

Shutesbury Selectboard Meeting Minutes
October 26, 2022 Virtual Meeting Format

Selectboard members present: Rita Farrell/Chair, Melissa Makepeace-O'Neil, and Eric Stocker

Staff present: Becky Torres/Town Administrator; Geneva Bickford/Administrative Secretary

Volunteers & Other Staff present: Miriam DeFant, Tim Hunting, Jeff Lacy

Guests: Karen Dunn, Jeannette Stockton

Farrell calls the meeting to order at 5:37 pm.

Agenda Review: Farrell reviews the posted agenda; Union 28 request for grant sponsorship requires a vote, discussion with planning board, discussion about National Grid Fleet Advisory Services program, update about FRTA and PVTA, Eric leads discussion on LWAC, appointments to Cultural Council, discuss right of first refusal, public health excellence grant, do not have contract ready for OPM, use time to schedule Selectboard meeting for next Tuesday, contract with Gale Associates & Town Administrator updates.

Public Comment: Miriam Defant, 74 Pratt Corner Rd, Chair of Conservation Commission, brings to the attention of the Selectboard concerns raised after receiving a number of calls from residents asking for more information regarding beaver removals at the lake. One resident indicated in the past a dam keeper broached dams and left debris floating in the cove near property that then floated onto her property. If broaching occurs you need an emergency certificate from the ConCom and conditions would be added. Debris needs to be removed not left in the water or buffer zone. Also would like to have Selectboard put on agenda concerns about beaver near Fiske Brook Culvert regarding other approaches such as flow protection device.

Review of Minutes: None.

Discussion Topics:

1. Union 28 Request for Grant Scholarship: Becky Torres confirms Shutesbury is eligible and moving ahead working with Union 28. Need to locate password to get application moving. Shutesbury is lead community for regional grant.

MOTION to acknowledge that Shutesbury will be lead applicant for the community compact regional grant for Union 28.

- Makepeace-O'Neil moves and Stocker seconds Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

2. Planning Board Discussion about PB Associates: Planning board would like to have discussions with legislators in regards to allowing Associate Planning Board members to have the same standing as Zoning Board Associate members. Currently Planning Board Associate members are only allowed to fill in on Special Permit issues whereas Zoning Board Associate members are allowed to participate the same as Zoning Board members do. The current language for Planning Board members is in Ch. 40(a) Sec 9 and current Zoning Board of Appeals language is in Ch. 41 Sec 81(a). Discussion should take place

in the fall in advance of January session. Filing for new legislation has to be done by January 22.

MOTION to support Planning Board moving ahead with the language amending Ch 40(a) & 4.1.

- Makepeace-O'Neil moves and Stocker seconds Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

3. National Grid Fleet Massachusetts Fleet Advisory Services Program: Shutesbury was approached by National Grid about program looking at vehicle fleets in municipalities and converting vehicles to electric vehicles. Analysis is done free of charge. To be eligible fleet needs to be a minimum of 10 vehicles. There would be 2-3 rounds of giving information, crunching data & more questions. Process should take about 2-3 months. They would like to meet with highway superintendent and people who know about the vehicles. Town Administrator should take lead as she has all information.

MOTION for Town of Shutesbury to participate in National Grid's fleet advisory services:

- Makepeace-O'Neil moves and Stocker seconds Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

4. Continued Discussion with FRTA and PVRTA regarding local public transportation: Town Administrator back and forth between FRTA and reached out to the new contact at PVRTA. Town Administrator will provide more information at next meeting.
5. Lake Wyola Dam Study Committee: LWAC discussed the possibility of having a short term study committee to look at how issues at dam are addressed. One issue raised was dam being used for recreational partying which creates a matter of personal safety and liability for the town. Concerns have also been raised as to how the Town currently accesses the dam by crossing private land. Permission has been granted from current owner, however, that could change if property is ever sold. Town needs to consider a long term solution. Selectboard discussed possible permanent easement being obtained. If successfully pursued final agreement would need to be done through a Town Meeting vote. Who should sit on committee? Miriam suggests ConCom member so that environmental wetland issues are front and center. Eric outlined the committee should be a formal Selectboard subcommittee that will hold 2-3 meetings. Membership should be made up of abutters, Police Chief, Catherine Hilton (BOH), dam keepers and someone from ConCom. Minutes should be taken by a member of the subcommittee. Letters will be mailed out to potential members. Changes to Eric's draft letter shall include changing response time to 11/7/22. Appointments will be made on 11/9/22. Change greeting to "dear concerned party", "we are writing to invite you to participate in a committee that will be exploring the potential use of the dam a Lake Wyola as a "subcommittee of selectboard".

NO VOTE

6. COA Appointment of Jeanette Stockton and Cara Brostrom to Shutesbury Cultural Council: COA has recommended Jeanette Stockton to be member. Jeanette has been involved with Village Neighbors for about 2 years. Jeannette said it makes perfect sense to partner a little more with all of our COA's. Joanne Bernhard, Co-Chair of the COA, represented the Council supports Jeanette's appointment.

Cultural Council appointment is rescheduled.

MOTION to appointment Jeanette Stockton to the Shutesbury Council on Aging.

- Makepeace-O'Neil moves and Stocker seconds Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

7. Right of First Refusal, Greenbaum Property, input from Planning Board, Concom & Historical Commission Committee: Background: Greenbaum property is 28 acres along Wendell Rd. The person acquiring property wants to change its use from forestry to residential. That being the case it is coming forward to Selectboard to determine if they want to exercise their option to Right of First Refusal. The Town has Right of First Refusal due to the change in use from Forestry to Residential. If a property owner puts their property in Ch. 61 or 61(a) or (b) then take it out the town gets Right of First Refusal, plus you have to pay back taxes. These programs save landowners money. If you are going to have those tax benefits then at the end you have to offer right of first refusal to the town. This is how the statute/legislation is written. The right of first refusal is given so that if that piece of land is an important piece of land to the Town or a critical piece of environmental property the Town may purchase at market value. By statute the State has given towns this ability to make an attempt to control some of the property in town. The current owner has a purchase and sale agreement in place with a potential buyer who has made the request that the property change from Forestry to Residential. Roll back taxes need to be paid due to pulling out of Ch. 61 before ownership changes. Conservation Commission, Planning Board and Zoning Board as well as the Historical Commission have all been sent packets of information that include the map and more details about the buy/sell agreement and how much they are selling for. Selectboard's role is to entertain, discuss and get feedback from the Land Use Boards whether the property has unique attributes that are beneficial to the town. A Land Use Board may recommend the town exercise the Right of First Refusal and purchase the property. If Selectboard fails to act within 120 days, from time mail was received (about 110 days remaining), by default the sale would move forward. Jeff Lacy, Planning Board indicates that land is developable (possibly 3-5 houses, certainly enough room for 1 house with 65% - 70% open space). The property has frontage at two places on Wendell Rd and one place on Plaza Rd. Jeff does not believe it is in any critical corridor or adjacent to other town open space. ConCom received packet however, they thought it was in mistake as it was addressed to Selectboard. Packet will be resent to ConCom. Per Concom Chair, offhand it isn't striking as having a high amount of preservation value to it. Planning Board will discuss if it has not been acted on at their next meeting on 11/14/22. Karen Dunn is the realtor for the sale and she indicates that the buyer is only interested in having their own private space, they are NOT a developer. Planning/Zoning Board is not meeting till 11/14. Selectboard will have 2 meetings before that. There would still be time within the 120 day window. Item to be put on agenda for next Selectboard meeting.

NO VOTE

8. Public Health Excellence Grant from BOH: Public Health Excellence Grant is for shared services. The City of Greenfield would be lead administrator for grant. The BOH is signing on as a member to benefit from the shared services. They want to establish a new cross jurisdictional shared service arrangement. It will be Greenfield, Montague, Sunderland, Deerfield, Leverett and Shutesbury. They would all share the services of a Public Health Nurse. Shutesbury is not an environmental justice population but many of the other communities are and by working with them Shutesbury is eligible for the grant. This person would spend time in Shutesbury and do contract tracing and other health related work. There is no cost to Shutesbury. Grant seems confusing, information is missing. Selectboard will come back to the grant at their next meeting.

NO VOTE

9. Contract with OPM: contract is not ready. SB meeting scheduled for next Tuesday, 11/1/22 @ 5:30.
10. Contract with Gale Associates: Gale Associates will do a full evaluation and will research condition of roof, including flashing system to be sure they understand how the roof is operating. Emphasis has been placed on the need for a thorough review before going to the designing and engineering stage due to issues with insulation below roof. Cost evaluation for services is estimated at \$9700. Town Administrator will handle all the Atlas Environmental aspects, to explore asbestos in shingles, there is an estimate for a lift rental. Town Administrator encouraged the use of ladders as has been the traditional approach instead of renting a lift. Town Administrator will be in contact with a local roofer to help bring the cost down. Other costs will be handled directly through the Town Administrator. The roof was installed at the time of the 1992 renovations. There is a possibility there may be asbestos in the shingles. It is required they test for it. Cost of \$4100 is an estimate. They come take a sample. The sampling cost is about \$1000. If sample is positive then will need to bring in other company to do remediation. That cost about \$2200. There may be files stored that include information of all the materials used from 1992 and it would have a sheet that would say what the shingles were made of because it is a public building. We may be able to narrow their search if we find this information. TA believes they still have to test as a requirement. We could look for those files but they are not located in town hall. All records regarding school were kept at union 28. TA will inquire. Approval is needed to spend up to an additional \$8400 with the caveat that if we don't have to spend \$4100 proving no asbestos we won't. Building committee has reviewed and approved and hope to move forward.

MOTION TO APPROVE GALE ASSOCIATES CONTRACT FOR \$9700 AND AUTHORIZE EXPENDITURE OF UPTO \$8400 ADDITIONAL DOLLARS FOR EXAMINING THE ROOF AT SHUTESBURY ELEMENTARY SCHOOL.

Makepeace-O'Neil moves and Stocker seconds Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

11. Administrator Updates, FRTA Updates: Hybrid SUV cruiser- there has been cancellation of 1000 SUV hybrid cruisers in MA because they are not functioning properly. Recalls have occurred and orders have been cancelled, saying it will be two years before they will have a hybrid vehicle available (they – cruiser manufacturer). The town received 1 cruiser but not hybrid. Senior exemption passed at Annual Town Meeting is now moved from House to Senate approved by House Senate votes tomorrow then goes to Governor's desk. Possible decision making about percentages to offer exemption for FY 24. Hope to have it off governor's desk before he leaves. Roy Bishop, assessor consultant, is working with us on revaluation certification for this year that is critical for recap. Last week he completed personal property calculations and started entering data into gateway. He is seeing very large increases of over 20% to real estate values. Increased values will decrease tax rate. We don't have final calculations, with personal property being added in that will impact that calculation. Greatly appreciate Roy's work in the absence of a Shutesbury Administrative Assessor. We have had no inquiries about assessor job. Roy Bishop will to put in proposal for services. His son is starting a new company. The Assessors will review to see if it is anything helpful in the meantime we will continue to work on word of mouth. Warrants need to be signed, payroll needs to be signed, as a result of tonight's meeting we have Gale contract to be signed. Right of First refusal, Board of Health and OPM are on hold.

MOTION TO ADJOURN

Motion to adjourn: Makepeace-O'Neil moves and Stocker seconds roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

Administrative Actions:

1. Selectboard members will sign vendor warrants
2. Gale contract to be signed

Documents and Other Items Used at the Meeting:

1. 10/26/22 email from Eric Stocker w/Letter to Concerned Parties, copy of 7/10/22 letter from Dam Keepers & proposed list of Lake Wyola Dam Committee Members
2. Right of First Refusal Packet (including procedure, Notice of Intents to Covert, Notice of Non-exercise of Option & Purchase and Sale Agreement
3. Board of Health Public Health Excellence Grant
4. Gale Associates Agreement

Respectfully submitted,
Geneva Bickford
Administrative Secretary