

Shutesbury Selectboard Meeting Minutes
September 22, 2026 Hybrid Meeting Format

Selectboard members present: Melissa Makepeace-O'Neil/Chair, Eric Stocker/ Vice-Chair, James Walton/ Board Member.

Staff and Guests Present-In Person: Hayley Bolton: Town Administrator, Brennan Mailloux, Tom Siefert, Howard Kinder, Mary David, Jean Perkins, Dianne Pickering, George Abdow, Pat Page, Norm Page, Lori Turati, Walter Turati, Ronald Meck, Sandra Yarmac, Nick Yarmac, Jean Whitney, Kent Whitney, Joyce Braunhut, Jan Rowan, William Wells, Judith Wells, Chad Grybko.

Zoom Names Present (As displayed on screen): jeffpickering, BThompson, acman009, Connie, Kevin Topor, Mark Rivers, Jean Fontaine, sandy haughey, M Clarke, tjbernar, Charlene, Michael Miller, Kimberly Quinn's Ipad, Ellie Smith, Evan Jones, Donovan Smith, adrian, JGorey, Tracy McNaughton, marcs, Miriam DeFant, don, Maura Keene, Betsy Cannon Smith, Attorney Randall Smith, Linds Vollherbst, Tim Pickering, Stephen Dallmus, Suzanne Lyon, Kate Pfordresher, Lynda Grybko, David Grenier, Michelle, Rita Farrell, Jenn, Alex's Iphone, Jame's Moore's Iphone, Mike Perry, Frank McGinn, Gill, Mike.

Makepeace-O'Neil calls the meeting to order at 5:01pm

Agenda Review: As posted.

General Business:

1. Approve Meeting Minutes for 9/15/26:
 - a. A brief discussion arose regarding how Minutes from joint sessions with other committees such as the Planning Board or Finance Committee are handled.

VOTE: Makepeace-O'Neil makes a motion to approve the Meeting Minutes for 9/15/26 as posted, Stocker seconds. Roll call vote Walton: abstain, Stocker: aye, Makepeace-O'Neil: aye; motion carries.

2. Meet with the Lake Wyola Association Board to discuss the Road Assessment on the Lake Roads:
 - a. Makepeace-O'Neil stated the reason for the meeting is a result of the Highway Department sending out their annual Private Roads Maintenance Assessment Letter.
 - b. Town Administrator Hayley Bolton provided an overview of the legal parameters governing the Town's ability and obligation to plow private roads.
 - i. Bolton stated the town adopted Mass General Law Chapter 40, authorizing plowing of private ways open to the public following a town meeting vote, but this does not legally obligate the town to plow if conditions are unsafe.
 - ii. Public taxpayer funds cannot be used for private road maintenance; a legal distinction exists between public and private roads regardless of whether residents pay taxes.

- iii. Bolton stated under Mass General Law Chapter 84, municipal liability for road defects on public ways is capped at \$5,000 with a 30-day presentment window. Plowing private ways under Mass General Law Chapter 258 increases liability to \$100,000 per claim with a two-year presentment window. Many Massachusetts communities have moved away from plowing private roads due to this liability exposure, and the Town's insurance provider does not recommend the practice. In conclusion, the Town is legally permitted but not obligated to plow private roads, and doing so carried substantially elevated financial liability compared to public roads.
- c. LWA President and person in charge of the Roads Committee, George Abdow, stated the LWA is a 501 (C)(3) eligible volunteer organization with no staff on payroll. The Association has approximately 280 households in the watershed area. They cater to the safety, the well-being, and the protection of the watershed of Lake Wyola. They host safety meetings, do invasive weed studies, have an operating budget of around \$38,000, and are currently running at a \$5,000 deficit for the year, due to lack of volunteers. They are operating at roughly 65% membership, with membership down 15-20 members compared to prior years. The cost for membership dues is voluntarily \$150.00 for a year. Fundraising activities such as calendar raffles and events help supplement dues revenue.
 - i. Mary David stated that the Lake Wyola Association pays taxes, as well as the individuals who live on the private roads. The Lake Wyola Association pays \$5,000 in taxes voluntarily, despite qualifying for exemption as a 501 (C)(3).
 - ii. Bolton asked Abdow if the LWA could take over plowing of any roads if the Town ceased; Abdow confirmed the Association is not financially positioned to do so.
 - iii.
- d. The discussion then turned to the August 20th letter sent to property owners outlining road conditions required for continued plowing.
 - i. It is required that the Highway Department drafts and mails out an annual road assessment for repairs and plowing eligibility. Highway Superintendent Dave Grenier issued and mailed the letter this year.
 - ii. Abdow stated the LWA is actively working to address items on the list that are feasible given the time of year. Items such as tree trimming, pothole patching, and grading are being completed. A road workday is scheduled for mid-October. Abdow stated some items (road widening, turnaround construction) require Conservation Commission permits and cannot be completed quickly; some may take six months to a year or more.
 - iii. He also acknowledged that the Stormwater Committee (SMIC) is conducting an engineering study of lake and watershed roads, with grant funding potentially available for improvements.
 - iv. Grenier stated the Highway Department has only 3 full-time workers managing over 30 miles of roads, more than half of which are gravel. The

department has been contracting out lake road plowing and went significantly over its Snow and Ice budget last winter. He mentioned that if a contracted plow truck breaks down on a private road, the town is still responsible for covering those roads, pulling resources from main road operations. He stated that roads have changed over the years with paved driveways encroaching on road edges, fences, and parked cars have made plowing more difficult and increased liability exposure. Grenier confirmed incidents have occurred: police cars and pickup trucks pulled from ditches; a fire truck rescued from a driveway; a mirror damaged by a highway truck.

- v. Tracy McNaughton suggested that residents who live at the lake year-round observe the sand truck backing down their road, noting it is visibly difficult and dangerous.
 - vi. A member of the public noted that roads have historically been plowed with pickup trucks and smaller equipment without major incident and suggested using appropriately sized vehicles as a practical solution.
 - 1. Bolton acknowledged smaller trucks as a reasonable workaround but noted the same liability exposure applies regardless of vehicle size.
 - 2. Grenier clarified that the town's smallest truck (one ton) is approximately 20 feet long without a plow, making turnarounds on narrow roads extremely difficult. Backup cameras are not currently installed due to cost.
 - vii. Makepeace-O'Neil stated that signs around lake roads worded as "Visitors and Packages Only, No Public" must be removed if the Town is to continue plowing, as the roads must be publicly accessible.
- e. Taxpayer Equity and Financial Concerns were discussed.
- i. Mary David argued that lake residents pay the same taxes as others and should receive equivalent services, including emergency access. Bolton reiterated that taxpayer funds support public roads and services, not private road maintenance, regardless of individual tax contributions.
 - ii. Grenier stated the Town spent significant public funds contracting out lake road plowing, contributing to the Snow and Ice budget overrun. Makepeace followed up by saying that Shutesbury spent approximately \$30,000 on lake road plowing last winter, representing about one-third of the total \$100,000+ Snow and Ice expenditure. Attorney Randall Smith noted this was not just a Shutesbury problem, but a state-wide budgeting overrun problem last year for Snow and Ice. Anna via Zoom argued that budget and policy decisions are the Select Board's responsibility, not the Highway Superintendent's, and that if plowing lake roads is a community priority, it should be funded accordingly. Makepeace-O'Neil clarified to Anna that Grenier's input is essential as the operational expert on the ground, and that the Select Board does not make decisions without staff input.

f. Road Widening and Turnarounds Discussion

- i. It was explained that widening roads or creating turnarounds requires taking land from adjacent property owners, which is a significant legal and practical barrier beyond just permitting.
- ii. Siefert noted that all Lake Wyola roads are deeded at no less than 20 feet wide per registry records, suggesting some narrowing may be due to encroachment rather than original road design. Siefert also referenced the stormwater engineering study, which recommended surveying lake roads to clarify actual road boundaries, as some private owners appear to have encroached on road areas. Noted that grant funding through FRCOG might potentially cover surveying costs.
- iii. McNaughton suggested that some homeowners might voluntarily return encroached land if the issue were explained clearly and recommended a joint walkthrough with Grenier and Abdow to identify specific problem areas.
- iv. Grenier explained that road widening requirements stem from the practical need to have space to push snowbanks, which grow progressively narrower with each storm. He noted that parked cars on road edges compound this problem. Grenier did confirm that widening would require permits regardless of who initiates the work.

g. Stormwater Mitigation and Watershed Improvements Discussion

- i. The Stormwater Mitigation and Implementation Committee is working with engineering firms and pursuing grant funding to improve roads and watershed management across the Lake Wyola area. Results are still pending.
- ii. Abdow stated the LWA has installed approximately 10 times more sediment ponds than existed 15 years ago to slow water runoff and protect the lake.
- iii. Meck raised a long-standing issue of runoff from Great Pines Road crossing Locks Pond Road and depositing sediment on private property at the end of Birch Drive, raising the ground level by approximately two feet since 1989. Meck asked what the town's responsibility is for water coming off town roads onto private property.
 1. Grenier in response, stated that culverts and drainage infrastructure were installed when roads were originally paved and that water follows natural grades; disputed that town road runoff is the primary cause. Meck disputed Dave's characterization, stating the issue is well-documented by both the LWA and DPW.
 2. Makepeace-O'Neil stated this is part of why the Stormwater Committee was established.
 3. Siefert confirmed the Stormwater Engineering Study is addressing water management on the uphill side of Locks Pond Road.

- h. Discussion about Emergency Access and Safety Considerations
 - i. There was a raised concern about school children needing to walk through snow to reach bus stops if roads are not plowed. Bolton confirmed the goal is not to eliminate plowing but to find workable solutions; bus stop access would be considered.
 - ii. Makepeace-O'Neil noted that during the 2008 ice storm, the Fire Department transported patients to ambulances waiting at accessible locations, demonstrating that emergency services can adapt.
 - iii. Bolton clarified that emergency access (running hoses, parking apparatus at road entrances) is distinct from the ability to plow with heavy equipment.
 - iv. Meck asked about the town's emergency access obligations on roads deemed unplowable; Bolton noted that cruisers and fire apparatus have different access requirements than plow trucks.
 - v. Makepeace-O'Neil emphasized that worker safety is a primary concern, and that Highway employees and contractors have expressed feeling unsafe plowing certain lake roads, and the Select Board has an obligation to address workplace safety.
- i. Siefert raised questions about the LWA's publicly available financial findings as he referenced the LWA's IRS Form 990-EZ (a required annual document for public charities), accessible via Mass.gov. The 2025 filing shows net assets, cash, savings, and investments as \$90,780, with total revenue being \$37,811. Siefert noted that the filing lists "maintain water quality of Lake Wyola and road quality of lake" as the organization's primary exempt purpose, but no dollar amount is listed for road quality maintenance as an expense in 2025. Ultimately, Siefert asked the Select Board whether they had reviewed these documents and whether the \$90,780 in assets could be used for road maintenance. Makepeace-O'Neil confirmed she had not reviewed the LWA's filings but would do so after Siefert emails the forms.
- j. Proposed Solutions
 - i. McNaughton recommended a joint site walkthrough with Grenier, Dave Boron (contractor), Abdow, the LWA Roads Committee, and Conservation Commission representatives to review the assessment letter items in person.
 - ii. Bolton suggested reevaluating the Plowing of Private Roads Policy to engage the LWA roads committee earlier (spring rather than September) so repairs can be completed over the summer before the plowing season. She also proposed exploring a formal contracted service agreement or liability agreement with the LWA to clearly define what the town is and is not liable for.
 - iii. Makepeace-O'Neil agreed with a public suggestion that future letters should include a disclaimer clarifying the legal obligations driving the language.

- iv. Stocker proposed a motion to table road widening, turnaround construction, and water drainage improvements for one year, with a target of revisiting in spring, while proceeding with all other feasible repairs.
- v. Bolton recommended a second motion be made that the Town Administrator and Town Counsel work together to draft a liability agreement with the LWA and/or relevant property owners.

VOTE: Stocker makes a motion to table the turnaround, water drainage repairs, and road widening requirements in the Private Roads Assessment Letter until next year with a target time of the Spring, Walton seconds. Roll call vote Walton: aye, Stocker: aye, Makepeace-O'Neil: aye; motion carries.

VOTE: Walton makes a motion to have the Town Administrator and Town Counsel work together to create a Liability Agreement with the Lake Wyola Association, that may include property owners, for liability of plowing and sanding, Stocker seconds. Roll call vote Walton: aye, Stocker: aye, Makepeace-O'Neil: aye; motion carries.

k. Birch Drive

- i. Meck stated that the end of Birch Drive (beyond the knoll/telephone pole) has been excluded from plowing since at least 2001, and that three Freedom of Information Act requests have yielded no documentation explaining why. He stated that he has personally snow blown the road after every storm for 37 years to maintain its width, and that there is ample space at the end of Birch Drive to deposit snow and turn around.
- ii. Meck stated he was inadvertently not plowed on January 1st during a storm and that this prompted his engagement with the town.
- iii. Bolton clarified that Meck cannot make a motion as a non-Select Board member but can petition the Select Board to change the policy. Any change would also require consultation with the LWA, as Meck lives on but does not own the road.
- iv. Abdow indicated willingness to discuss the matter with Ron.

l. Lastly, there was discussion about shared driveways versus private roads.

- i. Makepeace-O'Neil explained that some named roads (ex. Lady Slipper Lane) are actually shared driveways that received names only for 911 purposes in the mid-1990s and are not plowed by the town.
- ii. Siefert referenced Shutesbury's Zoning Bylaw Section 8.6-2 and 8.6-2B, which specifically addresses plowing and sanding of common/shared driveways. These are entirely private property with access limited to emergency services; garbage collection occurs at the road entrance.

3. Meeting Adjourned at 6:56 pm

VOTE: Makepeace-O'Neil makes a motion to adjourn the meeting, Stocker seconds. Roll call vote Walton: aye, Stocker: aye, Makepeace-O'Neil: aye; motion carries.

Document and Other Items Used at the Meeting:

1. Meeting Minutes for 9/15/26
2. Road Assessment on the Lake Roads

Respectfully submitted,
Brennan Mailloux
Administrative Assistant
Town Administrator/Select Board

** A full version of the 9/22/26 SB meeting will be available to view on the Town of Shutesbury's YouTube page: <https://youtu.be/oPJKQLo2AbI>

