

Shutesbury Select Board Meeting Minutes
September 28, 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 Town Officials present: Susan Millinger/Council on Aging, OIC Sergeant Kristin Burgess, Police Officers Linda Newcomb, Taylor Beaudry and Meaghan Gallo; Miriam DeFant/Conservation Commission; Mark Rivers and David Green/Lake Wyola Advisory Committee; Town Counsel Donna MacNicol
Guests: Nour Elkhattaby Strauch/LifePath, Doug Cameron/Department of Fish & Game Director of Fishing & Boat Access, Mary Lou Conca, Jill Marland, Henry Geddes, Donna West, and Jack Gurman; prior to the interruption, there were other guests who did rejoin the meeting.

At 5:34pm, Farrell calls the meeting to order.

Public Comment: None offered.

Agenda Review: The unanticipated topic "Police Department Update" will be considered first; there are no other changes.

Unanticipated Topic:

1. Police Department Update: Per Officer in Charge Sergeant Kristin Burgess, Officer Marcus Johansson has submitted a letter of resignation as of 9.28.21; he will be employed by another department.
 - Stocker moves and Makepeace-O'Neil seconds a motion to accept the resignation of Officer Marcus Johansson. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye and Farrell: aye; the motion carries.

In light of this development, Burgess reports the willingness of the remaining officers to cover shifts; a bridge academy update will be given at the next Select Board meeting. Burgess refers to her 9.28.21 letter to the Select Board regarding difficulties the "Officer in Charge" title causes in meeting Departmental needs as well as participation in meetings with chiefs and other colleagues. Per Burgess, she is functioning as an "acting chief"; "OIC" is not recognized by colleagues and she was recently removed from a meeting because participation by chiefs took priority; as a result, she had to wait three days to receive time sensitive information. Burgess continues: small towns are receiving the brunt of the POST program which is three months behind in implementation; she has had to explain to multiple agencies about her role and ability to make decisions; signatures are done by a chief and she is unable to vote in various arenas because she is not a chief. To relieve these barriers, Burgess asks the Select Board to temporarily assign her as "acting chief" while the review of the Department's structure is underway; there will be no increase in salary. Makepeace-O'Neil supports assigning rather than appointing the title; "when is your chief coming back" is a repeated issue for Burgess. Stocker supports Burgess' recommendation and Farrell concurs.

At this point, two individuals are removed from the virtual meeting for inappropriate speech. Makepeace-O'Neil continues: as in interim action, she does not believe assigning Burgess as an acting chief will affect the work of the Policing in Shutesbury Study Group and will allow for continuity of police operations. At 5:53pm, due to inappropriate interruptions and the hacking into of other participants' audio, the meeting is stopped. At 5:56pm, the meeting resumes and the waiting room is enabled.

- Makepeace-O’Neil moves the Select Board assign Office Kristin Burgess as Acting Chief in order that she may fulfill necessary Shutesbury Police Department functions; Stocker seconds the motion. Roll call vote: Makepeace-O’Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

Discussion Topics:

1. Age & Dementia Friendly Communities Program: Susan Millinger/Council on Aging (COA) introduces Nour Elkhattaby Strauch/LifePath’s Age-Friendly Program Manager. Strauch screenshares Age-Friendly Franklin County & North Quabbin’s “An Introduction to Age-Friendly Communities” and reviews slides regarding demographic context, the age-friendly communities’ movement, built and social domains of livability, the integration of dementia friendly work, examples of age-friendly work, and community participation. Per Strauch, LifePath enrolled in the AARP program as a region and received a grant to function as a backbone of support; LifePath is enrolling individual towns to expand the regional network and is holding age and dementia friendly workshops; this fall, the program is moving into the needs assessment process to assist in creating the plan. Millinger: the COA has been exploring the program since December 2019; three members have attended presentations and felt the AARP program was designed for larger towns; LifePath’s regional program is appropriate for smaller communities; a town can participate as much or as little as it likes; can do individual or group projects; New Salem and Wendell have enrolled and Leverett is joining therefore the COA recommends Shutesbury join; our request is timely because, the sooner we join, the sooner we are able to have input. Strauch: the AARP program is really for large communities which is why LifePath is coordinating regionally; a point person from the COA will coordinate for the Town and can attend LifePath working groups; LifePath will do the legwork with help from local representatives. Millinger notes that a number of Shutesbury residents are active in Village Neighbors. Strauch agrees that Village Neighbors is an asset; he will be glad to have Shutesbury complete the group; there is no cost to be part of the program; there is an advantage regarding grant opportunities; LifePath received a grant from the Department of Public Health to assist with staffing costs.
 - Stocker moves the Select Board sign the letter of commitment for Shutesbury to join the age and dementia friendly communities’ movement; Makepeace-O’Neil seconds the motion. Makepeace-O’Neil: aye; Stocker: aye and Farrell: aye; the motion carries.
2. Lake Wyola Advisory Committee (LWAC) Purpose/Sub-Committee: Torres: during the 9.14.21 Select Board meeting, it was recommended that LWAC focus on developing a bylaw to follow statute, per Town Counsel Donna MacNicol, to allow the use of Town funds on private roads; during the last LWAC meeting, the concept of a joint LWAC and Conservation Commission working group to address erosion evolved; each committee could create a subcommittee/working group; working groups must comply with Open Meeting Law; the proposed joint working group cannot spend any funds on private roads. Mark Rivers/LWAC agrees and notes that Conservation Commissioners may have more expertise; the goal is to move care of lake roads forward. Farrell: the goal is to have a draft bylaw prepared for the 2022 annual town meeting; the planners’ listserv is a resource. Miriam DeFant/Conservation Commission: per Mark Stinson/DEP Circuit Rider, some towns have bylaws related to driveways and erosion control; DEP offers some grants; Commissioner Beth Willson and volunteer Janice Stone may assist with grant writing. It is again affirmed that Town funds cannot be used for private roads without a specific bylaw. Rivers: one of the committee’s goals will be to look for grant funding. David Green/LWAC has found examples of other

towns with lakes that have similar issues; a joint committee, as a next step, will be helpful. LWAC and Conservation Commission members are advised to consult the Town Clerk for Open Meeting Law guidance on joint subcommittees.

3. LWAC Fish & Wildlife Agreement: The “Land Management Agreement between the Department of Fish and Game and the Town of Shutesbury” for the Randall Road boat launch is being considered. Torres notes that the boat launch is part of a conservation area managed by the Conservation Commission; the boat ramp parking area is also utilized by visitors to the South Brook Conservation Area and Elliott Park; any further discussion must involve the Commission who act as stewards. Torres: per the proposed agreement, there need to be four vehicle and trailer plus four additional vehicle spaces; there is concern that there may not be enough area available to meet this requirement; related to the proposed agreement, Statute prohibits the use of the eight required parking spaces for other uses. Torres: there will be physical changes to the ramp however they have yet to be defined. DeFant: wetland permitting will be needed prior to any changes to the ramp.

Doug Cameron/ Department of Fish & Game Director of Fishing & Boat Access: the Department has 300 access facilities most of which are taken care of with Land Management agreements; understands the concern about parking and will work with the Town to find a layout that will work with the ramp and other uses; the space requirements are 10’x 40’ for a vehicle with a trailer and 10’x 20’ for a car; the Town will do regular maintenance as it does now; the State covers costs for improvements to the fishing/boating access including construction oversight and is well versed in filing applications for any required wetland permitting; the next step is to look at parking to see if multiple uses can be worked out; other uses would be prohibited per the regulations therefore shared parking (for the eight spaces) is not an option because “use” cannot be taken from a fisherman. Cameron: there will be a cost share with the Town for other spaces; boat access parking is the responsibility of the State; use of the area will not be a whole lot different; there will be signage about parking; the area is totally usable now though regrading maybe needed to improve drainage and avoid runoff going toward the ramp; the program relieves the towns of improvement costs.

Cameron to Stocker’s inquiry regarding the condition of Randall Road: he will consider the condition of the road because boaters share in its wear and tear and may be able to come up with workable plan; the Department chooses projects that have a certain level of access. Cameron to the observation that Randall Road is closed in the winter: their facilities are not required to be open in the winter; ice fisherman do not need boat access. Per Cameron, the program does the survey work, determines the usable area and lays out a parking plan; if warranted, we could look at an expansion of the area. Cameron affirms for Torres that once the area is upgraded it will be added to the Fish & Wildlife website. Torres: in addition to the Lake Wyola State Park, this would be another level of publicity. Cameron: listing the site does not necessarily increase traffic because once the parking spaces are full, the area is self-limiting. Cameron continues: as stewards of the property, the Conservation Commission will have a major role in planning; the Department functions by working closely with town boards. Farrell: the Select Board is not at a point to execute an agreement; the LWAC will meet with the Conservation Commission to continue the process. Cameron agrees with Stocker’s recommendation for a joint onsite visit to see what might make sense; if yes, we can take the next step; the great pond is the jurisdiction of the Commonwealth.

At 7:01pm, Farrell declares the necessity for an executive session. Noting that the reason on the agenda is #3, Town Counsel Donna MacNicol, the agenda posting is adequate as it states “Cowls’ land swap”.

- Stocker moves and Makepeace-O’Neil seconds a motion to suspend the open session and enter into executive session for reason #6, Cowls’ land swap, to consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. Roll call vote: Makepeace-O’Neil: aye, Stocker: aye and Farrell: aye; the motion carries.

Open session resumes at 7:40pm.

4. PFAs Update: Torres: the official test result letters sent to homeowners, received to date by the Town, have been forwarded to the Select Board; bottled water continues to be delivered to 50 Leverett Road; after the filters are installed, the well water needs to be retested; filters for the Highway and Fire Departments and 62 Leverett Road were installed last week and retesting will be done; the house east of Town Hall will be tested as well as the house next to 63 Leverett Road; the Library requested test well results are pending.
5. Ethics Issue Update: Makepeace-O’Neil reports that she is now an owner for three properties that abut proposed Amp Energy solar sites; appraisals will need to be done for both of the Ladyslipper Lane parcels per the Ethics Commission; the cost of these appraisals has yet to be determined. It is noted that Makepeace-O’Neil is incurring this expense as a town official and that the Select Board previously agreed to cover the cost of Makepeace-O’Neil’s initial appraisal.
 - Stocker moves and Farrell seconds a motion for the Select Board to assume financial responsibility for the cost of appraisals for Makepeace-O’Neil’s Ladyslipper Lane properties that abut prospective Amp Energy solar sites. Roll call vote: Makepeace-O’Neil: abstain, Stocker: aye and Farrell: aye; the motion carries.
6. Town Administrator Updates:
 - a. Police Department: Tentative exit interview with Officer Johansson is scheduled for 10.12.21; per the Memorandum of Agreement (MOA) with Johansson, he is responsible for repaying his academy tuition and expenses; per Acting Chief Burgess, other towns include additional costs in their MOAs, i.e., ammunition.
 - b. Locks Pond Road Culvert: The design work is complete; a pole hearing with National Grid may not be needed; the petition has been shipped to Verizon who has 30 days to respond therefore Torres will follow-up with Verizon to move the process along; once the petition is received, a special Select Board meeting will be scheduled to approve the petition; legislators will be asked for assistance. Matt Styckiewicz/Nitsch Engineering was consulted about changes to the detour signs on the Lakeview Road end; the signs directing out of town traffic up Wendell Road will be removed.
 - c. PFAs: Test results will be forwarded to the Select Board as they are received.
 - d. Fire Department: The paving project bids close 9.29.21; \$25,000 was budgeted five years ago. Farrell will draft a charge for the “Future Fire Department Configuration Committee” to be reviewed during the 10.12.21 meeting.

7. Resignations: Makepeace-O'Neil moves and Stocker seconds a motion to accept Ayers Hall's resignation from the Shutesbury Broadband Committee and Tracy McNaughton's resignation from the Lake Wyola Advisory Committee. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell aye; the motion carries.

Administrative Actions:

1. Select Board members will sign #22-7 vendor warrants totaling \$286,137.18.
2. Select Board members will sign #22-7 payroll warrants totaling \$108,046.27.
3. Makepeace-O'Neil moves and Stocker seconds a motion to approve the 9.14.21 meeting minutes. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell aye; the 9.14.21 minutes are approved as presented.
4. Stocker moves and Makepeace-O'Neil seconds a motion to approve the 9.16.21 meeting minutes. Roll call vote: Makepeace-O'Neil: abstain, Stocker: aye, and Farrell: aye; the 9.16.21 minutes are approved as presented.

At 8:02pm, 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. 9.28.21 Letter of Resignation from Marcus Johansson
2. 9.28.21 Letter from OIC Sergeant Kristin Burgess
3. Age-Friendly Franklin County & North Quabbin "An Introduction to Age-Friendly Communities" and Age-Friendly Commitment Letter template
4. "Land Management Agreement between the Department of Fish and Game and the Town of Shutesbury" and related documents
5. 9.13.21 email from Gayle Huntress regarding Ayers Hall's resignation from the Broadband Committee
6. 8.27.21 Lake Wyola Advisory Committee resignation from Tracy McNaughton

Respectfully submitted,
Linda Avis Scott/Administrative Secretary