

Shutesbury Select Board Meeting Minutes
April 26, 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
Other Staff/Volunteers present: Acting Police Chief Kristin Burgess; Gayle Huntress/MLP Manager, Steve Schmidt and Jim Hemingway/Broadband Committee, Paul Lyons/Town Moderator, Building Committee members Bob Groves/Chair, Frank McGinn, and Steve Sullivan
Guests: Tom Siefert, Gary Rehorka, Leslie Luchonok, Mike Vinskey, Jeff Lacy; Mark LeLacheur and Mark Olszewski/Shutesbury Athletic Club, Joan Hanson, Allen Hanson, Elaine Puleo, Rachel Schwab, Amanda Alix, Penny Kim, Kathy Carey; Susie Mosher/Friends of the Library

Farrell calls the meeting to order at 5:47pm.

Agenda Review: As posted.

Public Comment:

1. Mike Vinskey speaks to the Building Committee agenda item: the Committee Chair brought concerns about problems meeting quorum and asked the Select Board to remove those not attending from the Committee; also, the Committee voted to appoint a new member and the Select Board declined to do so. Vinskey has more comment than time permits therefore is asked by Farrell to submit his comments in writing. Vinskey is concerned that his comment be heard because he may not be able to respond during the relative agenda item.
2. Steve Schmidt asks if there is anything that can be said in open session regarding the posted executive session. Torres: the session is in regards to the land swap that went before town meeting approximately ten years ago; there are references to the topic in some open session minutes. Torres is available to talk with Schmidt.
3. Jeff Lacy is in favor of extending the SAC outdoor entertainment hours to 11pm. Lacy has four issues regarding the Building Committee bylaw: the Town Administrator appears to be a voting member, urges that the bylaw be flexible on membership, let members work with project proponents, and is concerned about the optics of making big changes to the Building Committee in advance of the library project therefore urges the Select Board not to do so.

Discussion Topics:

1. MLP/South Hadley Electric Light Department (SHELD) Contract: Gayle Huntress/Municipal Light Plant (MLP) Manager: Crocker, as the Town's initial provider, did a wonderful job getting broadband up and running; their contract is ending and SHELD, as a municipal department, can offer things that a private entity cannot, i.e., redundant pathways to decrease vulnerability and create a more stable resilient network. Per Huntress, the longer term contract with SHELD will save the Town ~\$30,000/year; a government entity is stable; SHELD has competitive pricing for field repairs and on-staff security experts who follow stringent requirements; they also offer mutual aid agreements with other utilities; the switch will occur in August 2022. The MLP will vote 4.27.22 to direct Huntress to sign the contract. Steve Schmidt: SHELD works with Holyoke Gas & Electric as the network operator; during the construction phase, we had

an excellent experience with the project manager from Holyoke G & E. Huntress: Leverett in contract talks with SHELD who provides ISP services to Holyoke; this is the final contract; the MLP Board and Town Counsel have done their reviews; there will be a savings of \$10/month for subscribers. Huntress to residents present: information will be sent prior to the switch which will be seamless.

- Makepeace-O'Neil moves and Stocker seconds a motion to approve the "Intergovernmental Agreement for Communication Services between South Hadley Electric Light Department and Shutesbury Municipal Light Plant" effective 8.1.22. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

2. Shutesbury Athletic Club (SAC) Live Entertainment Hours Request: Farrell: the Select Board received a request from the Athletic Club to extend the hours for outside live entertainment; the Town's Memorandum of Understanding with the Club includes the hours for outdoor entertainment ("shall not go beyond 10:00pm"). Mark LeLacheur/SAC Vice-President: with the outdoor season coming up, bands starting at 7pm and ending by 10pm does not seem to work well; the extension to midnight would be for weekend nights from May-October although it would not be used most of the time. Per LeLacheur: the abutting neighbors are all in favor of the extension. Farrell: in anticipation of this discussion, a Town Announce with information about the request was sent out as well as a letter to the ~50 households located within 2,000 feet of the SAC asking for feedback about the request to extend outdoor hours. Stocker prepared a spreadsheet of the feedback emails received: of the 10 nearby, within 2,000 feet, respondents: 7 did not want the hours extended and 2 were a maybe; there were 18 responses from residents beyond 2,000 feet: 7, in favor and 7, opposed with 4 maybes; generally, the total group was not in favor of extending the hours. Torres: a hand delivered letter said no to midnight though yes to an 11pm compromise. Stocker: that would be in the maybe category. LeLacheur asks to have the "definite no" explained. It is explained that the letter and initial Town Announce asked for feedback on the request to extend hours and the subsequent Town Announce explained the extension request was to midnight. Farrell: those who said no did not equivocate - 10pm is their limit, they have young children and some have significant health issues; living within 2,000 feet, she hears the outdoor music at her house. Farrell continues: it is not only when the music ends, noise continues for a while afterwards and is heard within a few hundred feet of the SAC; other concerns include the need for police coverage that late and the impact on public safety because people may have been drinking for an extended period of time and driving. Makepeace-O'Neil appreciates Stocker's spreadsheet and notes that having previously lived on Lady Slipper Lane, she understands the concern about noise. Stocker: although outdoor hours are limited, indoor music can run later. Mark Olszewski/SAC President & Manager appreciates the Select Board for sending the letter and acknowledges the valid points, i.e., concern about children and that there is continued noise outside after the music ends; the consensus, in a nutshell, is that most are not in favor which is what we wanted to find out. Olszewski notes that special events need approval from the Police Chief and that a vote by the Select Board about the request to extend hours is not needed because they understand. Farrell thanks LeLacheur, Olszewski and those who provided feedback.

Stocker appreciates all the work done by those that keep the SAC running as it is a fabulous resource. Farrell: and those who keep it accessible to the community.

3. Police Chief MPTC Exemption & CJIS Policy: Acting Police Chief Kristin Burgess: the Criminal Justice Information System (CJIS) is a national portal for information and reporting; there is an annual user agreement and testing requirements; every five years, a background check for users is required. Per Burgess, if approved by the Select Board, the CJIS policy approved by the Municipal Police Training Committee (MPTC) will be effective 4.26.22; CJIS will be performing an in person audit on 5.12.22. Burgess: law enforcement agencies must use CJIS; the policy states the requirements for use; CJIS must only be used in the course of our duties.

- Makepeace-O’Neil moves and Stocker seconds a motion to approve the Criminal Justice Information System policy effective 4.26.22. Roll call vote: Makepeace-O’Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

Burgess completed the MPTC Bridge Academy on 4.21.22; the MPTC “Request for Officer Exemption” from attending the full time academy is the next step; it will consider Bridge Academy attendance and years of service as a law enforcement officer. Burgess reports having over 7,000 patrol hours; once approved and signed by the Select Board and submitted, the request will be reviewed by MPTC.

- Makepeace-O’Neil moves and Stocker seconds a motion to approve the MPTC “Request for Officer Exemption (from the Certification Standard Requiring Completion of an MPTC Approved Officer Course Training Academy)”. Roll call vote: Makepeace-O’Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

4. Police Study Group Final Report: Both Farrell and Makepeace-O’Neil served on the Police Study Group, a Select Board sub-committee. As Chair of the Group, Makepeace-O’Neil lists the names of the other members of the Group: Acting Police Chief Kristin Burgess, Melody Chartier, Cheryl Hayden, Mary Jo Johnson, Susie Mosher, Town Administrator Becky Torres and Mike Vinskey who resigned (effective 3.21.22). An overview of the extensive Police Study Group Final Report is provided by Makepeace-O’Neil: the Group used their charge and answered its questions; information was gathered, data points collected from calls about the police department structures and budgets for nearby towns, and a town wide survey was conducted; members of the Police Department were interviewed and the South County report was reviewed. Per Makepeace-O’Neil notes that developing the survey was a long process: 322 including 7 incomplete surveys were received; of the five options offered, the survey indicated that 62% of respondents like having our own police department. Farrell: there was a great response to the survey. Makepeace-O’Neil: the survey looked at use of the police, how happy residents are with the Police Department; of the respondents, 59% had either themselves or someone in their family have contact with the Department; the list of services provided by the Department that are important to the community will be significant feedback for the Department along with the many helpful comments; the majority of folks feel that less than 10 minutes is an acceptable response time; the current coverage from hours of 7am – 11pm were the most acceptable; 196 out of 315 respondents said yes to having Shutesbury’s own police chief. The Police Study Group

webpage contains all the survey data and resources used by the Group. Stocker appreciates all the work done by the Police Study Group; his sense is that the recommendation is to stay the course. Makepeace-O'Neil: in summary, the Select Board will consider the survey outcome which is to keep the police department structure we have.

- Stocker moves and Makepeace-O'Neil seconds a motion to accept the Shutesbury Police Study Group Report. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.
- Stocker moves and Makepeace-O'Neil seconds a motion to disband the Police Study Group, a Select Board subcommittee. All Study Group members and the Police Department are thanked for their participation. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

Unexpected Item - Cultural Council Annual Grant: Torres: the Shutesbury Cultural Council annually reviews applications and distributes awards for programs that benefit residents.

- Makepeace-O'Neil moves and Stocker seconds a motion to approve the Mass Cultural Council grant of \$5,000. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

5. Building Committee Charge Bylaw: The edited "Proposed Amendment to the Shutesbury Building Committee By-law April 2022" is screenshared. Farrell reviews the changes to the draft bylaw: the School Committee representative is omitted from membership; the Town Administrator is a nonvoting ex-officio member; there will be representation from the Building Committee on specific project building committees; the goal is to have the Building Committee work with departments/committees seeking to do a major project on a town building. Stocker: a public comment stated that membership was too restrictive; it now says "to the extent possible" (Section 2 "Membership), so membership is not restrictive. Makepeace-O'Neil agrees with the changes. Steve Sullivan is curious what happened to the School Committee member. Farrell: if appointments are made by buildings, there may need to be other representatives. Bob Groves: it is important to have checks and balances and for the Building Committee to work in close cooperation with departments and the Town Administrator; he does not want to see strong advocacy for proposals from the Committee; appreciates not having a School Committee representative as a permanent member; the Building Committee needs to be independent in order to evaluate requests, i.e., the FinCom cannot have Town employees as members; the Building Committee needs to be the same. Farrell: the proposing body works with the Building Committee and, ultimately, the Committee makes the recommendations; the Town Administrator is ex-officio non-voting; with the exception of the school building overseen by the Superintendent and the School Committee, the Select Board oversees all Town buildings. Frank McGinn: the charge is positive; does Section 4 require one or two Committee members? Farrell: it will be up to the Building Committee whether one or two members serve (on a project specific committee); it will depend on availability. Torres: it was an important step to add School Committee representation when communication failed between the School and projects needed to be undertaken; there has been a School Committee representative on Capital Planning for some time; gaps in

communication are a concern. Stocker notes that the proposed bylaw will need to pass at annual town meeting. Farrell: as per the Building Committee's request, Section 3 states that a majority vote of the Committee, after due notice, may remove a member who is not attending meetings (absent from one third of meetings in any fiscal year of their term).

- Makepeace-O'Neil moves and Stocker seconds a motion to approve the Building Committee Bylaw as presented. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

Kathy Carey, unable to be present for the agenda item, requests a report on the Shutesbury Athletic Club request to extend outdoor live entertainment hours. Farrell: the consensus of the feedback is not to extend the hours.

At 7:10pm, a break ensues; the meeting resumes at 7:25pm.

6. Annual Town Meeting Warrant Articles & Timeline: Torres screenshares a list of warrant article by topic; the Board of Assessors have added 15 articles that are updates to senior property tax exemption guidelines; the goal is for seniors to have full access to what they are eligible for; suggests these articles be at the end of the warrant before the citizen petitions. Ways to get information about the Assessors' articles out to residents in advance of the meeting are considered. Torres will let Kevin Rudden/Administrative Assessor know that more information is needed. The pre-town meeting FinCom budget review, moderated by Paul Lyons/Town Moderator, is planned for 5.17.22; after the FinCom presentation, Lyons will review the other warrant articles; it is possible that Rudden could be present at this time. Lyons has a vested interest in residents understanding the warrant articles; he will confer with the petitioners prior to town meeting; suggests the petitioners make their motions as this will provide them with the opportunity to withdraw the petition. The Select Board has no objections to this procedure. The Select Board and Lyons will consider the warrant article order during the 5.3.22 meeting when the Select Board will vote on the warrant.
7. Five Year Hauling Disposal Casella Contract: Torres: all of the adjustments previously explained to the Select Board are included; the increase is 4% per year for a total, at the end of five years, of \$682,199; the reduction from 5% saves the Town \$30,000; in this contract, the same fuel surcharge will be used for disposal and hauling; negotiations raised the price, before surcharge, from \$3.25/gallon to \$4/gallon; the disposal contract is embedded in hauling contract; the contract has been reviewed by Town Counsel. The Recycling and Solid Waste Committee and Torres are appreciated for the time spent negotiating the contract.
 - Makepeace-O'Neil moves and Stocker seconds a motion to approve the five year hauling/disposal contract with Casella of Holyoke. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.
8. Regional School Request for Acknowledgement: Farrell: the Amherst-Pelham Regional School Committee approved a debt package; the Select Board received notice of the vote and needs to acknowledge receipt. Torres: there is no assurance that the Town received the notice if the acknowledgement is not sent; the town has 60 days after the School Committee vote to hold a meeting to express disapproval of the authorized debt; if two towns vote no on the Debt Authorization at annual town meeting, then the Authorization

fails and the School Committee has to reconsider the process. The FinCom has not fully discussed this matter; if Shutesbury is to take action within the 60 days, a special town meeting would need to be scheduled immediately. On 5.3.22, Torres will report on the Finance Committee's action relative to the debt.

- Makepeace-O'Neil moves and Stocker seconds a motion to officially acknowledge receipt of the "Certified vote of the Regional School District". Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries. On 5.3.22, Torres will report on the Finance Committee's action relative to the debt.
9. Special Event Request/5.1.22 on Lot O-32: Susie Mosher/Friends of the Library: the Fire Chief, Acting Police Chief, and Board of Health have signed off on the 5.1.22 Special Event form; the Friends have obtained additional insurance to cover this type of event; there will be a bake sale, a layout of the 5,490 square foot library footprint, a Story Walk© and a balloon man; the footprint with information signage will stay up through town meeting; the event will run from 2-4 pm.
- Makepeace-O'Neil moves and Stocker seconds a motion to approve the Special Event for the 5.1.22 Friends of the Library event at Lot O-32 5.1.22 from 2-4pm. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.
10. Town Administrator Updates:
- a. Gym Roof: images of the gym roof replacement project are screenshared; with great excitement, insulation and the right type of roofing was installed; the new modernized roof is brilliantly white with air vents; drainage is being managed appropriately; the engineer is pleased with CapeWay Roofing's professionalism; they were very competent and good to work with. This a great accomplishment for the Town.
 - b. ARPA Funding: the first report, due 4.30.22, is complete; after annual town meeting, the Select Board will consider project funding for the Town.
 - c. MVP Grant: Torres is very appreciative of Michael DeChiara's work on the grant application for assistance in identifying the best way to handle dirt roads at the intersections of driveways and other roads; the plan is to identify 5-6 cases where green infrastructure can be put to use; a handbook for property owners will be put together; relative Town regulations will be updated to address storm water flow. The plan is for the Select Board to vote on the grant application during the 5.3.22 meeting.

Administrative Actions:

1. Makepeace-O'Neil moves and Stocker seconds a motion to approve the 4.5.22 meeting minutes. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the 4.5.22 minutes are approved as presented.
2. Makepeace-O'Neil moves and Stocker seconds a motion to approve the 4.12.22 meeting minutes. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the 4.12.22 minutes are approved as presented.
3. Makepeace-O'Neil moves and Stocker seconds a motion to approve the 4.14.22 meeting minutes. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the 4.14.22 minutes are approved as presented.

4. Select Board members will sign vendor warrants #22-23 totaling \$435,142.98.
5. Select Board members will sign payroll warrants #22-23 totaling \$117,191.89.

At 8:08pm, Makepeace-O'Neil moves and Stocker seconds a motion to enter executive session for reason #6, Cows' 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 governing body, and not to return to open session. Others in attendance are asked to leave 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. Intergovernmental Agreement for Communication Services between South Hadley Electric Light Department and Shutesbury Municipal Light Plant
2. Memorandum of Agreement between the Town of Shutesbury and the Shutesbury Athletic Club
3. MPTC Officer Exemption Certificate & CJIS Policy
4. Shutesbury Police Study Group Report submitted to the Select Board 4.22.22
5. Proposed Amendment to the Shutesbury Building Committee By-Law April 2022
6. Five Year Hauling Contract with Casella of Holyoke
7. Acknowledgement of Receipt: Certified vote of the Regional School District Committee
8. 5.1.22 Special Event form

Respectfully submitted,
Linda Avis Scott
Administrative Secretary