

Shutesbury Selectboard Meeting Minutes
October 24, 2023 Hybrid 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: Mary David

Guests: Jill Marland, Mary Lou Conca, Karen Tarlow, John Montanari, Michael Hootstein, Leslie Luchonok, Mike S., Tom Siefert, Frank McGinn, Diane, Jared Collins

Farrell calls the meeting to order at 5:37 pm.

Agenda Review: As posted.

Public Comment: John Montanari discussed during public comment his concerns with the Black Lives Matter poster as well as current worldwide events.

Review of Minutes: Minutes of August 29, 2023, September 12, 2023, September 26, 2023, October 11, 2023 and October 16, 2023 were approved.

VOTE: Farrell makes a Motion to approve August 29, 2023 minutes; Stocker seconds. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

VOTE: Makepeace-O'Neil makes a Motion to approve the September 12, 2023 minutes; Stocker moves, Makepeace-O'Neil seconds. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: abstain; the motion carries.

VOTE: Farrell makes a Motion to approve the September 26, 2023 minutes; 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 October 11, 2023 minutes; 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 October 16, 2023 minutes; Stocker seconds. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

Discussion Topics:

1. CR for West Quabbin Woodlands Conservation Area – SB signature needed: This is a conservation restriction that had to be approved by the state. There have been no changes and needs SB signatures.

VOTE: Farrell makes a Motion to approve the Conservation Restriction for the West Quabbin Woodlands Conservation Area; Stocker seconds. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

2. Selectboard Representatives for Negotiation Teams for the Police Union Contract and Town Administrator Contract: The Town Administrator Contract as well as the Police Union Contract are up for negotiation. There will be one SB member, one Personnel Board member and one FinCom member involved in negotiations. TA suggests that negotiations get started as soon as possible as the Police Department are all new. Farrell suggests and the SB agrees that a strategy session is needed especially when discussing the TA contract. Strategy sessions will be scheduled for the next SB meeting and TA will send current contracts before the meeting.

3. Follow up on Selectboard Speeding Discussion: Stocker requested this be discussed because there were a lot of upset citizens at the last meeting regarding the speeding issue in town. Stocker would like to discuss forming a committee that would include fire, police, highway and a couple of townspeople to discuss ideas. TA suggests that this start as a working group rather than a committee and then the group will report back to the SB. Discussions took place regarding the old Roads Committee. The TA feels new information would be helpful and thinks it would be good to solicit more information from a number of groups especially DOT. Stocker suggests maybe asking Meryl Mandell to help if she is willing. The SB nominates Stocker to be the SB representative.

VOTE: Makepeace-O'Neil makes a Motion to create a speeding brainstorming group a/k/a working group; Farrell moves, Stocker seconds. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

4. Discussion of upper limit for the number of participants at Zoom meetings: Currently the zoom meetings can have up to 100 people in attendance. The participant limit had been increased to 500 for a ConCom meeting and there was not 500, or 100 people in attendance. The limit can be raised on an as need basis. The cost for 100 people in attendance is \$116. The cost to increase the participant limit to 500 is \$50 bringing the total monthly cost to \$166 if the participant limit stays at 500. The SB agrees with raising the limit on an as needed basis and asks that committees and boards make the TA aware when the limit needs to be increased.
5. Town Administrator Updates: Donna MacNicol ("MacNicol") has reviewed the contract received regarding the guideboard contract. MacNicol has advised the TA that the contract is extreme. MacNicol had the TA strike the entire indemnity paragraph and the liability transcripts and reports. MacNicol is clear, at no point does the Town give up its right to work products and documents that the Town paid to have produced. MacNicol also added Paragraph 8, Use Limitation, owner shall own transfers. MacNicol is clear she was not ok moving forward without those changes. TA will reach out to the Williamsburg Art Conservation regarding the contract changes from MacNicol. Chief Czerwonka has submitted a new grant proposal application for an Automatic External Defibrillator ("AED"). Czerwonka has found that the AED's in the trucks are much older than they should be. ConCom has asked for the support of the SB to have the Highway Department to work on the parking area at the West Quabbin Conservation Area. TA has asked ConCom for diagrams and/or specifics of the location and what they want done so the TA can work with the Highway Department to figure out if they need to go out to bid for parts of it and what parts our Highway Department can do. This is being funded by the CPA Grant. The MVP Action grant has come out early and the deadline for Letters of Interest is December 15. ECAC has already received the materials from MVP. The TA spoke with Andrew Smith ("Smith"), Shutesbury's MVP representative. Smith suggested Shutesbury look at getting an all-electric pickup truck capable of backing up and keeping the library generator going using the truck. Smith indicated it would include the purchase of the truck as well as paying for part of the solar. Smith did suggest that Shutesbury request that all the solar be covered rather than just part of it. Makepeace-O'Neil reminds the SB of the issues with the all-electric trucks as they are not living up to peoples standards. Smith recommended one truck. Smith said the main reason for Shutesbury's MVP grant application failed was because storage was not identified as part of the application. The generator was removed from the new library building design due to cost. If there was a fire at the Wheelock solar site the fire department would not be able to put a fire out. They would only be able to make sure it doesn't spread due to the lithium. The town can present two ideas to MVP and the TA believes applications are not due till May. There was an inspection on Wednesday for the elevator and lift at town hall. The elevator has 2 issues. There is a vent in the shaft that should open and when testing the elevator during inspection it did not open. It was determined that the fire alarm software is not working. The SB needs to consider STM. STM should happen in mid-January. There is a growing list of concerns. Legal funding was increased however the town is going through those funds quickly and it is likely the SB will need to request additional legal funds. The ConCom

bylaw also needs to be addressed. Holding the STM in mid-January would give ConCom ample time to educate the community. The gasoline at the fire station needs to be addressed as well. A letter was received and the TA will forward that to the SB regarding the gasoline at the fire department. DEP is stating the town needs to prove that we are in compliance or we are non-compliant. The current numbers are not sufficient to keep a temporary solution status for the Town. The TA has a meeting scheduled with Jeffrey Arps (“Arps”) for Friday. Makepeace-O’Neil discusses STM being done as a Hybrid but TA will need to discuss with the moderator to see if he feels as though he can handle it in that format. Farrell asks about the PFAS loan and TA states MacNicol and Greg Devine (“Devine”), Clean Water Trust representative, were working through an issue where MacNicol was not able to sign off on a document which has now been resolved. The TA and Administrative Secretary will have to send letters out to all homeowners whose houses have been tested. Once those are sent copies will go in the final application. The turnaround time will be about one month. TA advises the SB the town will be required to test not just the homes that tested positive but all homes that were tested. Testing needs to be done quarterly for the next year and the town will need funds for that. Farrell asks that Arps attend a SB meeting to do a check in and possibly give an indication on how much it is going to cost. MacNicol has not advised the TA on the solar gift account and TA will follow up. In regards to the MAS Contract MacNicol was clear that you don’t address liquidated damages until you get to the end of the project. Most issues we have run into have been weather related issues or issues with National Grid and those are out of the contractor’s control. In this situation MacNicol was adamant that this is not a liquidated damages situation and that our contractors did a very good job.

VOTE: Farrell motions that the SB approve the submission of an application for an AED through the Commonwealth of Massachusetts Executive Office of Public Safety and Security. Stocker second, Farrell aye, stocker aye, melissa aye.

Makepeace-O’Neil Motions to Adjourn meeting (6:32 pm) and to enter Executive Session and to not return to open session for Reason #1. To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual, in this case Becky Torres, the Town Administrator; Farrell moves and Stocker seconds. Roll call vote: Makepeace-O’Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

Administrative Actions:

1. TA to follow up with MacNicol regarding solar gift account;
2. TA to follow up with town moderator regarding STM; and
3. Admin Secretary to mail letters regarding PFAS testing.

Documents and Other Items Used at the Meeting:

1. Zoom invoice; and
2. Conservation Restriction.

Respectfully submitted,
Geneva Bickford,
Administrative Secretary

** A full version of the 10/24/23 SB meeting is available to view on the Town of Shutesbury’s YouTube page at: <https://www.youtube.com/channel/UC4ajoOcJsNzf5DBgMTZgcJA>