

Shutesbury Select Board Meeting Minutes
April 13, 2021 Virtual Meeting Platform

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
Personnel Board: George Arvanitis, Peg Ross, Ralph Armstrong/Chair, Melody Chartier, and Melissa Makepeace-O'Neil
Other Town Officials present: Fire Chief Walter Tibbetts, Officer in Charge Kristin Burgess, Steve Sullivan/Highway Department, Mary David/Conservation Commission, Jeff Lacy/Planning Board, Kevin Rudden/Administrative Assessor and Mary Lou Conca/Historical Commission
Guests: Brighid Murphy, MaryJo Johnson, Susan Rice, Robert Seletsky, Kate McConnell, Mike Vinskey and other unidentified participants

Makepeace-O'Neil calls the meeting to order at 6:03pm.

Agenda Review: Torres adds "Town Administrator Updates" as an item.

Public Comment:

Steve Sullivan: as a thirty-year resident, he appreciates the work of the Shutesbury Police Department; we need to keep our own department; it is part of our small town appeal.

Discussion Topics:

1. Firefighter Safety Equipment Grant: Fire Chief Walter Tibbetts: The Department of Fire Services is awarding the Town a \$8,500 refundable FY21 Firefighter Equipment grant to pay for upgrades to the new radio system that Franklin County is being transitioned to; the grant will be used to purchase fifteen portable radios, upgraded to the next model, and additional chargers. Tibbetts notes the timeline needed to complete the application and that, overall, the upgrades will require a total of ~ \$1,900 from the Police and Fire Departments equipment budgets.
 - Stein moves and Farrell seconds a motion to approve the FY21 Firefighter Equipment Grant agreement. Roll call vote: Farrell: aye, Stein; aye, and Makepeace-O'Neil: aye; the motion carries.
2. Police Study Group: Makepeace-O'Neil: appointing the resident at large positions was paused due to the "orange block" in Town Announcements; the additional announcements resulted in one additional response. Torres: the applicants are Mike Vinskey, Ria Windcaller on behalf of a group, Kevin Weir, and Cheryl Hayden. Makepeace-O'Neil: a question has been asked whether to add the Fire and Highway Departments to the study group. Torres: these are the two departments that work most closely with the Police Department; all three departments coordinate in handling situations. Stein suggests the Fire Department and Highway Department be interviewed by the study group. Farrell agrees with Stein's suggestion and with the importance of the Fire and Highway input; the group needs to have a balance between employees and residents and the group should not become unwieldy in size. Makepeace-O'Neil is more inclined to include Fire and Highway Department representation to provide active input. Farrell: the group is an advisory committee who will do research and make a recommendation to the Select Board. Tibbetts: the departments that work closely on day to day operations with the Police Department need to provide input to the study committee. All Select Board members agree with Tibbetts' observation. Torres to Sullivan's

question: the announcement was republished in the school newsletter; to date, the Town Announce problem remains unsolved.

Torres screenshares the “Charge for Shutesbury Police Working Group” dated February 2021. Makepeace-O’Neil: the charge asks the group to answer seven questions and will have seven members: Town Administrator/ex-officio, representatives from the Police Department, Select Board, Personnel Board and Finance Committee, and three at-large positions. Jeff Lacy agrees that input from Fire Department and Highway Department is critical and should be sought though representation is not needed on the committee. Lacy suggests one or two public forums be held and that collaboration with nearby towns be considered. Makepeace-O’Neil: the charge asks the group to assess all potential options which will ensure Fire Department and Highway Department input are included. Select Board members agree that there is no need to amend the charge.

Makepeace-O’Neil referring to the 3.23.21 email letter from Ria Windcaller and noting that there are three community positions, asks the members of the group present how they can best serve the study group. The members present are: MaryJo Johnson, Susan Rice, Kate McConnell, and Brighid Murphy. MaryJo Johnson: the group has been meeting for almost a year and is committed to investigating policing issues; they would like to serve as a resource group to the Police Study Group; one of us is willing to attend the meetings though it may not be the same person. Susan Rice: it feels good to have one member of the group rotating in the same way as the Police officers and Select Board. Johnson: the five us, whose credentials are included in the letter, will continue to meet as a group and are willing to rotate on the study group. Stein: the Select Board and officers would each be alternating three members. Brighid Murphy suggests that the group could commit to having two members alternate on the study group. Rice asks about the time commitment for the Study Group and notes that their group came together because of what was happening in the country which helped us defined what we see as the policing needs of the community. Sullivan states that he has a problem with adding a group as one of the three community members on the Police Study Committee; a consistent member is needed. It is noted that the Police Study Group meetings will be open meetings. Johnson: as a group, we will want to accommodate the needs of the Select Board therefore suggests that one slot be shared by two members of their group.

Torres to Rice’s question: the group will decide the frequency and time of their meetings and the number of public forums; the commitment will be significant and will include outside research. Murphy notes that Ria Windcaller was not able to be present and that their group will be meeting 4.19.21 and will get back to the Select Board. Farrell suggests deferring the decision on the three community representatives until the 4.27.21 meeting. All Select Board are comfortable having two people fill one slot. Torres suggests asking Hayden and Weir as well as Vinskey, who is present tonight, to attend the 4.27.21 meeting. Stein appreciates the creative thinking going into the formation of the group. Officer in Charge Kristin Burgess notes that the value of discussion is growth. Rice thanks the Select Board for being flexible in their approach.

3. COLA Policy Proposal: Peg Ross/Personnel Board suggests George Arvanitis explain how the Personnel Board arrived at the motion agreed to by all members. Ross reads the motion into the record:

“To recommend to the Select Board and Finance Committee a policy for calculation of annual COLA (Cost of Living Adjustment) for Shutesbury employees: That the COLA will be calculated by taking a 3-yr. rolling average of the New England CPI for Urban Consumers, rounded to the nearest 10th decimal place, and no less than 1 percent. Should austerity measures require a COLA of <1 percent, vote by Select Board, Finance Committee

and Personnel Board will be required. Annual COLA to be calculated according to the above guidelines by Finance Committee.”

Arvanitis screenshares the table “New England CPI (Consumer Price Index) for Urban Consumers” and emphasizes the benefits of using a rolling average; this index began in 2017 and the Personnel Board felt it to be the best one to use. Makepeace-O’Neil: 2018 100.70; 2019 102.70; 2020 105.51; 2021: 105.66. Stein appreciates the Personnel Board’s thinking and that there will no longer be the need to make an annual decision.

Arvanitis: it looks like inflation will be over 2% in 2021; the price of fuel is rebounding so inflation will be higher; anomalies will smooth out; the employees will take a bit of a hit this year though it will even out. Arvanitis to Makepeace-O’Neil’s question: without 2021, the three year rolling average is still 1.6%; the policy states “COLA less than 1%”; an escape hatch for a deviation is needed, however, suggests a change in wording to “unique situations” because the deviation could go the other way, i.e., a 6% increase in inflation.

Melody Chartier suggests setting an 1% floor, i.e., a .6 average would be a 1% COLA and notes the psychological difference of doing so. Torres: if the average goes out two decimal points, the result is 1.75% rounding up to 1.8%. Ross emphasizes the need for a clear policy. Chartier: because a three-year rolling average is being used, suggests evaluating the policy every three years. Arvanitis recommends looking at the history to decide what the ceiling would be. Makepeace-O’Neil likes Torres’ suggestion to use two decimal places and Chartier’s suggestion to have a floor of 1%. Chartier to Arvanitis’ concern about a ceiling suggests a ceiling of 4%. Ross asks if the motion needs to be reworked. Ralph Armstrong likes having a every three year re-evaluation and notes the need for direct feedback from the FinCom and that invoking a ceiling would be dramatic. Arvanitis: a review policy would look at all aspects. Stein to Arvanitis’ concerns: suggests an automatic floor and an escape hatch for the ceiling. Arvanitis suggests “an extraordinary event/year”. Armstrong emphasizes the need to get away from arbitrary invoking. Arvanitis: as in the current motion, all three committees will have to agree; affirms that he does not want a ceiling. Ross notes that the need to do a re-eval every three years ensures the process in working. Arvanitis to Makepeace-O’Neil’s noting the need for a trigger: one of the committees observing the extraordinary circumstances would bring them to everyone’s attention. Armstrong: the mechanism is that all three boards will have to agree; leaving the ceiling open ended avoids being boxed in.

Modified motion: “To recommend to the Select Board and Finance Committee a policy for calculation of annual COLA (Cost of Living Adjustment) for Shutesbury employees: That the COLA will be calculated by taking a 3-yr. rolling average of the New England CPI for Urban Consumers, rounded to the nearest 100th decimal place. When the CPI for a given year is below 1%, 1% will be used for that year; when the CPI for a given year is more than 4%, 4% will be applied for that year. During an extraordinary year, this policy could be overwritten by a vote of the Select Board, Finance Committee, and Personnel Board during a three board meeting. Annual COLA to be calculated according to the above guidelines by Finance Committee. This policy will be reviewed every three years by the Personnel Board.”

Torres to Chartier’s question, the policy will commence 7.1.21. The next review will be in 2025. Torres: a Personnel Board meeting was not posted so their members cannot vote; the Personnel Board’s participation will be acknowledged via the Select Board minutes. All Personnel Board members support a vote by the Select Board.

- Farrell moves the Select Board accept the modified motion as drafted; Stein seconds the motion. Roll call vote: Farrell: aye, Stein: aye, Makepeace-O'Neil: aye; the motion carries.

Torres reports receiving feedback from employees who are disappointed and discouraged with a 1.6% COLA; because it has been a taxing year, they may be reacting more; being below 2%, they were hoping for a higher COLA that we were starting to achieve; there are varied interpretations of the Town's financial condition; last year's 3% helped employees. Torres continues: 9 out of 14 positions studied have pay rates that are below the Franklin County average. Torres notes that work has been done to professionalizing the staff, appreciates that the Personnel Board will be reviewing these positions in preparation for the next annual town meeting, and acknowledges the positive changes to the COLA policy. Makepeace-O'Neil concurs with Stein on the need for a course correction relative to salaries. Torres: a review of ten towns who are members of the Small Town Administrators of MA/STAM shows that, so far, none of the ten have a COLA below 2%; these seem to be "comfortable" communities. Stein: the COLA policy makes sense; it is a cost savings to make salary adjustments because we have phenomenal employees. Ross: the Personnel Board's goal is to review Town employee compensation compared to similar towns. Arvanitis: it is safe to say there will be salary adjustments; even with COLAs, Shutesbury is still behind in salaries especially for those positions with high level regulations and municipal restrictions. Stein confirms that the salary review will include a comparison with FRCOG and Shutesbury's standing within the region. Torres notes the need to track the impact of COLAs on salaries over time. Armstrong affirms the need to define the salary review as separate in order to keep the COLA policy clean; with salaries, the economics of the Town and region are at play. Stein: the salary review needs to be done on a regular basis. Torres to Farrell's question: there is a salary chart for each position that is calculated yearly because of the COLA. Makepeace-O'Neil to Chartier's question: there are no bonuses or merit pay; hazard pay may be worked into specific positions. Torres to Chartier's question: Covid "hazard pay" is a factor at the elementary school though not for the other Town employees. Arvanitis: the longevity bonus has been extended to fifty years for one employee.

4. Tent Use Proposal: Torres: the Friends of the Library would like to reuse the tent rented for the 6.12.21 annual town meeting for a tag sale on Sunday, 6.13.21, from 10am-2pm; Monday, 6.14.21, is the rain date for annual town meeting; the tent will be taken down on Tuesday, 6.15.21.
 - Farrell moves and Stein seconds a motion to approve use of the town meeting tent on 6.13.21 by the Friends of the M. N. Spear Memorial Library. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the motion carries.
5. Town Administrator Updates: This item is postponed to a future meeting.
6. Next meeting: Farrell proposes revisiting town hall reopening plans during the 4.27.21 meeting. Torres: Makepeace-O'Neil will have a draft policy regarding the use of sick time and personal time relative to Covid-19, i.e., post vaccine side effects, illness, need to quarantine or isolate.

Administrative Actions:

1. Select Board members will sign vendor warrants totaling \$676,175.64.
2. Select Board members will sign payroll warrants totaling \$99,716.25.

3. Farrell moves and Stein seconds a motion to approve the 3.16.21 meeting minutes. Makepeace-O'Neil: there was a request to strike portions of the minutes (Conservation Commission appointment); the video of the meeting would not be edited therefore the minutes and video need to be aligned. As requested by the Select Board, Torres refers to her 3.31.21 email providing guidance from Town Counsel Donna MacNicol on the questions raised by Michael DeChiara. Torres: to the argument that "no trespass orders" should be discussed in executive session, "no trespass orders" are public record, except in particular situations, and these "no trespass orders" have been part of the public record since the Wheelock solar project (permitting process). Torres: to DeChiara's argument that the Conservation Commission appointment should have been done in executive session for Reason #1, MacNicol stated that interviews and appointments have to happen in open session; therefore, the minutes need to remain as they are. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the 3.16.21 minutes are approved as presented.
4. Stein moves and Farrell seconds a motion to approve the 3.30.21 meeting minutes. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the 3.30.21 minutes are approved as presented.
5. Stein volunteers to draft the Select Board article for the upcoming issue of the "Our Town" newsletter.

At 8:03, Farrell moves and Stein seconds a motion to adjourn the meeting. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye.

Documents and Other Items Used at the Meeting:

1. Department of Fire Services FY21 Firefighter Equipment Grant documents
2. 3.23.21 letter to the Select Board from Ria Windcaller
3. Draft 3.16.21 Personnel Board minutes
4. COLA spreadsheet by George Arvanitis
5. 3.17.21 "Tag sale under the tent" email from Mary Anne Antonellis/Library Director
6. 4.6.21 "Reminder of OML follow-up for SB meeting" email from Michael DeChiara
7. 3.31.21 email "executive session question" from Town Administrator Torres

Respectfully submitted,
Linda Avis Scott
Administrative Secretary