

Shutesbury Selectboard Meeting Minutes
April 9, 2024 Hybrid Meeting Format

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

Staff present: Rebecca Torres/Town Administrator

Volunteers & Other Staff present: Paul Lyons (zoom), Jim Hemingway (zoom), Jim Walton (zoom), Gayle Huntress (zoom), Carl Lounder (zoom), Ajay Khashu, FinCom Chair (in person), April Stein (in person), Susie Mosher (in person), Bob Groves (in person), George Arvanitis (in person)

Guests: Tracy McNaughton (zoom), Tom Siefert (zoom), Mary David (zoom), Frank McGinn (zoom), Sharon Weizenbaum (zoom), SB Meeting Room (zoom), Mike S. (zoom), Joseph's Ipad (zoom), Jon Lawless (zoom), Amanda Alix (zoom), Jane Costello (zoom), Diane (zoom)

Makepeace-O'Neil calls the meeting to order at 5:34 pm.

Agenda Review: As posted.

Public Comment: Sharon Weizenbaum is confused as to why the Review of ConCom regulation fees is on the agenda as her understanding is that is in the jurisdiction of the ConCom. Makepeace-O'Neil states it has to do with the fees not the regulations and the SB approves fees set forth by the ConCom. Weizenbaum disagrees.

Review of Minutes: The minutes of March 26, 2024 were approved.

VOTE: Makepeace-O'Neil makes a Motion to approve the March 26, 2024 minutes; Farrell moves, Stocker seconds. Roll call vote: Farrell: aye, Stocker: aye, and Makepeace-O'Neil: aye; the motion carries.

Discussion Topics:

1. Selectboard (SB) Review of new ConCom Regulation Fees: The SB approves the new Conservation Commission Regulation Fee's as submitted.

VOTE: Farrell makes a Motion to approve the new ConCom Regulation Fee's as submitted by the Shutesbury Conservation Commission; Stocker seconds. Roll call vote: Farrell: aye, Stocker: aye, and Makepeace-O'Neil: aye; the motion carries.

2. Broadband request for Indefeasible Right of Use (IRU) Agreement for long term lease of interconnect point for Crown Castle substation: The Indefeasible Right of Use ("IRU") is a common agreement between broadband and internet companies to allow use of their lines. New Salem will pay Shutesbury a fee (see appendix 3 for details). This is similar to the agreement with Leverett. Shutesbury will not be held liable for any downtime experienced. Town Counsel reviewed and approved the agreement as well as the MLP Board.

VOTE: Farrell makes a Motion to approve the Indefeasible Right of Use Agreement for the long term use of the interconnect point for Crown Castle Substation with the Town of New Salem; Stocker seconds. Roll call vote: Farrell: aye, Stocker: aye, and Makepeace-O'Neil: aye; the motion carries.

3. Review Third Draft of Annual Town Meeting Warrant (ATM) and first review of the Budget: FinCom voted unanimously to recommend Article 3, Article 4, Article 5, Article 6, Article 7, Article 9, Article 11 and Article 12. Article 8 discussion was had regarding a public hearing and FinCom not having reviewed this Article before the meeting. Fine Com voted to recommend Article 8. Article 10 discussion was had regarding the amount of work Walter does and the revolving fund which has not

existed in the past. FinCom voted to recommend Article 10. Article 12 discussion was had regarding the 2nd request to Clean Water Trust for additional funds. A quote has been received from Tighe & Bond for \$105,000 for the upcoming 2025 year. Article 13 discussion was had regarding the amendment to include transferring \$70,000 of free cash and \$20,425 from the Septic Betterment Fund. FinCom voted to recommend Article 13. FinCom voted unanimously to recommend Articles 15 through 19. Article 20 FinCom voted unanimously to recommend Article 20. Article 21 and 22, FinCom voted unanimously to recommend Articles 21 and 22. Article 23 FinCom voted unanimously to recommend approval of Article 23. Articles 24 and 25, FinCom voted unanimously to recommend approval of Articles 24 and 25. Article 27 indicates it is being sponsored by the SB and it should be sponsored by ECAC.

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

4. Review appointment of Cemetery Groundkeeper: The SB appointed Carl Lounder as the Cemetery Grounds Keeper.

VOTE: Farrell makes a Motion to appoint Carl Lounder as Shutesbury's Cemetery Grounds Keeper. Stocker seconds. Roll call vote: Farrell: aye, Stocker: aye, and Makepeace-O'Neil: abstain; the motion carries.

5. Review State Earmark Documents for Signature: The Earmark Documents are regarding the school roof. The balance of the funds will be used to complete the trim and painted needed. The SB needs to sign the Authorized Signatory, the Commonwealth Contract and the Addendum.

VOTE: Farrell makes a Motion to execute the State Earmark Documents for \$200,000; Makepeace-O'Neil moves, Stocker seconds. Roll call vote: Farrell: aye, Stocker: aye, and Makepeace-O'Neil: aye; the motion carries.

6. Review Clean Water Trust Documents: Clean Water Trust documents were discussed earlier in the meeting.

7. Contract Review for the Shutesbury Elementary School Exterior Trim and Siding Repair, surface preparation and painting: The SB received several bids. All bids were reviewed by Gale Associates who recommended Shutesbury work with Santos Construction. Santos Constructions bid came in at \$100,001.

VOTE: Farrell makes a Motion to approve the contract for Santos Painting for the elementary school exterior trim, siding repair, surface preparation and painting; Makepeace-O'Neil moves, Stocker seconds. Roll call vote: Farrell: aye, Stocker: aye, and Makepeace-O'Neil: aye; the motion carries.

8. Selectboard response to an Open Meeting Law Complaint: An OML Complaint was filed by Amanda Alix regarding executive session minutes. Town Counsel, Donna MacNicol has reviewed the complaint and has determined the SB is not in violation as they are regarding a personnel matter. SB members signed the response.

9. Town Administrator Updates: Elaine Puleo reached out to the Energy Committee regarding the EV Chargers and ECAC advised that the original Livingstone proposal had been rescinded and that is not true. TA has was trying to reach Gail Fleischaker to talk to her about it but was unable to reach her. TA talked with Livingstone and they have updated their proposal with no changes and it is still in hand. If the library is very much in need of it TA proposes that the town look more closely at the proposal. TA will talk with ECAC. Stocker's sense was that most people who have electric cars and live in town charge their cars at their house not at the library. The electronic charging stations are

beneficial to people passing through town not for people who are living in town. Farrell asks to add EV Chargers to the 4/23 SB meeting to go through the Livingstone Proposal. The Leverett Fire Chief received a grant from the Collins Center to study regionalization and has invited Shutesbury, Wendell and New Salem. A meeting has been scheduled for 5/1 for TA's and the fire chiefs. Donna has been working to get a release of the funds from the Library Trust and has received word that funds can be released and used for the library building project. Farrell asks TA to put ConCom appointment on the next agenda and invite all 3 candidates to the next SB meeting. Stocker took the lead regarding the Lake Wyola storm water and is wondering if there is a way to get grant money. There is discussion regarding this being a possible MVP item. Stocker asks that TA invite Mark Rivers to the next SB to discuss further. The Emergency Management Team will have a meeting on May 8, 2024 at 6:45 pm at the fire station on the 2nd floor. Chief Czerwonka is now activated on the Code Red System.

Makepeace-O'Neil Motions to Adjourn (7:34 pm) and go into Executive Session for Reason #3, To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares, in this case threatened litigation, and to NOT return to open session; Farrell moves, 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 4/9/24 SB meeting is available to view on the Town of Shutesbury's YouTube page at: <https://www.youtube.com/channel/UC4ajoOcJsNzf5DBgMTZgcJA>