

Shutesbury Select Board Meeting Minutes  
May 25, 2021 Virtual Meeting Platform

Select Board members present: Melissa Makepeace-O'Neil/Chair and April Stein; Rita Farrell joins the meeting at 6:20pm.

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

Other Town Officials present: Police Officer in Charge Kristin Burgess and Town Clerk Grace Bannasch

Guests: Mark Olszewski/Shutesbury Athletic Club, Jeff Lacy, Mary Lou Conca, Leslie Cerier, Robert Seletsky, Michael DeChiara, Penny Kim, Leslie Bracebridge, Mike Vinskey, Alison Brau, Cara Buchanan, Susie Mosher, and Joan Hanson; other unidentified individuals may have been in attendance.

At 5:43pm, Makepeace-O'Neil calls the meeting to order.

Agenda Review: The following agenda items are reordered - 6:15pm: Shutesbury Athletic Club; 6:25pm: Open Meeting Law Complaint and 6:35pm: 5.19.21 Solar Presentation Follow-Up.

Public Comment:

The public is reminded to limit comments to 2-3 minutes.

Cara Buchanan: states she is a Shutesbury resident opposed to Amp and Cows' industrial solar project that will damage the forest and fauna; asks the Select Board not to sign any agreement without a full environmental analysis.

Jeff Lacy: a budget item catching folks' attention is the \$112,695 still in budget from last year; the FinCom voted 4 to 3 to take it out of the budget; the trucks are paid off; putting these funds in stabilization is contrary to FinCom guidance therefore asks the Select Board to look into the matter; pulling the funds out of the budget would give taxpayers a break.

Mary Lou Conca: has lived in Shutesbury for 16 years; was opposed to the first destruction of forest over an ancient burial ground (Wheelock solar project); strongly urges the Select Board, Planning Board and Conservation Commission to have an environmental impact study done; the Town was supposed to get \$50,000 per year (for the Wheelock site) and she doesn't think this is happening and also does not think the required annual reports are being received (by the Planning Board); these projects impact ground water; who will be responsible when children develop cancers from contaminated groundwater.

**Discussion Topics:**

1. Police Office in Charge Updates: Makepeace-O'Neil: the Select Board requested Officer in Charge (OIC) Kristin Burgess to provide an update after serving as OIC for several weeks. OIC Burgess states she has a lot to handle including regular police business, the reform bill and POST system, eight different policies need to be added or completely rewritten though a few are okay; these policies will be submitted to the Select Board for approval. Burgess is setting up trainings for officers on topics such as bias, racism immersion, and a first aid practical. Burgess explains that things are going well in a lot of areas though there have been a few bumps; she is working 10-12 hour days which includes making sure she has time to patrol and attend to residents' needs. Burgess to Makepeace-O'Neil's question: once everyone is fully trained, we will have coverage

from 7am-11pm seven days a week; because officers are on duty, they are able to attend to serious calls. Burgess: the road bumps include Federal mandates and ensuring we are in compliance, bringing reporting requirements current is a challenge. Burgess continues: in the policing field, there is a chain of command, typically the chief; the OIC is viewed as a temporary position covering weekends and vacations; this is becoming a lengthy temporary position; she receives responses from agencies she needs to work with such as “okay have the chief sign it” and “when will the chief be back”; both require a long explanation; officers follow a chain of command; she needs to take detours to get some things done. Per Burgess, Officer Marcus Johansson is training to be the evidence room officer; it is difficult to weigh in as an OIC rather than as an interim or acting chief in leadership meetings; the language in the new policies speak to the chief. Stein: this needs further discussion and may need Personnel Board input. Torres: at this point, we are still in an interim phase and additional input is needed; one option is to fully support Burgess by promoting her to sergeant; currently, Shutesbury does not have an interim chief job description. The Select Board will consider promoting Burgess to sergeant during their 6.8.21 meeting. Burgess is happy to keep the department going and officer morale up; she is planning a team building event; we want to make sure the community is feeling safe and taken care of. Stein: people she runs into are pleased by the work OIC Burgess is doing. Burgess: there is a lot of work to be done and have in place by 6.30.21 per the Commonwealth; on 5.26.21 she will attend a “Train the Trainer for Fair and Impartial Policing” program; she feels supported by the community; her goal is to be transparent and she is working on posting the police logs; encourages the public to email or call her with questions.

2. State Senator Jo Comerford/End of the State of Emergency and Reopening Town Hall: Makepeace-O’Neil: Senator Comerford is gathering information about reopening town halls; let’s start with concerns. Torres: there is concern about the public coming into the building and not being required to wear a mask; per the Board of Health, we cannot require masks though we can ask those without vaccinations to wear masks and socially distance. Stein: interaction with the public in general is a concern; we do not want to backslide. Torres: some committees did not meet remotely; if an in-person meeting is held, we need to provide space for the public; the COA room is equipped with an air exchanger; we will need start slowly and open in a hybrid fashion and see how it goes. Torres: due to voting rule changes, the Town Clerk has had to rewrite instructions for poll workers; the annual town election will work more like “normal”. Torres: for the workers in town hall, there are air exchangers downstairs; will need to keep windows open upstairs; workers will want to stop wearing masks in the hall; they have not had to wear them in their own offices. Stein: as an interim step, vaccinated staff could go without masks. Torres will consult with the Board of Health before the next Select Board meeting. Stein and Makepeace-O’Neil express support for Town employees and will recognize them during annual town meeting. Stein: there is some fluidity; caution is needed; continuing with Zoom makes sense. Makepeace-O’Neil: especially when expecting a large group. Select Board members will share their responses to Comerford’s survey with Torres.

3. Shutesbury Athletic Club ABCC & Insurance Update: Scott: ABCC approved the SAC's "change of manager" application; the purpose of tonight's agenda item is to receive the necessary insurance documents prior to the SAC's reopening. Scott will attend an ABCC licensees' reopening update on 5.26.21. Mark Olszewski/SAC President & Manager: the plan is to reopen on Friday 6.4.21; the SAC has been holding Friday outdoor music events during which the bar is not open though the restroom can be used. Olszewski to Makepeace-O'Neil's question: as of 5.29.21, no masks will be required outside; outdoor music events stop at 10pm; as of 5.29.21, people can sit inside; bar capacity is 75; back room capacity is 120. Olszewski continues: the SAC is working with the Board of Health and Health Agent Claudia Lucas on our food program; a Common Victualler's license application will be submitted; the Saturday take-out dinners were a success and saved us financially. The Select Board affirms receipt of current liquor liability and workers' compensation insurance. The Common Victualler's license application will be considered 6.8.21. Farrell joins the meeting at 6:20pm.
4. Open Meeting Law Complaint: Makepeace-O'Neil: the Select Board received an Open Meeting Law complaint that the Board did not convene in open session prior to opening an executive session. Makepeace-O'Neil and Stein have reviewed the draft response; Farrell reviews the response prior to discussion. Farrell: there was no malintent, it was an oversight on the Select Board's part. It is suggested that Town Clerk Bannasch email board/committee chairs and encourage members to attend Open Meeting Law webinars.
  - Farrell moves and Stein seconds a motion to approve and sign the response letter to the complainant regarding the "Open Meeting Law complaint executive session 4.30.21". Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the motion carries.
5. 5.19.21 Solar Presentation Follow-up: Makepeace-O'Neil: Dr. Zara Dowling gave an excellent presentation followed by a question & answer session managed by Paul Lyons/Town Moderator; the virtual event was well attended. Stein: Dowling is highly knowledgeable and is from the area so understands small towns; it was a clear and unbiased presentation. Farrell: Dowling presented important background information and provided resources. Stein: no applications have been received to date; it is really important for the Select Board to address misinformation. The need to be proactive and keep the website up to date is noted and perhaps consider a "frequently asked questions" section. Farrell: Amp has inquired about a follow-up to the Select Board meeting with the Planning Board and Town Counsel MacNicol; such a meeting is premature though the Select Board needs to respond to the inquiry. Members agree to discuss a response to Amp's inquiry during the 6.8.21 meeting.

The Board agrees to allow 2-3 minutes for comments from the public.

Leslie Cerier: a red flag in Dowling's presentation is that solar projects generally use herbicides and pesticides; she is concerned about health and this is the opposite approach to that of a pollinator meadow; certain people were denied access to asking questions and could not write questions in the chat (function) so everyone could see.Mary Lou Conca: asks for the public to see the Amp email discussed and for Stein to explain term "misinformation" and what she is specifically referring to.

Jeff Lacy: the owners of the Wheelock solar site contract out landscaping; suggests a true partnership with Amp.

Robert Seletsky: Amp is already holding Zoom sessions with abutters on projects that have not been submitted; they want a signature sooner rather than later as they are already acting on it.

The Select Board ends the public comment session.

6. Reopening Town Hall Continued: Grace Bannasch/Town Clerk: there are so many unknowns that it is hard to make a decision about reopening; there is a desire and need in town to open the building and a desire and need to have remote participation as an option; a more permanent sustainable system for remote participation and recording needs to be built; Zoom adds a lot of work, i.e., educating/supporting committees and members of public. Bannasch: vote by mail is still going strong; in-person early voting will be held 6.5 & 6.6.21 from 12pm-4pm each day; in-person inside election voting will be held 6.12.21/annual town meeting. Bannasch to Stein's question: there are no record retention guidelines for recording; the order is to make remote participation possible; the recording offers additional access; per Town Counsel MacNicol, we only need to retain the recording until the meeting minutes are available. Torres: the storage cost for recording is increasing; if we are to save recordings, the cost of storage and manpower need to be considered. Stein: we have the minutes as we always have had. Torres: this is part of the discussion going forward and what the legislature determines is required and allowable. Farrell: those who have chosen not to or cannot be vaccinated should wear a mask; the question is how to enforce this.
7. Town Administrator Updates:
  - a. The school roof bids are due 5.26.21; over twenty inquiries and requests for bids packages were received in addition to Combid; the primary roofers the architects work with requested bids; we expect to have solid figures for annual town meeting. 5.27.21 is the pre-bid meeting for the Locks Pond culvert project; both local and other contractors are requesting bid packets; both of these critical projects will be discussed at annual town meeting. Torres to Farrell's question: the Town is required to take the lowest responsible bid that meets all the requirements; background checks are done to vet the bids; the engineers and architects are familiar with some of the contractors.
  - b. Using last year's list, which is a special request to Crocker Communications, annual town meeting packets will be mailed to those without internet service by the end of the week; unlike last year, documents will be available at annual town meeting.
  - c. Scott reports the Spring issue of *Our Town* newsletter is expected to arrive in mailboxes early next week and the FY20 annual town report has been printed and is ready for pickup.

Administrative Actions:

1. Select Board members will sign vendor warrants totaling: \$107,221.51.
2. Select Board members will sign payroll warrants totaling: \$101,399.93.

3. Farrell moves and Stein seconds a motion to approve the 4.27.21 meeting minutes. Stein appreciates the thoroughness of the minutes. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the 4.27.21 meeting minutes are approved as presented.

At 7:07pm, Stein moves and Farrell seconds a motion to adjourn the meeting. Roll call vote: Farrell: Stein: and Makepeace-O'Neil: aye.

Documents and Other Items Used at the Meeting:

1. "Notice of Assignment" Workers' Compensation Rating and Inspection Bureau of MA, effective 5.25.21 and "Certificate of Liability" for liquor liability insurance effective 11.29.20-11.29.21, Encharter Insurance
2. ABCC 5.20.21 "Advisory Regarding the End of COVID-Related Restrictions"
3. 5.25.21 Select Board letter to Michael DeChiara regarding "Open Meeting Law Complaint Executive Session 4/30/21"

Respectfully submitted,  
Linda Avis Scott  
Administrative Secretary