

Minutes of Meeting
CONWAY BOARD OF SELECTMEN

February 17, 2009

The Selectmen's Meeting convened at 4:05 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen, Larry Martin, (Chair), C. David Weathers, Mark Hounsell, Howard C. Dickinson and Bob Drinkhall; 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 February 19, 2009.

APPROVAL OF MINUTES

The Board considered minutes of the meetings of 12/9/08, 12/16/08 and 12/23/08.

With regard to the minutes of 12/9/08, Mr. Drinkhall offered the following correction: page 5, paragraph 3, the vote reads 5-0-0 and should be changed to 0-5-0. Page 6, paragraph 4, in the middle of the paragraph where it states this is a reduction and not removal – Mr. Drinkhall stated this should be this started out as a reduction of snow removal and you can still remove snow. Page 1, Under Pledge of Allegiance, Chairman Weathers should be changed to Chairman Martin.

With regard to the minutes of 12/16/09, Mr. Drinkhall offered the following amendment: Page 4, last paragraph, 3-5% should be changed to \$3-5.

With regard to the minutes of 12/23/09, Mr. Drinkhall offered the following amendments: Page one, Lieutenant Perley is referred to as Chief Perley in one sentence and should be corrected; Page 6 with regard to impact fees where it stated "...will be different", this should be changed to "... will be difficult".

Mr. Weathers moved, seconded by Mr. Drinkhall to accept the minutes of 12/9/08, 12/16/08 and 12/23/08 as amended. The motion carried unanimously.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

There were no Special Event Applications for the Board review and consideration.

4:05 PM - PUBLIC HEARING \$25,463.11 TO CONWAY POLICE DEPARTMENT FROM THE US MARSHALS SERVICE, DISTRICT OF NEW HAMPSHIRE.

Chief Wagner of the Conway Police Department joined the meeting. Chairman Martin opened the public hearing at 4:10 p.m.

Chief Wagner advised that in August of 2007 the Conway Police Department conducted a warrant and as a result of the search drugs and money were seized, a cash forfeiture was laid out by Carroll County and three people were charged in connection. No charges are currently pending.

Mr. Drinkhall moved, seconded by Mr. Weathers to accept the \$25,463.11 from the US Marshals Service, District of New Hampshire to the Conway Police Department. Mr. Sires advised the Chief has asked to be able to use the funds according to the terms of the equitable sharing agreement with the Carroll County Sheriff's office. Mr. Hounsell questioned how this was split/shared and the Chief provided an explanation of same. Mr. Hounsell questioned if this money will be used to start up a new program. Chief Wagner advised it will go into its own account at the Police Department. According to the Equitable Sharing Agreement you can't put it toward any existing resources – that is prohibited. Mr. Weathers questioned if it is normal to disburse these funds before a trial. The Chief advised there are no charges pending. Mr. Dickinson questioned how the money is divided and the Chief explained same. Mr. Hounsell stated that he feels that whenever a town enters into an agreement it is important the agreement comes before the Board of Selectmen before the fact. Mr. Hounsell stated he is wondering where the money will go and who has authority over the money. The Chief advised the Police Department has the money and there is criteria for it i.e. drug related activity, etc. The Chief explained what the guidelines will allow them to spend the money on. Commissioner Doherty explained disbursements will be approved by the Police Commission. There was further discussion on how the money will be spent and the Board asked for a memo on how and when the money is disbursed.

Mr. Martin asked for public comments. Dorian Cramer advised he is with the group Mt Washington Valley Addiction Solutions and stated they are close to being able to start treating people in the area and would like to talk with the police department about allocating some funds for their program. The Police Chief advised he should speak with the Police Commission.

Mr. Hounsell stated paragraph three of the agreement reads money can not be used for drug rehab. The Chief advised it reads drug enforcement but they could take a closer look at this agreement as he knows that it can be used for the DARE program.

There were no further public or Board comments and Mr. Martin closed the public hearing at 4:30 p.m.

The Board voted on the motion and the **motion carried 4-1-0 with Messrs. Drinkhall, Dickinson, Weathers and Martin voting in the affirmative and Mr. Hounsell voting in the negative.**

CONSIDERATION OF UNANTICIPATED REVENUE IN AMOUNTS

LESS THAN \$5,000 NH RSA 31:95-B, III (B) - \$100 FROM PHILLIP
MURRAY TO CONWAY POLICE DEPARTMENT FOR DARE

Lieutenant Perley reported that a citizen, Phillip Murray, has been extremely supportive of the DARE program and has been a generous contributor. Mr. Murray has donated \$100 to the Conway Police Department DARE program and the amount will be spent on Conway kids.

There were no questions or comments from the Board or the public. **Mr. Dickinson moved, seconded by Mr. Weathers, to accept the \$100 from Phillip Murray to the Conway Police Department for DARE. The motion carried 5-0-0.**

PUBLIC HEARING \$5,000 FROM NORTH CONWAY
ROTARY TO THE TOWN OF CONWAY

Chairman Martin read aloud the Public Hearing Notice regarding unanticipated revenue in the amount of \$5,000 from North Conway Rotary to the Town of Conway. Chairman Martin opened the Public Hearing at 4:32 p.m.

Carolyn Brown and Mr. Asselin of the North Conway Rotary were present for discussion. Ms. Brown and Mr. Asselin advised they are here to give \$5,000 to the fuel assistance program which has been allocated by the North Conway Rotary as part of the Radio auction which took place in 2009.

There were no questions or comments from the public. The public hearing was closed.

Mr. Drinkhall moved, seconded by Mr. Weathers, to accept the \$5,000 from the North Conway Rotary for the Fuel Assistance Program. The motion carried 5-0-0.

Mr. Hounsell moved, seconded by Mr. Drinkhall to send a formal letter of appreciation to the North Conway Rotary. The motion carried 5-0-0.

DISCUSSION ON CONWAY BIKE PATH – ROB ADAIR

Rob Adair appeared before the Board for discussion on Conway bike paths. Mr. Adair is Vice Chair of the Conway Conservation Commission, a member of the MWV Bike Path Committee and, also, a member of the New England Mountain Bike Association (NEMBA).

Mr. Adair explained he is here to request a letter of support. Mr. Adair advised he is working with the Town and NHDOT to connect conservation lands and pieces of property around town. Mr. Adair explained this is like a jigsaw puzzle and help is needed to try to pull this all together. Next piece they are working on is the railroad corridor in the area of Dinsmore to Whitaker Woods. This will require work with the DOT, etc. There was discussion and it was agreed that Mr. Adair can work with Mr. Sires on this matter. **Mr. Dickinson moved, seconded by Mr. Weathers, to draft a letter of support and to direct Earl Sires to work with Rob Adair to determine what their next priority is and what action we need to take.** There was discussion regarding working with the NHDOT, insurance, cost of maintenance, etc. Mr. Sires

advised he would report back on same. Mr. Hounsell stated he may not be able to support now until he has further information because of the impact it may have to the North-South Parkway. Mr. Sires advised could provide an enlarged copy of a map. This would have a separated path that will keep joggers and bikers off the road and this may have a positive effect on the parkway. Mr. Adair advised that he has looked at the Master Plan and we are doing exactly what the Master Plan asks. Mr. Dickinson pointed out the intent of the motion is that we have a draft letter brought forward. **The motion carried 5-0-0.**

CONSIDERATION OF TOWNWIDE LETTER REGARDING STIMULUS PACKAGE

Public Works Director, Paul DegliAngeli, was present for discussion. Also present was David Bernier, North Conway Water Precinct Superintendent and Bill Hounsell.

Mr. Sires reviewed he, Mr. DegliAngeli, Mr. Bernier, and others all met recently with Councilor Ray Burton. Councilor Burton strongly recommended to write a letter of the collective effort of all projects regarding the stimulus.

Mr. Sires advised the project lists for Conway Village Fire District, North Conway Water Precinct and the Town has been put together for the Board's to discuss with the Board. Mr. Sires added that another part of this discussed should include the governor's budget. The governor may propose removing funds that would be sent to towns and we need to think about this as well. Mr. Sires stated we also need to add to our list our capital projects for the summer since we may not get the money we normally get this summer. Mr. Sires further advised that they have decided to put other projects that may be coming down the road as well for review.

Mr. Sires, Mr. DegliAngeli, Mr. Bernier, and Bill Hounsell next proceeded to review the list of projects with the Board.

There was next discussion on the preparing a letter to be sent regarding this matter. It was agreed the letters would be signed by just the Chair of the Board of Selectmen and each of the Commissions. Mr. Bernier and Bill Hounsell advised their Boards fully support the preparation of the letters. It was agreed the letters would be sent to the Governor, Bud Fitch, Senators, Representatives, Congressmen, and Commissioners of various of agencies. **Mr. Dickinson moved, seconded by Mr. Hounsell, that we draft a letter and get it signed by the various chairs with the project list as identified at today's meeting. The motion carried 5-0-0.**

VOTE ON ARTICLES AND APPROVE WARRANT

With regard to the 2009 Warrant, **Mr. Hounsell moved, seconded by Mr. Drinkhall, that whatever action that we take that the Board of Selectmen be allowed to sign out of session. The motion carried unanimously.**

Mr. Sires first discussed the article regard tally votes on the articles. Mr. Sires advised the DRA advised the Town will get a letter but nothing will be disallowed if the Board puts the tallies on the articles this year. The Board agreed they want the tallies on the articles.

The Board next proceeded with voting on warrant articles.

Article #8 Bond Article – **Mr. Hounsell moved, seconded by Mr. Weathers, to recommend Article 8.** Mr. Drinkhall stated he agrees need to do the garage but not at \$1,000,000. Mr. Sires pointed out the new version of the bond article with clearer language to comply with the law. Mr. Sires pointed the statement to apply for and obtain state or federal aid for projects should stimulus or other money become available. Mr. Sires further advised that the Budget Committee has asked if the bond article amount could change. The DRA has advised that purpose of public hearing is to hear comments so long as amount doesn't change. At the last meeting of the Budget Committee, the Budget Committee voted to zero out the article and so the DRA advised to put not recommended on this bond article. There was further brief discussion. Mr. Martin moved the question. **The motion carried 4-1-0 with Messrs. Dickinson, Hounsell, Weathers and Martin voting in the affirmative and Mr. Drinkhall voting in the negative.**

Article 9 Operating Budget – **Mr. Drinkhall moved, seconded by Mr. Dickinson, to recommend Budget Article 9 as written.** Mr. Hounsell questioned if this was new language. Mr. Sires replied in the affirmative and advised it is language approved by DRA. **The motion carried 5-0-0.**

Article 10 Collective Bargaining – **Mr. Weathers moved, seconded by Mr. Hounsell, to recommend Article 10 as written. The motion carried 5-0-0.**

Article 11 Capital Reserve for Police Vehicles – **Mr. Drinkhall moved, seconded by Mr. Weathers, to recommend Article 11. The motion carried 5-0-0.**

Article 12 PEG Expendable Trust Fund – **Mr. Weathers moved, seconded by Mr. Drinkhall to recommend Article 12 as written.** Mr. Hounsell questioned if the Town has received the Time Warner Check. Mr. Sires advised the Town received notification of the amount to be received of \$115,000. **The motion carried 4-1-0 with Messrs. Drinkhall, Dickinson, Weathers and Martin voting in the affirmative and Mr. Hounsell voting in the negative.**

Article 13 Tri County Cap – **Mr. Hounsell moved, seconded by Mr. Weathers, to recommend Article 13. The motion carried 5-0-0.**

Article 14 Gibson Center – **Mr. Drinkhall moved, seconded by Mr. Hounsell to recommend Article 14. The motion carried 5-0-0.**

Article 15 White Mountain Community Health Center – **Mr. Hounsell moved, seconded by Mr. Dickinson, to recommend Article 15. The motion carried 4-1-0 with Messrs. Dickinson, Hounsell, Weathers and Martin voting in the affirmative and Mr. Drinkhall voting in the negative.**

Article 16 North Conway Day Care – **Mr. Hounsell moved, seconded by Mr. Weathers, to recommend Article 16. The motion carried 3-2-0 with Messrs. Hounsell, Weathers and Martin voting in the affirmative and Messrs. Drinkhall and Dickinson voting in the negative.**

Article 17 Vaughan – **Mr. Hounsell moved, seconded by Mr. Drinkhall, to recommend Article 17. The motion carried 5-0-0.**

Article 18 Children Unlimited – **Mr. Hounsell moved, seconded by Mr. Weathers, to recommend Article 18.** Mr. Drinkhall noted the article amount was submitted wrong on the petition. The amount of \$12,500 will be amended to \$12,000 at the Deliberative Session of Town Meeting. **The motion carried 4-1-0 with Messrs. Drinkhall, Hounsell, Weathers and Martin voting in the affirmative and Mr. Dickinson voting in the negative.**

Article 19 North Conway Community Center - **Mr. Drinkhall moved, seconded by Mr. Weathers, to recommend Article 19. The motion carried 5-0-0.**

Article 20 Mount Washington Valley Chapter of the American Red Cross – **Mr. Hounsell moved, seconded by Mr. Drinkhall.** There was a brief discussion regarding the Budget Committee vote on this Article. Mr. Drinkhall advised it was not supported. Mr. Hounsell stated the non support is due to the national chapter. **The motion carried 3-2-0 with Messrs. Drinkhall, Hounsell and Martin voting in the affirmative and Messrs. Dickinson and Weathers voting in the negative.**

Article 21 Starting Point – **Mr. Hounsell moved, seconded by Mr. Weathers to recommend Article 21. The motion failed 1-4-0 with Mr. Martin voting in the affirmative and Messrs. Drinkhall, Dickinson, Hounsell and Weathers voting in the negative.**

Article 22 Petitioned Article regarding overall Town Spending Cap - **Mr. Drinkhall moved, seconded by Mr. Weathers, to recommend Article 22. The motion failed 0-5-0.**

Article 23 Conservation Commission – **Mr. Dickinson moved, seconded by Mr. Weathers, to recommend Article 23. The motion carried 5-0-0.**

Article 24 Numerical Tally on Articles -This is a Selectmen's Article and the Board placed it on the warrant. **Mr. Dickinson moved, seconded by Mr. Hounsell, that the Board of Selectmen recommend Article 24.** Mr. Sires advised there is no provision in the law to place a recommendation on a non monetary article. The Board agreed they would like the recommendation to appear. **The motion carried 4-1-0 with Messrs. Drinkhall, Dickinson, Hounsell, Weathers, and Martin voting in the affirmative and Mr. Martin in the negative.**

Article 25 Henderson Road – **Mr. Dickinson moved, seconded by Mr. Hounsell, to recommend Article 25.** Mr. Drinkhall advised the Budget Committee voted 0-11-1 on this article.

Article 26 Resolution – **Mr. Dickinson moved, seconded by Mr. Hounsell, that the Board of Selectmen include this in the warrant. The motion carried 3-2-0 with Messrs. Drinkhall, Dickinson and Hounsell voting in the affirmative and Messrs. Weathers and Martin in the negative.**

OVERLAY DISTRICT DISCUSSION

With regard to petitioned Zoning Article 7 on the Warrant, Mr. Drinkhall advised that after a long discussion at the Planning Board resulted in a 2-4-0 vote to not support this article regarding the special highway corridor district.

Mr. Hounsell stated he feels the petitioned article is factually wrong in that it says that the state has abandoned the bypass. The last action the Board of Selectmen took on this is that the Board made this a parkway. This article flies in the face of that because it supports commercial development.

Mr. Dickinson questioned if it is appropriate for the Board of Selectmen to vote against this article. Mr. Hounsell explained we are restricted from placing voting recommendations on these items on the warrant. There was further discussion regarding the concurrence of the Planning Boards position on this article and how to relay this information. **Mr. Hounsell moved, seconded Mr. Dickinson, that the Board of Selectmen ask that our representative inform the Planning Board of our concurrence of our position of what the vote was. T/he motion carried 5-0-0.**

PUBLIC COMMENTS AND MEDIA QUESTIONS

Andrea Osum of the Conway Daily Sun questioned who the two were who voted in the negative on Article 16. The Board advised it was Mr. Drinkhall and Mr. Dickinson.

NON PUBLIC SESSION – RSA 91-A:3:II(E)/LITIGATION MATTERS

At 6:30 p.m. Mr. Hounsell moved, seconded by Mr. Weathers, to go into non public session under NH RSA 91-A:3 II(e) to discuss litigation matters. Town Attorney, Peter Malia, Town Manager, Earl Sires, and Recording Secretary, Karen Hallowell, will be included in the non public session. **The motion carried by unanimous roll call vote.**

The Board returned to public session at 6:50 p.m.

Mr. Hounsell moved, seconded by Mr. Weathers, to seal the minutes of this non public session. The motion carried unanimously.

TOWN MANAGER REPORT

Governors Proposed Budget – Mr. Sires reported the Governor's proposed budget eliminates shared revenue of about \$520,000 of room and meals and other shared revenue. Loss of state aid is to be made up by stimulus money. Mr. Sires advised that he distributed a copy of the legislative bulletin to the Board earlier which has information regarding this matter. There will be a public hearing on this and the closest is in Whitefield and Claremont, New Hampshire. Mr. Sires asked the Board to please read the information distributed and come up with position to send to legislators.

Fire Chiefs Meeting – Mr. Sires reported he met with the Fire Chiefs this morning. They will be getting together list of fire ponds for next year.

BOARD REPORTS AND COMMENTS

Planning Board – Mr. Drinkhall advised there was a public hearing on a petitioned article regarding the Conway Village Commercial District. This petition is for a parking lot. Mr. Drinkhall advised that every person from the public spoke against the petitioned article except one other doctor from the practice needing the parking space. The vote by the Planning Board on this Article was to not recommend.

Mr. Drinkhall next reported on a Zoning petition to reduce dwelling units from 12 to 8. This petition this was approved 6-0-0 by the Planning Board.

Valley Vision – Mr. Hounsell stated that the last time this Board met with Valley Vision they were to bring back a signed MOU for our consideration.

Water Line Extension in Conway Village – Mr. Hounsell stated that at one time the Commissioners from Conway Village came in to ask for an easement for a pipeline on the Library property. Mr. Hounsell questioned the status on this. Mr. Sires advised he have not heard back from them on this and will call and ask for an update.

Gorham Bypass – Mr. Martin commented that went he went to Portland recently he took the new Route 112 and they have three roundabouts on this road and they work quite nicely.

ADJOURN

At 7:07 p.m. the meeting was adjourned at the call of the Chair.

Respectfully submitted,

Karen J. Hallowell
Executive Secretary