

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN**

November 29, 2011

The Selectmen's Meeting convened at 4:02 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 Recording Secretary, Karen Hallowell.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Mr. Dickinson moved, seconded by Mr. DiGregorio, to approve the agenda. The motion carried unanimously.

PUBLIC HEARING TO ACCEPT UNANTICIPATED REVENUE IN
THE AMOUNT OF \$28,125 FROM THE STATE OF NEW HAMPSHIRE
TO THE TOWN OF CONWAY FOR THE REPAIR OF HUSSEY FIELD

At 4:05 p.m. Chairman Weathers opened the public hearing to accept unanticipated revenue in the amount to \$28,125 from the State of New Hampshire to the Town of Conway for the repair of Hussey Field.

Mr. Sires explained the \$28,125 is funds received from FEMA. The Town sent a request for funding to help with downed trees, soil deposits, etc., as a result of Tropical Storm Irene. Mr. Sires explained the Town will do most of the repair work in house and may subcontract out some of the work later. The Town is already working on this project.

Mr. Weathers asked for public questions or comments. There were none and the public hearing closed at 4:07 p.m.

Mr. Dickinson moved, seconded by Mr. DiGregorio, to accept the unanticipated revenue in the amount of \$28,125 from the State of New Hampshire to the Town of Conway for the repair of Hussey Field. The motion carried unanimously.

PUBLIC HEARINGS – COMMUNITY DEVELOPMENT
BLOCK GRANT APPLICATION

Jac Cuddy, Executive Director of the Mount Washington Valley Economic Council and Donna Lane, Grant Coordinator, were present for discussion.

Information packets for this Community Development Block Grant Application were available at this meeting.

1) At 4:08 p.m. Chairman Weathers opened the Public Hearing regarding a proposed application to the Community Development Finance Authority for \$500,000 in 2011 and/or 2012 Community Development Block Grant Economic Development Funds. Of the project funds, \$20,000 will be retained by the Town for administrative expenses, while \$480,000 will be subgranted to Mount Washington Valley Economic Council (MWVEC). MWVEC will loan the \$480,000 to an investment fund to be created pursuant to the New Markets Tax Credit program. The fund will then pool these funds, as well as additional funds, and loan the proceeds to a community development entity to be created by the New Hampshire Business Finance Authority (NHBFA). The NHBFA entity will then loan the funds to MWVEC or its subsidiary for the purpose of: (1) constructing infrastructure improvements at the Tech Village off Route 16 in Conway; and construction of a new manufacturing facility to be leased to Ambix, LLC, a plastic injection manufacturer, currently located on Hobbs Street in Conway. The new location will allow Ambix, LLC to create an additional 25 jobs, the majority of which will be available to persons of low and moderate income.

Mr. Sires explained that Mr. Cuddy of the MWVEC is here today to ask to submit an application for a CDBG grant.

Ms. Lane reviewed that Community Development Block Grant funds are available to municipalities through the NH Community Development Finance Authority (CDFA). Up to \$500,000 annually is available on a competitive basis for economic development, public facility and housing projects, and up to \$350,000 for emergency activities. Up to \$12,000 is available for feasibility study grants. All projects must directly benefit a majority of low and moderate income persons.

The purpose of this first public hearing is a proposed application to the Community Development Finance Authority for \$500,000 in 2011 and/or 2012 Community Development Block Grant Economic Development Funds. Of the project funds, \$20,000 will be retained by the Town for administrative expenses, while \$480,000 will be subgranted to Mount Washington Valley Economic Council (MWVEC). MWVEC will loan the \$480,000 to an investment fund to be created pursuant to the New Markets Tax Credit program. The fund will then pool these funds, as well as additional funds, and loan the proceeds to a community development entity to be created by the New Hampshire Business Finance Authority (NHBFA). The NHBFA entity will then loan the funds to MWVEC or its subsidiary for the purpose of constructing infrastructure improvements at the Tech Village off Route 16 in Conway; and construction of a new manufacturing facility to be leased to Ambix, LLC, a plastic injection manufacturer, currently located on Hobbs Street in Conway. The new location will allow Ambix, LLC to create an additional 25 jobs, the majority of which will be available to persons of low and moderate income.

This project conforms with Conway's Housing and Community Development Plan's Goals of: Retain existing opportunities while encouraging new jobs. (Short-term and Long-term Goal); Coordinate efforts with the Mount Washington Economic Council. (Short-term and Long-term Goal); and, Expand Conway's Revolving Loan Fund. (Short-term and Long-term Goal)

Chairman Weathers asked for public questions or comments.

Jac Cuddy said that the CDBG would either be a loan or a grant, it was undetermined as of yet. Mr. Cuddy further added that they are not sure how CDFA is going to structure this but they think it will be a loan and not a grant but want to be sure this information is included in this public hearing. Mr. Martin questioned if it is a loan, will the Town be responsible for same. Mr. Cuddy advised if they default the MWEC is responsible to pay the loan back to CDBG.

There were no further questions or comments and the public hearing closed at 4:10 p.m.

2) At 4:00 p.m., Chairman Weathers opened the Public Hearing regarding the Residential Antidisplacement and Relocation Assistance Plan.

Ms. Lane reviewed that although this project involves the relocation of a business, the relocation is voluntary and of the business' own accord, therefore displacement is not occurring in this instance. if the Town were to undertake a CDBG project which involved displacement and resulting relocation they would follow this plan. The plan outlines the measures they would take to find comparable, housing for persons (or businesses) displaced and/or relocated.

Chairman Weathers asked for public questions or comments. There were none. The Public Hearing was closed at 4:12 p.m.

Mr. DiGregorio moved, seconded by Mr. Dickinson, to adopt the Residential Antidisplacement and Relocation Assistance Plan. Ms. Seavey pointed out that she is the Selectmen's representative to the Board of the MWVEC and if she should abstain from voting on this motion. The Board agreed they did not see a problem with Ms. Seavey voting on this motion. **The motion carried 5-0-0.**

Mr. DiGregorio moved, seconded by Mr. Dickinson that the Selectmen vote to approve the submittal of the application and vote to authorize the Chairman, Board of Selectmen to sign and submit the application for 2011and/or 2012 Economic Development CDBG funds, and upon approval of the CDBG application, authorize the Chairman, Board of Selectmen to execute any documents which may be necessary to effectuate the CDBG contract. The motion carried 5-0-0.

Mr. Sires questioned when the MWVEC anticipates the application going to CDBG. Mr. Cuddy stated he hoped to get the application in at the end of the week or early next week.

CONCERNS ABOUT CONWAY LAKE LEVEL

Jerome and Irene Bey appeared before the Board. Mr. Bey thanked the Board for putting this item on the agenda. Mr. Bey further added that he thinks everything is self explanatory in the letter he sent regarding this matter.

Mr. Sires stated that in summary, the Bey's had sent a letter to the Town regarding lake levels and erosion on their property. Mr. Sires next advised that he did discuss the matter with the Beys and also advised them the Board of Selectmen appointed a gatekeeper to take care of the lake levels at his/her discretion and with taking advice from the Conway Lake Association. Mr. Sires stated that one question

here is if the Board of Selectmen want to continue having an appointee monitor the lake level.

Mr. Martin pointed out that this has been an exceptional year with above normal rain. Mr. Bey agreed and added that the level is 18-20 inches above. Further in the winter when the winds come across the lake this will cause erosion. The levels have affected the shrubs they have put in. Also danger comes in March when the ice can pick up the trees. Mr. Bey further stated that he frankly has never seen it this high and it is higher than it would be in spring as well. Mr. Martin next asked Mr. Bey if he is asking about the final lake level. Mr. Bey stated no, he was going to suggest to start to lower the lake in October instead. Mr. Weathers questioned what the normal drawdown starting date is. Mr. Bey stated he thinks it is mid November and they are still lowering the lake now.

Mr. Bey next advised that in October they lost 8 inches of soil and even more by the time the Town Officials came out to visit his property in November. He will now have to apply for a permit to apply soil to the area and soil is a costly thing. Mr. Bey next stated he knows the Board are decent people and will do the right thing so we can move forward.

Mr. Dickinson stated he lives up by the Beys and the lake was about 8 inches higher. He looked at the dam and after he looked at it they cracked open about 6 inches and it is okay now. Mr. Bey agreed. Mr. Dickinson stated he feels we should ask the dam keeper why this wasn't opened sooner. Mr. DiGregorio stated we have a gatekeeper that the town has a relationship with and he has taken advice from the Conway Lake Association. He would be interested to know what they have in place to know what they do and when they do it. Mr. Sires stated he does not know how closely the gatekeeper works with the Lake Association. His understanding is the lake level is something people see differently. Some people want to be on the water and in the lake until Columbus Day and there are others that may want to work on their property. To take the Town out of the middle of this, the Town appointed a independent gatekeeper. The Town doesn't have involvement and they let the community decide. This may not be working for the Beys at this time. Mr. Sires further added that we have not received any other complaints or concerns from anyone on the lake regarding the level. Mr. Sires advised that he did try to call the Deans to get input on this issue but he has not heard back as yet.

Mr. Weathers reviewed that if we have a heavy moisture content, we can only let out so many cubic feet at a time or else you can cause damage downstream. Also, this fall, in the latter part of October, there were a lot of boats on the lake and they weren't taking them out until the end of October. If we start a controlled drawdown in mid October we will probably hear from them as well about the levels. Mr. Bey stated one has to weigh pleasing a boat owner or having land destroyed. Weigh what is more important. Mr. Weathers pointed out that some boat owners may be property owners as well. Mr. Bey next stated that he did speak with Penny Deans and she felt the lake was unusually high this year. Mr. Weathers stated it is not the normal fall moisture point. Mr. Bey stated again that you need to weigh all –they are concerned about the shoreline, losing plants etc. You could see the roots on the land. Hopefully they wont have this problem next year.

Mr. Martin stated he would like to suggest that we look at setting up a policy or guideline after having public input on this matter. We should open this up to all landowners. We may want to look into setting guidelines such as if in September the water is higher, we can start the lowering a little sooner, etc. Mr. Bey stated that his greatest concern now is in March when the ice comes up and there is wind. Mr. DiGregorio stated the last discussion this Board had on the lake was about the ramp. The Lake Association was concerned as they were not contacted for the discussion. He feels we should contact them and get their input on this matter. He would also like to hear from the gatekeeper. Right now he wouldn't want to change policy –we need to find out and hear from others before a decision or a policy change.

Ms. Seavey questioned if the Beys are concerned with natural vegetation or landscaped areas. Mr. Bey stated the area in concern appeared to be natural vegetation. However, five years ago he did dump soil in the area.

Mr. Weathers suggested calling the gatekeeper to find out further information on the lake level. We may not be able to open it more depending on the levels. Mr. Weathers further suggested calling the Deans again.

Mr. Bey thanked the Board for the discussion and for taking an interest in the situation.

DISCUSSION OF LETTER RECEIVED FROM TOWN OF MOULTONBORO REGARDING DISPATCH SERVICES.

Mr. Sires reviewed the Town received a letter from the Town of Moultonboro concerning dispatch services. They feel they are double funding this service and they want to know if the Town of Conway wants to join them to address this issue with the County. Mr. Sires next reviewed the Town also received a copy of a letter from the Town of Wolfeboro and they concur with Moultonboro and will join in a meeting of the towns to discuss the situation and to move same forward to the County Commissioners.

There was brief discussion by the Board. Mr. DiGregorio stated he thinks we may want to talk with Wolfeboro, Moultonboro, the County Commissioners and the Sheriff's Department. He doesn't know where the discussion is going tonight but maybe we are paying more that we should be.

Mr. Dickinson moved, seconded by Mr. Martin, that we write a letter to Moultonboro and copy Wolfeboro referring to both letters and saying we are interested and would like to pursue it further and that the letter be signed by the Town Manager out of session. Mr. DiGregorio stated we should copy the County Commissioners and the local Police and Fire Departments. Mr. DiGregorio next questioned if Carroll County does dispatching for Conway. Chief Wagner stated we do 99% of the dispatching. If the phones are down, we would forward them to the County. Also when we were changing over and had very limited service. Mr. Weathers questioned if the Chief would be interested in sitting in on these discussions. The Chief advised he would be willing to sit in. NCFD Chief Pat Preece and CVFD Fire Chief Steve Solomon stated they would be interested as well. There was further brief discussion. **The motion carried unanimously.**

DISCUSSION OF FEASIBILITY OF MERGING PRECINCTS.

Mr. DiGregorio stated he asked this be put on the agenda as he wants to have discussion. He would like to invite precinct commissioners in to talk about the idea of merging. This would be nothing more than an invite at this point to have them come in and see with us to see about doing something more formal. Mr. DiGregorio asked if any other Board members are interested in doing this. Mr. DiGregorio further added he didn't think it could hurt to starting combining things in town.

Mr. Martin stated he feels this is an exercise in futility but he would have no problem with supporting the idea of discussion. He is never against people sitting and having conversation. Ms. Seavey stated she wouldn't be opposed to having a roundtable but she likes things the way they are. The community is spread out and functions well together and she likes it the way it is.

Center Conway Fire Chief, Ray Leavitt, stated this is history repeating itself. He sat on two committees in the past that looked at fire, rescue, water, etc and this is not an easy task. Also, in the case of North Conway, it would require an act of the legislature. Also, each precinct would have to vote on this. He doesn't want to discourage the Board about having discussion but he doesn't think it will go far. Mr. DiGregorio stated he agrees that if we started the process it may take years, but he wanted to be brave enough to get this out there and see where the discussion goes. It is time to talk about this in public.

Mr. Martin moved, seconded by Mr. DiGregorio, that we send a letter to all Commissioners seeking input about whether this is something they would like to do and, if so, get together with the Chair and have an informal roundtable and with anyone else who wants to come to the meeting. The motion carried 4-1-0 with Ms. Seavey voting in the negative and Messrs. Dickinson, Martin, DiGregorio and Weathers voting in the affirmative.

BUDGET DISCUSSION

Finance Director, Lucy Philbrick, distributed changes to the proposed budget for the Board's review. (See attached). Mr. Sires reviewed the changes with the Board. Mr. Sires advised the new proposed bottom line figure for the 2012 budget is \$9,120,396. This is a 1.3% increase overall in the budget.

Tax Collector Budget – Ms. Philbrick gave an overview of the proposed Tax Collector Budget. The total budget increases \$15,000. Ms. Philbrick pointed out the technology line in the budget is higher. It is anticipated they are not able to buy replacement computers in the 2011 budget and so we are carrying over three computers into next years budget. Mr. Sires pointed out that if things work out and we don't need to carry this over then we can reduce the amount later.

Mr. DiGregorio asked how we are with the 2011 budget. Mr. Sires stated he doesn't feel we need to go to the DRA at this point to ask to overexpend. It will be close but thinks we will be able to manage it. Ms. Philbrick stated we also have continued expenses due to Tropical Storm Irene and we are doing a lot of mailings, there is

additional hours for staff, etc. Mr. Sires advised we did get reimbursed 80% for the dumpsters and some non profits in town said they may help out with that as well.

Mr. Martin next asked about the seasonal storm budget. Ms. Philbrick reviewed we have had two storms but they melted and we did not have to do a lot of snow pick up.

Ms. Philbrick next questioned if the Board would like to go through the other smaller budgets. Mr. Martin stated he is fine with the budget and asked that staff just keep the Board up to date. Mr. Martin further added that he does not feel that a 1.3% increase is anything to be stirred up about. Mr. Dickinson agreed. There were no objections from the rest of the Board.

Recreation Revolving Fund - Ms. Philbrick distributed information to the Board concerning the Recreation Revolving Fund and reviewed same. Ms. Philbrick reviewed that when the Recreation Department presents its budget it is reduced by an amount that comes from the Recreation Revolving Fund. Last year the Board took \$58,000 from the Recreation Revolving Fund to reduce the Recreation Department budget. If the Board reduces the amount in the fund by \$58,000 again, it leaves a balance of \$35,000. Ms. Philbrick asked the Board to approve the withdrawal of \$58,000 from the Recreation Revolving Fund and sign the sheet provided for same. **Mr. Martin moved, seconded by Mr. DiGregorio, to approve the withdrawal of \$58,000 from the Recreation Revolving Fund. The motion carried 5-0-0.**

Warrant Articles – Mr. Sires distributed a list of proposed warrant articles to the Board and reviewed same. (See attached). A proposed article was added to the list for a CRF for the Recreation Department for trucks, mowers, etc. so that we can do the same we do for the Public Works Department.

Mr. Martin next questioned if the vehicles for the Police Department are changing. Chief Wagner responded in the affirmative and advised there are no more Crown Victorias they are using Ford Taurus. Mr. DiGregorio questioned if the police are looking for one or two cars next year. Chief Wagner advised it is a two car year but they constantly put the same amount in the article. Mr. DiGregorio questioned if they add officers do they add cars. The Chief advised this article is for replacement vehicles.

Mr. Sires next reviewed the police proposed articles for an officer. Mr. Sires advised we still need to work on language for the cops grant article.

Mr. Sires next reviewed a proposed article for a generator. Mr. Sires advised we are trying to get funding for a generator at the Recreation Department and so we would like to put this out to see if the voters want to fund same. We have no emergency power back up at the Recreation Center and with this we would be able to keep a shelter up if needed in the future.

Mr. Sires next advised he will have draft language for the proposed articles next week and, also, Paul DegliAngeli will be here to have further discussion as well. Police Commissioner, Theresa Kennett, requested a copy of the wording for the cops grant article and the others prior to the Board approval of same. Mr. Sires agreed.

Mr. DiGregorio next stated that each year we have warrant articles for the Police Department for vehicles. Mr. DiGregorio questioned why we don't have articles for

vehicles for town staff. Mr. DiGregorio further questioned the status of the four wheel drive vehicle and stated he would like to see this vehicle fixed. Mr. DiGregorio stated there are no decent vehicles for town staff. Mr. Sires advised he would look into the four wheel drive vehicle.

SIGNING OF DOCUMENTS

Mr. Martin moved, seconded by Mr. DiGregorio, to sign the Certification of Yield Taxes Assessed Map/Lot 263-58.3; Timber Tax Levy for Map/Lot 263-58.3; and the Notice of Intent to Cut Wood or Timber for Map/Lot 275-38 & 39. The motion carried unanimously.

CONSIDERATION OF BILLS

Mr. Martin moved, seconded by Mr. Dickinson to approve and sign the manifest and payroll dated 12/1/11. The motion carried unanimously.

RATIFICATION OF DOCUMENTS

Mr. Martin moved, seconded by Mr. DiGregorio, to ratify the manifest dated 11/23/11. The motion carried unanimously.

SPECIAL EVENT APPLICATIONS

There were no Special Event Applications before the Board for consideration.

Ms. Seavey stated there was supposed to be an application from the Skating Club for the Christmas Tree Lighting however, they were not able to get the lights needed. They did want to thank the Board and that their effort was greatly appreciated.

Mr. Martin questioned if anyone knows what the cost of the lights would be. Ms. Seavey stated maybe a couple hundred dollars. Mr. Sires stated he did look into the issue of lights and there are no lights available in Conway Village. There are also none available in Center Conway. Mr. Weathers advised the lights that will be put in the park beside the Fire Station will be put of by CVFD. Mr. Martin stated he would like to look into a mission of getting LED lights to see what it takes and maybe try for a personal fundraiser. He would like to see the tree lit. Mr. DiGregorio stated the public may hear about this as well. Mr. Sires questioned if there is a time constraint. Ms. Seavey stated they hoped to do the lighting this weekend to tie in with a skating event at the Ham Arena. Ms. Seavey next advised that Chief Solomon had advised they could put the lights up if there are lights. The Board all agreed they would like to see what can be done about this matter.

CONSIDERATION OF MINUTES

Mr. Martin moved, seconded by Mr. Dickinson, to approve the minutes of 10/18/11 and 11/1/11 as written. The motion carried unanimously.

Mr. Martin moved, seconded by Mr. Dickinson, to approve the minutes of 11/8/11 as written. The motion carried 3-0-2 with Messrs. Martin and Weathers abstaining.

TOWN MANAGER REPOPRT

Transvale Acres – Mr. Sires reported that NHDES has started sending letters to the residents of Transvale Acres and we are continuing to work with the owner. Mr. Sires further advised there are several applications on the ZBA Agenda for the December meeting.

Technology Meeting - Mr. Sires reported he had a technology meeting today with some staff members. We need to look at software for the finance, assessing and tax collectors office. This will be a significant expense and he will bring further information forward regarding this in the future. The expense will be \$75,000 plus and we hope to get this done in 2014

General Assistance – Mr. Sires reported reviewed there was discussion a couple of months ago about the level of increase in assistance. This has accelerated and, also, there seems to be less forgiveness with fuel companies now. Where people were getting bridges with federal programs, they are not able to do this now.

Affordable Housing Project – Mr. Sires reported he attended the groundbreaking ceremony yesterday for the affordable housing project.

Garage Projects - Mr. Sires reported that regard to the garage projects, both are at the punch list phase.

Landfill Odor Issue - Mr. Sires reported the landfill odor issue has been raised again. Mr. Martin stated that he has talked to Paul DegliAngeli about this and it is not the sulfur smell as it was before and there is another smell. Mr. Sires stated the season we are having may have created this be we are looking into it. If we have to fix this, it wont be cheap.

BOARD REPORTS

Sidewalk Plowing – Mr. Martin questioned if we have heard anything regarding the sidewalk plowing. Mr. DiGregorio stated he had an email from someone that said it was good but why are we wasting time doing sidewalks but not the crosswalks. Mr. Martin questioned whose responsibility it is to do the bank to get over the sidewalk. Mr. Sires advised he will look into this issue with Mr. DegliAngeli and advise the Board on same. Mr. Martin next stated that he also heard that after the storm was over it was all slushy and the sidewalks filled in again. Mr. Sires advised he will visit this issue as well and report back.

Library Electric and Fuel Bills – Mr. DiGregorio stated he was going through the manifest and noticed large electric and fuel bills for the library. Mr. DirGregorio stated that he asked Lucy Philbrick to pull information for each month out regarding the electric and fuel and a list was prepared. Mr. DiGregorio distributed a copy of the list for the Board's review. Mr. Sires advised we will also pass this list on to the Library Board. Mr. DiGregorio stated he will bring this up next week when the Library Trustees are here to present their budget. Ms. Seavey questioned if there is a usage change or a price change. Mr. DiGregorio stated he did not know; however, he felt that \$30,000 for that

size building is high. Mr. DiGregorio further added he feels they should do an energy audit and this is a phenomenal amount of money and plans to bring this up at next weeks meeting.

Septic Company Bill – Mr. DiGregorio next stated that in the manifest there was also a comment from a septic company about a leaking toilet into a septic. Mr. Sires advised we are aware of this and are looking into same.

Conservation Commission – Mr. Weathers reported the Conservation Commission will not meet in the month of December. The next meeting of the Conservation Commission is scheduled for January.

PUBLIC COMMENT AND MEDIA QUESTIONS

There were no public comments or media questions.

NON-PUBLIC SESSION: NH RSA 91-A:3,II(c)/TAX MATTER(S)

At 5:45 pm, **Mr. DiGregorio moved, seconded by Ms. Seavy, to go into non public session under NH RSA 91-3,II(c) to discuss tax matters.** Included in the non public session were Town Manager, Earl Sires, Tax Collector, Rhoda Quint, and Recording Secretary, Karen Hollowell. **The motion carried by unanimous roll call vote.**

The Board returned to public session at 6:20 p.m.

ADJOURN

At 6:20 pm the meeting was adjourned without objection at the Call of the Chair.

Respectfully submitted,

Karen J Hollowell
Executive Secretary