

Minutes of Meeting  
CONWAY BOARD OF SELECTMEN

February 24, 2009

The Selectmen's Meeting convened at 4:02 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 February 26, 2009.

CONSIDERATION OF MINUTES

The Board considered the minutes of the 1/6/09 meeting. Mr. Drinkhall offered the following amendment: Page 5, paragraph 3, in the middle of the paragraph the sentence that reads "At this point in time we are not ready to remove increases from the budget." should be changed to read "At this point in time we are not ready to remove increases ~~in~~ from the budget." **Mr. Drinkhall moved, seconded by Mr. Weathers, to accept the minutes of January 6, 2009 as amended. The motion carried 5-0-0.**

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

There were no Special Event Applications for the Board review and consideration

DISCUSSION OF VIOLATION OF CHAPTER 127 – JOHN & ELISE WILLEY.

John Willey appeared before the Board.

Mr. Sires reviewed the Police Department issued a citation for putting snow onto a town road. Mr. Sires further advised that the Town had advised Mr. Williey that his only recourse is District Court but he wanted to come and talk to the Board of Selectmen how he felt on this matter.

Mr. Willey stated the way he reads the law you can not put snow onto the road. He uses a front end loader. He takes the front end loader and takes a couple of buckets and puts it over the snow bank. Basically this is a misunderstanding of not upon the road. Mr. Willey stated that he feels the road guys to a great job; although they did take down his mailbox and he has to replace same. Mr. DegliAngeli reviewed the Town is not responsible for mailboxes.

Mr. Martin asked for Board questions or comments. The Board questioned if he is putting it over the bank is it a problem for the Town of Conway. Mr. DegliAngeli advised that the Town has had discussions with Mr. Willey and can accomplish getting the snow out of the way without putting snow in the roadway. Mr. Sires stated that Mr. Willey wanted to have conversation and make the Board aware that he has talked with staff and work this out. Mr. Willey advised he will pay the fine and just wanted to understand. Mr. Willey stated that when he gets a letter it should be clearer so people understand the distances etc.

#### DISCUSSION REGARDING STARTING POINT FUNDING

Chairman Martin stated that with regard to the discussion regarding Starting Point Funding the Board will speak first and then he will open the discussion up for public comments. There were approximately 50 members of the public present. Mr. Martin further set down guidelines by which public comments would be received.

Mr. Dickinson read aloud a prepared statement for clarification on the Starting Point matter as follows: "It seems that my observations concerning the issue of domestic abuse were misinterpreted as having something to do with Starting Point. Let me make it very clear Starting Point is an agency set up to shelter and advise those who have been abused and have no where else to turn or for help."

Chairman Martin next opened the meeting to public comments.

Jo Whittington advised she works at Memorial Hospital and is an RN. She wants to say what a wonderful agency Starting Point is and they advocate for victims. Hats off to them they do a wonderful job.

Chairman Martin next advised that there can be no particular action taken at this particular meeting because the warrant is posted. If something is to be changes on the article at the Deliberative Session of Town Meeting, the Board would have the option afterward.

John Pullen stated Starting Point provides support to victims and also educates children.

Syndi White spoke in support of Starting Point stating they help abuse victims, and their children and family.

Suzette Indelicato, Executive Director for Starting Point, stated that it is not about male or female. It's about people who can't speak for themselves and not about sexism. Ms. Indelicato stated she wants to know if there are any questions from the Board of Selectmen there were not answered at the previous meeting (Saturday non profit meeting). Mr. Hounsell questioned what would happen to Starting Point if the voters went along with the Board of Selectmen and did not support them. Ms. Indelicato advised it would impact programming and positions.

Mr. Drinkhall asked about the money they receive, their office, etc., how does that breakdown. Ms. Indelicato gave a explanation of how the total request of town funding is allocated. Ms. Indelicato further sited additional figures and services of Starting Point.

Mr. Weathers questions if there is one home in the Town of Conway. Ms. Indelicato replied in the affirmative and explained there is one home in Conway and there is also the Starting Point office in Conway.

Mr. Drinkhall questioned if Starting Point receives an abatement from the Town of Conway. Ms. Indelicato replied in the affirmative.

Patricia Jacobson advised she is the Coordinator at the White Mountain Community Health Center Teen Clinic and works with Starting Point. Ms. Jacobson advised she works with Starting Point on an educational level and they are losing ground with funding and encourages the Board of Selectmen to pay attention to this. Mr. Jacobson stated she feels this discussion should have taken place before and not now considering the funding history of this non profit.

Kathy Bennett advised she is a support of Starting Point and, also, markets the Mount Washington Valley as a destination. She feels how we treat the vulnerable says a lot about us as a destination and it doesn't reflect well on us as a community.

Russ Seybold stated he was on the Budget Committee for six years and never turned down a budget for a non profit organization as they brought forward budgets that wer economical and for common good. In terms of fiscal responsibility, he would rather have a few more potholes that turn down a program such as Starting Point.

Nancy Clark advised she developed the internet web group on Facebook regarding Starting Point and, as of today, there are 450 members on the Facebook group. There are many good comments on this group and she encourages everyone to take a look at the comments.

Elizabeth Kelly advised she is with the Child Advocacy Center of Carroll County. They advocate for children and Starting Point has never let them down. She appreciates them and feels they are vital to the community not only in Conway but throughout the area.

Jim LeFebvre stated that one thing he recommends doing today is to use this as learning. This can be used to educate the public and he recommends that we do that.

Conway Police Chief, Ed Wager, read aloud a letter regarding the relationship of the Police Department with Starting Point and the importance of it.

Dot Seybold advised she is a member of the Board of Directors for Starting Point. She stated she would like to know if the Board of Selectmen have enough information to change their vote and, also, she would like to know how much information they received at town hall. Mr. Drinkhall advised that he would not change his vote. He hasn't voted for this in three years as a member of the Budget Committee. Mr. Drinkhall added that he would like to say that there are more people here that at any Budget Committee meetings. Mr. Drinkhall further stated that he would like to stress that he ran as being fiscally responsible and any one of the non profits could obtain money from 6 to 8 different ways. There is federal funding, state funding, town money, all taxpayer money, fundraising, and individual organizations get tax abatements and he feels very strongly that the money they are requesting could very easily be raised by the people here supporting it tonight. Mr. Dickinson stated that their request makes up 2½ percent of the total revenue they are anticipating receiving this year. Mr. Dickinson further added

he hopes the Budget Committee will redesign the forms for non profits so they show year to year figures and actual expenditures. Mr. Dickinson stated he doesn't see a reason why the taxpayers should fund this request. Mr. Hounsell advised he was very sorry for the misstep against Starting Point. Mr. Hounsell stated he was never at a meeting or a pole and voted against Starting Point and, if given a chance, would vote to change this, but cant at this point. Mr. Hounsell advised that if the amount is changed by \$1 at the Deliberative Portion Town Meeting, the Board of Selectmen could change the recommendation for the ballot in April. Mr. Hounsell advised he would change his vote. Mr. Weathers advised he was contacted by five people up to today and today his wife fielded a number of phone calls at their home while he attended an arbitration hearing for the Town. Mr. Weathers asked that people show up at the Deliberative Portion of Town Meeting.

Dot Seybold next questioned how much correspondence was received on this matter, letters and e-mails. Mr. Martin advised the Selectmen received a packet of emails and letters both for and against.

Dot Seybold asked that the Board please reconsider their vote on Starting Point considering the information the Board has received.

Mr. Hounsell pointed out that there are a considerable amount of e-mails in the packet the Selectmen received that do not support Starting Point. Mr. Drinkhall commented there is a considerable amount that backed up Mr. Dickinson and, also, that he received telephone calls from people who felt this agreed with his position as well.

Mr. Dickinson stated he apologized for side bar comments and they have nothing to do with Starting Point. Mr. Dickinson advised the Chair has stated the process and at the Deliberative Portion of Town Meeting if you change the figure then the Board of Selectmen can change the vote if they so chose.

Mr. Hounsell questioned if it would be possible to take a straw poll by show of hands now on how the Selectmen may vote on this matter if it were to be changed at the Deliberative Session. Chairman Martin advised a straw poll not necessary at this point. This can be done at the Deliberative Session.

Mr. Weathers questioned if a new recommendation would appear on the ballot if the Selectman revote on this article. Mr. Sires replied in the affirmative.

Suzette Indelicato stated there are unintended consequences from this even if you don't agree with Starting Point. There are ideas such as first no one will believe you, you are crazy, etc. Ms. Indelicato stated that she encourages this Board, regardless of whether they recommend the article or not, to make a statement to support seeking services and to send a message to batterers. Ms. Indelicato further encouraged the Board of Selectmen to visit Starting Point and tour their facility.

Mike Cormier stated he understands fiscal responsibility but also feels we have a moral responsibility and to think that the police department has resources to handle all of this is not right.

Ashley Perrington advised she works at Memorial Hospital and has also used the services of Starting Point. Mr. Perrington stated she hopes the public disregards the

Board's vote and votes for Starting Point and also opens up their wallets and gives \$50 to Starting Point.

The Public Hearing was closed at 4:58 p.m.

Mr. Hounsell stated that he understands the Board can't take any vote on the funding portion and understands can not take a straw vote this time. Mr. Hounsell stated he does feel a motion is in order that we will not tolerate domestic violence in this town. There was discussion on an appropriate motion. **Mr. Hounsell moved, seconded by Mr. Drinkhall, that this Board does not tolerate domestic violence and the belief systems that allow it to happen in our community, and that we strive to live in a community that is free of domestic and sexual violence. The motion carried 5-0-0.**

Chairman Martin called for a brief recess of the meeting at 5:05 p.m. The meeting was called back to order at 5:11 p.m.

#### DISCUSSION REGARDING FEE STRUCTURE FOR SWIM LESSONS

Recreation Director, John Eastman, was present for discussion.

**Mr Dickinson moved, seconded by Mr. Weathers, to take the motion regarding swim lessons off the table. The motion carried 5-0-0.** The motion now being considered is as follows: Mr. Dickinson moved, seconded by Mr. Drinkhall, to accept the fee structure as presented for swim lessons.

Mr. Sires reviewed the discussion held on this matter at the previous meeting. The Board requested the Recreation Director attend a meeting due to additional questions regarding the fee structures.

Mr. Eastman reviewed the cost analysis provided previously to the Board and also discussed swim instructors, lifeguards, etc. There was a discussion with the Board. Mr. Drinkhall stated he feels this is a steep increase over what someone may be used to. Someone may already be in the program and this is their second year and it would be a steep increase for them. Mr. Hounsell agreed with Mr. Drinkhall and suggested amending the motion from \$75 to \$60 and \$100 to \$80 for fees.

A member of the public, Syndi White, stated that if someone has multiple children, would the Board consider fees for same. Ms. White further questioned if the program is five days and if the Board is thinking about going to less than five days a week for savings.

Mr. Eastman advised it is difficult to find instructors, need certifications, etc. Could consider less days if Board would like.

Mr. Dickinson questioned if these are the fees for the whole season and how long is the season. Mr. Eastman replied it is the fee for the entire season and the season is four weeks.

Mr. Dickinson questioned who makes the decision regarding the quantity discount. Mr. Eastman advised this has never been done before but it is possible to set up a program if the Board would like staff to look into this. Mr. Dickinson questioned

who would approve this program. Mr. Sires advised that if the Board would like to settle on a base rate we could probably do a fee schedule for discounts for multiples. There was further brief discussion and Mr. Dickinson moved the motion. **The motion failed 1-4-0 with Mr. Dickinson in favor and Messrs. Drinkhall, Hounsell, Weathers and Martin voting in the negative.**

**Mr. Weathers moved, seconded by Mr. Drinkhall, that we propose for 2009 a fee for \$50 for residents with a sliding scale and \$80 for non residents with a sliding scale.** There was a discussion and the Board agreed that on a \$75/\$50 sliding scale and that the Town Manager has the authority to apply same. **The motion carried 4-1-0 with Mr. Dickinson in the negative and Messrs. Drinkhall, Hounsell, Weathers and Martin voting in favor.**

#### VALLEY VISION AGREEMENT

Bill Edmunds, Valley Vision Station Manager and Mike DiGregorio, Selectmen's Representative to Valley Vision Board were present for discussion.

Mr. Sires advised the Valley Vision agreement has been amended as per the last meeting with the Board. Mr. Edmunds provided a signed MOA for the Board's review and signature.

Mr. DiGregorio provided a report to the Board of Selectmen and advised this will be provided monthly.

**Mr. Hounsell moved, seconded by Mr. Weathers, that the Board of Selectmen execute the signatures on both documents; however the Chair would sign the form after the Town Manager reviews and after that it will be delivered to Valley Vision. The motion carried 5-0-0.**

#### DESIGNATION OF VOTING DELEGATE FOR NHMA MEMBERSHIP MEETING SCHEDULED FOR 3/2/09

**Mr. Hounsell moved, seconded by Mr. Drinkhall that we designate the Honorable Representative Howard C. Dickinson to the NHMA meeting on 3/2/09.** There was a brief discussion by the Board. **The motion carried 4-0-1 with Mr. Dickinson abstaining.**

At 5:50 p.m. Mr. Hounsell asked to be excused from the meeting to attend another scheduled engagement. Mr. Hounsell was excused and left the meeting.

Mr. Sires next explained that the meeting at the NHMA is to respond to the governors proposed budget and other items.

#### DISCUSSION REGARDING HB 197

Mr. Drinkhall provided information to the Board concerning HB 197. Mr. Drinkhall explained this bill sounds totally unfair to him and gave examples regarding apportionment of negligence of damage in civil actions. Mr. Drinkhall stated he feels this bill could affect the town negatively as we would be the deep pockets. **Mr. Dickinson moved, seconded by Mr. Drinkhall, that we draft a letter to be sent to the Chair of the Judiciary Committee of the House and Senate and our Representatives from**

**Carroll District 1 and the Governor advising them to vote against HB 197. The motion carried unanimously.**

### TOWN MANAGER REPORT

Warrant – Mr. Sires reported the Warrant has been posted for Town Meeting.

Deliberative Session of Town Meeting – Mr. Sires reviewed the Deliberative Session of Town Meeting is scheduled for March 2, 2009 in the Auditorium at Kennett High School.

Voting Guide – Mr. Sires reported the Voting Guide will be available tomorrow along with a detailed budget. This information will be available on the web page, at town hall, Conway Library, North Conway Library, and Webster's Store. Anyone with questions can call Town Hall.

Town Reports - Mr. Sires reported Town Reports will be available early April.

Protest Petition – Mr. Sires advised a Protest Petition has been received regarding the zoning article to rezone lots in Conway Village. The article now requires a 2/3 vote needs to be posted at polling place and moderator needs to announce it.

HB445 – Mr. Sires reported Representative UMBERGER called regarding HB445 for the methadone clinics. The Bill is up for discussion next week in committee. Any changes or input she would like it before that time.

Economic Stimulus – Mr. Sires advised he received a call from the Governor's economic stimulus office. They called to let us know they received our letter and the projects are in the data base.

### BOARD REPORTS AND COMMENTS

Letter from Chet Lucy – Mr. Drinkhall read aloud a letter from Chet Lucy concerning his thoughts on why people do not turn out to the public hearings on the budgets.

Filing Period for Town Officers – Mr. Martin read aloud the public notice published concerning position available for town officers.

### PUBLIC COMMENTS AND MEDIA QUESTIONS

There was a question from an audience member regarding the spending cap petitioned article. Mr. Martin advised the article is not proper in the way it was written; however it will appear on the warrant.

Andrea Osmun from the Conway Daily Sun questioned the Board's vote on swim lessons and the Board reviewed same.

Andrea Osmun from the Conway Daily Sun asked about the MOA signed with Valley Vision as she thought this was completed. Mr. Sires advised this was an amended version that was sent to Valley Vision which they had reviewed.

Andrea Osmun from the Conway Daily Sun asked about the protest petition received by the Town. Mr. Sires provided a copy to Ms. Osmun.

Andrea Osmun from the Conway Daily Sun questioned if there is a website for economic stimulus information. Mr. Sires advised this can be found on the State of NH website – Governor's Office of Economic Stimulus.

Andrea Osmun from the Conway Daily Sun requested a copy of the list of open positions for town officers. Mr. Martin provided a copy of same.

Mr. Sires left the meeting at 6:20 p.m.

NON PUBLIC SESSION: RSA 91-A,II(C) /TAX MATTER

At 6:21 p.m. **Mr. Drinkhall moved, seconded by Mr. Weathers, to go into non public session under NH RSA 91-A,II(c) to discuss a tax matter.** The non public session included Tax Collector, Rhoda Quint, Recording Secretary, Karen Hollowell, and one property owner. **The motion carried by unanimous roll call vote.**

At 7:10 p.m. the Board returned to public session. A motion to seal the minutes was made and carried in non public session.

ADJOURN

At 7:12 p.m. the meeting was adjourned at the call of the Chair.

Respectfully submitted,

Karen J. Hollowell  
Executive Secretary