

**Minutes of Meeting  
CONWAY BOARD OF SELECTMEN**

May 17, 2005

The Selectmen's Meeting convened at 4:07 p.m. in the meeting room of Conway Town Hall with the following present: Selectmen Larry Martin (Chair), Karen Umberger, Gary Webster, and Mark Hounsell; Town Manager, Earl W. Sires; and Recording Secretary, Karen Hallowell. Selectman, David Weathers, was not in attendance.

PLEDGE OF ALLEGIANCE

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

SIGNING OF DOCUMENTS

The Board reviewed and signed documents contained in the signature folder.

APPROVAL OF BILLS

The Board reviewed and approved the manifest dated 5/19/05.

APPROVAL OF MINUTES

Consideration of the minutes of 4/26/05 and 5/3/05 was carried to the next meeting.

APPOINTMENT TO CONSERVATION COMMISSION

The Board reviewed a memo from the Conservation Commission recommending the appointment of Linda Kearney as an alternate for one year. **Mr. Webster moved, seconded by Ms. Umberger, to appoint Linda Kearney as an alternate to the Conservation Commission for one year. The motion carried 4-0-0.**

OLD MILL ESTATES ROAD DISCUSSION

Several residents of Old Mill Estates were present for discussion. Also present were Ed Poliquin and Grafton Carrier.

Mr. Sires first reviewed that the petitioned warrant article that appeared on the 2005 Ballot asking voters to accept Adams Circle and Sands Circle in Old Mill Estates as town roads failed. Residents are here today to discuss this with the Board.

Resident, Philip Spurr, stated that it was a disappointment that the article failed as the road was built to town standards. Mr. Spurr pointed out that there are 28 houses in the development that generate tax income. Further, he feels that the article should have shown that the roads are up to town standard and that would have helped it to pass. Mr. Spurr next referred to NH RSA 231 and reviewed same with the Board. Mr. Sires reviewed that there was discussion during the town meeting process that the roads met town standards. Mr. Sires further pointed out the warrant article appeared on the ballot as submitted by the petitioners. Mr. DegliAngeli reviewed town standards

regarding roads and explained it does not necessarily mean that roads are automatically accepted because they are built to the standard. The standards are put in place to make sure certain geometries are in place, for safety purposes, etc. Mr. DegliAngeli next referred to the statute that Mr. Spurr relied upon and explained that this only applies if authority was given to the Board of Selectmen by the legislative body. Mr. DegliAngeli further advised that the Board of Selectmen asked for this authority in the late 1990's and were turned down by the voters and the voters maintained the authority over accepting roads.

Mark Wagstaff stated that it is his understanding that when an article has no money attached this is why you won't see a recommendation by the Selectmen or Budget Committee on the warrant. Mr. Wagstaff questioned if there is any statute that would allow for the Public Works Director to put a recommendation on the article. Mr. Sires advised that he is not aware of any statute and, further, it would not be a good idea for staff to get involved with political decisions. Mr. Sires also advised that there is legislation currently proposed that may allow the Board of Selectmen to make recommendations on warrant articles with financial impact and, if the law passes, the Board may have the authority next year to recommend or not recommend.

There was next discussion concerning Old Mill Estates residents putting forward another petitioned warrant article next year. It was suggested that they may want to consider putting language in the article that the road was built to town standards. Mr. Wagstaff questioned if this could be put on the Warrant as a Selectmen's article. Mr. Sires stated he believes that it could if they agree to same. Ms. Umberger pointed out that historically the town has received petitioned articles for roads.

Mr. Poliquin stated that he feels that somehow in the process it seems that the Board of Selectmen have lost the power to be able to do what they need to do and questioned how we can get this authority back to the Board. Mr. Sires stated that any citizen of the town who is a registered voter can put forward a petition asking to give the authority to the Board of Selectmen to accept roads.

Mr. Martin asked for any further comments from the public. There were none.

#### PUBLIC WORKS UPDATE

Mr. DegliAngeli distributed a list of roads that are being paved to the Board and reviewed same.

#### FRYEBURG WATER COMPANY MATTER

Mr. DegliAngeli reviewed that a hearing was held on April 1, 2005 at the NH Public Utilities Commission (PUC) regarding the Fryeburg Water Company situation in East Conway. Mr. DegliAngeli reported that, to date, the Town has not received a decision in this matter. Mr. DegliAngeli suggested that if we do not hear from the PUC by next week that it may be appropriate for the Board to send a letter asking when a decision can be expected. There was brief discussion. **Mr. Webster moved, seconded by Ms. Umberger, to draft another letter to send to the PUC for the Board's review.** There was a brief discussion as to how the letter should be worded. **The motion carried 4-0-0.**

### POLICE COMMISSION BUDGET

Police Commissioner, Robert Porter, and Police Chief, Ed Wagner, joined the meeting.

There was discussion regarding the process of development, presentation, and administration of the police budget. There was also a discussion regarding the concept of the Police Commission possibly handling the police budget on their own separate from the Town budget. The Board agreed this idea should be explored to see if this could be done and, if so, if there are any ramifications to the idea. The Police Chief and Commissioner felt it was important that the Police Budget stay part of the Town's budget process. **Ms. Umberger moved, seconded by Mr. Webster, that Town Manager, Earl Sires, look into the implications of the Police Commission handling their own budget.** It was agreed that the entire process should be looked at. **The motion carried 4-0-0.**

### CONWAY PUBLIC LIBRARY

Library Trustee, Penny Deans, and Librarian, Margaret Marschner, joined the meeting to discuss the landscaping project at the library park.

Ms. Deans first apologized on behalf of the Library Trustees for not informing the Board of Selectmen of the donation for the landscaping project and for not notifying the Board before beginning work on the project. Ms. Deans next discussed the concern that with this landscaping project this park may become too much for the Parks and Recreation Department to take care of and thought could be given to putting the care of the park back in the library budget.

Ms. Deans next discussed the concern that this landscaping project was not in the warrant article. Ms. Deans explained that the money for this project was actually presented to the Friends of Conway Public Library who then presented it to the Library Trustees. Ms. Deans advised this could be turned back if there is a problem and she is here to discuss same with the Board. There was a discussion regarding the process for receiving the money. Ms. Deans advised that the Library Trustees will hold a public hearing to accept the funds.

There was next brief discussion regarding budgeting and planning for the future. It was acknowledged that for some time the park at the Library has been taken care of by the Town. There was discussion and it was agreed that since the Library has now doubled the size of the building and enhanced the park that discussion should be held in the future as to how the costs, expenses, care, etc are budgeted.

There was next brief discussion regarding communications between the Board of Selectmen and the Library Trustees and it was agreed that this Board needs to be kept apprised of what is going on at the Library. Mr. Sires advised that he and Ms. Marschner had a discussion today and agreed that the Ms. Marschner would attend Board of Selectmen meetings quarterly and provide a report.

Ms. Marschner next provided a brief review of things going on at the library. Ms. Marschner advised that plaques are still available for donors, the clock is being repaired, and they will be upgrading the circulation software. Ms. Marschner also reported on the

use of the meeting room at the library advising that it has been used for over 100 programs so far this year.

#### DISCUSSION OF SCHOOL SECURITY ISSUES AND FERPA

Mr. Hounsell reviewed information concerning the Family Educational Rights and Privacy Act (FERPA) with the Board. Mr. Hounsell stated that he does not feel that it should be the lawyers making the decisions on this issue between the School and the Town and that it should rest with the Boards of both. Mr. Hounsell next stated he thinks communication needs to take place and that this Board should move to ask the School Board to have an ad hoc committee to make recommendations on this issue. Mr. Hounsell reviewed a chart of the proposed makeup of the Committee. (See attached). Mr. Hounsell stated he feels this should be done to advance the level of communications. Ms. Umberger stated that she was under the impression that the school has decided that this information can come to the town. Mr. Hounsell advised that the school is going to have further discussions as to their options and if the school comes up with a policy for sharing information then this idea for a proposed committee would be moot. Mr. Hounsell further added that he feels his suggestion for this committee is a means to dialogue. Mr. Webster stated that he is not opposed to the concept of the proposed committee. He is not opposed to communication and would be open to a dialogue or counterproposal from the school board regarding this issue. Mr. Webster further stated that he would be comfortable if information was being exchanged at an appropriate level. Ms. Umberger suggested that someone from the Police Department also be part of the proposed committee. **Mr. Hounsell moved, seconded by Mr. Webster, that the Conway Board of Selectmen through its Chairman write a letter to the Conway School Board requesting its part in an ad hoc committee for the purpose of developing a recommendation to both Boards for the purpose of sharing information to both Boards and that the chart be made part of the letter. The motion carried 4-0-0.**

#### TOWN MANAGER GOALS

Mr. Martin reviewed that the Board had previously received copies of the Town Manager Goals for review and asked for questions or comments. There were none. **Mr. Webster moved, seconded by Ms. Umberger, to implement the goals with a review in 120 days, give or take. The motion carried 4-0-0.**

#### TOWN MANAGER REPORT

Pequawket Pond – Mr. Sires reported the NHDES has approved a request by the NHDOT to lower the level of Pequawket Pond to four feet. The reason for this is due to the NHDOT doing work on the western side of Pequawket Pond. The work being done by the NHDOT includes work on a gravel pit and work on mitigation land for the town where a canoe launch will be installed. The level on Pequawket Pond will be raised back up approximately the second week of June.

Policy for Naming Town Facilities – Mr. Sires distributed a draft policy for naming town facilities to the Board for review.

Projects on Planning Board Docket – Mr. Sires distributed a list of projects proposed and potential projects on the Planning Board's agenda and reviewed same briefly with the Board.

Summer Schedule – Mr. Sires reviewed that a proposed summer schedule was distributed to the Board at the last meeting. Mr. Sires advised that a Board member had requested that the Board meetings be held on the alternate weeks that were proposed. The Board briefly discussed a summer schedule and agreed to hold a meeting May 31, and then alternate weeks starting in June. The Board will hold meetings on June 14 and 28, July 12 and 26, August 9 and 23, and September 6. Thereafter, the Board will resume its regular schedule of meeting weekly. **Mr. Webster moved, seconded by Ms. Umberger, to have a summer schedule, emergencies withstanding, beginning June 14, 2005 and held every other week through Labor Day. The motion carried 4-0-0.** The Board asked that the scheduled be reprinted and distributed.

Saco Valley Green Group – Mr. Sires reported that videographer, Laura Slitt, belongs to the Saco Valley Green Group and over the weekend this group planted 125 seedling trees.

#### BOARD REPORTS AND COMMENTS

Recreation Facilities Committee – Mr. Webster reported that the Recreation Facilities Committee met last week and are moving toward getting a report to the Board of Selectmen soon.

School Building Steering Committee – Ms. Umberger reported the School Building Steering Committee met last week. Bids have been received by Lee Kennedy but no decisions have been made as of last week. Ms. Umberger further reported that at the next meeting in June they will have a conceptual design for the Middle school for the Steering Committee to review. Ms. Umberger next advised that a grant has been submitted to NIKE for a track and they hope to hear something back soon.

#### PUBLIC COMMENT/MEDIA QUESTIONS

There were no public comments or media questions.

#### ADJOURN

**Ms. Umberger moved, seconded by Mr. Webster to adjourn the meeting. The motion carried unanimously.** The meeting adjourned at 6:59 p.m.

Respectfully submitted,

Karen J. Hallowell  
Executive Secretary