

Shutesbury Select Board Meeting Minutes  
April 30, 2019 Shutesbury Town Hall

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

Guests: Police Chief Dan Fernandes, Officer Candidate Damien Shanley, Officer Candidate Marcus Johansson, Jeff Lacy (briefly), and George Arvanitis/FinCom Co-chair

Makepeace-O'Neil calls the meeting to order at 6:35pm.

Agenda Review: No changes.

Public Comment: None offered.

**Discussion Topics:**

1. Police Officer Candidate Interviews: Police Chief Fernandes introduces the part-time police officer candidates. Damien Shanley, currently a Sergeant in the Amherst College Police Department, a certified Rape Aggression Defense (RAD) instructor, former Hadley Police Department interim chief and, prior to that, a sergeant for ten years. Marcus Johansson was interviewed by both the Department and the interview panel, the plan is for Johansson, who lives in Shutesbury and has attended the part-time academy but has no experience, to begin as a part-time officer and, if appropriate, consider sending him to the full-time academy. Per Fernandes, Johansson has worked in the Shutesbury Elementary after-school program and received a very good review from Jackie Mendonsa/SES Principal and Jessica Carlson-Belanger/SES Secretary. Fernandes: Shanley recommended him for his job, helped former Shutesbury Police Chief Tom Harding with the RAD program and, in the past, worked with Harding at Amherst College.  
Puleo asks Johansson about his interest in serving Shutesbury. Johansson states that he has wanted to be a police officer serving and protecting his own community for his whole life. Stein asks Shanley what brings him to Shutesbury. Shanley states he is happy with his full-time work at Amherst College though would like the opportunity to work part-time in a laid-back community to keep a municipal connection and he likes Chief Fernandes. Makepeace-O'Neil to Shanley: what have you learned that will help you here, specifically in the school. Shanley: RAD training allows him to relate to people in a different way, he interacted in the schools as acting chief in Hadley and has coached baseball. Stein to Johansson: is there a potential problem with working/living in the same town? Johansson: because he knows the town, it will be more of an advantage rather than a problem; he will take pride in serving his community. Puleo to Johansson: professional areas needing strengthening? Johansson: my lack of experience; the way to strengthen will be to absorb all I can from the people I will work with. Puleo: how do you know you want to be an officer? Johansson: officers are people that I look up to; being a police officer gives you an opportunity to help people in a positive way; you may be seeing people at their rock bottom. Makepeace-O'Neil asks Shanley about his passion for law

enforcement. Shanley: similar to Johansson, he wanted to be a police officer from when he was about 10 years old; he followed the path from middle school to high school and into the military - to help those who cannot help themselves and knowing that people are comforted by a police officer's presence. Stein asks about barking dog experience. Shanley: he would begin by trying to contact the owner to let them know about the complaint and advise the owner to keep the dog inside. Makepeace-O'Neil to both Johansson and Shanley: are there limitations to working in a small town? Johansson: none; you have time to make yourself busy. Puleo: Shutesbury has had murders and drug issues; how would you feel about approaching such a situation or a domestic? Johansson states that he feels ready to accept the challenge; had training at the part-time academy. Fernandes to Puleo's question about what is taught at the part-time academy: it is a condensed version of the full-time academy, i.e. fire arms, applied patrol procedures, put on by the Franklin County Jail and is a good base line to start; the Department currently has very experienced officers; we will see how Johansson does before considering whether to send him to the full-time academy; we will find out about this together as we assemble a scenario based training for him which will refresh the rest of us. Shanley to Makepeace-O'Neil's question about limitations. Shanley: given what I am looking for, this is a great opportunity with no limitations. Puleo to Shanley: what is your definition of community policing? Shanley: figuring out what people need by stopping and talking to folks also RAD programming. Stein to Shanley: what got you into RAD? Shanley: growing up with a single mom, he wanted to protect women so has been teaching RAD for 14 years. Puleo asks Johansson about his favorite part of high school. Johansson: being part of sports teams – basketball and cross country, receiving good grades and being an athlete; currently coaches basketball for the Leisure Services program. Puleo asks both candidates to respond to question #13. Johansson would call for back-up then contact parents/owners and try to contact of the parents of the other kids for transportation. Stein: is there anyone to arrest? Johansson: the parents of the kid in charge of the party are responsible. Shanley: given that there are a lot of kids he would contact as many parents as possible to get the youths home, contact the parent of the child holding the party to get them back to the house as soon as possible and call for backup; it is more likely that there could be a criminal summons down the road and there might be a bylaw violation, i.e. noise complaint. Stein asks question #11. Shanley: he would take the forged ID away; the individual could be arrested for trying to use a fake Mass ID or could be summoned for the same crime. Johansson states he would take the forged ID however would not arrest the person but would ensure he has a ride home. Puleo asks Fernandes about the "Real ID" and if it can be forged. Fernandes: it would be difficult to do so because of the holograms on the ID; the Mass Chiefs organization will be developing a template to determine fake that are usually for out of state licenses. Makepeace-O'Neil asks question #8. Johansson: he would not arrest the individual though would make contact, try to figure out what is going on as could be suspicious, however, seems to be leaving peacefully and not bothering anyone. Shanley agrees; it would not be welcoming to arrest someone sitting on stairs; he would see if help is needed. Puleo asks question #12. Shanley: the main objective is to get the impaired driver off the road; the driver would be arrested for driving under the influence. Puleo to Shanley: what if only you are the only officer on duty? Shanley would have the vehicle towed, take the individual to the jail then return to town to write the report; it is hard to overlook a person driving under

the influence. Johansson: arrest the individual - first and foremost, get off the impaired driver off the street. Puleo: does it matter if the person is a Shutesbury resident and only driving a short way home from the SAC. Shanley states he would need to decide whether to get the impaired driver a ride home or, if the decision is to arrest the driver, it does not matter where they live. Johansson: operating under the influence (OUI) is an arrestable offense no matter what. Stein asks about marijuana impairment. Fernandes: there is no civil liability if the officer can prove an OUI; there is a separate section of the law for drugs and there are only a few experts who can determine if a driver is under the influence of drugs; the officer would have to arrest the driver based on observation – standard OUI tests can be done on a person high on drugs, however, the individual may do fine; nevertheless, it is good to err on the side of caution. Puleo: can a person refuse to take the breathalyzer? Shanley: yes. Puleo: would this change an officer's approach. Shanley: the breathalyzer can be done roadside, however, if the department does not have one, the individual would be arrested and brought to Franklin County; for drugs, the breathalyzer test can eliminate alcohol. Makepeace-O'Neil asks if either of the candidates have questions for the Board. Johansson asks the Select Board if Shutesbury has any unique law enforcement challenges. Makepeace-O'Neil: there are times when there is no officer in town; the school can be challenging particularly because there is no cell service in the area so it is uniquely isolated. Stein: the thousands of acres of woods in Shutesbury are an opportunity for mischief. Puleo: Shutesbury may seem sleepy and an officer could either get lulled into "Andy of Mayberry" mode and then something like a murder or a suicide happens or an officer could get the reputation as the tough guy on the block. Johansson: in order to build trust, community policing is the way to go; he hangs his hat on being a friendly familiar face. Puleo asks if the candidates have had implicit bias training. Shanley: yes, Amherst College provides lots of training. Johansson: a class was provided during his training. Stein: Leverett Road can be like a "toll road to UMass". Shanley: is there anything that the Department isn't doing or hasn't done that the Select Board would like to see done? Puleo: RAD training has not been done for a long while. Stein: the Department is keeping in touch with elders and the school; Fernandes is making community policing his own. Fernandes states that he is excited for the candidates before the Board; his job is to be involved in the community – there will be no "tough officers" in the Shutesbury Police Department; he will back up his officers if they are working right and professionally. Shanley to Puleo's question about use of body cameras: he has trialed some body cameras, has no objection to using them and has looked at Shutesbury's equipment. Johansson has no objection; they are a useful tool. Fernandes: they are an awesome tool; Officer Shoemaker recently saved someone's life. Stein moves the Select Board appoint Marcus Johansson as a part-time Shutesbury police officer; Puleo seconds the motion. Puleo notes that if Johansson is sent to the full-time training academy, there will be stipulations about his length of stay in the department. Johansson states his understanding that the full-time academy is a huge investment. The motion to appoint Johansson passes unanimously. Makepeace-O'Neil moves the Select Board appoint Damien Shanley as a part-time Shutesbury police officer; Stein seconds the motion that passes unanimously. Shanley and Johansson leave the meeting. Fernandes: because Johansson cannot work until he has a license to carry (LTC), he will be doing ride-alongs until he receives his LTC; there is time to see if Johansson will work out. Fernandes believes Johansson will fit in well and is eager to learn; Shanley has a

wealth of knowledge and is eager to teach. Per Fernandes, Officer Evan Golan has stepped back from working shifts to maybe a shift/week; Shanley will work about two shifts/month plus RAD training; the Department continues to be down 48 hours/week; Officer Shoemaker is covering Friday, Saturday and Sunday. Fernandes is trying to have some overlapping shifts once in a while; will keep the Select Board updated on how Johansson is doing.

2. Elementary School Roof: Torres: this year, MSBA changed the bar for roof repairs from 25 to 27 years. Upon learning of this change, Torres emailed State Representative Natalie Blais and State Senator Jo Comerford and, subsequently, received a call from Blais who reached out to the head of the MSBA and requested the MSBA visit Shutesbury and two other towns with roofs that need work but do not meet the age requirement; the MSBA prioritizes by age rather than by need; Blais is pushing for a priority listing by roof condition which will hopefully have an effect on next year's project proposals.
3. Annual Town Meeting Preparation: Motion document reviewed. Torres: George Arvanitis, on behalf of the FinCom, will speak to Article #2; Superintendent Michael Morris and Director of Finance and Operation Sean Mangano will be available to answer questions relative to Article #2; Steve Sullivan/ School Committee Representative to the Region will be present as well. Copies of letter written by Jeff Lacy urging citizens to vote against article #2 are received by the Board.
4. Municipal Small Bridge Grant Update: Torres shares her appreciation for the Board members' responses to her request for input and support in choosing Nitsch Engineering, the only bidder that spoke to the importance of the aesthetic of the location; Nitsch reduced their bid by 5%, to be under \$150,000. Per Torres, DOT added a requirement for a detailed cost projection for the project itself late this afternoon (4.30.19); Nitsch will have the projection ready tomorrow morning (5.1.19) which is okay with DOT given the short notice. Torres: DOT will create a contract to be signed then the notice to proceed can be given to the engineering firm; the survey work order will be given right away; the first 25% has to be completed within six months of the notice to proceed; the plan is for construction to start in August 2020 and be complete by April 2021.
5. Compensation Plan Review: Torres has spoken with the Personnel Board about reconceptualizing the chart that serves as a tracking function from year to year; this is a representation of what was already voted for; the document will be titled "Shutesbury Salary Plan".
6. Town Administrator Updates:
  - a. Broadband: the Fire Department and Library have been signed up, SES is in process and the Highway Department and Town Hall will be signed up next.
  - b. Mud/Stone on dirt roads: Torres has samples of the stone, some of which had sharp edges that may have caused flat tires on Montague Road. Torres is reimbursing, through the insurance line, those drivers who provide photos and receipts.

- c. Town Clerk Susie Mosher reported to Torres that Katie Fiander will be resigning from the School Committee; Lauren Thomas-Paquin is willing to be a write-in candidate.
  - d. Conway School of Landscape Design: Torres has begun working with Jeff Lacy and the Conway School students who would like to meet with the stakeholders on 5.9.19 at 7:00pm to kick-off the project and give an initial report. The Conservation
  - e. Board acknowledges receipt of the 4.25.19 email from with written notice of DFG's interest in acquiring ~1,770 acres of wildlife habitat from the current landowner.
  - f. Wheelock Solar Project: the Select Board expresses interest in attending the upcoming site visit – date pending.
  - g. The auditors will return 5.13.19 to wrap up their work; they will provide separate reports for FY 2017 and 2018; the audit for FY19 will be completed later this year; the three one-year audits will assist with going out to bond for Broadband.
  - h. The Police Chief's review will be scheduled shortly after annual town meeting.
  - i. Rita Farrell/CPC Co-chair's husband Michael Broad has done consulting work for Pioneer Valley Habitat for Humanity; during annual town meeting Farrell, as CPC Co-chair, would like to do a presentation on the proposed Pioneer Valley Habitat for Humanity's project. Farrell contacted the Ethics Commission and requests the Select Board consider and approve the "Disclosure by Non-elected Municipal Employee of Financial Interest and Determination by Appointing Authority" in which Farrell explains her financial interest and request to be able to speak about the project proposal. Puleo moves and Stein seconds a motion for the Select Board to approve the "Disclosure by Non-elected Municipal Employee of Financial Interest and Determination by Appointing Authority" as prepared by Rita Farrell; motion passes unanimously.
7. Committee Updates: Puleo reports on a FRCOG meeting about the plan to train community health workers and recovery coaches; there is a free training program at HCC. Puleo suggests that community health workers could be doing proactive well visit checks in Shutesbury; in nearby towns, there are part-time community health workers in the elementary school and in the community; this is something to think about in the future as the workers can help residents navigate the health care system and it is cost-effective; HCC is also training community health worker supervisors and the State is working on licensing the community health worker. Puleo reports that Shutesbury's elementary school lunch coordinator receives rave reviews and notes that Shutesbury does not have a weekly luncheon for seniors and wonders about the possibility of piggy-backing on the school lunch program as there is a potential mini-grant for transportation and supplementing the lunch costs.
8. Prior/Future Actions: Scott provides the most recent update to the FY19 Appointed Officials list. Select Board members request Scott to send memos requesting the chair/primary contact person for each board/committee to ask members whose terms are expiring whether they would like to continue to serve. Select Board members will make appointments during their 6.25.19 meeting.

9. Town Meeting Prep (continued): George Arvanitis reaffirms that he will speak to Article #2 and Stocker will speak to the budget; both will provide clarifying information. Per Arvanitis, Mangano and Morris will put into perspective what will happen if Article #2 does not pass. Arvanitis notes that Shutesbury tax rate is \$13 less than the state average which he feels is reasonable for a town without a tax base; most of the top 20 are in Western Mass; Shutesbury is appreciated for all the good will we have created while working on the regional school assessment method. Torres: we have been holding the line in a reasonable way without compromising education.

Administrative Actions:

1. Select Board members sign vendor warrants totaling \$101,318.02.
2. Select Board members sign payroll warrants totaling \$96,604.37.
3. Select Board members sign broadband warrants totaling \$358,722.95.
4. Puleo moves and Stein seconds a motion to approve the 4.16.19 meeting minutes; the minutes are unanimously approved as presented.

At 9:21 pm, Puleo moves and Stein seconds a motion to adjourn the meeting; motion passes unanimously.

Documents and Other Items Used at the Meeting:

1. Police Interview Questions, 11.20.12 version
2. Resume from candidate Marcus Johansson
3. Resume from candidate Damion P. Shanley
4. 4.5.19 email from Bruce Turner: "MSBA Site Visit"
5. 2019 Annual Town Meeting Warrant Motions
6. Letter written by Jeff Lacy urging citizens to vote against article #2
7. FY20 "Shutesbury Salary Plan"
8. 4.25.19 "Courtesy Letter" from Christina Petersen/Mass Department of Fish and Game Valley District Land Agent
9. "Disclosure by Non-elected Municipal Employee of Financial Interest and Determination by Appointing Authority"
10. "Appointed Officials: July 1, 2018-June 30, 2019" 4.30.19 version

Respectfully submitted,  
Linda Avis Scott  
Administrative Secretary