

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN**

January 25, 2011

The Selectmen's Meeting convened at 4:10 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 Hollowell.

PLEDGE OF ALLEGIANCE

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

CONSENT AGENDA

Mr. Weathers moved, seconded by Mr. Drinkhall, to approve the agenda. The motion carried 5-0-0.

A. Signing of Documents

1. Application for Current Use Map/Lot 254-104
2. Permanent Application for Property Tax Credit/Exemption Map/Lot 262-83.269
3. Current Use Land Use Change Tax Collector's Warrant Map/Lot 258-68.28
4. Land Use Change Tax Map/Lot 258-68.28
5. Notice of Intent to Cut Wood or Timber Map/Lot 293-4 & 8

Mr. DiGregorio moved, seconded by Mr. Drinkhall, to sign the Application for Current Use Map/Lot 254-194, Permanent Application for Property Tax Credit/Exemption Map/Lot 262-83.269, Current Use Land Use Change Tax Collector's Warrant Map/Lot 258-68.28, and Land Use Change Tax Map/Lot 258-68.28. The motion carried unanimously.

Mr. DiGregorio moved, seconded by Mr. Drinkhall, to sign the Application for Notice of Intent to Cut Wood or Timber Map/Lot 293-4 & 8. The motion carried 4-0-1 with Mr. Dickinson abstaining.

B. Consideration of Bills:

1. Manifest dated 1/27/11
2. Payroll dated 1/27/11

Mr. Drinkhall moved, seconded by Mr. Weathers, to sign the manifest and payroll dated 1/27/11. The motion carried unanimously.

C. Ratification of (Documents Signed Out Of Session):

1. Current Use Land Use Change Tax Collector's Warrant Map/Lot 272-52.4
2. Current Use Land Use Change Tax Collector's Warrant Map/Lot 272-52.9
3. Current Use Land Use Change Tax Collector's Warrant Map/Lot 272-52.22
4. Current Use Land Use Change Tax Collector's Warrant Map/Lot 272-52.34
5. Permanent Application for Property Tax Credit/Exemptions Map/Lot 259-101
6. Permit to Sell Raffle Tickets/Kennett Middle School PTSA
7. Special Event Permit - 8th Annual Chilly Chili Cook Off/March 5, 2011
8. Manifest dated 1/20/11

Mr. Drinkhall moved, seconded by Mr. Weathers, to ratify Current Use Land Use Change Tax Collector's Warrant Map/Lot 272-52.4, Current Use Land Use Change Tax Collector's Warrant Map/Lot 272-52.9, Current Use Land Use Change Tax Collector's Warrant Map/Lot 272-52.22, Current Use Land Use Change Tax Collector's Warrant Map/Lot 272-52.34, Permanent Application for Property Tax Credit/Exemptions Map/Lot 259-101, Permit to Sell Raffle Tickets/Kennett Middle School PTSA, Special Event Permit - 8th Annual Chilly Chili Cook Off/March 5, 2011. The motion carried unanimously.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

There were no new Special Event Applications for the Board to consider.

CONSIDERATION OF MINUTES

Mr. Drinkhall moved, seconded by Mr. Weathers, to approve the minutes of 12/21/10 and 1/4/11 as written. The motion carried unanimously.

PUBLIC HEARING - CHAPTER 113 SOLID WASTE ORDINANCE

Mr. Martin reviewed the public hearing notice regarding Chapter 113/Solid Waste Ordinance and opened the Public Hearing at 4:11 p.m.

Mr. Sires advised the Town of Conway received communication from the Town of Eaton advising they are not in favor of closing the transfer station on Sundays. Mr. Martin advised the Town of Conway received an e-mail from Mark Hounsell advising he is against closing the transfer station on Sunday.

Conway resident, Steve Barnsey (sic), advised he is opposed to the Sunday closing of the Transfer Station. During the week this doesn't work for people who have regular jobs and the Transfer Station closes at 3:00 p.m. Just having the Transfer Station open on Saturday is not enough time. People also have other obligations on Saturday and use the Transfer Station on Sunday. Mr. Barnsey added that he feels the Board should pick another time to close, i.e. Tuesday.

Colleen Cormack advised she is from the Town of Albany and is a Representative of the Mount Washington Solid Waste District (.MWVSWD). Ms. Cormack advised the MWVSWD have not met yet and there is no formal recommendation from the MWVSWD. The Albany Board of Selectmen did take the stand that they are not in favor of closing on Sunday. Ms. Cormack next added that what she is hearing is that most people understand that you are looking at ways to reduce costs and hours, however, the timing of Sunday they are not in favor of. Ms. Cormack next stated that there are also vacationers that leave on Sunday or Monday. She feels if the Board of Selectmen close on Sunday they should have a plan in place should a problem arise if closing Sunday.

Mr. Martin asked for further public comments. There were none. Mr. Martin closed the public hearing at 4:14 p.m.

Mr. DiGregorio stated that at the last meeting there was a question about if we could open Wednesday night and he was wondering if we have any information on this. Mr. Sires advised if the Board would like information on this he would look into it. Mr. DiGregorio asked about overtime over 8 hours or 40. Mr. DegliAngeli advised that overtime is over 8 and over 40. Also, the union agreement stated that work is no to be interrupted. Mr. Sires stated this could be an item for negotiations.

Mr. Weathers asked if we close on Monday and Tuesday, will there be a problem with deliveries. Mr. DegliAngeli stated that from a contractual point this is not a problem, but from an employee standpoint this might be different. With regard to commercial trash, we may hear from business owners as this may affect them. Mr. Drinkhall commented that Saturdays are busiest and Sunday's are the second busiest however, people using the transfer station say Sunday is busier. Mr. Drinkhall questioned if the hours open make a difference on Saturday and Sunday. Mr. DegliAngeli stated the employees think that more people go on Saturday than on Sunday.

There was next a discussion of defined work hours in the contract. Mr. DiGregorio stated we are trying to reduce overtime and not rehire Eric's position and questioned if someone stood up at the Town Deliberative Session and said they want to put \$40,000 back in the budget to be open on Sunday – will we be able to do this without Eric's position or do we need both? Mr. DegliAngeli stated that if we employee share form other departments we can fill what we need. Eric has retired and we are currently working Sunday at the transfer station. Mr. DiGregorio questioned if Sunday's are added back in the budget can we do this year round with current employees – can we do this long term and is it realistic. Mr. DegliAngeli explained we are trying this now and at this point we are accomplishing same by borrowing from the landfill. Mr. DegliAngeli further added that staff will let the Board know if this is not working in the future. If we are short, we may have to close as they need to stay with the buddy system. It is not good practice having people work alone with the machines, etc. Mr. Sires pointed out that we may have to close some mornings as well due to snow. If we reduce the budget we are reducing services. Mr. DegliAngeli explained there are two people at the transfer station building and one at the guard shack and we used to have three at the building and one in the guard shack. Mr. DegliAngeli next talked about how we will be one short for plowing and there was brief discussion with the Board.

The Board next had a discussion of the workweek schedule of Wednesday through Sunday, etc. Mr. DiGregorio pointed out we may have a problem with the contract if we close on Tuesday. Mr. Dickinson stated he feels the Town should keep Sunday and Monday the way it is and close Tuesday. Mr. Dickinson further added he feels that whatever the Board decides for hours that this can't be changed at Town Meeting. Mr. Sires reviewed that if the voters vote at the Deliberative Potion of Town Meeting to put money back in the budget and say they want to keep Sunday open -that would be advice to the Board of Selectmen. Mr. Dickinson added the voters can give instruction but this is not a mandate. Mr. DiGregorio questioned if \$40,000 is put back in the budget for Sunday overtime –can we survive with that with the number of employees we have. Mr. DegliAngeli stated that if this is not manageable operationally, we will let the Board know. Mr. DiGregorio next stated that we have had hearings, talked to people, etc and that sometimes people disconnect because they say the Board doesn't listen. Mr. DiGregorio stated he was going to wait until Town Meeting but to him if we don't take action now we aren't listening. **Mr. DiGregorio moved to put \$40,000 back in to the budget and stay open as is on Sunday for now. There was no second to the motion.**

Mr. Weathers moved, seconded by Mr. Dickinson, that we reverse the hours of what was stated before and close all day Monday and Tuesday and have a normal work week Wednesday to Sunday from 7:00 am to 3:00 p.m. Mr. Martin stated that he was behind Paul on this and also wanted to do a little for the employees and close on Sunday as we are taking overtime away. Some members of the public don't agree with asking the employees but these people have worked at the town for twenty years. Also, if we close on Tuesday and stay open on Sunday this could bring up an issue with the union contract. There was next brief discussion of staying open Sunday as is and closing Tuesday. Mr. DegliAngeli pointed out this

would not be a 40 hour week. Mr. Martin questioned if we would have to go back and negotiate. Mr. DegliAngeli advised we would have to bring this to the employees. They are represented and we will have to sit down at the table and discuss. Mr. Drinkhall questioned if we have studied any other similar towns our size with regard to hours they are open. Mr. Sires stated we are a unique town, but he would bet that we are open significantly longer hours than other towns. Mr. DegliAngeli pointed out that several years ago the town closed the transfer station on Sunday and people were unhappy. We did a survey then and it was determined we were open more hours than other towns, but we are different as we are a resort, have second homeowners, etc. Mr. DegliAngeli next suggested finding another revenue source to compensate for the hours, i.e. collecting a fee for a one day visitor permit. He does not know how much this would generate but is one idea. Mr. Drinkhall asked about evening hours and the contract. Mr. DegliAngeli stated that if we do anything other than status quo, we may have to go to the table. Mr. Drinkhall stated that he has never seen such as thing –anytime we do something to reduce taxes. Mr. Drinkhall thinks we should stand our ground and do what we said we were going to do and close on Sunday and remain open on Tuesday. Mr. Martin stated he agreed with Mr. Drinkhall regarding the hours. He has also listened to the input from Paul, the employees, etc. Further, we have only heard from about nine people from the public on this issue and he feels we should stay status quo. Mr. Martin next stated that if town meeting throws money back in the budget he would live by it but he wants to come away from this knowing we did the best thing for the public. Mr. Martin next reviewed the motion on the table. A vote was taken and the **motion failed 2-3-0 with Messrs. Dickinson and Weathers voting in the positive and Messrs. DiGregorio, Drinkhall and Martin in the negative.**

Mr. Martin next reviewed that discussion during budget season was to close on Sunday. **Mr. Drinkhall moved, seconded by Mr. Martin, to close on Sunday and Monday. The motion failed 2-3-0 with Messrs. Drinkhall and Martin voting in the affirmative and Messrs. DiGregorio, Dickinson and Weathers voting in the negative.**

Mr. Dickinson moved, seconded by Mr. DiGregorio, to keep Sunday the way it is – a half day with overtime, close Monday and then close on Tuesday. Mr. DiGregorio reviewed that this is only a 36 hour work week. There was discussion of this proposal and there were questions as to how this would affect the contract. Mr. Sires pointed out that with this proposal they will work 36 hours and get paid for 38. This is not 40 hours. Further, we don't know if we have an obligation for a 40 hour week. We would need to look at the contract and get professional advice on same. Mr. Sires next advised that if we do change the schedule we have to give two weeks notice to the employees. Mr. Weathers suggested leaving things the way they are and wait for the Deliberative Portion of Town Meeting to see what happens. We could also get information from the union, etc and could answer questions at that point. Mr. Sires pointed out that some questions could be answered at that time and some may not be able to be answered until the process goes along. Mr. Martin reviewed that if this motion fails the budget stays the same and staff is under a directive. Mr. Sires stated that if this is the route the Board may want to put money in to get us to April voting, unless the Board wants to stop opening on Sunday now. There was discussion as to funding this until the vote in April. Mr. Martin asked Mr. Sires to calculate this figure for Town Meeting. There was further discussion as to whether or not to stay status quo until town meeting. Mr. Martin stated when we leave the meeting tonight staff should be directed to give two weeks notice regarding hours and that the only way this will change is if the money is voted back in at town meeting. Mr. Sires questioned if two weeks notice should be given now or two weeks prior to town meeting. The Board discussed the notice issue. **Mr. Martin moved the question. The motion failed 1-4-0 with Mr. Dickinson in the affirmative and Messrs. DiGregorio, Drinkhall, Weathers and Martin in the negative.**

There was next further discussion on giving notice to employees. Mr. Sires asked for time to do this to make sure we have this worked out. Mr. Sires also pointed out that if we give two weeks notice now and then make the change and then possibly change back, depending on town meeting, this could be confusing. Mr. Sires suggested waiting until town meeting to make the change.

Mr. Drinkhall moved, seconded by Mr. Weathers, that we close Sunday barring any change to the budget at the Deliberative Portion of Town Meeting. Mr. Dickinson stated the voters need to know what their options are –if they want to stay status quo or do something else but they cannot mandate us to change the schedule this Board has decided on. Mr. Martin pointed out they can give direction to the Board. **The motion carried 3-2-0 with Messrs. DiGregorio and Dickinson voting in the negative and Messrs. Drinkhall, Weathers and Martin in the affirmative.** Mr. Sires clarified that the direction of the Board is to continue status quo until Town Meeting and if no direction at Town Meeting then we will make the changes to the hours. The Board agreed.

Mr. Martin stated that he appreciated all the people who came in to talk to the Board regarding this matter. Mr. Martin further pointed out that it was a minor showing.

BUDGET

a) Warrant Articles – Mr. Sires distributed a copy of the draft Warrant dated 1/24/11 (see attached) and reviewed the articles not voted on to date by the Board.

Mr. Sires first reviewed the proposed cemetery article. Mr. Sires recommended this article be withdrawn this year. The Chair has asked staff to look into why we take care of the cemeteries and we are exploring this matter. State Law is being researched and there is public process to go through before a cemetery can be declared abandoned and the town takes care of it. We have not found in the records yet where we ever took such action. Mr. Sires next advised that he did speak with Chet Lucy who thought this had been brought forward around 1970. There was a warrant article in 1977 for money to take care of cemeteries. Mr. Sires advised that he also spoke with Mrs. Lucy who advised she was unhappy with the care of a cemetery back in the 1970's and asked that the town not take care of the one near her home. Mr. Sires next advised that he doesn't know how we came to care for some cemeteries and not others. Mr. Sires next advised that we do have deeds to two cemeteries that were given to the town for public use. We may want to decide if we want to manage these cemeteries for additional usage. There are a lot of issues we need to look at before doing this and he would recommend that additional work regarding looking into this be done first. There are certain decisions that have to occur before we decide whether to put monies into these cemeteries. The Board agreed to look into the issues further and bring same back for discussion. The Board also agreed to take this proposed warrant article off the table.

Mr. Sires next reviewed three proposed PEG warrant articles and advised they have been reviewed by DRA. Mr. DiGregorio suggested bolding the language in the article regarding no property taxes will be used. The Board agreed with bolding the language in all three PEG articles.

Mr. Sires next reviewed the Police Union Contract warrant article. **Mr. Drinkhall moved, seconded by Mr. Weathers, to recommend the article for the Police Union Contract. The motion carried 5-0-0.**

The Board next voted on the three PEG Articles. **Mr. DiGregorio moved, seconded by Mr. Drinkhall, to recommend Article 14 for the PEG Expendable Trust. The motion carried 5-0-0.**

Mr. DiGregorio moved, seconded by Mr. Drinkhall, to recommend Article 15 for the PEG Expendable Trust. The motion carried 5-0-0.

Mr. DiGregorio moved, seconded by Mr. Drinkhall, to recommend Article 16 for the PEG Expendable Trust. The motion carried 5-0-0.

The Board next considered the warrant. **Mr. Weathers moved, seconded by Mr. Drinkhall, to approve the warrant subject to the action taken on each individual article. It was noted this was for the draft dated 1/24/11. The motion carried 5-0-0.**

DISCUSSION OF SALE OF TOWN OWNED PROPERTIES

Mr. Sires reviewed the matter relating to a town owned property on Grove Street. Mr. Sires reported the town has initiated the sale process on that property. The Town is notifying the former owner who will have ninety days. After the ninety days, the town can sell the property and anything above and beyond taxes, interest, and expenses will have to be given to the former owner. Since acquiring the property, the Town has filled the septic, towed vehicles from the property and re-keyed the property. The Board agreed with going ahead with the auction of property on Grove Street only at this time.

TOWN MANAGER REPORT

Budget Committee Information Packet – Mr. Sires distributed a copy of the packet that was given to the Budget Committee containing information on Warrant Articles, Capital Reserve Funds, Tax Rate and Revenue Projections and reviewed same with the Board.

Parks Commission – Mr. Sires reviewed there is a vacancy on the Parks Commission. John Cannel is out of town right town but had previously advised that someone had expressed interest. The Board agreed to wait to hear from Mr. Cannel before advertising.

Affordable Housing Seminar – Mr. Sires advised that he attended an Affordable Housing Seminar recently and it was informative. There was discussion on the Conway Pines Project and they are still awaiting some funding. The Planning Director, Tom Irving, spoke at the meeting explaining how the town regulations have change to support affordable housing.

Flag Light – Mr. Sires reported the Town is moving the receptacle for the flag light in front of town hall so we can replace the light from a window. We are trying to arrange a hoist to make that change.

Sidewalk Winter Maintenance – Mr. Sires reported we have received some calls regarding sidewalk plowing in North Conway. Mr. Sires advised we have talked with the contractor about this and hopefully this will result in plowing what should be plowed in Town. Mr. Martin clarified that this does not include the east side of the strip. Mr. Drinkhall asked about a traffic control light that was burred with snow. Mr. Sires reported this has been taken care of.

Streetlights - Mr. Martin questioned if we had turned off any lights yet on North-South Road. Mr. Drinkhall stated this was done weeks ago. Mr. Drinkhall advised they are out but this area is still well lit. Mr. DiGregorio stated the light fixtures and out but still there and to him this

looks like the town doesn't take care of them. He thinks they should be removed. Mr. Martin reviewed that part of the decision on that matter was not to take them down in case someone wants to turn any back on. Also, anything we take down is charged by the hour. Mr. Sires stated he agreed if they stay discontinued they should be removed in the future.

BOARD REPORTS AND COMMENTS

Valley Vision – Mr. DiGregorio reported the Town of Jackson is putting a article on their warrant for participation in Valley Vision.

Sidewalk Snow Removal – Mr. DiGregorio stated that something got past him with regard to snow removal on the east side of Route 16. This must have happened during budget season and he is a little confused and would like clarification on this matter. Mr. Sires advised he reviewed a tape of a prior meeting and it was stated we would no longer pick up snow on the east side. The statement was made and there was no reaction by the Board. Mr. DiGregorio stated that he apologizes to the public and if he heard about this he would not have voted to do this. Mr. Martin advised this topic will be on an agenda in February and there are members of the public coming in to talk with the Board about this subject. Mr. Drinkhall stated that in the past when we removed snow, the sidewalks were still unwalkable and people were still walking in the street because the sidewalks weren't good to walk on.

Budget Committee – Mr. Drinkhall reported the Budget Committee is meeting two times per week. A question was brought up at a meeting and he was asked to bring this up with the Board. The snow grooming at Whitaker Woods –is this \$3,000 from the town and \$9,000 from the school? Mr. Sires advised he would check on the amounts and advise. Mr. Drinkhall questioned if money is collected from the school and Mr. Sires replied in the affirmative.

Mr. Drinkhall next distributed information to the Board from the Budget Committee regarding limitation of budget increases. The Budget Committee member submitting this information asked that the Board comment on same. Mr. Martin asked the Board to review the information and this matter would be put on the next agenda. Mr. DiGregorio stated the information provided was not signed and asked who submitted this information. Mr. Drinkhall advised that Budget Committee member, John Edgerton, submitted the information.

CDRC Meeting – Mr. Dickinson noted the CDRC meeting has been rescheduled for February 15, 2011.

Letter to Legislators – Mr. Dickinson reviewed the Board sent a letter to the Legislators asking them to come in and have discussion regarding state budget, etc. The State Representatives can't come in on a Tuesday and they can only come in on Friday's or late Monday afternoon. Mr. Martin suggested that Mr. Dickinson get some tentative dates for a meeting and we will try to have a special meeting. Mr. Dickinson agreed and stated he will try for a Monday afternoon after 4:00 p.m.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Damon Steer asked if the Board is status quo until the Deliberative Session regarding the Transfer Station hours. He was advised that if the voters put the money back then status quo and, if no direction at Town Meeting, then the changes will be made

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

At 6:08 pm, **Mr. Drinkhall moved, seconded by Mr. DiGregorio, to go into non public session under RSA 91-:3II(c) to discuss tax matters. The motion carried by unanimous roll call vote.**

The Board returned to public session at 6:44 p.m.

ADJOURN

At 6:45 p.m., the meeting was adjourned at the call of the Chair.

Respectfully submitted,

Karen J. Hallowell
Executive Secretary