

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN**

September 27, 2011

The Selectmen's Meeting convened at 4:00 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen, C. David Weathers (Chair), Howard C. Dickinson Michael DiGregorio, , Lawrence Martin, and Mary Carey Seavey; Town Manager, Earl W. Sires and Recording Secretary, Karen Hallowell. There were also approximately 20-25 people from the public present for the meeting.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Mr. Weathers advised that under the agenda item Signing of Documents a document entitled "Certification Pursuant to RSA 31:5, II" would be added as item "d". All agreed.

Mr. Martin moved, seconded by Ms. Seavey, to approve the 9/27/11 agenda. The motion carried unanimously.

REPRESENTATIVES FROM NON PROFIT AGENCIES TO
DISCUSS TOWN'S APPROACH TO GENERAL ASSISTANCE

Selectman, Mary Carey Seavey, stated she does sit on one the outreach Boards and wanted to make everyone aware of same before the start of this discussion.

Bob King of Our Lady of the Mountains Church was present along with Reverend Gil Healy of the First Church of Christ Congregational, Dan Jones, Chairman of the Vaughan Center Board of Directors, Denise Leighton, Vaughan Center Manager, Wilma Fogarty of Gifts from the Heart, Dot Seybold of Starting Point, Ruth Ann Farbizio of the Vaughan Center and Benny Jessemen, Executive Director of RSVP.

Bob King of Our Lady of the Mountains Church first spoke and read aloud a prepared statement to the Board. (Copy attached).

Mr. King next briefly explained two instances of concern to him, one an electrical shut off and another regarding an elderly lady at a hotel. Mr. Weathers explained we don't want to get involved in individual cases at this meeting. Mr. Weather further stated that Mr. King may be under the assumption that the town of Conway should just provide funds and not ask questions and get information later; however, we operate under state law. Mr. Weathers next questioned if the organizations have met with the Town Manager yet as a group to have discussion. Mr. King advised the he met with Earl and that this didn't just start with Irene, he feels this has been going on since 2008 and has morphed.

Mr. Sires advised that he has asked several times to meet with the group and only met with Bob King. The group wouldn't meet when offered –the offer was declined and they have

not spoken with him. Mr. King advised they are volunteers and they don't have the time and they wanted to get right to the Board of Selectmen.

Mr. Martin explained the Town has procedures to follow and part of the process is to have a meeting with the Town Manager to discuss issues of concern. If you are then dissatisfied or still have concerns then bring any specific concerns to the Board of Selectmen and not just generalizations. Also, personnel will not be discussed in public. Mr. King stated that volunteers do not have the time and that no one here is talking about personnel issues. They are here to solve a problem. Mr. DiGregorio explained that their group and many other groups have guidelines. The Town of Conway also has guidelines to follow. You can't expect the Town to just pay for something without information. There was further brief discussion with Mr. King and the Board again advised they would not discuss individual cases and he should meet with the Town Manager.

Reverend Gil Healy next spoke and advised that his concerns are accessibility. The information required is an incredible job. He has gone through the application himself and he tried to imagine himself filling it out. Reverend Healy stated he felt the application was overwhelming. Mr. Sires advised the application is formed by guidelines and is close to the model used by the NHMA. The town is guided by state law, budget law and, also, must be responsible to the taxpayer. Towns have to safeguard and conserve resources for those who are eligible for assistance. Mr. Sires next advised the General Assistance budget is over budget at this time and we have also added additional staff to help cover when busy. To have help for people to fill out applications, we would need another person or at least ½ time person to help. Reverend Healy next stated the fundamental concern of non profits is to work together for people in need. Reverend Healy next added he bets there are some volunteers who have the knowhow to help people fill out the paperwork. Mr. Weathers next stated again, a meeting with Mr. Sires to discuss issues such as this would help. Mr. Healy agreed and stated he hopes to see that as an opportunity. Reverend Healy thanked the Board for their time.

Dan Jones next stated that a lot of what he was going to say has already been stated. The overall picture to be addressed is the growing problem we are all having. There is an incredible influx of people who need help. Mr. Sires stated that this is not something we are alone in facing –he agrees we are all facing this situation. We are willing to sit down and work through this with everyone and we are committed to doing what we can for the community. We have changed the way we do things due to time and demands and so we do the part we can and are supposed to do and that sometimes may mean a referral.

Wilma Fogerty next advised that Gifts from the Hearth (GFTH) is a volunteer task force with 9 members and they all work in the social service environment. GFTH can provide one time help only. They do have an application process but they have also helped people who were denied by the Town. Also, some people won't go to the Town because of the process. Ms. Fogerty next stated that so far in 2011 66% of the requests have come from people in the Town of Conway. They are concerned because GFTH has limited resources. Mr. Martin stated we are all going to the well to spread the water and taking the pie and slicing it thinner than before. If people are saying the process at the Town of Conway is hard –the first thing I would say to them is to go back and try. We are all in the same boat.

There was further brief discussion and the group agreed to come in and speak with Mr. Sires with the contact person being Bob King.

DISCUSSION OF THE 250TH ANNIVERSARY OF THE TOWN OF CONWAY
(250TH ANNIVERSARY 10/1/2015) - JIM ARNOLD/CONWAY HISTORICAL SOCIETY

Jim Arnold, Acting Curator, and Ken Rancourt, President of the Conway Historical Society appeared before the Board.

Mr. Arnold stated that recently he realized we are coming up on the 250th anniversary of the Town of Conway in 2015 and feels this is the time to start planning for same. He has been going through the book of the bicentennial celebration, talked with the Mary Seavey of the MWVCC and Bob Kutrell from the Henney History Room. We need organization and focus or some starting point to start a planning committee. Mr. Weathers asked if he is willing to Chair the Committee. Mr. Arnold declined to chair but advised he would be on the committee. He feels we need someone with deep roots in the community to be the chair. Mr. Rancourt state he would like to plan something town wide over the course of the summer and tell people what has happened in this area for last 250 years.

Mr. DiGregorio stated it sounds like we will form another committee and advertise for who should be on the committee as there are people with knowledge of the history of this town. He too would like to see something over several months and not just one night of fireworks.

Mr. Martin moved, seconded by Mr. DiGregorio, to advertise to form a committee to work with Mr. Arnold and Mr. Rancourt to plan and present the 250th celebration to us for approval. There was brief discussion. Mr. Martin amended the motion, seconded by Mr. DiGregorio, to advertise to form a committee to work with Mr. Arnold and Mr. Rancourt to plan and present the 250th celebration to us for approval and to include town staff as require and people with long term roots in the community preferred. Ms. Seavey stated she would like the Conway Historical Society as the focal point. The motion carried 5-0-0.

PUBLIC PARKING LOT LEASE, NORTH CONWAY VILLAGE

Doug Burnell and Kathy Bergeron of HEB Civil Engineers appeared before the Board.

Mr. Sires distributed a letter from George Cleveland of the Gibson Center outlining the importance of the parking lot their organization and reviewed same with the Board.

Mr. Sires reviewed the parking lot lease is due to expire in the spring. This is a parking lot in North Conway and has been leased for approximately 20 years. The Board of Selectmen have voiced interest in continuing with lease and asked staff to work with HEB to prepare a proposal. Mr. Sires next reviewed a memo/proposal with the Board (See attached). Mr. Burnell stated they in general thought the proposal was fair. He felt it was a good idea for lighting in the parking lot. There was brief discussion. Mr. Sires suggested he and Mr. Burnell sit down and do a better calculation of the split and Mr. Burnell agreed. **Mr. Martin moved, seconded by Mr. DiGregorio, to renew the lease property as presented with the change to the lighting that we will install historic light fixture on the island and two next to the villa property and then the final ratios on the 50/50 curb and 70/30 share with then coming up with final agreement. The motion carried unanimously.**

TRANSVALE ACRES

There were some residents of Transvale Acres present at the meeting.

Mr. Sires reported FEMA had a disaster recovery center in town for individual assistance and it was located at the Technology Village. Mr. Sires stated he appreciated their help. The center did close this past week but people can still call the 800 number for FEMA help.

Mr. Sires next reported he will be meeting with FEMA next week for discussion and, also, to look at public properties, i.e. Hussey Field.

Mr. Sires next reported that for the Town over the last two weeks the effort has been to work with people for future compliance. All property owners were contacted and advised to contact the Town to find out regulations, etc. The town has issued 40 violation notices for multiple units, additional structures on travel trailers, etc. Mr. Sires further reported that in many cases a deck, bath house, etc, will not be allowed.

Ms. Seavey questioned if temporary travel trailers have to have septic. Mr. Sires advised the Town is working with the NHDES regarding septic issues. None or maybe one site has state approval.

Mr. Sires next reported we will be moving into the next phase where there are a number of abandoned structures and we will start noticing those owners that they need to be removed. There are quite a few pavilions, roof structures, etc, down near the river that are also not allowed and they will be getting notices as well.

Mr. Sires next advised the Town is responsible for buildings, floodplain, etc, and the State is responsible for septic. We will request that people deal with the NHDES before coming to the town.

Mr. Sires next reported the NHDES walked through Transvale last Friday and test pits were dug. It looked like some soil could support septic but there is also issues such as setbacks etc, that need to be looked at.

Mr. Sires next stated we have been advising people not to do any work until they come in and speak with town staff about what they can and can't do on each property. Each location has its own history and each case is different. Each site has its own series of things that need to be looked at. Mr. Sires next distributed a flow chart of what may or may not be allowed and reviewed same with the Board.

Mr. Sires next stated the message to residents is we have been trying to get the word out. Letters were mailed, the Town has met with people and we will be doing more of this this week. Mr. Sires stated we are trying to get information to the community and we have been meeting with Skip Groves and other property owners. Mr. Sires further advised that a "Drive Time" segment is scheduled for WMWV radio.

Mr. DiGregorio stated that he read somewhere that people are ready to start doing things. Are we waiting for the NHDES, etc?? Mr. Sires stated there may be people ready. The process of review has started as to what they can and can't do at this point. Mr. DegliAngeli stated there are also instances of people doing work without permits and the enforcement process has been started.

There was next a discussion concerning NHDES and septic issues. Mr. Martin questioned for people with issues can FEMA come up here and possibly buy lots? Mr. Sires

stated that this may be a possibility and we have started conversations with them concerning this matter. There is a program for buying out owners and we will start looking at this program.

Mr. Sires stated his thanks to Skip Groves for his help. There was an issue with dumpsters and we have sorted this out with FEMA. Mr. DiGregorio questioned if people know the dumpsters won't be there long. Mr. Sires stated the dumpsters will be there until October 7, 2011. Skip Groves stated that people know this.

Susan (Transvale property owner) stated there are a couple of landowners who will not be back to remove what is on their land. She doesn't want to go on their land without permission. Mr. DegliAngeli stated the town does have authority regarding dilapidated property and can notice the property owners. Mr. Sires stated this is a complicated process and we are proceeding. Susan asked what her next step is as she has cleaned up her property. Mr. Sires encouraged Susan or anyone else to come in and speak to staff.

Skip Groves stated some people have asked how something can suddenly be legal or illegal and also being taxed. Mr. Sires stated regardless of legality you are taxed. Mr. Sires explained that sometimes we find out things right way and sometimes not for ten years. If you find something not legal and you will be told you can't have it.

DISCUSSION REGARDING WINTER MAINTENANCE

Mr. Sires advised we need to discuss the sidewalks in the North Conway area regarding winter maintenance and are looking for guidelines as we move into the winter.

Mr. DegliAngeli stated that for two years now there have been ongoing discussions on winter maintenance regarding sidewalks. We put a contract out to bid with specifications and that work starts this winter. After that bid was awarded, the Board asked about expanding or changing the scope of work. If this is what the Board wants then we need to go back to our contract and also we will need this information to help prepare the budget.

Mr. Martin asked for an additional list and costs for consideration. Mr. Weathers stated we have to decide if we want to stay status quo or to add new locations for plowing. Mr. DegliAngeli replied in the affirmative and stated it will be for this winter. Mr. DegliAngeli next reviewed the locations for consideration with the Board as follows: On the strip from Artist Falls to Burger King –the question is do you want to add the sidewalk on the strip on the east side; Mechanic Street from North South Road to the top of the hill –we only maintain on the nights we pick up snow and is it the Board's intention to maintain Mechanic along with the sidewalks in the village; Kearsarge from North South Road to the intersection –this is wide with on street parking from the intersection the sidewalk wraps around to Mechanic and if you decide to do Mechanic we can bundle this with Mechanic; North South Road –we are not maintaining from Common Court to Route 302 and we have received requests from the High School to go in at the light. We do go in and get snow out at the light for the pushbutton for the crosswalk but we currently don't plow sidewalks; and, Mill Street –we try to put out truck wing up there but it doesn't produce a good sidewalk. Mr. Sires stated that Gene Brown a local contractor volunteered previously to plow this himself. There is a concern to get the sidewalk clear as there is a school on the road. Mr. Martin stated if Mill Street is not in the existing contract would we do a separate contract. Mr. DegliAngeli stated we could bid this separate if the Board chooses at is not part of the existing contract.

The Board next discussed whether to take this matter up tonight or bring it back for the next meeting. Mr. Martin stated he feels it should be taken up tonight so that Paul can bring back numbers to the next meeting. There was further discussion. The Board next made the following decisions: To bring back pricing for the East Side of Route 16 the Board voted 3-2-0; To bring back pricing on Mechanic Street bundled with Kearsarge Road the Board voted 4-0-1; to bring back pricing on North South Road to Rt. 302 the Board voted 2-3-0; Mill Street from 113/302 to the school and this should be separated out –the Board voted 5-0-0. Mr. DegliAngeli advised he would bring the figures back to a future meeting.

DUMP STORE DISCUSSION

Mr. Martin stated that based on past history regarding the dump store he would like to make a motion. **Mr. Martin moved, seconded by Mr. Weathers, that we cease and desist the operation of the dump store at the Conway Transfer Station.** Mr. Martin stated we are open to horrendous liability with the operations of the dump store there have been several lawsuits regarding the dump store against the town. There is only a few people who sit there every day and it adds to the congestion. If people want to donate clothes, etc they can still take them to a local charity. Mr. Weathers pointed out there are many places to donate clothing in the area. Mr. DegliAngeli pointed out that we can also keep the Planet Aid drops at the Transfer Station. Mr. Martin next commented that we have to have staff go into the dump store to clean up and monitor as well and this is extra work for staff. Mr. Sires stated the liability issue is real and as we go through the budget in fall we are going to talk about site security in general at the transfer station. There are viable alternatives for people who want to donate items in town or maybe we could have a local charitable organization have hours there. We don't have the staff to maintain this and it is a liability. Mr. DiGregorio stated he likes the idea of a charity manning the store. Further the dump store is currently not there for what it was originally intended for and it is being used for people to make a profit now. Mr. Weathers pointed out that if we do close the store, some of the non profits may get more items for their sales. Mr. Sires questioned if there is an effective date with the motion. Mr. DegliAngeli pointed out we will need a public hearing per Chapter 113. Mr. Sires stated we will need to look at this. **Mr. Weathers rescinded his second and Mr. Martin rescinded the motion. Mr. Martin moved, seconded by Mr. Weathers, for staff to proceed on a course to start closing the dump store. The motion carried 5-0-0.**

DISCUSSION OF THE AMOUNT OF FUND BALANCE TO APPLY TO THE TAX RATE

Finance Director, Lucy Philbrick, and Town Manager, Earl Sires distributed financial information to the Board and reviewed same. (See attached). The recommendation is to transfer \$400,000 of the fund balance and apply to the tax rate for 2011. Mr. Sires further reviewed that we need to reserve \$42,000 as the Police Department is asking to overexpend their budget. \$200,000 remains in the fund balance for next year and also to cover the police overrun. Mr. Sires and Ms. Philbrick next reviewed the proposed estimated tax rate if using \$400,000. There was brief discussion by the Board. **Mr. Martin moved, seconded by Mr. Dickinson, to transfer \$400,000 from fund balance. The motion carried 4-1-0 with Mr. DiGregorio voting in the negative.**

VALLEY VISION REQUEST FOR LIVE BROADCAST EQUIPMENT

Mr. DiGregorio distributed information from Valley Vision regarding equipment for the Board's review. Mr. DiGregorio advised that Bill Edmunds from Valley Vision will be at the next meeting to discuss.

Mr. DiGregorio next stated there is still one issue regarding a wire under the track at the High School. They want to go wireless but need to prove it will work before moving forward.

Mr. Martin moved, seconded by Ms. Seavey, to transfer the funds of \$14,300 as requested to include the transvideo wireless of \$3,096 and up to \$5,000 for an optic transmitter receiver as specified by Rodney King when that time comes. The motion carried 5-0-0.

DISCUSSION REGARDING CENSUS COUNT

Mr. Sires advised that Mr. Irving could not be present at the meeting tonight and will be at the next meeting to discuss the Census. The Board agreed to move discussion on this item to the next meeting.

SIGNING OF DOCUMENTS

- a. Certificate of Yield Taxes Assessed Map/Lot 207-5
- b. Timber Tax Levy Map/Lot 207-5
- c. Permit to Sell Raffle Tickets –KMS Class of 2016 – Drawing 10/11/11
- d. Certification Pursuant to RSA 31:5, II

Mr. Martin moved, seconded by Mr. DiGregorio, to sign the Certificate of Yield Taxes Assessed Map/Lot 207-5; Timber Tax Levy Map/Lot 207-5; Permit to Sell Raffle Tickets –KMS Class of 2016 – Drawing 10/11/11; and the Certification Pursuant to RSA 31:5, II. The motion carried unanimously.

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

- a. Petition for Special Town Meeting
- b. Manifest dated 9/15/11
- c. Payroll dated 9/15/11

Mr. Martin moved, seconded by Mr. DiGregorio, to ratify documents signed out of session as follows: Petition for Special Town Meeting, Manifest dated 9/15/11 and Payroll dated 9/15/11. The motion carried unanimously.

CONSIDERATION OF BILLS:

- a. Manifest dated 9/29/11

Mr. Martin moved, seconded by Mr. DiGregorio, to sign the Manifest dated 9/29/11. The motion carried unanimously.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

- a. North Conway Public Library/Bike for Books-Bike tour of Valley 10/8/11

Mr. Martin moved, seconded by Mr. DiGregorio, to approve the Special Event Application for the North Conway Public Library Bike for Books even scheduled for 10/8/11. The motion carried unanimously.

CONSIDERATION OF MINUTES: 8/30/11 and 9/6/11

Mr. Dickinson moved, seconded by Mr. DiGregorio, to approve the minutes of 8/30/11 and 9/6/11 as written. The motion carried 4-0-1 with Mr. Martin abstaining.

TOWN MANAGER REPORT

Special Town Meeting - Mr. Sires reviewed the Board ratified the Petition for Special Town Meeting. Mr. Sires distributed a possible timeline of events for the Special Town Meeting subject to the turnaround from the Court if the petition is approved and reviewed same with the Board.

Request to Overexpend the Budget – Mr. Sires reported the police request to overexpend the budget will next go to the Budget Committee for review.

Ambulance Proposal – Mr. Sires reported the Ambulance proposal from both providers is in their mailbox for review.

Non-Precinct Fire Agreement – Mr. Sires reported we have approval from the two precincts with a couple of modifications. There are no cost changes.

Covered Bridge – Mr. Sires reported that there is some talk of pushing the work on the deck of the covered bridge off to March of 2012. The state will let us know today if it is on schedule for November or will be pushed ahead. Also, the NHDOT has changed the signage at the covered bridge and it seems to be working better.

Redstone Auto – Mr. Sires reported the grant to do some water testing in Redstone Auto is moving forward.

Grove Street Property – Mr. Sires advised the closing for the Grove Street property is scheduled for September 30, 2011.

Transfer Station – Mr. Sires reported the Town hired a temporary employee for the Transfer Station in August. We had operated one employee down but because of safety concerns, vacation coverage, sick time coverage, etc, we were paying extra for overtime and it was less expensive to hire a temporary employee and having this person til the end of the year. This issue will also be addressed at budget time.

BOARD REPORTS AND COMMENTS

Round the State House Program – Mr. Dickinson reported there will be another Round the State House program next week. There are things happening in Concord that have not been reported in the local newspaper or in the news. Mr. Dickinson briefly reviewed the issues that would be covered.

Budget Committee – Mr. DiGregorio reported a Budget Committee meeting is scheduled for Wednesday, October 5, 2011.

Next Meeting – Mr. Weathers confirmed the next meeting of the Board of Selectmen is scheduled for October 18, 2011.

PUBLIC COMMENTS AND MEDIA QUESTIONS

There were no public comments or media questions.

ADJOURN

At 6:40 pm, the meeting adjourned at the call of the Chair.

Respectfully submitted,

Karen J Hallowell
Executive Secretary