

Shutesbury Select Board Meeting Minutes
June 29, 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: OIC Sergeant Kristin Burgess, Walter Tibbetts/Emergency Management Director, Leslie Bracebridge/Emergency Management Team, Miriam DeFant/Chair and Mary David/Conservation Commission and Michael DeChiara/Planning Board
Guests: Megan Rhodes and Tamsin Flanders/FRCOG, Eric Stocker/Select Board member elect, Raymond DiDonato/Wendell, Mary Lou Conca and other unidentified guests

At 5:31pm, Makepeace-O'Neil call the meeting to order.

Agenda Review: Per Torres, the following unanticipated items will be added to the agenda: a Recycling and Solid Waste Committee appointment, OIC Sergeant Burgess will speak about activity on/near the dam and signage recommendations, and Conservation Commission issues leading to a request for the Select Board to approve a temporary part-time clerk job description.

At 5:34pm, Stein moves and Farrell seconds a motion to enter executive session for reason #2, to review minutes of the 6.8.21, 6.17.21, and 6.29.21 meetings held for contract negotiations with nonunion personnel, specifically the Town Administrator, and to return to open session. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the motion carries.

Open session resumes at 5:42pm.

Unanticipated Topics:

- a. Lake Wyola Red Moriarty Dam Concerns: Sergeant Kristin Burgess reports on challenges occurring in the area of the Red Moriarty Lake Wyola Dam: individuals/families have started setting up tents and holding parties and picnics, including a barbeque, on the dam itself; there have been complaints about people using the nearby woods as a bathroom; the main concern is families with young children who are jumping off the dam and the number of persons in the area. Burgess has conferred with Dam & Gate Keeper Howard Kinder and Emergency Management Director Walter Tibbetts; there is no issue with early morning swimming or fishing; suggests not allowing tents, barbeque or food and considering if there is a way to limit swimming to the morning hours. Burgess continues: an Environmental Police Officer visited the area and recommended life jackets be used in the area. Burgess spoke to a group of people earlier today whose young children were running from side to side on the dam. Burgess to Farrell's question about enforcement: signage, to start with, would provide a way to talk with people; perhaps a bylaw could be developed. Burgess to Stein's question about parking: the State beach and parking are open to full capacity; people have found the dam to be a private nook, however, there is a strong potential for danger. Farrell asks how the area can be monitored on a regular basis without officers having to spend a lot of time in the area; are there fines if signage is defied. Makepeace-O'Neil suggests adding to the signs already posted in the area. Burgess: people are reasonable if you explain why; all officers are very

active in the lake area. Walter Tibbetts/Emergency Management Director: keep in mind, this is a functional dam not a recreational area; signs about what you cannot do allows the police to enforce; the 12 foot drop off is not designed for recreation, it is designed for functionality. Makepeace-O'Neil recommends a sign stating that this is a working dam not a recreation area. Burgess: we need safety; earlier today, she requested a family leave the area and gave them a ride to the State beach and found a nice corner for them. Torres proposes working with Tibbetts and Burgess to develop a sign proposal for Select Board consideration during the 7.6.21 meeting. Stein: ultimately, it may be necessary to have "no trespassing" signs. All agree with Torres' proposal.

Torres to Farrell's question about the 6.25.21 email from Library Director Mary Ann Antonellis "trash at Lake Wyola": it was recommended that Antonellis send her concern to the Recycling and Solid Waste Committee.

Burgess notes that the Police Department will be providing extra coverage over the Fourth of July weekend.

- b. Recycling and Solid Waste Committee: Stein moves and Farrell seconds a motion to appoint Tim Logan to the Recycling and Solid Waste Committee. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the motion carries.

Discussion Topics:

1. Hazard Mitigation Plan Review with the Public: Franklin Regional Council of Governments staff introduce themselves: Megan Rhodes/Senior Transportation and Land Use Planner and Tamsin Flanders/Land Use and Natural Resources Planner. Rhodes shares and reviews the PowerPoint presentation: "Shutesbury Hazard Mitigation Plan Update Forum 6/29/21" and the hazards most applicable to Shutesbury noting that climate change is exposing the town to greater risks; the Town has already completed a Municipal Vulnerability Preparedness (MVP) plan that has been incorporated into the Hazard Mitigation Plan (HMP). Rhodes reviews the 2021 Hazard Identification & Risk Analysis, Vulnerability Assessment, and Mitigation Strategies. Flanders reviews the 2021 Action Plan. Rhodes reviews the Sample of 2021 Action Items.
Next steps: due to timing constraints, those present at the meeting are asked to provide any comments they may have to Flanders by noon 6.30.21; the HMP will be submitted to MEMA and FEMA for review and approval; the Select Board will vote to officially adopt the HMP after MEMA has given "Approval Pending Adoption" which takes about three months.
Mary Lou Conca, noting concerns about climate change, asks how the elimination of trees/forest will be harmful to the environment. Makepeace-O'Neil explains to Conca that her question does not quite match the purpose of the HMP. Conca asks if the presenters could answer her question. Flanders: the plan does not address deforestation.
Michael DeChiara asks who on the Planning Board was part of the HMP development process. Torres: the Planning Board was invited initially. DeChiara: the MVP included funding for the HMP; the last update on the plan was received in April 2020; he would have wanted to take the findings of the HMP and MVP and compare them from the perspective of zoning and planning.

Raymond DiDonato, co-owner of the McAvoy Dam in Wendell: the McAvoy dam has a poor rating in the report, however, tree work was done and the dam is now in fair condition therefore he asks for the relevant HMP page to be updated. Makepeace-O'Neil notes that Tibbetts was instrumental in providing information about the relative dams. DiDonato will provide Flanders with the 2018 and 2019 Office of Dam Safety inspection reports for the McAvoy Dam.

FRCOG staff are appreciated for their work. The session ends at 6:18pm.

Unanticipated Topics (continued):

- c. Conservation Commission: Torres: former Land Use Clerk Tessa Dowling's last day was 6.18.21; while the Land Use Clerk position remains vacant, it has become apparent that a person is needed to temporarily fill the role of clerk, on a part-time basis, to assist the Commission until a Land Use Clerk is hired and begins training. Torres: the position will be for 6 hours/week at \$25/hour; the current Land Use Clerk salary range is \$18-\$21/hour; the person needs to jump in and be fully versed for a short term, therefore she is recommending the appointment of former Commissioner Penny Jaques. Leslie Bracebridge notes that the Town of Amherst just advertised for a similar position at \$25/hour. Torres: this is not a benefited position; it is for the month of July, though may be longer; an ad for the position has been posted on the Mass Association of Conservation Commission's job board; so far, two resumes have been received and will be reviewed; in the interim, we need to ensure needed support is in place. Stein: Jaques is ideal. Miriam DeFant/Commission Chair: this is new information; she emailed Torres about two or three administrative tasks that need to be done and asked for someone in Town Hall to assist with these tasks; the Commissioners have a handle on most of what needs to be done. Torres: there is no one in Town Hall available to assist the Commission. Mary David/Commissioner: help will be appreciated; there is a lot to be done that the Commission cannot keep up with. Torres: the job description will be changed to reflect the temporary part-time 6 hours/week position.
- Stein moves and Farrell seconds a motion to approve the changes, per Torres, to the Land Use Clerk job description. Farrell asks about waiting until the next Select Board meeting appoint the position. DeFant acknowledges her respect for Jaques and notes she is very knowledgeable. DeFant would have liked the opportunity to have a one-on-one conversation with Jaques prior to appointment. DeFant, to Stein's inquiry, states that she will be okay with the appointment and will talk with Jaques about what tasks she will take on. Mary David states her support for having Jaques appointed. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the motion carries.
 - Stein moves the Select Board appoint Penny Jaques as the part-time temporary Conservation Commission Clerk; Farrell seconds the motion. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the motion carries.

Discussion Topics (continued):

2. Upcoming Select Board Meeting Dates:
Makepeace-O'Neil will email Farrell, Torres and Scott an outline of the next fiscal year's meetings. Torres: having a year's dates will assist with planning for times when members

are away; remote meetings will be held through the summer; hybrid meetings will be considered subsequently.

DeFant asks when her ethics/conflict of interest matter will be reviewed by the Select Board. Makepeace-O'Neil informs DeFant that Torres will send her an email when the item will be on the agenda.

Conca apologies for an earlier interruptive comment; she has family visiting and was not muted.

Administrative Actions:

1. Farrell moves and Stein seconds a motion to approve the 6.17.21 meeting minutes. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the 6.17.2 minutes are approved as presented.

Unanticipated Topics (continued):

- d. American Rescue Act Documents: Torres: in order for the Town to participate in the American Rescue Grant program, two forms need to be signed indicating that the Town will follow the laws regarding employee and civils rights and will abide by the conditions of the grant. Torres emails the documents that are reviewed by the Board.
 - Stein moves the Select Board sign the "Assurance of Compliance with Civil Rights Requirements"; Farrell seconds the motion. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the motion carries.
 - Farrell moves the Select Board sign the "U.S. Department of the Treasury Coronavirus State and Local Fiscal Recovery Funds" terms and conditions document. Torres: if we fail to meet this list of requirements, terms and conditions, we will need to return the funds. Stein seconds the motion. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the motion carries.

It is noted that this is April Stein's last meeting as a member of the Select Board; the other members and Torres thank Stein for her many years of service. Stein appreciates Torres and Scott for their work and acknowledges how Makepeace-O'Neil has blossomed in her role as Select Board Chair.

At 6:46pm, Stein moves and Farrell 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. 6.25.21 email from Library Director Mary Ann Antonellis: "trash at Lake Wyola"
2. FRCOG PowerPoint presentation: "Shutesbury Hazard Mitigation Plan Update Forum 6/29/21"
3. "Assurance of Compliance with Civil Rights Requirements"
4. "U.S. Department of the Treasury Coronavirus State and Local Fiscal Recovery Funds"

Respectfully submitted,
Linda Avis Scott
Administrative Secretary