

Shutesbury Selectboard Meeting Minutes
April 25, 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:

Guests: Leslie Luchonok, Susie Mosher, Joseph's Ipad, Mike Stotz, Katherine Powers, Mary Lou Conca, Mike Vinsky, Tom Siefert, Frank McGinn, Jill Marland, Amanda Alix, Jon Lawless, Michael Hootstein,

Farrell calls the meeting to order at 5:34 pm.

Agenda Review: As posted.

Public Comment: Leslie Luchonok, speaks about an item of unfinished business regarding his March 24, 2023 email sent to the SB and the TA entitled a "two way exchange of ideas" Luchonok reads portions of his email sent to the TA & SB. Marylou Conca, supports Luchonok's comments.

Review of Minutes: Minutes of March 21, 2023, March 28, 2023 and April 11, 2023 were approved. Stocker suggests the discussion regarding the cost of the PIP should be included in March 28 minutes.

VOTE: Farrell makes a Motion to approve the March 21, 2023 minutes; Makepeace-O'Neil moves, Stocker seconds. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: N/A; the motion carries.

VOTE: Stocker makes a Motion to approve the March 28, 2023 minutes with the caveat that we check to see if there was a discussion about of the cost of the PIP; Makepeace-O'Neil seconds. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

VOTE: Farrell makes a Motion to approve the April 11, 2023 minutes; Makepeace-O'Neil moves, Stocker seconds. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

Discussion Topics:

1. Discussion Lake Wyola Dam By Law: Eric Stocker drafted this bylaw. The fine amount was not determined at the last discussion. Chief Burgess did research fines and found that most were "no more than \$100". TA believes the second sentence should read "only personnel authorized by the town". Chief Burgess would like the bylaw to state "\$50 or to the extent of the law." Farrell would like to address the issue of an easement in the future.

VOTE: Makepeace-O'Neil makes a Motion to approve the Lake Wyola Dam Bylaw verbiage for the town meeting warrant article; Stocker seconds. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

2. Worksite Policy for Lot O-32: Makepeace-O'Neil made edits after the last SB discussion adding "clerk of the works (CW) for the day" as it could change regularly. Makepeace-O'Neil defined volunteer committee member and town person as clerk of the works and added the "the SB gives permission for the Clerk of the Works/site point person to call and coordinate with the Shutesbury Police Department should a situation arise and escalate. If the SB feels that the work is being impeded or delayed or people are made to feel unsafe and to keep the project moving forward we may need to involve the tools available to us on a case by case basis". Lot O-32 will be removed and the policy will be called "Town Worksite Policy" so it applies to all construction work. Stocker suggests the site point person should be appointed by the SB. Farrell suggests the site point person should be

appointed by the SB or the TA could be designated as the person who will identify the clerk of the works. The SB will review this policy again after they have had time to submit comments or edits to the TA.

3. Review Annual Town Meeting Warrant: Paul Lyons, Town Moderator, likes to take into consideration the order of the warrant and will likely have input and want to change things around a little. The Warrant starts with the Regional Assessment Formula. The Community Choice Aggregation Article is not yet approved by DPU. The SB will need to decide if they want this on the warrant. Michael has not received sign off from DPU but Donna is hoping to get it authorized. Articles five and six are repeat articles that are standard every year. Article 4 is a request from the Recreation Committee to increase their member from 7 to 10. Generally the SB does not appoint an even numbered committee as the chances of ties are much higher. The budget is not final. FinCom will be meeting to finalize the budget. For capital items there is a backhoe at \$120,000. The school's new floors in the library and kitchen for \$31,000. The Locks Pond Culvert has additional costs to it, at this point the cost is about \$30,000 to \$40,000. TA hopes to tighten that number before ATM. The HVAC project passed at ATM for \$200,000 but the bids came in over that amount and the TA is requesting the difference in a warrant at ATM this year. There are two environmental items this year, the Lake Wyola Drawdown and the dam consultant or firm hiring to take over for Morris Root. The CPC articles are not final. The MLP is final. There are the regular annual items including the revolving funds. There is a Petition in Resolution of Opposition to the artificial turf at the track in Amherst. There are two or three more articles to add and there is one bill of prior years. The Clean Water Trust Application is there to authorize the loan application. The Dam Bylaw is on the warrant. Lyons will likely be available for the SB's May 9, 2023 meeting and requests a copy of the warrant. Luchonok has a question going back to the worksite policy. The SB stated something would be posted for public comment and Luchonok would like clarification. Farrell asked that the SB members submit comments to the TA. Luchonok then asks if a draft will be posted for public comment? Farrell states that will be up to the SB and will be discussed at the next SB meeting.
4. Sound for Annual Town Meeting: Stocker would like to have the speakers at ATM raised in the air rather than having them sitting on the ground. The Fire Department speakers can be modified for about \$150 where cups would be placed on the bottom of the speakers allowing them to be put on stands. For \$200-\$500 the sound at town meeting could be modified and will allow more people to hear at ATM. There is money left in the SB budget that could be used for the modifications. TA is concerned the tent will not hold as many people with all the tables including the SB members and the moderator. TA asks if the tent should be perpendicular to the parking lot or at an angle. Stocker does not think that makes a difference.

VOTE: Farrell makes a Motion to provide from the SB budget line item funds to adapt the speakers for ATM; Makepeace-O'Neil moves, Stocker seconds. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

5. MVP Action Grant: MVP is no longer doing feasibility work. After discussing with the MVP representative Shutesbury will be going to MVP with the implementation of solar panels, the full installation, at the new library. Applying for this grant allows the town to get 100KW of solar panels at the new library site. If there is an issue with the cost being higher than anticipated the town would still be able to fund its share. 100KW's should be sufficient for the new library. Matt will reach out to their vendor for pricing and will provide that to the TA for the grant budget as the budget is very important for MVP grants. The application is due May 4, 2023.

VOTE: Farrell makes a Motion to approve the grant and authorize the chair to sign for the SB if necessary; Makepeace-O'Neil moves, Stocker seconds. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

6. Clean Water Trust: The town has asked Tighe & Bond to assist with the application and asked for an estimate. Tighe & Bond gave an estimate of \$5,000 to assist with this application. Tighe & Bond has already provided the town with the warrant article that is needed for ATM to secure the loan and has also started to collect data to put the application together. Tighe & Bond feels that with the ATM date of June 3, 2023 they will have completed their work and could submit the loan application the following Monday or as soon as Grace has put together the certification of the ATM vote. Farrell asks if the SB wants to take the \$5,000 risk as this may not pass ATM. Stocker believes this will pass at ATM. Makepeace-O'Neil agrees with Stocker. Jill Marland asks what the loan amount is. TA states \$136,000 unless the figure is increased. The town is eligible to receive a 20 year, zero percent interest loan for \$136,000 with a strong likelihood that part of the loan would be forgiven. Marland asks if PFAS cleanup is only costing \$136,000? TA is asking for support for the \$5,000 but not allocating the \$5,000 tonight.

VOTE: Farrell makes a Motion to support the use of \$5,000 in yet to be identified town funds to pay for the application for the Clean Water Trust loan; Makepeace-O'Neil moves, Stocker seconds. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

7. Green Communities Utility Contract: The town has received the Green Communities Grant for \$178,503. This is the summary sheet that details National Grid's incentive package. This funding will give a net cost to Shutesbury of \$178,503. They did a list of annual cost savings to be created by the work which they estimate to be about \$11,527. This is a contract with the subcontractors that will be performing the work as detailed by National Grid in their reports to the Green Communities for all the weatherization pieces for the five town buildings and the lighting at the elementary school, which is the most expensive piece at just under \$100,000. This is not committing the town to spend the money the town is agreeing to the grant amount. TA states this is a contract with Energy Conservation who is doing the work for both Shutesbury and they get paid through the incentive amount that National Grid built in to this project. The cost to the town will be zero and they will do all the work.

VOTE: Farrell makes a Motion to approve the Green Communities Utilities contract; Makepeace-O'Neil moves, Stocker seconds. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

8. PFAS and Project Plan Update: The town has installed 3 more POETS and there are about 14 POETS in town. TA is waiting for another extension of the map as three houses along Pelham Hill Road tested positive. Jeffrey Arps is very concerned the numbers keep creeping down the road and is still not sure of the cause. The town has provided bottled water and dispensers to two of the people who were just identified as needing filters. A number of folks have declined the water. Dispensing units and water can be picked up at town hall if people need them and have been identified through the PFAS process. The map will extend an additional 500 feet from the last positive reading. The initial funding of \$136,000 is to get the town through the first six months. There are three homes that have not been tested. The TA is going do an evaluation to get a good understanding of how much money might be needed in the next six months. Farrell would like to have a report from Tighe & Bond so the SB can understand from their perspective. Stocker and Makepeace-O'Neil both agree that would be good. TA will talk with Tighe & Bond about the report. TA has located and is preparing to put online, Arps' power point to explain PFAS to people. Arps' presentation is very well done and the TA will be putting that on the website as well as the State Task Force report on PFAS that came out in 2022. Gail Fleischaker was asked by the TA to upload the files and is working on creating a separate page for PFAS. Fleischaker suggested there be an introductory paragraph including information like when did the standards come up and when did these things happen. The TA is checking with the LSP to get an introduction to the history. Fleischaker has also suggested a glossary for all the alphabettee's that is referred to in these documents. TA hopes to get the power point up after the meeting tonight.

9. SB Appointment of Police Officer: Chief Burgess asks that the SB appoint Marc Voltus to the Shutesbury Police Department as a permanent part time police officer. Voltus has extensive experience in policing and has almost completed the Bridge Academy and he is also mountain bike trained and will assist in getting the mountain bike patrol off the ground. Stocker was on the committee for the interview process and is pleased to have Voltus joining the Shutesbury Police Department.

VOTE: Farrell makes a Motion to appoint Marc Voltus as a permanent part-time police officer; Makepeace-O'Neil moves, Stocker seconds. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

10. Administrator Updates: Town hall has been busy with public in and out. Trash bag distribution will begin Saturday at the school. The culvert head wall collapsed near Fiske Brook at Lake Wyola. ConCom has been contacted and working through the emergency permitting. The work was done that day and it's wonderful to have a team that can address things quickly and keep the town safe.

11. Review Solar Bylaw Letter for AG's Office: Cowl's has filed litigation against the Town regarding the solar bylaw. Deacon Bonnar and Michael DeChiara drafted a letter to the AG in response to anticipated questions and issues with the town's solar bylaw, particularly with the amendments to the bylaw that were adopted in January of this year. It was decided it was appropriate to weigh in with the AG's office sooner rather than later as they are still reviewing the amendments. In January a new updated solar bylaw was approved and sent to the AG's office. Donna MacNicol, Town Counsel, received a request for an extension from the AG's office. Wendell had approved a solar bylaw at their June 2022 town meeting and the AG approved most of it but rejected some key parts and the town wanted to be proactive and engage the AG. There is no appeal process with the AG. The PB and SB wanted to make their best argument as quickly as possible before the AG made a decision as both boards think it complies with both statute and the most recent Tracer Lane decision. The letter lists all the provisions we thought were important, that were raised either by statute or by Tracer Lane. The PB and SB wanted to make sure everything in the letter was tied to public health, welfare and safety which is the only way that towns are allowed to regulate solar. Part 2 of the letter is specifically about energy storage systems. Wendell had a prohibited large scale energy storage similar to what Shutesbury is doing. The AG determined that was illegal because it was connected to solar even though the energy storage systems were potentially a principal use and not at all connected with solar. The energy coming from the grid is 60% fossil fuel. If you have a big energy storage system, which in Wendell was supposed to be 10 acres connected to nothing but the grid you would be getting energy from the grid, 60% of which is fossil fuel, it is not solar and wanted to make that point. There is lots of detail in there. The PB made a few changes that were grammatical and typographical. The letter will be signed by the SB and PB and the SB should approve the 4/24/23 letter. Bonnar and Farrell will come to town hall to sign the letter. The letter will be emailed and mailed. DeChiara asks that the letter be mailed certified mail, return receipt to make sure it is received.

VOTE: Farrell makes a Motion to approve the 4/24/23 version of the letter to the MA AG's office regarding the Town of Shutesbury's solar bylaw and authorize Rita Farrell to sign the letter; Makepeace-O'Neil moves, Stocker seconds. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

Farrell Motions to Adjourn (7:22 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 Marc Voltus

Documents and Other Items Used at the Meeting:

1. Lake Wyola Dam Bylaw
2. Draft 2 Work Site Policy for Lot O-32
3. Draft 2023 Annual Town Meeting Warrant

Respectfully submitted,
Geneva Bickford,
Administrative Secretary

** A full version of the 4/25/23 SB meeting is available to view on the Town of Shutesbury's YouTube page at: <https://www.youtube.com/channel/UC4ajoOcJsNzf5DBgMTZgcJA>