

**Minutes of Meeting**  
**CONWAY BOARD OF SELECTMEN**  
August 19, 2014

The Selectmen's Meeting convened at 4:01 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen, C. David Weathers (Chair), Mary Carey Seavey (Vice Chair), Michael DiGregorio, Stacy Sand, and Carl Thibodeau, Town Manager, Earl Sires, and Recording Secretary, Karen Hallowell.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Mr. Weathers advised there would be three additions to the agenda as follows: A report on the Well/Water System, a financial report from the Finance Director, and assignments for Election Day. **Ms. Seavey moved, seconded by Ms. Sand, to approve the agenda as amended. The motion carried unanimously.**

JIM LEFEBVRE / CANDIDATE FOR STATE REPRESENTATIVE DISTRICT 2

Jim LeFebvre introduced himself as a candidate for State Representative for District 2. Mr. LeFebvre briefly spoke about his background and reasons for running.

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

a. \$645.81 from the State of NH/Highway Safety Agency to the Town of Conway for the Conway PD Join NH Clique

Lt. George Walker of the Conway Police Department joined the meeting. Lt. Walker reviewed the grant for the Join the NH Clique program from the Highway Safety Agency with the Board. **Ms. Sand moved, seconded by Ms. Seavey, to accept the \$645.81 from the State of NH Highway Safety Agency to the Conway Police Department. The motion carried unanimously.**

GOLDEN EAGLE RAILWAY CORP / DAVE SCHWANKE

David Schwanke and Michael Taylor of the Golden Eagle Railway Corporation joined the meeting. Mr. Schwanke distributed information on Golden Eagle Railway to the Board. Mr. Schwanke stated that they plan to have a rail route for freight between Portland and St. Johnsbury opened up by late spring. Mr. Schwanke reviewed the route with the Board. Mr. Schwanke next advised that they are also looking at passenger rail for Portland, Fryeburg, Conway, Whitefield, St Johnsbury and on into Canada. In Conway this would run along the North-South Road and he is working with Conway Scenic Railroad on this and they are in favor of the project.

Ms. Sand questioned if this would it be along the same track in Whitaker Woods as the rail trail that is being discussed. Mr. Sires stated that the rail trail would be parallel.

Mr. DiGregorio asked what group is doing this project and where are the funds coming from. Mr. DiGregorio further added that the tracks haven't been used in years. Mr. Schwanke

stated that the tracks need to be redone from Portland to St. Johnsbury. The rail is fine but they will be working to fix what is under the rail. This is all be done with private funds and they are not using state or town funds.

Ms. Sand questioned if they have a lease. Mr. Schwanke stated it is verbal and they will probably sit down with the state in January.

Ms. Seavey questioned how long they have been planning this idea. Mr. Schwanke stated they have been in existence about one year.

Ms. Sand questioned how many trains a day will go through Conway. Mr. Schwanke stated one freight and one passenger from Montreal and one from Portland Maine and maybe more on weekends.

Mr. Sires asked about the Downeaster having trouble. Mr. Schwanke stated they have come up with a different model. They feel about 200,000 would ride the train just out of Canada and they are looking at another 75,000 from the Boston area and, also, they will be pulling people from New York, Washington DC and Philadelphia.

Ms. Sand questioned if they would build a station in Conway. Mr. Schwanke stated they would be building a parking facility and train station. They also hope to have a car rental agency there as well. They have talked to the state of NH for funding for a bus service for the town but this will probably not happen. They also hope to have ski resorts and hotels moving people by van. They also plan to move biomass north.

Ms. Seavy questioned if Mr. Schwanke had been in touch with the Chamber of Commerce. Mr. Schwanke stated that he had been in touch with Janice Crawford about getting on their schedule.

Mr. Weathers asked if they will move freight by next spring. Mr. Schwanke spoke about the costs to fix the track and also advised that there is one section in Maine that still needs to be done. They hope to be to Fryeburg by the spring and hopefully to Conway no later than summertime. They will have three track crews all the time on Conway and hopefully they will employ 200 plus people over the next several years.

Mr. Weathers asked that Mr. Schwanke continue to keep this Board notified of developments. Mr. Schwanke agreed.

#### TOWN HALL WATER SYSTEM

Mr. Sires reviewed previous discussions held regarding the well in the area that supplies water to town hall and several homes. Mr. DegliAngeli next reviewed a report from Hartley Well regarding costs to repair the well and to drill a new well. There was discussion by the Board regarding the water, fixing the well and also sharing the costs. It was agreed by the Board that a meeting should be scheduled with the residents on the water system to discuss costs etc for the future. Messrs. Weathers and DiGregorio agreed they would sit in on this meeting.

#### ASSESSING REPORT

Revaluation – Mr. Holmes gave an overview of the current revaluation to the Board. Mr. Holmes advised they are doing their best to get tax bills out on time.

Fairpoint Settlement – Mr. DiGregorio recused himself from the discussion. Mr. Holmes reviewed the history of the Fairpoint litigation matter with the Board and that the Board of Selectmen recently authorized settlement of the matter. Mr. Holmes advised that it has been agreed to settle 2011, 2012 and 2014 and Fairpoint has agreed to drop all constitutional issues. The abatements are in the amount of \$56,000. There was brief discussion with the Board. **Mr. Thibodeau moved, seconded by Ms. Seavey, to sign the abatements. The motion carried 4-0-1 with Mr. DiGregorio abstaining.**

#### REVIEW AND CONSIDERATION OF THE MS-434

Finance Director, Lilli Gilligan, distributed a copy of the MS-434 to the Board and briefly reviewed same. Mr. Sires stated that this is an interim report to the State of NH and that we are forecasting a revenue decrease of about \$200,000 of what we projected during budget season.

Mr. Sires next added that staff will also be presenting a list of properties that could be available for auction in the near future and this could have an effect on revenues depending on how the Board would like to proceed.

#### FINANCIAL REPORT

Ms. Gilligan distributed a copy of a report of Actual and Budgeted Expenses and Encumbrances to date to the Board and reviewed same.

#### REVIEW AND CONSIDERATION OF HIPAA BUSINESS ASSOCIATE AGREEMENT

Mr. Sires gave a brief overview of a HIPAA Business Associate Agreement between the Town and Health Trust Inc. Mr. Sires advised that this was sent to the town by our health insurance carrier requesting signature. Mr. Sires stated that what it comes down to is that we commit to using information that may be provided to the town to manage our health insurance and not to divulge any sensitive information pursuant to HIPAA. Mr. Sires next reviewed that the Finance Director had distributed information that was a compilation of information received from our insurance carrier at a recent Health Care Study Committee meeting. **Ms. Sand moved, seconded by Ms. Seavey, to have Town Manager, Earl Sires, sign the Agreement. The motion carried unanimously.**

#### AUTHORIZE FINANCE DIRECTOR, LILLI GILLIGAN, TO SIGN AND SUBMIT CDBG CLAIMS

Mr. Sires advised that the Board needs to take formal action to change the person who signs the CDBG claim as this was done by Lucy Philbrick, who is now retired. Mr. Sires requested that the Board designate Lilli Gilligan. **Ms. Sand moved, seconded by Mr. Thibodeau, to authorize Lilli Gilligan to submit CDBG claims. The motion carried unanimously.**

#### REVIEW AND CONSIDERATION OF POLICY POSITIONS

Mr. Weathers reviewed information on the NHMA Policy Positions was distributed to the Board previously. Mr. Weathers questioned if the Board would like to go through them or if there are just specific ones they would like to discuss. The Board held a discussion as to whether to go through all of positions at this time. It was agreed that the Board would look over the information and submit their positions to staff to be tallied so that the information would be

available for the Legislative Policy Conference scheduled for September 26, 2014. The Board agreed to provide the information over the next two weeks for compilation.

#### ASSIGNMENTS FOR ELECTION DAY

Mr. Weathers reviewed the Board needs to set up a schedule for the upcoming September 9, 2014 election. The Board agreed to the following time assignments: David Weathers 8:00 am to Noon, Mike DiGregorio 11:00 am to 2:00 pm, Mary Carey Seavey 2:00 pm to closing, Stacy Sand 2:00 pm to 5:00 pm. Mr. Thibodeau advised that he is a candidate and would just assume stay out of the process. Also, he needs to be at 6 or 8 polling places that day.

#### SIGNING OF DOCUMENTS

- a. Certification of Yield Taxes Assessed Tax Map/Lot 288-53
- b. Notice of Intent to Cut Wood or Timber Tax Map/ILot 204-4
- c. Notice of Intent to Cut Wood or Timber Tax Map/ILot 205-12
- d. Petition and Pole License – 1 Pole 3951/1 on Eastman Road/Eagles Way
- e. Timber Tax Levy Tax Map/Lot 288-53

**Ms. Sand moved, seconded by Mr. Thibodeau, to sign the Certification of Yield Taxes Assessed Tax Map/Lot 288-53, Notice of Intent to Cut Wood or Timber Tax Map/ILot 204-4, Notice of Intent to Cut Wood or Timber Tax Map/ILot 205-12, Petition and Pole License – 1 Pole 3951/1 on Eastman Road/Eagles Way and Timber Tax Levy Tax Map/Lot 288-53. The motion carried unanimously.**

#### CONSIDERATION OF BILLS

- a. Manifest dated 8/21/14
- b. Payroll dated 8/21/14

**Ms. Sand moved, seconded by Mr. Thibodeau, to sign the Manifest dated 8/21/14 and Payroll dated 8/21/14. The motion carried unanimously.**

#### RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

- a. Manifest dated 8/14/14
- b. Notice of Intent to Cut Wood or Timber Tax Map/ILot 257-17

**Ms. Sand moved, seconded by Mr. Thibodeau, to ratify the Manifest dated 8/14/14 and. Notice of Intent to Cut Wood or Timber Tax Map/ILot 257-17. The motion carried unanimously.**

#### REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

- a. Reach the Beach Relay/16<sup>th</sup> Annual Reach the Beach – 9/12/14
- b. TriTekEvents/Cranmore Mountain Resort/Night Terror 5K – 9/27/14 (Pending Insurance)
- c. MWV Green Team/Funergy – 9/28/14
- d. White Mountain Milers/White Mountain Milers Half Marathon – 10/26/14
- e. Sherman Farm LLC/The Maize at Sherman Farm – 9/27/14 to 11/1/14

**Ms. Sand moved, seconded by Mr. Thibodeau, to approve the Special Events Applications for Reach the Beach Relay/16<sup>th</sup> Annual Reach the Beach–9/12/14, TriTekEvents/Cranmore Mountain Resort/Night Terror 5K–9/27/14 pending receipt of insurance, MWV Green Team/Funergy–9/28/14, White Mountain Milers/White Mountain Milers Half Marathon–10/26/14, and Sherman Farm LLC/The Maize at Sherman Farm–9/27/14 to 11/1/14. The motion carried unanimously.**

#### CONSIDERATION OF MINUTES

- a. 7/22/14 Non Public Minutes
- b. 8/5/14 Regular and Non Public Minutes

**Ms. Sand moved, seconded by Mr. Thibodeau, to approve the 7/22/14 Non Public Minutes and 8/5/14 Regular and Non Public Minutes. The motion carried 4-0-1 with Mr. DiGregorio abstaining.**

#### TOWN MANAGER REPORT

Conservation Commission – Mr. Sires reported that the Conservation Commission will hold a Public Hearing next week. The Conservation Commission has been negotiating with a landowner to purchase land and this will be discussed at the public hearing. Thereafter, if the Conservation Commission chooses to move forward, this matter will then come before the Board of Selectmen to consider the proposed acquisition.

Rails to Trails – Mr. Sires reported that the grant application is being prepared regarding Rails to Trails. It is due the end of September.

CDBG Closeout – Mr. Sires reported that he is still working on the paperwork to close out the Transvale CDBG.

Meeting with NHDOT Commissioner Clement – Mr. Sires reported that a meeting was held this morning with Commissioner Clement which he attended along with Selectmen Weathers and Thibodeau, Theresa Kennett, and staff members. The meeting was scheduled to discuss how we communicate the needs of this community as we are not members of North Country Council and do not have a seat at the table when they put together the 10 year plan for transportation. There was also discussion at the meeting about projects that the Board of Selectmen has identified as concerns for this community and we will be sending a list to the Commissioner as well. Mr. Sires further advised that we will also be trying to figure a way to be involved with the plan although not part of North Country Council.

Mr. Thibodeau suggested that we think about forming a Planning Commission and get the Chamber and others involved to think about our needs and, also, the surrounding towns. If we formed a Commission we could forward our items for the 10 year plan. Mr. Sires stated that he could look into this. Mr. DiGregorio suggested that we also see if there is a 2-tiered level of service with North Country Council. Mr. Sires stated that he could bring this up to the new Director at North Country Council. Mr. Sires further advised that the new Director at North Country Council will also be looking at whether we do or do not have a seat at the table for transportation.

Surplus Property Auction – Mr. Sires reported that the town is developing a list of surplus properties for the Board to review and will present same soon.

Proposed donation of land on East Conway Road – Mr. DiGregorio stated that he feels that the town should have a seat at the table when the feasibility study is discussed. Mr. Sires advised that the Friends of Conway Rec are going to embark on this study but he doesn't know how they are proceeding at this time. There was brief discussion by the Board. The Board agreed that the Town should be involved in this discussion. It was agreed that Mr. DiGregorio will be involved.

### BOARD REPORTS AND COMMENTS

Planning Board – Mr. Thibodeau reported that the Planning Board will be meeting on September 11, 2014

Sign Committee – Mr. Thibodeau reported that the Sign Committee will be meeting on September 4, 2014. They are making progress and will be forwarding suggested changes to the ordinance to the Planning Board.

ESAA – Mr. Thibodeau reported that the ESAA held their annual meeting this past Friday.

Health Care Study Committee – Ms. Sand stated that the Health Care Study Committee held a meeting on August 18, 2014. It was a good meeting and they are getting a lot of information.

Budget Committee – Ms. Sand reported that the Budget Committee will hold a meeting tomorrow night. They will hear a end of the year report from the school and a mid year report from the Town.

MWVEC – Ms. Seavey reported that the MWVEC has not met recently.

Health Care Study Committee – Mr. DiGregorio reported that at the meeting of the Health Care Committee last night there were presentations from three different groups on wellness programs. The three were the Town and School's insurance company and, also, the Hospital.

Conservation Commission – Mr. Weathers reported a public hearing on the possible acquisition of land will be held by the Conservation Commission on Wednesday, August 27, 2014 at 6:30 p.m.

### PUBLIC COMMENTS AND MEDIA QUESTIONS

Daymond Steer of the Conway Daily Sun asked for reaction from the Board regarding the rail proposal. Mr. DiGregorio stated it sounded like they have made incredible headway and it would be helpful if they can relieve some traffic and provide transportation services. Ms. Sand stated that she would like to know what freight they are handling. This is a huge investment and she would like to know what they are hauling. Ms. Sand further added that she hopes they have a public hearing so that the public can ask questions. Mr. Steer next questioned what it will do for the airport. Mr. Thibodeau stated that he did not know but this is a valid point in that the set of rails runs within sight of the runway. He will be in contact with them to discuss the matter.

Mr. Steer next questioned with regard to wellness, if the Board is leading by example and will there be a wellness program. Some Board members indicated that they each have

their own program. Ms. Seavey advised that the Chamber also has one for Chamber employees.

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

At 6:03 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.** The non public session included Town Manager, Earl Sires, Tax Collector, Rhoda Quint, Recording Secretary, Karen Hallowell, and property owners. **The motion carried by unanimous roll call vote.**

The Board returned to public session at 7:45 p.m.

**Mr. Thibodeau moved, seconded by Ms. Seavey, to seal the minutes of this non public session. The motion carried unanimously.**

NON PUBLIC SESSION / NH RSA 91-A:II(a) - TOWN MANAGER EVALUATION

This agenda item was canceled.

ADJOURN

At 7:47 p.m. the meeting adjourned at the call of the Chair.

Respectfully submitted,

Karen J Hallowell  
Executive Secretary