

Shutesbury Selectboard Meeting Minutes
August 15, 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: Steve Sucie, Matthew Styckiewicz
Guests: Tom Siefert, Susie Mosher, Lynn McMahon, Leslie Luchonok, Ricardo Maldonado, Mark Roblee, Mary David, Lynn's Iphone, Leslie Bracebridge, Mark Rivers, Town Hall Meeting Room, Jezaculear, Sharon Weizenbaum, Michele Regan-Ladd, April Stein, Joyce Braunhut, Ria, Don Wakoluk, Joseph's Ipad, Jill Marland, Jane, Jim Hemingway, Penny Jaques, Jim, Jane Urban, Frank McGinn, Jim Plaza, , Meryl Mandell, Mike S, Michael Hootstein, Rebecca Fil, Penelope Kim, Steve Schmidt, Rofomo, Amanda Alix, Judith's Iphone, Mary Lou Conca, Melinda LeLacheur, Jon Lawless, Renee, Elizabeth Fernandez O'Brien, Shannon's Dad, Mike Vinskey, Chuck Moore, Joan Hanson, Rob Kibler, Mary's Ipad, Peg Ross, Panlilio, Mary Anne Antonellis, David Buchanan, Gail Fleischaker, Nate Heard, Carlos Fontes, Karen Tarlow, John Montanari, Geddes, Jill Buchanan, Doc Pruyne, Jessica Carlson-Belanger

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

Agenda Review: As posted. Public comment will be worked in as time allows. Rob Kibler gives compliment to the highway dept. Kibler drove down Cooleyville Road last week and it was in the best shape he's ever seen it in and finds that remarkable after the summer we've had. Kibler states many know Miriam DeFant is his wife and he's speaking as an engineer and not as a household member of the ConCom. In Kibler's opinion the SB did the right thing to authorize the funds and to proceed even though there is some risk because construction costs never go down and if the decision had been made to postpone this for a year we would probably be looking at needing \$150,000 instead of \$25,000. Kibler believes that was the right decision. Joseph Salvatore states maybe the electric company could waive the price of the poles.

Public Comment: NONE

Review of Minutes: Minutes of July 19, 2023 were approved.

VOTE: Farrell makes a Motion to approve the minutes of July 19, 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. Next Steps for Locks Pond Culvert, Discussion and Decision: The culvert project has been stalled because the excessive amount of rainfall that has been occurring. Mark Rivers has been taking measurements of the flow which had been producing optimistic readings of 10 the first day he measured, 6 the next day but then there was a reading of 20 after a night of rain. At the last meeting the SB was presented with 5 options and today Matt Styckiewicz with Nitche Engineering is recommending the town move forward with the increased bypass option which would be able to handle a flow of up to 40 cubic feet per second. Styckiewicz discusses the requirements ConCom has in the OOC and he will give them as much time as he can. ConCom knows there is a possibility this request is coming. The contractor has received the design from their engineer. They have obtained the pipe size they need and will submit everything to Styckiewicz for review and Styckiewicz will submit to ConCom for review. It is the same general system, the same gravity feed system. The pipe is larger in diameter. The larger pipe will reduce the risk of flooding and the use of pumps. TA shares a culvert summary chart and reviews it. TA explains the project began with a small municipal bridge grant from the state for \$500,000, at ATM in 2021 we added \$201,007 that will be borrowed upon

completion of the project and we added a transfer of \$250,000 out of capital stabilization. TA requested \$60,000 to help with the overrun costs at ATM in 2023. That brings it to a total of \$1,011,007. The original bid from MAS Building and Bridge was for \$674,788, you add in \$11,967.98 to rent a crane when moving the culvert structure to the fire station and \$18,608 as a result of all the equipment that has been sitting idle on the site and brings us to a subtotal before today of \$729,882. The larger bypass pipe was quoted at \$129,593.90. We had \$15,000 for the moving of the pole in October 21 and permitting costs of \$10,000 that brings it to a total cost of \$1,036,157 leaving a balance of \$25,000 that the town needs to cover. There were \$100,000 worth of contingencies in the original bid and \$60,000 was voted at ATM bringing the total to \$160,000. The TA went through all the financial resources and found there is ARPA funds that could be used, the balance in ARPA funds is currently \$36,000. If ARPA funds are not used there would need to be a STM. If this goes to STM the possible dates are September 5, September 6 or September 7 with September 7 being the day we really want to move ahead with the work. The SB has a few options. Capital Stabilization has a balance of about \$100,000. Stabilization has a balance of about \$300,000 and would have to go to FinCom to get a recommendation. Free cash has not been certified yet and is not an option at this time. Lastly, the assessing department has money left in their overlay that would be more than sufficient if they chose to release those funds. There is no contingency left as of right now and if there are more problems there would need to be a STM. The SB agrees to move forward with the larger pipe and continue the project this year.

VOTE: Makepeace-O'Neil makes a Motion to move forward with the larger 48 inch pipe for the culvert; Stocker seconds. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

2. National Grid and Verizon Pole Hearing (3 poles): Farrell opens the public hearing at 6:00 pm. A copy of the proposed pole location is available for inspection at the Town Clerk's Office, on the town's website Shutesbury.org or by request sent via email to townclerk@shutesbury.org. Public access to the virtual public hearing can be found at www.shutesbury.org. Steven Soucy from National Grid explains this is part of a larger project to upgrade major lines or feeder lines in the area. Lines will be upgraded from single phase two conductor to three phase spatial cable. Pole 50-50 will be installed along with one anchor on Wendell Road to the West side, the nearest address is 212 Wendell Rd. Pole 56-50 will be installed along with one anchor on Wendell Road to the west side of the road, the nearest address is 282 Wendell Rd. Pole 57-50 will be installed on Wendell Road to the west side of the road, the nearest address is 296 Wendell Rd. Jim Hemingway states that SHELd will be moving the wires from the old poles to the new poles and Shutesbury payers who have fiberoptic installed are the ones who will be paying for this. It is relatively expensive and will take time to do.

VOTE: Farrell makes a Motion to approve National Grid's petition for the installation of 3 new poles along Wendell Rd as described in the hearing notice; Makepeace-O'Neil moves, Stocker seconds. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

3. Athletic Club Request for Selectboard to put an article on an upcoming town meeting warrant to accept MGL Ch. 138, Section 33B, for the purpose of allowing service at 10 am: The Shutesbury Athletic Club is requesting that the SB put an article on TM Warrant to accept MGL Ch. 138, Section 33B. Mark Olszewski sent an email asking to begin serving at 10 am on Sundays while they are serving brunch and having a food truck on site. The town has not adopted MGL Ch. 138, Section 33B and will need to do so before this can be allowed.

VOTE: Farrell makes a Motion to approve a future article accepting MGL Ch. 138 Section 33B; Makepeace-O'Neil moves, Stocker seconds. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

4. Highway Superintendent Hiring Committee appointment and schedule review: Tim Hunting is retiring as of September 28. A hiring committee will be formed. The personnel board nominated April Stein. The SB nominated Melissa Makepeace-O'Neil. The FinCom nominated Bob Groves. Meryl Mandell and Penny Jaques have been nominated for the at large positions. The first meeting will be scheduled between 8/21 and 8/25 which will be an organizational meeting and the TA will present the ad at that time.

VOTE: Farrell makes a Motion to make the appointments to the hiring committee, April Stein, Melissa Makepeace-O'Neil, Bob Groves, Meryl Mandell and Penny Jaques; Makepeace-O'Neil moves, Stocker seconds. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

5. Review of Selectboard vote on 8/9 to approve a design proposal for the school and vote to approve submittal of DER design grant for Dudleyville Dam: The SB met on 8/9/23 to approve a design proposal for Gale Associates for additional exterior work that is needed at SES and recommended by the building committee. The SB also met to approve the submittal of a Dept. of Energy Resources Design Grant for Dudleyville Dam on behalf of Lois Brown who owns the property where the dam is located. The town must be the applicant but the town has no obligations. If the grant is awarded it would be awarded to Lois Brown and will be her responsibility.

VOTE: Farrell makes a Motion to confirm the SB vote of August 9, 2023 to approve a design proposal by Gale Associates for the Shutesbury Elementary School; 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 confirm the SB vote of August 9, 2023 to approve the application for a design grant for the Dudleyville Dam submitted on behalf of Lois Brown; Makepeace-O'Neil moves, Stocker seconds. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

6. Appointment of two new members to the Web Committee: Joyce Braunhut and Greg Caulton were appointed to the Shutesbury Web Committee.

VOTE: Farrell makes a Motion to appoint Joyce Braunhut as a member of the Web Committee; 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 appoint Greg Caulton to the Web Committee; Makepeace-O'Neil moves, Stocker seconds. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

7. ConCom Legal Spending Update: There has been some discrepancy in terms of legal expenditures. Farrell asks the TA to put all the bills together to help get this issue straightened out. Mary David from ConCom asks if the SB approved the funding for the scope of services to review the regulations by Attorney Goodman of Cain Hibbard. Makepeace-O'Neil read through the scope and notes the scope of services includes billing for "certain costs and out of pocket disbursements" which the SB did not take into account when voting. The TA indicates this is very common in legal billing and feels it is reasonable. In regards to the gift account for ConCom the SB needs clarification from the donor in regards to how the money is expected to be used. DeFant is supposed to discuss further with the donor and report back to the SB.

VOTE: Makepeace-O'Neil makes a Motion that in addition to the five hours previously approved we add the incidental expenses amount to that and to authorize one of the chairs to execute the agreement from Cain Hibbard; Stocker seconds. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

8. ECAC Community Choice Aggregation (CCA) Follow update: Nate Heard has done some research on bringing a consultant on board and has found there is no cost to the town at this stage working with energy brokers. Energy brokers only receive funds through the CCA contract through the arrangement with the energy supplier. There has been no response from Attorney MacNicol in regards to the MLP. DeChiara will be speaking to MacNicol on Friday and will ask her then. Heard also mentions that an RFP would not be necessary and most communities select their broker by talking with other communities. TA states Ch 30B does give leeway not requiring RFP's, however, doing an RFP may have some benefits to it. RFP's help you reach more people, you often times end up with a better product and it may give you some insight to what contracts that person has put together and allow you to look at their work history. The TA suggests sitting down and talking about it more. Farrell thinks there might be a different way to evaluate without going through the 30B process. Heard is asked to explain what a CCA is. Heard explains when you receive your electric bill there are 2 charges one is for maintenance of your power lines and the equipment and the second charge relates to the supplier of your electricity. CCA allows the town to identify its own supplies which could be less expensive and could also increase the proportion of renewable electricity sources. The objective is to enhance the number of choices that community members have.

VOTE: Farrell makes a Motion to appoint Nate Heard as the point person working with the ECAC on CCA; Makepeace-O'Neil moves, Stocker seconds. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

9. Legal Review of the Culvert/Drawdown Violation Order: ConCom has issued a violation letter to the SB. The letter combined the permit for the culvert as well as the winter drawdown. Gregor McGregor has provided a quote of \$3,500 to review the violation for the town and to help the SB understand it while also making sure the town is in compliance with the notice. The review will include all the permits involved and the 2018 permit on the drawdown. Special counsel is needed as town counsel Donna MacNicol has recused herself. McGregor would like to speak with the TA and the dam keeper and review all the guiding documents that were in place. McGregor will review the MOU and its validity as it was not signed by the SB and the 2018 permit. Both documents are silent on the regular maintenance of the dam. Mary David from ConCom asks if the SB has a scope of services for what McGregor will be doing and will he also help with the NOI? Farrell indicates McGregor will be addressing the violation notice. Amanda Alix feels the SB could go directly to ConCom to straighten these issues out without involving McGregor. The TA has spoken with ConCom but has gotten limited answers. Jill Marland asks for clarification of the violation. TA states it refers to the drawing down of the lake as well as, a bucket of dirt spilled over, erosion control issues and there was a pile of asphalt that was to be removed but did not fit in the truck and it was left overnight uncovered. Marland thought the violation had to do with the amount of the drawdown in a short period of time that violated bylaws or state regulations.

VOTE: Farrell makes a Motion to approve the engagement of McGregor as special counsel for a total of \$3,500 to deal with the violation notice the town received from the ConCom; Makepeace-O'Neil moves, Stocker seconds. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

10. Town Administrator Updates – PFAS, School Roof, and Gasoline at Fire Dept. An additional POET was required in a house near the fire station. The house had been unoccupied earlier and has recently sold. A water dispenser and jugs of water have been delivered to the house and an appointment will be scheduled ASAP to install a dual poet. This reading does not enlarge the area and is not triggering additional testing. We are still waiting for the results of the latest testing at the fire station. The SES roof is nearing completion. Mary David attended the Lake Wyola Association meeting on Saturday and it was requested that the SB send out town wide communication regarding the culvert work.

Farrell Motions to Adjourn (7:33 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 letters to Joyce Braunhut and Greg Caulton

Documents and Other Items Used at the Meeting:

1. Locks Pond Culver Replacement Project Change Order Proposals;
2. Dam Removal Preliminary Design Services Application Form, Lois Brown;
3. Public Hearing Notice;
4. E-mail from State regarding Sale of Liquor on Sundays beginning at 10 am;
5. Petition for join or Identical Pole Locations;

Respectfully submitted,
Geneva Bickford,
Administrative Secretary

** A full version of the 8/15/23 SB meeting is available to view on the Town of Shutesbury’s YouTube page at: <https://www.youtube.com/channel/UC4ajoOcJsNzf5DBgMTZgcJA>