

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN**

September 13, 2011

The Selectmen's Meeting convened at 4:06 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen, C. David Weathers (Chair), Lawrence Martin, Howard C. Dickinson Michael DiGregorio and Mary Carey Seavey; Town Manager, Earl W. Sires and Town Clerk/Tax Collector, Rhoda Quint.

PLEDGE OF ALLEGIANCE

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

MOMENT OF SILENCE

At the request of Mr. Martin, a moment of silence was held in remembrance of 9/11/01.

APPROVAL OF AGENDA

Mr. Martin moved, seconded by Ms. Seavey, to approve the agenda. The motion carried unanimously.

PUBLIC HEARING - CHAPTER 141, ARTICLE II/PARKING, IN
REFERENCE TO MOTORCYCLE PARKING IN NORTH CONWAY

Mr. Weathers opened the public hearing at 4:08 pm.

Mr. Sires reviewed that a few weeks prior the Board of Selectmen approved additional motorcycle parking at the north end of Schouler Park and the Town Code requires this public hearing.

Mr. Weathers called for questions or comments. There were none. The public hearing closed at 4:10 pm.

Mr. Martin moved, seconded by Mr. Dickinson, that we continue with the previous motion as presented after following procedure. The motion carried 4-1-0 with Mr. DiGregorio in the negative.

POLICE COMMISSION

Police Commissioners, Kennett and King appeared before the Board. Also present were Police Chief Edward Wagner and Police Lieutenant, Chris Perley.

The Police Commission appeared to give a quarterly update to the Board. Ms. Kennett distributed financial information and overtime information for work during Tropical Storm Irene and reviewed same with the Board. Ms. Kennett stated her understanding of the overtime is that it may be reimbursable.

Ms. Kennett next commented the Police Commission is also here to discuss budgetary issues. The Police Department has an unanticipated resignation that was not budgeted for and what they did is delayed the hiring of a new officer. However, they now find themselves in a

situation that two more officers are leaving. They have been without a full slate of officers for most of the year and personnel can longer take it as it compromises them. They can't delay the hiring of additional officers and there is no time to make up that money. The issue is with retirement pay –an additional \$26,000 that they have to come up with and they just don't have it in the budget.

Ms. Kennett next stated that, finally, they find themselves in a difficult situation due to an article that was passed around 2000-2001 that if you are awarded a grant that allows you to hire an additional person, this must go before the voting body before they can be hired after the grant funding runs out. The Police Department can get a grant for \$241,000, but due to the timeframe they can't accept it at this time and the grant can't go beyond 2011. The grant would pay for an officer for three years with the agreement that the Town pays for the fourth year for the officer.

Ms. Kennett stated they are strained by unanticipated budge expenditures and, also, the grant situation. The Commission is here today to ask for a Special Town Meeting regarding the grant for the officer and/or if there is anyway the town budget can help with the unanticipated expenditures.

There was discussion by the Board regarding the expenditures, the grant, additional officers, timelines for special town meeting, etc. **Mr. Martin moved, seconded by Mr. DiGregorio, to have staff seek approval for an overexpenditure of the budget with the DRA.** Mr. Sires commented that it makes sense considering the storm expenses, etc, to ask the DRA for an overexpenditure. Mr. DiGregorio pointed out this will not raise taxes. **The motion carried 5-0-0.**

There was next further discussion regarding the grant. Mr. Martin stated he sees the need for an additional officer and, at this point, can't see letting a \$241,000 grant go out the window without spending \$3-5,000 for the special town meeting to see if the voters will accept it. **Mr. Martin moved, seconded by Mr. Dickinson, to direct staff to start the process to obtain a special town meeting so we will be eligible for the grant.** There was discussion as to whether there were any other avenues, the timeline, etc. **The motion carried 5-0-0.**

Mr. Sires thanked the Commissioners and Chief Wagner for the help and cooperation during Tropical Storm Irene.

The Chair called for a brief recess of the meeting at 4:53 p.m. The Chair reconvened the meeting at 4:57 p.m.

REQUEST FOR SECOND DRIVEWAY - DAMON BROOKS

Damon Brooks of 361 Davis Hill Road, Center Conway, was not present at the meeting. It was agreed this matter would be carried to a future meeting.

UPDATE ON TRANSVALE

Mr. Sires reported that FEMA has opened an office at the Tech Village. Mr. Sires stated thank you to the Tech Village for accommodating FEMA.

Mr. Sires next reported that the shelter closed on Friday. A meeting was held to talk about the transitional efforts. There are also people in the community raising funds and organizing to help the community.

Mr. Sires next reported that under the direction of the Board of Selectmen the Town has started the process of citing property owners for multiple units on lots, etc. The staff is continuing to look at the properties and noting levels of damage, etc. Each property will be a separate case

in terms of what can and can't go on the property in the future. The big issue is multiple units on lots. Mr. Sires further reported people are being notified if they have a travel trailer on the lot –it must be registered and able to be moved. It cannot be built with additions or up on blocks.

Mr. Sires next reported he met with NHDES earlier today and began to discuss with them issues with septic, etc. There will be a large number of existing structures that will not be in compliance with the NHDES. Mr. Sires stated that there is very little at Transvale that are in compliance and that some people may be able to do something about it and some may not.

Mr. Sires next stated the NHDES is asking the Board of Selectmen to write a letter asking for help with compliance efforts. Mr. Sires distributed a copy of a draft letter to the NHDES for the Board to review. **Mr. Dickinson moved, seconded by Mr. Martin, that we send the letter to the NHDES and to authorize the Chair of the Board of Selectmen to sign the letter. The motion carried unanimously.**

Mr. Sires stated that with respect to current expenditures, we still have dumpsters at Transvale. The Transvale Association cant reimburse the Town for the 25% we won't get back from the government. Americorp is still at Transvale helping with the cleanup efforts. At this time, we are up to about \$10,000 for the dumpsters and may get reimbursed for 75%. Other expenses with regard to Transvale include portable toilets, staff time, etc.

Mr. DegliAngeli stated this may be a multiyear project. Mr. DegliAngeli questioned if the town has the legal authority under health and welfare to clean this area up and can we attach equally and proportionally to the properties affected.

Mr. Sires next stated that another issue is debris removal in the Transvale area and, also the area south of Transvale. We will talk with FEMA tomorrow about this issue and will come back to the Board with a recommendation on cleaning this up.

Ms. Seavey questioned if we remove the dumpsters –will this end up causing the Town more costs in the end. Ms. Seavey also questioned if the Town will be responsible for cleaning up wetlands, etc as well. There was discussion by the Board. Mr. DiGregorio stated that his reaction is we are not responsible for any of it –he is okay with having the dumpsters down there but the property owners are responsible to clean up the area. Mr. Martin agreed. Mr. DiGregorio stated he is compassionate for what they went through but they need to get the debris picked up as soon as possible. Mr. Sires stated that he will try to get a better handle on these issues after he has discussion with FEMA tomorrow. They have advised they will not help us with the clean up. We are also trying to find out about cleaning up Moat Brook and other downstream issues. We are not responsible however for helping people clean up their yards. These are the issues we are working on and we will find out more information tomorrow.

Mr. DegliAngeli suggested a motion to remove the dumpsters at the end of this month. Mr. DegliAngeli advised that Americorp will be leaving at the end of the month. Mr. DegliAngeli stated that the people interested in cleaning up their own properties have done so and Americorp has been cleaning up abandoned and other areas. Mr. DegliAngeli next questioned if there is any debris not cleaned up and the Town cleans it up can we charge this to them. Ms. Seavey stated we are going to probably own the property anyway in the future. She doesn't agree that we should penalize property owners and then we probably wont be able to collect it in the future anyway. If the area is not cleaned up in the future and the town ends up owning it will be our problem. There was further brief discussion. Mr. Martin stated he agrees with the suggestion of removing the dumpsters when Americorp is done in the area. Also, at that point we will have more information from FEMA. **Mr. Martin moved, seconded by Mr. Dickinson, to remove the dumpsters when the Americorp people leave.** Mr. DiGregorio stated that we need to let the

Americorp people and the residents know this information. Mr. Sires advised the Town has been communicating with the homeowners association. **The motion carried 4-1-0 with Ms. Seavey voting in the negative.**

Mr. Sires next advised the town is a landowner in Transvale and there is a motor home on the property and this will be removed. Mr. Martin suggested seeing if someone will take it off the property who picks up scrap, etc. Mr. Eisele of the Conway Daily Sun stated that he has heard these people are maxed out and not taking any more materials. The Board agreed the Town should still look into this option.

FIRST RIVER BRIDGE COMMITTEE

Mr. Sires reviewed the proposed list of volunteers and staff for the First River Bridge Committee. (See attached). Mr. Weathers stated that he and Mary Carey Seavey would like to serve on the committee as selectmen representatives. Mr. DiGregorio reviewed that he had suggested that someone contact Joe Berry during discussion as he has land down in this area. Mr. Sires advised he will be contacted. **Mr. Martin moved, seconded by Mr. DiGregorio, that we extend an invitation to the list inviting them to be on the First River Bridge Committee and also include David Weathers and Mary Carey Seavey.** It was agreed that a meeting would be scheduled sometime after Fryeburg Fair.

DISCUSSION REGARDING UPCOMING GACIT MEETING

Mr. Sires reviewed a GACIT meeting is scheduled for September 19, 2011 at Town Hall. Mr. Sires reviewed information received from the State regarding the meeting with the Board. The Board held a brief discussion and was in agreement that they will talk about East Conway Road, Route 153 and Washington Street at the meeting.

SIGNING OF DOCUMENTS

There were no documents presented for signature.

CONSIDERATION OF BILLS

a. Manifest dated 9/15/11

Mr. Martin moved, seconded by Mr. Dickinson, to approve the manifest dated 9/15/11. The motion carried 5-0-0.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

- a. Kennett Hockey/4th Annual Duck Derby/Swift River Bridge, Davis Park-10/1/11
- b. American Cancer Society/Making Strides Breast Cancer Walk/North Conway-10/16/11
- c. Friends of Conway Rec/2nd Annual French Fry 5k/Whitaker Homesite & Whitaker Woods-10/15/11

Mr. Sires noted that the Duck Derby has been pushed forward to October 1, 2011 due to water levels.

Mr. Martin moved, seconded by Mr. DiGregorio, to approve and sign the special event applications for Kennett Hockey/4th Annual Duck Derby/Swift River Bridge, Davis Park-10/1/11, American Cancer Society/Making Strides Breast Cancer Walk/North Conway-

10/16/11, and the Friends of Conway Rec/2nd Annual French Fry 5k/Whitaker Homesite & Whitaker Woods- 10/15/11. The motion carried unanimously.

CONSIDERATION OF MINUTES

Consideration of minutes was carried to the next meeting.

TOWN MANAGER REPORT

Transvale – Mr. Sires reported that work is ongoing with Transvale Acres.

Letter from Tuftonboro – Mr. Sires reported the town received a letter from the Town of Tuftonboro. They are working with Time Warner Cable and they would like to see Boston TV and would like to know if the Town of Conway would join them to petition for this to happen. There was brief discussion by the Board. **Mr. Martin moved, seconded by Mr. Dickinson, that we send a letter back to Tuftonboro signed by the Chair that we haven't been contacted with any residents finding their service unsatisfactory.** Mr. DiGregorio questioned why wouldnt we respond back saying we support as it doesn't affect us –we have no complaints. Mr. Martin stated they are looking for people to get involved and we don't have a problem. Mr. Sires stated this may also be at the expense of Maine channels. There was further discussion. Ms. Seavey reviewed that Channel 7 Boston cuts out at a certain time of day. Ms. Seavey stated she agrees with Mr. DiGregorio in that if it doesn't affect us just go for it. **The motion failed 2-3-0 with Messrs. Dickinson and Martin in the affirmative and Ms. Seavey and Messrs. DiGregorio and Weathers in the negative**

Mr. DiGregorio moved, seconded by Ms. Seavey, that although we support Tuftonboro's efforts to view Boston stations, we do not believe our viewing customers are affected by this and will not expend any resources on this effort. It was agreed the letter would be signed out of session by the Chair. **The motion carried unanimously.**

BOARD REPORTS AND COMMENTS

Jeff Locke – Mr. Martin reviewed that Jeff Locke pitched in the Major League this past weekend. **Mr. Martin moved, seconded by Mr. DiGregorio, that we reserve the front cover of the Annual Report cover to include Jeff Locke.** Mr. Weathers questioned if this would be the whole cover or inside somewhere. Mr. Martin stated the entire cover. He thinks it was great what we did with the cover last year and, also, he feels in the future a Valedictorian should appear on a cover if they are a Conway resident. **The motion carried unanimously.**

Engine Brakes – Mr. Martin reviewed this Board had previous discussions concerning engine brakes but it came down to that we would have to have an ordinance to enforce. Mr. Martin stated he feels all we have to do is put up signs to say "Please no Jake Brake". It wouldn't be law but would be a courtesy sign and that we should talk to the NHDOT regarding this matter. **Mr. Martin moved, seconded by Mr. DiGregorio, to look into putting up please no engine brake signs at the south end of the Scenic Vista and also coming into town near the radio station.** Mr. Sires confirmed we will contact the NHDOT to see if we can put them in and Mr. Martin agreed. There was next a brief discussion on why engine brakes are used. **The motion carried unanimously.**

Building Permits – Mr. Martin next commented he would like to look at requirements for when a person has to get a building permit. Mr. Martin commented that about \$1500 in repairs requires a building permit. If you want to change your front door or shingle your own roof, you need a building permit. After speaking with the Building Inspector, David Pandora, he found out

this hasn't been changed in years. Mr. Sires stated he would ask staff to look into the building permit process. **Mr. Martin moved, seconded by Mr. DiGregorio, that we direct staff to look into the building permit process and fees. The motion carried unanimously.**

Sign at Washington Street Park – Mr. Martin stated he wanted to compliment Paul DegliAngeli on the sign placed at Washington Street Park. The sign fits in nice and came out right.

Valley Vision Equipment – Mr. DiGregorio advised this Board will see an order for equipment from Valley Vision for getting the High School live. Mr. DiGregorio reviewed this Board had looked at this and approved same earlier in the year but Valley Vision will be coming in to go over the list of equipment.

Mr. DiGregorio next reported that he received a letter about having the Town of Jackson's meetings taped and shown on Valley Vision. Mr. DiGregorio advised this is not part of the contract now however; we may want to discuss this with Jackson and other towns. He would like to see this on a future agenda for further discussion.

Budget Committee – Mr. DiGregorio reported the Budget Committee meeting scheduled for September 28, 2011 has been moved to October.

Conservation Commission – Mr. Weathers reported the Conservation Commission meets tomorrow night, September 14, 2011, at the Whitaker Meeting House.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Erik Eisele of the Conway Daily Sun asked about the 40 notices of violations that were issued. Mr. Sires asked Mr. Eisele to contact him tomorrow for the information and Mr. Eisele agreed.

NON PUBLIC SESSION: NH RSA 91-A,II(c) / TOWN MANAGER EVALUATION

At 6:05 pm **Mr. Martin moved, seconded by Ms. Seavey, to go into non public session under NH RSA 91-A,II(c) to discuss the Town Manager Evaluation. The motion carried by unanimous roll call vote.**

The Board returned to public session at 6:30 pm. There was no motion to seal the minutes.

ADJOURN

At 6:32 pm, the meeting was adjourned by the call of the chair without objection

Respectfully submitted,

Karen J Hallowell
Executive Secretary