

Shutesbury Select Board Meeting Minutes
April 5, 2022 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
Building Committee members present: Bob Groves/Chair, Frank McGinn, Bill Wells, and Steve Sullivan

Other Staff/Volunteers present: Jackie Mendonsa/SES Principle, Paul Lyons/Town Moderator, Acting Police Chief Kristin Burgess, Meryl Mandell/RSWC Chair, Gary Bernhard/Recycling Coordinator, and Michael DeChiara/ECAC

Guests: John Montanari, Gail Fleischaker, Penny Kim, Lisa Saunders, April Stein, Elaine Puleo, Joan Hanson, Leslie Luchonok, Tom Siefert, Penny Jaques, and Mary Lou Conca

Farrell calls the meeting to order at 5:03pm.

Agenda Review: As posted.

Public Comment:

John Montanari refers to his prior request to have the Black Lives Matter banner removed from the front of Town Hall, references a 4.4.22 *New York Magazine* article ("Black Lives Matter Secretly Bought a \$6 Million House" by Sean Campbell) and reads a portion into the record regarding the misuse of funds, the resignation of Black Lives Matter Global Network Foundation board members and other concerns. Montanari: the political ground has shifted seismically regarding the funding and support of police; whatever the banner meant when it was put up, it is now a relic; for the reputation of the Town, it is time to take it down; recognizes that taking the banner down may create a backlash.

Discussion Topics:

1. Proposed Fire Chief Job Description: Per Torres, the only change to the job description is the addition of the following sentence to the "Position Summary": "The Chief shall reside within 35 travel minutes of the Shutesbury Town Hall." It is confirmed that similar language is in the police chief contract; the police chief job description will be amended to include the same sentence.
 - Makepeace-O'Neil moves and Stocker seconds a motion to approve the Fire Chief/Emergency Management Director job description as amended. Makepeace-O'Neil confirms that "April 2022" will be added to "Updated". Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.
2. Annual Town Meeting Warrants & Timeline: The "Shutesbury ATM Warrant for FY23" outline is screenshared and reviewed. Torres: the capital items have been approved by the Capital Planning Committee who will review the items with the Finance Committee; on 4.14.22 the FinCom will work out the funding for each item; it is uncertain whether the \$25,000/library building fund, approved by Capital Planning, will be on the warrant. Torres continues: the "Replacement of Shutesbury Elementary School Roof" petition was submitted without consultation with Town boards; to date, there are 26 articles. Paul Lyons/Town Moderator will confer with the petitioners in advance of town meeting and suggests consolidating some warrant articles as was done during the last two town meetings. There is a question whether the "Lighting Bylaw Citizen Petition" would require a public hearing before town meeting. Per Torres, the Planning Board gave Jen Davies/petitioner guidance; it is determined that the petition is requesting the creation of a bylaw. Torres: there is uncertainty about library funding; the goal is to have warrant articles complete by the

beginning of May. Lyons will moderate the pre-town meeting budget presentation scheduled for 5.17.22; other warrant articles could be reviewed prior to the budget and its related articles presentation.

3. Amherst Region Receipt of Debt Notice w/Track: Farrell references the Amherst-Pelham Regional Schools “Certificate of Secretary” and 3.16.22 “Acknowledgement of Receipt” letter regarding debt in the amount of \$160,000 for several projects and \$1,500,000 for resurfacing the existing track and related work. Torres: the FinCom discussed these costs during their last meeting however did not vote. Farrell: the Town has 60 days to approve the debt; prior to a Select Board vote, she would like to learn what the FinCom has to say about the debt. Makepeace-O’Neil and Stocker agree. Steve Sullivan/Regional School Committee: authorizing \$1,500,000 will allow the track resurfacing to begin. Doug Slaughter’s “Updated Regional Schools Capital Assessment Projections” 3.22.22 email is screenshared. Farrell: this chart shows the impact of the debt on Shutesbury’s budget which is why it makes sense to hear from the FinCom. Per Torres, the FinCom will consider the debt during their 4.19.22 meeting; she will report on this during the 4.26.22 Select Board meeting. Sullivan will clarify what happens if one town does not vote in support of the debt.

4. Recycling & Hauling Contract Review: Meryl Mandell/Recycling & Solid Waste Committee: there was an extensive RFP (request for proposal) process for recycling and solid waste management; proposals were received from Casella and USA Waste and Recycling; CEP (Community Eco Power/waste disposal) has declared bankruptcy and is expected to be purchased by USA; a formal bid opening was held and both proposals met the minimum requirements. Mandell continues: Casella will collect trash bags using one truck over two days; USA would do auto collection of “Toters”/carts on one day; there is an issue with carts over long driveways; the Committee approved the Casella proposal with a vote of 5 in support and 1 abstention; the USA Waste and Recycling proposal received 5 nays and 1 abstention; the abstentions were by a new member. Price comparisons are reviewed: currently, the Town is paying \$66,00/year; Casella’s bid is \$125,952/year one ending at \$162,033 in year five; their tipping fee is \$90/ton/year one ending at \$101.31/ton in year five; currently the Town is paying \$83.50/ton; USA bid \$161,772/year one ending at \$189,250/year five; their tipping fee would be \$97/ton/year one ending at \$117.90/ton in year five. Per Mandell, the Committee’s first choice for technical, price, and scope of services is Casella. Negotiations with Casella representatives and Gary Bernhard, Torres, and Mandell resulted in an increase of 4%/year; receipt of confirmation of the 4% and clarification of Casella’s fuel formula in writing remains pending; the Committee recommends the Select Board direct Torres to negotiate a contract with Casella. Torres: the agreed upon 4% results in a savings of \$34,000 over 5 years. Mandell has reviewed the proposal with Jim Walton/FinCom Chair however wished to review the proposals with the Select Board before meeting with the FinCom.

Because using CEP is no longer possible, Casella will bring the waste collected by USA (current hauler) to the waste facility from 4.15.22 to the end of USA’s contract 6.30.22. The Select Board agrees to vote on the Tipping Fee contract and wait for clarifications before voting on the five year Casella contract. Torres: the FinCom will be informed however the FinCom has no authority to vote on the contract. Mandell clarifies that the fuel adjustment is not part of the 4% increase and explains the need for a formal proposal for Casella as soon as possible because it needs to be in place from 4.15.22 to 6.30.22.

- Stocker moves and Makepeace-O’Neil seconds a motion to approve the Tipping Fee contract for Casella to accept waste collected by USA Waste & Recycling from 4.15.22 to the end of the fiscal year, 6.30.22. Roll call vote: Makepeace-O’Neil: aye, Stocker: aye, and Farrell: aye; the motion carries. The full contract with Casella will be considered 4.12.22.
5. Inspector of Animals Nomination & Energy/Climate Action Committee Appointment: Torres notes that Nancy Long has been the long standing Inspector of Animals and Animal Control Officer. The Inspector of Animals term runs from 5.1.22 through 4.30.23; the Animal Control Officer has a calendar year term and needs reappointing retroactive to 1.1.22.
- Makepeace-O’Neil moves and Stocker seconds a motion to appoint Nancy Long as Inspector of Animals. Roll call vote: Makepeace-O’Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.
 - Makepeace-O’Neil moves and Stocker seconds a motion to appoint Nancy Long as Animal Control Officer retroactive to 1.1.22. Roll call vote: Makepeace-O’Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

Regarding her request to be appointed to the Energy and Climate Action Committee, Gail Fleischaker notes she has a particular interest in increasing solar power for Town buildings and decreasing their electricity use and seeking funding sources for this purpose. It is noted that Michael DeChiara, Chair of the new committee is present and that Fleischaker’s appointment will fulfill the committee’s membership.

- Makepeace moves and Stocker seconds a motion to appoint Gail Fleischaker to the Energy and Climate Action Committee. Roll call vote: Makepeace-O’Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.
6. Proposed Building Committee Charge w/Building Committee: Bob Groves/Chair calls the Building Committee to order. It is noted that the Building Committee was formed in 1988 by a town meeting vote; the Committee was to have at least three members and “examine and oversee renovations, new construction, and maintenance of Town-owned properties”. Farrell: aging Town buildings and changes to the building code warrant a better defined bylaw. The Select Board met with the Building Committee in November 2021 and subsequently identified the need for revision of the bylaw. Farrell’s draft “Proposed Amendment to the Shutesbury Building Committee By-law March 2022”, reviewed with Torres and shared with Building Committee members, is screenshared. Farrell: the first step is to discuss and receive feedback on the draft. Stocker: during the town meeting when the Building Committee bylaw was passed, a new committee for the school renovation was created; the proposal clarifies who is in charge of what and that appointments are made by the Select Board rather than the Select Board and Town Moderator. In practice, appointments have been made only by the Select Board. Makepeace-O’Neil appreciates vacancies will be advertised broadly and specific experience is requested.
- Groves: recently, the Building Committee had difficulty obtaining a quorum due to the use of Zoom and other members not showing up; he has expressed concern about this and the sidelining of the Committee on jobs, i.e., school sidewalks, boilers and Town Hall minisplits; the Select Board has been asked to support the Committee. Groves: this came to head in November; Mike Vinsky volunteered to serve, the Committee voted to have him appointed and asked the Select Board to do so however the Board tabled the appointment. Groves notes that per the draft the Town Administrator will have a more formal role with the Building

Committee which is a significant change; the Committee will not review or assay a request to see if it is appropriate; it is the role of the Building Committee to review the proposal. Groves has no other concerns although observes that it may not be realistic to have an architect or engineer and members who are not attending need to resign.

Frank McGinn agrees with Grove's comments; overall the proposal is good though needs to have something about addressing absenteeism, i.e., per the Finance Committee bylaw "A member absent from one third of the meetings in any year of his term may be removed by a majority vote of the Committee..."

Farrell suggests the proposed bylaw be reviewed by Town Counsel. Steve Sullivan: is the Building Committee responsible for horizontal and vertical structures and what happens if the proposing body and the Building Committee disagree on the scope of work and if the Town Administrator starts to contact professionals, the Building Committee can or cannot contact these same individuals on their own; does the Committee defer to the professionals unless something fomenting and egregious comes up? Farrell notes that Sullivan's questions need further consideration and asks him to detail the questions to Torres. Per Farrell, the vision is to have a Building Committee that works cooperatively with department heads that oversee the buildings; typically, the Town Administrator oversees the Town Hall, the Fire Chief oversees the Fire Department building, the Library Director oversees the library and the Highway Superintendent oversees the Highway Department building; the goal is to have clarity about lines of authority, Building Committee responsibility and representative membership/terms. Stocker and Makepeace-O'Neil affirm the need to consider the questions that have been raised. Jackie Mendonsa/School Principal: it will be helpful to know specifically who department heads should contact about a building issue; requests to see the proposed bylaw. Farrell requests other comments be sent by email; once the proposal is approved by the Select Board, it will be added to the annual town meeting warrant; the Building Committee will be kept informed. Farrell: as was done with the Energy Committee, the current Building Committee will be dissolved; current members may ask for membership on the new committee. Groves asks whether employees should be on the committee. Groves adjourns the Building Committee at 6:29pm.

7. Shutesbury Athletic Club/Live Entertainment Hours: The Shutesbury Athletic Club has requested the Select Board to extend the hours for outdoor live entertainment. The Memorandum of Agreement with the Club is screenshared. Torres reads #6 into the record: "Outside band music shall not go beyond 10:00pm. Band warm up time will be limited to 90 minutes and the performance time limited to 4 hours." Given the time allotted and noting the need for further research, the Select Board agrees to table this item to a future meeting. Torres suggests inquiring of and receiving feedback from nearby residents. Acting Chief Kristin Burgess reports having received phone calls about the SAC's outdoor entertainment in the past and will provide a report for the next Select Board meeting. Farrell: broader feedback is needed. Torres: the letter will be sent to residents living a specific distance from the Club. Email feedback will be encouraged. Plan: continue the discussion during the 4.26.22 meeting.
8. Special Event Request Montague/Pratt Corner Road: Acting Chief Burgess: on 5.22.22, a group of people from the area, sponsored by Smart Solar Shutesbury, will be marching from Montague Road down Leverett Road to Pratt Corner Road into Amherst; there will be signs and minimal chanting; no vehicles will be used; the event is expected to last 3 hours and 15 mins. Per Burgess, the participants will walk no more than two abreast; a police detail will

not be needed; the officer on duty will be checking in and Dispatch will be notified; Fire Chief Tibbetts is okay with the event.

- Makepeace-O'Neil moves and Stocker seconds a motion to approve the Special Event Form for the Smart Solar Shutesbury 5.22.22 march. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

9. Town Administrator Updates: Carried over to the 4.12.22 meeting.

Administrative Actions:

1. Select Board members have signed #22-21 vendor warrants totaling \$70,787.64.
2. Select Board members have signed #22-1 payroll warrants totaling \$115,257.80.
3. Makepeace-O'Neil moves and Stocker seconds a motion to approve the 3.8.22 meeting minutes. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the 3.8.22 minutes are approved as presented.
4. Makepeace-O'Neil moves and Stocker seconds a motion to approve the 3.15.22 meeting minutes. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the 3.15.22 minutes are approved as presented.

At 6:39pm, 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. Fire Chief/Emergency Management Director Job Description July 2018
2. Shutesbury ATM Warrant 4.5.22 Outline
3. APRS "Certificate of Secretary" and 3.16.22 "Acknowledgement of Receipt" letter; Doug Slaughter 3.22.22 email "Updated Regional Schools Capital Assessment Projections"
4. USA Waste & Recycling and Casella 3.29.22 RFPs for Solid Waste and Recycling Services
5. MDAR 3.7.22 letter: "Nomination of Inspector of Animals"
6. Gail Fleischaker 3.25.22 email: "requesting appointment to the Energy and Climate Action Committee"
7. "Proposed Amendment to the Shutesbury Building Committee By-law March 2022"
8. 3.19.22 email from Mark LeLacheur/SAC Vice-President "Shutesbury Athletic Club Question" and Memorandum of Agreement with the Shutesbury Athletic Club

Respectfully submitted,
Linda Avis Scott
Administrative Secretary