

Shutesbury Select Board Meeting Minutes  
December 19, 2017 Shutesbury Town Hall

Select Board members present: Michael DeChiara/Chair and Melissa Makepeace-O'Neil  
Staff present: Becky Torres/Town Administrator; Linda Avis Scott/Administrative Secretary

Guests: Atty. Brian Mazer/KP Law, Police Sgt. Wendy Masiuk, Tony Torres/Police Union #44, Police Chief Tom Harding, Susie Mosher/Town Clerk & Board of Registrars; Janice Stone, Penny Kim and Susan Millinger/Positive Presence, April Stein/Personnel Board, Tom Scanlon/Scanlon & Associates, Gail Weiss/Town Accountant, Gabe Voelker/Town Treasurer; Mark Rivers and Paul Lyons/Lake Wyola Advisory Committee, Fred Hartwell/Lake Wyola Association and Walter Tibbetts/Fire Chief, Emergency Management Director & Lake Wyola Advisory Committee

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

At 6:31pm, DeChiara moves to enter into executive session for reason #1/per M.G. L. C.30A, Sec. 21 (a)(1) "to discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual" and to return to open session; Makepeace-O'Neil seconds the motion. Roll call vote: DeChiara: aye and Makepeace-O'Neil: aye

Open session resumes at 6:56 pm.

Public Comment: None offered.

**Discussion Topics:**

1. Filling the Select Board Vacancy: Per Torres, there are two options: hold a special election for the position or leave the seat vacant until the annual town meeting election. It is noted that the cost of a special election is \$1600 plus the cost of a separate town-wide mailing. Torres notes the demands on a two person Select Board and that, legally, one Board member can sign the payroll. DeChiara and Makepeace-O'Neil concur on keeping the seat open until annual town meeting. DeChiara moves the open Select Board seat remain vacant until the 2018 annual town meeting election. It is noted that there will be two Select Board seats open: one two-year term and one three-year term. Makepeace-O'Neil seconds the motion that passes unanimously.
2. Board of Registrars Vacancy Process: The Board refers to the 12.12.17 memo from Susie Mosher/Town Clerk clarifying the appointment process for the Board of Registrars, specifically, that the rules for filling a vacancy are different from those for a term that is set to expire. DeChiara recommends Tibbetts' seat remain open until the regular appointment period in February/March. Makepeace-O'Neil moves the Select Board accept Marilyn Tibbetts' resignation from the Board of Registrars; DeChiara seconds the motion that passes unanimously. Makepeace-

O'Neil moves the vacancy remain open until the regular time period for Board of Registrar appointments; DeChiara seconds the motion that passes unanimously. Mosher: per the State Republican Committee contact, Anthony Preston, no official Republican party is registered for Shutesbury; either the local party can become active or default to the State party. DeChiara: given the political affiliations in town, it does not make sense to have two Republican registrars and one Democratic registrar. Timing for the process is reviewed; seats need to be filled by 3.31.18; Peter Nyzio's term will expire 3.31.18. Mosher: the stipend for registrars is \$212.75/per person; since the stipend was initiated, the registrars' roles have changed and little is required of them; she has asked for a meeting with the two remaining Registrars to discuss this topic. Penny Kim/Moderator: a Registrar cannot hold an elected position in Town. DeChiara: if no name is put forth, the Select Board will choose the appointee.

3. Auditor's Report/Tom Scanlon: Torres: Tim Logan/former Selectman had questions about the fundamentals of auditing. Scanlon: the premise of the audit is to express an opinion about the town's financial procedures; Shutesbury received an "un-modified" opinion which is the best opinion a town can receive; his firm specializes in municipal audits; Shutesbury has one of the best financial teams. Scanlon encourages the Select Board to become involved in oversight, i.e. at least once per year, review the free cash certification packet. Per Scanlon, all audits are similar in nature; a municipality has three balance sheets; Shutesbury has excellent internal controls; having segregation of responsibilities is important. Gail Weiss/Accountant explains that the free cash certification is usually submitted during the month of October; recommends the Select Board review once certification is achieved in November. Scanlon: Select Board signing of warrants is a check. Gabe Voelker/Treasurer: Weiss and herself reconcile once/month. Scanlon: Shutesbury's internal controls are in place however these procedures need to be documented in a manual in a simple, understandable, and active way; Shutesbury has an excellent collection rate of 99%. Makepeace-O'Neil appreciates Weiss and Voelker's work. Scanlon: Shutesbury's reserves, at 40%, are outstanding indicating that the Town's reserves policy is working; refers to the "Management Letter for the Year Ended June 30, 2016" that focuses on items that will help with operational efficiency noting that the most significant item is the deficit in the Green Communities Grant. Torres: at this point, all of the Green Communities projects have been certified and the funds are in process; we still have about \$15,000 to spend. Scanlon recommends that the Select Board follow-up on this; the revolving fund records at the elementary school need to be accounted for in a different way in order to improve detail and communication. Torres: the new Financial Director/Bruce Turner is working with the school to make improvements. Scanlon regarding Torres' question about the need for time cards: in a small town, time card systems are not necessary; salaries are controlled by budgets. Scanlon regarding DeChiara's question: improvement could be made in maintaining the capital assets spreadsheets. It is noted that the historical discrepancy in the Collector's cash on hand has been resolved. Torres regarding Logan's concern about the need to change auditors: there is not a plethora of

auditors, municipalities have DOR oversight and municipal structure is not like corporate structure. Scanlon: municipalities are budget not profit based; encourages Select Board involvement in the audit process; fraud control is a matter of Select Board oversight. Torres reports that she is compiling an internal controls manual and will seek guidance from Scanlon.

4. Lake Wyola Advisory Committee (LWAC) Cove Presentation: Mark Rivers: in the 1960s and 70s, the coves were deep enough to drive a boat through; in the 90s, weather events caused the cove to fill in so that in some places the water is only 1' deep and even the use of a kayak is difficult; the 2005 study, "Lake Wyola Inventory and Evaluation" by Natural Resources Conservation Service confirmed the sources of siltation; currently, north cove residents are interested in dredging the cove to remove silt. Rivers, referring to his 12.15.17 memo "Lake Wyola Cove Restoration Project", reviews the list of benefits dredging would accomplish and notes that a committee of lake residents has been formed; Rivers will serve as the LWAC representative to this committee. Per Rivers, the committee's goal is to ask for funding from the Lake Wyola Association; in researching other projects, the committee has learned that the Lake Wickaboag dredging project has everything in place and is waiting for funding from the State and that Easthampton did a dredging project on Nashawannuck Pond and is available to assist Shutesbury in going forward. Rivers: the goal, tonight, is to ask for Select Board support for the project; the next phase will be an engineering study, i.e. the depth of the lake, the depth of the sediment, the nature of the sediment as this will have an impact on the cost of the project, the method of dredging and what can be done upstream to prevent future siltation; once the engineering study is complete, project funding will be sought. Rivers: the LWA has an environmental fund and the committee is requesting financial assistance from the Community Preservation Committee (CPC); GenTech's quote for an engineering study is ~ \$12,000; Select Board support would lend legitimacy to the project; the CPC recommended the group get support from town committees; the LWA should be the driver/sponsor as cove residents have the most stake in the matter however it has to be a town project at some point. Torres: with that approach, it is not a town project. DeChiara: this will evolve into a large project, i.e. the need to drawdown the lake. Rivers: Federal and State funding will be needed; Federal funds may be used for upstream prevention. Janice Stone notes that the Easthampton project took 20 years. Stein: would the project also include Wendell? Rivers: there are upstream areas in Wendell that may be involved. Fred Hartwell states that he submitted the Determination of Eligibility application to the CPC who determined the proposal to be eligible; North Cove has become the detention basin for Lake Wyola; an old bathymetric map of undetermined date shows the maximum depth to be 40'; a 2016 Division of Fish and Wildlife map indicates that the maximum depth is now 35' evidence that the detention basin is full; there is a pondlet on the north side of Lakeview Road that could be used as a detention basin; this will necessarily become a town process. Walter Tibbetts/Emergency Management Director states that he is in support of the plan for an engineering study. DeChiara; beyond the CPC, there needs to a conversation about aspirations for the lake resources.

DeChiara moves the Select Board support the request for quote to obtain bids for a dredging feasibility study for Lake Wyola with the understanding the Town is not committing any financial resources or to any future projects beyond the feasibility study; Makepeace-O'Neil seconds the motion that passes unanimously. Torres will draft the letter of support to be reviewed by the committee prior it being signed by the Select Board.

5. Cultivation in Shutesbury: DeChiara refers to the 12.13.17 email, "Cannabis Cultivation in Shutesbury" from Garrett Connelly, expressing interest in Shutesbury as a site. Torres has received other inquiries including questions about available warehouse spaces, town sewer and water; as Shutesbury does not have these basic requirements, inquirers are no longer interested; there is a push for open field production; at this point, it not possible for marijuana to be sold at the farmers market. DeChiara: technicalities aside, the Select Board does not have a position because this would be a private endeavor. Mosher: some towns are considering recreational sales moratoriums. Torres: moratoriums are being sought because, thus far, State guidance has not been forthcoming. Inquiries will be forwarded to Torres who will keep the Select Board abreast of any changes regarding sales at the farmers' market.
  
6. Annual Reviews: The Personnel Board presentation on annual reviews is scheduled for 1.23.18. Makepeace-O'Neil reports that the Personnel Board is working toward a recommendation that will address Select Board concerns. DeChiara: for accountability reasons, a process for annual reviews needs to be in place; of importance to him is the community's need for accountability and how to capture the will of the Select Board who is responsible for oversight while not being involved in the day-to-day functions of departments/staff. Stein: the Personnel Board's goal is to develop a collaborative process that promotes dialog; having department heads attend Select Board meetings on a regular basis will facilitate collaboration. DeChiara: could regular attendance at Select Board meetings be part of the contract negotiation process? Stein: it could be a monthly or bimonthly request. Makepeace-O'Neil: Tom Scanlon, someone with experience, gave a very good review of our financial team; suggests providing time to listen to department heads, i.e. what is working and what assistance they may need from the Select Board. DeChiara notes the need for the Select Board to know more about what is going on. Stein: department attendance at more Select Board meetings would give the evaluator more information. DeChiara: it is important to know if things are not going well. Stein: it is important to give employees the opportunity to share their visions for their jobs. DeChiara notes that Torres is the hub for the department heads however is not their supervisor. Torres: in some nearby towns, the town administrator is the supervisor for department heads. Stein notes that the town administrator understands the work of department heads and asks if the Select Board would like the Personnel Board to look at this concept and what local towns are doing. DeChiara: yes. Kim confirms that two aspects are being considered: a give/take on how things are going and the annual assessment process; the Amherst Select Board uses a creative compilation

review process and presents a summary report in an open meeting. Stein: the Personnel Board is moving toward not having the review take place in a public forum.

7. Master Plan Working Group Recommendations: Torres: the \$12,000 Planning Assistance grant for Lot O32 has been received; \$7,000 of the grant has been allocated for the Conway School of Landscape Design (CSLD) feasibility study of potential uses for the property. DeChiara asks Torres to contact the CSLD about the Town's readiness for a spring project. DeChiara refers to the MPWG recommendations for committee representation noting the need to include the Conservation Commission. DeChiara reads the Lot O32 committee charge into the record: "The committee is charged with conducting a feasibility study and creating a concept plan for the possible use(s) of Lot O32 that is consistent with the four major areas that surfaced from the data gathered from focus groups and surveys...The committee will also organize and conduct public charrettes that engage the Shutesbury community in discourse around ideas for use of the lot." Torres: the January issue of the "Our Town" newsletter could announce the need for at-large members. DeChiara notes the need for a timeframe. Torres suggests including more about the CSLD study in the committee's charge. Makepeace-O'Neil and DeChiara agree to continue the topic during a future Select Board meeting. Torres: previously conducted site studies and testing will be shared with the CSLD. Makepeace-O'Neil: the charge may include the need for these studies to be informational and that a particular project not be pigeon holed. Mosher: there is a need to promote the CSLD skill set. Board members plan to consider "low hanging fruit" during the next meeting.
8. Historical Commission Alternate Position: DeChiara: in the past, non-commissioners have been offered an associate position; to be consistent, he recommends continuing with the associate position. Makepeace-O'Neil agrees with maintaining a process that has worked in the past. DeChiara moves the Select Board reaffirm its offer to Mary Lou Conca to be an associate member of the Shutesbury Historical Commission and not the alternate position. Makepeace-O'Neil seconds the motion that passes unanimously.
9. MEMA/FEMA: Torres refers to the 11.27.17 email from Shirletta Leung/MEMA Lead Hazard Mitigation Contract Specialist regarding the specific documents to be signed in order for the Town to receive the balance of funds due for the December 2008 ice storm projects. Makepeace-O'Neil moves the Select Board sign PW 00909/Emergency Protective Measures/Volunteer Services for work completed 12.19.08 for \$\$4,086.00; DeChiara seconds the motion that passes unanimously. Makepeace-O'Neil moves the Select Board sign PW 00190/Debris Clearance for \$2,095.78; DeChiara seconds the motion that passes unanimously. Makepeace-O'Neil moves the Select Board sign PW 00099/Debris Clearance for \$1,262.25; DeChiara seconds the motion that is unanimously approved.
10. Town Administrator's Update:

- A. The FinCom needs more information before approving \$5,000 towards security systems for the Highway and Fire Department buildings; \$5,000 of the \$10,000 grant request has been approved; Chief Harding is the lead contact for the project. Makepeace-O'Neil notes the importance of having 24/7 monitoring of the buildings especially given that there are fueled vehicles inside each building. Torres: one approach would be to install fire detection systems in both buildings. Makepeace-O'Neil moves the Select Board support the FinCom in at least funding fire detection on both the Highway and Fire Department buildings; DeChiara seconds the motion that is unanimously approved.
- B. The Green Communities Grant annual report has been submitted. Per Torres: the Building Committee has not supported some of the potential Green Communities projects. She is attempting to have the Energy Committee meet; electric car charging stations could be funded via another type of grant; the Green Communities funded projects need to be completed; the Tesla tiles idea is considered for the Broadband Internet hut.
- C. Regarding the "Financial Policy Approval Calendar" as per Joe Markarian/FRCOG, Torres recommends the Board read through the policies and prepare questions for the 2.6.17 meeting.

11. Committee Updates: Makepeace-O'Neil reports that the Council on Aging newsletter was mailed last week and that the FinCom is meeting with department heads.

12. Prior Actions/Future Agenda Items are reviewed.

Administrative Actions Considered:

- 1. The Select Board has signed vendor warrants totaling \$325,094.10.
- 2. The Select Board has signed payroll warrants totaling \$105,025.16.
- 3. The Select Board has signed Broadband warrants totaling \$86,734.87.
- 4. Capital Planning Committee: DeChiara moves to appoint Michael Broad to the Capital Improvement Planning Committee; Makepeace-O'Neil seconds the motion that passes unanimously.
- 5. Building Committee: DeChiara moves to appoint Steve Sullivan to the Building Committee; Makepeace-O'Neil seconds the motion that passes unanimously.
- 6. Select Board Meeting Minutes: DeChiara moves to approve the 12.5.17 meeting minutes; Makepeace-O'Neil seconds the motion; the 12.5.17 minutes are unanimously approved as amended.
- 7. Veterans' Inter-Local Agreement: Makepeace-O'Neil moves the Select Board sign the "Upper Pioneer Veterans' Services District Inter-Municipal Agreement" to continue for three years through June 30, 2021/FY21; DeChiara seconds the motion that passes unanimously.

At 9:48pm, MD moves to adjourn the meeting; Makepeace-O'Neil seconds the motion that passes unanimously.

Documents and Other Items Used at the Meeting:

1. Mosher's memo "Select Board Vacancy 2017"
2. Mosher's 12.12.17 memo regarding Board of Registrars vacancies
3. "Report on the Examination of Basic Financial Statements for the Year Ended June 30, 2016" by Scanlon & Associates
4. "Management Letter for the Year Ended June 30, 2016" by Scanlon & Associates
5. River's 12.15.17 email "Lake Wyola Cove Restoration Project"
6. August 2005 "Lake Wyola Inventory and Evaluation" by Natural Resources Conservation Service
7. 12.13.17 Connolly email "Cannabis Cultivation in Shutesbury, MA"
8. 12.5.17 Conca email "Alternate Membership of Historical Commission"
9. 11.27.17 Leung email "FEMA DR-1813-Town of Shutesbury" and related MEMA documents re: FEMA-1813-MA December 2008 Ice Storm"
10. Upper Pioneer Valley Veterans' Services District "Inter-Municipal Agreement"

Respectfully submitted,  
Linda Avis Scott  
Administrative Secretary