

Minutes of Meeting
CONWAY BOARD OF SELECTMEN
February 19, 2013

The Selectmen's Meeting convened at 4: 20 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen, C. David Weathers (Chair), Michael DiGregorio, Howard C. Dickinson, Mary Carey Seavey and Stacy Sand, and Recording Secretary, Karen Hallowell. Acting Town Manager, Paul DegliAngeli, was also in attendance for the Town Manager, who was on vacation.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Ms. Sand moved, seconded by Ms. Seavey, to approve the agenda. The motion carried unanimously.

REVIEW AND CONSIDERATION OF AMENDED
NOTICE OF ACTIVITY AND USE RESTRICTION

Mr. DegliAngeli reviewed that a use restriction was previously recorded with the deed for the Hobbs Street property (formerly known as the Kearsarge Metallurgic property). Recently, environmental scientists at the EPA have called the Town with some recommended changes to the use restrictions. They have concerns if the property was going to be used for residential purposes. Mr. DegliAngeli next advised that the Town did a review and this site is not permitted for residential use; however we thought it would be a good idea to record this use restriction with the deed.

Mark Hounsell stated that this property is no longer the EPA's property and questioned when the EPA will keep their hands off this site. Also, the EPA said it was fine and now they are coming back with concerns that someone might build a house on the lot and that whatever is there may permeate a home. Mr. Hounsell next questioned if this is isolated to the wetlands area or is it where the building was located. Mr. DegliAngeli stated that what they were concerned about is a theoretical possibility. There is an area where there is a potential for radon gas and if you put a house over the area it may collect radon gas. If this were to happen, it would be over the area where the contaminants are and a house can't be built there. The area for this is the wetlands and a house can't be built there. This did however get us thinking about agreeing to record this for no residential building. Mr. Hounsell questioned what the cost for the Town is to record this deed restriction. Mr. DegliAngeli advised there is approximately a \$20 filing fee at the registry. Mr. Hounsell next commented that it irks him that the EPA comes and goes on this matter and questioned what they are going to have to say next.

Ms. Sand moved, seconded by Ms. Seavey, that we amend the deed for the Kearsarge Metallurgic site, Map/Lot 277-139, now known as the Hobbs Street property. The motion carried 5-0-0.

Mr. DegliAngeli next reported that in addition to this matter discussed today, we have also spoken with the wetlands scientist the Town has retained to look at the property and,

hopefully, we will bring a report to the next meeting to have discussion with the Board on how to return this property to the tax rolls.

CONSIDERATION OF WARRANT ARTICLES

Article 3/Operating Budget – Mr. DegliAngeli reviewed that the Default Budget is set by the Budget Committee and not the Board of Selectmen. At their most recent meeting, the Budget Committee recommended a different amount for the default budget than what staff had for a proposed calculation and what appeared in the Budget Article approved by the Board of Selectmen at the last meeting. The default budget approved by the Budget Committee is \$16,000 less. Ms. Sand asked for an explanation of why the default budget was reduced by the Budget Committee. Ms. Philbrick advised they took out an amount for a library contract. Mr. DiGregorio stated the Budget Committee took this out as they didn't feel that it should be part of the default budget. This is for the second payment of the contract for the library director. Mr. DegliAngeli next reported that the Budget Committee did vote on the same figure for the 2013 operating budget as the Board of Selectmen.

Ms. Sand stated that she had voted against the proposed figure for the 2013 budget but this is not reflected on the recommendation on Article 3. Mr. DegliAngeli explained the recommendation reflected on the warrant was for the operating budget article itself and we now have to vote on Article 3 again this evening as it has changed.

Mr. DiGregorio moved, seconded by Ms. Seavey, to recommend Article 3 as written with a budget of \$9,686,674 and a default budget of \$9,602,530. The motion failed 2-3-0 with Mr. Dickinson and Mr. DiGregorio voting in the affirmative and Mses. Sand and Seavey and Mr. Weathers voting in the negative.

Ms. Sand stated that she doesn't agree with cutting the library budget and, also, does not believe the police budget should be having a cadet program this year or that it should be at a wage of \$10 per hour. Mr. Weathers stated he voted against this as he doesn't agree that the contract should be in the library budget. Ms. Seavey stated she has the same feeling on this as Mr. Weathers.

There was next a discussion on the Board splitting their vote on the warrant article – one vote on the proposed operating budget and one vote on the default budget. **Mr. Weathers moved, seconded by Ms. Seavey, to rescind the most recent vote on the budget article. The motion carried unanimously.**

Mr. DiGregorio moved, seconded by Ms. Seavey, to approve the operating budget in the amount of \$9,686,674. The motion carried 4-1-0 with Ms. Seavey and Messrs. Dickinson, DiGregorio, and Weathers voting in the affirmative and Ms. Sand voting in the negative.

Ms. Sand moved, seconded by Mr. Dickinson, that we recommend the Default Budget in the amount of \$9,602,530. Mark Hounsell stated that he does not feel that the Board of Selectmen can do this as the default budget is established by the Budget Committee. There was discussion by the Board. Mr. Hounsell next pointed out that you can't put both recommendations on the warrant either – one vote for the operating budget and one for the default budget. There was further discussion by the Board. Mr. DegliAngeli next reviewed the opinion received from the DRA is that the vote of the Board that appears on the warrant article is for the Operating Budget only as the Budget Committee sets the Default Budget. Erik Eisele next questioned it then the vote that would appear as the recommendation of this article would be – recommended by the Board of Selectmen 4-0-1 and recommended by the Budget

Committee's 14-3-0. Mr. DegliAngeli replied in the affirmative. Ms. Sand next questioned if a contract is found for the library that is legally binding, then how would this affect the default budget. There was discussion by the Board that should the contract be produced, then this would have to be explored. **Ms. Sand withdrew her second and Mr. Dickinson withdrew his motion.** It was understood and agreed that the vote of 4-1-0 would appear as the Board of Selectmen recommendation on the Operating Budget article.

Article 9/Landfill Expansion Capital Reserve Fund – Mr. DegliAngeli reviewed Article 9 with the Board. Mr. DegliAngeli next reviewed that the Town got a bid for the landfill expansion in advance of the budgeting process so we would know if we needed more or less. The bids came in and we don't need more money at this time. Mr. DegliAngeli next advised that a citizen, Bob Barriault, suggested to the Budget Committee that if we do need less at this time that we should make this article an amount of \$1.00 instead of \$50,000. The Budget Committee did vote at their most recent meeting to make Article 9 show the amount of \$1.00; however, it was determined thereafter that they do not have the authority to make this reduction. The opinion we received is that this Article can be kept at the \$50,000 amount and noted that it was not recommended by the Budget Committee. Mr. DegliAngeli next noted that the Board of Selectmen can either change the amount tonight if they so choose or this article can be amended at the Deliberative Portion of Town Meeting if a motion is then made. Mr. DiGregorio clarified that technically the Budget Committee didn't vote on Article 9 at \$50,000 –they voted on \$1 but that the Board of Selectmen could vote to change this amount tonight if they so chose. Mr. DegliAngeli advised we have that opinion from the DRA that the Board of Selectmen could change or not change the article now. Mr. DiGregorio next questioned if we need the money for this capital reserve fund this year. Mr. DegliAngeli advised that we do not need it this year but at some point we will have to start saving for Phase 4 of the landfill expansion. Mr. DegliAngeli further reviewed that this could be discussed again now or at the Deliberative Session. Ms. Sand pointed out that there will be increased expenses every year and that we should start saving now. Further, she would hate to see all \$50,000 taken away from this article and defer this to next year and the next. The idea is to start saving for this expansion. Ms. Sand suggested possibly reducing this article to \$20,000 but not to \$1.00. Ms. Seavey agreed with Ms. Sand and stated that she hesitates reducing this article to \$1.00. Mr. Dickinson stated that he disagrees and thinks the Board of Selectmen should drop this article to \$1.00 as the Budget Committee decided that it made sense. Mr. DiGregorio stated that he agrees with Ms. Sand and Seavey's argument that we are not getting rid of a bill and that we would have to ask for this in the future if not asking now but he would like to see the article dropped to \$1.00 for this year. There was further discussion. Mr. DiGregorio next suggested the Board could leave Article 9 at the \$50,000 amount for now and then the matter of whether it should be reduced to \$1.00 could be discussed at the Deliberative Session. Mr. Weathers stated he feels Article 9 should stay at \$50,000. **Mr. DiGregorio moved, seconded by Mr. Dickinson, to drop the amount of Article 9 to \$1.00. The motion failed 2-3-0 with Messrs. Dickinson and DiGregorio voting in the affirmative and Mses. Sand and Seavey and Mr. Weathers voting in the negative.**

Mark Hounsell next questioned if the Budget Committee need to have a recommended or not recommended position for this article before the warrant is printed as they have not taken a position on the \$50,000. Mr. DegliAngeli advised that we have asked town counsel about this matter and we were advised that Not Recommended by the Budget Committee could be placed on the article. Mr. Hounsell stated that he feels that the Budget Committee may have to meet and vote on this article again. Mr. DegliAngeli next advised that we did try to reach the Budget Committee Chair on this matter and asked that he get back to us on same; however the chair of the Budget Committee advised that he would not be available until after 8:00 pm this evening. There was further brief discussion as to whether this would require another meeting of the

Budget Committee. Mr. DiGregorio and Mr. Hounsell stated they both felt it needs to be voted on at a meeting of the Budget Committee.

Article 16/Emergency Shelter Generator – Mr. DiGregorio stated he felt this Board could rescind this article altogether. **Mr. DiGregorio moved, seconded by Ms. Seavey, to reconsider Article 16.** Mr. DiGregorio stated that he had pushed as hard as anyone to forward this article on to the warrant; however, the Budget Committee has made a recommendation to remove this article altogether now. Mr. DiGregorio next advised that he did convince the Budget Committee to at least hear the Emergency Management Director (EMD) out on this matter and make his argument for same. Mr. DiGregorio next stated that he did support moving this article forward but did struggle with the idea that where the generator will be located is an area of town where we don't lose power. Also, he doesn't know if there will ever be a year to spend \$50,000 for this item in the future. Ms. Sand pointed out that as soon as you say the power doesn't go out it will –what if someone hits a pole in the snow and we need a generator at the shelter. The goal is to never have to use it but, as the EMD had made the argument, there is the potential for this to happen. If we have an emergency shelter then we need to have a generator for it. Also, it would cost a lot more to close the school for several days for a shelter for people if we were to have to use the school for the shelter instead. Ms. Sand next stated that she feels we need to give this to the voters so they have a chance to decide on this article. Mr. Weathers questioned whether there is some other alternative in the area that would come close to our needs, such as a rental. Ms. Seavey reviewed that the EMD had discussed this at a previous meeting and advised that wiring etc would also cost as much as a generator. Mr. DiGregorio pointed out that businesses don't just have generators sitting around waiting for us to rent if there was an emergency. **The motion failed 2-3-0 with Messrs. Dickinson and DiGregorio voting in the affirmative and Meses. Sand and Seavey and Mr. Weathers voting in the negative.** Mr. DiGregorio next questioned if the originally 5-0-0 recommendation then stands on the article and Mr. Weathers responded in the affirmative.

Article 29/Northern Human Services/The Mental Health Center – Mr. Weathers explained that this article was not voted on by the Board at the last meeting as it was not on the draft warrant reviewed by the Board. **Ms. Sand moved, seconded by Ms. Seavey, to approve Article 29 for Northern Human Services/The Mental Health Center. The motion failed 2-2-1 with Meses. Sand and Seavey voting in the affirmative, Messrs. Dickinson and DiGregorio voting in the negative and Mr. Weathers abstaining.**

APPROVAL OF 2013 TOWN WARRANT

Ms. Sand moved, seconded by Mr. DiGregorio, to post and sign the 2013 Warrant subject to Budget Committee final action on Article 8 and, further, to authorize the signing of the Warrant out of session. The motion carried unanimously.

SIGNING OF DOCUMENTS

There were no documents presented for signature.

CONSIDERATION OF BILLS

- a. Manifest dated 2/21/13
- b. Payroll dated 2/21/13

Mr. DiGregorio moved, seconded by Ms. Seavey to approve and sign the manifest dated 2/21/13 and the payroll dated 2/21/13. 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

2/5/13 – Ms. Sand offered the following correction to the minutes of 2/5/13: On page 4 under the heading Town Manager Report, paragraph 2, line 7, the word not should be changed to now. **Mr. DiGregorio moved, seconded by Mr. Dickinson, to approve the minutes as amended. The motion carried 4-0-1 with Mr. DiGregorio abstaining.**

TOWN MANAGER REPORT

Electrical Bidding – Mr. DegliAngeli reviewed bids received from brokers and suppliers regarding electric. There was discussion on the bids, pricing, contracts lengths, etc. **Ms. Sand moved, seconded by Mr. DiGregorio, that we go with the contract that takes us into the slow season for 31 month with the low bidder for PSNH accounts. The motion carried 5-0-0.**

BOARD REPORTS AND COMMENTS

North Conway Community Center – Ms. Sand reported a meeting was scheduled for representatives of the North Conway Community Center and the School for Monday, February 25, 2013 but had to be canceled as she and Ryan Sommer had other obligations. This meeting is being rescheduled.

Selectmen Filing – Mr. Dickinson reported that he would be filing for the office of Selectman tomorrow.

Skating Rink Warrant Article – Ms. Seavey stated that she sat on the Community Celebrations Committee and this committee stepped up this past year to help keep the skating rink in Schouler Park. Ms. Seavey further added that this was done with the idea that the Skating Rink would be supported through a warrant article in the future.

PUBLIC COMMENTS AND MEDIA QUESTIONS

There were no public comments or media questions.

ADJOURN

At 5:43 p.m. the meeting adjourned at the call of the chair.

Respectfully submitted,

Karen J Hallowell
Executive Secretary