

Shutesbury Select Board Meeting Minutes  
August 25, 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: Police OIC Sergeant Kristin Burgess, Miriam DeFant/Conservation Commission, and Mary Anne Antonellis/Library Director  
Guests: Jane Plaza and Michael DeChiara

Farrell calls the meeting to order at 5:36pm.

Public Comment: None offered.

Agenda Review: No changes.

**Discussion Topics:**

1. PFA's Update: Torres: DEP has repeated a number of tests and enlarged the scope of testing near hotspots; thus far, the shared Fire Station (42 Leverett Road) well has the highest reading at 137; DEP's outside standard is 20 and the EPA's outside standard is 70; this reading is very concerning especially because it impacts the home at 50 Leverett Road that has been attached to the Fire Station well since the 1970's; DEP responded immediately with bottled water supplies for this household and also started supplying water to 32 Leverett Road (parsonage). Per Torres, the installation of a filter for 50 Leverett Road remains pending the availability of a plumber; filters will also be installed in the affected Old Orchard Road homes. The Board of Health has more questions for DEP; remediation will be considered and it is anticipated the Town will take on cleaning up the contaminated soil. Torre reached out to State Senator Jo Comerford who is working on potential grant funding for filters for affected community residents. The household next to Lot O-32 had a reading of 40 though the owner has been drinking filtered water; the other nearby property had a negative reading. Torres discloses that her home on Wilson Road also had a negative reading. Torres to Stocker and Michael DeChiara's questions: the source of the PFA's was the use of fire retardant foam where test burns were conducted near the fire tower located behind the Fire Station; this practice was discontinued over 20 years ago.
2. Select Board Member Abutter Status Update: Makepeace-O'Neil: the appraisal of her property has been completed; the report from the appraiser is pending; once received, it will be submitted to the State Ethics Commission.
3. Town Administrator Updates:
  - a. Parsonage/32 Leverett Road: as noted in the PFA's update, the well for the "parsonage", under new ownership, is connected to the Fire Station well; Torres suggested the contractor drill a new well for the site and the owner is applying for a permit to do so; Torres will talk through location of the new well with Al Werner/Water Resources Committee so that it is as far from potential contamination as possible; if PFA's are found, they can be addressed with a filter.
  - b. Locks Pond Culvert Project: The pre-construction site visit was held 8.19.21 during stormy weather; Conservation Commissioners attended. The dewatering plan is being

worked out prior to its submission to the Commission; given the current conditions, the contractor is asking Howard Kinder/Gate & Dam Keeper if the water level could be drawn down to 1-2' below the spillway; Kinder is willing to do so in order to avoid flooding of the work area. Detour signage and plans are reviewed.

- c. Lot O-32: The cinder block building has been demolished and debris removed; the use of an excavator to remove the remaining metal and other debris is pending the drying out of the soil after the recent storm. Library Director Mary Anne Antonellis has obtained quotes from three licensed site professionals for soil testing anticipated to be done in early September; she is also working on water testing of the sample wells; per Werner, prior to testing, the standing water in these wells will need to be pumped out. DeChiara recommends the well water on Lot O-32 be tested for PFAs.
- d. COVID Policy: The draft "Covid Policy for Shutesbury Employees" is considered. To Stocker's question, Torres states that the Town cannot mandate employees be vaccinated. Makepeace-O'Neil: the State and private employers including Amherst College and UMass have mandated vaccines allowing documented religious/medical exemptions. Stocker recommends, pending guidance from Town Counsel Donna MacNicol, that employees need to be vaccinated. Torres: per school guidance, the Town cannot mandate. Farrell recommends not voting on the draft policy until it is determined whether the Town can mandate employees be vaccinated. A mask requirement is considered. Police Officer in Charge Sergeant Kristin Burgess, noting there is a situation with those who are becoming unwell, asks the Select Board to back her with a policy that if officers do not want to provide proof of vaccination, they will be required to wear KN95 masks. Burgess to Stocker's question: a lot of departments are mandating testing every two weeks for unvaccinated staff; if an officer becomes sick, the supervisor can send them to be tested. Burgess: if staff do not want to show their vaccination status, we need to make sure the staff and public are safe. It is noted that the draft policy states that if an unvaccinated employee becomes sick with Covid, they must use their own sick time. Makepeace-O'Neil: employers cannot keep a record of an employees' vaccination status; the vaccination card can be shown to one person who will verify the record. It is noted that the Board of Health could observe vaccination records. Farrell: more research is needed regarding the ability of the Town to require employees be vaccinated and if masks can be required for visitors to Town Hall. The plan is to consider a more comprehensive policy during the 8.31.21 meeting. Torres notes that most visitors see the "Please wear a mask" sign on the door and comply; masks are available for those who may not have one. Torres will seek legal guidance and confer with the Board of Health and Small Town Administrators of Mass members.
- e. Lot O32 (cont.): Library Director Mary Anne Antonellis joins the meeting briefly to state that it makes sense to test Lot O-32 for PFAs and notes that what other tests will be conducted is still being figured out.

- 4. Easement Order and Notice of Taking: Torres: because of an ownership question and unresolved deed issues, the 2021 annual town meeting voted to do a taking of the

property; the occupant is in full agreement with the taking of a portion of Parcel ZD-7. It is noted that Select Board signatures need to be notarized by the Town Clerk.

- Stocker moves and Makepeace-O'Neil seconds a motion that the Select Board approve both the "Order of Taking" and the "Notice of Taking" for a "Portion of one of two tracts comprising Parcel ZD-37 (Lakeview Road)". Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

Administrative Actions:

1. Select Board members will sign #22-5 vendor warrants totaling \$145,099.23.
2. Select Board members will sign #22-5 payroll warrants totaling \$86,664.74.
3. Stocker moves and Makepeace-O'Neil seconds a motion to approve the 8.3.21 meeting minutes. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye and Farrell: aye; the 8.3.21 minutes are approved as presented.
4. Stocker moves and Makepeace-O'Neil seconds a motion to approve the 8.3.21 meeting with Massachusetts Board of Library Commission representatives. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye and Farrell: aye; the 8.3.21 minutes for the meeting with MBLC staff are approved as presented.

The tentative agenda for 8.31.21 meeting is reviewed. Per Torres, interviews with Land Use Clerk candidates by Torres and Conservation Commission, Planning Board and Zoning Board of Appeals chairpersons will be held 8.26.21.

At 6:29pm, 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. Draft "Covid Policy for Shutesbury Employees"
2. 5.6.21 letter from Town Counsel Donna MacNicol "Locks Pond Road Easements"
3. "Order of Taking" and "Notice of Taking" for Parcel ZD-7 Lakeview Road

Respectfully submitted,  
Linda Avis Scott  
Administrative Secretary