

Shutesbury Select Board Meeting Minutes
March 20, 2018 Shutesbury Town Hall

Select Board members present: Michael DeChiara/Chair and Melissa Makepeace-O'Neil
Staff present: Becky Torres/Town Administrator; Linda Avis Scott/Administrative Secretary

Guests: Attorney Donna MacNicol/Town Counsel; Catherine Hilton and Arlene Read/Board of Health; April Stein/Personnel Board; Susan Millinger and Joan Hanson/Women of Positive Presence; Paul DeMarco/Mass Teachers Association; Police Sergeant Wendy Masiuk and Police Officer Dan Fernandes; James McNaughton/Adventure In-Adventure Out and Elizabeth Witham/Temenos Director

DeChiara calls the meeting to order at 6:30pm.

At 6:30pm, DeChiara moves the Select Board enter executive session for reason #3/to discuss strategy with respect to litigation/salt issue and to reconvene in open session. This motion is seconded by Makepeace-O'Neil. Catherine Hilton and Arlene Read/Board of Health members are invited to attend the executive session. Roll call vote: DeChiara: aye and Makepeace-O'Neil: aye.

Open session resumes at 7:28pm.

Public Comment: Paul DeMarco/Mass Teachers Association: the Hampshire Council of Government Insurance Trust town representatives are meeting 4.18.18. DeMarco plans to speak directly with Gabe Voelker/Shutesbury's representative; there may be the votes necessary to ask the Trust to reconsider the changes. DeMarco asks the Select Board to request Voelker to support the motion to reconsider the changes and reopen debate on the matter. This topic will be considered during the 4.3.18 Select Board meeting. DeChiara notes that Voelker has requested guidance for the Select Board regarding how to vote on Trust matters.

Discussion Topics:

1. Temenos Special Event Application: Draft 3.8.18 Conservation Commission minutes pertinent to the event application are reviewed. Torres: per Police Chief Harding, Fire Chief Walter Tibbetts has responsibility for first responder coverage; per Tibbetts, the requirement is for two first responders and a rescue vehicle for a minimum of four hours; the cost for this coverage is a concern for Temenos. James McNaughton/Adventure In-Adventure Out: AIAO staff is trained in wilderness rescue and water safety; AIAO has a two million dollar aggregate insurance policy and is willing to add the Town to the policy; AIAO has experience running adventure and training programs for a variety of organizations including the Spear Library and Amherst College. Elizabeth Witham/Temenos: a maximum of 20 persons will be involved with the 5.29.18 event. DeChiara: the Select Board concern about rescue ability seems to be covered and insurance is covered. Makepeace-O'Neil states that she was

concerned about safety especially given the lack of cell service around Lake Wyola, however, can be comfortable with the training/skill of AIAO staff. The condition “that police or fire personnel with first responder training is on-site for duration of the event” is crossed out on the Special Event Notification Form and “Adventure In Adventure Out adds the Town of Shutesbury to its insurance rider for the event” is added by DeChiara who signs and dates the form. The Conservation Commission will reconsider the application during their 3.22.18 meeting.

2. Citizen Petitions for Annual Town Meeting Warrant: No petitions have been submitted to the Town Clerk.

3. Personnel Committee:
Police Chief Job Description: Torres: the Personnel Board recommends Select Board approval of the March 2018 Chief of Police job description. DeChiara moves to approve the March 2018 version of the Chief of Police job description; Makepeace-O’Neil seconds the motion that passes unanimously.
Police Chief Hiring Process: Hiring Committee membership will include one representative each from the Select Board, Finance Committee and Personnel Board and the Town Administrator, Elementary School Principal, and 1-2 community members; Police Chief Harding will serve in an ex-officio capacity. Makepeace-O’Neil moves the Select Board approve the appointment of a Police Chief Hiring Committee to interview and recommend final candidates to the Select Board; DeChiara seconds the motion that passes unanimously. The Hiring Committee will be active between 5.1.18 – 6.30.18. Advertising for the position will begin during the week of 3.26.18. Torres recommends appointing the committee as soon as possible and asks how many candidates are to be recommended to the Select Board. DeChiara moves and Makepeace-O’Neil seconds the motion for the Hiring Committee to recommend 1-3 candidates for the position of Police Chief to the Select Board; motion passes unanimously. Torres: thus far, Al Springer and Russ Mizula, two community members have volunteered. DeChiara suggests three community members be appointed to the Hiring Committee. Torres suggests the Select Board consider the demographic represented by community members and recognizes the need for members who are sensitive to the needs of the community and perhaps someone with a public safety background. April Stein/Personnel Board recommends the Select Board consider those who are not yet involved as town volunteers and those of a younger generation. Torres recommends Bruce Carroll who has expertise in working with police departments in different parts of the nation and Mary Ann Antonellis, who as Library Director, has awareness of the different needs of the town residents. Torres is encouraged to begin the advertising process and notify the committees needing to provide representation on the Committee.
Communication Changes to Town Administrator Description: Stein: the Personnel Committee was inspired to create a process for evaluations that does not violate Open Meeting Law therefore defined a process that gives the Town Administrator the authority to conduct job performance reviews. To do that, day-

to-day supervision of department heads is being delegated to the Town Administrator by the Select Board holding the Town Administrator responsible for department head personnel reviews. Per Stein, the Personnel Board needs to review the pay grade and approve the final Town Administrator job description that includes changes recommended by Attorney Brian Maser/KP Law. DeChiara notes that Town Counsel Donna MacNicol was agreeable with the changes to the responsibilities as described. Stein recommends the Personnel Board and Select Board communicate the supervisory and evaluation procedure changes to the Town Administrator's job description in a face-to-face meeting with the pertinent personnel without the Town Administrator present; this will provide personnel with the chance to ask questions. The Personnel Board will consider a date/time for the meeting with staff; the change will take effect 7.1.18.

4. Recommendation for Review of Employee Job Descriptions: DeChiara reads the "Suggested Motion Regarding Review of Job Description" into the record (see attached); Makepeace-O'Neil will make the recommended edits.
5. Registrar of Voters Appointment: Per Scott, Sally Fairfield is unable to attend due to illness however is interested in serving and is willing to meet with the Select Board at a future date. Gail Fleischaker states that she is interested in voting rights, recognizes the need for up to date voter registration records and has the detailed skills and computer expertise to assist the Registrar in meeting the requirements as spelled out in Mass General Law. Select Board members acknowledge Fairfield's willingness to serve however notes the timeliness of the appointment. DeChiara moves the Select Board appoint Gail Fleischaker to be a Democratic representative to the Registrar of Voters for the term ending 3.31.20; Makepeace-O'Neil seconds the motion that passes unanimously.
6. Timeline for FY19 Appointments: Scott will begin composing letters to committee and board chairs listing those members whose terms will expire 6.30.18 and ask whether those members are recommended for reappointment. The Select Board will plan to consider re-appointments during their 6.12.18 meeting.
7. Review of Small Touches Submissions: A summary of the Select Board recommendations will be prepared for the upcoming issue of *Our Town*. DeChiara and Makepeace-O'Neil compare their ratings for each proposal using the "Small Touches Contest Review Sheet":
 1. Gazebo/Bandstand: Board members combine the similar Small Touches entries noting their potential for enhancing community and, that rather than on the Town Common, they could be located in the rear of Town Hall where there is ease of parking and access to bathroom facilities. This project will be recommended.
 2. Skating Rink: The Recreation Committee is also considering a skating rink therefore the applicant, Paul Lyons, could work with the Committee to move this potential project forward without a Small Touches recommendation.

3. "Squash Swap": This project proposes more technology than is necessary or needed for Shutesbury therefore is not recommended.
4. Reflective Sign: The proposal for a reflective sign at the intersection of Leverett and Wendell Roads is not recommended.
5. Walking Trail: Per Torres, Rita Farrell/Rec Committee reported that the Committee was interested in putting forth a Small Touches proposal to map walking trails; Farrell was referred to Paul Lyons who previously researched a similar project; based on Farrell's follow-up with Lyons, the Rec Committee decided not to submit an application due to the complications with trails intersecting private property. The trails on town owned land could be mapped, i.e. South Brook Conservation Area and, in addition, areas like the Shutesbury State Forest. DeChiara suggests the Select Board recommend funding for trails on town owned land with implementation support from the Rec Committee and consultation with Lyons. Makepeace-O'Neil agrees with this suggestion.
6. Daffodils "Operation Narcissi": This project, a "community initiative to cover public spaces with daffodils" will be recommended and, if funded, the proposer, Gayle Huntress will be asked to volunteer to organize the project.

The Board notes that the gazebo-bandstand proposal needs pricing to support the recommendation. DeChiara moves that the Select Board further develop for annual town meeting the following Small Touches proposals: bandstand/gazebo, developing walking trails on public land and daffodil planting; Makepeace-O'Neil seconds the motion that passes unanimously. The Master Plan Working Group is thanked for bringing forward the Small Touches concept.

8. State Grant Options: The Planning Grant is available through June 30, 2019. DeChiara: if the grant funds are to be used, it will be important to find a use that is not controversial, i.e. climate change adaptation. DeChiara refers to the "2011 Massachusetts Climate Change Adaptation Report" and notes the increasing number and intensity of storms, water issues, transportation effects, i.e. the ice storm; if used, matching funds will be needed. Torres will send the grant language to the Select Board. Makepeace-O'Neil notes that the Emergency Management Team has done disaster related planning. DeChiara is looking at climate change adaptation as a town planning responsibility. Makepeace-O'Neil cites the Board of Health/Emergency Management Team neighborhood network endeavor. DeChiara: the approach to use of the funds may be the creation of a climate change adaptation plan. The Planning Board will be consulted during the 4.3.18 Select Board meeting.
9. Amherst Region Capital Borrowing Notification: Torres: during their 3.12.18 meeting, the Amherst-Pelham Regional School District voted to support the projects included in the Regional Capital Plan; the Select Board does have the ability to deny the vote and hold a special town meeting within sixty days of the

date of the letter, 3.13.18. Makepeace-O'Neil moves the Select Board acknowledge receipt of the 3.13.18 Amherst Region capital borrowing notification letter; DeChiara seconds the motion that passes unanimously.

10. Annual Town Meeting Prep: The 3.20.18 warrant revision is reviewed; a number of capital items will be added. The meeting with Town Moderator Penny Kim is scheduled for 4.17.18. The "Planning Board Recommended Zoning Amendments for Consideration at 2018 TM" will be reviewed with the Planning Board during the 4.3.18 meeting.

11. Town Administrator Updates:

- a. Nancy Long/Dog Officer needs to be nominated by the Select Board as the Inspector of Animals. Makepeace-O'Neil moves the Select Board nominate Nancy Long as Shutesbury's Inspector of Animals; DeChiara seconds the motion that passes unanimously.
- b. Constellation NewEnergy, Inc. works with municipalities and is endorsed by the Mass Municipal Association; the advantage of contracting with Constellation is to stabilize a price for electricity; the contract options vary, however, Bruce Turner/Union 28 Director of Finance and Operations supports an 18-month contract period; the contract will lock the price at \$.08/kWh; the last National Grid price was \$.16/kWh. Makepeace-O'Neil moves and DeChiara seconds the motion to approve an 18-month contract with Constellation NewEnergy.
- c. The opioid epidemic was one of the presentation topics at the recent Small Town Administrators of Massachusetts meeting; Winchendon and Sturbridge have signed onto the lawsuit; KP Law is providing the three lead attorneys; if the Select Board is so inclined, Shutesbury could join the suit; relevant documents for review could be supplied. DeChiara: does the town need to show damages? Torres: the participating towns would not be burdened with determining cost damages or depositions; some damages are hidden, i.e. distressed children requiring additional school services. The Select Board supports Torres in obtaining more information about the lawsuit from KP Law.
- d. During the legislative MMA breakfast in Gardner, it was learned that the Chapter 70 review and implementation of changes is in process and that there may be additional funding for library budgets.
- e. An unnecessary heat sensor in the elevator shaft was removed earlier 3.20.18.

12. Committee Updates:

Council on Aging: Per Makepeace-O'Neil: due to the impending storm, the 3.21.18 event has been postponed; the COA has a challenge in meeting quorum.
Emergency Management Team: Per Makepeace-O'Neil, a grant has been used to purchase 40 radios and batteries for the neighborhood network group leaders; Morris Root/dam engineer and Walter Tibbetts/EMT Director reviewed necessary repairs Lake Wyola dam repairs with a consultant earlier 3.20.18.
Broadband Committee: Per Torres, during a recent Committee meeting there was a spreadsheet presentation analyzing the use of WiredWest as an ISP; the RFP is in process and is expected to be submitted within the next couple of months; the

design from Westfield Gas & Electric is pending; there may be additional funding for overages. DeChiara notes the need to formally recognize Torres and the members of the Broadband Committee for all of their efforts.

13. Prior & Future Action Items: The next meeting agenda will include the following topics: health care, Planning Board discussions, approval of the Town Administrators job description and further warrant review. The Town Administrator will check with the Dog Officer regarding the status of Saleem's dog.

Administrative Actions:

1. The Select Board will sign vendor warrants totaling \$138,373.14.
2. The Select Board will sign payroll warrants totaling \$102,350.27.
3. The Select Board will sign Broadband warrants totaling \$395,139.68.
4. DeChiara moves to approve the Select Board 3.6.18 meeting minutes; Makepeace-O'Neil seconds the motion; the 3.6.18 minutes are unanimously approved as amended.
5. Makepeace-O'Neil moves the Select Board accept the resignation of Jean Footit from the Council on Aging; DeChiara seconds the motion that passes unanimously.

At 9:52pm, DeChiara moves to adjourn the meeting; the motion is seconded by Makepeace-O'Neil and passes unanimously.

Documents and Other Items Used at the Meeting:

1. 3.8.18 draft Conservation Commission minutes
2. 3.20.18 amended Temenos Special Event Notification Form
3. March 2018 Chief of Police Job Description
4. "Shutesbury Chief of Police Hiring Timeline"
5. "Suggested Motion regarding Regular Review of Job Descriptions"
6. 2.22.18 letter from Penny Kim/Chair Shutesbury Democratic Committee
7. Small Touches Contest submissions and review sheet
8. "2011 Massachusetts Climate Change Adaptation Report" excerpt
9. 3.13.18 APRS Capital Plan letter
10. 3.20.18 draft 2018 Annual Town Meeting Warrant
11. "Planning Board Recommended Zoning Amendments for Consideration at 2018 TM"
12. Draft Constellation NewEnergy, Inc. contract with 3.19.18 Constellation email containing pricing information
13. 3.16.18 COA resignation letter from Jean Footit

Respectfully submitted,
Linda Avis Scott
Administrative Secretary