

Minutes of Meeting
CONWAY BOARD OF SELECTMEN
March 15, 2011

The Selectmen's Meeting convened at 4:05 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen C. David Weathers (Acting Chair), Larry Martin, Howard C. Dickinson, Robert Drinkhall and Michael DiGregorio; Town Manager, Earl W. Sires; and Recording Secretary, Holly Meserve.

PLEDGE OF ALLEGIANCE

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

CONSIDERATION OF MINUTES

The Minutes of February 8, 2011 should be amended as follows: page 4, paragraph 2, line 2 should read, "...if it were removed you still have ~~ice melt, etc~~ **snow melt from the slope forming ice**".

Mr. Drinkhall moved, seconded by Mr. Dickinson, to approve the Minutes of February 8, 2011 as amended and to approve the Minutes of February 15, 2011 as written. Motion carried with Mr. Martin abstaining from voting (4-0-1).

Mr. Drinkhall moved, seconded by Mr. Martin, to approve the Minutes of March 1, 2011 as written. Motion unanimously carried (5-0-0).

REPORT ON KEARSARGE METALLURGICAL SITE
MEETING WITH NHDES AND EPA

Paul DegliAngeli appeared before the Board at this time. Mr. Sires stated that he and Paul DegliAngeli met with NHDES and the EPA to discuss the reuse and productive capacity of the site. Mr. Sires stated that it took a while to get everyone together, but it was a productive meeting which revealed the reality of the situation.

Mr. Sires stated there are two issues; one, what is the process to move forward and determine if the town wants to take the property for; and two, what is the liability for the Town. Mr. Sires stated NHDES still has a fair amount of work to do before it is ready to go. Mr. Sires stated that they need to coordinate with the EPA National Office to determine if this needs continued treatment. Mr. Sires stated that he does not think they want to continue with active treatment, but if they do then they would want to keep the treatment building. Mr. Sires stated that they still need to create institutional controls.

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Mr. DegliAngeli stated NHDES wants to go to natural treatment, but the EPA hasn't decided that. Mr. DegliAngeli stated the EPA needs to determine future limitations of the site and NHDES needs to determine if they want to keep any interest in the treatment building. Mr. Martin stated this is different from what they told us before; they gave the impression it was ready to go. Mr. Sires agreed. Mr. DegliAngeli stated that the EPA is telling us they should be ready to go in September. Mr. Sires stated nothing happens until the Board of Selectmen makes a decision.

There was a brief discussion regarding where the proceeds from the sale of the property would go. Mr. DiGregorio asked if we auction this off is the NDHES and the EPA going to looking to receiving that money. Mr. DegliAngeli stated if not all of it, some of it. Mr. Sires stated the plan is to auction the property and see what the market brings. Mr. Sires stated we need to explore if there is no monetary proceeds from sale what is the EPA going to want or not want. Mr. DegliAngeli stated they are not ready to go as they led us to believe.

Mr. DegliAngeli asked what their disposition would be on revenue. Mr. DiGregorio stated if they are saying that they would take any proceeds from an auction, what would happen if the Town didn't auction the property, but gave it away. Mr. DiGregorio stated the Town could seek a larger business that would provide many jobs, rather than three or four employees, and give them the property. Mr. DegliAngeli stated he is not sure if we can give it away. Mr. Sires stated that they can look into it.

Mr. DiGregorio asked if the land is clear. Mr. DegliAngeli stated that they believe to date they have removed 98% of the containments and the remaining 2% can be removed by using best practice natural attenuation. Mr. DegliAngeli stated they feel it will take another 15 years for the remaining contaminants to be gone. Mr. DegliAngeli stated the remaining contaminants are 12-feet below the surface in a silt layer. Mr. DegliAngeli stated they have procedures they have to follow to ready this site to be turned over, even though what they have to go through by process is almost irrelevant to this site, but they haven't started that process yet. Mr. DegliAngeli stated they are going to start the process because we are knocking on their door.

Mr. Martin asked if they will receive their money before we receive ours. Mr. Sires stated he does not know what the value of this property is, but most likely it will not bring in more than what is owed on the taxes. Mr. Sires stated that real value for the Town is getting it back on the Tax rolls, not what we may or may not gain from an auction. Mr. Martin stated that he doesn't want it to cost us money to get it back on the tax rolls.

Mr. Weathers stated there could be a potential problem if there was excavation of the property. Mr. DegliAngeli stated that the NHDES has to provide specific restrictions for this property, such as they cannot install a well and they cannot excavate beyond certain footage. Mr. DegliAngeli stated there are two properties; the Kearsarge Metallurgical site and the treatment plant site. Mr. DegliAngeli stated the property we are talking about is not useful for anything other than greenspace because of the pond, floodplain and wetlands. Mr. DegliAngeli stated that the real value is the other site, which could not be developed as it is today.

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Mr. DiGregorio asked who owns it or is it still in limbo. Mr. DegliAngeli answered in the affirmative. Mr. Sires stated he would keep the Board posted on any new developments.

TOWN MANAGER REPORT

Mr. Sires read the letter from North Country Council and stated they are claiming without the \$30 surcharge we don't have money for the bypass.

Mr. Sires read a letter to Senator Jeb Bradley regarding SB3.

Mr. Drinkhall asked if he followed up on the tape in regard to snow removal. Mr. Sires stated he did not, but he will do that.

Mr. Martin asked if the Fadden Grove Street line in the manifest dated 03/17/11 is for the property the Town took on Grove Street. Mr. Sires answered in the affirmative and stated that he is beginning the salvage of the property. Mr. Martin asked if there would be any more payments. Mr. Sires answered in the affirmative. Mr. Martin asked if when the money is recouped will it go back to the Town Building line item. Mr. Sires answered in the affirmative.

Mr. Martin stated he was looking at the electrical billings and wondered if we could look into having the electrical company do an energy audit to see if we can save money. Mr. Sires agreed to look into it.

BOARD REPORTS AND COMMENTS

Mr. DiGregorio stated both Jackson and Bartlett voted in favor of Valley Vision.

Mr. Drinkhall stated it is a shame the Town Budget was reversed and that the School moderator ran a bias school meeting. Mr. Drinkhall stated that he was extremely disturbed at the School meeting and to think the people who spoke are examples for the students. Mr. Drinkhall stated that they did not look at reason and had already had their minds made up, which is a shame.

Mr. Weathers stated the way the school stands now the DRA has to determine if it was legal. Mr. Drinkhall stated the only time the DRA will get involved is after the vote and if they impose the 10% rule they will deduct from the bottom line up and then from the budget.

Mr. Drinkhall stated he doesn't know how the moderator can allow an illegal vote by ignoring the 10% rule. Mr. Dickinson stated he asked the moderator and was reminded that you can do anything you want at the time, but it could be determined illegal later. Mr. Weathers stated you can challenge anything you want, but until it is challenged you can make that decision.

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Mr. Dickinson stated he would be attending the Municipal Association Advisory Board Meeting this Friday. Mr. Dickinson stated that the Town should pay for mileage for the moderators to attend classes.

Mr. Martin stated unfortunately he was not able to attend the school meeting, but he agrees that the moderator dropped the ball immensely. Mr. Martin stated the people who serve on the Boards should not be attacked as they believe they are doing the right thing; already hard to get people to run for these Boards. Mr. Martin stated we have two town factions going against each other; the School Board and the Budget Committee. Mr. Martin stated no matter what you do or what you feel, you should vote the budget as it stands.

Mr. Weathers stated he would like to see the same attendance at Town Meeting as there was at the School meeting.

PUBLIC COMMENTS AND MEDIA QUESTIONS

There was none.

CONSENT AGENDA

A. Signing of Documents:

1. Permanent Application for Property Tax Credit/Exemptions Map/Lot 259-65
2. Timber Tax Levy Map/Lot 203-125
3. Certification of Yield Taxes Assessed Map/Lot 203-125
4. Permanent Application for Property Tax Exemption Map/Lot 272-49.2
5. Tax Abatement Map/Lot 235-86 (Tax Year 2010)

Mr. Drinkhall moved, seconded by Mr. Martin, to sign the permanent application for property tax credit/exemption for PID 259-65; the timber tax levy for PID 203-125; the certification of yield taxes assessed for PID 203-125; the permanent application for property tax exemption for PID 272-49.2; and the tax abatement for PID 235-86. Motion unanimously carried (5-0-0).

B. Manifest dated 03/17/11

Mr. Drinkhall moved, seconded by Mr. DiGregorio, to sign the manifest dated 03/17/11. Motion unanimously carried (5-0-0).

C. Ratification of:

1. Manifest dated 03/10/11
2. Certification of Yield Taxes Assessed Map/Lot 226-2
3. Certification of Yield Taxes Assessed Map/Lot 265-17
4. Current Use Land use Change Tax Collector's Warrant Map/Lot 272-52.19
5. Land Use Change Tax Map/Lot 272-52.19

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6. Notice of Intent to Cut Wood or Timber Map/Lot 203-125
7. Notice of Intent to Cut Wood or Timber Map/Lot 263-58.3
8. Permanent Application for Property Tax Credit/Exemptions Map/Lot 259-72
9. Timber Tax Levy Map/Lot 226-2
10. Timber Tax Levy Map/Lot 265-157

Mr. Drinkhall moved, seconded by Mr. Martin, to sign the Manifest dated 03/10/11; the certification of yield taxes assessed for PID 226-2; the certification of yield taxes assessed for PID 265-17; the current use land use change tax collector's warrant for PID 272-52.19; the land use change for PID 272-52.19; the notice of intent to cut wood or timber for PID 203-125; the notice of intent to cut wood or timber for PID 263-58.3; the permanent application for property tax credit/exemptions for PID 259-72; the timber tax levy for PID 226-2; and the timber tax levy for PID 265-157. Motion unanimously carried (5-0-0).

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

- A. Joyce Endee Productions/Memorial Day Arts & Crafts Shows at the North Conway Community Center – Dates 05/28-05/29/11; 08/27-08/28/11 and 10/15-10/16/11
- B. Saco Valley Gem & Mineral Club/Gem & Mineral Festival – Dates 07/15-07/17/11
- C. Pine Tree School PTA Spring into Spring 5K – Date 05/01/11
- D. Mount Washington Radio Local Home Show – Dates 05/07/11 and 08/11/11

Mr. Drinkhall moved, seconded by Mr. Martin, to approve the Special Event Applications for Joyce Endee Productions/Memorial Day Arts & Crafts Shows at the North Conway Community Center on dates 05/28-05/29/11, 08/27-08/28/11 and 10/15-10/16/11; for Saco Valley Gem & Mineral Club/Gem & Mineral Festival on dates 07/15-07/17/11; for Pine Tree School PTA Spring into Spring 5K on date 05/01/11; and for Mount Washington Radio Local Home Show on dates 05/07/11 and 08/11/11. Motion unanimously carried (5-0-0).

NON-PUBLIC SESSION UNDER RSA 91-A:311(c): TAX MATTER

At 5:00 pm, **Mr. Drinkhall moved, seconded by Mr. Dickinson, to go into non public session under RSA 91-A:3II(c) to discuss tax matters. The motion carried by unanimous roll call vote.**

At 5:05 pm, the Board returned to public session. There was no vote to seal the minutes.

CONSENT AGENDA

- A. Signing of Documents:

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1. Tax Abatement Map/Lot 998-125 (Tax Year 2009)
2. Tax Abatement Map/Lot 998/105 (Tax Year 2010)

Mr. Drinkhall moved, seconded by Mr. Dickinson, to sign the tax abatement for PID 998-125 for the tax year 2009; and the tax abatement for PID 998-125 for the tax year 2010. Motion carried with Mr. DiGregorio abstaining from voting (4-0-1).

ADJOURN

The Board adjourned without objection at 5:07 pm.

Respectfully submitted,

Holly L. Meserve,
Recording Secretary