

**Board of Selectmen
October 12, 2010 Meeting Minutes**

Members Present: Chairman Elaine Puleo, Al Springer, and J. April Stein

Also present: Town Administrator Rebecca Torres and Administrative Secretary Leslie Bracebridge

Meeting opened at 6:30 PM

Appointments

1. Police Chief Harding:

- **Complaints of two dogs on West Pelham Rd:**
 - One neighbor has registered multiple complaints about 2 barking dogs left outside when the owners go to work.
 - Police visits and the complainant's log show occasional barking. One police officer issued a warning to the dog's owners.
 - Owners feel their dogs provide security when they are not home and decline the use of bark collars.
 - Getting both parties talking together in the same room may be helpful.
 - Becky will notify both parties of a dog hearing before the Select Board on November 23.
- **Both Chief Harding and Sergeant Wall had to respond to an alarm activation at 278 West Pelham Road on a weekend night:** Caused by a chipmunk.
 - A more efficient system would be for the Chief and the Sergeant to share on-call duties until the crime scene is released.
 - Sergeant Wall would need a cruiser on the nights that he is on-call as his personal vehicle cannot safely negotiate the main intersections and lights between his home and Shutesbury.
 - A round trip was calculated at about 30 miles.
 - This will only be until State Police Crime Prevention and Control (CPAC) release the crime scene.
- **Lock down drill at the school today:**
 - A pre-announced lock-down drill went well; everyone was accounted for.
 - A mechanical problem with the lock on the front door was identified and will be fixed.
 - Principal Mahler reports that visitors are complying with the sign-in sheets.
 - Next month they will conduct another announced drill then there will be one with only the office staff knowing it will happen, then one where only Chief Harding and Emergency Management Director Tibbetts know. The idea is for lock-down drills to become as routine as fire drills.
 - Any notices to parents concerning the drills are to be handled by the school.
 - The Superintendent was present for today's drill.
- **Radios in department vehicles have been repaired.**
 - Improperly programmed radio in the cruiser.
 - Improperly shielded wiring in the Explorer.
- **Full and Part time Officer ads will run through October 15th:**
 - The ads yielded 4 fulltime and 2 part time applicants (one in-house) and some phone calls.
 - Chief Harding and Sergeant Wall will review the applications.

2. Birch Drive resident Ron Meck spoke with Selectmen about expenses he incurred when pursuing purchase of 5 Haskins Way at auction:

- Mr. Meck attempted to buy a house at 5 Haskins Way from the town at auction in June 2009.

- Due to Shutesbury's "Z-lot" system, the lot that the house actually sits on was inadvertently not included in the pre-auction paperwork. Once discovered, the error halted completion of the auction sale.
- It was at first anticipated that the house would come up for auction again but the original owners came back and bought it back, as is allowed by statute for 12 months after auction.
- Mr. Meck's \$5,000 deposit was returned concluding the failed sale.
- Mr. Meck spent \$550 out of pocket for legal expenses and for septic repair expenses before he owned the property and requests compensation.
- The Town Treasurer is the point person. Shutesbury's attorney Ron Beronson has explained to Mr. Meck and his lawyer that the town is not responsible for Mr. Meck's expenses.

Select Board discussion included:

- Mr. Meck is out money due to a mistake; should the town share Mr. Meck's expenses with him?
- Town Counsel's opinion is that the town does not owe Mr. Meck anything more (than the \$5,000 deposit.)
- The original owners legally had 12 months to buy the property back, no matter if the town or Mr. Meck had owned the property.
- Anything put toward an auction sale is a gamble.
- Selectmen feel bad that Mr. Meck is losing the \$290 on the title search but the expenditure was due diligence of a buyer.
- The buyer always pays for a tax title search and banks require a title to be cleared before lending.
- The septic system research was done before Mr. Meck owned the property because Mr. Meck was going to Canada and wanted the property ready to work on upon his return. Mr. Meck moved ahead too quickly. Another question arose because the fill was dated April 2010, long after the deposit was returned.
- Becky offered to review this with the Town Treasurer.

Selectmen took no action to compensate Mr. Meck.

Topics

1. See Appointments above for **Ron Meck's request.**
2. See Appointments above for **West Pelham Road dog situation**
3. **Special Town Meeting review of motions and plan:**
 - Motions will be evenly and consecutively distributed amongst the Selectmen.
 - Weezie Houle will do a presentation on the lighting plant.
 - Jon Thompson will speak on the Stretch Code, Andrew Webster will answer questions, and Becky will have a piece in her Town Administrator report with attachments.
 - Why adopt the Stretch Code? A "pot of money" exists if it's adopted and eventually the Stretch Code standards will be an inevitable part of the Massachusetts Building Code.
 - The money comes from the sale of credits for pollution in the production of energy and some of the funds go into the funding mechanism for Green Communities.
4. **All Boards Meeting**
 - Struck by the number of people in this town who volunteer, Selectmen plan to go forward with awarding volunteer pins to anyone who has ever volunteered in this town.
5. **250th Ball:**
 - Becky will coordinate a meeting between the Selectmen and the 250th Committee to plan for the ball.
 - April and Elaine want to develop a triathlon to fund the ball.
6. **Brown's Pond Update:** Becky summarized Lois Brown's plan:
 - Sell a Conservation Restriction (CR) on the land to raise money to rebuild the dam.
 - Rebuilding the dam could cost \$600,000:
 - Lois has no money and cannot do anything without help.

- Lois' brother Kenneth Brown will donate his share toward repair of the dam.
- Lois has a \$12,000 quote from Engineer Morris Root to do a full assessment for repair of the dam.
- The dam would not be owned by the town.
- Many people want a CR on the land.
- Why are we spending \$1/2 million to buy land when we gave 500 acres to the MDC for a low price?
 - The plan is not dependent on the town paying anything; the Kestrel Trust is assisting Ms. Brown in applying for the federal forestry option.
 - The Kestrel Trust will put out a plea to the community for donations and with the grant money it could be done without the town paying for any of it.
 - Ms. Brown is hopeful that the Conservation Commission will waive local permitting fees.
 - The Conservation Commission has no authority to waive state permit fees, but they could spend accumulated Conservation Commission funds on the state fees.
 - Ms. Brown is trying to find a group of people who could help her with the on-going fees to the Office of Dam Safety for inspections, repairs and reports.
 - Ms. Brown is not talking about breaching the dam, which is the only option the town would have.
- Could the property be used for a big open area for solar and wind energy production and/or for housing for the elderly?

7. There are no new updates on the gas clean-up.

Select Board Actions

- 1. Selectmen unanimously voted to approve the minutes of September 28, 2010 and October 12, 2010 (7 AM) meetings as written.**
- 2. Selectmen signed vendor warrants totaling \$588,159.32.**
- 3. Selectmen signed payroll warrants totaling \$80,558.38.**

New Topics

1. Our electricity rate is about back to where it was when the Hampshire Energy Cooperative was selected as our provider at \$0.074/kwhr, supply cost.

Meeting adjourned at PM

Respectfully submitted,

Leslie Bracebridge
Administrative Secretary