

Minutes of Meeting
CONWAY BOARD OF SELECTMEN

November 18, 2008

The Selectmen's Meeting convened at 4:02 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen, Larry Martin, (Chair), C. David Weathers, Mark Hounsell, Howard C. Dickinson and Bob Drinkhall; Town Manager, Earl W. Sires; and Recording Secretary, Karen Hallowell

PLEDGE OF ALLEGIANCE

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

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 November 20, 2008.

APPROVAL OF MINUTES

The approval of minutes was carried to the next meeting.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

There were no special event applications for consideration.

PUBLIC HEARING / FIREWORKS POLICY

Chairman Martin read aloud the public hearing notice to consider revoking the Selectmen's existing policy which prohibits the display and sale of fireworks in the Town of Conway and opened the public hearing at 4:05 p.m.

Barry Schect of BJ Alan Co. of Youngstown Ohio advised he is experienced with consumer fireworks in New Hampshire and other states and has nothing but positive letters that have been submitted.

Chief Solomon of the Conway Fire Department stated there are issues with the fireworks at the store and also the building they are looking at as it is not a suitable building as it is two story. Chief Solomon also advised they will receive complaints regarding noise from fireworks. Chief Solomon further pointed out that fireworks are not allowed in Maine and this could be a problem with law enforcement.

Mr. Hounsell asked about calls for fireworks. Chief Solomon stated Conway hasn't been out to any fireworks calls since he has been here but he believes this is because they are not allowed in Conway. Police Chief Wager stated he doesn't have specifics for fireworks but it would fall under noise complaints. He did find at least 63 instances where they answered calls for noise complaints in the last year and a half.

Bonnie Hayes advised she is with Select Real Estate and also lives in North Conway. Ms. Hayes advised that the whole crux of Mr. Schect coming before the Board of Selectmen is that there when this regulation was put in at the town level there was no regulation at all by the state and since then the state has put in regulations on fireworks. Ms. Hayes stated we sell alcohol, guns, bicycles, which are all potentially dangerous and this company would provide jobs and fill an empty space. They are also willing to pay for inspections and she can't see reasons to deny it anymore. She feels we should allow this reputable national company into Conway.

Mr. Sires stated his is not recommending this at the Town Manager. We are cutting existing services and this may add to the burden of existing services. The state allows towns to regulate this and it has worked so far. This may provide a few jobs but we already have many of these same jobs. Further, this location is designed to sell to the state of Maine where they are illegal. Mr. Sires further added that the location sited it also next the Recreation Center.

Susanna West advised she lives near the public beach in Center Conway and there have been several instances of fireworks being set off this past summer. Her biggest complaint and concern is the noise factor and that it is disruptive to people in the community and that this will go on all summer.

Chairman Martin closed the public comment at 4:15 pm.

Mr. Martin commented that even though there is a fireworks store 16 miles down the road he thinks this is just enough of a deterrent and he also agrees with Mr. Sires with regard to the cost factor and it goes against the budgeting we are doing this year.

Mr. Drinkhall stated he was torn on this issue but there is the matter of issue of this location because it is close to the state line. Also the budgeting is an issue; however, he does not want to regulate it.

Mr. Weathers moved, seconded by Mr. Dickinson, that we rescind the existing ordinance. The motion failed 1-4-0 with Mr. Dickinson in the affirmative and Messrs. Drinkhall, Hounsell, Weathers and Martin in the negative.

CONSIDERATION OF UNANTICIPATED REVENUE LESS THAN \$5,000/RSA 31:95-B, III (B):

a) \$3,169.44 from the State of NH to Conway PD / NH Highway Safety Grant for bicycle patrols - Lt. Perley advised the Police Department applied for and received a grant for bikes to patrol North Conway Village Wednesday through Sundays. Lt. Perley advised several officers participated and this resulted in 298 warnings, 55 summons and 15 arrests. There were 16.6 contacts per shift. This is 208 percent higher than anticipated. **Mr. Hounsell moved to accept the grant of \$3,169.44 from the State of NH to the Conway PD for NH Highway Safety Grant for Bicycle Patrols. The motion carried unanimously.**

b) \$1780.22 from the State of NH to the Conway PD / NH Highway Safety Grant for the DWI checkpoint – Lt. Perley next reported on the NH Highway Safety Grant and advised this was for sobriety check points. Lt. Perley advised they had to apply to the Superior Court to conduct these checks. The checks were conducted on Rt 16 at Red Barn and the focus was on intoxicated drivers. There were over 300 stops made and several officers participated and were also assisted by the NH State Police, Carroll County Sheriff's Department and Bartlett Police. **Mr. Weathers moved, seconded by Mr. Drinkhall, to accept the \$1780.22 from the State of New Hampshire to the Conway Police Department for the NH Highway Safety Grant for the DWI. The motion carried unanimously.**

BUDGET REVIEWS

a) Police – Chief Wagner, Lt. Perley, Lt Faia, Commissioners, Kennett, Doherty and Porter and Lucy Philbrick were present for discussion

The Chief reviewed the police budget with the Board and advised the total increase is 3.8 over last year.

Mr. Drinkhall questioned if you were asked to or made to keep it the same as last year how would that be accomplished. The Chief advised the only way would be a personnel cut.

There was next a discussion on vehicles. Mr. Hounsell questioned if there was no motorcycle. The Chief advised this is a valuable piece of equipment. This vehicle is used at a significant decrease in cost, maintenance and gasoline are less and it gets around the streets easier. It has the same affect as a car but it just can't transport.

Mr. Hounsell questioned if the Police will have any warrant articles. The Chief advised just for vehicles.

b) Library - Librarian, Margaret Marshner, and Library Trustee, Bill Marvel, were present.

Ms. Margaret advised the library facility is well used. Ms. Marschner advised there has been a 10% increase in borrowing and a 20% increase in membership. Ms. Marschner provided the Board with other statistics as well and explained the library is being put to good use.

Ms. Marschner distributed updated proposed budget information to the board Margaret next proceeded to review budget with the board.

Ms. Marschner extended an invitation to the board to join the Friends of Conway Library.

c) Parks and Recreation - Parks and Recreation Director, John Eastman, joined the meeting.

There was a discussion regarding recreation revenues and expenditures and the revolving fund.

Mr. Dickinson left the meeting at 6:18 pm.

The Board and Mr. Eastman next reviewed the proposed Parks & Recreation budget.

Mr. Hounsell moved, seconded by Mr. Weathers, to authorize to transfer up to \$63,000 from the recreation revolving fund with the understanding that we'll only use enough to bring his budget into balance and any remainder stays in revolving fund. The motion carried 4-0-0.

REVIEW AND CONSIDERATION OF CONTRACT FOR SERVICES
BETWEEN THE TOWN OF CONWAY AND COOMBS CUABLE ASSOCIATES
FOR ALL HEALTH HAZARDS REGIONAL PLANNING

Mr. Sires reviewed and explained the contract for All Health Hazard Planning and advised the money used to pay for this is coming from the State. **Mr. Drinkhall moved , seconded by Mr. Weathers, to approve the contract as written. The motion carried 4-0-0.**

TOWN MANAGER REPORT

CMF v. Town of Conway – Mr. Sires reported Mediation is scheduled for Friday in the matter of CMF v. Town of Conway at the Carroll County Superior Court and he and Selectmen Hounsell will be attending along with Town Counsel, Peter Malia.

Time Warner Cable – Mr. Sires reported the Town received a notice from Time Warner Cable regarding price adjustments. The letter advised they have significant increases and will be working to absorb some but will have to pass some on to subscribers. Utilities costs and employee costs are some of the contributing factors to the increase. Mr. Sires advised he will be calling Mr. Edgecomb at Time Warner to discuss utility costs.

Outing Club – Mr. Sires reported he met with John Cannell of the Outing Club and also Ryan Somers to discuss the skating rink in Schouler Park. They will be turning the rink and it will run parallel to the south end of Norcross and they also will make it a little smaller if this is all okay with the Board. Further, the town will cover some seed costs and they will cover some fertilizer costs

NH Retirement Fund – Mr. Sires reviewed the State has changed the way the Retirement Fund works. This pertains to the last 3 years of funding. For instance, police who work overtime, in the past the State ate the last years worth and now the state is staying the entity for which that person worked has to make up for that amount. A stuffy has been done to show the difficulty this may cause for some towns. This may be a big problem and be big money for some towns. Large towns with lots of employees or small towns with a small police force who work overtime – this may potential be a problem for many communities. This town is fortunate as we have a young workforce but this is not to say that it may not be a problem for us. Accumulated vacation, sick leave etc that are paid out when someone leaves and this can add up. This could also be a problem for the school. Mr. Sires advised he had met with Selectman Hounsell and State Representative Buco on this matter and Representative Buco is crafting legislation.

BUDGET REVIEW (continued from earlier in the meeting)

The Board next briefly reviewed the proposed Executive, Finance, Assessing, Legal, Employee Benefits, Health, Workers Compensation, Planning, Insurance, Emergency Services, Inspections, Health, Conservation Commission and Debt Principal and Interest.

BOARD REPORTS AND COMMENTS

Planning Board – Mr. Drinkhall reported the Planning Board met on November 13 and the Red Jacket issue was put to bed with a 12 foot high 210 foot wall that will be close but not next to the HR unit. They want to get the footings in immediately. They have new attorneys working on the case and everyone seemed happy including the abutters. Mr. Drinkhall next advised the MWVEC matter was continued to February as there was still questions.

CIP Committee – Mr. Drinkhall reported the CIP Committee had their initial meeting and went through its intent and purpose. The next meeting is scheduled for December 16, 2008.

Planning Board Opening – Mr. Martin questioned if there is a Planning Board opening. Mr. Drinkhall advised there was a resignation on the Board. A member moved out of town. There is now a vacancy for an alternate and if anyone is interested please contact the chair.

Cable Franchise Renewal Committee – Mr. Hounsell advised the Cable Franchise Renewal Committee had their second meeting. Rodney King and Mike Edgcomb from Time Warner attended.

Conservation Commission – Mr. Weathers advised the Conservation Commission met and there was a presentation by Forester Don Johnson. There was discussion for a forest management plan for Whitaker Woods and maps will be prepared.

Old SAU Building – Mr. Hounsell stated he is encouraged by the possibility that someone is interested in purchasing the old SAU building and moving it to Main Street in North Conway. He hopes this happens.

Birch Hill Water – Mr. Martin reported that resident Bill Jones requested that this Board reconsider its decision on the tax abatement regarding Pennichuck. Mr. Martin stated that he advised Mr. Jones he would bring this matter to this Board; however to bring this up for reconsideration this needs to be put on an agenda. Mr. Martin questioned if this Board wants to invite Mr. Jones in to the next meeting. The Board brief discussed and agreed that Mr. Jones should be invited to the next meeting and they would have further discussion on the Pennichuck matter. The Board was agreeable to putting this on the next agenda.

Holiday Schedule – The Board agreed to meet on December 23, 2008 and take off between Christmas and the New Year. There will be no meeting December 30,

2008. The first meeting after the new year will be held on January 6, 2009. All agreed.

PUBLIC COMMENTS AND MEDIA QUESTIONS

There were no public comments or media questions.

ADJOURN

At 7:28 p.m., **Mr. Weathers moved, seconded by Mr. Hounsell, to adjourn the meeting. The motion carried.**

Respectfully submitted,

Karen J. Hallowell
Executive Secretary