

Shutesbury Board of Selectmen May 8, 2012 Meeting Minutes

Members present: Chairwoman Elaine Puleo and members Al Springer and April Stein.

Also Present: Town Administrator Rebecca Torres, Administrative Secretary Leslie Bracebridge recording.

Meeting opened at 6:35 P.M. at the Shutesbury Town Hall

Appointments

Police Chief Harding:

- Select Board received a copy of a fireworks letter to be sent out town-wide and to the Lake Wyola Association in preparation for the Fourth of July.
- The Recycling Committee will be running a Bulky Waste Day on June 2.
 - Chief Harding will communicate with the Recycling Committee regarding traffic flow.
 - Meryl Mandell is the Recycling Committee's Chairman.
- The new part time Police Officers are working independently and doing well.
- Chief Harding's contract covering FY 12 will be adjusted for the same 3% increase that other town employees are receiving.
- In the presence of Shutesbury Athletic Club (SAC) President Paul Danielovich and member Kenneth Holt:
 - Chief Harding reported that the head of the enforcement branch of the Massachusetts Alcoholic Beverages Control Commission (ABCC) has indicated that:
 - Regulation of Club activity is "mostly up to what the Select Board wants," and
 - There is some question about advertising events on Facebook relative to Club membership.
 - Specific penalties should be organized by the Select Board rather than the ABCC:
 - In the next version of the Memorandum of Agreement (MOA), #2 will be modified to say at the end that "after 2 violations observed by a police officer within one month, closing hours will be at 10 PM for 1 week."
 - Last call is already addressed in the 5/8/2012 revision of the Memorandum of Agreement.
 - Outside drinking:
 - Outside drinking is confined to areas stated on the license.
 - New SAC plan: The picnic table area where people go out to smoke right now will be paved or TRG added and fenced in to create a patio that will then be defined as part of the area on the license where people may enjoy a drink.
 - Chief Harding states the Select Board can approve such a change. He will follow-up with the process to follow to amend the license with the ABCC (forms? fees?) and report back.
 - President Danielovich:
 - A long term SAC plan is to create a patio area in the front of the building similar to the smoking patio area if it can be worked through the zoning setbacks.
 - This would also improve the outside appearance of the facility.
 - The next SAC idea is to create a bocci court and a horseshoe court by the volleyball court and the entire area will be described as the "recreation field" for the purpose of a defined area for allowing consumption of alcoholic beverages.
 - A bartender would be responsible for "oversight" of the recreation area, but would not necessarily be present. President Danielovich stated that the Club takes responsibility that no underage drinking occurs.
 - The Club will submit a request for an amendment to the SAC alcoholic beverage license to include the fenced in smoking patio, the pavilion and the recreation field as areas where

alcohol may be consumed. Selectmen asked that the SAC create a diagram with measurements of the proposed outside drinking areas.

- MOA #10 will conclude with the statement that “the Club is responsible that no underage drinking occurs.”
- Chief Harding will confirm with the ABCC his understanding that these changes can be made with just the approval of the Select Board and inquire as to how the changes are submitted to the ABCC.
 - The new submission will likely need the dimensions of the outside areas.
 - Elaine, “We might as well have our rules meet reality so that people are not in violation.”
 - The revisions will be reviewed at the end of the summer.
 - President Danielovich reiterates, “We’re self-monitoring.”
 - To the comment that these rules have to stand-up whether it is this group or others in the future, Paul replied that rules can be changed.
 - A new MOA will be developed once the new design is submitted.

Selectmen unanimously voted to sign the May 8, 2012 Memorandum of Agreement between the Shutesbury and the Shutesbury Athletic Club as written for use between now and when the changes are implemented.

Topics

1. Annual Town Meeting Review:

- The Special Town Meeting will be rescheduled to June 6, or to June 20 if changes to the Flood Plain Bylaw can be made in time for June 20.
- A \$1,100 discrepancy between Shutesbury’s FY 13 budget and the actual Amherst-Pelham Regional (A-P) budget occurred due to a change made in the A-P’s budget which was not submitted to the Town Administrator. The new figure is less.
- Selectmen liked hearing the committee reports mid-morning rather than first, and saving the School and Finance Committee reports for when their corresponding warrant articles occurred.
- The public microphone set-up should be on the other side of the room and the door could be opened near the fragrance free section.
- Paper ballot voting should be done section by section, starting with the fragrance free section.

2. Department Head contracts:

- All department heads agreed to contract adjustments of a 3% Cost of Living Adjustment (COLA) for FY 13, though the COLA wording varied slightly from contract to contract.

Selectmen unanimously voted to approve the amended contracts for the Police Chief, Fire Chief, Town Administrator and Highway Superintendent for FY 13 with 3% COLA increases.

3. New DEP designations on library site and update:

- The newest Lot O-32 contamination report is a precautionary report.
 - i. Alan Weiss and Licensed Site Professional Jim Okun discussed the PCB in ground water finding.
 - ii. The next round of tests will include a filtered sample and a non-filtered sample to clarify the findings.
 - iii. If the retest is negative and there are no new findings, we may not be required to do anything further.
 - iv. Today’s tests on private property drinking water within 500 feet of the Lot O-32 report site went forward. For some houses it was not possible to get around the private water filtering systems.
 - v. The groundwater couldn’t be tested today due to the rain.
 - vi. Results will be back in 7 to 10 days.

vii. Alan Weiss has learned the process for un-doing a DEP notification if the future results indicate doing so.

4. Fire station oxidation remediation:

- Becky is waiting to hear back from Jim Okun and DEP but feels we are very close to beginning oxidation remediation treatments.
- The Conservation Commission will not require any additional filings.
- The current rainy weather will improve conditions for the remediation process.

Select Board Action Items

1. The Solar Photo Voltaic array bid award papers were not ready to be signed.
2. The Buildings Committee has not met to vote on award of the West Schoolhouse Sills project.
3. **Selectmen unanimously voted to authorize use of the town hall for library events: A May 20 puppet show, a June 4 poetry reading, and knitting lessons on the second Wednesday of each month through October 10, and the boat ramp area on June 9 for a kayak adventure day.**
4. **The Select Board unanimously voted to sign the new annual report requirement in keeping with MGL c. 32B, sections 19 and 21-23 as prepared by the Hampshire County Group Insurance Trust, of which Shutesbury is a member for the Secretary of Finance and Administration.** The report indicates that:
 - Because of the size of our community, to leave the Trust and apply section 21 would put us in a negative financial position if we tried to purchase insurance on our own.
 - If we went to the GIC plan we would be paying more for 30 to 40% less coverage depending on the GIC plan that employees would pick. Should an employee elect either indemnity Basic plans there would be no savings.
 - Savings would be less than 5% of the maximum savings amount that would be attained by plan design changes under MGL 32B Section 22.
5. **Selectmen signed payroll warrants totaling \$80,960.01.**
6. **Selectmen signed vendor warrants totaling \$81,213.96.**
7. **Selectmen reviewed and approved the April 24 meeting minutes as written.**

Topics the Chairman Could Not Reasonably Have Anticipated

1. Al will attend the Thursday night May 10 OPEB information event at the Hadley Senior Center.
2. April attended the Hampshire County 350th celebration. Speeches included the sequence of Franklin, Hampden and Berkshire Counties breaking away from the original Hampshire County, and also the derivation of the word sheriff.
3. Elaine received notice of the Thursday May 17 Franklin Regional Transit Authority meeting. Becky also received the notice and will attend.
4. The new bid on the generator is out and the opening will be extended by 5 days.
5. Selectmen signed a Commonwealth of Massachusetts – Standard Contract Form for the next DEP recycling grant.

The Select Board **adjourned at 8:19 P.M.**

Respectfully submitted,

Leslie Bracebridge
Administrative Secretary