

Shutesbury Select Board Meeting Minutes  
April 3, 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: Mary Lou Conca, James Schilling-Cachat, Paul DeMarco/MTA, Police Sergeant Wendy Masiuk, Police Officer Dan Fernandes, Deacon Bonnar/Planning Board Chair, Barbara Fukushima/SES teacher and Anna Aaron/Personnel Board

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

Public Comment: James Schilling-Cachat states his public comment is as a citizen not as a member of the Historical Commission. Schilling-Cachat presents a document dated 3.10.18 and titled "Petition for Redress to Disqualify April Stein and Elaine Puleo Under Published Conflict of Interest and Actions in Office Contrary to Town Resolutions" including supporting documents; the petition with signatures will be delivered to the Town Clerk by 4.6.18. The Select Board acknowledges receipt of the document and will review it as well as consider whether there is a Select Board role regarding the petition. Mary Lou Conca questions Torres' statement that the document has no legal standing and is concerned the petition will not receive appropriate attention. DeChiara: the due date for submission of citizen petitions for annual town meeting has passed. The Select Board does not know the process for the document presented by Schilling-Cachat and suggests the petitioners research the process. Torres: the Select Board's authority regarding this document is limited.

**Discussion Topics:**

1. Health Care Trust Update: Paul DeMarco/Massachusetts Teachers Association (MTA): per the Hampshire County Group Insurance Trust (HCGIT) income/expense report; \$1 million was removed from the operating budget and put into the stock market portfolio; growth went from \$26 to \$30 million over the last year; over the last twelve months, the Trust operating budget increased by \$1.5 million and net assets increased by \$3.5 million therefore it seems the trust is in good financial standing. Per DeMarco, the Trust has reserves of 48.6% representing about six months of expenses; it needs reserves for about three months; at minimum, the Trust is double funded; the towns' costs are increasing; the MTA feels the Trust can afford to pay the design changes; these costs will affect those who can least afford them. DeMarco: the MTA would like a vote to suspend the rules and, if the rules are suspended, they would like a vote to reconsider the vote on the plan design changes; if the suspension and reconsideration are not passed, the MTA will seek to bargain with the Town over the impact, however, the MTA would rather work with the Trust. DeMarco: the plan design cannot be changed without bargaining. Town Treasurer Gabe Voelker/Shutesbury's HCGIT representative cannot attend the 4.12.18 Trust meeting due to a conflict. DeMarco is therefore asking the Select Board to appoint

a temporary representative. DeChiara states that he is inclined to support the motion to reconsider; the primary rationale for the design change was to refill the Trust's "pot"; there seems to be enough information that the foundational premise for the change is in question; the plan design change costs will hurt people therefore it seems that more discussion is needed. DeMarco: a motion to suspend the rules will allow discussion with the whole body of the Trust. Makepeace-O'Neil supports the opportunity for a broad discussion. Torres notes that DeMarco did not review the "Claims Payments - April 2011 To Present" and that there is a trend toward an increasing number of claims. Torres: the increase in copays and premiums will support the increase in claims; the Trust is facing some financial challenges; previously, the town has not been directly involved with the Trust, we have relied upon our representative. DeChiara: more open discussion is needed. Torres: what options are on the table? DeMarco: keep the plan as designed and bargain with towns, do not implement the plan design changes and have the Trust pay the difference in costs or do not do the plan design changes and have towns pay the increase in premiums. DeMarco: the MTA does not want a new plan design; the towns via the Trust are making the changes. Police Sergeant Wendy Masiuk/Teamsters Union Steward: bargaining would have to take place with the Teamsters as well. DeChiara moves the Select Board recommend to the Trust representative that they support a motion to suspend the rules to allow discussion and, subsequently, vote to support a motion to reconsider the plan design; Makepeace-O'Neil seconds the motion that passes unanimously. Torres: the town has budgeted for the 5% increase. In Voelker's absence, Torres is asked to represent the Town vote at the Trust 4.12.18 meeting. Torres will, in advance, ensure she will be able to vote in Voelker's place. Makepeace-O'Neil moves Torres act in Voelker's absence, if allowed, at the 4.12.18 HGIT meeting; DeChiara seconds the motion that passes unanimously.

2. Proposed Zoning Bylaw Amendments: Deacon Bonnar/Planning Board Chair reviews the "Planning Board Recommended Zoning Amendments for Consideration at 2018 TM": 1. The intention is to clarify that the Planning Board is responsible for Common Driveway special permits. 2. Reduces driveway width from twelve feet to ten feet in order to be more consistent with most driveways in Town. 3. Allows the Planning Board to approve an extension of the Site Plan Review two-year lapse period; it will give the Board leeway to extend the time for action on a particular permit. 4. A "Temporary Moratorium on Recreational Marijuana Establishments" would give the Planning Board time to do research, learn from other towns' experiences and to develop a bylaw. DeChiara: what will a marijuana moratorium accomplish? Bonnar: without a moratorium, it would be possible for someone to set up an operation to grow and sell; business bylaws would certainly be in place and applications are with both the state and the town. Makepeace-O'Neil: a moratorium will slow down the process. DeChiara confirms that the Planning Board public hearing is set for 4.9.18. DeChiara presents his document titled "Proposed Zoning Bylaw Amendment" with language specifying that if the Planning Board is to waive or reduce any requirements for Large-Scale Ground Mounted Solar Systems, it can be done only by written submission of the

findings to Town Meeting and that a majority of Town Meeting must vote to affirm the Planning Board findings. Bonnar explains the public hearing notice process and that it is too late to include another proposed amendment. Torres: DeChiara's proposal may impinge upon the Planning Board's authority. DeChiara requests Bonnar consider his proposed amendment for the FY19 town meeting. Procedurally, the Select Board receives the "Planning Board Recommended Zoning Amendments for Consideration at 2018 TM". Per Torres, when the Select Board reviews the annual town meeting warrant, they will consider which articles to support or recommend.

3. Use of Planning Grant/Climate Adaption Efforts: Torres: even though the originally proposed project was put on hold, per EOEEA, the Town may find another use for the Planning Assistance Grant funds. DeChiara states his interest in selecting a non-controversial use such as projects focused on climate change adaptation; the match for such a proposal may be problematic; use of a planning professional is not required. DeChiara: the Master Plan Working Group vision process identified that bicycle paths/pedestrian walkways were noted as being important. DeChiara reads Mass Sustainable Development Principles #9 "Mitigate and Adapt to Climate Change and #10 "Plan Regionally" into the record and notes that work will be needed to create a proposal that identifies things the town can do to address climate change. Torres suggests Bonnar take the grant framework to the Planning Board. DeChiara: the questions are - is there any mitigation the town can do and what can we plan for. Torres notes the need for the Planning Board's involvement. DeChiara refers to the FRCOG "Evaluation of Demand for Electric Charging Stations in Franklin County" report dated September 2017 and recommends the town consider the installation of one/two charging stations.
4. Police Chief Hiring Committee: Torres and the Select Board review language for the Town Announce statement regarding the need for community representatives to the Police Chief Hiring Committee; statements of interest are to be submitted by 4.16.18 for review during the 4.17.18 meeting.
5. Plans for Employee Meeting/Town Administrator Role: The goal of the meeting is to present changes to the Town Administrator's job description regarding supervision of department heads. The meeting is planned for 4.24.18 at 5:30pm. Makepeace-O'Neil will draft an explanatory handout.
6. Protocol for Town Email: DeChiara reports conferring with Town Counsel Donna MacNicol regarding the procedural next steps for denying an individual access to town email addresses. The 1.5.17 Select Board letter to Rolf Cachat is reviewed. DeChiara recommends the Select Board send a hard copy letter to the individual informing him that he is banned from sending messages to town email addresses and that he may address town officials only via hard copy letter. Makepeace-O'Neil suggests a compromise in order for the Select Board to remain abreast of this individual's electronic communication. Makepeace-O'Neil recommends

filtering the incoming email from Cachat-Schilling into a specific Select Board folder while his email to town employees and volunteers remains blocked. DeChiara going forward, Cachat-Schilling's email will only be seen by the Select Board; his email to other town employees and volunteers will be blocked however hard copy communication to town officials is acceptable. DeChiara: in order to protect town employees and volunteers, this is the next step subsequent to the January 2017 letter; communication to the Select Board will remain open. Makepeace-O'Neil moves the Select Board protect the employees and volunteers from continued abuse via email from Rolf Cachat-Schilling by approving the blocking and filtering of email communication to town employees and volunteers while maintaining open communication with the Select Board; Mr. Cachat-Schilling is welcome to communicate via paper hard copy as appropriate to town officials and volunteers; DeChiara seconds the motion that passes unanimously. Torres will draft a letter to Mr. Cachat-Schilling; Town Counsel Attorney Donna MacNicol will review this letter before it is mailed.

7. Small Touches Warrant Article: Torres will draft the Small Touches article for the upcoming issue of *Our Town* including thanking the Master Plan Working Group for creating the concept and the residents who submitted ideas for improving the quality of life in Shutesbury and announcing the recommended projects for consideration at town meeting. Additional cost/size information for the bandstand/gazebo project is needed for the warrant.
8. Annual Town Meeting Prep: The 4.3.18 draft of the 2018 Annual Town Meeting Warrant is received for review; the order of the articles will be reviewed with Town Moderator Penny Kim during the 4.17.18 meeting.
9. Town Administrator Updates:
  - a. FRCOG Fuel Bid: The anticipated gasoline and diesel fuel use is 3,000 gallons each; the need for the wintry mix is noted on the contract. Makepeace-O'Neil moves the Select Board support the Town's participation in the Franklin Regional Council of Governments bid for gasoline and diesel fuel; motion is seconded by DeChiara and passes unanimously.
  - b. SHRAB Grant: Rachel Onuf/Roving Archivist has the expertise to assist with guidance on the vault's environment; the grant funds will be use to purchase a date logger to be place in the vault; the goal is to improve the conditions in which the Town's records are stored. DeChiara moves the Select Board approve the State Historical Records Advisory Board (SHRAB) grant application for \$400 to purchase a data logger; Makepeace-O'Neil seconds the motion that passes unanimously.
  - c. Election Warrant: Makepeace-O'Neil moves the Select Board sign the Election Warrant for 5.5.18; DeChiara seconds the motion that passes unanimously.
  - d. Police Chief Job Description: DeChiara signs the final job description including the following language "must reside to be within 35 minutes of the Shutesbury Town Hall or relocate within nine months".
  - e. Police union contract negotiations will continue next week.

- f. Annual Social Hour: Invitations for the 4.22.18 event have been mailed and responses are being received.
  - g. FY17 Annual Report: Board members receive a draft of the report cover.
  - h. Recommendations for Re-appointment: Letters to board/committee chairs have been distributed; responses are requested by 5.29.18.
  - i. The Select Board supports having Town Counsel Attorney Donna MacNicol present for annual town meeting.
10. Committee Updates:
- a. Web/Communications Committee: Per DeChiara, two significant initiatives are in process: testing a search function that will allow users to search within the site and setting up a function for submitting the agenda using a Drupal calendar.
  - b. Broadband Committee: Per Torres, it is a matter of concern that the design from Westfield Gas & Electric remains pending; in the meantime, the Committee is working on the parallel RFP tract.
11. Future Agenda items are reviewed.

Administrative Actions:

- 1. Select Board members will sign vendor warrants totaling \$73,056.85.
- 2. Select Board members will sign payroll warrants totaling \$100,390.42.
- 3. DeChiara moves and Makepeace-O'Neil seconds a motion to approve the 3.20.18 Select Board meeting minutes; the minutes are unanimously approved as amended.

At 9:30pm, DeChiara moves to adjourn the meeting; motion is seconded by Makepeace-O'Neil and passes unanimously.

Documents and Other Items Used at the Meeting:

- 1. 3.10.18 "Petition for Redress to Disqualify April Stein and Elaine Puleo Under Published Conflict of Interest and Actions in Office Contrary to Town Resolutions" with supporting documents
- 2. Hampshire County Group Insurance Trust (HCGIT) "Rolling 12 Months, Through February 2018", "Transaction Report February FY18", "Health Insurance Plan Changes Effective July 1, 2018", "Plan and Rate Comparison", "Fund and Investment Information", "Income and Investment Report", "Fiscal Year 2018 Operating Expenses, "Comparison Chart"
- 3. MGL Chapter 32B Section 21 Manner of Changing Health Insurance Benefits
- 4. 801 CMR: 52.00: Municipal Health Insurance
- 5. Planning Board Recommended Zoning Amendments for Consideration at 2018TM
- 6. DeChiara's "Proposed Zoning Bylaw Amendment"
- 7. EOEEA "Planning Assistance Grants"
- 8. FRCOG's September 2017 "Evaluation of Demand for Electric Vehicle Charging Stations in Franklin County"
- 9. 1.5.17 Select Board letter to Rolf Cachat

10. 4.3.18 Draft 2018 Annual Town Meeting Warrant
11. FRCOG Fuel Bid documents
12. SHRAB 3.27.18 Grant Application and 3.27.18 Select Board letter of support
13. 5.5.18 Election Warrant

Respectfully submitted,  
Linda Avis Scott  
Administrative Secretary