

Shutesbury Selectboard Meeting Minutes
December 5, 2023 Hybrid 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: Attorney Amanda Carol, Donna MacNicol, Attorney Adam Costa, Attorney Brian Maser, Ronald Meck, Grace Bannasch, Paul Lyons

Guests: Joyce Braunhut, Susie Mosher, Select Board Meeting Room – Town Hall, Sarah Robertson, Gail Fleischaker, Leslie Luchonok, Mary David, Shannon's Dad, Jill Marland

Farrell calls the meeting to order at 5:32 pm.

Agenda Review: As posted.

Public Comment: NONE

Review of Minutes: Minutes of October 24, 2023 were approved. 1st sentence for the last time needs to be in quotes, Hamas' attach should be corrected to read attack. Extract comments and just attach copy of comments that TA will get from commentor.

VOTE: Makepeace-O'Neil makes a Motion to approve the October 24, 2023 minutes as amended; Stocker seconds. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

Discussion Topics:

1. Ron Meck Rooster Noise Complaint Discussion: Ronald Meck and Attorney Amanda Carol are here to discuss with Town Counsel Donna MacNicol and the SB the noise complaint regarding a neighboring rooster. The SB will send a letter to the other party involved suggesting mediation as a way to reach a solution to this issue.
2. Appointment of part-time temporary plow operator: Michael Reskie was appointed as a part-time temporary plow operator for the Town.

VOTE: Farrell makes a Motion to Michael Reskie as a part-time plow operator; Makepeace-O'Neil moves, Stocker seconds. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, Farrell: aye; the motion carries

3. Review Special Town Meeting Warrant for January 16, 2024: The warrant for Special Town Meeting was reviewed. There was discussion around the posting timeline. The warrant will need to be completed and approved by 12/19/23. Mary David asks where McGregor stands with reviewing the draft bylaw. The current draft on the website is the most recent draft and no other changes have been made to it.
4. Town Administrator Updates – PFAS, Gasoline Clean UP: TA reads Donna MacNicol's email response (see attached) regarding gifts for legal donations for the Cows lawsuit and a ConCom request. PFAS testing is continuing. Sam Evans from Tighe & Bond will be contacting residents to schedule time for testing. Farrell reminds the TA of the December 15 deadline for letters of interest for the MVP grant. There was discussion about the battery backup and it was suggested that the town be vague about the backup.

Farrell Motions to go into executive session at 6:35 pm for Reason #3 to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the governments litigating position. Litigation specific to Complaint received from Cowls regarding the Shutesbury Solar Bylaw with Town Counsel and Special Counsel and to return to open session. Makepeace-O'Neil seconds. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

Farrell Motions to into executive session at 7:10 pm for Reason No. 3, to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the government's litigating position. Litigation specific to letter received from Attorney McHale on behalf of a board member and to return to open session; Makepeace-O'Neil moves and Stocker seconds. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

Farrell Motions to into executive session at 8:00 pm for Reason No. 2 To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel; in this case the Town Administrator and to not return to open session; 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. Letter to be sent to opposing party in Ronald Meck rooster noise complaint.

Documents and Other Items Used at the Meeting:

1. Draft October 24, 2023 SB Meeting Minutes;
2. McGregor, Legere & Stevens PC Fee Agreement; and
3. Draft Special Town Meeting Warrant.

Respectfully submitted,
Geneva Bickford,
Administrative Secretary

** A full version of the 12/5/23 SB meeting is available to view on the Town of Shutesbury's YouTube page at: <https://www.youtube.com/channel/UC4ajoOcJsNzf5DBgMTZgcJA>