

**Minutes of Meeting  
CONWAY BOARD OF SELECTMEN**

April 19, 2011

The Selectmen's Meeting convened at 4:00 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen, C. David Weathers, Lawrence Martin, Howard C. Dickinson, Michael DiGregorio and Mary Carey Seavey; Town Manager, Earl W. Sires and Recording Secretary, Karen Hallowell.

PLEDGE OF ALLEGIANCE

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

SWEARING IN OF ELECTED OFFICERS

Selectman Weathers conducting the swearing in of newly elected Selectman, Mary Carey Seavey. (Mr. Weathers had been sworn in by the Deputy Town Clerk, earlier in the day).

APPROVAL OF AGENDA

**Mr. DiGregorio moved, seconded by Ms. Seavey, to accept the agenda as written. The motion carried unanimously.**

ELECTION OF OFFICERS

**Mr. Dickinson moved, seconded by Mr. DiGregorio, to nominate David Weathers for Chair. Mr. Martin moved to nominate Howard Dickinson as Chair. Mr. Dickinson declined. There were no further nominations. The vote proceeded on the nomination of David Weathers as Chair and the motion carried 3-1-1 with Ms. Seavey and Messrs. DiGregorio and Dickinson voting in the affirmative, Mr. Martin in the negative, and Mr. Weathers abstaining.**

**Ms. Seavey moved, seconded by Mr. Weathers, to nominate Michael DiGregorio as Vice Chair. Mr. Martin moved to nominate Howard Dickinson as Vice Chair. Mr. Dickinson declined. There were no further nominations. The vote proceeded on the nomination of Michael DiGregorio as Vice Chair and the motion carried 3-1-1 with Ms. Seavey and Messrs. Dickinson and Weathers voting in the affirmative, Mr. Martin in the negative, and Mr. DiGregorio abstaining.**

BOARD PROTOCOL

**Mr. Dickinson moved, seconded by Mr. DiGregorio, that the Procedures of the Board of Selectmen and all Committees, Boards and Commissions established by the Board of Selectmen be convened by the Laws of the State of New Hampshire and *Roberts Rules of Order*. The motion carried unanimously.**

**Mr. Dickinson moved, seconded by Mr. DiGregorio, that all motions which may have been tabled from the preceding twelve months be defeated. The motion carried 5-0-0.**

**Mr. Dickinson moved, seconded by Mr. Martin, that all tabled motions appear at the end of every agenda until resolved.** There was brief discussion by the Board. **The motion carried 5-0-0.**

**Mr. Martin moved, seconded by Mr. Dickinson, for a policy that any sitting Selectmen that is receiving any form of reimbursement from a department in the town abstain from voting on any items for that department.** Mr. Martin stated that his reasoning is that if a Board of Selectmen is involved in a department they should abstain from voting. Mr. Weathers questioned if he meant if he was working as an official for a recreation game, then he can't vote on the recreation budget? Mr. Martin replied in the affirmative. Mr. Weathers stated he may then also have a problem with the ambulance contract coming up. He would like to be able to comment on the ambulance contract. Mr. Martin stated this was not just directed at Mr. Weathers. Mr. DiGregorio stated there is a written rule on the conflict issue and as long as someone makes the situation known it should be okay. Mr. Weathers has always made it known. Mr. Martin agreed he has been up front and forth, but that this is his last shot at it and putting it out there. **The motion failed 2-3-0 with Messrs. Martin and Dickinson voting in the affirmative and Ms. Seavey and Messrs. DiGregorio and Weathers voting in the negative.**

PUBLIC HEARING: \$8520 FROM STATE OF NH TO  
TOWN OF CONWAY POLICE DEPARTMENT

At 4:13 p.m. Mr. Weathers read aloud the Public Hearing Notice concerning \$8,520 received from the State of New Hampshire to the Conway Police Department and opened the public hearing.

Police Chief, Ed Wagner, advised that late in 2004 or early 2005 the Department of Homeland Security upgraded radio equipment. Last year they decided to put out a grant application to cover a three year maintenance contract in case the equipment breaks down. The Police Department did receive this grant and are asking that the Board of Selectmen accept same and put the funds in the line item.

There were no public comments or questions. The Public Hearing was closed at 4:15 p.m.

**Mr. DiGregorio moved, seconded by Mr. Dickinson, to accept the \$8,520 from the State of New Hampshire to the Town of Conway Police Department. The motion carried 4-1-0 with Ms. Seavey and Messrs. DiGregorio Dickinson and Weathers voting in the affirmative and Mr. Martin voting in the negative.**

CONSIDERATION OF UNANTICIPATED REVENUE LESS THAN \$5,000/RSA 31:95-B, III (B)

- a) \$800 for new music speakers from Friends of Conway Rec to the Town of Conway
- b) \$800 for new sound system from the Friends of Conway Rec to the Town of Conway
- c) \$800 for new rookie softball uniforms from Friends of Conway Rec to the Town of Conway
- d) \$800 for new softball uniforms from Friendly's Restaurant to the Town of Conway

Assistant Recreation Director, Mike Lane, joined the meeting. Mr. Lane reviewed the girls softball uniforms have been used for many years and are worn. Friendly's Restaurant and Friends of Conway Rec have offered to replace same. Also, the stereo system used by the Recreation Department for dances, etc., both speakers are done and the sound system is overheating and the Friends of Conway Recreation are offering to replace same. **Mr. Dickinson**

**moved, seconded by Mr. DiGregorio, that we accept the \$800 for new music speakers from Friends of Conway Rec to the Town of Conway; \$800 for the new sound system from Friends of Conway Rec to the Town of Conway; and, the \$800 for new rookie softball uniforms from Friends of Conway Rec to the Town of Conway. The motion carried 4-0-1 with Mr. Martin abstaining.**

#### ANNUAL REVIEW OF LEOP AGREEMENT – CHIEF STEVE SOLOMON, EMD

Chief Stephen Solomon, Emergency Management Director for the Town of Conway, joined the meeting.

Mr. Sires reviewed that Chief Solomon has been the Emergency Management Director for the Town for the past several years and is here today to talk about the LEOP plan.

Chief Solomon advised the LEOP plan is up for review next year. Pieces of the plan will need to be updated but all in all the plan won't change much. Information such as contact information, shelter information, etc, will need to be updated. Mr. Solomon next reviewed that a lot of time was spend last year on the public health plan and he is continuing to spend time on this as well. FEMA requires this to be updated year to year.

Mr. Weathers stated that as a courtesy to Selectman Seavey we will hold any action on this item until next week so that she has time to review the plan. All agreed.

#### ANNUAL BUDGET REVIEW – 1ST QUARTER 2011

Finance Director, Lucy Phlbrick, joined the meeting.

Mr. Sires reviewed a report of Actual Budget Expenses and Encumbrances with the Board. (Copy attached).

Mr. Dickinson stated he thinks the Police Department and School should do the same type of analysis and send it along to the Budget Committee. Mr. Dickinson stated he also thinks we need to have a meeting with the Police Commission and meet with them quarterly. Mr. DiGregorio agreed this Board should sit down with the Police Commissioners and, also, we should add the Library Trustees as well.

Ms. Philbrick next distributed a Statement of Changes in Fund Balance. Ms. Philbrick and Mr. Sires reviewed this information with the Board. (Copy attached). There was a brief discussion concerning the fund balance. Mr. Sires advised that the DRA recommends we retain 5-15% of your total budget in reserve. We are at the midpoint in this recommended amount. We need to have a healthy fund balance in order to have a good bond rating etc. Mr. Sires also briefly reviewed the fund balance from 2001 to date. Mr. Sires next reviewed that further fund balance discussions will be held in the future when it is tax rate setting time.

#### DUMP STORE UPDATE

Mr. Sires reviewed there was a lawsuit filed and settled sometime ago by a person who stepped on something in the Dump Store at the Transfer Station. Recently, another person was injured stepping into the dump store and, also, there was another person that tripped in there last week. Since, we have painted the lip to the entrance to the Dump Store. Mr. Sires next reviewed that two or three years ago we had discussions on the future of the Dump Store and if the Board would like we can have additional discussion on same. Mr. Weathers asked

about paving. Mr. Sires advised paving will be done up to the lip of the Dump Store. Mr. Dickinson questioned if a sign could be put up that states -please watch your step.

#### APPOINTMENT OF SELECTMEN REPRESENTATIVES TO STANDING COMMITTEES

Budget Committee – Mr. DiGregorio stated that he is interested in acting as the Board of Selectmen Representative to the Budget Committee. Mr. Dickinson stated that he is also interested in acting as the Board of Selectmen Representative to the Budget Committee.

Cable Franchise Renewal Committee – It was agreed that we do not need anyone appointed to this Committee as the renewal has been completed.

CDRC – Mr. Weathers pointed out that all Board members serve on the CDRC. All agreed.

Conservation Commission – Mr. Weathers stated he would like to stay as representative to the Conservation Commission. There were no objections.

ESAA – Mr. Weathers pointed out that we do not have a representative to the ESAA. Mr. Sires confirmed that we do not have an official representative at this time, but that there is a spot for one on the ESAA Board. Mr. Sires advised that he would call Carl Thibodeau and ask about any person interested in serving as the Conway representative. Mr. DiGregorio asked if there wasn't something in the past that stated we have to support the ESAA. Mr. Sires advised that the airport was moved from North Conway to Fryeburg and that the airport would support surrounding towns and the idea was that the surrounding towns would provide funding. However, nothing that we found in writing states that the Town of Conway will provide funding. Those involved in the airport may think we have a responsibility to fund. Further, it has been some time since it was funded by Conway. The Board next agreed to Mr. Sires checking with Mr. Thibodeau for a suggestion for a representative.

MWVEC – Mr. Dickinson suggested that Ms. Seavey would make a good candidate for the Selectmen representative to the MWVEC. There was brief discussion. Ms. Seavey agreed to act as the Board representative to the MWVEC. There were no objections.

Infrastructure Committee – Mr. Sires stated he doesn't believe there is anything current or any need for this Committee at this time. Mr. Dickinson suggested that this Board could appoint someone should the need arise. The Board agreed.

Joint Town School Committee – Mr. Sires reviewed this committee was formed when cooperative work was done on benefits, etc. The idea was to have people on the same page. Mr. Dickinson stated he thinks we should scratch this committee for now as the town is not involved with the school regarding benefits because it would make the town's cost for benefits sky high. Mr. Weathers asked if everyone agreed to dissolve the committee for now. There was no objection.

Lighting Committee – Mr. DiGregorio stated he would like to stay as the representative to the Lighting Committee. There were no objections.

MWVSWD – It was pointed out that Mr. Martin was the representative to the MWVSWD. Mr. Martin stated no thank you. Mr. Dickinson advised that he would like take this one. All agreed with no objections.

Planning Board – Ms. Seavey stated that she is interested in acting as the Board of Selectmen Representative to the Planning Board. All agreed with no objections.

Recreation Access and Planning Committee – It was agreed that Mr. Weathers would stay as the Selectmen's Representative along with Mr. Sires to the Recreation Access and Planning Committee.

Recreation Facility Committee - It was agreed that Mr. DiGregorio would stay as the Selectmen's Representative along with Mr. Sires to the Recreation Facility Committee.

Saco River Advisory Committee – Mr. Dickinson stated that this has never really materialized but that he would stay with this committee. All agreed.

Special Event Policy Review Committee – Mr. Sires stated the Committee reviewed the process and Special Event Applications were moved to the Recreation Department. Mr. Sires stated he thinks things have been going smoothly. Ms. Seavey agreed that the special events process is working well. Mr. DiGregorio stated he agrees to stay with the committee. All agreed.

Union Negotiations – Mr. Weathers and Mr. Dickinson volunteered to be the Selectmen representatives for Union Negotiations. All agreed.

Valley Vision – Mr. DiGregorio advised he would like to stay as Selectmen representative to Valley Vision. All agreed.

Budget Committee – Mr. Weathers next reviewed that both Mr. DiGregorio and Mr. Dickinson would like to serve as representative to the Budget Committee and only one can serve. Mr. DiGregorio stated he was elected to a position on the Budget Committee twice in the past and he has also served on the School Board and Board of Selectmen. Mr. Dickinson advised that he has served on the Budget Committee in the past as well. There was further discussion by the Board. Mr. Weathers called for a vote on the Budget Committee position. Mr. Weathers first called for the **vote for Mike DiGregorio and the vote was 3-2-0 with Ms. Seavey and Messrs. DiGregorio and Weathers voting in the affirmative and Messrs. Martin and Dickinson in the negative.** Mr. Weathers next called for a **vote for Mr. Dickinson and the vote was 2-3-0 with Messrs. Martin and Dickinson in the affirmative and Ms. Seavey and Messrs. DiGregorio and Weathers in the negative.** It was declared that Mr. DiGregorio would serve as Selectmen's Representative to the Budget Committee.

Mr. Weathers next called for a **vote on the entire package of Selectmen Representatives. The vote was 3-2-0 with Ms. Seavey and Messrs. DiGregorio and Weathers voting in the affirmative and Messrs. Martin and Dickinson in the negative.**

Mr. DiGregorio stated that Mr. Dickinson does a lot of work on legislative matters. Mr. Dickinson advised he does this because he is interested. Mr. DiGregorio stated he feels this should be in a official capacity for the Board. Mr. DiGregorio suggested the title of Legislative Liaison. **Mr. Weathers moved, seconded by Mr. DiGregorio, to name Crow Dickinson as Legislative Liaison. The motion carried 4-0-1 with Mr. Dickinson abstaining.**

#### CONSIDERATION OF 2011 SELECTMEN MEETING SCHEDULE

Mr. Weathers reviewed the proposed 2011 Selectmen Meeting Schedule. Mr. Weathers stated the proposed schedule presented is similar to last year, working around holidays, etc. Mr. Weathers further added that if the Board is scheduled for no meeting and we need to have

one, we can still schedule a meeting. **Mr. DiGregorio moved, seconded by Ms. Seavey, that we adopt the 2011 Board of Selectmen schedule as presented.** Mr. DiGregorio questioned why we wait to go on a summer schedule. Mr. Sires advised there are some items scheduled in the next few weeks. Mr. Dickinson reviewed we need to talk about the snowplow policy. **The motion carried 5-0-0.**

#### SIGNING OF DOCUMENTS

- a) Application for Current Use, Map/Lot 296-7
- b) Notice of Intent to Cut Wood or Timber Map/Lot 242-9.1
- c) Permanent Application for Property Tax Credit/Exemptions Map/Lot 202-164
- d) Permanent Application for Property Tax Credit/Exemptions Map/Lot 219-10
- e) Permanent Application for Property Tax Credit/Exemptions Map/Lot 230-72
- f) Permanent Application for Property Tax Credit/Exemptions Map/Lot 233-6
- g) Permanent Application for Property Tax Credit/Exemptions Map/254-29
- h) Permanent Application for Property Tax Credit/Exemptions Map/254-29.184
- i) Permit to Sell Raffle Tickets/Vaughan Community Service Inc/North Conway Day Care/Drawing 6/16/11
- j) Permit to Sell Raffle Tickets/White Mountain Waldorf School/Drawing 5/14/11
- k) Report of Appropriations actually voted 2011 (MS-2)
- l) TANS Documents

**Mr. Martin moved, seconded by Martin, to approve the signing of the Application for Current Use for Map/Lot 296-7, Permanent Application for Property Tax Credit/Exemption for Map/Lot 202-164, Permanent Application for Property Tax Credit/Exemption for Map/Lot 219-10, Permanent Application for Property Tax Credit/Exemption for Map/Lot 230-72, Permanent Application for Property Tax Credit/Exemption for Map/Lot 233-6, Permanent Application for Property Tax Credit/Exemption for Map/Lot 254-29, Permanent Application for Property Tax Credit/Exemption for Map/Lot 254-29.184, Permit To Sell Raffle Tickets/Vaughan Community Service Inc/North Conway Day Care-Drawing 6/16/11, Permit to Sell Raffle Tickets/White Mountain Waldorf School – Drawing 5/14/11 and Report of Appropriations actually votes 2011 (MS-2) and, also, to authorize Chair, David Weathers, to sign the TANS Documents along with the Board of Selectmen. The motion carried 5-0-0.**

#### CONSIDERATION OF BILLS

- a. Manifest dated 4/21/11
- b,. Payroll dated 4/21/11

**Mr. DiGregorio moved, seconded by Ms. Seavey, to sign the manifest and payroll dated 4/21/11. The motion carried unanimously.**

#### RATIFICATION OF MANIFESTS AND PAYROLL SIGNED OUT OF SESSION

- a. Manifest dated 4/7/11
- b: Payroll dated 4/7/11
- c. Manifest dated 4/14/11

**Mr. DiGregorio moved, seconded by Mr. Dickinson, to ratify the Manifest and Payroll dated 4/7/11 and the Manifest dated 4/14/11. The motion carried unanimously.**

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

(a) American Legion Post 46/American Legion Campout Weekend for our Troops/7/15-7/17/11 – **Mr. DiGregorio moved, seconded by Ms. Seavey, to approve the application for the American Legion Post 46/American Legion Campout Weekend for our Troops scheduled for 7/15-7/17/11. The motion carried unanimously.**

CONSIDERATION OF MINUTES: 3/29/11

**Mr. DiGregorio moved, seconded by Mr. Dickinson, to approve the minutes of 3/29/11 as written. The motion carried 3-0-2 with Mr. Martin and Ms. Seavey abstaining.**

TOWN MANAGER REPORT

Preventing Workplace Violence Seminar – Mr. Sires advised that all employees who did not attend last year attended a Preventing Workplace Violence Seminar put on the NHMA on Friday, April 15, 2011. Mr. Sires advised that the Town tries to do this about every three years.

Grove Street Property – Mr. Sires reviewed the Board of Selectmen deeded a property on Grove Street for back taxes. Bids for Realtor services are due this Friday. Several realtors did view the property this last week. Mr. Sires next reviewed the tax situation with the property to date, i.e, taxes owed, contact with the owner, etc. Mr. Sires further reviewed that after the town deeded the property it was cleaned up and now the Board has agreed to list the property with a realtor.

Advisory Board Meeting – Mr. Sires reported an Advisory Board meeting is scheduled for Thursday, April 21, 2011 in Concord.

Valley Vision – Mr. Sires reported we have sent Agreements to both Bartlett and Jackson for viewing Channel 3. \$5,000 each will allow them to have their residents see what is airing on Valley Vision. There was a little snag with Time Warner Cable with Jackson –they are bringing up contact issues with the Town of Jackson. They are asking that Jackson get their contact cleared up before allowing them to view Valley Vision.

Winter Maintenance Policy – Mr. Sires advised that he will have information to the Board in the next couple of meetings concerning winter maintenance policy.

Driveway Permit – Mr. Sires advised that he will have information to the Board in the next couple of meetings concerning winter the driveway permits.

Lighting – Mr. Sires advised we will have some further discussion on town facility lighting in the future and, also, a local non profit wants to talk about led lighting.

CVACC – Mr. Sires reported that Gordon Young, current chair of the Conway Village Area Chamber of Commerce, called and advised there will be a merge of the Conway Chamber and the Mount Washington Valley Chambers. Mr. Young will be coming into the office tomorrow to discuss same.

BOARD REPORTS AND COMMENTS

Article 7 – Mr. Martin commented that voters passed Article 7 regarding the garage roof, windows, etc. Mr. Martin reviewed the Article. Mr. Martin stated he championed and supported this article. In the paper today the story states different –it states windows will be done if the

bids are acceptable. Mr. Martin stated he wants it all done the way the article stated. Mr. Sires stated his understanding is that there are 3 parts of the project and if there was to be problem it would come back before this Board. The intent at the staff level is to do all three parts.

Legislative Update – Mr. Dickinson reviewed the NHMA distributes information through a legislative bulletin. Mr. Dickinson next advised that the Senate killed by voice HB457 which is the bill that would have reduced the interest rate on delinquent taxes. Now the interest rate will stay status quo. Mr. Dickinson next reviewed a draft letter prepared to send out regarding SB156 regarding authorizing retail agents to collect fees. Mr. Dickinson asked the Board to approve the letter and get this to the house members as quickly as possible. **Mr. DiGregorio moved, seconded by Mr. Dickinson, that we support Mr. Dickinson's letter and send to all listed in letter.** It was suggested that the motion be amended to sign the letter out of session. **The motion was amended by Mr. DiGregorio, seconded by Mr. Dickinson, that we support Mr. Dickinson's letter and send to all listed in the letter and that the letter be signed out of session by the chair. The motion carried 5-0-0.** Mr. Sires reviewed he and Mr. Dickinson had discussion about expanding the spending cap and how this is applicable to SB2 towns. Mr. Dickinson advised he would look into this information.

Time Warner – Mr. DiGregorio reviewed the Time Warner/Town of Jackson issue discussed earlier in the meeting. Mr. DiGregorio reported that in the letter from Time Warner they talk about that a shared channel is not in the agreement. We are not asking to share the channel. We can write letter back and point this out to them. Mr. Sires pointed out that we also need to contact Madison because they should not be sharing Channel 3 now.

LED Lights – Mr. DiGregorio reported that 7-11 converted all outside lights to LED lights and their bill plummeted. Mr. DiGregorio advised that he did not have the numbers but is willing to provide this information to us. This may give us a good opportunity to get some data and look into this in the future.

Tasker Hill – Mr. Weathers stated a town construction project on Tasker Hill will start in May. Mr. Weathers further advised that with regard to Tasker Hill and Route 153 the state will be starting a paving project soon as well. Mr. Sires advised that David Rodrique from the NHDOT has asked to come to the Board meeting next week to brief the Board on the project.

#### PUBLIC COMMENTS AND MEDIA QUESTIONS

There were no public comments or media questions.

#### ADJOURN

At 5:25 p.m., the meeting adjourned at the call of the Chair.

Respectfully submitted,

Karen J. Hallowell  
Executive Secretary