

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN**

January 11, 2011

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.

AGENDA ADJUSTMENTS

Chairman Martin advised a code enforcement matter would be added to the Agenda today. There were no objections.

CONSENT AGENDA

A. Signing of Documents

1. Application for Property Tax Credit/Exemption Tax Map/Lot 202-223
2. Application for Property Tax Credit/Exemption Tax Map/Lot 247-62
3. Application for Property Tax Credit/Exemption Tax Map/Lot 252-13
4. Application for Property Tax Credit/Exemption Tax Map/Lot 272-8
5. Application for Property Tax Credit/Exemption Tax Map/Lot 277-260
6. Application for Property Tax Credit/Exemption Tax Map/Lot 278-48

Mr. Drinkhall moved, seconded by Mr. DiGregorio, to grant the Applications for Property Tax Credit/Exemptions for Map/Lot #'s 202-223, 247-62, 252-13, 272-8, 277-260 and 278-48. The motion carried 4-0-1 with Mr. DiGregorio abstaining.

B. Consideration of Bills:

1. Manifest dated 1/13/11
2. Payroll dated 1/13/11

Mr. Weathers moved, seconded by Mr. Drinkhall, to sign the Manifest and Payroll dated 1/13/11. The motion carried unanimously.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

There were no Special Event Applications for consideration.

CONSIDERATION OF MINUTES

The Board considered the minutes of 12/14/10. Mr. Drinkhall stated the following change should be made to the minutes: Page 6, paragraph 5, North-South Road should be changed to Route 16. **Mr. Drinkhall moved, seconded by Mr. Weathers, to accept the minutes of 12/14/10 as amended. The motion carried unanimously.**

CONSIDERATION OF UNANTICIPATED REVENUE LESS THAN \$5,000/RSA 31:95-B, III (B):
A) \$100 DONATION FROM MIRIAM MORRELL TO TOWN OF CONWAY PD FOR DARE
B) \$100 DONATION FROM PHILIP MARIE TO TOWN OF CONWAY PD FOR DARE

Police Chief, Ed Wagner and Police Lieutenant Chirs Perley, were present for discussion.

Mr. Drinkhall moved, seconded by Mr. Weathers, to accept the \$100 donation from Miriam Morrell to the Town of Conway Police Department for DARE and the \$100 donation from Philip Marie to the Town of Conway Police Department for DARE. Lt Perley reviewed the donations received. Lt. Perley advised this is the 23rd year for the DARE program and 1000's of kids have been educated by the program. Lt. Perley further stated that we are fortunate to have concerned citizens support the DARE program. **The motion carried 5-0-0.**

BUDGET

Police Union Contract - Chief Wagner advised the Police Commission has come to an agreement with AFSCME for a two year police contract. The cost of the contract is \$5784. Chief Wagner advised that two things added to the cost of the contact. The Police Commission agreed to a \$50 increase in clothing maintenance. Currently this figure is at \$400 and the \$50 increase will bring clothing maintenance to \$450 per year. Also, due to the fact the Police had \$28,000 in unanticipated costs this year, the Police Commission looked at sick leave as well. Currently, employees can accrue 15 days per year and when they leave they can have 90 accrued. The Police Commission and the Union agreed that new officers can only have 12 sick days per year. The Union agreed to this and to offset that the Police Commission has agreed to give employees 75% buyback instead of 50%. Chief Wagner reviewed that currently every employee gets 15 sick days per year and can accrue 90 and so when they are eligible to retire they get paid back a portion of the sick days. The Police Commission wants to change this to 12 days a year for new employees and that they can only accrue 60 and sell back 75%. Mr. Weathers questioned how to budget for this each year not knowing how many days will be used or bought back. Chief Wagner advised that at the end of the year they print a list of who is eligible and budget for same. They know who is eligible and how much they can sell back and they make an estimate from this information. Ms. Philbrick advised that for the town, when it is time to go through the budget process, they look at what people have to sell back and that is the numbers she budgets for. The Chief agreed stating they take the worst case scenario.

Mr. Martin questioned that under the union contract they reduced the number of sick days from 15 to 12 –did the buyback reduce? Chief Wagner advised they can only accumulate 60 days. Mr. DiGregorio questioned if this is only for new employees. The Chief responded in the affirmative. Mr. Martin questioned if all current union people will stay at 15/90. The Chief responded in the affirmative.

Chief Wagner next reviewed the total cost for the first year of the contract is \$5784. Mr. Sires reviewed this is a two year contract and so the warrant article has to specify each year. We can provide a draft warrant article and the first year have to raise and appropriate \$5784 and the second year is in the budget. Mr. Sires advised the Board can wait to see the article or approve in concept now. Mr. Martin questioned if the \$5784 is above and beyond the budget already submitted by the Police. The Chief responded in the affirmative and further advised that it will be in the budget next year. Mr. DiGregorio pointed out that even if they have a flat budget next year this will increase it by \$5784 because it is automatically added to the budget. Mr. Martin questioned if the Board would like to vote on the article now in concept or wait to see the warrant article. Mr. Dickinson stated he would like to see the final draft of the warrant article.

Mr. Drinkhall moved, seconded by Mr. Weathers, to have staff write the article as presented by the Chief to be presented to voters at town meeting. The motion carried 5-0-0.

Cemetery Maintenance – Recreation Director, John Eastman, joined the meeting. Mr. Sires reviewed an article for cemetery maintenance. Mr. Eastman reviewed the Parks Department takes care of cemeteries in the Town of Conway. Mr. Eastman advised this past summer they did an extensive evaluation of the condition of the cemeteries. Mr. Eastman further advised that in the Parks budget they have done some superficial repair work at cemeteries but nothing to the extent of stone repair. Some stones are broken, toppled etc and in need of some kind of repair. There is also fencing, granite posts, etc that need repair work. This work will require funds. Mr. Eastman next reviewed that some cemeteries they work in once a week and some once a month. They do go and look for blow downs of limbs, etc., and also mow, weed, etc. Mr. Eastman next reviewed the location of the cemeteries and the work performed during summer maintenance. Mr. Eastman advised that additional funds would help with additional repairs. The cant fix everything but they could do some maintenance.

Mr. Martin questioned how the town came to have responsibility for these family cemeteries. Mr. Sires explained there is state law that some of these fall to the municipality to take care of. Mr. Sires advised he could look into this further and provide information to the Board concerning same. Mr. DiGregorio asked if people can still be buried in some of these cemeteries. Mr. Sires advised we need to look up legal information concerning this issue but, at present, we don't by practice as we don't know exactly what is going on with some of these cemeteries, i.e. as there may/may not be vacant lots and where they are all located. We have received inquiries from families regarding certain cemeteries but we have not fully explored this issue as it is a gray area. Mr. DiGregorio suggested that maybe there is someone who would like to take care of some of the cemeteries, i.e., if they live next door or would like to be buried there. Some people may want to adopt a cemetery. Mr. Weathers asked what is on the tax maps for the cemeteries. Tax Assessor, Mr. Holmes, advised that only one cemetery gets a tax bill. Mr. Martin stated that before we can act on this article this Board needs additional information from Mr. Sires and, also, from Mr. Holmes regarding tax information. The Board agreed.

TOWN OF CONWAY/CERTIFICATE OF AUTHORIZATION TO ACCEPT FUNDS
AND ENTER INTO A GRANT AGREEMENT WITH NHDES REGARDING
HOUSEHOLD HAZARDOUS WASTE DAY

Mr. Sires reviewed that if the Town plans to do Household Hazardous Waste Day again this year, we need to enter into this grant agreement for same. Mr. Sires reviewed this is done yearly. Mr. Dickinson questioned what the cost is to the town for Household Hazardous Waste Day. Mr. DegliAngeli advised the cost to the Town is about \$8,000. The whole process is about \$11,000 and we get funds from the State and, also, from the other towns that participate. This has been in the budget for 20+ years. **Mr. Weathers moved, seconded by Mr. Drinkhall, to agree to enter into the Agreement with NHDES regarding Household Hazardous Waste Day. The motion carried 5-0-0.**

Mr. Weathers moved, seconded by Mr. DiGregorio, to authorize Paul DegliAngeli to sign the application. The motion carried 5-0-0.

REVIEW AND CONSIDERATION OF APPLICATION FOR CONSERVATION
RESTRICTION ASSESSMENT - TAX MAP/LOT 287-1 AND 287-12

Tax Assessor, Tom Holmes, reviewed the application for Conservation Restriction Assessment for Tax Map/Lot 287-1 and 287-2 and, also, the criteria for same with the Board.

There was discussion as to whether the Board could see a public benefit in granting the Application for Conservation Restriction Assessment. **Mr. Drinkhall moved, seconded by Mr. Weathers, to grant the Conservation Restriction Assessment for Map/Lot 287-1 and 287-12 as presented.** There was further discussion regarding zoning, public benefit, etc. The Board also discussed the idea of approving or denying the application in whole or in part. **Mr. Dickinson moved to table the motion. There was no second.** There was a question by the Board if the applicant could resubmit the application without the unbuildable lot. Mr. Holmes advised if the Board agrees to this he sees that it would be okay and, also, so long as it is before the deadline in July. Mr. Weathers called the question. **The motion failed 0-5-0.** The application was denied.

REVIEW AND CONSIDERATION OF PROPERTY
TAX DEED – TAX MAP/LOT 219-170

Tax Collector, Rhoda Quint, joined the meeting. Ms. Quint reviewed the property owner of Map/Lot 219-170 was previously before this Board and made a payment arrangement for the back taxes; however, payment was not made. The owner has been notified and we again began the deeding process. The owner has been notified this would be on 1/11/11. Ms. Quint next advised the paperwork to deed this property has been prepared for the Board's consideration. **Mr. Drinkhall moved, seconded by Mr. DiGregorio, to deed Tax Map/Lot 219-170.** Mr. Sires reviewed that if the town chooses to deed it becomes the property of the Town of Conway and there will be responsibilities along with owning the property. Mr. Sires advised there is a collapsed septic and we will need to do work on this, the property will go on the town's insurance, we will need to re-key the property, haul out contents, etc. Mr. Sires next advised that he and the Building Inspector will also be go through the property as well to inspect same. Mr. Sires next advised there will be costs involved in taking over this property. Mr. Martin questioned if this property is on town sewer. Mr. Sires replied in the affirmative. Ms. Quint advised the water was shut off to the property and there is a sizeable water bill as well. Mr. Sires advised that with regard to the collapsed septic we will try to have our town crew put sand in it or whatever is necessary. Mr. Martin pointed out that we need to track the costs put into the property so we can recover same. Ms. Quint next advised that once the town acquires the property, the town attorney can start proceedings to sell same. We do have to hold the property a minimum of three months and we will need to have a starting point for a minimum bid as there is taxes owned, attorney fees, etc. **The motion carried 5-0-0.**

DISCUSSION REGARDING SNOW REMOVAL

Mr. Martin advised this is a follow up on a discussion had previously regarding picking up snow.

Mr. Drinkhall stated his concern is why did we pick up so little snow after the last storm and why didn't we wait until we had more. Mr. Drinkhall advised that he has received calls on this subject and, also, the costs for same.

Mr. DegliAngeli reviewed the costs, history of snow pickup, and policy for the Town of Conway with the Board.

There was next a brief discussion concerning removal of snow from sidewalks. Mr. Drinkhall questioned if the town will remove the sidewalk snow on the east side of the road in North Conway next year with the new contract. Mr. DegliAngeli replied in the negative and advised this was not included when this contract went out to bid.

ODOR AT LANDFILL

Mr. DegliAngeli advised that the issue of the odor at the landfill has come up again. When we investigated this previously we had a scientist do some testing and we discovered the offensive odor was sulfur and was a problem caused by gypsum in drywall. The odor now is simply the decomposition of trash and in order to get rid of the odor we have to go into a drainage collection system (venting) and install fans. This will create a flow to the vent and you have a flare to burn it. Mr. Martin questioned if this is methane gas. Mr. DegliAngeli replied in the affirmative. Mr. DegliAngeli next advised of the costs for a project such as this and stated this could potentially be in the \$100,000 range. This is the opinion of two different consultants and he also spoke with others informally in the state and this seems to be the standard practice. Mr. DegliAngeli further explained the installation of fans, venting, etc. Mr. DiGregorio questioned if we could try the flare situation first and if that didn't work then we would have to add fans. Mr. DegliAngeli advised the flare would be the first step.

Mr. DegliAngeli next reviewed this issue is also seasonal. Mr. DiGregorio stated we do however get complaints about odor. He would like to see more numbers regarding the venting, etc., and look at this matter further. Mr. Martin stated that maybe the Board should look at this for this year. Mr. Martin questioned if there is any way we can use any of the dump closure money to do the flare. Mr. Sires and Mr. DegliAngeli responded in the negative. Mr. Sires advised that we do have time to put an article on the warrant this year or the Board could take this matter under advisement for next year. Mr. DegliAngeli advised that he would need to gather additional information as he has only had informal conversations on the matter. Mr. Martin questioned if the Board wanted to instruct Mr. DegliAngeli to come up with a number and see if we can get a warrant article together for the taxpayers to consider. There was a brief discussion. Mr. DegliAngeli pointed out this would also affect the budget as the system would require additional electricity, etc. The Board next agreed to have Mr. DegliAngeli try to get numbers and additional information together in the next few weeks and advise. The Board agreed if this is not enough time to get proper information together Mr. DegliAngeli can advise on this as well.

ENFORCEMENT ISSUE

Mr. Sires advised there is an enforcement issue with a new house on Pemigewasset Drive in Conway and, also, there is some concern as it is for sale. There is a problem with the driveway and it is a dangerous condition. The driveway is steep and not safe. The builder has been advised of same. Because it is for sale we would like to ask Town Counsel to get an injunction. **Mr. DiGregorio moved, seconded by Mr. Drinkhall, to proceed with legal action for the enforcement of the illegal driveway. The motion carried unanimously.**

BUDGET

Warrant Articles/PEG Operating Fund and PEG Capital Equipment – Mr. Sires reviewed there was discussion at a previous meeting regarding PEG articles with the Board. Mr. Sires reviewed proposed articles for PEG (see attached). Mr. DiGregorio asked about a third article for \$25,000 if the money does or does not come through from the state. Mr. Sires advised there could be an article for \$25,000 to be contributed to the PEG Expendable Trust unless rooms and meals doesn't come through and then the money could go into the General Fund. Mr. Sires advised an article could be written for this if it is the Board's direction. The Board briefly discussed the articles and agreed to wait for the third article before voting on the PEG articles. **Mr. DiGregorio moved, seconded by Mr. Drinkhall, to entertain that we will have three warrant articles pertaining to the PEG funding monies and the allocation will be in PEG operating, PEG capital, and PEG provisionary fund to be written.** There was further discussion on the articles. Mr. Dickinson stated he had some concerns over the way it was

written and suggested adding language specifying “equipment only”. Mr. Sires suggested also adding language stating “to be used over contract life”. The Board agreed the articles should be rewritten. Mr. Martin reiterated that this Board is not approving the articles tonight –just giving direction. The Board agreed. **The motion carried 5-0-0.**

VALLEY VISION AGREEMENT

Mr. Sires reviewed the proposed Valley Vision Agreement with the Board. Mr. Sires further reviewed this Agreement is contingent on Town Meeting. **Mr. DiGregorio moved, seconded by Mr. Weathers, to support the contract as written. The motion carried 5-0-0.**

REVIEW OF CALENDAR OF MEETING SCHEDULE AND OTHER IMPORTANT DATES

Mr. Sires distributed and reviewed a calendar of upcoming dates for the budget process, hearings, etc.

Mr. Weathers asked about the town report cover. Mr. Sires advised that we have some ideas but have not settled on anything yet.

TOWN MANAGER REPORT

Revenues – Lucy Philbrick distributed revenue reports to the Board. Mr. Sires and Ms. Philbrick reviewed same with the Board. Ms. Philbrick advised that it looks like we have about \$210,000 more than projected in revenues. Mr. Sires advised this is good news and, also, advised that we have not overspent the 2010 budget. Mr. Sires advised we will now have this available as additional revenue should you chose to use the additional revenue to reduce the tax rate depending on if there is revenue shortfall from the state. Mr. Martin thanked Mr. Sires. Ms. Philbrick, staff and mother nature for bringing the town in under budget.

Letter to NHDOT – Mr. Sires distributed a draft letter to the NHDOT to the Board for review regarding Route 153. Mr. Sires advised Mr. Weathers asked this letter be drafted for the Board's consideration. Mr. Weathers advised that he had requests from residents and, also, spoke to representatives regarding Route 153. According to Gene Chandler there may be money available for betterment this year and if they receive requests for improvement work they will consider. Mr. Weathers advised he has been here many years and there has never been any reconstruction on this road –only a shim coat. The Board briefly discussed and agreed that the State Representatives should be added to the bottom of the letter and that the letter could be signed by the Chair out of session. **Mr. Drinkhall moved, seconded by Mr. Weathers, to support the letter. The motion carried 5-0-0.**

BOARD REPORTS AND COMMENTS

Budget Committee – Mr. Drinkhall reported the Budget Committee met and went over the Town Budget. They were thrilled with the work done on the budget.

Mt Washington Valley Housing Coalition – Mr. Martin advised an invitation was received from the Mt Washington Valley Housing Coalition for a breakfast meeting on January 20, 2011 at 7:30 am at the Red Jacket. Mr. Martin asked which Board members could attend. Board members DiGregorio, Drinkhall and Mr. Martin advised they would attend. Mr. Sires advised that he could attend as well.

Budget – Mr. Martin stated he would like to expound on what Mr. Drinkhall talked about earlier. This Board did a good job on the proposed budget and came up with a good product. There was hard work done by Earl and staff also and thank you to all for the hard work.

PUBLIC COMMENTS AND MEDIA QUESTIONS

There were no public comments or media questions.

ADJOURN

At 6:20 p.m., the meeting was adjourned at the call of the Chair.

Respectfully submitted,

Karen J. Hallowell
Executive Secretary