

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN**

April 15, 2008

The Selectmen's Meeting convened at 4:05 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen C. David Weathers, Larry Martin, Mark Hounsell, Howard C. Dickinson and Bob Drinkhall; Town Manager, Earl W. Sires; and Recording Secretary, Karen Hallowell

PLEDGE OF ALLEGIANCE

Chairman Weathers led the Board in the Pledge of Allegiance to the Flag.

SWEARING IN OF ELECTED OFFICIAL

Deputy Town Clerk, Nancy Leavitt, administered the Oath of Office to recently elected Selectman, Bob Drinkhall.

Mr. Weathers advised that he appeared at the Town Clerk's office yesterday and was sworn in by the Deputy Town Clerk.

ELECTION OF OFFICERS

Mr. Hounsell nominated Lawrence Martin as Chair for the Board of Selectmen for 2008-2009. The nomination was seconded by Mr. Dickinson. There was no discussion. The nomination carried 4-0-1 with Mr. Martin abstaining.

Mr. Hounsell nominated David Weathers as Vice Chair for the Board of Selectmen for 2008-2009. The nomination was seconded by Mr. Dickinson. There was no discussion. The nomination carried 4-0-1 with Mr. Weathers abstaining.

SIGNING OF DOCUMENTS

The Board reviewed and signed various documents contained in the signature folder.

CONSIDERATION OF BILLS

The Board reviewed and signed the manifest dated April 17, 2007.

APPROVAL OF MINUTES

Mr. Weathers moved, seconded by Mr. Dickinson, to hold consideration of the minutes to the next meeting. The motion carried unanimously.

USVLT / WEST SIDE ROAD FARMLAND PROTECTION PROJECT

Linda Comeau, Land Protection Specialist, for the Upper Saco Valley Land Trust, and Rob Adair of the Conservation Commission and Upper Saco Valley Land Trust, joined the meeting.

Ms. Comeau and Mr. Adair advised the Board on a farmland protection project consisting of a 75 acre conservation easement on West Side road which abuts the Kennett property.

The Board briefly discussed whether a motion would be necessary to for the disbursement of the \$15,000 from the Town to take place after they reach their goal. Mr. Sires reviewed that the USVLT is giving the Board a briefing and the Conservation Commission holds the money. Further, it is his understanding that at the last of the Conservation Commission they approved the expenditure and it is his understanding that the Board does not need to authorize the expenditure at this time. There was further brief discussion by the Board. **Mr. Dickinson moved, seconded by Mr. Weathers, that the Board of Selectmen endorse the appropriation of \$15,000 out of the Land Acquisition Account to be spend on the West Side Road Farmland Protection Project being administered by the Upper Saco Valley Land Trust. The motion carried 5-0-0.**

Mr. Hounsell requested a brief recess. Chairman Martin called a recess of the meeting at 4:22 p.m. The meeting reconvened at 4:26 p.m.

BOARD PROTOCOL

Mr. Hounsell moved, seconded by Mr. Dickinson, that the Rules of Procedure for 2008-2009 for the Board of Selectmen be in accordance with Roberts Rules of Order. Mr. Drinkhall questioned if this is what has been used in the past. Mr. Hounsell replied in the affirmative. **The motion carried unanimously.**

Mr. Hounsell moved, seconded by Mr. Dickinson, to pass a resolution that from the year 2008-2009, any motions that were tabled be hereby defeated. Mr. Hounsell stated these are any motions that were on the table and not acted on. Mr. Dickinson asked for a list. Mr. Hounsell stated that if we need to bring any of them up again we can do so. **The motion carried 4-0-1 with Mr. Drinkhall abstaining.**

Mr. Hounsell moved, seconded by Mr. Weathers, that all tabled motions appear at the end of the agenda until such time that final action is taken on such motion. The motion carried 5-0-0.

Mr. Sires reviewed individual Board members do not send off letters without Board approval; however, sometimes there are deadlines and questioned how this Board would like to handle such situations. Mr. Hounsell commented that he did not think that this is allowed under law as only a Board in session can take action. Mr. Hounsell further added he feels it is essential that individuals not take action alone without Board action. The Board was in agreement.

QUARTERLY FINANCAL REPORT & 2009 BUDGET

Finance Director, Lucy Philbrick, joined the meeting.

Mr. Sires distributed quarterly financial reports to the board and reviewed same. The Board briefly discussed revenues and expenditures.

Mr. Sires next advised the Board regarding received from the State in the amount of \$352,952.65 and advised that a public hearing needs to be held to accept same.

Mr. Hounsell next stated he would like to have discussions regarding the 2009 budget and, further, he thinks it should be a directive that the 2009 budget be held at 2.5%. Mr. Hounsell stated this is something we should all think about and should be an agenda item for a future meeting. Mr. Drinkhall stated that he felt that this idea would absolutely strap some departments and would be difficult for fuel costs, etc.

APPOINTMENT OF SELECTMEN REPRESENTATIVES
TO STANDING COMMITTEES

The Board agreed to the following appointments of representatives to standing committees as follows:

Budget Committee – Mark Hounsell;

CDRC - Mr. Sires reviewed that the Board as well as two former Selectmen may serve on the committee; however, in the past we have had all selectmen past and present. There was discussion by the Board. The Board agreed this Committee should consist of the sitting Board of Selectmen and then the others to be appointed. The Board also agreed the committee should continue to have representatives from the Planning Board, Conservation Commission and NHDOT as well. The rest of the committee is to be appointed by the Selectmen.

Conservation Commission – David Weathers

Eastern Slope Airport – The Board briefly discussed former Selectmen Gary Webster continuing on as the Board of Selectmen representative to ESAA. **Mr. Hounsell moved, seconded by Mr. Dickinson, to make the appointment of Gary Webster as Selectmen's representatives to Eastern Slope Airport Authority.** The Board briefly discussion and agreed for continuity it was important for Mr. Webster to continue as the representative. **The motion carried 5-0-0.**

Economic Council – Howard Dickinson and Earl Sires.

Infrastructure Committee – Howard Dickinson and Mark Hounsell.

Joint Town School Committee – Bob Drinkhall and Earl Sires.

Lower Mount Washington Valley Solid Waste District – Larry Martin.

Planning Bboard – Bob Drinkhall.

Recreational Access & Planning Committee – David Weathers and Earl Sires.

Recreation Facilities Committee – Mark Hounsell and Earl Sires.

School Steering Committee – There was brief discussion and it was agreed it was no longer necessary to appoint a Selectmen's representative to this Committee as the new High School is complete. Mr. Hounsell suggested the Town Manager send a

memo or e-mail along to the school advising we are no longer going to participate in the School Steering Committee.

Southern Terminus Subcommittee – There was brief discussion and the Board agreed this committee was no longer needed due construction of the southern terminus being 10 years out.

Union Negotiations - Larry Martin and David Weathers.

Valley Vision – It was agreed that this appointment would be left open for now and the town could inquire around for interest in the position.

Mr. Dickinson next questioned if it is appropriate to have a Selectmen's representative on the Police Commission. Mr. Hounsell stated this is not allowed by law.

Mr. Hounsell next pointed out that terms on the ZBA are expiring. Mr. Sires pointed out that terms are expiring on the Conservation Commission as well. **Mr. Hounsell moved, seconded by Mr. Dickinson, that the Town advertise for ZBA, Conservation Commission, and any other vacancies that may exist. The motion carried unanimously.**

CONSIDERATION OF THE UNION AGREEMENT

Mr. Sires presented two copies of the agreement between the Town and AFSCME 93 to the Board for review and consideration. Mr. Sires advised that, as agreed, this is a two year agreement and it has been signed by the Union representatives. The Board signed the agreement.

DISCUSSION REGARDING CAPITAL IMPROVEMENT PROGRAM COMMITTEE

Mr. Hounsell reviewed Article 11 passed at the 2008 Town Meeting and, also, NH RSA 674:5. Mr. Hounsell made suggestions to the Board with regard to the makeup of the committee. **Mr. Hounsell moved, seconded by Mr. Dickinson, that the Board of Selectmen establish in accordance with the vote of the Town Meeting and RSA 674-5 the Capital Improvement Program Committee and that the makeup of the committee be made up of the Town Manager, Town Planner, Town Engineer as non voting members and that the voting members be five (5) in number and shall be appointed for a one (1) year term and that the membership shall be the Chair of the Board of Selectmen as the Selectmen's Representative who shall also serve as the Chairman of the Capital Improvement Program Committee and that the Selectmen shall appoint a member of the Planning Board and three (3) at large members.** Mr. Hounsell suggested an amendment be made to the motion that the Planning Board member be nominated by the Planning Board and appointed by the Board of Selectmen. Mr. Drinkhall agreed with Mr. Dickinson. **Mr. Hounsell amended the motion, seconded by Mr. Dickinson, Mr. Hounsell moved, seconded by Mr. Dickinson, that the Board of Selectmen establish in accordance with the vote of the Town Meeting and RSA 674-5 the Capital Improvement Program Committee and that the makeup of the committee be made up of the Town Manager, Town Planner, Town Engineer as non voting members and that the voting members be five (5) in number and shall be appointed for a one (1) year term and that the**

membership shall be the Chair of the Board of Selectmen as the Selectmen's Representative who shall also serve as the Chairman of the Capital Improvement Program Committee and that the Planning Board member be nominated by the Planning Board and appointed by the Board of Selectmen, and that the Selectmen shall three (3) at large members. There was further brief discussion regarding the Capital Improvement Program Committee purpose and makeup. There was also discussion regarding impact fees and Mr. Sires suggested that Planning Director, Tom Irving, be put on the agenda to discuss same with the Board. The Board agreed. **The motion carried 5-0-0.**

Mr. Hounsell moved, seconded by Mr. Weathers, to advertise for the three at-large members of the committee. The motion carried.

NEW HAMPSHIRE RETIREMENT SYSTEM DISCUSSION

Mr. Sires reviewed HB1645 regarding the NH Retirement System. Mr. Sires also reviewed figures and the impact of this bill with the Board. Mr. Sires and the Board discussed taking a position in favor of the Bill. **Mr. Hounsell moved, seconded by Mr. Dickinson that a letter be prepared and sent to all members of the New Hampshire Senate urging them to vote in support of HB 1645 and that there be a signature line for each member of the Board of Selectmen. The motion carried unanimously.**

TOWN MANGER REPORT

Fryes Store – Mr. Sires reported there have been discussions with the owner next store regarding parking, etc. Mr. Sires further reported there has also been discussions with the NHDOT regarding improvements out front and we are looking for grant monies for sidewalks etc.

NCVA – Mr. Sires questioned if the Board would like to see this back on the agenda for discussion. The Board agreed they would like to have this on an upcoming agenda.

Emergency Management - Mr. Sires reported on upcoming emergency management meetings scheduled.

Vacation – Mr. Sires reported he may be gone for vacation next week. However, due to a family situation, this may change and he will advise.

BOARD REPORTS AND COMMENTS

Meeting Schedule – The Board agreed to not hold a meeting on Tuesday, April 22, 2008.

HB1457 – Mr. Dickinson read aloud a proposed letter he drafted concerning HB1457 and asked the board to support sending same to the Chair of the Committee of Commerce and Labor. This letter is for the Cigar Emporium to continue to do business. **Mr. Dickinson moved, seconded by Mr. Hounsell, that we sign this letter of support for the passage of HB1457.** There was a brief discussion and Mr. Dickinson gave further explanation. Mr. Hounsell questioned if this legislation doesn't pass will the

cigar emporium not be allowed to continue as they currently run. Mr. Dickinson replied in the affirmative. **The motion carried 4-1-0 with Mr. Weathers voting in the negative.**

Methadone - Mr. Dickinson commented that the State of Maine is first in per capita deaths in methadone deaths and New Hampshire is tied for fourth place and this is why he has concerns. Mr. Dickinson distributed a copy of an article on Methadone for the Boards review.

Red Jacket – Mr. Drinkhall commented on the Red Jacket building permit and questioned if anything has been looked into or questioned on this regarding the amount put on the building permit application. Mr. Sires stated that the Assessor, Tom Hlolmes is looking into the value and could report on this in the future.

Building Permit Fees – Mr. Drinkhall commented on building permit fees stated he has noticed they are based on fees set in 1987. Mr. Drinkhall questioned if this has been looked at recently. Mr. Sires advised this can be looked into and an update can be given to the Board on the matter.

Red Jacket Matter/Court Costs and Legal Fees – Mr. Dickinson questioned if there is any information as to whether we are going to get court costs and legal fees reimbursed regarding the Red Jacket matter. Mr. Sires advised information has been submitted and they have contested same and so we are now going back to court. Mr. Sires advised once we have a court date for this matter, he will advise the Board of same.

Lowe's Entrance – Mr. Hounsell commented that with regard to the Lowe's entrance, the permits need to be adhered to. Mr. Sires advised a letter has been sent. Mr. Hounsell stated he thought the entrance across from Walmart was to be used for deliveries. Mr. Martin stated that actually it was to be used for an exit only and it was to aid in deliveries but was not limited to deliveries. Mr. Hounsell stated that in reading the letter sent by the Public Works Director it is not stated as such and he would like clarification on this matter.

Letter to Valley Vision – Mr. Hounsell stated that as a reminder, on April 1, 2008, this Board requested a letter be sent to Valley Vision advising there is no more money

Olympic lane – Mr. Hounsell requested an update on Olympic Lane. Mr. Sires advised that the concept drawings are in progress. Mr. Sires advised the abutter has indicated he is not interested in discussions without his attorney. Mr. Sires further added that once the Board of Selectmen decide on the layout of road they can also have the abutters come in and talk about layout of the road. Mr. Sires reviewed this will be for a concept drawing

American Flags - Mr. Hounsell suggested that we have the Recreation Dependent drive around and look at the flags on town property before Memorial Day.

NHDOT – Mr. Hounsell requested an update on the lawsuit with the NHDOT. Mr. Sires advised that Attorney Malia did go to the NHDOT office and review files and is preparing a report. Mr. Dickinson stated he would like to see a break down by phase of how much they paid in eminent domain amounts. **Mr. Hounsell moved, seconded by**

Mr. Dickinson, to send a letter to the new Commission asking that he honor the letter of his predecessor and asking him to come up here. Mr. Dickinson stated he would like the eminent domain information before he meets with this Board. **The motion carried 5-0-0.**

Swift River Covered Bridge – Mr. Weathers reported that he has a request from a former Selectmen to have the sign over the Swift River Covered Bridge spruced up and he thought there may be some funds left to do so for this purpose.

Conservation Commission - Mr. Weathers reported the Conservation Commission met last week. The Commission met with the Upper Saco Valley Land Trust. The Commission also held discussion on a couple of dredge and fill applications.

Board of Selectmen Chair Position – Mr. Martin thanked the Board for the chair position.

PUBLIC COMMENT / MEDIA QUESTIONS

Casey from the Conway Daily Sun questioned what the Town is planning to do with the pot holes. Mr. Sires advised the Town is planning to patch the town roads.

NON PUBLIC SESSION - NH RSA 91-A:3,II(c)./TAX MATTER

At 6:10 p.m., **Mr. Weathers moved, seconded by Mr. Dickinson, to go into non public session under RSA 91-A:3,II(c) to discuss a tax matter.** Mr. Martin advised the non public session could include Town Manager Earl Sires, Tax Assessor, Tom Holmes, and Recording Secretary, Karen Hallowell **The motion carried by unanimous roll call vote**

The Board returned to public session at 6:25 p.m. **Mr. Hounsell moved, seconded by Mr. Weathers, to seal the minutes. The motion carried unanimously.**

ADJOURN

At 6:26 p.m., **Mr. Hounsell moved, seconded by Mr. Weathers, to adjourn the meeting. The motion carried.**

Respectfully submitted,

Karen J. Hallowell
Executive Secretary