

Shutesbury Select Board Meeting Minutes
April 18, 2017 Shutesbury Town Hall

Select Board members present: Mike Vinskey/Chair and Melissa Makepeace-O'Neil

Select Board member absent: Michael DeChiara

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

Guests: David and Lauren Devine; Susie Mosher, Susan Rice, Susan Millinger, and Peg Ross/Positive Presence; Jeff Lacy/Planning Board, Penny Kim/Town Moderator, Tim Logan, Kate Cell/Library Board of Trustees, Police Sergeant Wendy Masiuk, Dale Houle, Joyce Brauhut, Meryl Mandell, B.Z. Reilly, Norene Pease/Board of Health, Libby Lass, Gail Fleischaker, Russ Mizula, Rolf Cachat, and April Stein; Finance Committee members: Eric Stocker and George Arvanitis/Co-chairs, Jim Walton, Bob Groves, Weezie Houle, Elaine Puleo, and Jim Hemingway.

Vinskey calls the meeting to order at 6:30pm.

Agenda Review: The meeting with Harald Scheid has been postponed to 5.3.17; appointment of Emergency Management Team Ham Operator is added.

Public Comment: Vinskey acknowledges that Michael DeChiara is absent due to the recent death of his father and that Mike Miller, Conservation Commissioner, died earlier this month. No other public comment offered.

At 6:56pm, Vinskey moves the Select Board go into executive session for reason #2/to conduct non-union contract negotiations and to return to open session; motion is seconded by Makepeace-O'Neil. Roll call vote: Vinskey: aye and Makepeace-O'Neil: aye.

Discussion Topics:

1. Alternative Select Board Budget: Vinskey, referring to "Why Two Proposed Budgets for FY18": the Select Board encouraged the FinCom to consider reducing the burden on taxpayers, make the budget more transparent and understandable and consider several years into the future; being told the Select Board has no responsibility in building the FinCom budget is a de facto usurpation of the Select Board's responsibility to set the financial direction for the town. Arvanitis provides an update: the 2.5% levy increase is now \$53,708. Vinskey: the budget has been built so that each year a lot of money goes into free cash and stabilization; the current budgeting process is not transparent; the Select Board has been working on transparency by posting agendas and minutes and encouraging meeting attendance. Vinskey is concerned the levy max will be reached in four years; until we are able to establish what amounts are required for free cash and stabilization, we cannot continue to fund these accounts. Vinskey: the Select Board budget recommends allocating some of the money from underspent accounts for FinCom use; the alternative budget shifts control from departments back to the FinCom, keeps all department budgets intact

and does not change the 1.5% increase for employees; this budget makes cuts where there has been under-spending for several years. Makepeace explains that she found enough historical data in the 2010 to 2016 expense reports to support the cuts recommended by Vinskey. Vinskey: if these lines have been cut too much, the contingency line \$20,000 increase will help and if this budget is too tight, a special town meeting could be held to make adjustments; it is expected that this budget will send \$50,000 to free cash. Kim states her concern about the procedure. Stocker speaks against the Select Board budget: on 4.13.17 the FinCom voted to support only the FinCom budget; cites the FinCom bylaw and the Department of Revenue (DOR) Department of Local Services (DLS) “A Guide to Financial Management for Town Officials” – “the finance committee is the official fiscal watchdog for the town; the finance committee is primarily responsible for submitting its recommendations on the annual budget to the town meeting. In assuming this responsibility, the committee influences the entire budgetary process.” Stocker: there is no doubt the Select Board has input into the budget process as does every citizen; our goal has always been to meet the needs of the taxpayer and the “big picture” financial needs of the town; our present situation is better than having reserves that are too small; our capital needs are many therefore strong cash reserves are necessary; the Select Board has a legal right to place a second budget on the warrant however he strongly recommends against this; a second budget creates confusion and disharmony. Lacy: a while ago, Vinskey introduced an extensive analysis of the budget with recommendations to the FinCom; his recollection is that this analysis was not taken seriously and the alternative budget is a result of that. Lacy refers to the DLS “Guide to Financial Management for Town Officials”: “the Select Board should play an active and strong role in the financial management of the town...participate in the budget process, directly reviewing budget requests and having input at all levels of the process. They should provide leadership in monitoring the financial condition of the town including tax classification, free cash, use of stabilization, reporting and the audit process...it may be constructive to create a financial team to develop policy and guidelines...the budget is the single most important policy document...the Select Board should review budget requests and ...establish policy priorities and provide leadership in the constant debate between the needs of municipal departments and the needs of taxpayers”. Kim refers to her 4.18.17 memo “Budgets” and the practical considerations for presenting two budgets. Vinskey: is it possible to pass over the FinCom article, have a presentation for the second budget then come back to the FinCom article? Kim: a majority of voters present are needed to pass over an article; two presentations and line-by-line adjustments to the FinCom budget could be made. Mosher/Town Clerk regarding the creation of the alternative budget: per Open Meeting Law (OML), to deliberate on a topic, it must be posted as an agenda item; it is not clear that the alternative budget was posted as an item, therefore, it does not meet OML guidance; FinCom meetings are posted and their agendas state specifically that budgetary work is being conducted and the town knows this is the FinCom’s work; feels it is misnaming to call this an alternative Select Board budget. Vinskey: the alternative budget is a proposal brought by a Board member to the Select Board for discussion. Mosher: during the last Select Board meeting, DeChiara stated that he did not support a Select Board budget; there was not enough OML notice. Lacy would want to hear from Town Counsel as to

whether there was adequate posting. Vinskey, referring to MacNicol/Town Counsel's 3.27.17 email: under statute, the Select Board has the power to place any warrant article including an alternative budget; we have done so in an open matter. Kim: has the Select Board voted on this budget? Vinskey: we will do so during this meeting. Puleo: since we are looking for \$52,000 in a \$6 million budget, why not a line by line review during town meeting- your recommending an alternative budget may indicate to the townspeople that the Select Board does not trust the FinCom; the finance team addressed the amount needed for free cash and stabilization. Arvanitis: now, any future purchase must be made with a debt exclusion override or use of free cash; we have large ticket items coming up in the next few years that will require the use of free cash; you may not agree with the FinCom, however, we have a process; perhaps a financial team, as suggested by Lacy, could consider a future philosophy; we are looking at a small tax increase – the FinCom made some decreases, made cuts, and limited the school budget; there are items that we have no control over. Stein appreciates Vinskey's work; the Select Board budget seems to come from a lack of trust for an ethical and vibrant FinCom; the alternative budget is setting a bad precedent and invalidating a lot of work. Walton: we are arguing about less than 1% of the FinCom budget; the second budget disempowers the work of seven hardworking people. Vinskey: why do we have as much money in free cash as we have – what happens when we hit \$25/\$1000 valuation? Arvanitis: that is one of reasons the FinCom made the decisions we did. Puleo: the FinCom approved only \$100,000 of the \$400,000 recommended by Capital Planning; the other projects remain to be funded – the playground, school and town hall roofs, paving, broadband, and the need to payback monies for the oil spill - \$200,000; we have not funded a new police cruiser; we need free cash so we do not raise taxes. Vinskey: how much is enough; when will you give taxpayers a break. Groves: the FinCom met with the Select Board several times and Vinskey repeatedly asked about free cash and wanted to find a way to not raise the tax levy; the Select Board should have a role in financial planning; it is late in the day this year – let's find a way, in the future, to work cooperatively. W. Houle: has the Select Board done research? Makepeace-O'Neil: some lines have not been spent. W. Houle: this is how we generate free cash. Vinskey and Makepeace-O'Neil: this needs to be transparent. R. Cachat encourages a collaborative approach; are Stocker's comments regarding the bylaw and Mosher's observations regarding OML addressed in MacNicol's email? Vinskey: statute allows a second budget. Cachat: Mosher's concern is that the topic has been insufficiently posted. Vinskey: MacNicol did not specifically address Mosher's concern. Fleischaker: what question is MacNicol responding to? Torres: how to handle two budgets. Puleo: it would have been helpful for the FinCom to know, in advance, the content of the alternative budget; during last week's meeting you told us you were considering an alternative. Vinskey states he was unable to provide the alternative budget until the Select Board approved it. Vinskey: we did not bring the alternative budget forward sooner as I felt stonewalled; we were told the Select Board does not have a role in the budget process. Puleo and Walton: Vinskey regularly offered his perspective and asked questions during FinCom meetings. Walton: are unhappy with the outcome of the FinCom's consensus? Vinskey: restates his goals. Dave Devine: under-spending cannot be known until the end of the year; make an explanation for

the relevant lines in the budget. Torres: the FinCom met with the Select Board more this year than any prior year. Torres states her concerns about the line-by-line explanations in the alternative budget and the policies cited. Per Torres, the Select Board has secured guidance, under the Community Compact, from Joe Markarian/FRCOG; the first meeting with Markarian was held about a month ago and work with him will continue work after town meeting; the formatting goal is to include five years of actual numbers in the budget; to improve readability, a larger font has been used; we are seeking guidance on how to provide more information for taxpayers and assistance with developing better tools for capital planning and a review of bylaws relative to committee functions; issues are being recognized in a constructive way. Stein: questioning from the town meeting floor is a citizen's right; presenting an alternative budget is not helpful. Lacy: the alternative budget with comments is a great document; recommends calling for a slate of amendments that could be carried forward to town meeting instead of two budgets. Mosher: especially because DeChiara was not in support of an alternative budget and his vote will not be represented during this meeting. Vinskey: DeChiara realizes that town work needs to continue in his absence. Kim suggests the Select Board make a presentation after the FinCom presentation that would set the stage for the line-by-line review. Fleischaker suggests a citizen presentation rather than the "voice" of the Select Board. Vinskey to Makepeace: we have heard the comments; this is something he has been working on for several years; last year, he was told he was too late to impact the FinCom budget; the plan was to meet with the FinCom more frequently this year. Vinskey does not feel the FinCom has placed his recommendations on even footing. Makepeace-O'Neil acknowledges the emotion in the room; notes the need to take a step back and see if a better product could come forward; there have been times that the budget has been passed as a whole; suggests the budget be reviewed line by line allowing a slate of amendments to be brought forward. Kim: the procedure for a line-by-line review will be announced. Makepeace-O'Neil: if at some point in the budget review, someone calls the vote and the motion is seconded, does a vote need to be taken? Kim suggests we operate in good faith. Makepeace-O'Neil is concerned that someone will try to stop the line-by-line review. Hemingway: suggests a compromise, i.e. 10-15 specific lines with annotations that would carry Vinskey's influence into the FinCom budget. Makepeace-O'Neil: given the prior process, the suggestions would not be given full consideration by the FinCom. Vinskey: timing requires a decision tonight. Vinskey moves the Select Board add the following article to the May 6, 2017 Town Meeting Warrant: "To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide a sum of money to meet town expenses including operations, capital, salaries and school expenses of \$6,199,758.00 by raising the sum of \$6,179,333.00 and transferring \$20,425.00 from the Septic Betterment Fund, for the fiscal year beginning July 1, 2017 or take any other action relative thereto (Sponsor: Select Board) Requires majority vote". Makepeace-O'Neil seconds the motion. Makepeace-O'Neil: townspeople should be able to see an alternative budget and how it may affect their tax bills. Motion passes unanimously.

2. Final Town Meeting Warrant:

The order of warrant articles and who will speak to the individual articles is reviewed. The “Right to Farm By-Law” public hearing is scheduled for 5.2.17. The Select Board will not sponsor Article 9. Article 10 will be added as per language voted by the Select Board; it will be noted that the FinCom does not recommend this article. Kim: the Finance Committee bylaw states that the FinCom needs to sponsor all financial articles; how will Article 10 be handled? Torres has asked Town Counsel to respond to this question. Kim: if Article 9 passes, Article 10 will be null and void; suggests line-by-line amendments be made to Article 9. Torres: if neither Article 9 nor 10 passes, annual town meeting could be continued or a special town meeting held to consider the budget articles; a town meeting is required to vote on the budget. Kim suggests the FinCom Article 9 presentation be followed by a presentation on the rationale for Article 10; after that, the FinCom budget will be reviewed line-by-line. Makepeace-O’Neil: if the two budgets cannot be presented together; during the line-by-line review of the FinCom budget, the differences between the two budgets could be highlighted. Kim: line-by-line amendments would be the clearest method. Makepeace-O’Neil: amendments could be offered during the line-by-line review, Article 10 could be withdrawn if enough of the amendments pass. Vinskey states his agreement with this process. Torres: per Gail Weiss/Accountant, as each line change/amendment is made it has to be tracked. Kim: is it possible to compose a slate of amendments? Millinger: the Select Board can reconsider a vote made earlier in the meeting relative to the alternative budget; citizens will be able to more easily understand a slate of amendments rather than two budgets. Vinskey and Makepeace-O’Neil are unwilling to remove Article 10. Vinskey states that he is uncomfortable with creating a slate of amendments for Article 9; if Article 9 is approved, 10 will be rescinded. Kim, as Moderator, will explain that the FinCom overview will be followed by the Select Board’s review of their rational for Article 10. Article 20: the Planning Board public hearing is scheduled for May 4, 2017. The citizen petition warrant articles will be consecutively numbered 22-25. Vinskey: there needs to be consistency in the citizen petition warrant article presentations. Rolf Cachat states he will be satisfied to read a synopsis of the “Resolution to Preserve Native American Historical Sites and Traditional Cultural Properties, Including Ceremonial Stone Landscapes”. Kim to Cachat: citizen petitions are advisory in nature; this petition uses “shall” – generally citizen petitions are advisory and cannot contradict existing law, i.e. the Community Preservation Committee (CPC) has a procedure to be followed; the language could be left as is and taken as an intent. Mosher/Town Clerk: amendments to citizen petitions cannot change the direction of the article. Cachat: amendments must be within the scope of the original petition. Mosher: would amending the citizen petition to be in alignment with the Community Preservation Act change the intent of the petition? Cachat: no, will seek guidance from the CPC regarding recommended language for an amendment. Plan: sponsors of resolutions will have five minutes for presenting. Torres: Town Counsel Donna MacNicol will review the final warrant. Plan: Brief Select Board meeting 4.21.17 at 5:15pm to review and sign the 2017 Annual Town Meeting Warrant. Additional town meeting details will be reviewed during the 5.3.17 Select Board meeting.

3. Town Hall Well Water Update: Torres: on 4.19.17, Cushing and Sons will evaluate the town hall well to determine potential solutions.
4. Committee Reports: Item is carried over to the 5.3.17 meeting.
5. Town Administrator Updates: Item is carried over to the 5.3.17 meeting.
6. Administrative Secretary Updates: Scott: the Annual Report is in process, re-appointment letters were sent and responses are coming in, folding and collating the Spring 2017 *Our Town* and town meeting mailings is planned for 4.24.17 & 4.25.17, and folks are indicating their intention to attend the 4.30.17 Social Hour.

Unanticipated Topic:

1. Emergency Management Team (EMT) Ham Operator: Vinskey moves the Select Board appoint Aaron Addison as the EMT Ham Operator effective 4.18.17; Makepeace-O'Neil seconds the motion that passes unanimously.
2. Town Meeting Election Warrant: Makepeace-O'Neil moves to approve the Town of Shutesbury Election Warrant for Saturday May 6, 2017; Vinskey seconds the motion that passes unanimously.
3. Trash/Recycling Hauler Bid Results: Torres: the Recycling and Solid Waste Committee voted to accept the bid from Alternative Recycling; Arlene Miller/DEP assisted with the contract that has been reviewed by Town Counsel. Vinskey clarifies that Torres, as Town Administrator, is the point of contact. Makepeace-O'Neil moves the Select Board award the bid for disposal of waste and recycling to Alternative Recycling Systems, LLC on 4.18.17; Vinskey seconds the motion that passes unanimously. Torres: the Select Board will sign the contract once Alternative Recycling fulfills their document requirements.

Administrative Actions:

1. Select Board will sign Vendor Warrants totaling \$497,550.04.
2. Select Board will sign Payroll Warrants totaling \$91,472.94.
3. Select Board Meeting Minutes:
Makepeace-O'Neil moves to approve the 4.4.17 meeting minutes; Vinskey seconds the motion; minutes are unanimously approved as presented.
Makepeace-O'Neil moves to approve the 4.11.17 meeting minutes; Vinskey seconds the motion; minutes are unanimously approved as amended.
4. Letter to Greenfield Regional Dispatch: Vinskey: Greenfield Dispatch is interested in conducting a study to explore expanding their facility to include Shelburne Control; initially, Chief Harding considered support of the study, however, additional information indicates a concern about the effect of supporting this study. Chief Harding: the Regional Communications Committee does not support the change; the proposal would be to move the center from the Shelburne State Police barracks to Greenfield; the feasibility study may take two years; there is no down side to conducting the study. Dale Houle: the move would be from a State run facility to a municipal facility. Makepeace-O'Neil states support for the study. Vinskey moves the Select Board support Police Chief Harding writing a letter in favor of the feasibility study; Makepeace seconds the motion that passes unanimously.

5. Regional School Capital Plan: Vinskey: Shutesbury's portion is \$155,000 to be paid over twenty years. Torres: payments on this amount are scheduled to begin in FY19. Makepeace-O'Neil moves to approve the Regional Capital Plan for the Amherst-Pelham Regional School District for multiple projects including Field Improvement Study, Architectural Services for Middle School Roof, and Middle School Roof, and Removal of Middle School underground oil storage tank; Vinskey seconds the motion that passes unanimously.
6. Gass Lite Lane Verizon Easement Request: Document reviewed; additional information about the location of the proposed pole is required. Torres will follow-up with Albert Bessette, Jr./Verizon Right of Way Manager

At 10:42pm, motion is made by Makepeace-O'Neil to adjourn the meeting and is seconded by Vinskey; motion passes unanimously.

Documents and Other Items Used at the Meeting:

1. Vinskey's Pre-meeting notes for April 18, 2017
2. 4.18.17 "Select Board Alternative Proposal to Finance Committee FY18 Budget" packet
3. DLS "A Guide to Financial Management for Town Officials"
4. 3.27.17 email from Donna MacNicol/Town Counsel "Fastcase Document – Mass. Gen. Laws Ch. 39 Sec.19"
5. 4.18.17 memo to the Select Board from Penny Kim/Moderator re: "Budgets"
6. 4.18.17 Shutesbury Town Budget
7. 4.18.17 Draft "2017 Annual Town Meeting Warrant"
8. 3.22.17 Warrant Article Petition "Preserve Native American Historical Sites and Traditional Cultural Properties, Including Ceremonial Stone Landscapes"
9. 4.18.17 Town of Shutesbury Election Warrant
10. 4.17.17 "Shutesbury Trash and Recycling Hauling RFP"
11. Alternative Recycling Systems, LLC Price Proposal Submission Form
12. 4.6.17 Vinskey and Police Chief Harding email "Re: Communications Study"
13. 3.16.17 Amherst-Pelham Regional School District Capital Plan letter and acknowledgement of receipt

Respectfully submitted,
Linda Avis Scott
Administrative Secretary