

BOARD OF SELECTMEN  
TOWN OF CONWAY, MA  
MINUTES  
June 27, 2011

**Meeting Open: 7:00PM**

**Present:** Victor C. Trombley, Jim Moore, John O'Rourke

**Others present:** James Cabral

**Appointments**

**7:00 Franklin Land Trust** – Alain Peteroy, Jack Lochhead, Danielle Lochhead

Alain explained that the Lochheads wanted to donate a Conservation Restriction to the Franklin Land Trust on 9.048 acres of their land described as a "Portion of Book 1490 Page 54." Alain handed out document that gave a description of what existing land uses are for their property. Jack explained that it would be to their advantage to make this donation as he could use it as a tax deduction. The Board unanimously decided to sign the conservation restriction (CR).

Jack asked if he could continue to mow the grass on the walking path near the South River on the Town property located on the east side of Shelburne Falls Road. He also requested that the walking path be extended. The Board granted his request to extend the path and continue to do the mowing.

Jack also questioned the previous movement that would have changed the Selectboard from a three member to a five member Board. He gave everyone a news article from the Municipal Advocate that outlined his view that this would not have been legal.

Then he suggested that the Board consider an alternative design using carbon fiber for the bridge restoration on North Poland Road even though this is a MassDOT project.

**7:30 Bob Baker**

Bob requested an executive session. John explained that only certain reasons warranted a closed session. The Board offered to hold a closed session and then determine if the contents warranted a closed session. The Board then voted unanimously to go into executive session and asked Tom to leave for the duration. The executive session was called to order at 7:33 PM and ended at 7:47 PM.

Bob continued in open session by giving an estimate of costs for drainage and paving on Roaring Brook Road. The Board signed the paperwork to begin funding for this project. Bob mentioned that Douglas Hay was worried about this work near his house.

Bob also asked the Board to sign the contract for the boiler work at the Town Hall, which they did.

Bob gave the Board a membership agreement for mutual aid, which the Board also signed.

The Selectboard reviewed an estimate for the survey of the Roaring Brook Road submitted by Steve Stange. Chuck noted that he was not comfortable with the Stange estimate for the survey because it was a "plus or minus" estimate that straddled the \$5,000 mark which would trigger a process requiring three (3) bids. Bob said he would get a more definite estimate for the survey.

**8:30 Bob Armstrong** – Frontier Community Access Television (FCAT) and WiredWest

John noted to Bob that payment for membership to FCAT would come from PEG quarterly support payments from Comcast, Inc. John noted that the FCAT membership payments would start with the July Comcast PEG support payment. The other members of FCAT are Sunderland, Whately and Deerfield.

Bob explained that the Chair of the FCAT Board of Directors offered Conway membership at an annual fee calculated as "number of Comcast subscribers times \$22.20" or the amount of the Comcast annual support payments, whichever is less. John asked for more information and detail on the \$22.20 amount used to calculate the membership fee.

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Bob explained how broadcasts could be created from channels 12, 15 and 17. The Board was in agreement that Conway should join FCAT.

John and Bob both wanted to join the FCAT Board of Directors to represent the interests of the Town of Conway. The Town will have three (3) seats on the Board. A number of others were mentioned as potential candidates to fill the last seat. The Board will sign a contract when it is sent to the Town on FCAT letterhead.

Bob explained that WiredWest was forming legally on July 16<sup>th</sup> and he asked the Selectboard to accomplish several tasks before this. He said that the Cooperative had hired an attorney to review items involving the start of the organization that will help avoid legal issues in the future based on procedure. He explained that there were two issues. One was to establish a Municipal Lighting Plant Board of Directors and other was to clarify the past Town votes on this matter.

The Selectboard voted to name the lighting facility the 'Conway Telecommunications Department'. The Selectboard then voted to designate themselves as the Board of Directors of the Conway Telecommunications Department in accordance with MGL 164 and the last Conway Annual Town meeting.

The Selectboard then adjourned. The Board of the Conway Telecommunications Department convened at 9:11PM. At that time they:

1. appointed Bob Armstrong as the Department Manager
2. joined the WiredWest Public MLP Cooperative,
3. designated the Department Manager as delegate to the Cooperative, and
4. appointed Bill Stathis as the Alternate Delegate to the WiredWest Cooperative

The Department then adjourned. The Selectboard then reconvened at 9:15PM.

**meeting items**

- The warrant was signed.
- The Board approved the minutes of 6/6/11 & 6/13/11 as amended.
- The Board discussed a proposal from Weston & Sampson to assess the Town Hall for new offices and storage for staff. John said the money to pay for this assessment could be taken from overlay surplus by encumbering it before the end of the fiscal year. The Board agreed to have Chuck sign the contract for this assessment.
- The Board made a motion to sign change order # 4 for the Bardwells Ferry Road project, giving approval for the Tannys to be paid and held responsible for any work regarding plantings on their land.
- The Board voted to appoint Eve Endicott to the Community Preservation Committee as an at-large member.
- There was a discussion regarding the Kurkulonis TIF Agreement. Information from Kevin Parsons was reviewed and the Board will contact Mike Vedovelli, Regional Director, Massachusetts Office of Business Development, regarding completion of a formal agreement.
- All annual appointments were made.
- The Board voted to go raise the mileage compensation rate from \$.47 to \$.50 per mile.
- The Board voted to allow Tom to attend an Excel training in August.
- Board approved invoices from Northern Construction and Weston & Sampson, contingent upon Bob Baker's approval.
- The Board approved the 4<sup>th</sup> of July parade.
- Tom described the South River Geo and Habitat project that will be fully expressed on 7/11/11 by a FRCOG representative.
- John reported on the E. Guinea Road and Main Poland Road survey along property owned by Ralph Osgood. There are two (2) places where the public way is physically outside the easement for the public way. A discussion with Mr. Osgood will be necessary to reconcile the physical path of the public way with the easement for the public way.

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- John reported on his site visit to the South River Miso Company located on Shelburne Falls Road on Sunday, June 12, with the Conservation Commission to meet with Mr. Donavin Gratz, President of Northeast Solar to review a proposed solar project for the site. John said that he asked Mr. Gratz for more information on solar projects for the Town.
- John reported that the South River wall reconstruction project was moving forward at a slower pace than he expected.
- John reported on the Franklin County Selectmen's Association quarterly meeting attended by him and Jim on June 16 at the Mohawk Restaurant in Charlemont. The meeting was to introduce newly elected Northwestern District Attorney, David Sullivan and listen to his plan to assist local law enforcement and detail the services his Office provides. In a conversation with Mr. Sullivan it was mentioned that Deputy District Attorney, Janice Healy, is a Conway resident. John and Jim also spoke with State Representative Stephen Kulik who was at the meeting and made some brief comments. John thanked him for his involvement in the Comcast license renewal negotiations which resulted in the cable system expansion to another 110 homes in Town of Conway, the most expansion for any town in western MA.
- John reported on the Finance Committee meeting on June 20 that he attended that required votes by the Finance Committee to close budget gaps in a number of line items for FY2011.
- John reported on a visit to the FCAT studio on June 23 with film producer, Mike Haley, to show him the facilities. Mr. Haley is developing several ideas to produce promotional and content videos for the Festival of the Hills in October. He will use the FCAT facilities for a portion of his project.
- John reported on email communications with Bob Dean, Director of Regional Services for the FRCOG, to check on the schedule for starting the conversion from the Town's accounting system to the FRCOG accounting system. Mr. Dean reported that Joyce Muka, Municipal Accounting Program Manager, had been working on coordinating the chart of accounts and would personally be working on the conversion and data transfer to the FRCOG accounting system.

**Mail and Other Items**

- Mail items were reviewed.

**9:50PM** Motion to adjourn meeting was made by John, seconded by Jim, all in favor.