

sMinutes
SELECT BOARD
Tuesday, April 20, 2021, 6:00 p.m.
Via Zoom

Present for Select Board: Robert Armstrong, Chair; Erica Goleman, Phil Kantor

Others Present: Ron Sweet, Highway Superintendent; Ruah Donnelly, Steve Dinkelaker, Brendan O'Connell, Ross Perry, Interim Town Administrator; Thomas Hutcheson, Town Administrator; Louise M. Beckett, Assistant to the Town Administrator

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

Minutes

Approval of minutes of April 12, 2021

On a motion from Bob to approve the minutes of April 12, 2021, Erica said yes, Phil said yes, and Bob said yes and the vote was unanimous in favor.

Meetings Attended by Select Board Members

Erica, Phil and Bob attended the contract negotiations with Ross Perry on Thursday. Phil also attended a FRCOG counselors meeting. Bob also attended a Conservation Committee meeting on Tuesday; had a site visit on Wednesday, and an FCAT meeting on Thursday.

Bob introduced the interim town administrator, Ross Perry, who is attending the meeting remotely.

Public Comments none

Old Business

FY 2022 budget

Tom said he had just one thing: We did get a late bill from Smith Vo-tech for \$6,300 not anticipated. He has added it to the money article paying for other expenses on the warrant from Smith. He has also added it to anticipated expenses as its expected to be ongoing for next year.

Discussion: Juneteenth holiday and staff pay

Bob noted that Juneteenth is a new holiday and asked how are towns to handle it? Are we obligated to let people take it as a vacation day, and pay it? Tom said the schools have been notified by counsel that Juneteenth is a municipal holiday and that town offices should close. As schools will be paid, (union bargaining) town employees should also be paid. We have the money in the budget and should accept it as a new paid holiday in Conway. Phil said it's an article for collective bargaining, and anyway, the schools won't be operating on that date (they're closing on 06/10). He said we should solicit employees for which holiday they wish to trade for Juneteenth. Erica said since the state mandates it, we should pay it. Phil said that collective bargaining should be the model that the town should follow. It will be on up for negotiation next fall. **On a motion from Bob to pay the Juneteenth holiday for this year and then in the future to follow the school's lead with what they do about Juneteenth, Bob said aye, Phil said aye, and the motion was passed.**

New Business

Highway Department: Chapter 90 reimbursement request for Whately Road

Ron is asking for signatures to obtain reimbursement for Chapter 90 money. There are two items: 1. Work that was done on Whately Road in reclamation and paving. Ron asked for \$272,325 and the expense was \$233,176.64. Signatures would release the money from Chapter 90 funding. **On a motion from Bob to**

approve Ron's submitting a reimbursement for \$233,176.64, Phil said yes, Erica said yes and Bob said yes and the motion passed unanimously.

The second item was for the chipseal on Whately Road, which cost less than anticipated. **On a motion from Bob to approve Ron's request \$164,640 of Chapter 90 money, Phil said yes, Erica said yes and Bob said yes, and the motion passed unanimously.**

Noise complaint from Brendan O'Connell : options for Town action

Brendan O'Connell read from a prepared text. He complains that Ruah Donnelly has been having non-farm-related gardening projects done at her home with extensive noise from earth moving, sawing, etc. on weekends, evenings as well as during the day throughout the warm months of the year - April – November. Both he and his wife are working from home and so are home all the time. The constant noise has caused them both stress and makes it hard to do their jobs. He said they are even considering moving. He contacted Ruah last spring about the noise, and received a friendly response. This spring he filed a noise complaint with the police, with no response. He also documented the instances of noise events over a 6-week period. His specific question is: Is there a town bylaw governing noise? The bylaw doesn't cover yardwork; there would be some recourse if they were a business, but because it's horticultural it's completely unregulated. Brendan said that disruptive noise has an impact on neighbors and ends up being the same as if it were caused by a business. Is it possible to remove that language in the bylaw? Bob asked Ruah and Steve to respond. Ruah said that last year they were away for 2 months, and had work done that was planned before pandemic. She thought that the stone work and fencing surely made noise but she wasn't there. Brendan's initial complaint made her concerned and she talked to all the contractors regarding the noise, asking them to compress the amount of working time – to use short periods. But she also feels Brendan has overstated the level of noise. Steve said he agreed with Ruah. They have timber work done when a tree falls on the property; have gardeners in, and the lawns are mowed once a week. Erica asked to amend the bylaw, what would it entail? Tom said it would have to be on the warrant for a town meeting. The Select Board could choose to bring it forward or it could be brought by citizen's petition. To change a protective bylaw, the planning board would have to hold a hearing. If it's a petition, it has to go on the warrant the way it was presented. Probably best to go the planning board route first to see what changes might be possible. Bob said he visited the area in question recently and there was noise, but not from Ruah's property. Brendan agreed. But said that he documented a period of 6 weeks over last summer and identified noise as coming from Ruah's house/property between June 26th and August 10th: 18 incidences. He read a list of incidences giving dates, and type of noise experienced: Humming noise, chain-saw, lawn-mowing, intermittent chain-saw noise, loud grinding noise. Bob said we don't have a noise ordinance, but Brendan is welcome to pursue it, starting with the Planning Board, as he wants to change the bylaws. Ruah gave Brendan an apology for the noise, but said she thought much of the noise was due to the stonework being done, which went on much longer than she anticipated.

Items Not Anticipated 48 Hours in Advance of the Meeting none

Town Administrator update

Committees

Two people interested in forming a Forests and Trails Committee, Marilyn Webster and Deb Donaldson, are having an introductory meeting with me on Thursday.

Departments

The new Highway maintenance building floor is being poured this week. After that, the overhead doors will be installed, then the electrical work done, along with HVAC, before the finishing work.

There is some new interest in a cannabis growing operation. I expect to speak with a representative of the business tomorrow; I've already sent the community host agreement policy.

I may have mentioned as part of the budget discussion that the FY 2021 tax rate actually went down 3 cents, thanks to some new growth. As you know, in Conway, new growth comes primarily from utility investment in infrastructure.

I'd like to give a heads up that there will be a pole hearing next week for a new pole jointly owned by Verizon and Eversource to be put up for the Nexamp project. The paperwork had been sent to the Planning Board rather than the Select Board, as it is usual for Planning Boards to do the pole hearings.

Select Board member comments and concerns none

Mail

Tom said Richard Little of GCC is trying to get support for an official MA state sedimentary structure: The Armored mudballs. Tom said he would send information around from Prof. Little.

The Dept. of Public Utilities is opening an inquiry and request for comments on DPU proceedings to increase stakeholder engagement, to insure that all people have been provided the opportunity for more participation in their proceedings.

The Franklin Land Trust is hoping for a self-guided recreational bike ride on Saturday, Aug. 21 and wanted to make us aware of this potential event.

Announcements

Bob said that COVID is holding a drive-through clinic at GCC – it's available to anyone over 18 years of age. Phil added that FRCOG is planning on doing drive-throughs once attendance at other clinics goes down. As a county Franklin is at 60% for people having had at least one shot.

Next Meeting: Scheduled for Monday, April 26, at 6:00 p.m., via Zoom

Bob asked the members of the board to think about going to every-other week Select Board meetings soon.

At 7:10 p.m. on a motion from Bob to adjourn the meeting, Erica said yes, Bob said yes and Phil said yes and the vote was unanimous in favor.