

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN**

March 29, 2011

The Selectmen's Meeting convened at 4:03 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen, C. David Weathers (Acting Chair), Larry Martin, Howard C. Dickinson, Bob Drinkhall, and Michael DiGregorio; 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.

APPROVAL OF AGENDA

Mr. Martin moved, seconded by Mr. Dickinson, to accept the agenda as written. The motion carried unanimously.

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

\$105.25 Donation to Dare Program from Hannaford to Conway Police Department – Mr. Sires advised that Lt. Perley telephoned earlier to advise that something came up and neither he nor the Chief could be present at the meeting this evening. Lt. Perley advised this is a straightforward donation to the DARE program from Hannaford Supermarket. **Mr. Martin moved, seconded by Mr. Drinkhall to accept the \$105.25 from Hannaford to the Conway Police Department DARE program. The motion carried unanimously.**

REVIEW AND CONSIDERATION OF CONSERVATION
EASEMENT APPLICATION / TAX MAP-LOT 287-11

Tax Assessor, Tom Holmes, and property owner, Tom Gross, joined the meeting to discuss an application for a conservation easement for map/lot 287-11.

Mr. Holmes first reviewed the purpose of a Conservation Easement Application with the Board. Mr. Holmes advised that the land is located on Conway Lake and Mr. Gross has given an easement to the Saco River Valley Land Trust. He is now asking for a tax benefit on this property. Mr. Gross next spoke about the property. Mr. Gross reviewed a letter he provided to the Board regarding his position in support of his application. Mr. Martin advised that he read the letter and fails to see a benefit to the public by granting this application as the property is not open to the public. Mr. Gross confirmed the property would not be accessible to the general public. There was further discussion by the Board. Mr. Weathers stated the Board would take this under advisement and re-agenda same for a decision.

AUTHORIZATION TO APPLY FOR TAX ANTICIPATION NOTES (TANS)

Finance Director, Lucy Philbrick, joined the meeting. Ms. Philbrick advised she is looking for authorization to apply for TANS for \$2,000,000. Ms. Philbrick distributed financial information to the Board and reviewed same. The information showed the anticipated cash flow issue. Ms. Philbrick advised that she has inquired with banks regarding interest rates etc, and we will use the lowest rate found. Ms. Philbrick further advised that we use a line of credit and only use what we need and repay same after tax bills are paid. Mr. DiGregorio pointed out that

if the fund balance was higher we wouldn't have to borrow. Ms. Philbrick advised this is correct and when the Town had a higher fund balance we did not have to borrow. Ms. Philbrick next reviewed the school districts schedule for payments and advised these are not small amounts of money. Mr. Sires explained the Town collects tax money for the town, schools, etc. Even if we have not collected all monies we still need to pay out for bills and this is why we need to get financing through a bank. **Mr. Martin moved, seconded by Mr. Dickinson, to empower Finance Director, Lucy Philbrick, to make the necessary arrangements for TANS funding up to \$2,000,000. The motion carried unanimously.**

Ms. Philbrick next advised that she is a little concerned about what will happen if the school district sues the DRA or Budget Committee and where it will put us at the end of the year. The Board stated all are concerned.

AMENDMENTS TO DRIVEWAY PERMITS

Planning Director, Tom Irving, and Public Works Director, Paul DegliAngeli, joined the meeting.

Mr. Sires advised there was some discussion regarding driveway permits approximately two years ago and the Board had a number of concerns and suggestions at that time and asked staff to look at the issues. Mr. DegliAngeli and Mr. Irving have been working on this and would like to review information and see how the Board would like to move forward. Mr. Irving reviewed a strategy which included the Planning Board amending the Subdivision Regulations to grant the authority to administer driveway permits to the Board of Selectmen. Once this Board has that authority they can develop their own driveway permit policy and applications in accordance with the Subdivision Regulations. Mr. DegliAngeli could then administer that policy as their designee.

There was discussion by the Board. The Board asked about subdivision application fees as well. Mr. Irving advised the town charges fees; however, they may not be market. If the Board would like this looked at, we could do this all at once and take to the Planning Board as well. The Board discussed using fair market rate for Mr. DegliAngeli's time for Mr. Irving's proposal. There was further discussion concerning driveway permits and subdivision applications. Mr. Irving advised the Board can establish the driveway permit fees at a later date when establishing policy; however for an amendment for Mr. DegliAngeli to review subdivisions he would need to know sooner than later so he can take this Planning Board when reviewing the information for Driveway Permits. **Mr. Martin moved, seconded by Mr. DiGregorio, to direct the Planning Director to invoke fair market rate into his figure for subdivisions for the Town Engineer's time in reviewing subdivision applications.** There was discussion on the rate. Mr. Sires advised the competitive rate is \$85 per hour at present and this could be a little lower or higher but this is what we pay. Mr. Dickinson questioned if the rate could be reviewed yearly. Mr. Irving replied in the affirmative. **Mr. Martin amended the motion, seconded by Mr. DiGregorio, to direct the Planning Director to invoke fair market rate into his figure for subdivisions for the Town Engineer's time in reviewing subdivision applications and that the amount be reviewed yearly. The motion carried 5-0-0.** Mr. Irving confirmed he will take the recommendation to the Planning Board to increase Paul's hourly rate to \$85.00 and also to review this rate yearly. The Board agreed.

LANDFILL ODOR ISSUE

Public Work Director, Paul DegliAngeli, advised he has landfill update information. A year ago spring the town received complaints concerning odor in the area of the landfill. We looked into this and we found that the landfill was producing hydrogen sulfide because of

residue from construction material containing gypsum. This caused a rotten egg smell. Mr. DegliAngeli reviewed the town hired a consultant and also got a second opinion regarding the gypsum which made more sense. We have not had another incident since last year and we haven't used that material since. The Town won't be using that cover (gypsum) anymore.

Thereafter there was a new odor coming from the decomposition of trash. The staff noticed this and we also received complaints. In the future, in we were to have some kind of reporting protocol; we could send someone to the area. Mr. DegliAngeli stated the Town could purchase a meter and on the days when we receive a complaint we could measure the gas concentration at the point where the person is complaining of odors and at the landfill. This would help us get qualitative information. The cost however, would be about \$11,000 to have testing equipment. Mr. DegliAngeli next advised that once we put the cover on the cell in phase 2 he feels we won't have the problem any longer.

Mr. DiGregorio stated he would be in favor of putting something in place for the people in that area. We need to know the information from them regarding when and where the odors are present. A lot of people have been accepting this because they have smelled it for so long. He is in favor of finding out the information and, also, looking into venting, flaring, etc., if necessary. Mr. DegliAngeli advised that venting and flaring would not be an option because it does not get rid of this type of gas.

Mr. DegliAngeli suggested that operationally we could have a public hearing process and we could draft and adopt a policy and, also, do a media campaign to the area that previously reported odors. If they call, we could collect data of incidents and qualitatively measure. Mr. Sires stated we don't have to go through the public hearing process yet as we don't have serious measurements but it would be good to get information about where and when the odor is occurring and make sure we solve the problem. There may be an odor coming from something else yet. At this point it would be a good idea to get information from the people.

Mr. Dickinson stated that he is in favor of people reporting the issue of smell to the Town but he will not support, at this time, a specialized piece of equipment that we may not need.

There was further brief discussion. The Board gave direction to staff to come back to the Board with a proposed plan for public information reports and data collection.

SIGNING OF DOCUMENTS

- a. Permanent Application for Property Tax Credits/Exemptions Map/Lot 214-24
- b. Permanent Application for Property Tax Credits/Exemptions Map/Lot 263-107
- c. Permit to Sell Raffle Tickets/Memorial Hospital Volunteers/Drawing 5/2/11

Mr. Martin moved, seconded by Mr. Drinkhall, to sign the Permanent Application for Property Tax Credits/Exemptions for Map/Lot 214-24, Permanent Application for Property Tax Credits/Exemptions for Map/Lot 263-107 and Permit to Sell Raffle Tickets for Memorial Hospital Volunteers with drawing date of 5/2/11. The motion carried unanimously.

CONSIDERATION OF BILLS:

Manifest dated 03/31/11 - Mr. Martin moved, seconded by Mr. Drinkhall, to sign the manifest dated 3/31/11. The motion carried unanimously.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

MWVCC/Kindness Weekend/Schouler Park, North Conway-5/27-5/29/11 – **Mr. Martin moved, seconded by Mr. Dickinson, to approve and the Special Event Application for the MWVCC Kindness Weekend event at Schouler Park in North Conway from 5/27/11 through 5/29/11. The motion carried unanimously.**

Carroll County Kennel Club/Annual All Breed & Obedience Dog Show/Hussey Field, North Conway-9/10-9/11/11 - **Mr. Dickinson moved, seconded by Mr. Martin, to approve the Special Event Application for the Carroll County Kennel Club Annual All Breed and Obedience Dog Show at Hussey Field in North Conway from 9/10/11 through 9/11/11.** Mr. Martin asked if there are any concerns about the application. Mr. Weathers advised that he and John Eastman have been working with the Kennel Club regarding the field. The Town is restricting use of the eastern 1/3 of the field as it is susceptible to erosion. The Town will rope that section of the field off. The Kennel Club has concurred with this the past two years. **The motion carried unanimously.**

CONSIDERATION OF MINUTES

3/22/11 - **Mr. Martin moved, seconded by Mr. Drinkhall to accept the minutes of 3/22/11 as written. The motion carried unanimously.**

TOWN MANAGER REPORT

Grove Street Property – Mr. Sires reviewed the town took a property for back taxes on Grove Street. Mr. Sires reported trash and materials from the house has been removed; however, the house is still in bad shape. Mr. Sires further noted that the carpeting was removed and, also, the drywall was taken out of the basement. Mr. Sires next questioned if the Board would like to proceed with the sale of the property. Mr. Sires explained that since we have held the property for under three years, any amount over and above the expenses to the town, taxes, etc., would go to the owner. Mr. Sires next suggested listing the property with a realtor as this will not tie up the time of a town employee. Also, the costs for the realtor expenses would be deducted from the sale. There was brief discussion by the Board. **Mr. Martin moved, seconded by Mr. Drinkhall, to proceed with steps to procure a realtor to dispose of the property on Grove Street. The motion carried unanimously.**

Town Report – Mr. Sires reported the Town Report has been completed and we have produced a high quality report. The cover features Leann Smith, a Kennett High School graduate and Olympian from the Town of Conway. Mr. Sires next reported the reports will be available at Town Hall, Conway Public Library, North Conway Library, Gibson Center, Webster Country Store and all Post Offices in town except for Center Conway. Also, the report can be viewed on line at the town's web page www.conwaynh.org and, if anyone does not have access or cannot get out to get a report, they can contact Town Hall and we will get one to them. Mr. Sires next briefly reviewed the contents of the Town Report.

Voting Day – Mr. Dickinson questioned if the candidates that are running for office can work at the polls on voting day. Mr. Sires advised that he checked on this and they can work but they cannot handle the ballots.

Clean Air/Cool Planet Conference – Mr. Sires reported he will be attending a Clean Air/Cool Planet conference on Saturday, April 2, 2011. He will speak about removing lights in the Town of Conway.

Snow Blower Video – Mr. Sires advised the Town obtained a copy of the Snow Blower video and have given same to Valley Vision for airing.

BOARD REPORTS AND COMMENTS

Letter regarding SB133 – Mr. DiGregorio stated that a letter went out from the Board concerning SB133 and he did not think that the Board voted on sending a letter out. **Mr. Dickinson moved, seconded by Mr. DiGregorio, to ratify the letter sent to the legislators regarding SB133. The motion carried 4-0-1 with Mr. DiGregorio abstaining.**

Budget Committee – Mr. Drinkhall reported a Budget Committee meeting was held last week. The Budget Committee decided to write a letter to the DRA concerning the situation with the school. Also, what has come out since that meeting is that depending on the determination of the DRA, the school plans to challenge the DRA and if that is turned down they will take this matter to court. Mr. Drinkhall stated this could cost approximately \$37,000 in legal fees.

Police Commission – Mr. Dickinson stated that he spoke with Police Commissioner, Theresa Kennett, and they (Police Commission) are amenable to meeting with this Board quarterly after the election.

Roundtable Meeting – Mr. Dickinson asked newspaper reporter, Eric Eisele, if he would attend the roundtable he has scheduled for Friday, April 1, at 11:00 am at Valley Vision. Mr. Eisele requested that he contact the Editor at the newspaper with his request. Mr. Dickinson stated he would call the paper tomorrow.

SB133 – Mr. Dickinson reviewed a letter was sent regarding SB133 concerning the pole tax. Mr. Dickinson stated that Conway would forgo about \$250,000 if this bill passes. The bill was passed last week by committee and is due to come up for a vote tomorrow

Revenue Sharing – Mr. Dickinson next reported there is a bill out that proposes doing away with revenue sharing. All money would go to the state and not be shared with towns.

Recreation – Mr. Martin stated thank you to Robert King for the letter he wrote to the newspaper concerning the Eaton recreation situation. Mr. King gave a different perspective and light on the subject.

News Article - Mr. Martin commented that he read the news article today by Lloyd Jones concerning Girls Basketball and he feels that for one coach to not even put Ally's name on the ballot was not right. Mr. Martin stated that he would like to say to Ally –he is sorry you got robbed.

Voting – Mr. Martin urged the public to get out and vote on April 12, 2011. Mr. Martin also urged voters to support the warrant article for the garage roof. Mr. DiGregorio commented that about the garage, Paul DegliAngeli was correct and the radiant heat has worked and did melt the snow off the roof. Mr. Martin agreed stating that we are now blowing heat out the roof and we need to get the new roof going and again stated to please vote for this article.

HB457 – Mr. Dickinson next discussed a proposed letter concerning HB457. The Board reviewed the draft letter. **Mr. Dickinson moved, seconded by Mr. Drinkhall, to write a letter to the Senators on HB457 relating to current interest rates being reduced by half for delinquent taxes.** Mr. Martin suggested adding language to the motion stating that we also email the letter to the Senators on the list as he feels they will get the letter faster. **Mr.**

Dickinson amended the motion, seconded by Mr. Drinkhall, to write a letter to the Senators on HB457 relating to current interest rates being reduced by half for delinquent taxes and that we email the letter to the Senators on the list. The motion carried unanimously. The Board further agreed that Mr. Dickinson will call the Senators and say that they will be getting a email with the letter concerning HB457.

PUBLIC COMMENTS AND MEDIA QUESTIONS

There were no public comments or media questions.

NON PUBLIC SESSION: NH RSA 91-A:3:II(E)/LITIGATION MATTERS

Mr. Drinkhall moved, seconded by Mr. Dickinson, to go into non public session under NH RSA 91-A:2:i(e) to discuss a litigation matter. The motion carried by unanimous roll call vote.

The Board returned to public session at 6:14 p.m. A motion to seal the minutes was made and carried in non public session.

ADJOURN

At 6:15 p.m., Mr. Martin moved, seconded by Mr. Drinkhall, to adjourn the meeting. The motion carried unanimously.

Respectfully submitted,

Karen J. Hallowell
Executive Secretary