

Shutesbury Select Board Meeting Minutes  
September 5, 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: Emily Boss/Franklin Land Trust, Mark Olszewski/Lot D18 Locks Pond Road, Mary Lou Conca, James Schilling-Cachat, Jose Lugo and Amanda Lugo/South Hadley; Susie Mosher, Joan Hanson and Penny Kim/Women of Positive Presence; Police Officer Dan Fernandes, Jessica Carlson-Belanger/Celebrate Shutesbury, Steve Schmidt and Gayle Huntress/Broadband & Municipal Lighting Plant; Jeff Lacy/Planning & Zoning Boards; Meryl Mandell/Recycling and Solid Waste Committee; Don Wakoluk

Makepeace-O'Neil calls the meeting to order at 6:30pm.

The public comment section of the meeting is being video recorded by residents Mary Lou Conca and James Schilling-Cachat and audio recorded by Town Administrator Becky Torres. Review of the agenda: Police Officer Fernandes and Tim Hunting/Highway Superintendent have topics that will be added to agenda.

Public Comment:

James Schilling-Cachat requests to make a public comment. Makepeace-O'Neil asks Schilling-Cachat to state the topic of his comment. Schilling-Cachat: the comment is in regard to a hate crime on their property. Makepeace-O'Neil: this topic cannot be considered by the Select Board because the matter is under investigation by the Police Dept. Schilling-Cachat: why is the investigation taking so long; we do not feel safe in our home. Makepeace-O'Neil asks Schilling-Cachat to discontinue speaking as the Select Board cannot consider the topic. Schilling-Cachat hands written materials to the Select Board and Administrative Secretary (see document list). Mary Lou Conca states that as a town resident for fourteen years, she wants to speak to topic that has been closed off. Makepeace-O'Neil reaffirms that the matter cannot be heard by the Select Board. Conca continues to state she does not feel safe as her neighbors have been threatened. Makepeace-O'Neil asks Conca to stop speaking on a topic that cannot be considered by the Select Board.

Penny Kim states her appreciation for the work done by Town Clerk Susie Mosher to prepare for the primary election. Mosher notes that the Town had a 44% turnout.

**Discussion Topics:**

1. Highway Department Mower: Hunting: the 2018 annual town meeting approved \$75,000 for a tractor boom mower that he planned to purchase through HG Fairfield; after town meeting, Fairfield had only one mower left that would not be available until September – when inspected, the tractor looked okay however the mower looked well used; Diamond Mowers has a mower attachment for the loader but its price is about \$100,000; a different company has a brand new mower unit for the loader that is within the \$75,000 budget; the State uses several of these mowers - he observed one in use on Rt. 20 in Russell and the Russell Highway Department had only good things to say about their unit that is on its second year; the advantage of this mower is that it will attach to piece of equipment we already own that does not get used in the summer; it offers better visibility

than the tractor, easily reaches over guardrails and is quick to put on/off. Torres: the warrant article language refers to “used” however, per Attorney Donna MacNicol/Town Counsel, it is the same type of equipment and within the approved price. Hunting: it will take about thirteen weeks to order so arrival is expected in late October. Torres: the purpose of Hunting’s report is to provide the Select Board with information about the change.

2. Police Department Update: Officer in Charge (OIC) Dan Fernandes reviews his “Police Department Update 9.5.18” report. Per Fernandes, Tritech provides the IMC/Integrated Management Center program that will allow the Shutesbury Police Department (SPD) to be connected with all Franklin County departments and there will be no lapse in reporting time; the “Ride Along” policy is in process and will be reviewed by Town Counsel MacNicol; currently, we have a quote for a new SUV patrol car that is below the \$38,000 allocation – the goal is for the sedan, de-lettered, to become the chief’s car; the former chief’s car will be kept for detail work and will be especially helpful during Broadband installation. Stein: this will increase the number of SPD vehicles to four. Torres: the temporary increase is for the Broadband installation. Fernandes continues: the department’s goal is to maintain school coverage; due to limited staff, one day was missed –Principal Mendonsa is being kept up to date on coverage. To Puleo’s question, Fernandes explains that the officers are rotating coverage at the school so the children are able to meet each officer. Per Fernandes, Sgt. Masiuk’s schedule has been changed to 7am-3pm for high school bus coverage; because of complaints about speeding, we have increased patrols in the center of town. Torres notes that there is a speed display sign available for use. Puleo: in the past, SPD logs were available online, is this continuing? Torres: the SPD currently uses a Facebook page. Fernandes: the Facebook page updates have slowed of late however activity will increase; the new system will allow easier access to the log; he will talk with Dispatch about the availability of redacted logs. Puleo: it will be great to have reports available. Torres: the SPD is currently down 80 hours/week with no chief and Sergeant Masiuk out until the 9.15.18. Fernandes: officers will do property checks however, unless there is an issue, the checks are recorded in the log however are not called in.
3. Conservation Restriction Lot D18 Locks Pond Road/Olszewski: Emily Boss/Franklin Land Trust (FLT) Land Protection Specialist refers to Exhibit B “Sketch of the Premises Showing the Building Envelope Olszewski Property” dated 7.12.18, the “Olszewski Parcel” dated 4.20.16 showing the parcel relative to significant nearby parcels and the survey “Plan of Land prepared for Mark T. Olszewski” by Edward Boucher dated 7.12.18. Boss explains the location and layout of the parcel and that FLT works with landowners to conserve their land; a Conservation Restriction (CR) states what can and cannot be done on the land; this CR will allow hunting, forestry and agriculture and will have a building envelope. Boss continues: Mr. Olszewski went through the Open Space Design process with the Planning Board and worked with Franklin Land Trust; there are good farm soils and trails that cross the land; the owner retains the right of privacy and the land can be posted; CR lands may or may not have public access – this is up to the owner. Boss explains that the CR document has been vetted by Town Counsel MacNicol, the Planning Board and reviewed by the State Division of Conservation Services; the

Select Board is being asked for a vote of approval and signatures on the CR document. Per Boss, the applicant and FLT will sign before the CR goes to the Secretary of Energy and Environmental Affairs for signing; a CR can only be dissolved by an act of legislature. Mark Olszewski to Stein's question: if the land is to be sold, the whole parcel will be sold as one. Boss further explains the structure of the CR to ensure future protection. Puleo moves the Select Board approve the "Grant of Conservation Restriction" for Mark Olszewski on Lot D18 Locks Pond Road; Stein seconds the motion that passes unanimously. The document is signed by the Select Board and notarized by Boss.

4. Intergovernmental Agreement with Westfield Gas & Electric: Gayle Huntress and Steve Schmidt/Broadband Committee and Municipal Lighting Plant members are present. Per Huntress, the Intergovernmental Agreement (IGA) with Westfield Gas & Electric (WG&E) will allow the purchase of a precast concrete hut from United Concrete. Schmidt: the fiber optic lines come back to one central point - the hut; the timing is important in order to keep delivery of the hut on schedule with the rest of the project. Schmidt: because town hall is the location of the MBI Middle Mile line, it was decided to place the hut at town hall using the recycling shed site – the shed will be relocated; United Concrete approved this location however on re-review, the site will be tight. Schmidt and Huntress are wondering if the SPD carport could be moved. Torres: it may be possible to move the carport closer to the town hall – we will have to confer with the building inspector; the Highway Department will be able to move the recycling shed; the electric car charger will be located on the other side on the building. Schmidt: changing the hut location to another site would require a major change in the design. Huntress: town hall was chosen due to the protection and access afforded by the presence of staff in the building. Huntress: the Committee will continue evaluation of the operations RFPs next week. Huntress to Puleo's question: our goal is to get information out to those with underground conduit before winter; you can tell folks that information will be provided in as many ways as possible; we are looking to find a contractor who will do the underground conduit work for the whole town in a coordinated way; the order of the light-up will be decided by the builder. Puleo moves the Select Board approve the Intergovernmental Agreement/Purchase of Telecommunication Hut between City of Westfield Gas & Electric Light Department and Town of Shutesbury Municipal Light Plant date 8.30.18; Stein seconds the motion that passes unanimously.
5. Appoint New Treasurer: Torres: on 8.31.18, the Select Board approved making an offer to Ryan Mailloux for the Town Treasurer position; Mailloux, an assistant bank manager and chair of the Orange Select Board, has accepted the position at a salary of \$24,000/year and has received a bond application. Stein notes that Mailloux is encouraging young people to attend Select Board meetings. Torres: Shutesbury's financial team supports Mailloux's appointment; the plan is for Mailloux to be sworn in on the 9.10.18 and to start training with Voelker on 9.17.18; the new Treasurer's schedule will be full days on Mondays, Tuesday evenings and some Thursday evenings. Stein moves the Select Board appoint Ryan Mailloux as Town Treasurer; Puleo seconds the motion that passes unanimously.

6. Celebrate Shutesbury: Jessica Carlson-Belanger: even though she is the point person, the event planned for 9.15.18 from 10am-2pm is a group effort. Stein acknowledges Carlson-Belanger's role in continuing the tradition. Puleo moves and Stein seconds a motion for the Select Board to approve the special event form for Celebrate Shutesbury; motion passes unanimously.
  
7. EOEEA Grant: Jeff Lacy: the Master Plan Working Group (MPWG) was appointed by the Planning Board and Select Board to initiate a visioning process – community meetings were held and surveys conducted – in the end the MPWG and the consultant synthesized the vision; then, the Select Board re-tasked a smaller MPWG to come up with an action plan; the result was three-fold – financial, low-hanging fruit and the “O-32: Master Plan Vision Implementation Study” to see if many of the infrastructure recommendations could be linked with a piece of town owned land – i.e. twenty acre Lot O32; the lot needs to be studied hence the proposal to assess the parcel and what/whether some/all of the infrastructure projects could be realized on this lot. Meryl Mandell: we are looking at a general planning process for Lot O32; in addition to assessing the physical aspects of site, there will be public process with a professional facilitator - maybe the Conway School of Landscape Design - to gather more information about what people want, to further the vision and to see if the parcel can accommodate any of these concepts. Torres: in talking with staff from the Conway School, their process will not be more visioning - it will be concrete. Lacy: Conway will facilitate design charrettes. Stein: this process would give us concrete information about the parcel. Mandell: it will help us know what the parcel could possibly support. Torres: Conway will help us figure out what may or may not fit on the lot. Mandell: we will need to be specific about deliverables. Lacy: the second part of the proposal is an additional \$5,000 for a property cleanup plan. Torres: in addition to the grant, there is an additional \$14-15,000 available for cleanup of the lot. Lacy: the total for the grant is \$14,000 and requires a match; donated hours, at his consultant rate, could be the match. Torres: this proposal has already been approved by the EOEEA; the grant period goes through 6.30.19 so the project could be done during the Spring of 2019. Lacy: EOEEA is interested and the grant is pre-approved pending Select Board signoff. Torres: the prior Select Board did not want to support the grant. Makepeace-O'Neil: at the time, there was tension in town for various reasons and the Select Board was concerned that issues related to the library conflict may be re-ignited; this was her primary concern while DeChiara was concerned about Lacy, as a Planning Board member, donating the match hours. Torres and Mandell: the concept to apply for the EOEEA grant came from Torres, Lacy and the Planning Board rather than the MPWG. Mandell: the MPWG decided not to vote on the grant because it was outside their purview. Puleo: this is not a library plan, it is an opportunity to see what is possible for the lot. Mandell: the MPWG did recommend the establishment of the Lot O32 Planning Committee with representative membership to conduct a feasibility study and create a concept plan for possible uses of the lot. (The Select Board approved the Lot O-32 Committee Charge 1.9.18) Torres: the EOEEA will want a point person. Stein: it makes sense to evaluate what is possible on the lot. Next steps: Select Board endorsement of the implementation study then, subsequent to a grant contract, Torres and Lacy will work with EOEEA and the Conway School of Landscape Design on the details. Puleo moves the Select Board approve the 4.18.18 “O-32: Master Plan

Implementation Study”, work with Conway School of Landscape Design and accept the grant from EOEEA; Stein seconds the motion. Makepeace-O’Neil states that she is changing her prior vote; now that the “temperature” is better in town, she feels better about moving forward with the grant. The motion passes unanimously.

At 8:12 pm, Makepeace-O’Neil moves the Select Board enter executive session for reason #3/ - “To discuss strategy with respect to litigation if an open session may have a detrimental effect on the government’s litigating position” – salt contamination lawsuit/Watkins and to return to open session; Puleo seconds the motion. Roll call vote: Makepeace-O’Neil: aye, Puleo: aye and Stein: aye.

The open session resumes at 8:53pm.

**Discussion Topics Continued:**

8. Review Financial Policies: tabled for a future meeting
9. Town Administrator Updates:
  - a. Personnel Issues: the potential date for Police Sergeant Masiuk’s return is 9.15.18; this is her third sick leave extension; the FMLA application was mailed to Masiuk last week. Puleo: Officer Fernandes is OIC until 9.30.18; what is the plan? Makepeace-O’Neil: the Board needs to discuss next steps during the 9.26.18 meeting; we need to consider whether there will be a new search process which may take until December. Torres: the options are a new search or hiring from within. Puleo: can we return to prior candidates? Torres: only the second final candidate can be considered; to hire within, put availability of the position out to the full pool of officers, or, if you want one particular officer, you could promote from within; you will have to ensure the full background check is exactly the same as was done for the prior two finalists. Stein states that she would want to have an interview with Fernandes. Makepeace-O’Neil: in her conversations with Fernandes, he appears to have taken on the OIC responsibilities in a dedicated way. Torres: Fernandes took on the OIC responsibilities after an unexpected event. Stein and Puleo: we need to consider hiring from within before going outside. Makepeace-O’Neil: do we decide to start the process now in order to be ready for the next meeting? Puleo suggests an open meeting interview followed by the background check. Puleo moves the Select Board begin the process for interviewing the current OIC, Officer Dan Fernandes, for the position of permanent Police Chief; the interview process will start on 9.26.18. Stein seconds the motion. Makepeace-O’Neil: a cover letter and resume will be requested from Fernandes; the interview questions will be the same as those used previously. Motion is passed unanimously. Puleo asks if Torres has received a Fire Department monthly report from Chief Tibbetts. Makepeace-O’Neil: Tibbetts apologized for his reporting delay during the recent EMT meeting; he may need direction about what is required. Puleo: because Mark Foster is posting information about Fire Department activity on NextDoor, folks have asked her what services an EMT provides. Makepeace-O’Neil: first responders assess and stabilize the individual for ambulance transport. Puleo recommends the language used by Foster be clarified. It is noted that these logs

should be on Town Announce rather than on NextDoor. Makepeace-O'Neil supports Torres in noting any postings that cross the line on appropriateness.

Torres notes that it is time to lineup personnel evaluations. The Highway Department is up to full staff for the first time since April.

- b. To Makepeace-O'Neil's question, Torres will check on the status of the Fire Department site paving project.
  - c. The SES paving project is going out for rebid. Torres and Groves met with professionals who inspected the school roof –rain water has been overtopping gutters and, in cut out areas, running between the gutter and wall – improvements in this situation have been made. The school flooring project is complete and the new playground installed. Makepeace-O'Neil to Puleo's question: it is up to Puleo on how she wants to manage the role as Select Board liaison to the School Committee.
  - d. The town hall roofing project is scheduled for October.
  - e. The meeting with Lori Saleem about her dog is pending.
  - f. Torres will attend a STAM meeting 9.6.18.
8. Committee Updates: Per Makepeace-O'Neil, the Emergency Management Team worked on the Emergency Management Grant for FY19, a table top seminar for the Emergency Command Center is being planned and a fire extinguisher training was held.
9. Prior and Future Action/Agenda Items: Makepeace-O'Neil suggests using Google Calendar for scheduling extra meetings and updating other schedules. Financial policies will be reviewed 9.26.18. Torres: an extra meeting to sign the Wheelock Solar Project PILOT contract with Lodestar, the new owner, and there is an issue with a reduction in the original megawatt proposal; the PILOT amount is directly impacted by production. Lodestar representatives are meeting with the Planning Board on 9.10.18.

#### Administrative Actions:

1. Select Board members signed the 8.20.18 vendor warrants totaling \$136,656.24 and will sign the 9.4.18 vendor warrants totaling \$185,862.19.
2. Select Board members signed the 8.20.18 payroll warrants totaling \$82,041.70 and will sign the 9.4.18 payroll warrants totaling \$97,448.24.
3. Select Board members signed the 8.20.18 Broadband warrants totaling \$48,217.95.
4. Puleo moves the Select Board approve the 8.7.18 meeting minutes as presented; Stein seconds the motion that is passed unanimously.
5. FY19 Personnel Action Forms (PAFs): pending completion.

At 9:40pm, Stein moves and Puleo seconds a motion to adjourn the meeting; motion carries unanimously.

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

1. From James Cachat-Schilling: 8.29.18 petition to the Select Board/two copies with signatures attached, 3.30.18 petition to the Select Board, 9.4.18 "In support" email from Naomi Dratfield and 9.5.18 email "Re: Fw: confronting" from Dani O'Brien
2. 9.5.18 "Police Department Update" from OIC Fernandes

3. “Grant of Conservation Restriction” for Mark Olszewski/Lot D18 Locks Pond Road and Franklin Land Trust with relevant maps as described in discussion topic #3
4. 8.30.18 “Intergovernmental Agreement Telecommunication Hut between City of Westfield Gas & Electric and Town of Shutesbury Municipal Light Plant”
5. 2018 Celebrate Shutesbury “Special Event Notification Form”
6. 4.8.18 and 10.17.17 “O-32: Master Plan Vision Implementation Study”

Respectfully submitted,  
Linda Avis Scott  
Administrative Secretary