

Shutesbury Select Board Meeting Minutes
April 19, 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: Penny Kim/Moderator, Deacon Bonnar and Jeff Lacy/Planning Board members, Susie Mosher/Town Clerk, Jim Hemingway, and Weezie Houle, George Arvanitis, Jim Walton, Eric Stocker, Gary Hirschfield/Finance Committee members

Stein calls the meeting to order at 6:34pm.

Agenda review: DeChiara, referring to the meeting agenda, cites the example of not knowing when Broadband issues will be considered and suggests listing discussion topics and appointments in chronological order. Torres seeks to allow flexibility and ensure adequate time is allowed for walk-ins. Stein: confirms for DeChiara that discussion topics start at 6:35pm.

Public Comment: Kim appreciates the social activities sponsored by the Select Board.

Discussion Topics:

1. Broadband Issues: Torres refers to the 4.16.16 WiredWest (WW) letter requesting voluntary funds from the towns, not tied to membership, of \$1,000 to support the work WW is doing to bring regional fiber optic to homes. DeChiara asks for clarity on the “actual” operating budget. Torres: “actual” is where WW is to-date; the escrow account represents the \$49.00/household deposits. DeChiara: the Broadband Committee email stated they could not make recommendations regarding the \$1,000 and whether the resolution is to go on the warrant. Torres: the Broadband Committee was not able to review the relevant materials in order to make a recommendation in time for tonight’s Select Board meeting. Torres: Jim Drawe and Bob Labrie created the proposed FY17 budget for the WW Communications Cooperative. DeChiara confirms: \$57,000 actual and \$80,000 budget. Torres: the \$80,000 from MBI is for cost reimbursement; a paperwork delay is holding up reimbursement from MBI; once WW pays off what is owed, cash on hand will be ~ \$26,000. Stein: where is the money from the towns? Torres: that is the MBI grant money; neither Washington nor Monterey did debt exclusion overrides; the WW Board agreed to pay for Washington’s override. Torres: the \$1,000 would come from the budget; the FinCom has yet to consider the request. Vinskey: how would the funds be allocated if they do not come from the budget? Stein: in FY17, the funds could come from cash reserves. Vinskey: how will review by the Broadband Committee and FinCom be accomplished in time for town meeting? Torres: it would be difficult to call this an emergency and use cash reserves; the cleanest process would be via a special town meeting. DeChiara recommends giving the decision to FinCom. Vinskey notes the need for correct channels to be followed. DeChiara: the final version of the warrant is due 4.21.16.

2. Annual Town Meeting Warrant and Town Meeting Presentations: Torres: Town meeting will start at 9:00am. The rationale for the order of warrant articles is reviewed.

#1: DeChiara: the Select Board would have wanted advance notice regarding the Council on Aging request to increase membership from five to seven members. If needed, David Dann/COA member will speak to this article.

#2 will become #7: Arvanitis/Fin-Com Co-chair will most likely speak to this article. Vinskey notes that this article has financial implications.

#3-5 (re-ordered to become 2-4): Lacy: the Planning Board will need to present their report prior to article #5 and the citizen petitions; the report will be finalized after the 5.2.16 public hearing; the 21 days allows the Planning Board reasonable time to prepare a report. DeChiara: the 21 day period is moot if the Planning Board report is given prior to the vote. Torres: the Planning Board report could be posted on the town website prior to town meeting. Torres: if changes are made to the draft Planning Board bylaw on 5.2.16, they will be brought to the town meeting floor as amendments. Vinskey: minor typographical changes can be made at the hearing otherwise content changes will be made on the town meeting floor. Mosher: the public will learn about the petition when the town meeting mailing is sent out – will this be adequate time? Lacy: this has been an eleven-month process. DeChiara: for those who have demonstrated an interest, there has been adequate notice. Bonnar: the solar bylaw matter has been widely publicized. Lacy: a lot of education has gone into this bylaw. Kim: there is an assumption that the citizen petitions will be withdrawn? Lacy: the Planning Board will report on each one. Kim: withdrawal of a warrant article does not require a vote. DeChiara suggests the Planning Board solar bylaw be considered first then the others would not be actively considered. Lacy would rather dispatch the citizen petitions first. Kim: on 5.2.16, the Planning Board will present their report. Stein: the Planning Board would rather have the citizen petitions considered first. Lacy: DeChiara is recommending the Planning Board present its best case, then if the solar bylaw is adopted, the others will become superfluous. DeChiara: that creates a more understandable process.

#6 (now 5): Torres: per Donna MacNicol/Town Counsel, this article needs to be done at an annual or at a special town meeting. DeChiara: MGL authorizes the Select Board to act on a payment in lieu of taxes agreement (PILOT). Stein: in the past, a PILOT article has not needed to be on the warrant. Vinskey suggests a slot be held for this article. Torres: the warrant must be posted at least seven days prior to town meeting. Kim: the Select Board could choose not to act. Torres: the Board can choose not to act on the article; as the sponsor of the article, the Board can withdraw it. Stein: the PILOT article needs to be confirmed before the warrant is mailed. Torres: mailing the warrant is not a legal requirement. Vinskey recommends planning for the PILOT article to be included in the warrant. Torres: we have been using the term PILOT, however it is actually a tax agreement and MacNicol can speak to the terminology.

#7 (now 6): Stein: to give context for the budget, reports will be given first. Kim: the FinCom report will lead into the financial warrant articles. Arvanitis, noting that clarity on the PILOT language is forthcoming: the FinCom is inclined to support the PILOT article. Arvanitis agrees to speak about the regional school agreement.

Arvanitis, regarding article #10: a majority vote is required to move funds from free cash. Torres: a 2/3rds vote is required to move funds to capital stabilization. Article #11 is deleted.

Torres, regarding article #12 (now 11): an amendment can always be made to lower the amount; you cannot amend upward. Vinskey states he is planning to comment on this article and asks if he is allowed to do a presentation. Torres: if Vinskey is allowed to do so, other presentations from the floor will need to be allowed. Kim: Vinskey will have to recuse himself from the Select Board in order to present from the floor. Vinskey: his presentation will include a motion to amend the article. Kim requests Vinskey provide his motion in writing for herself, as Moderator and the Town Clerk; it is suggested Vinskey offer his amendment before presenting – the presentation will then be part of the discussion on the amendment. Vinskey: the amendment will be to reduce the amount to \$42,000 for the purchase of a government surplus truck. Houle suggests, for clarification, Vinskey include the sander portion in the presentation. Kim: typically, discussion will come from the floor; if person knows ahead of time, they would discuss their presentation with the moderator and a time limit for the presentation is set.

Vinskey: Torres has a valid point – usually folks have a few notes for discussion/amendment. DeChiara: in fairness, the department does the presentation; from the floor, the individual speaks to the amendment. Torres: there are two ways to answer the dump truck question. Stein: it is unusual to have someone from the floor offer an amendment with a PowerPoint presentation. Kim: the sponsors of an article make the presentations. Arvanitis: Vinskey could make his PowerPoint available as a handout. Vinskey: to maintain consistency, he will make a handout. Kim: as the Moderator, she is not inclined to let folks from the floor speak for more than five minutes.

Mosher and Kim have conferred about seating arrangements. Mosher: the Moderator is the flow point. Kim: the Select Board will be seated on the stage and the Moderator will stand at the podium; the FinCom will sit at a table on the floor facing the public and will stand to speak; there will be another table for the Town Administrator, Town Counsel, and Town Accountant.

Article #9: Torres: there are a couple of issues regarding the budget: the retirement amount came in lower and the Broadband Committee did not have time to consider the \$1,000 request from WW. Torres asks if the FinCom wants to include this \$1,000 voluntary fee, to be primarily used for legal costs, in the budget. Houle: the funding of the WW line (#179) could be increased for one year. Torres: once town meeting votes, the fee will be paid. DeChiara: the Select Board does not have a role in making this decision therefore would look to the FinCom and the Broadband Committee for guidance. Stocker, as a member of the Broadband Committee, feels the Broadband Committee will agree. Houle: the voluntary fee will be approved when the FinCom approves the budget. To create a

balanced budget, Torres recommends increasing line #43 (court fine revenue) by \$1,000. FinCom agrees with this recommendation. Stocker: generally speaking, the nitty-gritty of the school budgets are not reviewed. Arvanitis: it is important for school staff to be present in case there are questions. Stein: the reports will be done together and financial questions will be answered during the budget review. DeChiara, referring to the organizational chart: it would be interesting to print a list of committees. Mosher: for the past two years, she displayed a list of all the committees on the wall during town meeting.

Informational session will be held 5.21.16 at 6:00pm. Materials for the town meeting mailing must be ready by 5.26.16.

Article #26: DeChiara asks for and Torres agrees with the need for more historical information regarding this article. Torres: Mr. Czerwonka feels he can no longer keep up this portion of road (Carver Road West up to 40 Carver Road West); Cowls has used this portion of the road to access their property. Torres will explain to the landowner that additional info/research is needed. Article #26 is deleted.

Torres: the Select Board is considering adding a resolution. Where to place the resolution on the warrant is considered. Torres recommends changing "Select Board" to "we, the people of the Town of Shutesbury." Vinskey: because it is a collaborative effort, he prefers the Broadband Committee give its stamp of approval before the resolution article is added to the warrant. DeChiara suggests there be a placeholder on the warrant for the resolution and asking the Broadband Committee for feedback. DeChiara: the resolution defines needs and establishes urgency; suggests taking out mention of WW. Stein: it is important to keep WW in because that is what we are moving toward. DeChiara: the opinions on WW vary; the need for Broadband is compelling. Stein: we have been representing ourselves as a WW town – keeping it in the resolution maintains its viability; WW cannot be dismissed if it is part of every town's articles. Vinskey notes the need for consistency regarding the inclusion of WW. Vinskey: the question is whether we want to include the resolution. Stein and DeChiara: coming from town meeting, the resolution will be powerful. Torres: the Select Board letter to MBI refers to WW towns. Stein: the resolution will go on the warrant as article #2; the warrant will go as is. Torres: how will we handle this article when the Broadband Committee is not meeting until the 4.26.16? Stein: the Select Board can approve this version of the resolution and the Broadband Committee will review it on 4.26.16. Torres: Huntress/Broadband Committee Co-Chair asked for the resolution to be forwarded to the Select Board; if the Broadband Committee approves, they will also sponsor the resolution. Vinskey agrees with the plan for the Broadband Committee to co-sponsor the resolution.

3. Select Board Committee Reports: Vinskey: the Lake Wyola Advisory Committee met 4.16.16 – the agenda topics included oiling goose eggs, water quality testing and the need to check with the Lake Wyola Association regarding dredging of the North Cove.

4. Town Administrator Updates:

- a. Personnel Action Form (PAF) for Police Officer Evan Golann: DeChiara moves and Vinskey seconds the motion to approve Golann's PAF; motion passes unanimously.
- b. Barking dog complaint: Ronald Meck/abutter to the barking dog's owner, Lori Saleem, requested the Police Chief be notified of barking complaints rather than having the State Police make a visit; it is not known whether the dog was outside or inside at the time of the complaint. DeChiara: the Select Board needs to follow-up on the matter. Vinskey: if the dog is outside and barking, the owner is in violation; if inside, the solution is not working. DeChiara asks if it is possible to convey that the Select Board is interested in continuing to track the situation and wants to receive documentation relative to any future complaints.
- c. Voelker/Treasurer will attend the 4.26.16 meeting for the Select Board opening of the land auction bids. Broadband Committee feedback regarding the WW request will be considered 4.26.16.

Administrative Actions:

1. Lake Wyola Association Alcoholic Beverage Special Event License/Form: DeChiara moves and Vinskey seconds the motion for the Select Board to approve the Alcoholic Beverages Control Commission special license, Town of Shutesbury Application/License for Alcoholic Beverage Special License, and Town of Shutesbury Special Event Notification Form for the 8.6.16 Lake Wyola Beer and Wine Tasting to be held at the Lake Wyola Association Hall on Shore Drive. The motion passes unanimously and the documents are signed.
2. Payroll Warrants totaling \$90,408.02 will be signed.
3. Vendor Warrants totaling \$510,542.81 will be signed.
4. FRCOG Regional Sheltering Agreement: Torres: Select Board signoff is pending review by the Shutesbury School Committee and Principal Mendonsa; expects document will be ready for the next meeting.
5. Representative to Police Union Negotiating Team: DeChiara nominates Vinskey as the Select Board representative to the Police Union negotiating team. Vinskey accepts the nomination. DeChiara moves Vinskey represent the Select Board on the Police Union negotiating team, Stein seconds the motion that passes unanimously.
6. Accept Council on Aging Member Resignation & Prepare Thank You: The Select Board accepts Judith Makepeace's 4.8.16 letter of resignation from the Council on Aging; a letter thanking Makepeace for her years of service on the Council is approved and signed.
7. Appoint Council on Aging Member: DeChiara moves, Vinskey seconds, and all approve the motion to appoint David Wheeler to the Council on Aging.
8. Appoint Master Plan Working Group Member: DeChiara moves, Vinskey seconds, and all agree to approve the motion to appoint Melissa Warwick to the Master Plan Working Group.

Future meeting agenda items: Per DeChiara, items include: Narcan follow-up with the Board of Health, Police Chief and Fire Chief; planning a second policy manual working session, roads discussion with Hunting in late May; Native American heritage sites – plan a meeting in mid-May with the Community Preservation Committee, Planning Board and Historical Commission; after town meeting, Town Administrator performance review; land sale guidance in June; appointments discussion in early June – Torres suggests early May. Policy manual working session is planned for 6.7.16 from 6:30-8:30pm.

Unanticipated Item:

Vinskey, referring to the 4.12.16 motion regarding the library survey and an email from Paul Vlach/Web Committee Chair: his impression was that the motion was to put the survey on the town website and town announce. DeChiara: Maryanne Antonellis/Library Director reported connecting to other resources and the Select Board's vote allows her to continue as she has been relative to these things. Torres: Attorney Donna MacNicol/Town Counsel recommended Antonellis be specific as to how she has been posting. The 4.12.16 motion/vote is reviewed: "DeChiara moves and Vinskey seconds the motion for the Select Board to approve posting the library survey via Survey Monkey on the Town webpage and continue the ongoing practice of using the Town Announce system as she has been with links to CWMARS, and the library's Facebook, Twitter, etc." Vinskey: it was his impression from MacNicol that the motion should be specific to the library request. DeChiara: MacNicol was present; the motion was to allow Antonellis to post the survey and continue doing what she has been; the Select Board approved the motion acknowledging that the Board is going to revisit the policy although this review was not included in the motion; the Web Committee needs to request the Select Board review the policy. Vinskey: in the future, if the Select Board is overriding a policy, the Board needs to ensure the parties are sufficiently notified. Torres: the policy allows exemptions rather than an override; Vlach asked for review of the policy by the Select Board.

At 9:50pm, DeChiara moves and Vinskey seconds the motion to go into executive session for reason #3/salt issue and not to return to open session: Vinskey: aye, DeChiara: aye, and Stein: aye.

Documents and Other Items Used at the Meeting:

1. 4.16.16 WiredWest letter to WiredWest Delegates and Town Officials
2. 4.19.16 Draft 2016 Annual Town Meeting Warrant
3. 4.19.16 email from Attorney Donna MacNicol/Town Counsel: "Suggested town meeting warrant article for PILOT agreement"
4. Draft Resolution to the Baker/Polito Administration
5. FY17 Town Budget
6. Lake Wyola Association Alcoholic Beverage Special Event License/Form
7. 4.8.16 letter from Judith Makepeace

Respectfully submitted,
Linda Avis Scott/Administrative Secretary