

Shutesbury Select Board Meeting Minutes
October 29, 2019 Shutesbury Town Hall

Select Board members present: Melissa Makepeace-O'Neil/Chair, Elaine Puleo, and April Stein
Staff present: Becky Torres/Town Administrator; Linda Avis Scott/Administrative Secretary

Guests: Town Counsel Donna MacNicol, Jeff Lacy, Attorney Michael Pill, Police Chief Dan Fernandes, Police Officer Marcus Johansson, Susan and Mark Watkins, Michael DeChiara/Planning Board; Pastor Mark Ellis, Ann Ellis, and Chris Footit/Shutesbury Community Church

At 6:32pm, Makepeace-O'Neil calls the meeting to order.

Agenda Review: Torres: because the current contract is for five rather than three years, the USA Recycling Contract Extension item is not necessary.

Public Comment: Jeff Lacy/7 Baker Road reports that he recently met with the FinCom about the regional assessment method and wants to present same information to the Select Board. Lacy refers to his pie chart data analyses using current fiscal year numbers: the cost of Shutesbury *not using* the statutory method is 4.72% of the total budget and the cost of the other three towns *using* the statutory method is 1.35% of Leverett's total budget, .38% of Pelham's overall budget and .31% of Amherst's total budget. Lacy: at the 9.17.19 three boards meeting, George Arvanitis recommended a process for getting to the 50/50 method, however, based on the current enrollment for the next decade, Shutesbury would pay \$260,000 extra/year; the point is that the 50/50 method will still cost Shutesbury millions of dollars each decade. Lacy reports that per the Department of Elementary and Secondary Education (DESE), State Senator Comerford's office and State Representative Blais' office, there are no proposed changes to the statutory method in either the DESE or the legislature.

Discussion Topics:

1. Police Department Update: Police Chief Dan Fernandes: because of the annual Lake Wyola drawdown, the police boat is no longer in the water and will be covered; part-time Officer Dave Shoemaker resigned leaving a 24 hour/week position open; we will be advertising for a part-time position for less than 20 hours/week; currently 4 shifts of part-time work remain unfilled. Per Fernandes: Johansson has been working out well; he received and passed the physical tests necessary for applying to the academy, however, because the current academy class is full, he will be working for a longer period of time before entering the academy. Fernandes: the delay in Johansson's academy attendance is helpful because it will provide time for the hiring of additional part-time staff. Fernandes to Stein's question: there is no penalty for not accepting a wait-list position. Fernandes to Makepeace-O'Neil's question: he will research whether being on the waitlist automatically puts one on the acceptance list for the next session. Torres: it will be helpful for Johansson to have a Select Board decision about his academy attendance. Because Johansson has yet to see the agreement, Puleo explains the repayment requirement if he does not stay employed by the Department for five full years post academy - the full cost of academy expenses (approximately \$3,000) will be reimbursed

to the Town on a prorated basis. Johannsson states he has no intention of leaving; he wants to stay working in Town; Chief Fernandes and Sergeant Hudock have been training him and are available for support. Fernandes explains that Johannsson has been on the evening shift with support from Hudock for the first four hours of the shift and on his own for the last four; Fire Chief Tibbetts gave positive feedback on how Johannsson handles himself during medical calls and on his interactions with residents. Stein observes that during Celebrate Shutesbury, Johannsson interacted positively with children. Johannsson states that he enjoys working at the school and that community policing is important to him; he is following Fernandes and Hudock's models of community policing. Johannsson agrees with the fairness of the agreement and intends to pay the community back by staying here. Fernandes recognizes the restrictions of small-town finances; his goal is to maintain a happy healthy workplace; Johannsson is a smart, wise individual and it would be a good decision to send him to the academy. Puleo moves the Select Board enter into an agreement to send Police Officer Marcus Johannsson through the full-time academy provided the "Agreement between the Town of Shutesbury and Police Officer Marcus Johannsson" is signed by the Select Board and Johannsson. Stein seconds the motion that passes unanimously. Fernandes: rain is predicted for Halloween; the plan is to detour through traffic from Route 202; along with himself, Hudock and Johannsson will be on duty and part-time Office Golann will be on standby and the Fire Department will be open; the officers will be working down to West Pelham Road.

2. Well Water/Watkins: Town Council Donna MacNicol confirms with Mark Watkins that he agrees to all the agreement document terms except for the description of the water. MacNicol explains that M. Watkins wants the language to be "similar to the test results at the well" and the Town want to leave the description as "potable"; M. Watkins has some concerns about the results that have "no limit". Attorney Michael Pill, representing the Watkins, wants the description to be the "same" quality; we do not want to leave the door open to a possible lawsuit related to the term "substantially similar" even though M. Watkins is willing to agree to "substantially similar". Pill recommends removing "substantially" though is willing to use "similar". MacNicol: "similar" gets you closer to "same". MacNicol to Puleo's question: potassium and sodium have "no limit" for potable water; using a definition of "similar to the quality of the water that came out of the well" is problematic because potassium and sodium levels vary due to seasonal fluctuations; just saying "same" is way too restrictive due to these fluctuations; the potassium and sodium results are 1/5th of the DEP nuisance level with "nuisance" being defined as "not attractive to taste"; the Town cannot agree to "same" because it does not allow for any fluctuations. MacNicol to Puleo's question: "nuisance level" could be used for potassium and sodium though language is needed for hardness and conductivity which have no limit though should not be a problem; magnesium, calcium, and ammonia also have no limit. MacNicol: the chloride level at the Watkins house was the problem. Torres to the Watkins: chloride is the level in your test that is too high; the Town would be accountable, under a potable water description, if chloride goes too high. Both Susan and M. Watkins: it is the taste; the water is as salty as sea water. M. Watkins: the definition needs to say "similar". Puleo: "similar" is a subjective definition; a definition for "nuisance" is needed. Pill agrees to the use of "similar" for the reasons MacNicol stated;

“similar” still leaves the Town room to maneuver; with “similar”, there is some uncertainty for both sides. Puleo states her preference to codify though, if that cannot be done, would being below the “nuisance level” be acceptable? MacNicol suggests language including the term “nuisance level”. M. Watkins objects to use of term “nuisance” because of the negative effect the term may have. MacNicol recommends the use of descriptive numbers in lieu of “nuisance”. Puleo supports the use of a measurable value. MacNicol: the sodium level for the new well is 4.12mg/l. Puleo: the nuisance level for sodium is 20mg/l which is potable water from the EPA stand point. MacNicol: the EPA recommends 20mg/l of sodium as a limit. Pill suggests an expert opinion for seasonal fluctuations. MacNicol: that would take a lot of testing. MacNicol: the judge stated the case needs to be resolved by January 2020. Torres: the installers will be ready to do the well line installation on 11.4.19. M. Watkins: if you want numbers, I want to go back to lab and ask for guidance. MacNicol to M. Watkins: any guidance you receive needs to be in writing. Pill: the language being pushed for leaves no room for a future battle about numbers; there will be no room to maneuver. M. Watkins: as long as the Town is buying bottled water for our house, it could keep doing so. MacNicol recommends that the results for magnesium, calcium, and ammonia be similar to the 1.7.19 test report and the results for sodium and chloride be similar but no higher than 20mg/l. MacNicol: there will need to be an outside spigot for testing the water before it reaches pipes that may have water treated by a softener system. Pending the Watkins decision, the Select Board tentatively schedule a 7am meeting on 11.1.19.

3. Complete Streets/Planning Board: Michael DeChiara/Planning Board: the October 2019 draft “Complete Streets Policy of the Town of Shutesbury” was approved by the Planning Board during their 10.7.19 meeting; to be recognized as a Complete Streets Community -
 1. Approve and submit a policy.
 2. Attend a training, most likely Torres would do this,
 - and 3. Submit a letter of intention. Referring to “Chapter 3: Complete Streets Policy Guidance and Scoring System”, DeChiara explains that he used the model policy as a template, reorganized the order and downgraded the language in “Jurisdiction”; becoming a Complete Streets Community opens the door for funding. Puleo affirms the benefits of becoming a Complete Streets Community; it could fund signs that say “Share the Road”, etc. Puleo moves the Select Board approve the “Complete Streets Policy of the Town of Shutesbury”; Stein seconds the motion that passes unanimously. DeChiara explains that Municipal Vulnerability Preparedness grants are for planning and actions; 71% of MA municipalities have signed up thus far; planning grants range from \$10,000 to \$100,000. Per DeChiara, after receipt of a planning grant, the Town could do an assessment of past vulnerability preparedness actions, hold a workshop facilitated by a consultant to obtain community feedback; after planning is completed, the Town would apply for an action grant. Next steps: the Planning Board will discuss the MVP grant during their 11.18.19 meeting then the Select Board will consider an application which will need to be submitted by 1.15.20.
4. Potential Purchase of the Parsonage: Pastor Mark Ellis/Shutesbury Community Church to Puleo’s question: yes, the Church received an offer of \$88,000 from a “flipper” which demonstrates that our price is realistic. Stein reads the 10.17.19 email from Mary Anne Antonellis titled “parsonage” into the record noting that, per Greg Stutsman, the “value in

its current state is \$95,000". Torres: this email recommends bringing in a structural engineer; during the prior walk-through, Building Committee member Nancy Matthews seemed to conclude that the "bones" are solid. Makepeace-O'Neil: Fire Chief Tibbetts said the same thing. M. Ellis: the "flipper" was most excited about the barn. Torres: currently, the Town does not have a potential use for the structure; the usefulness is the land proximal to the Fire Department site. Stein: the cost of deconstructing a structure with lead paint on the exterior is unknown. Puleo: would it be worthwhile to purchase a piece of property considering the cost of a teardown; would it be better for the house to be restored and on the tax roll? Torres: the Administrative Assessor estimated the addition of \$5,000/year to the tax roll; there is no deed restriction on the property holding the Town responsible for providing water to the house. M. Ellis: given the amount of time the Town has been providing water, the lack of a deed restriction may not hold up in court. Torres: if there is another buyer, this matter would be up in the air; if the Town purchases the parcel, this would not be the case; the deed was researched by Attorney Michael Pill and Tibbetts has a document indicating that the Church should put a restriction on the deed; there are rumors that the contaminant was gasoline however there was no gasoline contamination on the west side of the Fire Department building; the contamination on the other side of the Fire Department site is salt; it is possible there is no longer any contamination. Makepeace-O'Neil asks for Stein and Puleo's thoughts. Stein: this would be a high price to pay for a piece of land. Puleo: the Church wants the sale funds to work on their building and they have an offer of \$88,000 which could be a better deal than what the Town might be willing to pay. Torres: because it still has value, maybe the building could be moved. Makepeace-O'Neil: maybe some of the beams could be used as recycled building materials; the purpose of selling the building is make the Church accessible. Torres: a special town meeting would be necessary; the parcel's frontage on Leverett Road makes a difference. Stein: it is intriguing to consider owning property in the town center; her fear is that the house could become a liability, i.e. it would take money to restore and an unknown amount to tear it down. Puleo: it does not seem right for the Select Board to make this decision. Torres: the Select Board can decide to go forward with a special town meeting. Puleo: it needs to be very clear that the Select Board is not in agreement about whether to purchase the property. 12.3.19 is identified as the earliest possible date for a special town meeting. Torres: a minimum of \$110,000 is necessary to go to special town meeting. Stein: the Church may want to sell the building prior to the special town meeting. Chris Footit: we would like the Town to own the building and we would like to be able to open the Church for community use. Makepeace-O'Neil moves the Select Board schedule a special town meeting on 12.3.19 to allow townspeople to make the decision about whether to purchase the parsonage; Stein seconds the motion that passes unanimously. Torres obtains permission from Pastor Ellis to have Bob Leet/Whetstone Engineering walk through the structure.

5. Town Administrator Updates:

- a. Dog at 323 Locks Pond Road/Saleem: Makepeace-O'Neil reports that prior to this meeting, Torres and herself met with Town Council Donna MacNicol, Lori Saleem and Attorney Andrew Bass representing Saleem. Per Makepeace-O'Neil: the potential agreement, pending Saleem's signature, is for the "stay of order" to remain in effect, Saleem will pay outstanding fines of \$255 within three months although additional

time may be arranged with Torres; the order will be enforceable if there are three complaints, specifically barking without cause, each verified by a town official, occurring within a three-month period. Torres responded to Ron Meck letting him know that attorneys are currently involved. The Select Board will review and sign the agreement once it is signed by Saleem.

- b. The broadband hut had a leak in a portion of the HVAC system that Jamrog resolved; a moisture sensor will be installed. At this point, 440 installations have been completed; the Fire and Highway Department were installed 10.28.19 and, noting that they have been fined for project delays, it is almost time for a closing statement with TriWire. The State is giving Shutesbury an additional \$300,000 to cover drop costs; we are hoping for a completion date in early December.
- c. Tim Hunting/Highway Superintendent has a potential part-time plow driver.
- d. The FinCom met 10.22.19 and will meet again on the 11.5.19; they are working on a regional assessment method agreement resolution. Select Board members agree with Torres' proposal for a three-board meeting on 11.26.19 to consider the regional assessment method. The Recycling and Solid Waste Committee (RSWC) took their \$4,000 shed request to the FinCom; the next step is for FinCom members Jim Hemingway and Bob Groves to look at the condition of the current shed. It is noted that the RSWC is requesting a separate shed; Jackie Mendonsa/School Principal wants the new shed to be the same color as the school and that the site, due to its proximity to the generators, be approved by Fire Chief Walter Tibbetts.

6. Committee Updates:

- a. Emergency Management Team: Per Makepeace-O'Neil, the EMPG will be used to purchase more functional vests; CodeRed is working out okay; fire extinguisher training will be repeated on 11.9.19 and "Are You Ready?" training will be held on 11.23.19.
- b. Lake Wyola Advisory Committee: Regarding the request for time on the Select Board's November agenda by Mark Rivers/LWAC Chair to talk about the safety concerns associated with holiday overcrowding at Lake Wyola, Torres reminds the Board of the plan to talk with DCR first. Stein/Select Board LWAC representative informed the Committee of this plan at a prior LWAC meeting.

7. Prior/Future Action Items: Details for the 11.12.19 All Boards meeting are reviewed.

Administrative Actions:

- 1. Stein moves and Puleo seconds a motion to appoint Cara Brostrom to the Shutesbury Cultural Council; the motion passes unanimously.
- 2. Stein moves and Puleo seconds a motion to accept the resignation of Diane Jacoby from the Board of Assessor effective 11.30.19; the motion passes unanimously. Per Torres, it is possible Assessor Susan Reyes may resign and Assessor Steve Schmidt will complete his service on 12.31.19; Leslie Bracebridge/Assessors Clerk remains and Kevin Rudden/Administrative Assessor is managing well. Accountant Gail Weiss and Rudden worked on the recap together, the report is in process and will be ready for the Select Board in advance of the 11.12.19 tax classification hearing.
- 3. Select Board members sign vendor warrants totaling \$595,932.55.

4. Select Board members sign payroll warrants totaling \$102,818.70.
5. Select Board members sign broadband warrants totaling \$53,166.12.
6. Stein moves and Puleo seconds a motion to approve the 10.1.19 meeting minutes. Stein and Makepeace-O'Neil approve the minutes as presented and Puleo abstains; motion passes.

At 9:04pm, Stein moves and Puleo seconds a motion to adjourn the meeting; the motion passes unanimously.

Documents and Other Items Used at the Meeting:

1. Set of three pie charts by Jeff Lacy regarding use of the statutory assessment method
2. Town of Shutesbury Agreement with Police Officer Marcus Johannsson
3. 1.7.19 Quabbin Analytical Laboratory well water test results for 42 Leverett Road
4. October 2019 draft "Complete Streets Policy of the Town of Shutesbury" and "Chapter 3: Complete Streets Policy Guidance and Scoring System"
5. Municipal Vulnerability Preparedness map and "EEA MVP Approved Vendors" document
6. 10.17.19 email from Mary Anne Antonellis "parsonage"
7. 10.21.19 email from Mark Rivers "November's Select Board Meeting Agenda"

Respectfully submitted,
Linda Avis Scott
Administrative Secretary