

Shutesbury Select Board Meeting Minutes
August 6, 2019 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: Susie Mosher/Town Clerk, Jon Thompson, Police Officer Marcus Johannsson, Police Officer Linda Newcomb, Police Officer Damien Shanley, Police Chief Dan Fernandes, Police Officer Tom Hudock, Lynn Hudock, Fire Chief Walter Tibbetts, Steve Sullivan/Shutesbury School Committee, Jeff Lacy, Chuck DiMare, Mike Vinskey, Leslie Luchonok, Diane Collari, Anna Aaron, Bob Groves, and Janice Stone/Historical Commission

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

Agenda Review: No changes offered.

Public Comment: None Offered.

Discussion Topics:

1. DHCD Local Initiative Agreement: Torres: the Department of Housing and Community Development has provided assurance that Pioneer Valley Habitat for Humanity has a mechanism for handling difficulties with resale of the property. Puleo moves and Stein seconds a motion to approve and sign the "Local Initiative Program Regulatory Agreement and Declarative Restrictive Covenants for Ownership Project"; the motion passes unanimously.
2. Police Department Updates: Police Chief Dan Fernandes expects the boat to be ready, under cost, by 8.9.19 and on the water during the week of 8.12.19; Officer Johannsson has been and continues to be in training; Johannsson's attendance at the academy will be part of a future discussion; office reorganization is focusing on updating systems and record keeping procedures. Fernandes to Puleo's question about traffic management during tree cutting on Pratt Corner Road: there were communication errors between the tree crews and Clark's business was affected; communication has been established and is being maintained by Officer Newcomb and Tree Warden Don Wakoluk; the crane has approximately six weeks of work on Pratt Corner Road; the crews are to maintain work hours so evening traffic is not affected. Fernandes to Puleo's question about traffic control at the lake: the State has arranged some details though has not requested the Town for a detail since July 4th; Steve Hubbard/DCR does not make decisions about details; Shutesbury's police can be tied up mitigating vehicle and foot traffic issues in the lake area. Fernandes to Stein's question: ticketing will be done if parking is causing a safety hazard and the vehicles will be towed; there are no "No Parking" signs on Lakeview Road. Officer Hudock makes a few passes in the Lake area during the weekend and speaks to people accordingly; since the 4th, most cars have been parked in the State parking lot; there has been some ticketing of those parking in the Dam Keeper's space. Puleo is concerned about parking along Lakeview Road. Hudock: DCR can ticket cars parked illegally on State property. Fernandes: on Lakeview, if a vehicle is taking up the majority of the lane it will be towed. Steve Sullivan/Highway Department: there is one "No Parking" sign on the bank at the intersection of Locks Pond and Lakeview Roads. Hudock: cars that are impeding traffic are removed. Torres: before "No Parking" signs are put up, a study needs to be done. Puleo reports hearing concerns about the need to

keep safe passage on Lake area roads. Torres: two officers are on duty during the weekend and Fernandes is standing by. Fernandes recommends the Select Board promote Officer Tom Hudock to Sergeant of the Shutesbury Police Department; Hudock has the ability to initiate changes, he brings his experience from the Hadley Police Department and has helped move Department administrative matters forward; he is an asset and the right person for the job. Hudock states that he is looking forward to advancing his career and serving the Shutesbury community. Stein moves the Select Board promote Officer Tom Hudock to Shutesbury Police Department Sergeant; Puleo seconds the motion that passes unanimously. Fernandes appreciates the Select Board's support and notes that his goal is to increase shift coverage.

3. Regional Assessment/Jeff Lacy: Lacy: many residents showed up at annual town meeting to vote on Article #2; at the time of the vote on Article #2. Lacy continues: the goal is to get the support for the statutory method going early so that officials are united before annual town meeting; the formula has been an issue for 6-8 years; the 2015 study group report concluded that the regional formula take each town's ability to pay into account; this report ranked the five-year rolling average method the highest and the statutory method second highest. Lacy: not going with the statutory method has cost the Town two million dollars; Article #2 passed because of the uncertainty of what would happen if it was voted down. Lacy refers to the 7.1.19 letter from Jay Sullivan/Associate Commissioner District and School Finance Mass. Department of Elementary and Secondary Education (DESE): DESE staff analyzed the question and what will happen when the towns in a regional school district do not agree on a budget, "The district treasurer must use the statutory method...to prepare the member town assessments". Per Lacy, this is significant and in the Town's favor. Puleo: residents at annual town meeting were concerned that questions about the regional school budget were coming at a late date; residents were worried what would happen at the regional schools if the budget was decreased at such a late date. Lacy agrees with the uncertainty raised by questioning Article #2. Leslie Luchonok: there was uncertainty about what would happen. Charles DiMare: in the arguments on the floor, the need for Town leadership on funding for the school budget was identified. Bob Groves/Finance Committee: at the four-town meeting, there was consensus for support of the budget; Amherst refused to pay more and did not take responsibility for the impasse; statutory is a fair and equitable method. Lacy states his hope that the Select Board and FinCom will meet with interested parties and the statutory method will be the principle subject. Lacy hopes to get to the point where both Boards will vote the straight statutory method and that regional school budgeting is based on statutory from the start. DiMare and Lacy are willing to be part of a negotiating team. Stein: this would be a radical departure from what we have been doing and would shift the conversation. Luchonok: negotiating in good faith with the burden on Shutesbury taxpayers is not right. Diane Collari: as a taxpayer, the tax rate is an issue; we need to make a move right now; the majority of the taxpayers do not have children in the school. Stein: these are our community's children. Mike Vinskey: it is more beneficial for Shutesbury to go the statutory method; I do not think anyone can say it would be a bad thing because the school budget would not change; it is who pays what amount that will change. Stein: how do we negotiate the statutory method in good faith with the other three communities; meeting with the FinCom makes sense. Torres to Puleo's question: there have been no recent updates to the formula; the efforts to change the formula were related to the foundation budget; this year, there was little change to Chapter 70 aid; the state is being pushed to provide more funding. Lacy: without the statutory method, the Town paid \$311,000 extra this year, will pay \$285,000 extra next year, and \$260,000 the following year. Steve Sullivan/Regional School Committee to Puleo's question: Mike Morris/Superintendent and Sean Mangano/Director of Finance Operation, who he has

been keeping up to date, begin working on the budget in September; the Regional School Committee sees the budget in November. Puleo suggests the joint meeting be held in September and thanks Lacy and DiMare for their offer, however it is preferred that negotiating members come from the Select Board, FinCom and School Committee. Stein: public input is necessary however, negotiating team representation needs to come from existing committees. Vinskey: the team needs to go to the negotiating meetings holding the position that the statutory method is the standard; it needs to be kept in mind that the vote on Article #2 was close. The tentative date for a Select Board meeting with the FinCom and School Committee is 9.17.19. Torres: enrollment numbers will be available by October; if efforts were not made in the past, this year's number would have been \$387,000; we are going in the right direction. Lacy: statutory is the common method across the commonwealth and is endorsed by DESE.

4. Constellation Agreement: Torres: the Constellation agreement is a fixed contract for the cost of electricity at \$.086/kwh for three years; Bruce Turner/Union #28 Director of Finance and Operations agrees with the contract amount; Town Counsel Donna MacNicol also needs to sign the document. Torres confirms that the contract covers all town buildings. Puleo moves and Stein seconds a motion for the Select Board to approve the "Constellation NewEnergy, Inc Electricity Supply Agreement – Fixed Price Solutions" with the Town of Shutesbury and, because this is time sensitive material and must be coordinated with Town Counsel, authorize signing of the contract by Becky Torres/Town Administrator; motion passes unanimously.
5. Diversity and Sensitivity Training: Per Torres' research, the Attorney General's office will do a workshop for 20 participants for \$800. Sullivan suggests contacting the Collaborative for Educational Services. Makepeace-O'Neil suggests Fred Pryor Seminars. Torres will check with FCROG about possible funding for the training. The plan is to request at least one committee member attend the training; there are other programs specific to employees and department heads. Select Board members express interest in attending the training. Torres will have a training plan for consideration during the 8.20.19 meeting.
6. Town Policies/Air BNBs: Torres anticipates the need for a bylaw relative to Air BNBs; there are about 15-20 property owners in Shutesbury offering Air BNB services so a small source of revenue is possible. Torres will gather information about how other small towns are handling Air BNBs.
7. Appointments: Board members acknowledge receipt of the 8.1.19 email from Janice Stone, "Historical Commission Seat" stating that during their 7.31.19 meeting, the Commission voted to recommend the appointment of Mary Lou Conca to fill the vacant seat. Puleo moves the Select Board appoint Mary Lou Conca to the Historical Commission; Stein seconds the motion that passes unanimously. Puleo moves and Stein seconds a motion to accept Kristin Van Patten's letter of resignation from the Historical Commission; the motion passes unanimously. Per the 8.6.19 letter of recommendation from Town Clerk Susie Mosher, Stein moves and Puleo seconds a motion to appoint Mark Olszewski, a member of the Republican party, to the Shutesbury Board of Registrars for a term to begin immediately and to end on 3.31.21; the motion passes unanimously.
8. Committee Updates:
Emergency Management Team: Puleo: David Perlmutter has agreed to be the EMT Public Information Officer; Emergency Management Director Walter Tibbetts is aware and pleased

about Perlmutter's willingness to serve. Puleo moves the Select Board appoint David Perlmutter as the EMT Public Information Officer; Stein seconds the motion that passes unanimously.

Broadband: Torres: Gayle Huntress/MLP Manager explained that if there is a utility pole within 150' of a property and an aerial installation is possible, going underground is a more expensive option and that property owners were informed of the choice and extra costs. Huntress reported to Torres that, thus far, 40 parties have been evaluated for this situation and no one has complained; a total of 105 properties have had underground trenching to date. Torres suggests asking for an accounting of the extra costs paid for by those choosing an underground install when aerial was an option. Puleo is concerned that some residents may have chosen aerial versus a trench due to the extra cost. Stein: was this policy presented in writing? Torres: the Broadband Committee was clear that the least costly installation would be used. Puleo: it was most bothersome that when Sertex first came to her property, they did not tell her there would be an extra charge. Stein: there needs to a uniformly applied policy. Torres: Huntress is concerned about being over budget, however, there is a 15% contingency in the contract; a cost accounting will be requested during the 8.7.19 weekly MLP/contractors' meeting. Select Board members strongly suggest the current policy be suspended. Stein recommends Huntress attend the 8.20.19 Select Board meeting. Janice Stone notes that she has been hearing about additional charges. Torres explains that ~250 installations have underground trenching; if there are poles within 150' of the house, it is cheaper to go aerial; the extra charge did not start right away, however, at some point, charging an additional amount was initiated; if the policy is reversed, those who have been charged extra will need to be reimbursed. Makepeace-O'Neil: Sertex should have had actual costs prior to installs. Torres: project activity has picked up; Sertex needs to put additional staffing on the job; TriWire has committed to completing reports by a date certain; Town Hall's broadband service will be installed by the end of August.

Janice Stone/Historical and Cemetery Commissions, who joined the meeting after the appointment was made, confirms the Historical Commission appointment of Mary Lou Conca has been made. Stone notes that with Van Patten's resignation, the Commission will still have one vacancy. Per Stone, despite difficulty with attaining quorum, the Commission is attempting to hold regular meetings; there will be information in the upcoming newsletter about the Commission and inviting interested parties to attend a meeting; Chris Donta is helping with minutes and the Commission is hoping to have another educational event in the fall even though the Cultural Council declined their application for funding. Stone reports that the Cemetery Commission may be sponsoring a program about gravestone restoration.

9. Town Administrator Updates

- a. Town Hall staff hours: new Town Clerk office hours have been posted; the Treasurer's Monday hours will alternate between days and evenings.
- b. Wheelock Solar PILOT: there will need to be an amendment for the new system resiliency property; Administrative Assessor Kevin Rudden has researched what other towns are doing, i.e. comparing personal property versus a flat fee; Lodestar is offering \$8,000-10,000/year, however, future discussion is needed as the additional value is about \$1.6million. A site visit for the Select Board will be scheduled.
- c. Western MA Law Enforcement Mutual Aid Agreement: Makepeace-O'Neil moves the Select Board accept the "Western Massachusetts Law Enforcement Mutual Aid Agreement" and approve the signing of the document by Becky Torres/Town Administrator; Stein seconds the motion that passes unanimously.

10. Prior and Future Actions: A date for the All Board's meeting is to be scheduled; plans for Celebrate Shutesbury need to be finalized; the tentative date for the joint meeting with the School Committee and FinCom is 9.17.19.

Administrative Actions:

1. Select Board members sign vendor warrants totaling \$859,274.93.
2. Select Board members sign payroll warrants totaling \$101,634.82.
3. Select Board members sign broadband warrants totaling \$9,000.00.
4. Stein moves and Puleo seconds a motion to approve the 7.23.19 meeting minutes; the minutes are unanimously approved as presented.

At 8:45 pm, Puleo moves and Stein seconds a motion to adjourn the meeting; motion passes unanimously.

Documents and Other Items Used at the Meeting:

1. "Local Initiative Program Regulatory Agreement and Declarative Restrictive Covenants for Ownership Project"
2. 7.31.19 email from Mark Rivers/LWAC "Residents Concerns Regarding Overuse of the State Park"
3. 7.1.19 letter from Jay Sullivan/Associate Commissioner District and School Finance, Mass. Department of Elementary and Secondary Education
4. "Constellation NewEnergy, Inc Electricity Supply Agreement – Fixed Price Solutions"
5. 8.1.19 email from Janice Stone "Historical Commission Seat"
6. 8.5.19 email from Kristin Van Patten "Historical Commission Resignation"
7. 8.6.19 letter from Town Clerk Susie Mosher
8. "Western Massachusetts Law Enforcement Mutual Aid Agreement"

Respectfully submitted,
Linda Avis Scott
Administrative Secretary