

*Minutes*  
SELECT BOARD  
Monday, October 28, 2019 6:00 p.m.  
Town Office, 32 Main Street

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

*Others present:* Dan Fentin-Thomas, FCAT; Ron Sweet, Highway Department; Peter Freisem, Resident; Janet Chayes, Open Space Committee; Chris Curtis, MVP consultant, Deerfield; Michelle Turre, Open Space Committee; Tom Hutcheson, Town Administrator; Lisa Turowsky, Assistant to the Town Administrator

*Minutes*

*October 15, 2019*

- **On a motion from O'Rourke to approve the minutes of October 15, 2019, seconded by Armstrong, the vote was unanimous in favor.**

*Warrants*

- **On a motion from O'Rourke to approve the vendor warrant of \$74,851.40; the payroll warrant of \$114,060.27; and the payroll deduction warrant of \$28,556.30; seconded by Armstrong, the vote was unanimous in favor.**

*Meetings Attended by Select Board Members*

Kantor attended school union strategy session with management; last week's Town Academy.

Armstrong went to two Town Academy sessions.

O'Rourke attended a FRCOG finance committee mtg, a FRCOG council meeting, two Town Academy meetings, a Franklin County Selectman's Association meeting, a meeting with the GCC president.

*Public Comments*

Janet Chayes asked whether the Town has been approached to provide funding for a pollinator garden at the Audubon property. She said Sue Bridge may be working on this and seeking funding. Hutcheson said Town funds can't be spent on a private project even if it's a non-profit, although the Town may expend its fund if there's a public benefit. Hutcheson hasn't heard of any funding requests for pollinator habitat.

*Old Business*

*Municipal Vulnerability preparedness grant:*

*Possibility of signing on with Deerfield*

Chris Curtis spoke about Conway potentially coordinating with Deerfield on an MVP project. Curtis is a consultant on MVP for Deerfield, which got an MVP grant for planning and for two action grants for other aspects of the project, culvert repair and updated flood plain zoning. A third grant will cover construction of a culvert replacement on Mill Village Road and a replacement for another culvert in the town center. Deerfield is focused on flooding. They will be working with Franklin Land Trust to maintain flood storage capacity in the area and developing a flood evacuation plan if hydro dams fail or have a major release. The Deerfield MVP core group consists of town officials. A green infrastructure project for Frontier is also being proposed.

Curtis reviewed Conway's MVP plan and noted that there are issues that are compatible with Deerfield's needs. Curtis believes that a regional application would be more competitive. Kantor asked whether Deerfield assessing to Frontier a significant fee for water and sewage, as Conway is now funding Deerfield's water and sewage expenses by virtue of the assessment of Deerfield's infrastructure. Second, said Kantor, it's his understanding of the process that it pits applicant towns against each other. One way a town can score higher if it is part of a regional grant. Kantor thinks this would undercut Conway's ability to get individual grants funded. Hutcheson said funding for Open Space Committee projects, discussed below, could be obtained by signing onto a regional application, as specific line items within the overall grant application. Curtis saw some items in the Open Space Committee priorities that might be relevant to the Deerfield MVP grant application, such as land conservation strategy mapping which could be expanded to the South River flood plain area, a parcel in the flood plain on the South River would help with flood mitigation across the street from the Town Office, and flood plain zoning. Specific physical projects

have been identified by Kimberly McPhee of the FRCOG; #4 could be included in a regional application, as could #5 and #6, which deal with public education and outreach.

Chayes asked what Curtis's role would be if a grant is awarded. She asked whether there is an overlap between what Curtis would do and what McPhee would do. Curtis said that his consulting group would try to get more student engagement at Frontier (setting up special classes, opportunities for action). The Deerfield application has no hard numbers yet. Armstrong asked about the availability of funding for solar panels on parking lot canopies in MVP grants. Curtis said energy resiliency strategies are on the list but not solar. The opportunity for Conway to express its intention to collaborate with Deerfield would have to be wrapped up within two weeks. Chayes doesn't see how the collaboration would accomplish the things Conway needs to get done. The pros and cons of Conway joining in with Deerfield's application were discussed. Some of the pros are: the ability to work with Franklin Land Trust prioritizing parcels for protection (#3); the opportunity to establish river corridor overlay and flood plain zoning upgrade (#4); the opportunity to conduct outreach to residents (#5); and acquisition of a parcel in the flood plain. The projects slated for Frontier would also include Conway because it's part of the regional school district.

Chayes views #1 as being the priority. Numbers 3,4,5 and 6 are good things to do but not priorities. She wants to focus on detailed planning like updating specs, negotiating easements, and getting ready to request funding for 2 or 3 big projects. This is not a conflict but Chayes fears the proposals would be up against each other for getting funded. Kantor said he looked at other proposals from our county that were up against each other. Curtis noted that action grants are different from planning grants, and he said that McPhee of the FRCOG supported the idea of a joint application. A Conway river restoration project could be included in the Deerfield application. Conway does have numbers to use as a cost estimate. O'Rourke stated that the chances of success would be better if Conway joins in Deerfield's application. Toward that end, Chayes will look at priorities and Hutcheson will assist. CPA funds can be allocated later in the process to provide the match from Conway. Landowner outreach and cooperation will be important. This collaborative application could provide the funding to address issues of private ownership.

- **On a motion from O'Rourke to participate in the MVP along with the town of Deerfield as has been discussed at this meeting, seconded by Kantor, the vote was unanimous in favor.**

*Open Space Committee proposal*

See above.

*Acquisition of land to enhance resilience (future project)                      Tabled*

*Cemetery issues: further discussion regarding possibilities for the Cemetery Commission*

Peter Freisem came in to see how the Select Board's discussion about plans for a new Cemetery Commission go. Some business related to the Town cemeteries are of a long-term, research-oriented character. Hutcheson thought the Select Board might want to move those responsibilities from themselves to a commission. It would take a town meeting vote to adopt a local option to have a cemetery commission. Freisem said he knew someone who would be interested in serving on such a commission. Some responsibilities of the Cemetery Commission would include finding out whether there are spaces available in the Town's cemeteries and making a policy with regard to assigning spaces. O'Rourke and Kantor fully agreed with creating a separate commission. Hutcheson will draft an article for the Special Town Meeting warrant.

- **On a motion that Hutcheson investigate further and move forward with a warrant article allowing the Select Board to delegate its responsibility to a newly established Cemetery Commission, seconded by Kantor, the vote was unanimous in favor.**

*Driveway to Highway salt shed and new shed: speed bumps*

O'Rourke questioned why the Town has to deal with speed bumps on a road that the Town has an easement on. The Pleasants put the speed bumps up because of concerns about highway department and other vehicles speeding on the road. Hutcheson has been in touch with Highway Superintendent and Town Counsel who said the question is whether the speed bumps are reasonable and not interfering with vehicles' rights of passage. Sweet reported that one bump is much higher and more abrupt than the other. Kantor said there's a perception on the landowner's part that they communicated the speed issue to the Highway department; Sweet disagreed. We need Town Counsel's opinion, then it would be good to have all parties come in to talk about the speed bumps. Hutcheson has asked Sweet to follow up with Town Counsel.

*Electric vehicle chargers for Conway Grammar School*

Left from last time. One of the programs in which we could get installation costs paid for is closed. The one that is open, Eversource doesn't give payment for installation. We would have to pay 40% of cost of installation. There are other costs including an annual fee, installation costs, etc. Hutcheson cannot recommend moving forward based on what we know now. No need for the chargers at this time.

*New Business*

*Sign PILOT terms memorandum with Nexamp*

Roy Bishop has developed this memorandum of terms. PILOT applies only to solar panels. Kantor said par. 7 was poorly written and confusing. Armstrong said it means the land is still taxable. Lee Whitcomb is in favor of this based on her work with Bishop.

- **On a motion from O'Rourke to sign the memorandum of terms for the tax agreement between Conway and Nexamp Conway Solar for the facility located at 2394 Main Poland Road, Conway, seconded by Armstrong, the vote was unanimous in favor.**

*Sign Memorandum of Agreement with FRCOG regarding their emergency communications system*

- **On a motion from O'Rourke to sign the memorandum of agreement with FRCOG, seconded by Armstrong, the vote was unanimous in favor.**

*Designate Select Board OPEB Fund Trustee*

Kantor is the OPEB fund trustee for Frontier Regional. Jan Warner would like help with this.

- **On a motion from O'Rourke to designate Kantor as the OPEB fund trustee, seconded by Armstrong, the vote was unanimous in favor.**

*Proposed date for All-Committee Meeting: Tuesday, November 12*

After discussion it was decided to have the meeting on Monday, November 18.

*Appointments: Suzanne Artemieff, Cultural Council for term ending 6/30/2022*

The Cultural Council has recommended that Suzanne be appointed for this position.

- **On a motion from O'Rourke to appoint Suzanne Artemieff as a member of the Cultural Council for a term ending 6/30/22, seconded by Armstrong, the vote was unanimous in favor.**

*Public Comments*

*None.*

*Items not anticipated within 48 hours of the meeting*

*None.*

*Town Administrator update*

**Committees and Boards**

The Board of Assessors is re-considering a senior work-off program proposal. We've heard from a number of places where it is a popular way to reduce some seniors' taxes. We may have a proposal for you soon; it would have to be approved by Town Meeting.

The Capital Improvements Planning Committee met and is beginning to work on the capital plan. This is a substantial project and a long-term process that will not be completed by the time capital requests are due, but it is really always a work in process and I'm very pleased it's being worked on.

In the search for whether the Town accepted the state law regarding an appointed cemetery commission, I found three files of local option acceptances, and with Lisa's help, compiled them into a single Excel file, which I have turned over to the Town Clerk. I did not find that the Town had accepted the relevant state law, though, and Peter Freisem is going to continue looking. If he does not find anything, it should be an article on an upcoming annual or special Town Meeting warrant.

**Departments**

Kurtz started to pour concrete for the highway shed this past Tuesday. The total pour will take about two weeks, ending, we hope, in advance of any overly cold weather. The forecast now is for a couple of nights to dip below freezing, but

the pour should be fine. Night-time temperatures in the 30s are alright if the days are above 50. Fortunately, the forecast for the next eight days looks good, with only two nights dipping slightly below freezing. If it gets too cold, the contractor will cover the slab with insulating blankets, which are on site. They can also have the concrete mixed with hot water and/or additives.

We're getting close to a final agreement with Nexamp. We need a decommissioning bond approved and a final PILOT agreement, which is very close.

The Highway session for the Town Academy was less well attended than expected, but very well received; those who did attend filled up the time with questions and got all of them answered. The Public Safety session had 20 attendees. We've averaged 12 non-presenter attendees so far.

I have started a draft warrant for a fall special Town Meeting and will put that on the next agenda. I do not yet have an estimate as to when the cost estimate for the Highway maintenance building will be ready, but I believe it may be ready by mid-November, for an early December special Town Meeting.

I have asked the Highway Superintendent to communicate directly with Town Counsel regarding the speed bumps on the way to the salt shed. Town Counsel believes the matter hinges on whether the speed bumps are "reasonable," not interfering with the right of passage. A web search (<https://legalbeagle.com/>) found that there is no national standard; most speed humps have a height of 3 to 3.5 inches but may be up to 6 inches, with a travel length of 1 to 3 feet. ([https://nacto.org/docs/usdg/updated\\_design\\_guidelines\\_for\\_the\\_design\\_and\\_application\\_of\\_speed\\_humps\\_parkhill.pdf](https://nacto.org/docs/usdg/updated_design_guidelines_for_the_design_and_application_of_speed_humps_parkhill.pdf), p. 2).

*Select Board Comments*

*None.*

*Mail*

*Letter from residents about trees on Whately Road, referred to Highway Department. Hutcheson will look into it.  
Notification of Pioneer Valley Mosquito Control District meeting on December 14.  
Quarterly report from Franklin County Regional Housing and Redevelopment Authority  
Lifepath 45 anniversary celebration at GCC.*

*Announcements*

Tomorrow the Frontier Capital Committee that is going through the bond issue meeting will discuss permeable pavement. There is concern that this type of pavement can't be sanded.

*Executive Session*

Reason #6: to consider the purchase of real estate (33 Main Street) if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body

Reason #7: to comply with any general law: consider approving and releasing minutes of October 8, 2019 and October 15, 2019 executive session regarding a complaint about geese; consider approving minutes of August 5, 2019, regarding a request from trust funds for medical expenses.

- **At 7:52 p.m., on a motion from O'Rourke to enter executive session for Reason #6: to consider the purchase of real estate; and Reason #7: to comply with any general law: consider approving and releasing minutes of October 8, 2019 and October 15, 2019 executive sessions, and adjourn immediately therefrom, seconded by Kantor, O'Rourke voted yes, Armstrong voted yes, and Kantor voted yes.**

The meeting returned to open session at p.m.

- **At 7:55 p.m., on a motion from O'Rourke to adjourn the meeting, seconded by Armstrong, the vote was unanimous in favor.**

*Next Meeting*

**Tuesday, November 12, 2019** at the Town Office, 32 Main Street, at 5:00 p.m.