

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN
October 7, 2014**

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), 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 that the agenda item for a discussion of proposed regulation of trash and refuse in residential yards has been canceled. The person requesting this agenda item, Dean Malouta, requested it be canceled. **Ms. Sand moved, seconded by Mr. DiGregorio, to approve the agenda as amended. The motion carried unanimously.**

CONSIDERATION OF UNANTICIPATED REVENUE LESS THAN \$10,000/RSA 31:95-B, III (B)

- a. \$1,850 from the Department of Justice to TOC /JAG for the purchase of bullet proof vests;
- b. \$6,857 from the Damon O'Neal Scholarship to the Damon O'Neal Scholarship held by the Trustees of the Trust; and
- c. \$2,000 from an anonymous donor to the Town of Conway/General Assistance Grant Fund

Lt. George Walker of the Conway Police Department appeared before the Board. Lt. Walker reviewed that funds were received in the amount of \$1,850 for bullet proof vests and he asked that the money be put back into the uniform line. **Ms. Sand moved, seconded by Mr. DiGregorio, to accept the \$1,850 from the Department of Justice to Town of Conway for the purchase of bullet proof vests. The motion carried unanimously.**

Finance Director, Lilli Gilligan, reviewed donations were made to the Damon O'Neal Scholarship for a total of \$6,857. Ms. Gilligan requested that the Board accept the money to be held by the Trustees of the Trust Funds. **Ms. Sand moved, seconded by Mr. DiGregorio, to accept the \$6,857 from the Damon O'Neal Scholarship to the Damon O'Neal Scholarship held by the Trustees of the Trust.** Mr. DiGregorio questioned how much is in the fund and what it is used for. Ms. Gilligan stated that the fund was established in the 1990's and is intended for scholarships for college tuition for local students who ski. Ms. Seavey advised that Damon O'Neal was on the high school ski team and died in a skiing accident in the 1960's and this is what the scholarship was set up for. Ms. Gilligan next advised that there is approximately \$90,000 in the account. **The motion carried unanimously.**

Ms. Gilligan next reviewed that the Town received \$2,000 from an anonymous donor with the intended use of general assistance. Ms. Seavey questioned if this money will go to individuals who need help. Ms. Gilligan replied in the affirmative. **Mr. DiGregorio moved, seconded by Ms. Seavey, to accept the 2,000 from an anonymous donor to the Town of Conway/General Assistance Grant Fund. The motion carried unanimously.**

DISCUSSION OF TOWN HALL WATER SYSTEM UPGRADES AND FINANCING

Members of the public present for discussion were Josepha Gorecki, John Davidson, Tim Goodson, Robert Rose and Kellie Johnson.

Mr. Sires reviewed the history regarding the water system with the Board and public. Mr. Sires next reviewed that a few months ago staff reported to the Board that the water has been salty and unpleasant tasting. The Town has performed testing and it looks like the casing is pitted and bringing salty water into the system. The needed fix is either a sleeve put in the well casing for \$7-8,000 or the other option is to drill another well upstream and the estimated cost for this is \$12-20,000 depending on how deep it has to be drilled.

Mr. Sires next reported a meeting was held recently with the users of the system and there was a good exchange of information. Options were discussed and town staff agreed to put together a budget to review at this meeting. Mr. Sires next distributed a copy of a proposed budget to the public and reviewed same.

Mr. Sires next advised that lead and copper are now also showing up in the water and that we think that this is a leaching affect from the pipes.

There was discussion with the residents regarding the proposed budget. Ms. Sand stated that water is not free anywhere and people also have the option to drill their own well if they want. She feels that what is being presented is the most equitable thing to do for the town and makes sense and she hopes that people can incorporate this into their budgets and hopefully they get good water.

Ms. Seavey questioned if there is any way to meter the water. Mr. Sires stated there is a way but it would cost \$1,500-2,000 each. Mr. Goodson stated that this seems like a large amount of money for a meter. Mr. Goodson next asked how Conway is taken care of for water. Mr. Thibodeau explained that the Conway Village Fire District takes care of water for Conway village. Several years ago meters were put in and customers are charged a flat fee of about \$68.00 per quarter plus \$2.80 per 1000 gallons.

Robert Rose stated that he wants to look at the fairness of the whole issue here. He feels there is a good reason this cluster is getting free water for years. There was a verbal contract for years that these properties get free water. Mr. Rose next stated that he feels that this has an effect on the valuation of property and now it sounds like the town is walking away from this. Someone could argue that 64 years is enough free water but it could also be argued that it is the town's fault again with salt in the water. Mr. Rose next referred to item #3 in the letter sent to the Town by the Center Conway water system users. Mr. Rose stated it is six months down the road and nothing has been done about the issue. Mr. Rose next stated that whatever is decided to please do it soon.

Mr. Rose next questioned if the DES is involved. Mr. Sires advised that they are aware of the situation but the issue with the water is not above any health levels and we are complying with anything DES asked us to do i.e. let people know of the situation.

Mr. Rose next stated that his water heater has bit the dust 3 years into a 7 year warranty and it could be an effect of the salty water and would like an assessment of this to see if it is due to salty water. Mr. Rose next stated that he is asking the town to fix it and continue to provide free water.

Ms. Sand questioned why they feel it is the town's fault this time. Ms. Sand explained that the town has not added to the problem of the well. Mr. Weathers reviewed that the salt was removed from this area and that the issue involves the casing.

Mr. Goodson asked about the trucks coming into the garage and if the water drains off into the ground. Mr. Sires advised that this parking lot is treated like any other place in the area.

Mr. Thibodeau stated that with regard to property value as referenced by Mr. Rose earlier that he would like to ask our Assessor for his opinion on this matter. The Board agreed they would like to hear from the Assessor on this matter.

Mr. DiGregorio stated that he does not agree that a finger can be pointed at the town now as we don't store salt at this location. Mr. DiGregorio further added that we are trying to agree on something that can be done together.

There was next a discussion of the water. Mr. Rose asked if the town is checking levels in the water. Mr. Weathers advised that that town is following the guidelines of the NHDES.

There was next discussion on the proposed budgets for the water system and the properties that would be on the system. There was a discussion that the town has several buildings/properties. Mr. Thibodeau pointed out that town hall probably uses less water than households. There was next further discussion of the water, quality of water, and the costs to fix or replace the system.

Mr. Weathers asked for a straw poll of the Board to divide the costs by 9. All five members of the Board agreed it should be split by 9 properties.

Mr. Weathers next asked if the residents would like to get together as a group to discuss this and then come back to the Board and let us know what they want. There was discussion. The residents agreed they would like to see the budget figures for 9. Mr. Davidson stated that for these figures all properties owners would have to collectively agree. Mr. Weathers advised that the next Board of Selectmen meeting is scheduled for October 21, 2014. Ms. Gorecki advised that she would be okay with whatever the group decides but she does still need to contact her family to discuss same.

DISCUSSION OF PROPOSED REGULATION OF TRASH AND REFUSE IN RESIDENTIAL YARDS - DEAN MALOUTA

This agenda item was canceled.

REQUEST FOR GATE ON LITTLE CHATHAM ROAD

This agenda was canceled.

THIRD QUARTER FINANCIAL UPDATE

Finance Director, Lilli Gilligan, reviewed a report entitled Actual and Budgeted Expenses and Encumbrances dated October 2, 2014 with the Board.

There was a discussion of energy costs. Mr. DiGregorio suggested looking into solar for water heat at the garage. Ms. Sand stated she would like to see an energy committee in the

future. Mr. Thibodeau suggested contacting the NCWP to find out about the federal grants that they had received.

Ms. Sand questioned police overtime and special officers. Ms. Gilligan explained they had an unexpected retirement this year and also new hires who have to be sent out for training and shifts have to be covered.

Ms. Sand moved, seconded by Ms. Seavey, to approve the third quarter spending report. The motion carried unanimously.

REQUEST FOR APPROVAL OF UP TO \$1.75 MILLION
IN TAX ANTICIPATION NOTES (TANS)

Ms. Gilligan reported that she spoke with the school and they will be able to move some of their spending to December. The initial look at what the town would need for TANS was \$1.75 million but now we will not need that much. Ms. Gilligan next stated that hopefully the DRA will set the tax rate the week before Halloween and then the bills would go out by Halloween. Ms. Gilligan next stated that she feels that at this point we could apply for \$500,000 in TANS and the cost for this would be \$250. There was a brief discussion by the Board. **Ms. Sand moved, seconded by Mr. Seavey, to borrow \$500,000 in TANS. The motion carried unanimously.**

TAX RATE

Ms. Gilligan distributed a tax rate worksheet to the Board and reviewed same. Mr. Sires reviewed that if \$300,000 of fund balance was used then the tax rate would be \$5.79; The Board could chose to use more of fund balance however to offset the tax rate. There was a discussion by the Board regarding the amount to apply from fund balance. **Ms. Sand moved, seconded by Mr. DiGregorio, to apply \$350,000 from the fund balance to offset the tax rate. The motion carried unanimously.**

Ms. Gilligan next reviewed that the budget process for 2015 has begun. A change that we are trying is to streamline all budgets that will be submitted to the Board so they will see one style when reviewing budgets.

REVIEW OF LIST OF TAX SALE PROPERTIES

Mr. Sires reviewed a list of eight properties for the Board to consider for tax sale. (See attached). There was a discussion by the Board. The Board agreed they would like to look at the properties and discuss them again at a future meeting.

Mr. Thibodeau left the meeting at 6:25 p.m.

DISCUSSION OF PROPOSED FEES

The Board reviewed proposed fees. (Copies attached).

Police Department Fees – Ms. Sand stated that she feels that the fee for resident prints should only go up to \$20 and not \$25 and, also, an exception should be made for recreation volunteers. Also, with regard to alarms she felt that the proposed fees were high for new and annual alarms. **Ms. Sand moved, seconded by Mr. Weathers, that we increase the fees for the police department for copies of public documents to \$25.00, resident prints to \$20**

with the exception of town program volunteers, non-resident prints to \$50.00, new alarms to \$100, false alarms to \$50.00 and annual alarms to \$50.00. Ms. Seavey stated that with regard to resident prints, nonprofits use this as well and she is not in favor of the exception for town program employees. Mr. DiGregorio stated that he is involved with some organizations and these costs are usually absorbed. Mr. DiGregorio questioned how often these have to be renewed and what happens if people are involved with more than one program in town. Ms. Sand and Mr. DiGregorio pointed out that it will save the town money if the town program volunteers are not included. **The motion carried 4-1-0 with Ms. Seavey voting in the negative.**

Building Permit Fees – Ms. Sand moved, seconded by Mr. Weathers, to increase the commercial fee to \$50.00 plus \$8.00 per thousand of building value; for residential construction increase the fee to \$25.00 plus \$.8 per square foot; for renovations and repairs increase the fee to \$50; for voluntary residential CO's to increase the fee to \$50; and for septic permit to increase the fee to \$50. Mr. Sires suggested making this effective January 1, 2015. Mr. DiGregorio asked about the Building Inspector's visits to residential sites to make sure setbacks are right, etc. He stated that he remembers that David Pandora said he would go out about 3 times. David Pandora's time is worth money and if he is visiting properties, it costs the town money. Mr. Sires next reviewed that any changes will have to go through a separate process to amend Chapter 88. Mr. DiGregorio stated that he feels that the recommendations made by Mr. Pandora are reasonable. Mr. Weathers questioned septic fees as this has to be inspected by the state and our Building Inspector only has to make sure it is in the right location and this is a one trip deal. Mr. Sires pointed out that he also has to do a plan review and file management as well. There was further brief discussion. **The motion failed 2-2-0 with Ms. Sand and Mr. Weathers voting in the affirmative and Ms. Seavey and Mr. DiGregorio voting in the negative.**

Mr. DiGregorio moved, seconded by Ms. Seavey, to accept the recommended amounts by staff for building permit fees except septic permit fees should be \$50.00. (See attached list). **The motion carried 3-1-0 with Ms. Sand voting in the negative.**

Planning and Zoning Fees – Ms. Sand stated that she agrees with the proposed fees with the exception of the tent sale and sign fees. Mr. DiGregorio moved, seconded by Ms. Seavey, to accept staff recommendations on minor site plan, full site plan, boundary line adjustment, minor/major subdivision and excavation fees. (See attached list). **The motion carried 4-0-0.**

The Board next discussed Zoning Permit fees. Ms. Seavey stated she felt the proposed fee was high for what is involved. Mr. Sires advised that he would get an explanation on the proposed fee and bring same back to the Board.

The Board next reviewed ZBA Appeal proposed fees. **Ms. Seavey moved, seconded by Ms. Sand, to accept the proposed fee as recommended.** (See attached). **The motion carried 4-0-0.**

The Board next reviewed sign permit, tent sale, and vending permit proposed fees. **Ms. Sand moved, seconded by Ms. Seavey, to keep the fees the same.** Mr. DiGregorio stated that a tent sale permit costs the town more than \$10 to process. There was brief discussion. **Ms. Sand amended the motion, seconded by Ms. Seavey, to keep the sign permit fees the same, increase the tent sale permit fee to \$25, and keep the vending permit fee the same.** **The motion carried 4-0-0.**

The Board next reviewed proposed lot merger fees. **Mr. DiGregorio moved, seconded by Ms. Seavey, to accept the staff recommendation for lot merger fees.** (See attached). **The motion carried 4-0-0.**

Administrative Fee Study – Mr. DiGregorio stated that he does not agree with the proposed transfer sticker fee as he feels it is double dipping. Ms. Sand agreed and added that she does feel however that there should be a fee for a replacement sticker. There was next discussion of a second sticker cost. Mr. Sires advised that he would look into this and bring information back to the Board.

The Board next discussed the Raffle Permit proposed fee. Ms. Sand states she would like to see no fee. Mr. Sires reviewed that the town has to process the permits. Ms. Sand suggested making free just for non profits located in the town of Conway. There was a brief discussion. **Ms. Seavey moved, seconded by Ms. Sand, to keep the raffle permit fee at \$0.** **The motion carried unanimously.**

The Board next reviewed proposed notary fees, copy fees, animal drawn conveyance fees, taxicab fees and DES filing fees. **Ms. Sand moved, seconded by Mr. DiGregorio, to accept the increase to the fees for notary, copy, animal drawn conveyances, taxicabs and DES filings.** The Board agreed to leave transfer station sticker fee at zero but that we would look at the costs for replacement stickers. **The motion carried unanimously.**

The Board next discussed the proposed cable franchise fee. Mr. Sires advised that the Board has authority to increase this fee in 2016 and we could raise it to 5% and this would generate revenue. Mr. DiGregorio stated that in the past we have put all franchise fees into the PEG fund and, if we increase the fee, it would be penalizing people for having cable television if we were to use the extra money for revenue. Ms. Sand stated that this year we did use some PEG money for other purposes and also if we want to continue to have a viable cable channel we should increase the fee so that our expenses don't go up. Mr. DiGregorio stated that he does not feel we should open the door to taking this money for the general fund. There was further brief discussion. There was no action taken by the Board on cable franchise fees.

Special Event Fees – Mr. Sires requested that the Board defer on this item for now as he would like to provide another packet of information for this matter. The Board agreed.

Recreation Department Fees – Ms. Sand reviewed that the Board had already increased some of the fees for summer programs recently and feels we should leave the summer programs out of the discussion tonight. All agreed.

The Board next reviewed adult programs proposed fees. Ms. Sand stated that she does not agree with a 15% increase in the fees. There was a discussion by the Board. The Board agreed not to take action on any of the rest of the proposed fees at this time other than what was already raised for summer programs.

Facility Use Fees – The Board briefly reviewed the facility use fees. **Ms. Sand moved, seconded by Mr. DiGregorio, that we don't change the Facility Use Fees.** **The motion carried 4-0-0.**

SIGNING OF DOCUMENTS

There were no documents to sign.

CONSIDERATION OF BILLS

a. Manifest dated 10/9/14 – **Mr. DiGregorio moved, seconded by Ms. Sand, to sign the Manifest dated 10/9/14. The motion carried unanimously.**

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

- a. 2014-MS1 Summary Inventory of Valuation
- b. Manifest dated 10/2/14
- c. Payroll dated 10/2/14

Ms. Seavey moved, seconded by Mr. DiGregorio, to ratify the 2014-MS1 Summary Inventory of Valuation, Manifest dated 10/2/14 and Payroll dated 10/2/14. The motion carried 3-0-1 with Ms. Sand abstaining.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

There were no Special Event Applications to review.

CONSIDERATION OF MINUTES: 9/16/14

Ms. Sand moved, seconded by Ms. Seavey, to approve the minutes of 9/16/14 as written. The motion carried unanimously.

TOWN MANAGER REPORT

River Street Culvert – Mr. Sires reviewed that discussion was held previously regarding a temporary fix for the winter for the River Street culverts and paving. A bid was received for the culvert approach of \$21,000. The Town has also asked someone who does plowing to look at this and they gave us a price of \$5,500 to maintain from Sherman's to the bridge. They will also do the bridge and wing back the area and clean up as well. Mr. Sires stated that we recommend this approach and it will keep the bridge open. There was a brief discussion by the Board. The Board agreed to go with the plowing for \$5,500.

Recreation Advisory Committee – Mr. Sires reviewed that Mary Seavey and Mike DiGregorio are on this committee. The Committee reviewed an RFP to provide a cost estimate for conversion of the property and we will be sending this out.

Grant Application for Trail in Whitaker Woods – Mr. Sires reviewed the grant application has been submitted and we won't know until January sometime if we will receive the grant. Mr. Sires next reported that the Rec Path Committee will be doing public outreach to get and hear information on this as well.

Grove Street – Mr. Sires reported that the lighted solar units for the Grove Street intersection are about \$2,000 each. Mr. Sires stated that he would recommend one for now and we could put it at the corner going east. If the Board would like four, then maybe we should consider a warrant article in the future.

Codification – Mr. Sires reported that information was received back from the codification company and he will be reviewing same.

Enterovirus – Mr. Sires reported that we received a health alert regarding Enterovirus. Mr. Eastman will be working with Chief Solomon to come up with any protocol needed in this regard.

BOARD REPORTS AND COMMENTS

Budget Committee – Ms. Sand reported that a Budget Committee meeting is scheduled for October 22, 2014 and she will not be able to attend as she will be out of the country from October 15-28, 2014. The committee will be proposing questions to ask departments regarding the budget.

MWVEC – Ms. Seavey reported a ribbon cutting is scheduled for the new road on October 17, 2014. Ms. Seavey further reported that there are two office spaces available at the Technology Village. A senatorial debate was held on October 6. Also scheduled for October 16 is a congressional debate and on October 31 a gubernatorial debate.

NHMA Policy Conference – Mr. DiGregorio reported he attended the NHMA Policy Conference on September 26, 2014. Everything passed as recommended by the different committees. Mr. DiGregorio further stated that the majority of the room is people made up of committees. It was eye opening as this is something that we have not been part of and we need to get involved with this in the future around February-March. This is something we need to think about in the future.

Conservation Commission – Mr. Weathers reported that the Conservation Commission is scheduled to meet tomorrow night at 6:30 p.m. at the Whitaker Meeting House.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Daymond Steer of the Conway Daily Sun questioned if the Board received any information regarding the Bald Hill Road issue that was discussed at a prior meeting. Mr. Sires advised that the person who brought this matter to the Board previously will be coming to the next Board meeting. Also, we are getting information from the police and information about the school bus stop sign.

NON PUBLIC SESSION / NH RSA 91-A:II(D) - CONSIDERATION OF THE ACQUISITION, SALE, OR LEASE OF REAL OR PERSONAL PROPERTY

At 7:43 p.m., **Ms. Sand moved, seconded by Mr. DiGregorio, to go into non public session under NH RSA 91-A:II(d) to discuss a real estate matter.** The non public meeting included Town Manager, Earl Sires, and Recording Secretary Karen Hallowell. **The motion carried by unanimous roll call vote.**

The Board returned to public session at 8:00 p.m.

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

MOTION TO EXTEND MEETING BEYOND 8:00 PM

Ms. Sand moved, seconded by Mr. DiGregorio, to go beyond the 8:00 meeting end time for 15 minutes. The motion carried unanimously.

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

At 8:01 p.m. **Ms. Sand moved, seconded by Mr. DiGregorio, to go into non public session under NH RSA 91-A:II9(a).** The non public session included Town Manager, Earl Sires. **The motion carried by unanimous roll call vote.**

The Board returned to public session at 8:05 p.m.

There was no motion to seal the minutes of this non public session.

ADJOURN

At 8:05 p.m. the meeting adjourned at the call of the Chair.

Respectfully submitted,

Karen J Hallowell
Executive Secretary