

*Minutes*  
SELECT BOARD  
Monday, March 18, 2019 6:00 p.m.  
Town Office, 32 Main Street

*Select Board present:* Phil Kantor; Bob Armstrong

*Others present:* Lisa Gustavsen and John Moore, Roaring Glen Farms; Tom Lesser, Esq. for Phil and Leah Bowden, Tornado Mountain; Phil and Leah Bowden, Tornado Mountain; Dan Fentin-Thomas, FCAT; Tom Hutcheson, Town Administrator; Lisa Turowsky, Assistant to Town Administrator

Bob Armstrong called the meeting to order at 6:00 p.m.

*Minutes*

- **On a motion from Armstrong to approve the minutes of March 11, 2019, seconded by Kantor, the vote was unanimous in favor.**

*Warrants*

- **On a motion from Kantor to approve the vendor warrant for \$ 454,278.17; the payroll warrant for \$110,867.96; and the payroll deduction warrant for \$27,811.80, seconded by Armstrong, the vote was unanimous in favor.**

*Meetings Attended by Select Board Members*

Kantor attended contract negotiations with the teachers' union, a school superintendent's roundtable breakfast, and interviews for a new Union 38 finance director.

Armstrong attended a conservation commission meeting re: Nexamp being able to cut trees near wetlands.

*Public Comments*

*None*

*Old Business*

*Tornado Mountain and Roaring Glen: proposed Host Community Agreements*

Phil and Leah Bowden were here to discuss Tornado Mountain's proposed HCAs for marijuana cultivation and manufacturing businesses. Lisa Gustavsen and John Moore were here to discuss Roaring Glen Farms' proposed HCA for a marijuana cultivation business. Armstrong read Town Counsel's email setting forth his concerns re: CIP language; Town Counsel stated that some of the language was troublesome and not appropriate especially with regard to the proposed informal arbitration process. He recommended the parties grapple with an appropriate number for the CI fee now and negotiate a firm fee whether it be 1% or 3%. He also recommended deletion of the last sentence in paragraph 10, (miscellaneous) re: contract construction. Moore argued that impacts under section 1(b) must be specific to each individual establishment and should be paid after the end of the calendar year, not in advance. Gustavsen didn't agree with costs being shared by Roaring Glen Farms and Tornado Mountain. Moore said he hasn't heard of any measurable infrastructure impacts from Roaring Glen Farms. He doesn't think it's their responsibility to fund a program to educate people about marijuana use, as has been suggested, because it doesn't relate specifically to his establishment; it relates to the law itself. All parties agreed that the last sentence of paragraph 10 should be deleted. The Bowdens said they were fine with taking out the last sentence of (b); they're ready to sign their HCA. Moore and Gustavsen agreed. There was further discussion of whether to have an arbitration clause; the clause will be removed. Moore said he'd be willing to pay 100% of actual costs to the Town up to 3% of gross receipts but argued that there would be no costs, or impacts, associated with his business. The applicants want to wrap up these negotiations so they can move forward with their applications to CCC. It was finally agreed that for the first calendar year the CI fee would be 1.5% of the establishment's gross receipts, then going down .25 percent every succeeding year over the term of the agreement.

At approximately 7:20 Armstrong called for a 15-minute recess in order for changes to be made to the HCAs presented by the Bowdens and Moore/Gustavsen.

At 7:35 p.m. the meeting was called to order. The applicants returned and read the edited HCAs.

- **On a motion from Armstrong to approve the Tornado Mountain and Roaring Glen Farm HCAs as amended, seconded by Kantor, the vote was unanimous in favor.**

## *Town Meeting and budget business*

### *FY 2020 budget review: revisions*

Hutcheson noted that the operating budget has risen 3.34% from last year

### *Warrant for the annual Town Meeting: revisions*

Hutcheson explained the reasoning behind splitting the highway facility into two different articles; article 4 is for design/site prep for a cold storage facility; article 5 is for the design and construction of a highway maintenance facility. The current thinking is that two articles are more likely to pass at Town Meeting. This scheme means the Town won't have to go out to bid for a designer.

Kantor suggested that all education articles to be kept together for ease of presentation at Town Meeting; Hutcheson will renumber the articles.

There are still no CPC figures. Article 28 deals with short-term rentals tax. Article 30 is a request that there be two additional custodians as trustees of the OPEB trust fund. Article 32 is the first of three citizens' resolutions that have been submitted to be included on warrant; Article 33 deals with a nuclear weapons treaty; Article 34 would establish a non-profit "Friends of Conway Trust"; this would create a supplementary volunteer fund to enhance provision of emergency services in the town.

### *Close warrant for May 13 annual Town Meeting*

Hutcheson stated that the warrant will be closed but can be re-opened if necessary.

- **On a motion from Armstrong to close the warrant, seconded by Kantor, the vote was unanimous in favor.**

## *New Business*

### *Capital Improvements Planning Committee: proposed charge*

Hutcheson suggested that the Select Board charge this committee with doing capital improvements planning work. The document that came out of the committee didn't really do that. Hutcheson made this recommendation after looking at other towns' missions/purposes for their CIPCs. He proposes three basic subjects for this committee to take care of. Armstrong thinks the committee would be resistant to doing this work without assistance. It was agreed that the charge is simply adding detail to what's already there. This would send a message from the Select Board as to what the work of the committee is.

- **On a motion from Armstrong that the proposed charge be accepted, seconded by Kantor, the vote was unanimous in favor.**

### *Proposal for the Town to become a member of the International Code Council*

Armstrong proposed that the Town join the organization responsible for the international standard for building codes. He noted that some builders have resisted the building code becoming more efficient. Becoming a member of the ICC would allow the Town to vote on improving the building code. A town the size of Conway could have four voting members according to Armstrong.

- **On a motion from Armstrong that Conway become a member of the International Code Council, with Armstrong as the primary representative, seconded by Kantor, the vote was unanimous in favor.**

## **Items Not Anticipated 48 Hours in Advance of the Meeting**

*None*

## **Town Administrator update**

### **Committees**

I have reminded the Moderator that we need a new Housing Committee appointed, as the previous one resigned *en masse* last year. One reason it is important is that the Housing Committee appoints a member to the Community Preservation Committee, affordable housing being one main purpose of the Community Preservation Act. We have posted an invitation to the website, but I believe that personal contact is more likely to result in long-term committee retention.

The Highway Facility Committee is exploring various options to try to reduce the soft costs of the project, including splitting the project in two to save the cost of going through the bidding process for design services. Their meeting tomorrow night will explore that possibility.

## **Departments**

We have received notification that our FY 2020 Chapter 90 aid is going to be \$264,761, down very slightly from last year's \$264,932.

I checked with the Treasurer about the proposed schedule of payments for the Tornado Mountain marijuana facility, and she was fine with what was proposed (within 90 days of the end of the calendar year).

We have received our FY 2018 audit and management letter, which indicate no material weakness.

We need to re-engage with the 32B Secs. 21-23 health insurance process again, forming an insurance Advisory Committee, etc. John and Bob may recall that we engaged outside labor counsel last year, who helped a great deal in keeping us on track (though last year's process was ultimately suspended). I would like the Select Board's agreement to engage outside labor counsel once more.

## **Town Meeting**

To smooth the transition between the outgoing Town Clerk and the incoming Town Clerk, I recommend transferring \$4,100 from Town Clerk salaries and wages for this fiscal year to the Town Clerk Operations (sub-account 585, professional and technical expenses) so that the outgoing Town Clerk can assist in the office after the May election through the end of the fiscal year. This takes a vote from both the Finance Committee and Select Board. I have also amended the Town Clerk-161 budget to reflect that payments for consulting are in the operations part of the 161 account rather than hourly pay. Of course, this does not result in a bottom-line change.

## **Select Board Comments**

*None*

## **Mail**

Franklin County Land Trust announced they are sponsoring a bike ride on Saturday, August 17, 2019, as a fundraiser. 1500 riders are expected to participate.

## **Announcements**

There will be a vote on the CGS's FY2020 budget on March 21 at 6 p.m.

**At 8:30 p.m., on a motion from Armstrong to adjourn, seconded by Kantor, the vote was unanimous in favor.**

*Next Meeting* Monday, March 25th, 2019, at the *Town Hall, 5 Academy Hill Road*, at 6:00 p.m.  
6:30 Joint Meeting with Finance Committee to make recommendations on warrant articles.