

Shutesbury Select Board Meeting Minutes  
November 4, 2015  
Shutesbury Town Hall

Select Board members present: April Stein/Chair and Michael DeChiara  
Select Board member participating remotely due to geographic distance: Mike Vinskey  
Staff present: Becky Torres/Town Administrator; Linda Avis Scott/Administrative Secretary

Guests: Police Sgt. Wendy Masiuk, Police Chief Tom Harding, Dog Officer Nancy Long; George Arvanitis, Bill Wells, and Jeff Lacy/SRASSC; Gary Hirschfield, George Arvanitis, and Allen Hanson/Finance Committee; Susie Mosher/Town Clerk

Meeting called to order by Stein/Chair at 6:20pm

Public Comment Period: no one attends

Dog Hearing/Locks Pond Road: Stein opens the hearing at 6:30pm and administers the oath by asking Sgt. Masiuk, Chief Harding, and Dog Officer Nancy Long if they each solemnly swear to tell the truth, the whole truth, and only the truth during the dog hearing; Sgt. Masiuk, Chief Harding, and Nancy Long each affirm the oath. Caylin Lee indicated to Torres that her boyfriend, Jesse Shore, would attend tonight's meeting in her absence; Shore did not arrive in time for the scheduled start of the hearing. Torres reads Shawna Smyth's 10.19.15 letter into the record. Long: the dog is licensed, rabies shot is current, and she has had no complaints about Smyth's dogs. DeChiara: does Sgt. Masiuk drive by Smyth's house? Sgt. Masiuk: doesn't make special trips to the area, only tends to notice dogs in the road, and has not noticed if Smyth's dogs are out. Stein: the Select Board needs to decide if this is a dangerous or nuisance dog; both sides tend to see the situation differently; she hasn't heard anything that indicates that the dog needs to be put down or leave town; the dog does need to be under voice command or on a leash. Chief Harding: voice command or on leash when the dog is off property not when it is on property; provides Torres with the quarantine order for the file. Torres: Lee has hired an attorney for civil case; the civil matter is not the Select Board's jurisdiction. DeChiara: the victim (Lee) said she didn't feel safe and Smyth feels intimidated. Chief Harding: the dogs have not been a problem, there is no prior complaint from Lee, and no complaints from other neighbors; this seems to be more of a matter between the neighbors. Vinskey: is there any doubt that she got bit? Long and Sgt. Masiuk: there were no witnesses. Long: referring to Smyth's letter, it could have been from the stick. Vinskey recommends the dog be under control. Stein: doesn't see any evidence that the dog needs to be restrained. Long: has been down to the area and has not observed the dog to be outside at all; has not seen Lee's dog who is tethered in such a way as it can go on Smyth's property; Smyth reported that Lee videotaped her. DeChiara: did the tension between neighbors start with the dog incident? Chief Harding: yes; based on Smyth's statement, she offered to pay any medical bills; refers to his email to Lee stating that the dog has been quarantined and the shots and license are in order; including the fine, these are the Town matters; there is no past history with Smyth's dogs and Smyth seems to be in the process of moving.

DeChiara: if the dog is wandering, is there recourse down the road? Harding: as per bylaw (Dog Licensing and Control Bylaw), being out of the yard is a violation; running loose in the yard is not a violation. Torres: per Smyth, dogs are only out when she is home. Stein: a dog running in the yard is okay; doesn't see any evidence that the dog needs to be restrained in the yard.

Torres: if another incidence occurs, the question may be asked why action wasn't taken this time. Long: when someone reports a bite, she follows the procedure. Stein: this dog has not been a chronic problem. Chief Harding: if Lee is in fear, that concern will probably be addressed in the civil suit. Stein: sounds like Lee had a traumatizing event, though this is not a Select Board matter. Long: up until now, there has been no problem with Smyth's dogs; has been down Smyth's road and observed that the dog behaves, responds to the owner. Stein: does not see that Smyth should be required to do any more than she is already doing; she has been fined, talked with by the dog officer, and both parties have been represented. Vinskey: when Lee got bit by the dog, he was not restrained; states he is uncomfortable leaving things the way they are and wants the dog restrained whenever it is out of the house. DeChiara: due to Lee's fear, feels concerned about doing nothing. Long: if there is another incident, process would follow the bylaw; doesn't believe we will see the dog again as it is 8 years old and this is the first complaint. DeChiara: Lee should report if the dog is observed to be off property. Long: Lee is videotaping Smyth in her yard and house. Stein: case will be going to civil court. Chief Harding recommends sending Smyth a letter representing the deliberation and restating the bylaw and what could happen if the dog is off the property and send a copy to Lee. Stein: agrees; no additional restraint is needed. DeChiara moves that a letter stating the dog bylaw be sent to the owner and a copy to Lee. Vinskey seconds the motion to send a letter reiterating bylaw requirement that dog be controlled whenever it is off property; understands motion though will not agree. DeChiara: aye, Stein: aye, and Vinskey: nay. Long, Harding, and Masiuk leave the meeting at 7:01pm.

Four Town Meeting Presentation/Shutesbury Regional Assessment Summer Study Committee (SRASSC) and FinCom: Stein: Hirschfield, Torres and herself have been discussing strategy for the four town meeting presentation on 12.5.15. Hirschfield, referring to "Summary of SRASSC Report," explains focus on Chapter 70 and the need to make the case for the ability to pay as per questions on the second page of the summary. Stein: it is hoped that Roger Hatch/DESE will be able to attend on the 5<sup>th</sup> to explain the graph. Torres summarizes Hatch's email feedback on the SRASSC report. Arvanitis: the time Hatch needs may use up allotment. Torres: perhaps just have Hatch answer questions; our goal is to establish the validity of the statutory formula. Arvanitis: there will be folks in the crowd who will understand the statutory method. Torres: originally, the statutory method did not take into account the ability to pay like it does now. Stein: we aren't going to change everyone's mind; our town is not going to put up with paying more with the alternate method than we would with the statutory method. DeChiara: the goal is to present the SRASSC findings and have folks know these findings are what Shutesbury wants. Arvanitis: we are offering a reasonable compromise by transitioning to the statutory method. Lacy: the statutory formula itself is not very predictable, though, when the five-year rolling average is introduced, it becomes very predictable. Torres: it addresses the ability to pay. Lacy: the rolling average is not the

most financially advantageous for Shutesbury. Torres: final planning can be done at the 12.1.15 Select Board meeting. Arvanitis is working on a preparatory letter to be sent ahead of time to the other towns. Torres will work with Arvanitis on the concepts to be covered in the letter. DeChiara agrees with the concept of the letter – to let folks know what Shutesbury is thinking about. Hirschfield and Stein will open and begin the presentation. Wells: the other communities need to realize that if they do not want the rolling statutory method, Shutesbury will vote for straight statutory at town meeting. Hirschfield: this is an idea that recognizes the ability to pay. Lacy: it needs to be pointed out that 72% of the state uses the statutory method; we are proposing a transition schedule. Stein: timing for letter? DeChiara: one week before the 12.5.15 meeting. Arvanitis: in reality, they know we are coming to ask for the formula to be adjusted. At 7:30pm, it is noted that Vinskey can hear the discussion however the audience cannot hear him. Vinskey indicates that he agrees with plan and doesn't have anything further to add. At 7:36pm, Vinskey's sound is resumed. Vinskey wonders if anyone has heard anything from the other towns about the agenda. Torres: not yet.

Storage of Town Records/Town Clerk: Mosher references her 10.8.15 and 10.26.15 letters to the Select Board that were also sent to the Historical Commission and Building Committee. Mosher reads Leslie Bracebridge's/Historical Commission Chair response to her letter and explains that she has enrolled in the Massachusetts Municipal Clerks Archival Education Course sponsored by Simmons College. Mosher: in talking with Gregor Trinkaus-Randall/Preservation Specialist Massachusetts Board of Library Commissioners (MBLC), the first thing to do is an inventory; the course will help her define what constitutes a public record; use of the Old Town Hall building is intertwined and needs to be sorted. Mosher explains her reaction to the building and her need to use a mask when in the building; any volunteers accessing the building need to use a mask; the breathability needs to be taken care off. Mosher: there is a process for boxing materials; records can be moved if there is an adequate environment for storage. Torres: condition is worse in the summer as all the storms are nailed and painted shut; the Building Committee has a project to remove the storms in the spring and we need to make sure this happens as it will make a huge difference; the building's dehumidifier doesn't have a drain which is a situation that needs to be modified for summer management; these issues need to be addressed. DeChiara asks if the records could be moved as a short-term solution to allow the condition of the building to be dealt with. Mosher: the health condition of both the vault and remainder of the building needs to be known; records need to be available to the public; the mold in contaminated records gets stirred up when these records are opened. Mosher explains that Wendell's contaminated records were vacuumed and irradiated; there will be stages to a process that has to be done; statutorily, the Town Clerk is the keeper of the records. Torres: insurance assisted with the cost of Wendell's work. Torres: there are staff members and others who are having problems with access to the downstairs of Town Hall; the corkboard wall, contaminated with mold, needs to come down. Vinskey: where do we begin the work needed at Old Town Hall? Mosher: we will start with Department of Public Health measurements in the main room and the vault; the Simmons course will provide her with instructions on how to inventory the records. Vinskey: how can the Select Board assist? Mosher: there needs to be a discussion about use of the building as it is intertwined; in a very short time, there will be

a space issue when the vault is full; the Select Board will need to consider how/where to store records. Mosher: Bracebridge (former Town Clerk) recommends storing the records in the building where they are used. Vinskey: who needs to be included in future discussions? Mosher: the Building Committee, Historical Commission, Select Board and Town Clerk; we may need to learn what space needs other departments have. DeChiara notes need for the FinCom to be involved as there may be FY16 costs; storing cleaned up records in an old building doesn't seem appropriate and why clean up an old building? Torres: the Town Clerk needs access to the records; we need to have all the parameters for what is needed. DeChiara: we need to have a bigger conversation about building needs. Vinskey: when do we want to plan for further discussion with all who need to be involved? Torres: suggests January, which will give the other committees time to prepare. All Board members agree to plan the discussion during the 1.12.16 meeting. At 8:00pm, Mosher leaves the meeting.

#### Discussion Topics:

1. Attorney to Review WiredWest Cooperative Agreement: DeChiara moves that the Select Board approve the hiring of an attorney to review the WiredWest Cooperative Agreement, Vinskey seconds the motion. DeChiara: what is the cost? Torres: this is cooperative document; MacNicol has agreed to do joint work on behalf of the four towns she represents as a way for us to save money; there will be some individual work. DeChiara: agrees with the importance of having legal review of the document. Torres: the Broadband Committee is meeting tomorrow to develop questions for Friday's WiredWest session on the document. Vinskey states his support for hiring MacNicol to review the document. Vinskey: aye, Stein: aye, and DeChiara: aye.
2. Fire Station Clean Up – Injection and Temporary Solution Status: Torres: Vinskey had a question about the 8.25.15 quote versus an earlier quote. Vinskey: the prior quote was for much less; wants to be sure there were no errors in the second estimate. Torres: when the two were compared, the current quote includes testing samples and lab work not included in the first estimate; she has requested Jim Okun identify the differences/costs between the two estimates. Torres: the work is scheduled for 11.17.15.
3. 12.5.15 Four Town Meeting: The meeting will be held at the Amherst Middle School Library.
4. Select Board Communication Issues: DeChiara: we said we would send out a memo, for those who did not attend, of what was discussed at the All Boards meeting. Torres: the 10.20.15 minutes are in process. DeChiara: the memo will be developed out of the minutes. DeChiara: we need to have a conversation about Nextdoor Shutesbury; it came up a lot during the All Boards meeting; Nextdoor is private as are the local newspapers and is just another venue for getting information out. Stein states her concern about some of the content on Nextdoor. Vinskey suggests continuing the Nextdoor Shutesbury discussion to a future meeting. All members of the Board agree to take up the topic during their 12.15.15 meeting.
5. Web Committee Issues/Follow-up to All Boards Meeting: Torres confirms the Select Board voted to have a “classified – volunteer help wanted” page. DeChiara

- agrees and suggests Torres give the Web Committee the information for the page; Mosher/Town Clerk is finding it easier to post agendas and now there is a more obvious way to find agendas; Mosher needs to have a hard copy of all minutes – some committees have been posting their minutes online but not providing hard copies. DeChiara doesn't have an update on the handling of committee emails.
6. Responding to Select Board Emails: Stein: as Select Board emails come in, she is acknowledging their receipt without deliberating. Torres: deliberation occurs when more than one person responds to content. Vinskey: if the email is only going to the Select Board, Stein will respond; if the email goes to all, he interprets that he may also respond. Torres: if Vinskey responds, it also goes to all; if a message is sent only to Vinskey, he can respond. DeChiara: there is a protocol; notes the need to avoid content response/deliberation. Vinskey: if someone sends an email to all, he can respond only to the individual. Stein: when she responds by acknowledging receipt, she will respond to all.
  7. Personnel Board Update: Stein: the Personnel Board needs two new members; it would be great to have someone with personnel experience. Stein: the Personnel Board looked at the packet for volunteers that includes information about Special Municipal Employee status, they have asked for current sample packets from the Town Clerk and Treasurer, and are looking at the employee grading scale. Stein: after a review of relevant resources, we are not far off and we are not seeing a huge variation between what we are using and the standard practice. DeChiara: it seems that the process could be simplified; notes need for the review and update dates of document to be brought current. Torres: the system is a structural tool. Vinskey: there are times when a prospective Police employee will interview with the Select Board and there are times when the Board just gets a Personnel Action Form (PAF) from the Chief. Torres addressed this matter with Police Chief Harding; he has worked hard to create a department that is sensitive to the community's needs; what happened with Stewart was the result of the chief being caught short handed. Vinskey: we either have a policy/procedure or we don't; sites the need for consistency across the board. Torres: the other departments have always done their own hiring; Walter Tibbetts/Fire Chief is a strong chief and never begins using his staff without a signed PAF; sometimes it makes sense to be responsive to the people who are working closely with an individual; we have hiring policies; Harding has always worked to have clear communication with the Select Board. DeChiara: do the policies state that department heads hire their staff? Torres: yes, at the end of the process, the Select Board signs off on PAFs. DeChiara: the Select Board needs a copy of the hiring procedure. Torres: there are reasons some hiring is done in a different way. DeChiara: the Town, as an organization, needs to have a policy/procedure versus relying on individuals. Stein: the Select Board appoints and department heads hire. Torres: community members being present for police staff interviews allows for different perspectives; per Harding, an important characteristic is how the officer fits into the community. Vinskey requests the hiring procedure be put in writing. Stein: hiring is at the department head's discretion. DeChiara notes his experience on the School Committee with hiring practices and the development of a procedure that serves as a road map. Stein suggests bringing the hiring policy to a Select Board

- meeting for information/understanding. Vinskey: we don't need to have a meeting with department heads about hiring; it is up to them to have a hiring process; the policy is in the hands of either the department heads or the Personnel Committee. DeChiara: new Select Board members need to receive an orientation packet with pertinent Town specific procedures/information. Vinskey: will appreciate seeing what hiring practices are currently on the books. DeChiara: the personnel review? Stein: in 2011, we started developing an evaluation form based on building individual goals and where folks are in meeting these goals. Torres: it is a self-evaluation form for staff and department heads; this form has been changed twice – some folks use it and others don't; Arvanitis is reviewing it, for the next Personnel Board meeting, to make it more self-explanatory; subsequently, there will be a department head meeting. DeChiara: the purpose of a personnel review is to be evaluated and be held accountable; notes need to have a schedule for reviews; the Select Board is the supervisor for some departments as per the organizational chart. Stein: the process has been challenging; it is applicable to some departments and not to others. Torres: our evaluations are not tied to compensation; they review accountability and that is why a goals oriented form could work well but it doesn't for everyone. DeChiara: people should not go two years without the opportunity for review; it is owed to the taxpayers and the employees; a schedule for review is needed; can the Personnel Committee come up with a schedule? Stein: yes; we are revising the form and coming up with a schedule; the Personnel Board's next meetings are 11.19.15 and 12.22.15; they will probably have the form and schedule ready by the end of December. Vinskey: has the Board of Assessors found another member? Torres: no.
8. Shutesbury Athletic Club (SAC) License Renewal Packet: Torres: the Board has a packet for review/questions in preparation for the 12.1.15 meeting with the SAC Board of Directors.
  9. Town Administrator Update: October Town Administrator's report is received for the record. Torres: items for upcoming meetings include an executive session for the Watkins' well installation - we have a staked location, Cushing Well is working on an estimate, we will need to talk about funding, and will want to move quickly; the OTO injection at the Fire Department site is scheduled for the 17th; Voelker/Treasure will be out for about one month, however, will be working remotely and have mail delivery from Town Hall; the vendor data rebuild is complete, Joan Hanson is inputting further data, the cost of this is currently \$1500; the Accountant and Treasurer are reconciling; Hank Allan's invoice for anti-virus software, back-up, and data recovery efforts is for only \$500. Voelker has ordered a new computer for the Highway Department and Allan will help set it up in about ten days; notes need to have further conversation about how Hunting/Highway Superintendent will handle emails, the specific concern being about volume; currently, when Torres gets highway related emails, she prints them out for Hunting who handles all the department's phone calls – his departments gets the highest number of complaints which may increase with access to email. Vinskey is interested to know how taxing email will be for Hunting and asks Torres to keep the Select Board updated.

10. Removal of Folding Wall: Torres: even with both downstairs rooms open, the humidity was over 50%; even though it has been removed several times, the mold on the panels of the folding walls has come back; the grade outside the building was higher than it should be so Hunting re-graded the area; some time ago the sill was replaced though it may need to be re-evaluated after last week's flooding. Torres: we will need to go out to bid for a new dividing wall and back wall for the large room; the Building Committee is requiring a current air quality reading before any work is done. Torres: we know from the old air quality reports that there are things we have yet to do. DeChiara recommends the wall come down. Vinskey: are there so many things wrong with the building that we shouldn't do patch work repair? Stein: we do need to consider a new structure. DeChiara recommends a longer-term discussion about town building needs; we need to do immediate actions for public health reasons. Torres agrees - we need to figure out what to do for now. DeChiara: the large room is frequently used as a public space. Vinskey: would like to know that taking down the wall will improve things; suggests doing a baseline air quality now so we will be able to evaluate whether what we do is having an effect. Stein: the idea is to improve the situation. Vinskey: we need to look at what is causing the problem. DeChiara: we will probably need a consultant for the back room. Torres: do we get a new consultant, DPH, or use the same one? Torres: we have a report from Steve Smulski saying that if the humidity goes over 50%, we will grow mold; there is a drain in the back room that needs a cover; the Building Committee will not do anything until we have the cost for a new wall and air quality data. Vinskey: if we have Smulski come back, we can compare the current data to his prior figures. DeChiara: seems like we need to get rid of the moldy walls and materials then figure out what replacement materials to use. Torres: the Building Committee said both walls would cost ~ \$2,500. Vinskey: shall we override the Building Committee? DeChiara moves to empower the Town Administrator to have the folding wall and bulletin board removed, as soon as possible, then engage in further discussion. Vinskey seconds the motion. Stein: aye, Vinskey: aye, and DeChiara: aye.

#### Administrative Actions:

1. 9.29.15 Select Board meeting minutes: DeChiara moves to approve the minutes as presented and Vinskey seconds the motion. Stein: aye, Vinskey: aye, and DeChiara: aye. 10.6.15 Select Board meeting minutes: DeChiara asks if Special Municipal Employee handout has been prepared. Torres: it remains pending. DeChiara moves to approve the minutes as presented and Vinskey seconds. Stein: aye, Vinskey: aye, and DeChiara: aye.
2. Letter to the Honorable Peter Kocot supporting WiredWest's proposal to amend Chapter 427, also known as the Hingham Rule: DeChiara moves to approve the 11.4.15 Select Board letter, as described, to Representative Peter Kocot and Vinskey seconds. Stein: aye, Vinskey: aye, and DeChiara: aye. Stein and DeChiara sign the letter.

3. Forest Legacy Letter of Support: Stein asks for a motion to sign the letter of support to Lindsay Nystrom /Forest Legacy Program for the FY17 West Quabbin Woodlands Project. Vinskey moves. DeChiara requests discussion stating that he is conflicted about the proposed project to conserve 2,000 acres; are there other parcels that the town cares about conserving - can we add parcels to the project? Torres: the town is not an active participant in the process. Stein: Kestrel is asking for the support. DeChiara: Cowls is the applicant; Kestrel is the facilitator. Vinskey: we have not done this with other conservation restrictions (CR); this is a private landowner doing a restriction with private funds; this isn't any different than other CRs that come up. Stein: it is different; identifies that the support letter for the proposed project is being influenced by the proposed solar project. Torres: the Select Board's job is to look at whether the proposed CR is of benefit to the town. Vinskey: if Cowls were asked to include other parcels and if they say no, would you feel differently? Torres: the preservation of vast tracts of land is a benefit to the town. DeChiara: Cowls will continue to make money from logging as well as from the CR. Torres: when we were going through the zoning process, Cowls ability to develop was diminished. Vinskey motions the Select Board sign the letter of support for the West Quabbin Woodlands Forest Legacy Grant application and Stein seconds. No further discussion. DeChiara: abstains, Vinskey: aye, and Stein: aye.
4. Motion is made and seconded to appoint Nancy Matthews to the Building Committee. Stein: aye, Vinskey: aye, and DeChiara: aye.
5. Decisions to participate in then MMA conference are pending.
6. Vendor warrants totaling \$545,249.11 were previously signed.
7. Payroll warrants totaling \$88,425.73 were previously signed.
8. Library Event Form: DeChiara moves to approve the library's December 2015 town hall use event form. Vinskey: seems like a scheduling issue rather than a Select Board approval matter; suggests future discussion. Torres: to avoid conflicts with boards/committees, special considerations are needed for library use of town hall space; the process also lets the Select Board know of space use and requirements. Stein: also a way for the Select Board to be kept apprised of what the library is doing. Motion is seconded. Stein: aye, Vinskey: aye, and DeChiara, aye.

Issues Not Anticipated by the Chair:

Torres: Chief Harding left a PAF in her box without discussion; will follow up with him on his hiring policy.

List of Documents and Other Items Used at the Meeting

1. 10.23.15 Vinskey email: future agenda items
2. 10.19.15 letter from Shawna Smyth
3. Summary of SRASSC Report
4. 10.26.15 Progress Report on the Storage of Town Records/Mosher
5. 10.8.15 Mosher/Town Clerk letter
6. 11.2.15 Town Administrator's October Report
7. 11.4.15 letter to Representative Kocot
8. 11.4.15 letter to Lindsay Nystrom/Forest Legacy Program
9. Shutesbury Athletic Club License Renewal Packet for 12.1.15

Future Select Board Meetings:

11.10.15: Vinskey will be available via Skype; DeChiara will not be able to confirm his attendance until 11.7.15.

December 1, 2015 6:30pm Shutesbury Town Hal

December 15, 2015 6:30pm Shutesbury Town Hall

Motion to adjourn made and seconded. Stein: aye, Vinskey: aye, and DeChiara: aye.

Respectfully submitted,

Linda Avis Scott

Administrative Secretary