

Shutesbury Select Board Meeting Minutes  
June 23, 2020 Virtual Meeting Platform

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: Jeff Lacy/Planning Board, Paul Lyons/Town Moderator

Makepeace-O'Neil calls the meeting to order at 6:31pm.

Agenda Review: Torres: a vote is needed on a letter to DESE (Department of Elementary and Secondary Education) regarding approval of the regional assessment formula; in case annual town meeting is not completed before 6.30.20, the letter ensures the District will receive its funding. Torres to Puleo's question: yes, approval is needed prior to annual town meeting. Torres: the Personnel Action Forms (PAFs) cannot be considered until after annual town meeting. The plan is to add PAF approval to the agenda for the 7.7.20 meeting.

Public Comment: Jeff Lacy/Planning Board asks the Select Board, as a follow-up on the 6.22.20 public hearing, if they have any remaining concerns regarding the proposed changes to Section 8.10 Ground-Mounted Solar Electric Installations, in particular, the amended language for 8.10-3 H. Lacy screen shares and reviews the change to H. "Vehicular access for the purpose of construction shall be from paved (bituminous or chip sealed) Town roads. Any proposed waiver to this section under 8.10-2, C shall be transmitted to the Shutesbury Highway Department and Select Board with 35 days allowed for comment. No such waiver request shall be approved by the Planning Board without written concurrence from the Select Board." Lacy further explains that the special permit public hearing would remain open for at least 35 days to allow comments to be submitted; any proposed waiver cannot be approved without concurrence from the Select Board; this change was worked out with Town Counsel Donna MacNicol and Planning Board member Michael DeChiara. Makepeace-O'Neil and Stein state they are okay with the change to H. Puleo states she has personal reservations about the requirement that access be from a paved road. Torres: in this version, there is no "bond" only a waiver provision. Lacy: Section 8.10-2.C is the global waiver provision for the solar bylaw and provides the standard for reviewing waiver requests; it does not address bonds as it is up to the applicant to convince the Select Board and Planning Board that the waiver request is valid. Puleo: is there recourse if there is a disagreement between the Select Board and Planning Board? Lacy: per H, the Planning Board can only approve a waiver that has concurrence with the Select Board. Puleo: what if the Select Board approves and the Planning Board denies? Lacy: the applicant has the right to appeal if the Select Board and Highway Department approve and the Planning Board does not; MacNicol and land use attorney Bob Ritchie do not want the Planning Board to assign power to another Board. Torres: the Planning Board has authority over wetlands and other areas so if a waiver for road paving is approved by the Select Board, the Planning Board could disapprove the paving for areas under their jurisdiction that do not overlap with the Select Board's authority. Lacy: this is only one requirement of the special permit application; the Planning Board would be hard-pressed not to approve a waiver that has been approved by the Select Board and Highway Department; the first sentence states "paved" roads that can stand up to the construction work. Torres: if a paved road is damaged, the fix is expensive; Pratt Corner Road (Wheelock solar site access) was problematic for a season. Puleo, referring to the Baker Road site: if access is used

for logging trucks and machinery, why would access for a solar site be different? Lacy: logging is considered a form of agriculture and is an “use by right” overseen by the Department of Conservation and Recreation; a special permit is required for a solar farm which is an unusually large project requiring major construction. Puleo: for logging, a lot of equipment goes into the site and stays there for a season; the potential use of the Baker site for a solar farm would not be possible with the proposed limitations. Lacy: the construction manager for the Wheelock solar site stated it was “like running a small city”; there were 30 workers with their own vehicles along with tractor-trailers transporting materials. Stein: the Select Board does not have authority over logging trucks, however, solar farm construction access can be controlled by a special permit and the backstop is that a waiver could be granted. Lacy asks if the Select Board is going to vote on any aspect of the proposed bylaws before annual town meeting? Torres: there is no plan for the Select Board to do so. Lacy states he is not looking for a vote. Torre: the Select Board’s primary focus is on conducting annual town meeting safely. Lacy: the Planning Board’s goal is to have a strong bylaw and to mitigate effects on the people who live nearby.

### **Discussion Topics:**

1. West Cemetery Gravestone Repair/Volunteer Workshop Contract: Torres: the bid for repair of the West Cemetery gravestones was prepared by Cemetery Commission members Walter Tibbetts and Janice Stone; there were two bids, one for ~ \$17,000 and one for \$13,900; after checking references, the Cemetery Commission recommends Historic Gravestone Service, a local contractor based in New Salem. Stein moves and Puleo seconds a motion for the Select Board to accept the contract between the Town of Shutesbury and Historic Gravestone Service located in New Salem. Torres: this first round of work will focus on the eighteen gravestones in the worst shape; a portion of the grant is for a volunteer workshop so work on other gravestones can continue. Torres, noting that this is restoration work, states that she cannot answer Puleo’s question about insurance coverage for damage to gravestones by falling tree limbs. Roll call vote: Stein: aye, Puleo: aye, and Makepeace-O’Neil: aye; the motion carries.
2. FY21 Personnel Action Forms: To be considered during the 7.7.20 meeting.
3. Annual Town Meeting Update: Makepeace-O’Neil thanks Torres for the CodeRed update about attending annual town meeting. Stein: the morning’s weather seems okay; showers are predicted for the afternoon. Torres: the “Motions for 2020 Annual Town Meeting Warrant” include consent language which needs review by Town Counsel Donna MacNicol. Lyons requests anyone who may have something to say during Article #1 to get in touch with him first. Torres has received reports that will be posted and will let Lyons know of anyone who needs to make an announcement. Torres clarifies for Puleo that with the proposed bylaw amendments will not be read in full. Regarding Article #4, Lyons has been talking with Mike Vinskey/petitioner regarding the Citizen’s Petition and is expecting that the petition will not go forward as written. Lyons suggests the Select Board allow Vinskey to make the motion as it is likely to be withdrawn, however, Vinskey will be advised that the proposed substitute is not possible as it is very different from Article #4. Torres: per MacNicol, the petitioner loses control once the petition is on the warrant; because of this, the Select Board will make the motion and any voter present

can make the motion to withdraw. Lyons will confirm this procedure. Torres: town meeting will make the decision whether to withdraw the article.

Lyons explains the consent agenda for a grouping of like articles, confirms the Select Board has had a chance to review the consent language and notes that upon a voter's request, a grouped article could be considered on its own. Torres reports receiving an email from Rita Farrell/CPC Co-chair that included an email from Doug Slaughter/Amherst Pelham Regional Schools Finance Director stating that the proposed schematic design and engineering study for the Amherst Regional School track and field restoration project will not be moving forward this year therefore CPC funding will not be needed and Article #14 will be withdrawn. Torres: Walter Tibbetts is planning to have the rescue vehicle on site and a tent, with privacy, for anyone who may need assistance. Setup plans are reviewed. Puleo appreciates Lyons's organization. All are appreciated for their hard work in planning an annual town meeting with COVID-19 constraints.

4. Annual Appointments: Puleo moves and Stein seconds a motion to approve the "Town of Shutesbury Massachusetts Appointed Officials: July 1, 2020 – June 30, 2021". Per Torres, the MLP Manager position is pending approval by annual town meeting therefore the term will be left open and voted retroactively by the Select Board. Torres reports that Evan Golann resigned as a part-time officer from the Shutesbury Police Department as of 6.19.20. Scott received membership reports from the Council on Aging, Community Preservation Committee, and Zoning Board of Appeals. Roll call vote: Stein: aye, Puleo: aye, and Makepeace-O'Neil: aye; the motion carries.
5. Town Administrator Updates:
  - a. Torres reports that because a number of Black Lives Matter signs have been removed around town and after talking it over with Police Chief Fernandes, a video only camera was installed in the front hall of Town Hall; staff have been made aware of the camera's installation and, because there is no audio, a sign is not necessary. Torres: Chief Fernandes will assist with annual town meeting preparations on 6.26.20.
  - b. It was very busy at the Lake Wyola State Park over the hot weekend; Police Officer Burgess and Johansson checked in routinely and spent time on the beach; Chief Fernandes and Officer Johansson also patrolled by boat; the buoys are up; there is some frustration with the 50% parking limit and, at this point, there are no fees being charged by DCR. The Police Department is providing regular updates to Torres.
  - c. Leslie Bracebridge/Assessors Clerk will be returning to her regular hours in Town Hall; staff desks are more than 6' away. Torres emphasizes the need to accommodate the needs of individual staff and, that at this point, there is no specific plan for reopening Town Hall. Makepeace-O'Neil suggests reassessing reopening after 7.4.20.
  - d. A recent Department of Revenue bulletin indicates that information from the State remains pending; there were questions about new growth during the 6.18.20 FinCom presentation; the main objective is not to go over a \$25/\$1,000 property tax rate. The Select Board appreciates the FinCom's presentation and Lyons' moderation of the questions/comments.
  - e. The largest crowd ever held a vigil during the 6.19.20 Black Lives Matter banner installation; the gathering was quiet and thoughtful; there were posters of some of those who have been killed displayed on the common; not everyone is accepting of the banner.

Makepeace-O'Neil reports receiving calls and listening to those needing to talk; some expressed being uncomfortable with politicizing town hall. Puleo: the vigil and installation was a very moving show of support; the writings will be available electronically. Puleo appreciates that Police Officers Burgess and Johansson were present to talk with folks.

- f. Puleo moves and Stein seconds a motion to approve a Select Board letter to the Department of Elementary and Secondary Education in support of the alternative assessment formula. Roll call vote: Stein: aye, Puleo: aye, and Makepeace-O'Neil: aye; the motion carries.

Administrative Actions:

1. Select Board members will sign vendor warrants totaling \$232,001.62. An off-schedule warrant for \$20,960.00 was signed.
2. Select Board members will sign payroll warrants totaling \$96,772.09.
3. Puleo moves and Stein seconds a motion to approve the 6.2.20 meeting minutes. Roll call vote: Stein: aye, Puleo: aye, and Makepeace-O'Neil: aye; the 6.2.20 minutes are approved as presented.
4. Puleo moves and Stein seconds a motion to approve the 6.9.20 meeting minutes. Roll call vote: Stein: aye, Puleo: aye, and Makepeace-O'Neil: aye; the 6.9.20 meeting minutes are approved as presented.
5. Stein moves and Puleo seconds a motion to approve the 6.12.20 meeting minutes. Roll call vote: Stein: abstain, Puleo: aye, and Makepeace-O'Neil: aye; the 6.12.20 meeting minutes are approved as presented.

At 8:10pm, Puleo moves and Stein seconds a motion to adjourn the meeting. Roll call vote: Stein: aye, Puleo: aye, and Makepeace-O'Neil: aye; the motion carries.

Documents and Other Items Used at the Meeting:

1. West Cemetery Gravestone Repair/Volunteer Workshop Contract
2. Motions for 2020 Annual Town Meeting Warrant
3. FY20 List of Appointed Officials
4. Working List of FY21 Appointed Officials

Respectfully submitted,  
Linda Avis Scott  
Administrative Secretary