Shutesbury Select Board Meeting Minutes

March 22, 2016 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: Ken Holmberg/Administrative Assessor, Gabe Voelker/Treasurer, Karen Dunn/Jones’ Group Realty/prospective buyer’s agent, Talib Sadiq/prospective buyer of 15 Merrill Drive, Cindy Owens and Sally Marsch/Five College Realty, Freeman Albertson/15 Merrill Drive, Attorney Jon Breton/Bacon Wilson, P.C. representing Albertson, Police Chief Tom Harding, and Evan Golann.

Stein calls the meeting to order at 6:33pm.

Agenda Review: no changes

Public Comment Period: no one in attendance

Discussion Topics:

**1. Sale of Town Property:**

Holmberg/Administrative Assessor explains that he was approached by Freeman Albertson about the town owned property that abuts 15 Merrill Drive; the of sale of Albertson’s property at 15 Merrill Drive is being held up due to possible encroachment of the house onto an abutting town owned parcel; these town parcels were taken in 1978 for non-payment of taxes; currently, they are not making any money for the town therefore the Select Board may consider selling the lots; there are, however, certain laws pertaining to the sale of these parcels. Voelker/Treasurer: these town parcels were acquired through the tax foreclosure process and certain tax title law applies; the court decree could not be located so a title search is needed; then either a closed bid or open auction is needed. Voelker recommends a sealed bid process via a posting stating that the bid is to be opened at a set time and place by certain named people; the Select Board will have set a minimum price that is not to be disclosed. Holmberg: the house at 15 Merrill Drive is located on Lots 703 and 704 and also includes Lots 711and 712; Lots 709 and 710 are owned by the town and there are no buildings on these lots. Torres: there is no backyard at 15 Merrill Drive; Albertson thought the property line went further back though it is actually at the back of the house. Attorney Breton: the 2.3.16 plot plan shows the potential encroachment at 704 onto Lot 710; as it is not surveyed, this plot plan is not accurate; when Albertson purchased 15 Merrill Drive, he was told the property line was at the line of trees - there were no pegs; he now knows that the property line is 1 foot from the deck; Albertson has offered, in the past, to purchase these town lots and was refused. Breton: the encroachment is not definite. Breton states that he spoke with a surveyor who stated, that from his initial review, there is not a set point to start from. Regarding the sale, Breton refers to Chapter 40 Section 15 and the conveyance of land via a town meeting vote. Voelker explains, per consultation with a tax title attorney, there has to be a title search and sale. Breton: these are not buildable lots and are probably not of much value. Voelker: the auction process is straightforward; a deed is needed and this is the process. Breton: the prospective buyer may be doing a title search. Voelker: if a title search is in process, it will speed up the process. Voelker: the auction requires a 14-day posting; the notice is posted by the constable in required public places and includes the date for bids to start and end and where, when and who will open the bids; there is a sale if there is an acceptable bid. Voelker: the title search is done by a title company and takes time; once the title company has cleared the title, the posting occurs. Voelker: the estimate for the title search, relative to the time required, is $300-500. Vinskey: who should do the title search? Torres: it is best for the town to do search. Stein: it makes sense for the town to do the search. Sadiq: a title search is quicker than a survey. Breton: if this buyer is successful, a survey relative to the encroachment from 704 onto 710 will not be needed though may be needed relative to other abutting properties; the survey is expensive because there is no set point to survey from; the surveyor has yet to visit the site. Breton: it is the buyer’s discretion to set up encumbrances; this buyer wants clarity about the property line; it is not known whether there is or is not an encroachment. Vinskey to Albertson: would you need one or both parcels; could the town sell you only 710? Albertson: yes. Breton states that he contacted Colonial Land Surveying Company, Inc. today regarding the “Mortgage Inspection Plan” dated 2.3.16; the person he spoke to feels the 80’measurement for the lot line between 710 and 711 is a typo. DeChiara: are there occupied parcels around Albertson’s. Holmberg: there are houses on both sides; at 6:59pm, Holmberg leaves the meeting. DeChiara: the abutters are the only other parties that may be interested in these lots. Vinskey: if we sell the lots individually, the other abutter may be interested. Stein recommends the lots be sold as a pair. Vinskey: If Albertson does not win the bid, what happens to his boundary line? Voelker: a title search does not require a survey; the purpose of a title search is a clean deed; once sold, the property goes back on the tax role. Stein: the Select Board vote is to authorize a title search then a vote is needed to authorize sale of the parcels through auction contingent upon a clean deed. DeChiara moves the Select Board pay for title search services to clear the deeds on Lots B709, B710 and, if the results are clean deeds, the parcels will be put up for auction; the motion is seconded by Vinskey and is unanimously approved. Torres: Voelker will research names and prices for the title search. All guests related to this topic leave the meeting.

Unanticipated Topic:

**Police Chief Harding/Part-time Officer Position**:

Chief Harding introduces Evan Golann/applicant for a part-time officer position. Harding: Sargent Masiuk and Officer Sawicki have spoken with Golann; the other candidate withdrew. Golann explains that he retired from the Sunderland Police Department last year; Shutesbury will be a pleasant town to work in; due to mutual aid, he knows the town; there is less stress if you are working part-time in a town other than where you live. Vinskey: are you part-time anywhere else? Golann: no, the retirement board limits work to 960 hours in a calendar year. Stein asks Harding for his impression of Golann. Harding: in addition to mutual aid, Golann worked for the Franklin County Sheriff’s office so he is generally familiar with Shutesbury’s layout. Harding: Sunderland has the same record management system as Shutesbury; as an experienced officer, Golann will need a shorter field-training period. Golann: firearms are up to date and medical is good to the end of the year; will do legal update and other trainings as needed. Torres: the Select Board makes the appointment following a recommendation by the Chief. Harding recommends Golann for the part-time officer position. Stein moves and DeChiara seconds the motion that the Select Board appoint Evan Golann to the part-time officer position in the Shutesbury Police Department; motion passes unanimously. Golann leaves at 7:20pm.

Harding: the second candidate withdrew because they could not meet the minimum shift requirement; Golann will be scheduled primarily on the weekend. Vinskey: what is the cost to get a part-time officer up to speed. Harding: most of his training requirements are current; normally, the cost is $800, because he is recently retired, Golann will have most of the duty gear; we do have some used clothing to start; after the probationary period is up, officers are eligible for the full uniform benefit; his training will be short and specific to Shutesbury as Sunderland is a different kind of town. Torres notes the need to find an officer that fits in the town. Harding explains that he has potential candidates meet with full-time staff to give them a sense of what small town policing is about. Torres: retirement contribution? Harding: no, because he is currently collecting retirement; Golann’s training will involve riding with Masiuk and Sawicki who is the school resource officer.

Discussion Topics (continued):

**5. Narcan Implementation**:

DeChiara asks Harding about the status of Narcan implementation. Harding: the Fire Department is waiting for the Police Department. Torres: per Catherine Hilton/Board of Health, they are looking for the Police and Fire Departments to take the lead; the Board of Health may hold educational public events. Harding: Sawicki has been trying to contact the union representative business agent; the union has a sample policy regarding Narcan use; the union may ask for money for carrying Narcan. Harding: we will have oversight from Medical Control, located at Cooley Dickenson Hospital, which will include use of Narcan and Epi-Pens. DeChiara: are there any public safety issues relative to the new law? Harding: the new provision for observation care is more related to the ambulance transport; police do not provide medical transport. At 7:39pm, Harding leaves the meeting.

**2. Planning for Soup Supper**:

Vinskey reviews supplies and food needed. Plan is to start serving the free meal at 6:00pm.

**3. Shared Police Chief**:

Draft sample letter is reviewed. DeChiara suggests including the idea of an initial meeting. Torres confirms that the Select Board wishes to move forward with the letter.

**4**. **Representatives to Regional Working Groups:**

Torres: the Shutesbury School Committee is unable to send a representative to either of the Working Groups; they are one member short; Sean McNiff’s resignation letter is pending; Matt Galman and Lauren Paquin have taken out election papers for this position. Stein: it is really important for the School Committee to have representation on the working groups. Torres: thus far, Weezie Houle/FinCom has volunteered for the Amherst Region Capital Planning Working Group and George Arvanitis/FinCom will serve on the Regional Assessment Working Group. DeChiara suggests the Select Board have one member on each group and volunteers to serve on the Amherst Region Capital Planning Working Group. Vinskey is willing to serve on the Regional Assessment Working Group. DeChiara: it is possible that, after the May election, a member of the School Committee may come forward.

Vinskey referring to the 3.10.16 Amherst Regional Public Schools Capital Borrowing Acknowledgement of Receipt letter: asks if it makes sense to do improvements if the building will not be used as a school. DeChiara: in terms of process, Mangano/Director of Finance reviewed the list and no one had any issues with it; the roof and parking lot are the big projects. Vinskey: if we are not using the building as a school, do we fix the parking lot? Torres: if you want an asset that can be leased for revenue, it needs to be maintained. DeChiara: the $450,000 is for “High School Accessibility Improvements”– a part of the building is not American with Disabilities Act (ADA) compliant and must be fixed. Vinskey: does it make sense to install an intercom system if the school will not be used in two years? DeChiara: the intercom system is a safety related consideration. Torres: if the Select Board does not want to pay Shutesbury’s portion, we would need to bring the matter to town meeting. Vinskey refers back to the idea that the building might continue to be used as a school; the decision has been delayed. DeChiara: if we had issues, the Select Board should have responded prior to the School Committee vote. Vinskey states that he is ready to let go of his concerns for now. DeChiara agrees to bring the concerns to the Capital Planning Group. DeChiara moves the Select Board acknowledge receipt of the 3.10.15 letter from the Amherst Regional Public School District regarding Capital Borrowing for FY17. Vinskey seconds the motion and it passes unanimously. Stein will sign the document on behalf of the Select Board.

**6. Broadband Committee Recommendation**:

DeChiara moves to approve the 3.22.16 letter to Elizabeth Copeland/MBI Interim Director from the Shutesbury Broadband Committee; Vinskey seconds the motion. Vinskey refers to a conference call the Broadband Committee had with Michael Morgenstern/Consulting Partner Wipro: Morgenstern stated that the needed information must be asked for. Torres: on 3.24.16, MBI will be reviewing Morgenstern’s contract; Craig Martin’s analysis is holding up well. The motion passes unanimously.

Torres: the Shutesbury Broadband Committee felt that with so much uncertainty about WiredWest (WW), it is best to stay involved with all initiatives therefore Asha Strazzero-Wild, Ayers Hall, and Steve Schmidt have volunteered to participate in a group exploring the Wendell small fiber region; Steve Nelson sent out a message encouraging strong WW towns to participate in a meeting being held tonight – Craig Martin attended on behalf of Shutesbury; Nelson, although resigned as a delegate, remains a strong WW person and wants to pull folks together to talk about their WW concerns.

**7. Budget review with Finance Committee**:

Torres: at the 3.29.16 FinCom meeting, Vinskey is going to do a surplus truck presentation; suggests the Select Board meet with the FinCom on 4.12.16; all Board members agree.

**9. Employee Evaluation Re-Cap:**

Stein acknowledges the Select Board meeting with Town Counsel about employee evaluations; the Personnel Board met 3.17.16 and will put forward a revised employee evaluation policy. DeChiara states that he found the meeting with Attorney Donna MacNicol/Town Counsel helpful however is confused by a follow up email from MacNicol regarding the how and when to do performance reviews. Stein: having liaisons, by rotation, with department heads makes sense; with this type of relationship building, you get a sense of the department’s needs and goals. DeChiara: if you have a problem, it is a complaint and an executive session is required; performance reviews are in open session per MacNicol. Stein asks DeChiara what he needs. DeChiara: at the basic level, clarity; MacNicol recommends both parties have a discussion though then said that one cannot have a discussion if there is a complaint; he needs to figure out how to move forward responsibly; agrees with the plan to have regular attendance at Select Board meetings by department heads. Vinskey: his impression is that we ask department heads “what is going on” as we do with Police Chief Harding. Stein: if we are heading toward a complaint, it is executive session. DeChiara refers to and reads from MacNicol email “if you have a critique without intent to discipline...” we should be able to do performance review in open session; we need to ask questions. Stein suggests the Board have department heads attend meetings on regular basis, perhaps every other month, and if the meeting seems to be going towards a complaint or discipline, we need to go to executive session. DeChiara questions need for the recent personnel related executive session. Torres: that executive session was necessary because there was a complaint. Stein: it was such a heated matter that an executive session was prudent; when things come up, we can always speak with a person. DeChiara: we need to know in what forum to talk about certain matters. Stein: MacNicol’s guidance was to be on the cautious side. DeChiara: MacNicol recommended not doing evaluations however job performance reviews can be done. Torres: by definition, our All Boards meetings offered an opportunity for boards to share their needs, goals and needed resources. Vinskey: the way we do All Boards meetings is a waste of time because it tries to do everything; focusing on how individual departments are doing is more efficient. Stein: All Boards serves the function of attempting to get everyone in the room together. DeChiara suggests inviting a board, committee or department head every month. Stein: committees come as needed; we do not need to create an artificial mechanism. Torres: Dale Houle/Buildings Committee felt the Select Board memo to the Buildings Committee was more like a dictate; during the subsequent Buildings Committee meeting, they embraced the request and are figuring out how to move forward. Vinskey: the memo was an attempt to get information about buildings that the Select Board needs. DeChiara: committees are different from employees; it is our responsibility to sit down with department heads once in awhile in open session unless it is evident an executive session may be needed. Stein: it is important to be respectful. DeChiara: critique is different from complaint; a Select Board member can critique in an open session; sites the Montague Road situation. Torres: in that situation, Vinskey spoke with Hunting/Highway Superintendent on site. Vinskey: there is a fine line between micromanaging and knowing what is going on; has questions about whether you talk with staff one-to-one or at a Select Board meeting. DeChiara: normally, one would reach out and talk with staff; if one-on-one, it could be interpreted that they are getting feedback from the Select Board; the only way to do it is in open session. Stein: it is not an either/or. DeChiara: if critique is going to be raised, it should be done in an open session. Torres: learning about what is going on with a department is different from challenging or giving instruction. DeChiara: the Select Board can have an open conversation. Torres: MacNicol noted that chats are important; communication is needed. Vinskey: this cannot happen randomly; our role is to guide the town; if we don’t know what is going on, for example with the Highway Department or why we have the police staff we do, we cannot do our job. Torres: in the past, the Select Board had these kinds of conversations and has taken certain matters to town meeting; these are policy matters not evaluations. Torres asks if the Select Board wishes to have further conversation with MacNicol. DeChiara recommends meeting with department heads at least once/year in open session; if this is our proposal, we could have MacNicol come and respond to our proposal. All Board members agree that DeChiara will write up a proposal for MacNicol to respond to. Plan is for a tentative meeting with MacNicol on 4.12.16.

**10. Volunteer Thanks and Candidates Forum:**

This year’s event is proposed for 5.1.16from 4-5:30pm at Shutesbury Elementary School. Stein appreciates last year’s event. Torres: the Select Board is responsible for sponsoring the event; Penny Kim/Town Moderator and Scott will coordinate the event, send out letters of invitation; volunteers will assist with set up, etc. Select Board members agree to sponsor the event.

**11. Town Administrator Updates:**

Torres: the budget is almost fully balanced; expense reports are on track and we are in good shape with the Highway Department; on 3.26.16, new carpet will be installed in three offices with painting planned for 3.24-25.16; this is a busy season with many meetings. WW worked on a large mailing to select boards and town officials who are encouraged to attend the 3.26.16 WW meeting in Becket. DeChiara reports attending the Hampshire Council of Government’s training on town meetings; requests the timeline for town meeting preparation. DeChiara: two Planning Board meetings ago, Sarah Kohler/New Salem Planning Board presented testimony and, subsequently, the Select Board received an email from the Narragansett Indian Tribe Historic Preservation Office; there may be ancient sites within the solar project site; there are state/federal regulations that may apply. Torres has prepared some “payment in lieu of taxes” (PILOT) materials for the Select Board to review and is currently working on a list of solar PILOTs. DeChiara: it will be helpful to know what the various approaches are.

Administrative Actions:

1. Vinskey moves the Select Board approve the 3.8.16 meeting minutes as amended. DeChiara seconds; motion passes unanimously. Board agrees to table the 9.10.14 and 10.7.14 minutes for a future meeting.
2. Stein asks for a motion to appoint Rae Cook, Carla Palmer, David Dann, and David Wheeler to the Council on Aging “Aging in Place Task Force”. DeChiara moves, Vinskey seconds the motion which passes unanimously.
3. Library Use of Town Hall during May: Vinskey recommends the completed forms be provided to the Select Board however scheduling be handled by Torres. DeChiara suggests the Select Board consider using a “consent agenda” in the future. DeChiara moves the Select Board approve and sign off on the Spear Library “use of town hall” request for May 2016; Stein seconds the motion; DeChiara and Stein aye, Vinskey: nay. DeChiara moves that in the future the librarian submit use requests to the Town Administrator for approval and subsequently, the Select Board will be given the forms for review. Vinskey seconds the motion that is then approved by the Board.
4. Vendor warrants totaling $125,102.61 are signed.
5. Payroll warrants totaling $88,333.13 are signed.

Unanticipated Topic

**FRCOG Fuel Bid:**

Torres refers to the 3.3.16 bid document from the FRCOG for diesel, gasoline, and #2 fuel oil; currently, because we locked in, we are paying $3.80; this letter represents the first step; recommends not bidding on fuel oil - we are paying a better price not being on contract; recommends gasoline and diesel. Stein asks for a motion to sign the FRCOG fuel bid survey; DeChiara moves and Vinskey seconds the motion. Torres suggests reducing the unleaded fuel by 1,000 gallons because the use of unleaded fuel is more predictable; the diesel is less predictable because it is storm dependent; if we have an overage, it will go into the next year therefore recommends staying with the same amount of diesel; we will have to give FRCOG the number of gallons ahead of time. Vinskey: with that said, why don’t we stick with the same amount of unleaded; recommends the Select Board spend the $300 ($150/bid product); Stein and DeChiara agree.

At 9:50pm, DeChiara moves and Vinskey seconds a motion to adjourn open session and go into Executive Session for reason #3/salt issue: Vinskey: aye, DeChiara: aye, and Stein: aye.

Future Select Board Meetings:

Tuesday April 5, 2016: 6:30pm Shutesbury Town Hall

Tuesday April 12, 2016: 6:30pm Shutesbury Town Hall

Tuesday April 19, 2016: 6:30pm Shutesbury Town Hall

Documents and Other Items Used During the Meeting:

1. 2.3.16 Mortgage Inspection Plan for Albertson property
2. Main Street GIS map of parcels abutting and nearby to 15 Merrill Drive
3. Resume for Evan R. Golann
4. Draft Broadband Committee letter to MBI
5. Draft “shared police chief” letter to Sunderland and Leverett Select Boards
6. 3.17.16 email from Penny Kim regarding 5.1.16 Social Hour
7. 3.20.16 email from Narragansett Indian Tribal Historic Preservation Office
8. 3.9.16 Request to Use Town Hall from Antonellis/Spear Library
9. 3.3.16 FRCOG letter regarding fuel bidding fee and survey of need

Respectfully submitted,

Linda Avis Scott

Administrative Secretary