

Shutesbury Select Board Meeting Minutes
June 21, 2022 Virtual Meeting Platform

Select Board members present: Rita Farrell/Chair, Melissa Makepeace-O'Neil, and Eric Stocker
Staff present: Town Administrator Becky Torres; Linda Avis Scott/Administrative Secretary
Other Staff/Volunteers present: Deacon Bonnar, Michael DeChiara, and Linda Rotondi/Planning Board; Jake Messier/Planning Board Associate Member; Henry Geddes, Miriam DeFant, and Mary Lou Conca/Historical Commission
Guests: Tom Siefert, Carlos Fontes, Elizabeth Fernandes-O'Brien, Karen Tarlow, Frank McGinn, Joan Hanson, Robert Seletsky, Amanda Alix, Elizabeth Tonne and other unidentified individuals

Farrell calls the meeting to order at 5:33pm.

Agenda Review: As posted.

Public Comment:

1. Tom Siefert extends his gratitude for the role Library Director Mary Anne Antonellis played in bringing Black Lives Matter to our attention and acknowledges the meaningful 6.20.22 ceremony to take down the banner on Town Hall and install the poster inside the building. Siefert is concerned that having a link to the Shutesbury Athletic Club on the Library website is using Town resources to advertise a private business.
2. Melissa Makepeace-O'Neil announces that someone posing as herself is using an email with her name via "councilmember 92 at gmail dot com"; Google has been notified. Farrell: the Town Clerk sent information about the problem and work is being done on the State level to address the matter. Torres advises recipients to not respond or engage in these emails.

Discussion Topics:

1. Administrative Secretary Report: Scott relates that she has submitted a letter of retirement resignation effective 7.15.22 and shares that it has been her honor to serve the Select Board and Town Administrator for over seven years. Farrell states a heartfelt thank you and appreciation for Scott's work as well as her contributions as Land Use Clerk and as a member of the Community Preservation Committee. Stocker agrees with Farrell's statement. Makepeace-O'Neil also agrees and adds her work with Scott on the Council on Aging.
2. Town Administrator Updates:
 - a. Locks Pond Culvert: A Zoom meeting will be held with the contractor about scheduling work on the culvert; the contractor wants to push the start time out however the Town is bound by the permitting timeline.
 - b. Preschool Visit: It was tremendous to have the preschool back last Wednesday after two years' absence due to COVID; Police Chief Burgess welcomed them with open arms and a cruiser light and sound show which filled the void left by Fire Chief Walter Tibbetts who was unable to attend with the fire truck; the Highway grader was on the Town Common for the children. Town Clerk Bannasch and Torres held a mock town meeting to discuss the type of candy to be selected for the Town Clerk's candy jar; lollipops took the day in the special vote using the ballot box.

- c. School HVAC Project: CORI checks for the full crew are almost complete; materials to date have been secured.
 - d. Tax Bills: The Assessors had a problem however there will be no delay in mailing the tax bills.
3. Joint Appointment Planning Board Associate Members: Without a Planning Board quorum, the reappointment of Associate members Ashleigh Pyecroft and Jake Messier is postponed to the 7.5.22 Select Board meeting.

Michael DeChiara: the Attorney General's office did not accept part of the 2021 Associate Member bylaw; Land Use Attorney Bob Ritchie, Town Council Donna MacNicol and the Planning Board disagree with the Attorney General's office decision and advise requesting legislators to change statute to allow the expanded function of associate members. DeChiara suggests starting the conversation with State legislators in August/September in order to be ready for the January 2023 legislative session. DeChiara is willing to reach out on behalf of the Select Board and asks for guidance on how to proceed. Select Board members support DeChiara's proposal to reach out to legislators and request he prepare a written statement for their consideration. DeChiara: planning boards can have associate members under the special permit section of statute; the proposal is to change statute so that associate members have broader powers like those of zoning board of appeals associate members.

4. Personnel Action Forms: Torres: the Personnel Action Forms (PAFs) acknowledge the 7.1.22 start date for employees and stipend staff; for signing, they are divided into folders by department. Per Torres, there is a personnel chart listing positions and the rates for each classification including the 2.42% COLA increase for everyone as well as the market alignment for eight individuals. It is recommended the Select Board perform the annual appointments prior to voting on the PAFs.
5. Annual Appointments: The "working" list of "Appointed Officials: July 1, 2022 – June 30, 2022 is screenshared. Farrell: in summation, there has been hostility and uncivility toward public officials including the Select Board; as a person devoting a lot of time, as have other public officials, this is disturbing and discouraging; we are volunteers and are doing the best we can; to be called a liar and having done illegal things is incredibly disturbing; this is unnecessary; please talk to us directly if you have concerns and avoid using social media to speak badly of town volunteers.

Page 1: Makepeace-O'Neil moves and Stocker seconds the Select Board appoint the positions on page 1 as noted. Stocker seconds what Farrell said in her introduction to the topic; we need to appoint those we are sure have passed the Open Meeting Law and conflict of interest requirements; he understands there have been individuals who have refused to take the tests; the law requires the tests be taken within 30 days of appointment. Torres: when individuals are appointed and reappointed; they are required to sign that they have read and understood Open Meeting Law; every person appointed needs to see the Town Clerk; the required documents/laws do change over time. It is noted that individuals receive appointment letters directing them to see the Town Clerk who keeps track of certificates received. Makepeace-O'Neil and Stocker suggest a time line for completing the requirements. Stocker moves all appointments effective on 7/1/22

must complete the appointment requirements by 9.30.22 when appointments will be reviewed to ensure completion. Makepeace-O'Neil suggests reappointments be effective through 9.30.22 when they will be reviewed and reappointed pending completion of ethics and Open Meeting Law requirements. Torres suggests that anyone who has not completed the certificates by 9.30.22 have their appointment reviewed by the Select Board. Mary Lou Conca asks the Board to verify that they are referring to the two requirements, the Open Meeting Law certificate for reading materials and the conflict of interest test. Farrell confirms that both requirements are being referenced. Makepeace-O'Neil moves and Stocker seconds a motion that anyone who has not completed the required certificates by 9.30.22 will have their appointment reviewed by the Select Board. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

Page 2: It is noted that the appointed Constable position is vacant. Makepeace-O'Neil moves and Stocker seconds a motion to approve the appointments listed on page 2. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

Page 3: Makepeace-O'Neil states that she has not had time to participate on the Council on Aging. Makepeace-O'Neil moves and Stocker seconds a motion to approve the appointments listed on page 3. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

Page 4: It is noted that Finance Committee members are appointed by the Town Moderator. Makepeace-O'Neil moves and Stocker seconds a motion to approve the appointments listed on page 4, excluding the Finance Committee and former Firefighter Kyle Viera (listed in error). Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

Page 5: Scott reads the 6.18.22 email from Lake Wyola Advisory Committee Chair Mark Rivers into the record. On behalf of the Committee, Rivers asks the Select Board to allow retiring Emergency Management Director Walter Tibbetts to remain on the Committee; Tibbetts has been leading all efforts related to the dam. It is suggested Tibbetts be appointed as a regular LWAC member. Given that the Town Building Committee is being disbanded, Farrell recommends excluding appointing the Franklin County Cooperative Inspection Program Representative. Stocker recommends not re-appointing Historical Commission member Janice Stone because she no longer lives in town. Stocker also recommends not appointing Mary Lou Conca to the Historical Commission. Makepeace-O'Neil agrees with the recommendation to not reappoint Conca. Farrell notes that the Historical Commission can have a member who does not live in town and agrees to not reappoint Conca. Makepeace-O'Neil moves and Stocker seconds a motion to approve the appointments on page 5 as revised. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries. Farrell, to those with hands raised: no comments will be accepted at this time; the Select Board will accept comments via email.

Page 6: Makepeace-O'Neil moves and Stocker seconds a motion to approve the appointments listed on page 6. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

Page 7: Makepeace-O'Neil moves and Stocker seconds a motion to approve the appointments listed on page 7. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

Page 8: Per Farrell, the Shutesbury Building Committee bylaw (approved 5.21.22) will go into effect on 7.1.22 after which new appointments will be made. The current Town Buildings Committee is disbanded. Makepeace-O'Neil moves and Stocker seconds a motion to approve the designated appointments listed on page 8. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

Page 9: Scott could find no evidence of the United States Department of the Interior Trail Stewardship Council being active. Farrell recommends holding off on the Tree Warden appointment pending a meeting with the current Town Warden. Makepeace-O'Neil moves the Select Board remove the United States Department of the Interior Trail Stewardship Council, hold off on the Tree Warden appointment and approve the remaining appointments on page 9. Stocker notes that Mary David expressed interest in serving on the Zoning Board of Appeals. Torres recommends holding off on ZBA appointments because other residents have expressed interest. Stocker seconds the motion. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

6. Police Union Contract: Torres has yet to receive the contract from the Teamsters Union agent.
7. Library Summer Help Hire: Torres: per written request from Library Director Mary Anne Antonellis and the Personnel Action Form, the Select Board is being asked to appoint Ella DeSilva Beal as substitute library staff; DeSilva Beal will help fill in for the Assistant Librarian who will be out for a period of time over the summer.
 - Stocker moves and Makepeace-O'Neil seconds a motion to appoint Ella DeSilva Beal as a library substitute. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.
8. Continue Personnel Action Forms:
 - Makepeace-O'Neil moves and Stocker seconds a motion that the Select Board sign the FY2023 Personnel Action Forms per the budgeted salary and hourly schedule as approved by annual town meeting. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

Farrell leaves at 6:40pm. Makepeace-O'Neil assumes the role of chairperson and reviews the agenda. Torres has no further Town Administrator updates.

Administrative Actions:

1. Makepeace-O'Neil moves and Stocker seconds a motion to approve the 6.7.22 meeting minutes. Roll call vote: Stocker: aye, Makepeace-O'Neil: aye, and Farrell: aye; the minutes are approved as presented.
2. Select Board members will sign vendor warrants #22-27 totaling \$141,506.16.
3. Select Board members will sign payroll warrants #22-27 totaling \$132,923.62.

At 6:51pm, Stocker moves and Makepeace-O'Neil seconds a motion to adjourn the meeting. Roll call vote: Makepeace-O'Neil: aye and Stocker: aye; the motion carries.

Documents and Other Items Used at the Meeting:

1. 6.14.22 email from Michael DeChiara "Additional item for SB June 21 meeting"
2. Draft FY23 Appointed Officials List
3. 6.1.22 email from Mark Rivers "Timely: LWAC Membership"

Respectfully submitted,
Linda Avis Scott

Administrative Secretary