

Minutes of Meeting
CONWAY BOARD OF SELECTMEN
October 30, 2012

The Selectmen's Meeting convened at 4:15 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 due to another commitment.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Mr. Weathers advised that under the agenda item Consideration of Unanticipated Revenue that the funds were being returned and, also, under the agenda item Signing of Documents we will be moving the Manifest of 10/25/12 to Ratification of Documents Signed Out of Session. **Mr. Dickinson moved, seconded by Ms. Sand, to approve the agenda. The motion carried 5-0-0.**

CONSIDERATION OF UNANTICIPATED REVENUE LESS THAN \$5,000/RSA 31:95-B. III (B):

a. \$150 from the Center Conway Fire Department to the Conway Recreation Dept - It was advised that the \$150 donation to the Conway Recreation Department from the Center Conway Fire Department would be returned. The \$150 was donated for Halloween supplies. Due to Hurricane Sandy the Conway Recreation Department's Halloween party was canceled this year.

SNOWMOBILE TRAILS – COLIN PREECE

Colin Preece of the Mountain Meadow Riders joined the meeting. Mr. Preece advised the snowmobile club currently plows from Nichol's field to the High School. When they do the work and trim trees, etc, there is a problem in one area where there are two trees with limbs that hang over and it makes it difficult to maneuver around the trees. Mr. Preece stated he would like to know if he can go behind the trees instead. Mr. Preece distributed a hand sketch of the area and reviewed same. (Copy attached). Mr. Preece further explained he wants to take two of the smaller trees out and some brush pines and cut them flush to the ground. Mr. Weathers asked about the location of the trees. Mr. Preece explained it is about half way from the bridge over Route 302 to the turn heading to Lamplighters. Mr. DiGregorio questioned who owned the land. Mr. Preece stated he thinks it is the Kennett Corporation. Mr. Sires agreed but added that there is a deeded easement to the town for the recreation trail. Mr. DiGregorio questioned if we start veering off in another direction, does this change what we are doing under the agreement. Mr. Sires stated that if he took the two larger trees instead, they could just go straight through on the trail. Mr. Preece stated they could do this but they are trying to protect the integrity of the larger trees. Mr. Preece stated that he would prefer to go around the big trees. Mr. DiGregorio stated he would like to know if we are allowed to do this under the agreement. Mr. Sires advised he would check and advise. Also, his recollection is that we can do maintenance but he is not sure of the width or if we can veer outside of the easement. Mr.

Sires advised that we can check with the landowner. There was further brief discussion. **Ms. Sand moved, seconded by Mr. Dickinson, to do whatever maintenance is allowed under the existing easements.** Ms. Sand further stated that if the easement allows then we allow the snowmobile club to take the trees down as requested. The Board agreed. **The motion carried 4-0-0.** Mr. Sires advised that he would let Mr. Preece know.

GREATBRIDGE PROPERTIES

Chris Davies of Greatbridge Properties and Ed Poliquin joined the meeting.

a. Update on Conway Pines – Mr. Davies reported that this project has gone well and came in on time and within budget. Mr. Davies further advised that they have had more than 200 applicants for 34 apartments. Mr. Davies advised that he asked the apartment manager about the applicants and they advised that the applicants work in retail, hospitals, and manufacturing locally. There are a lot of young people living there and they are out there working. Most of the folks were already here in Conway and were doubled up and living with others and so there hasn't really been a population change. 75% of the people were Conway residents. Mr. Davies next advised that they also have less than one child per unit living at the units with a handful of them being school age and the bulk of the children being ages 1-5 and so it has little impact to the school.

Mr. Davies next advised that they will be having an Open House on November 30, 2012 and he would like to see the Board of Selectmen there.

Mr. DiGregorio asked if this is the Conway Pines project and is this what we are calling workforce housing. Mr. Davies responded in the affirmative. Mr. DiGregorio stated he is glad to hear the statistics but he would also like to know if there are also people living in the units on disability, etc. Mr. Davies advised they are taking time with the applications and, also, by law they have to have handicap units. Mr. DiGregorio next stated that the intent of building this project was workforce housing and questioned if, going forward, this is what it is going to be. Mr. Davies stated that this was the intent. Mr. DiGregorio next questioned if they will be bringing people in from out of town who are on welfare. Mr. Davies advised that the intent is to have people who are working but they are also looking for a mix of people. Also, he doesn't get involved in renting the units nor does he get involved with individual cases. They all go through a process. Also, more than ¾ of the people in the units are already from this community. Mr. DiGregorio stated that he just wanted to make sure that the intent is being followed.

Mr. DiGregorio next stated that he wants to know if they are bringing people on welfare from other towns. Mr. Davies advised that he can ask about this on a general policy level but he can't ask about specific cases. He is not aware of this happening but he can check the statistics. There was further brief discussion. Mr. Davies advised that he will get the answers to Mr. DiGregorio's questions and will pass the information on to Mr. Sires.

b. Request for support for CDBG for Conway Senior Housing - Mr. Davies reviewed a news article with statistics on the senior population in New Hampshire with the Board. Mr. Davies next advised they have a lot of interest here and there seems to be a need in this community for affordable senior housing. He is working again with Ed Poliquin with regard to land. Mr. Davies next presented a drawing of the location of a 4 acre parcel for a 36 unit senior housing project and reviewed same with the Board. Mr. Davies next presented a drawing of a proposed building and reviewed same with the Board. Mr. Davies advised they will be mostly one bedroom apartments and that the building would be as green a building as they can make. There will also be a walking trail around the building. Mr. Davies further advised that they have

also talked to the bus company to put in a bus stop as well. Mr. Davies next stated that he feels this a viable project for this community.

Mr. DiGregorio asked about the age requirement for the units. Mr. Davies advised it is for 62 and over; however, he would like to ask that this be changed so that the occupants could be aged 55 and over. Right now the financing they applied for, but did not get, requires everyone to be 62 and up.

Mr. Davies next stated that he feels this project would be an asset to the community and he would like to do the project and needs help. They have applied to NH Housing but did not receive funding. They applied for funding but did not make the cut. One point of the application for funding was to bring in other financing as this would give them significantly more scoring points if they bring in CDBG funding. Mr. Davies next advised that this would be senior housing that is affordable and will be so in perpetuity.

Mr. Davies next stated he would like to see if this Board would be interested in sponsoring an application for CDBG funds. Mr. Davies advised this has been done before in the Town of Jaffrey and the Town of Jaffrey has put out a DVD with the benefits of the project. He would like the Board of Selectmen to see the DVD to get a better sense of how this all works. The Town of Jaffrey used CDBG and it worked extremely well.

Mr. Davies next reiterated that he is here to ask for support. Mr. Sires asked how much he is looking for and how would the funds be used. Mr. Davies advised site work, etc, and he feels we could use all \$500,000 for this project. Mr. Sires questioned the entire value of the project. Mr. Davies advised it is in the \$5,000,000 range but with acquisition, architecture, etc, it is more in the \$7,000,000 range.

Mr. Davies asked if there is any interest in sponsoring this project. Ms. Sand questioned if there is a timeline on this matter. Mr. Davies advised that applications are due to CDBG in January. Mr. Weathers questioned if the Board would like to take this matter under advisement and get further information. The Board agreed.

c. Discussion of crosswalk at Poliquin Drive to Shopping Center – Mr. Poliquin advised that there is a person in his development who keeps bringing up the issue of a crosswalk. Mr. Davies advised he did meet with the NHDOT regarding this matter and they advised that the only way this can happen is if the Board of Selectmen lower the speed limit at this location and then they would be willing to work with people regarding this matter and also share the costs. There was brief discussion by the Board of Selectmen. Mr. Davies stated that he would like to see the speed limit lowered from 40 mph to 35 mph. Mr. DiGregorio stated he feels that the state has already closed this issue and that they are not interested in the crosswalk. There was further brief discussion by the Board. No action was taken.

MOTION ON THE TABLE REGARDING LIGHTS (MUSTER ROAD LIGHT
POLE #32-A AND THE HILLSIDE AVENUE LIGHT POLE 32-12)

Hillside Avenue resident, Crawford Butler, joined the meeting.

The Board reviewed the motion on the table from 4/24/12 as follows: - **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 moved to take the Muster Road Light and Hillside Avenue light motion off the table. The motion to take the motion off the table **carried 4-0-0.**

Mr. Butler reviewed discussions from the meeting of the Board he attended last spring asking for Street lights to be turned back on and, also, reiterated his concerns regarding safety for residents, etc. Mr. DiGregorio advised that he took a ride through the area recently and besides the issue Mr. Butler brought up, he feels the Board of Selectmen should also look at lighting in general in that area. The policy was every other light; however, it does not appear to be so in this area. There are approximately 12 poles in that area that are not lit. Mr. DiGregorio stated he would like the Town to look at this area in general first before making a decision. Mr. Sires advised that we can bring the streetlight map to the Board and discuss same. Mr. DiGregorio next stated that he also noticed that there are some sharp corners in that area and he thought we were keeping lights there and at intersections. Mr. Sires advised that the Town kept lights on at intersections and crosswalks but it would be helpful to look at the map. Also, there are two lights in this area that are being paid for by residents. Mr. DiGregorio next stated that there is an intersection that is not lit in this area. He would like to review which lights should be on and off.

Mr. DiGregorio next questioned if this matter was put on the table in April to wait for budget season to make a decision. Mr. Sires responded in the affirmative.

Ms. Sand stated that she does not feel it is fair to say this neighborhood or that neighborhood and to require everyone to come forward if they want a light back on or not. Mr. DiGregorio stated he would like to see if we followed our specific guidelines. Ms. Sand stated we should make sure the plan that was set up is working. We should also come up with a budget of what it would cost to turn on all of the lights. We need to see this information before making a decision. Ms. Sand stated she doesn't think we should be picking and choosing if we turn certain lights back on. Mr. Weathers suggested doing a review of the area discussed today and other areas as well and then make a decision before budget season. There was further brief discussion. Mr. Weathers asked if the Board would like to act on the motion or retable it for a future meeting once we have additional information. The Board agreed they would like to retable the motion. **Mr. Dickinson moved, seconded by Mr. DiGregorio, to table the motion. The motion to table carried unanimously.**

DISCUSSION OF HOBBS STREET PROPERTY (KEARSARGE METALLURGIC SITE)

Public Works Director, Paul DegliAngeli, joined the meeting.

Mr. Sires briefly reviewed discussion held at the last meeting regarding the future of the Hobbs Street property. Mr. Sires further reviewed the Board discussed various options for the property including the sale of the property as is, the sale of the property as two lots, or to look at recombining and then subdividing the lots, etc. Mr. Sires next reviewed that in the meantime, we had a site tour of the property and, also, the Public Works Department crew has cleaned up the site for access and visibility.

With regard to the collapsed structure on one of the lots, Mr. Sires next advised that Mr. DegliAngeli has suggested going in and removing the steel and other materials as this would make it easier for people to get onto the site. Mr. Sires questioned how the Board would like to approach this matter. Mr. DiGregorio stated that he can't make a decision on how to sell the lots now as he feels that, first of all, it is a huge project to clean up the property. Mr. DiGregorio further stated that we probably have enough metal to cover expenses and he feels that by cleaning up the property it will increase the value for perspective buyers. He feels that, looking

at the property now, it is worth nothing as potential buyers would have to do a fair amount of work to the lot.

Mr. DegliAngeli stated that all seem to agree that it is difficult to view the property with the collapsed building. If the Board chooses to recycle material we would rent an excavator which we probably wouldn't have for more than two weeks. The plan would be to separate the materials into two piles and some we would retain and the rest we would auction off. There would also be construction debris and this would have no value and we would have to haul this off. Lastly, there would be masonry and this we would haul off to our pit and eventually crush. If we are going to do this, we would want to do the work before Thanksgiving. Mr. DegliAngeli next advised that prior to doing this we should have it tested for lead and asbestos. Mr. Weathers questioned if we do this work if we would have a clean slab and Mr. DegliAngeli responded in the affirmative. Mr. DegliAngeli next commented that a next step could be to take up the slab but he is not proposing to do this at this time. Mr. DiGregorio questioned if they are proposing to take down the building that is still standing. Mr. DegliAngeli responded in the negative. Mr. Sires questioned if we can do the lead test in house. Mr. DegliAngeli responded in the affirmative and added that the asbestos test we would have to send out. Ms. Sand stated that she feels it will make the lots more sellable if the work is done and we could get this back on the tax rolls. Further, she feels we should also sell the pumps, tanks, etc. Anything that is part of the treatment area could be sold. **Ms. Sand moved, seconded by Mr. Dickinson, to direct staff to remove the collapsed building and the equipment inside the treatment building and to sell the salvageable equipment from the treatment building.** There was brief discussion by the Board. It was agreed the Board would hold off on a decision about how to sell the property until after the work at the site has been done. Mr. Sires added that we also have to speak to Attorney Malia and the EPA regarding the windfall, taxes, etc. **The motion carried unanimously.**

WINTER SIDEWALK MAINTENANCE

Mr. DegliAngeli reviewed that he was asked at a previous meeting to get a price breakdown and bring same back to this Board. Mr. DegliAngeli reviewed that the cost for the sidewalk on the east side of Route 16 would be \$12,365. Currently the sidewalk contract costs us \$33,000 for the winter of 2012-2013 and for this winter we budgeted for this but if we want to add the east side the strip there will be additional costs. Also, they would have to use a snowblower as it can't be plowed and the snowblowing rate is higher than the plowing rate. Mr. DiGregorio asked about the area in front of Red Jacket. Mr. DegliAngeli advised this is a 150 foot area. Mr. DiGregorio stated there is no sidewalk and questioned if this would allow us not to take care of this area. Mr. DegliAngeli stated he is not sure legally about the 150 foot strip. Mr. DegliAngeli next advised that for the area from Route 16 to Home Depot the cost would be \$240, from the intersection of Barnes and MacMillan along MacMillan Road to Settlers Green would be \$450, on the North-South Road from Settlers Green to the Roundabout is \$524, from the Roundabout to Route 302 would be \$640 and, for the portion of Seavey Street the cost would be \$885. The total for all of the additional sidewalks is \$15,123. Mr. DegliAngeli next advised that we will also have an increase in the pick up of snow. Snow pick up costs run between \$3,000 to \$7,000 and so we would have to put an additional \$10,000 into the budget for snow pick up.

Ms. Sand questioned if we can put the additional sidewalks out separately in a warrant article for the public to vote on this issue as this is about access. Mr. Sires stated the Board could do that if they choose; however, at the last discussion of this matter we discussed this as a budgetary issue and a legal issue as this has come out of the courts. Mr. Sires stated it is the Selectmen's role to determine if it is a legal issue or not and then there is a price tag. Mr.

Weathers stated this question could also be asked at the Deliberative Portion of Town Meeting if the amount is in the budget. Mr. DiGregorio stated it is always difficult to add to the budget but he believes the Board of Selectmen should make a decision on this matter. What bothers him about separating this out of the budget is that you could make the same argument for everything in the budget and separate out any line item. Our responsibility is to make the tough decision of if we are going to follow the law or not. The law says we must do this. Mr. DiGregorio next stated that he feels that we should not add any more new sidewalks in the town.

Mr. DegliAngeli next reviewed that we currently pay \$33,000 for our contract. We could also look at acquiring our own equipment to do the sidewalks. To do this we would have to look at equipment, manpower, staffing, etc. We had looked at this before and it came in under the \$30,000 mark. Ms. Sand questioned if part time employees then become full time employees and does this amount include health insurance. Mr. DegliAngeli responded in the affirmative. Mr. Sires stated that we could take another look at this further and also we could have this person available for other work as well. There was further discussion by the Board as to the law, the current plowing contract, doing the work in house, etc. Ms. Sand questioned if we could get another contract separately for the additional sidewalks. Mr. Weathers questioned what we can do if we don't agree with our current contractor's figures. Mr. DiGregorio questioned what if we were only willing to pay a certain amount to the contractor. Mr. Sires suggested that this matter be brought back for discussion in two weeks and that staff will bring back finer numbers to do the work in house and other further information. All agreed.

DISCUSSION OF CHARTER AMENDMENT PROCESS

Mr. Sires advised this agenda item is being brought back to the Board at the request of Mr. Dickinson subsequent to the discussions with Cordell Johnston of the LGC a few weeks ago.

Mr. Dickinson moved, seconded by Mr. DiGregorio, that we proceed with the proposed updates to the Town Charter as presented by the Town Attorney and that we not form a Charter Commission at this time to consider revisions to the current form of government. Ms. Sand questioned if Mr. Dickinson is speaking about the changes in the law and, also, that she thought we already voted to do this previously. Mr. Sires reviewed that the vote previously was to start the process. Mr. Weathers asked if this is repetitive. Mr. Sires stated it is confirming the action and adding that we will not form a Charter Commission at this time. Mr. DiGregorio stated he felt that it is important to point out that the motion includes "at this time" with regard to forming a Charter Commission. Also, this has no effect on the precincts either with regard to joining in with the town as the Charter Commission is not needed to allow any precinct in the town to join in with the town. Mr. DiGregorio further added that he feels that the precincts are taking on more than they can handle in the future. Ms. Sand stated that she would like to see the motion separated as she feels this may be limiting other action if needed and asked Mr. Dickinson if he would make two motions instead. Mr. Dickinson agreed. **Mr. DiGregorio withdrew his second and Mr. Dickinson withdrew his motion.**

Mr. Dickinson moved that we proceed with the proposed updates to the Town Charter as presented by the Town Attorney in a memo dated 9/12/12. Ms. Sand stated that she also has concerns with some of the wording presented in the memo and the Town Attorney was supposed to get back to us in this regard. Ms. Sand questioned if wording could be added to the motion to state that we approve of this after getting the wording from the attorney as the attorney had said it was a rough draft. There was brief discussion. Mr. DiGregorio stated he agreed but thinks we should table the motion until we get the final

revisions from the Town Attorney. All agreed. **Mr. DiGregorio moved, seconded by Ms. Sand, to table the motion. The motion to table carried unanimously.**

Mr. Dickinson moved, seconded by Mr. DiGregorio, that we not form a Charter Commission at this time to consider revisions to the current form of government for the Town of Conway. The motion carried unanimously.

APPROVAL OF ORDER TO CEASE AND DESIST / RE: WALTER AND LINDA
FULLERTON TAX MAP/LOT 251-64, 112 E ROAD, CONWAY, NH

Mr. Sires reviewed the Town has sent several notices to the property owners, Walter and Linda Fullerton, to remove a slab and canopy of their property. This property was under water again after the recent storm. Mr. Sires next reviewed a proposed Order to Cease and Desist to the Fullerton's for their property located at 112 E Road, Conway, NH, Tax Map/Lot 261-64. Mr. Sires further advised that he would also like to amend the second paragraph of the proposed Order to insert the date of November 30, 2012. Mr. Sires explained if the Order is signed and the property owner has not accomplished the action or responded with an Answer to the court, then corrective action can be taken by the town. Our costs would become a lien on the property. There was a brief discussion by the Board. **Ms. Sand moved, seconded by Mr. Weathers, that we sign the Order to Cease and Desist for the property located at 112 E Road, Conway, NH, Tax Map/Lot 251-64. The motion carried unanimously.**

Mr. Sires next noted that the entire area in Transvale where these camps are located is flooded due to the recent storm. Further, we did not get any calls for assistance in this area during the flooding.

SCHEDULE FOR BOARD OF SELECTMEN FOR ELECTION DAY

Mr. Weathers reviewed that voting will be held at Kennett High School on November 6, 2012. The town is getting information out to the public regarding the polling location.

Mr. Weathers next reviewed that the Board needs to schedule time to be at the polls. Mr. Weathers advised that he will not be able to be there as he will be having surgery. Mr. DiGregorio advised that he can be at the polls from 4:00 p.m. to close. Mr. Dickinson advised that he spoke with Mary Seavey who advised she can be at the polls at 8:00 a.m. Mr. Dickinson further advised that he will also be at the polls when he can that day. Ms. Sand advised that she is available anytime but would take the noon to 4:00 p.m. shift, but she can be there longer if necessary.

SIGNING OF DOCUMENTS

- a. Certification of Yield Taxes Assessed Map/Lot 297-3
- b. Current Use Land Use Change Tax Collector's Warrant 272-5.2
- c. Land Use Change Tax Map/Lot 230-87
- d. Land Use Change Tax Map/Lot 272-5.2
- e. Notice of Intent to Cut Wood or Timber Map/Lot 280-60
- f. Yield Tax Levy Map/Lot 297-3

Mr. Dickinson moved, second by Ms. Sand, to sign the Certification of Yield Taxes Assessed for Map/Lot 297-3, Current Use Land Use Change Tax Collectors Warrant for Map/Lot 275-5.2, Land Use Change Tax for Map/Lot 230-87, Land Use Change Tax for

Map/Lot 272-5.2, Notice of Intent to Cut Wood or Timber for Map/Lot 280-60, and the Yield Tax Levy for Map/Lot 297-3. The motion carried unanimously.

CONSIDERATION OF BILLS

- a. Manifest dated 11/01/12
- b. Payroll dated 11/1/12

Ms. Sand moved, second by Mr. DiGregorio, to approve the Manifest dated 11/1/12 and the Payroll dated 11/1/12. The motion carried unanimously.

RATIFICATION OF DOCUMENT(S) SIGNED OUT OF SESSION

- a. Manifest dated 10/25/12

Ms. Sand moved, seconded by Mr. DiGregorio, to ratify the manifest dated 10/25/12. The motion carried unanimously.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

There were no Special Event Applications to consider.

CONSIDERATION OF MINUTES

10/16/12 – Ms. Sand advised of two changes. Page 4, second paragraph, line 3, where it states "...the south side of the North-South Road...", it should be changed to read "...the north side of the North-South Road...". Also, on page 8, under Ratification of Documents, she did not second the motion to ratify the manifest and payroll of 10/4/12. It was agreed by the Board that the Recording Secretary would check the notes on this motion. It was agreed to bring the consideration of the minutes of 10/16/12 back to the next meeting.

TOWN MANAGER REPORT

CDBG – Mr. Sires reported the Town received notice of the 25% matching grant funds from CDBG and now we are waiting for FEMA funds. Also, FEMA has notified the Town that we can also apply for a second round of buyouts.

Voting – Mr. Sires reported that voting will be at Kennett High School on November 6, 2012.

Health Insurance – Mr. Sires reported that we have a two year agreement with the Union that can be reopened if needed for health insurance discussions. Mr. Sires next advised that health insurance is going up 4.5%. Mr. Sires next stated that unless the Board says otherwise, we will not reopen the contract this year for the union employees. Also, the non union employees have the same insurance.

Tax Rate – Mr. Sires reported the DRA is still waiting for information from one of the precincts to set the tax rate. Also, the DRA is understaffed and having trouble getting the tax rate set and this means the Town will not get a rate until mid November making tax bills due mid December.

BOARD REPORTS AND COMMENTS

Lower Mount Washington Valley Solid Waste District – Ms. Sand reported that the Lower Mount Washington Valley Solid Waste District will be meeting this Friday, November 1, 2012 at 9:00 a.m.

Charter – Mr. Dickinson thanked the Board for handling the issue of the Charter and for tabling the first motion. He feels it makes sense to wait to hear from Attorney Malia on this matter.

Valley Vision – Mr. DiGregorio reported that the Valley Vision Board of Directors held a meeting and that things are going pretty well. They announced that revenues from sponsorships went up and it was felt this may be due to live broadcasting.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Erik Eisele from the Conway Daily Sun stated that he assumes the Board of Selectmen encourages everyone to vote next week. The Board agreed.

ADJOURN

At 6:25 pm the meeting adjourned at the call of the Chair.

Respectfully submitted,

Karen J Hallowell
Executive Secretary