

Shutesbury Select Board Meeting Minutes
June 13, 2018 Shutesbury Town Hall

Select Board members present: Melissa Makepeace-O'Neil/Acting Chair and Elaine Puleo

Select Board member absent: Michael DeChiara

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

Guests: Al Springer, Russ Mizula, Susie Mosher, Jamie Berger, Wendy Masiuk, Anna Aaron/Personnel Board, Frank Citino, Penny Kim, William Wells, Karen Traub, Melissa Warwick, Susan Millinger, Joan Hanson, Marilyn Sylla, New Salem Police Chief Joe Camden, Greg Steve, Kaitlyn Steve, Mark Foster, Benjamin Caulton, Lee Elder, Lenny Czerwonka, Peter Gees, Paul DeMarco, Richard Trimble, George Davies, Stuart Richter, and Neil McNeill.

Makepeace-O'Neil calls the meeting to order at 7:00pm, reviews the agenda and explains that the public has the opportunity to provide written signed comments about the interviews for the Police Chief position. Forms and an envelope for the comments is provided.

Puleo proposes and is willing to coordinate a "drop-in" breakfast, beginning at 7am on Wednesday, 6.27.18, to honor retiring Police Chief Tom Harding.

During the interviews, Select Board members refer to the document "Police Chief Interviews 6.13.18 – Questions for Police Chief Candidates"

Interview for Police Chief Position with Jaime Berger:

Jaime Berger states that he grew up in Wayland MA and reviews his educational background and work experience as detailed in his resume. He is currently employed as a Detective Division Commander for the Wayland Police Department and lives in Auburn; the Wayland department currently has twenty-two officers. Makepeace-O'Neil asks Berger to explain his interest in a small-town police department. Berger states that he went to college in a small town and aspires to work for a small-town department. Makepeace-O'Neil: what are your top five characteristics for a police chief. Berger: fairness, transparency, honesty, good ethics, openness to the community and communication. Puleo asks Berger to explain his vision for Shutesbury's Police Department. Berger: the officers are here for the community first and expects the community to understand the department is there for the residents; emphasizes the need for a well-educated, professional, trained department. Makepeace-O'Neil: what are your best management skills? Berger: in his current middle management supervisory position, he provides the detectives with what they need to do their job. Puleo asks question #9. Berger: most communities have the same basic problems, i.e. dogs, speeders, farm animals, changing flat tires. Makepeace-O'Neil asks question #11. Berger explains that he currently serves as officer responsible for alcohol and tobacco compliance checks for Wayland and that he uses underage individuals as test cases - they try to purchase alcohol or tobacco products; should the Shutesbury Police Department get a call about the SAC, he would go and speak to management and if they are serving underage individuals, he would bring matter to the Select Board. Puleo asks question #1. Berger: Shutesbury is a great town with a lake; it would be a great opportunity to be police chief and Shutesbury would be getting a great officer who can handle barking dogs to homicide; you would be getting a well-versed officer. Makepeace-O'Neil asks question #6. Berger

acknowledges that as a small community, there will be sacrifices regarding education and staffing. Puleo asks Berger if he is familiar with the term implicit bias and if he has had any training on the subject. Berger states that everyone has a certain bias and that he has not had any training on the topic. Makepeace-O'Neil: what are your coworkers' sense of your strengths and weaknesses? Berger: they would say I am a great leader and community minded and am fair and honest; as for weaknesses, they would say I am hard on himself and have high self-expectations. Berger states he expects those he supervises to go the extra mile. Puleo asks Berger to provide an example of when something went poorly and what he learned from the experience. Berger: when he was first a sergeant and a supervisor, he had to learn how to correctly approach those he supervised; he has matured and learned that there are different ways to skin a cat - how to talk with staff. Makepeace-O'Neil asks Berger what he least likes about law enforcement. Berger: the public perception of police officers; the majority of police officers are dedicated. Makepeace-O'Neil: what is most satisfying about police work? Berger: community policing, i.e. visiting daycares and school rooms and reading to children; at the middle school, having pizza and talking with the students – these are efforts to see police officers on a good day; he taught RAD (Rape Aggression Defense System) to high school girls; has run a citizens' police academy; started a program to identify individuals with memory and/or cognitive impairment. Puleo asks question #13. Berger explains that he would try to contain the party; if he was the only officer on duty, he would call for assistance, obtain contact information for participants; if there is no one over the age of 21, he would take the alcohol; obtain parent information and contact parents to pick up their children or he would bring them to the department; he would speak with parents to determine if they had knowledge of the party; there may be charges. Makepeace-O'Neil asks question #12. Berger: it depends on the situation; if the individual is a minor, he would summon someone to assist; if the situation is serious, he would arrest the person; OUI is serious so there would be an arrest. Puleo asks question #17. Berger states that his experience with emergency management is limited; has had training via the department's annual in-service and has some incident command experience. Makepeace-O'Neil asks question #8. Berger: open, clear concise communication is key to working with the Select Board and being supervised. Puleo asks question #10. Berger: the individual cannot be arrested; he would try to initiate conversation to determine if there is a need for assistance and would offer a ride. Makepeace-O'Neil asks question #14. Berger: yes, the majority of motor vehicle offenses are misdemeanors; they are civil. Puleo: Shutesbury has a strong chief and a limited budget, how would you support your staff? Berger states that he would do what he could to get staff what they need; he is not a micro manager; his job would be to learn the strengths and weaknesses of his staff and offer assistance or correction where needed. Puleo: how would you obtain staff training? Berger states that he would encourage officers to obtain as much training as the department can afford; he would encourage officers to gain additional education and training which also reduces liability for the town. Makepeace-O'Neil: would you encourage officers to train together? Berger: we have a tight bond due to the work we do. Puleo: would you want officers to deal with resident concerns in the same way? Berger: no, we are different individuals; one officer may have more experience with an individual; there are certain matters that require procedure, i.e. OUI. Makepeace-O'Neil asks Berger about his experience with domestic abuse/violence. Berger: domestic violence happens in every community; in MA, arrests are made unless one cannot determine who is committing the violence. Makepeace-O'Neil: if there are children present? Berger: if possible, we do not want parents to be arrested in front of their children. Makepeace-O'Neil: our department does a good job with the school; what might you do different? Berger: would want

himself and the other officers to be known in the school so the children are familiar with the them; might start a citizen's police academy; he did a Toys for Tots program in Wayland for ten years. Puleo: how would you balance work as police chief and your outside life? Berger states that his son is very important to him; work is necessary and the responsibility to community is a large one; would put community first. Makepeace-O'Neil asks Berger if he has any questions for the Select Board. Berger asks what the expectations are for the next chief. Makepeace-O'Neil states that she has experienced a wide variety of chiefs; identifies the need for a talent with children, awareness of public perception and engaging the community. Puleo: the chief is a person who is trusted by the majority of residents and is present as an active member of the community; the chief is active at the school and supports town causes; cites the example of the bicycling fundraiser during which Chief Harding provided police escort and traffic control; he was there when a crisis occurred. Berger: his cover letter demonstrates that he fits the mold of what Shutesbury is looking for; understands being the face of the community and the face that works for the community.

Interview for Police Chief Position with Wendy Masiuk:

Wendy Masiuk refers to her resume and cover letter, in particular, her experience. Masiuk explains that she met Police Chief Harding when they both worked at Amherst College; she came to Shutesbury because of Harding's professionalism and how he runs a department; outside of work she enjoys being with family, walking and relaxing; enjoys working in Shutesbury. Masiuk states that she has, during her five-year term, come to know the town; her goal has been and is to become the chief and retire from the town; appreciates how residents know her by her first name. Masiuk reviews her educational background and notes that she takes advantage of training opportunities; feels her experience, education and background make her a great candidate. Makepeace-O'Neil asks question #6. Masiuk: budget and finance are limited in a small town; there are opportunities for online and free trainings; every small town struggles with recruiting and retaining officers; we can find ways to make retention more appealing; we have been very creative in stretching a little a long way; our department has worked well with the FinCom and Capital Planning Committee. Puleo asks question #3. Masiuk: Chief Harding has created a legacy; we are providing outstanding service though there is always a need to seek improvement. Masiuk identifies the need to regain full staffing and that she has an idea how to do so: as chief, she would not immediately fill the sergeant position; initially, she would want two full time officers and then fill the sergeant's position when there is an officer ready to so; we could also consider two part-time sergeants. Masiuk states that she would immediately continue what Chief Harding has put in place; she would find more creative ways to be involved in the schools, would become involved with the COA and perhaps provide safety education and sponsor a road race. Makepeace-O'Neil asks Masiuk to name the five traits necessary for a police chief. Masiuk: compassion, understanding, patience, tolerance and more compassion; the job is not just about administration; Chief Harding would often talk with folks about what is concerning them and would take the time necessary to find the resources folks may need; cites an example of when she bought groceries for a resident in need. Per Masiuk, much of what we do is not law enforcement - there are resident concerns that need to be addressed; sometimes we need to stay later because the job is about being available and listening. Puleo asks question #6. Masiuk: the #1 limitation is finances and the need to make things stretch, i.e. use grants that are available; she would like to trial body worn cameras, protection for both the officer and involved party, however they are expensive but there are grants and pilot trial programs - there are

different ways to get what you need; another limitation is the recruitment and retention of officers. Makepeace-O'Neil: what do you like least about law enforcement work? Masiuk: when there is a situation in which she cannot be of help; likes police work best when she can be of help; in Shutesbury it is not only police work - we do not have a lot of crime, we focus on the little things that help the community and help us be better police. Puleo asks if Masiuk is familiar with implicit bias and if she has had any training on the topic. Masiuk: implicit bias is unconscious bias; we all have them; the key in law enforcement is to try to identify implicit bias and try not to let them impact your police work; citing her work at the colleges, she has had to be aware of any implicit bias; has received several trainings on the topic while at Amherst College. Makepeace-O'Neil: what would your co-workers say about your strengths and weakness? Masiuk: strength - excessive organization, detail oriented and able to multi-task and thrives in doing so, likes being busy; weakness - not being able to delegate well, however, currently, there is not the staff to allow for delegation. Makepeace-O'Neil asks question #4. Masiuk explains that she prefers to lead by example and by modeling - to show what is expected; it is a small department though we are essentially equals and do the same job. Makepeace-O'Neil asks question #11. Masiuk asks if the individual is inside or outside the Shutesbury Athletic Club. Makepeace-O'Neil: inside. Masiuk states that she would ask the individual to come outside and ask to see the driver's license and any other ID; if the IDs do not match with dispatch's information, they would be confiscated and submitted with the facts of the situation; if the individual is driving, she would arrange for a ride home with a sober companion with a valid license; depending how underage the individual is, she would call the parent or bring the person to the station; in an extreme case, she would bring the person home. Puleo asks question #13. Masiuk states that she would call for assistance from other towns as they are more familiar with small town needs than the State Police; while waiting for backup, she would try to contain the party and keep individuals from leaving; she would identify the resident and those present and confiscate the alcohol; the parents would be called as no one is to leave or drive. Puleo asks if the parents are liable. Masiuk: under tort law, even if they did not know about the party, there may be charges. Makepeace-O'Neil asks question #14. Masiuk: the majority of vehicle offenses are civil violations. Per Masiuk, in Shutesbury, 75% of the roads are not paved; speed control is a major issue which may not seem like a big deal however it is important to address resident concerns; it is expected that you will get calls that are not police matters. Makepeace-O'Neil asks how Masiuk would approach training. Masiuk states that she would like there to be more interagency training - this helps with getting to know the mutual aid towns better; we have to be creative as we cannot take all officers to training at the same time. Puleo asks question #17. Masiuk states that she was emergency management director at Anna Maria College and a key member of the emergency response team at STCC. Makepeace-O'Neil asks question #12 noting that Masiuk is the only officer on duty and an arrest would take her away from town and if this would sway the decision to arrest. Masiuk: yes, if we can issue a summons for arrest. Puleo asks question #10. Masiuk would not ask the individual for his name or ID; would offer assistance if needed; otherwise, sees no reason to bother the person. Makepeace-O'Neil asks if Masiuk has had any domestic violence experience. Masiuk: yes, not just here; these situations are challenging here as backup is a distance away and the preferred response is to wait for backup; in circumstances here, if she has prior knowledge of a family situation, she has entered the home knowing she can de-escalate and offer emergency first aid and that backup is on the way; Harding encourages the use of discretion - you have to weigh the situation and make a judgement call. Makepeace-O'Neil: what if children are present? Masiuk: you have to determine the facts

and if an arrest has to be made, as per law, it can be done without children being present. Puleo asks for situation in which Masiuk could have done better and what she learned from the experience. Masiuk: an officer she worked with was struggling with personal issues; as a supervisor, she brought her concerns to the attention of appropriate staff however, the individual committed suicide; if she ever encountered a similar situation again, she would stay with the situation to the end and do all she possibly could. Makepeace-O'Neil asks question #8. Masiuk states that she would attend bi-weekly Select Board meetings or, at least, write a bi-weekly report though attending is a way to be more open and transparent. Puleo asks what system Masiuk prefers to ensure all officers deal with resident concerns in the same way. Masiuk states that, as chief, she would prefer to sit down with residents and talk about their concerns; wants to get facts from all sides and would have an expectation that officers respond to general complaints in similar ways – to take the time that is needed; she would have clear expectations both written and by modeling. Makepeace-O'Neil: how would you handle a problem with an officer? Masiuk would sit down with the individual and ensure expectations are heard and understood. Puleo: given the opportunity to be chief, how would you balance your outside life? Masiuk notes that her fiancée is a nurse and that they are both used to needing to work extra hours or getting tied up at work; they both have jobs with serious expectations. Makepeace-O'Neil: what are your ideas for improving police presence at the school? Masiuk: a permanent part-time position, for 30-40 hours/week, will be opening up and she would like this to become a school resource officer position; in this way, the kids see one individual and there will be more presence than just at the opening and end of the day; when school is not in session, there is extra work at the lake. Referring to the work Harding did to get the department to where it is, Masiuk asks what the Select Board sees as needing improvement. Makepeace-O'Neil: community efforts and children's impressions about the police. Puleo sees an aging population and the need for seniors to receive more attention; needs officers to be upfront and, as the marijuana laws take effect, how do we protect and uphold the law; there is a need for diversity training - she has asked for the force to receive cultural diversity training. Masiuk: the State Police Academy offers this training online for free. Torres states that she is grateful for changes that have taken place in the police department and wishes for stability through this transition period.

Fire Department: "Viability of the Fire Dept. Going Forward": Paul DeMarco notes that current and retired members of the Shutesbury Fire Department are present and reads the 6.13.18 letter to the Select Board into the record (see attached). DeMarco states that we are doing this independently of Chief Tibbetts as he did not have any part of our decision to be here. Neither Makepeace nor Puleo have any questions as neither of them have participated as members of the current negotiating team. Puleo: until the negotiating team has completed their work, the Select Board is not informed of the process; the team is comprised of the Town Administrator/ex-officio, a representative from the Select Board, Personnel Board and Finance Committee. DeMarco provides additional copies of the 6.13.18 letter for the negotiating team. Torres notes that in her ex-officio capacity, she is not a voting member of the negotiating team. Peter Gees asks if the Select Board has final say. Puleo: yes, the Select Board has the final say and signs the contract. Gees states that he was a past member of the department for ten years and has known Walter Tibbetts for forty years so knows what he does and volunteers to do as chief; so many of the things he does fall outside of his job criteria; Tibbetts regards this town as his responsibility - he does so many things for his community that it infuriates Gees as a taxpayer because Tibbetts deserves what he is asking for; Tibbetts let them know he is disgruntled and we are willing to

stand by him. Gees continues: when the Select Board has to say something, the Board should stand up for Tibbetts and give him what he wants; when Gees thinks about what is voted in, Tibbetts should be given his raise. Gees states he is willing to pay the taxes needed to do so; the town will never be able to replace Tibbetts. Makepeace-O'Neil: the Select Board will look into the matter and respond to the concerns of the department. Torres: confidential matters have been communicated to the department. DeMarco: the employee does not have to abide by the same rules as the negotiating team. Torres: the rules of negotiation are made clear at the beginning of the process and the team wants to operate in good faith; until the Select Board has the opportunity to gather more information, they cannot respond. Puleo: we will not look into the matter until the team has finished their work. Greg Steve states that he served the department for seventeen years and that Tibbetts has been a strict confidant of his for many years; as a taxpayer, there are ramifications for decisions; notes that things are heard through the walls in Town Hall; it is within the Select Board's purview to make a redirection; notes the cost of needing coverage from another town; worried about community's dependence upon the department for medical emergencies; homeowner insurance may go up if we do not have a fire department; there are a lot of factors that could make property ownership untenable; there is a financial responsibility that the town has to the residents. Benjamin Caulton: when he was new to the department, eighteen years old and just out of high school, Tibbetts gave him unlimited access to his expertise; during his first interior fire, he was not afraid and was calm and confident due to the training he received, especially, because of the extra training he received from Chief Tibbetts; this makes Tibbetts one of the most important people in his life. Caulton is concerned about Chief Tibbetts leaving out of dissatisfaction. Lenny Czerwonka states that he has seen firefighters come and go and experienced other chiefs who are not like Tibbetts. Czerwonka recommends Tibbetts be paid what he needs until he retires, at which time, two people will be needed to replace him; if he is not happy, we will not be happy. Others express affirmation of this statement. Mark Foster shares that he came to the department seven years ago after he retired; Tibbetts gave him purpose after he retired; Tibbetts does work that should be hired out and he does this to save the town money; he does truck repair, he dives to clean out the dam and does it because he is dedicated. Lee Elder states he is very proud to be with department and it is an honor to be working with Tibbetts; people just stop into the department for help and the sigh of relief when Tibbetts shows up to help is amazing; it would be a loss for Tibbetts to leave for financial reasons; people say "thank God Walter shows up". Elder continues: Tibbetts cares about everything that goes on here; the town loves him a lot and we love him a lot. Elder notes the kind of confidence that is inspired when Tibbetts shows up in an emergency – someone like him watching over them. Gees: you don't know Tibbetts personally; he saves the town so much money; if we had to subcontract for all the extra work Tibbetts does, it would probably add up to more than his salary; in the interim, before he retires, let's keep him. DeMarco: initially he attended firefighting trainings in other towns, when he came back to Shutesbury's department for training, he realized how much knowledge Tibbetts has. Caulton: our Chief is by far the best in the county; he joined the force to be of help to townspeople and would not be willing to do so without Tibbetts. Elder: the towns around us have respect for Tibbetts based on how long he has worked for the department and the respect he has earned. Makepeace-O'Neil thanks those in attendance and explains that the Select Board will learn more about the situation as they are able. Gees asks Torres to convey to the negotiating team what she has heard tonight and, if necessary, representatives of the department will attend a negotiating team meeting.

Administrative Actions:

1. Select Board members will sign vendor warrants totaling \$426,829.97.
2. Select Board members will sign payroll warrants totaling \$106,747.52.
3. Select Board members will sign Broadband warrants totaling \$424.55.
4. Puleo moves and Makepeace-O'Neil seconds the motion to approve the 5.29.18 Select Board meeting minutes; the minutes are unanimously approved as presented.

At 9:55 pm, Puleo moves and Makepeace-O'Neil seconds a motion to adjourn the meeting; motion carries.

Documents and Other Items Used at the Meeting:

1. Questions asked of the candidates by the Police Chief Hiring Committee
2. 6.13.18 Police Chief Interviews: Questions for Police Chief Candidates
3. Application packet from Jamie D. Berger
4. Application packet from Wendy A. Masiuk
5. 6.13.18 letter from member of the Shutesbury Fire Department
6. 6.5.18 "Letter of Support for Chief Walter Tibbetts" from Thomas E. Harding

Respectfully submitted,
Linda Avis Scott
Administrative Secretary