renewal: Board reviews license renewal documents: Application for a License to Buy, Sell, Exchange or Assemble Second Hand Motor Vehicles, Workers' Compensation Insurance Affidavit, and Town of Shutesbury Annual License Information Form. Sarah Clark states that Clark Auto Wrecking is in compliance and there have been no complaints that they are aware of; business is slow and status quo; they did not crush this year; Interstate Batteries picks up batteries on a regular basis. A motion is made and seconded to approve and sign the Clark Auto Wrecking Class III Auto Dealer License to be effective January 1, 2016. All members of the Select Board approve the motion and agree to sign the license. License renewal fee of \$85.00 is received.

Clark asks for an update on the proposed solar project. DeChiara: the access driveway location has been changed; explains that the public hearings on the proposed project are still open. Stein: explains that the Select Board does not have authority over project permitting; suggests attending the Planning Board 1.4.16 and/or Conservation Commission 1.14.16 meetings.

8:00pm: Broadband/Wired West/MBI Status: Stein: at the 12.14.15 MBI public hearing in Greenfield, there were seats for 100 and there were at least another 100 folks outside who were unable to be seated. Hemingway: surprised that MBI did what was necessary despite the rancor in the room; doesn't have a clear picture of what will happen next; the MBI report is very well written and concise in pointing out what is wrong with the WiredWest (WW) plan; WW was represented; Michael Morgenstern/Wipro Technologies, MBI's consultant went through his report on what he thought was wrong with WW; WW did not seem to be listening to Morgenstern. Vinskey asks Hemingway if he read the report on WiredWest by CTC, the group hired by WW to do a third party review; the CTC report cited some issues with the business plan however stated that the plan will work while the MBI Wipro reviewer says it won't. Hemingway: has not read the CTC report. Williams: has read the CTC report and based on the assumptions WW provided, the plan will work. Torres: CTC has a good reputation in the industry. Williams: it is his opinion that CTC did not delve into the assumptions. Torres: WW modified their plan based on CTC's input and CTC then corrected their report based on the new information. Williams: so we are left with two differing reports. DeChiara: we need to have something that is future proof and reliable; the WW design is based on a quality infrastructure owned by the towns; let's have constructive criticism to make the collaboration better. Vinskey states that he is hoping MBI and WW review both reports together. Hemingway: it does appear that WW will make substantial revisions based on the MBI report. DeChiara: MBI's objection is town ownership. Stein: the MBI lawyer (Elizabeth Copeland) stated publicly that WW is town owned. Hemingway: it seems MBI wants to see small regional cooperatives; MBI is moving ahead with construction. Stein: who is doing the construction? Hemingway: MBI; they put out an information call last summer and only four towns responded and these towns are on the frontline of construction; we don't have to break with WW, though Shutesbury should move forward. DeChiara: MBI is holding out bait such that if towns don't come forward, they will loose out. Torres: as a member of the WW Executive Board, the MBI letter was a complete surprise; Elizabeth Copeland did not, in any way, indicate there was a problem with the

WW agreement. Stein: Copeland was in support of WW; a year ago, the meeting with MBI was supportive. Torres: once Nakajima joined WW, there was a change in direction and in July of this year a brand new policy statement was issued. Torres: the question is why the policy changed and who made the change? Vinskey: you could ask those questions or adapt WW and make changes. Hemingway: thinks Nakajima is acting in the best interests of the towns; recommends making adjustments in order to get the network built. Vinskey: has concerns about WW as it sits now; as a Select Board member, he will have to make a decision. DeChiara: we need to talk with our legislators; MBI could never have gotten the towns together in the way WW did. Stein: it is our WW model and monies will come back to our towns; in another model, we loose control. DeChiara: as soon as we loose our leverage, we will be at a financial disadvantage. Stein has faith in the ability of the people who developed WW. Torres states that she spoke with Morgenstern after last night's meeting; MBI was asked to cancel the meeting in Worthington and sit down with WW; WiPro made some assumptions, i.e. seasonal residents and figures based on cell phone service in Boston, which are flawed; there is very limited cell service in the hill towns; WW has made adjustments and responded to critique along the way; we can rationally work through this; last night's space issue was troubling as MBI did not respond to requests for a larger space. Williams: does it make sense to sign the WW operational agreement by 1.9.16? Torres: the draft will be reviewed for the fourth time by the Executive Board on 12.29.15; the document has been reviewed by our Town Counsel and Koppelman and Page; at this point, WW will not bring the document forward until there is some resolution with MBI. Vinskey: if towns were to negotiate with MBI on their own, such an agreement with MBI would have to be examined closely. DeChiara: MBI doesn't do network operation; they will match you with a private company or Holyoke Gas & Electric. Hemingway: the four towns that sent in the form to MBI have started the process, we should submit this form to MBI; thinks Colrain has moved the farthest along. DeChiara states that he is not ready to sign the form; in a prior meeting, Nakajima acknowledged his responsibility to legislators to move forward with a regional approach. Vinskey asks DeChiara to clarify. DeChiara states that he is not willing to engage in a discussion about working with MBI directly; acknowledges that WW is willing to adjust. Torres: at the last Wendell meeting she attended, Wendell had just had a call with Nakajima who reviewed the potential to build with those four towns (Wendell, Colrain, Otis, and Alford); Wendell's Broadband committee has not made a decision; they have not signed a Memorandum of Agreement (MOA) with MBI. Stein states that she spoke with a woman from Colrain who supports WW. Hemingway: every town has folks on both sides. Torres requests that Hemingway present correct information because incorrect information doesn't help us make decisions. Vinskey: WW will meet and determine what needs to be done then we will review. DeChiara acknowledges the work of Shutesbury's Broadband committee. Hemingway: told the Broadband Committee that the issue with ownership of assets is a mistake. DeChiara: it was necessary to get all of the WW towns to vote on the same language at annual town meeting. Vinskey: doesn't see that we have been limited in our options. Vinskey: the Broadband Committee looked at the three options – do it ourselves, hire out, or WiredWest and recommended WiredWest; reviewed the options himself - we don't have the technical ability to do it on our own, there is no financial gain in hiring out, therefore he chose WiredWest; the WW model looks best; it sounds like if we go

with MBI, we would be back to the first two options, however, he would be willing to look at what MBI has to offer. Hemingway: thinks we should go with MBI. DeChiara: WW is the result of towns struggling to meet our broadband needs; it was create by the towns and we were working on this before MBI came into existence; we worked on the funds. Williams: applauds the effort that has been put forth, however, the process is taking so long and with towns around us getting it, we are not in a good position; Wendell has taken a step and Leverett is live. Torres: Wendell has not received a MOA; they don't know which direction they will take. DeChiara: if we decide we are hurting for options, we could join with Leverett. Vinskey: Leverett's business is brand new. Williams: appreciates the information provided. Stein appreciates Hemingway's interest.

Discussion Topics:

1. Dog Issue at 323 Locks Pond Road: Torres: there is a history of complaints, from three-four years ago, about the barking dog at this address; the dog has been in an outdoor enclosure and was reported to be barking on a night with temperatures below freezing; it is uncertain whether the dog has shelter. Torres: the next time there is a complaint, Dog Officer Long and Sgt. Masiuk will arrange to look over the fence; the police have been out to this address three-four times and citations have been issued; the situation is currently quiet. Torres: two years ago, at the dog hearing about the barking, the conclusion was to continue to fine; Saleem, the dog owner, has been using a bark collar; the complainant wants action; Long is ready to determine if the dog is protected from the weather; currently, there are outstanding tickets. Stein: who has authority for unpaid fines? Torres: our bylaw is related to the behavior of the dog; the protection of the dog comes under another statute. Vinskey: if barking is considered a nuisance, we could have a hearing on those grounds. Torres: the Board could require an action to improve the conditions for the dog; in the past, we tried to have a meeting with owner and complainant. DeChiara recommends scheduling a dog hearing which could be cancelled if the situation changes. Vinskey suggests that with the next complaint, Long and Masiuk investigate. DeChiara requests an update for the next meeting.
2. Plan Select Board Working Meeting: Board members plan to start their discussion on 1.26.16 for thirty minutes and hold their working meeting on Saturday in 3.5.16 from 9am-12noon.
3. Review Four-Town Meeting and Plan Regional Assessment Next Steps: Torres: about ten days ago, the FinCom received an email from Sean Mangano about scheduling another meeting; Mangano called today to plan the meeting which will be held at 2pm 12.17.15; Lacy has volunteered to be on the four-town working group with Torres; Stein and Arvanitis will be alternates. DeChiara: Hirshfield said he is likely going to get together with the other the FinCom chairs and asked DeChiara to update him on regionalization. Torres shares that she is putting together a packet on regionalization for the FinCom. Torres: the FinCom wants to have a discussion about regionalization with the School Committee and the Select Board on the 1.5.16 when these committees are already scheduled to meet. DeChiara: this is a joint meeting to talk about the school budget and the other two

topics, assessment and regionalization, can be added. Torres: is the Board okay with herself, Lacy, and Stein attending Thursday's meeting organized by Mangano. Vinskey: the goal of the meeting? Torres: to compromise on the regional assessment. Torres: at the 1.5.16 Select Board meeting, the first hour will be focused on the SES budget followed by regionalization and assessment updates.

4. Communication Memo from Select Board to Departments & Committees: Board reviews DeChiara's draft document. DeChiara: the Web Committee is planning to update the webpage; use of the current version of Drupal will make it easier to manage and to use tags that will facilitate finding and sorting information. Stein: will you be able to search minutes by topic? DeChiara: we will need to come up with searchable titles. Stein: cost? DeChiara: Drupal is free; the labor is volunteered. A motion is made, seconded, and passed unanimously to distribute the "Requested procedures for electronic communications memo" via email, USPS mail to committee/board chairs, and copies in the town hall mailboxes.
5. Nextdoor Shutesbury: agree to continue to the 1.12.16 meeting.
6. Town Administrator Update: Torres: the draft WW agreement to be reviewed on Saturday will have the changes recommended by Koppelman and Page. DeChiara: could the lawyers, as a recommendation to the towns, issue an opinion about an ownership statement? Torres: per MacNicol, the town is protected; she also counsels Ashfield and Rowe. DeChiara suggests a statement about ownership not putting the town at risk. Torres: the question for MacNicol is whether the agreement is in the best interest of the town. Vinskey: is this a legal question? Torres: yes, Nakajima has been using his attorney to say the WW agreement is not in the best interests of the towns; the MBI policy position says ownership by the towns is required; the question is whether our assets are more at risk, legally, under WW or MBI? DeChiara: there will be a set of risks with one model, another set of risks with a different model. Vinskey: when will there be a final draft operating agreement? Torres: what we thought would be the final draft will be reviewed on 12.19.15. Torres: has yet to hear from Senator Rosenberg about a meeting, the main purpose of which is to get MBI and WW to sit down together. DeChiara states that he would be willing to attend this meeting. Torres: Voelker is healthy and has returned to work; Voelker and Weiss are working to get through their reconciliations. DeChiara and Vinskey appreciate the announcements about Wendell Road closures. Torres: the new salt shed structure is complete. Vinskey asks about the origin of the Hearse House sign. Torres: Barbara Goodhind's son created the sign that was either a donation or a gift. Vinskey suggests a thank-you note be sent.

Administrative Actions:

1. Select Board meeting minutes:

A. A motion is made and seconded to approve the 11.4.15 meeting minutes as presented. Vinskey asks if the FinCom preparatory letter was sent. Torres: subsequently, the FinCom decided not to send the letter. Stein suggests this information be reflected in tonight's minutes. All Board members agree with Stein's suggestion. DeChiara suggests adding a larger "building needs" discussion to the 1.12.16 agenda; shall we invite the Buildings Committee 1.12.16? Stein recommends having a Select Board meeting discussion first. Vinskey: the Buildings Committee will need to participate in the record storage discussion. Torres: Mosher's timeline for discussing record storage is based on the course she is taking to learn about record identification and storage analysis. Stein: we do not have enough storage space. Torres suggests asking when the Buildings Committee and Mosher will be ready for the discussion. Vinskey: there are three paths – record storage, the location of record storage, and the air quality in old Town Hall; Mosher is working on records and how they should be kept; the Select Board could work on storage options; air quality is the Buildings Committee's area. Torres: per Bracebridge, this year was more humid; dampness is coming from under the building (old Town Hall). Vinskey: could we ask for updates from Mosher and Buildings in preparation for 1.12.16? Torres: will check in with Mosher about timing. Torres: the Select Board will benefit from a conversation with the Buildings Committee. Vinskey: this would be more of a space-use discussion. Torres: Andrew Webster was working on a report based on the criteria for reviewing a building prior to his resignation. All Board members agree to ask the Buildings Committee to meet with them on 1.12.16. Torres: Jamrog has to remove the hardware from the dividing wall in order for the Buildings Committee to take the wall down. Vinskey asks for clarification on what the Select Board decided regarding item #6 "Responding to Select Board Emails." Stein: in a timely manner, she will acknowledge receipt of email received by the group (Select Board). Vinskey: then the rest of us would not comment. DeChiara: if addressed to all, one could respond individually.

The 11.4.15 minutes are unanimously accepted as presented.

B. A motion is made and seconded to approve the 10.20.15 meeting minutes. DeChiara suggests listing guests in the minutes for the record instead of attaching a guest list. The minutes for the 10.20.15 Select Board meeting are accepted as amended.

2. Shutesbury Athletic Club Live Entertainment and Pool Table Licenses: A motion is made and seconded to approve and sign the Shutesbury Athletic Club annual license to operate a pool table; motion passes unanimously. A motion is made and seconded to approve and sign the SAC annual license for live entertainment; motion passes unanimously.

3. Appoint Paul DeMarco Public Information Officer for Emergency Management Team (EMT): A motion is made and seconded to appoint Paul DeMarco as the Public Information Officer for the Emergency Management Team. Torres: Patrick Callahan served as the primary Information Officer for a number of years while she served as the secondary officer; if appointed, DeMarco will be primary and Torres secondary. DeChiara: at the last EMT meeting, DeMarco agreed to accept appointment to the position. The motion is passed unanimously.
4. Appoint Andrew Berg as a Zoning Board of Appeals Alternate Member: A motion is made and seconded to appoint Andrew Berg as a ZBA alternate. Tom Williams/ZBA: the Board lost Jon Thompson; maximum ZBA membership is five: three members and two alternates. The motion is passed unanimously.
5. Assistant Dam Keeper Update: Torres: there could be a change in the position at the time of annual meeting.
6. Sign Cultural Council Grant: Torres: the local Cultural Council distributes State grant funds to as many artists as possible and usually spends all of their funds. The need to change the name of the contract manager to April Stein is noted. A motion is made and seconded to approve and sign the contract with the Mass Cultural Council for \$4,000 for the period July 1, 2015 to June 30, 2016. The motion is passed unanimously. Stein signs the contract.
7. Review Contract for West Cemetery Tree Removal: Torres: companies were asked questions, their answers were very close, references were called and stellar reviews were received from historical committees and Amherst College. A motion is made and seconded to approve and sign the contract with Cotton Tree Service for West Cemetery Tree Removal for \$12,000.00. DeChiara: is this a standard contract? Torres: they differ depending on the type of project. The motion is unanimously approved. Stein signs the contract.
8. Authorize Contractor to Market the Sale of Fire Truck Engine 1: Torres presents the Brindlee Mountain Fire Apparatus LLC brokerage offer. Stein confirms that the fee percentage is as stated on the contract and that funds received from the sale of the truck will be returned to the general fund. Torres: Tibbetts'/Fire Chief bottom figure is \$5,000. A motion is made and seconded to approve the contract with Brindlee Mountain for the sale of engine 1. Torres: Tibbetts is leaving the asking price open in order to see what offers are received. Vinskey: this company will do the advertising? Torres: yes. Vinskey: is the length of contract until the truck is sold? Torres: yes, the contract can be terminated at any time. The Board unanimously approves the Brindlee Mountain Fire Apparatus LLC Brokerage Offer for the sale of fire truck engine 1; Stein signs the document.
9. Sign Vendor Warrants totaling \$106,464.79
10. Sign Payroll Warrants totaling \$88,217.35

Issues not reasonable anticipated by the Chair:

1. Torres will research a heavy-duty scanner capable of automatic sheet feeding and scanning a two-sided document; requests any model recommendations.

Future Select Board Meetings:

12.29.15 6:30pm Shutesbury Town Hall

1.5.16 6:00pm Shutesbury Town Hall

At 9:52 pm, a motion is made and seconded to go into Executive Session for Reason #3 and close the open session: Stein: aye, Vinskey: aye, and DeChiara: aye.

List of Documents and Other Items Used at the Meeting:

1. "Shutesbury Master Plan Update: Call for Working Group Members"
2. "Scope of Services: Shutesbury Master Plan Update: Community Visioning/Goals/Objectives/Policies"
3. Massachusetts Cultural Council FY16 Grant letter and contract form
4. Town of Shutesbury Invitation to Bid – West Cemetery Tree Removal
5. Town of Shutesbury Contract for West Cemetery Tree Removal with Cotton Tree Services
6. 12.15.15 Select Board Memo: "Requested procedures for electronic communication"
7. Brindlee Mountain Fire Apparatus, LLC Brokerage Offer

Respectfully submitted,
Linda Avis Scott
Administrative Secretary