

BOARD OF SELECTMEN
TOWN OF CONWAY, MA
MINUTES
November 1, 2010

meeting open: 8:30PM

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

others present:

Appointments

8:30 Finance Committee – Roy Cohen, John O'Rourke, James Cabral, Bob Stone

Roy asked for questions from the Board. Chuck gave an activity report and noted that there were two road projects that may both have had overruns. The Bardwells Ferry Road slope failure and the South River projects were described. There was also a brief discussion of the repairs at the school over the past summer.

Roy Chen, chair of the Finance Committee then broached concerns the Finance Committee had with the By-Law article submitted and passed in April, 2010 at the annual Town meeting. Roy said that the Finance Committee wanted to discuss, with the Selectboard, these concerns and the possibility of submitting an amendment to better clarify and solidify the meaning of this by-law for the next annual Town meeting. He noted that the Finance Committee had submitted the original article, calling for the forming of the Personnel Committee to work with the Selectboard to avoid possible liabilities for the Town. Roy said that the Finance Committee felt the Personnel Bylaw passed at this year's Town meeting in April had problems with clarity and interpretation as written. James Cabral questioned having why there were associate members to the Personnel Committee and expressed concern that this was done and not addressed in the Town Meeting article. He asked if this might be a liability. He said that he felt this was not a good action and did not conform to the original article. Chuck felt that as a private citizen he was not happy that the meeting moderator, was allowed to choose the outcome of a vote on a warrant article in reference to another Town Meeting Article allowing non-residents to not only serve on a town committee but also have a vote and might influence these committees. Roy, Chuck, and Maureen suggested and agreed that there should be a new or amended version of both of these articles not just the Personnel Committee Bylaw. Chuck also stated that he felt if a Town meeting goes beyond several hours that it should then be continued to a second night and Maureen stated she also felt this was a wise move. She also noted that it was strongly suggested by the Board this past spring that this year's meeting, with over 35 articles, should be divided between two nights of town meeting. Tom noted that there was no one present from the Personnel Committee and descriptions and accusations being made were misstated or inaccurate. Chuck said that no one was accusing anyone or suggesting the Personnel Committee was problematic but it was felt by both the Board and the Finance Committee that the By-Law article were in need of clarification and better direction. Chuck then stated Tom was only to act as an employee and not a Personnel Committee member. Everyone on both the Board and the Finance Committee reiterated that there were problems with the Bylaw as passed. Maureen said she would call Town Council and discuss this with him and see what he would suggest concerning the current Bylaw.

9:30 David Chichester

Dave Chichester, as chair of the Board of Health, wanted clarification on the DEP grant and who would be responsible for signing and administrating this grant. Dave will call the FCSWMD for an answer to this question.

He also discussed a septic system that was part of a house that had been foreclosed on by a bank, and then sold at auction. David said no Title 5 inspection or water tests had been completed at these premises, on North Poland Road, by the Board of Health and the new owners had moved in. He also explained that the purchase circumstances were a bit unorthodox if what was relayed by the purchaser's family member was true. He explained that he would inquire of the foreclosing bank to see if they had sent any kind of notice to the new owners about whose was responsible for arranging and paying for the required septic (Title 5) and water testing. If such notice had been sent to the purchaser's, David would also request a copy of such notice. The Board agreed this would be the most reasonable action to take in this case at this time. Maureen will also discuss this situation and possible actions needed with Town Council. Dave also noted that he and Rick Bean had taken pictures at this residence. He said that the BOH had given the new owners one week to clean up the property and make a strong effort to clean up this area. Dave noted that this problem may end up in

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land court. They then visited the neighboring property (belonging to immediate relatives of the new owners just discussed).. Dave also spoke about this property and the long history involved in trying to get them to clean up that house and property as well. He also asked about whether this was a case for Social Services as there was a young child living at the newly acquired house because there is no running water at this time and the lack of proper inspection and testing of septic and water systems. David also noted that the couple that purchased the foreclosed property had been living in a camper at the property across the street and there was a question about the status of any sanitary facilities at the camper as well. Maureen will ask Town Counsel about how to proceed in this case.

Tom asked how the Board of Health could be involved in helping the Selectboard enforce non payment of annual licenses. Dave was asked if the BOH could retain their licenses for this purpose but it was decided that they could not. Tom will do some research on how to do this enforcement and Maureen will ask Town Counsel for his opinion.

meeting items

- warrants were signed.
- Meeting minutes for 10/18/10 & 10/25/10 were approved as amended.
- The Board made a motion to sign documents pertaining to the annual licenses.
- There was a discussion regarding drainage at Brian Kusmeskus' house. A history of this field visit was reviewed and it seemed that water would have to be diverted onto another land owner's property. Maureen noted that this land owner had refused to allow water to be diverted onto his property making any changes at this time impossible. Tom will draft a letter to Brian explaining this.
- Approved 250th Committee members roster as of this date
- Approved the list of membership for the Emergency Management Systems Committee (EMSC)
- The Board denied a request made by the Historical Society to share the Town's Bulk Rate mail stamp because the Historical Society is a private town organization.
- Tom will check into ways to buy the Farrick house. Tom said some felt and suggested that the site might make a great parking area for town functions such as elections. It was agreed that parking in the center of town was lacking.
- The date for the holiday party was approved by the Board.
- Chuck and Maureen will attend the next Selectmen's Association meeting.
- The Board did not submit a nominee for the tree warden of the year.

Mail and Other Items

- Mail items were reviewed.

10:35 PM Motion to continue meeting until tomorrow at 4:30PM for the purpose of holding a tax classification hearing was made by Chuck, seconded by Maureen, all in favor.