

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN**

December 18, 2007

The Selectmen's Meeting convened at 4:05 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen C. David Weathers (Chair), Mark Hounsell, Larry Martin, Gary Webster, and Howard C. Dickinson; Town Manager, Earl W. Sires; and Recording Secretary, Holly Meserve.

PLEDGE OF ALLEGIANCE

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

SIGNING OF DOCUMENTS

The Board reviewed and signed various documents contained in the signature folder.

CONSIDERATION OF BILLS

The Board reviewed and signed the manifest dated December 20, 2007.

APPROVAL OF MINUTES

Mr. Webster moved, seconded by Mr. Martin, to approve the regular and non public minutes of 11/06/07 and 11/13/07 as written. The motion carried unanimously.

BUDGET – WARRANT ARTICLES

Motorcycle for Police Department – Lieutenant Faia joined the meeting to discuss a proposed warrant article to purchase a motorcycle for the Police Department. Mr. Weathers asked if there was any additional information regarding purchasing or leasing the motorcycle. Lieutenant Faia stated they currently have a one year lease; however, they would like to purchase the motorcycle outright to save money in the long run.

Lieutenant Faia stated that they are looking at a 2008 Harley Davidson Police Package for \$14,150, which would run for 7 or 8 years. Lieutenant Faia stated that they have reviewed some extended warranty policies and there is one that could extend seven years for an additional \$1,500, which would also cover maintenance. Lieutenant Faia stated that they are looking at putting approximately 3,000 miles a year on the motorcycle.

The Board agreed to revise the warrant article to \$15,650.

Compensation for the Board of Selectmen - Mr. Hounsell stated a figure needs to be decided upon. Mr. Sires stated the amount needs to be determined and if it is to be placed on the warrant. Mr. Hounsell stated if allowed by DRA, it should either be put in the budget or put on the warrant. Mr. Dickinson stated if we decide to do it at all it should be on the warrant. Mr. Weathers asked if the Board wanted to put it on the warrant.

Mr. Hounsell moved, seconded by Mr. Webster, to increase the warrant article an additional \$500 for the Board of Selectmen's compensation for the 2008 budget. Mr. Hounsell stated he thinks one thing we all know is that the Town supports the work we do and what happened in the early 80's was a series of \$500 increases over three years and we should begin that same series over the next four years rather than all at once. Mr. Hounsell stated that it is a balanced approach. **Motion unanimously carried (5-0-0).**

DISCUSSION REGARDING CONWAY BYPASS
AND THE TEN YEAR PLAN

Representative Tom Bucu joined the Board at this time. Mr. Bucu stated that the central and the northern sections have been removed from the plan completely. Mr. Bucu stated that the southern bypass segment has been added back in with no additional funding and is contingent on passing the bond. Mr. Weathers asked if the bond passes would the earliest start of the southern sections be in 2015. Mr. Bucu answered in the affirmative.

Mr. Dickinson stated since this is the beginning of this project and it is approximately 7 or 8 years out can the southern terminus be redesigned. Mr. Bucu stated what he is told is if the permits are opened then the whole project would be in jeopardy. Mr. Webster stated that the permits will probably expire again. Mr. Bucu left the room at this time.

Mr. Hounsell stated that this is just another smoke screen and it is not going to happen even if it does get subsequent legislatures to change it. Mr. Hounsell stated that this money was raised through a gasoline tax and the money has already been raised. Mr. Hounsell stated that they are just trying to get more money on something that has already been promised. Mr. Hounsell stated he doesn't see wasting our time going down there.

Mr. Hounsell moved, seconded by Mr. Dickinson, to begin the process of suing the State of New Hampshire for breach of contract to the Town of Conway for the southern portion of the Conway bypass. Mr. Hounsell stated they have hurt this town and the earliest Route 16 through Conway Village will be upgraded is 2030. Mr. Hounsell stated that the policy is in place and enough is enough. Mr. Hounsell stated the Judicial Branch is only way to go. **Motion carried with Mr. Weathers abstaining (4-0-1).**

Mr. Dickinson stated that the Board should direct Town Council to explore the subject of suing the State for breach of contract. Mr. Weathers stated that the Board made that motion a few weeks ago. **Mr. Hounsell moved, seconded by Mr. Dickinson, to withhold any additional action until we hear back from Town Council at the January 22, 2008 meeting. Motion unanimously carried (5-0-0).**

Mr. Webster asked if the Board should get an opinion from the Local Government Center. Mr. Hounsell stated that he normally wouldn't object, but he thinks they are so tied to Concord that the Board needs to rely on themselves locally. Mr. Weathers stated that it wouldn't hurt to have another opinion. Mr. Webster stated that they could look for a precedent. Mr. Hounsell stated that he would agree with a precedent search.

Mr. Webster moved, seconded by Mr. Dickinson, to request the Local Government Center to research any precedent in this type of an action. Motion unanimously carried.

BUDGET – WARRANT ARTICLES CONTINUED

Compensation for Supervisors of the Checklist – Supervisors of the Checklist, Carol Lyman and Jack Zemla, joined the meeting to discuss proposing a warrant article for an increase in the compensation for the Supervisors of the Checklist.

Ms. Lyman stated the Town used to be responsible for data entry, but with Election Net, the Supervisors of the Checklist became responsible for all data entry. Ms. Lyman stated that they thought they could do yearly data entry with no additional pay, but with a presidential year it has become overwhelming. Ms. Lyman stated that they are asking to be reimbursed for the data entry.

Mr. Weathers asked what the proposed dollar amount is. Ms. Lyman stated that other Towns are getting \$10 an hour, but they would take \$8 an hour. Ms. Lyman asked why it could not be under election budget. Mr. Sires stated it has been the practice that elected officials would ask for increases through a warrant article, but a number is needed for the budget. Mr. Zemla stated it is hard to come up with a number.

Ms. Lyman stated she figured the hours at \$8 an hour would be an increase of \$1,100 a year. Mr. Dickinson stated what we need to know is how much we are supposed to budget to cover these costs. Ms. Lyman stated \$1,100. Mr. Dickinson asked if that is in addition to what you get now. Ms. Lyman answered in the affirmative.

Mr. Dickinson suggested a motion for \$8 an hour. Mr. Sires stated that he understood it was to change the compensation on an annual basis, but now requesting a one-time increase. Ms. Lyman stated that her letter refers to an

increase for presidential years. Mr. Sires stated that it may be appropriate to put it in the operating budget for one time. Mr. Hounsell stated that the Supervisors of the Checklist are elected officials and he has a problem with them keeping a time card. Mr. Hounsell stated that he would prefer a warrant article increasing the Supervisors of the Checklist stipend by \$400 each for the year 2008 and then they can work out the work load amongst themselves.

Mr. Dickinson agreed with Mr. Hounsell in principal. Mr. Dickinson asked what their stipend is now. Ms. Lyman answered \$1,000 each. Mr. Hounsell stated that it would be for 2008 only and then in 2009 it would go back to \$1,000. Mr. Weathers stated that it would have to go in election expenses, but there is nothing there now, so we would still have to explain it. Mr. Martin stated it has been past practice that any elected official's stipend that wanted an increase had to go on a warrant article. Ms. Lyman stated she would agree, but in previous elections Town Employees were paid for the data entry and they were being paid more an hour.

Mr. Hounsell stated due to the nature of an elected official he couldn't support it and think it should be in a warrant article. Mr. Hounsell stated that in the year 2008 there is an additional workload and you may find in 2012 that it has to increase. Mr. Hounsell stated that we do this by asking the people and when they get the information and the facts, he cannot imagine not being reimbursed for the amount of workload. Mr. Hounsell stated that this is the cleanest way to do it. Mr. Dickinson agreed.

Mr. Zemla asked what if it is denied. Mr. Weathers stated it would remain at \$1,000. Mr. Sires stated that he knows that Ms. Lyman does most of the work and could request a certain amount for the Chair. Ms. Lyman stated that that would not be necessary. Mr. Dickinson asked if \$400 was sufficient. Ms. Lyman stated with the estimated figures it would seem appropriate.

Mr. Hounsell moved, seconded by Mr. Dickinson, to direct the Town Manger to write a warrant article for the Supervisors of the Checklist to each receive a \$400 increase to their stipend for the year 2008. Motion unanimously carried (5-0-0).

DISCUSSION REGARDING CONWAY BYPASS
AND THE TEN YEAR PLAN CONTINUED

Mr. Bucu reappeared before the Board and was informed of the three motions made earlier. Mr. Dickinson stated that he thought the first motion was incorrect as it is not just the southern portion. Mr. Hounsell stated that it was correct that he did not want to bite off more than they could chew. Mr. Dickinson stated the road to the school is in the central portion and the cost of the road was great due to the layout of the bypass and it could have gone in another location, which would have cost less, if it was not for the bypass. Mr. Hounsell stated that he makes a good point.

DISCUSSION REGARDING RESIDENTIAL BUILDING INSPECTIONS

This agenda item was canceled.

TOWN MANAGER REPORT

Birch Hill Light – Mr. Sires stated that they have received a card of thanks from Mr. Shakir for authorizing the street light at Birch Hill and a list of signatures that concurred.

Town Manager Goals – Mr. Sires gave the Board a report that outlines the progress of the Town Manager's goals.

Valley Vision Request for new equipment – Mr. Sires stated that they have received a request from Valley Vision for \$3,110 to replace a camera that has gone bad. Mr. Sires stated that they have spent approximately \$33,000 of the \$35,000 budget. Mr. Sires stated that the Board did not have to act on this tonight.

Mr. Hounsell asked if the equipment purchased with the \$33,000 is owned by the Town. Mr. Sires answered in the affirmative. Mr. Hounsell stated that he has no problem with purchasing the camera. Mr. Webster stated a lot of the equipment purchased replaced other equipment. Mr. Webster stated that they would greatly appreciate receiving the camera as the equipment gets a lot of use and they work hard to take care of it.

Mr. Hounsell asked how much is in the revolving fund. Mr. Sires answered the balance will be about \$148,000 as of April 2008. **Mr. Webster moved, seconded by Mr. Martin, to approve the transfer of funds of \$3,110 to purchase a camera. Motion unanimously carried (5-0-0).**

Budget Committee Meeting – Mr. Sires stated that he and Mr. Dickinson attended the Budget Committee meeting last night.

Next Board of Selectmen Meeting – The Board agreed to meet on Thursday, January 10th, 2008 at 4:00 pm.

BOARD REPORTS AND COMMENTS

Mr. Dickinson stated that he would like to congratulate Mr. Sires for presenting the Town Budget last night to the Budget Committee. Mr. Dickinson stated that the Budget Committee had concerns with the Library budget, the Police budget and the Recreation budget. Mr. Dickinson stated that Karen Umberger wanted to ensure we were not budgeting anything that was paid for out of the revolving account.

Mr. Webster stated that the Board had discussed how bright it is getting around here with all the new big box retailers and a lot of people have stopped him. Mr. Sires stated that he did receive a call back from the Kearsarge Lighting and Intervale Lighting Precincts. Mr. Sires stated that both Paul Whetton and Brian Preece have stated that they do not have standards for street lighting. Mr. Sires stated that this goes back to Bob Drinkhall's concern. Mr. Sires stated that the Precincts work with the COOP and both did indicate they were pleased with the lighting and have not received any complaints.

Mr. Martin wished his fellow Board members a Merry Christmas.

Mr. Hounsell stated that the Olympic Lane issue has not gone away. Mr. Hounsell asked if Olympic Lane is a road or a driveway. Mr. Sires stated he does not know and he has spoken with the school regarding this issue. Mr. Sires stated that the school has no intention of proceeding with the boundary line adjustment (BLA) and would stop their maintenance at their current property line. Mr. Sires stated there was no representation on the BLA of any easements to cross. Mr. Sires stated that this is a private property issue, but may come down to a policy decision by the Board of Selectmen. Mr. Sires stated that we have nothing to show proof that it is a town road.

Mr. Hounsell stated that it is a right-of-way as people have used it for a number of years. Mr. Hounsell stated that the only other entity that would have a say in it is the private land owner, the Conway Scenic Railroad. Mr. Sires stated that the State of New Hampshire is part owner. Mr. Hounsell stated there were some concerns by the current owner regarding liability issues and the Planning Board had some trees to be protected.

Mr. Hounsell stated that it is one of the most photographed areas in Town so the Town has an interest. Mr. Hounsell stated if we declare it a Town road and no there are no objections, then we have done something that will help us all in the future as it proceeds. Mr. Hounsell stated that it is not over and he would hate to see that intersection be destroyed for lack of involvement on our part.

Mr. Weathers stated that three Highway Department members, Dale Drew, Carl Peare and Ira Ela, have received Road Scholar One Awards.

PUBLIC COMMENTS / MEDIA QUESTIONS

Casey Conley of the Conway Daily Sun asked if there was a difference between the bypass motion passed a few weeks ago and the one passed today. Mr. Weathers answered in the affirmative.

NON PUBLIC SESSION / RSA 91-A,II(c) / TAX MATTER
WEST MAIN RECREATION

At 5:22 p.m. **Mr. Webster moved, seconded by Mr. Dickinson to go into non public session under RSA 91-A,II(c) to discuss a tax matter.** Mr. Weathers advised that Town Manager Earl Sires, and Recording Secretary, Holly Meserve, would be included in the non public session. **The motion carried by unanimous roll call vote.**

Mr. Martin moved, seconded by Mr. Dickinson, to seal the minutes of this non public session. The motion carried unanimously.

At 5:40 pm, **Mr. Webster moved, seconded by Mr. Hounsell, to conclude the non public session. The motion carried by unanimous roll call vote.** There was no camera or public in attendance when the public session reopened.

Mr. Webster moved, seconded by Mr. Weathers, that the Board of Selectmen approve this pilot and forward it to their board of directors for approval and should appear in a public session at a properly noticed meeting where the Board of Selectmen will execute. After a brief discussion, Mr. Weathers made a ruling to divide the motion.

Mr. Hounsell moved, seconded by Mr. Martin, to amend from \$13,000 to \$10,000. Mr. Hounsell stated that he thinks \$13,000 is excessive and would back fire on us. Mr. Webster stated if we take the position of reducing the number then they have the right to reduce the services provided, but we can try it. **Amended motion carried with Mr. Webster voting in the negative (4-1-0).**

The Board then acted on the first portion of the divided motion as amended, **Mr. Webster moved, seconded by Mr. Weathers, that the Board of Selectmen approves this pilot as amended. Motion carried with Mr. Webster voting in the negative (4-1-0).**

Mr. Sires asked if this is a public document. Mr. Hounsell stated that they are in public session. Mr. Martin asked if the Board had just back doored them. Mr. Sires stated that it could look like that. Mr. Hounsell stated that they are not present. Mr. Webster stated that the negotiations are on again. Mr. Weathers stated when they left here they thought it was \$13,000.

Mr. Hounsell moved, seconded by Mr. Dickinson, to reconsider the motion to amend the \$13,000 to \$10,000. Motion unanimously carried to reconsider (5-0-0). Mr. Sires stated that we did not tell them they had to be here this evening. Mr. Dickinson stated that we should forward the document to them and ask if this reflects our discussion and if this does then they should appear on a certain date at a certain time.

Mr. Hounsell stated that he has always thought \$10,000 was the number, but when they left here they thought through a straw poll that it was \$13,000 and it could be interpreted that were double dealing. Mr. Martin stated whoever voted for the \$13,000 during the straw poll should be consistent and vote against this motion. Mr. Hounsell stated when they handed it to their staff they created this dilemma. Mr. Hounsell stated when we went into non-public it should have remained non-public.

Mr. Martin stated that he does respect that Mr. Sires brought it to the Board's attention. Mr. Hounsell stated that the Board goes into non-public marginally and we have gone in twice for this subject and then they take it to their staff. Mr. Weathers stated in the future we will have to make it clear if its non-public then it is not to be discussed.

The Board then considered the first portion of the divided motion, **Mr. Webster moved, seconded by Mr. Weathers, that the Board of Selectmen approves this pilot. Motion carried with Mr. Martin and Mr. Hounsell voting in the negative (3-2-0).**

The Board then considered the second portion of the divided motion, **Mr. Webster moved, seconded by Mr. Weathers, that the Board of Selectmen forward it to their Board of Directors for approval and should appear in a public session at a properly noticed meeting where the Board of Selectmen will execute. Motion unanimously carried (5-0-0).**

ADJOURN

Mr. Martin moved, seconded by Mr. Hounsell, to adjourn the meeting. The motion carried unanimously.

The meeting adjourned at 6:15 p.m.

Respectfully submitted,

Holly Meserve
Recording Secretary