

Shutesbury Select Board Meeting Minutes  
May 6, 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  
Other Town Officials present: Emergency Management Director Walter Tibbetts; Michael DeChiara and Jeff Lacy/Planning Board  
Guests: Leslie Cerier, Mary Lou Conca, Mary David, Laurel Facey, Gail Fleischaker, Marina Gurman, Joan Hanson, Penny Kim, John Montanari, Susie Mosher, and Robert Seletsky; other unidentified guests may have been present

Makepeace-O'Neil calls the meeting to order at 5:01pm.

**Discussion Topics:**

1. Public Comment and Public Participation Guidelines: Makepeace-O'Neil refers to the Select Board meeting agenda statement: "Public Participation at Select Board Meetings" and the "Guidelines for Public Comment in Local Government" by Jurassic Parliament 2018 provided by Stein. Makepeace-O'Neil notes that the Zoom format lends a more casual atmosphere than in an in-person setting; during the 4.27.21 meeting, the length of the public comment affected the Select Board's business. Stein: the document she provided is very similar to the Select Board statement compiled by Michael DeChiara. Stein suggests the vice chair manage "raised hands"; if it seems like there is repeated or lengthy content by the public, any Board member may speak up in order for the Select Board to refocus on our work; perhaps there could be a timekeeper. Stein refers to the blessing offered by former Town Moderator Penny Kim at the beginning of annual town meeting and emphasizes the importance of public comment and input though notes the difficulty of having members of the public "blast" the Select Board. Makepeace-O'Neil affirms Stein's observation and suggests the Select Board consider a blessing similar to Kim's to be read at the beginning of meetings. Stein notes the need to limit comments. Makepeace-O'Neil: if it is anticipated that a topic will elicit significant public comment, perhaps the Board can limit other agenda items. Farrell disagrees with the approach of having public discourse during the meeting because it gets the Select Board's work off course; encourages the use of email comments and presenting written comments; public comment could be limited by time and the number of comments. Farrell: the last meeting (4.27.21) was discouraging due to its length; public discourse is wonderful however the Select Board needs to be able to conduct their business; the Select Board needs to be more disciplined about their agenda. Stein: other than confirming receipt, the Select Board is limited in its response to email. Makepeace-O'Neil: at least right now, the emails are relative to a particular topic therefore the Board could standardize a response to that topic. Stein affirms the need to correct misinformation. Farrell: having a statement about civil discourse could be helpful for all boards/committees. Makepeace-O'Neil suggests adding such a statement to the Town website. Stein, to the public present: we are your neighbors. Farrell: and volunteers. Stein: we are working with good intentions. Makepeace-O'Neil suggests that as the Board discusses a topic, they could decide whether public comment may be invited. Stein and Farrell agree with this suggestion. Makepeace-O'Neil: it will be good to have the vice-chair help watch raised hands; any

member of the Select Board can redirect to the agenda item; at a future meeting, we can consider a Select Board version of Kim's blessing; keep comments narrowed to an agenda item and, time permitting, whether they may be allowed and handle emails in a separate manner. Stein: currently, there is a three minute limit to comments; it is up to the Select Board to support this limit. Makepeace-O'Neil will draft the public participation guidelines for review by Stein and Farrell. Farrell recommends that at the beginning of every meeting, Makepeace-O'Neil reinforce that the public comment period is not discussion. Makepeace-O'Neil notes that those listening to the meeting on the phone do not have the option to use the raised hand function therefore she will ask that group specifically for any comment/questions.

The Select Board agrees to allow a total of five minutes of public comment for this item. Michael DeChiara suggests that letting the public know when the Select Board will be engaging comment will help with time management. Jeff Lacy suggests instruction on the use of the raised hand function and a maximum of two minutes per person; the Planning Board allows general comment at the beginning of their meetings and will quickly answer a question if able to do so; the extensive public participation during the Wheelock solar project public hearing gave a good result; Deacon Bonnar/Chair handles the public participation well and always asks if anyone has anything else to say. John Montanari, stating that he is not a public official, notes the importance of access and having others interested in a topic be able to hear what he has to say; suggests having special meetings on a topic to use a relief valve and allow others to be heard and not take time from business. Penny Kim: in Northampton, public comment was given at the beginning of meetings though not invited for topics however someone might be asked to speak on a particular topic. Kim appreciates the direction the Select Board is taking. Gail Fleischaker notes the need for the Select Board to correct misinformation that may be made during public comment. Farrell: there is no back and forth during the initial public comment period; if comment is taken during the course of the meeting, questions will be answered and these questions go through the chair.

2. Town Administrator Contract Review: Makepeace-O'Neil: this item was deferred from the 4.27.21 meeting in order for the Select Board to hold an executive session with Torres.
  - Stein moves the Select Board accept the Town Administrator's contract as amended (effective 7.1.21 for three years); Farrell seconds the motion. All Select Board members choose not to allow public comment at this time. Roll call vote: Farrell: aye, Stein: aye and Makepeace-O'Neil: aye; the motion carries.

Michael DeChiara raises a point of order: the substance was not discussed; the Select Board needs to tell the public what the contract is. Makepeace-O'Neil: it is the same contract with a change in the compensation line. Stein: the raise will be done over two years. Farrell: there is an addition regarding an evaluation process. Makepeace-O'Neil concurs: yes, these are the two changes. Stein: there will be a 5% salary increase the first year of the contract, a 4% increase the second year, and the COLA increase for the third year.

3. Receive Planning Board Zoning Amendment: Jeff Lacy/Planning Board explains the proposed amendment to the *Town of Shutesbury Zoning Bylaws* to add a section to

Article III Zoning Districts: Use Regulations that reads “ Section 3.6 Access to Use: Access, including for appurtenant drainage facilities and utilities from public ways across other districts to the FC District (Forest Conservation) for an allowable use in the FC District shall be permitted under the same terms as the use and as a single unified application.” Lacy has prepared a summary paragraph about the proposed access amendment specifically for Grace Bannasch/Town Clerk who has been fielding questions about the amendment. Lacy further explains that Shutesbury has four zoning districts: Town Center, Rural Residential, Lake Wyola, and Forest Conservation; three have access from roads while the FC District is landlocked and large scale solar installations are only allowed in the FC District per the zoning bylaw; access is use and it was inadvertent to not allow access in the prior amendment; this change is solar neutral. Torres: the Select Board needs to vote on accepting the amendment in order for the Planning Board to schedule the required public hearing.

- Farrell moves and Stein seconds a motion to approve the proposed Planning Board zoning bylaw amendment “Section 3.6 Access to Use”. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O’Neil: aye; the motion carries. Farrell moves and Stein seconds a motion to return the proposed amendment to the Planning Board. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O’Neil: aye; the motion carries.

4. Appoint Animal Inspector:

- Stein moves and Farrell seconds a motion to appoint Nancy Long as Animal Inspector for a one year term (5.1.21 to 4.30.22 by statute). There is no public comment for this item. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O’Neil: aye; the motion carries.

5. Status of Bulky Waste Day:

- Stein moves and Farrell seconds a motion to end Bulky Waste Day. Makepeace-O’Neil: use of the Leverett transfer station has been very successful. Neither Torres nor the Select Board have heard any concern about the end of bulky waste days. Per Torres, the Recycling and Solid Waste Committee will notify residents about discontinuing bulky waste day. There is no public comment for this item. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O’Neil: aye; the motion carries.

6. Amherst Regional School District Notification Letter: Torres: the Select Board is required to sign the Amherst Regional School District 3.24.21 letter acknowledging receipt of notice of the debt authorized by the Amherst-Pelham Regional School District School Committee.

- Stein moves and Farrell seconds a motion for the Select Board to sign the 3.24.21 Amherst-Pelham Regional School District debt authorization letter. The letter will be signed by Makepeace-O’Neil. No public comment is accepted for this item. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O’Neil: aye; the motion carries.

7. Police Study Group Appointments:

- Farrell moves and Stein seconds a motion to appoint Susie Mosher as the Finance Committee representative to the Police Study Group. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the motion carries.

Makepeace-O'Neil: the Personnel Board has yet to meet and decide who will be their representative to the Police Study Group. It is noted that former Personnel Board Chair Ralph Armstrong has resigned, Makepeace-O'Neil is already serving on the Group, Peg Ross prefers not to serve, and Melody Chartier has a family member serving on the Group; George Arvanitis may have time to serve. Farrell recommends holding off on appointing a Personnel Board representative at this time; the Select Board can make the appointment during an upcoming meeting. Stein and Makepeace-O'Neil agree. Torres will let the other members of the Police Study Group know why they are waiting to begin meeting.

8. Shutesbury Comprehensive Emergency Management Plan: Walter Tibbetts/Emergency Management Director: the inclusive updated document is more user friendly; the Comprehensive Emergency Management Plan requires a vote by the Select Board and signatures by the Select Board Chair, Town Administrator and Tibbetts as Fire Chief and Emergency Management Director; the signatures acknowledge the roll the departments play in the plan.

- Stein moves the Select Board accept the update to Shutesbury's Comprehensive Emergency Management Plan; Farrell seconds the motion. There is no public comment for this item. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the motion carries.

Unanticipated Items:

1. Letter of Support for Leverett: Torres: the Town of Leverett is applying for a Municipal Vulnerability Preparedness action grant to install a new culvert on Shutesbury Road which connects to Leverett Road/Shutesbury's "S" curves and is asking for a Select Board letter of support. Torres reads the letter template into the record; the application is to restore the natural streambed of Roaring Brook as it passes under the road; this is an important project for both communities. Torres: there is no cost to Shutesbury; Leverett is only asking for a letter of support to be included in the grant application.
  - Farrell moves and Stein seconds a motion to approve sending a Select Board letter of support for Leverett's Municipal Vulnerability Preparedness action grant. The Select Board chooses not to accept public comment at this time. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the motion carries.
2. Newsletter Article: Farrell moves and Stein seconds a motion to approve Stein's article for the upcoming issue of "Our Town" newsletter. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the motion carries.

Torres is waiting for a response from Dr. Zara Dowling about potential dates for the public forum about solar farms.

Select Board members agree to allow public comment before the close of the meeting. The only comment is a request for instructions on how to use the “raised hand” setting which is provided.

At 5:53pm, 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. Agenda statement: “Public Participation at Select Board Meetings”
2. “Guidelines for Public Comment in Local Government” by Jurassic Parliament 2018
3. Town of Shutesbury Professional Services Contract Town Administrator 7.1.21
4. Planning Board Zoning Bylaw Amendment Section 3.6 “Access to Use”
5. 4.19.21 email from Gary Bernhard “Notice regarding Bulky Waste Day”
6. Amherst-Pelham Regional School District 3.24.21 acknowledge receipt letter
7. 4.22.21 email from Walter Tibbetts “Comprehensive Emergency Management Plan for Shutesbury”
8. “Shutesbury Comprehensive Emergency Management Plan” Version 1.1 March 31, 2021
9. 3.6.21 letter of support to the Executive Office of Environmental Affairs

Respectfully submitted,  
Linda Avis Scott  
Administrative Secretary