

Shutesbury Select Board Meeting Minutes  
February 16, 2021 Virtual Meeting Platform

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

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

All Boards Representatives: Michael DeChiara and Jeff Lacy/Planning Board, Ellen McKay/Tax Collector-FRCOG Representative-Capital Planning MaryAnne Antonellis/Library Director, Henry Geddes and Miriam DeFant/Historical Commission, Susie Mosher, George Arvanitis, Ajay Khashu, Bob Groves and Jim Walton/FinCom, Tessa Dowling/Land Use Clerk, Meryl Mandell and Gary Bernhard/Recycling and Solid Waste Committee, Catherine Hilton and Arlene Read/Board of Health, Gail Fleischaker/Web Communication Committee, Dan Hayes/Shutesbury School Committee, Gail Weiss/Town Accountant, Liam Cregan and Mary David/Conservation Commission, Andy Berg/Zoning Board of Appeals, Ryan Mailloux/Town Treasurer, Tessa Dowling/Land Use Clerk, Penny Jaques/Open Space Committee; Gayle Huntress/MLP Manager, Grace Bannasch/Town Clerk, Kevin Rudden/Administrative Assessor, Walter Tibbetts/Fire Chief-Emergency Management Director – Cemetery Commission,

Guests: Diane Jacoby and Mike Vinskey

Makepeace-O'Neil calls the meeting to order at 5:33pm.

Agenda Review: Torres requests the Select Board consider the FRCOG contract with the Town for \$2,000 to continue work on the Open Space and Recreation Plan update; the FinCom has approved this interim amount.

Public Comment:

1. Michael DeChiara/Planning Board responds to his recent emails to the Select Board - 1. "Request to Select Board to constrain staff re: solar involvement" dated 2.14.21: it seems highly inappropriate for the Town Administrator to have discussions with the solar farm developer specifically there was an email from Evan Turner/Amp Energy referencing the Town Administrator having asked about points of the zoning bylaw that are a challenge to the developer; as of yet, there are no solar farm applications before the Planning Board; going outside the process seems inappropriate. Makepeace-O'Neil: the Select Board requested Torres to gather information; the Select Board will be responding to his email. DeChiara: this activity is inappropriate in advance of applications. - 2. Regarding his 2.12.21 email to the Select Board, "A REQUEST regarding Amp solar and SB meeting", DeChiara requests Town Counsel be present for the Select Board meeting with Amp Energy representatives; because there are no projects yet, there is no urgency or need for a memorandum of understanding/MOU; it is not the Town's job to mitigate risk for the developer; a MOU could put pressure on the Planning Board; optimally, the Select Board should not go through with the MOU and it is too early to be having payment in lieu of taxes/PILOT discussions because no new projects have been approved; putting PILOT dollars in front of residents could compromise the public hearing process. DeChiara notes that the agenda did not identify what topics would be discussed under the item "Select Board Discussion"; per Open Meeting Law, topics need to be identified.

2. Jeff Lacy/Planning Board states that he shares some of DeChiara's concerns about the Town Administrator and Administrative Assessor getting into zoning matters with the solar developer and perhaps dispensing zoning advice; the Planning Board would be the ones to dispense guidance regarding zoning matters.

Unanticipated Topic:

1. Torres: the FRCOG contract, effective 3.1.21 itemizes the \$2,000 needed to fill the gap until the next fiscal year; if further grant funds are not available, Penny Jaques/Open Space Plan Committee will ask the FinCom for \$5,000 to finish the Open Space and Recreation Plan/OSRP update in the next fiscal year. Torres to Farrell's question: \$4,000-\$5,000 in grant funds were used from September to December then the grant expired; to maintain progress, \$2,000 is needed. Per Farrell: OSRP updates are not eligible for Community Preservation Act funds; the scope of work for the FRCOG grant is focused on public participation. Farrell moves the Select Board approve the Franklin Regional Council of Governments Agreement for Services by and between the Town of Shutesbury" for \$2,000 effective 3.1.21; Stein seconds the motion. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the motion carries.

**Discussion Topics:**

1. Town Administrator Updates:
  - A. Meeting Schedule Review: On 2.23.21, review police department process outline prepared by Farrell from 5:30-7:00pm; on 2.25.21 at 5:30pm, open ended meeting with Evan Turner/Amp Energy to review the MOU and municipal-private partnerships. Because Farrell cannot be present for the entire meeting, Torres will see if 3.1.21 and 3.3.21 will work with the relevant parties; the Planning Board will be included. During the regular meeting, 3.2.21, the Board will meet with the Personnel Board and FinCom about "cost of living adjustments"/COLA; the next regular meeting is 3.16.21.
  - B. Annual Town Meeting Date: It is noted that the Board did not vote to hold annual town meeting on either 6.5.21 or 6.12.21. Torres: Town Clerk Grace Bannasch used the 6.12.21 date to determine the town annual election timeline included in the upcoming issue of the *Our Town* newsletter.
  - C. All Boards Process: All agree to allow up to five minutes per sharing; the lack of a social hour is acknowledged. In light of this loss, Torres requests donut delivery!
  - D. Stein will draft the Select Board thank you for Police Chief Dan Fernandes.
2. Planning Board Associate Members: DeChiara refers to his document "Enabling Statute; Proposed Bylaw: Planning Board Associate Member" and notes that the bylaw wording needs to be updated subsequent to his conferring with Town Counsel Donna MacNicol. DeChiara: MacNicol affirmed the need for a definitive appointment process; having the Planning Board recommend appointments and the appointments made by a joint Planning Board and Select Board vote replicates the process by which boards make appointment recommendations to the Select Board and the process to fill a vacancy on an elected board. DeChiara continues: per MacNicol, appointments can be made at any time and, as well, both boards will be needed for the annual associate member appointments; if an

associate member does not show up for meetings or is inappropriate, they would not be re-appointed; MacNicol approved of the process for soliciting interested individuals being made widely available. Per DeChiara, the Planning Board will review the final draft of the proposed bylaw during their 3.8.21 meeting then send the final version to the Select Board for inclusion in the annual town meeting warrant. DeChiara to Stein's question: per MacNicol, it makes sense to have associate members be appointed members on an elected board. Farrell: if multiple special permit applications are submitted at one time, how would recusal work? DeChiara: Planning Board participation is based on each individual application; the challenge is that if a developer submits multiple applications at the same time, they could be approved automatically if the Planning Board cannot act in a timely matter; the updated fee schedule now includes costs for project management. DeChiara continues: the Planning Board now has the ability to hire someone to assist with project management paid for by the developer. DeChiara confirms this is different from peer review under Chapter 44 Section 53G. Torres notes that she has been in conversation with Land Use Clerk Tessa Dowling about her availability for additional work. DeChiara: it will be important to understand what current staff can manage and what additional assistance may be needed. Lacy states that this assistance would be a person acting in the capacity of a town planner and that he has received confirmation that §53G could be used. Torres asks for confirmation regarding the use of §53G. DeChiara: assistance with project management is allowable per statute. Lacy: Per Section 9.6 "Project Review Fees" of the *Town of Shutesbury Zoning Bylaw*, reasonable costs associated with project review will be paid for by the applicant per Ch. 44 §53G.

#### Administrative Actions:

1. Select Board members will sign vendor warrants totaling \$146,955.00.
2. Select Board members will sign payroll warrants totaling \$105,672.11.
3. Farrell moves and Stein seconds a motion to approve the 2.9.21 meeting minutes. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the 2.9.21 minutes are approve as presented.

#### All Boards Meeting

Makepeace-O'Neil welcomes everyone to the first virtual all boards meeting and thanks those present for their flexibility and willingness to maneuver during the pandemic. Stein and Farrell also thank everyone present.

Gary Bernhard/Recycling and Solid Waste Committee: the RSWC has had a pretty good year; due to pandemic restrictions, bag distribution was a little cumbersome though it was good to have the use of two sheds; changes in recycling rules have been posted to the Committee's webpage – shredded paper and aerosol cans are no longer allowed however clear plastic cups, egg cartons, and clean pizza boxes may now be included; a \$2,800 was received from DEP who agreed that use of the Leverett transfer station is a benefit; the arrangement with Leverett is a good thing, half way through the year, costs were covered and it was especially helpful since we were unable to have a bulky waste day; the new shed is coming along and will be available soon; the town recycled 197.44 tons: 92/cans and 105/paper, and threw out 551 tons of trash; recycling comprised 32% of the waste stream; our goal is to reach 50%, however, in terms of the rest of the State, we are doing well; through recycling, we saved \$15,000; the Leverett Coop will start selling trash bags again soon.

Andy Berg/Zoning Board of Appeals: The ZBA had big changes with Linda Avis Scott leaving as Clerk and now working with Tessa Dowling who is amazing; so far this year, we have considered three special permit application with one site plan review application being cancelled; due the increase in the *Daily Hampshire Gazette* costs for publishing legal notices and the increase in the number of words needed (virtual public hearing language), the ZBA has had to increase fees twice; there continues to be a vacancy for an alternate; the ZBA is working with the Planning Board on mutually agreeable zoning changes relative to Lake Wyola waterfront sites. Makepeace-O'Neil introduces and welcomes Tessa Dowling to the All Boards meeting.

Liam Cregan/Conservation Commission: Cregan was appointed in early 2020 and, after Penny Jaques stepped down, he became Chair; after Scott resigned, Tessa Dowling became the new Land Use Clerk; Robin Harrington joined the ConCom in the fall of 2019 with Miriam DeFant and Mary David becoming new members during the pandemic; the major work of the Commission continues to be the six Abbreviated Notice for Resource Area Delineation applications/ANRADs from Cowls requiring review of wetland boundaries; peer reviewer Emily Stockman/Stockman Associates was hired and wetland delineation revisions were required on all the ANRAD parcels: three off Pratt Corner Road (east, south, and west), one off Leverett Road, one off Montague/Carver Road, and one off Baker Road; thus far, Orders of Resource Area Delineation/ORADs have been issued for two of the Pratt Corner Road parcels and the ConCom expects to issue the ORAD for the Baker site next; the other ANRADs are in various stages of review; the Order of Conditions has been issued for the Locks Pond Road culvert replacement Notice of Intent; this project is likely to happen in summer of 2021; there have been septic replacements and tear downs in the lake district; Jaques filed a Community Preservation Committee/CPC application for funding to do a trail assessment, mapping, and trail rerouting in the South Brook Conservation Area; Jaques also wrote the Commission's FY20 annual report which will be posted once it is approved; this is a very busy time for the Commission.

Michael DeChiara/Planning Board: new Land Use Clerk Tessa Dowling is welcomed; there was a seamless transition after Scott resigned as Clerk; long-time Planning Board member Jim Aaron stepped down; the Planning Board and Select Board appointed Nathan Murphy to fill Aaron's vacancy until 6.30.21; after the Conservation Commission's ANRAD process is complete, the Board expects to receive five large-scale solar project special permit applications; no applications have been received as of yet; because the five anticipated projects will be a lot of work and the need for quorum in the case of recusals, the Board is able to have two associate members; a bylaw revision to include associate members will be included on the annual town meeting warrant; the revised fee schedule is on the Board's webpage; relative to the Municipal Vulnerability Preparedness grant and how to prepare for climate change, there have been some conversations about integrating climate change into the Master Plan.

Gail Fleischaker/Web Communications Committee: during the past year, the Committee's goals have been 1. To make navigation of website as easy as possible; menu tabs have been rearranged for clarity and a "How to..." has been set up to help newcomers; the Committee is open to suggestions to make the site welcoming to someone new to town and 2. To have the Town website as up to date and as accurate as possible, i.e., membership changes; let the Web Committee know if it is difficult to find things and about information that is needed.

Mary Anne Antonellis/Library Director: the Library, like everything else, has been and continues to be affected by the pandemic; the Library is closed however offers curbside pickup on Tuesday

through Saturday for items from the physical collection and the staff are working on ways to make the collection more available/searchable; online services continue to be expanded and offer audio and video streaming services; virtual classes are being offered; COVID-19 infection rates are being watched to determine when in-person visits may be possible; “WOW Library” provides email updates on new materials; “Padlets”, online bulletin board collections, are being created; the costs for fitness classes are covered by various grants along with co-sponsors, the Council on Aging/COA and the Friends of the Spear Memorial Library/FSML; anti-racism work began with a group read of White Fragility; the group met for ten weeks and plans to continue by watching topical films then choosing another book to read and discuss. Serving children and families has been harder; the staff has been working on choosing books for children; the story walks were enjoyed by children and adults and will resume in the spring; special weekly project kits were provided to interested children; the Library partnered with the COA and the Amherst Survival Center on a food delivery system for seniors 55 years of age and older; food is delivered once/month to the Library driveway after which volunteers bring the groceries to the recipient’s door; the FSML received generous support on Giving Tuesday; returnable bottles and cans continue to add funds; National Library Giving Day is coming in April; in the future, Station Eleven will be an upcoming community-wide read and the Library will be hosting a virtual visit with the author Emily St. John Mandel.

Jim Walton/Finance Committee: new member Melody Chartier is welcomed along with new experienced members Susie Mosher and George Arvanitis; other members include Bob Groves, Jim Hemingway, and Ajay Khashu; the impact of the pandemic has resulted in our doing business in a very different way and personal interactions are missed; given all we have been going through, the FinCom is in a good place; meeting preparation is challenging; the budget process is challenging and there is a lot of ambiguity, i.e., what will revenues be like; federal funding impacts the state which impacts local towns; as volunteers, our role is to see where the residents want to be regarding services and spending given financial insecurities; we are preparing for shortfalls; we did not have one in FY21 however, we continue to plan for surprises and to be ready; we aim to ensure we are not reacting to short term events and there are a lot of moving parts; the department budget reviews are almost complete and department heads are strong in holding expenses; as for revenue projections, we have the Governor’s first estimate for FY22 and federal funding looks fairly promising; the FinCom will be prepared for anything; the Town has done a great job spending our CARES Act funds.

Dan Hayes/Shutesbury School Committee: the plan is to be flexible, i.e., remote learning, opening for special needs and a phased in hybrid model; the School has been able to provide food services for students; the School Committee thanks the Building Committee, FinCom, Library and Board of Health who has been phenomenal; plans are always changing so consult the School website for updates; the School administration is appreciated for their hard work; the roof continues to leak and needs to be fixed; homeschool applications impact enrollment figures; because there is no longer a Union 28 central office in Erving, the administration has moved into each of the schools by dividing staff into different configurations which reduces costs and brings administrators closer to the students; thanks all for their support in bringing quality education to Shutesbury students.

Henry Geddes/Historical Commission: the members include Miriam DeFant/secretary, Janice Stone, Greg Caulton, Mary Lou Conca and Karen Czerwonka; the Commission is working on a number of historical issues, colonial and pre-colonial, however, the emphasis is on pre-colonial

at this point; Shutesbury is part of an extended region of ceremonial stone landscape sites; educational events include a current film series sponsored by the Nolumbeka Project; the Commission has been in touch with local tribal representatives; an ongoing project is to digitize historical holdings in the old town hall; part of the Commission's mandate is to review certain Planning Board special permits.

Rita Farrell/Community Preservation Committee: the Committee is co-chaired with Allen Hanson; the CPC oversees funding from the property tax surcharge that is allocated to four categories: Historic Preservation, Open Space, Community Housing and Recreation; the bylaw revision passed at annual town meeting downsized membership from nine to seven; it has been an active year, two final applications were submitted after being determined eligible for CPC funding. These applications will be discussed during the 3.4.21 public hearing held per Statute; during the hearing, uses for CPC funds and the applications both of which request use of Recreation funds will be considered: one, submitted by the Conservation Commission, is for trail mapping and rerouting of trails to avoid sensitive wetland areas in the South Brook Conservation Area; the second application was submitted by the Recreation Committee for a community garden to be built behind Town Hall; if the CPC votes to recommend these applications, they will appear on the annual town meeting warrant; CPA matching funds from the State and surcharge contributions result in just over \$400,000 in the uncommitted category which can be used for a project in one of the four categories; see photos on the CPC webpage for examples of how funds have been used; projects underway include the Habitat for Humanity house on West Pelham Road and the canoe/kayak launch at Lake Wyola (Top of the Lake Conservation Area).

Walter Tibbetts/Fire Chief, Emergency Management Director, Cemetery Commission: Fire Department calls decreased to 137 from 158 last year; we lost three firefighters and gained four for a total of eleven personnel however, five to six members do most of the calls; the current rescue truck body was installed on the new chassis providing a more stable platform and tool storage and was used extensively this year; the old chassis and an aluminum flatbed body with storage was turned into the brush fire response unit and the old brush truck was turned into a utility truck; the technology upgrade projects are coming to fruition and we expect to order the new radios sometime mid-March to April with the costs being mostly grant funded; all in all, we are bringing \$88,000 of radio service to the Fire and Police Departments. Cemetery Commission personnel has changed: Ray Cusson resigned in the spring and Janice Stone, having moved from town, ended her term at the beginning of February; new members Susan Millinger and Steve Sullivan were appointed 2.9.21 to fill elected terms ending 6.30.21; the CPC funded cemetery stone restoration project that has been in the works for several years has made progress – tree removal was accomplished and Historic Gravestone Restoration of New Salem completed restoration of eighteen historic gravestones and held a class as part of project during which fifteen volunteers learned how to do minor repairs and cleaning of gravestones. Tibbetts shares that a person on Cape Cod found a gravestone in their house which research revealed is a stone that was originally in the old section of the West Cemetery; it is now back in Shutesbury and, as part of the class, a new base was made and the gravestone reinstalled; during the installation, a clamshell was found right where the headstone was supposed to be; outdated Cemetery Commission policies being rewritten.

Ryan Mailloux/Treasurer: It has been a simple year as far as reconciliation is concerned with accounts balanced with the Accountant as of January; health insurance is the Treasurer's most time-consuming activity; an informative packet to educate employees is being planned.

Ellen McKay/Tax Collector, FRCOG Representative, Capital Planning: Thanks all who have been paying bills promptly and reviews payment options and requirements; just over 1% is outstanding from the first two quarters; those using the drop box are thanked, items are picked up and processed each day; encourages folks to call or email if there is an issue with paying bills. As FRCOG Representative, McKay congratulates Fire Chief Walter Tibbetts for his work on the new radio system; the FRCOG assessment for FY22 was reduced a little however, some fees for services have increased; FRCOG is involved with the Greenfield vaccine center; although it is expensive, there will be 100% reimbursement via FEMA; FRCOG is wonderful in dealing with the day-day changes relative to vaccine distribution. Regarding Capital Planning, there is one request pending more cost information for the school conference room door to the interior courtyard; the Committee is aware of the need for a new school roof and the Locks Pond culvert replacement; both of these are beyond scope of Capital Planning. Due to the pandemic an assistant tax collector was not hired.

Kevin Rudden/Administrative Assessor: The busy period for measuring new growth is coming up; there is a State mandate regarding personal property tax for electric utilities; housing sales are in a seasonal dip, however, were very strong through calendar year 2020 and sale prices were above assessed values; given this, valuations are expected to increase for FY22; there were only two abatement requests this year, last year there were about fourteen; a new PILOT has been negotiated with Sirius; the PILOT review with Temenos is in process; both parties are very agreeable to updating their agreements; the cell tower site property has been sold to the developer and the expectation is for the tower to be installed by 6.30.21 with at least one carrier; the tower with carrier equipment will be boost to new growth.

Gail Weiss/Town Accountant: Currently, she is on a maintenance schedule working with the Tax Collector and Treasurer to ensure accounts are balanced; the Accountant's busy period is June – December; she thanks McKay and Mailloux for their collaboration.

Gayle Huntress/MLP Manager: This has been an interesting first year of operations given that installation was accomplished prior to the pandemic; Steve Schmidt, Jim Hemingway and Graeme Sephton are thanked for their contributions to ensuring smooth operations; at 87%, Shutesbury has the highest participation for municipalities in the State; the survey response showed that 91% were satisfied or very satisfied with the service and 86% felt it is a good value for the cost; because the survey indicated that tech support needed improvement, we are working with Crocker to improve this; a new contractor has been hired to provide more timely new installations; the delay was also due to supply chain challenges so we have overstocked equipment; bandwidth use held steady until after March when it increased by 50% with much more available capacity; slowdowns in the home are likely due to in home network issues, there is an article on the webpage that offers suggestions for how to fix this problem; we worked with the school to use CARES Act funds to install connections for the remaining families with children and also provide a \$300 subsidy for others in town; the MLP's financial health is good; higher than expected profits will be used to pay down loans; broadband is self-sustaining and has no impact on taxes; after debt service is covered, reduction in fees will be considered.

Grace Bannasch/Town Clerk: Although delayed a bit this year, the annual street list has been mailed; the November election was immensely successful with an 89% turnout. Bannasch is starting to get ready for the local election; Secretary Galvin has issued some new legislation, that if passed, would establish same day registration and early voting for local elections; work to

adapt office procedures and easier to understand instructions for remote meetings are being developed. Bannasch notes that she is continuing to learn the work of the Town Clerk.

Catherine Hilton/Board of Health: As you all know, the Board of Health has sent out a lot of communications; this has been very busy year; at annual town meeting, voters approved joining the Pioneer Valley Mosquito Control District to provide monitoring services; Garrett Simonsen became a new member of the Board; Simonson is a public health consultant for planning emergency response; the Board receives Mohawk Area Public Health Coalition and DPH communications and sends them out to the Town; the Board has been consulting with everyone, i.e., the elementary school, library, church, Athletic Club, Temenos, and provided guidance for the election. Hilton explains the definitions for isolation and quarantine; member Arlene Read, a family nurse practitioner, is responsible for contact tracing and communication with the Contact Tracing Collaborative run by the State and Partners in Health; if needed, the Board has a backup contact tracer from a nearby town; weekly communications using Town Announce are sent out to residents; signing up for Town Announce is encouraged; funds from DPH were used to purchase equipment for an emergency dispensing site; the Board purchased the former RSWC shed and thanks Michael Broad who made it usable; the storage trailer is no longer needed and selling it would provide funds to restore the vaccine clinic revolving fund; as a local board, we do not have the capacity to set up a vaccine clinic however may be able to set up a drive through clinic through later in the year; Shutesbury's vaccine allotment is being pooled with other Franklin County towns for the larger clinics.

Linda Avis Scott/Council on Aging: Community luncheons and the Med-Ride transportation programs remain on hold; when Foot Care by Nurses, the agency that staffs the monthly in-person foot clinic program reopened in the spring, a home visit program was set up for existing participants; donations by participants to the cost of the home visit continue to be subsidized by our Executive Office of Elder Affairs Grant; to meet unmet needs, the home visit program is now open to new participants; as Antonellis explained, the COA co-sponsors fitness programs with the Friends of the Spear Memorial Library; there is one vacancy on the Council; vaccine information is provided as needed and we are grateful for LifePath's resources, our Area Agency on Aging.

Melissa Makepeace-O'Neil/Select Board: As the fiscal year began, the Board said good-bye to Elaine Puleo and welcomed new member Rita Farrell; in July, a police forum was held; Michael DeChiara assisted the Select Board with the Municipal Vulnerability Preparedness grant application process; at every meeting, the effects of the COVID-19 pandemic and town hall related business were considered; the annual classification hearing with the Board of Assessors was held; the annual licenses for the Shutesbury Athletic Club, although it remains closed, and Clark Auto Wrecking were renewed; thus far, there have been two meetings focused on the regional assessment method that included the School Committee and FinCom; a forum with the Police Chief and the public was held and the Select Board will be heading into discussions about the police chief position and related topics; with help from Torres, CARES Act funds have been well utilized; the Wheelock PILOT was finalized and the Sirius Community PILOT is in the process of being updated.

Torres announces that annual town meeting will be held 6.12.21. Stein appreciates all the work people are doing. Makepeace-O'Neil thanks all for coming and sharing and recognizes all the



work being accomplished; even with pandemic restrictions and the required adjustments, we are getting things done.

At 8:18pm, the meeting is adjourned.

Documents and Other Items Used at the Meeting:

1. DeChiara 2.14.21 email: "Request to Select Board to constrain staff re: solar involvement"
2. DeChiara 2.12.21 email: "A REQUEST regarding Amp solar and SB meeting"
3. "FRCOG Agreement for Services by and between the Town of Shutesbury – Scope of Work to Assist the Town of Shutesbury Update the Open Space and Recreation Plan"
4. "Proposed Bylaw: Planning Board Associate Member"

Respectfully submitted,  
Linda Avis Scott  
Administrative Secretary