

Shutesbury Select Board Meeting Minutes  
February 9, 2021 Virtual Meeting Platform 5:30pm

Select Board members present: Melissa Makepeace-O'Neil/Chair, April Stein, and Rita Farrell

Staff present: Becky Torres/Town Administrator; Linda Avis Scott/Administrative Secretary

Guests: Walter Tibbetts/Cemetery Commission & Fire Chief, Police Chief Dan Fernandes, Leslie Luchonok, Michael Vinskey, Tom Coaks, Mary Jo Johnson, Susan Millinger, Susie Mosher, Christine Robinson, Ria Windcaller, Kate McConnell, and Brigid Murphy

Makepeace-O'Neil calls the meeting to order at 5:33pm.

Agenda Review: Torres: an additional Cemetery Commission appointment will be requested.

Public Comment:

1. Leslie Luchonok refers to his 2.6.21 email "Thank you, one and all, for standing up and speaking out at this morning's four town meeting": all of Shutesbury's representatives were terrific; when Jim Walton/FinCom Chair received pushback after his presentation, the Shutesbury team was there to support him. Luchonok states he was proud of Shutesbury's representatives and suggests that the Town's position and the reasons for it be written out so that it is on the record; he will make the same suggestion to FinCom during their 2.9.21 meeting. Luchonok refers to his 2.9.21 email "Number of License to Carry Firearms in Shutesbury": it is frustrating because he wanted to know the number of licenses to carry and why, if this information is available on a State website, it is not available to residents and whether the information on the State website is accurate
2. Mary Jo Johnson appreciates Shutesbury's representation during the 2.6.21 four-town meeting. Johnson: The National Association for Civilian Oversight of Law Enforcement is an organization that builds public trust through enhancing accountability and transparency in policing and would be a good resource; a public grievance policy is needed along with an oversight committee of well-trained individuals; by and large police departments tend to do their own oversight which is a huge conflict of interest; in Shutesbury, if you had an issue with a police officer you might hesitate to go to the Select Board as well.
3. To Ria Windcaller's question, Makepeace-O'Neil explains that the Select Board members will begin their discussion about options for the police chief position during this meeting. Windcaller states she is speaking for a group of interested folks who are requesting an open search committee that includes a number of residents.
4. Mike Vinskey states that he echoes Luchonok's and Johnson's comments about the 2.6.21 meeting and appreciates Shutesbury's resolve to be at the statutory method sooner rather than later; he is impressed with all who were representing the residents. Vinskey echoes Windcaller's request for citizen involvement in the process; he attended both of the question/answer sessions; what policing is in Shutesbury may not be what the residents are desiring or need. Vinskey asks the Select Board to look at all the available options. Vinskey notes that recently there has been a sense to not allow public comments at board/committee meetings; acknowledges that it is up to the chair to determine if

comments will be allowed though this has been questioned at times; citizens need to be able to make comments and to be heard.

### **Discussion Topics:**

1. Cemetery Commission Appointments: Walter Tibbetts/Cemetery Commission Chair: Susan Millinger and Steve Sullivan are willing to fill the vacancies left by the resignation of Ray Cusson and, in addition, former member Janice Stone has moved out of town and her ability to remain on the Commission for six months after her move expired on 2.5.21. The Select Board and Cemetery Commission may make a joint appointment to fill a vacancy until the term for the elected position expires. Stein moves and Farrell seconds a motion to appoint Susan Millinger and Steve Sullivan to fill the vacant terms on the Cemetery Commission. Per Tibbetts, both appointed terms will expire 6.30.21 and will be on the ballot for the annual town election. Roll call vote: Farrell: aye, Stein: aye, Makepeace-O'Neil: aye and Tibbetts: aye; the motion carries.
2. Local Licensing Authority Certification: Stein moves and Farrell seconds a motion to approve and sign the Local Licensing Authority Certification for the Shutesbury Athletic Club's submission to ABCC for reconsideration. Per Scott, the ABCC investigator's review identified the need for two corrections, updated Department of Revenue and Department of Unemployment Assistance certifications, and CORI authorization forms for all Board of Directors. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the motion carries.
3. Police Chief Next Steps: Makepeace-O'Neil suggests the Select Board discuss each of the three options along with Torres and Police Chief Dan Fernandes; if time permits, the Board may take questions from the public at the end of the discussion. Makepeace-O'Neil reviews the options: 1. Move ahead with a full time chief; 2. Pursue the shared chief option; 3. Hire an interim chief or officer in charge/OIC giving time to explore other options.

Option #1. Farrell states she does not support the option to move ahead with a search for a full-time chief; there are a number of options on the table and the Select Board needs time to consider alternatives and what we have heard from the community via email and their questions at meetings; what is it we want in a chief, do we want to look at alternatives and are there any ways we want to reshape our police department. Farrell would like to have more time to discuss and consider; we have a history of looking at the alternatives although not recently; can we do this differently, better, and more efficiently. Stein states that she likes what Farrell said, however, what do we do in the interim? Stein notes that having read the material about past explorations and the number of different investigations, it is complicated, though worth looking at. Stein states she does not want to lose the focus on community policing; having community involvement is necessary; it is hard to lose Chief Fernandes; a solid interim plan would give us time. All agree to talk about an interim plan. Makepeace-O'Neil agrees that it is too soon to put out an advertisement and agrees with Farrell and Stein that there needs to be time to take a breath. Farrell: how much time do we allow ourselves, what does the process entail and in what context do we do more information gathering? Torres is in the process of putting the historical search and research information on the Town website. Farrell: the

documentation will be helpful for interested parties to read. Stein: sharing a chief is much more complicated than one thought; the 2004 documents really spell out the challenges of the process; we do have ways for working through the process, i.e., the last search for a chief took four months. The Board will review Chief Fernandes' transition proposal after considering the second option.

Option #2. Farrell: the pros and cons of this option can be explored; what happened in the past can be reviewed, however, the process should not be pursued immediately.

Makepeace-O'Neil agrees: more data is required and it needs to be determined whether a shared chief is right for Shutesbury. Stein: how do we involve the citizenry in such a process; the 2004 committee, including members of the police department, Select Board, Personnel Board and community representatives, did a lot of hard work. Torres: at that time, we worked hand in hand with Leverett's committee to discuss issues and explore; a committee could be put together to explore a shared chief with our neighbors. Stein: after all the work done in 2004, Leverett voters said "no" at their town meeting. Torres recommends approaching everything with an open mind. Torres: it is good to understand what is happening in nearby towns therefore she will reach out to the Small Town Administrators of Massachusetts. Stein: we seem to be in consensus. Makepeace-O'Neil summarizes: Board members agree to take a breath and look at options 1 and 2 in more detail; the next step is to consider option 3. Stein: before Fernandes was hired, he was the officer in charge/OIC for four months. Farrell: let's make a decision about the interim then plan for exploration.

Option #3. Makepeace-O'Neil: after former Chief Tom Harding retired, the Select Board appointed an OIC during the chief search; what is the difference between an OIC and interim chief. Fernandes: an OIC runs the day to day, week to week operations, i.e., scheduling, payroll, billing; the Select Board would be in charge of the bigger matters because the OIC would not handle hiring, discipline, firing as the strong chief statute allows the chief to do; an OIC is essentially a "weak chief". Stein emphasizes the need for a close connection between the Select Board and OIC as we move forward, i.e., ensuring one Select Board member meets with the OIC once a week. Farrell: the OIC will need to report to the Select Board who will consider any issues. Makepeace-O'Neil: Fernandes is willing to be OIC until 4.15.21. Farrell: we would need more time than that to explore. Torres: part of the Town Administrator's job description is to interface with the OIC on a day-to-day basis which will be ongoing. Makepeace-O'Neil: Fernandes' proposal would be an interim solution, a bridge before a next step, i.e., another OIC, if more time is needed for exploration. Makepeace-O'Neil to Stein's question about whether this is realistic: the department is working well together. Farrell: we need to plan for the likelihood that there will be two OICs; prior to 4.15.21, Fernandes would bridge to the second OIC while the analysis and community process is underway; we are talking both about the structure and the function of the police department. Makepeace-O'Neil: this plan gives us time for the process. Fernandes prefers to be OIC after 3.6.21; the reason for his proposal is to allow continuity of the operations in place for the last 2.5 years; it is not going to be good for the officers to be in a limbo mode; the decision about the chief needs to be made in a timely manner so there is job security for the good officers we have. The Board indicates a readiness to vote. Farrell moves the Select Board appoint current Police Chief Dan Fernandes to be Officer in Charge when his resignation

as chief becomes effective 3.6.21; Stein seconds the motion. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the motion carries.

Makepeace-O'Neil: we have an interim plan for continuity of the police department; now we need a plan for research. Farrell volunteers to work with Torres on an outline for the research process. Board members agree to consider the outline of what the research and community process may look in two weeks. Makepeace-O'Neil identifies the need to include the current police officers in the process. Stein agrees: the choices are going to impact their jobs and we have good people working for us. Torres recommends the Board review the terms of Fernandes' proposal and consider approval of the contractual agreement. Fernandes reads his 1.27.21 email "Transition" into the record. Farrell moves the Select Board accept Fernandes' proposal as stated; Stein seconds the motion. Farrell confirms that the OIC will work 8hours/week at the hourly rate of \$31.25 and receive a stipend for being on call and four hours minimum pay if an in-person response to a call is needed. Fernandes to Stein's question: the OIC is on call 6 days/week and on duty one day; the cost is well within the department's budget. Fernandes to Farrell's question: the OIC will work 8 hours/one day per week; maintaining communication with officers is what important; the workday will most likely be Friday when payroll is normally done, however, he will accommodate the needs of the officers; on call allows officers to ask questions. Makepeace-O'Neil: the cost will be \$490/week for paid hours and on call. Stein: the cost is reasonable. Torres: the OIC position is not a benefited position. Fernandes is willing to be OIC to ease the transition. Makepeace-O'Neil appreciates Fernandes' transition offer. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the motion carries.

Regarding Luchonok's email about licenses to carry/LTC, Fernandes notes that he answered the question during the 2.2.21 meeting; the police department is under no legal obligation to release information about the number of LTCs in the town. Luchonok states that he is only asking for information about the number of carry permits; and does not want to debate with Fernandes. Fernandes: information about LTCs is exempt from public record requests and he reads that to include the number of LTCs. Luchonok: the Select Board needs to look at the police department and what we need for a police department in our town; doing so will help inform what kind of chief we need. Farrell: this will be part of the analysis. Windcaller: bravo for the process this evening; it seems the Select Board is considering having more citizens involved; what will be the process for doing so? Stein: in two weeks, the Select Board will give feedback to Torres about the process including how a committee will be appointed. Windcaller: there could be survey to solicit interest; she thanks the Select Board for moving forward and is proud of the work being done. Farrell: comments and suggestions for the process can be sent to the Select Board. Johnson: the job of the interim in the church world is usually taken by an experienced person who assists with how to do a search and what is being looked for; suggests having an experienced police professional assist with the process. Fire Chief Tibbetts notes that he is hearing terms that are different being used interchangeably; a shared chief is what Leverett was offering, this is a contract for police services with one chief running two separate departments; if there is a contracted chief, we will not have a say in our officers and how their department is run; in New Salem and Wendell, the fire chief runs two separate departments. Tibbetts to Stein's question: regionalization means there is only one department covering two or more towns; combining into one department

becomes tricky, i.e., equipment and supplies; Wendell contracted with Leverett to cover the policing needs of their town. Makepeace-O'Neil notes the need to define and be clear about these terms going forward.

At 6:55pm, Farrell moves and Stein seconds a motion to adjourn the meeting. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the motion carries.

Documents and Other Items Used at the Meeting:

1. Luchonok's 2.6.21 email: "Thank you, one and all, for standing up and speaking out at this morning's four town meeting"
2. Luchonok's 2.9.21 email "Number of License to Carry Firearms in Shutesbury"
3. ABCC Local Licensing Authority Certification
4. Police Chief Dan Fernandes' 1.27.21 email "Transition"

Respectfully submitted,  
Linda Avis Scott  
Administrative Secretary