

BOARD OF SELECTMEN
TOWN OF CONWAY, MA
DRAFT MINUTES
July 26, 2010

meeting open: 7:00PM

present: Maureen Chase, Victor C. Trombley, Jim Moore, Tom Spiro

others present: Elizabeth Braccia

Appointments

7:00 Conservation Commission - canceled

7:30 EMD – Rick Bean

Rick spoke about the emergency antenna project. He then gave details about the process and cost of installing the equipment pertaining to the emergency generator project. He noted the expenses were for one generator. Maureen brought up the fact that money had already been spent and the installation was complete for a diesel fueled generator. She noted that the town trucks would be refueling regularly during emergencies and would be able to refill the diesel generator at that time if that was a concern. Rick also stated that the diesel generator was portable but after reviewing pros and cons he would prefer the propane, permanent generator for convenience. Chuck and Jim also endorsed this choice. Maureen stated she would support converting to propane generator but was concerned with the wasted expense of not deciding this sooner.

The Red Cross will come to do a shelter audit soon. Rick said he wanted to form a shelter committee. The Board was in favor of this idea.

8:00 Broadband Committee – Bob Armstrong, Attorney William Solomon, Andy Smith, John O'Rourke, John Pearsall,

Bob noted that Attorney Solomon would be late. He also explained that the Committee had met with Comcast regarding the final changes to the contract. He said that the contract is almost complete but that there was still work to do. Attorney Solomon asked for a meeting with the Selectboard with regard to next steps. Bob asked the Board for their opinions as to whether the Committee should continue to re-negotiate the contract.

Bob gave all attendees a list of requests that Conway still need to be discussed with Comcast. Bob spoke about the cost of subscriptions for the Williamsburg area that included a formula for Comcast contributions to this build-out. He noted the inclusion of PEG money that was now included in the new contract, and also the expansion of subscribership in the South Shirkshire district (see attached).

Chuck stated that he understood how important a high-speed connection was. He said that he was unhappy about the rescinded offer to expand coverage to the Williamsburg area. He was also bothered by the 10 year length of the contract. John Pearsall stated that he knew that Comcast chose Shirkshire for expansion because there were more potential customers. Chuck felt that the contract was improved from the last time it was presented to the Board but still felt uncomfortable signing the new contract. Town Treasurer Elizabeth Braccia made some suggestions regarding negotiations, some of which had already been tried. Maureen noted that she was unhappy that Williamsburg was not included in the contract expansion but would reluctantly sign it because there were some gains from the previous contract. The Committee noted that if the new contract was not signed then the provisions of the current agreement would continue. Attorney Solomon stated that Comcast would be happy to continue with no new contract because they would not have to spend any money and still collect the current accounts fees. Comcast would be happy if the Town did not sign a new contract. John Pearsall noted that the majority of the Committee felt that the contract should now be signed, and had felt this way since February. John O'Rourke stated that Comcast had chosen Shirkshire because of the composition of the Committee. Others state that they felt expansion to a higher number of customers the main reason. There was discussion about where coverage would finally cover in the Shirkshire area.

Bob asked Attorney Solomon for his opinion on advantages and disadvantages of signing the contract. Attorney Solomon said that in general he was always willing to fight for Conway and other Towns for good contracts. He reiterated that waiting to sign a new contract was a mistake as this was to the advantage of Comcast. He gave a summation of the new aspects of the contract and reflected what Bob had noted earlier. Attorney Solomon also spoke about possible uses of PEG

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monies that were not part of the new contract. Attorney Solomon also discussed possible legal reasons for not denying a new contract. Attorney Solomon also said that it may be possible to negotiate another contract for less than 10 years but stated the reasons why he felt this contract was reasonable and an improvement over the last contract. There was more discussion about Wired West and the MBI. The Board decided to talk later and give their decision to Tom to give to the Committee and Bill.

8:30 Treasurer – Elizabeth Braccia

Elizabeth reported that she had applied for short term borrowing to pay for the school repair project because the rate at present was good. She noted that the Town would make more money in interest than will be paid on the amount borrowed. She also said that the Town Clerk must sign the note as arranged and required. There was also a hand-written check that must be sent to cover state filing fees. The Board agreed to sign all related documents to contract for this loan, including the Certification of Covenant for tax exempt status, the borrowing note and Certificate of the Town Clerk. She anticipated being able to borrow long-term on October 15th for the same amount to pay for the short-term loan and the remainder of the school repair project.

meeting items

- Warrants were signed.
- Minutes for 7/12/10 were approved as amended.
- There was a brief discussion regarding Dr. Tanny and the Bardwell's Ferry Road Slope project. It was stated that Dr. Tanny would ask for changes to be made to his addendum/agreement, and the Board stated that they would not make changes to this document and would consider legal action if necessary to proceed with construction. The Board received a hand-delivered letter from Dr. Tanny and asked Tom to contact Town Counsel for his opinion on how to respond.
- The Board voted to have Maureen sign the contract for the Bardwell's Ferry Road Slope Failure project and five copies, along with a notice to proceed.
- The Board approved the CPC request to appoint David Barton as a new at large member to replace Walter Goodrich.
- Tom explained the need for a CPC bylaw. The Board asked Tom to research how many western Mass towns adopted the CPA and what happens with state matching funds if Conway does not establish a committee.
- Some members of the Broadband Committee attended the meeting at 7:45PM and spoke about John O'Rourke's statement. The discussion centered around the hiring of an attorney for negotiations with Comcast. The Board then met with the entire committee and spoke afterwards about signing the new contract. Chuck said that John O'Rourke's idea of asking the Town to pay to have the entire town wired for cable was good, but may require raising taxes, the Board would not support that suggestion. Chuck noted that there was no political support statewide for fighting for further expansions. The Board stated that the new contract was not a good deal but that he would support signing because there had been enough of a shift towards the Town's favor. The Board then decided that they will all sign the contract reluctantly because of Comcast's stance.
- Tom will get an invoice for the 2007 dump truck to complete insurance for this vehicle for the coming year.
- The Board signed the Police and Fire insurance rider.
- The Board agreed to have Maureen sign the new FRCOG nursing program agreement
- The Board voted to sign the ABCC Form 43 submitted by the Conway Inn to extend Alcohol serving hours on Sunday.
- The Board voted to sign a one day liquor license for Pages Coffee Bar for an event on August 1, 2010.
- The Board approved payment of the Melanson & Heath invoice of \$1,000.00.
- The Board approved payment of annual dues for membership to the Franklin County Selectmen's Association.
- There was no decision on attending the 4-Town meeting regarding regionalization. They will make a decision on attendance in September.

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- Two Board members will attend the Selectmen's Association meeting Sept 16th.
- The Board approved the new meeting notice form to be used by all Boards and committees when posting meetings. This form was developed to meet the requirements of the revised Open Meeting Law.
- The Board reviewed information on the establishment of the Festival of the Hills Committee.
- The Board agreed to have Amy attain W-9 forms from vendors and not department heads.

Mail and Other Items

- No mail

10:20 PM Motion to adjourn by Chuck, 2nd by Jim, all in favor.