

Shutesbury Select Board Meeting Minutes
December 5, 2017 Shutesbury Town Hall

Select Board members present: Michael DeChiara/Chair, Melissa Makepeace-O'Neil, and Timothy Logan

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

Guests: Mary Lou Conca; Women of Positive Presence: Susie Mosher, Rita Farrell, and Joan Hanson; Sara Clark/Clark Auto Wrecking; Jennifer Donnelly/Shutesbury Athletic Club; Master Plan Working Group: Mary Anne Antonellis, Allen Hanson, Jeff Lacy and Meryl Mandell; Howard Kinder/Dam Keeper, Fire Chief Walter Tibbetts/Emergency Management Director; Bill Wells.

DeChiara calls the meeting to order at 6:32pm.

Agenda review: Makepeace-O'Neil requests a 12.19.17 agenda item to consider a letter of support to the Lake Wyola Advisory Committee for the dredging of the Lake Wyola cove.

Logan reads his 12.5.17 letter of resignation into the record. DeChiara moves the Select Board, with regret, accept Logan's letter of resignation effective midnight 12.5.17. Makepeace-O'Neil regrettfully seconds the motion that passes unanimously.

Public Comment Period:

Mary Lou Conca explains that she sent an email to the Select Board a short while ago regarding her appointment as an associate member of the Historical Commission. Conca acknowledges that she is honored to have been appointed and is requesting the Select Board consider appointing her as an alternate member as her attendance will be regular and, in the absence of other members, her presence would achieve quorum. Conca reads her response to the Select Board website statement regarding the decision to postpone the appointment of the Native American Working Group into the record. A copy of this statement is received for the record.

Discussion Topics:

1. Clark Auto Wrecking License Renewal: Sara Clark is present to represent Clark Auto Wrecking and invites any interested Select Board member to visit their site. The application for a license to buy, sell, exchange or assemble second hand motor vehicles or parts thereof and relevant documents are reviewed; the license renewal fee is received. DeChiara moves the Select Board approve the license application to buy, sell, exchange or assemble second hand motor vehicles or parts thereof and waive the annual license renewal hearing; Makepeace-O'Neil seconds the motion that passes unanimously and the license documents are signed by the Select Board.
2. Shutesbury Athletic Club License Renewal: Jennifer Donnelly, as Secretary of the Board of Directors, is present to represent the Shutesbury Athletic Club. The

Administrative Secretary reviews the relevant license renewal applications with the Select Board and reports that all necessary documents are in order. Logan moves the Select Board approve the Local Licensing Authority (LLA) Review Record for the Shutesbury Athletic Club; Makepeace-O'Neil seconds the motion that passes unanimously. DeChiara moves the Select Board authorize the Administrative Secretary to represent the LLA for the Alcoholic Beverages Control Commission (ABCC) bulk renewal; Makepeace-O'Neil seconds the motion that passes unanimously. DeChiara moves the Select Board grant the Shutesbury Athletic Club a Club License; Makepeace-O'Neil seconds the motion that passes unanimously. DeChiara moves to approve the Shutesbury Athletic Club (SAC) license to operate a pool table; Makepeace-O'Neil seconds the motion that passes unanimously. DeChiara moves and Logan seconds the motion to approve the SAC license to have live entertainment; motion passes unanimously. It is noted that the pool table license period is 5.31.18 to 4.30.19. Logan moves and Makepeace-O'Neil seconds the motion for the Select Board to approve the Memorandum of Agreement with the SAC. Logan: are there any current concerns expressed by neighbors in the area surrounding the SAC? Donnelly: usually Paul Danielovich/SAC Manager would answer this question; there have been no concerns that she is aware of; due to a past complaint, outside entertainment is limited. Torres: Police Chief Harding receives a list of scheduled SAC events a month in advance. Donnelly: "out of the ordinary" may be SAC special events, i.e. the annual Club Christmas party and steak roast; ordinary events include weekly music and Friday night meals; a large act would be out of the ordinary. Logan: are the motorcycle events "out of the ordinary"? Donnelly: the motorcyclists use the SAC as part of a "run event" and are usually in/out in about an hour; they are very good tenants. DeChiara moves to approve the Memorandum of Agreement; Makepeace-O'Neil seconds the motion that passes unanimously. The Select Board signs all relevant documents.

3. Minority Report: DeChiara, citing the relevant documents, reviews the procedure for submission of a minority report. Jeff Lacy/Master Plan Working Group states that there is no intention to submit a minority report during this meeting.
4. Master Plan Working Group Presentation: Logan states his appreciation for the work of the Master Plan Working Group (MPWG). Meryl Mandell/MPWG Chair presents on behalf of the group and notes that seven diverse members including herself, Mike Vinskey, Tim Logan, Mary Anne Antonellis, Michele Cunningham, Jeff Lacy and Al Hanson, completed the recent work. Per Mandell, three topics emerged for further Select Board attention: 1. Community, finances, infrastructure and land use/housing; 2. Crafting a statement on fiscal issues for the town – this was the most contentious issue in terms of discerning what were concerns of the townspeople versus personal perspectives; 3. "Low-hanging Fruit", i.e. low cost, high payoff activities. Mandell reads "Recommendation to the Select Board resulting from the visioning process conducted by the Master Plan Working Group (MPWG) in 2016-17 that culminated in a Shutesbury Community Vision Report completed in May 2017" into the record. Torres: the grant referred to in

the document required matching funds; Lacy has agreed to donate his professional planning services to meet this requirement. Mandell reads “Recommendations to the Shutesbury Select Board Financial Sustainability/Responsibility 11.1.17” into the record. Mandell reads “We the members of the Shutesbury Master Plan Working Group suggest that the Shutesbury Select Board work towards appointing an Achievable Actions Committee” into the record. Mandell: the MPWG held its last meeting and has completed its work; requests the MPWG webpage be maintained for period of time and that these new documents be added. Logan asks for clarification on the work of the Community Preservation Committee (CPC) and the proposed new Achievable Actions Committee. Al Hanson clarifies that the CPC needs to maintain the integrity of its statutory work. Logan emphasizes that the focus of the Lot O32 committee be consistent with the four areas (community, finances, infrastructure and land use/housing). Logan notes that the work with Joe Markarian/FRCOG is addressing the areas of concern and financial policy statements that will be brought to the Select Board for approval. Makepeace-O’Neil appreciates the work of the MPWG and their reports/recommendations. DeChiara reviews the recommended action steps and their timing: 1. Establish the Lot O32 committee, 2. Consider budgeting for “low hanging fruit by appointing Achievable Actions Committee, and 3. The financial recommendations are in process. Mandell emphasizes the need for communication with townspeople regarding town finances. Makepeace-O’Neil moves the Select Board accept the MPWG reports as read into the record; Logan seconds the motion. DeChiara confirms that the report consists of three parts. The motion is approved unanimously. DeChiara asks for interest in the Lot O32 committee: Lacy, yes and A. Hanson, perhaps.

5. Lake Wyola Dam Repair: Walter Tibbetts/Emergency Management Director refers to the 11.22.16 “Lake Wyola Dam Phase I Inspection/Evaluation Report” and recommends the Select Board consider the recommended repairs, some of which are relatively simple while others will require substantial permitting; the first step will be seeking necessary consultation to determine priorities/costs. Tibbetts: the repairs include sealing the outflow pipe, re-mortaring the spillway and repositioning the seepage weir that will require a wetland permit. Logan: timeframe? Tibbetts: it depends on the type of work – sealing the outflow can be done at any time, re-mortaring and repositioning needs to be done during low flow/winter drawdown. Torres: considerations include determining the need for a drawdown and the timing of the Locks Pond Road/Sawmill River culvert replacement. Various approaches are considered. Tibbetts offers to contact potential engineers to determine the conditions, i.e. water flow and season, for the required repairs. DeChiara appreciates the need to move forward without rushing; matters of public safety and capital expense are involved. Torres: a town meeting may be required to obtain funding; in the past, clarity on the elements of the project were determined and periodic updates given to the Select Board; the role of the Select Board is to give initial support for the project. Torres and Tibbetts will work on defining the project; a joint visit with Mark Stinson/DEP and members of the Conservation Commission has been conducted. DeChiara

recommends the Select Board offer their initial support, in particular, support for Torres and Tibbetts in moving forward on defining the project. Torres: the potential grant for the Locks Pond Road culvert permitting may overlap the dam repair projects. Howard Kinder/Dam Keeper, noting the grassy area on the outflow side of the dam, states that he would like to remove the rocks and establish a ground cover that can be mowed; work in this area will require wetland permitting. Torres notes that this area may be disturbed by the Locks Pond Road culvert project.

6. Letter to the FCCIP Building Inspector: Logan refers to the 12.5.17 draft. It is not clear who the owner is. DeChiara: Kevin Sullivan is the owner-operator's representative on site; Lake Street is the developer. Torres: per Marnin Lebovits, Lake Street Development Partners is the owner. DeChiara: It was clear to him that Lake Street Development understood that the Select Board was required to sign the Surety Agreement before the physical work on the site (construction pre-conditions) could begin; it was discussed by Planning Board, Lake Street, Select Board and town attorney at 10.16.17 Planning Board meeting. Zachary Schulman/Lake Street asked the Select Board to sign the Surety Agreement during the 10.16.17 Planning Board meeting; the 12.5.17 draft letter conveys that the Select Board does not want action taken on a presumption. Logan states that, upon reflection, he has mixed feelings about the letter – it may not have any effect, however, it may be remiss for the Select Board not to send it. DeChiara: the letter will go on record that the Building Inspector is accountable to the Town. Makepeace-O'Neil: it is important to acknowledge the Building Inspector's responsibility. DeChiara moves to approve the 12.5.17 draft letter; Makepeace-O'Neil seconds the motion that passes unanimously.
7. Employee Review Process: The Select Board plans to consider the topic during the 12.19.17 meeting; the Personnel Board will present their revised plan during the 1.23.18 meeting.
8. Regional Assessment Update & Process: Noting that an agreement was not achieved during the 12.2.17 four-town meeting, the Select Board holds a brief discussion on the status of the regional assessment method.
9. Town Administrator Updates:
 - a. Small Bridge Grant/DOT District 2: To date, the awards for round one have been given; Shutesbury's application is in round three.
 - b. Contract Negotiations Calendar: Given Logan's resignation, revisions are made.
 - c. Elevator Repairs: Repairs are to be completed next week.
 - d. Legal Fees: Per Torres, a \$5,000 FinCom transfer has been granted to cover the cost of current outstanding legal fees. Torres recommends requesting that the FinCom budget \$1,250/month for 10 hours of legal services for a total of \$7,500 through the end of the fiscal year; DeChiara moves the Select Board

support a \$7,500 transfer from FinCom reserves to cover legal fees;
Makepeace-O'Neil seconds the motion that passes unanimously.

- e. Shutesbury ARRA Cost Recovery: Torres acknowledges and appreciates Eva Tor's/Springfield DEP Bureau of Waste Site Cleanup, with the help of Boston DEP, success in convincing the EPA not to pursue collection of \$198,000 in LUST and ARRA funds from the Town.

10. Committee Updates:

Broadband Committee: per DeChiara, the Committee agreed to sign the WiredWest Memorandum of Understanding; the State is now considering whether telecom only Municipal Lighting Plants should exist. Torres: design principles and their impact on maintenance costs are being reviewed and considered; WG&E is being consulted.

11. Future Agenda Items are reviewed. Regarding the plan for Tom Scanlon/Scanlon Associates to attend a Select Board meeting, Logan emphasizes the need for an internal controls manual to maintain due diligence.

Administrative Actions:

1. Review of Select Board Meeting Minutes:
 - 9.19.17: DeChiara moves and Makepeace-O'Neil seconds the motion to approve the 9.19.17 meeting minutes; minutes are unanimously approved as amended.
 - 10.3.17: DeChiara moves and Makepeace-O'Neil seconds the motion to approve the 10.3.17 meeting minutes; DeChiara and Logan approve the minutes as amended; Makepeace-O'Neil abstains.
 - 10.16.17: DeChiara moves and Logan seconds the motion to approve the 10.16.17 meeting minutes; minutes are unanimously approved as presented.
 - 10.17.17: DeChiara moves and Makepeace-O'Neil seconds the motion to approve the 10.17.17 meeting minutes; minutes are unanimously approved as amended.
 - 10.23.17: DeChiara moves and Makepeace-O'Neil seconds the motion to approve the 10.23.17 meeting minutes; minutes are unanimously approved as presented.
 - 10.30.17: DeChiara moves and Makepeace-O'Neil seconds the motion to approve the 10.30.17 meeting minutes; minutes are unanimously approved as presented.
 - 11.14.17: DeChiara moves and Makepeace-O'Neil seconds the motion to approve the 11.14.17 meeting minutes; minutes are unanimously approved as presented.
2. Verizon Pole Attachment Agreement: Per Torres, the Verizon Pole Attachment agreement was originally signed in August 2017; at that time, it was signed by the Town; it then needed to be signed by the Town and the MLP, subsequently, Verizon returned the document with a further correction. Makepeace-O'Neil moves the Select Board sign the Pole Attachment Agreement between Verizon and the Town of Shutesbury and the MLP; Logan seconds the motion that passes unanimously. MD signs the document on behalf of the Town of Shutesbury.
3. The Select Board has signed vendor warrants totaling \$62,916.15.
4. The Select Board has signed payroll warrants totaling \$107,173.93.
5. The Select Board has signed broadband warrants totaling \$65,865.24.

6. Highway Department Equipment Operator: Torres: the new equipment operator, Robert Adams, has a CDL and is experienced. Makepeace-O'Neil moves the Select Board accept the Personnel Action Form hiring Robert Adams as Highway Department equipment operator; motion is seconded by Logan and passes unanimously.
7. Fire Department Personnel Action Forms (PAFs): Torres: there are two steps for these PAFs: 1. Instead of paying stipends to firefighters when on-call, they will now receive an hourly wage as agreed to by the FinCom and Personnel Board; 2. Firefighters will be paid an hourly wage for training; this will be the same as the on-call wage of \$18.62; the training wage will be retroactive to 7.1.17. DeChiara states his support for the higher wage. Torres notes that training is a demanding activity. Makepeace-O'Neil moves the training and on-call hourly wage be established; Logan seconds the motion that passes unanimously.

Unanticipated Item:

Torres: the Select Board will need to decide whether to hold a special election or wait for annual town meeting to fill the vacated Select Board seat; Susie Mosher/Town Clerk will do the calculations on how soon an election can be held.

DeChiara moves and Makepeace-O'Neil seconds the motion to adjourn the meeting at 9:48pm; motion passes unanimously.

Documents and Other Items Used at the Meeting:

1. 12.5.17 letter of resignation from Timothy Logan
2. 12.5.17 email from Mary Lou Conca: "Alternate Membership of Historical Commission
3. 12.5.7 statement from Conca: "Native American Working Group – postponed"
4. Relative licensing documents for Clark Auto Wrecking (see file)
5. Relative licensing documents for Shutesbury Athletic Club (see file)
6. Robert's Rules of Order: Reception of Reports
7. Master Plan Working Group Reports as listed in the body of the minutes
8. 11.22.16 "Lake Wyola Dam Phase I Report" by Root Engineering
9. 12.5.17 Select Board letter to James Hawkins/FRCOG Building Inspector
10. Personnel Action Forms
11. 12.5.17 Fire Department spreadsheet "Call Wages/Salaries"
12. 11.22.17 email from Eva Tor: "Shutesbury ARRA Cost Recovery"

Respectfully submitted,
Linda Avis Scott
Administrative Secretary