

Shutesbury Select Board Meeting Minutes
August 11, 2020 Virtual Meeting Platform

Select Board members present: Melissa Makepeace-O'Neil/Chairperson, April Stein, and Rita Farrell

Staff present: Becky Torres/Town Administrator; Linda Avis Scott/Administrative Secretary

Guests: Howard Kinder/Gate & Dam Keeper, Ryan and Jennifer Zaveruha, Renee Richards, Meryl Mandell/Recycling and Solid Waste Committee (RSWC), Mary Anne Antonellis/Library Director, Leslie Luchonok, Penny Kim, Elaine Puleo, Denise Boyd, Paula Moore, Nancy Matthews, Mark Rivers/Lake Wyola Advisory Committee, David Perlmutter, Police Chief Dan Fernandes, Ken and Lauren Holt, Paul Lyons/Town Moderator, and Fred Steinberg

Makepeace-O'Neil calls the meeting to order at 5:31pm.

The 8.5.20 meeting was cancelled due to Tropical Storm Isaias.

Agenda Review: Torres: the SAC reopening will be considered at a future meeting.

Public Comment: Mary Anne Antonellis thanks the Select Board and Town Administrator for their service during a challenging time.

Discussion Topics:

1. Recycling Shed: Makepeace-O'Neil: the shed being considered is currently located at the elementary school. Torres: though posted on Craigslist, the shed has not been sold; a conversation between Mary Anne Antonellis/Library Director, Meryl Mandell/RSWC, and herself resulted in an idea for the Library to use the shed for items currently stored at various sites and suitable for storage in a shed; subsequently, Catherine Hilton and Noreen Pease spoke up about the Board of Health's need for storage as the Board's storage trailer is full; although the Board has temperature controlled items, they do have items that could be stored in a shed. Torres continues: the proposal is to give the current shed, that does not meet the RSWC's needs, to the Library and Board of Health; the RSWC will order the shed they wish for. Per Torres, the shed will be tucked in between trees on the side of the library; the Highway Department will clear the area and move the shed. The FinCom already approved a transfer to pay for the new RSWC shed and during the 8.11.20 FinCom meeting, Torres will inform the FinCom about the proposal to use the current new shed for Library and Board of Health storage. Torres to Stein's question: the new RSWC shed will come painted. Mandell: stain is recommended for the shed to be transferred. Antonellis will take responsibility for shoring up the shed with volunteer assistance. Farrell moves the Select Board support that the shed, originally purchased for the RSWC, be repurposed for Board of Health and Library use; Stein seconds the motion. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the motion carries.
2. Fire Department Personnel Action Form (PAF): Torres: Mark Foster has been the Fire Department's Engineer for quite a while; he has been working approximately 30 hours/week as a volunteer; Fire Chief Walter Tibbetts recommends Foster be paid for training and course attendance the same way the other volunteer firefighters are paid; Foster also does smoke detector inspections. Stein moves that Mark Foster/Fire

Department Engineer be paid for attending training and permit issuance; Farrell seconds the motion. Torres to Farrell's question: the Fire Department Engineer is not a new position; Foster will be paid for training and permitting; his role is administrative in capacity. Stein notes that the Personnel Board will sign off on the PAF. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the motion carries.

3. Review Municipal Vulnerability Preparedness (MVP) Report & 7.30.20 Forum: Stein states she was pleased with the consultants (Fuss & O'Neil), the process and the participants who offered thoughtful input; the result will be a useful document that may assist in gaining grants. Torres: prior to the event, the report was available online; ~ 25 folks attended the forum; the video and PowerPoint presentations are available for review by the public; the comments made during the forum and submitted subsequent to the forum are being incorporated into the report which will come to the Select Board for review. Per Torres, the result will be a comprehensive report that will assist Shutesbury in being better prepared for climate change. Farrell observes that the results of climate change are not unique to Shutesbury; this a regional, state and national issue and suggests the Town work with FRCOG to find ways to cooperate with other towns. Torres: at this stage, the State is focusing in on municipalities; towns vary in their ability to respond; the aim is to identify how people operate in their own communities, i.e. our waterways and roadways. Stein: Farrell's point is well taken. Torres: the next step will Select Board review of the final document followed by prioritization of projects.
4. Town Administrator Updates:
 - a. Per Torres, the Board of Health is working to establish an Emergency Dispensing Site in the event there is a need to dispense vaccines; to do so, the Board of Health needs to resume a prior agreement with UMass for an account and guidelines. Farrell moves and Stein seconds a motion to resume the agreement with UMass and the Shutesbury Board of Health. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye.
5. Review 7.28.20 Police Forum: Torres: the forum was well attended with 45 participants and very good questions were asked. Makepeace-O'Neil observes that Police Chief Dan Fernandes did well answering questions and Lyons did well moderating the questions; it was good to have Officers Marcus Johansson and Kristen Burgess introduced. Farrell: the content was very good; the department was introduced and questions answered. Stein appreciates the event and asks if any follow-up is needed. Fernandes reports receiving follow-up emails which are continuing the dialog. Farrell: if there are specific issues, there could be a ½ hour forum for Fernandes to communicate about the issue. Fernandes: there are no pressing issues; the issue was handled with the person who contacted him by email; the Zoom meeting format allowed for more folks to join in from the comfort of their homes.
6. Safety Concerns at the Red Moriarty Dam/Lake Wyola: Makepeace-O'Neil acknowledges the 7.10.20 letter from Howard Kinder/Gate & Dam Keeper, who is present and John Kinder/Assistant Gate & Dam Keeper; the letter raised concerns about activity at dam. Torres reports being asked why the dam has been blocked off; actually, there is a barrier for Kinder's parking place and new cones, placed by the Police

Department, to prevent parking. Howard Kinder summarizes the 7.10.20 letter by describing concerning activities: launching and docking watercraft on the dam, setting up tents/umbrellas/ shelters, not well supervised children running on the dam and bicycle skate board use on the dam. Kinder continues: there has been damage to the spillway concrete, picking up of rocks and putting them underwater and balancing on the downward side of the pipe; there is trash to pick up and Morse Hill has been bringing kayaks in and not using masks or social distancing. Kinder notes that fishing off the dam is okay. Kinder to Makepeace-O'Neil's question: the most frequent activity is swimming; overflow parking is being used for folks walking into the State park or using the dam area. Kinder's goal is for the Select Board to be aware of the situation and his concern about there being an accident. Kinder continues: the police officers have stopped and talked with folks. Farrell asks about policies. Kinder: there are five signs – "leave rocks alone", "danger of fall area" as the total dam is a spillway, the Board of Health COVID-19 sign limiting the number of people on the dam to 10 and requiring social distancing and mask wearing; there is a sign about aquatic life and large signs about dangers when water is being drawn – this area is marked for no swimming or fishing; there is a 4' wide stream/whirlpool area that will suck you against the dam when water is being drawn; this area is marked to keep people out. Kinder to Farrell's question: he usually visits the dam at least once/day, however, now goes twice/day to check the activity. Fernandes notes that the Police Department has not received any complaints from people on the dam; last year, there were problems with parking and rock throwing; there are more complaints at the State beach. Stein acknowledges that she has been swimming off the dam for years; competent adults use the area responsibly; are the choices to not allow anyone to use the area or is some use okay; this is an enjoyable part of the lake. Paula Moore appreciates Kinder's work and observes that she has witnessed DCR personnel sending people to the dam; the word is that this is where you can wait to get into the State beach; the Town could speak to the State about not sending people to the dam. Moore notes that she has observed commotion on the dam. Torres: DCR was sending folks to the old town beach which then became quickly crowded and the practice was stopped; DCR was also asked to not send people to the dam. Fernandes: DCR has limited hours and the Department has limited enforcement ability at the State beach. Elaine Puleo: there have been families playing in the cordoned off area; they do not seem to know what it means because the sign faces the water and you are already in the water when you see the sign. Puleo suggests better signage about the cordoned off area and the danger to jumping off the rocks; this is a place that locals have gone to for a number of years and used responsibly. Kinder: there is signage on the lake side and as you walk in on the southwest side; he talked with DCR earlier 8.11.20 as a kayaker was told he could take his kayak out at the dam. Denise Boyd thanks Kinder and the forum for conversation and suggests signage using an X to mean "no"; this would serve as a visual indicator that you cannot be in that spot. Boyd cites COVID fatigue and the need for thoughtful consideration and respects how Kinder has supported the group of regular morning swimmers. Makepeace-O'Neil supports the suggestions for a more visual signage. Stein recommends a buoy that says "danger". Ryan Zaveruha, an abutter to the dam, appreciates Kinder and those that respectfully use the dam area and notes, though, that it has been rough with a lot of use lately. Zaveruha emphasizes the need to reduce the number of people using the area and to prohibit parking in front of his house; suggests no parking signs though does support

local use. David Perlmutter notes that Zaveruha lives to the right of the dam and asks if there have been any injuries. Makepeace-O'Neil: none that the Select Board is aware of. Torres confirms that there have no injuries that she is aware of. Perlmutter: parking is restricted by cones on the north side of Locks Pond Road; the weekends are worse and there are four weekends to go in the season; consciousness has been raised and citizens can police the area; another step would be to close off access to the dam on weekends; the parking spaces were full last Saturday and Sunday however there were few people on the dam. Kinder: when water is not being released, you cannot get sucked in however, users of the area never know when a release is going to happen. To Makepeace-O'Neil's request to have police officers stop by the dam area more frequently, Fernandes will email his officers and ask them to stop by the dam area more often and will keep Torres advised. Makepeace-O'Neil emphasizes the need to have more eyes observing the situation. Stein to Farrell's question: the DCR closes after Labor Day. Kinder: DCR staff will not be opening the large parking lot. Farrell notes that it makes sense to have the Police Department do more frequent checks and suggests that to raise the level of the conversation, a letter from the Select Board to be sent to DCR stating the Board's serious concern that folks are being directed to the dam by DCR staff. Both Stein and Makepeace-O'Neil agree with Farrell's suggestion for a letter. To Torres' question, it is suggested the letter be sent to local DCR staff and DCR administration. Torres confirms that the plan to is to send a letter and work on visual signage. Torres will confer with Town Counsel Donna MacNicol about the suggestion to put out a flag when the gate is open though notes the need to not add pressure to Kinder's responsibilities. Makepeace-O'Neil thanks those who participated in the discussion for their input.

7. Special Town Meeting/Town Hall Reopening Plans: Torres: a special town meeting is needed because financial aid from the State came in higher than anticipated; the Town expected to have a 30% shortfall however, Shutesbury has been funded at 100%. Torres continues: the purpose of the special town meeting will be to amend the budget article only for the amount of free cash; if the warrant is signed, the meeting could be held 9.5.20. Torres: per Catherine Hilton/Board of Health, a short one article meeting could be held using both of the Board of Health tents. Torres confirms that there will be no other business. Torres: once the warrant is approved by Town Counsel, it will be ready for signing; the article will be worded so as to amend free cash from \$469,00 (the correct number is \$476,357) to \$220,000; if the reduction in free cash is not done, the additional funds will lower the tax rate. Farrell: if the funds are used to reduce the tax rate, doing so could cause a problem in future years. Farrell moves the Select Board schedule a special town meeting for Saturday 9.5.20; Stein seconds the motion. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the motion carries. Paul Lyons/Town Moderator confirms that he is available to moderate the 9.5.20 special town meeting.
1. Unanticipated Item: Stein moves and Farrell seconds a motion to approve the list of "Appointed Election Workers for 2020-2021" as written. Roll call vote: Farrell: aye, Stein: aye; and Makepeace-O'Neil: aye; the motion carries.

Administrative Actions

1. Select Board members have signed vendor warrants totaling \$75,507.85.
2. Select Board members have signed payroll warrants totaling \$97,235.17.
3. Stein moves and Farrell seconds a motion to approve the 7.21.20 meeting minutes as presented. Roll call vote: Farrell: aye, Stein: aye; and Makepeace-O'Neil: aye; the motion carries.

At 6:48pm, Stein moves and Farrell seconds a motion to adjourn the meeting. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the motion carries

Documents and Other Items Used at the Meeting:

2. "UMW-9 University of Massachusetts Substitute W-9 Form"
3. 7.10.20 letter from Howard Kinder/Dam Keeper and John Kinder/Assistant Dam Keeper
4. Appointed Election Workers for 2020-2021

Respectfully submitted,
Linda Avis Scott
Administrative Secretary