

Shutesbury Selectboard Meeting Minutes  
October 11, 2023 Virtual Meeting Format

Selectboard members present: Rita Farrell/Co-Chair, Melissa Makepeace-O'Neil/Co-Chair and Eric Stocker

Staff present: Becky Torres/Town Administrator, Geneva Bickford/Administrative Secretary

Volunteers & Other Staff present: April Stein, Linda Newcomb, Grace Bannasch, Devon Pelletier, Kristin Burgess, Nathaniel Masse

Guests: Penelope Kim, Tom Siefert, Gail Fleischaker, Diane Jacoby,

Farrell calls the meeting to order at 5:42 pm.

Agenda Review: As posted.

Public Comment: April Stein takes a moment to thank the SB members the town has. Having been a SB member Stein understands the complexities of what you are managing in this town and all that goes into it and Stein thinks the 3 SB members are doing an incredible job and wanted to open the meeting by saying that. Amanda Alix has more of a question than a comment and knows the SB is not going to answer tonight but would like to ask and request that the SB look into the matter she is going to ask about and report back at the next SB meeting in the form of an agenda item. Alix's question pertains to the Locks Pond Culvert project. In the section of the MAS Building and Bridge Contract labeled "liquidated damages" which infers that the town is entitled to recoup money if the contractor does not complete the work within specified time limits. The town can assess a specified amount to be paid by the contractor for each calendar day the work exceeds the original completion date and the town can also pursue "actual damages". Although this contract was signed in June 2021 the work was not begun until this past July. The original timeframe as of April 2023 was July 10 to the week of September 25, 2023. Alix found that on ConCom's website. Bypass problems arose and those dates were changed to "completing the work in September and October with potential final paving in early November" per a TA email dated August 16, 2023. It is unclear if the recent bypass failure on September 29<sup>th</sup> will result in further delays but the costs associated with shoring up the work site walls should be considered part of the damages, so my question is this, does this section put the onus on the contractor rather than the town for misjudgments made by the contractor regarding the dewatering at the Locks Pond Culvert project site and thus not hold us liable. Alix will email this question to the SB for the record. Diane Jacoby states of all of Shutesbury's town services, safe streets and trash removal are the most valuable to me and my family. Right now we do not have safe streets. Cars move way too fast on Leverett Rd. Crossing the street to get to my mail is challenging task because of the fast moving traffic. I normally drive the speed limit and I am routinely tailgated or passed by impatient motorists. Last week a motorist lost control of their vehicle, left the roadway and damaged my property. A neighbor's dog who lives around the corner from me on West Pelham Rd was killed recently by a speeding motorist. Next time it might be someone's child. Jacoby formally requests that the SB place a higher priority on road safety by instructing the Shutesbury PD to rigorously enforce the speed limits throughout our community. We need a police department who will patrol the roads to keep all of us safe. Jacoby thanks the SB for listening and for their immediate attention to this important matter.

Review of Minutes: None

**Discussion Topics:**

1. Police Officer Appointment: Appointment will be rescheduled.
2. Police Chief Response to Speeding Concerns: The police department has seen an uptick in speeding over the past couple of years. Chief Burgess has found that a number of people being pulled over on

the side roads are Shutesbury residents and those speeding on Leverette Rd and Cooleyville Rd are motorists passing through. The town does have 3 speed board signs on Pelham Hill Rd, Cooleyville Rd and on Leverett Rd. Chief Burgess and Steve Sullivan, Highway Superintendent, have been working together. Burgess and Sullivan have discussed the signage on West Pelham Rd and having more of a lit sign for the school while in session so that people know the speed limit is 25 mph. Burgess also discussed putting up signs around town similar to those in other towns where it is indicated "speed limit is X unless otherwise posted". Burgess and Sullivan also discussed going to the town to ask for another speed board sign. Burgess has had meetings with her officers and they have been issuing tickets as well as written warnings. It is at the officers discretion regarding ticketing. Speedbumps were discussed. There are some concerns regarding emergency vehicles and cost. Sullivan mentions in 2010 speedbumps were requested on Lakeview. Speedbumps do work and they are used at Halloween to slow people down between the Library and the Fire Station however people do not like them when they are in front of their houses. TA reminds everyone the speedbumps that were used in the past were not the right speedbumps. They were parking lot grade and never really designed for roadways. TA believes the right speedbumps would cost around \$25,000 each but does not have a quote. The highway department has replaced two signs with new posts and new reflective signage and moved them a little to make them more visible to motorists. The highway department will be replacing all of the faded signs in town hopefully before the end of winter.

3. Attorney MacNicol review of rooster complaint: No discussion.
4. Selectboard Wetland Bylaw Discussion: ConCom has approved new regulations and there is a draft bylaw posted on ConCom's webpage. Special Counsel highly recommended that the bylaw be updated. ConCom requested legal assistance to review the draft bylaw however Farrell has asked that all commissioners review the draft bylaw before having special counsel review as Farrell is unsure all commissioners have reviewed the bylaw after hearing the August 9 joint SB/ConCom meeting. The ConCom bylaw does not require a hearing as they are required for a zoning bylaw. The SB feels public education and a more public process is something that must happen. The bylaw can be approved at STM although McGregor did suggest the best place to pass the bylaw would be at ATM Farrell would weigh that against McGregor's advice that the bylaw needs to be updated ASAP. Once a new bylaw is approved at TM it then goes to the AG's Office for approval. The AG's Office has 3 months and they can tell you they are extending their time to review and that could push the new bylaw out at least a year. That means there could be a full year where Shutesbury has an outdated bylaw and a new set of regulations which could leave the town in a vulnerable position legally. Makepeace-O'Neil reminds ConCom that the bylaw will cover all 800 private property owners in town not just one and it should be written so that those property owners are able to use their property they have purchased and pay a mortgage and property taxes on. Stocker agrees with Farrell and Makepeace-O'Neil and states it should be done with full participation and should stay close to the MACC bylaw which has already been approved. Miriam DeFant, ConCom chair, states all commissioners have read the draft and have been supporting the process moving forward. DeFant states the draft posted is almost verbatim taken from the MACC model bylaw and any additional language added comes from MACC advisories that have been issued since they published the model bylaw. Farrell reiterates the bylaw needs to be discussed at a public meeting as that is the beginning of the public education process. The TA is concerned with a number of lingering issues in regards to septic questions and some other issues that need to be paired with the bylaw to be defensible. DeFant will bring this back to ConCom for review and then come back to the SB.
5. Selectboard Discussion about how to handle Constituent Request: The SB received a request from Sean Meyer regarding a federal initiative. Makepeace-O'Neil and Farrell feel this should be done through a citizen's petition at ATM. Makepeace-O'Neil and Farrell believes if the SB writes a letter it is for the whole town and that that is not necessarily the case, all towns people may not feel the same and therefore Makepeace-O'Neil and Farrell do not feel this would be appropriate for the SB. SB

recommends this be handled as a non-binding referendum brought forth as a citizen petition for annual town meeting.

6. Administrator Updates: The culvert pieces will be moved to the culvert site tomorrow morning at 6 am and they will be installed and seated. Two cranes are coming to town early in the morning. This past weekend after the rain the culvert was as close to perfect as we could have asked for. There was no additional water coming over the spillway. Last week the town was able to get emergency permitting through ConCom which allowed the dam keeper to lower the water at the spillway up to two inches below the spillway level which was enough to keep the water from overflowing. The original date for completion was November 12 and the official schedule went out to November 26. TA thinks it is likely paving will be done prior to that point. This past week there was an issue with the fire alarm. The TA was told that the power supply for our unit was unavailable due to it being too old but they did find a power supply and that has been repaired. The elevator company will be coming to do the elevator and lift inspection. There have been some issues with Shutesbury's trash and contaminated bags being thrown out. The TA is working with the trash hauler, Casella, Gary Bernhardt and Meryl Mandell to locate the source of the contaminated bags and solve this problem.

Farrell Motions to Adjourn (6:36 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.

Documents and Other Items Used at the Meeting:

1. MACC Model Bylaw;
2. Amanda Alix e-mailed statement for the record

Respectfully submitted,  
Geneva Bickford,  
Administrative Secretary

\*\* A full version of the 10/11/23 SB meeting is available to view on the Town of Shutesbury's YouTube page at: <https://www.youtube.com/channel/UC4ajoOcJsNzf5DBgMTZgcJA>