

Shutesbury Selectboard Meeting Minutes
June 20, 2023 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: Deacon Bonnar, Michael DeChiara, Miriam DeFant, Gail Fleischaker, Mary David, A Pyecroft, Jeff Lacy, Susie Mosher

Guests: Jeff Weston, Tom Siefert, Marylou Conca, Nathan Murphy, Sharon Weizenbaum, N Murphy, Leslie Luchonok, Geddes

Farrell calls the meeting to order at 5:40 pm.

Agenda Review: As posted.

Public Comment: Mary Lou Conca, this is a question about the agenda, attorney candidate would like an explanation. Melissa asks specifically what topic? That will be in executive session and will not be discussed. Miriam DeFant is following up on email sent to the SB where a letter from MacNicol is recusing herself and will not review the draft bylaws and that leaves ConCom without an attorney to review the bylaws. ConCom would like to use Beth Goodman as they have in the past. Five hours were designated for this review and the ConCom will be interested in having the town clarify if funding will be allocated in FY24 and approval of counsel. DeFant does not believe McGregor will be able to review ConCom's bylaw as he's representing the SB on permitting issues with Lot O32 and that would be a conflict.

Review of Minutes: No Minutes to review.

Discussion Topics:

1. Joint Meeting Planning Board and Selectboard: Ashleigh Pyecroft was appointed as an associate member for the next term. PB unanimously voted to appoint Pyecroft.

VOTE: Makepeace-O'Neil makes a Motion to approve Ashleigh Pyecroft as an Associate Member to the Planning Board; Stocker moves, Makepeace-O'Neil seconds. Roll call vote: Makepeace-O'Neil: aye, and Stocker: aye; the motion carries.

2. Annual Appointments: The SB has received the updated appointment list for July 1, 2023 to June 30, 2024 and approves of the reappointments.

VOTE: Makepeace-O'Neil makes a Motion to approve the Appointed Officials List for July 1, 2023 to June 30, 2024; Stocker moves, Makepeace-O'Neil seconds. Roll call vote: Makepeace-O'Neil: aye, and Stocker: aye; the motion carries.

3. Personnel Action Forms (PAFs): Personal Action Forms (PAF's) will be available for signing by the SB on Thursday and will put in place the 3% pay increase to all employees.

VOTE: Makepeace-O'Neil makes a Motion to approve the Personnel Action Forms for all town employees for FY24; Stocker moves. Roll call vote: Makepeace-O'Neil: aye, and Stocker: aye; the motion carries.

4. Pollinator Plan Committee Formation: Penny Jacques has volunteered for this committee. This is a regional effort with FRCOG and the hope is to have a workshop with all towns involved (Heath, Shelburne, Conway, Greenfield, Bernardston, Montague, Wendell and Orange) in the summer and should be a five member committee. FRCOG suggested it should be setup as an Ad Hoc Committee.

Ad hoc committees are required to post meetings the only difference is an ad hoc committee could be short lived. Members will be appointed when the time comes.

VOTE: Makepeace-O'Neil makes a Motion to form the new Pollinator Plan Committee of five members; Stocker moves, Makepeace-O'Neil seconds. Roll call vote: Makepeace-O'Neil: aye, and Stocker: aye; the motion carries.

5. Emergency Management Director and Deputy Director Job Description updates and Fire Fighter Three Hour Minimum Call Response: Chief Czerwonka will be resuming his role as Director of Emergency Management and Chief Burgess with resume her role as Deputy Director of Emergency Management. This request was made by both Chiefs. TA reviews the three hour minimum to compensate the fire fighters for their time. This policy states fire fighters will be paid a minimum of three hours when responding to a call regardless of when the call is received.

VOTE: Makepeace-O'Neil makes a Motion to make Fire Chief Lenny Czerwonka Emergency Management director; Stocker moves, Makepeace-O'Neil seconds. Roll call vote: Stocker: aye, and Makepeace-O'Neil: aye; the motion carries.

VOTE: Makepeace-O'Neil makes a Motion to make Police Chief Kristin Burgess as Emergency Management Deputy Director; Stocker moves, Makepeace-O'Neil seconds. Roll call vote: Stocker: aye, and Makepeace-O'Neil: aye; the motion carries.

VOTE: Makepeace-O'Neil makes a Motion to approve the fire fighters three hour minimum call response pay policy and it to be added to the personnel handbook; Stocker moves, Makepeace-O'Neil seconds. Roll call vote: Stocker: aye, and Makepeace-O'Neil: aye; the motion carries.

6. Choose day for next Selectboard Meeting: There is a choice of Wednesday or Thursday night. Farrell is available on Wednesday, July 5. Makepeace-O'Neil is good with either Wednesday, July 5 and Thursday, July 6. Stocker is gone that week. Meeting will be scheduled for Wednesday July 5, 2023.
7. Covid Policy Completion: The policy will be no mask requirement, no compensated sick time and five days of quarantine if an employee is sick with Covid. The federal public health emergency ended May 11, 2023. The TA has spoken with Catherine Hilton on the BOH and was informed that any policy should be based on the CDC policy. The Covid policy was taken down from the town's website as it is no longer valid. Fleishacker will change the message on the website to indicate masks are a personal option and will be available to those who want to wear them at town hall.

VOTE: Makepeace-O'Neil makes a Motion to adjust the covid policy to resuming to using an employees accumulated sick time for illnesses, quarantining for five days if they test positive for Covid and to lower the mask requirement to personal choice instead of required; Stocker seconds. Roll call vote: Stocker: aye, and Makepeace-O'Neil: aye; the motion carries.

8. Selectboard Vote to Open Gift Account for Donations to the Shutesbury Legal Fund for the PB Solar Bylaw: The PB and DeChiara would like to setup a gift account to receive donations that would help defray the costs of the lawsuit. DeChiara has spoken with the town accountant, treasurer, Farrell and MacNicol. DeChiara will collect donations, financial officers would be in charge of administering the account and the treasurer will make the deposits and reconcile with the accountant. Said account would also be open to audit and all information regarding monies received will be public record. Questions arise regarding campaigning and how that would be run as well as who would run the campaign. Concern was also raised regarding the role the Shutesbury select group would play in this as they have formed a GoFundMe as well as donations coming with "strings attached". DeChiara believes any donations received will only make a dent in the cost of defending the lawsuit and believes the town will be paying the bulk of the costs and that would be a SB, FinCom and Town

decision. All donations will be with no strings attached and would be a SB decision to accept or not accept the donations. The SB could state they are not supporting any campaign. It is suggested that someone should reach out to the Office for Campaign and Political Finance. Makepeace-O'Neil is concerned with bringing some of what is seen nationally into Shutesbury. DeChiara appreciates Melissa's balance however he believes this situation is different as the town voted a bylaw and Cowl's and AMP are suing and it is required to have positions. Makepeace-O'Neil feels it is important to check with campaign finance to make sure the town is on the up and up with them. Makepeace-O'Neil and Stocker both agree to hold off on voting until there is more information from Campaign Finance.

9. Assessor Consultant Agreement and CAI Agreement and US Army Corps work start form for Selectboard: CAI Technologies does the town's updates to mapping both the physical and electronic maps and is a one year contract. Regarding the Assessor Consultant Agreement Roy Bishop will be assisting Burgess and will be doing the reval work as well as taking care of the town's electric utility personal property. Bishop will do all other valuations recorded and the contract is for \$5,000. The next item is the Work Start Notification Form from the Army Corp. It is a straight forward and can be signed by Melissa. The dates work will begin and end are 6/28/23 to 9/26/23. There is one other issue regarding the Dam. It has been noted the mylar mapping portion that went with the easement for the Crawford parcel had not been signed by the SB and the TA is requesting the SB vote to sign the mylar with today's dates. The engineer/surveyor signed off on the plan. The bulk of the work was done in 2021.

VOTE: Makepeace-O'Neil makes a Motion to sign the CAI Agreement for the Town of Shutesbury for 10/1/23 to 9/30/2024; Stocker moves, Makepeace-O'Neil seconds. Roll call vote: Makepeace-O'Neil: aye, and Stocker: aye; the motion carries.

VOTE: Makepeace-O'Neil makes a Motion for the SB to sign the Agreement with Roy Bishop for real property and personal property rider adjustment agreement for FY24; Stocker moves, Makepeace-O'Neil seconds. Roll call vote: Makepeace-O'Neil: aye, and Stocker: aye; the motion carries.

VOTE: Makepeace-O'Neil makes a Motion to sign the Army Corp work start form for the culvert; Stocker moves, Makepeace-O'Neil seconds. Roll call vote: Makepeace-O'Neil: aye, and Stocker: aye; the motion carries.

VOTE: Makepeace-O'Neil makes a Motion to sign the plan of easement for the Crawford Parcel; Stocker moves, Makepeace-O'Neil seconds. Roll call vote: Makepeace-O'Neil: aye, and Stocker: aye; the motion carries.

10. Selectboard Review Legal Counsel for ConCom Regulations: The SB requested and received a proposal from McGregor for review of ConCom's updated regulations and received a quote for \$2,500 for a general review of the regulations to the bylaw. McGregor is of the opinion that regulations should be done after the bylaw has been updated. DeFant believes that ConCom should seek review from the AG's Office rather than spending \$2,000 on McGregor's review. ConCom will put this on their agenda for Thursday regarding the use of their own funds and asks the SB for support in using Attorney Goodman.

VOTE: Makepeace-O'Neil makes a Motion to approve \$2500 to the McGregor law firm for a general review of the ConCom regulations to see if there are legal issues we need to think about; Stocker moves, Makepeace-O'Neil seconds. Roll call vote: Makepeace-O'Neil: aye, and Stocker: aye; the motion carries.

11. Town Administrator Updates: The elementary school visited town hall. The Town Clerk and Leslie Bracebridge shared maps with 1st and 2nd graders. It was a wonderful learning event. Makepeace-O'Neil mentions there was a play at SES and the police department was there having fun with the kids and did a great job parking cars and getting everyone in the school on time for the play. National Grid has been trimming trees in town from SES to the top of the hill and they will go down to the lake and will go into Wendell next. The purpose of this is to bring 3 phase power into Wendell and have it through Shutesbury. It has turned into a much larger project, electricity was turned off at town hall yesterday to service a number of poles being replaced. PFAS has been quiet this week, the installer is getting down to the last 5 or 6 installations that need to be done.

Melissa states will be going into Executive session for reason #3 and NOT return to open session. Roll call vote, stocker aye, Makepeace-O'Neil aye; Motion carries.

Administrative Actions:

1. Appointment Letters;

Documents and Other Items Used at the Meeting:

1. Army Corp. Work-Start Notification Form;
2. Bishop & Associates Agreement;

Respectfully submitted,
Geneva Bickford,
Administrative Secretary

** A full version of the 6/20/23 SB meeting is available to view on the Town of Shutesbury's YouTube page at: <https://www.youtube.com/channel/UC4ajoOcJsNzf5DBgMTZgcJA>