

Shutesbury Selectboard Meeting Minutes
December 1, 2022 Virtual Meeting Format

Selectboard members present: Rita Farrell/Chair, Melissa Makepeace-O'Neil, and Eric Stocker
Staff present: Becky Torres/Town Administrator; Geneva Bickford/Administrative Secretary
Volunteers & Other Staff present: Mary Anne Antonellis, Miriam DeFant, Gail Fleischaker

Guests: Leslie Luchonock, April Stein, Catherine Hilton, Brad Foster, John Lawless, Penny Jacques, Sally Fairfield, Christine Robinson, Amanda Alix, Joan Hanson, Frank McGinn, Mary's Ipad, Robert Kibler

Farrell calls the meeting to order at 5:32 pm.

Agenda Review: As posted.

Public Comment: None

Discussion Topics:

1. Selectboard Vote to Retain Special Counsel to serve as Town Counsel as Town Counsel is Recused: Farrell: Donna McNichol has recused herself from Lot O32 deliberations. We are retaining special counsel in our deliberations with ConCom who has also retained special counsel. A very brief background: The SB working with Library Director, Mary Anne Antonellis is looking to get Lot O32 permitted. There are a number of steps to be taken. We have done a lot of testing and we are still waiting for some results on more recent testing that was done. The end goal here is to get permitted through ConCom so we can build the new library on Lot O32. ConCom has determined they need special counsel to assist them in the permitting process. As stated by ConCom they are looking for guidance to understand the regulations and laws that apply to what they deem is a complex permitting situation and to move forward appropriately. We have had a SB meeting and there was a FinCom meeting. It has been made clear before, this is not the path the SB wants to go down. We felt we could work together with ConCom but they have determined they need special counsel. Therefore, the SB has determined we want representation. Donna McNichol recommended and I have contacted the firm of McGregor Legere & Stevens. This is a Boston based firm who has extensive experience in environmental law and real estate related to litigation. They work with many communities in the Commonwealth and are highly regarded for their depth of knowledge and experience in environmental law. I am coming to the SB to recommend that the SB retain the firm of McGregor Legere & Stevens and I am confident they will do an excellent job representing the SB through this permitting process for Lot O32. Makepeace-O'Neil: do you have an amount it will cost to retain them? Farrell: No, they will be on an hourly basis. We have no real sense of how much time is going to be called for. Stocker: This is not the road the SB would like to go down. Lot O32 has become far more complex than it should be, it is a scientific problem. These are not questions the lawyers are going to answer. It is the SB's obligation to represent the towns interest in this case I think it is the best thing to do.

Motion to appoint McGregor Legere & Stevens as Special Counsel to serve as Town Counsel for Lot O32 Deliberations.

- Stocker moves and Makepeace-O'Neil seconds Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

Farrell: I Will be contact person and will be signing off on the Letter of Agreement with the Attorney's. Rest assured I will be vigilant about minimizing to the best of my ability the costs associated with this. Nobody wants to see a lot of legal costs here.

Miriam DeFant and Leslie Luchonock both asked to speak, Farrell indicates no questions are being taken at this meeting.

Motion to Adjourn 5:42 pm

Administrative Actions:

- 1.
- 2.

Documents and Other Items Used at the Meeting:

- 1.
- 2.
- 3.

Respectfully submitted,
Geneva Bickford
Administrative Secretary