

**Minutes of Meeting  
CONWAY BOARD OF SELECTMEN**

January 22, 2008

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), Larry Martin, Gary Webster, Mark Hounsell 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 24, 2008.

APPROVAL OF MINUTES

**Mr. Martin moved, seconded by Mr. Webster, to approve the minutes of 11/20/07, 12/4/07 regular and non public meetings, 12/11/07 regular and non public meetings, and 12/18/07 regular and non public meetings as written.** Mr. Hounsell asked that the meeting minutes of 12/18/07 be held as he had not yet had a chance to review same. **Mr. Martin amended the motion, seconded by Mr. Webster, to approve the minutes of 11/20/07, 12/4/07 regular and non public meetings, and 12/11/07 regular and non public meetings as written. The motion carried unanimously.**

CONSIDERATION OF CONWAY VILLAGE CDBG APPLICATION

Conway Village Fire District (CVFD) Commissioner, Janine Bean, was present for discussion.

Mr. Sires reviewed the Board needs to review, approve and sign off on Conway Village's CDBG application when it is complete so they can submit same. Mr. Sires next advised that he has asked Donna Lane to remove him as a signer on the application as he is now on the CDBG Board and replace his name with Mr. Weathers as the signer.

Mr. Sires questioned CVFD Commissioner Bean if the precincts audit is in as it is out understanding this is needed for the CDBG application. Ms. Bean advised that the audit will be in by the end of the week and will be given to Donna Lane.

Mark this is what I feared would happen that we would be asked to sign an application that is incomplete. Mr. Hounsell stated he feels we should be looking at full content of the application before signing and sending this on since the Town is signing off on it. Mr. Hounsell next commented that since we do not have complete application at this time he will not be signing.

Mr. Weathers questioned if this Board has another meeting between now and the deadline on the 28<sup>th</sup> of the month.

Mr. Hounsell reviewed that there has been enough communication from Mr. Sires at the Town office to Conway Village reminding them regarding this matter.

Conway Village Precinct Commission Janine Bean stated it is the 2006 audit they (CDBG) are requesting and their (CVFD's) accountant just hasn't done it yet. Ms. Bean advised they have told him they need this audit. He has been busy and just hasn't done it yet. The preliminary audit is done but they had a computer glitch and they just haven't done the physical audit.

Conway Village Precinct Commissioner Carl Thibodeau joined the meeting at 4:15 p.m.

Mr. Sires advised they reason CDBG wants the audit is to make sure they have the financial capacity to do the project.

Mr. Hounsell advised that he would be willing to make a motion that we sign the papers out of session no later than the 28<sup>th</sup> once the audit has been received. Mr. Hounsell next questioned if the application requires the town to submit an audit as well. Mr. Sires replied in the affirmative and advised that same has been sent to Donna Lane the CDBG Administrator.

Conway Village Precinct Commissioner, Joe Quirk, joined the meeting at 4:17 p.m.

Mr. Hounsell asked for a recess so he could consult with the Town Manager regarding a legal question. Mr. Weathers called a five minute recess at 4:18 p.m. The Board resumed session at 4:25 p.m.

At 4:25 p.m., **Mr. Hounsell moved, seconded by Mr. Webster, to go into non public session for the purpose of discussion this matter under RSA 91-A,II(c) due to reputation of an individual.** Mr. Hounsell asked that the Conway Village Commissioners be included in the non public meeting and the Board agreed. **The motion carried by unanimous roll call vote.**

At 4:35 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.**

Mr. Hounsell noted that reason for discussion in non public was the possible ramification on individuals based on what might be part of an audit process. The Board confident there will be no need to have a concern at this time.

**Mr. Hounsell moved, seconded by Mr. Webster, that the Board of Selectmen authorize the Chair of the Board to sign the application out of session upon he and the town manager gaining assurance the application is complete and accurate. The motion carried 5-0-0.**

Casey Conley of the Conway Daily Sun questioned the son for the grant application. The Board and Mr. Sires gave briefly explained

#### DISCUSSION REGARDING RESIDENTIAL BUILDING INSPECTIONS

Building Inspector, David Pandora, Tax Assessor, Tom Holmes, Public Works Diector, Paul DegliAngeli, and Town Planning, Tom Irving, joined the meeting.

Mr. Pandora distributed information to the Board regarding residential building inspections and reviewed same. The Board held discussion with staff and staff pointed out reasons why inspections would be useful from each departments point of view, i.e, David Pandora/buildings not in right location, size, etc.; Tom Holmes/extra apartments not on original building permit applications not being assessed, or more work done than was applied for originally. Mr. Holmes pointed out that while these may not be building violations, there may be a septic violation that occurs or it could also come down to an issue of fairness to other taxpayers.

Mr. Martin pointed out that the issue of residential building inspections has been before the voters before and failed four times. Mr. Martin stated that he could not support inspections at this time but he maybe could support some other internal changes. Mr. DegliAngeli pointed out there is also the option of a zoning permit instead of a residential building permit that could be looked at as well.

Mr. Sires next discussed with the Board the issue of the time it takes for staff to sort out the problems that sometimes arise. Mr. Holmes brought forward the issue of the fact there are no penalties for building that is being done without permits, i.e. additions, etc. After further brief discussion, **Mr. Hounsell moved, seconded by Mr. Martin, that the Board of Selectmen instruct the Town Manager to develop a staff position for our review that would use existing regulation/ordinances to better tighten the process for purposes discussed today.** Mr. Webster stated he also feels we need to look at the process of tightening the building permit requirements. Mr. Dickinson stated that fines are one thing but he fees that a restoration law really stops the abuse. Mr. Dickinson further added he feels there needs to be state law for abutters--should neighbors do something in conflict with the law that would hopefully make people think twice. **The motion carried by unanimous roll call vote.**

#### REVIEW AND CONSIDERATION OF RETURN OF PERAMBULATION FOR THE CONWAY-MADISON TOWN LINE 2007

Mr. Sires advised that the Town of Madison hires a surveyor to reestablish the Conway-Madison town line. Mr. Sires distributed a copy of the propose perambulation for the Board's review and signature. Mr. Sires advised that Town Engineer, Paul DegliAngeli has also reviewed the information as well.

Mr. DegliAngeli commented the Town of Conway Highway Department does sections each year of the Conway-Madison line and marks same with blazes, etc. Mr.

DegliAngeli advised the Town of Madison's surveyor had contacted his office and reviewed our information and formalized same. Mr. DegliAngeli advised that he concurs with the information prepared by Madison's surveyor.

There was further brief discussion. **Mr. Hounsell moved, seconded by Mr. Martin, to accept and sign the perambulation for the Conway-Madison Town Line 2007. The motion carried 5-0-0.**

#### VALLEY VISION

Douglas Poor, Station Manager, and Nancy Ray, Office Administrator, for Valley Vision joined the meeting.

Mr. Poor presented the 2008-09 Valley Vision proposal for to the Board and reviewed same

Mr. Hounsell asked about covering Conway Village Precinct meetings and Police Commission meetings. Mr. Poor advised that this could be done if the Precinct and Commission would like them taped. Mr. Sires pointed out that that the contract also allows for this coverage.

#### DISCUSSION OF PROPOSED HB-1621-FN (REFUNDABLE DEPOSIT ON BEVERAGE CONTAINERS)

Mr. Sires advised there are no updates on this agenda item. Mr. Webster advised that on the state website the only updates are through January 10, 2008 and the reports state it went to a study committee and was tabled. Mr. Dickinson stated he would try to find out what was going on with this and report back to the Board on this matter.

#### OLYMPIC LANE

Patricia Sell distributed information to the Board for review regarding Olympic Lane.

**Mr. Hounsell moved, seconded by Mr. Martin, that the Board of Selectmen recognize Olympic Lane as a town road.** Mr. Hounsell stated he feels it is important to recognize the road as a town road as it is being used by the school and, further, it would interest the town as this is the first look to this beautiful vista on the low lying area. Mr. Hounsell stated he feels we need to take a leadership position and feels it is in the best interest of the town. There was brief discussion by the Board. Mr. Dickinson suggested an amendment to the motion. **Mr. Martin withdrew his second and Mr. Hounsell withdrew his motion.**

**Mr. Dickinson moved, seconded by Mr. Hounsell, that the town designate Olympic Lane as a town road consistent with RSA 231:27 and 229:1.** Mr. Dickinson questioned if this is allowed. Mr. Sires advised this information was just received from Ms. Sell and staff has not had time to review same. Mr. Dickinson next suggested amended his motion to add –subject to any corrections that will be required. Mr. Hounsell did not agree with the amendment as the second and did not second it. Mr. Sires further added that Ms. Sell is referencing statutes and staff needs time to review

this information. Mr. Martin stated the question is-is it a town road and past practice has always been to put it to the legislative body and not just accept roads. Mr. Martin stated he does not like the wording to designate as a town road in the motion that was made. Mr. Webster stated he is willing to look at the process but we need to know what we are accepting, how many feet, how wide, etc. Mr. Webster further added that he believes this right of way should be in public hands but no with this public body. Further, a policy of maintenance, etc, would need to be set – we need to look at everything. Mr. Hounsell suggested that the motion should stated reestablish not designate but thinks that first we should allow staff time to look into this matter. Mr. Hounsell further added that this should be made a special order of business for an upcoming meeting.

Ms. Sell stated that she has written her own legal opinion and would like to read what she has prepared. Mr. Weathers advised that this would also need to be reviewed by the town's attorney. Mr. Dickinson suggested that Ms. Sell meet with the Town Manager and Town Counsel. Mr. Hounsell suggested allowing Ms. Sell give her report and then he would make a motion to make this a special order of business for February 5, 2008 to give staff time to consider the applicability of the RSA's she is presenting. The Board was in agreement with having this a special order of business on February 5, 2008.

Ms. Sell next distributed information to the Board that she feels supports her position and reviewed same at length.

**Mr. Hounsell moved that the current motion before the body be made a special order of business for Feb 5, 2008 and, in the interim, that the Town Manager look into the use of the appropriateness of using with RSA 231:27 and 229:1.** Mr. Webster questioned if by taxing the other parties for years if there would be repercussions by this becoming a town road. Ms. Sell stated that she thinks Russ Seybold would be agreeable to quitclaiming land to the town to put this matter behind us. **The motion carried 5-0-0**

A recess was called by the chair at 6:20 p.m. The meeting reconvened at 6:23 p.m.

#### BUDGET / WARRANT ARTICLES

Mr. Sires distributed a draft copy of proposed warrant articles and questioned if they would like to take any action on same at this time. The Board agreed they will wait on taking action at this time.

Town Clerk, Rhoda Quint, joined the meeting. Ms. Quint discussed the proposed article regarding Election Worker Compensation with the Board. The Board suggested an article for an increase in compensation. Ms. Quint advised the pay of \$49 for poll workers was established before she started and has remained the same. Ms. Quint advised that many poll workers do this work as a gift to the town.

Ms. Quint also reported on discussion she has had with the Moderators, Cargill and Burnell, regarding the polling location and other election matters. They are planning to meet in the future to discuss any changes they may want to make with regard to the elections, rates for election workers, polling location, and any other changes they feel that need to be made. Mr. Webster pointed out that the budget is

getting ready to be finalized and the Board will need to know soon should they need additional funds. Mr. Hounsell stated that he thinks it is important to state that that the town voting day in April 2008 will take place at the Conway Community Building as we need this information to post in the warrant. The Board and Ms. Quint agreed no changes in polling location for this April's election.

### TOWN MANAGER REPORT

Time Warner Cable – Mr. Sires reported the franchise fee check in the amount of \$109,581 was received from Time Warner Cable.

Grant Application – Mr. Sires reported that Emergency Management Director, Ed Duffy, has submitted a grant application for approximately \$80,000 to help fund the service garage.

Verizon – Mr. Sires reported that he received an e-mail from Town Counsel, Peter Malia, advising that he spoke with Debra Howland of the PUC who will be having their general counsel contact him to discuss the letter the town sent to the PUC regarding the Verizon matter.

NHMA – Mr. Sires reported the NHMA would like towns to sign on to be part of litigation against additional retirement cost that will be put on towns. They are requesting funding from town for this effort. Mr. Sires distributed a copy of the letter received from the NHMA for the Boards review. The Board requested this matter be put on the next agenda for discussion.

### BOARD REPORTS AND COMMENTS

Mr. Hounsell commented that, as Treasurer for the School District, last week he signed a check from the School to the Town for recycling. Mr. Hounsell commented that he thinks all steps costs money, i.e. the town sent a bill, the school sends a check, the town deposits the check and then it goes back to the school. Mr. Hounsell questioned if we should be doing this and asked that the process be looked at.

### PUBLIC COMMENTS / MEDIA QUESTIONS

There were no public comments or media questions.

### ADJOURN

**Mr. Webster moved, seconded by Mr. Hounsell to adjourn the meeting. The motion carried unanimously.** The meeting adjourned at 6:37 p.m.

Respectfully submitted,

Karen J. Hallowell  
Executive Secretary