

Shutesbury Select Board Meeting Minutes  
July 11, 2017 Shutesbury Town Hall

Select Board members present: Michael DeChiara Vice-chair, Melissa Makepeace-O'Neil, and Timothy Logan

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

Guests: Katie Fiander, Jessica Carlson-Belanger; Susan Millinger and Joan Hanson/Positive Presence, Jeff Lacy/Planning Board & Master Plan Working Group, Deacon Bonnar/Planning Board; Anna Aaron, April Stein, and Ralph Armstrong/Personnel Board, Police Chief Tom Harding, Police Sargent Wendy Masiuk, Debra Pichanek, Michelle Cunningham/Master Plan Working Group, Jean Perkins, James Schilling-Cachat, Mary Lou Conca, Rolf Cachat-Schilling, and Henry Geddes

In the absence of a Chair, Torres calls the meeting to order at 6:34pm.

Agenda Review: The Select Board Chair will be elected prior to the public comment period.

**Discussion Topics:**

1. Election of Select Board Chair: Logan asks Makepeace-O'Neil and DeChiara to relate their board/committee and chair/co-chair experiences. Makepeace-O'Neil has been a member of the Council on Aging for a number of years and has chaired their meetings in the absence of the chair; other committee participation has been as a member of the Select Board. DeChiara was a member of the School Committee for nine years and chair of the Committee for four of the nine years; has also been a member of the Broadband Committee and Zoning Board of Appeals. Logan nominates DeChiara who seconds the nomination. Makepeace-O'Neil nominates herself; Logan seconds the nomination. Voting on the nomination for DeChiara as chair: DeChiara: aye, Logan: aye, and Makepeace-O'Neil: nay. Voting on the nomination of Makepeace-O'Neil: Makepeace-O'Neil: aye, DeChiara: abstain, and Logan: abstain. Torres thanks DeChiara and Makepeace-O'Neil for their willingness to serve as chair. Michael DeChiara is the new Chair of the Select Board. Logan nominates Makepeace-O'Neil as Vice-chair, DeChiara seconds the motion; Makepeace is unanimously elected as the Vice-chair of the Select Board. Select Board committee participation will be decided during the 7.25.17 meeting.

Public Comment Period:

1. Jessica Carlson-Belanger, speaking as a community member: "Celebrate Shutesbury" will be held the third Saturday in September from 10am-2pm; the plan is for a "home grown" event again this year; welcomes all boards/committees/groups/individuals to set up booths; organization takes place primarily by email. Torres: the Town ensures that insurance for use of the

- common is in place. DeChiara: at a future meeting, the Select Board will consider how they will participate.
2. Jeff Lacy asks to make a comment relative to how the FY18 budget process was handled, particularly, the “kerfuffle” between the Select Board, FinCom and Town Administrator. Lacy requests these parties sort out their roles in advance of the next budget season. Logan states his intention to attend and participate in FinCom meetings and would like the FinCom and Select Board to work together; at this time, he is not clear about the Town Administrator’s (TA) role in relation to the Select Board. DeChiara: members of the Select Board, FinCom and Torres are meeting with Joe Markarian/FRCOG consultant to obtain assistance with financial reporting and transparency as well as to gain an understanding of Select Board, FinCom and TA roles; the goal is open communication between the FinCom and Select Board. Torres: during the last budget season, there was a need to sort out the budgeting process as per MGL; for the most part, the questions were relative to the bylaws, precedence, and procedure. Logan asks Torres how she handles a situation when she may have a strong opinion. Torres states she keeps her personal opinions to herself. Logan asks about the role of Town Counsel during Select Board meetings. DeChiara suggests this topic be continued during a future Board meeting.

**Discussion Topics (continued):**

2. Police Department Staffing/Chief Harding: Harding: the “Shutesbury Police 2013 to 2017” Shelburne Control call statistics represent ~60% of the Department’s work. Logan: during the meeting with himself, Harding, and Torres, Harding spoke about the coverage residents want which ranges from none to 24 hours/day; Harding takes into consideration officer safety concerns and the needs of the town and is comfortable with the judgment call about how much coverage is needed. Makepeace-O’Neil appreciates the “Shutesbury Police Dept. Staffing Alternatives” chart compiled by Torres and states she is willing to support coverage that does not overwork Harding and Sgt. Masiuk. Harding: staffing is a dynamic situation; the ideal situation is the previous level of coverage, however, creating a permanent part-time, for this particular individual, is a benefit to the town. Logan gives his vote of confidence to Harding and Makepeace-O’Neil concurs.
3. Lake Wyola DCR Parking Policy/Chief Harding: Per Harding, the new parking policy at the State park is based on the number of people and is a return to the original policy based on restroom facilities as per the Department of Public Health; the limit is 96 persons. Harding: the DCR supervisor changes the electronic message boards relative to head count; these boards are located in two places: east bound near the intersection of Lakeview Drive and Farrer Road and west bound on Lakeview near the intersection of Merrill Drive; a call line will most likely not happen this year. DeChiara supports Harding’s concerns as stated in his 7.11.17 letter to the Select Board, “Parking Issues – Lake Wyola State Park”. Harding will be requesting a letter from the Lake Wyola Association (LWA) Board of Directors providing standing authorization to tow from private

ways; Sgt. Masiuk's photos show vehicles parking on Lakeview Drive where there are "no parking" signs and on Locks Pond Road which is not posted; Lake Wyola DCR staff will install additional "no parking" signs as soon as the Town provides them; the cost is \$25-\$35/sign. Torres: between the Police, Highway, and Lake Wyola Advisory Committee, funds are available to cover the cost of the signs. Harding recommends 12 signs and will order them 7.12.17. DeChiara: does the Town receive any funds from towing? Harding: no. Masiuk: the Town receives parking citation funds. Makepeace-O'Neil moves that the Town purchase 12 "no parking" signs for the vicinity of the Lake Wyola State Park; Logan seconds the motion that passes unanimously. Harding: the supervisory staff at Lake Wyola support funding police coverage, however, the request has to go the State; to expedite matters, it is sensible to work with the local DCR staff. Debra Pichanek: representatives of Wendell and Shutesbury and DCR staff used to meet, however, stopped doing so because there were no issues; suggests reinstating the committee to discuss issues and plan accordingly, especially, before the season opens. Torres will write a letter to DCR about the stated concerns and request the names of current contact people. Makepeace-O'Neil offers an updated motion and moves that the Town purchase "12 or more signs"; Logan seconds the motion that passes unanimously. Harding: the DCR staff does not have a way to enforce walk-ins. Jean Perkins: the lifeguards can be only responsible for a limited number of swimmers. Kathy Carey notes the need to consider the carrying capacity of the site and lifeguard limits. DeChiara requests the Select Board receive an update on the situation during the 7.25.17 meeting.

4. Personnel Reviews/Personnel Board Letter: DeChiara acknowledges the Select Board's receipt of Ralph Armstrong's 6.20.17 email. April Stein: the Personnel Board will be holding extra meetings, over the summer, to draft a policy on employee reviews with a plan to present this draft to the Select Board in mid-September. DeChiara: after several months of discussion, including asking for Town Counsel and Personnel Board input, he and Vinskey acknowledged the need for accountability and developed the current process. DeChiara recommends the Select Board continue with the current process until it can be replaced with a revised process and that the Personnel Board consult with Town Counsel on the draft. Stein: Town Counsel will need to review the policy. DeChiara confirms that the Personnel Board is not requiring the Select Board to refrain from reviews. Logan would not want some employees to be reviewed in one way and others in the new way. Stein: that is what the Personnel Board would prefer. DeChiara recommends that the Select Board resume the current process if the Personnel Board does not have a draft personnel review policy for September. Logan moves the Select Board postpone personnel reviews until the Personnel Board drafts a revised Personnel Review policy; Makepeace-O'Neil seconds the motion that passes unanimously.
5. Preservation of Native American Sites on Town-owned Land: Rolf Cachat-Schilling presents a video selection of images of relics from sites on town-owned land that he and others would like to see prioritized for preservation. Per Cachat-

Schilling, he, James Schilling-Cachat, and Miles Tardie, and other knowledgeable individuals, at different times, have observed these sites. Per Cachat-Schilling, the locations of the sites depicted in the slides are all within reasonable walking distance of the town center. DeChiara: one of the key issues is the ownership of the land on which the sites are located. Cachat-Schilling: the town parcel is the South Brook Conservation Area. Torres: the Conservation Commission has authority over the South Brook Conservation Area. Cachat-Schilling: there are hard artifacts on this parcel, the sacred sites are almost subsumed, and there is a human made earthwork. DeChiara: how is preservation achieved without exposing the locations? Cachat-Schilling: there is concern about exposing sites to harm; it is hard to navigate when the Mass Historical Commission is a barrier to discussion; as per the UN High Council on Human Rights, it is a crime to knowingly desecrate a religious site; as per the DCR bylaws, you may not remove any plant or mineral from DCR property without prior written permission; the Town could partner with DCR on enforcement. DeChiara: what can we do about those sites on town-owned land? Cachat-Schilling: education; Doug Harris/Deputy Tribal Historic Preservation Officer is willing to help with education; the sites are already pre-qualified for inclusion in the declared Traditional Cultural Properties Sacred Hill Ceremonial Site so the application for inclusion could be completed. DeChiara confirms that the sites will need to be identified for inclusion. Logan: is protection in words on paper? Cachat-Schilling: yes, protection on paper. Cachat-Schilling: low agricultural activity and a small rural population leads to more intact sites. Logan: refers to Cachat-Schilling's 7.11.17 email and his request for maps. Cachat-Schilling: the maps are needed to verify ownership. Torres explains use of the Assessor's GIS site. Cachat-Schilling will bring this information to the next meeting on the topic; some sites are on more than one parcel. DeChiara requests that planning for the educational session be held for the moment. Mary Lou Conca: there should be no fee for an educational event held in the school. Logan: the larger global issues raised by Cachat-Schilling may be more relevant for a petition. Cachat-Schilling: thorough preservation planning should be dealt with separately from legislative matters; there should be serious punishment for those who desecrate religious sites. Logan asks Cachat-Schilling if he would create a draft petition relative to the UN High Council on Human Rights. Cachat-Schilling: yes. Logan: regarding negotiation with the Commonwealth, who takes precedence, the Mass Historical Commission or the local Historical Commission; at one point, Cachat-Schilling was concerned about a specialized group. Cachat-Schilling states the he was concerned about separating a group from the Historical Commission; if there were to be a separate group, would it have actionable power? DeChiara: if a working group is created, it would be specialized and membership would be comprised of those with expertise and knowledge; cites the formation of the MPWG as an example; in order to move forward effectively, the Select Board can decide to create a working group and the Historical Commission would be part of the information flow. Makepeace-O'Neil: this is a great project for a working group with expertise; it would elevate the project to a deserving level. Cachat-Schilling supports the formation of a working group. DeChiara: a charge for the working

group, including the number of members and demographic/expertise qualifications, needs to be created. Cachat-Schilling would hope the group could cross-over culturally into Euro-American artifacts; acknowledges that the Historical Commission has done some of this; the group would conduct fact-finding and put information together with the goal of succeeding in preserving a high percentage of the stone artifacts. Logan is concerned about the Select Board creating the charge. DeChiara asks Cachat-Schilling to consider creating a draft charge including membership recommendations. Makepeace-O'Neil suggests considering the structure used by other towns. DeChiara suggests dates be considered for the educational forum to be held on behalf of the Select Board. Torres: the group has already consulted the school, she spoke with Carlson-Belanger/SES Secretary and will follow-up to let her know that the Select Board supports the educational event. The forum is tentatively planned for 9.23.17. Logan confirms that Cachat-Schilling will draft petition language and a working group charge. The topic will be continued during the 7.25.17 Select Board meeting.

6. Visioning/Master Plan Working Group: Torres refers to the 7.6.17 email from Meryl Mandell/MPWG chair listing the members willing to continue serving. DeChiara: Mandell requested clarification of the MPWG charge; as per the 6.27.17 Select Board meeting, the charge is to “define a series of topics to be addressed through focused studies, community engagement, and recommendations leading to actions”. Logan reads Mandell’s description of the charge into the record: “the MPWG will further develop specific topics and strategies in order for the town to directly implement aspects of the Vision”. Logan moves the Select Board approve option #2, “Directly Implement the Vision” (page 27) with the addendum/modification discussed in the previous meeting: that the MPWG further develop specific topics and strategies in order for the town to directly implement the Vision. Makepeace-O’Neil seconds the motion. Logan applauds the efforts of the MPWG, notes their excellent job and willingness to take their work further; per Mandell, there is interest in having the Board approve the vision statement, which will reinforce their work and their willingness to do more. Makepeace-O’Neil agrees with Logan; she supports the vision, would like for the other MPWG members to continue, and asks how the Select Board can increase their support. DeChiara states his frustration that this is the third meeting about supporting the vision; Vinskey and DeChiara supported the data and wanted more insight into what participants thought. Logan supports the original effort and the willingness to take the work one step further, which will answer DeChiara and Vinskey’s concerns. DeChiara: if the motion is approved, the Select Board will be saying we support the vision; we agreed to support the charge created at the last meeting; he supports the data and the work of the MPWG. Logan to Lacy: Vinskey’s concern is that the vision process would give the go-ahead to a project. Lacy: the Group could devote some time to analyzing the data though it has already been analyzed; there were four project areas that received a lot of attention; there will be discussion about these areas and balancing the reality against the fiscal process. Logan: there is acknowledgement

that there is a fiscal aspect to all of this. DeChiara: if you endorse a vision, there is a mandate that those things in the vision will move forward; there is no consensus on the specific statements that would drive budgeting in the near future; there is a separation between policy and data. Makepeace-O'Neil notes that the concerns of those who have trouble paying taxes need attention. DeChiara: thus, as per Makepeace-O'Neil's suggestion at a prior meeting, there is a need for more focus groups. Michele Cunningham: a vision is set in sand, it is not set in stone; first you have a vision then you figure out "the way"; it was not the MPWG's intention that the Select Board would figure it out. DeChiara: this is not about prescribing an approach. Lacy does not think the data could be mined any better than it has been; small town work is not scientific – those who show up, count; the MPWG, a diverse group, held deep discussions; Mandell and the MPWG request that the Select Board endorse the vision – it makes sense to implement something the Select Board endorses; the Planning Board has endorsed the vision; a Master Plan is not legally binding on a town's policies. Logan: as the Planning Board has adopted it, the vision will be public. DeChiara is concerned that the identified need to lower the tax burden could be codified. Makepeace-O'Neil disagrees: the vision process was a picture of what people are thinking. DeChiara does not agree that enough people participated to develop consensus. Lacy: people showed up to support a library proposal, however, he is not aware of any organized effort relative to taxes. DeChiara states that he could get behind financial sustainability and that there are different paths to realizing this goal. Lacy: there are things in the vision statement that will not get done; it is to be expected that things will fall out. Makepeace-O'Neil: could it be endorsable as a first draft vision statement? Torres reports reading the vision statements for about twenty towns; these statements were concise and focused primarily on values; notes concern about the "dot process" and that some folks put all their dots on one topic. DeChiara: Makepeace-O'Neil and I agreed that there were diametrically opposed topics. Logan appreciates Cunningham's description of a vision statement; per Mandell, "it is what it is" – it is a list of things people are interested in; the fiscal responsibility is a given. The motion is reread: Logan moves the Select Board approve the option #2, "Directly Implement the Vision" (page 27) with the addendum/modification discussed in the previous meeting: that the MPWG further develop specific topics and strategies in order for the town to directly implement the Vision. Makepeace-O'Neil: aye, DeChiara: nay, and Logan: aye. Torres: if additional work is done, is there a different way to express the vision? Lacy: the vision statement is a paragraph followed by some elaboration. Torres: during the hearing, she had concerns and gave comment though felt she was not heard. Lacy: there was a lot of discussion within the MPWG about how to word the fiscal section; the first paragraph is the vision statement. DeChiara: if that paragraph is acknowledged as the vision, it will be okay with him. Lacy cannot agree, on behalf of the MPWG, because the vision is actually the whole section. Torres: the elaboration does not seem common. Lacy: the MPWG chose to elaborate. DeChiara: for clarity, we need to confirm that the vision is pages 9-11. Makepeace-O'Neil moves the Select Board appoint Meryl Mandell, Jeff Lacy, Mary Anne Antonellis, Mike Vinskey, Michelle Cunningham, and Allen Hanson

as continuing members of the Master Plan Working Group; DeChiara seconds the motion that passes unanimously.

7. 6.30.17 OTO/DEP Meeting Review: Per Torres, next steps were discussed during the meeting with DEP staff and Jim Okun/O'Reilly, Talbot, and Okun (OTO); with the exception of well WR8, all of the wells have reached drinking water standards; Okun will write the report requesting the town be granted "temporary solution status" and, if approved, the reduction in DEP costs will be as of FY19; after "temporary solution status", the next step is to meet drinking water standards, which could be achieved in five years; retesting before the five years has elapsed may be recommended. Torres: Per Okun, leaving the area unpaved contributed to increased filtration and the improved conditions; it may be recommended that specific areas be left unpaved; WR8 is between the building, near the first bay, and the wetland. DeChiara: keeping the drainage areas open seems like a compromise. Makepeace-O'Neil: is there a way to create a ramp to the bay without covering the well. DeChiara: a grated metal ramp may be a possibility. Makepeace-O'Neil suggests asking Walter Tibbetts/Fire Chief to consider options for an interim solution to paving.
8. Committee Reports:
  - A. Personnel Board: Per Makepeace-O'Neil, the topic regarding personnel reviews was discussed earlier in the meeting; the Board will be reviewing the sexual harassment policy.
  - B. Regional Assessment Working Group: Per DeChiara, the first meeting with the consultant is scheduled for 8.3.17.
  - C. Broadband Committee/Municipal Lighting Plant Board (MLP): Per Makepeace-O'Neil, the check from the State has been received; the \$500 donation from Strazzero-Wilds' employer was received; the intergovernmental agreement with Westfield Gas & Electric is being worked on. Torres: the pole applications to the utilities were mailed 7.10.17. Makepeace-O'Neil: two Pelham residents have requested inclusion in Shutesbury's network; the Broadband Committee supported their request and the Pelham residents will pay the full cost of installation. Torres: WiredWest (WW) is asking the town to sign a Memorandum of Understanding (MOU) that includes an exclusivity clause because WW cannot guarantee costs – this clause is of concern. Torres will research whether the MOU needs to be signed by the Select Board as well as the MLP.
9. Town Administrator Updates:
  - A. Financials: Expense balances have been reviewed with Gail Weiss/Accountant; police wages and snow removal are the primary overages; legal has received transfers throughout the year; if line item transfers are necessary, a special Select Board meeting on 7.18.17 may be needed.
  - B. Record Storage Advisory Committee: Because Leslie Bracebridge/Historical Commission is interested in membership and participation by a library representative will bring membership to six, Susie Mosher/Town Clerk is

requesting the Select Board consider increasing Committee membership from five to six. Makepeace-O'Neil moves a sixth position be added to the Record Storage Advisory Committee; Logan seconds the motion that passes unanimously.

- C. Trash/Recycling: 7.6.17 was the first day with the new trash/recycling hauler; all the necessary insurance documents have been obtained.
- D. Elementary School: The recycling shed was broken into; it does not appear that anything was stolen. We are close to resolving issues related to use of the shed by the school and recycling committee; if necessary, a meeting with Matt Foster/Head Custodian, Jackie Mendonsa/Principal, and Gary Bernhard/Recycling Coordinator will be arranged.
- E. Dog Issues: The same control rules apply to service dogs. The need for a dog hearing is acknowledged and will be scheduled during a September Select Board meeting. The owners with the dangerous dog have yet to move into town.
- F. Historical Commission: Joanna Hayes and Julie Taylor have submitted resignations from the Commission. Makepeace-O'Neil: setting up a working group separate from the Historical Commission is what the Commission recommended. Makepeace-O'Neil is willing to connect with Hayes and Taylor to ensure they are aware of the plan for a working group, as she does not want their resignations to be the result of Select Board inaction. DeChiara is willing to hold off on accepting Hayes and Taylor's resignations until the 7.25.17 meeting.
- G. Thank you notes acknowledging recent resignations are signed. The annual letter acknowledging FY18 appointments and re-appointments will be sent.
- H. Land Survey: The outcome of the survey is that the Snow shed is on town-owned property; recommendations from Town Counsel MacNicol about next steps are pending.

Future agenda items are reviewed.

#### Administrative Actions:

1. The Select Board will sign vendor warrants totaling \$230,824.31
2. The Select Board will sign payroll warrants totaling \$79,738.31
3. Employee Personnel Action Forms (PAFs): DeChiara will sign the FY18 PAFs on behalf of the Select Board.
4. Select Board Meeting Minutes: Makepeace-O'Neil moves and Logan seconds the motion to approve the 6.27.17 meeting minutes; Logan appreciates the thoroughness of the minutes; the minutes are unanimously approved as amended.
5. FCCIP Renewal Agreements: Torres: there is no change in the rate for services in the renewal agreement. Makepeace-O'Neil moves to approve the "Building Inspection and Zoning Enforcement Professional Services Agreement By and Between the Franklin Regional Council of Governments and the Town of Shutesbury" three-year agreement. Logan seconds the motion that passes unanimously.

Unanticipated Items:

Makepeace moves and Logan seconds the motion to accept the resignation of Robert Vandegrift from the Shutesbury Fire Department.

At 10:12pm, Makepeace-O'Neil moves and Logan seconds the motion to adjourn the meeting; the motion passes unanimously.

Documents and Other Items Used at the Meeting:

1. 7.6.17 "Shutesbury Police Dept. Staffing Alternatives"
2. "Shutesbury Police 2013 to 2017" Shelburne Control log
3. Police Chief Harding's 7.11.17 letter "Parking Issues – Lake Wyola State Park"
4. Ralph Armstrong's 6.30.17 email "From the Personnel Board"
5. Rolf Cachat's 7.7.17 email "Preparation for July 11 Selectboard Meeting"
6. Rolf Cachat's 7.11.17 email "Tonight's Meeting"
7. Rolf Cachat's slide presentation of Shutesbury stone relics
8. Meryl Mandell's 7.6.17 email "Master Plan Working Group – Next Steps"
9. 6.12.17 FRCOG "Renewal Agreements for FCCIP Services"

Respectfully submitted,  
Linda Avis Scott  
Administrative Secretary