

Shutesbury Selectboard Meeting Minutes
July 29, 2026 Hybrid Meeting Format

Selectboard members present: Melissa Makepeace-O'Neil/Chair, Eric Stocker/ Vice-Chair, James Walton/ Board Member.

Staff present and Guests: Hayley Bolton: Town Administrator, Brennan Mailloux, Ronald Meck, Susan Millinger, Jessica Makepeace, Mary Jo Johnson, Jeannette Stockton, Rich Strangman, Bruce Hartley, Mary David, Scott Merzbach, Michael Miller, Tom Siefert, David Grenier.

Makepeace-O'Neil calls the Select Board meeting to order at 11:33 am.

Council on Aging call their meeting to order at 11:34 am.

Agenda Review: As posted.

Public Comment: No public comments made at the beginning of the meeting.

General Business:

1. Discussion of plowing of 12 Birch Drive.
 - a. Bolton started the meeting by providing a chronological overview of the dispute. Mr. Meck reached out to the Highway Superintendent in late December, then to the Town Administrator's office in early January. On January 5th, the town formally communicated it would not plow past the first knoll. A meeting was held in January with Rita (former Select Board member), Hayley, Mary Jo, Susan, and Mr. Meck. A site assessment was conducted in February, followed by a formal determination. Mr. Meck submitted a rebuttal, leading to ongoing back-and-forth.
 - b. It was stated that the Private Roads Policy was first created in 2001. It was updated in 2008. Discussion centered on the two versions of the town's private road plowing policy. The 2008 revision explicitly lists "Birch Drive to 1st Knoll" as the plowing endpoint. Johnson questioned whether the 2008 document was a true revision or merely a copy, noting the policy number was unchanged and that Section 6 requiring annual coordination between the Highway Superintendent and the Lake Wyola Association (LWA) was removed in the 2008 version.
 - i. It was clarified that policy revisions do not always require a new policy number unless the policy is substantially overhauled. It was also noted that despite Section 6 being dropped from the written policy, the practice of Highway-Lake Wyola Association coordination had continued informally.
 - c. Bolton read aloud a 2019 email exchange between Mr. Meck and then-Town Administrator Becky Torres. In 2019, a new contractor (David Boron) followed the official list and did not plow past the knoll. Mr. Meck complained, and after investigation, it was discovered that the previous contractor (Tommy Clark) had been plowing past the knoll for approximately 15 years without informing the Highway Superintendent.
 - i. Bolton contended that David Boron had correctly followed town policy in 2019, and that Becky Torres's decision to resume plowing was not binding on the town going forward, citing the legal principle that municipalities

cannot be compelled to continue unauthorized or mistaken actions of employees.

- ii. The town's legal position is that past errors do not obligate continued service beyond policy limits.
- d. Significant debate arose over what constitutes the "knoll" referenced in the policy and where exactly it is located on Birch Drive.
 - i. Johnson argued that a knoll is a hill, and the current stopping point is partway down a hill, not at a hill. She suggested Meck's house sits on what would more accurately be described as a knoll, with a utility pole at its base.
 - ii. It was acknowledged the term "knoll" is somewhat subjective and can describe a rise that goes down and back up. Noted the telephone pole has also been used as a reference point in policy documents.
 - iii. Meck repeatedly questioned what specific problem the knoll presents, arguing it is a "mythic word" with no clear justification for stopping plowing there.
 - iv. Millinger suggested the knoll should be defined by a measurable distance from the connecting road to eliminate ambiguity.
 - v. Makepeace-O'Neil agreed that redefining the knoll more precisely is worth considering.
 - vi. In conclusion, the definition of "knoll" remains contested and subjective. A more precise, measurable definition (e.g., distance in feet from the connecting road) was proposed as a potential improvement to the policy.
- e. The February site assessment involved Bolton, Mary Jo Johnson, Melissa Makepeace-O'Neil, Dave Grenier (Highway Superintendent), and Mr. Meck. The assessment resulted in a determination that the road was too narrow for a plow truck (measured at approximately 9–10.5 feet). This measurement was disputed.
 - i. It was stated that the road was measured at approximately 10.5 feet at the telephone pole location, narrowed by construction related to water drainage, and deemed too narrow for a plow truck (minimum 11 feet required).
 - 1. The width measurement was then disputed by Meck, as he stated an independent road measurement was taken, and found the road to be wider than reported. It was noted that David Boron had graded the road in November in preparation for plowing.
 - 2. Johnson confirmed that during the assessment, the tape measure was placed from one snow pile to another, not from the actual road edge to road edge, making the 9-foot figure inaccurate. She stated she did not see the measurement taken and only learned of the 9-foot figure when she read the determination letter.
 - 3. Hartley corroborated Johnson's account, stating that when they independently measured the road, it was significantly wider than what was reported.
 - 4. Bolton expressed regret that secondary measurements were taken without inviting town staff to participate, as this perpetuates conflicting data. She also stated that no safe turnaround point

requiring trucks to back out is the primary safety concern, citing Tim Hunting's 2019 assessment that backing a plow truck out is unsafe.

5. Meck countered that the bottom of Birch Drive is approximately 100 feet by 50 feet wide, sufficient for a truck to turn around, and that Clark Excavating did so for 31 years. He alleged David Boron is backing out rather than turning around as a personal choice.
 6. Grenier explained that his inspection was limited to the first knoll per the policy list and map. He noted that Dennis Clark stated he would not back his truck past the knoll due to safety concerns.
- f. Meck cited Massachusetts General Law Chapter 40, Section 6C, arguing that a town that agrees to plow a private road assumes a duty of care and may be liable for injuries if it neglects to do so adequately, including for emergency access.
- i. Bolton responded that Chapter 40 covers more than what was communicated, and that the town's legal counsel has advised that the town must follow its policy and is not bound by prior administrative errors.
 - ii. Bolton noted that plowing private roads carries significantly greater municipal liability than plowing public roads — residents have up to five years to notify the town of damage on a private road versus 30 days on a public road.
 - iii. Grenier highlighted the financial and operational burden of private road plowing, noting the Snow and Ice budget was \$93,000 over last year, partly due to doing more than policy requires. He also raised the risk of equipment damage and personal injury when backing trucks on narrow private roads.
 - iv. Johnson questioned whether the contractor's vehicle (not a town vehicle) would be covered under town insurance.
 1. Grenier clarified that the contractor's personal liability insurance covers his vehicle; however, the town still bears liability for damage to private road properties.
- g. Grenier provided his operational perspective on the challenges of private road plowing.
- i. Grenier explained he inherited the role with limited documentation, only Tim Hunting's files, policy lists, and maps and was still learning the scope of private road obligations. He described the operational risks: trucks getting stuck or flipping on private roads, the need to personally extract vehicles, and the impact on the town's three full-time highway employees managing over 30 miles of accepted roads.
 - ii. Grenier stated the current contractor (David Boron) is the most cost-effective option and knows the roads well; replacing him would likely cost four times as much.
 - iii. Grenier emphasized that the policy places significant pressure on the Highway Superintendent to make safety determinations, and that he is not acting out of hostility toward residents.

- h. Bolton proposed a community-based volunteer program as a supplemental or alternative solution, drawing on models used in other Massachusetts municipalities.
 - i. Bolton suggested the COA could lead a volunteer shoveling/snow clearing program, potentially funded through a LifePath grant, to address the needs of seniors who cannot clear their own access. She noted this approach would be townwide rather than person-specific, consistent with municipal obligations to treat all residents equitably.
 - ii. Walton agreed that goodwill-based community solutions are the appropriate path forward, noting that many residents on private roads already manage their own plowing privately.
 - iii. Siefert encouraged the town to include the full length of Birch Drive in the upcoming assessment and to identify specific mitigations that would make the road amenable to plowing, so that the LWA or road owner could act on those recommendations.
 - iv. Millinger raised the question of whether the town has a responsibility to ensure emergency vehicle access to all residents, including those around Lake Wyola. Millinger also raised the issue of how Mr. Meck was treated when plowing stopped, without advance notice, without explanation, and without his calls to the Highway Department being returned. She stated that regardless of the policy outcome, Mr. Meck deserved an apology for the abrupt cessation of service in the middle of winter without prior notification or adequate explanation.
 - 1. Stocker agreed with Susan's points and personally apologized, stating the manner in which plowing was stopped was not acceptable and that the town should apologize to Meck.
- i. Multiple participants noted that the LWA, as the owner of the private roads, has responsibilities under the policy that have not been fully exercised.
 - i. Bolton confirmed the town would provide the LWA with assessment findings and specific remediation requirements but noted that whether the LWA acts on those recommendations is outside the town's control.
 - ii. Johnson expressed concern that requiring turnarounds at the end of every LWA road would be highly unrealistic given existing property configurations.
- j. The Select Board discussed and reached a consensus on how to proceed.
 - i. It was stated the Select Board will adhere to the current 2008 policy pending the outcome of the comprehensive road assessment.
 - 1. Stocker agreed the policy should be followed as written, with the possibility of revision after the assessment is complete.
 - 2. Walton affirmed the policy is clear and that it is the Highway Superintendent's role to implement it; the Select Board should not micromanage operational decisions.
 - 3. Bolton confirmed the assessment report will be completed in August, well ahead of September, and will include an addendum addressing what specific improvements would be required to resume plowing past the knoll on Birch Drive.

4. Grenier recommended the Select Board reassess whether private road plowing remains financially and operationally sustainable for the town going into FY2027.

2. Meeting Adjourned at 1:26 pm

Both the Council on Aging and the Select Board adjourned their meetings at 1:26 pm.

VOTE: Stocker makes a motion to adjourn the meeting, Walton seconds. Roll call vote Stocker: aye, Walton: aye, Makepeace-O'Neil: aye; motion carries.

Document and Other Items Used at the Meeting:

1. Private Road Policy
2. Birch History Summary
3. Final Determination Letter
4. Council on Aging Requests Letter

Respectfully submitted,
Brennan Mailloux
Administrative Assistant
Town Administrator/Select Board

** A full version of the 7/29/26 SB meeting will be available to view on the Town of Shutesbury's YouTube page: <https://youtu.be/JqGjKoxpJFc>

