

**Minutes of Meeting  
CONWAY BOARD OF SELECTMEN**

February 8, 2011

The Selectmen's Meeting convened at 4:04 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen, C. David Weathers (Acting Chair), Howard C. Dickinson, Bob Drinkhall, and Michael DiGregorio; Town Manager, Earl W. Sires and Recording Secretary, Karen Hallowell.

Selectman, Larry Martin, was not present.

PLEDGE OF ALLEGIANCE

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

CONSENT AGENDA

- A. Signing of Documents
  - 1. Current Use Land Use Change Tax Collector's Warrant Map/Lot 272.52.30
  - 2. Land use Change Tax Map/Lot 272-52.30
  - 3. Permanent Application for Property Tax Credit/Exemptions Map/Lot 230-32.043
  - 4. Permanent Application for Property Tax Credit/Exemptions Map/Lot 266-54
  - 5. Timber Tax Levy Map/Lots 223-15 & 215-1
  - 6. Certification of Yield Taxes Assessed Map/Lot 223-15
  - 7. Certification of Yield Taxes Assessed Map/Lot 215-1
- B. Consideration of Bills:
  - 1. Manifest dated 2/10/11
  - 2. Payroll dated 2/10/11
- C. Ratification of
  - 1. Manifest dated 2/3/11

**Mr. Drinkhall moved, seconded by Mr. DiGregorio, to sign the Current Use Land Use Change Tax Collector's Warrant Map/Lot 272.52.30, Land use Change Tax Map/Lot 272-52.30, Permanent Application for Property Tax Credit/Exemptions Map/Lot 230-32.043, Permanent Application for Property Tax Credit/Exemptions Map/Lot 266-54, Timber Tax Levy Map/Lots 223-15 & 215-1, Certification of Yield Taxes Assessed Map/Lot 223-15, and Certification of Yield Taxes Assessed Map/Lot 215, to approve and sign the Manifest and Payroll dated 2/10/11 and to ratify the Manifest dated 2/3/11. The motion carried 4-0-0.**

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

There were no Special Event Applications for the Board to consider.

CONSIDERATION OF MINUTES: 1/11/11

The Board considered the minutes of 1/11/11. Mr. Drinkhall stated that on page 5 in paragraph 4, on lines 4 and 5, the amount of \$20,000 should be changed to \$25,000. **Mr. Drinkhall moved, seconded by Mr. DiGregorio, to accept the minutes of 1/11/11 as amended. The motion carried 4-0-0.**

SENATOR JEB BRADLEY

Mr. Weathers advised this agenda item has been rescheduled for March 1, 2011.

SNOW REMOVAL/SIDEWALK PLOWING ON EAST SIDE OF ROUTE 16  
NORTH CONWAY FROM ARTIST FALLS ROAD TO ROUTE 302 INTERSECTION

Mr. Weathers asked for public comments.

Ted Sares stated he has a problem understanding the need for a policy for snow removal on the east side of the strip when snow is removed by business people in Conway Village. He further understands that a Lighting Precinct was picking up on the east side but that was stopped and the town picked this up. He doesn't understand why we should pay for this when business owners can afford to pay for this themselves.

Nate Sullivan stated he called on this originally asking about the snow removal. Mr. Sullivan stated the snow removal was done since they were there (at his business location on Route 16). The town started removing snow on the other side when the state widened the road. Mr. Sullivan further stated that there is business growth in the area and we are not asking to pay to remove the snow but just continue with the snow removal. He feels it is a public safety issue for people walking on Route 16. Mr. Sullivan stated you cant get from one side of the street to the other. He is not asking for taxes to go up, he is asking where the money is to do this when it was done last year.

Mr. Weathers stated that he thinks that what was done in the past on the east side is that this was done when they town picked up snow. Mr. Weathers further explained the issues with the retaining walls etc and that a deal was made with the state to plow when the snow was picked up.

Mr. DegliAngeli advised it has not been our practice to clear the sidewalks for the last 19 years. The town only has cleaned up that side of the road when we pick up snow. If there are two storms back to back this would not be done in between.

Mr. Sares stated if we do agreed to do the east side of the strip, then the following week people from Conway Village will show up and will want theirs done. There will be a cost. Mr. Sares further added the Board of Selectmen have done a wonderful job of containing costs, i.e., lighting, etc. Mr. Sares next stated that businesses along the strip should do their own snow removal just like the people do in Conway village.

Mr. Sullivan stated the sidewalk in front of his business was maintained and now it is not. He is not looking for an exception and he is not looking for a tax increase. He feels the tax base has increased due to hotels, etc. He is wondering why the sidewalks were done in the past and where are the funds allocated to this year.

Mr. DegliAngeli advised that Conway Village owns and maintains their own sidewalks. They have their own equipment and staff to maintain sidewalks in the Village. Mr. DegliAngeli next advised that we are at the end of our contract for snow removal with Fadden. There was discussion of snow removal during the budget process. The Board directed him to go out to bid as existing contract came to close and, further, to specify the type of equipment to be used. We specifically articulated that the machine that would be used is manufactured solely for sidewalk snow removal. Also, we ask for the bids in the fall because we have to include the costs in the 2011 budget. Also, we also reviewed if the Board wanted to make any changes to the specifications. Mr. DegliAngeli next advised that the contractors have contacted him and we

can negotiate if that is what the Board would like to do. Also the bids have come in and we are now switching contractors. The new contractor will do the removal with the reduced scope for the same money we have been paying for the past couple of years. Prices escalate but we have kept it the same. Mr. DegliAngeli next advised that the sidewalks on Mechanic Street have also been added but we can only maintain these on the nights we pick up snow as the area is narrow and there is no where to put the snow. There are other sidewalks in town that we have never maintained as well, i.e., around Home Depot, the Walmart area, etc. Mr. DegliAngeli next suggested that we need to look at a policy and decide what the Board wants to do. We can look at the budget and adjust same if needed.

Mr. Drinkhall stated that he started talking about this 2 or 3 years ago after we had received several inches of snow. The town kept taking snow off the sidewalks and then the residual would get pushed back on the sidewalk. After all this movement of snow there were still people walking on the road because they couldn't walk on the sidewalks because of snow. The new equipment that will be used will have different capabilities. He was leaning toward doing the east side the Route 16 but how he is not sure. Mr. Drinkhall next stated that a blower is used in Conway Village and in Lincoln and their sidewalks were in perfect condition. They do theirs with a snow blower and have a lot of businesses close to the street. Mr. Drinkhall questioned how long we had been doing two sides –when we were picking up snow etc. Mr. DegliAngeli advised that it has been 6-7 years for the current policy. Mr. DegliAngeli advised that we would have to do more often and would also need for money for same to maintain the sidewalks full time. Mr. DegliAngeli further explained that in residential areas such as on Mechanic Street, we would have to put the snow on private property and we could get complaints.

Mr. Sares stated that he doesn't know of anywhere, besides Syracuse, that they do a better job than here with snow removal. One person brings this up and mentions other businesses but they are not here at this meeting. One person complains they cant get to a business. He is not sure about the argument and it is not compelling. If the Board decides on a new policy he doesn't want his taxes to go up.

Mr. DiGregorio stated that he would like to clarify that Conway Village does clean snow up on the sidewalk but the Town of Conway picks up the snow. Nate Sullivan wants to know why we don't pick up the snow on the east side on the strip in North Conway. Mr. DiGregorio next questioned that if the Town is still in the existing contract then why was this changed this year. Mr. DegliAngeli explained we are in 2011 and was budgeting for 2011. Our contract with the current contractor is monthly installments from November to April for North Conway Village and, for the strip area, we pay hourly for this work. So when we bid this out there was discussion with the Board and then the new contractor gave us a number and this is what was budgeted for 2011. Mr. DiGregorio questioned what would be changing this year. Mr. DegliAngeli explained this was preparing for the 2011 budget. The scope of work that went out was for not picking up on the east side for 2011.

Mr. DiGregorio next stated that he understands it may be a liability to business owners if they clear the sidewalks. Mr. Sares stated that he did not agree. Mr. Weathers stated this could be looked at further if necessary.

Mr. Sares next stated that this is not in the 2011 budget and to please keep it like this. This helps the Conway taxpayer. He sees no compelling need to clear sidewalks on the east side. Mr. Sares stated he pleads and implores the Board to keep it this way.

Mr. DiGregorio stated he thought this started with the new contract –not starting this year. In his opinion we should finish out what we did in the past. Mr. DegliAngeli stated he

apologized if there was a misunderstanding concerning this; however, he was asked to provide a level budget and did so. The reason staff came to you about the scope of work is because we were nipping and tucking the budget to get it where the Board wanted to see it. We are in 2011 and each winter spans two fiscal years. We took money out of the 2011 highway budget. Mr. Dickinson asked again why we changed doing the east side and Mr. DegliAngeli reiterated we did so for a cost savings. Mr. Sires added the real expense here is snow removal and the town is trying to save money.

Mr. Weathers next stated that even when snow removal was done there was still a level of crust. Mr. Drinkhall stated that even if it were removed you still have snow melt from the slope forming ice.

Mr. Weathers next asked if Mr. Sullivan's main concern was the sidewalks or visibility. Mr. Sullivan stated both the sidewalk and the visibility. There is a visibility problem with the banks on the driveway. Mr. Sullivan went on to add that Paul DegliAngeli and the Town does a good job –he was just wondering about the change. His concerns are when you see people walking down the street, pedestrians in the street, and the state trucks are out. Also, you can't get to the traffic button on the east side. Mr. Sullivan stated he was also concerned because they weren't notified of the change.

Mr. Sares stated with regard to the banking (at the driveway area) being a hazard, this happens in this driveway too. Mr. Sares stated he pays for a front end loader to come and remove same and he expects the businesses to do the same.

Mr. Weathers asked the Board whether they would like to take this matter under advisement or form a committee. Mr. Weathers stated this matter could be discussed further for policy. Mr. DiGregorio stated that it is the middle of winter and can we say we will pick up the snow now and get the snow banks down. Mr. Weathers stated that if we do that we may be hit with 2,3 or 4 more storms. We don't have anything in the budget to take care of that this year. Mr. Weathers stated if someone wants to put this back in at the Deliberative Session they can take that route. Mr. Drinkhall stated that the committee route would take much too long and he feels we should make a decision on this matter now.

**Mr. DiGregorio moved, seconded by Mr. Drinkhall that we instruct staff to pick up snow for the remainder of this snow season.** Mr. Dickinson suggested adding the language -on the east side of the strip in the same manner as was done in the past. **Mr. DiGregorio amended the motion, seconded by Mr. Drinkhall, that we instruct staff to pick up snow for the remainder of this snow season on the east side of the strip in the same manner as was done in the past.** Mr. Drinkhall stated that businesses should be responsible for their own egresses. One year with a lot of snow the town had to work overtime on the weekends because of the banks. He will vote against this motion because it will not make for walkable sidewalks. Mr. Weathers questioned how can you logistically remove banks with removing the sidewalks as well. Mr. DegliAngeli stated they would have to do the whole thing. Mr. Drinkhall stated that businesses should be responsible for their egresses and the town for intersections. **The motion failed 2-2-0 with Messrs DiGregorio and Dickinson voting in the affirmative and Messrs. Drinkhall and Weathers in the negative.**

#### LANDFILL ODOR ISSUES

Public Works Director, Paul DegliAngeli, advised the town has retained the services of a consulting firm with experience with this type of issue. Mr. DegliAngeli next stated he is reluctant to go forward with changes in infrastructure at the landfill at this time of year. Mr. DegliAngeli next advised that we have identified that there may be a different source of the

order than was discovered before but this has not yet been confirmed. Previously, the odor was the result of residue from construction material –the residue contained too much sulfur and, when mixed with water, had an odor not palatable to the neighbors. He believes they have corrected this problem and then, just before the cold weather this season, we had odor issues again. Previously, we had talked about fans, etc, at the landfill; however, he thinks we need to do further study of this issue. He will be meeting with the consulting firm on February 17. Mr. DiGregorio stated that, unfortunately, it sounds like we cant address this issue this budget cycle. Mr. DiGregorio questioned if we expect further expenditures for this year. Mr. DegliAngeli advised that we do have a landfill engineering budget. Mr. DiGregorio stated he feels this is an important issue and that we shouldn't let this drop. He cant imagine living in that area and the town fathers not addressing the issue.

#### PROPOSED TOWN CLERK FILING FEE

Town Clerk, Rhoda Quint, joined the meeting. Ms. Quint advised she had learned that the New Hampshire Legislature has passed Senate Bill 354 regarding RSA 540-1(b) concerning landlord's agent requirement. (See attached). Ms. Quint advised that what she has done, and what other towns have done, is drawn up an Affidavit for the property owner to fill out designating a person to accept service of process. Ms. Quint next advised that other towns charge a \$15 filing fee as towns have to keep filings on record and she is asking to do the same. Ms. Quint further requested a \$5 fee should there be an addendum filed. There was next a review of the RSA and brief discussion with the Board. **Mr. Drinkhall moved, seconded by Mr. DiGregorio, that we approve the requested \$15 fee with a \$5 fee for amendments.** There was further brief discussion. Ms. Quint advised that owners are required to file or there is a \$1,000 penalty. **The motion carried 4-0-0.**

#### VOTE ON PETITIONED ARTICLES

Mr. Sires reviewed that this Board had voted on articles prior to today and that this item is on the agenda because the deadline for receiving articles is Today, February 8, 2011; however, we have not received any new or unexpected articles as of that deadline.

Mr. Sires next advised that there is one change to a PEG related article as we have received more than expected in fees. Mr. Sires stated that the Board could add the amount to the PEG articles or do nothing and the additional amount will go into the General Fund. Mr. DiGregorio stated he would like to amend the existing PEG warrant article for \$25,000. Mr. Sires advised that would be Article 17 and instead of it being for \$25,000 it would be \$29,298. **Mr. DiGregorio moved, seconded by Mr. Drinkhall, to amend Article 17 to \$29,298. The motion carried 4-0-0.**

Mr. Sires next distributed an information packet prepared for the Budget Committee public hearing scheduled for February 9, 2011 for the Board's review.

#### REVIEW OF SPENDING CAP PROPOSAL SUBMITTED BY BUDGET COMMITTEE

Mr. Drinkhall clarified that the Spending Cap Proposal information was not provided by the Budget Committee but one member of the committee. As it stands right now, this is not being acted on by the Budget Committee but may be acted on by several Budget Committee members. Mr. Drinkhall next advised that he would like an opinion on this from the Board of Selectmen to take back to the Committee.

Mr. Sires advised he does not quite understand how this would work for the Town as it was written for a city form of government. Mr. Drinkhall next advised that this has been revised

and there is now one for the Town and one for the School. Mr. Sires stated that he does not know how this would go comply with state law but he could have the information reviewed by town counsel if the Board would like. Mr. Sires next advised that he did an exercise looking at past years and this formula and it comes out that some years were below and some years were higher in tax rate. Mr. Sires stated he feels that the way we do things now is better.

Mr. DiGregorio stated he feels the cap can make people lazy and he doesn't think this is the case in this town -the School Board does the same as this Board does every year and attempts fiscal responsibility. If you used this form at the school then probably in a very few years you would hit the cap. He is totally opposed to this proposal and would rather have town officials voted in for what they have done rather than have this.

The Board agreed they are not in favor of this proposal and this will be taken back to the Budget Committee member.

#### APPOINTMENTS TO ZONING BOARD OF ADJUSTMENT

**Mr. Drinkhall moved, seconded by Mr. DiGregorio, to reappoint John Colbath and Sheila Duane for three year terms on the Zoning Board of Adjustment. The motion carried 4-0-0.**

#### TOWN MANAGER REPORT

Budget Committee Public Hearing – Mr. Sires reviewed the Budget Committee Public Hearing is scheduled for tomorrow, February 9, 2011.

Mount Washington Valley Board of Realtors – Mr. Sires reported that he and other staff spoke at a meeting of the Mount Washington Valley Board of Realtors this morning and there was a good exchange of information about why and how we do things.

Mount Washington Valley Solid Waste District – Mr. Sires reported a meeting of the Mount Washington Valley Solid Waste District is scheduled for Monday, February 14, 2011. Mr. Weathers will be attending.

Citizens Design Review Committee – Mr. Sires reported a meeting the Citizens Design Review Committee is scheduled for Tuesday, February 15, 2011.

Congressman Guinta – Mr. Sires reported that Sean Thomas, aide to Congressman Guinta, will be here at 11:00 am on February 16, 2011 and, also, a representative from his office will be here for office hours February 17, 2011.

Posting of the Warrant – Mr. Sires advised the Town Warrant will be posted on February 18, 2011.

Candidate Filing Period – Mr. Sires reported the candidate filing period for the Town Of Conway will open on February 23, 2011 and closes on March 4, 2011.

Deliberative Portion of Town Meeting – Mr. Sires reviewed the Deliberative Portion of Town Meeting for the town is scheduled for March 7, 2011 and March 9, 2011 for the school portion.

### BOARD REPORTS AND COMMENTS

Budget Committee – Mr. DiGregorio stated that back in November he questioned whether the Budget Committee should be appointing people to the vacant seats on the Board. Mr. DiGregorio stated he knows that Mr. Drinkhall brought the concerns to the Committee but they didn't appoint anyone. The RSA says they "shall" appoint and he was wondering if we could get a written response as to why they didn't appoint. Mr. Drinkhall stated that no one applied. Mr. DiGregorio stated that when this was brought up to the Committee they said they wouldn't appoint. Mr. Drinkhall stated anyone could contact town hall. Mr. DiGregorio further stated he was told they wouldn't appoint someone because it was too late and this was before the budget books went out to the Committee. Mr. DiGregorio stated he would like a formal response from the Budget Committee. Mr. Weathers questioned if a letter should be sent to the Budget Committee. The majority of the Board agreed this would be okay. Mr. Drinkhall stated he does not feel this is necessary but okay if this is what the Board wants. Mr. DiGregorio next stated he is not asking that they appoint members now, but would like to know why they did not.

Mr. Drinkhall next reported that the Budget Committee Public Hearings are scheduled for tomorrow, February 9, 2011. The Precincts are scheduled for 6:00 p.m., the Town at 6:30 p.m. and the School is at 7:00 p.m. The public hearings will be held in the auditorium at Kennett High School.

Mr. Drinkhall next reported that the Budget Committee is meeting Sunday evening, February 13, 2011, to vote on the budget and warrant articles.

Conservation Commission – Mr. Weathers reported the Conservation Commission will meet tomorrow night, February 9, 2011, at the Whitaker Meeting House.

### PUBLIC COMMENTS AND MEDIA QUESTIONS

The Board welcomed Reporter, Eric Eisele, back from his assignment in Iraq.

There were no public comments or media questions.

### ADJOURN

At 5:35 p.m., **Mr. Drinkhall moved, seconded by Mr. DiGregorio, to adjourn the meeting. The motion carried unanimously.**

Respectfully submitted,

Karen J. Hallowell  
Executive Secretary