

Minutes
CONWAY SELECTBOARD
Town Office, 32 Main Street
February 21, 2017, 6:00 p.m.

Select Board members present: John O'Rourke, Chair; Robert Baker, Clerk; Bob Armstrong

Others present: Tom Hutcheson, Town Administrator; Lisa Turowsky, Assistant to the TA; Dan Denton-Thompson, FCAT; Joe Colucci, Animal Control Officer; Robert Moriarty, Resident/Dog Owner; Lynn Graves, Resident/Dog Owner; Ken Ouimette, Police Chief; Brian Kuzmezkus, Resident; Curtis Hudson, Resident; Jason Silverman, Ag Commission; Roy Cohen, Finance Committee

John O'Rourke called meeting to order at 6:01pm.

Minutes

- **On a motion from Robert Baker to accept the minutes of February 6, 2017, seconded by Robert Armstrong, the vote was unanimous in favor.**

Warrants

- **On a motion from John O'Rourke to sign the vendor warrant for \$125,693.40, the payroll warrant for \$101,687.59, and the payroll deduction warrant for \$26,574.68, seconded by Robert Baker, the vote was unanimous in favor.**

Meetings Attended by Selectboard Members

Bob Armstrong went to Comcast meeting at UMass to discuss build-out plans for Conway. John O'Rourke went to Franklin County Selectman's Association board meeting where members discussed topics for the coming year. John O'Rourke attended a Connecticut Valley Superintendent's roundtable presentation by Massachusetts Taxpayers Association, which was not very encouraging, and also attended Massachusetts Municipal Association's board meeting, where he talked to the Lieutenant Governor about legislation and how it will affect towns.

Citizens' Concerns

None.

Old Business

Update on draft warrant for May 8, 2017 annual Town Meeting

- Tom Hutcheson noted a few updates. Budget will have a different Article 2 number that's substantially higher, unfortunately. Responsible for the increase is the \$29,000 needed to fix the roof leak at Frontier Regional High School (Conway's share). Tom Hutcheson also described formatting changes in the draft warrant which have been made to improve the citizens' understanding of the budget.

New Business

Comcast build-out

- Comcast current build-out maps are pretty much the same as previous maps. Conway is being treated more generously than other towns, according to Bob Armstrong, possibly because almost everybody in northern Conway subscribed. Comcast is paying half of the cost of the extension, with the State paying the rest. There are only four homes that Comcast won't be wiring; Bob Armstrong has made a pitch for them. If a house is on a long driveway and owner hasn't chosen to connect, the State is not going to fund that; but it will fund up to 300 feet down a driveway. Bob Armstrong has contacted the homes that won't get extension, and is still trying to get Comcast to help with them.

Conway representative to FCAT

- FCAT still needs a representative from Conway; Bob Armstrong encourages people to volunteer for this.

Town Administrator Update

Our State Sen. Hinds has asked whether Conway can provide space for a round table conversation on Rural Challenges & Opportunities for Massachusetts, part of the second annual Commonwealth Conversation day of events on March 28th. He is proposing to host that event from 9-10am and Conway is a convenient location for the senators who will be traveling by bus from Amherst. They are asking for a room that can hold a head table, with microphones, and a table for maybe 10 in the front, plus seating for guests, and about 30-50 chairs. Also, the press will be invited. I'm looking into whether the Congregational Church might have better space than the upstairs of Town Hall, especially with the men's room not being in peak condition.

The administrators of the four Frontier towns met the Superintendent last Thursday, and shared our understanding of the past few years, especially including the budget, but also the mine field of regionalization—which might seem rational to outside observers, but which for some towns, including Conway, is unlikely in the near future—though the possibility of creating some shared services or having some shared equipment remains. I also mentioned the structural problem of Proposition 2 ½ vis-à-vis school budgets that annually exceed that by a substantial margin; and also, that for towns that had reached their levy limits, they were faced with the choice of funding the schools or cutting the Town side of the budget. Regarding that, after this year, Conway's five-year rolling enrollment average should start to go down relative to other towns. The Superintendent is slated to come in to meet with you and the Finance Committee on March 6.

I've received a copy of the Wastewater Study Committee's latest proposal and am distributing it for your information. I understand they'll be presenting it to the Capital Improvements Planning Committee tomorrow evening.

The Energy Committee may be ready to move forward with at least part of its redesigned Town Hall insulation project, perhaps as early as next week.

6:17 HEARING UNDER M.G.L. Chapter 140, Section 157: nuisance dogs at 651 Graves Road

Prior to hearing John O'Rourke explained the statutory process for hearing and investigating complaints against dogs. Witnesses are examined under oath at a public hearing to determine whether dog is nuisance or dangerous. The Select Board is Conway's hearing authority. It shall either dismiss the complaint or deem the dog(s) nuisance(s), or deem dog(s) dangerous. Many remedies are available to the hearing authority, including fines and removal of the animal. Owner/keeper can appeal to District Court within 10 days if s/he desires. John O'Rourke also read the definitions of dangerous dog and nuisance dog, and the Conway bylaw that requires dogs to be on leash or chain when not on owner's premises.

Hearing opens at 6:23

Robert Moriarty, property owner at 651 Graves Road, where the three dogs (Raven, Liberty, and Misha) reside, received notice of this hearing by hand-delivered letter. This hearing acts as an investigation of three written citizens' complaints. One of these complainants, Curtis Hudson, was present. Brian Kuzmeskus has complained verbally numerous times about the three dogs, who come running out whenever he and his wife walk by the house. The Kuzmeskuses are frightened when the dogs run at them. Brian Kuzmezkus has seen them as far from their house as Route 116, at least a mile from the owner's house. Joe Colucci, Animal Control Officer, referred to a list of responding to complaints, and his efforts to get Robert Moriarty to resolve the problem. Joe Colucci is concerned about rabies vaccinations; his records show that one of the dogs is not licensed in Conway and two of them are licensed for 2016 and are waiting on 2017 licenses. Curtis Hudson testified that when he and his family ride their bicycles, the dogs chase them and it's intimidating. Curtis Hudson has also seen the dogs chasing cars down Graves Road, not supervised.

Robert Moriarty says the situation is complicated, referencing tumultuous personal circumstances leading to his taking on Raven, a family dog, upon moving into the house at Graves Road. It has been difficult to keep them in the yard; sometimes the children let the dogs out. Robert Moriarty says he can't afford a physical fence or electronic fence and he tries to keep dogs in the house when, for example, his neighbor who is terrified of dogs is walking by. Robert Moriarty claims the dogs will come when called and abide by commands although Raven will "push the envelope". Robert Baker

pointed out that Conway law requires that dogs be under owner's control at all times. Lynn Graves, who also resides at 651 Graves Road, testified that two of the three dogs are rabies-vaccinated and the third, Misha, is going to vet this week. Bob Armstrong asked, what is the solution to this problem. Robert Moriarty wants to be able to put a run in the back yard; he wants to get along with his neighbors. The letters from complainants are "scary", according to Bob Armstrong. Robert Moriarty repeated that Raven has always been difficult to control, and claims that the other two dogs are not confrontational. The Moriarty family has discussed sending Raven to live with other family members. Robert Moriarty acknowledges that three dogs is "a bit much" but that he has put a run out and instructed his children to only let the dogs out on the run. John O'Rourke asks Joe Colucci if the dogs are dangerous; Joe Colucci says at this time they are nuisance dogs, not dangerous dogs.

- **On a motion from John O'Rourke that the three dogs residing at 651 Graves Road be deemed nuisance dogs, seconded by Robert Baker, the vote was unanimous.**

John O'Rourke and Robert Baker ask that Robert Moriarty and Lynn Graves make a commitment that the three dogs will be restrained on the property, effective immediately. Further complaints will necessitate stronger action. An order will issue over the next day or two. If Robert Moriarty doesn't agree with the decision he can go to District Court to appeal.

Hearing closes at 6:45.

New Business

Agriculture Committee: Right-to-Farm bylaw proposed for May 8, 2017 annual Town Meeting

Jason Silverman refers to draft and explains formatting of document. Changes have been made since the last time the Right-to-Farm Bylaw was proposed. The Ag Commission held an open forum where people came for Q and A; this draft reflects comments from that meeting. About a dozen people came. Some concerns regarding the language of the Bylaw have been addressed. The Ag Commission is the mediating body if conflicts arise concerning the Bylaw.

Town Administrator: Presentation of Proposed FY 2018 Budget

Tom Hutcheson presented FY2018 DRAFT Budget and addenda to the Board members. Budget is in the black. Addenda show that \$30,000 free cash is not included in expenses or revenue. There are some school budgets that aren't in yet. There is an item for Wastewater Committee as a borrowing item. FRCOG expenses are in and there's an increase in radio fees on the order of several thousand dollars; Tom Hutcheson is looking at these additional charges. This is a starting point for the budget, which has been posted on the website as of this meeting. There are six possible capital projects which are listed, Tom Hutcheson hopes they are looked at, prioritized, and scheduled by the Capital Improvements Planning Committee. An audit in FY2018 has been included in the budget, which may or not be funded. The budget is up even more this year than it was last year, due to education and health costs. Robert Baker asks what tax rate increase would be if the budget were to pass just as it is; page 10 shows that rate would be \$19.28. Towns are uniformly going up, and there are some towns in Massachusetts that are close to the \$25.00 maximum allowable rate. Tom Hutcheson expects this trend to get a lot of attention at the State level.

Discussion: input to Local Government Advisory Commission through our representative, John O'Rourke

The Commission is a 40-member commission, eight members of whom are Selectman. He reads the Commission's charge. Emphasis is on communicating needs of small municipalities to Governor, Secretaries, and General Court.

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

Concerns of the Selectmen

Robert Baker brings up hiring of new highway laborer. Ron Sweet was slated to come in but he is ill this week.

Mail

Thank-you from Germain Scholarship recipient. Received wage & salary survey for FY2017 from FRCOG.

Announcements

None.

Documents and Other Exhibits Used at the Meeting

Town of Conway Treasury Warrant-Vendor, W17-18; February 22, 2017; Payroll, PW17-18, February 23, 2017; PDW17-18, February 21, 2017
DRAFT Annual Town Meeting Warrant May 8, 2017
Addenda to DRAFT Annual Town Meeting Warrant
Notes on the May 8, 2017 Annual Town Meeting Warrant and Capital Spending
Dog Hearing Procedure
Animal Control Responses to complaints at 651 Graves Road
Citizen complaint letter re: dogs at 651 Graves Road
Citizen complaint letter re: dogs at 651 Graves Road
Citizen complaint letter re: dogs at 651 Graves Road
TOWN OF CONWAY RIGHT TO FARM BY-LAW – DRAFT
Advisory Commission on Local Government M.G.L. chapter 3, Section 62

Next Meeting

- Joint Select Board/Finance Committee Meeting Scheduled for February 27 at 6:00 p.m. at the Town Hall, 5 Academy Hill Road, Conway
- **At 7:24 p.m., on a motion from John O'Rourke to adjourn from open session, seconded by Robert Baker, the vote was unanimous in favor.**
- **At 7:30 p.m., on a motion from John O'Rourke, to open Executive Session, to be held under Reason #2, to conduct negotiation sessions with non-union personnel, John O'Rourke declared it so and voted in favor, Robert Baker voted in favor, and Bob Armstrong voted in favor.**
- **At 7:35 p.m., on a motion from John O'Rourke to close Executive Session, John O'Rourke voted in favor, Robert Baker voted in favor, and Bob Armstrong voted in favor.**

Respectfully submitted,

Robert Baker, Clerk