

Shutesbury Select Board Meeting Minutes  
October 3, 2017 Shutesbury Town Hall

Select Board members present: Michael DeChiara/Chair and Timothy Logan

Select Board member absent: Melissa Makepeace-O'Neil

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

Guests: Joan Hanson, Susie Mosher, Lisa Saunders, Janice Stone, and Rita Farrell/Positive Presence; Mary Lou Conca, Miles Tardie, Police Officer David Shoemaker, Jeff Lacy, Meryl Mandell, and Julie Stepanek

DeChiara calls the meeting to order at 6:35pm. DeChiara acknowledges that Miles Tardie is videotaping the meeting.

Agenda Review: The status of the Hampshire Health Trust will be considered during the 10.17.17 Select Board meeting.

Public Comment Period:

Susie Mosher/Town Clerk attended a state-wide workshop that focused on dealing with challenging people/situations and open meeting law; to increase awareness, she has posted information about public participation in open meetings. Mosher reads #3 from "Public Participation at Select Board Select Board Meetings" into the record: "Comments made by anyone at the meeting should at all times be respectful. If a speaker persists in improper conduct or remarks, the Chairperson may rescind the individual's right to address the committee. Defamatory or abusive remarks are always out of order." Mosher: our town needs to work on increasing civil behavior; as a civil servant, uncivil behavior makes it hard to do her job; defamatory, threatening, and accusatory language is harmful, increases stress and causes one to feel unsafe; serving the community should be a civil endeavor and she will tell people that she when she is feeling unsafe. DeChiara acknowledges the importance of Mosher's sharing and the need for respect and non-abusive discourse.

Mosher: reading email that is not civil is very difficult. Logan apologizes for Mosher having to deal with difficult discourse; recognizes the assets that Mosher, Torres, and Scott bring to town government. Mosher acknowledges the important work of the Select Board.

Rita Farrell appreciates Mosher's comments and work.

Mary Lou Conca states that she chooses her words carefully and does not think her email is abusive. Conca explains that her 9.30.17 email objects to the decision the Select Board made during the 9.19.17 meeting to postpone the Native American Preservation Working Group; doing so was very upsetting to her. DeChiara: the Native American Preservation Working Group item was on the 9.19.17 agenda with a specified time however the meeting ran late; this particular item was taken in the order listed. Conca: it was an after hours decision; states she is in disbelief as she had more faith in the Select Board. Logan: the Select Board has received many emails; one of these emails misconstrued what happened during the 9.23.17 event; the (9.30.17) email sent by Rolf Cachat-Schilling

addressed to the Select Board stated “May you all rot in hell” and the 10.3.17 email sent by Cachat-Schilling stated that he intended to file a lawsuit against individual Select Board members and the Select Board as a whole therefore he (Logan) is unwilling to say more on the subject.

DeChiara notes that he attended the 9.23.17 event. Logan was in attendance as well.

Torres: Makepeace-O’Neil was in attendance however left early for another commitment.

DeChiara: per request of the authors, the following email letters will be included, by attachment, in the minutes for the meeting:

1. Email dated 10.2.17 from RG Cachat: “Please read the attached letter into the record of your next meeting”
2. Email dated 9.29.17 from Mary Lou Conca: “Please include in your meeting minutes”

### **Discussion Topics:**

At 6:53pm, Tardie reports that he has stopped video recording the meeting.

1. Plan All Boards Meeting: DeChiara: it is time to discuss what members want to achieve from the fall all boards meeting. DeChiara suggests Mosher provide an update on open meeting law and that there be a conversation about civility. Logan: as a first priority, he would like a goal of at least two members of each board to be in attendance at the meeting and that there be a focus on more teamwork, interaction, and intercommunication between boards. DeChiara acknowledges the need to increase participation and for good communication about the meeting date. Tentative All Boards meeting date: 11.14.17 at 7:00pm; the Select Board meeting will start at 6:00pm; planning for the event will continue during the 10.17.17 meeting. Torres suggests boards/committees submit bullet summaries about their activities in advance of the 11.14.17 meeting.
2. Shutesbury Cell Tower Update: DeChiara recommends that updating the cell tower bylaw be added to the Planning Board’s list of “Zoning Projects To Consider in FY 2018”. Per DeChiara: the goal is to locate a cell tower on town-owned land at the top of the hill. Jeff Lacy: all town projects are permitted; such permits are not discretionary on the part of the Planning Board however the numerics in the bylaw apply. DeChiara: the numerics may need to change. Meryl Mandell: when fiber arrives, repeaters can be added to poles and cell towers may not be needed. DeChiara: the location of a cell tower may bring some revenue to the town. Torres: the Broadband Committee considered mini-cells; the use of repeaters is not doable, at this point, because there is an added process for additional equipment on the poles. Lacy: in the past, Lot O32 was determined to be a viable, inconspicuous location for a cell tower. Torres has yet to receive follow-up from her cell tower contact. DeChiara: next steps - add updating the cell tower bylaw to the Planning Board’s list and schedule a time to meet with the Planning Board. Torres will follow-up on the Planning Board agenda with Deacon Bonnar/ Chair.

3. Conway School of Landscape Architecture Project Update: Logan states that he would have wanted Makepeace-O'Neil to be present for this discussion however Mandell cannot be present for the 10.17.17 meeting. Mandell: the charge from the Select Board was to be more specific; the Master Plan Working Group (MPWG) has spent the most time, to date, considering a concept plan for Lot O32; the MPWG recommends that relevant committees be represented on a committee considering the use of Lot O32. Per Lacy, the Conway School would assess the site and develop a plan via a public process with a trained design charrette facilitator; the plan could include a potential solar field, senior housing, a connection to West Pelham Road, library/community center; the EEOA grant for realizing Master Plan visions could potentially fund the \$7,000 Conway flat fee; this could bring the vision forward into implementation. DeChiara: there may be another grant to pay for similar work related to sustainability and climate change and focused on water usage/salt contamination. Torres: the EOEEA grant is for one project; \$10,000 in Community Compact funds will address water quality issues. DeChiara will communicate with Conway that Shutesbury will not have a winter project; spring projects are site design specific therefore suitable for Lot O32. Farrell: will soil testing or other environmental assessments be done by Conway? Lacy: some level of environmental assessment will be done. Mandell reads a brief summary of the site assessments that will be done by Conway, who will also research information/assessments that have previously been done for the site. Torres: there is a written report on the Lot O32 analysis that was done during the library exploration process; when a recent concern was raised about the site, the Water Resources Committee reviewed this report to their satisfaction; prior to the library grant application, Tighe & Bond assessed the parcel; there is debris that needs to be removed from the site. DeChiara: if the EOEEA grant is due soon after the next meeting, we need to decide whether to pursue it. Logan moves the Select Board authorize Torres to work with the MPWG on the EOEEA grant application; DeChiara seconds the motion. Lacy: the town is required to make a 25% grant match. Torres: Lacy's consulting time as a planner, at \$125/hour, could be used for the required match. Mandell recommends budgeting funds for site testing and debris removal. Lacy: there is room in the grant for testing; there will be demolition costs for the garage and removal of the farm dump. Janice Stone confirms that a professional survey was done on Lot O32. Mandell urges the Select Board to form a Lot O32 committee in a timely way. DeChiara affirms the need for the committee because the MPWG will sunset. The motion passes unanimously. Voting on the grant application will occur during the 10.17.17 meeting. Logan appreciates the work of the MPWG.
4. Hampshire Health Trust: The Hampshire Trust executive meeting will occur 10.4.17; the PPO (Preferred Provider Organization) will be voted on at this time. Per Torres, Voelker will be doing further research on the matter. Torres: the school union contract has language about the premium percentages paid by the employee and the town; the union contract does not any authority to address plan details. Torres: most municipal treasurers are representatives to the Hampshire Health Trust; source document on representation has been requested. Torres, per

MacNicol/Town Counsel: the Select Board has no role in the matter though did suggest that Torres contact the school's attorney and a request for contact with this attorney is in process; Shea (?) would be happy to meet with and explain details to the Select Board. Item will be further attended to during the Select Board 10.17.17 meeting when Makepeace-O'Neil and Voelker are in attendance.

5. Historical Commission Update: DeChiara: until the Board accepts Marilyn Tibbetts' resignation, the Historical Commission has three members. Torres: per the 1973 Annual Report, the Select Board appointed seven members to the Historical Commission. Stone: town meeting approves the creation of the Commission and the Select Board appoints the membership. Torres: the Historical Commission bylaw is actually a regulation; Historical Commissions are defined by statute. DeChiara: per MacNicol, if seven members are required, with only three members, there is no quorum; the current members can hold an information session. Torres: for practical purposes, the town has based quorum on the number of active members and a committee can establish a specific quorum. The remaining Historical Commission members are meeting on 10.6.17. Six individuals have expressed interest in membership on the Commission; there can be associate members as well. Item will be further attended to during the next meeting.
6. Committee Reports:  
MPWG: Per Logan, four additional meetings are anticipated – two on low hanging fruit, two on fiscal responsibility; recommendations on both of these will be forthcoming.  
Regional Assessment Working Group: Per DeChiara, the next working group meeting will be 10.11.17; recommendations from Abrams are expected.  
Web Communications Committee: Per DeChiara, the Committee's work is in process.
7. Town Administrator Updates:
  - A. Dog Hearings: Letters announcing the hearings will go out 10.4.17.
  - B. Microphone equipment purchases are in process.
  - C. DOR MLP Guidance: Per DOR, telecommunications MLPs are not "real" MLPs under Chapter 164; DPU has already abandoned telecommunications MLPs, therefore DOR/DLS developed specific guidance. Per Torres: our MLP accounting is fine therefore we are able to move forward with construction; there will be following up with Sean Cronin/Deputy Commissioner of Local Services. Per Huntress, Shutesbury is working on make-ready and, per Bill Ennen/Last Mile Implementation Coordinator, the next allotment of funds is not yet available; Ennen will be working on the problem with Senate President Stan Rosenberg; Huntress recommends the Select Board send a letter requesting the release of funds. Logan moves the Select Board send a letter to Senate President Rosenberg requesting the release of the second phase of Last Mile funding. DeChiara seconds the motion that passes unanimously.

8. Coordination w/Leverett Select Board: DeChiara: the Leverett Select Board requests a joint meeting to consider a shared police chief; date planning in process.
9. Cultural Council Appointments: Torres: the Council is considering reducing its membership from seven to five members; suggests, however, appointing five members rather than changing the size of the Council. Julie Stepanek/Cultural Council: the current four-member Council recommends Becca Wheeler as a returning member. Logan moves the Select Board appoint Becca Wheeler to the Cultural Council; DeChiara seconds the motion that passes unanimously.
10. Review Prior Action Items: Review completed.
11. Future Agenda/Action Items: Review completed; based on free cash certification, the 10.17.17 meeting with the FinCom may be rescheduled to 10.30.17.

#### Administrative Actions:

1. EMPG Grant: DeChiara moves the Select Board approve the Emergency Management Performance Grant application for FY17; motion is seconded by Logan and passes unanimously
2. 2020 Census: Mosher/Town Clerk requests a signature from the Chair of the Select Board on a document relevant to participation in 2020 census preparation. The document is signed by DeChiara
3. Personnel Action Form: DeChiara signs the PAF for new police officer Dan Fernandes.
4. Open Meeting Law Update: Per Torres, recent updates to Open Meeting Law require the Select Board to adopt the municipal website as the official primary method of posting meeting notices. DeChiara moves the Select Board adopt the municipal website as the official primary method for posting meeting notices; Logan seconds the motion that passes unanimously.
5. The Select Board will sign vendor warrants totaling \$60,191.41.
6. The Select Board will sign payroll warrants totaling \$96,716.37.
7. Select Board Minutes: DeChiara moves and Logan seconds a motion to approve the 9.5.17 Select Board meeting minutes as amended; motion passes unanimously.

DeChiara moves to adjourn the meeting at 8:29pm; Logan seconds the motion that passes unanimously.

#### Documents and Other Items Used at the Meeting:

1. "Public Participation at Select Board Meetings"
2. 9.30.17 email from Mary Lou Conca: "Native American Working Group"
3. 10.3.17 email from RG Cachat: "Letter from Interested Party – Notice of Intention to File Suit"
4. 9.30.17 email from RG Cachat: "Event"

5. 10.2.17 email from RG Cachat: "Please read the attached letter into the record of your next meeting"
6. 9.29.17 email from Mary Lou Conca: "Please include in your meeting minutes"
7. "Zoning Projects to Consider in FY18"
8. Sean Cronin's September 2017 "Last Mile Broadband Project Financial Guidance"
9. FY2017 EMPG Standard Contract Form
10. Relevant Open Meeting Law update
11. PAF for Police Officer Daniel Fernandes

Respectfully submitted,  
Linda Avis Scott  
Administrative Secretary