

Shutesbury Selectboard Meeting Minutes  
December 20, 2022 Virtual Meeting Format

Selectboard members present: Melissa Makepeace-O'Neil and Eric Stocker

Staff present: Becky Torres/Town Administrator, Geneva Bickford/Administrative Secretary

Volunteers & Other Staff present: Kristen Burgess, Mary Anne Antonellis, Leslie Bracebridge, Gail Fleischaker, Officer Devon Pelletier, Catherine Hilton

Guests: Mary Lou Conca, Susie Mosher, Penelope Kim, Jon Lawless, Amanda Alix, Jill Marland, Doc Pruyne, Shannon's Dad, Bert Fernandez, Elizabeth Fernandez, Katherine A. Powers, Leslie Luchonok, Michael Vinskey, Henry Geddes, Greg Caulton, Elaine Puleo, Janice Stone, Dale Houle, Mark Foster, Joan, Linda Newcomb, Christine, Jim Hemingway, Barbara Bigelow

Makepeace-O'Neil calls the meeting to order at 5:31 pm.

Agenda Review: As posted.

Public Comment: Penny Jacques would like to thank the SB members for serving and knows serving is a thankless job.

Review of Minutes: No minutes to approve, Makepeace-O'Neil cannot vote 12/6/22 minutes as she was not in attendance. Motion dies on the floor

**Discussion Topics:**

1. Meet Historical Commission about the Guide Board: The Historical Commission met with Peter Hamm. Peter is an expert in preservation of historical artifacts. When the commission initially began discussions with Peter his recommendation was to do a replica and place the existing guideboard into a controlled climate for storage as a restore was not a viable option. After further discussion with Peter, he has now indicated restoration is possible however he believes there should be some sort of a covering to help protect it from the elements outside. The suggestion is possibly a pergola or a gazebo. The restored guideboard would be expected to last up to 50 years. A paint analysis will need to be done to make sure there are no problematic interactions with the materials used in the past and this will also help with premature erosion or damage from the outside elements. The cost of the restoration could be paid for with CPC monies but you cannot use CPC money for a replica. You will not need to go out to bid for this project because the threshold has increased to \$25,000. It is suggested that the Commission reach out to Bob Groves and Jim Aaron who has done the work in the past on the guideboard and they may be able to provide information about what was used for materials or done for work on the existing guideboard in the past. Also, the work they have done has lasted 10-15 years with Bob and Jim doing the work. Questions arise about the covering. A pergola is a simple structure that would overhang a particular site to offer some protection. A gazebo would make it harder to see the guideboard and one may need to get out to read the information. Peter Hamm estimates it will cost about \$5,000 for his work on restoring the wooden structure and the roof and \$6,000 to redo the lettering. They estimate less than \$1,000 for supplies. The SB asks Geddes to confirm the numbers with Peter Hamm. The historical commission will regroup, revisit and come back to the SB with answers to some of the questions posed tonight. Stocker would like the commission to review the options and then come back to the SB with a solid recommendation.

NO VOTE

2. Work Zone Policy Review: Makepeace-O'Neil has drafted a work site policy for Lot O-32 as we are heading into the "pre-construction" phase. See Attached. There will be many phases of this project

along with many iterations of this site policy. The purpose is to keep people safe and let people who want to observe do that. Questions arise about the site person. Could it be a police officer as they are a third party? Makepeace-O'Neil was unsure what to call the "site person". Chief Burgess advises it should not be just one person in charge of the site. If anyone sees something wrong with the site they should speak up and the person in charge of the job site will determine if the work should continue or not. While the police would be happy to be involved and will always respond if necessary, you will need to be sure you are following contractual obligations and may have to pay detail rate if there are officers present. A "Clerk of the Works" will need to be on site and that person would fill the role of the person in charge. Makepeace-O'Neil agrees with Chief Burgess and will make the suggested change that anyone is able to speak up if they see something wrong. Torres suggests it should state "workers should notify their own supervisors or the clerk of the works of any unsafe conditions that they see." A work zone is designated anytime there is work being done at the job site. Eventually OSHA takes over and OSHA sets a lot of the standards and policies about training on who can and cannot be around as well as safety equipment. Torres suggests saying "person who is in charge of the work will serve as the site point person". An example was presented: When Tim was there he was doing his work but you also had the LSP and you had the town component. Torres believes Tim would be in charge as he's operating the heavy machinery/equipment or maybe Mary Anne as the town representative. Torres and Makepeace-O'Neil agree it should say "a town representative". Mary Anne Antonellis, Library Director, suggests it be changed to "work site policy for town properties" so if there is ever a situation similar to Lot O-32 this same policy can be enforced. Questions arise as to who appoints the representative and questions arise regarding the position and whether it is a "volunteer" or paid position. The "Clerk of the Works" is a supervisor of the project. As for them not being a volunteer meaning it is someone affiliated with a committee or organization not somebody just volunteering to be the person. The "Clerk of the Works" represents the town independently from the contractor and will be hired by the Owner's Project Manager "OPM". You need to be careful you are not adding additional work to people's job descriptions as it may not be in their contracts. Makepeace-O'Neil indicates that will be covered in the next phase. The Librarian does not have a contract and she has done an immense amount of additional work on this project with no additional compensation. Discussion was brought up asking Makepeace-O'Neil to elaborate on what she meant in #5 of the draft policy where she states it was "unfortunately needed". Makepeace-O'Neil responds that it was due to a particular incident that happened at the location and is not able to discuss further. Makepeace-O'Neil has had to indicate several times she will not discuss this issue further. Makepeace-O'Neil will work on edits and bring back another draft and Rita can put on the next meeting or whenever she sees fit. Stocker agrees.

NO VOTE

3. Police Chief Updates, Review of Graffiti Art Program: Chief Burgess is here to discuss the graffiti art program she tried to implement. This program came about after there was an issue with illegal graffiti being done on public and private property without the permission of the property owners. Chief Burgess has many opportunities to interact with the seniors and she does that through programs such as the Sand for Seniors. She does not have the same opportunity with the youth in the community. Her time with the youth is generally when the police are at the school visiting and that is during their educational time. Chief saw this as an opportunity to engage the youth and interact with them. Bobby Brown and Joan Green were gracious enough to volunteer their time and knowledge in working with the youth. Bobby has done research into graffiti art. It was learned that graffiti art was made popular by a popular graffiti artist and Chief Burgess saw that as an opportunity to work with the youth in town and show them how to do this in a productive and purposeful manner. The graffiti experienced in Town was terrible and it was destructive it was still art even though it was done illegally. Chief Burgess was disappointed to find out that only a couple of people attended the event after receiving 8-10 emails of interest. Parents were confronted by a resident in town who advised them that this

program was illegal and the PD should not be encouraging or sponsoring illegal activities for the youth in Town. Chief Burgess did attempt to speak with the parents who wanted to remain anonymous and explained it was NOT illegal and it was being used as an artistic outlet and we were going to have an art show. Chief Burges then received an email from a resident in Town which was cc'd to the SB and the TA requesting the SB look into the appropriateness of the PD taking part in this activity. According to youth.gov 30% of all youth detained have property offense on their records. Chief Burgess believes if you look into that it is going to be things of this nature. Why not take something negative and create a positive. This is a way for the Chief and the police department to interact with the youth and get to know them in a more positive way. Chief has spoken with Susie Mosher and Susie was explaining how important it is to have the youth involved in their own community. There is a cross generational gap here. It is a shame we are being halted as the SB needs to review the appropriateness of this. Chief did explain herself and her program in those emails and she stands firm in her opinion this is a great program and this is only the beginning. Chief is hoping to create more experiences not only with the adults in town but also with the youth in a positive way. Chief apologizes for any confusion this may have caused, however as the Chief she is aware of what is legal and what is not. Chief Burgess is asking for support from the SB regarding this program. Chief Burgess notes the resident in town who was upset with the program is not in attendance tonight. Makepeace-O'Neil indicates the SB will respond to that resident letting them know what was voted tonight.

MOTION to support Chief Burgess in her community efforts with our youth.

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

4. Contract for Designer for the New Library: NO DISCUSSION
5. Lot O32 Update and Request for ARPA Funds for Legal Line and Additional Testing: The UIC investigation has been completed and a report has been filed. The Town received a response from the DEP and that response is posted on the library website (environmental reports page). The results were negative and there were no reportable releases with the drain floor. Fuss & O'Neill did soil borings and they installed one monitoring well where the radio tower was. There were no reported levels of gasoline in the soil borings but there were reported levels found in the monitoring well. Fuss & O'Neill recommend installing more wells to determine the scope of the release. They have submitted a proposal for that and for doing a tier classification submittal and a phase one initial site investigation report to the DEP. They are hoping to do the ground water testing so that can be included in the report due January 28. The ANRAD process is ongoing, we are hopeful it is coming to an end. The ConCom hearing was continued to their next meeting. The ConCom has required that the wetland flags be surveyed and we are working on that. Fuss & O'Neill will need to do additional calculations and mapping and then create a new report. The hope is that will result in an ORAD during that January 12 meeting. Fuss & O'Neill has submitted a new proposal to cover that, additional meetings, consulting and site visits. The proposal submitted is for \$13,540. That will cover additional site visits, meetings, consulting and advising as needed, up to 40 hours. It also includes the additional calculating and mapping for the ANRAD process. The installation of monitoring wells involves a geoprobe drill coming out and drilling and installing. They then come on different days to prep the wells and take water samples. That proposal includes all of that and the submittal to DEP. We had reportable release that was reported to DEP last winter and we are required to report to them and have an LSP advise us on the appropriate next steps. The total request for LOT O-32 LSP work is \$40,290. ARPA funds can be used. The first approved item was 300K for the SES asphalt roof repair leaving a balance of \$225K. We have approved \$41,110 to date for Lot O-32 testing that has been done and is now making a request for \$40,290. If the SB commits to spending another \$40,290 there

would be a balance of \$94,300 of ARPA funds left. Rita did raise an issue regarding the funding for legal fees as that is already half way consumed. We have many new legal issues this year. She is recommending we also transfer \$10,000 of ARPA funds into the legal fund to help support getting us through these projects. The total request would be \$50,290 and that would drop the balance to \$84,300. There is no alternative, we must get the testing done to meet DEP regulations. Another issue surrounding the legal line are the fees for the two newly appointed town councils. Donna McNichol's regular fee is \$150 per hour, the newly appointed ConCom Outside Council, Elizabeth Goodman, is \$315 an hour, and the newly appointed SB Attorney, Greg McGregor, is \$600 an hour, however he gives us a 20% discount. When the SB received their first bill McGregor only charged for a fraction of those hours in the first invoice. The \$10,000 will go into the general legal fund. The meeting is interrupted by a participant commenting ConCom didn't get any money and had to go to the "f\*\*\*\*\*" then said participant was stopped by another participant in the background reminding him everyone could hear him.

MOTION to approve \$40,290 transferred from ARPA funds to fund the further work of Fuss & O'Neill.

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

MOTION to approve the transfer of \$10,000 from ARPA funds to bolster the town's legal line on the town budget for this year.

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

6. PFAS Update, Review Tighe and Bond Proposal: At the last meeting we were planning to do testing for 5 households in town that have Point of Entry Testing Mechanisms (POETS). That testing did take place and it will take about 3 weeks until we receive the results. As we await the results our new LSP has been reviewing our DEP work that had been completed which includes the data from the UMass studies as well as the work the DEP did at the fire station. At the fire station they put in test wells and took soil samples and they did testing within 1000 feet of the fire station all the way down to Wilson Rd up to Town Hall. There were 25 residences tested by DEP and all this info is being utilized by the LSP. They will review the results and determine what testing they want to recommend next. We did have difficulty doing testing on POETS and we are having a couple of units modified. At some point we will receive the proposal from the new LSP and will report more at next meeting.

NO VOTE

7. Assessor's Update: Tax bills are being sent out. We are grateful to have bills completed. The amount of support we have received from David Burgess and our consultant Roy Bishop has been remarkable. Leslie Bracebridge has worked a tremendous amount of time over her normal schedule as well and we are grateful. The success is getting the bills out, personal property and real estate all reconciled and out the door so the town can stay on track.

NO VOTE

8. Board of Health Intermunicipal Agreement with Erving and Northfield: Shutesbury has been participating for many years in the Eastern Franklin County Health District. We discovered our health agent had no coverage of any kind, no health insurance or liability insurance. We have been working with Brian Smith, TA in Erving. She would become an employee of Erving and the Memorandum

would re-establish the same relationship we had with the district with the town of Erving and Northfield. We would pay our district assessment directly to Erving. It will be setup as a revolving fund and not mixed in with Erving's budget. Nothing will change other than we will have liability coverage and Claudia will have health insurance benefits. Our assessment will go up, but we probably won't feel it very much the first year because there is a surplus in the district budget probably due to covid. TA does not believe it will cost more than about \$5,000 at the most for Shutesbury's assessment. We would like to start Claudia as an employee as of January 1<sup>st</sup>. This is a legal obligation and it was a failure on our part. It did not come up until she got sick. Stocker, asks if there is a reason she wouldn't just be on our health insurance? Catherine, states it was a matter of one of the towns taking her on as an employee for it to be offered and Erving offered to take it. Both Stocker and Makepeace-O'Neil will need to come in and sign.

MOTION to accept the Intermunicipal Agreement with Erving and Northfield for the Board of Health.

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

9. Recycling Committee Appointment: The Recycling Committee is requesting Barbara Bigelow be appointed to the recycling committee. She wants to be on the committee to hand out garbage bags. It is an incredibly well run committee and the meeting was wonderful as well as the rapport with the committee. In addition, Barbara has learned a lot and that is a compelling reason for me to want to be on any committee.

MOTION to approve Barbara Bigelow to the recycling committee.

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

10. SB review of Bill Earmark Contact Collection Form: TA received an email from Jarred in Senator Jo Comerford's office. They sent in contact sheet that lists my name and Rita as the executive officer. This is the first step in receiving the \$200,000 earmark that we intend to put toward the roof of the elementary school. We may have our money in about 16-18 weeks.

NO VOTE

11. Administrator Updates: PVRTA/FRTA update – This is the ongoing saga exploring transportation opportunities for Shutesbury. This was brought forward through the Council On Aging from members of Village Neighbors and the council on aging wanting to know if there can be on call access to either medical or other transportation needs in the Amherst area. Shutesbury has always been a member of Franklin Regional Transportation Authority (FRTA). We have never established significant enough numbers to develop a fixed route into Shutesbury. The last attempt to try and establish a fixed route into Shutesbury was in 2016. FRTA wants to help us have transportation into Amherst but it will cost them more to transport into Amherst than it would if we worked with PVRTA who already services Amherst. PVRTA is in the process of verifying how to add a new member as they haven't done so in a number of years. It will include a vote of the SB, potentially a town meeting vote. They don't know for sure whether we need a town meeting vote. If it is just the SB the SB would gather data to support the services we are requesting, and then lobby PVRTA to become a member. This has only become possible in the last few years. Steve Kulik had supported a bill that would allow a small town like Leverett or Shutesbury that are on the border of two transportation regions to join both of them to optimize services and have affordable transportation services. The task at hand is to figure out how to

become a PVTA member and we need to work with PVTA and FRTA to determine what services the town would want. We would need to initiate a survey to lobby both agencies but primarily PVTA since they should be the cheapest and most affordable and will also have the most services for Shutesbury. FRTA's transportation director and assistant spoke with me this week. We will need to go back to the Council on Aging to see if they will support the town wide survey we will have to write.

MOTION TO ADJOURN (7:27 pm)

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

Administrative Actions:

1. Appointment letter to Barbara Bigelow for recycling committee;

Documents and Other Items Used at the Meeting:

1. Draft 1-Work Site Policy for Lot O-32;
2. Intermunicipal Agreement with Erving and Northfield.

Respectfully submitted,  
Geneva Bickford  
Administrative Secretary