

Shutesbury Select Board Meeting Minutes  
January 4, 2022 Virtual Meeting Platform

Select Board members present: Rita Farrell/Chairperson, Melissa Makepeace-O'Neil, and Eric Stocker

Staff present: Becky Torres/Town Administrator; Linda Avis Scott/Administrative Secretary

Other Staff/Volunteers present: Acting Police Chief Kristin Burgess, Police Officers Linda Newcomb and Taylor Beaudry, Michael DeChiara/Planning Board, Miriam DeFant/Conservation Commission, Susie Mosher/Finance Committee, Kate Cell/Board of Library Trustees, Mary Anne Antonellis/Library Director, Catherine Hilton/Board of Health, Don Wakoluk/Tree Warden, Walter Tibbetts/Fire Chief-Emergency Management Director, David Green/Lake Wyola Advisory Committee, and Gayle Huntress/Municipal Lighting Plant Manager

Guests: Ernest Fitzell, Mike Vinskey, Doc Pruyne/*The Reminder*, and Fran Merrigan

Farrell calls the meeting to order at 5:46pm.

Agenda Review: Per Torres, a late addition to the agenda will be an update on the COVID policy.

Public Comment:

1. Michael DeChiara/Planning Board regarding the Associate Member Bylaw: the Planning Board does not agree with the Attorney General's Office decision limiting the role of associate members to special permit applications; Bob Ritchie/land use attorney and Town Council Donna MacNicol recommend asking State legislators to amend statute to allow Planning Board associate members to function in the same way as Zoning Board of Appeals alternates; the Supreme Judicial Court is hearing a case that may restrict local solar bylaws; the Planning Board is considering submission of an amicus brief and requests time on the 1.18.22 Select Board agenda.
2. Miriam DeFant: both the Conservation and Historical Commission are submitting Community Preservation Act proposals and are requesting time on the next Select Board agenda to request support for the repair of the guideboard/Historical Commission and land acquisition for conservation using a combination of Conservation Commission trust funds as well as Kestrel Land Trust and Community Preservation funds. Farrell explains that, as Select Board chair and member of the Community Preservation Committee (CPC), she would not vote in advance of the CPC process. Farrell and Makepeace-O'Neil concur that a Select Board vote can occur at a later date.

**Discussion Topics:**

1. Police Department Update/Appointment: Acting Police Chief Kristin Burgess: there is an opening in the Department with hours to fill; about a month ago, she was approached by Ernest Fitzell who heard about the work Shutesbury Police Department is doing; currently, Fitzell works in Hatfield and is seeking out a small town to work with; his experience would make a great addition to the team. Burgess asks the Select Board to appoint Fitzell. Per Fitzell, he currently works in Hatfield and lives in Westfield, is married and has five children; he is looking forward to continuing with community policing work; expects to work long term and wants to work with and get to know Shutesbury's townspeople. Burgess: Fitzell is currently enrolled in the Bridge Academy sponsored by Hatfield Police Department who will continue to sponsor him during the transition. Fitzell to Torres' question: his family is looking to move closer to Shutesbury in the spring. Burgess: Fitzell will work 1-2 shifts/week filling former Officer Gallo's position.

- Makepeace-O'Neil moves and Stocker seconds a motion to appoint Ernest Fitzell as a part-time police officer. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.
2. Municipal Vulnerability Preparedness (MVP) Action Grant Brainstorming Session: Farrell: the MVP plan cited potential actions; the expression of interest letter, due by 2.14.22, provides towns with the opportunity to work with MVP staff on grant applications; the goal, at this time, is to hear from those present; receipt of the Planning Board recommendation is acknowledged. Susie Mosher/Finance Committee notes the priority given to a culvert and bridges inventory on page 4 of the report, observes that accessibility via dirt roads is becoming a greater concern due to climate change therefore suggests a study documenting and creating a plan for how to deal with the problems. Miriam DeFant/Conservation Commission: the Commission did not get a chance to vote on action steps however has talked about, on an ongoing basis, that storm water management on roads is a major safety and environmental concern; a survey of culverts and bridges considering low impact designs especially for the most vulnerable dirt roads is recommended.

Michael DeChiara/Planning Board suggests asking for a lot of money and bundling a thematic approach into a coherent whole. David Green/Lake Wyola Advisory Committee: storm water runoff is a huge issue around Lake Wyola; advises going big and incorporating the entire town. Walter Tibbetts/Emergency Management Director appreciates the bundling concept because a recurrent theme is transportation for vulnerable populations; consider one big project to address many specific problems; climate change is happening with big swings in conditions, i.e., hot, dry, rain in large amounts. Mary Anne Antonellis/Library Director asks if air conditioning will be installed as part of the HVAC work at the elementary school; hotter temperatures are occurring earlier and later in the season requiring improved conditions at the school. Torres: it is not clear if federal funds can be used for air conditioning which could be added in; some rooms received air conditioning using CARES Act funds during 2021; July and August are now education months at the school. Mosher confirms that the expression of interest is not limited to items on the list and notes that a road assessment is not on the list; dirt road mud is not from runoff and ice/snow is a different problem on dirt roads; a roads inventory would be for more than stormwater runoff. DeChiara: the MVP is about climate change vulnerability. Farrell acknowledges DeChiara's work toward getting the Town involved in MVP; are we looking at evaluation and preliminary engineering? Gayle Huntress/Broadband Committee: the Committee is exploring ways to make the network more resilient which will require more equipment and asks for this to be included in the expression of interest; reliable quotes are between \$12,000 and \$13,000; inclusion it is not a necessity as other funds could be used. Huntress: the equipment is for backhaul diverse pathways; it is better to have multiple ways for internet to reach town; fiber is not as vulnerable if it can come into town another way.

DeChiara, referring to the MVP Action Grant's nine core principles: it can be a combination of gathering information for actions as well as actions demonstrating we are ready to do something, i.e., consultants to look at a range of things and gathering data for actions we want to do; in terms of stormwater, the Open Space Plan clearly identified storm water concerns. Don Wakoluk/Tree Warden is concerned about the need for emergency shelters and a plan to reinforce them. Walter Tibbetts/Emergency Management Director: emergency sheltering in a small town is a difficult subject; there is the actual shelter and the need for

staff to run it; as the older population increases we may need more sheltering; the Town Hall can be used for ten people; if more space is needed, the shelter is moved to the school which is problematic as those being sheltered need to be separated from the children; who will run the shelter is a concern; Franklin County has a regional plan; emergency sheltering needs addressing though most residents are resilient in their own homes. Catherine Hilton/Board of Health adds that sheltering is a complicated business; the Red Cross often runs shelters and the Town would need to operate by their rules.

Farrell: the next step is to shape submission of the expression of interest form. Torres: there are word limits for the project description and summary and sound estimates will be needed. DeChiara suggests an engineering consultation to lay out low impact design plans and estimates that would include dirt roads and storm water management; notes the limitation on private roads. Antonellis: could the application include funds to do a one year study then apply to implement the plans; are the private roads around Lake Wyola precluded; they are residents of Shutesbury and their road conditions are changing due to climate change. DeChiara volunteers to go through the report to see if there is a way to connect themes. Green agrees to work with DeChiara. Tibbetts recommends including an assessment of how runoff affects the health of Lake Wyola; those roads and the lake are assets of the Town and proper grading of these roads could address non runoff issues. Kate Cell/Library Trustee: our legislators as willing to help municipalities build capacity to deal with road issues. Mosher: at both the House and Senate level, road studies are being done. Farrell: DeChiara and Green will collaborate and prepare a draft proposal in advance of the 1.18.22 Select Board meeting; this will support submission of the expression of interest by 1.21.22. Torres will update Highway Superintendent Tim Hunting who was not able to attend the discussion.

3. Town Hall Closure/COVID & COVID Policy Update: With the Board of Health recording the highest number of cases in Shutesbury thus far, Torres has growing concerns: a couple of employees are out with COVID; even though visitors are masked, we do not know their vaccination status. Torres recommends closing Town Hall to the public for two weeks; she is especially concerned about the vulnerability of staff and that there is no one to fill in. Tibbetts: the rolling numbers are higher and are changing; at this point, there are 13-14 addresses some with multiple cases; the virus is affecting Fire Department volunteers as well. Torres: that affirms the request to close Town Hall to the public; employees are working as usual and those with heightened concerns are asked to work remotely; the downstairs room with the best ventilation is set up for the meeting of 1-3 people. Torres continues: everything possible is being done by Zoom; there are air filters in the most occupied offices; we need to not have people wandering in. Torres does not know how the elementary school handles visitors; their policies are changing; all staff were tested prior to returning after the holiday break. If needed, Torres has tests for employees; low prices require a large minimum order; the price per test varies; the Board of Health has \$7,000 in grant funds that could be used to cover the cost of tests. Torres: those needing to access the Police Department can ring the bell; if an officer is not available, dispatch will be called to request an officer return to Town Hall.
  - Stocker moves and Makepeace-O'Neil seconds a motion to temporarily close Town Hall to the public and to reassess the closure during the 1.18.22 meeting. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

Torres will send out a Town Announcement that services and use of the drop box will continue to be available; notices providing emergency contact information will be posted.

The 12.21.21 version of the “COVID Policy for Shutesbury Employees” is screenshared and edited for clarity and consistency. Per Torres, Arlene Read/Board of Health recommends changing the isolation period from 10 to 5 days per recent Center for Disease Control (CDC) guidance. It is noted that employers can choose their own guidelines and could require a negative antigen test prior to returning to work after isolation; antigen tests are less likely to persist as positive. A statement is included to state that, on 1.4.22, the policy was updated with CDC guidance regarding isolation; if the CDC guidance changes, please follow the new CDC guidance.

- Makepeace-O’Neil moves and Stocker seconds motion to adopt the 1.4.22 amended “COVID Policy for Shutesbury Employees”. Roll call vote: Makepeace-O’Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

At 7:38pm, Makepeace-O’Neil leaves the meeting.

4. USDA Letter/Geese: Torres: in May of 2021, a member of the public reported the shooting and killing of geese near Lake Wyola; a bloodied goose body was discovered by a child; the Police Department conducted an investigation, including a Freedom of Information Act (FOIA) request by Acting Police Chief Burgess, and Torres contacted the USDA staff person who handled the permit; an individual was hired to minimize the geese around the lake. Torres continues: the FOIA request lists twelve individuals involved in the matter whose names and addresses are fully redacted from the report; the Select Board should have been contacted by the permitting authority prior to allowing shooting on Town property; previously, egg addling was used to control the number of geese around the lake. Per Torres: shooting was never discussed with the public; it seems that individuals donated funds to have someone obtain the permit to allow the use of a shotgun. Torres recommends a member of the Select Board and Town Administrator meet with the Acting Police Chief and the USDA staff person issuing permits; the individuals applying for the permit did not have Town authority to do so; the permit is conditioned that no other wildlife be harmed. It is noted that during 2021, bald eagles were nesting around Lake Wyola.

Farrell concurs with Torres’ recommendation to compose a letter to the local USDA office laying out the Town’s position that shooting cannot occur on Town owned property without consultation with Town authorities, that the Town takes issue with the redaction of the names of those involved, and to request a meeting. The letter will be copied to the Town’s State legislators and Representative McGovern. Torres: the USDA broke their own guidelines; even those involved with the egg addling did not know about the shooting. Farrell: assurance is needed that this will never happen again. The length of time between asking for and receipt of the FOIA request is noted. DeFant notes that the Conservation Commission also received the complaint, appreciates the due diligence in obtaining information, and requests, because the shooting occurred in wetland areas, Conservation Commission representation be present for the meeting. Farrell and Stocker support DeFant’s attendance. The draft letter to the local USDA office will be reviewed during the 1.18.22 meeting.

5. Land Use Clerk Appointment: Torres: Carey Marshall is a recent Westfield State University graduate with a major in environmental science; the Planning Board, Zoning Board of Appeals and Conservation Commission chairpersons met earlier 1.4.22 and agreed to offer the position to Marshall who has accepted; she will attend the 1.10.22 Planning Board meeting and will begin coming to Town Hall on 1.11.22. Per Torres, Miriam DeFant/Conservation Commission Chair and Scott/former Land Use Clerk will assist with Marshall's training.
  - Stocker moves and Farrell seconds a motion to appoint Carey Marshall as Land Use Clerk. Roll call vote: Stocker: aye, and Farrell: aye; the motion carries.
6. Town Administrator Updates:
  - a. 1.18.22 Meeting Plans: Planning Board; USDA letter, MVP grant expression of interest; Building Committee update. Torres: a question was raised about the Building Committee vote to recommend the appointment of Mike Vinsky; it was determined that the vote was not done and will need to be done at the next Building Committee meeting.
  - b. Building Committee: Over the break, the window was installed at the elementary school; Torres and Steve Sullivan made sure the building was accessible to the contractor; Steve Sullivan did clean and Bob Groves reviewed the contractor's work; the gutter above the window contributed to rotting a portion of the window. To begin their inventory, the Building Committee will be touring and noting the condition of Town building exteriors.
  - c. Easement/Swap Property: Finalizing details for the deed is in process.
  - d. PFAs: DEP will be doing further inventorying in Shutesbury; the former parsonage has a new well and septic system.

Administrative Actions:

1. Select Board members will sign vendor warrants #22-15 totaling \$63,903.20.
2. Select Board members will sign payroll warrants #22-15 totaling \$115,712.19.
3. Stocker moves and Farrell seconds a motion to approve the 12.6.21 meeting minutes. Roll call vote: Stocker: aye and Farrell: aye; the 12.6.21 minutes are approved as presented.
4. Stocker moves and Farrell seconds a motion to approve the 12.21.21 meeting minutes. Roll call vote: Stocker: aye and Farrell: aye; the 12.21.21 minutes are approved as presented.

At 8:05pm, Stocker moves and Farrell seconds a motion to adjourn the meeting. Roll call vote: Stocker: aye, and Farrell aye; the motion carries.

Documents and Other Items Used at the Meeting:

1. "Town of Shutesbury Community Resilience Workshop: Summary of Findings" June, 2020
2. "Municipal Vulnerability Preparedness Program Quarterly Newsletter" Issue 8, Fall 2021
3. 12.14.21 email "Planning Board priority for MVP Action Grant" from Michael DeChiara

Respectfully submitted,  
Linda Avis Scott  
Administrative Secretary