

Shutesbury Select Board Meeting Minutes
September 5, 2017 Shutesbury Town Hall

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

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

Guests: Susan Rice, Penny Kim, and Susan Millinger/Positive Presence members; Leslie Bracebridge, Janice Stone, Jeff Lacy, Miriam DeFant, Rob Kibler, and Henry Geddes

DeChiara calls the meeting to order at 6:31pm.

Agenda Review: No changes offered.

Public Comment Period: None offered.

Discussion Topics:

1. Review of July/August Expense Report: Document is reviewed and all Board members agree for the monthly expense report to be a regular agenda item.
2. Follow-up on Auditor's Recommendations: Torres reminds the Board that Tom Scanlon is available to attend a Select Board meeting; the Board requests Torres to arrange for Scanlon to attend the 10.17.17 meeting. Logan's primary concern regarding the audit recommendations is the need for an internal controls manual. Torres: a copy of a draft document has been given to Ellen McKay/Tax Collector, Gabe Voelker/Treasurer, and Gail Weiss/Accountant for review. Logan requests Torres provide Joe Markarian/FRCOG with a copy for his review; the goal is to have an internal control manual the auditor is comfortable with. DeChiara notes the need for agreement on the policy manual. Torres: our existing policies have been added to. Logan recommends gathering the internal control procedures for Scanlon's consideration. Logan and Torres will review relevant policies with an eye for internal control procedures.
3. Conway School of Landscape Architecture Projects: Logan: it appears both Lacy and DeChiara spoke with Conway staff on the same day; suggests the Select Board leave the Conway discussion to the Master Plan Working Group (MPWG). DeChiara: per CJ Lammers/Conway Planning Professor, timing will determine the type of project; potential sites include Lot O32 and topics could include water quality and climate change. Lacy: along with financial sustainability and "low hanging fruit", Lot O32 is a focus of the MPWG. DeChiara notes the current charge of the MPWG. Lacy: the MPWG has yet to consider the potential for a Conway project. The MPWG meets 9.6.17; Logan, as a MPWG member, will report to the Select Board 9.19.17. Janice Stone: what is being considered for Lot O32? Lacy: the MPWG is considering Lot O32 as a possible site for a library,

community center, senior housing, municipal solar and a potential pedestrian pathway; there are two monitoring wells on Lot O32.

4. Cell Tower Update: Torres has requested Deacon Bonnar/Planning Board Chair for time on the next Planning Board agenda for the purpose of reviewing the cell tower bylaw and considering what changes could be made to make Shutesbury more amenable to cell tower companies. The Select Board acknowledges receipt of the 8.22.17 emails from Jim Hemingway and Mark Rivers regarding their experiences with attempts to build a cell tower in Shutesbury.

5. Historical Commission Openings/Next Steps: DeChiara asks Leslie Bracebridge to confirm her intention to resign from the Historical Commission. Bracebridge confirms her intention and expresses her appreciation for the opportunity to serve. Makepeace-O'Neil moves and Logan seconds the motion to accept Leslie Bracebridge's resignation from the Historical Commission; motion is unanimously approved. DeChiara reads the remaining Commission membership: Karen Czerwonka, Marilyn Tibbetts, and Steven Puffer; David Jolivet and Miriam DeFant are associate members; the question is how to begin to repopulate the Commission that is to have not less than three and no more than seven members. Torres: alternates are different from associates; the bylaw refers to associates. Bracebridge: the Historical Commission bylaw refers to associates and was written before the addition of alternates to Mass General Law; associates honor past members and those who have supported the Historical Commission on an ongoing basis; this was the Commission's regulation. DeChiara: currently the Commission has three full members, no alternates recognized by MGL, and two associates as per the bylaw. DeChiara suggests the Board discuss whether to appoint the associates, DeFant and Jolivet, if they are willing, as full members. Torres: generally, the practice is for interested parties to attend meetings and for the committee to bring the names of interested individuals to the Select Board. Logan confirms that the need for members has not been published. DeChiara: if DeFant and Jolivet are interested, there could be 4, maybe 5 appointed members. Logan: DeFant's 9.5.17 email describes her compatible background and interest in becoming a member of the Historical Commission. Logan moves and Makepeace-O'Neil seconds the motion to appoint Miriam DeFant to the Historical Commission; motion passes unanimously. DeFant: the tradition to hold Commission meetings at 1pm on Thursdays is a barrier to participation; is there a way to re-examine the time of the meetings? DeChiara: it is up to committees to decide the day/time of their meetings. Torres will follow-up with Jolivet and DeFant will contact the current Commission members to arrange a meeting. DeChiara: are there qualifications or background necessary for members? Logan emphasizes the need for the Historical Commission to recommend new members rather than the Select Board recommending members. DeFant recommends not setting criteria for membership. Torres is willing to work with the Commission, subsequent to their next meeting, to draft an announcement about the need for new members. It was pointed out by Torres and Lacy that the Historical Commission bylaws are actually regulations; Bracebridge will retype and submit

a newly titled document, as “Historical Commission Regulations” to the Town Administrator.

6. Tax Relief Options for Residents: Penny Kim reviews her draft “Tax Rate in Shutesbury” and notes that there is a bill in the Senate to increase the senior abatement from \$1,000 to \$1,500 and that there is not an effective way to document income status. Kim states her willingness to work on developing tax relief ideas with relevant committees, i.e. FinCom, MPWG. Makepeace recommends exploring options to see if there is a solution that might work for Shutesbury. DeChiara notes the increase in the number of households with individuals 65 years of age and older along with the need to have younger families move into town. Makepeace-O’Neil notes that the Council on Aging newsletter is mailed to households with someone 55 years of age and older which is more than 400 households or nearly half the homes in Shutesbury. Torres: the “work-off” program requires a structure, a need for work opportunities, and an individual to organize/run the program. The difficulty in finding reliable consistent data is noted. Makepeace-O’Neil suggests learning about Northampton’s “work-off” program; Torres will do this and research the statutory requirements for the program. Torres notes that a town can finance a “charitable fund”. The Assessors office informs residents about tax relief options via the town website, newsletter, annual town meeting, and the COA newsletter; as well, the tax collector refers interested parties to the Assessors office. Bracebridge: the amount of administrative work could make the program unworkable. Torres: agrees and notes the ethics of volunteerism versus a “work-off” program. Logan recommends not pursuing the work-off concept any further. It is agreed that Kim will research the private side, i.e. a “Community Cares” fund.
7. Select Board Resolution/Native American Preservation: DeChiara: the draft resolution was sent to Town Counsel Donna MacNicol for review; the follow-up via email from MacNicol resulted in the 9.5.17 draft. DeChiara reads the “Resolution on Native American Preservation in the Town of Shutesbury, Massachusetts” into the record and notes that as this draft is adequate per MacNicol, it could be accepted as a Select Board resolution that will subsequently be drafted into a warrant article. Logan states his preference to focus on the “Resolution Honoring Our Differences in a Safe Community” and that he does not feel the Select Board should put forth a resolution, however, he agrees with a warrant article. Makepeace-O’Neil states that she agrees, in part, with both DeChiara and Logan. DeChiara: town meetings happen once or twice/year; the Select Board is elected to make decisions on behalf of the town; as elected officials, we can take actions as persons in leadership positions; we have created the Native American Preservation Working Group (NAPWG); this resolution is a reflection of where the Select Board is. Makepeace-O’Neil agrees with Logan on the political nature of the resolution and suggests saving the resolution for a town meeting warrant article. Logan: the Board has, in effect, made a statement by forming the NAPWG. DeChiara: the MPWG recommendations about the use of money and priorities will have political implications. Makepeace-O’Neil: basing

decisions on facts/evidence goes beyond the political. Logan: these are subjective issues; how each of us defines political is different. DeChiara: by definition, the Select Board will make political decisions. DeFant states her disagreement: it is not political to say we want to honor history; it is a moral imperative to acknowledge and preserve history; it was disappointing that the warrant article (“Resolution to Preserve Native American Historical Sites and Traditional Cultural Properties, Including Ceremonial Stone Landscapes”) was voted down; this is a non-controversial resolution therefore encourages the Select Board to take the step as a simple gesture of respect. Lacy recommends against Select Board approval of the resolution noting that a similar measure was voted down at the 2017 annual town meeting; suggests bringing this resolution to a town meeting. Henry Geddes respectfully disagrees with Lacy and states that he has no vested interest in economic/political concerns, however, is of Native American heritage; the resolution is very general in language; something becomes political if it involves non-European people; matters involving Native Americans are almost always secondary – this is a vindication of a long history of oppression of Native peoples; we need to have the moral fiber to pass this largely innocuous document. Stone: the last sentence of the draft resolution should include “on town-owned” land; agrees with Lacy and does not see a reason to hurry; the fact that it (“Resolution to Preserve Native American Historical Sites and Traditional Cultural Properties, Including Ceremonial Stone Landscapes”) was turned down at the 2017 annual town meeting shows that it was not innocuous and is of concern. Kim: we, as a town, need to vote on this and it may have a chance of overwhelming support. Rob Kibler: the “all are welcome” sign in front of town hall should be taken down until we mean it. Makepeace-O’Neil: the document becomes political because it focuses on one group. DeChiara confirms with Makepeace-O’Neil and Logan that they do not want to approve the “Resolution on Native American Preservation in the Town of Shutesbury” as a Select Board resolution. Makepeace-O’Neil states her willingness for the resolution to become a warrant article for either a special or annual town meeting. DeChiara: if that is the sentiment of the group, he will confer with MacNicol on language for a town meeting warrant article. DeChiara: the next step will be to review a Select Board warrant article version during the 9.19.17 meeting. Stone’s amendment is confirmed. DeChiara reminds those present that letters of interest regarding the NAPWG are due 10.2.17.

8. Lake Wyola Farmhouse/DCR: Torres refers to the 8.30.17 email from Kevin Allen/DCR Historic Curatorship Program Manager inquiring whether there may be interest in meeting with him to talk about the Lake Wyola farmhouse. Bracebridge emphasizes the need to save the building and that DCR needs to find a way to make investing in the building feasible. The Select Board agrees to plan a time to hear from Allen; Torres will contact Allen about available dates.
9. Committee Reports:
 - a. Finance Committee: per Makepeace-O’Neil, the Committee is reviewing the work with Markarian and planning for meetings with department heads. The Select

- Board will plan for a joint meeting about budget coordination with the FinCom on 10.17.17; Torres will follow-up with the FinCom.
- b. Council on Aging: per Makepeace-O'Neil, the COA will sponsor a spaghetti dinner at the Shutesbury Athletic Club followed by a presentation by Hospice of Franklin County on 9.15.17.
 - c. Regional Assessment Working Group: per DeChiara the focus has been on the factors determining wealth.
 - d. Town Administrator Updates:
 - a. Dog Hearings: The Saleem hearing letters were ready to send, however, the primary complainant could not attend at the scheduled time; subsequently, Saleem let Torres know that she is not available to attend 9.19.17. Per MacNicol, the complainant is required, by statute to attend; the dog owner is not required to attend however MacNicol recommends the owner be in attendance. Whether to reschedule both dog hearings is considered. Only evidence brought forward during the hearing can be considered in an appeal. The Select Board agrees to schedule both dog hearings for 10.23.17 at 6:15pm; 10.30.17 will serve as a back-up date.
 - b. Microphones: Feasibility and efficacy of various options are considered.
 - c. Town Hall Upstairs Bathroom: Repairs remain pending.
 - d. Broadband RFI: OTT Communications, Crocker, WiredWest, and Westfield Gas & Electric submitted bids that will be opened at a posted public meeting.
 - e. SES Sidewalk Bids: Torres and Groves are following up on references for the two bids received; going back out to bid is being considered.
 - f. Workshop/Meeting Opportunities: Participation considered.
 - g. Email: Torres requests DeChiara to remind Rolf Cachat-Schilling that any documents sent to the town become public records.
 - e. Review Prior Action Items: "All are welcome" sign is complete; background on fire department regionalization and cell tower research are in process.
 - f. Future Agenda/Action Items: Relative dates/agenda items are reviewed.

Administrative Actions:

1. Select Board members will sign vendor warrants totaling \$95,475.84.
2. Select Board members will sign payroll warrants totaling \$97,324.62.
3. Makepeace-O'Neil moves and Logan seconds the motion to approve the 8.22.17 minutes; minutes are unanimously approved as amended.

At 9:17pm, DeChiara moves the Select Board enter executive session for reason #2 non-union contract negotiations and not to return to open session; Logan seconds the motion; roll call vote: DeChiara: aye, Makepeace-O'Neil: aye, and Logan: aye.

Documents and Other Items Used at the Meeting:

1. Town of Shutesbury Expense Report 7.01.17 to 8.31.17
2. 8.29.17 DeChiara email: "Conway School project for Shutesbury"

3. 8.22.17 Mark Rivers email: "cell tower for Shutesbury"
4. 8.22.17 Jim Hemingway email: "cell tower?"
5. MGL Chapter 40 Section 8D Historical Commission
6. 9.5.17 Miriam DeFant email: "Historical Commission"
7. "Tax Rate in Shutesbury" by Penny Kim
8. "Resolution of Native American Preservation in the Town of Shutesbury, Massachusetts" 9.5.17 draft
9. 9.5.17 Attorney Donna MacNicol email: "Re: revised draft of Native American Resolution"
10. 8.30.17 Kevin Allen email: "Lake Wyola Farmhouse update"

Respectfully submitted,
Linda Avis Scott
Administrative Secretary