

**Minutes of Meeting  
CONWAY BOARD OF SELECTMEN**

October 26, 2010

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, Bob Drinkhall, and Michael DiGregorio; Town Manager, Earl W. Sires; and Recording Secretary, Karen Hallowell

Howard C. Dickinson joined the meeting at 4:05 pm

CONSENT AGENDA

Mr. Martin advised that one item would be added to the Signing of Documents, the 2010 Tax Collector's Warrant. There were no objections. **Mr. Weathers moved, seconded by Mr. Drinkhall to accept the consent agenda. The motion carried 4-0-0.**

A. Signing of Documents

1. Application for Current Use-Tax Map/Lot 296-16
2. Permanent Application for Property Tax Credit/Exemption Tax Map/Lot 265-102
3. NH DRA Audit Option and Schedule
4. 2010 Tax Collector's Warrant

**Mr. Drinkhall moved, seconded by Mr. Weathers, to sign the Application for Current Use-Tax Map/Lot 296-16, the Permanent Application for Property Tax Credit/Exemption Tax Map/Lot 265-102, the NH DRA Audit Option and Schedule, and the 2010 Tax Collector's Warrant. The motion carried unanimously.**

B. Consideration of Bills and Payroll:

1. Manifest dated 10/28/10

**Mr. Weathers moved, seconded by Mr. Drinkhall, to approve and sign the Manifest dated 10/28/10. The motion carried unanimously.**

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

There were no special event applications presented for consideration.

CONSIDERATION OF MINUTES

The Board considered the minutes of 9/28/10. **Mr. Drinkhall moved, seconded by Mr. Weathers, to approve the minutes of 9/28/10 as written. The motion carried 4-0-0.**

Selectman, Howard C. Dickinson, joined the meeting at 4:05 pm.

4:05 PM PUBLIC HEARING: TO ACCEPT UNANTICIPATED REVENUE IN THE AMOUNT OF \$37,656 FROM SAU9 TO THE TOWN OF CONWAY

Lt. Chris Perley of the Conway Police Department joined the meeting.

The Public Hearing to accept unanticipated revenue in the amount of \$37,656 from the SAU9 to the Town of Conway was opened at 4:06 p.m.

Mr. Sires reviewed in previous years the School Resource Officer (SRO) was carried in the town budget and, last year, the Police Chief and he met with the SAU office and this item was moved to the school budget. This \$37,656 is the amount we have received from the school district for the SRO.

Mr. Martin asked for public comments or questions. There were none and the public hearing was closed.

**Mr. Drinkhall moved, seconded by Mr. DiGregorio, to accept the amount \$37,656 from the SAU9 to the Conway of Conway as general fund revenue. The motion carried unanimously.**

CONSIDERATION OF UNANTICIPATED REVENUE IN AMOUNTS  
LESS THAN \$5,000/NH RSA 31:95-B, III (B) 1) \$2,304.85 FROM THE STATE  
OF NH TO TOWN OF CONWAY FOR CONWAY PD DWI PATROLS;  
2) \$698.09 FROM THE STATE OF NH TO TOWN OF CONWAY FOR CONWAY  
PD HUNTER PATROLS; AND 3) \$3,582.24 FROM THE STATE OF NH TO  
TOWN OF CONWAY FOR CONWAY PD ENFORCEMENT PATROLS

The Board agreed to consider the three amounts of unanticipated revenue at one time. **Mr. Weathers moved, seconded by Mr. Drinkhall, to accept the \$2304.85 from the State of New Hampshire to the Town of Conway for Conway Police Department DWI Patrols, the \$698.09 from the State of New Hampshire to the Town of Conway for Conway Police Department Hunter Patrols, and the \$3,582.24 from the State of New Hampshire to the Town of Conway for Conway Police Department Enforcement Patrols.** Lt. Perley explained these are grants and were applied for through the state to be used for additional patrols over and above normal patrols. Lt. Perley first reviewed the grant for the DWI Patrols advising of the dates and times for the patrols and the amounts of arrests and warnings that were issued. Lt. Perley next reviewed the grant for the Hunter Patrols advising these are specialized patrols for DWI and enforcement. Lt. Perley reviewed the patrols held and the arrests and warnings that were issued. Lt. Persly next reviewed the grant for the Enforcement Patrols advising this is done on designated roads. Lt. Perley further reviewed the number of patrols that were used and the times they were deployed.

Mr. Dickinson questioned if the officers stop people any other time as well. Lt. Perley replied in the affirmative advising the officers do stop people during the regular course of their duty. Lt. Perley further advised the grant money is for dedicated special patrols and they officers are not encumbered by any other functions. Lt. Perley further advised they are only paid for the hours they patrolled. The state is very strict regarding the accountability for the grants. **The motion carried unanimously.**

REVIEW AND CONSIDERATION OF RIGHT OF WAY TRAIL AGREEMENT BETWEEN  
THE TOWN OF CONWAY AND THE STATE OF NH / MICHAEL WEEKS-NH BUREAU  
OF TRAILS, AREA SUPERVISOR

Michael Weeks, Area Supervisor for the NH Bureau of Trails, joined the meeting. Also present was Colin Preece, a trailmaster from a local snowmobile club.

Mr. Weeks reviewed a Trail Map and Right of Way Trail Easement Request with the Board. This is a renewal agreement.

Mr. Weeks advised they are trying to limit the use of Barnes Road as it is hard to maintain. Mr. Sires asked about Mason Brook Trail. Mr. Preece advised this was done before he was involved but bridges were built; however, before they did additional work the area flooded and this area has not been kept up and is closed now. Several people have expressed interest in opening this up; however, no one has come forward to do the work.

Mr. DiGregorio asked if the State has every kept track of the number of people who use the trails. Mr. Weeks advised they did to this is another area and the count was 5,000. Mr. DiGregorio asked if we can get a count up here in our area so that we can get the information out, i.e., how important snowmobiling is to the area. Mr. DiGregorio asked for a count next year. Mr. Weeks stated yes they could do a count.

Mr. Martin next reviewed this proposed agreement is for three (3) years, same as the last agreement signed by the Board. **Mr. Drinkhall moved, seconded by Mr. Weathers, to go forward with the agreement as stated for 3 years. The motion carried unanimously.** The Board signed the agreement.

#### DISCUSSION OF FUTURE GARAGE IMPROVEMENTS

Mr. DegliAngeli reviewed that, at the Board's request, he has looked into two things regarding the garage - siding the garage and insulating it and, also, reroofing the garage and insulating. With regard to reroofing we have looked at two options. We looked to beef up the existing steel truss joists and stick with a flat membrane roof and, also the other option is to add wood trusses on top of the existing garage which would be between a 5/12 and 6/12 pitch and add insulation. Mr. DegliAngeli advised the pitched roof option is about \$20,000 more than the flat roof option. Mr. DegliAngeli next reviewed the options – flat versus steel, energy code, etc. In order to be able to insulate and meet energy code for a flat roof with insulation above the deck we will have to add steel because it won't hold the load. Also, what is not in the cost is that we have to disrupt maintenance operations again if going for a flat roof. If we go with joists we can continue with operations. The estimate is approximately \$20,000 difference and this is also for a membrane roof that will last 20-25 years. Mr. Martin questioned if one of the two options has to be done to insulate and Mr. DegliAngeli replied in the affirmative. Mr. DegliAngeli also stated the costs reviewed are estimates. There was discussion regarding the pitched versus flat roof. Mr. DegliAngeli further reviewed that we will need to insulate the roof and the sides. Mr. DegliAngeli reviewed the total is about \$235,000 for a pitched roof with window replacement and insulation. The Board briefly discussed the total costs for the entire garage project and life expectancy. Mr. Sires questioned how a pitched roof is tied in with the walls. Mr. DegliAngeli reviewed at the top of the block wall there is a beam and it will sit on the bond beam and we would then go up from there. Mr. DiGregorio stated that he thinks what we are doing will make it last but also feels we may outgrow this building before the life expectancy. He further added we need to still maintain this building over the upcoming years. Mr. Martin discussed having a garage we can be happy with for half the money we started at, provided a warrant article passes for this work. Mr. Weathers asked if the radiant heat will melt the snow on the roof. Mr. DegliAngeli stated he had been checking the walls and they are about 60-87 degrees with the radiant and this should melt the snow. Mr. Dickinson questioned if a pitched roof is recommended and Mr. DegliAngeli replied in the affirmative. Mr. Drinkhall pointed out we should have a saving regarding heat if the

work is done. There was a brief discussion on R values and cost projection savings. Mr. DegliAngeli pointed out it is hard to project the cost savings as we do not know what the cost of fuel will be in the future.

**Mr. Drinkhall moved, seconded by Mr. DiGregorio, that we write a warrant article for \$235,000 to make the garage energy efficient.** Mr. Sires advised there may be grant money available (with requirements) as well and questioned if the Board would like staff to look into this. The Board agreed staff should look into grants. Mr. Dickinson stated we should also look at all strings, if any, that would be attached to the grant. **The motion carried 5-0-0.** Mr. Martin reiterated that staff should look into federal funding and the Board agreed.

Bill Masters stated he felt the Board was moving forward and this is good. Mr. Masters further added that the Board can't not finish this at this point.

#### REVIEW AND CONSIDERATION OF PROPOSED TREE REMOVAL POLICY

Mr. Martin reviewed the Board received information for a proposed Tree Removal Policy at the last meeting and questioned if the Board is ready to discuss same. The Board advised they are ready to discuss.

Mr. Drinkhall asked about a 100' tall tree that is set back 75' feet – how would this be handled and would we be responsible. Mr. Sires advised we are talking about anything that is immanently directly associated with the roadway and we would not be responsible for trees set back. The Board of Selectmen's duty under law is to identify and address trees along the road that pose a threat. **Mr. Drinkhall moved, seconded by Mr. Dickinson, that we institute the Tree Removal Policy. The motion carried unanimously.**

#### DISCUSSION OF EATON RECREATION FEES

Mr. Sires reviewed the town had an inquiry from the Town of Eaton regarding recreation fees and there was discussion by this Board a few weeks ago. Mr. Sires advised that he went through the budget with Lucy and there are some relatively minor maintenance fees for town property, i.e., town beach, Davis Park, Washington Street, Shouler Park and Smith Eastman, etc, that can be taken out of the formula. After pulling this out of the budget it would reduce Albany and Eaton by about \$600-\$650.

**Mr. Drinkhall moved, seconded by Mr. DiGregorio, to remove the maintenance expenses associated with the properties identified by Mr. Sires and reduce cost to Albany and Eaton.** Mr. Weathers stated the price is hard for Eaton to swallow as they do not have many children in town and not many seniors in the program but it is the cost and he understands both. Mr. Martin stated that it is not fair to our town taxpayers to pay for this, it is not a per use situation. We are using the same formula as we use for the transfer station. Mr. Sires added this is also the same formula as is used for the school. Mr. DiGregorio further added they could not provide what we provide for \$20,000 and they have to decide whether to have recreation for the children or not. Mr. DiGregorio suggested that when responding back to Eaton, we explain all this to them and that they need to know they have full access to the recreation program. Mr. Sires next reviewed the range of activities that are available, the fees paid for the facilities and the capital investment. Mr. Sires next advised that we can also put in the letter that they take ownership of the program. They are paying for the program and it is not on their webpage, etc., and they need to make sure that people know that it is available to them. **The motion carried unanimously.**

**Mr. DiGregorio moved, seconded by Mr. Drinkhall, to direct Town Manager, Earl Sires, to put a letter together stating items we just discussed and to authorize Chair, Larry Martin, to sign the letter out of session. The motion carried unanimously.**

### TOWN MANAGER REPORT

Election Day - Mr. Sires reviewed that Election Day is November 2, 2010 and asked that the Board work out a schedule with Karen for being at the polls.

Lights at Recreation Center - Mr. Sires reviewed the Board has asked about the lights at the Recreation Center. Mr. Sires reported that Friday night they are on for the Teen Center as they have activities in nice weather. They will have fewer lights on from here on in. Also, Saturday and Sunday was adult flag football and there is a charge to the league of \$50.

Street Lighting Map – Mr. Sires presented a map of street lights proposed for shut off. Mr. Sires reviewed this map was drawn up based on discussion by the Board at the last meeting. Mr. Sires further advised that he and Tom Irving will drive through the town to double check the map. We will then prepare a list to send to the electric company and then the Town will get the information out to the public via radio, etc. We will also let the public know that they can take a streetlight on themselves if they so choose. Mr. Martin advised that with regard to NHEC, there will be no charge for the public to turn on a particular light, but there will be a monthly fee for the light. Mr. Weathers questioned if PSNH works the same way. Mr. Sires advised he would check into this with PSNH.

Mr. Sires next reviewed that the motion made previously by the Board regarding the lights stated to leave on at intersections. Mr. Sires questioned if the Board would like 4, 2 or 1 light on at the intersections. Mr. Drinkhall stated he feels it should be one light. Mr. Martin stated he feels we should stay with the way the motion was worded. Mr. DiGregorio stated we could leave on and then if too much could shut more off at the intersections at a later date. Mr. Sires reviewed that on the list, we have left them on. There was further brief discussion and the Board agreed to leave all the intersections lights on.

Budget – Mr. Sires reviewed that it is his plan to have the proposed 2011 budget to the Board on November 9, 2010 and he would also like to schedule a few budget presentations by Department Heads that day as well. Mr. Sires next reviewed upcoming meeting dates for working on the budget into December.

### BOARD REPORTS AND COMMENTS

Cable TV – Mr. Sires reviewed the contract with Time Warner Cable has been finalized and believes everything that is in the final contract is what was important to the Town. Mr. Sires advised he would put together the significant information from the contract for the next meeting. Mr. DiGregorio stated they fought us on 2 channels and they wanted to regulate the content. We did not let them stop us from putting language in the contract that would stop us from doing this in the future. Also, they will drop off a live feed for here, the high school and Ham Arena if we want this. Mr. Sires next stated that when the Board has reviewed and is comfortable with the contract and we get final word from Time Warner Cable, we will then hold a public hearing on the proposed contract before making it final.

Mr. Sires next advised that regarding cable line extension, the Board wanted to request a 1.5 mile extension down Gulf Road. TWC has advised this will be tremendously expensive. A few residents have stated to just get it to the poles and they would be okay with that. Mr. Sires stated he would check with Rodney King to see if this is acceptable if this Board is okay with it. The Board advised this is okay with them.

### BOARD REPORTS

Vacant Board Seats – Mr. DiGregorio stated that someone asked him about filling positions on the Budget Committee. The RSA says “they shall” do it. Mr. DiGregorio advised that someone asked to be on the Committee and they were told to wait until the election. A legal opinion states that “shall” means they have to. It is not an option to do this and it is something they must do.

Next Meeting – Mr. Martin reviewed the next meeting day falls on November 2, which is Election Day and asked for a motion for no meeting that day. **Mr. Drinkhall moved, seconded by Mr. Dickinson, to not hold a meeting on Election Day, November 2, 2010. The motion carried 5-0-0**

Mr. DiGregorio left the meeting at 5:25 p.m. to attend the MWVEC Annual Meeting.

Budget Committee – Mr. Drinkhall reported that, as was expected, at the recent Budget Committee there was a large turnout. He felt this was a “bizarre and moronic” meeting. The meeting was scheduled specifically to write a letter with their recommendation to the various entities in town and to the school. The Committee instead had public comment first which took over two hours. About 30 minutes into the meeting the Committee clarified to the public they didn't institute specific dollar amounts or cuts that are being looked at by the school board and also after about two hours into the meeting the public attendees still didn't recognize that they (the Budget Committee) weren't the ones that instituted the cuts. Further, they were also criticized for cuts, etc, and he wants to clarify that the Budget Committee did not make the proposals at the meeting and it was the school board who came up with the exercise of coming up with \$1,000,000-\$1,500,000 cuts. Mr. Drinkhall further added that people were rude and stated the Budget Committee was rude and that these people did not comprehend what was going on.

Mr. Martin commented it may be a sign of the times and that money is tight and this happens when trying to make cuts. People are trying to protect this from happening. It is a shame it is getting personal. The Budget Committee is looking out for the best interest of the public and are trying and they should not be attacked.

Meeting with NHMA – Mr. Dickinson reported he attended a meeting this morning with the NHMA in Concord. There was a report on the lawsuit, 28-a, regarding downshifting the cost of retirement. A lawsuit was filed and summary judgment has been requested. Summary judgment would hear the case on the merits and this will hopefully save some money. Further, it is hoped they will have a decision before the end of the year.

Mr. Dickinson next reported on the floor policy proposal he took to Concord regarding JLCAR. This has been well received and they are looking for sponsors.

Social Security Taxes – Mr. Martin questioned if town workers pay social security taxes. Mr. Sires replied in the affirmative. Mr. Martin asked about the police. Mr. Sires advised he would check into this. Mr. Martin next asked about highway department and Mr. Sires replied in the affirmative.

Town Manager Contract – Mr. Martin reported the Board renewed the Town Manager's contract and also said what a good job Earl was doing. However, all through the review process, they failed to mention that Mr. Sires has been with the town 10 years and he would like to get this out to the public. The Board thanked Mr. Sires for his ten years of service.

#### PUBLIC COMMENTS AND MEDIA QUESTIONS

Bill Masters commented that being a public official you need a cast iron constitution. Mr. Weathers commented that people should be respectful.

Mr. Sires reminded everyone to vote on November 2, 2010 and that there is no meeting next week.

Mr. Dickinson stated he wanted to remind everyone that if they will be out of town on Election Day to be sure to get an absentee ballot. Mr. Martin advised the absentee ballots are available at the Town Clerk's office.

Mr. Sires next reviewed that trick or treating will be on Halloween Day, October 31, 2010 between the hours of 5:30 pm and 8:30 pm. Mr. Weathers also reviewed the Recreation Department Halloween party will be held on October 27.

#### ADJOURN

At 5:48 pm, without objection, the meeting adjourned at the call of the chair.

Respectfully submitted,

Karen J. Hallowell  
Executive Secretary