

**Shutesbury Board of Selectmen
Wednesday, May 23, 2012 Meeting Minutes
(as amended & approved 6/6/12)**

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 5:06 P.M. at the Shutesbury Town Hall

Appointments

5:05 PM - Constable/Special Town Meeting Warrant:

- **Selectmen unanimously voted to sign the June 6, 2012 Special Town Meeting Warrant**, which was immediately given to Constable Tibbetts for posting.

5:45 PM – Building Committee:

- Member Dale Houle arrived at 6:15, just in time for the discussion of the West Schoolhouse sills replacement bid award. See Topics #5 below.

Topics

1. Special Town Meeting Warrant:

- See Appointments 5:05 PM above.

2. Contracts:

- The police contract has been taken to the police union for final review; it should be back for Select Board approval and sign-off well before the end of the fiscal year.
- Department Head contracts: There was one change in the Highway Superintendent's contract besides the standard percentage increase:
 - All other Emergency Management department heads have town vehicles to ride back and forth to the job except the Highway Superintendent.
 - Therefore, a one-time \$500 increment was made to the Highway Superintendent's base salary instead of the use of a town vehicle.
 - Some Highway Superintendents in other towns get more than \$500 instead of the use of a town vehicle to travel back and forth to work.
- Selectmen anticipate signing off on all open employee contracts by June 30, 2012.

3. DEP designation status on Lot O-32 (proposed library site) and update:

- Licensed Site Professional Alan Weiss left an informal message for Becky late Friday afternoon that the lab reports of the filtered and non-filtered water re-tests and the soil test are all negative.
- Mr. Weiss will prepare a report on all the test results to send to the town.
- Mr. Weiss will be the person to reverse the DEP site notification if everything came back negative.

4. MBLC grant status:

- Becky reported she was asked at town meeting, if someone were to give the town \$1 million for the library, if the town could accept the grant without further vote of the town. Becky put the question to Town Counsel who provided a written response part of which stated that: "It is my opinion that the Town must fulfill the MBLC grant requirements prior to proceeding with the project, but so long as the Town meets the grant requirements and has enough funds from whatever source to proceed with the project they may do so."
- Regarding the appeal of Judge Rup's May 3 decision by Attorneys Pill and McDermott and residents Sunshower and Fleischaker: Town Counsel will need to write a response and attend the hearing.
- Town Counsel legal expenses relative to the January 2012 election are just over \$3,000 at this point.

- Town Clerk Bracebridge reported on the additional complaints brought against 5 voters by Gail Fleischaker, in keeping with Massachusetts General Law Chapter 51, Sections 48 and 49:
 - 2 parties have left Shutesbury and stated that they no longer consider themselves registered voters of Shutesbury.
 - 2 parties had no interest in being challenged in court as were the Paczkowskis and therefore returned signed postcards stating that they no longer lived in Shutesbury.
 - The final challenged party wrote a letter to the Board of Registrars stating why he felt he is qualified to be a registered voter in Shutesbury. His name was not removed from the registered voter list.
- To the question of making a list of rules to go by as to who can register to vote, based on the findings of Judge Rup, Town Clerk Bracebridge summarized her feedback from Town Counsel on that question that has been put to her by multiple people from both sides of the library question:
 - Each case is individual to time and circumstances, so we work with case law only.
 - If there were to be a set of ‘rules’, they would come either from the state elections office or the federal government, not from the local Board of Registrars. (This second bullet was added later on preparing these minutes as it was an unmentioned but important part of Counsel’s feedback on the question of creating a set of voter registration rules.)
- Judge Rup overturned the January 25 recount vote of the Board of Registrars to accept the votes of Jacob Holzberg-Pill and Shoshana Holzberg-Pill, disenfranchising them. But Judge Rup’s ruling does support the Board of Registrars decision to accept the votes of the Paczkowskis.
- An appeal has been filed in regards to Judge Rup’s ruling. The Friends of the Library are not included in the appeal.
- The healing of resentments can start with the Board of Selectmen: openness, honesty, and above board interactions.
- April noted that it would be a great loss to the community if the new library is not built.
- Roadside signs which are meant to say one thing mean something totally different to others.
- **A motion was made, seconded, and unanimously voted that the Select Board does not support the May 15 notice of the private citizens’ appeal of the May 3 findings of Judge Rup concerning certain Shutesbury voter registrations.**

5. West Schoolhouse sills bid award:

- Shutesbury received 2 bids for the West Schoolhouse sills repair and painting project:
 - The low bidder was Coulter Construction of Billerica with a bid of \$26,365.
 - Coulter is trying to get established in Western Massachusetts.
 - Buildings Committee member Dale Houle got “glowing” recommendations on Coulter’s work with “high marks” from historical groups.
 - Becky had a conversation with Coulter Construction and found them to be very flexible and responsive.
 - The high bidder was Robert Groves of Shutesbury with a bid of \$28,600.

While the Buildings Committee feels most comfortable staying with the known and local builder, the Buildings Committee found this to be a “sticky” situation and therefore did not send a recommendation to the Select Board for the Select Board’s final decision.

- In addition to overcoming procurement laws, there are ethical questions in awarding a contract to the high bidder, who is also a member of the Buildings Committee, over awarding to the low bidder who comes with high recommendations.
- The high bid is higher than a previous bid put in by the same bidder for the same project (when there were not enough available funds to accept the bid.)
- The town would have to come up with \$600 more than what is budgeted for the project, to meet the high bid amount.

Select Board discussion included:

- We do like to hire local.
- We have had good (Highway Garage) and some not so good experiences (Library) with unknown or less local builders.
- Sometimes it's worth spending extra to get a better job.
- We have first-hand knowledge of the local builder's quality of work. We don't have first-hand knowledge of Clouter's work.
- It is possible that the low-bidder will not accept the bid contract at this point anyway.

Selectmen unanimously voted to award the West Schoolhouse sills replacement and re-paint project bid to low bidder Coulter Construction.

6. Fire Station remediation – update of oxidation remediation/time table:

- John Henry is lining up sub-contractors.
- We have no application date yet.
- DEP needs 48 hours notice
- Selectmen really want to witness the process.

Select Board Action Items

1. Award Solar Photo Voltaic (PV) array bid:

- **Selectmen unanimously voted to sign a contract with Ostrow Electrical Co to furnish a 15 KWatt pole mounted solar array in the amount of \$70,300.**
- Ostrow Electrical Co. comes with the experience of installing at least 100 arrays in varying sizes.
- Fall River (Installed panels behind town hall) also bid, \$20,000 higher than Ostrow.
- \$63,000 is allocated for the project in the Green Communities grant; the remaining \$7,000 will come from the alternative energy fund.

2. Sign contract with Allied-Curbside:

- Selectmen unanimously voted to sign a 5-year contract with Allied Waste Services of Massachusetts, LLC d/b/a Allied Waste Services of Springfield//Republic Services of Springfield, covering the 5-year period from July 1, 2012 to June 30, 2017, with the Towns option to extend the contract an additional 12 months or fraction thereof.
- Subject to Annual Town Meeting appropriation, the town will pay the contractor the following amounts:
 - FY13 - \$53,550, FY14 - \$55,157, FY15 - \$56,811, FY16 - \$58,516 and FY17 - \$60,271.
- This is the company that offered a \$500 scholarship to a student studying environmental science.

3. Sign – Community Septic Management Program Bond:

- Selectmen unanimously voted to sign a Community Septic Management Program Bond in the amount of \$76,797 with Massachusetts Water Pollution Abatement Trust.
- This bond is for the purpose of financing costs of a community septic management loan program pursuant to Chapter 29C and Chapter 111, Section 127B½ of the General Laws of Massachusetts and Loan Agreement No. T5-98-1020-C.

4. Award generator bid:

- The generator bid will not be awarded tonight.
- We received 2 bids:
 - One bid from the company (F & M) that bid before, only \$1,000 higher, did not contain information regarding how their bid complied with Shutesbury's specifications.
 - The low bid was from a new company for a Generac generator which is not recommended.
- A third intended bid, which would have met Shutesbury's specifications was not received from Cummings Electric, due to a complicated communication concerning installation between Elm

Electric, Cummings Electric and Shutesbury officials. The result was Cummings Electric assumed their bid had been submitted when it wasn't submitted.

- Fire Chief Tibbetts will review the specifications of the low bid with the Generac generator.
 - If the project is put out to bid again, there would be a 4-6 week bid time.
 - Installation could happen before the start-up of school, but it might not.
 - Officials prefer to have the installation done during the summer to avoid powerless classrooms as the power will need to be turned off during installation.
 - Should the installation be included in the bid process?
 - **Selectmen unanimously voted to go back out to bid on a generator for the school.**
5. **Award West Schoolhouse sills bid:**
- **Selectmen unanimously voted to award the West Schoolhouse sills replacement and re-paint project to low bidder Coulter Construction.**
 - See discussion of West Schoolhouse sills bid award in topics #5 above.
 - Becky will call to notice Coulter of the award and to arrange for a pre-construction conference.
6. **PAF for Highway Department:**
- **Selectmen unanimously voted to sign a Personnel Action Form for Wendell Road resident Steve Sullivan** as a part time equipment operator and truck driver to begin. Steve will assume full time hours as an equipment operator and truck driver once his contract with the school for 25 hours/week ends on June 19.
7. **Sign letters to state Democratic and Republican Party Chairman election workers:**
- **Selectmen unanimously voted to sign letters of requests for names of election officers for the coming year to the Democratic and Republican State Party Committee Chairmen in keeping with MGL 54§12.**
8. **Selectmen signed vendor warrants totaling \$103,852.15.**
9. **Selectmen signed payroll warrants totaling \$81,480.84.**
10. **Selectmen unanimously voted to approve the May 8, 2012 meeting minutes as written.**

Topics the Chairman Could Not Reasonably Have Anticipated

1. **AI reported that the OPEB meeting that he attended was very informative.**
2. **Review of the May 21 Emergency Management Team meeting:** Two low-cost portable radios will be purchased with Emergency Management funds to see if they will perform as well as the \$700 Motorola radios discussed at a previous Emergency Management Team meeting.

Selectmen will postpone their meeting of Tuesday, June 5, 2012 to Wednesday, June 6, 2012 at 6:30 PM. If they have not completed their business at 7 PM when the Special Town Meeting is scheduled to begin, they will resume Select Board business at the close of the Special Town Meeting.

The Select Board **adjourned at 6:33 P.M.**

Respectfully submitted,

Leslie Bracebridge
Administrative Secretary