

Shutesbury Select Board Meeting Minutes
September 19, 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: Police Sargent Wendy Masiuk, Police Chief Tom Harding, Officer Candidate Dan Fernandez, Town Counsel Attorney Donna MacNicol, Mary Lou Conca, Rolf Cachat-Schilling, James Schilling-Cachat, Miles Tardie, Miriam DeFant, Karen Traub, Frank Citino, Janice Stone, Lisa Saunders; Planning Board members Jeff Lacy and Deacon Bonnar; Personnel Board members Anna Aaron, April Stein, and George Arvanitis; Bud Driver/Deerfield

DeChiara calls the meeting to order at 6:37pm. James Schilling-Cachat states that he will be videotaping the meeting.

Agenda review: Revisions announced include the addition of a discussion regarding the request for police presence during the 9.23.17 event.

Public Comment Period:

Karen Traub thanks the Select Board and the other boards/committees for the very good work they do for the town and making it a wonderful place to live; as an experienced volunteer, she acknowledges the hard work in needing to listen to those who do not agree with us. Traub notes that there is a board in town being bombarded by emails containing lies and cites comments made about her and Jeff Lacy/Planning Board. Traub is concerned about the health of the town when persons are being individually attacked by a small group of aggressive email/letter writers and asks the Select Board what can be done.

Rolf Cachat-Schilling states that these are unsubstantiated claims and accusations of lying and that he would like the town to do a better job of determining what are substantiated accusations; at town meeting, Michael Pill read a letter threatening residents if they voted a certain way on a matter – voter intimidation is illegal. Cachat-Schilling: Miriam DeFant was elected to the Planning Board to represent citizens and she has been forced to recuse herself from a position she was democratically elected to; the Planning Board did not read a letter that he requested be read into the minutes. Cachat-Schilling states that Jeff Lacy, Planning Board member, has conflicts of interest as an abutter to Cows property and in his role as a DCR planner. Cachat-Schilling questions Town Counsel's guidance and conflicting interests and also cites the Planning Board's incomplete ethics training; Town Counsel made statements about archeology that she was not qualified to do make. DeChiara notes the time constraints of the public comment period. Cachat-Schilling: Town Counsel should recuse herself from the Wheelock solar project; she has overreached her authority, Native American matters are not within her training.

Miriam DeFant states that she recused herself from Planning Board matters related to the Wheelock solar project and was not pressured in anyway; her decision was proactive and in the best interest of the town; the matter is moot as she has tendered her resignation from the Planning Board.

Mary Lou Conca: if Traub is offered protection, she requests the same protection and asks the Select Board for the same protection from Attorney Michael Pill issuing trespass orders and from having a sheriff knock on her door; we need to be able to express ourselves during meetings without this happening.

At this time, neither Makepeace-O'Neil nor Logan has anything to add or ask. DeChiara emphasizes the overriding need for civility and the need for individuals to feel safe; the Select Board is in favor of civility and it is up to the community to regulate itself.

Discussion Topics:

1. Police Officer Interview: Chief Harding introduces Dan Fernandes as a candidate for the full time officer's position vacated by Sean Sawicki. Logan requests Harding to list the top five questions he asks a potential officer. Harding: this is your community, thus the community needs to ask the questions that are of concern to them. Harding asks a potential officer about their training and experience as it relates to a small town and a community-focused force. Fernandes, subsequent to his academy training, has served the Hadley Police Department for six years; he is the community liaison officer with a particular focus on working with farmers and enjoys talking with citizens. Logan: why Shutesbury? Fernandes states he is looking for a position where he can grow his work with citizens; Hadley has a significant transient population. Logan notes that the press is concerned with police abuse and that there is often no press for the positive work that police accomplish; we are becoming more leery of "bad cops"; asks Fernandez how he maintains equilibrium in difficult situations. Fernandes: 98% of the time, he "takes his badge off" because people need to be able to talk to one another; talking is a strength; he remembers where he comes from and that he is no better than another person; he will talk as long as needed before touching an individual. Harding to Fernandes: what will you do in a small town when you are not doing traffic enforcement? Fernandes: his first focus will be on getting to know the town dynamics and the people who pay his salary because they need to be satisfied with the service they receive. Logan: what about working nights/weekends? Fernandes states he is experienced with working alternate shifts. Logan: what do you like most? Fernandes: talking with people and hearing their stories, doing so helps when he needs to deal with a negative situation. Logan appreciates Fernandes' answers. Makepeace-O'Neil: how do you interact with children? Fernandes notes that he helped with the recent Hadley Department's children's event; he noticed the Celebrate Shutesbury event and looks forward to helping out in the future. DeFant asks Fernandes if he has had any mental health training and experience in handling domestic violence. Fernandez notes that he has six years on the job, that there are a number of Department of Mental Health houses in Hadley and that he does not have any specific training; in MA, police hands are tied when it comes to domestic violence - these are generally fluid situations and one of the toughest calls when you are

going into individuals' homes. Harding: the Department's presence at the school is for security and safety as well as familiarity so that when an officer may need to go into a child's home for a domestic situation, we are not just a uniform. Logan moves the Select Board appoint Dan Fernandes as a Shutesbury police officer; Makepeace-O'Neil seconds the motion that passes unanimously. Logan appreciates Harding for providing the Select Board an opportunity to meet Dan Fernandes.

2. Future Plans for Shutesbury Police Department/Chief Harding: Harding notes that he has advocated in the past for a shared chief; there is a push toward MA aligning with national police training standards; in this town, homeowners want to pay less in taxes and/or are in favor of saving money – as per the FRCOG studies, a shared chief is a way to save money. Harding states he is looking at retiring on June 30, 2018 therefore now is the time to consider sharing a chief and splitting administrative costs down the middle; the Leverett Select Board is interested in seeing what sharing would look like. DeChiara: the issues are, one, there will be a chief's position vacant with Harding's retirement and, two, a need to consider what a shared chief arrangement might look like. Harding: there is no standardized training for the different types of police in MA, i.e. state, full-time, part-time; with mutual aid, we are already sharing resources therefore it makes sense to talk with Leverett. DeChiara suggests he reach out to the chair of the Leverett Select Board. Harding: the chief is usually shared between two small towns; a likely third town might be New Salem. Torres recommends both select boards meet together in an open session. DeChiara: it is worth a short meeting to determine if there is interest. Makepeace-O'Neil states she is okay with an initial reach-out by DeChiara with subsequent meetings as full boards. Torres suggests the town administrators be included in the initial meetings. Select Board members agree for DeChiara and Torres to be present for the initial meeting. Harding agrees to be a resource. Logan asks about the timeline. Torres: during the last inquiry, we anticipated a yearlong process. Logan: if sharing does not work out, a new chief will need to be hired.

DeChiara initiates a discussion about police presence for the educational forum, "Sacred Stone Prayer Sites in Shutesbury and the Native Nations", scheduled for 9.23.17. Logan asks for Harding's experience with similar situations and the gamut of how people threaten one another. Harding: because there are people who view the situation as a threat, there will be two officers on duty at the event as well as an officer on shift duty; there will be a cost because the officers assigned to the event will be on "detail" and committed for the duration of the event, it is their sole responsibility, and they will not be called away. DeChiara: if people are not feeling safe, civility does not have a chance; suggests the Select Board consider paying the detail costs from their account. Harding: two officers at a rate of \$42/hour apiece for a four-hour minimum. Torres: it is standing practice for whoever sponsors the event to pay for the detail. Traub thanks the police for offering their presence and states that she would like the Select Board to consider sponsoring fun celebratory events rather than events with safety concerns. DeChiara: on 7.11.17, the Select Board decided to support logistics for the event.

Makepeace-O'Neil moves the Select Board support the cost of the police detail for the 9.23.17 event as a one-time necessity not a standard practice; Logan seconds the motion that passes unanimously. James Schilling-Cachat thanks the Select Board for covering the costs of the police detail. DeChiara clarifies: the Select Board is doing so for the benefit of public safety not for anyone in particular.

3. Annual Review Proposal/Personnel Board: Makepeace-O'Neil, as the Select Board representative to the Personnel Board, notes that the Personnel Board members, as a team, worked very hard to complete the proposal in a short time with extra meetings. Makepeace-O'Neil continues: the Personnel Board was not comfortable with the practice of conducting personnel reviews in a Select Board open session; the Personnel Board recommends a process that would become a conversation and "Setting Goals for Professional Employees Town of Shutesbury Guidelines" is the form and principles for this process. Makepeace-O'Neil reviews the document. April Stein/Personnel Board Chair: the underpinning of the process is to create a dialog and an open relationship with employees, a dignified process centered on how the employee views their job and is based upon strengths; having a public evaluation can become a humiliating process that does not facilitate a back and forth process where employee input is valued and risks putting the employee on the spot. George Arvanitis/Personnel Board: we are seeing this as a yearlong process; we want the employee and reviewer to work together to establish goals. Anna Aaron: the private process will entail keeping meticulous records to be maintained in the employee's file. DeChiara: this seems like a refinement of the "old process" which he and Vinskey (former Select Board member) wanted to move away from; Amherst has an open process for review of their town manager's position; if the review is not public, it is done by representation. Town Counsel Donna MacNicol: review by committee makes the process open; reviews are subject to open meeting law and are public; the only way to make a review private, is for there to be only one reviewer; a review cannot be held in executive session unless it is a matter of discipline. DeChiara: technically, the Select Board supervises the town administrator, fire and police chiefs, and the highway superintendent; the question is how to create a process whereby you can solicit information. MacNicol: the evaluation process is being done away with because it is a give and take process, a positive relationship, and, it becomes legally problematic if there is only positive feedback in an employee file and a need for discipline occurs; to overcome this, there needs to be significant training for reviewers so problems can be addressed. Stein: isn't the employee handbook a resource for the disciplinary process? MacNicol: the actual supervisors have to be trained to give oral warnings and to write them up; for the proposal "Setting Goals for Professional Employees" to be effective there needs to be parallel training. DeChiara: the Select Board resolved to call the process an annual "check-in"; the public setting creates a sense of accountability to the town. Stein: part of the dilemma is that the Select Board members, as supervisors, do not know how to run a department or about the work of the Town Administrator; dialog can aide the Select Board in understanding the needs of department heads.

MacNicol: the town is a corporation created by statute; think about what you can/cannot do to comply with open meeting law; elected personnel are not part of the review process. Aaron: what have other towns done successfully? MacNicol: this issue is a struggle for small towns; most have done away with evaluations. Arvanitis: performance reviews have no impact on pay; the Select Board does not know about the day-to-day of town hall. Stein: the Town Administrator knows what is going on day-to-day. DeChiara: Torres is facilitating not supervising the department heads. Arvanitis: the Town Administrator has a lot of responsibility handling various personalities. Logan acknowledges the Personnel Board's hard work and suggests moving on in order to make the time/impetus to create a "Plan B". Stein: the Personnel Board is willing, however, does not want open session reviews to proceed in the interim. Torres: based upon MacNicol's recommendation, one person could conduct the review. MacNicol: it is her legal recommendation that the town's personnel manual become a policy of the Select Board rather than a town meeting vote; employee law changes every year and municipalities of every size are subject to these changes. MacNicol recommends the Select Board have a town meeting vote to rescind the personnel manual and for the manual to then become a policy of the Select Board; town meeting does not approve policy. Stein: how would we amend the proposal to favor Select Board members having conversations with department heads? MacNicol: it could be the chair of the Personnel Board or Select Board sitting down with employees and asking if they have discussed their goals with the Select Board and asking if the employee feels comfortable with talking with the Select Board. DeChiara: if the conversation is with the chairperson, it will only be the chair's perspective. MacNicol: it would only be that chair's perspective for one year; we are talking about goals and whether they have been met. Logan to the Personnel Board: do you have sufficient information to explore further and how do you feel about the timing for Select Board reviews to begin in the interim? Torres: one of the Personnel Board's recommendations is for the town administrator to do reviews for the financial team. Logan: could the Personnel Board be finished with their revision by the end of November? Personnel Board members state a collective yes. Logan suggests the Personnel Board have until 11.30.17 and that reviews ensue immediately after that. DeChiara: Plan B will need to be ready for the 11.28.17 Select Board meeting thereby allowing six months to conduct reviews before the end of FY18. MacNicol: unless an employee requests one, it would not be unreasonable for employee reviews to be waived for this year. DeChiara: prior to 11.28.17, the Select Board will discuss what they would like to see happen regarding employee reviews.

4. Planning Board Resignation: Miriam DeFant: earlier today, she submitted her resignation from the Planning Board; because she needs to Skype into meetings and is therefore unable to vote, she feels it would be in the Planning Board's best interests to find someone who could actively commit. Logan moves the Select Board accept Miriam DeFant's resignation from the Planning Board; Makepeace-O'Neil seconds the motion that passes unanimously.

Unanticipated Items:

A. Record Request from Michael Pill: MacNicol refers to Pill's 9.19.17 email in which Pill asks, "Are any of the those quoted statements accurate. If said statements are accurate...I hereby request all documents..." and notes that one is not supposed to ask questions within a public records request; given the event is scheduled for 9.23.17, the Select Board is drafting a response to Mr. Pill. DeChiara reads the draft response letter into the record and the document is reviewed and revised and will include acknowledgement that the Select Board is providing police officer detail for the event. Traub: Pill refers to the decision of the Massachusetts Land Court case in which Doug Harris/Deputy Tribal Historic Preservation Officer was dismissed as an expert - the information about the 9.23.17 event references Harris as an expert. MacNicol: at the time of the case, the attorney did not establish Harris' credentials before the court; it was not a reflection of Harris' expertise; Pill is representing one side of the case and the town should not be making a determination on a four-year old case for which we do not know the testimony. DeFant: Harris is a public official in a federally recognized role for a Native American tribe; we need to show respect; he is a member of the national council for historic preservation, is well recognized and certainly has credentials; regarding the case Pill references, Harris was not qualified because his credentials were not reviewed. Stone states that she finds DeFant's comments useful; recommends that except for police detail, the Select Board not fund the 9.23.17 event. Lacy: in various emails, event information touts Select Board sponsorship rather than logistics support; the Select Board needs to be clear. Logan: the Select Board is not setting a precedent; in this case, it is a matter of expedience in regards to a request for police presence for an event to be held in a few days; it is not to set a precedent, it is to deal with an anomaly. Conca states that she wrote about the event on ecricket and got the word "sponsor" from the *Our Town* article about the event; the event on Saturday is somehow being confused with the Wheelock Solar Project. Bud Driver/Cultural Resource Officer in Deerfield: per Chapter 48 Section 8D, Historical Commissions have protective power that does not require any outside entities; the town needs an informed Historical Commission – they are able to protect cultural/archeological assets; Deerfield has a policy that any outside entity cannot begin archeological work without contacting the Historical Commission; there is a need to protect private landowners and cultivate relationships – an archeological accountability policy enables monitoring and protection. Driver notes the need for education; Harris is a good educator however he runs a fine line regarding private landowners; promotes towns maintaining their protection through the Historical Commissions. DeChiara appreciates Driver's comments and suggests he email information to the Select Board and Historical Commission and notes that the Native American Preservation Working Group is limited to town owned land. Driver references Chapter 29 Section 27C and notes that change comes slowly from public input.

- B. Response to Rolf Cachat-Schilling: DeChiara reads the draft letter to Cachat-Schilling into the record. The letter is reviewed and edited. Aaron asks if Chief Harding was responding to pressure. Makepeace-O'Neil and Torres: no, the decision to provide a police detail was a safety matter. Logan moves to approve the letter to Cachat-Schilling as amended; Makepeace-O'Neil seconds the motion that passes unanimously. Makepeace-O'Neil: should the Select Board have a statement at the event reiterating that the Board is not a sponsor? MacNicol: the Select Board's role has been made clear; the Police will be present, Torres will provide logistics, and, if a Select Board member is present, a statement to that effect could be made; the Town cannot support private events and this is a private event open to the public. Traub requests a copy of Cachat-Schilling's letter that the Select Board letter is responding to. Conca: Select Board support for the event was written about in the *Our Town* newsletter. DeChiara: the article was written in good faith; the Select Board supports community events that promote education and understanding. James Schilling-Cachat: the Select Board supports but does not sponsor. Lisa Saunders appreciates the Select Board's facilitating education and dialog and the good work done on this situation.
5. Cell Tower Update: Item will be attended to during a future Select Board meeting.
6. Native American Preservation Warrant Article & Memorandum of Understanding Process: DeChiara: during the 9.5.17 meeting, the "Resolution in Native American Preservation in the Town of Shutesbury, Massachusetts" became a warrant article. Logan reads a statement into the record: "The issue of Native American Site Preservation in the Town of Shutesbury has become fraught with significant concerns from Native American residents of Shutesbury, other citizens of Shutesbury, and other interested parties. Among the many concerns for **all** parties are fear of violence and intimidation, death threats, need for police protection, distrust, insulting language, bullying, threats of litigation, committee resignations, and other extremely negative and divisive concerns. I stress that these are concerns of ALL interested parties. In my opinion, under these circumstances any current attempts to move forward in the following areas will only exacerbate these concerns. These areas include: 1. Appointment of initial members to a Native American Preservation Working Group. 2. Entering into any potential Memorandums of Understanding as referenced in the 9.19.17 Select Board agenda. In my opinion, it is in the best interest of all concerned parties and the Town of Shutesbury to immediately put in place a twelve month moratorium on any and all actions in the above three areas. After twelve months, any and all actions to move forward in any of the three areas should only be conducted under the auspices of a professional mediator. I therefore make a motion to this affect." Makepeace-O'Neil states her agreement with the concerns noted by Logan especially in light of the new information from Driver. DeChiara states that he does not agree with Logan's recommendation; does agree that the present lack of civility is unacceptable; the Select Board formed a committee to make recommendations on preservation and agreed that more information about the process for preservation will be beneficial to the town; the committee will have to

do its due diligence and report to the Select Board; by going forward with the working group, the situation will be less fraught. Makepeace-O'Neil notes the antagonism of the current environment; a moratorium could allow more civil conditions; does not want the working group's results to be muddied by the incivility. DeChiara acknowledges that there is "non-positive" communication coming from both sides; a moratorium would cause the status quo to remain and could result in silencing people; creating a charge and process for membership on the working group was a reasonable approach. Logan recommends a moratorium followed by mediation and noting the plan for police presence on 9.23.17, there are people with genuine concern for their lives; there is a need to cool down, gather thoughts and deal with a mediator in a calm way. DeChiara: there are financial interests involved that will kick in after a moratorium. DeFant states that she is not an advocate of a moratorium; the working group will have a reconciliation effect; she does not personally feel afraid therefore cannot speak to what makes people feel afraid; we need to look at ways to be inclusive. DeChiara: the goal is to receive recommendations from the working group. Traub: there is the side that is working for the town and there is the side calling the town "not safe for people of Native American heritage", the Shutesbury Athletic Club a "race haters club", and Lacy negative names; there are people resigning from committees; even with her love of history, she will not be a member of the Historical Commission; someone with one drop of Native American blood is qualified to serve however others are subject to criticism. DeChiara: it is up to the Select Board to appoint the working group. Lacy states that he agrees with Traub; he has had many unsatisfactory experiences with the proponents of Native American preservation; supports Logan's proposal and would enjoy having an opportunity to explain the Planning Board process. Stone states her agreement with Logan's recommendation; having gone through the library turmoil, we are getting upset again – there are people being hounded and chased out of their positions. Makepeace-O'Neil: the Select Board makes decisions about going forward and we are seeing that the working group may not be in the best interests of the town going forward. DeChiara: mediation may not work with the parties involved. MacNicol: you cannot force mediation however the Select Board could change the motion, i.e. these two items do not go forward until the Select Board has worked out a process for dealing with the conflict. MacNicol: it is a false assumption that people do not want to go forward with Native American preservation; the concern is the need for civil discourse; recommends not setting up a false equivalent – a cool down period may allow the town to move forward cooperatively. DeChiara: the Select Board has been very explicit that this is about town owned land - we are not taking over private landowners' rights. MacNicol: the majority of citizens are not concerned. Makepeace-O'Neil: the emails were not about private versus public, they were about insults. Logan: there are not a lot of people against preserving sites, there are people who are afraid; wonders if a twelve or six-month moratorium is appropriate. DeChiara: if the appointments are made on 10.17.19, the working group may not start until November; the Select Board could require a three-month renewal in order to allow people to demonstrate their ability to be civil; the working group will allow fact versus

innuendo to come forward. Makepeace-O'Neil: three months is not quite enough, six months is better. MacNicol: in six months, March, town meeting preparations will be under way. Saunders: would not want the Board to put aside work due to bullying; it may be the first time the Board decides to back off however doing so may cause the Board to be asked to "give in" in the future. Logan: the group has been given its charge, the issues are not going to be ignored; recognizes his responsibility to citizens who are afraid; how do we get to a point where people are less afraid. Traub: in Deerfield, the Historical Commission is responsible for the cultural heritage of the town; understands the Shutesbury Historical Commission is at a diminished point, in part, due to the vitriol. DeChiara: the working group would be the body to learn about resources used in other towns; the Historical Commission recommended the formation of a working group. DeFant: managing cultural resources is the responsibility of the Historical Commission. DeChiara: in order to go forward, we had to establish a separate working group; of course, we do not want people to be intimidated however we need to go forward; there is bullying and intimidation on both sides; this is a reasonable step to support information gathering and nothing gets codified until the Select Board receives recommendations; we need not succumb to intimidation. Logan states his concern for those who feel intimidated, bullied and afraid for their lives; does have concern for the preservation of Native American sites. DeChiara: the Select Board is considering a moratorium because of the need for improvement in civility. DeFant: what standard would you use, emails come from a variety of sources. Logan: it will be somewhat subjective however he will know from the type of email received. Lacy: mediation allows a type of conversation not possible in a Select Board meeting; there is a need to clear up myths. Logan: how do we get to that process from here? Logan states that he is not uncomfortable with three months; needs to know that people can come into town hall without feeling afraid. Traub explains the mediation experience relative to the library differences and recommends mediation. DeChiara: the initial response to an education program generated public record requests; is skeptical about getting to open hearted mediation. Makepeace-O'Neil: delaying for a time may allow the temperature to come down; we do not want the working group's outcome to be muddied; we may be heading to a point where we are dividing the town even more; we want a good outcome and need to be aware what personalities we will be putting in the sandbox. DeChiara: what will we be postponing? MacNicol suggests the Select Board could accept letters of interest in the working group and immediately table appointments and the memorandum of understanding for three months; you have to have willing participants for mediation. MacNicol notes that there is not clear separation between the Wheelock solar project and Native American preservation; the town can look to the common goal of Native American preservation after the Wheelock project special permit conditions have been approved by the Planning Board. DeFant agrees with MacNicol's point about the melding of the solar project and preservation matters; there are a significant number of concerned individuals who are not bullying; there is a need to respond to those who are concerned that the town is being one-sided; perhaps the next warrant article (Resolution of Native

American Preservation) will not be as polarizing. Logan asks DeFant for her recommendation. DeFant recommends three months to allow separation from the incivility. Lacy: meeting the special permit conditions is up to the applicant; there are eight pre-construction conditions followed by numerous construction conditions. MacNicol: the developers could be contacted and encouraged to move forward. Saunders: is there something the Select Board could do about the climate that is proactive, maybe some kind of resolution is order; we cannot have people trying to persuade others by using threats/intimidation – it needs to be communicated that using uncivil terms will not be tolerated; changing deadlines is responding to intimidation. DeChiara: one of the criteria for membership on the working group is a demonstrated ability to work with others. Lacy states that he would like to have Planning Board meetings that are not disruptive, i.e. bullying of the chair and the need for police presence – not having these things happen would demonstrate a cooling off period. DeChiara states that he does not want to link Planning and Select Board meetings. Logan states his agreement with DeFant’s recommendation. DeFant: to some extent, as long as the solar project is pending, there will be some insurgent activity. DeChiara: per Saunders’ comments, rather than be tied to a timetable, the Select Board will hold off on appointments until it is satisfied the pool of people will be committed to working together in a civil manner. MacNicol suggests removing a timeframe from the motion and leaving it up to the Select Board to determine when they are satisfied people can work together to move the process forward. The Select Board and MacNicol revise Logan’s original motion. Makepeace-O’Neil states she can support the more general approach that has no time frame and allows the Select Board to revisit the issues. Logan is willing to support the modifications and reads the motion:

“The issue of Native American Site Preservation in the Town of Shutesbury has become fraught with significant concerns from Native American residents of Shutesbury, other citizens of Shutesbury, and other interested parties. Among the concerns for **all** parties are fear of violence and intimidation, death threats, need for police protection, distrust, insulting language, bullying, threats of litigation, committee resignations, and other extremely negative and divisive concerns. The Select Board stresses that these are concerns of **all** interested parties. In our opinion, under these circumstances any current attempts to move forward in the following areas will only exacerbate these concerns. These areas include:

1. Appointment of initial members to a Native American Preservation Working Group.
2. Entering into any potential Memorandums of Understanding as referenced in the 9.19.17 Select Board meeting agenda.

In the Select Board’s opinion, it is in the best interest of all concerned parties and the Town of Shutesbury to immediately table any and all actions in the above town areas until the Select Board is satisfied that people can work together to move the processes forward.”

DeChiara moves and Makepeace-O’Neil seconds the motion that passes unanimously.

DeChiara: we have an official version of the warrant article and have time to decide if we want to put it on the warrant. DeChiara explains that he was contacted by Harris who wanted to talk about protocol for sovereign nations that want to formalize relationships with towns; when the time is right, we will want to consider a memorandum of understanding to create this relationship; no discussion is needed at this time.

7. Historical Commission Membership: Makepeace-O'Neil moves the Select Board accept the resignation of Stephen Puffer from the Historical Commission and Town Center Committee; Logan seconds the motion that passes unanimously. Torres: Marilyn Tibbetts will also be submitting a letter of resignation from the Commission; Karen Czerwonka is willing to remain a member; David Jolivet does not want to remain on the Commission in any capacity. Currently, as there are still three members, Czerwonka and DeFant can meet to consider membership of the Commission. DeFant states that she has some informal information about folks who may be interested in serving and recommends putting information about the need for members on the town website, ecricket, and NextDoor. DeChiara recommends the Commission meet and put forward recommendations.
8. Conway School of Landscape Architecture Projects Update: Lacy: the price for a spring studio project, including site plans with pre-construction detail, is \$7,000; the topic is to be considered further during the next MPWG meeting. DeChiara recommends further review at a future Select Board meeting
9. Record Storage Advisory Committee Appointments: DeChiara moves the Select Board appoint Susan Mosher/Town Clerk, James Aaron/Building Committee, Savanna Ouellette/Library, Leslie Bracebridge/Community, Susan Millinger/Community and Linda Avis Scott/Town Hall employee to the Record Storage Advisory Committee; Logan seconds the motion that passes unanimously. Torres: the Commission charge is for five members. DeChiara moves to amend the charge from five to six members; Logan seconds the motion that is unanimously passed. Torres: the Committee will put forth a budget.
10. Committee Reports: Item will be carried over to the 10.3.17 meeting.
11. Town Administrator Updates: Item will be carried over to the 10.3.17 meeting.
12. Prior Action Item Review: Torres sent information to the Select Board about the regionalization study and will provide additional information when it is obtained; work-off information is pending; the Historical Commission bylaw has been retyped.
13. Future Agenda & Action Items: Review is completed.

Administrative Actions:

1. Green Communities Contract & Release: DeChiara moves to approve the Green Communities/Department of Energy Resources contract for FY18 and the associated Settlement and Release; Makepeace-O'Neil seconds the motion that is unanimously approved.
2. Elementary School Sidewalk Renovation: Per Torres, the Building Committee fully supports the bid from Detour Construction. Makepeace-O'Neil moves the Select Board accept the Building Committee's recommendation to use Detour Construction for the Elementary School sidewalk renovation project and approve the 9.19.17 contract with Detour Construction for \$10,800. Logan seconds the motion that passes unanimously.
3. Select Board members will sign vendor warrants totaling \$138,711.06.
4. Select Board members will sign payroll warrants totaling \$98,706.23.
5. Select Board Minutes: The minutes for the 9.3.17 Select Board meeting will be considered during the 10.3.17 meeting.

Additional Unanticipated Items:

- a. Torres: per MacNicol, the 9.18.17 letter from Attorney James F. Martin letter "Re: W. D. Cows - Shutesbury Proposed MOU with THPO" does not require any follow-up.
- b. Makepeace-O'Neil reports that Celebrate Shutesbury was a great success.
- c. Torres: Scott submitted the FY17 Annual Report to the MMA town report contest.

At 10:50pm, Makepeace-O'Neil moves to adjourn the meeting; Logan seconds the motion that is passed unanimously.

Documents and Other Items Used at the Meeting:

1. Traub 9.12.17 email "Native American stone throwing"
2. Cachat-Schilling 9.14.17 email "Fwd: Stay Away from My Family and I and Stop Harassing Us and Our Friends"
3. Cachat-Schilling 9.13.17 email: "Complaint About Karen Traub"
4. Personnel Board 9.14.17 "Setting Goals for Professional Employees Town of Shutesbury Guidelines"
5. DeChiara 9.18.17 email "Amherst Town Manager process"
6. DeFant 9.17.17 email "Planning Board resignation"
7. Michael Pill "Fwd: This Saturday, Sept 23; 3-5pm Native Sacred Heritage Day in Shutesbury, Sponsored by Shutesbury Select Board"
8. 9.19.17 Select Board letter to Michael Pill
9. Cachat-Schilling 9.18.17 email "Police Protection from Pill for 9/19/17 Select Board Meeting, Native Heritage Event 9/23/17 2:30~6pm"
10. 9.19.17 Select Board letter to Rolf Cachat-Schilling
11. DeChiara 9.18.17 email "excerpt from July 11 meeting"
12. Cachat-Schilling 9.18.17 email "Native Sacred Heritage Day in Shutesbury, Sponsored by Shutesbury Select Board - Poster with full Program attached below"

13. Cachat-Schilling 9.19.17 email: "Sacred Stone Prayer Sites in Shutesbury and the Native Nations – An Educational Forum – PLEASE Share"
14. Cachat-Schilling 9.19.17 email: "Native American Intertribal Council Honored with Commendations from State House and City of Springfield"
15. Cachat-Schilling 9.17.17 email: "We need to talk"
16. 9.5.17 "Resolution on Native American Preservation in the Town of Shutesbury, Massachusetts"
17. Draft "Memorandum of Understanding: Tribal Historic Preservation Ceremonial Stone Landscape Survey"
18. 9.14.17 Stephen Puffer resignation: Historical Commission and Town Center Committee
19. Green Communities/Department of Energy Resources FY18 contract and associated Settlement and Release
20. 9.19.17 Contract for Elementary School Sidewalk Renovation with Detour Construction
21. Cinda Jones 9.11.17 email: "no thanks on preservation group"
22. 9.18.17 email and letter from Attorney James Martin: "W.D. Cowls – Shutesbury Proposed MOU with THPO"

Respectfully submitted,
Linda Avis Scott
Administrative Secretary