

Shutesbury Select Board Meeting Minutes
January 12, 2016 Shutesbury Town Hall

Select Board members present: April Stein/Chair and Mike Vinskey

Select Board member present by remote participation due to geographic distance:

Michael DeChiara from 8:32pm-8:47pm.

Staff present: Becky Torres/Town Administrator; Linda Avis Scott/Administrative Secretary

Guests: Robert Kibler and Miriam DeFant/74 Pratt Corner Road, Diane Jacoby/230 Leverett Road, Dale Houle/Buildings Committee, Jeff Lacy/Planning Board & ZBA, Eric Stocker/FinCom & Broadband Committee, Gary Hirshfield/FinCom & Capital Planning, Weezie Houle and George Arvanitis/FinCom.

Stein calls the meeting to order at 6:58pm.

6:58pm: Board of Assessors/New Appointment: Stein: appointment is due to a resignation from the Board of Assessors. Torres: per Holmberg/Administrative Assessor, Diane Jacoby has been attending meetings, reading relevant materials, and showing a high level of commitment. A motion is made and seconded to appoint Diane Jacoby to the Board of Assessors; motion passes unanimously.

Accept Bylaw Petition/Move to Planning Board: DeFant: at the bottom of page 12, (8.9-12.2), additional language about decommissioning was added, (8.9-12.3) "Lapse of Appeal" was added and on page 13, "ADD THE FOLLOWING TO SECTION 13.2 – DEFINITION" was added; these were inadvertently omitted from the prior document; page 6 spells out "Material Data Safety Sheets" instead of using MSDS. Stein confirms that the signatures have been certified. DeFant: per Bonnar, both versions will have to go on the warrant; his advice was to submit a cleaned up version. Vinskey requests the opportunity to read the document prior to sending it on the Planning Board. DeFant: understood that this version would be expedited. Vinskey restates his wish to read the document. DeFant: it was her explicit understanding that the document would be expedited. Stein acknowledges Vinskey's need to read the document and the need to expedite the document. Vinskey: as a representative of the town, he needs to be up to speed on this aspect of an issue going on in town. Torres: MacNicol/Town Counsel reconfirmed that it is the Select Board's responsibility to pass the petition on to the Planning Board. DeFant: there are strong State protections for citizens submitting petitions; advises the Select Board to be careful; the timing of this petition could have bearing on the permitting of the Wheelock project and, in the future, if there were a catastrophic situation and a lawsuit, this delay could be a problem; in good faith, we submitted a new petition partly in deference to Vinskey's recommendation; suggests over-reach by the Select Board. Vinskey notes the fourteen days the Select Board has to pass the document on to the Planning Board. Torres: per MacNicol, the fourteen days is to accommodate Select Board meeting schedules. DeFant: there is not a strong rationale for delaying; there was very careful work done to bring a complete document. Kibler: the Select Board can only pass along the document; suggests Vinskey needs to separate his

duties as a Select Board member and as a town resident; prior to opening this debate, he could have asked Jacoby a number of questions and he didn't because that was an area of Select Board jurisdiction, the petition is not. Stein: her inclination is to pass the petition along. Torres: a tie is a fail. Draft minutes from the 1.5.16 meeting relative to this issue are read in to the record. DeFant: the words expedited and in good faith were used last week. Vinskey: we did not expect another petition. Stein: our only role is to accept the petition and to pass it along. Stein, acknowledging his expressed concern about time to read the document, asks Vinskey if he can be prepared to move the petition during the 1.14.16 Select Board meeting. Kibler suggests he and DeFant read the petition into the record. DeFant: the right to have the petition passed to the Planning Board is a constitutional right; suggests Vinskey exercise due diligence to protect the citizens' rights and err on the side of the citizens' rights and expedite citizen actions. Kibler recognizes the number of hours it takes to be a Select Board member; why spend time on an item that the Select Board can only pass along. Torres: Vinskey takes his responsibilities very seriously; there are only two members present. Stein suggests tabling the item for now until DeChiara video calls in to the meeting. All agree to wait for thirty minutes to see if DeChiara is able to join the meeting.

7:30pm: Building Committee/Town Buildings and Record Storage: Torres: the Buildings Committee was requested to attend the meeting to give an inventory of all Town buildings. Dale Houle: does not yet have documentation for all the buildings; the issues with the old town hall have been identified; have yet to address all the issues with the town hall building, i.e. the bottom level foyer; the odor on the lower level has been unbearable; the dividing wall is two Styrofoam panels covered with vinyl – the vinyl is growing mold which has probably not permeated the Styrofoam; we have been thinking about replacing this wall with a stud wall that would allow wiring; does removing the old wall substantially change the odor problem – probably not; it will be less than \$5,000 to install a new plaster wall. Houle: most of the problem comes from the back room; air exchange is needed for this space; the concrete pad allows moisture to come through. Torres: because of the electronics for the solar panels, the room cannot be blocked off. Houle: we will increase air transfer in to the room. Torres: the puddle of water in the room may be due to a hole in the well cover, which is a new problem. Vinskey, noting that everything is interconnected, asks if there is a list of things that need to be done for this building. Houle: we do have paint specs for the front ell and the painting will be done in the spring; there is a leak in the elevator shaft in the south west corner, which is concerning though we should be able to fix it; we have been talking about heating system improvements and new carpet on the west side of the town hall; last year, new insulation was installed. Vinskey: if the wall is replaced, will we learn a duct is needed? Houle: the heat recovery system will be vented into the back room; the Buildings Committee has not asked for any funds in awhile. Torres: when Jamrog dismantled the vent, it allowed the construction of wall to be determined. Houle: the back wall of the main room needs attention; we have to think through what we need money for; the Committee tends to react to problems; we need more people on the Committee on which he has served for twelve years. Vinskey: some time ago, water came into the senior lounge and Hunting changed the exterior drainage flow – this is a problem that needs further evaluation and the rear door needs attention. Houle: door will be added to their list. Vinskey: do you

want inputs from others? Houle states he is quite knowledgeable about this building; the grading issue will not be easy to solve and a French drain may be needed. Vinskey asks Houle what the Building Committee needs from the Select Board. Stein: we need a ballpark figure for what is needed for this building. Houle suggests the Select Board attend a Building Committee meeting and walk around the building. Torres: Mosher is working on record storage needs. Houle: some investigative work will need to be done on funding for a new school roof - maybe in ten years. Torres: the SES Principal brought up concerns about the need for a new boiler and is working with the new finance director on funding. Vinskey: are you looking at a new caulking material for the school roof? Houle: the parapet cap seems to be leaking and we are working with a contractor to do the repair.

Use of Nextdoor Shutesbury by Town Officials: topic is tabled.

Accept Bylaw Petition/Move to Planning Board: At 7:52pm, return to topic. Torres: is unsure if DeChiara will be present for the Select Board meeting on Thursday 1.14.16. DeFant: will the petition come up on the agenda for the meeting on the 14th? Stein and Vinskey agree to add the petition to the end of the 1.14.16 agenda; if DeChiara joins the meeting this evening, the item will be revisited tonight. At 7:56pm, Torres reports that DeChiara is unable to attend via Skype at this time.

7:56pm: Regional Assessment/Four Town Meeting Review: Stein: we thought we had an agreement to use Mangano's method with a bottom line of 15%; during the meeting we had a split in our decision making – three held the line while Hirshfield chose a different position; it was very hard to negotiate without agreement; we caucused and agreed to 15%; Geryk decided to go with 10% with the agreement that another study committee will be formed; the victory, if any, is that the paradigm shifted and the ability to pay is now on the table; we didn't get what we wanted. Weezie Houle: you achieved a shift. Vinskey: four years ago, we went to the region and they told us they would make an adjustment. Torres: they held off a bond payment for one year, which gave us \$40,000. Stocker: Shutesbury has money because we taxed ourselves in order to have reasonable coffers. Torres: Leverett said there had to be budget cuts in order to agree to 10%, then Lacy clarified that the 10% did not include any cuts to the regional budget. Lacy: early on, Amherst and Pelham bought into the 10%; after our caucus, we came back with 15% and then finally, Leverett committed; three towns committed to 10% while we stayed with 15%; Geryk decided to recommend 10% to the Regional School Committee. Torres: the Regional School Committee will decide if we will go with the new alternative method. Lacy: we will go with whatever the School Committee decides. Vinskey: when it comes to town meeting, if the decision is between the old alternative and statutory, what will we do? Torres: it is not likely it will be the old alternative. Stein: there is no guarantee that town meeting will approve. Torres: the budget is one vote, the assessment is a separate vote; the reason that Geryk comes to Shutesbury's town meeting first, is that if we fail the assessment, the other towns are ready to fail the budget. Stein: it didn't help that our team was not on the same page; our negotiating position was compromised. Arvanitis: you cannot show leadership if you are splintered; we need to think about our approach for next year. Stein: they are talking about a meeting in the spring. Vinskey: there will be another four town meeting in February. Stein: it took a lot of courage for the

town to go forward with this. Houle asks Hirshfield what happened? Hirshfield: as chair of the FinCom, he related consensus about what the group wanted to do, however as an individual did not support the group. Houle: if you didn't agree, you should have recused yourself. Arvanitis: your capacity was as chair. Hirshfield: we are a FinCom quorum and need to be careful if we are deliberating. Arvanitis and Houle: we are discussing not deliberating. Hirshfield: there is an enormous amount of information that you don't know which I won't bring up now, but will do so at a FinCom meeting. Arvanitis: on 1.5.16, we made a decision on how we were going to present ourselves, if you decided not take the same position, you should have let the others on the team know; appreciates Hirshfield's work as FinCom chair. Lacy: when we meet with the other towns, we have to agree as a team. Vinskey: is the negotiation over with? Stein: yes. Vinskey: with that in mind, recommends dissolving the committee formed at the last meeting and motions to dissolve the Winter Assessment Negotiating Team formed 1.5.16 and Stein seconds; Stein and Vinskey support the motion. Stein: we will need to touch base before the next four-town meeting in February. Torres: the regionalization vote, per Sullivan, is on 1.26.16, Vinskey: we all need to go to the February meeting on the same page. Lacy: do we want to respond to Geryk saying that we will go with the 10% with the qualification that this is not the answer to Shutesbury's problem and note the need to work on change earlier in the year. Lacy: spoke with Hatch/DESE who stated, "You are very accommodating for the town holding the trump card." Stocker: for what it is worth, we do hold the trump card. Vinskey: does it sound reasonable to respond to Geryk? Stein: yes, acknowledges that Geryk did a very good job facilitating the meeting and volunteers to draft the letter. Arvanitis: hopes the regionalization issue will be behind us and not an issue next year. Torres: Amherst town meeting starts before the other towns; the School Committee may have enough votes to get regionalization out of committee then each town will vote. Vinskey confirms the plan that Stein will draft a letter on behalf of the Select Board. Stein: yes, the letter will appreciate Geryk's facilitation and state that we agree to go forward with the new alternative 10% this year with the understanding that the towns will continue to meet on the matter.

Accept Bylaw Petition/Move to Planning Board: At 8:32pm, DeChiara joins the meeting via Skype and the petition discussion is resumed. Vinskey updates DeChiara on the petition's status noting his preference to have time to read the document. Stein: plan B, in order to give Vinskey time to read the petition, is to take time at end of the 1.14.16 meeting with the Broadband Committee to pass the petition on. DeChiara states that he feels strongly, as we told them (petitioners) last week, that if they gave us the corrected version, in good faith we would pass it along. Vinskey states that the Board agreed to pass the incomplete petition along. DeChiara: DeFant said the six lines were not substantive; we said this is what we will do, if resubmitted, in good faith we would pass it on. Stein: it wasn't clear that we were passing along the last week's petition. DeChiara: we said if you come back with the six lines, we would pass it along. Stein: we are in a tie, the petitioners would like us to pass along the document, though acknowledges Vinskey's desire to read the petition; waiting until 1.14.16 will not impact the Planning Board receipt of the petition on 2.8.16. DeChiara: as far as I remember, we said we would in good faith pass it along; it is not the compromise, it is the principle. Vinskey states that he read DeChiara's email, today, on the matter - this was not how he remembers it

transpiring; accepts that if there is a vote tonight, he will comply. DeChiara: feels we were really explicit last week. DeChiara moves that the petition “Proposed Zoning Bylaw Changes for Ground-Mounted Solar Electric Installations” received by the Town Clerk on 1.11.16 be moved to the Planning Board; motion is seconded by Stein; Stein: aye, Vinskey: opposed, and DeChiara: aye. At 8:47pm, DeChiara’s remote participation ends.

Discussion Topics:

1. Annual Personnel Review Process: carried over to a future meeting
2. Town Administrator Updates: Torres: the WiredWest Board met in Cummington and had a report from the new negotiation committee; the Executive Board also held a one and a half hour confidential meeting. Dog matter: received a report from Sgt. Masiuk about a loose dog on Schoolhouse Road - she could not initially identify the owner as the dog was not licensed; the owner (Sweeney/45 Schoolhouse Road) was agitated when Masiuk returned the dog as someone else was to have been taking care of the dog; fines were issued. Torres: this dog has been loose before and has not harmed people. Massachusetts Municipal Association is next weekend – the Governor will be speaking. During the meeting with Senator Rosenberg on 1.5.16, he offered to speak with the Governor on WiredWest’s behalf.

Administrative Actions:

1. Approve Select Board meeting minutes:
 - A. A motion is made and seconded to approve the 12.5.15 Select Board meeting minutes; the motion passes unanimously.
 - B. A motion is made and seconded to approve the 12.29.15 Select Board meeting minutes as amended; the motion passes unanimously.
2. Vendor warrants totaling \$135,933.67 are signed.
3. Payroll warrants totaling \$88,141.21 are signed.

Issue not reasonably anticipated by the Chair:

1. Thank you letter acknowledging Willa Jarnigan’s recent resignation from the Web Committee and appreciating her service is signed.
2. The Town Clerk and Administrative Secretary will be updating and compiling volunteer packets for new board/committee members.

Future Select Board meetings:

Thursday, 1.14.16, 5:30pm Shutesbury Town Hall

Tuesday, 1.26.16, 6:30pm Shutesbury Town Hall

Tuesday, 2.9.16, 6:30pm Shutesbury Town Hall

At 9:11pm, a motion is made and seconded to reopen the Executive Session from earlier this evening for Reason #3 and to adjourn the open meeting: Stein, aye and Vinskey, aye.

Documents and Other Items Used at the Meeting:

1. 1.11.16 Warrant Article Petition: “Proposed Zoning Bylaw Changes for Ground-Mounted Solar Electric Installations”
2. 1.5.16 Dog Officer Control Form

Respectfully submitted,
Linda Avis Scott
Administrative Secretary