

Shutesbury Select Board Meeting Minutes  
September 13, 2022 Virtual Meeting Format

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  
Volunteers & Other Staff present: Michael DeChiara/Chair, Nate Heard, and Gail Fleischaker/Energy & Climate Action Committee; Police Chief Kristin Burgess; Police Officers Taylor Beaudry and Linda Newcomb; Library Director Mary Anne Antonellis; Frank McGinn III and Steve Sullivan/Town Buildings Committee  
Guests: Susie Mosher, Penny Kim, Mary Lou Conca, Susan Millinger, Joan Hanson, Devon Pelletier, Anna Novey Cook, Joyce Brauhn and unidentified individuals.

Farrell calls the meeting to order at 5:30pm.

Agenda Review: Farrell reviews the posted agenda changing the minutes to be reviewed from 8.16.22 to 8.30.22 and adding the new Building Committee appointment of Anna Novey Cook, and the appointment of Catherine Hilton as the Eastern Franklin County Health District Representative.

Public Comment: None offered.

**Discussion Topics:**

1. Unanticipated Topic: Torres: the Eastern Franklin County Health District includes Erving and Montague; one of their responsibilities is to hire the Health Agent, currently Claudia Lucas; Catherine Hilton, as the new Board of Health Chairperson will attend the District meetings.
  - Makepeace-O'Neil moves and Stocker seconds a motion to appoint Catherine Hilton as the Eastern Franklin County Health District Representative. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.
2. Town Administrator Updates:
  - a. Land Swap: The plan is to consider the Cowsls land swap deeds, received from Town Counsel, during the 9.27.22 Select Board meeting; after years of work, this is a landmark.
  - b. Energy Audit: The energy audit report by the National Grid representative is expected by the end of the week; then, work on a Green Communities Grant with FRCOG will begin.
  - c. COVID Policy: School opened smoothly with no masking requirements for children; continued masking in Town Hall is appreciated; the COVID policy will be updated for review 9.27.22; it will include post infection testing recommended by the Board of Health.
  - d. Wildlife: Eagles, maybe Bald, were observed behind Town Hall.
  - e. Upcoming Meetings: The 9.14.22 executive session, the only agenda item, will open as a public meeting; the session will address a personnel matter and the minutes will remain private. The Select Board will meet with the Conservation Commission 9.22.22.

3. ECAC Electrical Aggregation Proposal: Farrell: for the Town to consider Community Choice Aggregation (CCA), the Select Board needs to agree to place an article on a town meeting warrant; a special town meeting for the school roof will be held in the late Fall; the work done by the Energy & Climate Action Committee (ECAC) is appreciated. Michael DeChiara/ECAC Chair, referring to the “Community Choice Aggregation: What Are The Steps and Who Does What”, notes that a later town meeting will shift the estimated timing for actions; the community education sessions will be mentioned in the upcoming issue of *Our Town*. Nate Heard/ECAC refers to the “Frequently Asked Questions About Community Choice Aggregation” and notes that it integrates the questions raised by the Select Board; for Shutesbury, CCA will leverage group action to increase sources of electricity and the option to increase the portion of green electricity received, it provides an opportunity for cost savings, and hastens the transition to green energy; there is enabling legislation and a broad experience base across the State. Farrell notes the opt out feature. DeChiara: participants will have at least three options. Makepeace-O’Neil appreciates that the question about continued Community Action fuel assistance eligibility for National Grid benefits with CCA was answered. (Eligibility will continue with CCA.) To answer Stocker’s questions, DeChiara refers to the timeline: in the Spring of 2024, in consultation with the energy broker, the ECAC will recommend a CCA design to the Select Board establishing the options; community engagement will help define priorities, i.e., saving money, meeting green standards; the energy broker will help define achievable options; the Department of Energy Resources (DOER) and the Department of Public Utilities are also involved. Mary Lou Conca asks for a cost savings example and public access to the proposal Farrell: materials will be posted on ECAC site. Gail Fleischaker/ECAC: with guidance from the energy broker, the ECAC can recommend 7-8 options to the Select Board who will send them out to bid; the Select Board will then select 3-4 options for the community. The current warrant article language is generic and will be refined and approved by Town Counsel in preparation for the special town meeting.
  - Makepeace-O’Neil moves and Stocker seconds a motion to support Community Choice Aggregation and move forward with community education and placing an article on a town meeting warrant. Roll call vote: Makepeace-O’Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.
4. RSWC Appointments: Torres: the Recycling & Solid Waste Committee recommended the appointment of the applicants who have attended meetings; the RSWC needs assistance.
  - Makepeace-O’Neil moves and Stocker seconds a motion to appoint Andrea Rogers to the Recycling & Solid Waste Committee. Roll call vote: Makepeace-O’Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.
  - Makepeace-O’Neil moves and Stocker seconds a motion to appoint Mary Glavin to the Recycling & Solid Waste Committee. Roll call vote: Makepeace-O’Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.
5. Police Officer Appointment: Stocker participated in the panel interview with candidate Devon Pelletier. Police Chief Kristin Burgess introduces Pelletier who worked at American International College (AIC) and also has supervisory experience; he will be a

great asset to the team. Pelletier worked in private policing, at Baystate Medical Center, and at AIC for three years; he wants to do community policing within a municipality; likes the size of the town and the Police Department; it seems like it will be an awesome place to work. Burgess: after the panel interview, she took Pelletier for a ride around town and did some introductions in order to help him make a thoughtful decision. Stocker: based on the interview, Pelletier is a fantastic candidate. Makepeace-O'Neil asks what drives Pelletier's passion for community policing. Pelletier: a lot of community policing is done on campus; he grew up in a smaller town and wants to be in the role of a community caretaker which he will be better able to do in a municipality. Farrell asks about Pelletier's impressions of the Department. Pelletier met some of the officers; his impression is that the Department is close knit and will be a great place to work. Farrell acknowledges support for Pelletier evidenced by the presence of other officers.

- Makepeace-O'Neil moves and Stocker seconds a motion to appoint Devon Pelletier as a Shutesbury Police Officer. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

6. Lot O-32 Site Work/Additional ARPA Request: Farrell refers to the document "Lot O-32: Site Assessment Background and Current Status September 2022 Report to the Select Board by Mary Anne Antonellis September 12, 2022": Antonellis, who has taken the lead on addressing some of the Lot O-32 issues, is requesting additional ARPA funding for further environmental testing. Makepeace-O'Neil along with Farrell and Stocker thank Antonellis for creating the historical document.

Antonellis reviews the document: a lot of testing has been done on Lot O-32; in 2010, the first impact screening identified the former residential and commercial underground storage tanks (USTs) and historic dumping; the USTs were removed with proper procedures; dumped material behind the cinder block building was also removed. In 2011-12, Cold Spring Environmental (CSE) did extensive testing and monitoring wells were installed at the floor drain terminus and the debris pile behind the building; the tests for many hazardous materials were all negative except at the properly disposed of drum site where the monitoring well showed trace amounts of PCBs at .544 parts/billion (reportable level: .50 parts/billion); the Department of Environmental Protection (DEP) agreed with CSE on the need for further testing that was done (May 2012) with no positive results; five private wells and the Highway Department well had no PCBs from Lot O-32; DEP recommended the removal of the garage and debris piles accomplished in August 2021. O'Reilly, Talbot & Okun (OTO) performed ten soil borings, per DEP, in the garage area, potential new library site, and former debris pile locations; with the exception of B9 (near the former radio tower location), all of the other borings, tested for the same materials, were negative; B9 had a reportable level of 100 for volatile organic compounds (VOCs); a level of 99 would not have been reportable. OTO tests at the Town monitoring wells were negative. In Fall/Winter 2021, Torres researched the 1994-1995 removal of the radio tower; 100 tons of contaminated soil were removed at that time; the US Army Corps does not believe the current B9 results to be a reportable find and that there is no need to report to DEP; the Town decided to do further testing which was reported to DEP. Fuss & O'Neill has been hired to do a desk top review, further testing, and make recommendations; additional testing at B9 will require a Request for Determination of Applicability (RDA) for the removal of some small trees and a wetland

crossing; the wetlands delineation is complete and under review by Conservation Commission. The floor drain site will need additional testing to comply with DEP's injection control program. An Abbreviated Notice of Resource Area Delineation (ANRAD) will be filed to confirm the wetland delineation/mapping for future work on the site.

Antonellis: Fuss & O'Neill is recommending 8-9 soil test pits, dug by the Highway Department, to be tested for all of the same hazardous materials including a slate of heavy metals; this testing will cost an additional \$16,970. Farrell: thus far, approximately \$22,000 has been allocated. Antonellis refers to the 9.12.22 "Proposal for Environmental Services Task Amendment 03" and notes that the additional \$19,470 includes the previously allocated \$2,500 for the wetland delineation. Antonellis to Farrell's question: Fuss & O'Neill did not see any additional debris of concern, did not feel there were any implications from the debris left on the site and would look further at the debris if the Board of Health raised concerns; the evidence of debris was photographed by Miriam DeFant/Conservation Commission Chair. Torres to Farrell's question: typically, the Board of Health is brought in on matters relative to the health and welfare of the community and they determine if intervention is needed; the Commission has jurisdiction over wetlands. Makepeace-O'Neil asks about the need to alert the Board of Health.

Antonellis: Catherine Hilton/Board of Health Chair attended the site visit and had no concerns regarding the debris; the remaining debris could be picked up. Stocker thanks Antonellis and notes that, in general, the new library is supported; we want to do everything we can, do it right, and leave no stone unturned; we have articulated a plan for work we need to do anyway. Antonellis: Fuss & O'Neill and DEP advised soil borings be done at the debris piles; these are areas DeFant is concerned about; Fuss & O'Neill is in contact with the relevant DEP departments; they will ensure the proposed work is in compliance with and satisfies DEP requirements.

Farrell: there have been some inaccurate discussions by the public; having the wetland delineation done is very helpful; some of the wetlands are under the jurisdiction of the Shutesbury General Wetlands Bylaw.

No public comment/questions are allowed. Antonellis to Stocker's question about the final Fuss & O'Neill product: we will have followed proper procedures, done due diligence regarding testing for hazardous components, and followed any recommendations; the testing done to date provides a lot of information; the Town will be in compliance with DEP regarding USTs; we will be able to rest easy that the site is safe.

Antonellis continues: there will be records on the DEP site; future questions can be referred to DEP. Antonellis' report will be posted on the Select Board webpage.

Antonellis is appreciated for her work on behalf of the Town. Farrell asks Mary Lou Conca to email her question about ARPA funds to the Select Board.

- Makepeace-O'Neil moves and Stocker seconds a motion approve \$16,970.00 in ARPA funds to cover additional environmental services work by Fuss & O'Neill at Lot O-32. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

7. Building Committee Appointment: Per Farrell, Anna Novey Cook, the fifth Building Committee candidate, supports Pioneer Valley Habitat for Humanity and is co-owner of Integrity Construction, women-owned business; Cook is fantastic candidate. Cook started

at Integrity at 20 years of age and is now a co-owner; the company primarily does residential construction and renovations and some commercial work; she has relevant training and is excited to join the Building Committee and that her background will be helpful. Farrell: hopes the Committee will start soon as there is work to begin.

- Makepeace-O'Neil moves and Stocker seconds a motion to appoint Anna Novey Cook to the Town Buildings Committee. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.
8. Conservation Commission Meeting Prep: Farrell: the Select Board will be meeting with the Conservation Commission on 9.22.22 about the Lot O-32 Enforcement Order issues being addressed; another goal for the meeting is to ensure cooperative communication between the Commission and the Select Board. Farrell refers to Antonellis' report (addressed in item #6) and notes the need for a Request of Determination of Applicability to remove several trees and cross wetlands in order to access bore hole B9 for further testing; if there is a concern at B9, we need to be able to work with the Commission to move the process forward; the town has overwhelmingly supported the new library. Stocker agrees: Town officials need to work together to build a town supported library. Makepeace-O'Neil: And, to do so to the best of our ability. Antonellis' report will be submitted to Commission who will be asked to submit, in advance of 9.22.22, any questions the Select Board will need to address.
  9. Town Administrator Updates Continued: A request for a marijuana cultivation host agreement has been received; per Town Council MacNicol, the relevant laws have changed so the current agreement needs to be updated before it is shared.

#### Administrative Actions:

1. Makepeace-O'Neil moves and Stocker seconds a motion to approve the 8.30.22 meeting minutes. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the minutes are approved as presented.
2. Select Board members will sign vendor warrants #23-06 totaling \$132,797.09.
3. Select Board members will sign payroll warrants #23-06 totaling \$112,002.83.

At 7:05 pm, Makepeace-O'Neil moves and Stocker seconds a motion to adjourn the meeting. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

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

1. "Community Choice Aggregation: What Are the Steps and Who Does What?"; "Frequently Asked Questions About Community Choice Aggregation"; "Sample Warrant Article for CCA"
2. 8.30.22 email from Meryl Mandell: "RSWC – please appoint two new members"
3. "Lot O-32: Site Assessment Background and Current Status September 2022 Report to the Select Board by Mary Anne Antonellis September 12, 2022" & Fuss & O'Neill 9.12.22 "Proposal for Environmental Services Task Amendment 03, 66 Leverett Rd."

Respectfully submitted,  
Linda Avis Scott  
Administrative Secretary