

Shutesbury Select Board Meeting Minutes  
May 24, 2022 Virtual Meeting Platform

Select Board members present: Rita Farrell/Chair, Melissa Makepeace-O'Neil, and Eric Stocker  
Staff present: Becky Torres/Town Administrator; Linda Avis Scott/Administrative Secretary  
Other Staff/Volunteers present: Mary Anne Antonellis/Library Director; Catherine Hilton/Board of Health; Frank McGinn/Building Committee; Police Chief Kristin Burgess and Town Counsel Donna MacNicol  
Guests: John Montanari, Tom Siefert, Mary Lou Conca, Mike Vinskey, and Miriam DeFant

Farrell calls the meeting to order at 5:39pm.

Agenda Review: As posted.

Public Comment: Mary Lou Conca requests clarification on the topic regarding Cows and, that as a voter, she is unclear where things rest regarding the portion of the school roof that is still leaking. Farrell: the school roof was addressed thoroughly during annual town meeting; Conca may have the topic reviewed for her separately; the Cowl's land swap is for a parcel of land in town center near the Highway Department that may be needed as a future well site; it has nothing to do with AMP (solar developer).

**Discussion Topics:**

1. Mosquito Spraying Opt-Out Application: Catherine Hilton/Board of Health: the Board of Health is taking the lead on the application to opt-out of spraying for mosquitos and is asking for a Select Board vote on the submission of an "Alternative Mosquito Management Plan" to aerial for other pesticide spraying. Per Hilton, the Reclamation and Mosquito Control Board could overrule the alternative plan if there is an emergency; the concern is Eastern Equine Encephalitis (EEE) for which there is no cure; climate change may be increasing the presence of EEE; the Board of Health is applying this year to keep the Executive Office of Environmental Affairs (EOEA) aware that Shutesbury does not want spraying unless it becomes necessary. Hilton continues: the main aspect of the alternative plan is education which will be stepped up this year as per the "Education and Outreach Plan" checklist portion of the application. Hilton reviews the checklist as completed by the Board of Health. Hilton to Farrell's inquiry about the State's refusal to accept opt-out applications last year: this year, the instructions have more detail on how to apply to opt out including a review of the risk level; Shutesbury is historically considered low risk; after the last outbreak, the State took a more regional approach; the Lake Wyola corner of town is considered moderate risk due to its proximity to Wendell and New Salem; the goal will be to do more education in this area including with the Wendell Conservation Commission. Per Hilton: EEE is actually transmitted through birds to horses who can be vaccinated; it is extremely serious for humans; Shutesbury joined the Pioneer Valley Mosquito Control District, a monitoring organization; the kind of mosquitos that transmit EEE have not been found here. Hilton to Farrell's inquiry: spraying will be done if there are a significant number of cases. Hilton to Stocker's inquiry: no spraying was done in this area. Public comment is requested. Mary Lou Conca states she is curious about the spraying; in the event that the State decides Shutesbury is a high risk area, what would happen; is the spray a poisonous substance? Hilton does not know how spraying would happen as it has never been done in Shutesbury; joining the Mosquito Control District for mosquito testing and

providing education to control mosquito habitat will help. No other members of the public present offer comments/questions.

- On 5.24.22 at 5:59pm, Makepeace-O'Neil moves and Stocker seconds a motion to confirm that the Board of Health was consulted, that public comment was allowed, that the Town of Shutesbury wishes to opt out of all types of spraying, and acknowledges that a vote to opt out will only be honored if all application components are submitted to and the application is approved by the Executive Office of Energy and Environmental Affairs. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

2. Review Open Meeting Law Complaint: Farrell explains that the Select Board received the 5.13.22 Open Meeting Law complaint by John Montanari regarding an item added to the agenda after the 48 hour period prior to the meeting; the item, "Request for change to Black Lives Matter sign" was of concern to Montanari. Select Board members have reviewed the draft response to Montanari. Farrell: the item, regarding taking down the "Black Lives Matter" banner, was proposed by Mary Anne Antonellis; a local artist has offered a poster of original relative artwork that may be hung in Town Hall. Per Farrell, the Board will respond to Montanari in writing regarding the complaint including how it happened and the plan to consider the topic on a future agenda. Stocker and Makepeace-O'Neil agree for the topic to be on the next meeting agenda. Montanari appreciates that the item will be on the next agenda as this is all he is asking for. Torres clarifies for Montanari that Antonellis requested the agenda item to take down the banner. Montanari asks if the Select Board did not respond to his request to have the item on the agenda. Torres: his concerns were kept in mind. Considering the Black Lives Matter banner will be on the 6.7.22 agenda.
3. School Heating Construction Contract: Torres: the Town allocated \$17,000 for the engineering study, by Hesnor Engineering, for the school's HVAC control system; two bids were received, one for more than \$400,000 and one from CTC (Conserve Thru Control, Inc.) for \$233,000. Per Torres, CTC is well respected in the field, Hesnor has worked with them previously, and they are DCAMM certified. Torres: 2021 annual town meeting only allocated \$200,000 for the project; ARPA funds or school funds could be used for the balance; the bid did not arrive in time for allocation of the balance to occur during the 5.21.22 annual town meeting; moving forward on the project is important and once the contract is approved by the Select Board, CTC will start immediately as there is only a 90 day window for the work; the Board vote will need to include how the balance will be handled; the school will not know for a few weeks if funds from their year end budget are available otherwise the Select Board may give permission to use ARPA funds. The Board agrees to talk about ARPA funds prior to voting on the CTC contract.
4. ARPA: Farrell: the Town will receive \$525,00 in ARPA funds through FRCOG and the State; use of the funds for the school roof project has been discussed; it is the Select Board's responsibility to prioritize and decide on use of the funds; the school's HVAC control system is an immediate need and the roof is a concern; the decisions on use need to be done in the context of other needs. Farrell is comfortable using ARPA funds to cover the balance of the CTC contract; if \$300,000 is used for the school roof and \$33,000 goes toward the

CTC contract, there will be a balance of less than \$200,000. Torres will email boards/committees to solicit their highest priorities. Select Board members agree for boards/committees to be invited to attend the 7.5.22 meeting to discuss use of the ARPA balance. Stocker supports committing \$33,000 for the HVAC work; if ARPA funds are used for the roof, would doing so affect the MSBA grant? Torres: the MSBA grant is for 50% of the project cost so it will not be affected by the use of ARPA funds. Frank McGinnis asks if the new Building Committee be up and running by the 7.5.22 meeting. Farrell: the new Building Committee will not be established until after 7.1.22. Torres: McGinnis' concern will be considered.

- Makepeace-O'Neil moves and Stocker seconds a motion to approve the school heating construction contract with CTC using up to \$33,000 in ARPA funds contingent upon no other funds being available from any other source. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

#### Administrative Actions:

1. Makepeace-O'Neil moves and Stocker seconds a motion to approve the 5.10.22 meeting minutes. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the 5.10.22 minutes are approved as presented.
2. Select Board members will sign #22-25 vendor warrants totaling \$127,370.41.
3. Select Board members will sign #22-25 payroll warrants totaling \$115,651.25.

Farrell reads the reasons for the executive sessions into the minutes: Reason #6, Boat Launch, to consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body and reason #6, Cows' Land Swap, to consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.

- At 6:33pm, Makepeace-O'Neil moves and Stocker seconds a motion to enter the executive sessions and not return to open session. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

#### Documents and Other Items Used at the Meeting:

1. "Alternative Mosquito Management Plan: Education and Outreach Plan Checklist"
2. 5.13.22 "Open Meeting Law Complaint Form" filed by John Montanari
3. Draft 5.24.22 Select Board letter to John Montanari re: "Open Meeting Law Complaint"
4. Conserve Thru Control, Inc "Contract & General Conditions" dated 5.9.22

Respectfully submitted,  
Linda Avis Scott  
Administrative Secretary