

*Minutes*  
SELECT BOARD  
Monday, March 25, 2019 6:00 p.m.  
Town Office, 32 Main Street

*Select Board present:* Phil Kantor; Bob Armstrong; John O'Rourke, Chair

*Others present:* Joseph and Vivian Zadroga, residents; Karla Cacho, Eversource; Alan Singer, Roy Cohen, Tom Donovan, Finance committee; Robin Karson and Carol Betsch, residents; Dan Fentin-Thomas, FCAT; Lisa Turowsky, Assistant to Town Administrator; Tom Hutcheson, Town Administrator

John O'Rourke called the meeting to order at 6:00 p.m.

*Minutes*

- **On a motion from O'Rourke to approve the minutes of March 18, 2019, seconded by Kantor, the vote was unanimous in favor (O'Rourke abstained).**

*Meetings Attended by Select Board Members*

Kantor attended a Highway Facility committee site meeting; contract union negotiations; and finance director interview for Frontier Regional.

Armstrong attended the Hazard Mitigation Plan meeting with FRCOG who will be writing a grant proposal; an FCAT meeting; a Conway Cable Advisory Committee meeting where they met with Comcast; and a Conservation Commission site visit.

*Public Comments*                      *None*

*Pole hearing:*

Karla Cacho of Eversource was here to talk about the installation of new poles on Maple Street. Cacho explained that the company is reconductoring and revamping at Maple Street near Academy Hill Road. Service there is being upgraded. The plan that was submitted two weeks ago has been revised to move the new pole across the street as Karson and Betsch requested at the last pole hearing. The new pole will look and perform better according to Cacho. Now all poles will be uniform, with new hardware.

- **On a motion from O'Rourke to accept the change regarding installation of new poles on Maple Street as presented by Eversource, seconded by Armstrong, the vote was unanimous in favor.**

*Old Business*

*Vote to return remainder of escrow fees to Tornado Mountain Farm, LLC, and Roaring Glen Farm, LLC*  
Tabled pending a final invoice for legal services.

*Vote to allow outside counsel for 32B (health care plan change) process*

O'Rourke spoke to the necessity for this and noted that the last time it cost \$240 for outside counsel from KP Law. The process has complex deadlines and is quite involved; Hutcheson wants to have an extra set of eyes, so deadlines aren't missed. Kantor wants a ceiling or maximum amount to be agreed upon. It's not going to be very costly, said O'Rourke and Hutcheson and O'Rourke doesn't want to put a maximum on it.

- **On a motion from O'Rourke to allow outside counsel for 32B process, seconded by Armstrong, the vote was unanimous in favor.**

*New Business*

*Approve continuing with MIIA as property, liability, and workers compensation insurer for FY 2020*

MIIA is reducing the Town's premium because of good credit/loss history. Hutcheson recommends staying with MIIA. He noted that they give a rate reduction for doing training programs, etc. Kantor is very impressed with their service but wants to know if there are others who would provide more considerable savings.

- **On a motion from O'Rourke to continue with MIIA as property, liability and workers comp insurer for FY2020, seconded by Armstrong, Kantor abstained.**

*Approve contract with FRCOG for procurement work for new garage facility*

Hutcheson stated that there is some money left from last time there was procurement work for new highway garage facility. This would allow a procurement professional to draft a contract with designers. The Highway Facility Committee recommended the contract.

- **On a motion from O'Rourke to approve the contract with FRCOG for procurement work for the new garage facility, seconded by Kantor, the vote was unanimous in favor.**

*Appoint Hazard Mitigation Plan Update Committee*

Tabled, as the group is mostly staff and does not need appointment for purposes of the grant.

***JOINT MEETING WITH FINANCE COMMITTEE, 6:30 P.M.***

*Proposed Town Meeting warrant for Fiscal Year 2020, including budget, operations, special articles*

Hutcheson distributed the draft warrant and notes on the warrant. The general pay rise for all departments except BOH is not included yet; BOH includes its own pay rise in the budget it submits. Hutcheson has moved school items to the front of the warrant as requested by Kantor. There are still no figures re: capital spending at CGS; Hutcheson included a \$25,000 figure as a cap. Article 6 is a vote on Town capital spending; as far as Hutcheson knows all Capital Improvements Planning Committee votes were 3-0 except the Highway Department's request for a pick-up truck; that vote was 1 in favor, 2 opposed. Articles 7 & 8 refer to the new highway facility now conceived of as two separate projects; Article 7 is for design and initial construction costs of the cold storage (post frame) building, to be taken from the stabilization fund; the Highway Facility Committee wants to get trucks/equipment in the building by next winter. Article 8 is for just the design money for a new maintenance facility. Article 26 covers Community Preservation; numbers just came in today. There are three citizens petition resolutions on the warrant (Articles 32, 33 and 34). Hutcheson noted that resolutions are put in exactly as submitted because that's what residents signed on to. In Article 2, there's a drop in the CGS operating budget, down \$10,000. The operating budget has a 2.26% increase over last year.

*Recommendation on pay raise*

*Tabled.*

*Recommendations on warrant articles by Select Board:*

*Article 3: 3-0 in favor*

*Article 4: 3-0 in favor*

*Article 5: not ready for recommendations yet*

*Article 6: 3-0 in favor*

*Article 7: not ready for recommendations yet*

*Article 8: 3-0 in favor*

*Article 9: 3-0; can come down if capital plan shows we can*

*Article 10: 3-0 in favor*

*Article 11: 3-0 in favor*

*Article 12: 3-0 in favor*

*Article 13: 3-0 in favor*

*Article 14: 3-0 in favor*

*Article 15: 3-0 in favor*

*Article 16: 3-0 in favor*

*Article 17: 2 in favor, 1 opposed*

*Article 18: 3-0 in favor*

*Article 19: 2 in favor, 1 opposed*

*Article 20: 3-0 in favor*

*Article 21: 3-0 in favor*

*Article 22: 3-0 in favor*

*Article 23: 3-0 in favor*

*Article 24: 3-0 in favor*

*Article 25: 3-0 in favor*

*Article 26: 3-0 in favor*

*Article 27: 3-0 in favor*

*Article 28: 3-0 in favor*

*Article 29: 3-0 in favor  
Article 30: 3-0 in favor  
Article 31: 3-0 in favor  
Article 32: 3-0 in favor  
Article 33: 3-0 in favor  
Article 34: 3-0 in favor*

*Finance Committee recommendations were not ready yet. This item will be placed on next week's agenda.*

The Finance Committee had questions about some items on the warrant. They asked about line 161 of Article 2 regarding the Town Clerk's salary increase; Hutcheson explained that there had been money in the budget for the Town Clerk's assistant that wasn't used. Line 422 has an increase of \$26,000; Ron Sweet had requested money for repairs in his operating budget that was funded through a special article. There was a transposition of numbers in line 751. Line 900, employee costs, is going down; we anticipate lower health care costs in FY 2020 due to a decrease in total plan numbers. \$255,710 is the total coming out of capital stabilization; \$150,000 is slated to go in. CGS capital expenses are estimated at \$25,000, we should have a firm number next week. CGS's major capital expense might be grant-funded; this article would ensure the needed funds (for school security) in case the grant proposal was not successful.

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

*Committee notice with tax bills*

Staff proposed an insert regarding the need for more committee members to go out with the tax bills this week.

- **On a motion from O'Rourke to approve the insert to go out with tax bills, seconded by Kantor, vote was unanimous in favor.**

**Town Administrator update**

**Committees**

Holly Hatch, the daughter of Hal and Fran Hatch, asked about donating a planting or bench to the Town in her parents' memory. I forwarded the offer to the Highway Department, Parks, Recreation, and Trails Committee, and the Open Space Committee. So far, only the Open Space Committee has replied, with the information that they have benches on the list of needs for the renovated South River Meadow (the former Rose Field), and Holly has expressed preliminary interest in funding a bench.

The Highway Facility Committee met with a design team on Tuesday. The revision of procurement law under the Municipal Modernization Act changed the law in an unexpected way; while changing the thresholds for triggering bidding for design work from \$10,000 for the design cost and \$100,000 for the estimated construction cost to \$30,000 and \$300,000, the syntax was changed so that now meeting either of those thresholds allows towns not to bid. With the project split in two, we expect the design costs for each to be under \$30,000 and so expect not to have to go out for bids for the design work for either project. The construction phase of both projects will still have to be bid.

As you know, during the last two months of the fiscal year the Finance Committee and Select Board can move money from one appropriated line item to another. At this point, I have only one request: that \$4,100 be moved from the Town Clerk "salary and wages" line to the Town Clerk operating expense line (both 161, but voted as separate lines at Town Meeting). This should happen in early May so that Ginny can assist the new Town Clerk in her duties right after the election. The vote could happen at a joint meeting just prior to the annual Town Meeting; the Select Board has to meet anyway to approve the bi-weekly financial warrants.

**Departments**

Kimberly MacPhee of the FRCOG and I convened a group to update the Town's Hazard Mitigation Plan on Thursday morning to kick off the update process, which is funded largely by FEMA (\$7,500) with \$2,500 in Town funds. Staff included Ron Sweet, Ken Ouimette, George Murphy, Robert Baker, and me, with Bob Armstrong and Joe Strzegowski attending as well.

The new growth figures from Comcast seem low after completing the building out (on the order of \$150,000) compared with the amount we received after completing the Shirkshire district (on the order of \$500,000). The Administrative Assessor is in communication with Comcast, who are reviewing the numbers.

### **Other**

All Conway residents are invited to come to a pre-Town Meeting dessert potluck and discussion on Monday, May 6 from 7 – 8:30 p.m. at the Conway Grammar School.

### **Select Board Comments**

Kantor reminded the Select Board about the necessity of notification re: Frontier's new track. The school committee can issue debt on its own; it triggers a 45-day clock for the Select Board, then debt goes on the books. Formal notification will be coming after the school committee vote later this week. He also asked Hutcheson to contact the Historical Commission about the possible donation of a bench from Holly Hatch.

O'Rourke had some comments and questions about the HCA for Moore/Gustavsen's marijuana cultivation business which the Select Board signed at the March 18, 2019 meeting. He recalls the Select Board agreed on March 11, 2019 that the Community Impact fee would be up to 3% of the applicant's gross wholesale receipts; this was not the agreement that was reached on March 18. O'Rourke wanted to know what the business rationale for changing the amount of the fee was, emphasizing that no other town has ever gone below a 3% impact fee. Kantor explained that it was based on issues raised by Town Counsel about the lack of a firm number and the provision of an arbitration clause to resolve differences. Kantor noted his difficulty with determining what the Town's expenses could conceivably be. There is no cost related to the business's use of Town infrastructure or safety resources. Nor is there is any procedure to keep track of Town expenses which could result in the applicants contesting the Town's assertion of impact fees. Kantor reminded O'Rourke that community impact fees have to be related to the business. O'Rourke expressed his belief that the applicants are still going to fight the fee even at a lower rate. He was not pleased that the other board members gave away 2/3 of the potential impact fee. Kantor said the Select Board came the closest to following the law and the number chosen is the closest to the reality of how a cultivation business will operate.

### **Mail**

Letter from Secretary Beaton congratulating the Town which has been designated as a municipal vulnerability community along with Ashfield; it is now eligible for a competitive grant program.

Email from Joe Strzegowski to Hutcheson re: Moore/Gustavsen's HCA as it pertains to fencing. The Planning Board offered clarification regarding fencing, stating that the Board has not taken a position on security fencing; fencing concerns were documented and sent to Bowdens and Moore/Gustavsen. Kantor wondered whether the applicant's statement that they had spoken with the Planning Board regarding fencing constituted a material misrepresentation to the Select Board.

### **Announcements**

Armstrong wants people to know of a giant pothole on Rte. 116 about 100 yards south of the Conway town line, in Deerfield. District 2 is looking at it tonight.

**At 8:15 p.m., on a motion from O'Rourke to adjourn, seconded by Armstrong, the vote was unanimous in favor.**

*Next Meeting* Monday, April 1, 2019, at the *Town Hall, 5 Academy Hill Road*, at 6:00 p.m.