

Shutesbury Selectboard Meeting Minutes
January 3, 2023 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: Miriam DeFant, Matteo Pangallo, Ellen McKay, April Stein, Jeff Lacy, Donna MacNicol, Michael DeChiara
Guests: Susie Mosher, Steve Schmidt, Penelope Kim, Nathan Murphy, Don Wakoluk, Micha, Jeff Weston, Bridget Likely, Joan Hanson, Karen Tarlow, John Montanari, Sharon Weizenbaum, Karen A., Diane, Mary Lou Conca, Lesley, Jody's iPhone, Sanford Lewis, Elizabeth Tonne, Carlos Fontes, Lynne Man, Jill Buchanan, Jane Urban, Laura M's iPhone, Anne-Marie, Stephen Bannasch, Sara Aierstuck, John Aierstuck, Mike Posever, Jane's iPhone, Paula Moore, Jane Costello, Dina Stander

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

Agenda Review: We have moved the tax collector to 5:45 pm to discuss the VADAR Contract. We will have a brief discussion of the work zone policy but we are not prepared to finalize that. The Contract for the Designer for the new library is not ready and we will pass over that. There may be a few other items moved around during the meeting as time allows.

Public Comment: Miriam DeFant asks if her appointment to the Community Preservation Committee will be discussed, Farrell indicates it will be taken up at the next SB meeting as Linda's resignation will not take effect until January 19. Leslie Luchonok has been in contact with the Police Chief, TA, the SB and Town Clerk regarding the lack of police logs being posted. Leslie is upset that a Special Town Meeting (STM) has been scheduled on January 19, indoors with Covid, RSV and the Flu and hopes there is a compelling reason for holding this STM. Leslie will follow up in email and hopes to get a response regarding the police logs. Penelope Kim is wishing the SB a Happy 2023 and hope it is going to be productive, peaceful and pleasant.

Review of Minutes: Review of November 29, 2022 and December 6, 2022 Minutes. Correction to the December 6, 2022 minutes. Correct spelling of Penny Jacques name correctly.

MOTION to approve minutes from November 29, 2022.

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

MOTION to approve December 6, 2022 minutes as amended.

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

Discussion Topics:

1. Collector Presents VADAR Contract: Currently the Tax Collector uses Point Software. Point Software has sold their collectors package to a QD, a firm out of Connecticut. The collector had to decide if she wanted to go with QDS or go with VADAR. QDS will cost money because it is not a direct roll over. By choosing VADAR the collector will be using the same software as the Treasurer and the Accountant. Ellen met with QDS and VADAR and reviewed both products. Ellen has decided to go with VADAR. VADAR makes more sense as it will be a much easier process with all finance departments using the same software. The contract is subject to funding and that funding can occur

either during STM or it can occur at ATM as a capital item. The total funding for the software is \$18,602.51. That is exclusive of the yearly fee of \$5,390. That is over \$4,000 less than if we chose QDS as they are charging the same fee that Point was. VADAR will have cloud storage/backup. The contract will start 7/1/2023 with the new fiscal year. You can approve the contract and then approve funding at STM due to the subject to funding/payment clause in the contract. Data exchanges will begin in the Spring. This is where Point will provide access to our data to VADAR. There will be a fee, however we do not know what the fee will be. The contract is for the Treasurer and Accountant and this is an amendment to the contract to add the Collector.

MOTION to approve the amendment to the VADAR contract for services for the Town Tax Collector.

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

2. Appointment to the Board of Assessors: April Stein has been involved in town politics for more than 30 years. She has been on the Finance Committee. April has previously spent 9 years on the Select Board and is currently sitting on the Personnel Board. April feels she brings to the table an understanding as to how the town operates and how the town financially operates, as well as the interactions between the different departments. April is looking forward to exploring something different. This opening is a result of the resignation of Susan Reyes. Board of Assessors will be full until Jeff Quackenbush's resignation on January 31, 2023 and then there will be another opening to fill.

MOTION to appoint April Stein to the Board of Assessors.

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

3. Work Zone Policy Review: At the last meeting Melissa presented the Work Site Policy and there was some discussion and potential edits to the policy. The policy is not ready this evening for review and will be deferred to the next regular scheduled SB meeting on January 17, 2023.
4. Contract for Designer for the New Library: This contract is not ready. The designer has a number of subcontractors who they need to sign agreements with first. This will be discussed at the next regular scheduled SB meeting on January 17, 2023.
5. Review Upcoming 1/10/23 MVP SB Meeting and Develop MVP Grant Criteria: As was suggested at the beginning of the meeting we are moving this item up on the agenda. The meeting on January 10 is regarding the annual State Municipal Vulnerability Preparedness, aka the MVP Program ("MVP") which makes funding available to help communities plan and implement projects related to climate change and resiliency. Last year the Town submitted an application for MVP funding and we did not get that funding. They have a two-step process where MVP staff invites communities to come in and preview ideas. There are 2 deadlines related to the preapplication process, January 19, 2023 and February 3, 2023. After that they will give feedback on the projects discussed. MVP will then put out their request for proposals. Next week the SB is hoping to invite towns people and the committees/board that have an interest in the MVP program to come and meet with the SB and discuss projects. We have two major studies leading up to the MVP program, a hazard mitigation plan and we had a planning event from MVP. The SB wants to discuss what criteria we want to use as we are evaluating the suggestions that come forth. MVP will only discuss two projects with us. They want the projects to be successful and doable within a year. In our last proposal we were trying to

accomplish bylaw changes and implementation of storm water bylaw and they felt our proposal was too ambitious. If you are delving into regulations they want you to give yourself enough time to prepare the public and go through a full political process of doing events and educating. Fuss & O'Neill had given us a quote for the engineering work but they felt one firm could not handle everything we were trying to do. The tasks cannot be too broad. If you are looking at submitting an idea think through the project and figure out how to explain the details. You want it to be focused and a success. Farrell suggests the projects should be discrete and achievable within one year. Farrell fully expects that the committees that worked on those plans will participate in the meeting on the 10th. The Culvert We need to be aware of the one year deadline that Becky pointed out and we need to have a viable schedule. Lastly, there is some urgency to do it and can use that as a criteria. TA mentions the MVP plan that was put together is on TA page of the Shutesbury.org website. Farrell asks that we move the links to the home page. You can link with another project. TA reminds it needs to be well defined and must meet all the objectives the Municipal Vulnerability Plan. Farrell asks that TA have the RFP available to town committees when it comes out. The MVP program has a good website with links showing the different projects done by other communities. TA will send a reminder to all town committees and have ways for committees to access the MVP website to look at projects that have been done, the Hazard Mitigation Plan, the Municipal Vulnerability Plan and the RFP from last year. ECAC has not made recommendations yet; they have two working groups that will be meeting in the next 10 days to generate some recommendations. ECAC has on their webpage links to the MVP Grant and the Hazard Mitigation Plan. Miriam has attended some MVP trainings and has had a conversation with Julie Busa, who is a Senior Scientist at Fuss & O'Neill. Miriam asked Julie's opinion on a culvert assessment or town wide engineering assessment for storm water and she said those kinds are not as competitive. They are looking for discreet projects as opposed to assessments that would then lead to action projects. One of the things that makes projects more competitive particularly around the storm water issues or environmental engineering issues is if they are utilizing nature based solutions. For example, if you are looking at dams, dam removal is scored as being more competitive than dam repair because it represents a nature based solution.

6. Shutesbury RDP Contract, Recycling Grant Award: We have been awarded \$2,205 from the Department of Environmental Protection ("DEP"). The grant award is based on the number of households and we receive point values for how much trash and recycling service is provided. Communities are broken into different sizes. Shutesbury falls into the \$2,000 bracket and as we continue to score points by making sure we have a way to take care of bulky items. We still get that checked off because of our relationship with Leverett and the community has a place to take their bulky items. We have programs that work towards solid waste reduction and the town has a town policy to use recycled paper when we put out the newsletter as well as the paper we use in town hall is recycled. All these things in combination make us eligible for these annual grants. The grant needs one signature by Rita Farrell and after we submit it we should receive another \$2,000 to help with all our recycling needs.

MOTION to authorize the chair to execute the RDP Contract Recycling Grant Award.

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

7. Kestrel Trust Conservation Restriction and Town of Shutesbury Transfer of CR Documents as well as R-15 Purchase Documents Review: This relates to the acquisition of the Pearson Parcel, aka R-15, located on Pelham Hill Road bordered by Baker Road. It is a complicated transaction due to money coming in from a number of different sources. Money is coming from two different sources from the Town. Money is coming from the Kestrel Trust and some of Kestrel Trust money is federal money through the Forrest Legacy Program. We are having the STM because we have to have a couple of

votes related to this acquisition. If we don't have those votes we will lose the federal funding and will not be able to acquire this parcel. The deadline to close is January 27. If we don't have all of the pieces in place we will lose the federal funding. We are also taking this opportunity to clear up some potential issues with a previous town meeting vote. Kestrel bought this property from the Pearsons and are selling it to the Town. The purchase price for the property is \$265,000. \$197,000 is coming from federal grant money from the Forrest Legacy into the Town of Shutesbury, \$45,000 is coming from a CPC grant applied for by Concom, to Kestrel Trust and \$20,000 is coming from the ConCom. Kestrel has also raised \$2,800 in private funding as well. The town must give the Conservation Restriction ("CR") back Kestrel per the statute on community preservation. The land will be purchased for conservation and passive recreation. It will be under the care, custody and jurisdiction of the ConCom. January 27 is the close of the grant and we must have it closed by then or we will not get the \$197,000. Matteo did an excellent job of pointing out the vote has been taken and the money is to go to Kestrel. Kestrel was good enough to send the CR and CR language to the State last June and we are still waiting for approval from the State. Donna believes we can go forward. Matteo did note that it was fairly clear that the CR wasn't part of the original package then it may have to go under Article 97, which will mean votes of the legislature and town meeting. Donna has added additional language to the warrant to make it clear on the warrant article. The following language has been added to Article 1 of the Special Town Meeting Warrant: Article 1 after "0 Pelham Hill Road, Shutesbury, Franklin County, MA to be held by the Conservation Commission for conservation and passive recreation purposes" add "and further subject to a conservation restriction to the Kestrel Land Trust, Inc." This makes it clear that this is part of the original intent and it would not be subject to Article 97. The first warrant article is to appropriate the money to buy 0 Pelham Hill Road for \$265,000. The second article is to authorize the SB to convey this CR if and when we get approval from the State. Kestrel has already purchased the property and we are authorizing the Town to purchase the property from Kestrel. We are paying Kestrel what they paid Pearson for the property then putting a CR on it. The ConCom is recommending this parcel be named in the same way that Kestrel has been naming it which is West Quabbin Woodlands Conservation Area ("QW"). We reviewed with Kestrel the draft CR in June and that's when ConCom approved it. Then Kestrel reviewed and finalized it and submitted to the State in September not in June. Donna is in agreement that the vote is the vote and Matteo is spot on. That ends the CPC role unless the CR doesn't go on. We still need to vote the warrant articles to approve the purchase because that was not made clear in the May 2022 Annual Town Meeting Warrant. We need to be clear in saying we are granting a CR even though we have to as a condition of CPA Act. It is still a conveyance of an interest in land the town owns and it still needs town approval. Farrell indicates it's broken into two pieces the \$45,000 was the acquisition and then \$5,000 was under a recreation heading for parking spaces at the trail head. May need to amend the warrant article, it can be done on town meeting floor if it's needed. Miriam believes there was some issue around the \$5,000 and the ConCom maybe needing to come up with an additional \$5,000. Bridget remembers the \$5,000 was originally requested from CPC because originally it was going to be done through the ConCom reserve funds. It has since been clarified that recreation could not be pulled from ConCom reserve funds but it can be pulled from CPA. The parking is in the budget as a CPA expenditure but it is not transferred into the Article language. As of right now the way the documents are written Kestrel will need to spend the \$5,000 on the parking. This Article should be changed to appropriate \$270,050 from Community Preservation and make it clear if the grant agreement budget is attached that \$5,000 of the \$50,000 is for Kestrel to create parking. TA does not believe the reserve conservation trust fund can be used for parking development. Bridget believes maybe Kestrel can help arrange but that was not the plan. Donna reminds everyone Kestrel does not own the land just the CR. The CPC added the parking area under construction costs. It's a requirement of CPC. The idea was that we have this conservation area but there is no parking and there should be. CPC can award the money at a different time and it can be a separate Article on ATM. We will need to change the grant agreement to \$45,000 rather than \$50,000. You would take the \$5,000 out of budget reserve and then when we meet we will amend the

grant agreement to reflect \$45,000 and take the parking out and deal with the parking separately in a separate article. CPC is meeting on January 18 and you can vote to change the grant agreement before the ATM. It then needs to be approved at ATM. Donna recommends the SB vote and those recommendations are for the contract with DCR. You must have that vote and have the documents signed and sent tomorrow to DCR by PDF tomorrow. TA has the original contract that needs to be signed and attached to that should be the Contractor Authorized Signatory Listing that also needs to be signed. The authorized signatory name will be Rita Farrell, Chair, Shutesbury Selectboard and Rita will need to sign and date it. Grace will then need to notarize and certify Rita's signature.

MOTION to approve the SB enter into a Contract with the Department of Conservation and Recreation for the purpose of receiving funds through the Department of Conservation & Recreation, as the Commonwealth's Lead Agency for the federally funded Forest Legacy Program, and to have these funds transferred to the Town of Shutesbury in accordance with the West Quabbin Woodlands Forest Legacy Project grant agreement and narrative so that the Town may acquire and hold interest in land in its own name. The estimated amount of the funds to be received is \$197,716.13.

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

MOTION that Select Board Chair, Rita Farrell, be authorized to execute the contract between the Town of Shutesbury and the Commonwealth Department of Conservation and Recreation on behalf of the Select Board and the Town of Shutesbury and be authorized to execute any and all other documents necessary to acquire the grant funds and be authorized to execute any and all documents required to purchase the property located at 0 Pelham Hill Road, Shutesbury, Franklin County, Massachusetts including but not limited to the Notice of the Grant Agreement, Conservation Restriction to the Kestrel Land Trust, Inc. and any Grant Agreement.

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

MOTION that the Select Board and Chair Rita Farrell execute the Contractor Authorized Signatory Listing Form to accompany the Contract and to confirm Rita Farrell to be the party authorized to execute any and all necessary documents with the Commonwealth Department of Conservation & Recreation and to confirm her signature.

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

8. Special Town Meeting 1/19/23 Warrant Review, Pearson Land Sale and Conservation Restriction Articles, PFAS Funding Warrant, ECAC Electrical Aggregation Warrant Article, and possible inclusion of Collector VADAR Funding and Solar by Law Amendment Articles: Article 3 discussion: The SB has the PB report to TM that the PB approved about a month ago and handouts. All those documents are posted on the website. The primary reason for doing the solar bylaw is that in June of this year the Supreme Judicial Court ("SJC") heard a solar bylaw case where the SJC said that you could reasonably regulate as a municipality for solar if it was connected to public health, welfare and safety. The reason for bringing this forward is to make those fundamental rationales very clear. We folded in non-residential energy storage. We had a bylaw that came forth at ATM and there was some lack of clarity and this made it clearer. It was about non-residential and there is also an addition in the use table as well as a bunch of smaller things in the report in terms of clarification about order, noise and historic preservation etc. and the PB's desire to clarify how to regulate energy storage systems. The bylaw is stricter in the sense that there are some more requirements, things that have to be

accounted for and submitted in the application. Susie Mosher is concerned with this being on the STM Warrant rather than at ATM as many people likely will not attend the STM due to Covid concerns and the STM being held indoors. The board was concerned in light of the SJC decision it really had to be explicitly tied to public health, welfare and safety. It's not particularly more rigid and most is the same. There are small additions throughout but the two big additions are really the rationale which doesn't change anything it just makes things explicit and the energy storage which was discussed fully at ATM and the PB addressed and clarified. The PB discussed in the summer bringing this forward if there was a STM. This is not a new bylaw. This bylaw is pretty much the same as the last bylaw the town voted for at ATM, it's being fortified and made defensible. The PB had their hearing in October and the hearing is good for 6 months. The full bylaw, the report and the summary are all on the PB website. The warrant indicates the "the following new section" indicating it will be included in the warrant as an attachment.

MOTION to approve Article 3 as presented for the Solar Bylaw Amendment.

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

Article 4 discussion: On December 18, 2022 the Town received a letter from the Department of Environmental Protection ("DEP") which was a Notice of Responsibility for PFAS located at the Fire Station. We have taken a number of proactive steps over the past 18 months including putting in five Point of Entry Treatment System ("POETS") in all the facilities, homes and town facilities that tested over 20 parts per trillion of the six PFAS that are regulated. We were required to hire an LSP and we have reached out and have been working with Tighe & Bond. We are working with Jeffrey Arps. Jeffrey was on the State Task Force for PFAS a few years ago. This has been his professional focus and he has been working with us to put together a program that satisfies the NOR. Tighe & Bond has been working to identify what parts the town can pay directly. We have a relationship with Contest Labs and will be utilizing them. The request is for \$136,948.00. \$42,000 is the proposal from Tighe & Bond for their hourly work. The direct costs include all the lab testing and POETS that would be required. We had been using single vessel POETS for anyone over 20. It has been recommended we change those out for double vessel POETS and come at a cost of \$3,800 each. The single vessel that we have been using are \$1,500 each. The recommendation is also anyone that has tested under 20 parts per trillion have installed by the town a single vessel POET. The alternative would be providing bottled water indefinitely. The cost of providing bottled water after two or three years would exceed the cost of putting in POETS. POETS is a Point of Entry Filtration System, a tank with carbon in it. The carbon is what removes the PFAS from the water as it runs through. TA and Mr. Arps have put together an estimate of all the different criteria they will apply and the numbers of households. We are working with between 48 and 50 households, one is vacant at this time. All of those households will require quarterly testing at \$248 per test. We will begin with what has been recommended by DEP. As we develop trend reports and calculations, from experience Mr. Arps believes he will be able to reduce the frequency of testing once we have better identified the flow and the trends on the movement of the PFAS. The \$94,000 is about \$60,000 for testing and \$37,000 estimated for new POET units. The TA has estimated five new single POETS and five double vessel POETS in addition to those that are already required. This is heavy money upfront because of the POETS. The hope is that by investing in the POETS we will be reducing the required testing over time. It is possible this is an overestimate. If no new detections are made in the testing of the 50 households and facilities this could be a little of an overestimate but the money could still be used in the next six months for their lab work. There will be maintenance costs. We just ordered the new filter for one of the homes that we are providing a POET for. The cost for a single POET filter is \$450. Once a year we need to test to make sure the carbon has not allowed a breakthrough. We just went through a series of testing of all the existing POETS as that was the first requirement made by the DEP Notice of Responsibility.

Maintenance cost are not included in the first round and we are trying to determine setting up the infrastructure what we will need. The maintenance will be calculated once our numbers are a bit more settled on who we are responsible for and what type of unit they will need. There will need to be some sort of line item in the budget for future expenditures. Stocker suggests Warrant be amended to spell out POETS in the warrant (“Point of Entry Treatment System”).

MOTION to approve Article 4 as being amended.

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

Article 5 discussion: To see if the Town will transfer \$18,602.50 for VADAR financial software for the Town Tax Collector. Ellen provided a through explanation earlier in the meeting.

MOTION to approve Article 5.

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

Article 6 discussion: TA asks if this Article will move forward due to the MLP issues. The way the statute is written you cannot do this if you have an MLP for broadband. We went to DPU and their initial ruling was yes if you have an MLP just for broadband it doesn’t apply. Friday the DPU withdrew that opinion. As of right now if you have an MLP regardless of the reason for the MLP or the functions of the MLP you can’t do this. Donna does not believe it should be on the Warrant. Michael DeChiara indicates it could be done at ATM. MacNicol and DeChiara agree this will not go on the STM warrant.

Article 1 discussion: We have discussed at length regarding authorizing the town to purchase 0 Pelham Hill Road from the Kestrel Trust.

MOTION to approve Article 1 as written.

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

Article 2 discussion: The conveyance of the Conservation Restriction to the Kestrel Trust and authorizing the Town to do that.

MOTION to approve Article 2 as written.

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

9. Review Upcoming 1/10/23 MVP SB Meeting and Develop MVP Grant Criteria: No Discussion

10. Administrator Updates: The Town received the Green Communities Grant award for \$178,503. \$100,000 is for new LED lighting at SES. The elementary school does not have LEDs and they will have a cost savings impact. The rest of the money is for weatherization in all our public buildings. Farrell asks about examination of school roof. Hopefully Thursday, making another attempt, the snow is not on the roof at the moment.

MOTION TO ADJOURN (7:50 pm)

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

Administrative Actions:

- 1) Correct spelling of Penny Jacques name in 12/6/22 SB minutes;

Documents and Other Items Used at the Meeting:

- 1) Amended Vadar Contract;
- 2) 2023 Special Town Meeting Warrant.

Respectfully submitted,
Geneva Bickford
Administrative Secretary