

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN**

October 9, 2007

A 3:00 p.m. there was a Grand Opening Ceremony at the Intervale Scenic Vista visitor Center. Selectman, Gary Webster, and Town Manager, Earl Sires attended the opening.

The Selectmen's Meeting convened at 4:40 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen David Weathers (Chair), Larry Martin Gary Webster, Mark Hounsell and Howard C. Dickinson; Town Manager, Earl W. Sires; and Recording Secretary, Karen Hallowell

PLEDGE OF ALLEGIANCE

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

SIGNING OF DOCUMENTS

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

CONSIDERATION OF BILLS

The Board reviewed and signed the manifest dated October 11, 2007.

CONSIDERATION OF MINUTES

Consideration of minutes was carried to the next meeting.

PROPOSED MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF
CONWAY AND CONWAY VILLAGE FIRE DISTRICT REGARDING A PUMP STATION
IN DAVIS PARK

The party requesting this agenda item, Ed Bergeron, was not present. There was no discussion on this agenda item.

DISCUSSION OF HB790 REGARDING INSURANCE COVERAGE
FOR DEPENDANT YOUNG ADULTS

Finance Director, Lucy Philbrick, joined the meeting. Ms. Philbrick advised that there has been a change in the law regarding insurance coverage for dependent young adults and now coverage extends to children to age 26 who are not married and living in the State of New Hampshire. Ms. Philbrick stated the Town does not have to contribute to these non tax deductible dependents. Ms. Philbrick questioned if the Board wants to contribute or not. Ms. Philbrick advised there are a couple of employees who may be affected by the change. Ms. Philbrick advised that if a person already has a family plan and a person is added it only matters when figuring taxes; however for a two person plan who wants to add a child then this person would go to a family plan. The questions is does the town pay for a family plan or not.

The Board held discussion. Mr. Martin brought up the fact this may also become a discussion item during union negotiations. The Board questioned when the law goes into effect. Ms. Philbrick advised October 1, 2007. After further discussion **Mr. Martin moved, seconded by Mr. Webster, that initially they be aloud to participate at their own expense at no expense to the town and if it gets negotiated through the union negotiation process at a later time then it can be reconsidered if necessary.** After further discussion Mr. Hounsell suggested this matter be made a special order of business for a later meeting so staff could gather further information regarding matter. The Board agreed. **Mr. Hounsell moved, seconded by Mr. Dickinson, to make this a special order of business for the October 16, 2007 meeting. The motion carried 5-0-0.**

USE OF FUND BALANCE FOR 2007 REVENUE

Mr. Sires advised he is awaiting information from the state and requested that this agenda item be carried to the next meeting. The Board agreed.

DISCUSSION REGARDING PROPOSED CONSERVATION EASEMENT FOR KENNETT PROPERTY ALONG THE SWIFT RIVER IN CONWAY

David Houghton of the Conservation Fund joined the meeting. Mr. Houghton advised they are interested in acquiring 302 acres of Kennett property. They have an agreement to purchase the property and they would then sell this to the US Forest Service. Mr. Houghton advised he is here today to make the town aware of this and seek support for same. Mr. Houghton further advised that the property would be a part of the National Forest in perpetuity and they would also need a small boundary adjustment.

Mr. Hounsell questioned the affect of this transaction on tax revenue. Mr. Houghton advised that right now the Town receives about \$200 per year on the property. The Forest Service would pay a PILOT and this would take about a year and a half to take effect and that the Conservation Fund would agree to pay in the meantime. Mr. Houghton further advised that the land is wet and part of the floodplain from the river. Mr. Houghton further advised that it is 302 acres total with about 50+ in Conway.

Mr. Weathers questioned why this is not just a transaction between the Kennett Corp and the Forest Service. Mr. Houghton advised that they need to acquire dollars for this and he is working with Judd Gregg to acquire the property. The Conservation Fund would only own for a short period of time. The Conservation Fund is buying for 95% of fair market value and selling same to the US Forest Service for 100%. The 5% covers appraisals, etc and this is basically a non profit transaction.

Mr. DegliAngeli questioned why the Forest Service wants this land. Mr. Houghton explained it is the gateway to the community, it has frontage along the river, and it has trails from the ranger district. They look at this as an important acquisition.

Mr. Weathers explained the field in the southern part of town is currently maintained by the fire department. If the Forest Service in the future were to not maintain this parcel it would be upsetting. Mr. Houghton commented on open land and views. He further added that the purpose is to maintain this property as it is one of the

best views in New Hampshire. Mr. Weathers questioned if the Forest Service has indicated their long range plan. Mr. Houghton advised they will maintain aesthetics and the view and he has been assured that the field would continue to be mowed and be a habitat for wildlife.

Mr. Sires questioned if the trails that currently exist would stay the same or would there be a process to decide regarding same. Mr. Houghton advised that with new land typically it is handled as it was regarding trails, with the exception of ATV riding. Otherwise it is maintained as is.

Mr. Sires questioned if Mr. Houghton has spoken with Conway Village Fire District with regard to a water source etc. Mr. Houghton advised that he was here today looking for guidance as to who he should speak with about issues.

Mr. Sires next advised that the High School ski jump is located on this property and that Bayard Kennett has indicated that this probably wouldn't be able to stay on this property. Mr. Houghton advised that the National Forest probably would not want it located on the property. There was discussion with the Board on this issue. Mr. Houghton suggested if this was a concern that possibly a piece of property could be cut out for the high school ski jump.

Mr. Houghton next advised that before moving ahead with this the Forest Service needs the endorsement of the Town.

Mr. Hounsell questioned if Mr. Houghton has taken this matter before the Conservation Commission. Mr. Weathers advised it has not been before the Conservation Commission yet and that the Conservation Commission meets tomorrow evening.

Mr. Weathers next warned Mr. Houghton of some erosion of riverbanks in certain areas. Mr. Weathers advised that some work needs to be done to the riverbanks in certain areas. Mr. Houghton advised that he has spoken with DES and the Forest Service and the Forest Service is interested and supportive of bank restoration.

Mr. Hounsell next asked about MTBE. Mr. Houghton advised that no environmental investigation has been done yet.

Mr. Webster stated he would like the precinct to take a look at this matter first. Further, he would like better description of the property and not just the map that was supplied today; he would like to know all uses to the community, the school, etc., to make sure we are not going to lose anything; and the school should be asked about the ski jump. The Board agreed. The Board also added that this matter should go before the Conservation Commission as well.

There was further brief discussion. Mr. Weathers reviewed with Mr. Houghton that the Board would like to see the following before consideration of further action in this matter: How in a more permanent sense the view is to be protected in the field; Where are the trails and that they will be preserved; Conversation with the School; Talk with the Conway Village Fire District to make sure they are informed; Provide Purchase and Sales Agreement to this Board; Attend and advise Conservation Commission of proposed plans.

PROPOSED MEMORANDUM OF UNDERSTANDING
REGARDING EAGLES WAY MAINTENANCE

Mr. Sires advised the Town has been contacted by the SAU regarding maintenance of Eagles Way and a proposed agreement has been developed. Mr. Sires reviewed the proposed agreement with the Board. There was discussion with the Board. The Board agreed with the concept of the agreement but felt we needed to fix some details of the draft agreement and felt the school board may have accepted a proposal this Board did not make yet and would like this to go back to the School Board for consideration. **Mr. Hounsell moved, seconded by Mr. Webster, that a letter be prepared and signed by the Chair of the Board of Selectmen, to be sent to the Chair of the Conway School District that we are in full agreement with the concept of having the town maintain Eagles Way and the town will formally prepare and submit an Memorandum of Understanding.** There was further discussion. Mr. Webster stated he would like to know what the figure is for this as well. There was also discussion that this should be called a Memorandum of Agreement and not a Memorandum of Understanding. **Mr. Hounsell amended the motion, seconded by Mr. Webster, that a letter be prepared and signed by the Chair of the Board of Selectmen, to be sent to the Chair of the Conway School District that we are in full agreement with the concept of having the town maintain Eagles Way and the town will formally prepare and submit an Memorandum of Agreement. The motion carried 5-0-0.**

BIRCH HILL UPDATE

Mr. Sires reported on meetings he and Mr. DegliAngeli attended recently regarding the Birch Hill Water matter.

Mr. Sires next updated the Board that Pennichuck has filed applications with the ZBA regarding lots in the floodways on West Side Road and underground utilities. There was discussion regarding this matter. Mr. Hounsell expressed his concerns and questioned if a letter could be sent by this Boar to either the Planning Board or ZBA. It was agreed that further discussion could be held on this over the next week.

Mr. Sires next reviewed the proposed rate structure with the Board.

Mr. Dickinson advised the ACID Committee will be meeting on October 18, 2007 and there will be discussions concerning Birch Hill Water and he will report back.

REVIEW OF SCHOOL BOARD RESPONSE LETTER
REGARDING DEFAULT BUDGET

Mr. Sires reviewed the Budget Committee sent at letter to the Board of Selectmen seeking authority to use the Town Attorney to look into the school default budget. This Board forwarded the letter onto the school for a response. A letter was received from the School and the School Board believes the default budget complies and stands by their position. Further, the Town has resent them the missing attachment as we are awaiting a full response to the letter.

PROPOSAL TO ORDER BUSINESS CARDS
FOR THE BOARD OF SELECTMEN

Mr. Dickinson advised he still uses his old legislative cards and crosses out the information. Mr. Dickinson requested cards for Selectmen as he feels this would be a hand thing to have for Selectmen.

There was brief discussion. Mr. Webster indicated he uses Mr. Sires cards and directs people to contact Town Hall. Mr. Hounsell advised he supports the request. Mr. Sires pointed out that constituent concerns should first be directed to Town Manager and staff. **Mr. Hounsell moved, seconded by Mr. Webster, that business cards be made available to those Selectmen who so desires. The motion carried unanimously.** The Board next took at poll as to who wanted cards ordered at this time. Mr. Dickinson would like his cards ordered. The rest of the Board declined at this time.

TOWN MANAGER REPORT

Town Manager Goals – Mr. Sires advised a draft of the Town Manager's Goals have been provided to the Board. The Board agreed to discuss the goals at the next meeting.

Emergency Management – Mr. Sires reported a full scale exercise will be performed at Kennett High School on Saturday, October 13, 2007. Mr. Sires advised the exercise will include fire departments, town, school, hospital, etc and is an important exercise. Mr. Sires further added that it is important for people to know that this is not a disaster and is just an exercise. Mr. Sires further added that Lt. Faia of the Conway Police Department has been in contact with the press in this regard.

BOARD REPORTS AND COMMENTS

Burbank Road – Mr. Dickinson requested an update on Burbank Road. Mr. Sires explained that an individual put forth a petition last year to discontinue the Burbank road and the voters approved same. The Town has done deed research on this matter and discovered the underlying land is owned by the Town of Conway. Usually the land is owned by the abutters and reverts back to them; however, in this case the Town of Conway owns the land in this case. Mr. Sires next advised the town has written to Elbridge Russell and advised of same.

ACID Committee – Mr. Dickinson reported the ACID Committee is scheduled to meet on October 18, 2007 at 4:00 p.m. at Conway Elementary School.

Tin Mountain Conservation – Mr. Dickinson reported that Tin Mountain Conservation is hosting a talk on water issues tomorrow night, October 10, 2007.

Tax Sale – Mr. Webster requested that the tax sale matter be placed on the next agenda for discussion.

Intervale Scenic Vista Opening - Mr. Webster reported that he and Mr. Sires attended the opening the Intervale Scenic Vista visitor center earlier in the afternoon at 3:00 p.m.

Dark Sky Lighting – Mr. Martin commented that NHEC is changing all lighting in North Conway to dark sky lighting.

American Legion Post 46 – Mr. Martin suggested honoring the American Legion Post 46 with a Certificate of Appreciation for all they have done. The Board agreed.

Bypass – The Board held discussion regarding the disappearance of the funds for the bypass. The Board also discussed the many hours spent by the community over the years discussing the plans for the bypass. The Board further discussed the time and money spent by the Town for roads, etc., in planning for the bypass. There was next brief discussion concerning the CDRC.

School Resource Officer – Mr. Hounsell questioned if the police discussed the School Resource Officer position with Mr. Sires or just with the School. Mr. Sires stated the Police Commission is making a proposal to the school regarding the Resource Officer. Mr. Sires reviewed the budget decision made a few years ago to carry the School Resource Officer position in the town budget. Mr. Sires advised that he will now propose that it not be carried in the town budget.

PUBLIC COMMENTS / MEDIA QUESTIONS

Tom Eastman of the Conway Daily Sun questioned the Board on their position on the new Intervale Scenic Vista. The Board provided individual comments. The Board generally did not care for the look of the new building.

NON PUBLIC SESSION / RSA 91-A,II(c) / TAX MATTERS

At 7:32 p.m., **Mr. Webster moved, seconded by Mr. Martin, to go into non public session under RSA 91-A,II(c) to discuss tax matters.** Mr. Weathers advised that Town Manager Earl Sires, Tax Collector, Rhoda Quint, Recording Secretary, Karen Hallowell, and property owners would be included in the non public session. **The motion carried by unanimous roll call vote.**

At 8:04 p.m. the Board returned to public session. A motion to seal the minutes was made a carried in non public session.

ADJOURN

At 8:05 p.m., **Mr. Webster moved, seconded by Mr. Martin, to adjourn the meeting. The motion carried unanimously.**

Respectfully submitted,

Karen J. Hallowell
Executive Secretary