

Shutesbury Select Board Meeting Minutes
June 17, 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 Staff present: Miriam DeFant/Conservation Commission
Guests: Ken Holt, Sharon Weizenbaum, Susie Mosher, Marina Gurman, Carlos Fontes, Leslie Cerier, Henry Geddes, Michael DeChiara, Mary Lou Conca, and other unidentified participants.

Makepeace-O'Neil calls the meeting to order at 5:02pm.

At 5:03pm, Farrell moves and Stein seconds a motion to enter executive session for reason #2, to review meeting minutes of the 4.30.21 meeting held for contract negotiations with nonunion personnel, specifically, to conduct negotiations with the Town Administrator, and to return to open session. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the motion carries.

At 5:29pm, open session resumes.

Agenda Review: In response to concern about Select Board members being abutters to potential project sites, the meeting with Amp Energy personnel will be postponed.

Public Comment: Makepeace-O'Neil explains that for the last six years a period for public comment has been allowed and reads portions of "Public Participation at Select Board Meetings" into the record to remind the public present about the purpose and decorum for public comment and reiterates that comments on agenda items occur at the appropriate time. Makepeace-O'Neil allows public comment of 1-1.5 minutes in length/per person to address items that are not on the agenda.

1. Ken Holt states he is pleased to hear the Amp topic is not on the agenda for the abutter reason; the Select Board does not have the support of the town to discuss with Amp. Holt reads from a prepared statement that he will provide in writing for the record.
2. Carlos Fontes applauds that the Select Board is not meeting with Amp for the reasons Holt outlined; during the last Select Board meeting in May, there was sound reason for not meeting with Amp. Fontes asks the Select Board to make a public commitment that it is not in line with due process with Amp and supports submission of applications to the Planning Board and asks the Town Administrator to do the same.

Makepeace-O'Neil: the Select Board does not usually respond to questions asked during the public comment period. The time period for public comment expires though the Board agrees to accept one more comment.

3. Leslie Cerier states she supports Holt and Fontes and that it is unfair to limit public comment. Cerier states that the Select Board and Town Administrator are out of line. Makepeace-O'Neil reminds the speaker about the need for decorum. Cerier: Town Counsel Donna MacNicol stated not to talk with Amp before applications were submitted to the Planning Board; many members of the public are upset about this; nothing is being said about the contaminated water and she wants more information about this.

Makepeace-O'Neil re-explains that public comment is for topics that are not agenda items; the Select Board appreciates and welcomes these comments; at this point, the Select Board needs to attend to their business; generally, public comment on agenda items is at the discretion of the committee chair.

Marina Gurman speaks out of order. Torres reminds the public of the need to address the chair and be called upon. Makepeace-O'Neil moves the meeting forward noting that public comment was set for a specific time; individuals may email or call Select Board members with their concerns. Several individuals interrupt Makepeace-O'Neil.

Discussion Topics:

1. Meeting with Amp Energy Personnel: Makepeace-O'Neil: the Select Board has been advised by Town Counsel to postpone the meeting with Amp Energy personnel; there are members of the Select Board who are abutters to potential Amp Energy project sites and need to apply for an exemption with the Ethics Commission; once this is accomplished, the Board will reconsider the topic.
Farrell states concern about the work of the Select Board being interrupted; Makepeace-O'Neil has set guidelines that need to be respected; it is disrespectful to interrupt Select Board members.
2. Locks Pond Culvert and School Gym Roof Contracts: Torres: Capeway Roofing's references were checked; they are a reputable firm known by the architect Habib Engineering who recommended the Town accept Capeway's bid; the contract for \$231,000 includes a 10% contingency as the roof system is very complex.
 - Stein moves the Select Board sign the \$231,000 contract with Capeway Roofing, Inc.; Farrell seconds the motion. Farrell asks whether any portion of the roof could be adapted to accept solar panels. Torres: there is 2.5kW on the asphalt section of the school roof; the new section will be sloped and was not considered for panels; other town owned panels are ground mounted and independent of buildings as recommended by the Energy Committee; the school is located on a small lot and tree obstruction limited exploration for roof panels. Roll call vote: Farrell: aye, Stein: aye and Makepeace-O'Neil: aye; the motion carries.

Torres: the town received a Municipal Small Bridge grant for the Locks Pond culvert replacement project engineering; the easements are almost complete; the project was originally estimated at \$1.4 million; the bids ranged from \$674,000 to \$1.4 million; of the seven bids, the low bidder was MAS Building and Bridge, a company with experience in municipal bridge work and recommended by Nitsch Engineering as competent; all sections of the contract have been reviewed by the engineers.

- Farrell moves and Stein seconds a motion for the Select Board to sign the \$674,000 contract with MAS Building and Bridge for the Locks Pond culvert replacement project. Roll call vote: Farrell: aye, Stein: aye and Makepeace-O'Neil: aye; the motion carries. Torres: the Conservation Commission permit requires that the work be completed during August to September (low flow period); concrete orders are on longer time lines than normal due to the pandemic; the goal is to be able to begin the work during the timeframe allowed.

3. Town Administrator Updates:

- a. Top of the Lake Project: A letter will be sent to Robert Carey/Merrill Drive regarding the Top of the Lake Conservation Area and the kayak/canoe launch, a Community Preservation funded project. The project has been in process for about 5-6 years in part due to problems with the abutter Robert Carey; the canoe/kayak landing is in and the fence is up; perennial planting is pending. Penny Jaques, the project manager, has written a letter to Mr. Carey to be signed by the Torres/Town Administrator, Police Sergeant Kristin Burgess and Jaques; the letter asks that he respect the perennial plantings to be installed as well as the site in general. Sergeant Burgess will be stepping in to communicate with the abutter which will assist with the goal of townspeople using the site. Miriam DeFant/Conservation Commission Chair: the Commission has talked a lot about this situation and the concerns related to the abutter's actions which precede the Top of the Lake project; the Commission supports the letter and requests the Police Department to make routine checks because there have been conflicts with the abutter in the past.
- b. Town Hall Reopening: The goal was to begin reopening on 6.21.21 though we have not been able to get signs up and notices out; more time is needed to prepare the space for the public to enter town hall; a new date of 6.28.21 is proposed. Select Board members support the delay.
- c. Hazard Mitigation Plan Meeting: Torres explains to the members of the public present that the 6.15.21 meeting about the Hazard Mitigation Plan was cancelled due to the delay in the State passing legislation allowing remote public meetings to continue; the meeting has been rescheduled for 6.29.21. The Town Clerk is researching hybrid meeting options and technology and there will be future discussions about the right mix of access; for now, Zoom meetings will continue.
- d. Annual Town Meeting: Torres appreciates all those who helped with annual town meeting setup, take down and parking; the turnout was wonderful and Paul Lyons/Town Moderator led us through 29 warrant articles. Makepeace-O'Neil: everything went very smoothly including the weather.

Administrative Actions:

1. Stein moves and Farrell seconds a motion to approve the 5.11.21 meeting minutes. Roll call vote: Farrell: aye Stein: aye and Makepeace-O'Neil: aye; the 5.11.21 minutes are approved as presented.
2. Farrell moves and Stein seconds a motion to approve the 5.18.21 meeting minutes. Roll call vote: Farrell: aye Stein: aye and Makepeace-O'Neil: aye; the 5.18.21 minutes are approved as presented.
3. Stein moves and Farrell seconds a motion to approve the 6.4.21 meeting minutes. Roll call vote: Farrell: aye Stein: aye and Makepeace-O'Neil: aye; the 6.4.21 minutes are approved as presented.

Future Agenda Items: Farrell suggests a joint meeting with the Board of Health or another public forum to provide updates/information about PFAs. Torres: per the Board of Health, the Town Administrator will be hearing from DEP; it is anticipated that a task force will be coming to town; there are town wells, i.e., behind the Fire Department, that need to be tested, however we are waiting for input from DEP; one residence has put in a filter, the Highway Department is

using bottled water. Farrell: this type of status report is helpful. Makepeace-O'Neil recommends the topic be a regular agenda item. DeFant: the Conservation Commission scheduled the RDA (Request for Determination of Applicability) public meeting for the Fire Department paving project for 6.24.21. DeFant observes the paving may be done over an area that may not have been fully evaluated. Torres: the well lines do not go through the area to be paved; there is one small portion that goes to the building; the paving will be done after the well testing is complete and, if needed, the filters will be installed where the water comes into the building; the wetlands were tested related to the gasoline spill.

To Michael DeChiara's inquiry, Makepeace-O'Neil explains that during this evening's executive session, the Select Board voted to release the 4.30.21 executive session minutes to the public. Torres notes that tomorrow, 6.18.21, is the Juneteenth holiday therefore Scott will send the final document to the Town Clerk on Monday, 6.21.21. DeChiara appreciates this information.

Torres: the 6.22.21 meeting will include the annual appointments and Personnel Action Forms; on 6.29.21, the Board will meet with the Personnel Board to consider Assessors' office job descriptions and staffing; scheduling meetings of the Policing in Shutesbury Study Group will begin next week.

At 6.21pm, 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. "Public Participation at Select Board Meetings"
2. "Public comments SB meeting June 17, 2021" by Ken Holt
3. Elementary school roof contract with Capeway Roofing, Inc.
4. Locks Pond culvert replacement contract with MAS Building and Bridge

Respectfully submitted,
Linda Avis Scott
Administrative Secretary