

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN**

November 23, 2010

The Selectmen's Meeting convened at 4:03 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen, Larry Martin (Chair), C. David Weathers, Howard C. Dickinson, Bob Drinkhall, and Michael 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.

AMENDMENT TO AGENDA

Mr. Sires requested that a non public session be added to the agenda to discuss the *Fairpoint* litigation matter. It was agreed the Board would discuss the matter in non public session under RSA 91-A:3II(e). **Mr. Drinkhall moved, seconded by Mr. Weathers, to accept the agenda as amended. The motion carried 5-0-0.**

CONSENT AGENDA

- A. Signing of Documents
 - 1. Tax Abatement/ Map-Lot 201-10.001
- B. Consideration of Bills:
 - 1. Manifest dated 11/24/10

Mr. DiGregorio moved seconded by Mr. Weathers, to sign the Tax Abatement for Tax Map/Lot 201.10.001 and the Manifest dated 11/24/10. The motion carried unanimously.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

- A. North Conway Village Association/New Year's Eve Fireworks-12/31/10
- B. Conway Village Area Chamber of Commerce/Annual Holiday Parade and Tree Lighting-12/4/10

Mr. DiGregorio moved, seconded by Mr. Weathers to grant the application for special events for the North Conway Village Association New Year's Eve Fireworks for 12/31/10 and the Conway Village Chamber of Commerce Annual Holiday Parade and Tree Lighting on 12/4/10. The motion carried unanimously.

CONSIDERATION OF MINUTES

The Board considered the minutes of the 11/4/10 and 11/9/10 meetings..

Mr. Drinkhall moved, seconded by Mr. Weathers, to approve the minutes of 11/4/10. Mr. Drinkhall noted that on page one, second to the last paragraph the sentence that states “.....a lists of Revenue Generated by the Conway Police Department 2009 & 2009...” should be changed to “a lists of Revenue Generated by the Conway Police Department 2009 & 2010...”. **Mr. Drinkhall amended the motion, seconded by Mr. Weathers, to accept the minutes of 11/4/10 as amended. The motion carried 4-0-1 with Mr. DiGregorio abstaining.**

Mr. Drinkhall moved, seconded by Mr. Weathers, to approve the minutes of 11/9/10. Mr. Drinkhall noted that page 3, paragraph 3, the sentences that reads “The school is looking at a \$500,000 increase, we need to finish the garage, the County wants to add officers, the Police budget is up with no new officers and with one or three new officers this would be an additional increase.” should be changed the read “The school is looking at a \$500,000 increase in health costs alone, we need to finish the garage, the County wants to add officers, the Police budget is up with no new officers and with one or three new officers this would be an additional increase. Mr. Drinkhall next noted that on pages 4 and 5, Mr. Thomas should be changed to Ms. Thomas. **Mr. Drinkhall amended the motion, seconded by Mr. Weathers, to accept the minutes of 11/9/10 as amended. The motion carried unanimously.**

CONCERN REGARDING LITTER ALONG BROWNFIELD ROAD

Marc Sorel of Center Conway, NH, joined the meeting. Mr. Sires advised that Mr. Sorel wanted to talk about litter on Brownfield Road.

Mr. Sorel advised that he lives on Brownfield Road. Mr. Sorel brought two large construction size bags of litter with him to the meeting. Mr. Sorel advised that during the last eight months he has been going up and down both sides of Brownfield Road cleaning up the debris on the sides of the road. One of the bags he brought with him this evening is from 11/15/10 and the other is from 11/16/10. Mr. Sorel advised he brought the bags of trash with him to demonstrate how much accumulates on the roadway in a short amount of time. Mr. Sorel advised the bags are industrial sized 50 gallon bags. Mr. Sorel next advised that in the summer, there is even more trash. Mr. Sorel next stated that 90% of what is in the bags is beer cans. He stated that litter is one concern and the other is drinking and driving. Mr. Sorel next referred to a three car accident on Brownfield Road recently involving a drunk driver. Mr. Sorel stated that he spoke with Lt. Perley of the Conway Police Department yesterday -he is aware of the situation and that they are 100% behind his appearance today before the Board of Selectmen. Mr. Sorel next spoke to the article in the newspaper that appeared today regarding a request for more officers. Mr. Sorel stated if they had the officers they could patrol other areas of the Town of Conway. Mr. Sorel stated that he is here today hoping to stop the litter and the drunk driving.

Mr. Martin advised that there is nothing this Board can do to correct the situation as it comes under the purview of Police Department to enforce laws. Mr. Sorel stated that other communities take it upon themselves to post signs, do an adopt the highway program, etc. Mr. Martin advised the town did look into the Adopt a Highway program in the past. Mr. Sires advised the town did not enter into the program due to costs of equipment, etc. Mr. DiGregorio reviewed there was controversy regarding the town wanting to purchase safety vests, warning signs, etc. Mr. Martin added he thinks there was also a liability issue as well. Mr. Martin next stated that the State has RSA's in place concerning littering. If a citizens wants to pursue something they can, but there is

nothing we can do to help financially. Litter is not just on Brownfield Road –it is a problem townwide. The Town crew does pick up trash at times and there is also Valley Pride Day.

Mr. Dickinson stated he felt that since the town starting putting up fees for couches etc at the transfer station he has seen two couches on Gulf Road. If someone else picks them up they have to pay to take them to the transfer station.

Mr. DiGregorio reviewed RSA 265:103 regarding if a person witnesses someone littering and that this is evidence of a violation. Mr. Weathers advised the person would have to sign complaint and appear in court.

There was next further discussion concerning Adopt-a-Highway. Mr. DiGregorio questioned if we did not get involved because of safety. Mr. Sires advised we can check into that further; however, we did not get funding for the equipment for this program. Mr. Martin pointed out we would also have to dedicate someone to manage the program.

There was next discussion concerning signs and sign clutter. There was also discussion regarding the use of the road as a back road and also for people coming to and from Maine for work, etc.

Mr. Sorel stated other communities have posted signs, have on line forms, or you can text message to report littering with visual information such as make of car, license tag, etc. Mr. Martin stated we would need to talk with the Police Department and see what their enforcement issues are with this matter. We need to see what we can do about this enforcement wise and perhaps put information on the website. Mr. Sorel stated that he spoke with Lt. Perley and if they had two more officers they can split the town up into four quadrants and he is in support of more officers.

Mr. Martin stated to Mr. Sorel that he appreciates the time and effort he is putting into this issue.

Mr. Dickinson questioned if Mr. Sorel saw someone littering would he go to court. Mr. Sorel replied in the affirmative. Mr. Sorel further added that he believes a patrol for drunk driving on that road would be effective.

Mr. Martin advised that we can speak with the Police as see if they can send more patrols out. We can also see about putting information on the web page. Further, this meeting will air on Valley Vision and will also help get the word out. Mr. DiGregorio further suggested that Mr. Sorel ask for a meeting with the Police Commission. Mr. Sorel asked how we can educate and get the word out that we can report someone for littering. Mr. Martin suggested Mr. Sorel talk with the newspaper and, also, do a segment on Valley Vision.

Mr. Martin thanked Mr. Sorel for coming in to the meeting.

REVIEW AND CONSIDERATION OF NOMINATION OF ANNA JOHNSTON
TO THE SWIFT RIVER LOCAL ADVISORY COMMITTEE

Anna Johnston appeared before the Board. Mr. Sires reviewed the State had recently asked for nominations to the Swift River Local Advisory Committee. Anna

Johnston is here today and has put her name forward. Ms. Johnson also completed the Nomination Questionnaire. (Copy attached). The Board of Selectmen makes the recommendation to the State.

Ms. Johnston next reviewed her background and qualifications with the Board. Ms. Johnson further advised that she heard about this position through Forest Ranger, Terry Miller, who used to serve on this committee. He felt that someone from the Forest Service would be good for the committee and there is also no one from the Town of Conway on this committee at present. Ms. Johnston advised she is interested because she cares about local water resources, does stream restoration projects in her work with the Forest Service, has expertise with rivers and is also enthusiastic about Swift River clean up. Ms. Johnston further advised that she has been to a couple of the meetings so far, but not as an official member but an interested person.

Mr. Weathers stated that if she does get appointed to the committee, with regard to the Swift River, he would like to see a water quality study done on the river. It seems to him to have been downgraded in the last few years due to use by people. The rocks at lower falls are slippery, etc. and he feels this may be due to the number of people and he would like to see a study of the water quality.

Mr. DiGregorio stated he is familiar with the issues regarding the trestle behind the school. He was on the school board when this issue came about. He hopes this is something that Ms. Johnston takes into serious account if she does get on the Committee. Mr. DiGregorio stated he feels this is a serious issue to the abutters in that area. The parties that want this done want this for a specific reason but everyone else around there has other issues and he hopes Ms. Johnston would take this into account. There was a brief discussion. Ms. Johnson stated that if they do go forward with the plan, she would hope that it would help the abutters. Mr. Weathers noted that the Conservation Commission had asked about water quality impact to the abutters, etc., and, also asked for additional information but this was never supplied.

Ms. Johnston next stated that she would like to be on committee to help. **Mr. Dickinson moved, seconded by Mr. Weathers, to recommend Anna Johnston to the Swift River Local Advisory Committee, and to sign same out of session. The motion carried unanimously.**

Mr. Sires next requested that one year from now for Ms. Johnston to supply a one page report to the Town of Conway for the Annual Town Report. Ms. Johnston agreed.

REVIEW OF PROPOSED TIME WARNER CABLE CONTRACT

Mr. Sires questioned if the Board had any issues they wanted to discuss regarding the proposed Cable Contract prior to the public hearing next week. Mr. Sires further encouraged the Board to review the contract over the next week. Mr. Sires advised that he and Mr. DiGregorio will review the proposed contract for public and the Board next week.

Mr. Sires next reviewed that for approximately one month now it was thought that we had a deal with Time Warner Cable concerning the proposed contract but now the Time Warner Cable attorney is saying we still have issues to resolve. Mr. Sires advised

that we have been in contact with our attorney regarding this and, as of now, we are still trying to wrap up final points of the contract.

Mr. Sires next gave a brief review of the proposed cable contract to the Board. Mr. Drinkhall requested a copy of the contract with the proposed changes highlighted for the next meeting.

There was next brief discussion concerning that the proposed contract will do away with the 1.5 mile of additional cable per year. Mr. Sires reviewed there is only a few places in town that do not have cable and, that the streets that do not have cable, only have one or two houses. Mr. DiGregorio further advised that our cable attorney has advised that they don't put this language in contracts now either. Mr. DiGregorio stated that when this was in effect 10 years ago it was useful to determine where we wanted to go with the next cable line extension as it was not yet done.

Mr. Martin next read aloud the public hearing notice for viewing public. The public hearing is scheduled for the next meeting November 30, 2010 at 4:05 p.m.

BUDGET

Mr. Sires reported the Town received a revised budget from the Library today and distributed a copy of same. They are presenting the Board with a level budget and advised they will keep diminished hours. Also, Librarian, Tara Thomas, would like to come to a future meeting to discuss this proposed budget with the Board. Mr. Martin stated the level budget is a good thing and to thank them on behalf of the Board of Selectmen.

Mr. Sires next advised that an ad will be coming out in the newspaper tomorrow for a position at the Transfer Station. Mr. Sires reviewed that the Town is not adding any positions and the position advertised is due to a person retiring.

Mr. Sires next reviewed he will be putting out a memo to staff that reminds and reinforces to staff that any and all overtime needs to be approved by the Town Manager.

Mr. Sires next advised that the health insurance increase is at 1.5%. Mr. Sires advised that he and Lucy looked at lesser plans as well but with the bundling of insurance through the LGC we get discounts. If we went with other insurance we would lose the bundling rate. Mr. Sires recommended continuing with the current plan. **Mr. Drinkhall moved, seconded by Mr. DiGregorio, to stay with the existing plan. The motion carried 5-0-0.**

Finance Director, Lucy Philbrick, requested the funds from Article 21 -\$12,400 for the Roadside Sickle Bar be encumbered. Ms. Philbrick advised that they have not purchased equipment yet as they have not decided which piece to buy. Mr. Sires advised that not purchasing the equipment as yet is tied in with the winter sidewalk maintenance. We received bids last week and are reviewing same. Staff is going over these and we want to make sure we have everything we need for 2011. We reserved buying a sickle bar until we know what kind of machine will be used. **Mr. Drinkhall moved, seconded by Mr. DiGregorio, that we encumber the funds of \$12,500. The motion carried unanimously.**

Mr. Sires next reviewed that there are a few more Board meetings until the Board has to present a proposed budget to the Budget Committee. Mr. Martin questioned if we still need to do anything on our side. Mr. Sires reviewed that we did everything to provide a level budget to the Board of Selectmen. Mr. Sires next reviewed we need to think about what happens next year if we don't get funding. We need to raise and appropriate to be ready and if we cut that is money the state does not have to provide.

Mr. Martin questioned if we are going to look at personnel, work hours etc., are these items we have to discuss in open forum or executive session. Mr. Sires advised if you are talking about general items, this would be open session. If it is a person in particular, performance, etc., then this need to be in closed session unless the person wants an open session.

Mr. Martin questioned how the Board wanted to proceed –do we preempt or do we go forward and see what happens. Mr. Martin stated he is sure staff is wondering what direction this is going in. We need to decide what we are going to do as he doesn't think it is fair to people or to the budget process. Mr. Drinkhall stated he would like to see the Board go line by line to review the budget like we did a few years ago. Mr. Drinkhall further added that he feels we can't wait –if we do then what happens if we find the worst case scenario. Mr. DiGregorio stated he thinks our budget is not bad – we are 2% down from last year as proposed. He is not shutting off the rest of the lights and unless you are going to talk about cutting staff he is fine with what we have now. He feels the administration is doing their jobs. Mr. Dickinson stated that he feels the Board needs to go line by line –if not, he feels there is little transparency. Mr. Drinkhall questioned if, regarding the police budget, the 3 officers will be in an article. Mr. Sires stated his recommendation is that this be a warrant article. Mr. Drinkhall stated he has a problem with that and feels there needs to be further discussion. The Board reviewed the discussion previously of the straw poll vote for one officer in the budget and two in a warrant article. Mr. Weathers stated he doesn't mind going line by line but does not understand how we do this without know what we have coming from the state. Mr. Weathers added that, further, the biggest item is the school –this is the biggest impact item and we have no control over this amount.

The Board next discussed how they should further proceed, the state revenue issue, the budget process, fiscal year, long term view of the economy in the area, and where possible cuts, if any, could be made, the school budget etc.

Mr. Martin stated he feels we are at a juncture and he would like to take time to digest the discussion held today and come back next week. Mr. Martin directed this be placed on the agenda. Mr. Martin stated if the consensus is to go line by line we can do so – or not. If the consensus is line by line we can put a hold on certain items and then go back and have discussion. Mr. Martin next polled the Board as to how they felt about going line by line. The Board all agreed to go through the budget line by line. Mr. Martin further asked that a few scenarios be put together for the next meeting for a \$400,000 reduction in the budget. Mr. Martin further asked that a salary breakdown be provided at the next meeting.

TOWN MANAGER REPORT

Bypass Meeting – Mr. Sires distributed a copy of the minutes from the North County Council meeting held regarding the Bypass and a copy of a proposed resolution (see attached). At the meeting they said all towns have a representative on the

Transportation Advisory Committee. However, Conway does not because we do not pay the North Country Council dues and, ironically, they want us to help support this but we can't vote on the plan. The Board questioned where the Resolution would go. Mr. Sires advised the DOT, press, etc. The Board took the proposed resolution under advisement.

Pennichuck Water – Mr. Sires advised that the City of Nashua is acquiring Pennichuck and they have asked if we would like to have someone come up and talk with the community regarding same. Mr. Sire advised that Birch Hill is serviced by Pennichuck. Mr. Sires further added that we do need to find out if the Birch Hill Water system is part of what they will acquire. The Board agreed that discussions should be set up.

Carroll County Transit – Mr. Sires reported the Board has been invited to the kick off of service for Carroll County Transit to be held on December 7, 2010 at 10:00 a.m. Mr. Sires also advised that Carroll County Transit would like to come up and talk with the Board in the near future to talk about what they are doing. The Board agreed.

Scenic Overlook Project – Mr. Sires reported a NHDOT preconstruction meeting regarding the project at the overlook is scheduled for December 2, 2010.

Kearsarge Metallurgic – Mr. Sires reported the Town has been trying to set up a meeting with the DES and EPA regarding the Kearsarge Metallurgic site. He recently heard from Drew Hoffman at the State who is trying to get this to happen; however, the state attorney general's office does not want this to happen. Mr. Sires advised he will continue to follow up and advise the Board.

Channel 13 – Mr. Sires reviewed an e-mail from Mike Edgecomb regarding the notice on Channel 13 that it may be going off the air. Mr. Edgecomb advised they are negotiating with Channel 13. They are working hard to reach an agreement and are optimistic they will do so.

Valley Vision – Mr. Sires reported that Valley Vision will have their budget into the Board shortly.

LGC Excellence in Town Report Award – Mr. Sires advised the Town of Conway, with Karen Hallowell's efforts, received the third place award from the LGC for Excellence in Town Reports. The award was presented at the LGC meeting on November 18, 2010.

BOARD REPORTS AND COMMENTS

LED Lights – Mr. Drinkhall reported the LED lights were installed on Friday, November 19, 2010. On a scale of 1-10 he would give them an 11 as to their effectiveness and aesthetic value. There is still a question of longevity –they are warranted by GE for five years but they say they should last about 10 years. Mr. Sires reviewed the location of the LED lights at Schouler Park and encouraged the public to let the Town know what they think of the lights and, also the NHEC is interested in what is thought.

Streetlight Project - Mr. Drinkhall advised we did a program on Valley Vision regarding the lighting project. They discussed the shut off of lights and also advised the

public if they want to pay for a light on their own they can do so. Mr. Drinkhall further reviewed that he and Mr. Sires will be doing the Drive Time Radio show tomorrow to further get the word out. Mr. Sires next advised that the Town of Conway crew will be taking care of the lights on North-South Road. Mr. DiGregorio stated that he is concerned that PSNH is taking down the lights that will be shut off. He is concerned that it will be too dark in Conway as they do not have the same amount of commercial lighting as is in North Conway. Mr. Sires reviewed the shut off of lights will start around December 13, 2010 and should take a few days to complete.

NHMA Annual Meeting - Mr. Dickinson advised he attended the NHMA Annual Meeting last week. Mr. Dickinson distributed the policy information put out by the LGC and highlighted the one the Town of Conway is responsible for and advised it is now one of their standing policies. Mr. Dickinson reviewed the policy position concerning review of administrative rules. Mr. Dickinson also distributed a catalog of Publications available from the LGC to the Board.

Perambulation – Mr. Dickinson advised that he would like to discuss the perambulation of town lines, how we do it etc., at a future meeting.

Computers – Mr. Sires commented that Holly Meserve did a good job and worked with suppliers regarding computer purchases for the town to get deals on computer equipment.

Thanksgiving – Mr. Martin wished everyone a Happy Thanksgiving. Mr. Martin further stated that everyone should have someone to eat Thanksgiving with and if you know a family who needs dinner –there are places supplying dinner. Also, they can contact BJ Parker at the Town Office for information on same.

PUBLIC COMMENTS AND MEDIA QUESTIONS

There were no public comments or media questions.

NON PUBLIC SESSION: RSA 91-A:3II(c) –TAX MATTERS

AT 6:10 p.m., **Mr. Drinkhall moved, seconded by Mr. DiGregorio, to go into non public session under RSA 91-A:3,II(c) to discuss a tax matter.** Included in the non public session are Craig Johnson, Michael Brooks, Town Manager Earl Sires, and Recording Secretary, Karen Hallowell. **The motion carried by unanimous roll call vote.**

At 6:19 p.m. the Board returned to public session. The Board agreed not to seal the minutes of this non public session.

NON PUBLIC SESSION: RSA 91-A:3II(e) –LITIGATION MATTER

At 6:20 p.m., **Mr. Drinkhall moved, seconded by Mr. Weathers, to go into non public session under RSA 91-A:3,II(e).** Included in the non public session were Town Manager, Earl Sires, Tax Assessor, Tom Holmes, and Recording Secretary, Karen Hallowell. **The motion carried by a roll call vote of 4-1-0 with Mr. DiGregorio in the dissent.**

At 6:37 p.m. the Board returned to public session. **Mr. Drinkhall moved, seconded by Mr. Dickinson, to seal the minutes of the non public session. The motion carried 4-0-1 with Mr. DiGregorio abstaining.**

ADJOURN

At 6:38 p.m. the meeting adjourned without objection at the call of the Chair.

Respectfully submitted,

Karen J. Hallowell
Executive Secretary