

Shutesbury Selectboard Meeting Minutes  
July 19, 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: Mark Rivers, Mary David, Gail Fleischaker, Kristin Burgess, Meryl Mandell, Jeff Lacy

Guests: Joyce Brauhn, Sharon Weizenbaum, Completely NYC, Joseph's iPad, Jan Rowan, Susie Mosher, Jon Thompson, Donna Brewer, Penny Jaques, Mary Lou Conca, Penelope Kim, Mike Vinsky, Tom Siefert, Frank McGinn Potter, Stephen Dallmus, Ziporah Hildebrandt

Torres calls the meeting to order at 5:31 pm. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

Select Board Reorganization: TA asks for nominations for chair of the Select Board. Makepeace-O'Neil nominates Farrell as chair. Farrell nominates Makepeace-O'Neil as Chair. Stocker nominates Farrell and Makepeace-O'Neil as chair. Makepeace-O'Neil proposes co-chairs for the Select Board. Farrell and Makepeace-O'Neil agree to co-chair the Select Board.

**VOTE:** Torres makes a Motion to nominate Makepeace-O'Neil and Farrell as co-chairs; Stocker moves, Farrell seconds. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

Agenda Review: As posted. Appointment of Jon Thompson was moved up in the agenda.

Public Comment: Meryl Mandell mentions that her husband Steven Smolesky sent a letter to the SB regarding a scary situation on the gravel portion of Wendell Road being used as a detour and some of the people driving really fast on it. Meryl understands the police chief has taken over going on to the road multiple times a day as well as posting a couple of signs and would like to thank the chief for doing that, it is an accident waiting to happen. Joyce Brauhn has something to say when this was going to be a joint meeting with ConCom but since they are not here Brauhn has decided to say it for the public record anyway. Hopefully the SB will encourage ConCom to do this. Brauhn seconds the suggestion by a resident made at the ConCom's draft regulation public hearing held last week for a series of meetings of which the ConCom specifically and thoroughly goes through the draft regulations and gives explanations, intentions, justifications, implications and examples seems a very fair thing to ask for in service of the town. If the draft is not organized in a way that this could be done I ask why not? If the intention is to create clear and consistent standards and process that the residents can follow this needs to be reflected in the document. Even a legal document can be summarized in English and should be again in service of town residents. A complete specific explanation section by section of the draft with public comment is warranted by the impact it would have on the community. The residents of Shutesbury deserve that respect. The ConCom seems to believe that new regulations should be instituted even before the town is given the opportunity to vote on updated bylaws. First I will state that no one I know has any argument with the need for an updated bylaw and regulations that allow that bylaw to be instituted and enforced but these should be legal and reasonable with clear and consistent guidelines for residents and done in cooperation with both the town elected members of the SB and with the town administrator. This has not happened. The public hearing was unsatisfactory, it was general in scope and when specific questions were asked answers were either "I don't know" or "we didn't think about that". It is long and in my opinion overly so because of its cut and paste nature but if someone is putting forth a document into the public domain like that they should be very familiar with each part, what it means and the consequences. I attended a meeting about a month before when a draft was introduced and explained in a preliminary way and at that time none of the other commissioners when asked other than the chair had done more than skim through it which to me means that no one else on the commission was involved in it's creation. There are at least two other commission members who have real wetland and conservation education and

experience. I questioned why they would not be involved in the creation of such an important document and if it was a matter of time I ask as other's have "what's the rush?" Braunhut will send her comments in writing to the SB. Jan Rowan read through the draft regulations and my reading is the ConCom is granting itself power of the purse, full indemnity from errors and the right to exclude, deny and punish at will by being so flexible or not as the case may be when they implement the regulations and if that reading is wrong or if it is right it seems to be that would need to be addressed because that is what I saw in these regulations. Gail Fleishaker is disappointed ConCom has cancelled its attendance tonight at the SB meeting, Fleishaker has prepared a statement for the record but will save that for the next scheduled joint meeting but tonight's cancellation only compounds Fleishaker's distress at seeing unnecessary conflict with in our town's governance. Mark Rivers comments on Joyce's comments. This is an important document and one of my concerns is that these meetings are only held by zoom and I know residents in the wetland area that don't have access to technology and I am proposing that that meeting be a hybrid meeting where people who don't have access to the internet can participate. Joseph has been listening to meetings and Joseph does not feel that ConCom is totally on the entire town when they are making the regulations. Joseph thinks the regulations is being more geared toward the smart solar people as she's had the lawyers on for it versus the general public. I feel the rules being put in place are so strict to stop solar but they affect the average builder or home owner for the small projects. I wish they would figure out a way to work for everybody in town. Joseph thinks the SB and DPW are doing a great job. Mary Lou Conca is not quite sure what is happening with the back and forth again at this evenings meeting and the discussion that is going on. I would like to add to what Jan Rowan said. Conca is confused by what is meant by "punish at will" and with ConCom not here this is making her very anxious and believes ConCom should be here to speak to what is being said. Makepeace-O'Neil reminds Conca that the SB does not comment and that this is public comment coming to the SB and is not an agenda item beyond that. Mary David wants to clarify the request for ConCom to come to this meeting was made on a later basis and wasn't made a long time in advance and we were not able to come because ConCom didn't have a quorum as we have people on vacation and would not be able to get a quorum here to attend this meeting and that is why ConCom is not here today.

Review of Minutes: Minutes of June 6, 2023 were received late and TA asks SB if they are ok to approve tonight. Minutes will be put on the next agenda as they are not complete with all the attendees and Stocker has not seen them. Farrell feels the minutes sent were really long.

### **Discussion Topics:**

1. Traffic Unit and Update on Culvert Detours – Police Chief: Chief Burgess discusses the serious decline of police officers across the nation as well as the decline across the Commonwealth and the difficulty they are having filling the traffic officer, police officer and flagger positions. That being said Chief Burgess would like to begin the discussion of possibly starting a traffic control unit allowing residents of Shutesbury to work on those road jobs after receiving proper training through the MA DOT. Chief Burgess would like to begin doing research and would like to think about this as a potential option for the future. Chief Burgess would also like to have a SB member and the TA involved to bounce ideas off of and to see if it makes sense to move forward. The pay for residents would be the same as the traffic control unit civilian and they would be paid by the company through the Town. At this time Chief Burgess bills the company for the hours the officers are out and the company pays the town and then the town pays the officers. There are times when an administrative fee is paid however if it is a state contracted job no administrative fees are paid. In regards to Wendell Dirt Road Chief Burgess has been working closely with the TA, Farrell and Tim Hunting to resolve the issue. A town announce was sent out and that helped a little but more issues arose. The police department has stopped quite a few drivers to initiate a conversation with them asking them to slow down to 20 or under. Chief Burgess and Hunting added more signs, and a temporary speed limit sign will be put up asking driver to go 20 mph. It was suggested that a two way traffic sign be put up at both ends however there is one portion of the road that is a one lane. The highway department and the

police department have been doing an incredible job. Suggestions are made that the police maintain a presence on Wendell Dirt Road as well as possibly putting up “one lane road ahead” signs. Chief Burgess has instructed the officers to remember the law “greater than reasonable” which is the state minimum of \$105 citation which can be enforced. The law states during a time of temporary closure or adjustment of the road you can put out the suggestion which is what is being done. Farrell appreciated Chief Burgess’ email and suggests that regular weekly town announcements would be a great way to provide updates to the residents.

2. ZBA Appointment of Jon Thompson as an Alternate: Jon Thompson was appointed to the Zoning Board of Appeals as an alternate.

**VOTE:** Farrell makes a Motion to appoint John Thompson as the alternate member to the Zoning Board of Appeals; Stocker seconds. Roll call vote: Farrell: aye, Stocker: aye, and Makepeace-O’Neil: aye; the motion carries.

3. Selectboard Vote on Year End Transfer: Shutesbury has never gone through the full finance reserve fund by March before. There were a lot of additional legal expenses, electricity rates went up by 30% and snow removal expenses were higher than normal. The health insurance line was underspent by over \$50,000 and that money was used to replenish the FinCom reserve, however not all transfers were covered by finance reserve and have been moved to the yearend transfers. The first line is an overage on the Assessor’s Clerk. Early in the year the administrative assessor was no longer active and Shutesbury was unable to fill that position. Roy Bishop did assist with the town’s five year reval and David Burgess was also extremely helpful to the town. The transfer is for \$6,209.16 to fund the overage with the money coming from the administrative assessor line. The second line is an overage in the training salaries for the fire department that was financed through the fire chief’s salary for \$3,924.91. Fire Department salaries are higher due to new fire fighters being appointed this year. Office Supplies were over by \$82.47 as there has been an increase in costs for paper and other supplies. The police cruiser maintenance account was over by \$1,429.78 which was financed through the police wages account which was underspent this year. The IT support account was over by an additional \$923.75. The IT line accounts for the town’s zoom account, pantheon and other internet related costs and those have been built into next year’s IT support line. The legal account was over by \$13,224.78. Prior to this there was a transfer of \$10,000 which would take the total legal expenses this year to just under \$40,000. The building and heating line was over by \$8,825.43 that includes the propane refill to the school emergency generator. The true overage was just about \$5,000. Fuel and gasoline were over by \$1,306.00. The rubbish and recycling account was under budgeted and this was over by \$5,000. The sanitary landfill line was over by \$1,000. The snow removal expenses were over by \$13,300 due to the cost of sand and salt and the need to use that for ice events that are occurring more frequently. \$7,800 of this was covered by the snow removal wages and the balance was covered by the police wage. All year-end transfers total \$55,295.55.

**VOTE:** Makepeace-O’Neil makes a Motion to approve the schedule of proposed budget transfers for FY 2023; Farrell moves, Stocker seconds. Roll call vote: Farrell: aye, Stocker: aye, and Makepeace-O’Neil: aye; the motion carries.

4. Update on Fire Station Test and Next Steps: Gasoline levels are a concern, testing was done on the main well at the fire station. That well still has increased numbers that the town will continue to monitor. The SB is in conversation with the LSP and the LSP has outlined a process for retesting in a very controlled manner to get a clear picture of what is happening at the fire station. POETS have been installed at all homes around the fire station. POETS not only remove PFAS they also remove gasoline. It was unexpected for the fire station to be active again but the town will continue to work on that and the TA will update the SB regularly at SB meetings.

5. Town Administrator Updates – Update on Culvert and PFAS: The culvert work began last week and the town now has in place the full closing of Locks Pond Road at the dam. The rainfall has become an issue and the project is a few days behind. Monitoring is being done daily by the dam keeper and the dam keeper is communicating with town officials and the contractor so they can determine how to proceed. Last week Tighe & Bond visited nine homes to perform post POET install tests to ensure the filters are working and those results should be back next week. There are two residents that have not been tested and the TA continues to work to try and get them tested. TA recommends that the ConCom agenda item be moved to the next SB meeting. DeFant's email alerting the SB ConCom would not be in attendance as they do not think a meeting between the SB and ConCom was necessary. The discussion regarding ConCom was in relation to the request for a gift fund, authorization for additional legal use and review of McGregor's comments on the regulations and bylaws. Farrell asks to have an email sent to ConCom requesting that they attend the SB's 8/1/23 meeting and if they do not have a quorum on 8/1/23 then the SB would consider another meeting to address the ConCom issues.

Makepeace-O'Neil Motions to Adjourn (6:36 pm); Farrell moves and Stocker seconds. Roll call vote: Farrell: aye, Stocker: aye, and Makepeace-O'Neil: aye; the motion carries.

Administrative Actions:

- 1.

Documents and Other Items Used at the Meeting:

- 1.

Respectfully submitted,  
Geneva Bickford,  
Administrative Secretary

\*\* A full version of the 7/19/23 SB meeting is available to view on the Town of Shutesbury's YouTube page at: <https://www.youtube.com/channel/UC4ajoOcJsNzf5DBgMTZgcJA>