

Minutes of Meeting
CONWAY BOARD OF SELECTMEN
October 16, 2012

The Selectmen's Meeting convened at 4:23 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen, C. David Weathers (Chair), Michael DiGregorio, Howard C. Dickinson, Mary Carey Seavey and Stacy Sand, 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. Weathers advised there will be two additions to the agenda. The first, is Robin Gordon, Candidate for County Attorney, which will be added after the Certificate of Appreciation for Pine Tree School and the second addition is under Signing of Documents, we are adding a Permit to Sell Raffle Tickets. All agreed. **Ms. Seavey moved, seconded by Ms. Sand, to approve the agenda with the additions as noted. The motion carried 5-0-0.**

CERTIFICATE OF APPRECIATION FOR PINE TREE SCHOOL
STUDENTS FOR THE MURAL AT THE TRANSFER STATION/ STEVE
DARLING AND ARTIST, ANGELA ACONE

Mr. Weathers presented a Certificate of Appreciation to the Pine Tree Six Grade students and teachers for the mural painted at the Transfer Station.

ROBIN GORDON, CANDIDATE FOR COUNTY ATTORNEY

Robin Gordon, Candidate for County Attorney, joined the meeting. Ms. Gordon introduced herself to the Board. Ms. Gordon advised that previously she held the position of County Attorney for twelve years.

PRESENTATION ON THE TOWN CHARTER REVISION PROCESS
AND FORMS OF MUNICIPAL GOVERNMENT

Cordell Johnston of the New Hampshire Local Government Center joined the meeting.

Mr. Sires reviewed that the town has been working on updating the Charter and, also how to proceed with any amendments, etc, in the future. Mr. Johnston from the Local Government Center is here to discuss the Charter process and forms of government available to New Hampshire communities. Mr. Sires next pointed out that there are representatives present today from the North Conway Water Precinct, Conway Village Fire District and the Redstone Fire District. All of the precincts in town were sent at letter of invite to this meeting.

Mr. DiGregorio stated that he wonders if we should continue with the type of government that we have or change. This conversation has not gone far in a couple of years. Also, should we include the seven precincts in any new form of government that may come forward in future years. Mr. Johnston explained that if the town changed to a budgetary form of government

having the precincts wouldn't get in the way of this –the town could still change. A change in the town form of government doesn't change the precincts.

Cordell Johnston next distributed information regarding forms of government and reviewed same with the Board. (See attached).

Ms. Sand questioned why Conway has a Charter and is also an SB2 town. Mr. Johnston explained that Conway adopted a Charter and then after that SB2. Mr. DiGregorio questioned if the Charter is not needed then. Mr. Johnston explained that a Charter that doesn't change your form of government is not necessarily needed. If the Town of Conway repeals the existing Charter the Town of Conway is still SB2 and still has to follow State of NH law. The Town doesn't need a Charter. Mr. Sires stated that the Charter is basically a document that has all the information in one place and outlines it for all of us. There was next a discussion by the Board regarding the Charter, Town Meeting, etc. Mr. Sires questioned how many towns went back to regular town meeting. Mr. Johnston advised that a few have but it is a difficult process and, also, it requires a 60% vote.

Mr. Johnston next distributed a timeline for the Charter process and reviewed same.

There was no action taken by the Board.

QUARTERLY DISCUSSION WITH POLICE COMMISSION

Police Commissioners, Theresa Kennett and Rodney King, joined the meeting. Also present was Police Chief, Ed Wagner.

Ms. Kennett advised the Commissioners are here to discuss the status of their budget and, also, warrant articles they may propose for 2013.

Commissioners King and Kennett next distributed a copy of a Conway Police Department Capital Reserve Fund chart and reviewed same. (See attached). Mr. Sires questioned if this would result in a decrease of the operating budget and Ms. Kennett replied in the affirmative. Ms. Sand questioned if CRF's can be set up for equipment such as this. Mr. Sires responded in the affirmative. Mr. Sires further advised that this could be set up for the Police Commission, the Board of Selectmen, or both to have authorization to expend same.

Ms. Kennett next advised that they have been putting \$44,000 into the police cruiser account and they will need to increase this amount. Mr. King stated they have been spending more to fix the cruisers and they are beyond economical repair. Mr. King stated he feels if they get two new cars every year, they could also then pass along cars to the town to use as the town is looking for cars. Mr. King advised that new vehicles are about \$28,000 to \$29,000 and they are all wheel drive and have better gas mileage. Chief Wagner stated that two cruisers have 160,000 to 180,000 and he has concerns. If we had two new cruisers we could then rotate the vehicles.

Ms. Kennett next stated that another special article they would like to propose is for a drug incinerator. This is not a high cost item but would be a new service. Ms. Kennett next stated they thought to put this in as a warrant article so we can let the community decide. Ms. Kennett next stated that the drug disposal process is a difficult process now as they have to take the drugs to Derry, New Hampshire, for disposal. The cost of an incinerator is \$4,500 and

the life expectancy is about seven years. Mr. King added that others have been using the incinerators for seven years and have not had problems so far.

Chief Wagner next discussed Drug Take Back Day. The first year the town had this twice and the last couple of years they did it once a year. If we had the incinerator it would allow us to put a locked box in the lobby of the Police Station so people can drop off old medications, etc, and the Police Department can take care of them. Mr. DiGregorio asked if the incinerator would also be used for confiscated drugs as well. The Chief responded in the affirmative.

Mr. King next stated that it would be a five year payback for having the machine ourselves as we would save on gas, wear and tear, etc.

Mr. DiGregorio asked about participation in the program. Mr. King advised they do have people call the Police Department now for drug disposal but they don't take them; however, Wal-Mart does take the drugs. Chief Wagner stated he doesn't recall the amounts but it is a lot.

Ms. Sand questioned if the plan is for the incinerator to only be used for Conway. Ms. Kennett stated this is a good question as their idea was it for Conway but they could look at collaboration with other towns. Mr. Weathers agreed it would be a good idea to get the figures for cost sharing. Mr. King stated they could offer this to other police departments and charge for the service.

David Bernier next asked about the costs of defitting vehicles. Ms. Kennett stated that right now they have people in the department who have the skills to do this work. They have three people currently and it saves money. Right now they do not anticipate any costs for this work but this could change in the future. Ms. Kennett further added that they do see a substantial saving having our own employees doing installations, etc. Mr. Weathers and Mr. DiGregorio suggested putting this time on paper to see the costs for doing this work.

Ms. Kennett next advised that the police department budget status as of the end of September is that they are in fairly good shape. 28% of the budget is left and they have 25% of the year to go.

Ms. Kennett next stated that not having a CRF has been difficult for them. Ms. Kennett stated that she would like to know if the Board of Selectmen would support the CRF. It would be good for them to know they could rely on the Board's support. Mr. Weathers advised this Board would like to discuss this matter and then get back to the Commissioners on this matter. Mr. DiGregorio stated he does like what they are doing. Mr. Sires explained there is an established budget process and asked that the Board follow same. Ms. Kennett advised that she is not asking for the support of any amounts at this time but for the Board to support the concept. There was further brief discussion. Mr. Weathers stated he felt it is a good planning tool. Mr. Sires stated that his biggest concern is that we don't commit to a number at this point as we have to go through the budget process.

NORTH CONWAY WATER PRECINCT: DISCUSSION OF CONCERNS WITH THE DEFERRAL OF STATE GRANT FUNDING

North Conway Water Precinct Superintendent, David Bernier, and Bill Hounsell joined the meeting. Also present were Jim Umberger, Karen Umberger, Tom Buco and Janine Bean.

Mr. Bernier advised that grant funds were deferred by the State of NH that had been promised. State law says they shall be paid but we have been through two budget cycles and haven't received the funds. For the last four years they have been paying all of the principal and interest without grant monies.

Mr. DiGregorio asked if they are looking for Board of Selectmen support before taking legal action. Mr. Bernier stated that they are seeking the support of the Board in this matter and they may have to take legal action in the future. Mr. Hounsell stated they are asking that the Board join in on a joint letter from area towns. The letter will go to the newspaper first to address the obligation of the State. They also have NHMA fighting for them as well. They want to raise awareness of this matter to all the candidates running for office. Mr. Hounsell further advised that this issue has hit many towns in New Hampshire. Mr. Hounsell next advised that a question they will pose to the candidates in the letter is asking they support legislation restoring the funding. Mr. Hounsell asked for the Board of Selectmen to support signing off on this letter and that they are going to try to get this into the newspapers here and around the state.

Ms. Sand stated that she supports the precincts being paid but can't support a letter this Board has not read. Mr. Weathers advised Mr. Bernier and Mr. Hounsell that this Board could take the matter under advisement and vote on this in two weeks at the next Board meeting when we have a letter to review. This will give the Board time to review information on the matter. Mr. DiGregorio stated he fully supports what they are trying to do and understands how much this is devastating the precincts.

Mr. Hounsell next advised they do have two draft letters that they need to put together into one and then they will get a draft to the Board of Selectmen. Mr. Weathers advised the next meeting is in two weeks. Mr. Hounsell advised they want to get the letter into the paper next week and, also, before the debates. Janine Bean stated they are trying to educate those who are running for office on this issue. There was next discussion as to circulating a letter amongst the Board for review and whether this can be signed out of session or if it should wait until the next meeting. The Board agreed to circulate a draft of the letter once received from Mr. Bernier and Mr. Hounsell. **Ms. Seavey moved, seconded by Mr. DiGregorio, to sign a letter once the Town Manager submits a letter to the Chair after all five Selectmen have approved it. The motion carried 5-0-0.**

Mr. Weathers called for a recess of the meeting at 6:20 p.m. The meeting reconvened at 6:26 p.m.

WINTER SIDEWALK MAINTENANCE DISCUSSION

Mr. Sires advised there is information in the Board's agenda packet regarding winter sidewalk maintenance. (See attached). Mr. Sires gave an overview of same. Mr. Sires next advised on ADA laws and that sidewalks are a program of the Town and must be open to all –all the time. The information we have is that towns must keep sidewalks open all year long. Mr. Sires next stated that we need to decide if we are going to continue as was done in the past or not and understand that this may be challenged by legal action or if we want to direct staff to prepare a budget to maintain all sidewalks and present same to the Board.

Mr. DiGregorio asked which sidewalks other than Route 16 are left besides those maintained by the precincts. Mr. DegliAngeli advised Mechanic Street from Pine Street to North South Road, Seavey Street on the north side to North-South Road, Barnes Road to

MacMillian, MacMillian from Barnes Road to Common Court, North South Road from Common Court Connector all the way to Route 302 and, also, a section further down on Mill Street by the dam. Mr. DegliAngeli further advised there are also some sidewalks in Conway that are not being done by the Precinct. **Mr. Dickinson moved, seconded by Mr. Weathers, to continue to do what we have done in the past and let everyone know this.** Mr. Dickinson commented that it is ludicrous the way the government arbitrarily comes down and makes these kinds of demands on the taxpayers of Conway. The way we have done it has worked fine since he has been here, which is quite a while. Further, it is nice to have it all melted but the reality is we just can't afford it along with doing everything else. Ms. Sand stated that is unless you are the one with the walker, wheelchair, etc. Also, this has come out of someone who had a case in this situation. Ms. Sand next stated that she does have a question however if we have to do them all. She doesn't have a clear picture if people in this town want access to all of these sidewalks and if people care or not. Ms. Sand stated she feels we should put this into the budget and then let the voters decide. Mr. DiGregorio stated that we have definitely received complaints regarding Route 16 and this goes back to a discussion we had years ago when he brought this matter up. Mr. DiGregorio added that he feels that we shouldn't be building sidewalks if we are not going to maintain them. Mr. DiGregorio next added that he has also seen a lot of foot traffic on the North South Road by Walmart. Ms. Seavey stated that she agrees with Mr. DiGregorio regarding seeing pedestrian traffic near Walmart. Ms. Seavey next asked about Conway Village. Mr. DegliAngeli advised that if the district maintains the sidewalks we will then have to go and pick up the snow. Mr. Weathers questioned if we are obligated to maintain the sidewalks in Conway Village if the precinct does not do it. Mr. DegliAngeli responded in the negative. Mr. Sires advised that legally we are not required to maintain the sidewalks in the Conway Village Fire District but we have worked together in the past to get rid of snow. Mark Hounsell commented that he agreed with Crow Dickinson and that we do not need to do all the sidewalks just as we don't light all of the streetlights. There was further brief discussion and the **motion failed 1-4-0 with Mr. Dickinson in the affirmative and Ms. Sand and Seavey and Messrs. DiGregorio and Weathers voting in the negative.**

Mr. Weathers questioned if staff can break out what the costs would be so that we can show it to the voters. Can we have two separate items to show the voters on costs? Mr. DegliAngeli advised that right now, based on the vote the Board just took, he will get costs from vendors for the streets discussed.

There was next further discussion as to the different areas of sidewalks to be maintained. **Mr. Dickinson moved, seconded by Ms. Sand, to not maintain the second section between Pine Street and North-South Road on the north side of Mechanic Street.** Ms. Sand suggested just stating any non contiguous sidewalks. **Mr. Dickinson moved, seconded by Ms. Sand to amend the motion to not maintain any non contiguous sidewalks. The motion carried unanimously.**

Mr. DegliAngeli reviewed we will not maintain a section of Mechanic Street, the north side of Seavey Street from Route 16 to the North-South Road and also a section of Mill Street in the vicinity of the dam. All agreed.

Mr. DiGregorio asked about Seavey Street as it connects with the North-South Road. Mr. DegliAngeli explained part of this is not wide enough and there has been a problem for decades with retaining walls etc. Mr. DiGregorio stated that he does not feel that this section falls under non contiguous. Ms. Sand suggested we address this road separately.

Mr. DegliAngeli next confirmed that we are now going to maintain the strip on the east side from Artist Falls Road to Route 302. All agreed.

Mr. DiGregorio moved, seconded by Ms. Seavey, to maintain the sidewalks from Burger King to Artist Falls Road on both sides with the exception of the areas that the system we use cannot travel. Mr. DiGregorio explained for instance the area in front of the Red Jacket where the walkway narrows. Ms. Sand stated we voted for non contiguous already and so the rest are contiguous and are to be plowed. There was a discussion by the Board. **Ms. Seavey withdrew her second and Mr. DiGregorio withdrew his motion.** It was agreed that Mr. DegliAngeli would get a price for all contiguous areas.

Mr. DegliAngeli confirmed again that he would include the costs for Barnes Road and MacMillan Road. The Board agreed. Mr. DegliAngeli confirmed again that he would include the costs for the North South Road to Route 302. The Board agreed. Mr. DegliAngeli next confirmed that he would not include the costs for Mill Street by the dam and a section of Mechanic Street. The Board agreed.

FINANCIAL REPORT

Finance Director, Lucy Philbrick, joined the meeting.

3rd Quarter Review - Mr. Sires reviewed the expenditures report with the Board. (Copy attached).

Mr. Sires next reviewed that with regard to health insurance from the LGC, they are giving us a payment holiday. In good faith, they had collected more than needed and are going to rebate municipalities and we don't have to make a \$47,000 payment one month this year and one month next year.

Revenues – Ms. Philbrick reported we are waiting to hear how much we will be getting in Rooms and Meals tax.

Tax Rate Revisited – Mr. Sires reviewed the Board discussed the tax rate previously. We have revisited this and also have to abate taxes on the Kearsarge Metallurgic property. Mr. Sires reviewed a tax rate worksheet with the Board. Mr. Sires stated the question now is do you want to leave this the way it is or apply more to the fund balance to reflect the rate downward. There was brief discussion. Ms. Seavey stated she would like to see more applied to the tax rate. **Ms. Seavey moved, seconded by Ms. Sand, to apply an additional \$90,000 to the fund balance. The motion carried unanimously.**

TRANSDALE ACRES COMPLIANCE UPDATE

Town of Conway Emergency Management Director, Chief Steve Solomon, was present for discussion.

Mr. Sires stated that he and Chief Solomon will be meeting with the CDBG Board on Thursday, October 18, 2012 regarding the grant application. We have been ranked 2nd or 3rd. Our position is that we will have a good chance of being funded. Also, we should know in a few days whether we will get the FEMA grant as well. Mr. Sires next advised that we have also now found out that, contrary to previous information, we can now apply for grant money for

second homes that were in Transvale. We still have to look at the feasibility of this and he will bring further information to the Board in the future to decide whether or not to pursue same.

Mr. Sires next reviewed compliance cases (see attached memo). Mr. Sires advised the legal budget is up and 29 cases were referred to legal counsel that had decided not to comply. 14 cases are in court and 5 people have filed cases against the town. Some cases are short situations and some cases may take longer and we are also hoping that some will get resolved. Further, if there is a second round of buyouts this may cover some suits and may get them resolved.

Mr. Sires next displayed a map of the lots in Transvale and the area in the floodplain. Mr. Sires pointed out that some of the lots had nothing on them to begin, some we have brought into compliance and there are some that are still not in compliance. Mr. Sires further reviewed that there are other lots now showing as new cases that are not in compliance as well.

REQUEST TO ENFORCE COURT ORDER RE: JAMES
& BEVERLY DUGGAN, TAX MAP 251, LOT 62, 118 E RD

Emergency Management Director, Chief Steve Solomon, was present for discussion.

Mr. Sires reviewed that Tax Map/Lot 251-62 is one of the court cases the Town is involved with regarding Transvale Acres. This particular property has a pavilion with cement pad. This is a seasonal camp and not a resident. Mr. Sires next reviewed a memo contained in the Board's agenda packet (see attached). Mr. Sires advised a court order was issued to remove the pad by October 5, 2012; however it still remains.

Mr. Sires next advised that staff is now requesting that the Board allow for the removal of the property. This Board is not compelled to do this but they may if they wish to proceed. We have gone through process and this structure is in the floodway. If there is another flood and people were at the site, we would have to send emergency personnel. Chief Solomon stated that the pavilions that sit on the river's edge were covered during the flood. They present a public hazard. There is more to this than just trying to enforce an order –they present a hazard to the public. There was next a brief discussion on the costs to remove the structure and slab. **Ms. Seavey moved, seconded by Mr. DiGregorio, that we enforce the order.** Mr. DiGregorio stated that it is difficult when the town has to get involved with situations such as this as this is not what we want to do. Mr. DiGregorio questioned if the site was abandoned. Mr. Sires advised this lot is owned by a couple but was used by their relatives and we can tell by looking at it that it hasn't been used this season on any regular basis. Also, they did not respond to the court order to remove the pavilion and slab. Mr. DiGregorio stated that this is hard to do but he supports enforcing the order. **The motion carried 5-0-0.**

DISCUSSION OF TOWN OF CONWAY HOBBS STREET INDUSTRIAL PROPERTY
(KEARSARGE METALLURGICAL) SITE PLANNING

Mr. Sires reviewed a memo to the Board with options for the Hobbs Street Industrial property owned by the town. Mr. Sires asked the Board to review the information, walk through the property, etc. and then bring this matter back for further discussion. There was brief discussion by the Board. Ms. Sand requested additional information be provided regarding subdividing the property. It was agreed by all that this matter would be brought back for discussion.

SIGNING OF DOCUMENTS

- a. Abatement Map/Lot 265-199.001(2012)
- b. Notice of Intent to Cut Wood or Timber Map/Lot 263-128
- c. Sample of the Warrant- Election Day
- d. Permit to Sell Raffle Tickets – Center Conway Fireman's Assoc/Drawing 10/20/12

Mr. DiGregorio moved, seconded by Ms. Seavey, to sign the Abatement for Map/Lot 265-199-001 (2012), Notice of Intent to Cut Wood or Timber Map/Lot 263-128, Sample of the Warrant for Election Day and Permit to Sell Raffle Tickets for the Center Conway Fireman's Association-Drawing 10/2012. The motion carried unanimously.

CONSIDERATION OF BILLS

- a. Manifest dated 10/18/12
- b. Payroll dated 10/18/12

Mr. DiGregorio moved, seconded by Ms. Sand, to approve the Manifest dated and payroll dated 10/18/12. The motion carried unanimously.

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

- a. Manifest dated 10/4/12
- b. Manifest dated 10/11/12
- c. Payroll dated 10/4/12
- d. Yield Tax Levy- Tax Map/Lot 291-10 dated 9/25/12

Ms. Seavey moved, seconded by Ms. Sand, to ratify the manifest dated 10/11/12 and the Yield Tax Levy for Tax Map/Lot 291-10 dated 9/25/12. The motion carried unanimously.

Ms. Seavey moved, seconded by Mr. DiGregorio, to ratify the manifest dated 10/4/12 and the Payroll dated 10/4/12. The motion carried 4-0-1 with Ms. Sand abstaining.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

- a. Eastern Slope Ski Club Annual Ski & Swap Sale/ North Conway Community Center - 11/8-11/11/12
- b. Benelli Firearms Professional Shooting Demonstration/788 East Conway Road- 10/25/2012

Mr. DiGregorio moved, seconded by Ms. Seavey, to approve the Special Event Applications for the Eastern Slope Ski Club Annual Ski & Swap Sale at the North Conway Community Center on 11/8/12-11/11/12 and the Benelli Firearms Professional Shooting Demonstration at 788 East Conway Road on 10/12/12. Ms. Sand noted that applicants are not providing their applications within the time specified in the application. She would like to get information out to the public that applications for Special Events are due to the town at least ninety (90) days prior to an event. The motion carried unanimously.

CONSIDERATION OF MINUTES: 9/25/12

Ms. Sand moved, seconded by Mr. DiGregorio, to approve the minutes of 9/18/12 as written. The motion carried unanimously. The motion carried unanimously.

TOWN MANAGER REPORT

Budget Review Process – Mr. Sires reported the budget review process has started and he is reviewing proposed 2013 budgets with department heads. The proposed budget will be presented to the Board in November.

Meeting with NHDOT – Mr. Sires reported he and the Acting Conservation Commission Chair, Rob Adair, met with the NHDOT to talk about property that was acquired during the takings for the Bypass. There was discussion about the future of this land as the Bypass is now maybe 20 years out. There was also discussion about the town managing the property as conservation land until such time that it is known if the bypass will be built or not. Also, if the bypass is not built we would have the right of first refusal. Mr. Sires further advised that the Conservation Commission had discussion on this at their last meeting and this needs to be looked at further. Mr. Weathers stated we have a management plan now for conservation land and we paid for this. It cost money to develop a plan and we would need to know if we want to spend more for a new plan or try to have an agreement with the State for this land and, also, would we get the proceeds of any timber sales.

Budget Committee – Mr. Sires reported a Budget Committee meeting is scheduled for tomorrow evening, October 17, 2012 and Lucy Philbrick will be attending same.

Union Agreement – Mr. Sires reviewed that the Veterans Day is Sunday and Monday we are closed for the holiday. In the Union Agreement it states the holiday is off. Mr. Sires stated that staff feels that this is the federally recognized holiday and this will be used unless the Board has concerns with people working on November 11, 2012. There was brief discussion and the Board agreed to recognize the federal holiday as Monday.

Skating Rink – Mr. Sires reported the Parks crew has been working on shaping up the hut for the skating rink. Mr. Sires next reviewed there was discussion previously about the sign for the hut. Janice Crawford has submitted a proposed sign for the building for the Board's consideration (see attached). Mr. Weathers questioned if we set up a policy regarding no logos in the park, etc. previously. Mr. DiGregorio stated he feels this is different as we are trying to fund a skating rink and the other sign in Schouler Park is an informational sign. Ms. Sand reviewed that we advised Ms. Crawford that the Board wanted to see this sign before it was put up on the hut. Ms. Seavey stated she feels the proposed sign is very clean and looks good. Ms. Sand further pointed out that this is also a temporary seasonal building and is specifically geared toward an activity and she has no problem with the sign. Mr. Weathers questioned if this will be the only area for signs on the building and what happens if more donors present later. Ms. Seavey stated this is the only sign for the exterior of the building. Mr. Sires stated he feels that information should also be included on the sign that the rink is operated by the Town of Conway with a phone number. Mr. DiGregorio feels this should be somewhere else on the building but not on this sign. Ms. Seavey stated that there would also be an hours of operation sign and that we could include the Town of Conway information on same. **Ms. Seavey moved, seconded by Ms. Sand, to accept this sign.** Ms. Sand questioned what will happen if someone else comes forward. Ms. Seavey advised we could add them to the sign. Mr. Weathers stated he thought we were approving the final rendition of the sign. Mr.

DiGregorio asked if the Board is asking for them to come back every year to get the sign approved if there are different sponsors. Ms. Sand stated that this Board is supposed to approve the sign. Ms. Seavey stated that this is something that came out the Celebrations Committee this year at the last minute and it might not even be done by them again next year. There was further discussion regarding if further donors come forward this year. Ms. Sand pointed out that the vote we made previously was that we wanted to see the final rendition of the sign and she asks that we either vote again that we are happy with the conceptual design or approve this rendition. **Ms. Sand withdrew her second and Ms. Seavey withdrew the motion to accept this sign.**

Ms. Sand moved, seconded by Ms. Seavey, that we rescind the original motion regarding the skating rink sign that we need to see a final rendition of the sign. The motion carried 5-0-0.

Ms. Seavey moved, seconded by Mr. DiGregorio, that we accept this conceptual design of the sign. The motion carried 5-0-0.

Ms. Seavey stated that she is stepping back from the Celebrations Committee and feels we owe the Committee a big thank you.

BOARD REPORTS AND COMMENTS

Library – Mr. DiGregorio reported that he received an email from Ted Sares stating he didn't like the fact that this Board was talking about the library. Mr. DiGregorio further stated that he doesn't know if it is true or not about the legal issues and how to take care of them. Mr. DiGregorio next stated there is a Budget committee meeting tomorrow night and that he feels the library has to live within their budget as they don't have a legal line. If they have legal expenses they have to live with it. Ms. Seavey and Mr. Dickinson agreed. Mr. Weathers added that any legal fees they incur will be picked up by their budget. **Mr. DiGregorio moved, seconded by Ms. Seavey, that any legal fees they (the library) incur will be picked up by the library budget.** Ms. Sand questioned if the library is under the same insurance as the town. Mr. Sires responded in the affirmative. Ms. Sand stated that they didn't initiate a lawsuit and she doesn't feel they made any decisions based on thinking they were going to be sued. Mr. Sires advised they are covered under our liability insurance and should there be any lawsuits the Library Trustees would be defended and covered through the LGC. Mr. DiGregorio stated that they do have their own attorney now and they are incurring fees. Mr. Sires stated the Trustees have hired and are responsible for attorney fees. If a lawsuit is filed it would be covered by the LGC.

There was next brief discussion regarding the meeting time this evening going past 8:00 p.m. **Mr. Dickinson moved, seconded by Mr. DiGregorio, to table the motion. The motion to table carried unanimously.**

Ms. Sand moved, seconded by Ms. Seavey, to go beyond 8:00 pm. The motion carried.

Mr. Dickinson moved to take the motion off the table. The motion to take the motion off the table carried unanimously. Mr. Weathers asked for further discussion on Mr. DiGregorio's motion. Ms. Seavey asked for further explanation of how the library fits into town government. Mr. Sires explained the town voters approve money and the Trustees have control over their own budget; however, the Town does handle payroll, benefits, etc. Mr. Seavey

questioned if they are covered on our liability insurance. Mr. Sires responded in the affirmative. Mr. Weathers asked what happens if at the end of the year they over expend their budget. Mr. Sires stated this is a good question and that the Board of Selectmen have bottom line authority and make sure that no one over expends their budget. Ms. Sand stated she agrees that no department should be over expending their budget but questions if by saying we won't pay any legal fees is this overstepping and, if the grievance turns into a lawsuit, we do cover them. Mr. DiGregorio next suggested amending the motion to state any outside legal fees they incur will be picked up by the library budget. There was further discussion by the Board. Mark Hounsell commented that he has a copy of their budget and the library doesn't have a legal line. They hired a lawyer and there will be fees. There was further brief discussion. **Mr. DiGregorio amended the motion, seconded by Ms. Seavey, that any outside legal fees the library incurs will be picked up by the library budget.** Ms. Sand stated that she doesn't think this is the same as stating we don't want them to over expend their budget. **The motion carried 4-1-0 with Ms. Sand voting in the negative.**

PUBLIC COMMENTS AND MEDIA QUESTIONS

Erik Eisele of the Conway Daily Sun stated his question is in regard to the sign discussed for the skating rink. Mr. Eisele questioned if the information on the sign is limited to those who made donations to the rink or is to those who made donations to the Celebrations Committee. Ms. Seavey advised it is for those who donated to the rink.

NON PUBLIC SESSION/NH RSA 91-A:3,11(C) – TAX MATTER(S)

The person requesting the non public session did not appear. The Board did not go into non public session.

ADJOURN

At 8:18 p.m. the meeting adjourned at the call of the Chair.

Respectfully submitted,

Karen J Hallowell
Executive Secretary