

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN**

January 15, 2008

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), Larry Martin, Gary Webster, and Howard C. Dickinson; 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.

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 January 17, 2008.

APPROVAL OF MINUTES

Mr. Martin moved, seconded by Mr. Webster, to hold consideration of the minutes of 11/20/07 regular meeting; 11/27/07 regular and non public meeting; 12/4/07 regular and non public; and 12/18/07 regular and non public meeting until next week. The motion carried 4-0-0.

CONSIDERATION OF UNANTICIPATED REVENUE IN AN AMOUNT LESS THAN \$5,000 NH RSA 31:95-B, III (B) / \$200 FROM AN ANONYMOUS DONOR TO THE CONWAY POLICE DEPARTMENT FOR THE DARE PROGRAM

Sergeant Perley of the Conway Police Department joined the meeting. Sergeant Perley advised that a person who wishes to remain anonymous donated \$200 to the Conway Police Department for the DARE Program. **Mr. Martin moved, seconded by Mr. Webster, that we accept unanticipated revenue pursuant to NH RSA 31:95-B, III (B) in the amount of \$200 to the Conway Police Department. The motion carried 4-0-0.**

CONSIDERATION OF UNANTICIPATED REVENUE IN AN AMOUNT LESS THAN \$5,000 NH RSA 31:95-B, III (B) / \$3,000 FROM THE ROTARY CLUB OF NORTH CONWAY TO THE TOWN OF CONWAY FOR THE SPECIAL FUEL FUND

Mr. Hounsell joined the meeting at 4:07 p.m.

Karen Umberger and Tom Holmes of the Rotary Club of North Conway and joined the meeting. Ms. Umberger advised that for the last several years, the Rotary Club of North Conway has donated money to help families who may need help with fuel costs. The Rotary is again donating \$3,000 this year to the Town for the Special Fuel Fund. **Mr. Hounsell moved, seconded by Mr. Dickinson, to accept the gift of \$3,000**

from the Rotary Club of North Conway for the Special Fuel Fund. Mr. Sires noted that the General Assistance Officer, Billie Jo Parker, was unable to attend the meeting today due to illness but noted her appreciation of the donation. **The motion carried 5-0-0.** Ms. Umberger presented the Chair with the check to the Town for \$3,000 as well as pin stating "Rotary Shares".

PAYMENT IN LIEU OF TAXES AGREEMENT WITH WEST MAIN STREET
RECREATION (HAM ARENA)

West Main Recreation Board members, Bob Murphy, Jay Donabedian and Sut Marshall joined the meeting. Tax Assessor, Tom Holmes, was also present for discussion.

Mr. Sires reviewed that over the past two to three months the Board has met with West Main Recreation Board members to discuss their request for a Payment in Lieu of Taxes (PILOT). Mr. Sires next advised that the West Main Recreation Board members are at the meeting tonight to sign a three year agreement.

Mr. Sires provided a brief review of some of the agreement terms. The Board and West Main Recreation Board members held brief discussion. Mr. Hounsell questioned if it was understood by the West Main Recreation Board members that this was a three year contract and Mr. Murphy replied in the affirmative. Mr. Hounsell questioned if the Town is legally bound to do this after three year. Mr. Holmes replied in the negative.

Bob Murphy next executed the Payment in Lieu of Taxes Agreement on behalf of West Main Recreation and the Board of Selectmen executed the document for the Town.

Mr. Webster moved, seconded by Mr. Martin, to unseal the minutes that led up to this agreement for the public's review. The motion carried 5-0-0.

UPDATE ON PENNICHUCK AQUEDUCT COMPANY - BIRCH HILL PROJECT

Public Works Director, Paul DegliAngeli, joined the meeting. Mr. DegliAngeli advised the pipe has been installed from the meter pit to West Side Road to within 300 feet of the connection in Birch Hill. They are expecting to reach this by the end of the month and they project to have water flowing by the end of February.

TOWN OF CONWAY/CERTIFICATE OF AUTHORIZATION TO ACCEPT FUNDS AND
ENTER INTO A GRANT AGREEMENT WITH NHDES REGARDING HOUSEHOLD
HAZARDOUS WASTE DAY

Mr. Sires reviewed the State of New Hampshire state requires a Certificate of Authorization to Accept Funds and Enter into a Grant Agreement with NHDES Regarding Household Hazardous Waste Day form be signed. This form is needed so that Public Works Director, Paul DegliAngeli, can apply for grant funds for hazardous waste day. **Mr. Martin moved, seconded by Mr. Webster, that we certify the Certificate of Authorization for Paul DegliAngeli to handle the NHDES regarding Household Hazardous Waste Day.** Mr. Martin stated that he just learned today that compact fluorescent bulbs are hazardous waste and wanted to point this out. Mr. DegliAngeli advised the company we use for electronics also does fluorescents and we will be expanding our program to include same. **The motion carried 5-0-0.**

DISCUSSION OF PROPOSED HB1621-FN (REFUNDABLE
DEPOSIT ON BEVERAGE CONTAINERS)

Mr. Sires reviewed proposed HB1621-FN regarding refundable deposits on beverage containers with the Board. Mr. Sires next reviewed it would go to the state to manage the program and create redemption centers, etc. For the town, fiscally there would be an impact of about \$30,000. There would be a loss of revenue. If there was recycling going on however that is a benefit, but no one is indicating what the state plans on doing with the materials being recycled.

Mr. Dickinson questioned when the hearing is scheduled for this in Concord. Mr. Dickinson advised that if the town wasn't to take a position he would be willing to go and speak on the Town's behalf. Mr. Hounsell suggested a motion be made not to support this and to authorize Mr. Dickinson to spread the word in Concord. There was discussion by the Board. Mr. Weathers polled the Board. Mr. Dickinson advised he would like to wait until next week and then craft a letter with ideas from the Board, figures from Paul DegliAngeli, and, also publicize this as well so that people will understand this matter. Mr. Webster stated it would help to do some research and wait until next week. Mr. Hounsell agreed and advised he would send his comments on this to Mr. Sires during the week. The Board agreed this would be placed on the next agenda for further discussion and a letter would be drafted for the next meeting.

PENDING WATER LEGISLATION

Mr. Dickinson reported there were hearings on two bills last week concerning water legislation. Mr. Dickinson advised that with regard to Tom Buco's moratorium bill he asked the committee to hold on to this as long as possible. He thinks should allow towns to craft their own ordinances regarding groundwater withdrawals. Mr. Dickinson next advised the other bill heard was Neil Kirk's bill asking that towns over an aquifer from which water will be withdrawn had to sign off of a ground water withdrawal application.

REVIEW AND CONSIDERATION OF CONFIRMATORY
DEED/TOWN OF CONWAY TO DALY

Mr. Sires reviewed that this matter concerns a property on Route 302 that was sold many years ago but the deed was never recorded. The owner wants to refinance and this is how the issue has now surfaced. The proposed Confirmatory Deed will clear up the deed that was never recorded. **Mr. Martin moved, seconded by Mr. Webster, that we sign the Confirmatory Deed. The motion carried 5-0-0.**

WARRANT ARTICLES

Mr. Sires reviewed proposed Warrant Articles regarding Selectmen's and Supervisors of the Checklist raises. The Board agreed to consider Warrant Articles at the next meeting.

TOWN MANAGER REPORT

Conway Village Fire District – Mr. Sires reported the Conway Village Fire District (CVFD) is submitted an application for CDBG funds. Mr. Sires advised that the town had asked for a copy of the application for the Boards review and same was received today and distributed to the Board's review. Mr. Sires advised the CFVD Commissioners

were going to come in today, however, to give the Board time to review the information they will be coming in next week.

Valley Vision – Mr. Sires distributed the quarterly and final report for Valley Vision for 2007 and projected report for 2008. The Board agree to review same and discuss at the next meeting.

Budget Committee – Mr. Sires reported the Town received a response from Attorney Malia regarding the Budget Committee's inquiry regarding the school default budget and reviewed same.

Base Station Radio – Mr. Sires reported that Emergency Management Director, Ed Duffy, received notice of the award of the equipment for a Base Station Radio. Mr. Sires noted that Mr. Duffy deserves credit for bringing this into Town.

BOARD REPORTS AND COMMENTS

Fryeburg Water – Mr. Dickinson commented on the water problems of Fryeburg that were in the paper again today and noted this is a continuing saga for Fryeburg.

Election Day/Election Workers – Mr. Webster commented on all the people who took time out to work at the polls. Mr. Webster further added that Rhoda Quint, Carol Lyman and all the poll workers deserve a lot of credit for keeping things going all day. Mr. Weathers stated that he and Mr. Sires have had discussion regarding looking for another location with better parking etc for the future. Mr. Dickinson suggested working something out with parking with Judy of John's TV. Mr. Sires advised that he spoke with Judy of John's TV earlier in the week and thanked her for cooperation with parking during the busy election day. Mr. Sires further noted there was an article in the paper regarding an incident at the polls and the insurance company has been contacted.

Mr. Hounsell stated he felt the day went amazingly smooth considering all the factors. Further, election workers work between an eight and thirteen hour day and get paid \$50. Mr. Hounsell noted that the pay for election workers has not been increased in a while and suggested that it be increased from \$50 to \$60 and asked that this be put on an agenda for discussion. The Board agreed to agenda this matter for next week and asked that Town Clerk, Rhoda Quint, be asked to join the discussion.

Residential Building Permits – Mr. Hounsell requested that Residential Building Permits be put on the next agenda for discussion.

Olympic Lane – Mr. Hounsell requested that Olympic Lane be put on an agenda for further discussion. Mr. Webster suggested getting a legal opinion on this matter.

Briggs Bunker – Mr. Weathers reported that he and Mr. Sires attended an award ceremony at the Mount Washington Observatory today where Briggs Bunker was honored for his service by the National Weather Service.

Budget Committee – Mr. Hounsell advised that he sat in as the Selectmen's representative to the Budget Committee mark for Mr. Dickinson that week during the school portion of the Budget. Mr. Hounsell advised further advised that Mr. Dickinson has also asked that he do so again at tomorrow nights meeting of the Budget Committee and he has agreed.

Judy Calley – Judy Calley of John's TV arrived at the meeting. Mr. Weathers thanked Ms. Calley for allowing the public to park in the John's TV parking lot during voting day. Ms. Calley commented that it was good to see such a high voter turnout.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Casey Conley from the Conway Daily Sun questioned if the Board was concerned with creating precedent with the West Main Recreation decision. Mr. Weathers advised that Board carefully considered this matter before making its decision.

NON PUBLIC SESSION: RSA 91-A:3,II(D)/ACQUISITION OF LAND

At 5:22 p.m. **Mr. Webster moved, seconded by Mr. Hounsell, to go into non public session under RSA 91-A:3,II(d) regarding acquisition of land.** Mr. Weathers advised that Town Manager, Earl Sires, Tax Assessor, Tom Holmes, citizen, Judy Calley, and Recording Secretary, Karen Hallowell, would be included in the non public session. **The motion carried by unanimous roll call vote.**

At 5:39 p.m. the Board returned to public session.

Mr. Webster moved, seconded by Mr. Hounsell to seal the minutes of the non public session. The motion carried unanimously.

NON PUBLIC SESSION: RSA 91-A:3,II (E)/UPDATE ON PENDING LITIGATION

At 5:40 p.m. **Mr. Hounsell moved, seconded by Mr. Webster, to go into non public session under RSA 91-A:3,II(e) for an update on pending litigation.** Mr. Weathers advised that Town Manager, Earl Sires, Tax Assessor, Tom Holmes, and Recording Secretary, Karen Hallowell, would be included in the non public session. **The motion carried by unanimous roll call vote.**

At 5:50 p.m. the Board returned to public session.

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

Mr. Hounsell moved, seconded by Mr. Dickinson, to authorize Mr. Sires to take action to make Town of Conway an Intervenor. The motion carried unanimously.

Mr. Webster moved, seconded by Mr. Dickinson, that we authorize the Town Manager to submit a statement that the Town of Conway wishes to be an Intervenor in the Fairpoint Verizon matter. The motion carried unanimously

ADJOURN

Mr. Webster moved, seconded by Mr. Martin, to adjourn the meeting. The meeting adjourned at 5:55 p.m.

Respectfully submitted,

Karen J. Hallowell
Executive Secretary