

**Minutes of Meeting  
CONWAY BOARD OF SELECTMEN**

November 15, 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 (Chair), Lawrence Martin, Howard C. Dickinson Michael DiGregorio and Mary Carey Seavey; 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. DiGregorio moved, seconded by Ms. Seavey, to approve the agenda. The motion carried unanimously.**

HAVEN LANE - DAVID DONALD

Public Works Director, Paul DegliAngeli, and Haven Lane resident, David Donald, joined the meeting.

Mr. DegliAngeli advised that Mr. Donald is here because he is concerned about the town not plowing a portion of Haven Lane as it has been determined the Town does not own a portion.

Mr. Donald advised he received a letter from Mr. DegliAngeli advising that due to an error 45 years ago the public works department have determined a portion of Haven Lane will no longer be serviced by the Town and Mr. DegliAngeli suggested he discuss this with the Board of Selectmen.

Mr. Donald advised this property was purchased in 1993 and they recently received the letter stating that after 45 years the Town will no longer plow a portion of the road for them. He understands the State of NH has approved a turnaround at the end of Haven Lane which will allow the town to use equipment that will be a savings to the Town. Mr. Donald next stated this 30' section has been maintained and plowed by the town in the past and he feels that the town saying they now won't maintain is being arbitrary after 45 years. Further, if the State and Town are building a turnaround, he understands this would be next spring and so why can't it still be maintained this winter season. Mr. Donald stated he is here before the Board to appeal Paul's decision and to see if the Board would agree to plow the road. Mr. Donald next reviewed that his property is lot #2 on the diagram. Mr. Donald also brought pictures for the Board to review. The Board reviewed the entrance to Mr. Donald's property. Mr. DegliAngeli advised it is 30". Mr. Donald stated he feels it is about 20'. Mr. Martin next stated that he was under the assumption the turn around would be built this year. Mr. DegliAngeli advised we were waiting for this meeting to be held first. Mr. DiGregorio questioned if we know who owns the land. Mr. DegliAngeli advised it is not the town but from research it looks as though the Lot #1 owner owns it. There was next discussion as to the entrances to the property etc. Mr. Martin pointed out that Mr. Donald could always apply for a driveway permit for a driveway onto Haven Lane. Mr. DegliAngeli agreed. Mr. Donald stated that his point is, after forty-five years, at what point in time the town has to say it is their responsibility. Mr. Martin stated he can sympathize with Mr. Donald's situation; however, ignorance doesn't make compliance. For the town to plow Mr. Donald's driveway and not other people in town is not right. Also, there are liability and maintenance issues to consider for the future. Mr. Donald questioned if this can be reclassified as a town road since they have been taking care of it for forty-five years. Mr. Martin advised the voters would have to accept it as a town road. There was further

discussion. Mr. Donald acknowledged that he understood the situation but wanted to bring his appeal forward to the Board. There was no action taken.

#### WINTER MAINTENANCE – MILL STREET

Mr. DegliAngeli reviewed that previously the Board split out the contract for winter maintenance of sidewalks for Mill Street in Center Conway and asked him to solicit a separate contract than the work being done in North Conway. We asked for a bid on a 5 year contract and the low bid for that contract is \$3,500 for the season for the sidewalk from Main Street to the School with no escalation in costs for the five years. Paul next reviewed the specifications for the contract, ie, town to provide salt and sand, etc.

**Mr. Martin moved, seconded by Mr. DiGregorio, that we award the contract to the \$3,500 bidder with a locked rate for five (5) years.** Mr. DiGregorio asked how many bids received. Mr. DegliAngeli advised we received one bid. **The motion carried 5-0-0.**

Mr. DiGregorio next questioned if the Town has a program for maintaining sidewalks all year, i.e., grass growing in between slabs, etc. as this can cause damage. Mr. DegliAngeli advised we do not have a program for this. Mr. DiGregorio questioned what the thoughts are to add money to the budget for this type of maintenance. Mr. DegliAngeli stated this would require herbicides and would require training for employees. Another option would be to contract this out. This is however, something that previous Boards didn't want to do. If this Board would like to look at this we could also expand this beyond sidewalks and bridges as there are other areas that need maintenance. Mr. DiGregorio questioned if Paul felt this causes damage (the grass growing in between granite etc). Mr. DegliAngeli responded in the affirmative. Mr. DiGregorio questioned if anyone is interested in pursuing this type of maintenance. Mr. Weathers suggested addressing this under Mr. DegliAngeli's budget presentation item on the agenda. The Board agreed.

#### NON PRECINCT FIRE AGREEMENT

Police Chief, Edward Wagner, Police Lieutenant, Chris Perley, and Police Commissioners Kennett, King and Doherty, were present for discussion. Also present were Conway Village Fire Chief, Steve Solomon, North Conway Fire Chief, Pat Preece, and Center Conway Fire Chief, Ray Leavitt.

Mr. Sires reviewed previous discussion held with the Board concerning the Non Precinct Fire Agreement. The Board asked that this be addressed with the Police as both contracts contain requirements for dispatch services.

**Ms. Seavey moved, seconded by Mr. Martin, to rescind the action taken on the motion on the Non Precinct Fire Agreement. The motion carried 3-1-1 with Ms. Seavey and Messrs. Martin and Dickinson voting in the affirmative, Mr. DiGregorio voting in the negative and Mr. Weathers abstaining.**

Ms. Kennett advised the Commissioners were concerned as this is a multiyear (5 year) contact the Board of Selectmen are looking at. Ms. Kennett next stated that last year when they were asked to cut the budget they looked at cutting dispatch. When they met with the providers and asked how much this would impact them and they advised the police do a good job but they could find different dispatch services. The Commissioners went to the voters and the voters decided to keep dispatch. Ms. Kennett next stated that anytime the Police Department budget is cut the Commissioners look to dispatch. Further, they are already short on officers and dispatch. If the Board signs the Non Precinct Fire Agreement contract they don't think it is one they can fill. Mr. Sires stated this is a contract the voters would have to approve. The Board sends this to the voters. Ms. Kennett stated if this is so, since this is contractual, would this automatically be in the budget then. Mr. Sires stated there was no language before that "x" amount is intended for dispatch and this is a good question. Ms. Kennett stated there needs to be additional language in the contract if you are demanding another governing body to do something. The Police Department can't provide a service if they can't fully staff the department. In order to compel the Police Department to do this for five years you would have to specify what the cost would be.

Chief Wagner advised they are not obligated statutorily to provide dispatch, although they would not stop doing this overnight either. However, if the Board of Selectmen and/or Budget Committee comes back and asked for \$200,000 to be cut from the police budget and we are in a contract with the police and fire there is no way to spread that money around with dispatch. That \$200,000 would have to come from police officers. Further, the Commissioners need to have the authority to move positions around as they see fit in the Police Department. There was further discussion concerning dispatch for fire, etc.

Center Conway Fire Chief, Ray Leavitt, stated that in the 1980's \$50,000 was provided by the town to outfit and build the dispatch center. Then in the 1990's there was a federal grant to provide a back up radio. The Police Department didn't have numbers to qualify for the grant without the fire department numbers. Chief Wagner advised that in 2006 all of the equipment was taken out and the Police Department got a grant for all new equipment. Chief Wagner further added they are not saying they will stop dispatching for the fire department but they need the flexibility to operate the Police Department as needed. Commissioner Kennett stated they are not here to debate this but to inform the Board of Selectmen.

Mr. DiGregorio stated that the Town could create a dispatch entity that the Town runs although he does not want to do this. We could also go to the State and eliminate the statutory authority of the Police Commission if necessary. Also, he does not want to be threatened each year during budget time that dispatch will be cut.

There was next further discussion regarding dispatch, staffing, etc. Chief Wagner explained this Agreement, if approved, would lock the department into 24/7, 365 days a year and, if they had to make a budget cut, they won't have enough staffing. Lt. Perley next reviewed the job of a dispatcher and stated it is dangerous if they are understaffed.

Chief Solomon stated that he thinks dispatch needs to be studied beyond what we can accomplish tonight. He thinks we need to figure out the contracts for next year and then get together to figure out a long term solution. Mr. Martin stated he agreed with Chief Solomon. Mr. Martin next questioned Commissioner Kennett if they could accept a two year contract with the understanding that we will address this situation overall – not just fire and ambulance, but police, fire and ambulance. Ms. Kennett stated they cant do a contract at the table here today. Mr. Martin stated they have a problem with the longevity of the contact and questioned if we can get it to a one or two year contact --is this something the police could live with. Ms. Kennett stated it is not about protecting their department but looking out for the community and collaborating with the entities, etc. If the Board wants to sit down at a meeting to discuss the issues we can do that. However, tonight they are here giving this Board information on their challenges. All the Commissioners would have to weigh in on what was discussed and then communicate with the administration. They cant say yes on the suggestions made tonight without meeting first. Mr. Weathers stated that Mr. Martin was asking if his suggestion would be more favorable to the Commissioners; however, if you want to reconvene at a later date to discuss this suggestion we can do that. Mr. Sires commented that at the staff level they thought about reducing the time for the contract and take out the language regarding dispatch and then work towards the next contract. Chief Wagner stated his preference is a contract for one year. Commissioner King stated they (the Police Commission) were concerned when they read in the newspaper the contract would have this language concerning dispatch and they had had no notification of this prior to that.

**Mr. Martin moved, seconded by Mr. Dickinson, to amend the Non Precinct Fire Agreement and Ambulance Contract to include verbage as stands for one year instead of five years.** Mr. DiGregorio stated he cant agree because it is hanging the fire department out there and he is not sure what any committee can do in the next year to solve this issue. There was next a discussion of the police budget. Lt. Perley questioned why haven't the Fire Departments gone to their respective Board's to look for a solution if there is a problem with dispatch. Why don't they go to the separate entities and ask them. Mr. Weathers stated what about the non precinct fire areas. Center Conway Fire Chief, Ray Leavitt, stated that he agrees with Mr. Martin to do a one year contract and take a year to work this out. Mr. Sires reviewed that because of the way our town works –we have five different fire precincts, areas with no fire precinct, and a Police Commission that was formed like no other town in New Hampshire. The

ultimate would be that the Board of Selectmen have authority over the police and how much they can get. The playing field here is complicated and the only way to make things work is good will and common sense. We need now to address this and it will take time because of the playing field. Mr. Sires next suggested adding a clause to the contracts "subject to approval at town meeting". Chief Wagner apologized stating he may have approached this the wrong way last year but he has sat down with the Fire Chiefs and advised they (the police department) would not cut them off for a year without notice.

Bob Barriault stated he is concerned the Police Department is singling out non precinct fire areas. He pays the same tax rate as other areas of town to support the police department and should get the same consideration of someone calling from other parts of town. Also, he doesn't understand why they are concerned for a contract for this coming year as the present contract doesn't expire until the end of 2012. You have all of 2012 to try to resolve. Mr. Weathers pointed we need to do the contract now for 2013. Mr. Barriault stated he thinks the simplest thing is to take out the verbage. Mr. DiGregorio next stated that his initial intention was to vote against the motion on the table but is curious as to what the Fire Chief thinks. Chief Solomon stated he hesitates on the one year contract and then we would have to do this again next year. Chief Solomon suggested eliminating language and take Chief Wagner for his word and then come back to the Board with what we should do for the Town of Conway. **Mr. Dickinson withdrew his second and Mr. Martin withdrew his motion.**

**Mr. Martin moved, seconded by Mr. DiGregorio, that we institute the Non Precinct Fire Contract and Ambulance Contract as agreed with the verbage.** There was further brief discussion. **Mr. DiGregorio withdrew his second and Mr. Martin withdrew his motion.**

**Mr. Martin moved, seconded by Mr. Dickinson, that we adopt the Non Precinct Fire Agreement as presented with the removal of the dispatch clause.** Mr. Weathers confirmed this is a 5 year contract and Mr. Martin Agreed. **The motion carried unanimously.**

**Mr. Martin moved, seconded by Ms. Seavey, to direct the Town Manager or whoever he wants to appoint, to look into forming a committee with the various entities to look into the emergency services dispatch for the Town of Conway.** Mr. Sires confirmed we are going with the current contract but forming a committee. There was further brief discussion. **The motion carried 4-0-1 with Mr. DiGregorio voting in the negative.**

#### AMBULANCE CONTRACT

Chief Solomon of the CVFD and Eric Damon and Will Riley of CarePlus were present for discussion.

Mr. Sires reviewed there was a pending issue on COLA with the contract. Mr. Sires advised he held discussion with Chief Solomon about not exceeding COLA at 3%. Chief Solomon and Eric Damon stated they agree with this. **Mr. Martin moved, seconded by Mr. Dickinson, that we accept the Ambulance Contract with the amendment related to the COLA cap.** Mr. Sires asked if this will also include that we will not have the language concerning dispatch as with the Non Precinct Fire Agreement. All agreed. **The motion carried 3-0-2 with Ms. Seavey, Mr. Martin and Mr. Dickinson voting in the affirmative and Messrs. DiGregorio and Weathers abstaining.**

#### BUDGET DISCUSSIONS

Police – Commissioner Kennett advised she has a new recap sheet and will get copies to the Board of Selectmen. Commissioner Kennett next reviewed the proposed 2012 Police budget and the increases to same.

Commissioner Kennett next reviewed that amounts have been added for anticipated retirements and, also, unanticipated retirements. Mr. Weathers asked if this will be the same amount each year or carried over. There was discussion. Mr. Sires explained that you can't accumulate funds this way and would need a capital reserve article. If it is in the budget you cannot carry the funds over to the next year.

Commissioner Kennett next advised they are proposing three special articles for the 2012 warrant. One is for a vehicle in the amount of \$45,000. The second article is for a new police officer. The third article is asking for voters to accept a COPS grant so that if a grant is run through the year they would be able to apply for same. This grant would provide an officer for three years and then the town would pay for the fourth year.

Mr. DiGregorio questioned current staffing at the Police Department. Chief Wagner advised they are down two officers at present. Mr. DiGregorio questioned if they will replace these two and then hopefully add two and, also, if the articles pass will this bring us to where we need to be with officers. The Chief advised it is too far out to tell. We are a service based industry and it depends on the calls.

Mr. Dickinson asked about the DARE Program stating there is \$5,000 in the proposed budget for next year and usually this money comes from contributions. Commissioner Kennett advised they did receive contributions in 2011 but are doubtful they will get more next year. The choice is do you quit doing the program or is it important enough to put in the budget and they have decided to place this in the proposed budget. Commissioner Kennett next advised that the person who donated the most is no longer with us, Mr. Roland Bishop. Chief Wagner advised that we have also lost the contributions they used to received from Golden Goose Days as well. Chief Wagner next advised that another contributor is Hannaford and they are in discussions with them for next year. Mr. Dickinson questioned the amount of the contributions received last year. Chief Wagner advised he did not know the exact figure for contributions, but it takes about \$5,000 to run the program effectively.

Mr. Weathers stated that with regard to the two vacant positions –are there any applicants. Chief Wagner advised they are running examinations this week. They had fifteen people who sent in applications and six have confirmed they are coming to the testing.

Mr. DiGregorio asked about starting pay. Chief Wagner advised they start people at 8% lower than the average of the starting pay at about \$43,000.

Commissioner Kennett stated the Police Commission sincerely hopes to get the support of the Board of Selectmen for their budget this year.

Mr. Weathers requested copies of the revised budget figures. Commissioner Kennett advised they would provide same.

Parks and Recreation - Recreation Director, John Eastman, joined the meeting. Mr. Eastman reviewed the proposed 2012 Parks and Recreation budget with the Board. Mr. Eastman advised the total increase over last year is in the \$22,000 range. Mr. Sires advised this is an 8% increase over last year's budget.

Mr. Martin stated he feels the budget is okay to pass along to the Budget Committee. Ms. Seavey stated she would like more time to look it over.

Public Works - Public Works Director, Paul DegliAngeli, joined the meeting. Mr. DegliAngeli briefly reviewed the proposed Public Works budget with the Board. Mr. DegliAngeli advised the proposed bottom line figure is \$1,879,561. Mr. DegliAngeli reviewed the budget figure requested for 2011 was adjusted at town meeting was \$1,800,462. The requested figure for 2012 is a 4% increase. Mr. DegliAngeli reviewed that one of the increases in the budget is to the pavement line which goes from \$66,000 to \$79,000. Mr. Sires advised that another increase is in street lights as we have received information regarding rate increases.

Mr. DiGregorio asked about LED lighting. Mr. Martin advised that NHEC will be coming out with some options after the first of the year. Mr. DiGregorio commented that the 7-11 store in North Conway changed to LED lights and their consumption is down 30%.

Solid Waste - Mr. DegliAngeli briefly reviewed the proposed Solid Waste budget with the Board. Mr. DegliAngeli advised the proposed request is \$100,000 over last year's request. \$75,000 of that is in wages. We are proposing to replace the personnel at the scale house that was not filled last year and, also, we are proposing to replace the Recycling Attendant position which has also not been filled in two years. The Recycling Attendant is a 20 hour per week position. When we had a Recycling Attendant the recycling percentages were better and after this person resigned they declined.

Ms. Seavey questioned if there is a standard merit raise across the board for everyone. Mr. Sires reviewed the Union Agreement was capped last year and then went back to regular matrix for this year and they received anywhere from 0-5%. Ms. Seavey next questioned non union employees. Mr. Sires advised we follow the same sequence for administrative positions. Ms. Seavey next questioned which positions are union and which are non union. It was advised that Union employees include highway, public works, landfill, and certified police officers. The rest of the employees are non union.

There was next brief discussion concerning the recycling and weight attendant. The Board questioned if we are looking at single stream would this change the numbers. Mr. DegliAngeli replied in the affirmative. Mr. Sires suggested having further discussion on this at a future meeting. Mr. DegliAngeli advised that on November 30, 2011 we are visiting two transfer stations similar to ours in tonnage, etc; however, they do not operate their own landfill like we do. We are looking at multiple options so we can present them to the Board for a financially based decision for the next twenty years or so. We also have to look at how we will manage trash in future years, i.e., the facility, equipment, etc. Mr. DegliAngeli further stated that looking at single stream for next year may be premature at this time.

Mr. DiGregorio asked how many employees are at the transfer station. Mr. DegliAngeli advised currently there is three employees at the transfer station and at the height it was 4.5 employees. The transfer station is open six days per week. There is also a Supervisor and two positions at the landfill.

Mr. DiGregorio next asked about the odor issues. Mr. DegliAngeli reviewed they had hired two different consultants and proposed a phased approach to the odor. It was determined the odor was hydrogen sulfide (gas) in gypsum board. We stopped accepting this material and we haven't received further complaints. Mr. DegliAngeli further reviewed the complaints were during swing season and not in winter.

#### TOWN MANAGER REPORT

CDBG – Mr. Sires reported he met with some people this morning from the funding agency CDBA with regard to the water line project. This grant request will go to the CDBG Board. The Homeowner Association is going to start work on the project with the understanding they may not get the money back if they don't receive funding.

FEMA – Mr. Sires reported that FEMA is continuing with work in Transvale. They are looking at the floodplain and floodway and doing damage assessments.

ZBA – Mr. Sires stated reviewed an email from Tom Irving asking that the Board appoint Luigi Bartolomeo as an alternate to the Zoning Board of Adjustment for a term ending 2013. **Mr. Martin moved, seconded by Mr. DiGregorio, to appoint Luigi Bartolomeo as an alternate to the Zoning Board of Adjustment for a term ending in 2013. The motion carried unanimously.** Mr. Sires advised the ZBA meets tomorrow night.

#### RECESS

At 6:50 p.m. the Chair called a recess of this meeting. The Chair advised the Board would be having a brief non public meeting pursuant to NH 91-A:2,III(a) for a discussion of Union Negotiations.

The Chair called the meeting back to order at 7:35 p.m.

SIGNING OF DOCUMENTS

- a. Abatement - Tax Map/Lot 230-101
- b. Abatement - Tax Map/Lot 263-101
- c. Current Use Land Use Change Tax Collector's Warrant - Tax Map/Lot 272-52.29
- d. Land Use Change Tax – Tax Map/Lot 272-52.29

(See consolidated motion below under Consideration of Minutes)

CONSIDERATION OF BILLS

- a. Manifest dated 11/17/11
- b. Payroll dated 11/17/11

(See consolidated motion below under Consideration of Minutes)

CONSIDERATION OF MINUTES: 10/18/11

**Mr. Martin moved, seconded by Mr. Seavey, to sign the Abatement for Tax Map/Lot 230-101, Abatement for Tax Map/Lot 263-101, the Current Use Land Use Change Tax Collector's Warrant for Tax Map/Lot 272-52.29 and the Land Use Change Tax – Tax Map/Lot 272-52.29; to sign the manifest and payroll dated 11/17/11; and, to approve the minutes of 10/18/11 as written. The motion carried unanimously.**

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

There were no Special Event Applications presented for consideration.

Ms. Seavey stated that the MWV Skating Club came to her today and they would like to light the tree in Conway Village. The MWV Skating Club got someone to donate lights, etc for the tree lighting ceremony. Further, the MWV Skating Club has something going on December 5, 2011 at the Arena and they would like to see the tree lit. Mr. Sires questioned if Ms. Seavey meant have the event with the appropriate application. Ms. Seavey replied in the affirmative. The Board next held discussion on the event fee. Mr. Martin suggested waiving the fee. Mr. DiGregorio stated he does not feel it is a good idea to waive fees. Mr. Sires and Mr. DiGregorio both volunteered to pay the fee for the event personally. Ms. Seavey next advised there is no parade planned, it will just be a tree lighting and the Middle School Chorus will lead the caroling. After brief discussion, the Board agreed to tell them to get the event application and they would consider same on November 29, 2011.

BOARD REPORTS AND COMMENTS

There were no Board reports or comments.

PUBLIC COMMENTS AND MEDIA QUESTIONS

There were no public comments or media questions.

NON-PUBLIC SESSION: NH RSA 91-A:3,II(C)/TAX MATTER(S)

At 7:43 pm, **Mr. Martin moved, seconded by Ms. Seavey, to go into non public session. The motion carried by unanimous roll call vote.**

The Board returned to public session at 7:54 p.m. The minutes of this non public session were not sealed.

ADJOURN

At 7:55 pm the meeting was adjourned without objection at the Call of the Chair.

Respectfully submitted,

Karen J Hallowell  
Executive Secretary

NON PUBLIC MEETING – NH 91-A:2,III(b) Consultation with Legal Counsel - There was a Non Public meeting scheduled to have a consultation with Legal Counsel after the Board's regular meeting, however, this was canceled.