

Minutes
CONWAY SELECTBOARD
Town Office, 32 Main Street
November 2, 2015, 7:00 p.m.

Select Board members present: John O'Rourke, Chair; Jim Moore, Clerk; Robert Baker

Others present: Tom Hutcheson, Town Administrator; Liz Jacobson-Carroll, Assistant to the TA; Lacey Arnold, FCAT; Margaret Burch; Joseph Strzegowski; Pixie Holbrook; Marcelle Morgan; Sandra Sobek

Minutes

- **On a motion from Jim Moore to accept the minutes of October 19, seconded by Robert Baker, the vote was unanimous in favor.**

Warrants

- **On a motion from John O'Rourke to sign the vendor warrant for \$110,703.76, the payroll warrant for \$97,904.62, and the payroll deduction warrant for \$25,797.71, seconded by Jim Moore, the vote was unanimous in favor.**

Meetings Attended by Selectboard Members

As Select Board representative to the Ad-Hoc Pipeline Advisory Committee, Jim Moore attended a regional meeting of similar groups at the Northfield Elementary School.

Fire Chief Robert Baker and Deputy Ron Hawkes went to a meeting of area public safety officials and representatives from Tri-Tech Corporation, with whom 31 towns in the state have contracted to employ an improved accounting system.

John O'Rourke attended numerous meetings, including those of the Clean Energy Council, the Massachusetts Energy Consumer Alliance, a Massachusetts Energy Summit, a FRCOG Council and the FRCOG Finance Committee.

Citizens' Concerns

None.

Old Business

- *Extend authorization of leave of absence for Treasurer/Collector till Nov. 9*
 - **On a motion from John O'Rourke extend the authorization of leave of absence for the Treasurer/Collector until Nov. 9, seconded by Robert Baker, the vote was unanimous in favor.**

New Business

- *Pipeline Task Force:*
 - Consider joining the Massachusetts Municipal Coalition Against the Pipeline (MCAP)
Meg Burch and members of the Ad Hoc Pipeline Advisory Committee drew attention to the mission statement, now finalized, of the coalition of municipal governments working to stop the construction of the Northeast Energy Direct (NED) pipeline, then requested that the Select Board vote for Conway to join the group. Their comments included the following: Northfield, Montague, and Gill have joined, and Ashfield and Deerfield appear poised to do so. Some towns have committed money, but doing so is not required to join the coalition. MCAP's goal is to leverage power, and to participate as an intervenor in the deposition process; these goals do not overlap with those of the FRCOG group, with which the Task Force is also working, as FRCOG's official position on whether or not the pipeline should be constructed is neutral. MCAP clearly opposes NED, and is looking at regulatory and legal avenues beyond FRCOG's offer of legal and technical assistance. MCAP is seeking the membership of all 55 towns; each will have a single vote. These include rate paying municipalities such as Amherst and Northampton, from which representatives have been attending meetings. Conway residents, who voted to oppose NED, have been frustrated by FRCOG's neutral position; joining MCAP will reflect that. John O'Rourke explained that FRCOG is remaining neutral in order to represent all 26 towns in the region, not all of which would be affected by NED.

- **On a motion from John O'Rourke on the recommendation of the Ad Hoc Pipeline Task Force to join the Municipal Coalition Against the Pipeline to stop the NED pipeline, seconded by Jim Moore, the vote was unanimous in favor.**

- *Update on filing for intervention in the FERC pipeline proceedings*

Hutcheson noted that Kinder Morgan's tentative date to file, with the Federal Energy Regulatory Commission, its intent to construct NED is November 20th. In response to a question from John O'Rourke, he explained that an organization can intervene either generally or in opposition to the project, and that while FRCOG will intervene generally, the towns will do so in opposition. He noted that the process of filing the petition for intervenor status is not complex, but that the tasks that come afterward could require substantial commitments of money, time, and expertise. Successful intervenors will be expected to lay out their arguments at a meeting for petitioners in advance of the hearings, he said, noting that FERC may choose a single town to represent all of those with similar arguments. John O'Rourke expressed his confidence that Conway will be accepted as an intervenor. Meg Burch reported that Attorney Carolyn Elefant recommends that towns file separately as well as via FRCOG. Tom Hutcheson noted that if Kinder Morgan addresses, in its application, concerns that Conway has raised, the Town will be expected to bring expert testimony regarding those to the hearings.

- *Request from Kinder Morgan to perform civil surveys on Town roadways*

Tom Hutcheson reported that in response to a Kinder Morgan email to the Select Board asking for permission to conduct civil surveys on Town roads, he sought advice from Town Counsel, who indicated that the Board need not respond to the request, especially at any particular time. He noted that the Board of Health previously had issued a cease and desist order to Kinder Morgan for all activity pertaining to NED, and that there are internal politics to consider. Also, he noted that the order has not been challenged; if it were, it might be considered excessively broad -- dealing with potential threats rather than more imminent threats -- and that it might be difficult to defend. Discussion included whether or not this request is substantively different from that received previously, the proposed path of the pipeline in relation to Town roads, and ability of Town roads to handle extremely heavy equipment. Jim Moore indicated his preference to deny this and future Kinder Morgan requests; Robert Baker indicated his preference to delay the Town's response until receiving a more thorough opinion from Town Counsel. Meg Burch reported that a Kinder Morgan representative she spoke with at the recent meeting in Northfield indicated that the company will be making small changes to the plan that will not be reflected on the maps coming out on November 20th; they continue to provide inadequate or incorrect information. Jim Moore stated that once FERC approves the Kinder Morgan plan, they will change it as they see fit. John O'Rourke expressed his interest that Town Counsel's more nuanced opinion is not likely to influence their decision.

- **On a motion from Jim Moore that the Select Board deny Kinder Morgan's request for the right to conduct civil surveys on Town roads, seconded by John O'Rourke, Jim Moore and John O'Rourke voted in favor, and Robert Baker abstained.**

- *Memorandum of Understanding with the FRCOG regarding legal support for pipeline issues*

Noting that there has been no change to the draft circulated earlier, Tom Hutcheson said that the memo describes the scope of services to be provided by Attorney Carolyn Elefant to FRCOG. He indicated that the legal services will make the Town's position stronger, and that the technical and procurement assistance to be provided by FRCOG will be helpful in the preparation of both comments on KM's application to FERC and on the draft environmental impact statement. Joe Strzegowski indicated towns that "ante up" will vote on how the money is spent, thus determining which studies would be conducted and what information will be available they, as intervenors, would "bring to the table."

- **On a motion from John O'Rourke to sign the memo of understanding between the towns of Conway, Erving, Montague and Northfield and the Franklin Regional Council of Governments, seconded by Jim Moore, the vote was unanimous in favor.**

Joe Strzegowski noted that the Planning Board's encumbered funds, earmarked for FRCOG, should be used first; Tom Hutcheson deferred the matter to Accountant Joyce Muka. Meg Burch noted that the cost to Conway will decrease if other towns join the effort.

- *Budget process for FY 2017*

Tom Hutcheson summarized his memo to committee chairs and department heads regarding the budget timeline. He noted that operating budgets are due on 1/18/16, the Capital Planning Committee's recommendations to the Select Board are due on 2/26, and that the legal review of the warrant and motions will be completed by 4/1/16.

He recommended that the Select Board open and close the warrant on 1/11/16 and 3/11/16, respectively, with the latter being 60 days before Town Meeting. He referred to the workflow required to produce the Town Report, which is scheduled to be mailed by 4/21/16 – more than 2 weeks in advance of the 5/9/16 Town Meeting. John O'Rourke expressed his appreciation for Tom Hutcheson's advance planning.

- *Letter of support for Town Highway Department employee*
 - **On a motion from John O'Rourke to sign the letter of support for the Highway Department employee, seconded by Jim Moore, the vote was unanimous in favor.**
- *Approve the use of Town Hall as the center for a road race for the food pantry, November 28th*

Discussion noted that this may be the final year for this request, and that the Police Chief will be notified.

 - **On a motion from John O'Rourke to approve the use of Town Hall as the center for a road race for the food pantry, seconded by Jim Moore, the vote was unanimous in favor.**
- *Municipal representative for Frontier Regional School District contract negotiations*

Tom Hutcheson stated his understanding that no action is necessary from the Select Board, as Fydenkevez from Sunderland has been the representative in the past, and appears to be willing to continue in that role.

Items Not Anticipated 48 Hours in Advance of the Meeting None.

Town Administrator Update

- *Committees*
 - Tom Hutcheson recapitulated the earlier conversation on the pipeline, noting that FERC could reject our petition in favor of choosing one town to represent all similar towns, if we all have similar issues. If FERC does not accept our request, we have one chance to appeal. If it does, we will be invited to a pre-hearing conference to discuss the issues raised in the petition in detail; we need to be prepared to offer expert testimony. One reason to file is to be able to create issues that are appealable in Federal court.
 - Lee Whitcomb and I have been working with the Open Space Committee, and are hoping to secure their support for enhancing the Town's GIS system. We can work with UMass to help implement a good deal of the Town's Open Space Plan (due for renewal in 2019)—another way to put the town's GIS system to use.
 - The Energy Committee has sent out a Request for Qualifications for a consultant to help them identify the best possibilities for renewable energy for the Town. We should have a contract ready to sign either December 14 or 28. There will be some work done regarding the possible siting of a solar array, but they are interested in all available options. It is fairly broad in scope.
 - Mike Kurkulonis has suggested the idea that a Town committee perhaps other than Parks and Rec. could manage regional sports events. I have let him know that for the Town to oversee such a function, it must be able to avoid claims of negligence, which means having a program manual, training of volunteers, and CORI/SORI checks in place. He would like to come in to discuss this plan at your next meeting; I have advised him to work with Parks and Rec. prior to coming in. [John O'Rourke agreed that it is appropriate for Mike Kurkulonis to work with the Parks and Rec Committee.]
- *Departments*
 - We advertised for a highway laborer and have gotten two applications. We are in the process of interviewing and expect to bring someone on board very soon. We are not sure that we are going to bring someone on board before the 25th. We may just wait to see what happens, as it may not be worth it at this point.
- *Other*
 - I'm narrowing down the work I'd like to propose for the Community Compact, to three projects: 1) in the financial aspect, working with the FRCOG to help establish a municipal accountant training program; and in the IT aspect, working on 1) best practices for municipal cyber-security, and 2) optimizing the use of our GIS system.
 - South River 319 Water Quality project: the Notice of Intent was filed with the Conservation Commission, who had a hearing Tuesday night, which was continued till November 24. Since this is a Town project, I attended, and will attend in November. Some concerns were addressed, notably the potential for the proposed stone weirs to add to pooling upstream; this was explained as not being the case, with technical details to come. Briefly, the weirs slow water at the banks, but the water should move freely through the center of the channel. There are still a few regulatory issues to straighten out, but the proposed time for the beginning of construction is next August.

- MBI has completed its procurement of services and will start working with Comcast on Conway. “For the towns of Buckland, Chester, Conway, Huntington, Northfield, Pelham and Shelburne the MBI will enter into this new phase of evaluation and negotiation with Comcast. This phase includes securing essential information required to negotiate a successful agreement, such as information about households to be connected, construction timelines, and costs. There will be times leading into and during the upcoming project period when we will be coming to you for your essential feedback, perspectives, data, and preferences. It’s important to note that any formal negotiation process will ultimately be between the MBI/MassTech and Comcast, so there will also likely be periods that will require the MBI to request your patience and support.” The Town will not be directly involved in the negotiations with Comcast, but they are aiming for 96% percent coverage, or another 80-90 households to be covered. Although 20-30 households could remain uncovered, this represents another step forward. In response to a question from John O’Rourke, Tom Hutcheson indicated that private investment by unserved homeowners has been cost prohibitive, at about \$30,000 per square mile.

Concerns of the Selectmen

- Robert Baker indicated that residents have asked him to bring to the attention of the Select Board that the Highway Superintendent should be making sure that the street lights working properly. Tom Hutcheson asked Robert Baker to convey to those residents that this information would be particularly helpful if it included the numbers of particular poles.
- Robert Baker noted his concern regarding a particular dis-used Highway Department truck, about which he had previously spoken to Tom Hutcheson. Tom Hutcheson reported that Ron Sweet no longer anticipates having time to dismantle the truck to sell it more profitably for parts, so will deliver it to the auction house Dana Goodfield has chosen.
- Tom Hutcheson, noting that Select Board members may hear from residents themselves, said he has passed on to Ron Sweet the feedback from a resident that the recently distributed gravel on Main Poland Road may be too thick.

Mail

- A letter from Ruth Parnall thanking the Select Board for offering to waive the Town Hall rental fee, and noting that she has decided instead to schedule the yoga classes in the library.
- A notice from FRCOG regarding a seminar on managing conflict on Town boards to be held on 11/18 from 7:00 - 9:00 p.m. in the Olver Transit Center in Greenfield.

Announcements

None.

Documents and Other Exhibits Used at the Meeting

- Mission Statement of the Municipal Coalition Against the Pipeline
- Letter from Conway Board of Health to Kinder Morgan VP Allen Fore regarding motion to cease Pipeline-related activity in Town
- Memo of Understanding between Towns of Conway, Erving, Montague and Northfield and FRCOG regarding services (pertaining to proposed pipeline) to be provided by FRCOG to Towns
- Letter from Select Board to attorney Beth Lux
- Memo from TA Hutcheson to various Town officials regarding FY17 budget timetable

Next Meeting

- *Scheduled for Monday, November 16, 2015 at 7:00 p.m. at the Town Office, 32 Main Street*
- *The Chair adjourned the meeting at 8:00 p.m.*

Respectfully submitted,

Jim Moore