

Shutesbury Select Board Meeting Minutes
August 3, 2021 Virtual Meeting Platform

Select Board members present: Rita Farrell/Chair, Melissa Makepeace-O'Neil, and Eric Stocker
Staff present: Becky Torres/Town Administrator; Linda Avis Scott/Administrative Secretary
Other Staff present: Miriam DeFant/Conservation Commission
Guests: Dave Buchanan, Robert Seletsky, Marilyn O'Neil, Mary Lou Conca, Michael DeChiara, Jane Plaza, Henry Geddes, John Montanari, Jane Plaza, Gilliam Fahmy, and other unidentified guests

Farrell calls the meeting to order at 7:00pm.

Public Comment:

1. Dave Buchanan, 541 West Pelham Road is distressed by the news that a beaver, residing in the Baker Road pond beaver dam, was trapped and killed; he has tried to gather information about who is responsible for the decision by calling town offices twice with no response; does not want to jump to conclusions as is aware of the flooding and resulting conditions however asks if killing animals is the solution to a situation that may persist with climate change. Farrell explains that public comment time limit is 1-2 minutes per person; the Select Board take comments under advisement; Torres will follow-up with Buchanan. Buchanan: there are other ways to deal with issue, i.e., a group of volunteers to clear beaver dams.
2. Marilyn O'Neil, 79 Baker Road, reaffirms Buchanan's comments noting that she lives on Baker Road and walks in the area.
3. Robert Seletsky, noting the recent erosion and washouts, requests the Select Board to carefully consider bargaining with Cows/Amp Energy to take down forests; refers to climate change and asks the Board to bear in mind that forests absorb millions of gallons of rainwater; two of the proposed solar sites are on Conservation Restriction land that Cows was paid to put into conservation; the Town and Select Board would do well not to deal with people who are duplicitous.

Agenda Review: There are no changes to the posted agenda.

Discussion Topics:

1. PFAs Update: Torres: per DEP, testing will be done on Wednesday, 8.4.21, and Thursday, 8.4.21, at the homes whose owners have submitted the required paperwork; Town Hall and the Highway Department will also be tested; results are expected in about three weeks and will be charted; DEP will also follow up on the Board of Health's questions; two more homes in the Old Orchard area have been added for a total of 32 homes to be tested. Updates will be included on the next two meeting agendas. Torres to Michael DeChiara's question: initially, letters from DEP were sent to a scattered sixty households and a number of these were tested; two hotspots were identified and further testing is being done in concentric circles from those spots; there is also a house on Pelham Hill Road that tested positive so there will be follow-up to see about additional testing in this area. To DeChiara's question about those doing private PFAs testing, Torres asks that anyone doing a private test let her know of any positive results. Mary Lou Conca: not everyone can afford a private test; perhaps citizens could present a

petition to request town wide testing; she would be at peace knowing that all households would be tested.

2. Makepeace-O'Neil/Abutter Status: Makepeace-O'Neil is waiting for the official appraisal report to be submitted to the Ethics Commission.
3. Review MGL Chapter 268A Section 19 Request: Torres, referring to the "Disclosure by Non-elected Municipal Employee of Financial Interest and Determination by Appointing Authority as Required by G. L. c268A, § 19" submitted by Janice Stone/Historical Commission, notes it is similar to the one previously submitted by Miriam DeFant; per Town Counsel Donna MacNicol, because there is no dollar amount listed for the potential conflict of interest and the Town does not have a basis on which to determine the value of the home, it is recommended that Stone obtain an appraisal and go through the same process as the prior requests for Determination. Torres to Stocker's question: funds to cover Planning Board members' costs were approved at annual town meeting, the Select Board expense line will cover Makepeace-O'Neil's appraisal costs; if the Commissions do not have the necessary funds, Finance Committee transfers can be requested for Miriam DeFant/Conservation Commission & Historical Commission and Stone/Historical Commission.
 - Makepeace-O'Neil moves the Select Board follow guidance from Town Counsel and not approve the Section 19 ("Disclosure by Non-elected Municipal Employee of Financial Interest and Determination by Appointing Authority as Required by G. L. c268A, § 19") request by Janice Stone; Stocker seconds the motion. It is noted that members of the Conservation Commission, Historical Commission, Planning Board and Select Board are abutters to potential Amp Energy solar installation sites. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye and Farrell: aye; the motion carries.
4. Minutes:
 - Makepeace-O'Neil moves and Farrell seconds a motion to approve the 6.29.21 meeting minutes. Roll call vote: Farrell: aye Makepeace-O'Neil: aye and Stocker: abstain; the 6.29.21 minutes are approved as presented.
 - Makepeace-O'Neil moves and Stocker seconds a motion to approve the amended 7.20.21 meeting minutes. Roll call vote: Makepeace-O'Neil: abstain, Stocker: aye and Farrell: aye; the 7.20.21 meeting minutes are approved as amended.
5. Conservation Commission: Miriam DeFant/Conservation Commission Chair speaks to Scott Kahan's interest in serving on the Commission: he has attended several meetings, has relevant professional experience in the field of conservation, and works as the Regional Chief of the National Wildlife Refuge System in Hadley; Kahan has cleared his appointment with his supervisors and, if an agency project in Shutesbury arises, he will recuse himself.
 - Stocker moves and Makepeace-O'Neil seconds a motion to appoint Scott Kahan to the Conservation Commission. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

6. Next Meeting Date: If there are no major issues, Farrell and Makepeace-O'Neil agree to hold the regularly scheduled Select Board 8.17.21 meeting without Stocker. Per Torres, if an urgent matter arises, the meeting will be rescheduled for a time when all three members can be present; the discussion with Amp Energy will occur after Makepeace-O'Neil receives a decision from the Ethics Commission; the meeting with the Lake Wyola Advisory Committee is planned for later in August.
7. Town Administrator Updates:
 - a. Locks Pond Culvert: A preconstruction walk through was held on 7.30.21; the Conservation Commission could not attend. Torres to DeFant's inquiry: Howard Kinder/Dam and Gate Keeper will answer the question about releasing water from Lake Wyola due to the unusually high flow during what is usually the low flow period; the dewatering plan is being compiled and will be submitted to the Commission; Nitsch Engineering has already reached out to the Commission with an extension request. DeFant confirms that the Order of Conditions timeline extension request is on the 8.12.21 Commission agenda and representation from Nitsch will be present and also asks that the Lake lowering plan be included in dewatering plan. Torres continues: Locks Pond Road will be closed for approximately 3.5 weeks; the plan is to start work in September and finish by October 31st; the new culvert installed on Wendell Road will sustain detours; there will also be a truck detour through Leverett; once the start date is confirmed, information will go out to the public; MAS Building & Bridge will install detour signage well in advance; school staff are aware of how the detour will affect relative bus routes.
 - b. School Roof Project: A meeting was held with the contractor and plumber; the indoor drainage work will be done first; there is a 14 week delay for obtaining the insulation material for the roof therefore the exterior work will be postponed until December vacation and, if weather conditions prevent work in December, it will be completed in April 2022.
 - c. Hybrid Meetings: During the 8.3.21 hybrid meeting between Massachusetts Board of Library Commissioners (MBLC) and town officials, sound issues resulted in some of the conversation being inaudible to remote participants; the video had the same insufficient audio quality; it is important to note the MBLC representatives were audible while questions and comments from some town officials were not audible. Suggestions to improve sound quality are offered and it is noted that figuring out a strategy for managing hybrid meetings is a work in progress and that if, for example, the Select Board meets in person, remote participation must be provided; once there is a process for hybrid meetings, it could be used by other boards/committees. Torres: municipalities have discretion to hold remote and hybrid meetings until April 2022; the MBLC staff wanted to meet in person; the Policing in Shutesbury Study Group will have the next trial hybrid meeting; the meeting with MBLC staff maxed out the number of people, 18, who could be in the large meeting room per the Board of Health.
Farrell: this was an informative initial meeting with MBLC staff, the Select Board, Finance Committee and Board of Library Trustees regarding the Small Library Pilot Project; after the meeting, the MBLC staff were given a tour of the potential library sites on Lot O-32 and behind Town Hall; on 8.17.21, an in-person open public

meeting will be held outdoors at the Shutesbury Athletic Club, the same two MBLC staff persons will make a presentation and answer questions from the public.

- d. Torres requests guests to “name” themselves on their Zoom image for the record as some guests are only identified by a phone number or email address.
Conca states that she echoes Seletsky’s public comment and asks the Select Board to take it seriously if there are two parcels in Conservation Restriction that are going to be used for solar installations. Conca asks how questions from the public can be answered and requests the Select Board and Town Administrator to find the answer to the Conservation Restriction question.
- e. Broadband Committee:
 - Makepeace-O’Neil moves and Farrell seconds a motion for the Select Board to accept Eric Stocker’s resignation from the Broadband Committee. Stocker is thanked for his Broadband Committee work. Roll call vote: Makepeace-O’Neil: aye, Farrell: aye, and Stocker: abstain; the motion carries.
- f. Town Hall staff are accommodating to the changes relative to the reopening of Town Hall; the Police Department has been busy and the Highway Department did a lot of post storm work.

Select Board members will sign payroll warrants #22-4 totaling \$95,325.35.

Select Board members will sign vendor warrants #22-4 totaling \$633,619.81.

At 6:23pm, Makepeace-O’Neil moves and Stocker seconds a motion to adjourn the meeting.

Roll call vote: Makepeace-O’Neil: aye, Stocker: aye and Farrell: aye; the motion carries.

Documents and Other Items Used at the Meeting:

1. “Disclosure by Non-elected Municipal Employee of Financial Interest and Determination by Appointing Authority as Required by G. L. c268A, § 19”
2. 7.22.21 email from Miriam DeFant: “New Commissioner”
3. 7.15.21 email from Eric Stocker: “Broadband Resignation”

Respectfully submitted,
Linda Avis Scott
Administrative Secretary