

Shutesbury Select Board Meeting Minutes
September 17, 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: Police Chief Dan Fernandes, Police Sergeant Tom Hudock, Jeff Lacy/7 Baker Road, Ben Purdon/NuclearBan Us, Michael Pill/37 Leverett Road, Carrie Hawkins/17 Leverett Road, Leslie Luchonok/61 West Pelham Road, Mike Vinskey/391 West Pelham Road, Bill Wells/371 West Pelham Road, Karen Tarlow/202 Leverett Road, Melissa Warwick/88 West Pelham Road, Ethan Todras-Whitehill/218 Baker Road, Michael DeChiara/56 Pratt Corner Road, Robert & Sharon Raymond/145 Baker Road, Lisa Poirier & Emily Case/322 Locks Pond Road; Lauren Thomas Paquin, Jen Malcolm-Brown, Kathryn Fiander, Dan Hayes, and Steve Sullivan/School Committee; Diane Jacoby/230 Leverett Road, Diane Adams/151 Locks Pond Road, Jon Thompson/266 Pelham Hill Road, Jon Mackenzie/341 Montague Road, George Arvanitis/15 Pelham Hill Road; Bob Groves, Rita Farrell, Ajay Khashu, Weezie Houle, Eric Stocker and Jim Hemingway/Finance Committee; Anna Aaron/Personnel Board, and Sean Mangano/ARPS Director of Finance and Operation

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

Agenda Review: Torres: receipt of the HG&E contract addendum remains pending.

Public Comment: None offered.

Discussion Topics:

1. Treaty on the Prohibition of Nuclear Weapons: Ben Purdon/NuclearBan.US: last spring NuclearBan introduced a nonbinding resolution warrant article that was unanimously approved by the voters of Shutesbury; his purpose this evening is to see if the Town will take the necessary steps to come into compliance with the U.N. Treaty on the Prohibition of Nuclear Weapons and to offer any guidance the Select Board may need. Per Purdon: the steps are 1. Prohibition of nuclear -related activities within Town limits. Makepeace-O'Neil notes that the Town declared such a prohibition in 1984; 2. Making a policy to reject contracts with nuclear weapons companies and 3. Divesting from companies that profit from the production of nuclear weapons. Purdon notes that Northampton signed a petition to reject such contracts and made an executive decision to create a City policy to divest investments in nuclear weapons companies and that NuclearBan offers pro bono services to determine if divestments are needed. Per Purdon, the State Legislature Veteran Affairs Committee is currently investigating Massachusetts severing all ties with the nuclear weapons industry and the Select Board could act to support bills S2177 and H3239; a hearing will be held 10.24.19. The Select Board confirms that Shutesbury's resolution was sent to our legislators at the time and recommends the document be sent to the current state legislators. Purdon explains that if Shutesbury comes into compliance with the U. N. treaty, a certificate will be issued demonstrating this has been accomplished. Purdon will provide the Select Board with information about divestment for their consideration.

2. Police Department Update: Police Chief Dan Fernandes reports that Officer Marcus Johannsson has been in training for three months and is currently on the road for about 32 hours/week; he is smart, self-initiated and quick to learn; Sergeant Hudock and I have determined that Johannsson will be ready to be on his own starting in October when the Department will be on overlapping shifts; because it is time to reserve a placement, the next step is to consider Johannsson's attendance at the full-time academy that begins in January. Fernandes acknowledges that academy attendance is a large investment and that the Town has had challenges with past placements; the January timing would provide a few more months to ensure Johannsson is a good fit for the town; he has good rapport at the school and a good community policing outlook. Puleo suggests and Stein agrees to have Johannsson attend a future Select Board meeting to consider academy placement. Fernandes agrees to provide a cost benefit analysis for sending an officer to the academy that includes \$15,000 for wages during attendance at the academy, which is now 22 versus 26 weeks, and \$3,000 to attend the academy; the cost for some of the required academy equipment will come out of Department operating funds. Fernandes will look into the possibility of reserving a placement prior to the Select Board's decision. Fernandes' goal is for the Department to be proactive, productive, and conducive to officers staying. Puleo appreciates Fernandes' fiscal responsibility. Per Fernandes, having the boat in the water is resulting in interactions with folks and the kayakers are appreciative; it is a cost-effective way to patrol a previously unpatrolled area of Town. Mike Vinskey: for years, we were trying to get rid of the boat. Fernandes: the highest amount the boat could be sold for was \$500; it was stagnant for 5 years and Department funds were used for the \$1,500 to put the boat in the water; the boat increases access to those living on the shoreline. Vinskey: the Select Board decided the boat was not cost effective. Fernandes: the boat is a Town asset and there are problems with fast moving boats and wakes on Lake Wyola therefore he did not think it was prudent to get rid of the boat; Department funds were used for repairs and service to the Town has increased. Torres: the Fire Department hoped to get \$10,000 for the boat and to use the funds for equipment, however, it took time to obtain the vehicle identification number and then to sell it for much less than was anticipated, it seemed prudent to repair and use the boat. Puleo reports to Fernandes that a dog from the farm on Pratt Corner Road, close to the Amherst line, attacked an adult at shoulder level; the person involved does not want to report the incident. Puleo requests Fernandes to ensure the dog is properly fenced. Fernandes will have the Department look into the situation. Michael Pill: the person needs to bring a civil claim. Puleo affirms the individual involved does not want to come forward.
3. FY21 Regional Assessment/School & Finance Committees: Lauren Thomas-Paquin/Chair calls the Shutesbury School Committee to order at 7:15pm. The Finance Committee is already in session. Introductions are made. Makepeace-O'Neil: the purpose of this meeting is to have a conversation about the FY21 regional assessment in advance of the budget season. Sean Mangano/ARPS Director of Finance and Operation: from 2000-2004, the assessment method was statutory, then it was switched to a modified method until 2008 when it became a per pupil method until 2016. In 2016, concerns were

voiced and a modified method was put in place from 2017-2020; the recent year was 30% percent and next year would be 40% of the five-year average of minimum contributions. Mangano continues: there have been many working groups; the 2006-2008 working group looked at various methods and decided on returning to the regional agreement method of per pupil five-year rolling average; there have been several more working groups since 2016 and a consultant was used; this is something the towns will have to decide for themselves; the issue has been well studied and we know why there are differences between the towns. Puleo: there are multiple methods and four towns; it is a seesaw, one method helps some and hurts others; the goal is to find a method in which no one town takes the hit more times than the others; this will always be an issue no matter what method is chosen.

Mangano to Michael DeChiara's question: the assessment changes sharply based on enrollment figures; there is volatility with the full statutory method. Puleo: that is why it was decided to go with the five-year rolling average for enrollment. Stein: a lot of hard work was done. Bob Groves/Finance Committee: no matter the method, the rolling average can be used to even out the highs and lows; we might have saved a considerable amount of money by using the statutory method which is a progressive method adopted by many towns.

Jeff Lacy refers to his graph and appreciates the data provided by Mangano: the statutory method would not bounce around; enrollment from FY10-FY20 decreased from 139-112; the dollar figures represent what Shutesbury paid above what would have been paid with the statutory method; the trend lines demonstrate that costs are going up and enrollment is going down; with the statutory method, Shutesbury would have had \$2,258,000 to pay for other things such as a new library. DeChiara: the graph does not capture the implication that these numbers could degrade the schools which are an investment. Mangano: the five-year rolling average combined with statutory is an alternative method that needs to be voted on each year. Thomas-Paquin/School Committee Chair: each town needs to be willing to participate in the provision of regional services; Shutesbury's concerns need to be addressed and we need to consider that the result that cuts may go deeper. Jon McKenzie: I can't believe we have overpaid for so many years and our tax rate is so high people will not want to move here; I may need to sell my house because of the tax rate; we cannot justify overspending by two million dollars. Mangano to Vinskey's question: we try to create a budget that matches the financial guidance received from the four towns; if a town cannot meet or won't approve the budget, cuts will have to be made. Vinskey: if all four towns do not agree on the budget, it will automatically go to statutory. Mangano: all four towns eventually have to agree to some assessment method. Vinskey states that he finds it hard to believe Amherst would not pay more given the size of their overall budget.

Dan Hayes/School Committee: Amherst may have to pay more just as Shutesbury has paid more; the statutory method, that factors in wealth, was created as an equitable method to support communities; Amherst would need to know soon if Shutesbury supports the statutory method. Groves: the voluntary method has to be unanimously approved. Mangano: it all starts with the town school committees; all four towns need to support the method; only three are needed to support the school budget; all four towns have exceeded what they have wanted to pay over the years; all towns have been great and flexible. Puleo: the school committees work on the budget and then votes to send it to

their towns; the towns can vote the budget down as a line item. Lacy: the least wealthy town in the region refuses to be fleeced anymore; Maureen Marshall/Executive of Mass. Association of Regional Schools stated that she is “not surprised by the figures, the statutory is the fairest method relative to the ability to pay”; the ability to pay should be the driver.

Ajay Khashu/Finance Committee: one way or another, there needs to be a four-town agreement on the assessment method; there needs to be voter education on what happens if there is no agreement and the default is the statutory method. Mangano: if the towns do not agree, the State puts the region on a 1/12th (month to month) budget using the statutory method, however, the towns still need to agree on a method; if no agreement is reached, the State takes over. Khashu: we need to reach a point of compromise that will be fair to the towns, the school system and the school children. Mangano: a 1/12th budget results in problems with cash flow and the ability to pay bills. Melissa Warwick asks what has changed since 2008 to make it make statutory a better method. Mangano: the State implemented the ability to pay. Hayes: why would we want to pay more than is needed; we need to consider the revenue stream and a system that is equitable.

George Arvanitis: the graph does not show data from the other towns; relatively speaking, the other towns’ enrollment is going down more; the statutory method does benefit towns; we have a unique town and 100% statutory may not be right for us because the shift to statutory would result in deeper cuts than we have seen; the buck stops with the property owners; you are not guaranteed the other towns will agree with Shutesbury.

Lacy: what the other towns will do is speculation; the Finance Director for Wachusett Regional School District stated that the statutory method works just fine for their district.

DeChiara: the other towns are trying to work together and are just as committed to having good schools and do care for their taxpayers; the “poor town” is based on census data; everyone has a legitimate reason for why they are suffering. DeChiara commends the School and Finance Committees and the Select Board for having the conversation now.

Mangano: the four-town meeting is scheduled for 12.7.19. DeChiara acknowledges that the Region is losing Mangano’s expertise and knowledge. Mangano: if necessary, we will have both an alternative and a statutory budget.

Weezie Houle/Finance Committee: Amherst schools rank #10 in MA; what do impacts to the curriculum do to this ranking. Steve Sullivan/ School Committee Regional

Representative: among other cuts, the most popular class in the school, the culinary arts elective, was cut. Mangano: FY20 was a good financial year; most years there are cuts.

Leslie Luchonok: agrees that we cannot wait until town meeting to have the budget/method discussion; now is the time to talk so that our town has a position before going into negotiations with the other towns. Luchonok strongly disagrees about a good school system being a draw to living in Shutesbury; there is a whole population in town that needs to make cuts in other areas of their lives in order to pay their taxes; we need to consider the population at large. Mangano to Ethan Todras-Whitehill’s question:

\$300,000 is 1% of the regional school budget. Jon Thompson: after living in Shutesbury for 35 years, he is now in the demographic Luchonok referenced; the calculation is “can I afford to live here”.

Katie Fiander/School Committee recognizes that the method process has been going on for several years and we are getting to the goal without destroying what has been accomplished and the consensus that has been building between the four towns; we need

to be very careful with this collaboration. Jennifer Malcolm-Brown/School Committee: there is a direct benefit of what the regional school offers; notes how unfunded mandates affect the Town. Mangano: regional transportation and charter schools are underfunded; as tax rates reach \$25/\$1,000 valuation, a different way to pay for schools will be needed. Stein: as a community, educating our children is all of our responsibility; recognizes the impact of taxes and appreciates the points that have been made during the evening's conversation. Diane Jacoby: respects the need for fairness, however, over paying has to stop. Sullivan to Puleo's question: the Regional School is gearing up for discussions about the assessment method. Vinskey: the annual town meeting citizen petition warrant article vote was 147-92; there were a lot of people listening to the arguments about budget cuts; people who voted against the statutory method need to know something will be different; we do not want to be on a 1/12th budget, however, we may be; you (the Select Board, Finance and School Committees) may be backed in to a corner. Lacy notes that the Regional School system benefited his children, however, he has not changed his position over the years; with the current method, Shutesbury will overpay by \$285,000 next year and \$260,000 the following year; we need to make the change faster. Michael Pill notes that his family benefited from the schools and appreciates the thoughtful comments and agrees with Lacy that the dire consequences are speculative therefore supports rebellion because we have reached the point to take a stand. Mangano recommends considering what it would look like for Shutesbury to move to statutory going out several years looking at not only Shutesbury's enrollment numbers but those of the other towns as well. Lacy: the 2015 study of the statutory and statutory with the five-year rolling average showed that statutory was the best method, however, statutory with the five-year rolling average was more predictable. Warwick acknowledges hearing from a number of aging citizens and notes that as an under represented parent, the difficulty in coming to meetings and the trouble being able to vote – at annual town meeting, usually one parent can vote while the other stays home caring for the children; we moved here consciously and knew the tax rate; what is the likelihood that once a program is removed from the curriculum that it will be put back. Malcolm-Brown affirms Mangano's recommendation to look at enrollment across the towns. Lacy: the conclusion of the study was that the present assessment method is not sustainable and that the statutory with five year rolling average ranked first and statutory second. Arvanitis also recommends reaching out to the other towns about Shutesbury's concepts; in the long run, the best method is half way between statutory and statutory with the five-year average; we were hoping to be further along in finding a method that works the best; recommends talking to the State. Puleo recognizes that Mangano will be leaving his position in December 2019 and that he is an amazing asset. Hayes: the School Committee is advocating for implementation of changes to the foundation budget; there are inequities in how transportation is funded by the State. Torres: each town has benefited from statutory at different times; we need to analyze all the factors for Shutesbury. Mangano reaffirms the need to closely look at enrollment. Thomas-Paquin: the School Committee works very hard to keep costs down and is aware of tax concerns; we are looking at concerns specific to rural districts and would like the least expensive option that maintains our schools. Stein: what do we do now? Todras-Whitehill is concerned about the effect, over the long term, of setting such a precedent...is it worth it? Groves: the statutory method is the law and is the most fair and equitable

method; we have an obligation to lower the tax rate via a fair and equitable method. Robert Raymond states that he is moved by the sense of fear of what may happen over the long term for the school and those who are paying so much of their income on taxes. Mangano: the unknown is what will happen if the State takes over. Raymond: the scenario most of us do not want is to have the budget rejected at town meeting; the Town will be most served by the Select Board recognizing the struggle some residents have with paying their taxes; we need to give the region time to fruitfully negotiate. Arvanitis; we need to find out what other the towns are thinking; appreciates hearing from others this evening. Anna Aaron/Personnel Board states that she is struck by the listening power of everyone in the room; people have been able to talk about their difficulty paying taxes and the need to live within our means; we are not pitting parents against taxpayers, we all support the school as it is a common good. Torres: we need to acknowledge how much less the Town has paid given all the negotiations to bring down the cost that have taken place; our children will be experiencing the results of our decisions up close and personal. Thomas-Paquin: if we decide we want statutory, it may not happen - we might not get what we want. Lacy: we have worked hard; the final analysis will be the results we get for Shutesbury. Arvanitis: the results are for the region. Puleo: it is an incredibly complicated issue and we do other beneficial things with the other four towns, i.e. the Leverett Transfer Station and ambulance services; the Federal and State governments have dropped the ball on education and that is a fact not to be ignored.

4. Special Municipal Employees & Select Board Calendar: carry over review of the Special Municipal Employee list to the 10.1.19 meeting. Members and Torres review the Board's meeting calendar.
5. Conservation Commission Appointment: In acknowledgment of the Conservation Commission's recommendation, Stein moves and Puleo seconds a motion to appoint Robin Harrington to the Conservation Commission; the motion passes unanimously.
6. Renewable Energy Certificate Purchase Agreement: Puleo moves and Stein seconds a motion for the Select Board to sign the Renewable Energy Certificate Agreement for the Fire Department site; the motion passes unanimously. Torres notes that the certificate for the Town Hall site is pending.
7. Celebrate Shutesbury: Puleo moves and Stein seconds a motion for the Select Board to sign the Celebrate Shutesbury 9.21.19 special event form; the motions passes unanimously.
8. Town Administrator Updates:
 - a. Torres acknowledges and appreciates the work done by the Highway and Police Departments to facilitate completion of the 9.16.19 paving project; there were two complaints however many people were gracious about the disruption. The Select Board also greatly appreciates the work done by both departments.
 - b. The addendum to the HG&E consulting contract will provide for the addition of completing the cross connections in the HUT; because consistency and timeliness are necessary, HG& E is best positioned to do this work. Town Hall broadband will be

installed 9.19.19; the Highway and Fire Department buildings installations need to be scheduled.

9. Committee Updates:

Makepeace-O'Neil attended the Franklin County Emergency Communication System meeting: the 911 surcharge will increase by 50 cents to pay for the project and its maintenance; the basic radio, a Kenwood 2700, will be paid for; the Town will need to pay the cost difference for an enhanced version. Makepeace-O'Neil: at the Emergency Management Team meeting, Fire Chief and Emergency Management Director Walter Tibbitts indicated that the Kenwood is a satisfactory model.
Puleo attended the Jennifer Benson carbon pricing event which was informative; Representatives Domb and Blais are pushing the carbon pricing legislation.

Administrative Actions:

1. To acknowledge the gardening work and planting near the rear entrance to Town Hall by Penny Jaques and Erik Schleeweis, the Select Board requests Scott to draft a thankyou letter.
2. Select Board members will sign vendor warrants totaling \$196,485.83.
3. Select Board members will sign payroll warrants totaling \$109,227.84.
4. Select Board members will sign broadband warrants totaling \$25,208.16.
5. Puleo moves and Stein seconds a motion to approve the 9.3.19 Select Board meeting minutes; the minutes, as presented, are unanimously approved.

At 9:40pm, Puleo moves and Stein seconds a motion to adjourn the meeting; the motion passes unanimously.

Documents and Other Items Used at the Meeting:

1. 9.17.19 email from Ben Purdon/NuclearBan.US "ATTN: Becky Torres; Outline of Steps to Take"
2. May 4, 1984 Annual Town Meeting Article 1 and the May 4, 2019 Resolution
3. Mass. Department of Education "Guidance for Regional School Districts"
4. DESE "FY19 Chapter 70 Aid and Net School Spending Requirements"
5. "Shutesbury's Regional Enrollment and Annual Costs Above Statutory FY 10-20" graph created by Jeff Lacy
6. Hampshire Power "Renewable Energy Certificates Purchase Agreement"
7. "Celebrate Shutesbury" Special Event form

Respectfully submitted,
Linda Avis Scott
Administrative Secretary