

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN**

June 10, 2008

The Selectmen's Meeting convened at 3:03 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen Larry Martin (Chair), C. David Weathers, Mark Hounsell, Howard C. Dickinson; and Bob Drinkhall. Town Manager, Earl W. Sires; and Recording Secretary, Karen Hallowell

PLEDGE OF ALLEGIANCE

Chairman Martin 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 June 12, 2008.

APPROVAL OF MINUTES

Mr. Weathers moved, seconded by Mr. Dickinson, to hold consideration of the minutes of 5/13/08 and 5/20/08 to the next meeting. The motion carried 5-0-0.

MODIFICATION TO AGENDA

Mr. Martin suggested moving agenda item 8, (Discussion of Project 6 with North Conway Water Precinct), before Agenda Item 7 (NON PUBLIC SESSION: RSA 91-A,II(e) Pending Litigation). There were no objections and the Board agreed.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATIONS

Bark in the Park – Mr. Hounsell stated that this Board asked the Parks Commission to make recommendations Schouler Park and he would like to hear their full recommendation first before acting on this application. Mr. Sires reported that he has notified the Parks Commission but we have not heard back from them yet. Mr. Hounsell stated he would like to make another request for same from this Committee.

EMS – Grand Opening Event - Mr. Sires reviewed the event application is complete with the exception of a revised insurance certificate. **Mr. Hounsell moved, seconded by Mr. Weathers, to approve the application for the EMS event pending receipt of the proper insurance certification. The motion carried 5-0-0.**

Rugby Tournament – Mr. Sires briefly reviewed the application for the Rugby Tournament with the Board. The event is scheduled for 6/14/08. Mr. Hounsell noted this application was received late by the Town. Mr. Sires noted that as we have said in the past we do work with people and all of the paperwork has been received. Mr.

Hounsell questioned how this event works with Rally in the Valley at the same time. Mr. Sires advised the applicant has discussed the event with the Police Department and an officer is scheduled for this event. Mr. Weathers advised this was discussed at the meeting last week at the hospital and there were concerns that this event is the same time as Rally in the Valley. Mr. Weathers stated this is why we need applications for events ahead of time. Mr. Sires advised the event is advertised, etc, everything was done except for the event application. Mr. Hounsell stated that just because they went out and advertised doesn't mean we have to approve the application. If we can approve this application fast I think it can counter some of the criticism we have received recently. However, our concerns are with two events such as this at the same time and there are ambulance needs, hospital, police, etc. Mr. Martin stated that he would vote for this to work with them this year but if it happens again next year he will not. Mr. Martin stated we need more time in the future. **Mr. Weathers moved, seconded by Mr. Drinkhall, to sign the application for the Rugby Tournament. The motion carried 5-0-0.**

Summer Mountain Bike Race – Mr. Sires advised that the application for the Summer Mountain Bike Race was submitted timely and is in order. Mr. Hounsell commented that he feels the way the Board is acting on Special Event Applications today is appropriate and he is comfortable with doing it this way giving the discussions regarding same lately. **Mr. Hounsell moved, seconded by Mr. Drinkhall, to sign the Summer Mountain Bike Race event permit. The motion carried 5-0-0.**

Mr. Martin asked for any public comments on the event applications. Virginia Moore, Executive Director of the Conway Area Humane Society (CAHS), advised she had information regarding **Bark in the Park**. Ms. Moore explained CAHS has made some changes such as no driving on the grass at the park and they have sent the information to the vendors. Ms. Moore further stated they also have always cleaned up the park better than they have found it and will also work with the Recreation Department. Mr. Martin advised there was concern by a member of the Board about cleaning up after dogs were in the park. Ms. Moore explained they inspect the grass after the event. Mr. Martin explained cant specifically say this was caused by their event. Mr. Martin went on to explain that we need to educate people more about cleaning up after their dogs. Ms. Moore assured the Board they spend a couple of hours at the park cleaning up after the event. Mr. Hounsell next explained that he is not opposed to Bark in the Bark and stated that it has been around for a long time. Mr. Hounsell stated the Board is awaiting recommendations on the park from the Parks Commission. Ms. Moore advised they have sponsors invested in the event and the advertising is done and added that it would be great if they did not have to redo all of this this year. After further brief discussion, **Mr. Hounsell moved, seconded by Mr. Weathers, that we approve the Bark in the Park, event application and sign it today with the understanding that there may be a change in the way Schouler Park is run in the future. The motion carried 5-0-0.**

DISCUSSION OF PROJECT 6 WITH NORTH CONWAY WATER PRECIINT

David Bernier, Superintendent, of the North Conway Water Precinct, and Paul DegliAngeli, Public Works Director for the Town of Conway joined the meeting.

Mr. Bernier advised he met with Paul regarding the Project 6 matter. Mr. Bernier advised that he and Paul reviewed bids and found a discrepancy and subsequently one bid is now lower. Mr. Bernier recommended awarding the contract to Park.

Mr. Hounsell stated he felt that before the Board takes action it should consider more than the single contract. Mr. Hounsell stated he also felt it odd the Town would negotiate with a high bidder instead of the low bidder. There was a discussion with the Board. Mr. Bernier explained that by not going with Park, Intervale Crossroad would have to endure two construction seasons. There was further discussion and there was a suggestion to get another bid. Mr. Hounsell also suggested as another option, to forego the towns portion altogether and not do the drainage work altogether.

Mr. DegliAngeli addressed the no build option. Mr. DegliAngeli explained there was no record of this system when he came to work for the town. This is now at least 20-25 years or older. Currently, there are no known problems; however, the thinking is since we are getting a new road build we should do all the work at the same time. Mr. Martin questioned if Parks does not get the bid will this get in their way of working. Mr. Degliangeli replied in the affirmative. Mr. Martin suggested asking them to come to down in their price.

There was next brief discussion of whether some work would be contracted out with local contractors.

Mr. Drinkhall questioned the life expectancy of the existing system. Mr. DegliAngeli explained aluminum culvert pip lasts 20-25 years. Where we have steel pipe it lasts longer but back then the town didn't keep records and we don't know how old this is. Mr. DegliAngeli explained the vintage of this system and also that ongoing maintenance has been occurring. Mr. Drinkhall stated that if there was any chance of this system lasting he would rather forego doing work.

After further discussion, **Mr. Hounsell moved, seconded by Mr. Weathers, that the Town does not construct the portion of Project 6 of the North Conway Water Precinct, identified as Alternative A, at this time.** Ted Sares thanked the Board for looking into this and looking out for the taxpayers. Karen Umberger stated she was at the NCWP meeting when drainage was discussed and several people from the area talked about water in their basements and other issues. Ms. Umberger cautioned the Board against taking this out and not doing drainage. Ms. Umberger further added she felt this matter was being complicated by taking drainage off the table and advised this was strongly discussed otherwise the precinct would not have made a decision to spend the 50K to do this project. Lastly, Ms. Umberger added there are affects to the people of Intervale Crossroad by taking this part off the table. Mr. Sares stated he felt you should never superimpose your opinion for people who are not in attendance and the abutters are not here. NCWP Commissioner, Jim Umberger, next stated that the NCWP Commissioners at the last meeting had asked this Board to support this and it concerns him that this project may now be separated. The NCWP minutes will show that the people of Intervale Crossroad wanted this work done and it is very shortsighted not to do this now. Mr. Martin asked for further public comments. There were no further public comments and Mr. Martin closed public comments on this matter.

There was next a brief discussion as to the status of the economy. Mr. DegliAngeli also spoke about incidents of flooding in the area of Intervale Crossroad during his tenure. There was also discussion as to whether there could be a delay in awarding this contract. Mr. DegliAngeli and Mr. Bernier agreed 2 maybe 3 weeks they could delay awarding the bid.

Mr. Dickinson moved, seconded by Mr. Drinkhall, to table further consideration of this until the next Board of Selectmen meeting. Point of Order was made by Mr. Weathers. Mr. Weathers questioned if the purpose of delaying is to give Intervale Crossroad residents time to respond and to give Parks time to respond and reduce figure. Mr. Dickinson advised this is his intent. There was further discussion by the Board. **Mr. Drinkhall withdrew his second on the motion to table and Mr. Dickinson withdrew his motion to table.** Mr. Weathers reiterated his question asking if the purpose of delaying action is to give the resident's time to respond and to give Parks time to respond and reduce figure. Mr. Hounsell stated his motion is not how we are going to do the project but if we are going to do the projects, but he also feels the motion to table is wise at this time. **Mr. Dickinson moved, seconded by Mr. Hounsell, to table further consideration on the motion. The motion to table carried 4-1 with Messrs. Dickinson, Hounsell, Weathers and Martin voting in the affirmative and Mr. Drinkhall voting in the negative.**

Mr. Sires commented that the Board of Selectmen and the NCWP Commissioners have been wise over the last couple of years of adopting a policy of working together on projects and have benefited greatly due to this cooperative approach.

The Chairman called a recess of the meeting at 4:26 p.m. The meeting reconvened at 4:36 p.m.

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

At 4:46 p.m. **Mr. Hounsell moved, seconded by Mr. Dickinson, to go into non public session under RSA 91-A,II(e) to discuss pending litigation.** Town Attorney, Peter Malia, Town Manager, Earl Sires, Assessor, Tom Holmes, Assistant Assessor, Dale Scholfield, Petitioner Patricia Sell, and Recording Secretary, Karen Hallowell were included in the non public session. **The motion carried by unanimous roll call vote.**

The board returned to public session at 5:35 p.m. The minutes of the non-public session were sealed by a vote made in non public session.

The Chair called a recess of the meeting at 5:36 p.m. The meeting resumes at 5:55 p.m.

DISCUSSION OF OLYMPIC LANE

Mr. Dickinson moved, seconded by Mr. Drinkhall, that we take motion item no 1 off the table pertaining to Olympic Lane. The motion carried unanimously.

Ms. Sell requested this discussion take place in non public session due to matters that may damage someone's reputation. Also, Ms. Sell pointed out that she has previously hired a lawyer in this matter. Mr. Hounsell stated if this is pending litigation we can go into non public. Mr. Sires reviewed that litigation needs to be threatened or the matter needs to be in litigation or the Board could go in under the RSA regarding discussion affecting someone's reputation. The Board discussed whether or not to go into non public session. Ms. Sell advised she wanted a non public session.

Mr. Hounsell moved, seconded by Mr. Drinkhall, to go into non public session under RSA 91-A:3,II(c). The motion carried with a roll call vote 3-2-0. (Messrs. Drinkhall, Dickinson and Hounell voting in the affirmative and Messrs Weathers and Martin voting in the negative). Ms. Sell requested Ted Sares be permitted to attend the non public session with her. The Board agreed. Mr. Martin advised that Public Works Director, Paul DegliAngeli, Town Manager, Earl Sires, and Recording Secretary, Karen Hallowell, would also be in attendance. The Board went into non public session at 6:05 p.m.

The non public session concluded at 6:10 p.m.

DISCUSSION OF THE CAPITAL IMPROVEMENT
COMMITTEE'S MEMBERSHIP

The meeting adjourned before this matter was reached for discussion.

DISCUSSION OF MUNICIPAL SERVICES
COMPLEX DESIGN COMMITTEE

The meeting adjourned before this matter was reached for discussion.

DISCUSSION OF SELECTMEN'S REPRESENTATIVE
TO VALLEY VISION

The meeting adjourned before this matter was reached for discussion.

TOWN MANAGER REPORT

The meeting adjourned before this agenda item was reached. No report was given.

BOARD REPORTS AND COMMENTS

The meeting adjourned before this agenda item was reached. No reports or comment were given or made at this meeting.

PUBLIC COMMENTS AND MEDIA QUESTIONS

The meeting adjourned before this agenda item was reached.

ADJOURN

At 6:10 pm, the meeting was adjourned by unanimous agreement of the Board during non public session.

Respectfully submitted,

Karen J. Hallowell
Executive Secretary