

Shutesbury Select Board Meeting Minutes
June 29, 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: Melissa Makepeace-O'Neil/Select Board member-elect, Bob Douglas/66 Lake Drive, Catherine Hilton/Board of Health; Broadband Committee members Asha Strazzero-Wild, Gail Huntress, Eric Stocker, Steve Schmidt, Craig Martin and Ayres Hall; Arthur Baines and Paula LaValle/Seattle; Miriam DeFant,

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

Agenda Review: no changes

Public Comment Period: no attendance

Discussion Topics:

1. Request to Purchase Town Land/Bob Douglas: Torres reads the 6.26.16 email from Catherine Hilton/Board of Health into the record; the purpose of the meeting with Douglas and Hilton is to gather information. Douglas: the water in the shallow well at 66 Lake Drive is low in pH and high in manganese; we are looking to remediate this shallow well which ~ 15'-20' from Lake Wyola – the well location does not meet Board of Health (BOH) regulations therefore Hilton recommended Lot B10, across the street from 66 Lake Drive. Douglas reports looking at the lot earlier today with Cushing/well driller; the lot, located diagonally across from his lot, last sold in 1937, looks abandoned, and was taken by probate in 1972. Douglas is looking for an easement or to purchase the lot. Hilton: the current tenant complained about the quality of the water; the first choice is a deep well on site or shared with a neighbor; if no onsite deep well is possible, Douglas could filter the existing well however, the BOH is not happy with this option as there is already ultraviolet (UV) treatment on the current well. Hilton: the BOH was not informed about why/when the UV was initiated; no other wells in that area have high manganese. Hilton does not know whether surrounding homes have deep wells. Douglas: the abutters on both sides of 66 Lake Drive have deep wells; it is a matter of geology that results in high manganese; Lake Wyola has a low pH; our preference is for a deep well. Douglas: there is a whole house filter; a few years back, the UV light was installed – it sterilizes the water. Vinskey: does the house filter remove manganese? Douglas: no; chemical filtration would be needed. Hilton: that would not be the BOH's first choice; a deep source of clean water is recommended; additional filtration could be a solution, however, there is no guarantee it would solve the problem. Douglas: to install a well on Lot B10, six trees would need to be cut and leveling that would need to be done to create access for equipment. Douglas: the tenants are currently receiving water from Poets' Seat. Hilton: the BOH 30-day deadline is being

extended as needed; the tenants are currently being taken care of. DeChiara: timing for a Select Board decision? Hilton: the BOH would like a decision soon, however, it does not need to be tonight. DeChiara: sale or easement? Torres: per Voelker/Treasurer, a minimal auction would be needed to sell the lot; Voelker will ensure the deed is clear. DeChiara: it does not make sense to drill a well until the property is sold. Vinskey asks about the pros and cons for selling or allowing an easement. Torres: if sold, the land becomes taxable property. Vinskey: if the Town owns the property, could there be liability issues if there is a future problem with the water? Torres: yes. Vinskey: if the Town maintains ownership, and others in the neighborhood have well problems, we may be dealing with a public water supply. Hilton: there would not be enough water on the site for too many others; if sold, Douglas can do what he wants; allowing an easement sets a precedent. Stein: selling the lot to Douglas for a well is a creative solution. Torres: Lot B10 is not a building lot therefore would not add to construction around the lake. DeChiara: would the well line run under the road? Douglas: yes, the Lake Wyola Association privately owns Lake Drive; per Marvin from Cushing, the well line will be sleeved. Hilton: there are similar situations around the lake. Vinskey: there have been other requests to purchase town property around the lake. DeChiara: consideration of a policy for the purchase of town property will be taken up at a near future meeting. Vinskey suggests considering whether to sell the lot and coming to a decision at the 7.12.16 meeting. DeChiara agrees. Douglas: it is their wish to install a deep well. Hilton: the BOH also desires a deep well; well regulations and water quality standards are available on the BOH website.

2. MBI Readiness/Broadband Committee: Strazzero-Wilde provides a summary of the Broadband Committee's FY16 annual report and highlights that more has happened since engagement with MBI increased. Huntress: our goal was to complete the Readiness Submission Form by the end of last week however there are two incomplete items. Strazzero-Wilde: the Town has a good financial rating and we have preliminary approval however we are currently in a holding pattern while we work with Voelker/Treasurer to obtain formal bond authorization which is a Division of Local Services requirement. Martin: MBI does not want to spend money on towns that have yet to demonstrate the required financial ability. Strazzero-Wilde: earlier 6.29.16, Huntress and I met with John Furey/MBI who indicated that he is not concerned with this formality. Huntress: regarding the Readiness Assessment, it is very clear that MBI is charged with building as soon as possible; they are putting towns through an "operations sustainability assessment". Vinskey: will the monthly cost of internet/phone be the same as it would have been with WiredWest? Huntress: ~\$12higher/month; WiredWest is still active; we are still advocating for the A-2 plan – a collectively owned network and have checked off the intention for a regional operation; we will keep the parallel as an option. Huntress: the Governor may be recommending a regional model they feel will work; if the regional model does not work, we will pursue stand alone; to become regional, we will need to include additional fiber at certain points around town. DeChiara: who will do the design work? Huntress: we

want to be heavily involved in the design process; if we want full control, the cost will be significantly higher; we have been very pleased with MBI's responsiveness, availability and transparency; we do not know how the regional network will work out – MBI is thinking about redundancy and border issues; we are developing rapport and trust; because our handheld GPS was not accurate enough, we have decided the pole survey needs to be done by professionals and MBI will pay for this; by the end of July, a company will be chosen to do the pole surveys with an expectation the counts will be done in August; the survey could be complete in September with an application submission to electricity providers in October – these application costs are paid by the town (shared project costs) - we should plan on \$100,000 as a contingency. DeChiara: will a special town meeting be needed to allocate the funds? Torres: yes, the funds would come from free cash or stabilization. Strazzero-Wild: the BBC will hold an informational meeting about the pole survey. Huntress: per Ennen, MBI is recommending a revote for towns with regional language in their original vote; warrant language going forward will be recommended; a lot of outreach will be needed because what we will be paying for will be different than what was voted, i.e., no TV, and services will cost more. Torres: is MBI not working on a collaborative/cooperative model? Huntress hopes this question can be answered; the cooperative ownership we voted for will not be happening. Huntress: as long as MBI knows we are going to revote, they will cover us for the short term; we will want to vote by the end of October/early November. Torres: the vote cannot take place until after free cash is certified – typically Oct/Nov; a 2/3rd vote is needed for stabilization - two special town meeting warrant articles could be done at the same meeting. DeChiara: using capital stabilization could be more expedient. Vinskey: who is recommending the revote? Huntress: the Governor's legal counsel and MBI. Torres: we have yet to receive a formal legal brief. Vinskey: what if we do not revote? Martin: MBI has made it clear that they are calling the shots; they could say that if we don't revote, they won't build us. Torres: there needs to be a legal basis for new language. Huntress: WiredWest is not mentioned in our language. Stocker: we presented WiredWest at that town meeting therefore we need to revote as a matter of transparency – so people know what they are going to get. Vinskey states his concern about debt repayment. Torres: MBI says we can have a voice and a regional network. Strazzero-Wild: not a cooperatively run entity; each town will own their own network. Martin: rates could be raised to pay back the debt; if we can get costs down, we may want to include some debt repayment. Huntress: a big information campaign will be needed, however is leery about giving townspeople an update until the plan is clear. Schmidt: that is the advantage to holding the vote as late as possible – when there is a clearer sense of what the costs will be. Stein: is it possible the vote will have to be for a larger amount? Huntress: once we have the pole survey in hand, we will be able to calculate/estimate for the model – our hope is that we will not have to ask for more than what we voted for last time. Torres notes Vinskey's concern that a revote may fail. Vinskey states his concern about townspeople and a change in plan, change to the monthly cost, and what will be offered. Stein: since MBI is requiring the revote, they should be helping with the public

education. Vinskey: MBI needs to recognize their responsibility. Strazzero-Wild: the new MBI team seems to be using a “problem-solving” approach. Stein notes that the Governor’s action moved the project forward. Vinskey: timing of a special town meeting? Huntress: her sense is that October will be the month for the votes; at the very least, we will have cost quotes and be able to say “here’s the upper limit of your monthly costs.” Stein: presentations/informational meetings will need to start in September. Schmidt: could we use last year’s bond authorization? Stein: the wording in the authorization may not be valid. Vinskey: the bond work is based on that authorization. Huntress agrees and states that MBI will start spending money on this before the town re-votes; we will need to pay the utility application fees within ten days of submitting the application; MBI will need to be asked to front Shutesbury \$100,000 so we could wait to do a special town meeting next spring. Stocker: this plan could work; it is not inconceivable to have two special town meetings. Martin: we can pitch to MBI that it is in their interest to support us so the town can move fast and have favorable public voting support. Vinskey: only a hand full of people will attend a special town meeting; if the revote can be delayed until May, the outcome may look better. Strazzero-Wild: MBI is eager, as is our town, to move sooner than next May. Huntress: the “make ready” bills may come due in early spring 2017. Martin: notes the need to work hard to get the vote out. Hall: it is increasingly difficulty to sell and rent without broadband.

3. Options to Support/Promote Native American Heritage: DeFant states her interest in this topic. DeChiara: the plan tonight is to consider a joint meeting to be held at a subsequent date.
4. Organizational Chart: The draft “Shutesbury Organizational Chart” created by DeChiara is reviewed and amended.
5. Shared Police Chief Update: Torres: Police Chief Harding has no input on the matter; further communication with Sherry Patch/Sunderland Town Administrator is pending; Sunderland has yet to hire a Police Chief however they are pursuing Harding. Vinskey: we talked about conducting a study. Torres: per Patch, Community Compact would want us to write an identical application; Novack has been contacted for a quote for the study.
6. PILOT Scope of Services: Board members review quotes from Harald Scheid of Regional Resource Group and Roy Bishop. DeChiara: Scheid provided a response relative to deliverables. Vinskey referring to the “Scope of Services for PILOT Consultant”: some of Scheid’s responses do not include what was asked in the scope. All agree that Bishop’s response is less relative to the scope. Vinskey: some of what Scheid is going to assemble/acquire, the Board can easily obtain. DeChiara: we could ask Torres to request more specific information from both and/or wait for a third person. Torres: the Board could ask these two to respond more specifically and look for a third or fourth. DeChiara suggests conveying to Scheid that the Select Board is interested, however, would like more specifics.

Stein: we are asking for more clarification. Torres: Bishop presented sample data. Torres: next step, contact Scheid and request a description of deliverables tied to the request. Torres: the consultant will assist Town Counsel; has re-contacted Lebovits/Lake Street regarding payment of consultant fees – response is pending. Vinsky states his concern about the appropriateness of Lake Street paying the PILOT consultant’s fees. Torres: Attorney Pill/representing Lake Street suggested asking Lebovits. The Board will reconsider this subject either 7.5.16 or 7.12.16.

7. Select Board Committee Reports: Vinsky appreciates receipt of the “Year-End Accounting Procedures” document.
8. Town Administrator Updates/Torres:
 - A. Master Plan Working Group: responses to the RFP are due 7.5.16; Lacy posted the document to planner list serves.
 - B. Police Department: the Department had difficulties with their radios today; this is a safety concern.
 - C. Knotweed: spraying will be planned for August/September; very little regrowth has occurred in the Pelham Hill Road areas; expects support for the project from Lacy.
 - D. Wheelock Parcel: The Planning Board contract with UMass Archeological Services (UMAS) is provided as an informational sharing with the Select Board. DeChiara suggests Cowls pay the cost of the police detail as they requested the detail be present for the surface survey conducted 6.22.16. Torres: the Wheelock parcel was on the list of sites to be checked by the Police Department on 6.22.16. DeChiara explains the Planning Board special permit pre-condition #1 and that Lake Street paid for the Planning Board’s archeological consultant.
 - E. Buildings: Torres: the painting bids were much higher than expected - \$33,000, \$56,000 and \$103,000; the lowest bid was Renaissance, a local company; the town is responsible to choosing the lowest responsible bidder; the Building Committee did not have a quorum the night the bids came in and they have yet to set up another meeting. Torres explains that she is unwilling to move ahead without consulting the Select Board and Building Committee; because there is lead in the grain of the wood, the painters have to treat it like lead paint every time. Torres: the Town Hall rear door project can go forward; Home Depot did not respond to the request, so Cowls will do the project.

Administrative Actions:

1. Approve Appointed Officials List: The proposed “Town of Shutesbury Appointed Officials July 1, 2016 – June 30, 2017” is reviewed and amended. The Municipal Lighting Plant Manager appointment will be for three months and separated from the Delegate to the WiredWest Coalition position. DeChiara: the Franklin Regional Council of Governments (FRCOG) representative should be a member of the Select Board or the Town Administrator (TA); before reappointing Ellen McKay, she needs to come to a Select Board meeting to talk about the position. Torres: during the meetings, FRCOG reports on their activities; there is not much back and forth; McKay reports to the Town Administrator after every meeting and

the Select Board receives much of the relevant information directly from FRCOG. Torres suggests DeChiara attend a FRCOG meeting; at least once or twice a year, McKay cannot attend and Torres attends instead. Torres: McKay, as our representative, is on a sub-committee; the smoothest path may be for DeChiara to be the official alternate. DeChiara agrees to be the alternate and with McKay staying on as the representative and, subsequently, having the conversation about what is the best fit. It is noted that David Jolivet and Miriam DeFant are Historical Commission Associate Members; the Recreation Committee is listed as inactive. Torres: it has become clear that the Fire Chief covers the E911 duties; the Personnel Board needs to add E911 and Hazard Mitigation responsibilities to the Fire Chief. Torres: Linda Lawton Jacobson will be attending a Personnel Board meeting then, if she decides to join the Board, the Town Moderator will make the appointment. DeChiara: the Select Board will decide upon their representative to the Personnel Board. DeChiara moves to approve the “Town of Shutesbury Appointed Officials: July 1, 2016 – June 30, 2017”; Vinskey seconds the motion that is unanimously approved.

2. Sign Annual Personnel Action Forms (PAF): Torres will have the annual PAFs ready for signing on 7.12.16; the master list of pay rates has been given to the Accountant.
3. Select Board Meeting Minutes: DeChiara moves and Vinskey seconds the motion to approve the 5.18.16 minutes; motion to approve the 5.18.16 Select Board minutes as amended is passed unanimously. Review of the 5.31.16 minutes is postponed.
4. Vendor Warrants totaling \$183,277.07 will be signed.
5. Payroll Warrants totaling \$81,876.73 will be signed.

Future agenda items:

1. Communication about road projects: Torres: what people want done with Task Hill, roads in general and how to communicate road project activity; if there is going to be a conversation about Task Hill, there needs to be a conversation about the whole of Montague Road. Vinskey: the main concern is communication about road changes – we can do a better job communicating about what is going on and how it is going to effect residents. Stein notes need to open up the discussion. Vinskey notes the need for conversations to happen in the context of a meeting and to give the public an opportunity to have input; Hunting has the decision-making authority.
2. Stein expresses concern about the role of the e-Moderator on Nextdoor Shutesbury and emphasizes the need for information to be posted on the town website.

7.5.16: plan a new date to work on Select Board policy manual

7.26.16: consider who to invite to discussion about options to support/promote Native American Heritage; use of Nextdoor Shutesbury by town officials

8.9.16: consider policy for selling town property

8.23.16: information sharing about road projects

Pending topics: appointment renewals and length of time served

Motion is made, seconded, and passed unanimously to adjourn the meeting at 10:02pm.

Documents and Other Items Used at the Meeting:

1. 6.26.16 Catherine Hilton email regarding 66 Lake Drive
2. Assessor Property Card for Lot B-10
3. Broadband Committee FY16 Annual Report
4. 6.1.16 Draft “Last Mile Readiness Submission Form”
5. MBI Service Delineations
6. March 2016 Draft Organizational Chart
7. 6.6.16 Town of Shutesbury Scope of Services for PILOT Consultant
8. PILOT Consultant quotes from Regional Resource Group and Ray Bishop
9. 6.27.16 Eric Johnson/UMAS Proposal
10. FRCOG Municipal Resources Request for Appointments
11. Town of Shutesbury Appointed Officials 7.1.16-6.30.16

Respectfully submitted,
Linda Avis Scott
Administrative Secretary