

Shutesbury Select Board Meeting Minutes
April 27, 2021 Zoom 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
Other Town Officials present: Town Clerk Grace Bannasch, Administrative Assessor Kevin Rudden, Ralph Armstrong/Personnel Board, Officer in Charge Kristin Burgess, Police Officers Marcus Johansson and Taylor Boudreau, Don Wakoluk/Tree Warden, Mary David and Miriam DeFant/Conservation Commission, Susie Mosher and Jim Hemingway/Finance Committee, Bob Groves/Building Committee, Mary Lou Conca/Historical Commission, Michael DeChiara and Jeff Lacy/Planning Board, Gail Fleischaker/Web Communications Committee,
Guests: Meghan Gallo, Penny Kim, Marina Gurman, Leslie Cerier, Ziporah Hildebrandt, Siviva Levana, Cheryl Hayden, Mike Vinskey, Ria Windcaller, MaryJo Johnson, Susan Rice, Kate McConnell, Kathy Carey, Veronica Richter, Mary Thomas, David Leach, Joan Hanson, Sohan Tyner, Steve Schmidt, Sheila McCormack, Joe Trapani, Robert Seletsky, and Amp Energy: Andrew Chabot, Michael Larkin, Chris McDermott, and Camille Littlefield; there may have been other unidentified guests.

Makepeace-O’Neil calls the meeting to order at 5.36pm.

Agenda Review: No changes offered.

Public Comment:

1. Michael DeChiara/Planning Board refers to his 4.26.21 email (“For Tues: PB requests consideration of by bylaw by SB @ 4/27 mtg.”) and asks if the Select Board will be able to consider the proposed bylaw amendment to add a new “Section 3.6 Access to Use”. Makepeace-O’Neil: because the item is not on the 4.27.21 agenda, it will be considered during the 5.11.21 meeting.
2. Marina Gurman refers to Attorney Michael Pill’s presence at the 4.26.21 Planning Board meeting and his statement that the Town should receive one million dollars from Amp and his offer of free counsel to the Town. Gurman continues: Torres definitely wants this to happen, she should not be in this position and should not be serving this town; the Select Board is an older generation; should her child pay down the line for the failures of the Select Board who should be spending their time lobbying the State to protect the forests. Gurman refers to the Black Lives Matter banner on Town Hall: if you allow the destruction of nature by corporations and if you cannot get Amp out of town, take down the Black Lives Matter banner.
3. Jeff Lacy notes that the Town Administrator’s contract renewal is later on the agenda and, that due to the concern expressed, an opportunity for the public to weigh in is needed.
4. Ziporah Hildebrandt thanks Gurman for her statement and sentiment.
5. DeChiara reiterates Lacy’s comment and refers to his 3.24.21 email asking when the Town Administrator's contract would be discussed and notes the need for public input; DeChiara notes that the most recently posted Personnel Board minutes are dated 11.2019 and appreciates that the Town Clerk is working on this matter. Makepeace-O’Neil, as member of the Personnel Board: there are pending minutes to be voted on.

6. Leslie Cerier expresses concern about the difficulty she had finding the meeting link; and agrees with Gurman's comment; it is a disgrace what is going on in this town, what is the Town Administrator doing, our bylaws need to be upheld; they should not be in jeopardy just because Cows and Pill want them to go away; each of the proposed projects will be more than 15 acres; why should the town be trying to do a different type of certification; the more people at meetings the better.
7. Grace Bannasch/Town Clerk describes how to find Zoom links for public meetings.
8. Siviva Levana agrees with Gurman's comments and is concerned that a potential environmental disaster is being welcomed into our town
9. David Leach notes that he is new to town and heard that there may be a joint Planning Board and Select Board meeting; he welcomes this happening and emphasizes the need for more transparency about what is going on.

Discussion Topics:

1. Revote 3.16.21 Minutes & Explanation: Stein moves and Farrell seconds a motion to approve the 3.16.21 meeting minutes. Makepeace-O'Neil explains that these minutes were approved during the 4.13.21 meeting however doing so was not on the meeting's agenda. Makepeace-O'Neil continues: there has been a request to remove the ConCom discussion from these minutes; because the minutes equal the video and should be open and transparent therefore the minutes need to remain the same. Makepeace-O'Neil: regarding the argument that discussion of trespass orders needs to be in executive session, "no trespass orders" are part of the public record except in certain circumstances and appointments cannot be done in executive session per guidance from Town Counsel (3.31.21 Town Administrator email: "executive session question"). DeChiara thanks the Select Board for looking into his concerns and accepts Makepeace-O'Neil's observation about the video for the meeting equaling the content of the minutes. Roll call vote: Farrell: aye Stein: aye and Makepeace-O'Neil: aye; the 3.16.21 meeting minutes are approved as presented.
1. Police Department Appointment: Officer in Charge Kristin Burgess requests the Select Board appoint Meghan Gallo as a part-time officer; the goal is for the department to be fully staffed; one officer has left. Burgess continues: of the three applicants, Gallo was the best; after interning for the Leverett Police Department, she was appointed to the Leverett Department in the fall of 2019. Burgess has worked with Gallo on mutual aid calls; she is a knowledgeable officer able to bring down the tone; Gallo has part-time academy training and speaks Spanish which will be helpful during the summer when some of the visitors to Lake Wyola are Spanish speakers; as well, both Gallo and Burgess know American Sign Language (ASL); Gallo will be a fantastic addition to the team. Meghan Gallo states she has had the opportunity to work with Wendell on calls and also does animal control. Stein: what do you find most challenging? Gallo refers to the Police Study Group and notes that there is a police justice committee in Leverett. Gallo recognizes that she is fairly new to policing; we know we cannot make everyone happy; she is able to talk with people, treating them with respect, and helps calls run smoothly. To Farrell's question, Gallo explains that she attended the Springfield six month part-time academy in 2019, the same training Burgess went through; the part-time has limits as compared to the full-time academy. Burgess to Farrell's question: Johansson and

herself are full time officers; Officers Alves, Beaudry and Gallo will fill in slots through the week and cover vacations; if Gallo is appointed, the Department will be exactly where it needs to be, fully covered.

- Stein moves and Farrell seconds a motion to appoint Meghan Gallo as a part-time police officer. Roll call vote: Farrell: aye Stein: aye and Makepeace-O'Neil: aye; the motion carries.

Burgess: Gallo has experience and will be able to get going right away; there was one other applicant who was very good however had no experience and, because it is difficult to get experience, she would like to help. Per Burgess, Johansson backs her on the idea of having Sohan Tyner do a ride along unpaid internship; Tyner has ties to Shutesbury and is fluent in ASL, he is looking to into the National Guard and has volunteered with the Leverett Fire Department; he completed the part-time academy in April 2020. Tyner to Makepeace-O'Neil's question: he has been reaching out to police departments; Burgess is willing to give him the opportunity to be an intern and gain experience that he would like to accept. Stein: Shutesbury's Police Department has a history of auxiliary officers; this is a wonderful thing. Burgess: we have a wonderful team and this is an opportunity to train. Burgess to Farrell's question: Tyner will need to sign a waiver from all liability which will be completed for ride alongs. Torres: for ride alongs, an appointment is not needed. Makepeace-O'Neil thanks Burgess.

2. Conservation Commission Appointment: Stein reports receiving confidential information from Miriam DeFant; subsequent to receiving this information, Stein consulted with Town Counsel who advised Stein to recuse herself from this discussion. Farrell notes that this topic has gone on long enough and that the Select Board has heard from lots of folks in town.

- Farrell moves and Makepeace-O'Neil seconds a motion to appoint Don Wakoluk to the Conservation Commission. DeChiara reiterates that Don Wakoluk knows a lot; this is a complex field where experience and knowledge matters therefore, he recommends the Select Board say yes to the appointment and thank Wakoluk. Gurman: the procedure is that if the Conservation Commission recommends, the Select Board appoints; the reason for stalling, per Torres, is an exchange between Penny Jaques and Wakoluk; there should be no need to mention Wakoluk's character during the appointment process; he should be appointed unless Torres thinks he would get in the way of Amp deal. DeChiara, as a former Select Board member: the Select Board does not make a value judgement, if a committee recommends an appointment, especially unanimously, the Select Board needs to appoint; not doing so, could make the annual appointments problematic. Miriam DeFant, speaking for herself: Wakoluk has been attending meetings and has begun attending site visits. Cerier: Wakoluk's expertise is valuable, especially at this time, please appoint him. Mary David/Conservation Commission finds Wakoluk's experience invaluable; as she is a newer member, he is teaching her. Roll call vote: Farrell: aye, Stein: recuse, and Makepeace-O'Neil: nay; the motion does not carry. Makepeace-O'Neil offers her reasons for voting nay: there may be a conflict of interest as Wakoluk is Tree Warden, she also cannot put aside that Wakoluk has participated in conflict in other meetings; there is concern about heightened emotions and concern about appointing someone who has opposed solar projects in the past;

the real focus is on the conflict as Tree Warden and the Warden's role in advising the Commission. Cerier notes that she has learned a lot about the forest from Wakoluk and it means the world; she has heard from a Conservation Commission member about the benefit of having someone with his expertise; we could not do any better than Wakoluk. Makepeace-O'Neil: Wakoluk is still the Tree Warden and can assist the Conservation Commission; there is also a concern that Stein received information that caused her to recuse herself. Farrell recommends ending the discussion as a vote has been taken.

3. Police Study Group: Makepeace-O'Neil: those interested in serving as one of the three community representatives to the Police Study Group are in attendance: Mike Vinskey, Cheryl Hayden, and Ria Windcaller's five member group; Kevin Weir is not present. Grace Bannasch/Town Clerk recommends that, in order to avoid conflict with Open Meeting Law, two Select Board members, Office in Charge Kristin Burges for the Police Department, and one representative from the five women group be appointed. Torres to Farrell's question: if two members of the five member non-town committee group are appointed to the Study Group and they switch on and off that could result in an Open Meeting Law (OML) conflict. Bannasch concurs: the five members are a community group until the Select Board appoints members to the Study Group and OML comes into play; when we are doing business on the public's behalf, the public has a right to know what is being said; the most effective action is to appoint one person who can then report back to their group; one person cannot make a decision however, if two or more members of the women's group are appointed, they could make a decision outside the Police Study Group; it is important to be clear about who has the authority to act on the public's behalf. Farrell: this illustrates the need for a refresher course on OML which could be held with nearby communities. Bannasch likes the idea of a specific small town focused training and will look into it; the OML webinar is great and when the next one is scheduled, she will send out a Town Announcement. Makepeace-O'Neil asks the women's group to choose one member for appointment to the Police Study Group. Torres to MaryJo Johnson's question: a study group is a typical framework formed by the Select Board to act in an advisory capacity to do research and make recommendations; the Select Board will deem what to take from the recommendations; the Police Study Group does not have the authority to make changes to the Police Department. Torres and Bannasch reaffirm that working groups are subject to OML and suggests those with questions follow-up with either of them. Farrell, referring to the list of questions received by the community representative candidates, asks Mike Vinskey why is he is interested in serving. Vinskey: previous chiefs have indicated that a full time chief and a full cadre of officers may not be the best structure for Shutesbury; the current timing gives an opportunity for research. Vinskey, to Stein's question, offers to do research and legwork. Vinskey to Makepeace-O'Neil's questions: he is familiar with OML as a former Select Board member however is willing to take a refresher course and, as a retiree, has the time to participate. Cheryl Hayden to Makepeace-O'Neil's question: she is interested in serving and learning what the police do in Shutesbury in order to be informed; she has experience as a clinical researcher and is used to working with data; the group will need to look back to learn the kinds of functions the police have had. Hayden to Farrell's question: she recently moved

from Shirley MA where she served on the FinCom for seven years so is very familiar with OML. Hayden to Stein's question: she is retired and would like to serve. Makepeace-O'Neil asks the women's group who would be willing to serve. Bannasch to Kate McConnell's question: the best advice in terms of labor/time considerations is that the person appointed needs to attend, participate, and bring information. Torres suggests Johnson and McConnell call her to talk about where OML applies to the Police Study Group. Ria Windcaller: most of the five member women's group are not retired which adds a different perspective; our group is offering a larger bank of people and want two members on the Police Study Group with the other members of our group doing back end work. Windcaller suggests delaying the decision because it is important enough; as a group of five, we have a lot to contribute.

Makepeace-O'Neil: the Select Board would like the Police Study Group to get underway; the longer we wait, the longer the delay in getting started. Vinskey: because it is not a decision making group, it could be expanded to a larger number in order to increase community representation. Windcaller: it is the women's group's intention to attend the meetings anyway. Farrell: the study group is a public body therefore if two people discuss the group's work outside of the public body, they are in violation of OML. Stein: the women's group is tasked with choosing one member to serve on the Police Study Group. It is noted that Police Study Group meetings are open to the public. Bannasch again recommends further discussion about OML with individuals outside this meeting. Torres: the benefit of OML is to the public so they know what is going on; if more than one member of the women's group is appointed, the women's group would have to comply with OML which would change how they are working today which is why she and Bannasch recommend one person be appointed. Windcaller clarifies: one person is okay; two are problematic; their group will meet to choose who will represent them.

- Farrell nominates Cheryl Hayden to be a community representative to the Police Study Group; Stein seconds the motion. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the motion carries.
- Stein nominates Michael Vinskey to be a community representative to the Police Study Group; Farrell seconds the motion. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the motion carries. At this point, the third community representative position remains open.
- Stein nominates Officer in Charge Kristin Burgess to serve as the Police Department representative to the Police Study Group; Farrell seconds the motion. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the motion carries.
- Farrell nominates Makepeace-O'Neil to serve as a Select Board representative to the Police Study Group; Stein seconds the motion. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the motion carries.
- Makepeace-O'Neil nominates Farrell to serve as a Select Board representative to the Police Study Group; Stein seconds the motion. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the motion carries. To Hayden's question, Makepeace-O'Neil explains that Torres, as an ex officio member, will schedule the initial meeting during which members will plan their schedule. Appointment of FinCom and Personnel Board representatives remains pending.

4. Town Building Committee Charge & Process: Bob Groves/Chair represents the Building Committee. Torres: Groves has raised concerns about what the Building Committee's authority is and what they are involved in. Groves states he was not notified this item was to be on the agenda and notes that his concerns are addressed in his 3.30.21 email "Letter to Select Board". Groves continues: the Building Committee is charged with advising the Select Board on town building needs; in the past few years, the work of Building Committee has been side tracked and does not agree with decisions that have been made. (The Building Committee did not meet for fifteen months.) Groves: constraints on spending are an obligation to the tax payor; he and Jim Hemingway/FinCom have tried to be involved in school building concerns in order to help out. Groves, who also serves on the FinCom and Capital Planning Committee, states that the Building Committee should be involved as a manner of process and on behalf of the town; decisions should be reasonable and justified by facts. Per Groves, the Building Committee is seeking guidance on their mandate to make recommendations from the Select Board. Groves, to Stein's question, agrees that the last posted Building Committee minutes are from December 2019 and notes that there are minutes pending; due to the pandemic, the Committee has had difficulty meeting quorum because Bill Wells and Jim Aaron were not proficient on Zoom; Becky tried to get meetings scheduled; now that Wells is able to use Zoom, the Committee recently met and is functioning. Stein asks Groves about a resolution to the situation. Groves: recently, the School Committee asked the Building Committee to get involved however it would have been better if we were involved earlier. Groves to Stein's question: part of the delay was due to Covid access restrictions; Jeff Quackenbush and Michael Broad were involved with selecting the engineer for the school roof; the Building Committee should have been involved in the decision because he knows the roof conditions well. Groves continues: he has had disagreements with Torres and Principal Mendonsa on the replacement of the boilers; the current contractors have determined the boilers are perfect; previously, he and Hemingway determined that the boilers were not the problem. Groves to Stein: we would like to be involved and to make assessments before money is spent. Stein: during her past Select Board term, the Building Committee was asked to make an assessment of the Town's buildings. Groves agrees this would be helpful. Stein asks what would a solution look like. Farrell: part of the solution is to have a functioning Building Committee with members that can participate and make decisions as a group. In order to attain quorum, Farrell asks if the Select Board needs to address Committee appointments. Farrell continues: the Building Committee has a lot of responsibility; capital needs assessments including detail on the life expectancy of major systems is necessary and could be done by an outside firm; we need to have a plan of care for the Town's valuable real estate. Farrell would like to see the Building Committee and Select Board obtain this needs assessment using technical expertise. Stein: this was the intent years ago; such an assessment may be too much for a volunteer committee. Groves, calling attention to his thriftiness, does not want to hire out: we could get Committee members to do this work; it is important to know what is coming down the road; funding is being sought for work on the school heating system controls which will improve the building's air hygiene; Steve Sullivan, Building Committee member, is our liaison with the school. Farrell, noting that a consultant is a good investment given the value of the buildings, suggests a discussion with the Select Board and Building Committee; verification from members on

their willingness to participate in such a meeting is necessary. All Select Board members agree to meet with the Building Committee; Torres will schedule the meeting. The Board thanks Groves for attending.

5. Early Voting for June Town Election: Grace Bannasch/Town Clerk formally requests the Select Board vote to approve in person early voting on June 5 and 6, 2021 from 12pm-4pm each day for a total of eight hours; there will be two paid workers per shift. Per Bannasch, the purpose of holding early voting is to provide an opportunity for those who will not be able to vote on election day and may not be comfortable with mail-in voting; in office absentee voting is an option as well as; one weekend of early voting should be sufficient given the vote by mail option.
 - Stein moves and Farrell seconds a motion to approve early voting for the annual Town election to be held 6.4.21 and 6.5.21 for a total of 8 hours prior to the 6.12.21 election. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the motion carries.

Bannasch provides information about the process for voting by mail and requests those interested in volunteering to assist at annual town meeting send an email. Bannasch reports to the Select Board and the public present that after consulting with the Ethics Commission, she filed an ethics disclosure that she will conduct herself impartially and fairly given that a family member is on the ballot.

6. Treasurer Job Description & Town Administrator Contract:
 - a. Town Treasurer: Makepeace-O'Neil and Torres report that Town Treasurer Ryan Mailloux tracked his hours and approached the Personnel Board to increase the number of paid hours. Torres: his average was 29 hours/week, however, because he is still fairly new, the Personnel Board agreed to compromise and increase from 22.5 to 25 hours/week. Ralph Armstrong/Personnel Board Chair: the goal is to increase the hours to reflect the actual time spent doing work. Torres: pay for the additional hours will begin 7.1.21 and will assist Mailloux in meeting new requirements.
 - Stein moves the Select Board approve the change in the Treasurer's hours to 25/week; Farrell seconds the motion. Lacy: how does this compare to other treasurers? Torres to Lacy's question: the Treasurer's hours are comparable, i.e., Erving: 30, Ashfield: 23, Shelburne: 22.5, Warwick: 20; and Charlemont: 15; in some towns, the treasurer's role is in different combinations with other jobs and/or have assistants; some do not have responsibility for schools; Mailloux is also the benefits director for the school; there is no change in benefits as eligibility begins at 20 hours/week. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the motion carries.
 - b. Town Administrator's Contract: Stein/Personnel Board Select Board representative and Ralph Armstrong/Personnel Board Chair confirm that the Town Administrator's contract has been negotiated. Stein: the job description was reviewed and no changes were needed; during the prior review, the Town Administrator's responsibilities were increased to include the day to day supervision of all department heads. Per Stein, the Personnel Board used data from similar towns and compared Torres' salary in relation to those the Town Administrator supervises and recommends the salary be increased to \$70,000 in 2022; 2023 and 2024 will have COLA increases. Farrell states concern about

the size of the one year increase and suggests the Select Board wait to vote until there can be a discussion about the job description and performance as well as talking about meeting with department heads. Stein: the increase is not a bonus linked to job performance per se; it is about equity; there is a misalignment within our town as well as with the other town administrators; Torres is supervising department heads with \$70,000 annual salaries. Farrell: agrees there is a misalignment in town however this warrants further discussion and she is not prepared to vote at this time. To Makepeace-O'Neil's observation about the FinCom needing time to consider the budget, Torres notes the budget review will take place either 5.11.21 or 5.18.21. Makepeace-O'Neil: Town Counsel advised not to do performance reviews in an open meeting; last year, Covid made it challenging for the Personnel Board to meet; the plan is for representatives of the Personnel Board, FinCom and Select Board to conduct performance reviews in executive session. Torres to Farrell's request: pertinent minutes will be provided to Farrell. DeChiara acknowledges the need for executive sessions and suggests the Personnel Board or negotiation team request public input, especially for heads of departments; the Town Administrator is in a pivotal position and a direct report to the Select Board; without input, a decision is based on the thoughts of a few people therefore he recommends a one year contract. DeChiara to Makepeace-O'Neil: the year there were three contracts to negotiate, there ended up being little time to negotiate or ask for public input; a one year contract would provide time for input. Lacy concurs with DeChiara: this is a unique position with a lot of power to do things that elected boards cannot do; it is a pivotal position; right now, there are a lot of public concerns. Lacy would really appreciate the opportunity for input and thanks the Select Board considering this request.

Makepeace-O'Neil: for the last three years, there have been no comments about the Town Administrator's role; now, the comments in the last two months seem to be related to an issue. Stein notes the need for the Select Board to address the comments made about Torres and the tenor of the comments made during this evening's public comment period. Stein recognizes the challenges of meeting via Zoom. Farrell agrees that this has been a difficult time and, that due to Covid restrictions, it has been hard to interact with Torres; the Town Administrator has a very difficult job, tremendous responsibilities, and juggles a lot of balls. Farrell states that she needs to acknowledge that her unwillingness to vote is not about Torres; the proposed increase needs a lot of thought and deliberation as we move ahead. Stein reminds others about the contract negotiation (for another employee) that fell apart and the resulting salary increase; the Town Administrator has a very difficult job with many demands.

Gail Fleischaker asks if there is an archive of policy and procedures that could be considered for revision to avoid the last minute crunch in contract negotiations. Torres reports on her attempt to start negotiations in September 2020; hers is the first contract to be negotiated this fiscal year; the contact person for the police union only recently contacted the Town even though she tried to get union negotiations started in September; things do not always go according to plan. Torres continues: there is a procedure for who is involved in contract negotiations; the procedure was followed as it has been for thirty years; there is no performance based tool used; there are no bonuses; the fire chief, police chief, highway superintendent and town administrator are the department heads with

contracts; performance based reviews were deemed unachievable in a small town setting as determined by past Personnel Boards, town meetings, Town Counsel and multiple town officials. Per Torres: evaluations are for self-improvement, to set and monitor goals, and are done informally; due to Covid, they were not done during 2020.

Torres: the Town Administrator will not have a contract beyond 7.1.21; there has been an organized grassroots repetitious lettering campaign to slam a town official; she was criticized in a newspaper article for doing her job. Torres continues: the Town Administrator's job is to ask questions, i.e., why the Planning Board proposed amendments to the solar bylaw and she continues to receive questions from the Select Board about the solar bylaw. Torres continues: she is attempting to work in harmony with those who are behind the attacks and being attacked is not helpful during a very challenging time of the year. Per Torres, the Building Committee did not meet for over a year and then complained that they were not involved; she would be thrilled to have their support; the changes being proposed regarding the job description could result in higher wages for others. Torres: it is important to me not to walk away in the midst of three department head transitions; in the near future the Town will need to replace the Highway Superintendent and Fire Chief; she feels responsible for these replacements to occur in a carefully thought out manner. Torres acknowledges the work being done by Officer in Charge Kristin Burgess on an officer's pay, it is noted that a new police chief will need a contract. Torres wishes that those who are criticizing her would contact her and ask questions; the Town needs to be made stronger. Farrell, acknowledging that she was not on the negotiating team, notes that we have a responsibility as a Select Board and that the increase could be done if it makes sense.

Stein observes that the team negotiated in good faith and in a direction that makes sense within the context of the amount of misinformation that is being spread around; Torres has become the lightning rod as well as the three of us as Select Women; it is a complicated time. Stein states her support for Torres in what she is going through and is willing to discuss the matter of an increase further. Makepeace-O'Neil acknowledges how Torres supports her in answering questions and providing information. Farrell: the Select Board needs to do a better job of responding to comments that contain misinformation. Stein, noting the need to respond, has drafted a letter to the Town. Penny Kim echoes Farrell's comment about not wanting Torres' job; we are grateful to Torres; as a former Personnel Board member, she likes performance reviews because the Town is doing due diligence and the employee feels they are being productive; there are ways for people to provide input; urges the conversation to continue in the future as there are tools that can be useful and satisfactory. Makepeace-O'Neil affirms that performance reviews will not be done in an open meeting. Susie Mosher: because contracts are due, this is not the time to make changes. Recalling the chaos with another employee's contract, Mosher recommends continuing to work out a process for contracts and perhaps, with Town Counsel, look at other models in the future. DeChiara appreciates Kim's comment: it is due diligence to do performance reviews and to ask for input as a basis for making a decision; Makepeace-O'Neil is tying the comments back to solar. Makepeace-O'Neil disagrees with DeChiara's statement that she "is tying the comments back to solar", though in the last two months a pile of comments have come to the Select Board.

DeChiara: there is a lot of controversy; the assumption is a three year contract or nothing; if you want to do due diligence, adapt to the times and consider a one year contract.

Makepeace-O'Neil: the negotiators agreed to a three year contract. Lacy agrees with DeChiara on the advisability of one year contract; given the range of concerns and the need to not gloss over these concerns, he prefers the Select Board find a way to hear people out and get to the bottom of the complaints and either she never did it or dismiss it; the Select Board needs to give people input to their government.

Kevin Rudden/Administrative Assessor: the contract is done; listen to the people who work with Torres every day; those who make comments need to base them on facts; Torres does everything that is needed, guides the staff on all matters, and attends many meetings; the venom is unfounded and ridiculous.

Torres: Lacy just said "we need to get to the bottom of it, we need to find out whether she did it or did not". Lacy: will not go there; there have been complaints from the Conservation Commission, those with fiscal and solar concerns and others; perhaps complaints are being made in error however the Select Board needs to determine if the complaints are linked to Torres' performance or linked to a lack of knowledge or misinformation. Johnson: there are some policies that could help with the current situation, i.e., coop policy governance, and whether or not the person is doing their job; given the distress to Torres we owe it to her; there could be a process whereby the public could file a grievance and the Personnel Board could investigate; right now there are people making complaints and no real way to address them; structures for accountability benefit the employee and are not about personality, it is about meeting expectations; a formal way to address concerns could eliminate some of what is happening right now. Makepeace-O'Neil: the process is with the Personnel Board. Armstrong referring to "things get glossed over" and "with policy, things get done", suggests that another committee address the "wonderful letters".

Burgess: in restaurants, we tip and if we do not like something we complain; how often do we offer an observation about what is good; maybe we need to ask those who feel they are served well; Torres has been given a big job and whenever she has needed to ask Torres for help, she has often pulled Torres from what she is doing, and is very grateful for Torres' assistance. Farrell proposes a Select Board executive session with Torres; we are being asked to approve a contract. Torres: reviewing the contract with the Town Administrator would happen in an executive session; though having another meeting is a concern for her however the decision to do so is up to the Select Board.

Makepeace-O'Neil refers to the motion on the floor (No motion has been made). Stein notes the need, as a Board, to address the misinformation that has been going on publicly. Torres: that subject needs to be considered in an open meeting. Farrell clarifies that she is not objecting because of the email letters about Torres. Makepeace-O'Neil and Stein agree that if the discussion is related to the contract, it will be done in executive session. Stein recognizes Farrell's concerns. Farrell notes that she stated the desire for further discussion. Stein is willing to honor Farrell's request in the spirit of collaboration. Makepeace-O'Neil affirms the need for an executive session and the goal of having materials to the FinCom by 5.11.21. Torres confirms that she will attend the executive

session. The final annual town meeting warrant will be reviewed by the Select Board 5.18.21. The executive session will be held 4.30.21.

Ria Windcaller rejoins the meeting and informs the Select Board that MaryJo Johnson will be their group representative to the Police Study Group.

7. COLA Review: Makepeace-O'Neil recommends the Select Board consider adding .25% to the 1.75% COLA that the Personnel Board put forth; the purpose of the increase is to say thank you to all the Town Hall employees who have prevailed during such an unusual time and worked in conditions that were constantly changing. Stein notes having similar thoughts especially related to staff holding elections, town meetings, and assessing properties. Farrell agrees to make an exception for this unusual year though affirms the agreement to use a standard formula.
 - Farrell moves the Select Board approve a 2% COLA for this year. Makepeace-O'Neil suggests amending the motion to note that the Select Board accepts the 1.75% COLA recommended by the Personnel Board and adds .25% as a pandemic thank you. Farrell moves and Stein seconds the motion as stated by Makepeace-O'Neil. Roll call vote: Farrell: aye, Stein: aye and Makepeace-O'Neil: aye; the motion carries.
8. Town Hall Reopening Status: Makepeace-O'Neil acknowledges that relaxations in Covid restrictions are coming. Torres noting some towns are thinking about reopening in July, recommends getting through annual town meeting before putting new procedures in place including the need for the public to wear masks; almost all Town Hall staff are vaccinated and are maintaining mask wearing; any changes will need guidance from the Board of Health. Makepeace-O'Neil requests this item be on the Select Board agendas going forward. Farrell and Stein agree to setting a target date of 7.1.21. Makepeace-O'Neil is okay with this plan though suggests the date could change as needed.
9. Date for SMART Program Discussion: Select Board members consider a meeting date to talk among themselves about the SMART program and determine what additional information may be needed. Torres to DeChiara: in order for the Select Board to inform the public, they need to identify what else they need to know. Tentative date: 5.11.21.
10. Consider Solar Public Discussion Event: Torres refers to the 4.14.21 email from Penny Jaques and Gail Fleischaker/Open Space Committee recommending the Town invite Dr. Zara Dowling (PhD, UMass Clean Energy Extension) to an informational event in order to have a constructive factual dialog with the community without reference to any particular projects. DeChiara: the Planning Board talked about such an event; Planning Board Chair Deacon Bonnar will reach out to Torres to coordinate dates. Torres: Dowling's availability will drive the date.
11. Police Study Group (resumed): Farrell moves and Stein seconds a motion to appoint MaryJo Johnson to the Police Study Group. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the motion carries.
12. Town Administrator Updates: Torres will provide updates during the 5.11.21 meeting.

Administrative Actions:

1. Select Board members will sign vendor warrants totaling \$125,461.45.
2. Select Board members will sign payroll warrants totaling \$97,133.53.
3. Farrell moves and Stein seconds a motion to approve the 3.30.21 meeting minutes. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the 3.30.21 minutes are approved as presented.
4. Stein moves and Farrell seconds a motion to approve the 4.5.21 meeting minutes. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the 4.5.21 minutes are approved as presented.
5. Stein moves and Farrell seconds a motion to approve the 4.13.21 meeting minutes. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the 4.13.21 minutes are approved as presented.

At 9:11pm, Farrell moves and Stein 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:

1. 4.26.21 email from Michael DeChiara: "For Tues: PB requests consideration of bylaw by SB @ 4/27 mtg."
2. 3.24.21 email from Michael DeChiara: "Town Adm contract status?"
3. 4.13.21 email from Michael DeChiara: "discussion not on the agenda"
4. 3.31.21 Town Administrator email: "executive session question"
5. "Possible Police Study Group Questions"
6. Charge for the Police Study Group
7. Town Building Committee Charge
8. 3.30.21 email from Robert Groves: "Letter to Select Board"
9. Town of Shutesbury Town Treasurer Job Description
10. Town of Shutesbury Professional Services Contract Town Administrator
11. Salary Charts for FY 2020 and FY 2022

Respectfully submitted,
Linda Avis Scott
Administrative Secretary