

Shutesbury Select Board Meeting Minutes
June 14, 2016 Shutesbury Town Hall

Select Board members present: April Stein/Chair and Michael DeChiara

Select Board member absent: Mike Vinskey

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

Guests: Melissa Makepeace O'Neil/Select Board member-elect, Police Chief Harding, and Police Officer Sean Sawicki

Stein calls the meeting to order at 6:33pm.

Agenda Review: no changes

Public Comment Period: no attendance

Discussion Topics:

1. Town Administrator Updates: Torres: the dumpster containers were not present at the beginning of Bulky Waste Day due to a Republic scheduling error; Republic staff will be writing a letter to residents apologizing for the delay; the dumpsters were delivered shortly after noon and Bulky Waste Day hours were extended to 4:00pm.
2. Joint Appointment to an Elected Board: As per the 6.6.16 email from Attorney Donna MacNicol/Town Counsel, DeChiara explains: within 30 days from the date of the vacancy, the Planning Board must notify the Select Board of the vacancy; the posting for the meeting where the vacancy will be considered by a quorum of both the Planning and Select Boards must be noticed one week in advance of the that meeting date. DeChiara appreciates Torres' follow-up on the procedural details.
3. Narcan Update/Police Chief Harding: Excerpt from the Police Policy Manual: "Administration of Nasal Naloxone (Narcan)" is used as reference. Harding: implementation will begin 7.1.16 or shortly thereafter; if the Select Board does not make any changes, the policy will be implemented; the Fire Department will submit their own policy before the end of the month – they will implement at the same time and will also carry EpiPens; the Fire Department has signatures from Medical Control and will be letting the District Attorney's office know of their intent to purchase. Harding: because Narcan has a shelf-life, there will be an ongoing cost; training will be provided; Narcan needs to be brought inside at the end of the shift therefore the department will need to purchase three storage containers with insulation value; inside the department, the Narcan will be stored in a locked container and signed out at the beginning of each shift; proposed sign-out documents will be submitted to the Select Board for review. DeChiara moves the Select Board approve the administration of nasal Narcan by the Police Department; Stein seconds the motion; the motion is unanimously approved.

DeChiara requests Torres inform Mary Anne Antonellis/concerned resident about the new Narcan policy.

4. Review PILOT Consultant Scope of Services: Torres: Vinskey and Holmberg have reviewed the 6.6.16 draft Scope of Services; this draft includes both the revenue and straight PILOT methods and asks for specific data; Holmberg's concern is that this scope of services is telling the consultant how to do their job. Stein: the consultant will collect and format the data. Torres: unless asked, they might not compare outliers as requested by DeChiara. Torres: is it necessary to ask the consultant to forecast the tax rate – how would this help the Select Board's decision making – the Board will want comparable numbers with the same assumptions for all three methods. DeChiara: Vinskey's scope is limited to financials; Torres is asking a broader question – we want to capture what is beneficial to the town including the financial benefits and other relevant factors; we do not want to limit what we are asking for. DeChiara summarizes the cost break out as “what are the costs of the project, including the items listed below, but not limited to...” DeChiara regarding “normal and customary”: there could be something abnormal but relevant. Torres: Holmberg recommended removing “normal and customary”. All references to “normal and customary” are deleted. DeChiara referring to page two: other comparables including “in Massachusetts, including outliers” with a rationale as to why they are outliers. DeChiara asks if the 6.21.16 timeline is too short. Torres: three potential consultants are waiting for this document; now that the request for bids is going out, she will confirm that consultant services will be paid for by Lake Street. DeChiara moves the Select Board approve the PILOT Scope of Services as amended; Stein seconds the motion; the motion is unanimously approved.

5. Open Meeting Law & New Public Records Law/Town Clerk Mosher: Mosher, referring to an *Open Meeting Law Guide* (page 4) excerpt on deliberation: as Town Clerk, she finds there is a need to explain “deliberation” both to new appointees as well as to all the members of committees. DeChiara appreciates Mosher's concern. Torres: per Attorney Donna MacNicol/Town Counsel, the same rules apply to subcommittees. Mosher and DeChiara agree that less than a quorum of a committee's members can deliberate outside of a meeting. Mosher: agenda items can be submitted to a committee chair by email. DeChiara: administrative items can be submitted by email to all committee members however there can be no deliberation. Mosher reads a quote from an *Open Meeting Law Guide* (page 4) regarding distribution of agendas, scheduling, procedural information, reports or other documents - these materials “will not constitute deliberation provided no member of the public body expresses an opinion on matters within the body's jurisdiction.” DeChiara states his support for an instructional meeting about Open Meeting Law. Mosher suggests a short presentation during the fall All Boards meeting. DeChiara suggests Mosher could be part of group emails in order to occasionally monitor communication; this would assist in demonstrating protocol. Mosher will consider this suggestion, however, is concerned about managing more email and does not want to take on a “policing” role. Mosher will be attending the annual Town Clerks' conference

during which she will learn about formalizing the record request process, Open Meeting Law, and early voting. Torres will post meetings while Mosher is away. Stein appreciates the phenomenal job Mosher has done in her first year as the new Town Clerk.

6. “Shutesbury Options to Support/Promote Native American Heritage” (DeChiara’s 5.31.16 document): Torres: the plaque was installed ~ 40 years ago by a member of the Hayes family who was convinced there were Native Americans in Shutesbury, however she left no evidence to support her claim; per Doug Smith, whose family has heritage with the tribe named on the plaque, the “Scaticook Indians 1735”: as far as his family knows, this tribe is from Northern Ct. DeChiara: from what he has learned, there was a Native American presence in Shutesbury. DeChiara reviews his suggested options: #1 Purchasing the Wheelock tract is no longer an option; #2: Using CPC money to do a survey of Native American/cultural presence in town: it is worth having a conversation with stakeholders about whether it would be appropriate to do a survey; #3: Make appointment to Historic Commission to promote greater awareness and perspective of Native American history: this option will be considered relative to appointments; #4: Adopt resolution or burial ground ordinance (see examples in the document): an ordinance would need to be considered via public conversation. DeChiara: it would be worth holding a conversation with invited guests - a representative from Nolumbeka Project, a Tribal Historic Preservation Officer, and residents who are members of tribes – if Shutesbury wants to honor Native Americans, what would be the best way to do so. Stein: the Shutesbury Historical Commission needs to be included as a stakeholder. Melissa Makepeace-O’Neil supports considering new ideas and suggests a format where ideas are offered. DeChiara suggests the meeting be held in September; will confer with Torres about planning. Stein: an informal event will be inviting. It is noted that Select Board/FinCom discussions are to begin in the fall, there is potential for a special town meeting, and the All Boards meeting.
7. Appointment Requests: Board members consider the Historical Commission’s request for Miriam DeFant and David Jolivet to be appointed as Associate members of Historical Commission; Stein and DeChiara agree to include in this request within the annual appointments to boards/committees.
8. WiredWest (WW) Delegate and Municipal Light Plant (MLP) Manager Job Descriptions: DeChiara asks Torres for her feedback; the Broadband Committee recommends the annual appointments of Craig Martin/WW Delegate and Ayres Hall/Alternate WW Delegate and the appointment of Asha Strazzero-Wild as MLP Manager with a three-month commitment. Torres: there has been some conversation about making the MLP Manager a paid position. Stein and DeChiara agree with a three-month review of MLP Manager responsibilities; this will enable the Select Board to consider whether this will be a paid position. Torres recommends the Personnel Board review the job descriptions. DeChiara: the Select Board might want to communicate with Chuck DiMare/Zoning Board of

Appeals (ZBA) Chair about ZBA appointments because if the ZBA hears Planning Board special permits appeals, the ZBA should not have members who are also members of the Planning Board; recommends the Planning Board member be appointed as the alternate. DeChiara notes that he would want to review the Zoning Bylaw prior to appointments and conferring with DiMare.

9. Shared Police Chief: Torres: the conversation with Sherry Patch/Sunderland Town Administrator exploring the possibilities for a shared chief is continuing; Patch is investigating resources for evaluating a share police chief arrangement.

Unanticipated Item:

No Trespass Signs Posted on Pratt Corner Road: DeChiara: the location of the signs varies from 3' – 20' from the edge of the road. Torres reports taking photos of the signs; the location of the signs depends on the tree line; in some cases, they are on both sides of the road. Makepeace-O'Neil: there is a sign about every 50'. DeChiara: it seems inappropriate for someone to trespass/post signs on town owned property. Torres cites references made by Bill Randall/former Town Moderator from 1781 and 1788 indicating that Pratt Corner Road is two rods (~16 feet per rod) wide - this means, in this case, the road is ~ 32' wide - the right of way (ROW), in this area, would be two rods wide – each lane of the roadway is ten feet wide with an additional 6 feet of ROW on either side; for most roads, the town has taken easements (no payment to the owner) – the land is still owned by the property owner; if there is a fee taking, the town owns the land and it cannot be posted. Torres: per MacNicol, if there was a fee taking, there is not much room left on either side of the road; it is possible, using the granite markers, to determine the centerline of the road. DeChiara: it seems important to know where town land is in order to ensure posting is not being done on town land. Torres: MacNicol cautions the Select Board, that either way, it could be costly to prove and would not make much difference. DeChiara states that he does not want the research to cost the Town; a private landowner should not post on town land and it seems worthwhile to take the next step even if it takes some effort. Torres: if Cowls is required to move the signs, the adversarial nature of the situation may be increased; Cowls still owns 1,500 – 2,000 acres in town, if we push too hard, they may post more acres – cautions DeChiara on the potential for further negative impact. Stein: Conservation Restriction land cannot be posted. DeChiara: after a yearlong process, the town approved the special permit and, immediately after the approval, the signs went up; the question is where the town land ends. Torres: the question is why Cowls put up the signs; per Shane Bajnoci/Cowls Vice President of Forest there has been heightened activity, i.e. fires and dumping, over which they are growing more concerned then there was the year long adversarial special permit process; the good news from Bajnoci is that there is still the potential for a Conservation Restriction on the Wheelock parcel excluding the 30 solar project acres – then the land would not be posted. DeChiara: Cowls said the town did not appreciate their history. Makepeace-O'Neil: a private property owner can post at any time. Torres: other landowners post and we have not asked them to move their signs back; there are other reasons DeChiara may be interested in Cowls' posting. DeChiara: if the town owns 3-5' in, it is a different story. Torres: taking action on these 3-5' may result in Cowls posting all over town. DeChiara: for clarity purposes, it seems appropriate to obtain additional documentation then we can

figure out what the next step is. Torres is willing to do research in the map room in order to save on the cost of having MacNicol doing the research. DeChiara supports Torres doing the map room research. Torres: what will be done if there was a “fee taking”? DeChiara: the Board would raise the questions Torres asked earlier; if we do not have the information, it is just guesswork. Stein: will the Board do the same thing for the other “no trespass” postings in town? DeChiara: it is the scale of Cowls’ postings. Stein understands the simple next step of map room research though any additional steps would cost money and continue an adversarial process. DeChiara: when there is more information, there will be further conversation. Torres states her concern that Vinskey is not present for this discussion. Stein to DeChiara: how would you feel about waiting for Vinskey to be present? Torres had hoped Hunting/Highway Superintendent would have more information about the ROW. DeChiara: there are implications for knowing where the town-owned land is. Torres: having done the research on Montague Road, we knew there were easements. Torres: focusing on the CR would be a solution, as we do not want to inspire Cowls to drop this CR; we do know, town-wide, if there are fee takings; Cowls probably has original documents for all of their properties. Stein emphasizes the importance of supporting the CR. Torres will see what she can accomplish via phone calls and may make a trip to the map room.

Town Administrator’s Update:

1. The farmers’ market is in full swing.
2. The Small Town Administrators of Massachusetts’s annual meeting was held last week in Sturbridge; she was re-elected vice-chair; this is a great forum for sharing among small town administrators as well as expert trainings/guidance.
3. The door handle to the men’s bathroom has been repaired.
4. Hunting and the Highway Department staff will help remove the pre-school playground.
5. Holmberg/Administrative Assessor will be visiting parcels on Wendell, Locks Pond, and West Pelham Roads.
6. The Select Board receives the Hampshire County Selectmen’s dinner invitation.
7. DeChiara thanks Torres for setting up the “vacancy page” on the Town website.
8. Future agenda items: develop a procedure for selling with town-owned land/fall agenda item and use of Nextdoor Shutesbury - planning for this topic to be done during the 6.29.16 meeting.

Administrative Actions:

1. Select Board Meeting Minutes: DeChiara moves and Stein seconds the motion to approve the 5.24.16 Select Board minutes as presented; motion passes unanimously. DeChiara moves and Stein seconds the motion to approve the 4.21.16 Select Board minutes as presented; motion passes unanimously.
2. Chapter 90 Final Report/High Point Drive: Torres met with Amherst to divide the shared costs, the Final Report was delivered to Mass DOT District 2 and Hunting was successful in achieving approval; all the required details have been included

in the report. Torres: with Select Board signatures, Amherst will be reimbursed; the new staff person at District 2 is requiring more paperwork than has been required in the past. DeChiara moves the Select Board approve and sign the Chapter 90 Final Report for the High Point Drive reclamation/paving project; Stein seconds the motion that is unanimously approved.

3. Warrants: Torres: as Weiss is away at a conference, warrants will be available for signing Wednesday evening/Thursday morning.
Warrant totals: Payroll: \$116,987.92; Vendor: \$259,802.39

The Board plans an executive session for reason #3/salt issue for 6.29.16.

DeChiara moves and Stein seconds a motion to adjourn the meeting at 8:45pm; motion is approved.

Documents and Other Items Used at the Meeting:

1. 6.6.16 email from Attorney MacNicol about filling a Planning Board vacancy
2. "Administration of Nasal Naloxone" from the Police Policy Manual
3. Draft "Scope of Services for PILOT Consultant"
4. 6.8.16 email from Susie Mosher/Town Clerk with attached excerpt from page 4 *Open Meeting Law Guide* Version 3.18.15
5. DeChiara's "Shutesbury Options to Support/Promote Native American Heritage
6. 6.9.16 email from Leslie Bracebridge/Shutesbury Historical Commission Secretary "Associate members to the Historical Commission"
7. Draft Shutesbury WW Delegate Job Description (June 2016)
8. Draft Shutesbury MLP Manager Job Description (June 2016)
9. 6.14.16 emails from Torres and DeChiara "Pratt Corner Rd."
10. 6.12.16 email from Gayle Huntress/Broadband Committee Co-chair: "Broadband Update"
11. Chapter 90 Final Report/High Point Drive

Respectfully submitted,
Linda Avis Scott
Administrative Secretary