

Shutesbury Select Board Meeting Minutes
May 15, 2018 Shutesbury Town Hall

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

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

Guests: Susie Mosher and Penny Kim/Women of Positive Presence, April Stein and Anna Aaron/Personnel Board, Gail Weiss/Town Accountant, Gabe Voelker/Town Treasurer, Walter Tibbetts/Fire Chief, Deacon Bonnar and Jeff Lacy/Planning Board, Meryl Mandell/former Chair of the Master Plan Working Group and Sanford Lewis

DeChiara calls the meeting to order at 6:03pm.

Discussion Topic:

1. Town Administrator's Responsibilities: DeChiara explains that the purpose of this agenda item is to review changes to the Town Administrator's responsibilities and refers to job description sections on page one "Town Operations and Departments" that define the focus of the changes. Makepeace-O'Neil: the process began with the goals of preventing performance reviews from being done in open session and defining a process that was not in conflict with Open Meeting Law. Makepeace-O'Neil continues: to meet these goals, the Town Administrator will have daily oversight of town hall operations and departments and responsibility for primary performance reviews. DeChiara: the Select Board retains hiring/firing authority and the Town Administrator may request advisory participation for reviews. Stein: in order for reviews to be collaborative and dialog to be effective, the Personnel Board worked closely with Town Counsel to find a way to avoid reviews being done in open meeting; the intent is not to overtake the Select Board's ultimate responsibility to hire and fire. Aaron: the process began with the Select Board's wish for reviews to be done on a regular, effective basis. DeChiara: the goal is to perform reviews in a way that is open and effective; another benefit will be that since the Town Administrator is in touch with department personnel, the Administrator will be able to identify cross department needs, i.e. for training. Walter Tibbetts/Fire Chief: what is meant by the use of the word "oversees"; is the Town Administrator our supervisor? DeChiara: the Select Board has delegated day-to-day supervision to the Town Administrator; it is clear that the Fire Chief is in charge of running the Fire Department. Tibbetts: it is more like the Administrator "oversees and coordinates". DeChiara: the Town Administrator's responsibilities do not trump those of department heads; suggests the Personnel Board may want to review this wording so that it more clearly expresses the intent. Susie Mosher: the last sentence clearly states the Town Administrator's function relative to department heads - "Town Administrator advises, supports and assists department heads in performing the functions of their offices and provides coordination on inter-departmental activities". Stein: the Personnel Board will review the language relative to the use of "supervises" and

ensure the wording meets legal requirements. Penny Kim recalls that as a former member of the Personnel Board, there was recognition of the need to clarify the responsibility for day-to-day operations and appreciates the Personnel Board's work in doing so. Tibbetts refers to "Supervisory Responsibilities" on page two and asks for review of the use of "supervise". Stein: the Administrator coordinates and supports. DeChiara: department heads will have a collaborative relationship with the Town Administrator as the hub not as a micro-manager. Gabe Voelker/Town Treasurer acknowledges the need for clarification for the future; all present understand the intention however that may not be the case in the future. Torres joins the meeting and receives an update on the earlier discussion. Puleo: department heads are still in charge of their departments as they are now. Torres states that she understands the intent is for the Administrator to be responsible for overseeing day-to-day operations and supervising department heads however does not oversee or supervise their departments. DeChiara: in the Select Board's absence, the Town Administrator is ensuring departments are working together. Mosher: Both Tibbetts, Weiss and Voelker asked for the Personnel Board's clarification.

DeChiara acknowledges and welcomes Elaine Puleo's return to the Select Board.

Public Comment Period: Jeff Lacy/Planning Board states that he, Meryl Mandell/former Chair of the Master Plan Working Group (MPWG) and Deacon Bonnar/Planning Board Chair have public comments. Lacy: we are seeking Select Board signoff on the unsubmitted portion of a Planning Grant proposal/application; these grants are offered intermittently and the Select Board chose to back out of the one the town received. Lacy continues: the Planning Board felt it was their duty to reapply for the grant in order to implement the vision of the MPWG; essentially, only the date of the application has been changed to July 2019; because the original due date was 5.11.18, enough information was submitted to hold a place; this date was subsequently changed to 5.25.18. Lacy: we are asking for Select Board endorsement to submit the application so the opportunity for funds does not pass us by. Lacy notes that the project will be done during the term of the new Select Board. Mandell: per the Select Board, the MPWG went back to work; Lot O32 was the primary element and highlighted many of the components of the vision; the MPWG heard from a lot of people that they want to see planning done for the Lot O32 parcel and there is still a lot of interest; by any stretch, this is not all about a new library. Mandell states that she personally supports bringing the grant forward as an outreach effort to bring more information to the town. Bonnar states that he is present to offer support to Mandell and Lacy. Lacy will donate time/services to meet the town match for the grant. Mandell: Lacy will not be paid in any way; he will be donating measurable hours to meet the town's match requirement. Lacy: if there is any problem, he will not offer to donate his services. DeChiara: per common practice, it is the Select Board's intention to hear public comment and not to take any action; a majority vote will be needed to place the item on tonight's agenda as unanticipated business. Puleo: per Lacy, the due date for the grant is 5.25.18 and there is no Select Board meeting scheduled between now and then, therefore the Select Board needs to discuss the item. Puleo moves the Select Board take the item as an unexpected business on tonight's agenda;

Makepeace-O'Neil seconds the motion. DeChiara refers to minute excerpts from the 1.23.18, 2.6.18 and 4.3.18 Select Board meetings. DeChiara does not want to go forward with an agenda item because starting 1.23.18 it was made clear that Makepeace-O'Neil and I did not want to proceed with the grant and would not return to the topic until July 2019; Lacy attended the 2.6.18 meeting and the new idea to use the grant for climate adaptation efforts was proposed during the 4.3.18 meeting; the Planning Board unilaterally approved going forward with the FY19 grant submission during their 4.9.18 meeting; the Select Board held three meetings since then during which the Planning Board could have discussed their plan to go forward with the grant; there was no collaboration - they are only here tonight after realizing they need to obtain Select Board support. DeChiara to Puleo's request for clarification: the original grant was received and the Select Board requested the Town Administrator decline the funds; subsequently, it was learned that the money was still available and a new scope of work could be presented therefore the idea for a climate change proposal was formed. Per DeChiara, the new Planning Board proposal is for a new grant round, however, their proposal is the same as what the Select Board voted against due to concerns noted in the 1.23.18 minutes. Puleo: there is no guarantee there will be a future grant for this purpose. DeChiara: the idea is to restart the discussion in July 2019. Puleo: would it not behoove us to have the money in hand? Torres: the original application was in the fall of 2017; we were planning on a spring execution of the project. Makepeace-O'Neil: there were trigger words in the original grant that may have been problematic. Mandell: the Select Board asked the MPWG to come back with ideas; there was no notice to the MPWG that the Select Board was going to take up the grant decision on 1.23.18. Mandell states concern about the statement "There is too much tension around the project now" and notes that the visioning process was about identifying what people are interested in considering; the process would have included sessions to hear from citizens. Mandell to the Select Board: you are missing a huge opportunity to continue the visioning process; the visioning was an extremely positive process and this would have allowed the town to take the next step. DeChiara: there was a lot of contention with the solar project and Native American issues; once the grant was approved, he began to have concerns about continued contentiousness and Makepeace-O'Neil agreed thus we declined the grant; climate mitigation is not controversial. Lacy recalls attending the 2.6.18 Select Board meeting to state his feelings about the Select Board's decision not to move forward; the Planning Board swung back into the process when the new round of grants became available; we have moved along a line of progression toward civil communication then the town went through the visioning process. Lacy states his feeling that we are ready for these types of discussions and, if the grant is received, the process will not happen for another full year. Mandell: the grant proposal is for work one level above specific projects. Makepeace-O'Neil: that may be what we understand however others may jump on the words "library, housing, etc." Mandell: those topics came up during the visioning process. DeChiara points out that he did not talk Makepeace-O'Neil into declining the grant. Lacy reports receiving an email early this morning from DeChiara raising concerns about conflict of interest; there is nothing in the grant for him and he is willing to not be involved in the grant if it helps to move it forward. Motion vote: Puleo: aye; Makepeace-O'Neil: nay and DeChiara: nay; the motion does not pass and the Select Board will not consider the item as unexpected business on tonight's agenda.

Discussion Topics:

1. Town Meeting De-Brief/Letter to Legislators: Penny Kim/Town Moderator states that from her perspective annual town meeting went well. Puleo wanted there to be a larger percentage of town residents present. Kim: more participation is a question of education. Puleo: would we be better to have two town meeting evening sessions town and hold voting on a Tuesday? DeChiara: to change town meeting format would require a town meeting vote. Considering a change to town meeting format is tabled. Board members review DeChiara's draft letters to Representative Stephen Kulik, Senate President Harriet Chandler and Senator Karen Spilka regarding Town Meeting Warrant Article #5. Makepeace-O'Neil moves the Select Board approve the letters to be sent to Kulik, Chandler and Spilka; Puleo seconds the motion that is unanimously approved.
2. Employee/Volunteer Email Management: Per DeChiara, the purpose of this discussion is how to implement sequestration of emails from the individual who has been banned from sending email to town employees and volunteers. Makepeace-O'Neil: in order to be aware of what is being sent, the Select Board will continue to receive email from this individual. Torres reports that she has been in consultation with Fred Steinberg and is seeking guidance from the Web Communications Committee on how to communicate with board/committee members that do not use town email addresses for town business on how to block email from this individual. DeChiara suggests Torres draft an introductory email to town employees and volunteers that will be reviewed during the 5.19.18 meeting.
3. Marijuana Advisory Committee: DeChiara: Sanford Lewis recommended a "cannabis business development committee" as part of the amendment to Article 18; by default the Select Board will appoint this committee. Kim, as Town Moderator, agrees that the Select Board is the appointing body. Lewis proposes the business development committee be composed of residents and non-resident experts; the goal of the committee will be "sustainable cannabis business development" - to develop in way that is good for business, environment, and neighbors; now that the amendment limiting the moratorium has passed, he plans to have "living room" conversations with people interested in the sustainable concept. Lewis is willing to pull together a committee to propose to the Select Board; the committee will develop a model of what sustainable cannabis development in Shutesbury will mean and then bring this model to the Planning Board. Lewis is experienced in negotiations and socially responsible investing. Puleo notes the need to create a charge and ask for applications of interest. DeChiara: because the Planning Board will be developing cannabis related zoning bylaws, it will be essential for this committee to work with the Planning Board. Lewis suggests the committee be given a time frame to do some work before making recommendations to the Planning Board. Torres: it is important that this work be done collaboratively; this committee's purpose is to help bring

information to the table to assist with the development of the bylaws. Puleo suggests the Planning Board create an advisory board. Torres agrees and states that this work needs to be done quickly and extra manpower will be helpful; this was a town meeting vote; if the Planning Board does not follow through, it will come back to the Select Board. Lewis: this is a business development group; he is in favor of the idea of an advisory board as long as the Planning Board is working to go forward. Puleo: the purpose of the Planning Board moratorium is to provide an opportunity for the development of cannabis business related bylaws. DeChiara proposes the Select Board redirect formation of the Sustainable Cannabis Business Development Committee to the Planning Board; the Select Board can facilitate forward motion on how to populate the committee. Lewis: recruiting people will take time. Puleo moves the Select Board charge the Town Administrator with facilitating discussions with the Planning Board about creation of a Sustainable Cannabis Business Development Advisory Committee. Kim suggests the primary focus be on the development of the relevant zoning bylaw. Lewis: the advisory committee will need to develop a set of principles, i.e. what is sustainable cannabis development. DeChiara suggests the advisory group report back to the Select Board in six months. Makepeace-O'Neil seconds Puleo's motion that passes unanimously.

4. Public Engagement and Public Space Committee: DeChiara explains that the Public Engagement and Public Space Committee is an outgrowth of the Small Touches project. Board members review the draft Committee charge. DeChiara: budget requests will be related to a proposed project. Makepeace-O'Neil moves the Select Board approve the charge for the Public Engagement and Public Space Committee; Puleo seconds the motion that is unanimously approved. Next step: Torres will request letters of interest be submitted by 6.20.18 for consideration during the 6.26.18 meeting. Torres suggests the Committee have 5-7 members. To Kim's question, DeChiara explains that the gazebo project is on hold pending a funding source.
5. Picnic Tables: Per Torres, there is about \$1,600 available in the Select Board expense line. Torres suggest that, in lieu of picnic tables, this fund could be used to pay a ~\$1,500 a survey bill related to the property swap process. Torres will request the FinCom approve use of reserve funds for this expense. Board members consider requirements for the picnic tables that will be placed on the Town Common. DeChiara moves the Select Board purchase, from their expense line of \$1,600, up to three accessible picnic tables made from composite materials that will be stationary and securely located on the Town Common for use by residents; Makepeace-O'Neil seconds the motion. Kim reminds the Select Board that there is restrictive language on the use of the Common and recommends making sure picnic tables can be placed there. Torres: it may make sense to cluster the picnic tables closer to the library. Motion is unanimously passed.
6. Police Chief Search Update: Torres: ten applicant resumes were emailed to Police Chief Search Committee members earlier today and packets are being prepared;

these meetings will be held in executive session. Torres will ask Town Counsel if Select Board members are able to see all of the resumes rather than just those for the final candidates. Puleo received a citizen inquiry earlier 5.15.18 asking the Select Board to consider collaborating for services with another town's police department, i.e. Amherst; it was explained to the caller that this option and other shared police chief situations had been researched in the past. DeChiara received a similar call and provided a similar response. DeChiara suggests the Select Board vote on whether to reconsider regionalization. Makepeace-O'Neil moves the Select Board begin discussions with Amherst about a possible joint police department; Puleo seconds the motion that is unanimously opposed.

7. Climate Mitigation Grant: Board members review the draft "Climate Mitigation and Preparation for Climate Change" grant application prepared by DeChiara. Torres and Puleo ask for clarification on the activities being proposed. DeChiara: there will be a two-step process – the vulnerability assessment will be followed by a mitigation plan; perhaps someone will be hired to assist with the vulnerability assessment. Torres will follow-up with FRCOG regarding funds to assist with assessments and notes that the Neighborhood Network program needs to be included. Makepeace-O'Neil: the premise is that the Neighborhood Networks are essentially self-sufficient however it is anticipated one member of each group will be connected to the Emergency Management Team. DeChiara: the application is for a planning assistance grant, to assess and plan. Torres: not too long ago, the Town completed hazard mitigation planning with Pat Smith/FRCOG. Puleo: the plan compiled with Smith could be updated; Smith attended Shutesbury Emergency Management Team meetings; hazard mitigation planning is necessary for flood insurance. DeChiara: this grant might take the prior study to the next level. Torres: vulnerability is assessed during the hazard mitigation process. DeChiara suggests Torres review and revise the draft and recommends including "smart energy" concepts; perhaps the Town will do less assessment and more mitigation, i.e. electric car charging stations. Torres needed to use the remaining Green Communities funds to purchase a new hybrid dehumidifying hot water heater for town hall because the old one was leaking; the commercial dehumidifying system for town hall is now complete and small dehumidifiers are no longer needed; using the remaining funds will allow the Town to apply for more Green Communities funds for future projects.
8. FY19 Appointment Update: Scott reports that 15 out of 23 board/committee chairs have responded to the inquiry about renewal of expiring terms; a draft list of FY19 appointments will be prepared for the 5.29.18 Select Board meeting.
9. Town Administrator Updates:
 - A. Police Chief Harding's return date is 6.1.18.
 - B. Highway Superintendent Hunting has been coming in every other week to do warrants/payroll and is due back 6.1.18.
 - C. The FRCOG fuel bids came in 5.14.18: the fixed price for diesel is \$2.59/gal; the winter blend is \$.50 more per gallon; the market is too unstable for a fixed bid for

unleaded fuel; the Town does not participate in the bid for propane because Georges Propane has a better price. Makepeace-O'Neil moves the Select Board accept the fixed priced bid for Mirabito Energy Products; Puleo seconds the motion that is approved unanimously.

- D. The contractor authorized signatory document for the Community Compact water grant is signed.
- E. The Fire Chief/Emergency Management Director job description was sent last week, by email, to the Select Board and Fire Chief for review. The Board agrees to hold off on their approval until Walter Tibbetts/Fire Chief-EMT Director has reviewed the document. Torres notes that the description needs to be approved in a timely manner in order for Tibbetts' contract negotiations to continue.
- F. The Town Administrator's Professional Services Contract is reviewed. DeChiara appreciates that, per Section V, after the first year, the base salary "will include cost of living raises and longevity bonuses offered to other non-union town employees..." Makepeace-O'Neil moves the Select Board approve the "Town of Shutesbury Professional Services Contract Town Administrator" for 7.1.18 through 6.30.21; Puleo seconds the motion that is unanimously passed.
- G. Makepeace-O'Neil moves and Puleo seconds a motion for the Select Board to approve the Personnel Action Forms for new Cemetery Caretakers Suzan Young and Michael Browisky; motion is unanimously passed.
- H. Torres and the Select Board consider the 4.20.18 and 5.9.18 emails from Paul Vlach expressing concern about adequate notification for trash/recycling route changes. Torres explains that beginning in the month of December, for safety issues, the trucks do not traverse several roads; this year, with a new company, the restart date for the non-winter route changed; approximately 36 houses are affected; the Recycling and Solid Waste Committee voted to announce the next winter route change date on NextDoor Shutesbury. DeChiara asks Torres to respond to Vlach via email. It is noted that, as per usual, residents are advised to have trash/recycling out by 7am.

10. Committee Updates:

- A. Broadband Committee: Per Torres, design details were reviewed; WG&E has been asked to do a complete job.
- B. Police Chief Search Committee: Per DeChiara: the Committee is a diverse group.
- C. Personnel Committee: Per Makepeace-O'Neil: the Board has been working with Fire Chief Walter Tibbetts on his job description.

11. Agenda/Action Items: During the 5.29.18 Select Board meeting, the Fire Chief's job description, the Climate Mitigation grant, draft list of appointed officials and executive session minutes will be considered.

Administrative Actions:

- 1. Select Board members will sign vendor warrants totaling \$99,785.21.
- 2. Select Board members will sign payroll warrants totaling \$97,131.17.

3. Consideration of the 4.17.18 and 5.2.18 meeting minutes will be carried over to the 5.29.18 meeting.

At 9:06pm, Makepeace-O'Neil moves and Puleo seconds a motion to adjourn the meeting; motion passes unanimously.

Documents and Other Items Used at the Meeting:

1. March 2018 Town Administrator Job Description
2. "O-32 Master Plan Vision Implementation Study 4.8.18"
3. Select Board meeting minute excerpts compiled by DeChiara
4. Draft letters to Kulik, Chandler and Spilka
5. Amendment to Article 18 – "Exemption from Moratorium for Small and Home-Based Cannabis Business
6. Sample minutes for the Athol Recreational Marijuana Zoning Working Group
7. Public Engagement and Public Space Committee Charge
8. Draft Climate Mitigation and Preparation for Climate Change Grant
9. FRCOG 5.14.18 Diesel and Gasoline Bids
10. Commonwealth Terms and Conditions Contractor Authorized Signatory
11. May 2018 Draft Fire Chief/Emergency Management Director Job Description
12. Town Administrator Professional Services Contract
13. Personnel Action Forms: Young and Browsky
14. 4.20.18 and 5.9.18 email from Paul Vlach "Trash route changes..."

Respectfully submitted,
Linda Avis Scott
Administrative Secretary