

**Minutes of Meeting**  
**CONWAY BOARD OF SELECTMEN**  
MAY 5, 2009

The Selectmen's Meeting convened at 4:08 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen Larry Martin (Chair), C. David Weathers, Howard C. Dickinson, Robert Drinkhall and Michael DiGregorio; Town Manager, Earl W. Sires; and Recording Secretary, Holly Meserve.

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.

APPROVAL OF BILLS

The Board reviewed and approved the manifest dated 05/07/09.

APPROVAL OF MINUTES

The Minutes of February 17, 2009 should be amended as follows: page one, under Approval of Minutes in regard to the 12/23/09 Minutes, second line, Sergeant Perley should be **Lieutenant** Perley; and page 3, first paragraph, first line, Sergeant Perley should be **Lieutenant** Perley. **Mr. Drinkhall moved, seconded by Mr. Weathers, to approve the Minutes of February 17, 2009 as amended. Motion carried with Mr. DiGregorio abstaining from voting (4-0-1).**

The Minutes of February 24, 2009 should be amended as follows: Page 2, under Discussion regarding Starting Point Funding, paragraph 7, line 1, Cyndy White should be **Syndi** White; Page 2, under Discussion regarding Starting Point Funding, paragraph 8, line 1, Suzette Indelicate should be Suzette **Indelicato**; page 3, paragraph 10, line 9, should read, "...town money, **all** taxpayer money..."; page 4, paragraph 4, line 4, should read, "...who felt ~~this~~ **they** agreed with..."; and page 5, under Discussion regarding Fee Structure for Swim Lessons, paragraph 5, line 1, Cindy White should be **Syndi** White. **Mr. Drinkhall moved, seconded by Mr. Weathers, to approve the Minute of February 24, 2009 as amended. Motion carried with Mr. DiGregorio abstaining from voting (4-0-1).**

**Mr. Drinkhall moved, seconded by Mr. Weathers, to approve the Minutes of March 4, 2009, March 10, 2009 and March 17, 2009 as written. Motion carried with Mr. DiGregorio abstaining from voting (4-0-1).**

UPDATE ON EMERGENCY PREPAREDNESS AND H1N1 FLU

Steve Solomon, Conway Fire Chief and Town of Conway Emergency Director, appeared before the Board and gave a review of the H1N1 flu. Chief Solomon stated there have been no confirmed cases in the region. Chief Solomon suggested that the Town review the Operations Plan. Mr. Martin asked if there has been any cost associated with this illness. Mr. Solomon answered in the negative. Mr. Martin asked for public comment; there was none.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

There are no special events to review this week.

BRIEFING ON RECOMMENDED ACTIONS  
TO ADDRESS LANDFILL ODOR

Mr. Sires stated over the last year or two we have received complaints regarding an odor from the landfill. Mr. Sires stated Paul DegliAngeli had site visit conducted on April 17, 2009 by CMA Engineers and they have provided a memorandum [dated April 30, 2009] on how to deal with the odor issue. Mr. Sires stated that he would ask the public to communicate with the town their experience so the Town can track the situation and see if we are making it better.

Paul DegliAngeli, Town Engineer, appeared before the Board. Mr. DegliAngeli stated that they are currently following the recommendations of our consultant and we are waiting to see if it makes a difference. Mr. DegliAngeli stated there have been questions about what is causing the odor and are there any chemicals being used. Mr. DegliAngeli stated we don't use any chemicals, we do not put any construction debris in our landfill, and we don't take hazardous waste at the landfill, but we do take sludge from the sewer treatment plant. Mr. DegliAngeli stated that the odors appear to be associated with the decomposition of trash.

Mr. DegliAngeli stated there is a lot of gas being emitted from the vents and it is the consultant's opinion that those vents are not needed. Mr. DegliAngeli stated that they are going to cap the vents and see what that does. Mr. DegliAngeli stated that there is an active pile of trash and the recommendation is to keep it small and covered, which we have implemented.

Mr. Weathers asked if you could cover the pile and then uncover it. Mr. DegliAngeli stated that the permit requires that the cover stay in place. Mr. DegliAngeli stated that they put the cover in place, drive over it with the compactor and then cover it with more cover material. Mr. DegliAngeli stated that the consultant suggested covering it and then grading, which is in excess of

our permit. However we are required to put on daily cover to prevent animals from getting into it. Mr. Weathers stated that this will use the cover material more quickly. Mr. DegliAngeli agreed.

Mr. DiGregorio asked where we get the cover material. Mr. DegliAngeli answered ERRCO. Mr. DegliAngeli stated they are a construction debris recycling outfit and we get shredder residue from them that is not useful to them. Mr. DegliAngeli stated that we take our construction debris to them and then they truck back the material to us at no cost. Mr. DegliAngeli stated we are currently testing that material to see if it is a source of the odor and if it is we may have to discontinue using that material.

Mr. DiGregorio stated that we are not buying the product we are using for cover. Mr. DegliAngeli agreed. Mr. DiGregorio asked if there is an over abundance of the cover material if we need to use more. Mr. DegliAngeli answered in the affirmative.

Mr. DegliAngeli stated if the daily cover is contributing to the odor then we should stop using it as a daily cover, but it could be used as a cap material. Mr. DegliAngeli stated that it's only when it's mixed in that the sulfurs potentially become a problem. Mr. DiGregorio asked if the cover material has to be thicker do you expect it to change the life of the landfill. Mr. DegliAngeli answered it could potentially. Mr. DegliAngeli stated that it is a 1:1 ratio of daily cover vs. trash. Mr. DegliAngeli stated that the life of the landfill exceeds any of the previous projections.

Mr. Martin asked if the vent pipes are sealed will it create a bubble of gas. Mr. DegliAngeli stated that these vents are for the leachate and the consultants believe these vents could be closed. Mr. DiGregorio asked if there would be temporary caps on the vents so that they could be removed if needed. Mr. DegliAngeli answered in the affirmative.

Mr. Martin asked for public comment; Andrea Osmun of the Conway Daily Sun asked if the cover material is the source of the odor what would be used in its place. Mr. DegliAngeli answered sand, but it would have to be purchased.

#### RECREATION/FIELD MAINTENANCE AND SUMMER PROGRAM

Mr. DegliAngeli left the room at this time. John Eastman, Conway Recreation Director, appeared before the Board.

**Schouler Park:** Mr. Eastman stated that he has consulted with Greg George, Grounds Keeper at the North Conway Country Club, as well as Mark Miller, supplier of lime and fertilizer, in regards to the grass at Schouler Park. Mr. Eastman stated that there has been a lot of winters kill. Mr. Eastman stated that one reason for the winter kill could have been that it was new grass that went

dormant in October, but being one of the busiest parks in Town, events went right up to the second week of November.

Mr. Eastman stated that there was no a good insulation of snow. Mr. Eastman stated that the warm spring has helped, but there has been a lack of rain. Mr. Eastman stated that the sprinkler system has been on, they have fertilized it once, and they have thatched the entire property and then vacuumed with a bagger. Mr. Eastman stated starting tomorrow we will aerate the park completely and then immediately put sun/shade seed down, drag with screen and then continue the aeration process.

Mr. Eastman stated that Japanese beetle grubs have been found in the soil and that should be treated, but they are going to get through the seeding and aeration process and see what happens. Mr. Sires stated they really worked on the skating rink this year and thought it would be better than it is, but it doesn't look good now. Mr. Sires stated turf and skating are not really compatible. Mr. Sires stated to have good turf is to not have anything happen on turf, but we will have to deal with this depending on the uses in the park.

Mr. Dickinson stated that the problem is that you're using designer grass and we should just let the native grasses grow with some lime and wood ash. Mr. Sires stated that Mr. George did suggest putting down different types of grass. Mr. Eastman stated that a soil test would be conducted at the end of the week and then they'll determine what to put down.

Mr. Weathers stated putting fertilizer on earlier in the spring is not going to do much and Kentucky blue grass does not stand abuse and neither will native grasses. Mr. Drinkhall asked when they reseed the area of the skating rink will the area be blocked off. Mr. Eastman answered in the negative and stated it helps with traffic on it. Mr. Eastman stated that there is going to be some crab grass. Mr. Drinkhall stated that you have to be careful what you use to kill the weeds when the grass is germinating. Mr. Drinkhall asked if it would be treated for grubs. Mr. Eastman answered in the affirmative.

Mr. Dickinson stated that there is nothing wrong with clover, its green, not sure why we insist on having a putting green in Schouler Park. Mr. Dickinson stated that a fairway gets a lot less traffic than Schouler Park. Mr. DiGregorio wondered if we lost a lot of that turf because it was new, therefore, the ice got into a bit more than the established fields. Mr. Eastman stated that he did not think it was big factor and thought it was due to the icing. Mr. Sires stated that in a few weeks 70% will be back, but the ice rink area and down the middle looks bad.

Mr. DiGregorio suggested organic fertilizer and recommended using synthetic for a couple of years to get established. Mr. DiGregorio stated he would like to have some more conversation about organic fertilizers. Mr. DiGregorio stated he is a big believer if the town is going to own something then

they should take care of it. Mr. DiGregorio stated they are everyone's and everyone can use it and they should be maintained.

Mr. DiGregorio stated that it takes a lot more money to recover a field than it does to keep it in the proper shape. Mr. DiGregorio stated he would like to see more discussion regarding the level of program we have now and what we should have. Mr. Sires stated we can certainly do that, but it may be part of the budget discussion in the fall.

**Summer Program**: Mr. Eastman stated that the Parent Handbook for the summer program has been completed and they have modified some of the trips. Mr. Eastman stated that the big thing on the table is the fee structure for 2009 and asked the Board how they want to approach that. Mr. Eastman stated last year they charged \$110 for an eight week program, with a fee of \$95 if they signed up early.

Mr. Weather stated that the swim lessons were increased this year. Mr. Eastman agreed and stated that this is a separate issue. Mr. Sires stated swim lessons were increased, the Teen center did not increase and we haven't discussed the Summer Program as of yet. **Mr. DiGregorio moved to leave the Summer Program at the same price as last year. There being no second, the motion was defeated.**

**Mr. Weathers moved, seconded by Mr. Dickinson, to increase the Summer Program fee from \$110 to \$120 and to increase the early sign up fee from \$95 to \$105.**

Mr. Dickinson asked if that was going to be enough money to run the program. Mr. Sires stated that the current fee would not completely fund the program. Mr. Martin stated that it never has. Mr. Sires agreed. Mr. Dickinson asked what we need to charge to do what we have done in the past. Mr. Sires stated that the program will be conducted very similar other than some modified trips. Mr. Sires stated increasing the fee does just means less money from the general fund and tax revenue goes to the program.

Mr. Dickinson stated we have had a program in the past and the program has been subsidized by tax revenue what do we need to charge to keep the same ratio to tax revenue. Mr. Sires stated that he could not answer that right now. Mr. Weathers stated the eight week program costs parents approximately \$12 a week and that is not absorbent.

Mr. Drinkhall suggested tabling the motion until we get those figures. Mr. Martin stated the Board could, but they want to get the ball rolling. Mr. Eastman stated that he could certainly work out those numbers, if you need a week, we can do that. Mr. Eastman stated they are ready it's just a matter of getting the information out. **Mr. Weathers moved, seconded by Mr. Drinkhall, to table the motion until the next meeting. Motion carried with Mr. DiGregorio**

**voting in the negative (4-1-0).** Mr. DiGregorio asked how many kids was there last summer. Mr. Eastman answered 203.

REQUEST BY MOUNT WASHINGTON VALLEY PRESERVATION  
ASSOCIATION (MWVPA) TO PLACE ENGRAVED PAVERS  
ON KEARSARGE ROAD AND HISTORIC LIGHTS

Mr. DegliAngeli appeared before the Board. Mr. Sires introduced Cindy Briggs and Peter Edwards of the Mount Washington Valley Preservation Association. Mr. Sires stated they are here to request an expansion of a program that has been on-going for several years. Mr. Sires gave an overview of the program and stated they would like to have the ability to put granite blocks along Kearsarge Street as well. Mr. Drinkhall stated that it is Kearsarge Road, not Kearsarge Street.

Ms. Briggs stated they would like the ability to put them in place and then replace them with sold engraved blocks, but we need permission to install them. **Mr. Drinkhall moved, seconded by Mr. Weathers, to sign the Memo of Understanding.** Mr. Dickinson asked how much money they have in the bank. Ms. Briggs stated that she thought Janice Crawford would be here today and she has the figure. Mr. Edwards stated probably about \$10,000. Mr. Weathers asked if the granite blocks have already been purchased. Ms. Briggs answered in the affirmative.

Mr. Drinkhall asked if there are any down sides to having them there. Mr. DegliAngeli stated they haven't seen it yet and we have been through two winters. Mr. DegliAngeli stated that the only difficulty might be that Kearsarge Road is narrower than Route 16. Mr. Drinkhall asked if we have a warranty on the sidewalk from the installer and would this affect that warranty. Mr. DegliAngeli stated that they do have a warranty and it would not be affected as it is the same installer. Mr. DegliAngeli stated when we need to re-brick the sidewalks there will be labor associated with taking the pavers out and making note of its location. Mr. DegliAngeli stated that would be a downside, but it would not be an insurmountable task.

Mr. DiGregorio asked if there were any complaints from the sidewalk plowing and does anyone walk that entire area each year to see if anything needs to be replaced. Mr. DegliAngeli stated that we have replaced a brick or two by the Park and this year we will have to do more. Mr. DegliAngeli stated that there has been some damage to the sidewalk by a piece of equipment, but that person has taken responsibility. Mr. DegliAngeli stated that we walk it every year and the comments have been that it is holding up better than the concrete sidewalks.

Ms. Briggs stated that the cost of cutting the bricks is being paid by the Preservation. Mr. DiGregorio asked about the Project Manager under Exhibit C. Mr. DegliAngeli stated that was specifically for Route 16 and would become moot

here. Mr. Sires suggested approving the motion contingent upon defining 1A as it currently exists and 1B. **Motion unanimously carried (5-0-0).**

**Historic Lights:** Mr. Sires stated that it has been the plan all along to put historic lights along Kearsarge Road, but there is somewhat more expense to the Town as we own them and maintain them. Mr. Sires stated there have been an inventory of street lights and will probably recommend lighting in the Village Districts. Mr. Sires stated he would like to reaffirm the Board still wants to proceed with the historic lights.

Mr. Martin asked if the aerial lights would be removed. Mr. DegliAngeli answered in the affirmative. Mr. DegliAngeli stated that the lights that exist belong to the utility company; we pay for them on a fixture basis. Mr. DegliAngeli stated once we switch to ornamental lights those are metered and we will pay an electrical price for that. Mr. DegliAngeli stated that we would own the lights bulbs and contract with the power company to replace the bulbs. Mr. DegliAngeli stated acquiring them for the first time is being paid for by the preservation.

Mr. DiGregorio stated that he is concerned with location as there is significantly less space on the poles for lighting. Mr. DiGregorio stated it will be interesting to see what type of permission will be given to be below the Telephone Company. Mr. DegliAngeli stated that we will need to obtain a permit and we would have to follow the same process we did before.

Mr. Drinkhall stated that the lights along the North-South Road are aesthetically pleasing, but these would be hanging from a utility pole which is not aesthetically pleasing. Mr. Drinkhall asked if the pink lighting would be going down and the white lighting going up and not be changed. Mr. DegliAngeli stated that aesthetics are subjective. Mr. DegliAngeli stated these are owned by the town and would not be changed.

Mr. Drinkhall stated prior to being a selectmen he brought it to the Town's attention that it had been changed from white lighting, yet the utility company on their own changed to pink lighting. Mr. Martin stated the Town policy dictates what the town would put in for lighting not the utility company. Mr. Drinkhall stated in the long run they would be more expensive to maintain. Mr. DegliAngeli answered in the affirmative.

Mr. Sires stated the plan all along has been to have historic lights and he is verifying the Board still wants to proceed as planned. Mr. Martin stated we should find out if a permit can be obtained. Mr. DiGregorio stated that he is not a spokesperson for the telephone company, but we need to go through the permit process. The Board asked Mr. DegliAngeli to look into the permit process for these lights.

Ms. Briggs stated that this is a policy created and accepted by the Board of Selectmen with the idea the Town would buy these lights and the concept being to limit the amount of electricity in town. Ms. Briggs stated that this policy

was developed for this area as it is the Village Commercial District and having pedestrian lighting in the Village would encourage business into the evening. Ms. Briggs stated that she would hate to think the Board would change it on a money aspect as it does improve the appearance of the Town. Ms. Briggs stated that the Preservation Association is buying these fixtures. Mr. Martin stated that the Board is not against putting in the light, but we want to see if we can. Ms. Briggs and Mr. Edwards left at this time.

### HIGHWAY TRUCK PURCHASE

Mr. Sires stated that there is a significant truck purchase coming up. Mr. DegliAngeli stated a seven yard dump truck is being purchased to replace a ten year old vehicle. Mr. Sires stated that this is part of the plan.

### PAVING PROJECTS

Mr. Sires reviewed the paving project list for this year. Mr. DegliAngeli stated since we don't know how much revenue we will be short from the State; three of the projects are on hold. Mr. Martin asked if they could be picked up this year. Mr. DegliAngeli stated if we know by mid-July, it could be done. Mr. DegliAngeli stated that the paving company was only going to hold the pricing until June 1, but has agreed to hold until July 1.

Mr. Drinkhall stated that he is not familiar with how bad these roads are. Mr. DegliAngeli stated that Thompson road is gone, it is falling apart, and they had plowing problems on it this year. Mr. DegliAngeli stated that Amethyst Hill Road has been postponed three times now and it's on the edge. Mr. DegliAngeli stated they are currently trying to decide if shim and overlay is even likely now. Mr. DegliAngeli stated that Echo Acres is a significant road and is a stitch in time.

Mr. Drinkhall stated that it would be foolish to put these off regardless of the financial ramifications with the State as it is only going to get worst. Mr. DiGregorio asked if the bidding was done in an overall package. Mr. DegliAngeli answered in the negative and stated they are all set there.

Mr. Dickinson stated that we will have a pretty good idea by June what the State is up too. Mr. Dickinson stated if the taxpayers are going to pay for this without the assistance from the State, it is a foolish move to go belly up as he has no intention of supporting anything that will give the State shelter. Mr. Martin stated that he would like to look at them again at the end of June, the first of July. Mr. Martin stated that he doesn't want them to go away, but he also doesn't want it to cost us through the nose.

Mr. Sires stated that he doesn't think this is a great idea, but if we get into June and we need to make changes then we have something in the toolbox. Mr. DiGregorio stated that he is concerned with waiting until June to the give contractor time to find other work. Mr. DegliAngeli stated there is plenty of work



here. Mr. DiGregorio asked if Mr. DegliAngeli is concerned at all he would leave the job. Mr. DegliAngeli answered in the negative and stated that he is more concerned with the cost of tonnage. Mr. Drinkhall stated that the more we let something go the more costly it will become. Mr. Drinkhall stated if they are that bad, they should be done. **Mr. Drinkhall moved, seconded by Mr. DiGregorio, to stay the course. Motion defeated with Mr. Dickinson, Mr. Weathers and Mr. Martin voting in the negative (2-3-0).** Mr. Sires stated they would keep the Board posted. The Board agreed.

Mr. Sires stated one of the paving projects on the list is the Public Works Garage and there have been questions on how it relates to the Town Garage work. Mr. Martin stated that people think we were doing site work against the voter's wishes. Mr. Martin stated that he didn't think we were and he thought there was an issue with flooding in a garage.

Mr. DegliAngeli stated we have been putting up with this for a long time as there is a stream that comes out of the woods and when they were considering the new garage they reviewed the drainage. Mr. DegliAngeli stated that they were not going to consider it until the existing system failed and the Board agreed to this work prior to the Town vote on the Service Garage. Mr. Martin asked what budget line it came out of. Mr. DegliAngeli answered drainage operating budget and it could be switched.

Mr. DegliAngeli stated that the roundabout material will be installed the last week of May or the first week of June.

#### REVIEW OF LETTER TO STATE SENATE REGARDING BUILDING AID FUNDING

Mr. Dickinson stated that copies should be sent to the other SAU Towns. Mr. Sires stated that he is sending a copy to the Superintendent and asking him to forward it to the other Towns. Mr. Dickinson stated that it should be sent to the Manchester Union Leader and the Conway Daily Sun. Mr. Weathers stated the word dilapidated in paragraph two should be replaced with aging. **Mr. Drinkhall moved, seconded by Mr. Weathers, to accept the letter as amended and sign it out-of-session. Motion unanimously carried (5-0-0).**

#### TOWN MANAGER REPORT

Mr. Sires stated there was a nice article in the today's Conway Daily Sun regarding the Preservation Award. Mr. Sires stated that the Cable Franchise Survey's are in. Mr. Sires gave the Board a copy of the Board of Selectmen's Rules and Procedures. Mr. Sires stated that having Steve Solomon as the Emergency Director has been a good thing.

- A. Town Manager Goals: Mr. Sires submitted a list of goals to the Board to review and give feedback next week.

### BOARD REPORTS AND COMMENTS

Mr. DiGregorio reviewed a letter from Bill Edmunds with a breakdown of the hours of what is shown on Valley Vision.

Mr. Drinkhall stated that the Municipal Budget Committee had a meeting, the elected officials were sworn in and the officers were elected. Mr. Drinkhall stated that the Town budget was reviewed, but there was a miscommunication with the School so they did not review the School budget. Mr. Drinkhall stated there was a lot of discussion regarding restructuring and should we not get any of the three rooms and meal taxes then we should sue the State. Mr. Drinkhall stated it was suggested there should be a subcommittee to monitor state cuts and tax rate.

Mr. Dickinson stated that the Silver Star Ceremony was a great success and we are now officially a part of the program. Mr. Dickinson stated that he would like to ask the legislature to attend next week's meeting in regard to legislature for an expedited Town Meeting process. Mr. Dickinson stated with the cuts anticipated in the state revenue we are going to have to cut programs if we don't call for a special Town Meeting.

Mr. DiGregorio stated he is not sure where Mr. Dickinson is going, but if we are short in our budget then we need to direct Mr. Sires to come up with recommendations for cuts. Mr. Dickinson stated that we need to have legislation to approve a special supplemental process for this year. Mr. Dickinson stated unless we do this these legislatures are going to wonder on their way and ignore us.

Mr. Martin stated that the fear is that this can be used every year if it does not go our way. Mr. Dickinson stated that it would only be implemented when there are significant cuts in the State revenue. Mr. DiGregorio stated that the budget has past so we're not going to have a special meeting to increase the budget and we can lower the budget on our own.

Mr. Sires stated the problem is when we set the tax rate in the fall we have to use the adopted budget, if you cut the budget; you're still raising the amount appropriated. Mr. DiGregorio stated that you could make it up the next year. Mr. Dickinson stated that we can cut programs and expenditures to reduce the expenditures so that it is consistent with the revenue. Mr. Sires stated you can, but won't affect the tax rate.

Mr. Weathers stated that the May monthly meeting for the Conway Conservation Commission will not be at the Whitaker Homesite, but at the Walker Pond Trailhead on Mill Street on Wednesday, May 13<sup>th</sup> at 6:30 pm.

PUBLIC COMMENT/MEDIA QUESTIONS

There were no public comment or media questions.

NON PUBLIC SESSION: RSA 91-A,II (c) / TAX MATTERS

**Mr. Dickinson moved, seconded by Mr. Drinkhall, to go into non-public session pursuant to RSA 91-A.3, II, C at 6:56 pm. Motion unanimously carried (5-0-0).**

**Mr. Weathers moved, seconded by Mr. Drinkhall, to move back into regular session at 7:58 pm. Motion unanimously carried (5-0-0).**

**Mr. Weathers moved, seconded by Mr. Drinkhall, to seal the minutes of the executive session. Motion unanimously carried (5-0-0).**

ADJOURN

The Chair, without objection, closed the meeting at 7:59 pm.

Respectfully submitted,

Holly Meserve  
Acting Recording Secretary