

**Minutes of Meeting  
CONWAY BOARD OF SELECTMEN**

August 10, 2010

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, Howard C. Dickinson, and Bob Drinkhall;; Town Manager, Earl W. Sires; and Recording Secretary, Karen Hallowell.

Selectmen Michael DiGregorio joined the meeting at 4:00 p.m.

NON PUBLIC SESSION RSA 91-A:3:II(e)/LITIGATION  
MATTER/O'ROURKE V TOWN OF CONWAY

At 3:05 pm, **Mr. Dickinson moved, seconded by Mr. Drinkhall, to go into non public session under RSA 91-A,3:II(e) to discuss a litigation matter.** The meeting included Attorney Robert Dewhirst, representing the Town of Conway, Town Manager, Earl Sires and Recording Secretary, Karen Hallowell. **The motion carried by unanimous roll call vote.**

At 3:34 the Board returned to public session.

**Mr. Dickinson moved, seconded by Mr. Dickinson, to seal the minutes of this non public session. The motion carried 3-0-1 with Mr. Weathers abstaining.**

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

At 3:35 pm, **Mr. Drinkhall moved, seconded by Mr. Dickinson, to go into non public session under RSA 91-A,3II(c) to discuss a tax matter.** The meeting included, Town Manager, Earl Sires, Assistant Assessor, Dale Schofield, and Recording Secretary, Karen Hallowell. **The motion carried by unanimous roll call vote.**

At 3:45 pm the Board returned to public session.

**Mr. Weathers moved, seconded by Mr. Drinkhall, to seal the minutes of this non public session. The motion carried unanimously.**

RECESS

The Chair called a brief recess of the meeting at 3:46 pm. The Chair reconvened the meeting at 4:00 pm. Mr. Martin announced the Board started their meeting today at 3:00 p.m. and held two non public sessions.

Selectmen Michael DiGregorio joined the meeting.

PLEDGE OF ALLEGIANCE

Chairman Martin led the Board in the Pledge of Allegiance to the Flag.

CONSENT AGENDA

Mr. Martin advised the following item would be added the consent agenda: Intent to Cut Wood or Timber, Tax Map/Lot 214-44.

- A. Signing of Documents
  - 1. Intent to Cut Wood or Timber  
Tax Map/Lot 215-1
  - 2. Intent to Excavate  
Tax Map/Lot 207/14-5
  - 3. Land Use Change Tax  
Tax Map/Lot 272-52.13
  - 3. Raffle Permit(s)  
American Cancer Society/Making Strides Against Breast Cancer  
Drawing: 10/17/10 at Staples Parking Lot
  - 4. Tax Abatements:  
Tax Map/Lot 265-161.310  
Tax Map/Lot 275-48

**Mr. Drinkhall moved, seconded by Mr. Dickinson, to approve the Intent to Cut Wood or Timber-Tax Map/Lot 215-1, Intent to Cut Wood or Timber-Tax Map/Lot 214-44, Intent to Excavate-Tax Map/Lot 207/14-5, Land Use Change Tax-Tax Map/Lot 272-52.13, Raffle Permit for American Cancer Society/Making Strides Against Breast Cancer; and, Tax Abatements for Tax Map/Lot 265-161.310 and Tax Map/Lot 275-48. The motion carried unanimously.**

- B. Consideration of Bills:
  - 1. Ratification of Manifest dated 8/5/10

**Mr. Drinkhall moved, seconded by Mr. DiGregorio, to ratify the manifest dated 8/5/10. The motion carried unanimously.**

- 2. Manifest dated 8/12/10
- 3. Payroll dated 8/12/10

**Mr. Drinkhall moved, seconded by Mr. DiGregorio, to approve the manifest dated 8/12/10 and payroll dated 8/12/10. The motion carried unanimously.**

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

- A. MWVYHA/Kennett Hockey – Ducky Derby, Old Swift River Bridge to Davis Park, Conway, NH – 9/18/10
- B. North Conway Community Center – Mud Bowl Championships at North Conway Community Center, North Conway, NH – 9/10/10-9/12/10 – pending liquor license
- C. RTB Relay Inc – 12<sup>th</sup> Annual Reach the Beach – Running event through Town of Conway – 9/17/10 – pending insurance

Mr. Martin briefly reviewed the pending special event applications. **Mr. Dickinson moved, seconded by Mr. Drinkhall, to approve the MWVHA/Kennett Hockey Duck Derby, the North Conway Community Center Mud Bowl Championship pending receipt of liquor license and, RTB Relay Inc. 12<sup>th</sup> Annual Reach the Beach pending receipt of the insurance certificate. The motion carried unanimously.**

### CONSIDERATION OF MINUTES

The Board considered the minutes of the 7/13/10 meeting. Mr. Drinkhall offered the following amendments: Page 3, paragraph 3, add the sentence stating that he said "We are wasting at least \$2-5,000 a year due to the lack of insulation". Paragraph 7, the sentence should be changed from "Mr. DegliAngeli reviewed the lower bidder didn't bid correct for the floor." to from "Mr. DegliAngeli reviewed the lower bidder didn't bid for a complete removal of the floor and a new floor". **Mr. Drinkhall moved, seconded by Mr. DiGregorio, to accept the minutes with the amendments. The motion carried unanimously.**

### LETTER FROM NHDES REGARDING PUBLIC HEARING SCHEDULED FOR 8/13/10 ON THE APPLICATION OF THE NHDOT ON PROPERTY PROPOSED FOR THE CONWAY BYPASS ON OR NEAR ROUTE 16 & ROUTE 302

Mr. Sires explained the Town received notice of a public meeting scheduled for 8/13/10 from the New Hampshire Department of Transportation. The Bypass DES permit has been expired since 2006 and the DES is holding the public meeting to review same. Mr. Sires further reported he received a voice mail from a person at the Wetlands Bureau regarding the meeting advising the public meeting will take public comments on the bypass permit. The comments can be made in writing or in person. Mr. Sires stated if the Board would like to comment on this we can forward same. Mr. Sires further advised this matter will also be discussed by Mr. Weathers at the Conservation Commission meeting scheduled for tomorrow night. Mr. Weathers asked the Board if there is anything regarding wetlands this Board would like brought up to the DES or if they would like this brought up tomorrow and the Conservation Commission can forward the concerns. Mr. Martin suggested yielding to Mr. Weathers since he has expertise in this area and that he take it to the Conservation Commission. The Board agreed.

### LEGISLATIVE FLOOR POLICY RECOMMENDATIONS

Mr. Dickinson reviewed a Floor Policy Proposal was submitted by the Town to the Local Government Center. Mr. Dickinson next requested that if there is anything else on the list of floor policies that Board members have positions on to please let him know. Mr. Martin asked that if the Board does have any positions to let Mr. Dickinson know and, also, that they be put on the agenda. Mr. Drinkhall stated that when he received the packet there were several that he had questions and reservations about. Mr. Sires reported the list has also been circulated to staff, Planning Board and the Conservation Commission and we have not received any comments back to date. Mr. Dickinson stated that most of them are fairly benign and he would agree with most of them.

### BUDGET WORKSHOP

Mr. Martin reviewed that financials were distributed for the Board's review. Mr. Sires and Ms. Philbrick are asking the Board to take a look for the upcoming season and are looking for direction on budget preparation.

The Board briefly discussed where they wanted to start. Mr. Sires advised the plan today was to start with Assessor, Tom Holmes, so he can give an overview of the assessment situation and how he will approach things. Mr. Sires next advised that after

Mr. Holmes, he and Finance Director, Ms. Philbrick, will discuss revenues and, also, Public Works Director, Paul DegliAngeli will discuss plowing, etc. Mr. Sires suggested talking about this so we can put a proposed budget together in the fall. This is to get some guidance on how to starting working on things for the next year.

Tax Assessor, Tom Holmes, joined the meeting, and distributed information to the Board and reviewed same (see attached). Mr. Holmes explained that the Assessing Department did not change values as values dropped and this created some level of taxpayer concern. Mr. Holmes next reviewed that in 1994 the Town spent money to reevaluate properties and many court cases went away. Prior to that, before he arrived, there was 180 court cases. Mr. Holmes next stated his opinion is wherever the market goes we should follow it; however the Board is free to go how they feel. Mr. Holmes stated we could follow current assessments down or we could hold current assessments as is and be ready for possible lawsuits. There was discussion by the Board regarding the assessment situation as well as budgets over the last few years and how non tax revenues have declined over the last few years. Mr. Martin reviewed that Mr. Holmes is saying reevaluate or hold the line and deal with litigation. Mr. Holmes added that by looking at this we are being proactive and further explained that assessments are still below 100% in town. Mr. Dickinson stated he feels it would be wise to avoid litigation. The Board discussed lowering the valuations. Mr. Sires suggested Mr. Holmes do some tweaking this year on our level unless the Board sees otherwise. Mr. DiGregorio stated he is a believer in keeping the levels at market value and, before, litigation may have been deserved but now, at present, we are still under 100%. There was further brief discussion by the Board. The Board agreed that Mr. Holmes should do some "tweaking" and when he feels uneasy about this to let them know and further discussion would be held.

Finance Director, Lucy Philbrick, joined the meeting. Ms. Philbrick and Mr. Sires reviewed revenues with the Board. (See attached). Mr. Sires advised that he would project revenue predictions as flat or down from last year.

Mr. Martin stated that staff is looking for direction for the budget from this Board. Mr. Sires suggested the Board take time to digest the information and let staff know by early September so that we can begin putting together a proposed budget. Mr. Sires further suggested we look at doing some cooperative work as a way of saving money.

Mr. DiGregorio stated that the direction from him is that he would like someone to look at our buildings that we own and make sure things haven't been overlooked in the past years as sometimes the things that get put on the backburner are our buildings. We are trying to cushion the taxpayer by putting off things we may need to do for other things and he feels we need to look at this issue. He would like to know if there are any maintenance issues we should be looking at.

Mr. Martin stated he would like Mr. Sires and staff to look at the budgets and bring back a proposal. Mr. Martin further stated to look to see if there is any fluff anywhere, if anything can be done and that we make an honest effort. Mr. Martin asked that the Department heads look hard at the budget. If they can go a year without buying a certain tool, etc – just show that effort. The last thing he wants to do is to say that we have to look at staffing and hours worked.

Mr. Dickinson stated he agrees with Mr. Martin and added that we have been lucky in this town. A lot of towns have had to cut back on personnel, teachers, etc. Mr.

Dickinson agreed that the department heads should look and see if there is anything they really could do without.

Mr. Drinkhall stated he agrees with Mr. DiGregorio in that we need to look at maintenance. The only other thing we can do is cut back on services and this includes personnel. Mr. Drinkhall stated another thing we can look at is snow removal. The job the town does is phenomenal although we do still get complaints.

Mr. DiGregorio stated that he thinks Mr. Drinkhall is right. Mr. DiGregorio added that, personally, he hopes the Town Manager looks at the staffing level every year to see if it is needed and he is sure he does. Mr. DiGregorio further added that we are at a point right now that services are going to be affected. We have done a lot of things behind the scenes to cut down on spending and we have cut without affecting services – but now it will start to affect services, this includes lights, etc. Mr. DiGregorio next stated that hiding maintenance issues is only prolonging the inevitable and we need to look at this. Right now we are making hard decisions and if that takes cutting services, this is what we will have to do.

Mr. Dickinson stated that one thing he feels costs us a tremendous amount of money is the whole retirement issue. Mr. Dickinson stated that if an officer does overtime before retiring and increases their salary this affects retirement. Ms. Phillbrick commented that she does not see anyone close to retirement age doing this. Ms. Philbrick further stated that she thought retirement was based on base salary.

Mr. Dickinson stated he would like to see the Board get the proposed budget as early as possible and not rush through it. He also feels we should do whatever we have to i.e. meet with the budget committee etc. Mr. Dickinson also stated that sometimes the special articles get slapped through and these are emotional and not rational decisions. If we take time to go through everything then more rational consideration is given.

Mr. Drinkhall stated he would like to see projections for the following year as well. Mr. Sires stated they can make an attempt at this and bring projections back to the Board.

Public Works Director, Paul DegliAngeli, joined the meeting. Mr. Sires reviewed that Mr. DegliAngeli is here to talk about sidewalk plowing in North Conway and provide information to the Board.

Mr. DegliAngeli reviewed that we currently contract out sidewalk plowing in North Conway. Our contract is through the upcoming winter season to 4/2011. Mr. DegliAngeli pointed out is it appropriate to discuss now for the next budget season (winter of 2011-12). Mr. DegliAngeli explained that, as a round number, we are spending \$20,000 for sidewalk maintenance in North Conway. The Conway district takes care of its own sidewalks. Mr. DegliAngeli explained that if we were to bring this service in house, we would have to staff it and purchase equipment. The staffing could be handled in one of two ways – seasonally try to hire someone or we could take one of the seasonal positions in Parks and Grounds and make it a full time position in winter months; however, this would be the more expensive route to go. This would cost approximately \$22,000 in labor, benefits and expenses. Mr. DegliAngeli further explained we would also have to acquire and maintain equipment if we chose to do the work in house. The equipment would cost approximately \$110,000-120,000. We could

use the equipment in the winter and, also, in the summer for sweeping and roadside mowing. Mr. DegliAngeli next stated we can use the mower money that wasn't spent, we would use equipment for 15 to 20 years, throw in an amount for assumed maintenance of \$7-9,000 per year and that labor is a wash and then we could bring sidewalk maintenance in house for an additional \$10,000. Mr. Sires stated the advantages of this would be continuity and a higher level of service during the winter. Mr. Sires stated there is also a cheaper way by keeping the same person in the summer through the winter.

Mr. Dickinson stated that at some point homeowners were forced to pay for the sidewalks that are not anywhere near their homes and the question is why the whole town is paying for sidewalk maintenance in North Conway. Mr. Sires explained that at some point, many years ago, there was a vote at town meeting that transferred the maintenance from the North Conway to the Town of Conway. Mr. DegliAngeli explained that the precinct it was taken over from, the North Conway Lighting Precinct, no longer exists. Conway Village however, has retained authority to do their own sidewalks.

Mr. Drinkhall asked about the roadside mower money that was on the 2010 warrant. The money was never spent. Mr. DegliAngeli advised that when we started shopping for this, the manufacturer had attachments instead.

Mr. Weathers asked if you can really get 15-20 years out of equipment. Mr. DegliAngeli advised some of our equipment is on a plan for 15 years.

Mr. Dickinson stepped away from the meeting at 5:27 p.m.

There was further brief discussion regarding the contractor vs in house. Mr. DegliAngeli reviewed that if in house we wouldn't hire a person until the fall of 2011. Mr. Martin stated he may have difficulty doing this because we are talking about the possibility of cutting and this would be adding a person.

Mr. Dickinson returned to the meeting at 5:35 pm.

There was next a brief discussion regarding the option of hiring other contractors.

Mr. DiGregorio questioned where the machine would be stored. Mr. DegliAngeli advised could be stored where we currently store the ski grooming equipment, in the Whitaker Barn.

Mr. DegliAngeli next discussed the boat ramp at Conway Lake. Mr. DegliAngeli advised he was asked to contact Fish and Game about the ramp. He also contacted other towns to see what they do in this situation. The Town of Ossipee just became a state boat ramp. This requires a lease with the State for 30 years and they maintain the ramp. The earliest they could get to this would be 2012. Mr. DegliAngeli next advised that during discussions it was realized that if Conway owns the ramp, the ramp could be made Conway only and if the State owns the ramp then anyone could use it. Mr. DegliAngeli advised he has heard issues from other communities and they are not happy when the ramps are not open to everyone. Right now there are no controls on our boat ramp and it is open to all. This is something to consider if we enter into an agreement with the State. Mr. Dickinson stated he has reservations about working with the State as they may have a problem with our beach being next to the ramp. When you contract with the State you give up all kinds of authority. Further, this ramp will be on a

State map and this will impact parking or they could even take land for additional parking. Mr. Weathers questioned if the State indicated if the ramp would have to be public access. Mr. DegliAngeli advised the State has a law on the books that the public will have access to that body of water.

Mr. Martin suggested this matter, boat ramp access, be put on a future agenda to give the Board time to digest the information. Mr. DegliAngeli advised we could prepare the budget without state help. Mr. Martin suggested this matter be brought back in 2-3 weeks for further discussion. Mr. Dickinson stated he agreed with Mr. DegliAngeli.

Mr. DiGregorio asked about limiting access and do we have anyone down there to police the area. Mr. DegliAngeli advised there is someone at the ramp privately checking for milfoil; however no one is checking boat size, etc. Mr. DiGregorio stated if we are not going with the state on this, we could charge a fee to have a person monitor milfoil and manage the ramp.

Mr. Dickinson stated he wanted to thank the Walkers Pond group for their milfoil work.

Mr. Dickinson next stated that maybe we should just fix the ramp up enough for bass fisherman, etc. Mr. Sires advised this was brought up as there are others areas etc to explore. This ramp gets a lot of use and the question is –is the level of use appropriate for the lake and, also there is a question of the beach.

Mr. DiGregorio questioned if the Walkers Pond group keeps track of the boat checks, etc. Mr. Sires advised we have had discussions with Walkers Pond and they have suggested adding money to the budget to monitor milfoil etc. There is a strong public interest to keep milfoil out of the lake. We need to think about these issues further. Mr. DiGregorio questioned if we can contact the Walkers Pond Association to see how many boats. Mr. Martin stated he would like this matter back in two weeks, if that is enough time, to discuss again with the Board.

### TOWN MANAGER REPORT

Vacation Coverage – Mr. Sires reviewed that he was out of the office last week for vacation. Paul DegliAngeli acted as Town Manager. However, on Friday, both Paul and Tom Holmes were out of the office and John Eastman filled in as Acting Town Manager. Mr. Sires stated thank you to John Eastman for a job well done.

Street Light Project – Mr. Sires reported the official comment period for the Street Light Project ends this Friday, August 13, 2010. The comments are being compiled for the Board of Selectmen in preparation for the public hearing scheduled for August 24, 2010.

Abenaki Site – Mr. Sires reported that cutting at the Abenaki site is complete. There is still the issue of the cabins. Mr. Sires advised that he spoke with Public Works Director, Paul DegliAngeli, and, hopefully the town crew can get in there to do some stabilization work. Also, the Town is putting in an application to a local funding source for some support to put up information at the site.

Route 16 Overlook – Mr. Sires distributed a map to the Board regarding slope repair at the Route 16 overlook and reviewed same. Mr. Sires advised that the NHDOT will be coming to the Board meeting on September 10, 2010 to make a presentation on this matter. Mr. Sires next requested Mr. Weathers take this information to the Conservation Commission meeting scheduled for August 11, 2010 for review. The Board agreed. After further brief discussion it was also agreed that Mr. Weathers and Mr. DegliAngeli would go take a look at the area.

Street Light Project – Mr. Sires reported the town received a letter from Bill Masters regarding the street light project. Mr. Masters indicated that he would be sending the same letter to the newspaper on August 13, 2010. Mr. Sires reviewed that a public hearing regarding this matter is scheduled for August 24, 2010.

North Conway Water Precinct – Mr. Sires reported that North Conway Water Precinct is having a get together on Thursday, August 19, 2010 to celebrate the turning on of the solar energy project. Mr. Drinkhall commented the media, Senator Shaheen and others will be attending.

### BOARD REPORTS AND COMMENTS

Street Light Project – Mr. DiGregorio commented the town website contains maps only regarding the streetlight project. Mr. DiGregorio stated he thinks we should have the street names posted as well on the website. In regard to the letter from Mr. Masters regarding the streetlight project, Mr. DiGregorio questioned if we will be gathering information as requested. Mr. Sires the Town is in the process of gathering information, costs, police information, etc. Mr. Weathers questioned if there is a large crowd for the public hearing do we have a backup plan. Mr. Sires stated we can look at an alternate location be he suspects the room will be large enough for the turnout.

Channel 3 – Mr. DiGregorio commented that he received an e-mail from the Town of Jackson advising they would like to view Channel 3. Mr. DiGregorio advised that he will be contacting them regarding this and report back.

Valley Vision – Mr. DiGregorio reported a meeting is scheduled for Thursday evening at the Junior High School with Valley Vision in regard to equipment for the meeting room.

Time Warner Cable – Mr. DiGregorio reported the town has notified Time Warner Cable we may be looking for a line extension down in the South Conway area. We have not heard back from Time Warner Cable at this point.

North Conway Water Precinct – Mr. Drinkhall commented with regard to the meeting scheduled for Thursday at the North Conway Water Precinct, the Precinct is looking for a response as to how many people from the Town will be attending.

Valley Vision – Mr. Dickinson questioned if Jackson wants to watch Channel 3, does this require a warrant article. Mr. DiGregorio explained the Town is already collectimng the revenue; however, they take it and put it in the general fund. The Board of Selectmen have the option to spend this how they want. Mr. Dickinson questioned if the voters could still put forward a warrant article directing the Board of Selectmen. Mr. DiGregorio stated the people of the Town of Jackson could do a warrant article or this could be done directly through the Board of Selectmen.

Eastern Slope Airport Annual Meeting – Mr. Dickinson commented the Town received an invitation to the Eastern Slope Airport Annual Meeting which is scheduled for Friday, August 20, 2010. There was a brief discussion regarding the fact the Town of Conway presently does not have a representative on the Eastern Slope Airport Board. It was further discussed that if any of the Board of Selectmen attend the annual meeting they could make a suggestion or seek input for a reference for a representative. Mr. Dickinson and Mr. DiGregorio advised they would attend the Annual Meeting.

Conservation Commission – Mr. Weathers reported the Conservation Commission will meet tomorrow night, August 11, 2010, at 6:30 p.m. at the Whitaker Meeting House and the public is invited to attend. Mr. Weathers reviewed that items for discussion include DES applications, the scenic outlook, etc.

Economy – Mr. Martin stated that earlier in the meeting he wasn't preaching gloom and doom but he thinks things are going to tighten up. Mr. Martin added he feels we all have to look at things and tighten the belt and that the next year to year and one half is going to be tough. Mr. Martin further noted that, however, when you drive through the valley, a lot of people are here visiting. Mr. DiGregorio noted that last year even though cuts made were small we had a tremendous amount of resistance from the people who tell us to cut but then say "don't do that". Services are going to be affected. Mr. Drinkhall stated he felt there didn't need be apologies for the things we have to do; however, we usually we do get NIMBY(not in my backyard) from people. Mr. Martin next added that we are just a small parcel of the tax bill and we have been doing more than our share. Mr. Drinkhall added the town does do a very good job and looks after things.

Town Manager Evaluation – Mr. Martin requested that Board members provide him with the evaluation information for the Town Manager by next week.

#### PUBLIC COMMENTS AND MEDIA QUESTIONS

Nate Giarnese of the Conway Daily Sun asked for information on the non public session concerning the O'Rourke v. Town of Conway matter. Mr. Martin advised the matter settled. Mr. Sires advised that information will be on file with the Town Clerk's office in the future.

Mr. Martin once again reminded everyone that the public hearing regarding the streetlights is scheduled for the next meeting, August 24, 2010.

#### ADJOURN

At 6:17 pm, the meeting was adjourned at the call of the chair.

Respectfully submitted,

Karen J. Hollowell  
Executive Secretary