

Minutes of Meeting
CONWAY BOARD OF SELECTMEN
December 16, 2014

The Selectmen's Meeting convened at 4:05 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen, C. David Weathers (Chair), Mary Carey Seavey (Vice Chair), Michael DiGregorio, Stacy Sand, and Carl Thibodeau, Town Manager, Earl Sires, and Recording Secretary, Holly Meserve .

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Mr. Thibodeau moved, seconded by Mr. DiGregorio, to remove #9 [Review and Consideration of Mount Washington Valley Ski Touring Agreement] from the agenda. The motion carried unanimously (5-0-0).

PUBLIC HEARING TO ACCEPT UNANTICIPATED REVENUE IN THE
AMOUNT OF \$47,482.80 FROM FOREST LAND IMPROVEMENT TO
THE TOWN OF CONWAY CONSERVATION LAND FUND

Mr. Weathers opened the public hearing at 4:06 p.m. Mr. Sires stated this is monies coming to the Town from a timber cut from Town Lands. Mr. Sires stated \$15,200 will go into the general fund and \$32,282 will go into the Conservation Land Fund. Mr. Weathers closed the public hearing at 4:07 p.m.

Ms. Sand moved, seconded by Mr. Thibodeau, to accept the unanticipated revenue in the amount of \$47,482.80 from Forest Land Improvement to the Town of Conway Conservation Land Fund. The motion unanimously carried (5-0-0).

WARRANT ARTICLES

Infrastructure Reconstruction – Paul DegliAngeli, Public Works Director, appeared before the Board. Mr. DiGregorio asked about Norcross Circle. Mr. DegliAngeli stated that Norcross Circle has been moved to pavement rehab and is potentially on the calendar for this spring. Mr. DiGregorio stated he thought there was going to be drainage work as well. Mr. DegliAngeli stated there are only two existing structures; new structures were part of the reconstruction and addition of a roundabout. Mr. DegliAngeli stated because of the nature of Norcross Circle, if we have a late winter it might get kicked out.

Mr. DegliAngeli stated we have included bridges and culverts after a study was conducted after losing River Street; they've been shown by adding a certain amount to capital reserve and increasing by \$25,000 each year.

Highway Equipment – Mr. DegliAngeli stated the wheeler is not being replaced; the dump cart for the wheeler is being replaced. Mr. DegliAngeli stated we had a new vendor and they built them too light duty and they did not hold up; we have since replaced with a heavier

duty and are happier. Mr. DegliAngeli stated sidewalk machine #1 is a lease to own and sidewalk machine #2 we received from the vendor who was doing it; planning replacement of that machine in 2020 or five years from now. Mr. Thibodeau asked on line 2, the date of the 6 yard dump. Mr. DegliAngeli stated that is a typo and he will have to determine the year. Mr. Thibodeau stated line 17 is same thing; and again on line 23. Mr. DegliAngeli stated he will clean it up and get it back to the Board. Mr. Thibodeau asked about line 28. Mr. DegliAngeli stated line 28 was replaced this year.

Mr. DiGregorio stated that he has heard better reviews since we have taken over the sidewalks. Mr. DegliAngeli stated he has to.

Solid Waste Equipment Replacement – Mr. DegliAngeli stated there is no change in the article from last year. Mr. Weathers asked if the equipment is ear marked for the landfill itself. Mr. DegliAngeli answered in the negative and stated it is for both the Transfer Station and the Landfill. Mr. DiGregorio stated we end up renting equipment in the summer time; you probably have looked at that analysis. Mr. DegliAngeli agreed and stated if you look at the purchase price of the equipment, the cost to annually maintain it and how many years you can get out of it, if renting is less than the annualized cost then we keep renting. Mr. DiGregorio asked if it is ever close. Mr. DegliAngeli stated he probably should look at it again; currently the needs for the excavators are different and we continue to rent.

Mr. Thibodeau stated the first five line items, they have all exceeded their life expectancy and only one is being replaced. Mr. Thibodeau asked if they don't need to be replaced. Mr. DegliAngeli agreed and stated but we are holding a balance because if we don't have a balance and have to make an expensive repair to an old piece of equipment holding a balance gives us flexibility to make a repair or a replace decision.

Ms. Sand stated that the hydraulic bailer was replaced this year. Mr. DegliAngeli agreed. Mr. DiGregorio asked how that has been working. Mr. DegliAngeli stated it is working great. Mr. DiGregorio stated there was some talk that this new bailer was going to allow us to do some heavier plastic, what is the word on that. Mr. DegliAngeli stated we are not able to find a market for the material. Mr. DegliAngeli stated we didn't want to pay to dispose of the material; so we are evaluating that and looking at what the landfill space cost us. Mr. DegliAngeli stated to date we are not producing that plastic in bale. Mr. DiGregorio stated that it is kind of a shame.

Mr. DegliAngeli stated we were looking at the numbers for the year minus December; our trash rate to the landfill has fallen again and our recycling rate has gone up again. Ms. Sand asked what about the possibility of bailing and storing it. Mr. DegliAngeli stated we could try it, but we're on the cusp of being maximized with the two people who are bailing. Mr. DegliAngeli stated the discussion is not over; we just haven't found anything that makes sense to us yet.

Landfill Expansion – Mr. DegliAngeli stated as the trash goes down the life expectancy of the landfill goes up. Mr. DegliAngeli stated we had a life of 17-18 years for phase 3; when we first started it was 8 years. Mr. DegliAngeli stated that this is our best educated guess.

Parks – Mr. DegliAngeli stated that the one ton used at the highway is charged to parks and grounds.

Landfill Closure – Mr. DegliAngeli stated that we have a balance that is enough to close the landfill. Mr. DegliAngeli stated that the State requires you have enough money to close; we are arguing that we are putting money away to expand, so the amount of money to expand with the amount for closure is enough to close. Mr. DegliAngeli stated that the State agrees; so we have enough money to close.

Mr. DegliAngeli stated that money is also needed for post closure and monitoring for 30 years. Mr. DegliAngeli stated we have a five phase landfill and just built phase 3 that might last 20 years and still have phases 4 and 5. Mr. DegliAngeli stated phase 5 may not be filled for 90 years from now so he is not going to ask the voters for that. Mr. DegliAngeli stated when we get to phase 5 we'll start putting money in for the post closure operating and monitoring, but for now it is so far out it does not make sense.

Police Commercial Duty Revolving Fund – Mr. Sires stated that this can only be used to pay the salaries of officers working on commercial duty. Mr. Sires stated there is a balance in this account. Mr. Sires stated that the Police would like to change the purpose to include supplies, equipment, and vehicle repairs/replacements.

Public Education/Government Cable Television (PEG) Trust Fund – Mr. Sires stated there are two warrant articles; the first one is to remove Valley Vision as the sole vendor as it would be tough if that organization ever left; and the other is to fund and broaden the methods of broadcasting.

Reclassifying Henderson Road – Mr. Sires stated that a portion of this road was upgraded by a developer. Mr. Sires stated this is a Class VI Road, but was updated to Town standards and should be maintained by the Town. Mr. Thibodeau stated that article requests to upgrade the road from a Class VI to a Class V, but mentions nothing that the Town would maintain the road. Mr. Sires stated that it should be clarified that the Town would maintain the road.

Lien or Tax Deeded Property: Mr. Sires stated we do have the authority as determined by the Town Attorney to dispose of tax acquired properties by other means other than auction, but we have not referenced or adopted this particular statute and he recommends that we do that. Mr. Sires stated that the statute very clearly gives the Town the authority to sell property through a realtor or another way other than auction. Mr. Thibodeau asked if this clarifies if we could enter into a land swap. Mr. Sires stated that he spoke to the other owner and he is not interested, so it is moot at this point.

Eastern Slope Airport: Mr. DiGregorio stated that the Eastern Slope Airport put out a warrant article to see how the voters felt, but because we had signed an agreement some 20 years ago we were going to participate in that group; and if passed it would be a part of the line item. Mr. Thibodeau stated we were going to look at it over a 2 or 3 year period and if it passed for that many years then we would look at putting it in the line item. Mr. Thibodeau stated he would recommend sticking with that as that is what we told the Budget Committee they would do.

Mr. DiGregorio stated he does not recall that; recall we found an agreement from years ago. Mr. Sires stated we have seen commitments, but not an actual agreement. Mr. Sires stated there is a document that the Town of Conway would participate in the Authority, but not committed to fund the airport. Mr. Thibodeau stated there are several documents that refer to

the Town of Conway's participation with the Town of Fryeburg, but we have never found any documents that specifically commit to ongoing support.

Ms. Sand stated that conversation happened at the Budget Committee when the Airport Authority was before the Budget Committee; we were going to listen to the people for a few years and then consider it at that point. Ms. Seavey stated she recalls the Town would have a representative on the Authority, but not a commitment of money. Mr. Weathers stated it was backed up by the fact that we have had a separate article. Mr. Thibodeau stated and for years it did not pass.

Mr. DiGregorio stated the document that he saw the first year allocated a certain amount of money, but there was nothing beyond that first year; it was implied you would sign a contract going forward. Mr. DiGregorio stated if they agreed to give it two or three years, then he will go with that. Ms. Seavey stated it was the first time the Airport came before the Budget Committee. Mr. Thibodeau stated it was the first time in many years as he and Rick Valladares represented them several times, but it was under the nonprofits. Mr. Thibodeau stated it was misconstrued on what we were supposed to be.

Mr. Thibodeau stated the Airport is part of your municipal infrastructure and not a nonprofit organization. Mr. Thibodeau stated that Mr. Mosca did not want to see it buried in the operating budget and we agreed to do that. Ms. Seavey asked what it is registered under. Mr. Thibodeau answered Municipal Infrastructure, not a nonprofit. Mr. Sires stated it is an Authority and not technically a nonprofit. Mr. Weathers asked where we came up with the figure. Mr. Sires stated it is the same as last year.

CONSIDERATION OF PROPOSED 2015 BUDGET

Solid Waste – Ms. Gilligan stated employing a temporary seasonal person who is working full time we are allowed to measure their number of hours based on an annual basis and not on a monthly basis. Ms. Gilligan stated a permanent part-time employee hours would be pro-rated and determined if they are allowed to collect insurance. Mr. Sires stated that staff did not recommend expanding compliance and also would not recommend hiring two different people with the intent to avoid paying insurance. Mr. Sires stated the Board needs to consider this position that ends up with benefits. Mr. Sires stated the primary reason is we may end up with union issues; and what do you tell the person who is working in the summer that they cannot have their job in the winter. Mr. Sires stated we need to make it a 60% position with benefits.

Mr. DiGregorio asked how long and how many hours in the summer. Mr. DegliAngeli answered 36 hours for 6 months. Mr. DiGregorio stated if it went through the winter on weekends only it would qualify for the annual basis. Ms. Sand stated we could utilize two part-timers; weekends are not the only problem. Ms. Sand stated the number we have not gotten yet is how much more are we recycling that we could justify it. Mr. DegliAngeli stated recycling is up this year 3%, so we are on the cusp of breaking 60%. Mr. DegliAngeli stated trash is down; we cannot tell you the difference between winter and summer because of our shipping schedule.

Mr. DegliAngeli stated there are only two people issuing recycling citations; we contemplated buying a shredder because people don't want their mail in the recycling bin. Mr. DegliAngeli stated we need more presence to increase that number.

Employee Benefits – Ms. Gilligan reviewed updates and adjustments to the Budget. Ms. Sand asked if this is with the savings from the year before. Ms. Gilligan stated this is a savings from what was recommended on the budget that has been presented. Mr. Thibodeau stated we may not want to zero out the unplanned for retirements. Ms. Gilligan stated it could not be used if someone retires within the first four months of the year. Mr. Sires stated that is okay, we would have a pending article; it can be removed.

Mr. Sires stated the Board needs to decide the Prosecutor position. Ms. Sand stated she doesn't think this is the year for an extra prosecutor; they are having trouble filling their officer positions. Ms. Sand stated this should wait for another year when they are up to full staff. Ms. Sand stated she thinks the taxpayers have been overwhelmed, especially with the benefits; we should hold off on this. Ms. Sand stated she definitely wants to see the hours for solid waste and she is ok with the benefits for that position; it will make a difference in increasing our recycling and decreasing what is going in to the landfill. Ms. Sand stated it will pay for itself over the years.

Street Lights – Ms. Sand asked if we need to increase our street lights. Mr. Sires stated the electric rates have gone up; we have not done the conversion yet and we have not worked out with the Electric Co-op what the rate will be. Mr. Sires stated leave it status quo and if it happens before Town meeting we can adjust it. Mr. DiGregorio stated we don't know when it will happen. Mr. Sires stated if it gets resolved we can adjust.

Household Hazardous Waste Day – Ms. Sand stated she thinks we should investigate other Town's hosting a Household Hazardous Waste Day. Mr. Thibodeau agreed. Mr. Weathers agreed. Mr. DiGregorio stated probably wouldn't be the exact same number; charged on the amount of stuff brought. Ms. Sand stated partially, there is a basic fee for having it. Mr. DiGregorio stated he is under the impression it is based on the amount of product. Mr. Sires stated there is only so much grant money. Mr. DiGregorio stated once a year is not enough.

Ms. Sand stated other Towns could apply for the grant; it's only fair. Mr. DiGregorio asked who participates, other than Conway, Albany and Eaton. Mr. Sires answered Madison, Bartlett and Jackson. Ms. Gilligan stated that we qualify for multiple grants; amount of money is based on population. Ms. Sand stated she thought Mr. DegliAngeli said we could only get one a year. Mr. DiGregorio asked if the grant money covered the entire day. Ms. Gilligan answered in the negative and stated \$7,492 was out of pocket offset by the grant money and charges to each of the communities participated.

Executive, Election and Reg. Finance and Assessing – **Ms. Sand moved, seconded by Mr. Thibodeau, to approve the updated 12/9/14 Executive, Election & Reg, Finance and Assessing budget. The motion carried unanimously (5-0-0).**

Legal - Ms. Seavey asked what is keeping legal at the same rate. Mr. Sires answered rates increased by \$25 per hour; and we have a couple of legal issues with Planning and Zoning. Mr. Sires stated we also are anticipating some tax cases and on-going issues with Fairpoint. Mr. Sires stated we have another round of enforcement in Transvale Acres regarding travel trailers not being removed. Mr. Thibodeau stated he thought the Fairpoint issues were put to bed. Mr. Sires stated it was at the time, but they are making some additional arguments for other years and not abiding by the arrangement we had.

Ms. Sand moved, seconded by Mr. Thibodeau, to approve the Legal budget at \$75,000. The motion carried unanimously (5-0-0).

Employee Benefits – **Mr. Thibodeau moved, seconded by Ms. Sand, to approve Employee Benefits budget at \$953,752. The motion carried unanimously (5-0-0).**

Planning and Zoning, Government Buildings, and Cemeteries – **Ms. Sand moved, seconded by Mr. Thibodeau, to approve the updated 12/9/14 budget for Planning and Zoning, Government Buildings and Cemeteries.** Ms. Seavey asked why cemeteries went to zero. Mr. Sires stated we had a dollar in it; we didn't want to eliminate, but zero is as good as a \$1. Ms. Seavey stated she would prefer to see \$1 in it. **The motion was defeated with Ms. Seavey, Mr. DiGregorio and Mr. Weathers voting in the negative. (2-3-0).**

Mr. Thibodeau moved, seconded by Ms. Seavey, to approve the Planning and Zoning and Government Buildings Budget and adding a \$1 to the Cemeteries budget. The motion carried unanimously (5-0-0).

Insurance – **Ms. Sand moved, seconded by Ms. Seavey, to approve the Insurance budget at \$39,391. The motion carried unanimously (5-0-0).**

Police – **Ms. Sand moved, seconded by Mr. Thibodeau, to reduce the Police budget to \$3,612,899. The motion carried with Mr. DiGregorio voting in the negative (4-1-0).**

Ambulances, Fire & Emergency Management, Inspections and Highway – Mr. Sires stated we are still working on the non-precinct fire agreement Conway Village Fire District to come up with a number for that; so it might change. **Ms. Sand moved, seconded by Mr. Thibodeau, to approve the updated 12/9/14 budgets for Ambulances, Fire & Emergency Management, Inspections and Highway. The motion unanimously carried (5-0-0).**

Solid Waste – **Ms. Sand moved to increase the Solid Waste budget to \$830,444. There was no second.**

Mr. Thibodeau moved, seconded by Ms. Seavey, to approve the Solid Waste budget at \$815,999. Ms. Sand asked if the Board wants to increase the compliance hours. Mr. Thibodeau stated he did not. Mr. DiGregorio stated he did; but staff didn't ask for this the committee did. Mr. DiGregorio stated a part-time, 12-hours a week person would do it for him. Mr. DiGregorio stated recycling is up and trash is down; it's a hard argument that we need it. Ms. Seavey stated it was said we could handle this in house. Mr. Sires stated we hired a supervisor position that is supposed to do this in the winter months; spend more resources and the return will be marginal. Mr. Sires stated he thinks it can be achieved through the management of it.

Ms. Sand stated then something should be changed in the management as there is one less person and the weekends are busier. Mr. Sires stated we invested money on a new management person and would like to give that person and that approach more time before we hire someone new. Mr. DiGregorio suggested a 12 hour a week just in the winter month's position. Ms. Gilligan asked if he was suggesting a 36 hours a week person for six months and a 12 hours a week just for the winter months. Mr. DiGregorio stated 12 hours a week year round. Mr. Sires stated he doesn't necessarily support the person in the winter and he wouldn't support the additional 12 hours a week in the summer. **The motion carried with Ms. Sand voting in the negative (4-1-0).**

Health, Welfare, Parks and Recreation, Library, Patriotic Purpose, Conservation, Debt Principal, Debt Interest and Int on Tans – **Mr. Thibodeau moved, seconded by Ms. Sand, to approve the budgets for Health, Welfare, Parks and Recreation, Library, Patriotic Purpose, Conservation, Debt Principal, Debt Interest and Int on Tans as presented.** Ms. Seavey asked if the increase in Patriotic Purpose was for the 250th year celebration. Mr. Sires answered in the affirmative. **The motion carried unanimously (5-0-0).**

Police – Ms. Seavey stated she would like to change her vote regarding the Police budget. **Ms. Seavey moved, seconded by Mr. Thibodeau, to reconsider the Police Line item of \$3,612,899.** The motion carried with Ms. Sand voting in the negative.

Mr. Thibodeau moved, seconded by Ms. Sand, to approve the Police budget at \$3,612,899. The motion carried with Ms. Seavey and Mr. DiGregorio voting in the negative. (3-2-0).

Overall Budget – **Mr. DiGregorio moved, seconded by Mr. Thibodeau, to approve the budget of \$10,355,206.** The motion carried unanimously (5-0-0). Ms. Gilligan stated that the \$1 added to the cemeteries was not added into the overall budget. **Mr. DiGregorio moved, seconded by Mr. Thibodeau, to approval the budget of \$10,355,207.** The motion unanimously carried (5-0-0). Ms. Gilligan submitted an updated summary budget reflecting all votes taken

APPOINTMENT OF NORTH COUNTRY COUNCIL TRANSPORTATION ADVISORY COMMITTEE REPRESENTATIVE

Mr. Sires stated we are not a member; they rank and recommend approval of grants for projects and prepare and forward the Regional Transportation Plan. Mr. Sires stated up until this point because we were not members we did not have a voting seat. Mr. Sires stated we brought this to their attention; they looked at the issue and amended their bylaws to allow non-members to have a representative at the table that can vote. Mr. DiGregorio stated this is a good thing to be involved in.

Ms. Sand moved, seconded by Mr. Thibodeau, to appoint Mr. Sires as the representative to the Transportation Advisory Committee and appoint Mr. DiGregorio as an alternate. The motion carried unanimously (5-0-0).

REVIEW OF RECEIPTS

Monthly receipts were available for the Board's review.

SIGNING OF DOCUMENTS

- a. Abatement Tax Map/Lot 254-29.161
- b. Certification of Yield Taxes Assessed Tax Map/Lot 204-4
- c. Certification of Yield Taxes Assessed Tax Map/Lot 205-12
- d. Timber Tax Levy Tax Map/Lot 204-4
- e. Timber Tax Levy Tax Map/Lot 205-12

Ms. Sand moved, seconded by Mr. Thibodeau, to sign the Abatement for Tax Map/Lot 254-29.161, Certification of Yield Taxes Assessed Tax Map/Lot 204-4, Certification of Yield Taxes Assessed Tax Map/Lot 205-12, Timber Tax Levy Tax Map/Lot 204-4, and Timber Tax Levy Tax Map/Lot 205-12. The motion carried unanimously (5-0-0).

CONSIDERATION OF BILLS

a. Manifest dated 12/18/14

Ms. Sand moved, seconded by Mr. Thibodeau, to approve the Manifest dated 12/18/14. The motion carried.

CONSIDERATION OF MINUTES

12/2/14 and 12/9/14 - Ms. Sand moved, seconded by Ms. Seavey, to approve the minutes of 12/2/14 and 12/9/14 as written. The motion carried unanimously.

TOWN MANAGER REPORT

Mr. Sires stated that we have found a theater curtain dated 1932 in the attic. Mr. Sires stated representatives of the Historical Society have seen it and are excited about it. Mr. Sires stated they would like to have it on display at the Historical Society or at Salyard's on a semi-permanent to permanent loan. Ms. Seavey stated she would be interested where it would be stored and/or displayed. Mr. Sires stated they would like it to be part of White Mountain Art Exhibit. The Board wanted more information from the Historical Society on their plans for it.

Mr. Sires stated we typically have an agreement with the Mount Washington Valley Ski Touring Foundation, but there was discussion at a meeting that people have fat bikes, which the association is okay with, but working out the guidelines in regards to them and need to discuss it with the Conway Conservation Commission.

Mr. Sires stated he will be attending the Budget Committee meeting tomorrow night; archiving proposals are due tomorrow, he met with PSNH regarding solar projects and how that would work, and he met with people from the Courts to discuss maintenance issues and they will be participating in the paving project next year.

BOARD REPORTS AND COMMENTS

Mr. Thibodeau stated the Airport Authority has not met. Mr. Thibodeau stated the Planning Board met last Thursday and reviewed a project by Settlers' Green on the former L.L. Bean and the former Timberland properties. Mr. Thibodeau stated it is going to be a real nice addition to the Town. Mr. Thibodeau stated he also wanted to make sure a discussion regarding a noise ordinance gets added to the agenda.

Ms. Sand stated she continues to work on the Healthcare Committee; hope to get information out before Christmas in time for the January meeting. Ms. Sand stated she will not be attending Budget Committee Meeting.

Ms. Seavey stated the Economic Council has not met.

Mr. DiGregorio stated that he had nothing to report.

Mr. Weathers stated he received a letter from NHDOT regarding our request for a commemorative plate, which was approved, but reminded that they are not to go on until the first of the year and must be removed on December 31, 2015.

PUBLIC COMMENTS AND MEDIA QUESTIONS

There were no public comments or media questions.

ADJOURN

At 7:06 pm the meeting adjourned at the call of the Chair.

Respectfully submitted,

Holly Meserve
Acting Recording Secretary