

Shutesbury Selectboard Meeting Minutes  
March 21, 2023 Virtual Meeting Format

Selectboard members present: Rita Farrell/Chair, Melissa Makepeace-O'Neil and Eric Stocker

Staff present: Becky Torres/Town Administrator

Volunteers & Other Staff present: Mary Anne Antonellis, April Doroski, Leonard Czerwonka, Gail Fleischaker

Guests: Susie Mosher, Joseph's Ipad, Jill Marland, Leslie Luchonok, Sally May, Penelope Kim, George Arvanitis, Paul Britt, Kelly Casilio, Mike, Garrett Simonsen, Stephen Dallmus

Farrell calls the meeting to order at 5:02 pm.

Agenda Review: As posted.

Public Comment: Leslie Luchonok, feels that the opinion received from outside counsel regarding Shutesbury's Wetland Bylaw is incredibly confusing. Leslie asks if the opinion is from McGregor or Counsel the ComCom is using. Leslie would like agenda items to be made clearer on the agenda, and also questions the priority of agenda items as the discussion regarding the opinion is scheduled for ten minutes, however, the PFAS update is only scheduled for five minutes. Leslie recommends that PFAS updates be reported earlier on the agenda and believes much more should be and can be done by the SB and the TA to give the whole community updates about what is going on with PFAS. Leslie suggests another Public Involvement Petition ("PIP") could be coming in the near future. Marylou Conca supports Leslie Luchonok's statements.

Review of Minutes: Minutes of February 14, 2023 were approved as amended on page 5.

**VOTE:** Makepeace-O'Neil makes a Motion to Approve the February 14, 2023 Minutes as amended; Stocker seconds. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

**Discussion Topics:**

1. Request for ARPA Funds-Costs required for a Task Amendments on Lot O-32: Mary Anne Antonellis, Library Director and April Doroski, from Fuss & O'Neill are here. The SB received Task Amendment O7 on March 13, 2023 with a narrative and a budget (see attached). Mary Anne is asking the SB to fund using ARPA funds on behalf of the Town. Task 400, meetings and on call services, Fuss & O'Neill is budgeting \$9,000. Task 1000, Additional Groundwater Investigation, Fuss & O'Neill is budgeting \$17,900. Tim Clinton has recommended doing groundwater sampling and installing additional wells. Task 1100, Wetland Restoration Notice of Intent and Oversight, is a new task, Fuss & O'Neill is budgeting \$16,900. The ConCom has asked the town to remove some historic fill from wetlands in two locations on Lot O-32. The Town will be looking to recoup the money spent and to have the responsible party pay for the remediation. The Town will voluntarily clean up the debris and restore the wetlands. The Town started with \$525,000 in ARPA Funds. The largest expenditure has been for the elementary school roof, along with a number of other expenditures related to Lot O-32. If this request of \$43,800 is approved the balance of ARPA funds would be \$40,500. Marylou Conca, was hoping to speak before the SB voted and would like to say that before the ARPA funds completely runs out Marylou is hoping the school roof is replaced in it's entirety.

**VOTE:** Farrell makes a Motion to approve the expenditure of \$43,800 in ARPA funds for Task Amendment 07 as presented in the proposal by Fuss and O’Neill; Makepeace-O’Neil moves, Stocker seconds. Roll call vote: Makepeace-O’Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

2. Review Selectboard Emails: The SB received an email from Diane Jacoby requesting a listening session. Diane feels the SB is doing a disservice by continuing to ignore how the library issue divides people in Shutesbury. Makepeace-O’Neil believes a listening session may be a good idea. Stocker does not think a listening session would accomplish anything other than to amp things up. Farrell is offended by the statement the SB is doing a disservice and is also offended by the suggestion that the SB does not foster and nurture a strong, vibrant and healthy community. TA will respond to Diane Jacoby and summarize tonight’s discussion. TA discusses an automatic response for all emails the SB receives. Makepeace-O’Neil will send responses out. People may request to have an item on the SB agenda by submitting the request to the SB. The SB will determine whether or not to put items on the agenda.
3. Cola Report: George Arvanitis is here from FinCom and the Personnel Board. Historically there would be an annual meeting where the Personnel Board, FinCom and the SB would meet to talk about what would be an appropriate increase to recommend for the upcoming year. It made sense to tie the annual COLA to inflation or Consumer Price Indexes (“CPI”) that are published by the Fed. The Personnel Committee bases the increase that will be recommended on the January CPI. For the upcoming fiscal year the board will be recommending 3%.
4. Appointment of Firefighters: Paul Britt and Isaac Goldstein are here to be appointed to the Shutesbury Fire Department. Chief Czerwonka states both Paul and Isaac are quick learners and get along well with everyone and is happy to have them join the team.

**VOTE:** Farrell makes a Motion to appoint Paul Britt as a Shutesbury Firefighter; Makepeace-O’Neil moves, Stocker seconds. Roll call vote: Makepeace-O’Neil: aye, and Stocker: aye; the motion carries.

**VOTE:** Farrell makes a Motion to appoint Isaac Goldstein as a Shutesbury Firefighter; Makepeace-O’Neil moves, Stocker seconds. Roll call vote: Makepeace-O’Neil: aye, Stocker: aye, Farrell: aye; the motion carries.

5. Discussion of Highway Memorandum of Understanding (“MOU”): This MOU was executed back in 2014 with the Highway Superintendent and ConCom. The ConCom raised concerns regarding removal of storm debris from the side of the road. Farrell discussed the MOU with Town Counsel and Counsel stated the MOU has no standing. The SB will put together a blanket Notice of Intent (“NOI”) that would then result in an Order of Conditions (“OOC”) that would be clear to the Highway Department as to when they need to confer with ConCom or what work they can do without having to go back to ConCom. Ideally the SB will be able to do this in house without any additional consulting expense.
6. Website Policy Update from Web Committee: The Web Committee sent the SB and the TA a proposed update. This was prompted by a request from broadband to have their material on word press rather than drupal. Questions were then raised as to what is required to be on the town website as official policy. All the boards, committees and commissions have a page which has the official announcement, most of them have the charge, but as a minimum they have the members, the contact information, a place where the minutes are posted and that format is maintained by the web committee. TA shares the Web Committee’s updated policy (see attached).

**VOTE:** Farrell makes a Motion to approve Policy No. 020618 as revised for the webpage; Makepeace-O'Neil moves, Stocker seconds. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

7. Declaration of Snow Emergency: TA is requesting that the SB vote a state of emergency due to snow so the town can overspend that line if it is needed to complete snow removal for the year.

**VOTE:** Farrell makes a Motion to declare a snow emergency in Shutesbury; Makepeace-O'Neil moves, Stocker seconds. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

8. Selectboard Discussion of an opinion received from outside Counsel regarding the Shutesbury Wetland Bylaw: The SB received a fairly detailed email from Greg McGregor and a number of issues were raised regarding the legality of the bylaw. Farrell attended the ConCom meeting last week under the impression that ConCom was going to start looking at the bylaw but in fact the discussion and what ConCom is moving ahead with is reviewing and revising the regulations based on the existing bylaw. The email will be forwarded to the ConCom. The advice received is that Shutesbury's bylaw be updated before we do regulations as there are some fundamental flaws in the existing bylaw. Leslie Luchonok, states the State Wetlands Regulations are updated every few years and that is the base set that all the municipalities have to work with and the legislature has also empowered municipalities to pass their own wetlands bylaw to supplement the State Wetlands Regulations.
9. PFAS Update: The TA has been going out with Sam Evans from Tighe & Bond to do testing in individual homes. Almost all non-vacant buildings on the map have been tested. The SB staff has been busy sending out lab reports, data reports and letters to all property owners tested. There are about 15 new single POETS that need to be installed and three new dual POETS, not counting the filters that have already been installed that have to move from single to dual POETS. Installation has begun of the POETS started this week and will continue for the next few weeks. Wells will be retested to be sure the POETS are functioning appropriately. The map is being extended out and there will be a few new homes that will need to be tested. TA states anyone with questions should not hesitate to call as the data reports may be confusing for some. A number of reports have been posted on the website. Last Friday was the deadline for our second IRA incident report that was filed with DEP and that report can be found on the town website or you can go to DEP to review it. The SB has applied for Clean Water Trust money. TA states she will be putting up basic questions and answers about PFAS from our LSP, Jeffrey Arps. Leslie Luchonok applauds the Q&A and all the TA's efforts she is putting in on this however he believes more can be done and wonders if a volunteer from the town could help put together a narrative form of these updates.
10. Administrator Updates: Last week Shutesbury got about 2 ft of snow and the highway dept was down with the flu, however, they battled back and got the town cleaned up. 80% of the town lost power for 24 hours. Everyone was down due to a tree down at Pratt Corner power station. The mini split in the Finance office in Town Hall is no longer working. The door openers and two mini splits at the fire station are no longer functioning and the school generator, while it came on and operated normally, it did not turn off and the transfer switch to the generator is no longer functioning. Pacioreck electric was out as soon as we understood the problem. They are working on it. The insurance adjuster was out on Monday and the Town will have coverage.

Farrell Motions to Adjourn (6:30 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. Appointment Letter to Isaac Goldstein and Paul Britt

Documents and Other Items Used at the Meeting:

1. Proposal for Environmental Services Task Amendment O7;
2. Web Committee's updated policy;

Respectfully submitted,  
Geneva Bickford,  
Administrative Secretary

\*\* A full version of the 3/21/23 SB meeting is available to view on the Town of Shutesbury's YouTube page at: <https://www.youtube.com/channel/UC4ajoOcJsNzf5DBgMTZgcJA>