

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN**

November 24, 2009

The Selectmen's Meeting convened at 4:04 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen, Larry Martin (Chair), C. David Weathers, Howard C. Dickinson, Bob Drinkhall, and Mike DiGregorio; 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 November 25, 2009

CONSIDERATION OF MINUTES

Mr. Drinkhall moved, seconded by Mr. Weathers, to approve the minutes of 9/29/09 as written. The motion carried 4-0-1 with Mr. DiGregorio abstaining.

Consideration of the minutes of 10/20/09 was held for the next meeting.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATIONS

The Board reviewed and considered a Special Event Application submitted by the Conway Village Area Chamber of Commerce (CVACC) for the CVACC Parade and Tree Lighting scheduled for 12/5/09. **Mr. Weathers moved, seconded by Mr. Dickinson, to approve the application for the CVACC Parade and Tree Lighting on 12/5/09. The motion carried 5-0-0.**

REVIEW OF 2010 PROPOSED BUDGET

Conservation Commission - Paul Pinkham, Chair of the Conservation Commission, joined the meeting. Mr. Pinkham reviewed the proposed 2010 Conservation Commission budget with the Board. Mr. Pinkham reviewed the proposed budget for 2010 is flat.

Chairman Martin asked for Board questions. Mr. Dickinson asked if there is anything Mr. Pinkham felt this Board needs to know. Mr. Pinkham reviewed there needs to be work done on the Abenaki site, the site needs to be stabilized and there is a need to eliminate the probability for any further damage.

Mr. Dickinson next asked for a breakdown of how the budget was spent. There was brief discussion and staff and Mr. Pinkham will provide same.

Elections & Registrations - Town Clerk/Tax Collector, Rhoda Quint, joined the meeting. Ms. Quint reviewed the proposed 2010 Elections and Registrations budget with the Board. Ms. Quint reviewed there are three elections scheduled next year and the increases are due to elections.

CONSIDERATION OF LEGAL OPINION ON BUDGET COMMITTEE
REQUESTED EMPLOYEE PERSONNEL INFORMATION

Mr. Sires reviewed a letter from the NHMA-LGC with the Board received in response to an inquiry sent asking for an opinion on the Budget Committee request for employee personnel information with the Board. (See attached). Mr. Sires reviewed that information requested is public information with the exception of health information due to HIPAA laws.

Mr. Sires reviewed the information as requested by the Budget Committee, which includes, but is not limited to, FICA, retirement information, total cost, insurance information, experience and length of experience. Mr. Sires further reviewed that at this time we could supply salary, years in current positions, and if the Budget Committee wants addition information this could be supplied and could also indicate if the person is a supervisor. Mr. Sires presented an alternate form to be filled out to satisfy the Budget Committee request. Mr. Sires also stated that there is a duty to protect the rights of employees and he would recommend that the Budget Committee Chair meet with Town Counsel and go over with Counsel how information can be used, i.e., if it can be used to compile tables, etc. Further, it can't be used to say how someone performs their job or that the person is paid too much, etc, in public session and then the Budget Committee Chair can advise the Budget Committee members on this information as well. Mr. Drinkhall questions if it is recommended that the employee name or position be used. Mr. Sires recommended position be put on the form. There was brief discussion by the Board. Chairman Martin asked the Board how they would like to proceed with a vote for this process. **Mr. Dickinson moved, seconded by Mr. Drinkhall, that the Board support the process that we heard described by Mr. Sires.** Mr. DiGregorio spoke about the education part of the survey and stated he doesn't think it is right to ask about this information and it wasn't even touched on by the attorneys. Mr. Sires stated the form presented today is what he is suggesting using for employees under the Board's purview and they can send the request to the Police Department, etc and they can respond as they see fit. Mr. DiGregorio stated he still doesn't think he has heard from the Budget Committee as to what they want the information for – all he has heard is that they can do what they want with it and it is a lot of work to put this information together. He has not heard a valid reason for it. Mr. Drinkhall stated that his reaction to this has been ambivalent when first put forward and he feels there has been a lot of paranoia when this was first put forward. Mr. Drinkhall explained replacement hires is one reason for the requesting the information. When a new person with less

experience is hired- one entity handles rate increases differently and very strangely a high percentage of the employees fit the highest rating resulting in the largest increase available and this seems odd. Mr. Drinkhall stated if you don't want to give this what are they hiding –someone brought this up to him. Mr. Drinkhall further added that there is nothing to fear other than giving what information they are looking for.

Mr. Weathers stated he has a question of how this information will be used. Mr. Weathers gave the example of the experience of someone leaving and hiring new person. It is up to the person doing the hiring. Mr. Weathers questioned if this just speculation. Mr. Weathers further added he does not feel this is the charge of the Budget Committee and it bothers him as to how they will use this information. Mr. Weathers stated that if the Budget Committee feels there is abuse, they should just come out and say it.

Mr. Sires reviewed that the Budget Committee does not need Board authorization to release public information. Mr. Sires further reviewed it is also totally appropriate to have a legal review. It has been determined that it wasn't all public information. The Board is concerned with what the Budget Committee may release and there is no paranoia on staff level. The real danger and issue here is the inappropriate use of information by public officials. Mr. Sires advised the Town wants to make sure employee rights are not violated.

Mr. Martin stated that he was dead set against it at first as he saw it as a micro managing tool. However, now knowing that anybody anytime can come in and ask for this at any time the information has changed. Mr. DiGregorio agreed and advised he will vote for it too because of the changes.

The Board voted on the motion and the **motion carried 4-1-0 with Messrs. DiGregorio, Drinkhall, Dickinson and Martin in the affirmative and Mr. Weathers in the negative.**

REVIEW OF 2010 PROPOSED BUDGET - continued

Finance - Finance Director, Lucy Philbrick, joined the meeting. Ms. Philbrick briefly reviewed the finance budget with the Board of Selectmen. Ms. Philbrick pointed out the town is falling behind with computer purchases.

Legal – Mr. Sires reviewed the legal budget with the Board.

Mike DiGregorio was excused from the meeting room at 4:50 p.m.

REVIEW OF COURTHOUSE LEASE

Mr. Drinkhall asked about sharing the costs for maintenance, the shrubs, etc. Mr. Sires confirmed that the Town does bill for these items. Mr. Drinkhall stated that he has read the lease and noted that the building can be used for town meetings, etc, and questioned if the building could be used for budget

committee meetings. There was brief discussion by the Board on the uses of the building and the review of the lease. **Mr. Weathers moved, seconded by Mr. Drinkhall, to defer this matter until after the first of the year. The motion carried 4-0-0.**

TOWN MANAGER REPORT

Board Photo – Mr. Sires reviewed the Board's picture would be taken at the next meeting for the 2009 Town Report.

Valley Vision – Mr. Sires advised that Valley Vision had provided a quarterly report and it is available for review.

Turkey Trot - Mr. Sires reported the Turkey Trot was held yesterday at the Conway Recreation Department.

BOARD REPORTS AND COMMENTS

NH-LGC Annual Meeting – Mr. Dickinson reported he attended the Annual meeting held by the NH LGC last week in Concord.

Motion on the Table – Mr. Martin reviewed that the motion on the table concerning the Courthouse property will be carried until after the first of the year. The Board agreed.

Thanksgiving– Mr. Martin advised all to be thankful in the season. Mr. Martin stated there are plenty of meals available through kitchens etc in the area.

Public Comments/Media Questions

Andrea Osmun of the Conway Daily Sun questioned why the motion on the table regarding the courthouse property was carried until January. The Board advised that there are legal issues to iron out and budgetary issues as well.

Mr. Martin stated thank you to Andrea Osmun and acknowledged that this was the last meeting she was attending as a reporter for the Conway Daily Sun as she was moving back to Cleveland. Mr. Martin and the Board wished Andrea good luck.

ADJOURN

At approximately 6:00 pm the meeting adjourned at the call of the chair.

Respectfully submitted,

Karen J. Hallowell
Executive Secretary

