

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN**

December 23, 2008

The Selectmen's Meeting convened at 4:05 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 December 24, 2008.

APPROVAL OF MINUTES

The Board agreed to carry consideration of minutes to the next meeting.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

There were no special event applications for the Board to consider.

Consideration of Unanticipated Revenue less than \$5,000/RSA 31:95-b.III (b)

Sergeant Perley of the Conway Police Department joined the meeting. Sergeant Perley advised the Conway Police Department received a donation of \$200 from the Rotary Club for the RAD program. Chief Perley explained the RAD program is a self defense training program for women that is taught around the country. Sergeant Perley further explained that Corporal Aimee Parent of the Conway Police Department is a RAD certified instructor. Corporal Parent already has people lined up to take the class and there is a waiting list. **Mr. Drinkhall moved, seconded by Mr. Weathers, to accept the \$200 donation from the Rotary Club to the Conway Police Department for the RAD program. The motion carried 5-0-0.**

DISCUSSION OF GARAGE PROJECT

Mr. Drinkhall moved, seconded by Mr. Weathers, to remove the motion from the table. (The motion is as follows: That the Board of Selectmen place a bond article on the town warrant not to exceed \$1,000,000 and also that the manner by which the work is performed be by construction management plan). **The motion carried 5-0-0.**

Mr. Sires reviewed the bond schedule. If the Board is going to ask for a bond, Bond hearings would need to be held in early February. The Board would need to decide by mid January if proceeding with the bond.

Mr. Sires next turned the discussion over to Selectmen Drinkhall and Public Works Director, Paul DegliAngeli, to talk about pricing, etc., for a garage.

Mr. Drinkhall stated he feels there are many unanswered details. Mr. Drinkhall stated you can't replace the current building with wood. The basic price for a new building was \$1.21 million but the best estimate now would be \$850,000. A steel building would be \$1.63 a square foot, wood would be \$1.40 square foot, and wood only a \$1.35 square foot. This would not include fire protection, but as a government entity we don't have to follow this rule; although, he personally disagrees with this and feels we need to comply as anyone else should. Mr. Drinkhall further stated that he would like to see us get the amount down to \$750,000 as this garage is something that is needed desperately. Mr. DegliAngeli reviewed both wood and steel structure and designs. Mr. DegliAngeli also reviewed figures for buildings with and without generators. There was next a discussion regarding construction management. Mr. DegliAngeli advised this is simple and the town could oversee the project itself. Mr. Drinkhall next advised that he would like to see the Town set a maximum price and see what they can do for the price. We don't have to put in a generator now but we should put the conduit in for it now. Mr. Drinkhall further added he feels the drive through design is better and has spoken with the foreman and the mechanic regarding same; however, we also need to watch how we are spending money. Mr. Drinkhall stated he feels we should come up with a maximum price with the town being the general contractor. Mr. Hounsell stated the garage should be six bays with steel and the floors built to carry the load and for wear and tear. Mr. Hounsell stated he feels \$1.2 million or less is appropriate and doesn't want to come back and to finish the job. Mr. Hounsell also suggests we do sprinkler the building to provide fire protection and it will need a generator. Mr. Drinkhall stated that fire protection may not be necessary if we go for steel. Mr. Hounsell stated it is not just for the building, it is for what is in the building, and also high temperatures can twist steel. Mr. DegliAngeli added that there may also be a life cycle cost saving, vis-à-vis, insurance by putting in a sprinkler system and we could look into this information. Mr. DegliAngeli further added we would do this not just because we are required but because it is a good idea and it will protect our investment. Mr. Hounsell added it protects our equipment as well.

Jim Lefebvre discussed money that should be left in the fund should you choose to bond.

Mike DiGregorio stated that if you build it build it to last, sprinklers, etc. and he hopes the Board would set a number correctly anticipating it would last and also to buy the appropriate generator.

Mr. Martin moved the question. The motion was defeated 2-3-0 with Messrs. Hounsell and Martin voting in the affirmative, and Messrs. Mr. Drinkhall, Dickinson, and Weathers voting in the negative.

Mr. Drinkhall made a motion that we do bond for \$750,000 max and that we do the general contracting in house and the type of building would be steel fram and skin, 5 bays. There was no second to Mr. Drinkhall's motion.

Mr. Weathers moved, seconded by Mr. Dickinson, that we put forth a bond not to exceed \$900,000 for a steel frame building, 6 bays, sprinklered with generator, 85 x 85 foot building. Mr. Sires questioned does this anticipate using any of the existing funds – is this \$900,000 bond plus the \$200,000 that we have. Mr. Weathers stated he is not anticipated using the \$200,000. Mr. Hounsell questioned if it would be the Board of Selectmen's prerogative to use the \$200,000 at a future date. Mr. Sires advised it is the Board's prerogative to use the addition funds if needed. Mr. DegliAngeli questioned the \$900,000 instead of \$1.2 million amount with this economy. Mr. Weathers talked about the type of construction etc. Mr. Hounsell stated the motion didn't include a method of construction (general contractor, construction management, etc). Mr. Weathers confirmed same. There was next a discussion regarding a fire pump generator, fire protection, etc. Mr. DegliAngeli advised for \$900,000 it does not include fire protection. Mr. Dickinson suggested this be amended to \$1 million. **Mr. Weathers amended the motion to \$1,000,000. Seconded by Mr. Dickinson.** Mr. Drinkhall advised he can't support this after all of the research he has done. Mr. Weathers stated he feels it should be finished the way it should be done. Mr. Drinkhall stated he feels this is more that we should spend and questioned how frequently things come in under cost. Mr. Drinkhall next pointed out that Fryeburg and Brownfield both did garages for much less even though they were not apples to apples - they still function. Mr. Dickinson questioned how long ago those were built and Mr. Drinkhall advised that Fryeburg's was built six years ago but is larger and a wood frame with steel and no sprinkler or generator and it has 5 bays and no drive through.

Mr. Martin stated he agrees he wants the most for the buck like Mr. Drinkhall says but, also like Mr. Hounsell stated he doesn't want to bond it short and have to come back and ask for more money. Mr. Martin added that staff here are sharp pencils and look out for taxpayer dollars. He is going to support and hope it comes in a \$800,000.

Mr. Sires reviewed there is a process and we need to initiate the process if the Board is going to ask for a bond. Mr. Sires reminded everyone that this will still have to go through public hearing process. The Board needs to make a decision tonight and move forward with the process tonight.

A vote was taken on the vote to amend the motion to \$1 million. The motion carried 4-1-0 with Messrs. Dickinson, Hounsell, Weathers and Martin in the affirmative and Mr. Drinkhall in negative.

Mr. Hounsell moved to amend the main motion, seconded by Mr. Weathers, to add that the manner by which work is performed on the new garage be by construction management plan. There was discussion. Mr. Hounsell explained he would not vote for the main motion unless it gets this amendment. There further discussion. **Mr. Weathers withdrew his second and Mr. Hounsell withdrew his motion to amend.**

Chairman Martin tabled the main motion.

Mr. Hounsell moved, seconded by Mr. Dickinson, that the manner by which work is performed on the new garage be by construction management project plan. The motion carried 5-0-0.

Chairman Martin placed the main motion back on the table. Chairman Martin asked the main motion to be read. The motion was read as follows: **Mr. Weathers moved, seconded by Mr. Dickinson, that we put forth a bond not to exceed \$1,000,000 for a steel frame building, 6 bays, sprinklered with generator, 85 x 85 foot building.** Mr. Drinkhall advised he can't support this as he feels it can be done for less. Mr. Drinkhall stated the current plan didn't have fire suppression and now it is more than was asked for before. Mr. DegliAngeli stated the recommendation would be for having a generator. He is not making a recommendation for fire suppression as this is not in the current proposal. Mr. DiGregorio pointed out that Mr. Drinkhall says \$750,000 and motion is for \$1,000,000 so if you build in 15% contingency this covers and is a good idea. Mr. Drinkhall stated contingency is what is in the CRF right now. Mr. DegliAngeli pointed out that we still own a number of buildings and zeroing out that number is not a good idea. Mr. DegliAngeli next asked about construction management plan and Mr. Hounsell stated that he is comfortable with going under the current purchasing policy.

A member of the public, Keith Osman, questioned how much the is the equipment worth that will be housed. Mr. DegliAngeli advised that it is variable as equipment is not stored. Typically, this time of year there may be a school bus, snow blower, dump, police cruiser, pick up truck and a tractor from solid waste in there at any time. The garage could have a \$500,000 to \$1,000,000 inside at any time.

Chairman Martin moved the question. Mr. Martin asked for the motion to be re-read again for clarity. **Mr. Weathers moved, seconded by Mr. Dickinson, that we put forth a bond not to exceed \$1,000,000 for a steel frame building, 6 bays, sprinklered with generator, 85 x 85 foot building. The motion carried 4-1-0 with Messrs. Dickinson, Hounsell, Weathers and Martin in the affirmative and Mr. Drinkhall in negative.**

Mr. Hounsell moved, seconded by Mr. Dickinson, that staff operate under Construction Management Plan in accordance with current purchasing policy. The motion carried unanimously 5-0-0.

LETTER TO CONGRESSWOMAN CAROL SHEA PORTER

Mr. Sires presented a draft letter prepared to send to Congresswoman Carol Shea-Porter. Mr. Sires explained this comes out of the meeting that was held last week wherein the Congresswoman asked about projects, etc. If the Board approves, we can send this letter. Likewise, Senator Shaheen's office has asked about projects as well and we would use same letter. Mr. Sires next reviewed the project listed in the letter with the Board. Mr. Hounsell asked about the Bypass discussion at meeting and Mr. Dickinson explained same. Mr. Hounsell questioned if this should be part of the letter. Mr. Sires explained they asked for municipal projects. **Mr. Drinkhall moved, seconded by Mr. Weathers, to direct staff to send this letter. The motion carried unanimously.** It was agreed the Chair would sign the letter.

DISCUSSION REGARDING PEG FUNDS AND FRANCHISE FEES

Mr. Martin next reviewed a motion on the table as follows: That the selectmen inform the appropriate entities that in accordance with the terms of the Cable Franchise Agreement the town currently has with Time Warner that the percentage charged to Time Warner will be increased from 3% to 5%. Further, that the Selectmen shall place before the voters meeting at the 2009 deliberative meeting a special article which shall state; "To see if the town will vote to raise and appropriate the sum of One Dollar (\$1.00) from franchise fees to add to the PEG EXPENDABLE TRUST FUND, to support the operation and equipment needs of the Public, Education, and Government station and that all future franchise fee revenues and balances currently in the PEG EXPENDABLE TRUST FUND be available to the town for use in the 2009 Operating Budget in order to offset property taxes. No property tax funds will be raised to support this warrant article." **Mr. Drinkhall moved, seconded by Mr. Weathers, to bring the motion off the table. The motion to take the motion off the table carried 4-1-0 with Messrs. Drinkhall, Dickinson, Weathers and Martin voting in the affirmative and Mr. Hounsell voting in the negative.**

Mr. Martin next questioned if there was any further discussion on the motion. Mr. Hounsell advised he would like to divide the questions. **Mr. Hounsell moved, seconded by Mr. Dickinson to divide the question with the first part ending at 5% and the following portion to be acted on first.** Mr. Dickinson briefly discussed the latter part of the motion. **A vote was taken on dividing the question and the motion carried 5-0-0.**

There was first discussion on the latter part of the divided question. Mr. Drinkhall advised he felt it would be a mistake to do this and response from the public backs up the way he feels. He feels may be able to reduce the amount by \$5,000 or \$10,000 but he can not support this as is.

Mr. Hounsell moved, seconded by Mr. Dickinson, to amend that \$1 be replaced with \$50,000. Mr. Hounsell stated it is important that enough be in there to cover government meetings. Mr. Hounsell also stated he feels this article will have Conway act on it at Town Meeting. Mr. Dickinson concurred. Mr. DiGregorio stated he doesn't think the Board is going down the right path by messing with the system they have in place for a long time. Further, shouldn't muddy the water between the user fees and money to lower the tax rate. Fees raised are to go toward PEG and can rely on this to get information on meetings, etc. Mr. DiGregorio stated he doesn't believe that taking that money to lower the tax rate is okay. Valley Vision is a contractor and we pay fees to view shows. Having Valley Vision here give a true sense of what the Board of Selectmen and School Board does. Mr. DiGregorio reiterated we have a good system in town and to please leave it alone. Mr. Dickinson questioned what should be done then. Mr. Sires reviewed that Valley Vision submits a budget request to the Board of Selectmen and the Board negotiates and proposes an amount to put into the PEG fund. This has been the process in the past, but doesn't have to be the process. Mr. Sires further explained that money received from the cable company is fees for use of right of ways. The way it is shown on the cable bill makes people think it is for Valley Vision. There is a feeling and an expectation from people. It is a general fund revenue and the Board of Selectmen can use this as they sit fit. Mr. Weathers questioned is it appropriate at all to vote on any figure at this time. Mr. Sires advised the Board can vote at any time on a figure; however, it may be premature but can do before discussions. Bill Edmunds, Station Manager of Valley, stated that every warrant article regarding the

PEG fund has passed overwhelmingly in the past. There was further discussion. **Mr. Dickinson moved, seconded by Mr. Martin, to table the amendment. The motion to table failed 2-3-0 with Messrs. Dickinson and Martin in the affirmative and Messrs. Drinkhall, Hounsell and Weathers in the negative.** Mr. Martin next moved the amendment and the **amendment failed 2-3-0 with Messrs. Dickinson and Hounsell in the affirmative and Messrs. Drinkhall, Weathers and Martin in the negative.** Mr. Martin next referred back to the main motion for \$1. **The motion failed 1-4-0 with Mr. Hounsell voting in the affirmative and Messrs. Drinkhall, Dickinson, Weathers and Martin voting in the negative.**

The Board next held discussion on the former part of the bifurcated motion, regarding the increase of fees from 3% to 5%. Mr. Hounsell advised he will be voting no because the first motion failed and the plan he put forward will not work. Mr. Weathers questioned if voting no will fees stay at 3% and not go up to 5% and the Board agreed. There was further brief discussion and Chairman Martin moved the question to raise the fee. **The motion failed 0-5-0.**

APPOINTMENT OF SELECTMEN REPRESENTATIVES TO COMMITTEES

Budget Committee – Chairman Martin advised that Mr. Hounsell has resigned as the Selectmen's representative to the Budget Committee. Mr. Drinkhall advised that he would like to be the representative to the Budget Committee. **Mr. Hounsell moved, seconded by Mr. Weathers, that Bob Drinkhall be the Board of Selectmen representative to the Budget Committee. The motion carried 5-0-0.**

Valley Vision – Chairman Martin questioned if there anyone would like to consider filling the position as Selectmen representative on the Valley Vision Board of Directors. **Mr. Hounsell moved that we appoint Mike DiGregorio as the Selectmen's representative to Valley Vision.** Mr. DiGregorio questioned what this entails. Mr. Hounsell explained attend meetings, go over budget policy and report back Earl. Mr. DiGregorio advised that he "would be honored". **The motion carried 5-0-0 unanimously.**

TOWN MANAGER REPORT

Mr. Sires advised there is no Town Manager report today and wished everyone a Merry Christmas.

BOARD REPORTS AND COMMENTS

CIP Committee – Mr. Drinkhall advised that at the last meeting of the CIP Committee he was going to make a proposal to disband at the meeting, however no one showed up to the meeting except he and one other member. Mr. Drinkhall next stated that this has gone back and forth and different entities in town have been asked for information with no response. One of the people in favor of having the CIP Committee was strongly in favor of impact fee. Impact fees in this community will be difficult because of all of the different entities. Mr. Drinkhall next advised he would like this to go to staff and have staff prepare the CIP. **Mr. Drinkhall moved, seconded by Mr. Weathers, that we disband the CIP committee and allow staff to provide the CIP for just the town.** Mr. Hounsell questioned if this was an article on the warrant. Mr. Sires replied in the affirmative and further added that we to have information for the town

and school and could put together our information and the precincts would continue to do theirs. There was further brief discussion. **The motion carried 4-1-0 with Messrs. Drinkhall, Dickinson, Weathers and Martin voting in the affirmative and Mr. Hounsell voting in the negative.**

Happy Holidays – Chairman Martin wished Merry Christmas, Happy Holidays and hope for a healthy and prosperous New Year to all.

PUBLIC COMMENTS / MEDIA QUESTIONS

There were no public comments or media questions.

Mr. Sires left the meeting at 6:09 p.m.

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

At 6:10 p.m., **Mr. Drinkhall moved, seconded by Mr. Hounsell, to go into non public session under RSA 91-A:3,II(c) to discuss a litigation matter. The motion carried by unanimous roll call vote.**

At 6:13 p.m. the Board returned to regular session.

ADJOURN

At 6:20 p.m. Mr. Drinkhall moved, seconded by Mr. Weathers to adjourn the meeting. The motion carried unanimously.

Respectfully submitted,

Karen J. Hallowell
Executive Secretary