

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN**

April 24, 2012

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 (Chair), Michael DiGregorio, Howard C. Dickinson, Mary Carey Seavey and Stacy Sand, 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

It was noted that under the agenda item Signing of Documents, item I, the map and lot number should be corrected to state Lot 260-52

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

HILLSIDE AVENUE LIGHT – CRAWFORD BUTLER

Crawford Butler joined the meeting. Mr. Butler stated that in his letter to the Board he requested light #32-12 on Hillside Avenue and she should have included light #32-a on Muster as well. Mr. Butler first reviewed the Board of Selectmen had shut off some lights in town. On Muster and Hillside there were four lights scheduled to be turned off. One of the proposed lights to be turned off on Muster Road he took over the bill for and someone else pays for another light on Muster Road. The other lights that were turned off is no longer have fixtures and so the lights cannot be turned back on. He is requesting the town pay for the 2 lights that are now being paid for privately.

Mr. Butler stated that he feels police visit Washington Street more than any other street in town. Mr. Butler further stated that there are also lots of kids on both Muster and Hillside. He feels there is a need for illumination as people use the area to walk dogs, etc. There is a lot of activity day and evening on Muster and Hillside. This area is busy with pedestrians and there are no sidewalks and so there is no protection from vehicles. Mr. Butler next stated that he feels this is also an issue for plow drivers due to there not enough illumination. Mr. Butler stated that Halloween is also an issue as this is a very busy neighborhood at that time. Mr. Bulter next added he feels it would be safer from all standpoints if the neighborhood were illuminated and thanked the Board for hearing him today.

Mr. Butler next added that if there is a motion to accept his plea tonight that the town takes back the cost for the two lights; he would thank them for that. If the town is not going to, he would ask that any motion be tabled so that the Board members can come out to the neighborhood to view the area with him and his wife Julie.

Mr. Dickinson stated it is a dark shaded tree lined street and it seems to him that the same problem Mr. Crawford faces is faced by other individuals where the lights are turned off as well. Mr. DiGregorio reviewed that Mr. Butler is asking that the two lights that are being paid privately be put back in the Town's name.

Mr. Sires reviewed previous discussion and the plan presented with regard to streetlights. The Board of Selectmen adopted a plan to turn off every other light with the exception of crosswalks and intersections. There were several people who decided to adopt a streetlight to keep it turned on. Mr. Sires next stated there is a pretty high probability that everyone that adopted a light will ask for the Board of Selectmen to pay for the light if we take back these two. Also, for lights in the commercial areas, PSNH will not charge to turn these back on and so some people in residential areas may come to the Board ask for their lights to be put back on as well.

Ms. Sand stated that she looked at Mr. Butler's neighborhood. Her own neighborhood has a lot of activity and they do not have streetlights in Birch Hill. The reality is that we live in a rural town. The voters although have voted to turn lights back on in the business areas. Ms. Sand stated that she appreciates that Mr. Butler cares about his neighborhood and adopted the streetlight but if we take back one we will have to take back all the lights. We should not do this unless we ask the voters.

Mr. DiGregorio stated he also lives in a residential area (Pollard Street) and there is a lot of through traffic and, also, a lot of kids that come through on Halloween. Mr. DiGregorio next stated that there was discussion that voters could come to the Deliberative Portion of Town Meeting and have discussion and could have asked to have the lights put back on. Mr. DiGregorio asked if Mr. Crawford had heard any of this discussion. Mr. Crawford advised he did not and questioned when the Deliberative Portion was held. Mr. DiGregorio went on to explain that we did discuss this issue this past budget season and right now we are proceeding with the budget as voted. The next budget season is when things get discussed to see if they will be added for the following season.

Mr. Butler stated to Ms. Sand that he does not feel that her neighborhood is a valid comparison to his as he is near Washington Street. Mr. Butler next added that he thinks the Board should take these matters on a case by case basis and questioned if all other areas have the same issues as they do in the Washington Street area. Mr. Butler further added he doesn't think that \$159 will have much impact for this fiscal year.

Ms. Seavey stated she lives on Kennett Street and she would like to see all the lights turned back on. However, our budget is in place for the year and we can't set precedent by taking back the light Mr. Crawford now pays for. This is not what the voters wanted.

Mr. Weathers explained the initial intent when looking at lights was savings. Mr. Weathers next stated that he feels that if the commercial area lights are back on then the residential lights should be turned on as well. He would like to see them all on.

Mr. DiGregorio stated that through this season we heard from the business community about putting lights on but not from residents and now we have a budget. Mr. Crawford is correct that the amount of the bill is small but that could grow with others and then we would have to find that money somewhere else in the budget. Mr. DiGregorio stated he would like to see this issue come back at budget season.

Mr. Dickinson questioned if the amount of \$159 is for one light or two. Mr. Butler stated it is the cost for one light.

Mr. Dickinson moved, seconded by Mr. DiGregorio, that we accept the expense of the Muster Road light pole #32-a, and the Hillside Avenue light pole 32-12 to be

transferred to the Town. Mr. DiGregorio stated that if Mr. Butler brings this back at budget season the Board could discuss this again. Further, we are looking at energy saving lights throughout the town and this is not something we have been ignoring. Mr. Butler asked when he should come back before the Board. Mr. Sires stated early November. **Mr. Dickinson moved to table the motion. The motion to table carried 4-1-0 with Ms. Sand in the negative.**

DISCUSSION OF 11.5 ACRE PARCEL ON NORTH-SOUTH ROAD

With regard to the 11.5 acre parcel the State is offering for sale on the North-South Road, Mr. Sires advised he were tasked with finding out if the prior owner had the first right of refusal. Mr. Sires stated he found there was two different reasons why the State does not have to ask the prior owner in this case. One is that the entire property was acquired and not a portion of the property when it was originally taken. The person cashed out and gave up the entire lot. The other reason is that it has been over ten years since the State acquired the land.

Mr. Dickinson stated we should write to the Commissioner of the NHDOT asking him for an extension of time in order to have a warrant article for next year and have the people decide if they want to spend money on this land. There was brief discussion. **Mr. Dickinson moved, seconded by Ms. Seavey, that we write the NHDOT Commissioner asking him for an extension of time and pointing out the reasons why.** Mr. Dickinson stated we need to have a warrant article to see if the people want to spend \$50,000 for this lot. We also need to be able to see if people want to see houses built on this lot, etc. Mr. Weathers stated he does not think we have to go that route –if you have a conservation easement you accomplish the same thing with a lot less money. The Conservation Commission is interested in a conservation easement and this way the land stays protected. Ms. Sand questioned if there is a conservation easement –what limit would that put on the property. Mr. Weathers advised wildlife habitat, aesthetic view, etc. Mr. Weathers stated his recommendation to the Conservation Commission would be to not use all the assets set aside if we just can get a conservation easement on the property from the state.

Mr. DiGregorio stated he thinks everything Mr. Weathers is saying is hinging on if the State will do this. Personally, he thinks if the people in this area want to keep the property the way it is then they should buy it. He doesn't think the town needs to do anything with the lot. It does not connect to any trails. Etc.

Ms. Sand stated she disagreed with Mr. DiGregorio. She doesn't feel it this is just for that neighborhood's benefit. Anyone who drives along the North-South Road would benefit. Ms. Sand further added that she drove to the top of the hill and you could see where the trail access could go in or where people could walk in this area. She feels there are different values to the town that go beyond just the people who live in the area of the parcel.

Ms. Seavey stated she doesn't think there is anything to be lost by going Mr. Dickinson's route and by entertaining thoughts of asking the State to wait on selling he property. They might, however, say no.

Mr. Sires questioned if this Board thinks it is important to maintain this area. There are reasons to believe that people will have concerns about this. For example, several years ago there was an outcry when a business sign appeared along the North-South Road. We could let the NHDOT know of our concerns and ask them to put off the sale until the 2013 vote so we can explore options. Maybe we could even see if the NHDOT would give the parcel to the town. We need to explore the options if you have the goal of protecting this from development.

There was further brief discussion and the Board reviewed the motion on the table. The Board agreed the letter should restate the points discussed. Ms. Sand stated she feels we should advise we would like an extension to give us a chance to explore uses for this land and, if we decide to buy the land, we have time to put it before the voters. Mr. Dickinson agreed.

Mr. Sires next reviewed that a point that Mark Hounsell brought up was that the Board of Selectmen passed a policy statement previously that the North-South Road is a parkway and it would make sense to reaffirm this and present it to the NHDOT.

Mr. Weathers suggested that if this motion passes, we can do a draft letter and bring same back to the next meeting. All agreed. **The motion carried 5-0-0.**

DISCUSSION REGARDING BULK ENERGY (ELECTRICITY) BIDDING

Public Works Director, Paul DegliAngeli, joined the meeting. Mr. DegliAngeli advised there have been changes to the laws in New Hampshire which allow people to purchase electricity from different suppliers. Currently we are served by New Hampshire Electric Cooperative (NHEC) and Public Service of New Hampshire (PSNH) and now you can choose to buy your power from someone else. You would still get a bill from PSNH or NHEC that would be for maintenance of polls, etc, but the part of your bill for power would be zero and we would get a separate bill from another company for electric.

Mr. DegliAngeli next stated that the question before the Board tonight is do you want to look for power from a wholesaler for town accounts. This would be for all lights, buildings, etc. We currently have about fifty bills for streetlights and other electric. We could ask for quotes but he thinks if we do we should have a multiyear contract and, also, ask for a pricing the same way we purchase fuel.

Ms. Sand stated she has concerns and would like more information before putting this out to bid. In towns like Wolfeboro who make their own electricity, they don't have access to other programs that may be available. If we are not using public utilities we want to make sure we are not losing out on money for things such as weatherization, etc. We have to look at if we are going to lose money in the long run in order to gain some now. She would like to see this weighed out to make sure we would not be losing money. Mr. Sires stated there have been programs in the past such as relamping and energy audits.

Ms. Seavey questioned if we go this route would there be two different maintenance fees versus if you have one package with one company for electric, etc. Mr. DegliAngeli advised we can't change companies for the maintenance fees etc, and we would get two bills.

Mr. Sires questioned if this Board would like to look at the ideas Ms. Sand had regarding programs etc, as we proceed with this matter. The Board all agreed to get more information and bring same back for review.

WASTE OIL

Mr. DegliAngeli next reported that we ran into an unexpected problem this year in that we had extra waste oil. We are now looking into adding a unit to burn this oil at the storage facility. Mr. Weathers stated there are some places in town that will take waste oil as well. Mr. DegliAngeli advised he will look into this. Mr. DiGregorio stated that prior to us giving it away to someone else he would like to know the numbers on using it for our storage facility. All agreed.

EARTH DAY CELEBRATION

Mr. DegliAngeli reported that an Earth Day Celebration is planned for April 25, 2011 at 9:00 am at Davis Park with the Conway Village Fire District (CVFD) and the USDA Rural Development (RD). An announcement will be made that the CVFD will be receiving a \$12.5 million funding package from the RD for the purpose of interconnecting the NCWP and the CVFD.

Mr. DiGregorio commented that Mr. DegliAngeli's involvement was crucial in securing this funding. Mr. DiGregorio thanked Mr. DegliAngeli for all the work done for this project. Mr. DegliAngeli commented that it was a team effort.

REVIEW AND CONSIDERATION OF MOU BETWEEN TOWN OF BARTLETT AND TOWN OF CONWAY REGARDING CABLE CHANNEL 3

Mr. Sires next reviewed the MOU's between the Conway and the Towns of Bartlett and Jackson are the same as last year regarding Cable Channel 3. These agreements allow the Towns of Bartlett and Jackson to view Channel 3. \$5,000 is paid by each town to Valley Vision. **Mr. DiGregorio moved, seconded by Ms. Sand, that we sign the Memorandum of Understanding between the Town of Bartlett and the Town of Conway regarding Cable Channel 3. The motion carried unanimously.**

REVIEW AND CONSIDERATION OF MOU BETWEEN TOWN OF JACKSON AND TOWN OF CONWAY REGARDING CABLE CHANNEL 3

Mr. DiGregorio moved, seconded by Ms. Sand, that we sign the Memorandum of Understanding between the Town of Jackson and the Town of Conway regarding Cable Channel 3. The motion carried unanimously.

SIGNING OF DOCUMENTS

- a. Current Use Land Use Change Tax Collector's Warrant
- b. Gravel Tax Levy - Tax Map/Lots 207-14.5, 263-117, 226-1 and 238-1
- c. Land Use Change - Tax Map/Lot 258-68.1
- d. Notice of Intent to Cut Wood or Timber – Tax Map/Lot 247-11
- e. Notice of Intent to Excavate – Tax Map/Lot 207-14.5
- f. Permanent Application for Property Tax Credit/Exemptions – Tax Map/Lot 202-131
- g. Permanent Application for Property Tax Credit/Exemptions – Tax Map/Lot 276-39
- h. Permanent Application for Property Tax Credit/Exemptions – Tax Map/Lot 276-66
- i. Permit to Sell Raffle Tickets–The Animal Rescue League of NH-North/Drawing 9/22/12
- j. Permit to Sell Raffle Tickets–Kismet Rock Foundation/Drawing/Drawing 5/5/12
- k. Permit to Sell Raffle Tickets–Preeclampsia Foundation/Drawing 5/12/12
- l. Summary of Forest Stewardship Plan–Tax Map/Lot 260-52
- m. Summary of Forest Stewardship Plan–Tax Map/Lot 267-16

Mr. DiGregorio moved, seconded by Mr. Dickinson, to accept and sign the Current Use Land Use Change Tax Collector's Warrant, Gravel Tax Levy - Tax Map/Lots 207-14.5, 263-117, 226-1 and 238-1, Land Use Change - Tax Map/Lot 258-68.1, Notice of Intent to Cut Wood or Timber – Tax Map/Lot 247-11, Notice of Intent to Excavate – Tax Map/Lot 207-14.5, Permanent Application for Property Tax Credit/Exemptions – Tax Map/Lot 202-131, Permanent Application for Property Tax Credit/Exemptions – Tax Map/Lot 276-39,

Permanent Application for Property Tax Credit/Exemptions – Tax Map/Lot 276-66, Permit to Sell Raffle Tickets–The Animal Rescue League of NH-North/Drawing 9/22/12, Permit to Sell Raffle Tickets–Kismet Rock Foundation/Drawing/Drawing 5/5/12, Permit to Sell Raffle Tickets–Preeclampsia Foundation/Drawing 5/12/12, Summary of Forest Stewardship Plan–Tax Map/Lot 260-52, and the Summary of Forest Stewardship Plan–Tax Map/Lot 267-16. The motion carried unanimously.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

- a. Animal Rescue League of NH-North/Bark in the Park – 9/22/12
- b. Preeclampsia Foundation-Two Mile Walk-A-Thon – 5/12/12

Mr. Dickinson moved, seconded by Ms. Sand, to approve the Special Event Applications for the Animal Rescue League of NH-North Bark in the Park event scheduled for 9/22/12 and the Special Event Application for the Preeclampsia Foundation Two Mile Walk-a-Thon scheduled for 5/12/12. The motion carried unanimously.

CONSIDERATION OF BILLS

- a. Manifest dated 4/26/12

Mr. DiGregorio moved, seconded by Mr. Dickinson, to accept and sign the manifest dated 4/26/12. The motion carried unanimously.

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

There were no documents to ratify.

CONSIDERATION OF MINUTES: 4/3/12

Mr. DiGregorio moved, seconded by Mr. Dickinson, to accept the minutes of 4/3/12 as written. The motion carried unanimously.

TOWN MANAGER REPORT

Carroll County Transit – Mr. Sires reported a meeting was held last Friday in Albany regarding the Carroll County Transit System. They were concerned that Conway was the only town that did not support their warrant article. Mr. Sires advised he was asked to attend the meeting to explain the process. In the morning, before attending the meeting, a call was received from an anonymous person who said they would be happy to donate the \$3,000 for this year.

Transvale – Mr. Sires reported that some people in Transvale can't have their electric hooked back up. Anyone living there year round has power. However, anyone with campsites who are in violation and have been notified to fix their property, have been told they can't have power until they bring their property into compliance.

Kearsarge Metallurgic Property – Mr. Sires advised that the EPA is ready to have public hearings to start the next step in getting the Kearsarge Metallurgic property in a position for the town to take and then offer for sale to the public. They have asked for dates in May or June to have public hearings. Mr. Sires advised that he suggested to them to have the public hearing

during this Board's meetings but they want to hold them in the evening around 6:00 pm. If the Board is agreeable we can go ahead and schedule same. The Board agreed.

Charter – Mr. Sires reviewed that staff is looking into information concerning the Charter. Amendments to the Charter were found and we will bring this information to the Board and then update the Charter. Mr. Sires next stated that we could talk with the NHMA about the process. Also, if we think the form of government is going to be looked at, the NHMA can talk to the Board of Selectmen and the community regarding optional forms of government. Mr. Sires next advised that with respect to moving forward he has looked at how this works with the timing of the law there would need to be two meetings. One is to look into forming a Commission and then the election of a Charter Commission. Mr. Sires distributed information to the Board concerning the steps and dates needed for the different options and reviewed same. (See attached). Mr. Sires suggested taking a week or so to look at this before making a decision. Further, with regard to the information distributed with timelines, he feels that it would make more sense to have the election when we have a town election scheduled. Mr. DiGregorio stated he feels we need to clean up the current Charter first. Mr. DiGregorio next stated that he would like to invite the precincts in to talk and see if they are interested in changing government. If they are not interested then we don't even need to look into a charter change. Let's see where the Commissioners of the Precincts are before reinventing the wheel. Ms. Sand stated she thinks we need to have the workshops and have people educated and we shouldn't have a special meeting until this is done. Mr. Sires clarified that the direction for now is to focus on getting the Charter amended and bring same back to this Board. Mr. DiGregorio added he also wants to schedule meetings with the Commission and also have the NHMA have a workshop. Mr. Sires advised he will focus on getting the Charter updated and then get together presentations from the NHMA.

BOARD REPORTS AND COMMENTS

LMWVSWD – Ms. Sand stated the LMWVSWD will be having a meeting soon.

Around the Statehouse – Mr. Dickinson reported this Friday at 11:00 am there will be a show taped at Valley Vision called Around the State House. There will be Representatives from the District present to talk about what is going on in Concord. The program will air Friday night and Saturday and Sunday mornings on Channel 3.

Budget Committee – Mr. DiGregorio reported an organizational meeting the Budget Committee is scheduled for May 9, 2012 at 6:30 p.m.

PUBLIC COMMENTS AND MEDIA QUESTIONS

There were no public comments or media questions.

ADJOURN

At 5:48 p.m. the meeting adjourned without objection at the call of the Chair.

Respectfully submitted,

Karen J Hallowell
Executive Secretary