ADOPTED: **9/18/12**
As Amended

Minutes of Meeting
CONWAY BOARD OF SELECTMEN
August 21, 2012

The Selectmen's Meeting convened at 4:02 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen, C. David Weathers (Chair), Michael DiGregorio, Mary Carey Seavey and Stacy Sand, Acting Town Manager, Paul Degliangeli, and Recording Secretary, Karen Hallowell.

Selectman, Howard C. Dickinson, was not present due to medical reasons.

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. Sand to approve the agenda. The motion carried 4-0-0.

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

a) $600 from SCRC LLC d/b/a Saco Canoe Rental to the Town of Conway – Mr. DegliAngeli explained that there was a trial run this year for canoe drop off in the field and we knew there would be costs associated with that and collected fees from the liveries. We were under a little in the fees collected and this amount covers the balance for the season.

Mr. Weathers asked for public comments. There were none. **Ms. Sand moved, seconded by Ms. Seavey to accept the $600 from SCRC LLC d/b/a Saco River Canoe Rental. The motion carried 4-0-0.**

PUBLIC HEARING TO ACCEPT $15,000 FROM THE CLARENCE E. MULFORD TRUST TO THE TOWN OF CONWAY FOR THE EAST CONWAY COMMUNITY HALL/ EAST CONWAY FIRE PRECINCT

Mike Valladares, Commissioner from the East Conway Fire Precinct was present for the meeting.

Mr. Weathers opened the public hearing at 4:10 p.m.

Mr. DegliAngeli explained the Town of Conway received funds before from the Mulford Trust; however, from here on in if it is for the East Conway Precinct it will now go to the precinct. This will be the final time the funds will go through the town.

Mr. DiGregorio questioned if the East Conway Precinct holds a public hearing on accepting the funds as well. Mr. Valladares stated that the town has held the public hearing as long as the check goes to the committee for the repairs to the East Conway Community Hall, then they do not have to hold a public hearing. Mr. Valladares stated he feels this will also save money by not holding another public hearing and the money could be used for the project.

Mr. DiGregorio next stated to Mr. Valladars that the town will be having a meeting in the near future regarding the Charter. Mr. DiGregorio stated he want to make Mr. Valladares aware of this and also advise that the Commissioners from all precincts will be invited.

Mr. Valladares next stated that with regard to the grant from the Mulford Fund, these funds will bring them up to 2012 compliance on everything for the East Conway Community Hall.

Mr. Weathers asked for public comments. There were none. Mr. Weathers closed the public hearing at 4:15 p.m.

Ms. Sand moved, seconded by Mr. DiGregorio, to accept the $15,000 from the Clarence E. Mulford Trust To The Town Of Conway For The East Conway Community Hall/ East Conway Fire Precinct. Mr. DiGregorio questioned if a thank you letter would be sent. Mr. Valladares advised they will send a letter. **The motion carried 4-0-0.**

CANDIDATE FOR STATE REPRESENTATIVE NORM TREGENZA

Norman Tregenza introduced himself to the Board and advised that he is a candidate for State Representative. Mr. Tregenza questioned what concerns the Board has that he can take to Concord. Mr. Weathers advised this is something the Board would discuss as a whole and advise. Mr. DiGregorio stated that roads are a concern for him and that we need more support from the State on the State roads within the Town of Conway. Mr. Weather advised that there wasn't anything in the State's 10 Year Plan for East Conway Road. Mr. DiGregorio further added that we send a lot of money to Concord and we would like to see some of it back here for roads, etc. Ms. Sand agreed with Mr. DiGregorio and emphasized that if you go to Concord working on our behalf it would helpful to have support on this issue.

Mr. Tregenza stated to please call him at anytime with any concerns. If the citizens send him to Concord, this is what he will be there for.

CANDIDATE FOR COUNTY COMMISSIONER DAVID BABSON

David Babson introduced himself to the Board and advised that he has been a State Representative from Ossipee for 7 terms. Also, for the last 5 ½ years he has attended most of the County Commissioners meetings and he is now a candidate for County Commissioner. Mr. Babson stated that he does not feel there is a better candidate prepared than him for the office of County Commissioner.

Mr. Babson next advised that the things he feels are important are to stop the grievances and lawsuits that have gotten worse in the last two years, budget changes, fiscal year change, make better use of the farm, move the Cooperative Extension and, also, he supports giving the towns of Conway, Moultonborough and Wolfeboro a reduction in taxes for dispatch. He does not think it is fair for these towns to pay for something they don't use.

REVIEW OF CONWAY LAKE DAM EMERGENCY PLAN

Mr. DegliAngeli reviewed the Conway Lake Dam Emergency Plan was included in the Board's agenda packets for review.

Mr. DiGregorio stated that he had brought this up at the last meeting because there was a series of articles in the LGC publications and so this prompted him to inquire about our plan. The information provided to the Board was very informative on taking care of the dam. The dam is in good shape and there are plans in place if needed.

Mr. DiGregorio next stated that his understanding the dam was used to generate power in the 1950's and he would like to have conversation on this matter as well in the future.

LAKE LEVEL LOWERING - JEROME & IRENE BEY

Irene Bey joined the meeting. Ms. Bey stated that in November of 2011 they brought to the attention of the Board of Selectmen the extremely high level of the lake and asked for an October drawdown date. Ms. Bey next read aloud a prepared letter to the Board of Selectmen (copy attached). Ms. Bey suggested a compromise on this matter and asked to meet in the middle and to lower the lake on October 15.

Mr. Weathers questioned if the Beys are assuming there will be less maintenance needed on the shoreline, etc., if the lake is drawn down earlier. Ms. Bey stated that if something floods it will affect everyone differently. What concerns them is what happened about 18 year ago they forgot to lower the lake early enough. Ice formed and in the spring it lifted the land up and the trees and bushes came up as well. All the soil washed right into the lake. This was a big expense for them to repair all of this damage. Ms. Bey stated they are more concerned with what happens in the spring.

Mr. Weathers next discussed lake lowering, lake levels, flood storage capacity, etc. Mr. Weathers next discussed permits from DES to do work on your property. Mr. Weathers read an RSA provided by the NHDES regarding the need for a permit to work on shoreline property. Mr. Weathers added he feels the DES wants something put in of a more permanent nature when applying for a permit to do work on the shoreline.

Mr. Weathers next stated that he doesn't feels it matters if the lake is lowered in October or November. He feels this will not matter in the spring as there are other variables to consider such as melt, rain, etc.

Ms. Sand questioned if Ms. Bey's goal of lowering the lake earlier is to do maintenance on her property. Mr. Bey responded in the negative and added they are worried about flooding and about what will happen in the spring.

After further brief discussion, Mr. Weathers advised that this Board will not be taking any action today but may discuss this matter again in the future.

Ms. Sand suggested that Ms. Bey get more opinions of lake residents. Ms. Bey stated she feels it is the town's responsibility to determine when the lake is lowered. Ms. Bey feels this Board represents the whole town and all its interests. Ms. Sand clarified that she was wondering what the perception of the other people on the lake have regarding the levels and the differences of opinions.

Ms. Seavey questioned with regard to the damages that occur if the costs fall on the property owner. Mr. Bey states she disagrees they should. If the lake level is not correct, she feels it is the town's responsibility as the town owns the dam.

REVIEW AND CONSIDERATION OF AFFIDAVIT
REGARDING THE PUDDING POND PROPERTY

Mr. Weathers stated that it was found in discussions with the Conservation Commission regarding having adequate protections on town properties and it was brought up that the Pudding Pond property was purchased in 1972 and that it wasn't protected. Mr. Weathers next advised that after researching this matter, we came to find out that it was protected but this wasn't attached to the original deed. The town attorney, Peter Malia, reviewed this matter and advised that as long as the Board of Selectmen agree, we could file this proposed Affidavit regarding the protections. Mr. Weathers next reviewed the Affidavit with the Board.

Mr. Weathers asked for questions or comments. There were none. **Ms. Sand moved, seconded by Ms. Seavey, that we sign and attach the Affidavit to the original deed to the Pudding Pond property can be designated as only outdoor recreation. The motion carried 4-0-0.**

REVIEW AND CONSIDERATION OF AUTHORIZATION TO SUBMIT
CLAIMS TO CDGB FOR THE REBECCA LANE ASSOCIATION PROJECT

Ms. Sand moved, seconded by Mr. DiGregorio, that David Weathers and Lucy Philbrick have the power to sign the agreement. The motion carried 4-0-0.

BOARD OF SELECTMEN SCHEDULE FOR ELECTION DAY

Mr. Weathers reviewed that September 11, 2012 is Election Day and we need to set up a schedule for the Board of Selectmen to be at the polls. Mr. Weathers agreed to take 8:00 am to 12:00 noon. Mr. DiGregorio stated he would prefer the 4:00 pm to close shift due to his work schedule but would take off if no one is available to cover the afternoon. Ms. Seavey advised she can take the 3:00 p.m. to close shift. Ms. Sand advised that she is starting a project on September 10, 2012 and was hoping for a shift later in the day as well. Mr. DiGregorio advised that if Mr. Dickinson can't attend then he will take a half day off from work and come in at noon. Ms. Sand stated she will advise if her schedule changes.

SIGNING OF DOCUMENTS

a. Abatement Map/Lot 277-15
b. Certification of Yield Taxes Assessed Map/Lot 262-1
c. Certification of Yield Taxes Assessed Map/Lot 264-31
d. Revised Financial Report of the Town (MS-5)
e. Timber Tax Levy Map/Lot 262-1
f. Timber Tax Levy Map/Lot 264-31

Ms. Sand moved, seconded by Mr. DiGregorio, to sign the Abatement for Map/Lot 277-15, Certification of Yield Taxes Assessed for Map/Lot 262-1, Certification of Yield Taxes Assessed Map/Lot 264-31, Revised Financial Report of the Town (MS-5),

Timber Tax Levy Map/Lot 262-1, and the Timber Tax Levy Map/Lot 264-31. The motion carried 4-0-0.

CONSIDERATION OF BILLS

a. Manifest dated 8/23/12
b. Payroll dated 8/23/12

Ms. Sand moved, seconded by Mr. DiGregorio to approve the manifest and payroll dated 8/23/12. The motion carried 4-0-0.

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

a. Manifest dated 8/16/12

Mr. DiGregorio moved, seconded by Ms. Seavey, to ratify the manifest of 8/16/12 signed out of session. The motion carried 3-0-1 with Ms. Sand abstaining.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

a. Bike for Books Annual Fundraiser/North Conway Library – 10/6/12
b. Mud Bowl 2012/North Conway Community Center – 9/7/12-9/9/12

Ms. Sand moved, seconded by Mr. DiGregorio, to approve the Special Event Application for Bike for Books Annual Fundraiser by the North Conway Library scheduled for 10/6/12. The motion carried 4-0-0.

Ms. Sand moved, seconded by Mr. DiGregorio, to approve the Special Event Application for Mud Bowl 2012 by the North Conway Community Center scheduled for 9/7/12-9/9/12 pending receipt of a liquor license. The motion carried 4-0-0.

CONSIDERATION OF MINUTES: 8/7/12

Ms. Sand moved, seconded by Mr. DiGregorio, to approve the minutes of 8/7/12 as written. The motion carried 3-0-1 with Ms. Seavey abstaining.

TOWN MANAGER REPORT

Vacation – Mr. DegliAngeli reviewed the Town Manager is on vacation and will return on August 27, 2012.

Adopt A Highway – Mr. DegliAngeli reported that Adopt A Highway will be on the next agenda for discussion.

Construction Projects – Mr. DegliAngeli reported that construction projects went well this year. Mr. DegliAngeli further reported they are about to open bids for the repair of the Skimobile Bridge that was damaged by Tropical Storm Irene.

Transfer Station – Mr. DegliAngeli reported he is getting information for the beam at the transfer station and will be putting same to bid.

Mr. DegliAngeli next reported that he has been conducting interviews for the Transfer Station Highway Foreman position and will make a decision on Monday. There were 45 applicants and he is interviewing 5.

Swift River Bridge – Mr. DegliAngeli suggested looking at a policy for use of the Swift River Bridge. There have been weddings there over the years and now we have a request for a 150 person wedding. We do not have parking for 150 at this location. Mr. DegliAngeli suggested a discussion be held about what can and can't be done at the location in the future.

Ice Rink – Mr. DegliAngeli advised the ice rink will also be on the next agenda for discussion.

BOARD REPORTS AND COMMENTS

Planning Board – Ms. Seavey stated that previously there was discussion regarding naming an alternate Selectmen's Representative to the Planning Board. Ms. Seavy next stated that now she would like to step back as the Selectmen's representative to the Planning Board and just be the alternate. Mr. DegliAngeli advised this is scheduled for discussion on the next agenda.

Roads Scholar – Mr. Weathers advised that town employee, James Shackford, Jr., has achieved the status of Master Roads Scholar and would like to congratulate him for obtaining this level.

PUBLIC COMMENTS AND MEDIA QUESTIONS

John Hoyt stated that he read in the local newspaper that the transfer station is getting $700,000 for upgrades. Mr. Hoyt further added that he understands this amount is for over a several year period but was wondering if the Board of Selectmen could lower this amount for the transfer station and give the Library a $200,000 increase for the history room, computers, etc. Mr. Hoyt next advised that he has been asked to join the Library Trustees next year, which he realizes this would not be until March. Mr. Hoyt next advised that the library currently relies on 250 volunteer hours to help the library run and he does not think the Town Hall or the Town Garage could run like that and asks that the town consider his request. He feels the library could do a lot with $200,000.

Mr. Weathers advised that this Board did not just allot $700,000. We have a Capital Reserve Fund and then we have to prioritize funds in the years to come. Erik Eisele from the Conway Daily Sun stated that in the news story this was the amount for total repairs done over years. Mr. Weathers stated this is if the repairs get done.

Mr. DiGregorio stated that this town is extremely supportive of our library compared to other towns. However, he can't imagine giving them an additional $200,000 in the years to come. Mr. Hoyt stated he would like to see them receive $200,000 over a allotted period of time –the same as the dump.

Mr. Hoyt next stated that the library is a valuable resource but they have had cuts, such as their hours, etc. Mr. DiGregorio explained that this occurred two years ago.

Ms. Seavey stated that all of us here have a vested interest in the library. Further, everyone in the public and private sector has had to take a step back and reevaluate. When the budget comes up for the library this is the time when the recommendations he has should come up. Ms. Seavey thanked Mr. Hoyt for his input and added that she feels he should come back during budget season.

With regard to the agenda item to accept $600 earlier in the meeting, Eric Eisele of the Conway Daily Sun next asked if this will be used for staffing. Mr. DegliAngeli responded in the affirmative and added this is for a Recreation Department employee on as needed hours.

Mr. Weathers next questioned when the Town expects to do the additional work in the area of the canoe launch. Mr. DegliAngeli reviewed this was a demonstration project and now we will need to come together and review the matter with the Board to see how the Board wants to continue with the turnaround, etc. Mr. DegliAngeli next briefly reviewed the work that could be done to the area. Mr. DegliAngeli further reviewed that the town still has funds from the Gibson Foundation grant and also from FEMA for work in this area. The Board will need to have further discussion on this matter in the future. Mr. DegliAngeli next stated that he feels the Town should also have a formalized permit for the liveries.

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

A 5:37 p.m. **Ms. Seavey moved, seconded by Ms. Sand, to go into non public session under NH RSA 91-A:3 II(c) to discuss tax matters.** Tax Collector, Rhoda Quint, Tax Assessor, Tom Holmes, Acting Town Manager Paul DegliAngeli, and Recording Secretary, Karen Hallowell were included in the non public session. **The motion carried by unanimous roll call vote.**

At 7:02 p.m. the Board returned to public session. A motion to seal the minutes of was made and carried in non public session.

Mr. Weathers moved, seconded by Ms. Sand, to sign the deeds and deed waivers out of session. The motion carried unanimously.

ADJOURN

At 7:05 p.m. the meeting adjourned at the call of the chair.

Respectfully submitted,

Karen J Hallowell
Executive Secretary