

Shutesbury Select Board Meeting Minutes
November 27, 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: Joan Hanson and Susie Mosher/Women of Positive Presence, Tim Logan, Sara Clark/Clark Auto Wrecking, Ayres Hall/Broadband Committee, Eric Stocker and George Arvanitis/Finance Committee, Gayle Huntress/Municipal Lighting Plant Manager and Paul Danielovich/Shutesbury Athletic Club

Makepeace-O'Neil calls the meeting to order at 6:39pm.

Agenda Review: Torres requests the addition of an item at 7:10pm to address MLP Manager concerns.

Public Comment: None offered.

Discussion Topics:

1. Clark Auto Wrecking Class III License Renewal Application: Makepeace-O'Neil acknowledges that the fee of \$85 remains to be paid. Sara Clark/representing Clark Auto Wrecking will mail the check within the next few days. Puleo moves the Select Board approve the Clark Auto Wrecking Class III license for 2019 as per MGL Chapter 140 Section 59 and waive the annual license renewal hearing; motion is seconded by Stein. Clark reports that the business has no specific issues or concerns and invites Select Board members to visit or ask any additional questions as they may arise. Motion passes unanimously. Scott will issue the license once payment of the license fee is received.
2. Shutesbury Athletic Club (SAC) ABCC and Local License Renewal Application: Paul Danielovich/SAC Manager and Board President represents the SAC. Puleo moves to approve the renewal of the Shutesbury Athletic Club 2019 Retail License and grant a Club License, to expire 12.31.19, pending approval by the ABCC; Stein seconds the motion. Stein acknowledges the improvements the SAC has made over the years. Scott reviews the required list of documents submitted by the SAC for their ABCC renewal application and the Local Licensing Authority/Select Board Club License. Torres reports that Police Chief Fernandes reviewed the Memorandum of Agreement and stated that the SAC is doing a "fine job". Motion passes unanimously. For the ABCC, Select Board members sign the "Licensing Authority Certification", "2019 Seasonal Population Increase Estimation Form" and "Renewal Certification 2019". Puleo moves to approve the Memorandum of Agreement between the Town of Shutesbury and the Shutesbury Athletic Club for 2019; Stein seconds the motion that passes unanimously. The document is signed by Danielovich and Makepeace-O'Neil. Puleo moves to approve the SAC License for Live Entertainment, per MGL Chapter 140 Section 184A, to expire 1.1.2020; Stein seconds the motion that passes unanimously. Puleo moves to approve the SAC License to Operate a Pool Table, per MGL Chapter 140 Section 202, to expire 4.30.2020;

Stein seconds the motion that passes unanimously. The local license documents are signed by the Board.

3. Police Department Update: The Select Board acknowledges receipt of the 11.19.18 email resignation letter from Wendy Masiuk effective 11.19.18. A thank-you letter to Masiuk is signed by the Board. Per Torres, Mailloux/Treasurer and Voelker/Assistant Treasurer sent Masiuk Cobra related materials. In Fernandes absence, Torres reports that an ad for a full-time officer has been run; Fernandes' goal is to hire two full-time patrol officers; thus far, there have been only two responses from academy trained officers therefore Fernandes is investigating other options, i.e. talking with local Chiefs, tracking down cadets and recent graduates and considering hiring one additional part-time officer; he is committed to finding a fit and will do the initial screening himself; the Select Board and members of the public will be asked to do the subsequent interview; Fernandes may want to talk with the Select Board about academy support for an officer; Officer Warner will be out on medical for another four months.

4. Review Police Union Contract: Stein moves and Puleo seconds a motion to approve the "Town of Shutesbury Agreement By and Between The Town of Shutesbury Police, Teamsters Local Union No. 404 and The Town of Shutesbury July 1, 2018 – June 30, 2021". Torres: when negotiations started in Feb. 2018, the list of requested changes was extensive, however, it was eventually reduced to a workable list. The Select Board and Torres review the changes to the contract defined in the "Settlement Agreement By and Between The Town of Shutesbury and The Town of Shutesbury Police Teamsters Local Union 404". Torres: the requirement for part-time officers is to work at least one shift per week; the current two part-time officers are both highly qualified and have been or are chiefs; the proposal, via a Memorandum of Agreement (MOA), is to place these two officers at step 7 thereby giving them a 2% increase from their current pay rate; Officers Shoemaker and Golann have really stepped up during the transition; both the Union and negotiation team agreed to make this change in a MOA so it does not impact newly hired officers. Puleo: how is it decided where a new officer starts on the pay-scale? Torres: the new language gives the Chief discretion on where to place an officer on the pay-scale chart commensurate with education and experience; the Select Board will still have to approve the Personnel Action Form; steps 6-12 will accommodate the future. Tim Logan: it is his understanding that when Chief Fernandes was hired, there was some concern on the Select Board about his level of experience and that he is in a probationary period. Stein: yes. Puleo: the Select Board asked for a three-month update on his status. Logan: who is monitoring his progress and who will decide? Makepeace-O'Neil: one member of the Select Board meets with Chief Fernandes each Friday morning for updates and a check-in. Logan: how do you evaluate? Torres: every new employee has a six-month probationary period. Logan: how are criteria met for the police chief? Makepeace-O'Neil: the review is based on the job description. Puleo: the Police Chief's position is very public; the Select Board receives information from the Town Administrator, Fire Chief, Highway Superintendent, school, and the public so we are very aware of what is going on. Torres notes that she checks in with the Police Chief on a daily basis and reaffirms that all employees have a probationary period. Stein: the Town Administrator's role is pivotal. Puleo notes that the new Treasurer is in a six-month probationary period.

Makepeace-O'Neil: the Personnel Board and department heads observe new employees. Puleo: the weekly meeting between a Select Board member and the Chief is a tradition that was dropped in the recent years, sometimes the Town Administrator is a part of the conversation and it is often an intimate conversation. Torres: budgeting is currently one of Fernandes' main focuses. The Board and Torres continue their review of the Settlement Agreement. The Select Board unanimously agrees to approve "Town of Shutesbury Agreement By and Between The Town of Shutesbury Police, Teamsters Local Union No. 404 and The Town of Shutesbury July 1, 2018 – June 30, 2021" pending inclusion of the approved changes from the "Settlement Agreement By and Between The Town of Shutesbury and The Town of Shutesbury Police Teamsters Local Union 404" by Torres. Makepeace-O'Neil moves the Select Board increase the pay rate for Officers Shoemaker and Golan as per the Memorandum of Agreement by two steps from \$19.67 to \$20.06/hour. Stein seconds the motion passes unanimously. Changes to the contract were completed by Torres and the document signed by the Board. Puleo moves the Select Board approve the Memorandum of Agreement between the Select Board and Police Teamsters Local Union #404; Stein seconds the motion that passes unanimously.

5. Municipal Lighting Plant (MLP) Manager: Gayle Huntress/MLP Manager refers to the draft letter to Lt. Governor Karyn Polito: the utilities are officially delaying the make-ready process therefore Bill Ennen/EOEEA recommended the Select Board write a letter requesting help in getting the utilities to complete their work. Huntress states that she filed a formal complaint with the Mass Department of Telecommunications and Cable (DTC) against Verizon which seems to have promoted action; the MLP is doing everything we can to move the make-ready forward. Huntress to Puleo's question, the utilities are not giving any reason for the delay; it is a slow inefficient process and is affecting Broadband installations across the country; Shutesbury is 80% done – we are waiting for four Verizon licenses to be completed; the DTC is pushing them forward and the Governor's office is watching them closely. Huntress to Puleo's question: the builder does not want to start until all the pole work is completed; they may be able to start installing some of the support strand however there may be insurance issues with starting before the contract begins; the site work for the hut will happen in the next month or so. Stein moves the Select Board sign the 11.27.18 letter to the Lt. Governor urging her support in completing the make-ready process; Makepeace-O'Neil seconds the motion that passes unanimously.

Huntress notes that she has been working on the Broadband project with a wonderful team for six years and reviews her 11.27.18 email "For Discussion Tonight at Select Board Meeting – MLP Manager". Huntress notes that due to rising health care costs she either needs a new or second job or a way to get health benefits in her role as MLP Manager; she would want her second job to be as MLP manager in order to devote the time needed, as the push will be relentless, for the coming year; after this year of incredible work, the operations will be manageable as a volunteer, something she was able to confirm with Leverett. Huntress: if it isn't possible to receive health benefits as MLP Manager, the Town might contract with Holyoke Gas & Electric or shift the work to other committee members; these options would lack leadership. Ayres Hall/Broadband Committee: if proceeding without Huntress does not give you goose bumps, it should; the

Broadband Committee sees this as a no brainer and gives her full support. Eric Stocker/Broadband Committee supports what Hall said; Huntress's work is crucial and it would save the town money to have her do the work – we need someone representing the town's interests. Stein states her concern noting that the process for how things are done in town was shelved during the Fire Chief contract negotiations and the need to be careful in how we proceed; this is not about the work Huntress has done and is doing, it is that the process needs to be respected. Torres: normally, for a volunteer position to become a paid position, the Personnel Board would review and/or create a job description; this would be done with input from Huntress and any data she may have regarding her volunteer hours will help. Torres explains that she consulted labor Counsel (Brian Maser/KP Law): typically the Select Board appoints employees however the MLP Board is an elected body and, currently, the Department of Revenue is challenging the basis for MLPs; Maser advises the town to follow the usual process for creating a job description; a special town meeting will be needed to appropriate a salary; the final piece is that Huntress, as an elected member of the body making the decision, would have to resign for a 30-day period in order for the decision to be made. Huntress: could the management position be separated from the MLP? Torres will confer further with Maser; your suggestion would be titled "Project Manager". Huntress: it would be a one-year position. Torres notes the need to clarify the issue regarding an elected official being appointed to a paid position and what use of construction funds mean to the overall project. Logan asks Huntress what the time frame is for her personal decision. Huntress needs to make her decision by the first of the year. Torres: the Select Board has the authority to grant health insurance to the whole MLP however, to do so, would create a large liability. Puleo and Makepeace-O'Neill support the concept of "construction manager". Huntress: the MLP will be working with the FinCom to find a way to support the drops without households paying additional costs. Stein states her concern about the ethics of an elected official being appointed to a paid position. Torres: this is Maser's concern therefore she will confer with him further to confirm the process. Huntress: if this does not come through, she will have to take on additional personal work and the project work will have to be shifted to other committee members and HG&E. Stein: are there responsibilities the Town Administrator could take on? Huntress: if a paid position cannot work, we will develop a contingency plan – we are talking about the pace and the quality of how Broadband happens. Puleo acknowledges the concern about volunteers becoming paid employees, however, Huntress has taken an enormous job on her shoulders and has not shirked from the responsibility; sees this as a one-year project and most residents are so wanting Broadband that she fully supports a one-year construction manager position separate from the MLP manager position; sees the project manager for the school as a precedent. Makepeace-O'Neil notes Huntress' historical knowledge about the project. Stein understands Huntress' time pressure, however, notes the need to proceed carefully as does not want the town to make a mistake. Huntress wants to follow procedure, have the best decision for the project and ensure the project happens. Torres: the Personnel Board is meeting 12.6.18 and Anna Aaron/Chair will have this topic on the agenda. Huntress: in the interim, she will reformat the job description as "project manager". Torres: the position's grading will have to be considered as well. Bob Groves/FinCom suggests an alternative in which a percentage of project is paid as a contract arrangement and health insurance is paid by the individual. Huntress agrees to consider this as an

option. Stocker supports Groves' concept. Groves: this would address Huntress' needs and may be less complicated. Huntress notes that she is not attached to form however is attached to a solution; she will talk to the Broadband Committee/MLP about budgeting, obtain health insurance cost numbers, and meet with the Personnel Board. Torres will talk with Maser about the proposed project manager role.

6. Prepare for 12.4.18 Four-Town Meeting: Board members note that a 2.5% budget increase is anticipated from the Region, see the Four-Town meeting as listening session in which to gather information and that the FinCom will speak on behalf of the town. Puleo: at this time, the Select Board does not have a specific statement to make. The 11.6.18 letter from the Amherst Finance Committee regarding "Preliminary Fiscal Year 2020 Budget Guidelines" is reviewed.
7. "Towns Comparable to Shutesbury" Update: this agenda item is carried over to a future meeting.
8. FEMA Watershed Discovery Meeting: Torres attended the 11.27.18 meeting: floodplain boundaries, that have not been done since 1975, are being withdrawn; this will be a six-year process and different levels of examination will be done – some by field study and some by Orthophoto maps only; Shutesbury maps will be done for the Chicopee/Quabbin watershed on the east and the middle Connecticut River watershed on the western side; the Lake Wyola area will receive deeper review; she will reach out to the Lake residents to see if any of their information needs to be updated and will follow-up on the Brown's pond area. Torres provided FEMA with an update on the new Wendell Road culvert and the plan for the Locks Pond culvert repair/replacement.
9. Town Administrator Updates:
Roofing materials have arrived and, pending snow cover, work on the new town hall roof will start soon; evidence of leak in Town Administrator's office was forwarded to the Building Committee.
10. Committee Updates:
Emergency Management Team: Per Makepeace-O'Neil, the next meeting will be a webinar MEMA training so it is important all Team members are present; during the last meeting, the EMT voted that the gasoline and diesel fuel tanks (at the Highway Department) be kept at least half full and be on automatic delivery; this discussion was relative to emergency preparedness and the need for the Town to have enough fuel for equipment needed during a major weather event. Torres asks if Hunting/Highway Superintendent was involved in the discussion. Makepeace-O'Neil: this was a new, under 48-hour, agenda item and there was concern that the tanks could go empty. Torres notes that the Town Administrator has been the one to set up the fuel accounts and that the Town is always on automatic delivery unless we are between vendors. Torres states that she was not consulted before the vote and is concerned about fear-based responses. Makepeace-O'Neil: is the next step for the EMT decision to come to the Select Board? Torres: the discussion did not include the two primary people involved in maintaining the fuel - the Highway Superintendent and Town Administrator; Tibbetts did not let her

know the topic would be considered; data needs to be collected for a productive discussion. Stein asks how communication can be improved. Torres: maintaining the tanks at the 50% mark may not be realistic. Makepeace-O'Neil: the topic evolved from a conversation about the table top exercise. Puleo: the EMT is not responsible for making decisions about the filling of fuel tanks. Torres notes that there are manual fuel usage logs. Torres agrees to talk with Tibbetts about the decision. Makepeace-O'Neil suggests looking at the use data for last winter. Torres to Puleo's question about the Fire Chief's monthly reports: Tibbetts was away most of October; the November report is expected. Puleo requests Tibbetts provide the report to the Select Board on regular basis. All agree for Tibbetts to provide the report for the month prior by the 15th of the month.

Lake Wyola Advisory Committee: Per Stein: road runoff in the lake area is of significant concern; the culvert at the end of 322 Locks Pond Road may be broken; there has been talk about restoring/enhancing the Randall Road boat ramp. Torres: enhancing the boat ramp has been looked into recently - improvements are based on the number of parking spaces; the Lake Wyola Association needs \$10,000 more for the North Cove engineering study.

School Committee: Puleo was unable to attend the recent School Committee meeting; did learn that they are projecting a 2.9% budget increase and expect to lose \$11,000 in grant funds.

Puleo reports on the recent Franklin County Community Health Review meeting specifically upcoming programs.

Administrative Actions:

1. Select Board members sign vendor warrants totaling \$128,864.27.
2. Select Board members sign payroll warrants totaling \$113,054.24.
3. Select Board members sign Broadband warrants totaling \$3,901.65.
4. FY19 Personnel Action Forms: signing the remaining forms is carried over to a future meeting.
5. Puleo moves and Stein seconds a motion to approve the 11.13.18 meeting minutes; the minutes are unanimously approved as presented. Board members review the format of the All Boards meeting. Torres reports receiving positive feedback about the two-minute time limit for reports. Stein feels the meeting was very positive. Puleo notes that the Select Board forgot to give their own report and that it is important for residents to know how many people serve the town citing the example of the display of hands, one for each committee member, created for an annual town meeting by Susie Mosher. Makepeace-O'Neil suggests having those who serve stand and be recognized during annual town meeting. Puleo: is there a way to make the All Board's meeting more inclusive, i.e. hold it at the school and have pizza before the reports; she really wants more people to be aware of how the town works. Hall believes there is more interest in governance at the local level than there has been in decades.
Stein moves and Puleo seconds a motion to approve the 10.30.18 meeting minutes; the minutes are unanimously approved as presented.

At 9:58pm, Puleo moves and Stein seconds a motion to adjourn the meeting; motion passes unanimously.

Documents and Other Items Used at the Meeting:

1. Clark Auto Wrecking Class III License Renewal Packet (see file)
2. Shutesbury Athletic Club Annual Licenses Renewal Packet (see file)
3. Town of Shutesbury and Shutesbury Athletic Club 2019 Memorandum of Agreement
4. 11.19.18 email from Wendy Masiuk: “FYI” announcing her resignation
5. “Town of Shutesbury Agreement By and Between The Town of Shutesbury Police, Teamsters Local Union No. 404 and The Town of Shutesbury July 1, 2018 – June 30, 2021”
6. “Settlement Agreement By and Between The Town of Shutesbury and The Town of Shutesbury Police Teamsters Local Union 404”
7. Memorandum of Agreement between the Select Board and Police Teamsters Local Union #404
8. 11.27.18 letter to Lt. Governor Polito
9. 11.27.18 email from Gail Huntress: “For Discussion Tonight at Select Board Meeting – MLP Manager”
10. 11.6.18 from the Amherst School Committee: “Preliminary Fiscal Year 2020 Budget Guidelines”

Respectfully submitted,
Linda Avis Scott
Administrative Secretary