

Minutes of Meeting
CONWAY BOARD OF SELECTMEN
November 18, 2014

The Selectmen's Meeting convened at 4:03 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen, C. David Weathers (Chair), 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 there will be six Abatements added to the agenda item Signing of Document. **Ms. Sand moved, seconded by Ms. Seavey, to approve the agenda as amended. The motion carried unanimously.**

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

a. \$2,587.07 grant from the State of NH/Highway Safety Agency to the Town of Conway for DUI/DWI Patrols

Lt. Walker reviewed DWI patrols performed from June through September and the results of same. Lt. Walker requested that the funds be put back into the police overtime line. **Ms. Sand moved, seconded by Ms. Seavey, to accept the \$2,587.07 from the State of NH/Highway Safety Agency to the Town of Conway and that the funds be put back in the police overtime budget. The motion carried unanimously.**

b. \$2,137.66 from the State of NH/Highway Safety Agency to the Town of Conway for Conway Police Department for DUI Sobriety Check Point

Lt. Walker reported that this grant was received for DWI checkpoints. Lt. Walker next reviewed the results of stops made during the checkpoint. Lt. Walker next requested that the funds be put back into the police overtime line. **Ms. Sand moved, seconded by Mr. Thibodeau, to accept the \$2,137.66 from the State of NH/Highway Safety Agency to the Town of Conway and that the funds be put back in the police budget. The motion carried unanimously.**

c. \$5,000 grant from New Hampshire the Beautiful, Inc. to the Town of Conway reimbursing our Solid Waste Equipment CRF for the Baler purchase

Finance Director, Lilli Gilligan, reported that New Hampshire the Beautiful offers grants to buy equipment. We applied for a \$5,000 grant after purchasing the baler. Ms. Gilligan requested that the funds go back into the Solid Waste Equipment Capital Reserve Fund. Mr. Sires stated he would also like to acknowledge the Transfer Station Foreman, David Sheaf, for putting this application together. **Ms. Sand moved, seconded by Mr. Thibodeau, to accept the \$5,000 from New Hampshire the Beautiful, Inc. to the Town of Conway and that the funds be returned to the Solid Waste Equipment Capital Reserve Fund. The motion carried unanimously.**

PUBLIC HEARING: TO ACCEPT AND DESIGNATE THE
USE OF UNANTICIPATED REVENUE

a. \$59,445.62 from Health Trust, Inc. to the Town of Conway (Return of 2014 Surplus–Medical and Dental Insurance); and

At 4:10 p.m. Mr. Weathers opened the public hearing. Ms. Gilligan reviewed the funds received from Health Trust, Inc. Ms. Gilligan provided a breakdown of the funds received and reviewed same. There was brief discussion with the Board.

There were no public comments. The public hearing closed at 4:13 p.m.

Mr. Thibodeau moved, seconded by Ms. Sand, to accept the reimbursement from Health Trust for \$59,445.62 to be disbursed according to the breakdown presented by Ms. Gilligan. The motion carried unanimously.

DRIVEWAY PERMIT FINE - JERRY HUGHES
(1000 KEARSARGE ROAD – MAP/LOT 203-130.1)

Present for discussion was Jerry Hughes and Public Works Director, Paul DegliAngeli.

Mr. Sires reviewed that this matter is in regard to an appeal to a driveway fine that was assessed to Mr. Hughes. Mr. Sires next reviewed the discussion regarding this matter that was held at a previous meeting and that the Board requested that Paul DegliAngeli go out and look at the site again and report back as Mr. Hughes had advised that he reversed the changes made to the site. Mr. DegliAngeli stated that he did go out to the site and that the excess was cut out and it now falls within our standards. Mr. Weathers asked about the fine. Mr. DegliAngeli stated the fine is \$500 for failure to take out a permit. There was a brief discussion by the Board. There was no motion made to rescind the fine. The fine stands as levied.

ACQUISITION OF LAND ON WEST SIDE ROAD BY CONSERVATION COMMISSION

Rob Adair, Chair of the Conservation Commission, was present for discussion.

Mr. Sires reviewed that state law provides for the Conservation Commission to have the ability to acquire land and open space and, also, it allows towns to establish funds for open space and land. In 1988 the Town of Conway established a fund for this purpose and in 1999 a vote to direct current use change tax revenue to this fund for this purpose was passed. Mr. Sires next reviewed that about \$720,000 exists in the account now.

Mr. Sires next reviewed that the Conservation Commission has had discussion regarding acquiring property on West Side Road and have also held a public hearing. They are now here before this Board to request approval.

Mr. Adair next reviewed information contained in the Board's agenda packet regarding the proposed acquisition of the Marshall property. (A copy of the information is attached hereto). Mr. Adair stated that this land meets their criteria for land acquisition.

Ms. Sand questioned if the Conservation Commission received any public input at the public hearing. Mr. Adair stated no negative impact. The Marshall family wants to see this land as conservation land. A snowmobile club and abutters to the land also came to the meeting and spoke in favor of the acquisition.

Mr. Thibodeau stated that this land came before the Planning Board for a lot line adjustment and questioned if this has been done. Mr. Adair stated that the lot line adjustment was accepted by the Planning Board last Thursday; however, this has not yet been recorded at the registry of deeds.

Mr. DiGregorio asked if the recreation use that takes place on the land now will continue in the future. Mr. Adair responded in the affirmative. Mr. DiGregorio asked if this would be part of the documentation. Mr. Adair responded in the affirmative.

Ms. Stacy questioned the anticipated completion of the logging operation on the land. Mr. Adair stated that the rights were for two years originally but the draft purchase and sale agreement says it will be done sooner.

There was further brief discussion by the Board. **Ms. Sand moved, seconded by Mr. Thibodeau, to approve the property acquisition of 397 acres by the Town of Conway Conservation Commission from the Marshall family. The motion carried 4-0-1 with Mr. Weathers abstaining.**

REVIEW PROPOSAL FOR TOWN WIDE FIRE FROM BILL MASTERS

Bill Masters appeared before the Board. Mr. Masters reviewed his proposal for town wide fire with the Board. Mr. Masters requested that the Board move forward with presenting a warrant article regarding town wide fire.

There was discussion with the Board. The Board agreed there was not enough information i.e. budget, savings, etc. to make a determination whether or not to proceed with a warrant article at this time.

UPDATE ON TOWN HALL WATER SYSTEM

Kellie Johnson, Tim Goodson, Tom Davidson and Josepha Gorecki, were present for discussion.

Mr. Sires reviewed that a draft agreement regarding the water system was distributed to the neighbors on the system. A meeting was held a few weeks ago and two residents attended. We have also asked for input from the rest of the neighbors as well but none was received. Mr. Sires next advised that Mrs. Gorecki has stated that she would like to have the old well. Mr. Sires next stated that he also did confirm with the PUC that this system would not be regulated by the PUC even if we are charging the members. It would not be regulated by the PUC but it would still be regulated by the DES.

Ms. Sand stated that with regard to the draft agreement she felt that the wording that stated service will be terminated if not paid in 30 days was extreme and she feels that 60 or 90 days would be more reasonable.

Mr. DiGregorio stated he doesn't care for the language for interest on capital expense as we are doing this as a collaborative effort to save money and resources. Mr. Thibodeau asked if this would be a bond or funded in one year. Mr. Sires stated that it would be a warrant article and raised in one year. Mr. Thibodeau questioned if there would be interest charges to the town. Ms. Stacy stated that if they are part of our costs, then it should be included.

Tom Davidson of the Center Conway United Methodist Church stated that the agreement makes sense and they are in general agreement.

Tim Goodson stated that if interest is added in --that this changes his perspective of which way he would want to go on this agreement.

There was brief discussion on the interest charge. Mr. DiGregorio, Ms. Seavey and Mr. Thibodeau all agreed that the interest should be taken out with regard to capital financing.

Kellie Johnson stated that she is okay with this agreement.

Ms. Gorecki stated that she would like the old well, but if she can't, then she has no choice and will go with the plan. There was discussion by the Board. Ms. Gorecki stated that if she can have the well the sleeve could be put in. The Board reminded Ms. Gorecki that the sleeve is \$8,000 and, also, if the sleeve is put in where it is leaking it is not guaranteed. Ms. Gorecki stated she thought this would be another option for her on a payment plan. The Board explained this would not be part of the payment plan. Also, the existing system would be removed. The Board also reviewed that if she didn't go with the new system, then she would have to put her own well in. After further brief discussion, Ms. Gorecki agreed that she will join in with the agreement then because she did not have any other choice.

Mr. Thibodeau questioned if we will also have to seal the existing well so it can't be used. Mr. DegliAngeli advised that we would be required to seal the old well.

Mr. Sires next stated that we will now move forward with the agreement. We will rewrite it with the changes suggested today and bring this back to the Board meeting in two weeks to discuss. All agreed.

PROPOSED 2015 BUDGET

a. Overview – Mr. Sires first reviewed the new format for the proposed budget. Mr. Sires next gave an overview of the budget process from presenting the proposed budget to the Selectmen to Town Meeting and voting day. Mr. Sires next gave an overview of the proposed 2015 budget.

b. Police – Chief Wagner and Lt. Walker were present for discussion. Chief Wagner reviewed that the police proposed 2015 budget has decreased and is now \$3,643,041. Ms. Gilligan distributed a copy of the list of decreases in the request to the Board. Chief Wagner next gave an overview of the proposed 2015 police budget. There was brief discussion regarding a part time position for a victim advocate and prosecutor, computer equipment and service, turnover and efforts to stabilize employment at the police department, overtime, and police radios.

c. Library – Librarian, David Smolen, and Library Trustee, Bill Marvel, joined the meeting. Mr. Smolen gave an overview of the proposed 2015 library budget. There was a discussion regarding revenues, building maintenance, technology, and electricity, postage and copying.

Mr. Thibodeau next advised that he needed to leave this meeting in order to attend a meeting at ESAA. Mr. Thibodeau stated that at a recent Planning Board meeting there was discussion regarding a noise ordinance. Mr. Thibodeau questioned if the town would have any interest in looking into a noise ordinance. The Board agreed to agenda this matter for a future meeting. Mr. Thibodeau left the meeting at 6:25 p.m.

d. Highway – Public Works Director, Paul DegliAngeli, joined the meeting. Mr. DegliAngeli gave a brief overview of the proposed 2015 Highway budget. Ms. Gilligan reviewed that we are not using the merit line any longer and raises and wages now show in the

labor line. There was next brief discussion with the Board regarding the need for an inspector for construction projects.

e. Solid Waste – Mr. DegliAngeli next gave a brief overview of the proposed 2015 Solid Waste budget.

Ms. Sand advised that the LMWVSWD met earlier today and wanted to recommend to the Board of Selectmen that the compliance officer position be made a full time position and to also add another Household Hazardous Waste Day each year. Mr. Sires stated that this would put the budget up approximately \$30,000 to \$50,000. Ms. Gilligan pointed out we need to include health insurance, NH retirement, etc. Ms. Sand stated that the LMWVSWD would like the figures presented to the Board of Selectmen and, if possible, to get this into the budget for 2015. Mr. DiGregorio asked what the motivation for this is and also asked about compliance. Ms. Sand stated that the motivation for this is to go to the Transfer Station on a Sunday morning when there is no staff people around as the position is seasonal. If nobody is around watching, people won't take the steps to recycle. The foreman also covers compliance issues but if the compliance officer isn't there then people may not recycle. We want to increase recycling. Can we afford it in the budget –we don't know and need to see the figures. Mr. Sires advised that he would get the Board information on how much this would cost. Mr. DiGregorio requested compliance information as well.

f. Government Buildings – Mr. DegliAngeli gave an overview of the proposed 2015 Government Buildings budget. There was a brief discussion regarding heating oil.

SIGNING OF DOCUMENTS

- a. Abatement Tax Map/Lot 252-14
- b. Certification of Yield Taxes Assessed Tax Map/Lot 217-2
- c. Current Use Land Use Change Tax Collector's Warrant Tax Map/Lot 203-111.1
- d. Current Use Land Use Change Tax Collector's Warrant Tax Map/Lot 263-1.5
- e. Current Use Land Use Change Tax Collector's Warrant Tax Map/Lot 291-27
- f. 2014 Equalization Municipal Assessment Data Certificate
- g. Land Use Change Tax Tax Map/Lot 203-111.1
- h. Land Use Change Tax Tax Map/Lot 263-1.5
- i. Land Use Change Tax Tax Map/Lot 291-27
- j. Notice of Intent to Cut Wood or Timber Tax Map/Lot 286-5
- k. Timber Tax Levy Tax Map/Lot 217-2
- l. Abatement Tax Map/Lot 219-254.013
- m. Abatement Tax Map/Lot 219-254-014
- n. Abatement Tax Map/Lot 219-254.015
- o. Abatement Tax Map/Lot 219-254.016
- p. Abatement Tax Map/Lot 219-254.017
- q. Abatement Tax Map/Lot 276-205

Ms. Sand moved, seconded by Ms. Seavey, to sign the Abatement Tax Map/Lot 252-14, Certification of Yield Taxes Assessed Tax Map/Lot 217-2, Current Use Land Use Change Tax Collector's Warrant, Tax Map/Lot 203-111.1, Current Use Land Use Change Tax Collector's Warrant Tax Map/Lot 263-1.5, Current Use Land Use Change Tax Collector's Warrant Tax Map/Lot 291-27, 2014 Equalization Municipal Assessment Data Certificate, Land Use Change Tax Tax Map/Lot 203-111.1, Land Use Change Tax Tax Map/Lot 263-1.5, Land Use Change Tax Tax Map/Lot 291-27, Notice of Intent to Cut Wood or Timber Tax Map/Lot 286-5, Timber Tax Levy Tax Map/Lot 217-2, Abatement Tax Map/Lot 219-254.013, Abatement Tax Map/Lot 219-254-014, Abatement Tax Map/Lot 219-

254.015, Abatement Tax Map/Lot 219-254.016, Abatement Tax Map/Lot 219-254.017 and Abatement Tax Map/Lot 276-205. The motion carried unanimously.

CONSIDERATION OF BILLS

a. Manifest dated 11/20/14 - **Ms. Sand moved, seconded by Mr. DiGregorio, to sign the manifest dated 11/20/14. The motion carried unanimously.**

REVIEW OF RECEIPTS – OCTOBER-NOVEMBER 2014

Mr. Sires reviewed that this is a new agenda item that will occur monthly. Receipts will be available at the meeting for review.

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

- a. Manifest dated 10/30/14
- b. Payroll dated 10/30/14
- c. Manifest dated 11/6/14
- d. Manifest dated 11/13/14
- e. Payroll dated 11/13/14
- f. Tax Collector's Warrant 2014

Mr. DiGregorio moved, seconded by Ms. Seavey, to ratify the Manifest dated 10/30/14, Payroll dated 10/30/14, Manifest dated 11/6/14, Manifest dated 11/13/14, Payroll dated 11/13/14 and Tax Collector's Warrant 2014. Ms. Sand advised that she was not here to review the manifest and payroll dated 11/13/14. **Ms. Seavey withdrew her second and Mr. DiGregorio withdrew the motion.**

Mr. DiGregorio moved, second by Ms. Seavey, to ratify the Manifest dated 10/30/14, Payroll dated 10/30/14, Manifest dated 11/6/14 and Tax Collector's Warrant 2014. The motion carried unanimously.

Ms. Seavey moved, second by Mr. DiGregorio, to ratify the Manifest dated 11/13/14 and Payroll dated 11/13/14. The motion carried the motion carried 3-0-1 with Ms. Sand abstaining.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

- a. North Conway Preservation Association/Old Fashioned Christmas Tree Lighting and Parade in North Conway 11/29/14
- a. Community Celebrations Committee and Town of Conway/Holiday Parade and Tree Lighting in Conway Village 12/6/14

Ms. Seavey pointed out that the special event application for the Old Fashioned Christmas Tree Lighting and Parade in North Conway on 11/29/14 should be reworded to say MWV Preservation Association instead of North Conway Preservation Association. Mr. Sires pointed out that both applications presented today have a supporting note regarding the waiver of fees as both are related to town. **Ms. Seavey moved, seconded by Mr. DiGregorio, to approve the Special Event Applications for the MWV Preservation Association/Old Fashioned Christmas Tree Lighting and Parade in North Conway 11/29/14 and the Community Celebrations Committee and Town of Conway/Holiday Parade and Tree Lighting in Conway Village 12/6/14 and to include a waiver of fees for both events. The motion carried unanimously.**

CONSIDERATION OF MINUTES: 10/7/14 AND 10/21/14

Ms. Sand moved, seconded by Ms. Seavey, to approve the 10/7/14 public meeting minutes as written. The motion carried unanimously.

Ms. Sand stated that with regard to the non public minutes of 10/7/14 they should be amended to not include Carl Thibodeau as in attendance as he had left the meeting prior to the non public session. **Ms. Sand moved, seconded by Ms. Seavey, to approve the 10/7/14 non public minutes as amended. The motion carried unanimously.**

Mr. DiGregorio moved, seconded by Ms. Seavey, to approve the 10/21/14 regular and non public minutes as written. The motion carried 3-0-1 with Ms. Sand abstaining.

TOWN MANAGER REPORT

Recreation Facility Committee – Mr. Sires reported the Recreation Facility Committee selected HEB for the recreation facility conversion study. The committee also discussed doing a phased analysis.

Recreation Path – Mr. Sires reported that he attended a North Country Council meeting in Bethlehem NH with members of the Recreation Path Committee to make a presentation on the recent grant application submitted.

Parking – Mr. Sires reported there has been discussion with the library regarding parking. A lease will be prepared with Carl Thibodeau for parking on his property.

Sidewalk Maintenance in Conway Village – Mr. Sires reported that he received inquiries about the town maintaining sidewalks in Conway Village if the Precinct relinquishes this work. The Board can, if they choose, accept these responsibilities as per a previous vote of town meeting.

Tax Sale Property Tour – Mr. Sires reviewed a tour of possible properties for tax sale was taken yesterday.

Cemetery Maintenance – Mr. Sires advised that cemetery maintenance will be on the agenda for discussion next week.

BOARD REPORTS AND COMMENTS

LMWVSWD – Ms. Sand reviewed that, as stated earlier in the meeting, the LMWVSWD met earlier today. It is their desire to make the compliance officer position full time. Also, they would like to have a second Household Hazardous Waste Day a year.

MWVEC – Ms. Seavey reported the MWVEC met recently. The road has been completed. Also, the annual meeting of the MWVEC is scheduled for November 20 at the Red Jacket.

Valley Vision – Mr. DiGregorio reported that Valley Vision had an open house the other day. He was unable to attend however as he was in Concord. Mr. Digregorio next advised that Valley Vision is now putting together a budget for next year to present to this Board.

Health Care Study Committee – Mr. DiGregorio reported that the Health Care Study Committee is scheduled to meet on Monday, November 24, 2015 at 4:00 pm. There will be a presentation by the hospital on a direct pay option.

Conservation Commission – Mr. Weathers advised that the Conservation Commission met last week. The Commission did a review of a trail maintenance schedule. They also heard an update on the Marshall property.

PUBLIC COMMENTS AND MEDIA QUESTIONS

There were no public comments or media questions.

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

At 7:26 p.m., **Mr. DiGregorio moved, seconded by Ms. Sand, to go into non public session under NH RSA 91-A:3,II(c) to discuss a tax matter.** Included in the non public session was Town Manager, Earl Sires, Tax Collector, Rhoda Quint, and Recording Secretary, Karen Hallowell. **The motion carried by unanimous roll call vote.**

The Board returned to public session at 7:37 p.m. There was no motion to seal the minutes.

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

At 7:38 p.m., **Ms. Sand moved, seconded by Ms. Seavey, to go into non public session under NH RSA 91-A:3,II(c) to discuss a matter regarding a property owner.** Included in the non public session was Town Manager, Earl Sires, and Recording Secretary, Karen Hallowell. **The motion carried by unanimous roll call vote.**

At 7:41 p.m. the Board returned to public session. A motion to seal the minutes was made and carried in non public session.

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

At 7:42 p.m., **Ms. Sand moved, seconded by Ms. Seavey, to go into non public session under NH RSA 91-A:3,II(c) to discuss a real estate matter.** Included in the non public session was Town Manager, Earl Sires, and Recording Secretary, Karen Hallowell. **The motion carried by unanimous roll call vote.**

At 8:01 p.m. the Board returned to public session. **Ms. Stacy moved, seconded by Mr. Seavey, to seal the minutes of this non public session. The motion carried unanimously.**

ADJOURN

At 8:02 p.m. the meeting adjourned at the call of the Chair.

Respectfully submitted,

Karen J Hallowell
Executive Secretary