

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN**

February 12, 2013

The Selectmen's Meeting convened at 4:21 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen, C. David Weathers (Chair), Michael DiGregorio, Howard C. Dickinson, and Stacy Sand, Town Manager, Earl W. Sires, and Recording Secretary, Karen Hallowell.

Selectman, Mary Carey Seavey, was not present.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Mr. Weathers advised that after the non public session on the agenda today, the Board will have a discussion with Chief Solomon on the proposed warrant article for a generator. **Ms. Sand moved, seconded by Mr. DiGregorio, to approve the agenda as amended. The motion carried unanimously.**

PUBLIC HEARING - TO DISCUSS A REQUEST FOR AN ACCESS EASEMENT BY THE
NORTH CONWAY COMMUNITY CENTER (2ND OF 2 PUBLIC HEARINGS)

Burr Phillips of Civil Solutions appeared before the Board.

Mr. Weathers reviewed the public hearing notice regarding a request for an access easement by the North Conway Community Center and opened the public hearing at 4:22 pm.

Mr. Weathers reviewed this request is for a second access, which is on the west side of the North Conway Community Center property.

Mr. Weathers asked for public comments or questions. There were no questions or comments and Mr. Weathers closed the public hearing at 4:23 p.m.

Mr. Phillips next reviewed that the Board of Selectmen recently signed a Boundary Line Adjustment application and that they will be going to the next Planning Board meeting to discuss same. Mr. Phillips questioned if it is okay for Ron Briggs of Civil Solutions to attend this meeting. There were no objections voiced by the Board.

NON PUBLIC SESSION/NH RSA 91-A:3(I) - CONSIDERATION OF MATTERS RELATING
TO THE PREPARATION FOR AND THE CARRYING OUT OF EMERGENCY FUNCTIONS

At 4:24 p.m., **Ms. Sand moved, seconded by Mr. Dickinson, to go into non public session under NH RSA 91-A:3(i) to discuss matters relating to the preparation for and the carrying out of emergency functions.** Emergency Management Director, Steve Solomon, Police Chief, Ed Wagner, Police Lieutenant, Chris Perley, Recreation Director, John Eastman, Public Works Director, Paul DegliAngeli, Town Manager, Earl Sires, and Recording Secretary, Karen Hallowell, were included in the non public session **The motion carried by unanimous roll call vote.**

At 4:55 p.m. the Board returned to public session. **Ms. Sand moved, seconded by Mr. Dickinson, to seal the minutes of the non public session. The motion carried unanimously.**

DISCUSSION OF GENERATOR WARRANT ARTICLE

Emergency Management Director, Steve Solomon, was present for discussion.

Mr. Sires reviewed the proposed article for a generator with the Board. Mr. Sires further reviewed that the Board voted to support this article at a previous meeting. Mr. Sires next advised that the Budget Committee met recently and had a considerable amount of discussion on this item. Some Budget Committee members indicated that they didn't feel it was necessary. The Budget Committee tabled a motion on this warrant article to ask the Board of Selectmen to reconsider same. Mr. DiGregorio added that the motion was also tabled to give Chief Solomon a chance to further discuss this matter with the Budget Committee. Mr. DiGregorio next stated that he feels that the Emergency Management Director has made a good argument for the generator over the past few years. It is a matter of need and, if we can afford it. Some Budget Committee members felt this was not the right year to present this article.

Chief Solomon stated that he doesn't have the desire to spend \$50,000 however the town has the responsibility to provide a shelter. Further, weather forecasters are saying to expect more severe weather in the coming years and this brings with it the possibility of not having power for extended periods of time. We can't have the shelter at the school. Also, we looked at portables to rent but this would require wiring the building, etc. Also, generators aren't available for rent during construction season and another consideration would be to get the generator to the shelter location. Further, there are costs to wire a location for a small generator. There was next a discussion with the Board on types of generators, costs, etc.

Mr. DiGregorio stated that this Board could either pull the proposed article from the warrant or give Chief Solomon a chance to speak to it at the Budget Committee meeting scheduled for tomorrow evening. Mr. Solomon advised that he could attend the Budget Committee meeting tomorrow evening. The Board next agreed to keep the proposed article on the warrant and to have Chief Solomon speak to the Budget Committee regarding the article.

Ms. Sand next questioned maintenance costs for the generator per year. Chief Solomon advised it is approximately \$300 per year for maintenance. This is to service it, run it, etc. Mr. DiGregorio questioned if the town could have our own employees do this work to save on costs and Mr. Solomon responded in the affirmative.

REVIEW AND CONSIDERATION OF REVISIONS TO SPECIAL EVENT APPLICATION

Recreation Director, John Eastman, joined the meeting.

Mr. Sires reviewed suggested revisions to the Special Event Application package with the Board. (See attached). Mr. Sires advised that some of the revisions are practices that we follow now and we would just like to add the language to the special event application. Mr. DiGregorio questioned if the Conservation Commission gives an approval or just a recommendation on events in Whitaker Woods. Mr. Sires advised that events in Whitaker Woods need the Conservation Commission's approval. If events are requested at Whitaker Field, then it is up to the Board of Selectmen. Mr. Sires next noted that the police fee should be changed to \$46 instead of \$40 and, also, \$10 for the car.

Mr. Eastman next explained that the Town supplies bags and barrels for trash at Schouler Park however; we can't leave trash out from a Saturday event until Monday morning due to bears, etc. The language proposed for the event application states that applicants have a choice to either take away the trash themselves or we will have parks employees come in and remove the trash for \$100. The \$100 covers four hours of overtime.

With regard to field set up fees, Mr. Eastman explained that if people have to drive into Schouler Park and set up tents, etc., Parks and Recreation employees then have to mark for electrical and sprinklers. Mr. Eastman reviewed that Friday is a big day for the set up of special events in Schouler Park. Parks and Recreation employees have to leave their regular work of mowing, etc., and go and set up Schouler Park when events are scheduled and he feels that this should be a cost to the applicants.

With regard to sanitation fees, the event applicant has to provide for portable toilets based on the amount of people expected at the event. The Parks and Recreation Department will tell an applicant how many they need and we get this information from a chart from the portable toilet company. All organizations using the park have been paying this fee but he feels it is a good idea to explain this on the event application so that people will know when they are planning an event how much this will cost.

There was a brief discussion by the Board. Ms. Sand questioned if this is a breakdown of what has been being charged for events. Mr. Eastman responded in the affirmative and added that we do have information in the application that states fees would be charged for inspections, etc, however, the proposed language would help new applicants know how much each item costs. **Mr. Dickinson moved, seconded by Ms. Sand, that we approve the proposed amendments to the Special Event Application. The motion carried unanimously.**

BUDGET/WARRANT ARTICLES

Finance Director, Lucy Phibrick, and Bookkeeper, Lauri Roode, joined the meeting. Also present were Police Commissioners, Rodney King and Theresa Kennett, Police Chief Ed Wagner, and Police Lieutenant, Chris Perley.

Operating Budget - Mr. Sires reviewed a memo prepared regarding the operating budget with the Board. (See attached). Mr. Sires advised that with regard to the article that was proposed for the scanning project, he feels this could be deleted and suggests adding \$3,000 to the budget instead. Mr. Sires explained that we could have someone come in one day a week to work on this project and that hopefully this will help with space issues at town hall. Mr. Sires next reviewed he is recommending the removal of \$16,000 from the assessing budget, \$9,000 from the legal budget, and \$7,000 from the police benefits line of the budget. **Mr. DiGregorio moved, seconded by Mr. Dickinson to adopt the budget figure of \$9,686.674. The motion carried 3-1-0 with Messrs. Dickinson, DiGregorio and Weathers voting in the affirmative and Ms. Sand voting in the negative.**

Selectmen Articles – Mr. Sires distributed a list of warrant articles to the Board for review. (See attached). Mr. Sires first reviewed the budget article with the Board including a proposed default budget figure as well. If the Board approves this article tonight we will then forward this to the Budget Committee for review at tomorrow's meeting. Mr. Sires requested a vote from the Board on the operating budget article with the updated information as just reviewed. **Mr. Dickinson moved, seconded by Mr. DiGregorio, to approve the operating budget warrant article. The motion carried 4-0-0.**

Mr. Sires next reviewed Article 4 in regard to the three year collective bargaining agreement between the Town of Conway Police Commission and AFSCME Local 3657. **Ms. Sand moved, seconded by Mr. Dickinson, to accept the warrant article for the three year collective bargaining agreement between the Town of Conway Police Commission and AFSCME 3657.** There was a discussion by the Board and Police Commissioners regarding the length of the contract, pay raises, the 30 town survey, etc. There was also discussion regarding the decrease in revenues to the town and a bill in the house concerning the Rooms and Meals tax. A citizen, Bob Barriault, suggested the town look into ways to increase revenues. **The motion carried 4-0-0.**

Mr. Sires next reviewed Articles 14 and 15 with regard to expendable trust funds for police department equipment and police department earned benefits, the Board needs to decide on the wording for the article as to who will be authorized to expend from the fund –the Board of Selectmen or the Police Commission, or both. Mr. DiGregorio asked for the Police Commissions thoughts on this matter. Ms. Kennett advised they were okay with either so long as the process for expending the funds is streamlined. There was further brief discussion. **Ms. Sand moved, seconded by Mr. DiGregorio, that we amend Articles 14 and 15 to include language that the Board of Selectmen and the Police Department are acting authorized agents to expend from the funds.** Chief Wagner pointed out that Article 14 was also reduced to \$21,000. **The motion carried 4-0-0.** Mr. Sires stated that this will be interpreted as recommending articles 14 and 15 and will be noted as same on the warrant. The Board agreed. **Ms. Sand moved, seconded by Mr. DiGregorio, to approve reducing Article 14 from \$35,500 to \$21,000. The motion carried 4-0-0.**

Mr. Sires next reviewed the proposed article to digitize town records and recommended the warrant article be removed. **Ms. Sand moved, seconded by Mr. DiGregorio, to remove the warrant article in the amount of \$20,000 for the digitizing of town records. The motion carried 4-0-0.**

Mr. Sires next discussed the warrant article for Infrastructure Capital Reserve with the Board. Mr. Sires discussed the balance in the account and advised that the Budget Committee has concerns with the amount. Mr. Sires advised that the reason for the balance is to be able to handle any unexpected items that may come up during the year. An example is the Tasker Hill Bridge and that we did eventually get reimbursement for this work but that we had the money for the repairs while we were waiting for reimbursement.

Revenue – Mr. Sires next reviewed revenue projections and that the Budget Committee had asked that this be looked at again. Mr. Sires advised that he and Ms. Philbrick have now reviewed revenues and have adjusted same. This is a projection.

Zoning Article - Mr. Sires reviewed that one article regarding zoning will appear on the warrant. This is a petitioned article regarding building heights in North Conway on the west side of Route 16.

Petitioned Articles – Mr. Sires reviewed a petition was received today regarding the posting of agenda, meeting minutes, etc. It does not appear on the list presented today but he wanted to make the Board aware it was received.

The Board next discussed the non profit petitioned articles. The Board first reviewed the article for the White Mountain Community Health Center. **Ms. Sand moved, seconded by Mr. DiGregorio, to recommend the article for the White Mountain Community Health Center in**

the amount of \$35,565. There was discussion by the Board on the presentations made by the non profits and whether the Board should take any positions on these articles. Mr. DiGregorio pointed out that the Board did not take a position the last couple of years but that we have been advised that state law requires the Board to take a position. There was further discussion by the Board on their thoughts of why they should or should not take positions on the non profit articles. **A vote was taken of 1-0-3 with Ms. Sand voting in the affirmative and Messrs. Dickinson, DiGregorio and Weathers abstaining.** A citizen, Bob Barriault, stated he feels it is an injustice to the community that the Board not take a position as they are elected officials and have the pulse of the community. Further, the Board has read and examined information provided by the non profits and that people rely on what public officials recommend. He feels the Board should take a position on the articles and that it is not necessarily a personal view and that they should be able to objectively view these articles. Mr. Weathers pointed out that this Board has no way of reviewing the non profits during the year if they do get the funds. Mr. DiGregorio stated he agreed with Mr. Weathers in that we have no way of knowing how they spend any funds received. There was further brief discussion. **Mr. Dickinson moved, seconded by Mr. DiGregorio, to reconsider the article for the White Mountain Community Health Center. The motion to reconsider carried 4-0-0.** The Board further briefly discussed the motion for White Mountain Community Health Center. Ms. Sand stated that she feels the White Mountain Community Health Center provides services to help lower costs to the community and is a benefit to the community. **The motion carried 2-1-1 with Ms. Sand and Mr. Dickinson voting in the affirmative, Mr. DiGregorio voting in the negative and Mr. Weathers abstaining.**

Ms. Sand moved, seconded by Mr. Dickinson, to recommend the article for the Gibson Center in the amount of \$35,000. The motion carried 3-0-1 with Ms. Sand and Messrs. Dickinson and DiGregorio voting in the affirmative and Mr. Weathers abstaining.

Ms. Sand moved, seconded by Mr. DiGregorio, to recommend the article for Tri County Community Action in the amount of \$13,000. There was brief discussion regarding the services provided by Tri County Community Action. **The motion carried 3-0-1 with Ms. Sand and Messrs. Dickinson and DiGregorio voting in the affirmative and Mr. Weathers abstaining.**

Ms. Sand moved, seconded by Mr. DiGregorio, to recommend the article for Children Unlimited in the amount of \$12,000. Mr. DiGregorio and Ms. Sand stated they felt this article should appear on the school warrant instead of the town warrant but that they do support the program. **The motion carried 4-0-0.**

Ms. Sand moved, seconded by Mr. DiGregorio, to recommend the article for North Conway Community Center in the amount of \$75,000. The motion carried 3-0-1 with Ms. Sand and Messrs. Dickinson and DiGregorio voting in the affirmative and Mr. Weathers abstaining.

Ms. Sand moved, seconded by Mr. DiGregorio, to recommend the article for Carroll County Transit in the amount of \$3,000. There was brief discussion by the Board on the services provided by Carroll County Transit. **The motion failed 1-1-2 with Ms. Sand voting in the affirmative, Mr. DiGregorio voting in the negative, and Messrs. Dickinson and Weathers abstaining.**

Ms. Sand moved, seconded by Mr. DiGregorio, to recommend the article for Starting Point in the amount of \$6,935. There was a brief discussion on the services provided. **The motion carried 4-0-0.**

Ms. Sand moved, seconded by Mr. DiGregorio, to recommend the article for Vaughan Community Service in the amount of \$5,000. There was brief discussion on the services provided by Vaughan. It was also pointed out that there is also \$1,500 in the proposed operating budget to support Vaughan as well. **The motion carried 4-0-0.**

Ms. Sand moved, seconded by Mr. Dickinson, to recommend the article for North Conway Daycare in the amount of \$3,000. There was a brief discussion by the Board. Mr. DiGregorio stated he would be voting against this article as he feels we are subsidizing people to go to daycare and that we don't pay for other daycare services in town. Mr. DiGregorio further added he feels they do however do great work and his vote is not a statement against what they do –it is strictly about whether the town should be subsidizing daycare. Ms. Sand stated that in understanding the pay scale in this community, this service allows people to go out and work and serve this community and the businesses. This service makes it more affordable and the children are taken care of at the daycare. However, she does agree that people should be able to go to and apply for any daycare and not just this one. **The motion carried 2-1-1 with Ms. Sand and Mr. Dickinson voting in the affirmative, Mr. DiGregorio voting in the negative, and Mr. Weathers abstaining.**

Mr. Sires next reviewed the petitioned article received regarding the public skating rink in Schouler Park. Mr. Sires reviewed that last year a decision had been made to operate the rink with funds raised through the Community Celebrations Committee. Mr. Sires next advised this article was submitted by the Community Celebrations Committee. Also, the North Conway Water Precinct will have an article on their warrant as well this year. There was a brief discussion. **Ms. Sand moved, seconded by Mr. DiGregorio, to recommend the article for the public skating rink in Schouler Park in the amount of \$5,000.** Mr. DiGregorio questioned the amount of the request and if money would still be raised from other sources. Mr. Sires advised that we would have to adjust the service level according to the amount of dollars appropriated for this purpose. Mr. Sires further suggested that this should be discussed with the Community Celebrations Committee but his understanding is that if the article passes, the rink would then be funded by the town and the precinct. This would be shifting from private to public. There was next a brief discussion on the costs to operate the rink. Mr. Barriault questioned if the article passes, who would have control of the money. Mr. Sires stated this would be a town operation. **The motion failed 1-2-1 with Mr. DiGregorio voting in the affirmative, Ms. Sand and Mr. Dickinson voting in the negative and Mr. Weathers abstaining.**

Mr. Sires reviewed a petition was received for a resolution article. Mr. Sires reviewed that this petitioned article directs the town to report the results of the vote, if supported by the voters, to the state representatives.

Selectmen Articles – Mr. Sires next reviewed previous discussion was held on the warrant article concerning abandoning certain Class VI roads. Mr. Sires reviewed that some people have indicated that they do not want to see Labrador Pond road abandoned. The article now proposes to only abandon Henderson Road and Rock House Mountain Road. **Mr. Dickinson moved, seconded by Ms. Sand, to support the abandonment of Henderson Road and Rock House Mountain Road. The motion carried 4-0-0.**

Mr. Sires next reviewed that the Board had voted previously to put an article on the warrant concerning Charter amendments.

Tax Rate – Mr. Sires reviewed the reductions made to the proposed operating budget and advised that this will reduce the tax rate as well. Mr. Sires advised the Board will be provided with an amended estimated tax rate tomorrow.

DISCUSSION OF SB121

Mr. Sires reviewed a proposed Senate bill regarding the Rooms and Meals Tax with the Board. Mr. Sires explained that currently Rooms and Meals Taxes are distributed on population and if this bill passes it would be based instead on the percentage of Rooms and Meals taxes generated by the community. It is not clear exactly what this would mean for the Town of Conway as the state only keeps statistics for the County. Mr. Sires advised this was placed on the agenda today as suggested by Mr. Dickinson and to see how the Board feels about the bill and, also, to see if the Board would like to send a letter to support the bill. Mr. Dickinson stated that he is entirely in favor of this and that he tried to do something similar in the past. Mr. Dickinson stated that he feels the big towns in the state will totally oppose this and he does not feel this bill will get anywhere. **Ms. Sand moved, seconded by Mr. DiGregorio, to send a letter of support from the Board of Selectmen in support of SB121.** There was further brief discussion on how Rooms and Meals taxes are distributed. **The motion carried 4-0-0. Ms. Sand moved that the letter be signed by the Chair of the Board of Selectmen out of session. The motion carried 4-0-0.**

SIGNING OF DOCUMENTS

There were no documents presented for signature.

CONSIDERATION OF BILLS

Manifest dated 2/14/13 - **Ms. Sand moved, seconded by Mr. DiGregorio, to sign the manifest dated 2/14/14. The motion carried 4-0-0.**

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

There were no documents signed out of session to ratify.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

There were no Special Event Applications for the Board to consider.

CONSIDERATION OF MINUTES

1/29/13 – **Ms. Sand moved, seconded by Mr. DiGregorio, to approve the minutes of 1/29/13 as written. The motion carried 4-0-0.**

TOWN MANAGER REPORT

Budget Schedule – Mr. Sires reviewed the Budget Committee Public Hearings on the budgets are scheduled for tomorrow night. The actions taken by this Board tonight will be taken to the Budget Committee tomorrow night. There will be information packets ready for the public hearings tomorrow night as well. Mr. Sires next reported the Budget Committee also meets this Thursday night and, depending on how that turns out, the Board of Selectmen may

have to relook at the budget and adjust if necessary. Mr. Sires advised the Board can take this matter up at their next meeting on Tuesday, February 19, if necessary.

Vacation - Mr. Sires next advised that he will be out of town next week for vacation.

Posting the Warrant – Mr. Sires reported that the warrant needs to be posted no later than February 25, 2013.

Saco River Access Committee – Mr. Sires advised that a meeting of the Saco River Access Committee will be scheduled in the near future to have discussions on the Saco River Canoe Launch.

Biking/Pedestrian Access Meeting – Mr. Sires reported that he met with a group of people last week to discuss biking and pedestrian access in the area. This arose after discussions with Walmart about pedestrian accommodations. The group is going to work on a bike plan to incorporate with the Master Plan for the Board of Selectmen to review. The concept is for bike paths and non motorized transportation.

BOARD REPORTS AND COMMENTS

North Conway Community Center – Ms. Sand advised that she had an initial meeting with the North Conway Community Center. This was also attended by representatives of RSVP. They were also supposed to have a meeting with the school last night but this was canceled due to the weather and will be rescheduled.

Budget Committee – Mr. DiGregorio reported the Budget Committee plans to vote on the budget and warrant articles Thursday night.

Conservation Commission – Mr. Weathers reported a Conservation Commission meeting is scheduled for tomorrow evening at the Whitaker Meeting House.

Boston Post Cane – Mr. Weathers reported the holder of the Boston Post Cane, Mildred (Middy) Heath passed away this week at the age of 103. The Board sends condolences to the family of Mrs. Heath.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Bob Barriault questioned if the Board knows if the sponsors of SB121 have provided any supporting information of what the impact of this bill would be on the Town of Conway. Mr. Barriault stated it is strange to him that this Board would send a letter of support if you do not know the impact. Mr. Barriault further stated that if we know the figure for the county, then we could get a rough idea of what we might realize from a bill like SB121. Mr. Weathers reviewed the bill with the Board and there was further discussion on the distribution. Mr. Sires stated that in having only the county information we would have to make an assumption –but we can look into this further and advise. Mr. Weathers stated that we will see if we can get further data before sending the letter out.

ADJOURN

At 7:27 p.m. the meeting adjourned at the call of the chair.

Respectfully submitted,

Karen J Hallowell
Executive Secretary