

Shutesbury Select Board Meeting Minutes
November 10, 2020 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
Guests: Joan Hanson (brief and no comment)

Makepeace-O'Neil calls the meeting to order at 5:34pm.

Agenda Review: No changes noted.

Public Comment: None offered; there are no guests present during the public comment period.

Discussion Topics:

1. Local Alcoholic Beverages License Fee: Torres: Scott has been working with the Shutesbury Athletic Club (SAC) on their annual alcohol license renewal; the Select Board will be meeting with SAC on 11.24.20; Scott is asking the Select Board to consider waiving the Town fee. Scott: the Local Licensing Authority/Select Board annual renewal fee is \$450; the SAC is required to pay the Alcoholic Beverages Control Commission (ABCC) renewal fee of \$200; other local license fees include the \$20/ pool table and \$25/live entertainment; per ABCC, the liquor liability and workers compensation insurance requirements are waived for licensees that are closed due to COVID-19. Farrell: the SAC is closed now and will be for the foreseeable future therefore recommends waiving entire fee. Torres: the fee is set by the Select Board and can be reviewed by the Select Board. Stein moves the Town waive the annual \$450.00 fee for 2021 only due to the SAC's closure under COVID-19; Farrell seconds the motion. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the motion carries. Scott will inform SAC Board members about the waiver.
2. School Committee & Finance Committee Meeting: Torres: a year ago, the Select Board met with the Finance and School Committees to prepare for the four-town Amherst-Pelham Regional School District meeting; during the 10.27.20 meeting, the Select Board agreed not to schedule a joint meeting because a four-town meeting had yet to be scheduled. Torres continues: since then, a four-town meeting has been scheduled for 12.5.20 and, so far, the relative Shutesbury committees' responses have indicated they plan to attend. Torres suggests a joint meeting from 6:30-7:00pm on 11.17.20, the date of an extra Select Board meeting for the 5:45pm classification hearing. Torres is uncertain about how much the Region is going to talk about the assessment method on 12.5.20; she will contact Doug Slaughter/Director of Finance and Operations for agenda information in advance of the 11.17.20 meeting and will forward relevant information; after the classification hearing, the tax rate will be submitted to the Department of Revenue on the 11.18.20. It is noted that, at present, the assessment method is 45% of the statutory method.
3. Reopening Plans w/School Update: Torres refers to Principal Jackie Mendonsa's 11.3.20 letter to the "Shutesbury Elementary School Community": currently, special needs students are in the school building and one vocational student is receiving transportation. Referring to the dates for the return to in-school learning, Torres notes that families can elect in-person or remote learning. The difficulties for families is noted; Mendonsa will hold a virtual town hall style meeting for the school community on 11.18.20. Per Torres, the reopening of the library on Wednesdays and Saturdays is going well; Town Hall remains closed, is holding steady and managing the public's needs; the Building Committee is in the process of scheduling a meeting. Torres asks the Board for their thoughts on reopening Town Hall. Makepeace-

O'Neil, noting the current increase in COVID-19 case numbers, recommends that Town Hall stay closed to avoid opening and having to backtrack. Stein asks if there have been any complaints and notes that we are functioning well. Torres: only two voices have asked about reopening; for those without computer/internet access, meeting attendance can be via phone. Torres: now that the election is over, Town Clerk Grace Bannasch is able to resume more of her regular tasks; Assistant Town Clerk/former Town Clerk Susie Mosher's last day was 11.6.20; she will continue to help Bannasch as needed and provide notary service until Bannasch becomes a notary public. Torres continues: this was Shutesbury's largest election turnout ever; the newly appointed Constable Christine Robinson was present. Makepeace-O'Neil appreciates the walk-through format with voters going in one door and out the other without using the hallway. Torres confirms that it is the consensus of the Select Board to maintain the current practice of Town Hall remaining closed. Makepeace-O'Neil: yes, doing so keeps staff safe and avoids the confusion of reopening and needing to reclose. Stein suggests re-evaluating the status of Town Hall in January 2021.

4. Teachers Union Contract: Torres notes that the 2021 contract has been settled with cost of living and step raises and the union is now working on the 2022 contract and asks if the Select Board would like Torres to continue to negotiate on behalf of the Town. Stein moves and Farrell seconds a motion to support Torres in continuing to participate in school union contract negotiations. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the motion carries.
5. Fire Department Personnel Action Forms: Torres: India Meyer and Jonah Meyer have moved from the area; per Fire Chief Walter Tibbetts of the four interested parties, Justin Vezina is ready to be appointed. Farrell moves and Stein seconds a motion to accept the resignations of India Meyer and Jonah Meyer from the Fire Department. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the motion carries. Farrell moves and Stein seconds a motion to appoint Justin Vezina as a Fire Department firefighter. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the motion carries.
6. Town Administrator Updates:
 - a. Mary Clark Lot: Town Counsel Donna MacNicol emailed Torres regarding a map MacNicol received from Cinda Jones outlining a portion of the Mary Clark lot that Jones wants deeded to Michael Pill. Torres also received a phone call from Shane Bajnoci/Cowls requesting an appointment to meet with the land surveyor to map the landing area; per MacNicol, the deed is ready except for the final language; MacNicol recommends holding off on the survey due to Jones' preference for deeding a portion of the Mary Clark lot to Pill. Stein notes that the topic is not time sensitive. An executive session is tentatively scheduled for 11.24.20.
 - b. Assessors' Office: Kevin Rudden/Administrative Assessor is on track to have the re-evaluation report approved by the Department of Revenue and is preparing for the 11.17.20 classification hearing.
 - c. Letter from the Attorney General's Office: Torres refers to the 11.4.20 letter from the Office of the Attorney General regarding: "Shutesbury Annual Town Meeting of June 27, 2020 Warrant Articles #15, 29, and 30 (Zoning) and Warrant Articles #23 and 33 (General) and suggests the Select Board consider the response to the solar bylaw amendment (#25). Farrell identifies the need for guidance from Town Counsel noting that the bylaw was approved however could be subject to challenge. Stein: are we safe? Makepeace-O'Neil: do they need to be revised? Farrell: it is worth the investment to have

Town Counsel Donna MacNicol's guidance given the Attorney General's (AG) response. Torres: the AG's office is letting the Town know their areas of concern; without an actual project, the AG's office cannot provide additional information; MacNicol was involved in the amendments; it is possible there will be time to touch on the topic when MacNicol is present 11.24.20 and ask who she may recommend for further guidance.

- d. Standing Trespass Order: Miriam DeFant, Michael DeChiara, Mary Lou Conca all have standing trespass orders from W.D. Cows, Inc.; DeChiara disclosed during the 11.9.20 Planning Board meeting. Torres to Farrell's question: per MacNicol, disclosure cites the individual's relationship with the party, i.e., Cows, and swears you will perform your duties impartially; there is a fine for failing to do so, i.e., showing bias and lack of integrity; the applicant could bring charges to the Attorney General's office. Torres: these individuals are all special municipal employees; their behavior needs to be above reproach; the Select Board does not have authority over these trespass orders; DeChiara and DeFant/Historical & Conservation Commissions have been informed of their responsibilities. Torres will follow-up with Conca/Historical Commission who is not directly involved in any of the relevant current or anticipated cases; Amp Energy is an international company. Torres: per Deacon Bonnar/Planning Board Chair, the Board will need support and additional Land Use Clerk hours may be required; the Planning Board will be looking for a consultant under Chapter 44 Section 53G.
- e. Green Communities: The Green Communities annual report was signed by Makepeace-O'Neil; this year, there were no new projects; Joan Hanson will assist in compiling the energy usage report; this is Shutesbury's ninth year in the program. Farrell moves and Stein seconds a motion to approve Makepeace-O'Neil's signature on the Green Communities annual report. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the motion carries.
- f. Bi-Annual Elevator Inspection: The inspection was completed 11.6.20 and the elevator passed without any issues.
- g. Highway Department Hose Leak: A DEP inspection review recommended replacing the unit which was done during the last week; the \$5,840 cost was charged against the fuel expense line. Farrell moves and Stein seconds a motion for the Select Board to approve and sign the Stage 2 Vapor Recovery Decommissioning Notification, the non-compliant matter was brought into compliance. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the motion carries.
- h. DEP Sustainable Recovery Grant: Farrell moves and Stein seconds a motion for the Select Board to accept and sign the DEP Sustainable Materials Recovery Program Grant document. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the motion carries.
- i. CARES Act 2: Funding will include some broadband buildout costs for several people in need, subscription reimbursements are being worked on, installation of drinking bottle water dispensers at the elementary school, computers for the school, two energy recovery ventilation systems, additional election expenses, and \$69,000 for the regional school for a total of \$122,472.
- j. Prevailing Wage Issue: Tri-Wire was cited for non-compliance; per their reports, Tri-Wire was complying however some of the dollar amounts did not match; they were fined for underpaying wage rates and have paid the fine. Torres to Farrell's question: reports were received by Gayle Huntress/MLP Manager, Torres, and Tri-Wire's financial staff.
- k. Community Preservation Committee: Stein moves and Makepeace-O'Neil seconds a motion to appoint the proposed Community Preservation Committee membership roster: Allen Hanson/Select Board-Park Commission representative, Linda Avis

Scott/Conservation Commission representative, Elaine Puleo/Open Space-Recreation Committee, John Walter/Historical Commission, Michael DeChiara/Planning Board member, Rita Farrell/in lieu of Housing Authority and Margie Tighe-Saporito/Community-at-Large. Roll call vote: Stein: aye, Makepeace-O'Neil: aye; and Farrell; abstain; the motion carries.

1. Highway Department Staff: Chuck Moore's hours have been increased to 30/week; because he is a mechanic and able to do some work for the Town, any repair work he does will be billed to the relevant departments; car/truck repairs are usually paid from department expense lines; Torres will work with the FinCom on the appropriate transfers; Moore's availability will save time/travel for repairs.

Administrative Actions:

1. Select Board members will sign vendor warrants totaling \$151,319.40.
2. Select Board members will sign payroll warrants totaling \$99,472.09.
3. Stein moves and Farrell seconds a motion to approve the 10.27.20 meeting. Roll call vote: Farrell: aye. Stein: aye, and Makepeace-O'Neil: aye; the minutes are approved as presented.

At 6:58pm, 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. 11.3.20 letter to the "Shutesbury Elementary School Community" from Principal Jacqueline Mendonsa
2. 114.20 letter from the Office of the Attorney General regarding: "Shutesbury Annual Town Meeting of June 27, 2020 Warrant Articles #15, 29, and 30 (Zoning) and Warrant Articles #23 and 33 (General)
3. Stage 2 Vapor Recovery Decommissioning Notification
4. DEP Sustainable Materials Recovery Program Grant

Respectfully submitted,
Linda Avis Scott
Administrative Secretary