

Shutesbury Select Board Meeting Minutes
July 16, 2018 Shutesbury Town Hall

Select Board members present: Melissa Makepeace-O'Neil/Chair, Elaine Puleo, and April Stein
Staff present: Becky Torres/Town Administrator; Linda Avis Scott/Administrative Secretary

Guests: Penny Kim/Town Moderator, Leslie Luchonok, Joan Hanson, Jamie Berger/Police Chief Candidate, Lee Elder and Mark Foster/Shutesbury Fire Department; Police Officer Dan Fernandes, Russ Mizula, Police Sergeant Wendy Masiuk/Police Chief Candidate and Myra Iozzo

Makepeace-O'Neil calls the meeting to order at 6:33pm.

A review of the agenda is considered; Puleo suggests and all agree to consider the dog issue; this will be done in place of the FY19 PAFs.

Public Comment: Mark Foster/Shutesbury Fire Department asks the Select Board why answers to the questions (posed during the 6.26.18 open session) have yet to be posted. Makepeace-O'Neil: draft answers have been compiled and are being edited. Foster: one question not on the list has been asked several times: In terms of job description, what is the difference between the Police and Fire Chief – one works 24/7 and the other may only be called in for an emergency.

Discussion Topics:

1. Date for Citizen Petition Requested Special Town Meeting: Makepeace-O'Neil explains that the earliest date the special town meeting can be held is Tuesday 7.31.18. Stein: if held at a later date, there may be an opportunity for negotiations to continue in the interim; there is a push from the petitioners to hold the meeting. Puleo agrees with Stein that we could work hard enough not to need the special town meeting, however, there is no guarantee negotiations will conclude by the 31st therefore she supports the 7.31.18 date. Stein: negotiations are on the table; what is the status of Tibbett's retirement letter? Torres: the status of the retirement letter is up to Tibbetts; the Select Board decided to hold it to the side and negotiate in good faith; if the Fire Chief decides to do something different, he can; for now, it is held to the side. Makepeace-O'Neil notes the need for the public to have the Select Board take action. The "2018 Special Town Meeting Warrant" Article #1 is reviewed. Torres notes that Article #2 is a housekeeping article to establish a revolving fund bylaw; it is not a monetary issue. Puleo: what are the sources for funding Article #1? Torres: our tax rate has yet to be set; the amount in Article #1 is ~ \$8,000 above the current salary; the FinCom will consider the tax rate and make a recommendation on the source. Puleo moves the Select Board schedule the special town meeting for 7.31.18; Stein seconds the motion. Kim refers to her 7.14.18 email "Special Town Meeting Scheduling" recommending an early August date and the reasons why: understanding that the retirement letter has been put to the side and if negotiations continue, it would be well to let that process play out; folks will be advised that a vote is advisory and will not set the salary; voters may be disturbed by this – it could be explained in a mailing however it is hard to understand that the contract is what sets the salary; the language in the Article #1 is not typical - it needs a statement for the amount to be transferred and the funding source. Stein: this is the language petitioners brought forth. Kim: it will have to be amended. Puleo: money could be put into an account,

however, it cannot be used for a salary unless the salary is negotiated in a contract; the concern is that people will come to vote at the special town meeting thinking they can fix the salary. Leslie Luchonok: it is critically important not to underestimate the sentiment for supporting the chief; the petition is the best expression people could put forward; holding the special town meeting on 7.31.18 is important; now is the time to clarify and provide information on how salaries are set; you need to understand the sentiment of the town and make information a priority; offers to help. Foster: where did the illusion come from that Tibbetts is not going to resign on 7.31.18? Foster states that he and Lee Elder are walking on 8.1.18; we are in the same boat as anyone else regarding emergency services; unless you get something from Tibbetts stating that he is not going to resign and is willing to negotiate, you have fifteen days until the Fire Department resigns. Puleo to Foster: you may not know all that has been happening. Foster states that he knows Tibbetts is working with a lawyer. Lee Elder: it is foolish to think that the Fire Department will not walk on the 31st; we will hand in resignations on 8.1.18; negotiations have been going on for a while; that the 31st does not exist is an assumption. Puleo: 7.31.18 is the earliest date the special town meeting can be held. Torres explains that, by law, the Select Board has forty-five days from the date the petition is received to hold the special town meeting and a special town meeting must have a minimum of fourteen day notice; the Select Board is meeting tonight in order set the date. Elder appreciates that the petition has being acted on as quickly as possible. Kim notes that she is the one asking for a later date; it must be understood procedurally that whatever the vote, the contract is not settled. Makepeace-O'Neil calls the motion and it passes unanimously. Kim asks if there is a sponsor for Article #2. Torres: the FinCom will review the article. An explanatory statement about the vote and an explanation about funding sources will be included in the special town meeting mailing. Kim asks for clarity on who will make an amendment to the language of Article #1. Puleo: anyone can make a motion to amend the article.

At 6:59pm, Puleo moves the Select Board enter executive session for reason #1 – “To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual” - and to return to open session; Stein seconds the motion. Roll call vote: Makepeace-O'Neil: aye, Puleo: aye, and Stein: aye.

At 8:15pm, the open session is resumed.

- Select Board Announces Police Chief Decision: Makepeace-O'Neil asks Puleo and Stein for a motion. Stein moves the Select Board appoint candidate Jamie Berger. Makepeace-O'Neil seconds the motion. The decision to appoint Berger is unanimous. Stein notes that she recently returned to the Select Board and, as there were two excellent candidates, this has been one of the most difficult decisions. Makepeace-O'Neil: this was a very hard decision; both Masiuk and Berger have been great candidates. Sergeant Masiuk: as of midnight tonight, the Select Board will need a new officer in charge (OIC). Makepeace-O'Neil: given the new information from Sergeant Masiuk, a motion to appoint a new OIC is needed. Puleo moves and Makepeace-O'Neil seconds a motion to appoint Officer Dan Fernandes to become OIC as of midnight 7.16.18. Motion passes unanimously. Fernandes agrees to accept the responsibility of OIC. Makepeace-O'Neil notes the need

for a statement denoting Fernandes as OIC. Fernandes notes the need for additional police officers to provide the necessary services for the town; asks the Select Board if he can move ahead with new staff and suggests he work with Torres to advertise noting that it will take ~ one month for a new officer to be able to be on the road independently. Berger states his excitement at being selected. A date for contract negotiations is scheduled with Berger. A statement to Shelburne Control identifying Officer Fernandes as OIC effective midnight 7.16.18 is signed by the Select Board.

3. Review Budget and Year End Transfers: Makepeace-O'Neil moves and Stein seconds a motion that the Select Board approve and sign the "Town of Shutesbury Schedule of Proposed Budget Transfers Fiscal 2018" dated 7.12.18; motion passes unanimously.
4. Town Administrator Updates:
 - a. The Board agrees for Makepeace-O'Neil to acknowledge receipt of emails sent to the Select Board noting that Open Meeting Law prevents individualized responses.
 - b. The Select Board reviews and revises the draft letter to Lori Saleem/323 Locks Pond Road citing a violation to condition #4 of the 11.2.17 letter and that "A violation of any of the Conditions herein will result in the dog being removed from Shutesbury within 60 days". Puleo moves the Select Board 7.16.18 letter to Lori Saleem, regarding the removal of her dog, be hand delivered to Saleem by the Shutesbury Police Department; Makepeace-O'Neil seconds the motion that passes unanimously.

Administrative Actions:

1. Signing FY19 Personnel Action Forms: This item will be considered at a future meeting.

At 9:27pm, Puleo moves and Stein seconds a motion to adjourn the meeting; motion is unanimously passed.

Documents and Other Items Used at the Meeting:

1. 2018 Special Town Meeting Warrant
2. 7.14.18 Penny Kim email "Special Town Meeting Scheduling"
3. 7.16.18 Select Board memo Shelburne Control
4. "Town of Shutesbury Schedule of Proposed Budget Transfers – Fiscal 2018"
5. 7.16.18 Select Board letter to Lori Saleem with 11.2.17 letter to Saleem

Respectfully submitted,
Linda Avis Scott
Administrative Secretary