

**Board of Selectmen
March 1, 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

The Select Board met with Police Chief Harding and Sergeant Justin Wall:

- The Western Mass Police Chiefs are advocating for support of their requested legislation for:
 - A surcharge on vehicle registrations for state and local police training.
 - Authority over non-criminal matters in neighboring towns when in “fresh pursuit.”
 - Other legislation for local police to have jurisdiction anywhere in the Commonwealth; this is not supported by state police.
- Grant money is coming in FY 12 for mobile data terminals for fire vehicles.
- The Department needs more depth of part time availability to cover the schedule. Based on what happens with the April schedule, there may be a need to reconsider the resumes collected last fall.
- The West Pelham Road Kirschner residence is still considered a crime scene by the state police.
- One of the donated laptops has been put in the Sergeant’s cruiser. Sprint was selected as the provider. Where there is coverage, the laptop will provide Sergeant Wall with access to a lot of useful information right in the cruiser.
- The Police and Fire Departments have both agreed to join Greenfield in the spring in conversion to the Spillman data management system.
- There is no feedback of any town having purchased the UMass Dodge Charger cruiser.
 - The February 17 Shutesbury Capital Plan Committee supported:
 - purchase of a new cruiser,
 - a dump truck for the Highway Department,
 - \$5500 for the Town Buildings Committee, and
 - \$100,000 to be placed in the capital stabilization for FY 12.
- Becky will remind Shutesbury Athletic Club President Paul Danielovich that in addition to sending the monthly activity schedules to the Police Department, the Club also needs to send notice (which could be as simple as an email) to the Police Department of events planned after the monthly notices are sent. Also, the Club has a responsibility to provide extra staff when their guest numbers increase.

Selectmen met with School Committee Chairman Michael DeChiara to discuss:

1. How best to fill the School Committee vacancy created by Martina Dooley-Carvalho’s resignation:

- Martina will continue in her position through June 30, 2011.
- **Selectmen unanimously voted to put a 1-year School Committee position on the May 7, 2011 annual election ballot.** This will avoid the cost of running a special election.

2. **In the presence of Treasurer Gabriele Voelker, Selectmen and School Committee Chairman**

Michael DeChiara reviewed MGL 32B§9a relative to making retiree health insurance for equitable for Shutesbury employees, teachers, and Erving School Union 28 office staff:

- Department of Revenue Attorney Gary Blau, Town Counsel MacNicol, and Hampshire County’s Group Trust CEO John Lillis have all indicated to Becky and Gabriele that their interpretation of MGL 32B§9a is that, the town should be offering retirees the same as they offer employees for retirees and their dependents.
- The Working Sub-Committee’s tentative solution for the question of Union 28 retirees’ health insurance coverage is for each town to pay a proportionate enrollment percentage times what

is offered to the respective town's employees. For Shutesbury, that would be 24% of the 50% of the premium paid for a retiree's coverage.

- Special legislation will be required to establish the cost distribution formula for Union 28 health insurance for active and retired employees. The working group will report back to the five towns' Select Boards and Swift River at a meeting at the end of March.
- Becky will gather and prepare proper wording for the Select Board to review at the March 15 Select Board meeting.
- The five towns' Select Boards and the Swift River School Committee will consider the special legislation request, at the end of March.
- Everyone on the Working Sub-Committee has agreed to bring this idea forward to the authoritative body forward despite a concern of bringing special legislation for Union 28 to the legislature.
- More employees and retirees will need a family plan with the new 26 year old child federal coverage requirement.
- An open enrollment should be offered to Shutesbury retirees now receiving town health insurance benefits. Treasurer Voelker spoke with Hampshire County Insurance Trust about how to enact a change in policy.
- At age 65 Shutesbury retirees are required to go on Medex and the town pays the difference.
- The next step is to pay the \$300/person/month held back on Union 28 retiree insurance, accompanied by a letter explaining the payment to be in good faith pending the legislative outcome of the proposed Union 28 retiree health insurance cost-sharing formula.

3. Resolution of the start date of School Committee member terms:

- Becky reported Town Counsel MacNicol's interpretation:
 - The Amherst-Pelham Regional statutory agreement states that reorganization of the Regional School Committee will take place within 10 days of the date of the last town election.
 - A 1974 Shutesbury Town Meeting statutory vote states that the start date of elected officials will be July 1.
 - It cannot be said that the 1974 town meeting vote precedes the regional agreement. Therefore, the School Committee, faced with conflicting statutory mandates may vote to follow whichever mandate it chooses without going to a town meeting vote and without the School Committee's vote having any effect on the start dates of any of the remaining town's elected and appointed officials.

Topics

1. The **town hall insulation project** is done and all bills are paid.
2. See the **Union 28 Health Insurance Policy discussion** above.
3. **Update on gas clean-up/discussion of Fire Station and February 18 DEP meeting:**
 - Selectmen continued to discuss the known options and preliminary tests for addressing contaminated soil under the Fire Station: Ventilation, surgical removal or removal of the entire building.
 - Preliminary tests won't prove the actual percentage of gas that will be removed by any method until the actual work is done.
 - The amount of contamination to be remediated is unknown.
 - A public presentation to remove the Fire Station would be stronger with results of alternate method tests.
 - We're never going to get it all. The most will be removed by digging under the fire station.
 - Becky will review the proceedings of the February 18 meeting at the Springfield office of the Department of Environmental Protection (DEP) with Licensed Site Professional Jim Okun.

- More site visits will occur exploring potential surgical removal of contaminated soil as Select Board members continue to give this question more thought.
4. Selectmen reviewed and unanimously agreed with the contents of the **draft letter of agreement between the Town of Shutesbury and MassDEP relative to LUST ARRA cost recovery** sent by MassDEP Division Director Kristin Lacroix. This draft will be formally written and returned to Shutesbury for signatures.
- 5. Flood Insurance discussion:**
- Franklin Regional Council of Governments (FRCOG) Senior Land Use Planner Pat Smith presented information on the town's consideration of rejoining the National Flood Insurance Program (NFIP) at the February 21 Emergency Management Team meeting.
 - Shutesbury was dropped from the Plan in 1980 when some renewal steps were over-looked.
 - Shutesbury is one of 5 Franklin County towns that are not NFIP members.
 - Selectmen were asked if Shutesbury wants to be a part of the FRCOG grant application to MEMA for development of a hazard mitigation plan, which is a necessary component of rejoining the NFIP.
 - The grant application is due March 4.
 - **The Select Board unanimously voted to request Shutesbury be included in the FRCOG grant application to MEMA** understanding that Shutesbury neither has to adopt the hazard mitigation plan, nor join the National Flood Insurance Program without further consideration. The vote only ensures that if the grant is awarded to FRCOG, a hazard mitigation plan will be developed so the town will be ready if it chooses to join the Nation Flood Insurance Program.
6. **Snow plowing – Jeff Lacy's third letter (expected):** There have been no more letters concerning snow plowing from Jeff Lacy. Becky reported that Jeff would like his letters to support the opposite perspective of the many calls received requesting more plowing and sanding be done. He supports not spending so many tax dollars on snow plowing and sanding.
7. **Finance Committee updates:** The Finance Committee will meet on the 8th:
- School representatives will meet with the Finance Committee at 7:30 PM.
 - The school asked for \$60,000 above level funding in FY 12. The Finance Committee instead allotted \$30,000 and so school officials will now be defending the need for \$30,000 more.
8. **Questions for the Water Resources Committee:**
- Members of the Water Resources Committee are looking for more specific guidelines from the Board of Selectmen as to the Water Resources Committee charge.
 - Selectmen received a fundamental list of objectives created by Water Resources Committee Chairman Hugh Harwell.
 - Becky has a digital copy on disc of Leverett's 900-page report.
 - Before Selectmen decide what they want they will review Leverett's report and see what they did.
 - **Selectmen unanimously voted to appoint Paul Lyons to the Water Resources Committee effective 2/23/2011.**

Select Board Actions

1. **Selectmen signed vendor warrants totaling \$128,216.07.**

2. **Selectmen signed payroll warrants totaling \$81,507.21.**
3. **See actual LUST agreement at the end of these minutes.**

New Topics

1. School roof leaks are being addressed by Buildings Committee member Robert Groves.
2. Chairman Puleo signed the annual letters to the town political party chairmen requesting recommendations for election officers and a Republican Registrar in keeping with MGL 54§12 and MGL 51§15.
3. Town Clerk Leslie Bracebridge gave Selectmen a request letter for the Board to take formal action exempting as many positions as allowable under the new state ethics statute, from the state mandated 2-year ethics testing process. The letter supports the statute's principles of ethical standards but finds the record-keeping and mandatory test-taking to be an un-funded and unnecessary mandate placed on public officials. Chairman Puleo suggested the Board would review the request for their March 15 meeting.
4. Elaine requested letterhead to write a letter of apology for the behavior of an anti-war group at a recent Northampton meeting with Senator Kerry.

Meeting adjourned at 9:15 PM

Respectfully submitted,

Leslie Bracebridge
Administrative Secretary



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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DEAN TORRES
Mayor

PHOTO: MATT
COURTESY: MATT

THOMAS LULLMAN
Secretary

KENNETH WYLLIE
Commissioner



Town of Shutesbury
Becky Torres, Town Administrator
1 Cooleyville Road
Shutesbury, MA 01072

SUBJECT: Letter Agreement between Town of Shutesbury and MassDEP Relative to LUST ARRA Cost Recovery

Dear Ms. Torres:

This Letter Agreement documents the January 24, 2011 verbal agreement between Shutesbury Town officials and MassDEP relative to cost recovery of LUST ARRA funds. The Town's countersignature is requested as acknowledgement of and concurrence with the agreement outlined in section II of this letter.

I. The relevant facts as presented during the January 24, 2011 meeting, in summary:

- MassDEP spent \$198,000 of LUST ARRA funds (Project# 101481) removing approximately 3,000 tons of soil from Town property. The site remains active pending additional response actions. Estimates of cost to close the site range from \$200,000 to \$900,000.
- The Town verbally requested 100% forgiveness of the LUST ARRA cost repayment. MassDEP indicated that this may not be feasible.
- The Town has approximately \$540,000 free cash in Fiscal Year 2011 available for site related expenses including necessary assessment and remediation.
- The Town would have to divert free cash available for assessment and remediation to cost recovery if the Commonwealth demands immediate payment in full.
- Closure of this site is a priority for MassDEP and the Town.

II. Terms of Agreement:

- MassDEP will not make a demand for cost recovery payment until after the Town has completed the cleanup or is reasonably certain of the cost and timing of expenditure.
- At that point, the Town and MassDEP will discuss a negotiated settlement of the LUST ARRA costs and/or hardship payment plan.
- MassDEP's consideration and evaluation of a negotiated settlement and/or payment plan will take into account the Town's financial situation, the level of Town resources committed relative

This information is available in alternate format. Call Michelle Forbes-Leman, University Director, at 617-293-6561. TDD: 1-888-332-7622 or 617-274-5955.
MassDEP Website: www.mass.gov/dep
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LUST ARRA expenditures, and the Town's demonstrated cooperation and commitment to the cleanup.

This Letter Agreement will expire twelve (12) months from date of the Town's countersignature of this letter. During this period covered by this Letter Agreement, the Town will take the necessary steps to finalize a course of action for site closure, including implementation plan and cost estimates. If the Town takes the necessary steps, but is unable to finalize a site closure plan within 12 months, this Letter Agreement may be extended with the countersignature of the Town and MassDEP. The Town will notify MassDEP in writing approximately one (1) month before the expiration of the 12 month period if an extension of this Letter Agreement appears to be necessary.

Sincerely,

Kristin Macraix, Division Director, BWSC
For MassDEP

Date _____

cc: Senator Stanley Rosenberg
Representative Stephen Kulik
Iva Tor, MassDFP/WERO

Accepting for Town of Shutesbury:

Printed Name _____

Signature _____

Title _____

Date _____

LAND-USE & RESOURCE MANAGEMENT DECISION APPLICATIONS
FOR PROPOSED SHUTESBURY GEOPHYSICAL DATABASE

1. Town Master Plan and Open Space and Recreation Plan revisions and updates.
2. Special planning studies for specific zoning districts, neighborhoods and development issues.
3. Selection of the Primary Groundwater Recharge Areas with the highest recharge rates that should be protected from impervious land development and pollutant discharges by law, regulation or Conservation Restrictions.
4. Which land areas overlie hydrologically separate aquifers with distinctly different recharge rates and storage capacities, and what is the maximum number of wells with what yield rates that can be indefinitely sustained in each area?
5. What densities of development and how many users can each of these groundwater supply areas sustainably support:
 - a. With individual wells for each building?
 - b. With common wells for clusters and neighborhoods?
6. What is the threshold density for the maximum amount of development using standard on-site septic system design that can be sustainably and healthily supported by each of the different groundwater recharge and dilution rates of the respective groundwater supply areas, beyond which larger nitrogen credit areas, enhanced nitrogen removal technologies, or community sewage treatment systems for clusters or neighborhoods would be required?
7. For each soil hydrologic group, what is the appropriate threshold ratio between the number of bedrooms and the size of the individual or aggregated nitrogen credit dilution area required for standard septic system sizing and design, beyond which higher bedroom densities will require enhanced nitrogen removal technologies?
8. What is Shutesbury's fair-share responsibility that must be provided by effective actions here to protect how much of which drainage basins and recharge areas from impervious development and pollutant discharges and to limit the number of wells and amounts of groundwater drawdown in those areas, in order to ensure adequate, clean surface and groundwater supplies remain continually available for the downhill/downstream towns in the Connecticut River Watershed?
9. What new water conservation practices, policies and regulations are needed to mitigate impervious development and well withdrawals in order to maximize on-site recharge of withdrawn groundwater and to minimize export and evapotranspiration losses?
10. What new practices, policies and regulations are needed to contain, reduce or prevent surface and ground water contamination by road salt, fertilizers, pesticides and other pollutants?
11. What soil, groundwater and water quality tests and analyses are needed for new site development permit applications to adequately protect surface and ground water supplies and qualities?
12. What additional Health Regulations are needed regarding well hydrologic positions, depths, casing depths and casing seals in relation to existing and planned septic leach field locations, and regarding leach field proximities to each other in order to protect well water?