

Shutesbury Select Board Meeting Minutes
February 2, 2021 Virtual Meeting Platform

Select Board members present: Melissa Makepeace-O'Neil/Chair, April Stein, and Rita Farrell

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

Police Department: Chief Dan Fernandes, Officer Marcus Johansson, Officer Kristin Burgess, Officer Tyler Alves, and Officer Linda Newcomb

Guests: Susan Rice, Elaine Puleo, Susie Mosher, Jill Marland, Tim Coaks, Susan Millinger, Kate McConnell, Ria Windcaller, Mike Vinskey, Jim Hemingway, Catherine Hilton, Penny Kim, Fire Chief Walter Tibbetts, Elizabeth Murphy, Jessica Makepeace, Lucy Gertz, Michael DeChiara, Leslie Bracebridge, Mary David, Joan Hanson, Leslie Luchonok, Ellen McKay, Nancy Matthews, Veronica Richter, Jessica Carlson-Belanger, Miriam DeFant, Noreen Pease, Meryl Mandell, Gail Fleischaker, Jen Malcolm-Brown, Jim Walton, Peg Ross, Brigid Murphy, and Guy DeVito. Due to virtual participation, some attendees' names were not visible or complete.

Makepeace-O'Neil calls the meeting to order at 5:37pm

Agenda Review: Torres: George Arvanitis has volunteered to serve on the Personnel Board

Public Comment: None offered

Discussion Topics:

1. Personnel Board and Cemetery Commission Appointments: Stein moves and Farrell seconds a motion to appoint George Arvanitis to the Personnel Board. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the motion carries. (Subsequent to this meeting, it is noted that the appointments for community at-large positions on the Personnel Board are made by the Moderator).
Torres: Per Walter Tibbetts/Cemetery Commission Chair, Susan Millinger is willing to serve on the Commission; Commission member Janice Stone will be resigning in the near future. Farrell moves and Stein seconds a motion to appoint Susan Millinger to the Cemetery Commission. Because this is an elected position, Millinger will fill a vacant term expiring 6.30.21. (Subsequent to this meeting, it is noted that because this is an elected seat, the appointment needs to be made jointly by the Select Board and current Cemetery Commission members.)
2. Meeting Schedule: 2.4.21: Select Board meets with the FinCom and School Committees to prepare for the 2.6.21 four town meeting. 2.9.21 Select Board meets with a representative from Amp Energy and to do other business. 2.16.21: All Boards meeting. Select Board members suggest either 2.23.21 or 3.2.21 as dates to meet with Senator Jo Comerford and Representative Natalie Blais. The Board plans to follow-up on this meeting's police department discussion during the 2.9.21 meeting if time permits or, if needed, to hold a meeting on 2.12.21. Per Farrell request, Torres will issue a Town Announce regarding the 2.9.21 meeting with a representative of Amp Energy.
3. Historical Commission Resignation: Farrell moves and Stein seconds a motion to accept the resignation of John Walter from the Historical Commission. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the motion carries.

Administrative Actions:

1. Select Board members will sign vendor warrants totaling \$595,452.72.
2. Select Board members will sign payroll warrants totaling \$103,473.30.
3. Stein moves and Farrell seconds a motion to approve the 1.5.21 meeting minutes. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye. The 1.5.21 minutes are approved as presented.
4. Farrell moves and Stein seconds a motion to approve the 1.12.21 meeting minutes. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye. The 1.12.21 meeting minutes are approved as presented.

Town Administrator Updates:

- a. Town Hall Phone/Internet Service: The phone/internet outage that occurred 2.1.21 reoccurred 2.2.21; Crocker rebooted the ONT. Torres will follow-up with Crocker to learn why this occurred and if there is an equipment problem; the outage has an effect on departments' ability to function. Torres requests to be notified by departments if the situation occurs on a weekend.
- b. Recent Snowstorm: There were no power outages or other issues during the 2.1.21 snowstorm. Police Chief Fernandes: three vehicles went off the road and there were two accidents on the S curves; Tim Hunting and his Highway Department crew did a good job.

Shutesbury Policing Overview; Question/Answer Session:

Makepeace-O'Neil welcomes all present and explains the format for the session: the Select Board is reviewing the very important issue of the future of the Police Department and is reaching out to the public for input; during this meeting, the Select Board will share information in response to the submitted questions; the Select Board will not be making any decisions during this meeting. Makepeace-O'Neil continues: there are some questions the Board may not have answers to such as their plans for the future of the Department; the Select Board currently has three paths to consider: 1. Move ahead with the full-time chief option; 2. Move forward with a shared chief; 3. Move ahead with an interim chief or officer in charge and explore options.

Makepeace-O'Neil asks Police Chief Dan Fernandes to provide a departmental overview. Fernandes: in addition to the full-time chief, Officer Marcus Johansson is currently attending the full-time police academy; when Johansson graduates on 3.13.21, he will be a full-time officer; Officer Kristin Burgess holds a permanent part-time position working 32-40 hours/week covering multiple shifts; Officer Tyler Alves works one to two shifts/week; the team is well rounded and works well together. Per Fernandes, the goal is to have another full-time officer either promoted from within the ranks or as an outside hire; it is important to find the right people to work in the town; the issues the officers face require a full tool belt to handle a multitude of problems; the current staff have a great rapport with the community.

Makepeace-O'Neil asks Fernandes questions compiled from the previously submitted list. (The questions are not asked in numerical order)

1. Fernandes states that he is open to any/all discussions toward policing in an effective manner; officers are trained and have different tools from those of a social worker; certain organizations the department has worked with have been very helpful once the situation is

under control. At Fernandes' request, Stein explains that the police are able to access crisis services at CSO (Clinical and Support Options behavioral and mental health services) 24/7; CSO has a hotline, is staffed, assists with hospitalization for persons in crisis; their ability to conduct site visits is very limited, however, staff can meet someone in the emergency room and assist with hospitalization if need be; staff can work by phone to deescalate a situation and refer as needed; CSO works hand in hand with police departments. Fernandes: the State may need to invest more funds in services like CSO; addiction is the number one issue that we deal with.

11. Fernandes does not have a breakdown of the nature of calls at hand, however, Torres is working to compile such a breakdown, i.e., accidents, domestics; these are the most compassionate officers he has worked with in his ten-year career; the Department deals with all the issues a large department does only on a smaller scale: unattended deaths, families in crisis, runaway children, barking dogs. Fernandes continues: the officers will stay with individuals during their time of need; they are a familiar face; a rapport is built through the officers' presence at the school and driving around and reaching out; a positive impact on one family means everything to him. Torres: a full list of Police Department logs is now available on the Department's webpage; tabulation by category will be done. Elaine Puleo states her interest in the logs and the proportion of calls in each category. Fernandes: Shelburne Control Dispatch maintains the call logs.

15. Fernandes is willing to make policies available; the body camera policy was initiated 2.5 years ago; body cameras are for transparency; if there is a complaint or concern, the camera can be reviewed; as a chief, he does not view them randomly or use them to overwatch his officers; they can be used to educate officers.

3. Per Fernandes, calls to the State Police are not recorded in the Department's log; as the Chief, he receives information about any situation that occurred the night before; at the Department's normal staffing levels, the State Police receive Shutesbury calls between 10pm-6am.

9. Fernandes: State taxes pay for State Police coverage; you cannot put a number on the cost of a Shutesbury police officer's call or its cost relative to that of a State Police call or the cost effectiveness per call.

7. Fernandes: per Statute, information about licenses to carry/LTCs is exempt from public record requests; he can say that, per the law, there are folks with LTCs.

5. Fernandes: yes, the Town would save \$215,000 per year if they only relied on the State Police and there would be more office space in town all; the State Police are great however, you do not know where you will be when a call comes in from Shutesbury, i.e., Northampton, Pittsfield, Belchertown, etc.; you will not get Officer Johansson, Alves, or Burgess; you will not have the familiar officers' faces at the school or at community events like the pancake breakfast. Fernandes continues: you cannot compare local officers and the time they can take with you and their use of problem-solving skills with the State Police.

8. Fernandes notes that it is his responsibility to keep the Department's website up to date and that he has not been as proactive at doing so as he would have wanted; more updating will continue to be done.

10. Fernandes regarding new hiring laws: the new police reform bill goes into effect 7.1.21; if bill works as it is intended, it will add a layer of protection to the community from "bad" officers; there will be more officer accountability and part-time officers will be eliminated. Per Fernandes: this will be hard for small towns that rely upon part-time officers; there will be a

bridge academy for part-time officers who want to go full-time; the police review board will be able to de-certify officers.

12. In order to compile demographic data, Fernandes would need to review traffic stop citations; each citation has an area to denote race and gender.

13. Fernandes: it would be more difficult for a shared chief to meet some of those goals (listed by the questioner: patrol duties, regular meetings with officers and Select Board, bolstering community relations at the school, town hall and fire department); a Shutesbury chief is vested in the town, i.e., being at the school, stopping at the lake, attending community events; their job depends on the members of the community; it would be difficult for a shared chief to do these things for more than one town.

14. Per Fernandes, all officers go through implicit bias training every year. Officer Johansson: at the academy, along with implicit bias training for 40 hours/year, a class on fair and impartial policing has been added.

2. Fernandes states that he would certainly be open to another community forum and would have time over the next month. Fernandes feels very lucky to have had the opportunity to serve Shutesbury and work with the Select Board members who assisted with community problems and recommends this type of relationship stay the same.

Makepeace-O'Neil: the operational questions will be held for a future forum.

Torres reviews the history of shared police research: in 2004, when Chief Bray, who was in office for over ten years, was retiring he recommended sharing a chief with Leverett; the Select Board reached out to Leverett to initiate discussions and a police department review committee was formed and an OIC stayed on while the process occurred; a chief from Maine attended multiple meetings; the review committee's report is now on the Town website; in 2006, the article to share a chief with the town of Leverett was on the annual town meeting warrant; Leverett voted first and voted their article down; Shutesbury then chose to pass over the article and did not make a formal recommendation. Torres: after that endeavor failed, the Town hired Tom Harding; as he neared retirement, in 2015 the possibility of a shared chief was again considered, this time with Sunderland and Leverett. Per Torres, Sunderland's town administrator had experience with the shared chief process; conversations began with Leverett where, it turned out, their chief was not going to retire so the endeavor never moved forward; Leverett's chief did ultimately resign and they hired their current chief and Shutesbury hired Dan Fernandes as an officer. Torres continues: at Harding's retirement, in the fall of 2017, Select Board member Michael DeChiara suggested again talking with Leverett and a joint Select Board meeting was held; the minutes for the full discussion are on the website; in the end, monies were discussed, however, because the great rapport between the Select Boards was not great, the discussions fizzled out and did not continue. Torres reviews several issues: timing is essential because, per statute, a town cannot remove a sitting chief without a year's notice, geography, the philosophy of a town's department, and how officers will feel about a chief from another community. Per Torres, Wendell's relationship with Leverett appears to still be evolving; per Leverett's Town Administrator Marjorie McGinnis, they reached out to Wendell out of concern for a neighboring town potentially losing their department; Fernandes learned that Leverett, Wendell, and New Salem were considering sharing a chief and received grant funding to do research; per McGinnis, Shutesbury was not asked to participate because we had a chief; Wendell no longer has a police department, Leverett's chief makes all the policing decisions for Wendell. Fernandes emphasizes the importance of philosophy; when an applicant can be fully vetted, you can figure out if the

individual is compatible with the town's philosophy. Former Select Board member Michael DeChiara: sharing a chief is complicated, whose employee is the chief, the dynamic of one town paying the other town needs to be considered; without leverage, philosophy is a concern. Fernandes: the Town invested in Johansson attending the full-time academy; with a shared chief, Johansson would not have to be hired after attending the academy. Torres: in the end, with a shared chief, there is only one chief in charge of hiring and firing, unless there is a committee that shares police management; Leverett is planning an oversight committee that will include representation from Wendell.

Makepeace-O'Neil asks Torres and the Select Board questions from the previously submitted list. (The questions are not asked in numerical order)

2. Farrell reviews the three possible ways to move forward noting that the Select Board's decision remains pending. Makepeace-O'Neil: the search committee is on hold. Stein: when the time comes, the search committee will be made up of representation from the Select Board, FinCom, Personnel Board, the Fire Chief and a cross section of the community. Torres: the goal is for the committee to include participants with some police experience, i.e., Officer Linda Newcomb has served twice.
3. Stein: the Select Board has not considered appointing a citizen committee. Makepeace-O'Neil: the Select Board, as an elected body, are also residents of the community, and performs many of these functions. Farrell: the Board needs time to consider and research; her first reaction is that as a small town, anonymity is a concern; having a citizen committee reviewing police logs and acting as a liaison between residents and the police needs more thought. Torres: grievances are delicate and confidentiality would be in conflict with such a committee. Ria Windcaller: a community policing group acting as a liaison would work with the police department and the community; the assistance would go both ways. Fernandes: having a few folks in different areas of town serve as contact people and also serve on the Emergency Management Team could help streamline information. Fernandes agrees with Torres that privacy is paramount for some matters especially in a smaller town; per Windcaller's suggestion, there could be a place for a small group that meets with the chief on "concerns that may come up". Fernandes to Stein's question: a solution for managing privacy for residents meeting with an officer in Town Hall was solved with help from Town Hall staff.
4. Makepeace-O'Neil: there are no reports available from nearby departments about recent shared chief research. Fernandes to Makepeace-O'Neil's question: yes, mutual aid helps in how resources are used; in the log, calls are not always listed as "mutual aid"; the log may indicate that a call included an officer from Leverett in Shutesbury or vis versa. Officer Kristen Burgess: the report generated is specific to the nature of the call rather than whether it was a mutual aid call. Torres: it would take some effort to discern mutual aid calls. Vinskey: going forward, one of the three avenues being considered includes a shared chief; what is available in the other towns; so far, everything is still being looked at however given the history provided by Torres, there are things that have to be perfectly aligned so a shared chief may be pushed aside. Torres: we are hoping to have more conversations with New Salem; their chief may be a year to a year and a half from retirement so there is still a chance for discussions. Fernandes confirms that Shutesbury has a mutual aid agreement with New Salem. Farrell: the Select Board is responsible for doing the research however we have not talked about the research process as a Board.

DeChiara: the new law has negating points that could be a game changer; we are not only looking at the chief, we are looking for officers and the decision could be based on officer availability as well as chief availability. Fernandes: from Worcester east, there are no part-timers; the needs of western Mass departments are not being considered; the standard for full-time officers is part of the new Police Officers Standards and Training (POST) system; even Deerfield and Sunderland depend on part-timers; the grace period for the transition to full-time officers has not been determined. DeChiara: to meet this requirement, we could consider shared officers. Fernandes: the Town of Shutesbury does not hire the shared chief. Stein: the full-time requirement may be a concern to raise with our legislators. Fernandes: the issue is being discussed at chiefs' meetings. Torres: there are two types of training, full-time and part-time. Fernandes confirms that someone with full-time academy training can work part-time. Makepeace-O'Neil to Luchonok's question: the Select Board has yet to decide on a path forward so who will be in charge of the Police Department after 3.6.21 has yet to be determined. Stein: when the Select Board has been in this position before, we worked with an OIC; the Select Board will be making a decision on how to move forward.

5. Makepeace-O'Neil: Shutesbury's police officers are in town and arrive more quickly than the State Police and often arrive before the Fire Department; the officers are first responders and can relay information to the Fire Department. Farrell: the Select Board will need to look at the logs for maybe 2-3 years before making any decisions about restructuring either department or having a full-time paramedic. Stein: we have EMTs in Town. Fernandes: reading over the type of calls will be informative; police are not paid for what we do, we are paid for what we might have to do as are the firefighters/EMTs. Fernandes continues: having a Shutesbury officer on duty during school hours is essential; State Police response could vary given where they are within their district, i.e., it is a 45-minute drive from the center of Ware to Shutesbury. Walter Tibbetts/Fire Chief: not having the police show up at a motor vehicle accident is absurd; police reports are required for accidents; for medical calls, the officers are already on the road and are first responders; they provide the firefighters/EMTs with accurate information; they are needed to stabilize aspects of situations; they even assist with fires; based on his 40 years of experience, it is necessary to have police attend calls. Tibbetts emphasizes the length of time needed for the State Police to respond.

6. Makepeace-O'Neil: the Chief, Select Board and Town Administrator meet regularly; there is dual committee evaluation of policing needs. Farrell notes that during COVID, regular meetings with the Chief have not occurred. Per Makepeace-O'Neil, prior to COVID, a member of the Select Board would stop in and meet with Fernandes each week. Torres: the Select Board is the supervisor and the Town Administrator oversees daily operations; Fernandes and Torres talk almost daily and consider issues and needs as they arise; there could be a more structured process for evaluating policing needs; a lot of work has been necessary to manage during COVID. Stein: during COVID and the need for virtual meetings, she feels free talking to the Chief and will call Fernandes when she has a question or concern; when it is again possible, it is a benefit to have the chief attend monthly Select Board meetings. Fernandes: it is so important for folks to be able to contact the Chief. Torres affirms that open communication between the chief and Select Board is very important. Former Select Board member Elaine Puleo: pre COVID, one

Select Board member per week would meet with the Chief and learn about issues, i.e., body cameras; this process worked well. Makepeace-O'Neil agrees.

9.2 Stein: police chief evaluations are managed with the Town Administrator and representatives from the Select Board, Personnel Board and FinCom; evaluations are not done during an open meeting. Makepeace-O'Neil: personnel documents are confidential. Torres: personnel documents are available to the Select Board.

7. Torres: assessing the policing needs of the Town is in process.

8. Makepeace-O'Neil: the Select Board meets with the Finance Committee. Torres: the FinCom develops the budget and meets frequently during the budget season to interview department heads and review their expenses; they are responsible for bringing the proposed budget to annual town meeting. Torres continues: the Personnel Board crafted the original job descriptions that are reviewed annually and updated as needed and provides representation for contract and Teamsters negotiations; the Personnel Board tracks what other communities are doing and market rates; they also meet annually with the FinCom and Select Board on cost of living adjustments; they also update the employee handbook. Stein: the Select Board makes final appointments with recommendations from the hiring committee. Torres: the Select Board has the ultimate contracting authority in the Town.

5.2 Stein: background checks are confidential and disciplinary matters are not disclosed; individuals have a right to privacy. Makepeace-O'Neil: the public cannot have access to these items (resumes, formal complaints, and disciplinary records). Torres: initial resumes are treated confidentially; finalist resumes can be made available.

6. Torres: the police chief's is an exempt position therefore no overtime is paid.

Makepeace-O'Neil: the current salary is \$63,654.

4.2 Stein: the process represents taxpayers and residents; Select Board members are all taxpayers and town residents.

10. Torres: we have not referenced the work currently being done in Amherst and Northampton however we are open to learning more. Makepeace-O'Neil: those communities' police departments are different in size and philosophy.

Makepeace-O'Neil summarizes some of the comments received by email (author's names are not identified):

"...regionalizing police departments should only be done when there are no better options. Ideally, Shutesbury would have 24/7 coverage from our town department; the response time is better, there is better connection with community and less room for misinterpretations or misunderstandings; our hill town is remote and it takes time for people from other areas to get and delays could be deadly; many officers are the first to respond and are trained to use an AED and Narcan."

"I have lived in Shutesbury since 1982, the very end of the era when there was no need to lock one's front door when leaving home.

But times have changed. By the late 1980s we had a string of burglaries, an attempt to kidnap a female resident jogging on a public road, and at least one attempt to abduct a child waiting by the road for a morning school bus. We had a murder several years ago, and domestic abuse of female residents is a recurring problem here as elsewhere. This is in addition to the need for police to respond to auto accidents and other emergency calls, and control speeding through the center of town. In addition, some may not realize the extent to which Route 202

and other roads in town are used for drug trafficking. A rural area such as ours provides an ideal setting for criminal activities which can be carried on in relative seclusion.

I respectfully submit that anyone who advocates "defunding" police departments is unaware of the reality lurking outside the bubble in which many of us middle-class folks are privileged to live -- a bubble created and maintained by police armed force.

Shutesbury needs its own multiple police officers on duty 24/7. In police work, immediately available backup is absolutely essential. In this rural area, backup from another town is too far away. There have been instances in years past where an outnumbered Shutesbury police officer had to send criminals on their way due to lack of backup during a traffic stop."

"I also writing to you with my opinion of our police force hours and possible joining other towns to create one police force or share a police chief. Not Long ago I had someone walking around my house very late at night. After dialing 911 I waited 28 minutes for a police officer to get to my residence from another town because they could get here faster the state police. I cannot imagine if this were the case, every time we had an emergency call. This could be detrimental to the safety of our residents. In 28 minutes if the person outside my house wanted to harm me, they would have had plenty of time to do it. And that's a very uneasy feeling.

I am asking that my voice is heard in keeping our police department at the capacity it is right now. I feel the officers' hours are necessary to keep our little community safe. I do not support decreasing the hours of our officers nor do I support joining other towns in combining the police force."

Fernandes to Windcaller's question: the Department includes a full-time chief and Officer Johansson, Officer Burgess is part-time trained and works 32-40 hours/week, Officer Alves works 8-16 hours/week and Officer Newcomb works part-time in the summer. Per Fernandes, not including the chief who is full-time 7am-3pm, the ideal would be two full-time officers and two part-time officers to fill gaps in the schedule; the goal is for the Town to have 16 hours of coverage/day with overlap between shifts; excluding July 4th, not much occurs after 10pm; the overlap provides for one officer at the school and one on the road during dismissal time.

Vinskey: the Select Board will be looking at the three different avenues; what is the process going forward to evaluate each one? Makepeace-O'Neil: the Select Board has yet to have a conversation about the options; that is the next step; there will be a plan for moving forward, either permanent or transition, in preparation for 3.6.21.

Ellen McKay thanks and appreciates everyone for their attention and answers.

Windcaller agrees with McKay and encourages the Select Board to think out of the box to see what the possibilities are; there might be a new avenue we can take and still keep our officers.

Stein: appreciates seeing Officer Johansson. Johansson states that he misses being in Town; is almost done with the academy and cannot wait to be back.

Jill Marland asks Fernandes about the frequency of domestic and mental health crises calls.

Fernandes: on a monthly basis, the Department receives 1-3 of these calls; crises are different from person to person and the officers understand this. Fernandes to Marland's question: there are summons that are mailed and there are physical arrests which would occur maybe once/month, however during the pandemic, the officers try to avoid physical arrests.

Officer Burgess: when responding to domestics, the call does not end with the one response; with the permission of the victim, the officer will call, check in and attend to the needs of the whole

person; we like to stay in touch perhaps to prevent future problems and increase a feeling of safety.

Makepeace-O'Neil thanks everyone for attending and asking question to assist the Select Board in moving forward. Farrell: the Select Board does want to hear from people; if you did not feel comfortable speaking up, contact the Select Board. Stein thanks everyone for their participation. Makepeace-O'Neil: a link to the July forum is available on the Police Department webpage; email further questions/comments to the Select Board. Torres: the link for this meeting will be posted online. Fernandes thanks everyone for attending.

At 7:59pm, Stein moves and Farrell seconds a motion to adjourn the meeting. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the motion carries.

Documents and Other Items Used at the Meeting:

1. Lists of questions submitted by the public: "Police 2/2/21" and "Questions for TA and SB"

Respectfully submitted,
Linda Avis Scott
Administrative Secretary