

Shutesbury Selectboard Meeting Minutes
July 11, 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, Susie Mosher, Beth Willson, Robert Kibler, Gail Fleischaker, Mark Rivers, Steve Sullivan, Mary David, Gail Fleischaker, Grace Bannasch, Michael DeChiara, Meryl Mandell, Mary Anne Antonellis
Guests: Christine, K, Sharon Weizenbaum, Kathy Salvadore, Donna Brewer, Christine, Lynne Man, Tracy McNaughton, Mike S., Janice Stone, Donna, Penny Jaques, Steve Sullivan, Weezie Houle, Sandra's iPad, Joyce Braunhut, Gary West, Jim Hemingway, Mary Lou Conca, Jon Lawless, Dale Houle, Cynthia Banfield-Weir, Geddes, Rinky, Eric Bachrach, Elizabeth Tonne, Mike Vinskey, Amanda Alix, Elizabeth Fernandez O'Brien, Jodi, Josette Henschel, Jane, Karen A., Lynne Man, Jane Costello, Kathleen's iPhone, Tom Siefert, Ziporah Hildebrandt, Jody, Frank McGinn Potter, Suzanne Lyon, Richard Seelig

Farrell calls the meeting to order at 5:30 pm.

Agenda Review: As posted.

Public Comment: Tracy McNaughton wants to comment later when the SB will be discussing Town Counsel regarding how counsel relates to the new regulations for ConCom. McNaughton also points out she believes Donna MacNicol has not recused herself on two items that she should. McNaughton agrees that MacNicol should not participate in the ConCom regulations and that MacNicol should not participate in town business. Robert Kibler is asking about the new part time officer for IT as he feels the town has added enough officers. Steve Sullivan asks that the SB to reach out to Don Wakalauk and let him know what is going on.

Review of Minutes: Minutes of May 9, 2023 and May 23, 2023 were approved.

VOTE: Farrell makes a Motion to approve the minutes of May 9, 2023 minutes; Makepeace-O'Neil moves, Stocker seconds. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

VOTE: Farrell makes a Motion to approve the minutes of May 23, 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. Joint Meeting Conservation Commission and Selectboard to Discuss Use of Attorney/CC Reg Review: The SB discussed the use of town counsel and special counsel. The approval for such use will come from the TA or the SB Chair. Goodman's scope of services expanded beyond Lot O-32 without authorization. Goodman was involved in reviewing regulations, as well as helping with a public records request, and reviewing Lake Wyola documents and a number of beaver dam issues. The SB believes ConCom has misused counsel by continuing to use Goodman over the last six months. Although the SB approved initial use of Goodman for \$2,500, continued use has not been approved. The SB is the only board able to sign engagement letters. The SB is not blocking the new regulations for a new bylaw. The SB is trying to protect the town. McGregor issued an email at the SB's request stating the existing bylaw is outdated and not in compliance, it was highly recommended that the town adopt an updated bylaw. ConCom advised the SB they did not have time to do a bylaw and would work on the regulations despite McGregor advising that the bylaw needed to be done with the regulations or it could put the town in jeopardy. The SB is concerned that the town is setup for

anyone to sue. Farrell also mentions that McGregor produced a memo that was shared with ConCom yesterday and by Monday Smart Solar had a copy and had their attorney opining on it. A new bylaw and regulations are needed and that can still be discussed but this campaign accusing the SB of standing in the way is disturbing and unfortunate.

2. Review PB request for Donation Account: The PB has asked for a donation account to be opened up to receive donations that will help defray some of the costs associated with the lawsuit. Makepeace-O'Neil did contact Campaign Finance and they do not have any conflict as this is not related to an election. The funds will be disbursed by the SB or a designee.

VOTE: Stocker makes a Motion to create a gift fund named the "Reasonable Regulation of Solar Legal Defense Fund" for the purpose of defraying legal and related costs associated with the complaint against the town of Shutesbury regarding solar regulation and potential solar installations. Further that the Chair of the Select Board and Town Administrator, or their designees may expend from this account; Farrell seconds. Roll call vote: Makepeace-O'Neil: abstain, Stocker: aye, and Farrell: aye; the motion carries.

3. Bridge Academy Training Grant Documents: This grant was facilitated by the Office of the Grants and Research and has provided over one million dollars so the training program can reimburse municipalities \$3,000 for officers who complete certain hours of training. The largest costs for Shutesbury are ammunition and the cost of gas for vehicles when officers attend the training. Officer Voltus is in the training program and the town had two officers that just completed the Bridge Academy. The deadline is August 1st. The SB will need to sign the application.

VOTE: Farrell makes a Motion to approve the submission for a grant for the Bridge Academy Training Program; Makepeace-O'Neil moves, Stocker seconds. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

4. Appointment of a New IT Part Time Police Officer: Officer William Kimball was appointed as a part time police officer for IT purposes. Kimball will not do any patrol. The TA believes by union contract his pay would be \$22.06 an hour.

VOTE: Farrell makes a Motion to appoint William Kimball as a new part time officer assigned for IT; Makepeace-O'Neil moves, Stocker seconds. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

5. Appointment of Beth Willson to the CPC: Beth Willson was appointed to the CPC as the ConCom representative.

VOTE: Farrell makes a Motion to appoint Beth Willson as the representative of ConCom to the CPC; Makepeace-O'Neil moves, Stocker seconds. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

6. Review of Counsel Use Policy: The TA has reached out to other small towns to find no one had a Use of Counsel Policy. Brian Mazer is the town's Labor Counsel and has provided the town with a draft policy. Farrell would like to have backup added to the policy so the Chair of the SB could give approval as well. In emergency cases a phone call would be allowed but then would be followed up by email giving approval. Fleischaker will add this policy to the website and TA will send the policy out.

VOTE: Farrell makes a Motion to approve the Town of Shutesbury's SB Contact with Town Counsel Policy as presented; Makepeace-O'Neil moves, Stocker seconds. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

7. Request for Lot O-32 Replication Two Year Monitoring Funds: ConCom requires two years of monitoring of this project by a wetlands scientist. An LSP is not needed for this part of the project and the town decided to consult with others to find a more economical wetland scientist. The town has consulted with Ward Smith. Smith is a wetland scientist who is local and lives in Wendell. He will take the project from here which will include a site visit with ConCom and then twice yearly annual visits and reports to ConCom and some finalizing of paperwork and recording it at the end. Smith's proposal is for \$3,000 and the funds would need to come from ARPA. Hopefully Smith will do a site visit with ConCom as early as next week. The ARPA funds balance is \$45,800.

VOTE: Farrell makes a Motion to approve \$3,000 in ARPA funds for the monitoring and reporting on the two BBW locations on Lot O-32 by Ward Smith; Makepeace-O'Neil moves, Stocker seconds. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

8. Update on Lot O-32: A wetland restoration project was completed on BBW2. Antonellis was on vacation when the project was implemented, Penny Jaques managed the project on behalf of the town. The project was supervised by a wetlands scientist, April Dorowsky of Fuss & O'Neill with LSP, Tim Clinton, on call if needed. The trees, stumps and soil were removed a small amount of debris was collected by hand and put in a trash bag. Small trees and bushes were planted and a wetland erosion controls were disbursed. BBW3 is on the other side of the property. Dorowsky supervised the digging of test pits along the edge of that wetland boundary that determined the mound was not fill. The wetland line did move a foot or two but not anything more than that. Dorowsky will be sending a report. The wetland line was delineated in that area and there were no surprises.
9. Town Administrator Updates – Culvert Work Beginning Date: More testing has been done at the fire station parking lot as required by DEP. Unfortunately the results of the test are positive. The town is engaging Tighe & Bond and a report has been put together for the DEP regarding the progress made as well as submitting a proposal for new work that will assist us in understanding the change. The SB is moving ahead with the proposal as there is funding in the budget and there will be new rounds of testing done by Tighe & Bond. The police department air conditioner stopped working and the repairman will be here Friday to work on it. A small window unit has been installed to try to help keep the officers cool. The window for the town clerk's office has been delayed. A volunteer from the building committee came down the next day and with the help of a volunteer installed a window unit into the clerk's office. ConCom held a meeting last Friday regarding the culvert project and authorized the construction company to work in the buffer zone outside of the time of year restriction allowing the town to keep the original start date of July 12. The culvert team put up detour signs around town this morning in preparation for tomorrow. Proposals went out yesterday regarding the hiring of consultants for the lake lowering. Proposals can be accepted as people complete them. Because the \$35,000 is under the \$50,000 threshold that would require the full month long bid process and we are able to expedite this using best practices. There is a list of about 8 reputable specialists on dams and lake lowering. TA will email the scope of services to the SB.

Farrell Motions to Adjourn (7:27 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. CPC Appointment Letter
2. IT Officer Appointment Letter
3. Distribute Use of Town Counsel Policy

Documents and Other Items Used at the Meeting:

1. Use of Town Counsel Policy

Respectfully submitted,
Geneva Bickford,
Administrative Secretary

** A full version of the 7/11/23 SB meeting is available to view on the Town of Shutesbury's YouTube page at:
<https://www.youtube.com/channel/UC4ajoOcJsNzf5DBgMTZgcJA>