

Minutes
SELECT BOARD
Monday, December 26, 2018 6:12 p.m.
Town Office 32 Main Street

Present: Bob Armstrong; Phil Kantor; John O'Rourke, Chair

Also present: Dan Fentin-Thomas, FCAT; Phil Bowden & Leah Bowden, Residents; Ron Sweet, Highway Dept.; David Barten, Personnel Committee; Susan Fentin, Personnel Committee; Ken Ouimette, Police Chief; Gordon & Danielle Mulvey, Residents; Alice & Paul Vigliani, Residents; Tom Lesser, Attorney for Bowdens; Tom Hutcheson, Town Administrator; Lisa Turowsky, Assistant to the Town Administrator

Minutes

- **On a motion from John O'Rourke to approve the minutes of November 26, 2018, seconded by Armstrong, the vote was 2-0 in favor, O'Rourke abstaining.**

Warrants

- **On a motion from O'Rourke to approve the vendor warrant of \$778,977.59, the payroll warrant of \$111,567.20, and the payroll deduction warrant of \$27,210.64, seconded by Armstrong, the vote was unanimous in favor.**

Meetings Attended by Select Board Members

Kantor reported attending negotiating committee and budget committee school meetings.

Armstrong attended Adam Hinds's office hours last week in Conway, where they talked about the Conway highway facility.

O'Rourke attended the Franklin County Chamber of Commerce breakfast and presented a proclamation to have Dave Chichester day in Conway on December 18th. O'Rourke described the work that Chichester did as a volunteer on many Town committees.

Public Comments

The Viglianis discussed the horse problem on Main Poland Road; they said that there are three horses that are out on the road a lot; the animals also go up to their property and the Mulvey's property. They are concerned about safety issues related to the horses being loose on the road and want to know what to expect in terms of the horses being controlled. Chief Ouimette said he had asked the Viglianis to write a letter addressed to owners of the horses, which has been delivered. To his knowledge, there have been no incidents since the letter was delivered. There a "no trespass" order in place now. Chief Ouimette is monitoring the situation with Joe Colucci, ACO. Kantor asked what kind of fence the horse owners have; it is his experience that single-strand barbed wire is not enough to control horses, and he believes the owner should be encouraged to get a two-strand barbed wire fence. Kantor suggested that the Town pursue a consent order; Chief Ouimette would prefer to take them right to court if they violate the law again. The Viglianis think it's more than an issue of the type of fencing. The MSPCA has observed food at the Malloy's. Court action may be necessary to solve the problem; this will be pursued if there are any more offenses. If the horses are in the road, residents should call 911. Danielle Mulvey worries about the safety of people traveling to her home in their cars to help with her son. Chief Ouimette, Hutcheson, and Lesser assured her that any liability would attach to the owners of the animals, not to the Town, if any accidents occurred. Any further problems with the horses on the Viglianis or Mulveys property will result in the case being brought to court.

Old Business

Consider draft marijuana host agreement policy

Joe Strzegowski asked via an e-mail that the requisite community outreach meeting include a discussion of how a proposed retail marijuana business would comply with article 11 of the zoning bylaw or if it would require a deviation from the bylaw. The Buckland process for reviewing applications has been used as a template for Conway. Tom Lesser remarked that he can provide Hutcheson with the policies from Whately and Deerfield for comparison. Lesser doesn't see the need for the \$5,000 upfront fee. Hutcheson said this process would apply to large-scale applications as well as applications from small business owners, but that this is an area where flexibility for small businesses would be possible. Lesser said that the cost of legal review should come later as part of the host community agreement negotiating process. Kantor said that the State has authorized the towns to charge municipal impact fees, which would mean that the \$5,000 upfront is a little steep.

New Business

Assign voting delegate for MIIA luncheon at the MMA Annual Meeting

- **On a motion from O'Rourke to nominate Hutcheson as the Town's voting delegate, seconded by Armstrong, the vote was unanimous in favor.**

Consider MMA policy statements to be voted on at the January 2019 MMA Annual Meeting

Hutcheson described the two proposed policy statements.

- **On a motion from O'Rourke to accept the two MMA policy statements, seconded by Armstrong, the vote was unanimous in favor.**

Consider raising credit limit on Highway Department account

Hutcheson stated that Highway Department has the Town's largest budget and it doesn't make sense for them to be limited to a \$2,000 credit limit. The Treasurer has a \$5,000 limit. Hutcheson believes the Highway Department should have the same credit limit as the Treasurer. Kantor thinks there should be requirement of advance approval, even if its telephonic or e-mail approval. Hutcheson referred Kantor to the credit policy. Hutcheson agreed that if an expenditure is between \$2,000 and \$5,000, prior approval could be required. Hutcheson will draft a revision for consideration at the next meeting.

Schedule budget meetings for major and other Town departments

Hutcheson stated that the schedule is the similar to last year's. He reviewed the schedule with the Select Board.

6:30 JOINT MEETING with Personnel Committee: consider revised Employee Handbook

Barten said the handbook represents a lot of work, five years after the first handbook was done, and complimented staff and his fellow committee members. Fentin represented the voice, not only of reason, but also of employment law. Barten referred the Select Board to the description of changes. There were four different revisions. He noted that Fentin is willing to do harassment training for Town employees. The random drug testing policy will be implemented later, after employees receive the handbook. Fentin noted that some personnel policies pertaining to the Conway Grammar School are not compliant, and this can be an issue because the Town is the employer of school employees. There was discussion of how this employee handbook applies to school employees. It was noted that the school district doesn't have an HR person. This would seem to represent a major area of risk requiring further attention.

- **On a motion from Kantor to approve the employee handbook, seconded by O'Rourke, the vote was unanimous in favor.**

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

Town Administrator update

Committees and Boards

The Planning Board is considering a common driveway issue that may require the advice of Town Counsel. A resident is requesting valuation on two building lots that are on a private road that has three dwelling units on it, though they were built before the common driveway by-law was passed in 1993. The question is whether two other back lots are buildable based on the common driveway by-law; if the Planning Board cannot determine that themselves, they will need to engage Town Counsel on the question.

The Personnel Committee is considering proposing changes to the Personnel section of the by-laws. A number of sections are no longer applicable now that the committee is up and running and there is a working HR function in the Town Office.

Dave Chichester was chosen as the Recorder's Citizen of the Year after having been nominated by Mary McClintock. He served as chair of the Board of Health, Emergency Management Director, and as a member of the Planning Board in Conway. In response, the Select Board proclaimed December 18, 2018, as David I. Chichester Day in the Town of Conway.

Departments

The Town Office copier is not functioning well. I've gotten quotes on new copiers, some of which are under \$5,000, so I did not submit a request to the Capital Planning Improvements Committee.

The Highway Department has had some trouble mowing the Bigelow field. For conservation reasons, they can't mow till after October 1, and it was a wet fall, which makes it impossible to mow highly-sloped areas without digging in and running the risk of overturning equipment. We are aware of the problem and seeking a long-term resolution.

Budget and Town Meeting

The Highway Superintendent submitted five requests to the Capital Improvement Planning Committee; the Board of Health is also proposing a new compactor for the Transfer Station. For Highway, one is for a new six-wheel truck with plows; that's the largest item, for \$200,000. There is also a new mini-excavator, for \$45,000, a new compact loader, for \$20,000, a new one-ton pick-up, for \$20,000, and a new tractor with cab for \$6,000. These total \$291,000; with the Board of Health compactor, that's 311,000. The Fire Department is also asking for \$85,000 to replace self-containing breathing apparatuses. The current balance in the capital stabilization fund is 405,085, with liabilities of 79,677, leaving 325,408 available for expenditures. If the current requests were fully funded through capital stabilization, we would be \$70,592 in the red, though we do usually put \$125,000 in each year, which would leave us with \$54,408.

The Franklin County Technical School offered to come and present their budget at a Select Board meeting; I proposed a Monday evening in late January or early-to-mid February and am waiting for a response. Typically, we would not cover the Frontier and Grammar School budgets till mid-February at the earliest.

Out of 33 budget worksheets to be submitted, we have 20 as of today (December 26), though the deadline was this past Friday (December 21). Lisa sent out reminders, so I expect we'll have most of the major budgets soon.

Select Board Comments

Kantor brought up the work on the water tank. However, the work is not going well, said Hutcheson who just heard from Mass Tank today, who reported that water leaked behind the liner. Hutcheson said the whole reason we need the liner is to protect the integrity of the tank. Mass Tank admitted that they don't have time to do the liner at this point. Hutcheson suggested to Mass Tank that any difficulties resulting from the liner not being completed would be their responsibility, and is waiting to hear back from them.

Mail

Memo from Upper Pioneer Valley Veterans Services District re: Conway now has \$48,000 monthly payments being made to a total of 34 Conway residents

Letter from Ashfield Police Department re: appreciation for mutual aid assistance on 12/4 for an Ashfield incident, citing firefighters and police assistance

FCC re: Comcast and public access television, still waiting to see what happens

Senator Hinds letter confirming that he received testimony re: Pioneer Valley Chinese Immersion Charter School

Comcast letter re: cost of covering areas that are not currently covered

Calendar from Congressman Richard Neal

Announcements

There will be two meetings on regional transportation needs: Jan. 8 at the Erving Senior Ctr, and Jan. 9 at FRCOG,

Next Meeting

Monday, January 7, 2019, **Town Hall**, 6:00 p.m. with Finance Committee

- **On a motion from O'Rourke to adjourn, seconded by Armstrong, the vote was unanimous in favor.**