

Minutes of Meeting
CONWAY BOARD OF SELECTMEN

July 28, 2009

The Selectmen's Meeting convened at 4:00 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen, Larry Martin, (Chair), C. David Weathers, Bob Drinkhall and Mike DiGregorio Town Manager, Earl W. Sires; and Recording Secretary, Karen Hallowell.

Howard C. Dickinson was not present due to other obligations.

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 July 30, 2009.

APPROVAL OF MINUTES

The Board considered the minutes of 5/12/09. Mr. Drinkhall offered the following correction: Page 4, Paragraph 2, under the heading Recreation Fees. The motion reads: Mr. Drinkhall moved, seconded by Mr. Drinkhall, to take the recreation fee motion off the table. This motion should be corrected to read; Mr. Drinkhall moved, seconded by Mr. Dickinson, to take the recreation fee motion off the table. **Mr. Drinkhall moved, seconded by Mr. Weathers, to accept the minutes as amended. The motion carried 3-0-1 with Mr. DiGregorio abstaining.**

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION

Saco River Intertribal Pow Wow – The Board reviewed the application for the Saco River Intertribal Pow Wow. Mr. Weathers reviewed there was a concern regarding the field; however, John Eastman met with the event organizer at the site. The hay has been cut at the site and the Town also wants to delineate a portion of the field for no vehicular traffic. **Mr. Weathers moved, seconded by Mr. Drinkhall, to approve the event. The motion carried 4-0-0.**

Carroll County Kennel Club All Breed Dog Show – The Board reviewed the application. Mr. Weathers reiterated the same restrictions apply to the field regarding delineating a portion of the field for no vehicular traffic. **Mr. Drinkhall moved, seconded by Mr. Weathers, to approve the application for Carroll County Kennel Club All Breed Dog Show. The motion carried 4-0-0.**

International Ski & Sport Annual Tent Sale – The Board reviewed the special event application. **Mr. Weathers moved, seconded by Mr. Drinkhall to approve the application for the International Ski & Sport Annual Tent Sale. The motion carried unanimously.**

White Mountain Milers Half Marathon – The Board reviewed the application. **Mr. Drinkhall moved, seconded by Mr. Weathers, to approve the application for the White Mountain Milers Half Marathon. The motion carried unanimously.**

Mount Washington Valley Old Car Show – The Board reviewed the special event application. Staff advised the application is complete with the exception of receiving an additional \$50 toward the application fee. Further the applicant has requested a waiver of the deposit. Mr. Sires reviewed that the Town treats everyone equally when requiring deposits for events. There was brief discussion. **Mr. Drinkhall moved, seconded by Mr. Weathers, to waive the deposit. The motion failed 0-4-0. Mr. Martin moved, seconded by Mr. Weathers to approve the special event application for the Mount Washington Valley Old Car Show pending receipt of the addition \$50 and the deposit. The motion carried 4-0-0/**

Mount Washington Valley Youth Hockey Duck Derby – The Board reviewed the application. **Mr. Weathers moved, seconded by Mr. Drinkhall, to approve the application for the Mount Washington Valley Youth Hockey Duck Derby. The motion carried unanimously.**

CONSIDERATION OF UNANTICIPATED REVENUE IN AMOUNTS
LESS THAN \$5,000; \$100 FROM PHIL MARIE TO CONWAY POLICE
DEPARTMENT AND \$20 FROM CHARLES HARDY TO CONWAY
POLICE DEPARTMENT

Chief Wagner reviewed two donations were received, \$100 from Phil Marie and \$20 from Charles Hardy for the Conway Police Department DARE program and asked that the Board to accept the generous donations. **Mr. Drinkhall moved, seconded by Mr. Weathers, to accept the \$100 donation from Phil Marie and the \$20 donation from Charles Hardy for the Conway Police Department DARE program. The motion carried unanimously.**

TRANSFER OF VAN FROM CONWAY POLICE DEPARTMENT
TO CARROLL COUNTY TASK FORCE

Chief Wagner reported the Conway Police Department was able to purchase a cruiser for 2009 and is able to release a van that no one else in town needs or wants. Chief Wagner next explained they were approached by the Carroll County Task Force to use the Van for undercover operations. Chief Wagner explained the Conway Police Department works with the Carroll County Task Force as well. Chief Wagner asked that the Board approve the transfer of the Van to the Carroll County Task Force. **Mr. Drinkhall moved, seconded by Mr. Weathers, that we approve the transfer the Carroll County Task Force of the 1997 van.** Mr. Weathers asked if vehicle is salvageable. The Chief advised with quite a bit of body work it could be salvageable and stickered. The Chief added it would cost a lot to do body work, but the engine is salvageable. Mr. Drinkhall asked about the bluebook value. The Chief advised he did not have this information. Mr. Sires advised that the shop guys took a look at the van

and said it would take a good bit of work to fix up. Mr. Martin pointed out it will still benefit the Conway PD as they work with the Carroll County Task Force. The **Motion was amended, seconded by Mr. Weathers, that we approve the transfer the Carroll County Task Force of the 1997 van and that the Board finds this is surplus property and transfers for \$1. The motion carried 4-0-0.**

APPOINTMENT OF TOWN SERVICE GARAGE BUILDING COMMITTEE

Mr. Sires reviewed the list gathered for the Town Service Garage Building Committee as follows: Members of the public, Slim Bryant, Mark Hounsell, Mike Valladares, Ray Shakir, and Scott Lees, Selectmen Bob Drinkhall and Larry Martin. Mr. Drinkhall added that Planning Board member Steve Porter is also appointed. **Mr. Drinkhall moved, seconded by Mr. DiGregorio, to accept the members as stated.** There was brief discussion of the background and knowledge of building trades of members for this committee. Mr. Martin asked for public comments. There were none. Mr. Sires requested if an appointment could be made or a meeting to appoint same so that we could get going with the committee. Mr. Martin appointed Mr. Drinkhall as Chairman of the Town Service Garage Committee requested that a meeting be put together for the third week of August. The Board agreed. **A vote was taken on the motion and the motion carried unanimously.**

Mr. Drinkhall next asked about the Lighting Committee and advised that we need to finalize a Planning Board member for the Lighting Committee. The Board agreed that David Sordi is the Planning Board representative to the Lighting Committee.

MWV CAREER AND TECH CENTER

Neil Moylan of the MWV Career and Tech Center advised that he had before the Board last year to ask for \$30,000 for the Graphics Department of the Career and Technical Center. They are using it to enhance the educational process for students. Mr. Moylan explained they have produced 30 hours of entertainment and have calculated they have added 122 hrs of broadcasting to Valley Vision. Mr. Moylan added this program gives students a platform to show their work. Mr. Moylan next spoke about programming supplied, entertainment, educational, local interest, sports etc. Mr. Moylan stated he feels it is a successful program.

There was a discussion by the Board on the PEG fund, the MWV Career & Technical Center Request, the request for funds for equipment by Valley Vision, cable budget, cable contract renewal, and legal fees. After review of the funds available Chairman Martin asked Mr. Moylan if he could make due with \$25,000 this year and Mr. Moylan replied in the affirmative. **Mr. DiGregorio moved, seconded by Mr. Drinkhall, that we grant Mr. Moylan's request for \$25,000 for the MWV Career and Technical Center. The motion carried 4-0-0.**

There was next discussion regarding Valley Vision's request for funding. The Board discussed amounts of \$10,000 and \$6,000. It was agreed that Valley Vision could come back and make another request in January for the rest if the Board only grants the \$6398 at this time. **Mr. DiGregorio moved, seconded by Mr. Weathers, to approve Valley Vision for \$6398 for equipment, Sony HVR1500, from the PEG funds. The motion carried 4-0-0.**

REVIEW AND CONSIDERTIONOF ASSIGNMENT OF CONTRACTUAL RIGHTS
AND OBLIGATIONS/EMERGENCY AMBULANCE SERVICE AGREEMENT
WITH CARE PLUS EMERGENCY AMBULANCE SERVICE AGREEMENT

Tinker Kiesman of North Conway Ambulance and Keith Lamere of Care Plus joined the meeting.

Mr. Sires reviewed the Emergency Ambulance Service Agreement with North Conway Ambulance has three years left. This was a simple agreement and provides 77.5 ea yr. The proposed Agreement before you today states Care Plus assumes rights and obligations under this Memorandum of Agreement. Mr. Sires next advised that there was no provision in the agreement in the MOU and it was silent to that; however, his recommendation would be to continue with agreement at this time.

Tinker Kiesman advised that he would be staying on as advisor to Care Plus for the next 3 years. Also personnel from North Conway Ambulance will stay stay-Reilly still on and his daughter will still be the office manager.

Mr. Martin stated to Mr. Kiesman that on behalf of the Board, thank you for good service to the Town of Conway.

Keith Lamere, Vice President of Care Plus, advised that Care Plus has been incorporated since 1988. The started with one ambulance and have grown their service to include 25 ambulances throughout central and southern part of state. They are looking to expand in the area and were attracted to Tinker because they started the same way and appreciated what it took Tinker and his family to get where they are today because they started the same way. Mr. Lamere added they are a New Hampshire based company and plan to stay in New Hampshire. Mr. Lamere next added he feels it would be a great fit and will continue to provide the level of service Tinker has provided and wants to continue to grow in this area.

Mr. DiGregorio moved, seconded by Mr. Drinkhall, to direct the chair to sign the Assignment of Contractual Rights and Obligations. The motion carried 4-0-0.

REVIEW AND CONSIDERATION OF AGREEMENT, RELEASE
AND ACKNOWLEDGEMENT OF NON-LIABILITY REGARDING BUILDING
PERMIT FOR CLASS VI HIGHWAY (HENDERSON ROAD)

Mr. Sires reviewed and explained the proposed Agreement, Release and Acknowledgement of Non-Liability regarding Building Permit for Class VI Highway pertaining to Henderson Road with the Board. **Mr. Weathers moved, seconded by Mr. Drinkhall to sign the agreement pertaining to the Acknowledgement of Non-Liability regarding Building Permit for Class VI Highway pertaining to Henderson Road.** There was a brief discussion. **The motion carried unanimously.**

REVIEW AND CONSIDERATION OF SEASONAL
AND PROMOTIONAL DECORATIONS POLICY

Mr. Sires reviewed he has contacted PSNH regarding the conflicting information the Town has received about the attachment to poles. Mr. Sires recommended approving the proposed policy and anyone wanting to attach to the poles must come and ask for Board of Selectmen approval and pay a \$75. Further Mr. Sires explained that

under the new proposed policy we have expanded the season and application can now be made for several seasons under one application.

Mr. DiGregorio asked about utilities other than PSNH and stated that Fairpoint sets all the poles in town are more responsible for them and asked about agreements with all of the other utilities. Mr. Sires advised that PSNH has advised they are the authorizer for the poles. Mr. DiGregorio stated he feels we should get a letter from Fairpoint signing off on this information. Mr. DiGregorio further stated he felt it could be Fairpoint or cable space. Mr. Martin stated this agreement is with PSNH and if Fairpoint wants an agreement they can ask for one. **Mr. Drinkhall moved, seconded by Mr. Weathers, to accept agreement as stated.** There was further discussion on utility company and agreements. It was pointed out that we could do agreements or we don't have to do any agreements at all. There was also a discussion regarding liability issues. There was discussion as to whether the CVACC should go directly to PSNH and work this out for themselves. There was discussion as to whether the Town should consult town counsel before moving further. There was discussion regarding asking the CVACC to hold the town harmless but there was not decision as to whether or not to do so. **The motion carried 4-0-0.**

TOWN MANAGER REPORT

Audubon Society - Mr. Sires advised the Audubon Society is proposing to do some knotweed control and would like permission from the town to do chemical and hand control. The Conservation Commission has reviewed this and is okay with same. The Audubon Society will be paying for the work. Mr. Sires advised he will write a letter.

Governor Lynch Letter – Mr. Sires advised that he wrote a letter back to the state in response to the gas tax letter.

Birch Hill Water Meeting – Mr. Sires reported State Representative Tom Buco is organizing a meeting in regarding Birch Hill Water and it will be held tomorrow evening. The Town is not currently involved in the situation right now but we have been at times when the Board has authorized same. Mr. Sires advised that he will be attending the meeting to listen and keep the Board apprised of the situation.

Cable Franchise Committee Meeting – Mr. Sires distributed a proposed Cable Franchise Renewal Agreement to the board for review. Mr. Sires reviewed the Committee held a public hearing; however no public attended. The Committee also did a survey. There were 5,000 surveys sent out and we received 35 back. The general flavor of what we got back was pretty much satisfied with Time Warner Cable and Valley Vision. Mr. Sires also included a summary of survey results to the Board. The Committee has now prepared this draft agreement and is asking the Board to look through same.

Certificate of Appreciation from Senator Jeanne Shaheen – Mr. Sires reported the Town of Conway has received a Certificate of Appreciation from the office of Senator Jeanne Shaheen for the Town receiving the Profile Award.

Vacation – Mr. Sires reviewed that he would be on vacation for the next few weeks.

Special Event Policy Review Committee – Mr. Sires reviewed the Special Events Police Review Committee meets tomorrow.

Lighting Committee - Mr. Sires reviewed the Lighting Committee will meet this Friday.

BOARD REPORTS AND COMMENTS

Cable Franchise Committee – Mr. DiGregorio commented that with regard Cable Franchise Committee, the survey was interesting - most responses were from Conway residents but there was information on there stating sending towns should be involved and that ties into the high school.

Special Event Policy Review Committee – Mr. DiGregorio stated the Special Events Policy Review Committee will be meeting tomorrow and looking at the legal requirements of the process. The information he has read indicated we have to have this and law is pretty clear on this process. Mr. DiGregorio stated perhaps we are next looking at a pre-application.

Signage in Town – Mr. DiGregorio questioned do we have the opportunity to reach out to the business community to see what they are thinking about sign laws that maybe affecting them in ways we don't know about. Mr. DiGregorio questioned if this is something we can do to see what information comes out of it and to see how we can help. Mr. Martin advised that we have no power to change anything as those ordinances are set by the legislative body and if anything is to change they need to bring forward a petition. Mr. Martin stated he is more than happy to have them come in and advise them of this. Mr. Drinkhall advised that this has been rehashed by the Planning Board numerous times and to do a comprehensive redo of the ordinance would be costly, etc. Further, the public has been informed of the information many times but don't do what is needed and next thing they do is criticize. Mr. DiGregorio asked if this Board can have our representative to the Planning Board bring our concerns to Planning Board. Mr. Martin advised that this was done in years past and the determination came back that it would be quite costly to redo the entire ordinance.

Budget Committee – Mr. Drinkhall reviewed the Budget Committee met on 7/15/09. At the meeting Mr. Sires provided an overview to the Budget Committee of town government and went over the second quarter of the town budget.

Planning Board – Mr. Drinkhall reviewed the Planning Board met on 7/23/09. At the meeting the MWVEC got their 5 lot subdivision conditional approval. Further, as far as the Planning Board is concerned, the Stonehurst Manor matter is put to rest; however there is still a civil suit pending.

Committee Meetings – Mr. Drinkhall discussed meeting times for new committees and advised the public may have preferences on when the committees will be meeting and he also understands that staff may have preferences as well and understands it is cheaper if they are during the day. Mr. Drinkhall asked for suggested for times for the garage committee meetings. Mr. Martin first state he would like the meetings to be in the evening. Mr. Drinkhall next asked about the Lighting Committee as someone had complained about the first meeting being held at 9:00 am. Mr.

DiGregorio stated you can't expect staff to be here 24 hours per day and suggested holding special committee meetings at 4:00 in the afternoon. There was discussion by the Board and all agreed this would be the best way to handle the special committee meetings whenever possible.

Hussey Field – Mr. Weathers advised that he and John Eastman will be meeting tomorrow at Hussey Field to go over the field.

Conservation Commission – Mr. Weathers reported the Conservation Commission will meeting August 11, 2009 at the Whitaker Meeting House.

Letter Writing Policy – Mr. Martin requested the Board entertain writing a new policy regarding letter writing. Mr. Martin explained that a letter was put together regarding the nursing home recently and got in the paper before the Commissioners, to whom the letter was addressed to, received the letter. Andrea Osmun advised that the letter was brought to the newspaper by Mr. Dickinson. Mr. Martin stated it should be a policy of the Board that the person receiving the letter should receive the letter before reading it in the paper as it would be a courtesy. Mr. Sires further added that the office prioritizes things as well and if you want a letter out on a certain day of the week then the Board should let staff know in advance.

Next Meeting – Mr. Martin advised that he will not be available for the next meeting. Mr. Weathers will Chair the next meeting. Further, Town Manager Sires, will be on vacation and Paul DegliAngeli will be Acting Town Manager at the next meeting.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Andrea Osmun requested a copy of the Governor's letter regarding the gas tax. Mr. Sires advised this would be emailed in the morning. Mr. Osmun questioned why amount of grant for Career and Tech Center was lowered. Mr. Martin explained because of the amount in the PEG fund.

NON PUBLIC SESSION: RSA 91-A,II(A)/TOWN MANAGER EVALUATION

At 5:53 p.m., **Mr. Drinkhall moved, seconded by Mr. Weathers, to go into non public session under RSA 91-A, II(a) to discuss the Town Manager's Evaluation. The motion carried by unanimous roll call vote.** Recording Secretary, Karen Hallowell was dismissed from the meeting at this time.

The Board returned to public session at the conclusion of the non public session.

ADJOURN

There being no further business, the meeting was adjourned at the call of the Chair.

Respectfully submitted,

Karen J. Hallowell
Executive Secretary