

Shutesbury Select Board Meeting Minutes
November 26, 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
Finance Committee members present: Rita Farrell, Eric Stocker, Weezie Houle, Jim Walton, Jim Hemingway, Bob Groves, and Ajay Khashu
School Committee members present: Steve Sullivan, Dan Hayes, Jennifer Malcolm-Brown, and Katie Fiander

Guests: Jennifer Donnelly, Nancy Matthews, Paul Danielovich, and Tom Siefert /Shutesbury Athletic Club; Kevin Rudden/Administrative Assessor, Michael DeChiara/Planning Board, Susie Mosher and Joan Hanson/Women of Positive Presence; George Arvanitis, Jeff Lacy, Bill Wells, Ethan Todras-Whitehill, Melissa Warwick, and Leslie Luchonok

Makepeace-O'Neil calls the meeting to order at 6:33pm.

Agenda Review: No changes.

Public Comment: None offered.

Unanticipated Items:

1. Kevin Rudden/Administrative Assessor: Per Rudden, during their 11.25.19 meeting, the Board of Assessors approved a software upgrade to be completed in December because there will be a price increase in January 2020; the upgrade will increase productivity and be a cloud-based interface. Puleo moves and Stein seconds a motion to approve the Vision Government Solutions "Upgrade Schedule" and "Cloud Services Schedule"; the motion passes unanimously.
2. Michael DeChiara/Planning Board: Per DeChiara, the Planning Board unanimously supported applying for a Municipal Vulnerability Planning (MVP) grant; the deadline for applications is 1.15.20. DeChiara reviews the "Key Points Regarding Municipal Vulnerability Grants" and asks if the Select Board is willing to go forward with the application and for himself and Torres to work together on the application. Puleo moves the Select Board support going forward with a MVP grant application; Stein seconds the motion that passes unanimously.

Discussion Topics:

1. Shutesbury Athletic Club (SAC) License Renewals: Members of the SAC Board of Directors are introduced: Jennifer Donnelly/Secretary, Nancy Matthews/incoming President, Paul Danielovich/current President and Manager, and Thomas Siefert/Board member and incoming Bar Manager. Per Administrative Secretary Scott, the SAC ABCC and Local License Authority (LLA) license renewal packet is complete.
 - a. Stein moves the Select Board/LLA approve the ABCC "Licensing Authority Certification"; Puleo seconds the motion that passes unanimously.
 - b. Puleo moves and Stein seconds a motion for the Select Board/LLA to approve the ABCC "Renewal Certification 2020" indicating that there were no licenses that failed to renew and no licenses disapproved; the motion passes unanimously.

- c. Puleo moves and Stein seconds a motion that the Select Board/LLA approve the ABCC “Seasonal Population Increase Estimation Form” as not applicable; the motion passes unanimously.
- d. Puleo moves and Stein seconds a motion that the Select Board/LLA grant the SAC a “Club License to Expose, Keep for Sale, and to Sell All Kinds of Alcoholic Beverages” to expire 12.31.2020; the motion passes unanimously.
- e. Stein moves and Makepeace-O’Neil seconds a motion that the Select Board grant the SAC a license for the Operation of a Pool Table to expire 4.20.2021; the motion passes unanimously.
- f. Stein moves and Makepeace-O’Neil seconds a motion that the Select Board grant the SAC a license for Live Entertainment License to expire 1.1.2021; the motion passes unanimously.
- g. Stein moves the Select Board approve the Memorandum of Agreement between the Town of Shutesbury and the Shutesbury Athletic Club. Danielovich: item #3, providing the Police Chief with a monthly schedule of events, was dropped in the past. Torres recommends maintaining #3 because the Town has a new Police Chief. Danielovich: the Police Chief can consult the SAC’s website where event schedules are kept up to date; he will also provide the Chief with a link to the SAC’s Google calendar. Puleo confirms that the SAC indoor facilities remain smoke free however the whole property is not smoke free. Puleo seconds the motion. Noting the NextDoor Shutesbury post about the SAC opening at 12:30pm on Thanksgiving, the Select Board reviews and confirms with the SAC representatives present that alcohol serving hours do not begin until 5pm. Torres emphasizes the need for the SAC to notify the Select Board, in advance, of any proposed change in hours. (It is noted that serving hours cannot be increased by the Select Board.) The motion to sign the Memorandum of Agreement passes unanimously. Thomas Siefert signs on behalf of the SAC.

2. Regional Assessment Formula:

Melissa opens the regional assessment method discussion between the Select Board, FinCom and School Committee. Puleo requests Steve Sullivan, as the School Committee representative to the Region, for an update. Sullivan: budget talks are expected to start after the 4-town meeting; the Regional Committee is looking at renewing the Superintendent’s contract; there is no news, to date, on a replacement for Sean Mangano. Eric Stocker: the FinCom’s sense is to go to the 4-town meeting with a guidance statement demonstrating a unified town position and our general sense is to go to statutory, however, the question is when. Dan Hayes, speaking personally, advocates for moving toward the statutory method; due to the Student Advocacy Act, the statutory method may have less impact on surrounding communities. Torres: projections are based on what is currently known; the bill signed today is for \$1.5 million over 7 years or \$200 million/year which represents little change in annual State funding; more aid could be created by shifting allocations through regional transportation and the circuit breaker. Hayes: the overall sentiment is that there will be a positive impact; there is also rural aid. DeChiara: rural transportation funding and SPED funds will aid the regional budget. Torres: there could be more funds for the regional schools. Puleo: there will be no real numbers until after the 4-town meeting. Torres: the impacts of the new formula will be known at the end of January. Hayes asks if anyone opposes the statutory method. Puleo:

the statutory method is our goal; the question is when. Stocker: the FinCom advocates for the statutory with a five-year rolling average. Groves: aspirational issues sell us short; personally, I want to move more rapidly by going into the 4-town meeting with a stronger position. Puleo: there needs to be agreement that the aim is the statutory method. Lacy: 72% of the regions use 100% statutory; in 2015, it was determined that the five-year rolling average enrollment makes it the most predictable method to use, however, it does not garner the savings that 100% statutory would. Torres: as this point in time. Puleo moves that the Select Board's goal is to attain 100 % statutory with a five- year rolling average enrollment; Stein seconds the motion that passes unanimously. Hayes moves the School Committee accept the goal to reach 100% statutory with a five-year rolling average; the motion is seconded by Jennifer Malcom-Brown and passes unanimously. Groves moves the FinCom accept the goal to reach 100% statutory with a five-year rolling average enrollment; Farrell seconds the motion that passes unanimously. DeChiara: the three committees have agreed to an alternative method that will need annual town meeting approval by all four towns. Arvanitis: Shutesbury approached the 2015 4-town meeting about moving toward statutory. Torres: work on the regional method has been going on for fifteen years. Stein: first the method was 10, then 20, and is currently 30% statutory; this is a process with our neighbors/collaborators. Torres: the chart "Assessment Method Scenarios – Estimates" was created by Sean Mangano at Lacy's request. Farrell: the FinCom discussed different scenarios and was split on an aggressive versus a more staged process therefore asked Torres to put together some numbers. Torres: the FinCom was not working with exact numbers and did not want to speak with Mangano until after this meeting; because Lacy requested the numbers from Mangano, the information went to the other towns; as the regional representative to the School Committee, Sullivan okayed Lacy's communication with Mangano. Lacy states that he asked Mangano for the scenarios for his own edification and did not know the information was going to be sent to the other towns; he requested Mangano ask permission from a Town authority before sharing the estimates. Torres: requests made to Mangano are public; the goal was to get further into our discussions and reach consensus before sharing with the other towns what Shutesbury is thinking. DeChiara: the School Committee, FinCom and Select Board are the representatives; a private person needs to go through an official conduit. Lacy acknowledges that he needs to go through the Town Administrator, Select Board, FinCom or School Committee and that on every occasion he went through Sullivan. Torres: the appropriate access is through Sullivan or herself. Khashu: most of the FinCom's discussion has focused on phasing in. Groves: it is not practical to push for 100% though we need to come in with a stronger position. Walton: we need to decide on implementation. Hayes: the negotiators need a strategy. Khashu: there is consensus that 100% statutory would not be perceived as a good faith negotiating position. Farrell and Stocker clarify for Leslie Luchonok that the FinCom is not in favor of moving to 100% statutory in one year. Houle clarifies that the overall goal is 100% statutory with a five-year rolling average. Hemingway suggests starting at 100% and compromising down; the general perception in the other towns is that Shutesbury wants 100% statutory. Groves agrees with Hemingway: this is where we want to go. Houle: the process does not allow for much negotiation during the 4-town meeting; the other towns now know the options we are considering; let's find a plan that we all agree on. Khashu agrees in principal with Groves

and Hemingway, however, there is tacit agreement to go to 40% next year therefore it is counterproductive to start at 100%. Walton: what is an acceptable number of years to get to the goal - then we can create a strategy. Hayes: it is not good to be adversarial at the 4-town meeting; we need to negotiate parameters here and have an ability to caucus on 12.7.19. Puleo: we need to keep in mind that the Town meeting vote has the final say; right now, there is a large percentage advocating for statutory; we will need to make our best effort to educate the community and to explain that in addition to the regional school, we share other resources, i.e. police/fire mutual aid; we need to keep our relationships with the other towns; we need to step back and come up with what we and they can live with. Stein: we have agreed with the other towns to move gradually. Torres: the other towns agreed to go to 40%. Groves: we are bearing the burden of the current arrangement and the other towns are not; they need to respect our interests; we have a responsibility to our taxpayers; the other towns can be appealed to out of fairness/equity. Puleo: the leverage is that Shutesbury could vote 100% statutory at our annual town meeting. Hemingway: the leverage is that the general perception is that we want 100% statutory. Houle: the "force option" is not the goal; the Committees voted to support an alternate method. Puleo: we cannot take 100% statutory off the table because that is the default method. Houle emphasizes the need for clarity on the options.

Fiander states that she is really concerned about pushing too hard too fast and the result that could have on the overall school system. Torres: that being said, of options 1 or 3 on the "Assessment Method Scenarios" chart, she prefers #3. Makepeace-O'Neil asks for the committee/board members present to indicate their preference for #3. Eleven members support #3. Hemingway: #3 is most likely to be accepted by all four towns. Farrell: if we get to 50%, are we stuck there? Houle: there is already an agreement to go to 40% this year, so going to 50% is reasonable; 65% too far. Groves: #3 is an acceptable outcome; it is a substantial change in the direction we want to go. Stein states her concern this will not get enough public support. Puleo: a lot of public education will be needed in advance of annual town meeting; it is up to us to let our constituents know this is the best we can do for ourselves, the other towns, and our school. Khashu: public thinking is that we can go 100% statutory; for several reasons, that is not a good outcome for us and the schools; if Shutesbury votes 100% statutory, per the State, we will still need to come to an agreement with the other towns; this is the education that needs to take place; #3 moves at an accelerated pace and is a win on several levels. Stein: this process is in response to listening to our constituents. DeChiara: the message put out is that Shutesbury has been taken advantage of; it is important to educate the voters that we are "not being screwed". Farrell is concerned about being stuck at 50% and would feel better about #3 if we could get agreement with the other towns; there is a need for understanding that this will be a year to year agreement. Puleo: we need to continue to educate residents that Shutesbury will keep moving toward 75% for FY22. Stocker emphasizes the need to ensure the decisions made during the 4-town meeting are documented. Lacy supports Stocker's recommendation for a strong guidance letter going into the negotiations and emphasizes the need for agreement among Shutesbury's representatives at the 4-town meeting. Ethan Todras-Whitehill confirms that option #1 is what is currently agreed to and that #3 would be a big change from what is currently agreed to. Groves: we have to remember that the other towns have the same concerns about schools that we do; believes Amherst will support #3. Torres: Amherst's tax rate may have gone down; Shutesbury's will be going

up buy \$.80 to \$24.04/\$1,000 – this could be part of our guidance. Melissa Warwick: at the last meeting on this topic, it was said that there were years when Amherst could not meet their town budget and there were cuts made to school services; why can't the programs that were cut be brought back. Torres: at that time, Amherst suffered budget cuts due a problem with their health insurance program. Leslie Luchonok: going into negotiations, it needs to be clear what is fair to taxpayers and what we can afford. Stein asks Luchonok if he thinks option #3 is fair. Luchonok: would prefer #2 though #3 is fairer. Arvanitis: the other towns believe Shutesbury has an ability to pay problem; because we do not know the actual numbers, we need to estimate as best we can; although he agrees with #3, our objective is to achieve a 3% decrease. Torres: to focus on ourselves, our need. Arvanitis: yes, we need relief now. Torres: that way if the numbers come out very different in January, we will be okay by requesting a 3% decrease. Lacy wonders how the Senate bill will affect how much money goes into the district. Groves appreciates Arvanitis' suggestion however emphasizes the need to keep the statutory method on the table. Torres: there is a way to speak to these concerns without tying ourselves to a specific method and to emphasize the fact that we need a 3% decrease. Arvanitis: the undocumented agreement was 40% then 60%. Torres and Puleo: 40% then 50%. Todras-Whitehill: how will these various changes affect the Shutesbury's tax rate? It is noted that a 3% decrease would equal about \$.25/\$1,000. Todras-Whitehill: building the argument around the tax rate is a rationale that folks can understand. Puleo: once we get to \$25/\$1,000, we cannot go any further and we are closer to that than the other towns. Luchonok: is the statutory method the gold standard for fairness/equity? Houle: we voted statutory with five-year rolling average; the gold standard is 100% statutory with five-year rolling average; we want the other towns to vote for this alternative method. Torres: 100% statutory is the most erratic method so the five-year average is used to smooth it out. Stocker: we started the meeting with that as a goal. Khashu: the need for a 3% decrease needs to be part of the compelling argument. Malcolm-Brown: there are factors that affect how quickly all four towns can get to the statutory method. Lacy: how about 40% next year, then 70% then 100%. Puleo recommends a 3% reduction as suggested by Arvanitis. Stein: that moves us away from the equity argument. Groves: we need to make the equity argument. DeChiara: the actual numbers will be available when the four towns meet again in January. Hayes: we would like to move to 100% statutory with five-year rolling average in the next 2-3 years. Puleo strongly advocates for a 3% reduction because we have gone passed \$24/\$1,000 tax rate. Sullivan confirms that the Regional School Committee will vote on the regional school budget sometime in March 2020. Torres: we will still want to emphasize statutory and the need for equity, however, the focus will be on a 3% decrease as recommended by Arvanitis; for this first conversation, we need to keep it simple and focus on our main principles. It is agreed that Mangano asks for budget guidance at the four-town meeting. Walton: do we want to say how soon we want to get to statutory? Torres: not at the first meeting. Stocker emphasizes the need to keep moving toward statutory. Walton: in order to get to statutory in a reasonable amount of time, we need a 3% decrease. Torres: we need a 3% decrease to delay getting to a \$25/\$1,000 tax rate. All agree that they have reached consensus on a 3% decrease heading toward 100% statutory with a five-year rolling average. Torres emphasizes the need for attendance at the 12.7.19 four-town meeting. Finance and School Committee members as well as guests leave the meeting.

Lacy stays on to talk with the Select Board. Lacy notes that he has worked with Mangano on assessment methods for years; regarding tonight's document, he suggested Mangano speak to a Town authority before sharing it. Torres: Mangano asked his boss. Lacy: Mangano suggest meeting 11.27.19 to work on the numbers, however, Sullivan emailed Lacy rescinding his ability to ask for permission to contact Mangano. Torres had been working on spreadsheets then received the document created by Mangano. Puleo to Lacy: two people, Mangano and Torres, ended up doing the same work; you took numbers from the FinCom and brought them to Mangano; it is difficult to hear that Torres spent time doing work that then become irrelevant; you need to contact Torres before asking for assistance from Mangano. Lacy notes that he followed the protocol. Puleo: you took the FinCom's work and circumvented the process by going to Mangano. Torres: having the information go to the other towns is problematic. Makepeace-O'Neil: can we prevent a townsperson from asking a question? Torres: yes, the protocol for asking permission came from Mangano's boss and Mangano would try to redirect calls from the public to their town official. Lacy explains that he wanted to put numbers to the percentages in order to provide this information to all the boards present tonight. Torres explains that she did not go to Mangano for a specific reason. Lacy: isn't better that Mangano did these numbers. Puleo: this went to the other towns and we did not want that to happen. Lacy: won't the other towns have these numbers anyway? Puleo: we think you overstepped and want you to know that. Lacy: this has been a hostile process for me; I tried to get on the FinCom so I could do this work within that context and I was rejected twice. Stein to Lacy: stay involved and be part of the process. Lacy: as soon as he received the numbers, he wanted everyone who would be here tonight to have them. Torres; it was great to have the report. Lacy states he was going to suggest he and Torres meet with Mangano to go over the numbers together. Torres will check with FinCom and is willing to meet with Mangano and Lacy; at this point, the emphasis is to keep the focus off the chart. Lacy states that he does not feel he is a part of the fiscal aspects of the Town; he is on his own on the outside doing the best he can. Stein acknowledges the amazing work Lacy has done as a member of the Planning Board.

3. Watkins Agreement: Torres reports that the agreement document is still in process with Town Counsel Donna MacNicol. The new well line has been trenched into the Watkins yard and a new tank installed in the Highway Department garage; the electricians had difficulty pulling the wire through because a broken pipe needed to be repaired; there will be special water testing spigots on the Highway and Watkins tanks; testing will be done once the electricity is installed.
4. MLP Manager Term: Torres: per the job description, the term for the MLP Manager was to be for one year ending 12.31.19, however, the position began at the end of January 2019. Torres proposes the term be extended to 1.31.20 to close out the position; after 1.31.20, Gayle Huntress will not be staying on as MLP Manager or as a member of the Broadband Committee. Torres suggests the MLP Manager position be reviewed by the Personnel Board; going forward, there will be proposals for management of ShutesburyNet, i.e. from HG&E. Puleo moves to extend the MLP Manager's term to 1.31.20; Makepeace-O'Neil seconds the motion that passes unanimously.

5. Parsonage Sale Update: Torres reports that the buyer for the parsonage backed out; a Town Announce will be sent to inform residents in advance of the 12.3.19 special town meeting.
6. Town Administrator Updates:
 - a. Stein moves to approve the Shutesbury Community Church special event form for a 12.8.19 Christmas tree lighting and Santa Claus' arrival on the Shutesbury Fire Department truck; Makepeace-O'Neil seconds the motion. Puleo: Shutesbury is too small a town; this is the only church in town and Santa is being used in a religious church activity. Stein: last year's tree was beautiful; Santa's arrival on a Town fire truck related to a Church event is not a secular activity. Makepeace-O'Neil: the Police Department does community policing; the Fire Department has few opportunities to be out in the community and this is one way for them to do so; because Fire Chief Tibbetts is a strong chief, is it the Select Board's role to have a say in the use of the Department's truck? Torres: yes, because the Select Board is in charge of policy and the current policy is not to use town resources for non-secular events; Celebrate Shutesbury is secular and town-wide. Puleo: other residents have said they are uncomfortable with Santa arriving on the fire truck. Torres: some residents are okay with Santa's arrival on the fire truck but not with Church related articles in the *Our Town* newsletter. Makepeace-O'Neil: Amherst has worked out a way for Santa to arrive on their Town's fire truck. Makepeace-O'Neil approves the special event form as written. Stein moves to amend the motion to approve the special event form without the use of the Town fire engine; Puleo seconds the motion. Puleo and Stein: aye; Makepeace-O'Neil: nay; motion passes.
 - b. Puleo moves and Makepeace-O'Neil seconds a motion to close Town Hall for business on Friday, 11.29.19; the motion passes unanimously.
 - c. Makepeace-O'Neil signs to verify receipt of the Amherst-Pelham Regional School District letter regarding the School Committee's 11.12.19 vote to amend the 3.12.18 borrowing.
 - d. The Select Board unanimously agrees to accept Michael DeChiara's resignation from the Web Communication Committee.
 - e. Torres will forward the Board the "Right of Use Agreement" with Leverett which has been reviewed by Leverett's MLP attorney and HG&E; because she represents both Leverett and Shutesbury, Town Counsel MacNicol cannot review the document; the plan is for the Select Board to consider approving the document during their 12.17.19 meeting.
7. Committee Updates: None offered.
8. Prior/Future Actions: This item was not considered.

Administrative Actions:

1. Select Board members sign vendor warrants totaling \$146,264.92.
2. Select Board members sign payroll warrants totaling \$110,742.21.
3. Select Board members sign broadband warrants totaling \$122,968.39.
4. Stein moves and Puleo seconds a motion to approve the 11.12.19 meeting minutes; the minutes are unanimously approved as presented.

At 9:53pm, Puleo moves and Stein seconds a motion to adjourn the meeting; the motion passes unanimously.

Documents and Other Items Used at the Meeting:

1. Vision Government Solutions “Upgrade Schedule” and “Cloud Services Schedule”
2. “Key Points Regarding Municipal Vulnerability Grants”
3. “Assessment Method Scenarios – Estimates” by Sean Mangano
4. Shutesbury Community Church 12.8.19 special event form
5. Amherst-Pelham Regional School District letter regarding the School Committee’s 11.12.19 vote to amend the 3.12.18 borrowing.

Respectfully submitted,
Linda Avis Scott
Administrative Secretary