

Minutes of Meeting
CONWAY BOARD OF SELECTMEN
February 28, 2017

The Selectmen's Meeting convened at 4:03 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen, C. David Weathers, Mary Carey Seavey, Carl Thibodeau, John Colbath, and Steven Porter; Town Manager, Earl Sires, and Executive Secretary, Karen Hallowell.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Chairman Weathers advised that agenda item 5 regarding the Budget has been canceled. **Mr. Colbath moved, seconded by Mr. Porter, to approve the agenda as amended. The motion carried unanimously.**

DISCUSSION OF MAIN STREET PROJECT

Public Works Director, Paul DegliAngeli, joined the meeting.

The Board and Mr. DegliAngeli reviewed a letter from the NHDOT regarding the Main Street project. (Copy attached). Mr. DegliAngeli briefly discussed costs regarding the project. The Board agreed that Mr. DegliAngeli should send a letter back to the NHDOT for clarification on finances for the project. **Mr. Thibodeau moved, seconded by Mr. Colbath, to send a letter back to the NHDOT for clarification on finances. Th motion carried unanimously.**

BUDGET DISCUSSION

This agenda item was canceled.

CONSIDERATION OF AMBULANCE AGREEMENTS

Mr. Sires reviewed there are two proposed warrant articles regarding ambulance that will be discussed at the upcoming deliberative session of town meeting. Mr. Sires next reviewed that we have met with both providers, CVFD and Care Plus, to go over the contracts. Mr. Sires next that copies of the proposed contracts are in the Board of Selectmen agenda packet and that a few corrections have been made to same. Mr. Sires next advised that they also talked about a variety of things including reponse time and back up involving Care Plus. We have been assured via a letter today from Care Pluc that they will provide a back up ambulance according to the agreement. Mr. Sires next suggested that under Section L that we also add language that this is contingent on voter approval at the 2017 Annual Town Meeting. There was brief discussion by the Board. **Ms. Seavey moved, seconded by Mr. Porter, to approve both documents as amended. The motion carried 4-0-1 with Mr. Weathers abstaining.**

REVIEW OF RECEIPTS

Receipts were available for the Board's review.

SIGNING OF DOCUMENTS

a. Abatement Tax Map/Lot 219-245

- b. Quitclaim Deed for Lot Line Adjustment with NCCC (Corrected copy)
- c. Selectmen's Deed Tax Map/Lot 263-49

Mr. Colbath moved, seconded by Ms. Seavey, to sign the Abatement for Tax Map/Lot 219-245; Quitclaim Deed for Lot Line Adjustment with North Conway Community Center (corrected copy); and Selectmen's Deed for Tax Map/Lot 263-49. Ms. Seavey asked about the abatement for Tax Map/Lot 219-245. Mr. Holmes explained it was being taxed as a condo unit and they are a time share not condo units. **The motion carried unanimously.**

CONSIDERATION OF BILLS

- a. Accounts Payable Manifest 3/1/17
- b. Payroll dated 3/1/17

Mr. Thibodeau moved, seconded by Mr. Colbath, to approve the Accounts Payable Manifest dated 3/1/17 and Payroll dated 3/1/17. The motion carried unanimously.

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

There were no documents signed out of session.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

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

CONSIDERATION OF MINUTES

Approval of minutes was carried to the next meeting.

TOWN MANAGER REPORT

Town Meeting – Mr. Sires stated we are preparing for Town Meeting which is scheduled for next Monday.

BOARD REPORTS AND COMMENTS

Planning Board – Mr. Porter reported the Planning Board met last week and held a public hearing Warrant Article 3. The Planning Board voted unanimously to recommend the article. Mr. Porter next reported the Planning Board also had a couple of boundary line adjustments to discuss.

Valley Vision – Ms. Seavey reported the Valley Vision board met recently and discussed programming.

Deliberative Meeting – Mr. Weathers reported there is a meeting scheduled this Friday afternoon to get ready for the Deliberative Portion of Town Meeting which is scheduled for Monday, March 6, 2017.

Conservation Commission – Mr. Weathers reported that there is a Conservation Commission meeting scheduled for next Wednesday night.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Daymond Steer of the Conway Daily Sun stated he has been asked about Lifestar ambulance. Also, if one of the contracts fail at town meeting and the private sector kicks in

somehow –have we reached out to Lifestar in light of the fact that the Budget Committee didn't support one of the contracts. Mr. Sires responded in the negative.

Mr. Steer next asked about the Main Street project discussed earlier. Mr. Weathers stated we need to know what our 12% will be. Also, the project will be at least two years. Mr. Steer asked about a starting date. Mr. Colbath reviewed that the way he read the letter - Washington Street to Pleasant Street will be in 2018 but taking on redoing the signals, etc., will be in 2019.

Mr. Steer next asked about this Friday's meeting. Mr. Weather explained it is meeting to prepare for the deliberative session.

At 4:22 pm, Mr. Weathers called for a brief recess of the meeting. Mr. Weathers reconvened the meeting at 4:28 pm.

REVIEW OF TOWN ATTORNEY OPINION ON BUDGET COMMITTEE RECOMMENDATION FOR WARRANT ARTICLES

Town Attorney, Peter Malia, appeared before the Board. Also present was Rob Barsamian of Settler's Green.

Mr. Sires reviewed that it has been the town's practice over the last 10-12 years that the Budget Committee provides recommendations on Warrant Articles that have a budget impact. We have interpreted that as anything that might have a budget impact or savings. There were a number of articles that the Budget Committee voted on this year, both articles appropriating money and articles with financial implications but not appropriating money. The Budget Committee voted on a recommendation for the article regarding McMillan Way and they did not support the warrant article. Mr. Barsamian and his attorney took issue with that and provided an opinion to the town and said that the Budget Committee can only vote on articles with appropriations. Mr. Sires next advised that this information has been reviewed by the town attorney, Peter Malia, and also the Budget Committee Chair, Joe Mosca. The Budget Committee Chair did not agree and asked for Attorney Malia's opinion and we have also received an opinion from the NHMA. The question is can they vote to recommend or not and are they restricted to articles with appropriations.

Attorney Malia stated that he received a call from Attorney, Derek Lick, who is the attorney for Rob Barsamian and he was surprised that the Budget Committee took a position on the McMillan Way article. He also wrote an opinion letter. Attorney Malia next stated that Mr. Mosca asked that he review the letter from Attorney Lick and he did and agrees with Attorney Lick's letter. Attorney Malia next stated that he also spoke with Michele Clark at the NH DRA regarding this matter. The Budget Committee does not have authority to take a position on non appropriation articles. Attorney Malia next advised that Planning Director, Tom Irving, also reached out to the NHMA as did he and an email was received back stating that the Budget Committee does not have authority to put recommendations on articles that do not have appropriations.

Attorney Malia next advised that the Budget Committee also took positions on other articles that did not have appropriations. Attorney Malia suggested that this may be something for our legislators want to look at in the future.

Mr. Thibodeau pointed out that the 2017 Warrant has been posted and questioned where we go from here. There was a discussion by the Board and Attorney Malia. There was also discussion about removing the recommendations before the ballots are printed. There was next discussion as to how this should be handled at the deliberative session of town

meeting. Attorney Malia stated that he can speak with the Moderator regarding this matter and see if the recommendations on the articles that the Budget Committee should not make recommendations on, should not be read at town meeting. **Mr. Porter moved, seconded by Mr. Thibodeau, that the Board of Selectmen would present and post a warrant according to state law as recommended by the town attorney which would only include recommendations by the Budget Committee for appropriation articles only.** There was further brief discussion about town meeting and leaving this up to the Moderator. It was also pointed out that the warrant has been posted already. **Mr. Porter amended the motion, seconded by Mr. Thibodeau, that the Board of Selectmen would present and post a warrant and ballot according to state law as recommended by the town attorney which would only include recommendations by the Budget Committee for appropriation articles only.** Attorney Malia stated that he will be meeting with the Moderator on Friday and will go over this matter. **Motion carried unanimously.**

There were no comments from the public on this matter.

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

The non public session was canceled.

NON PUBLIC SESSION / NH RSA 91-A:3.II (d) - REAL ESTATE MATTERS

At 4:42 pm, **Mr. Porter moved, seconded by Mr. Colbath, to go into non public session under NH RSA 91-AL3,II (d) to discuss a real estate matter. The motion carried by unanimous roll call vote.**

At 5:00 pm, the Board returned to public session. **Mr. Colbath moved, seconded by Mr. Thibodeau, to seal the minutes of this non public session. The motion carried unanimously.**

TAX DEED PROPERTY

Mr. Colbath moved, seconded by Mr. Thibodeau, to sell Map/Lot 275-18.118 and authorize the Town Manager to act as the agent on behalf of the Board of Selectmen. The motion carried unanimously.

ADJOURN

At 5:05 pm, **Mr. Thibodeau moved, seconded by Mr. Colbath, to adjourn the meeting. The motion carried unanimously.**

Respectfully submitted,

Karen J Hallowell
Executive Secretary