

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN**

September 15, 2010

The Selectmen's Meeting convened at 4:04 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen, Larry Martin (Chair), C. David Weathers, Howard C. Dickinson, Bob Drinkhall, and Michael DiGregorio; 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.

CONSENT AGENDA

A Ratification of

1. Intent to Cut Wood or Timber
Tax Map/Lot #263-15,223-16,226/6 & 239-3
Tax Map Lot #295-8

Mr. Drinkhall moved, seconded by Mr. Dickinson, to ratify the Intents to Cut for Tax Map/Lot 263-15,223-16,226/6 & 239-3 and Tax Map Lot 295-8. The motion carried unanimously.

B. Consideration of Bills:

1. Ratification of Manifests dated 9/2/10 & 9/9/10
2. Ratification of Payroll dated 9/9/10
3. Manifest dated 9/16/10

Mr. Weathers moved, seconded by Mr. Drinkhall, to ratify the Manifests dated 9/2/10 and 9/9/10, the Payroll dated 9/9/10, and to approve and sign the Manifest dated 9/16/10. The motion carried unanimously.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

A. American Cancer Society/Making Strides Breast Cancer Walk – Starts and finished at Staples, North Conway, NH / Date 10/17/10;

B. Friends of Conway Rec/French Fry 5K Walk/Run at Whitaker Homesite Date 10/16/10; and

C. North Conway Public Library / Bike for Books / Bike Tour event - Starts and finishes at John Fuller School in North Conway and will tour Whitaker Woods and other areas of N Conway, Conway, and Redstone / Date 10/9/10

Mr. Martin reviewed the special event applications with the Board and advised they are complete. **Mr. Drinkhall moved, seconded by Mr. Weathers, to approve the Special Event Applications for the American Cancer Society/Making Strides against Breast Cancer Walk on 10/17/10, the Friends of Conway Rec/French Fry 5K Walk-run on 10/16/10 and the North Conway Public Library/Bike for Books event scheduled for 10/9/10. The motion carried unanimously.**

CONSIDERATION OF MINUTES

Mr. Drinkhall moved, seconded by Mr. Dickinson, to approve the minutes of 8/10/10. Mr. Drinkhall stated that on page 4, paragraph 2, line 2, the word consent should be changed to concern. **Mr. Drinkhall amended the motion, seconded by Mr. Dickinson, to approve the minutes of 8/10/10 as amended. The motion carried unanimously.**

APPROVAL OF CERTIFICATE OF APPRECIATION FOR SGT MCKENZIE

Mr. Sires reviewed a Certification of Appreciation prepared for retiring Police Sergeant, Tommie McKenzie. (A copy of same is attached hereto). **Mr. Dickinson moved, seconded by Mr. Weathers, to approve the Certificate of Appreciation. The motion carried unanimously.**

Mr. Sires next advised that the Police Chief has also requested that a member of the Board present the Certificate at a ceremony for Sgt McKenzie on Thursday, September 23, 2010. Mr. Weathers advised he would attend. Mr. Martin and Mr. Dickinson also agreed that either one of them will attend the ceremony with Mr. Weathers.

ROUTE 16 SCENIC OVERLOOK MEETING WITH NHDOT (DAVID S. SMITH, P.E.)

David S. Smith, P.E., Jim Kirouac, Design Engineer, and Margarete Baldwin, Design Engineer from the New Hampshire Department of Transportation joined the meeting to discuss the Route 16 Scenic Overlook.

Mr. Smith advised they are here to present the design they have been working on for the site on Route 16 that has failed. It is still expanding but they are watching the area closely. They have been preparing a design for six months and are working with people to get the right design for the area. They plan to go forward and construct this area this fall if all is okay with the plan. Mr. Smith advised this is a state funded project and no money is being paid by the town. This is a maintenance issue and they would like to address this as soon as they can.

Mr. Karouac discussed the history of the failure of the area, gave a presentation of the plan for repair, and provided a timeline for the repairs to the Board. (A copy of the presentation is attached hereto.). There was also a discussion regarding landscaping - seeding, mulching and tree planting. The DOT advised they are looking for a completion date of May –before Memorial Day weekend.

The DOT representatives next advised they are looking for a construction easement to do the work. **Mr. Dickinson moved, seconded by Mr. Drinkhall, to empower Paul DegliAngeil, for the construction easement for this project.** There was discussion. Mr. DegliAngeli and Mr. Weathers pointed out that from the scenic overlook to the north we keep losing the view. Mr. Weathers stated there is a 1:1 slope and we having a tough time keeping it open. Mr. Weathers questioned if we could get the same crew in there to do some cutting –about 4' from the ground and then leave it there. Mr. Karouac stated the shoreland permit may not permit it and the DOT plan did not show this so far. Mr. Smith questioned if it is in the shoreland protection area. There was further discussion. Mr. DiGregorio asked if there is time to get the additional permit for what we want. Mr. Smith advised they are about a month out from getting a permit but this doesn't stop the town from pursuing it. There was a discussion by the

Board as to whether to add this to the motion. After discussion it was agreed this would not be added to the motion. Mr. Weathers advised that he has been talking with Mr. Sires about funding for next year to do the cutting. **The motion carried 5-0-0.**

Mr. DiGregorio questioned the cost for this project. Mr. Karouac advised it is in the range of \$360,000.

Mr. Martin thanked Mr. Smith for the work done on Route 302 over the summer. He feels the crews did an excellent job. The Board next questioned if the bridge will be done before the fall. Mr. Smith replied in the affirmative and advised that he would find out what the actual completion is expected to be. Mr. Drinkhall asked about the guardrail replacement. Mr. Karouac advised the posts were rotted and were replaced with steel. There was next a brief discussion regarding East Conway Road. The Board and Mr. DegliAngeli asked that the DOT representatives please look at this matter again. Mr. Weathers also asked that they look at Route 153 as well.

Mr. Dickinson left the meeting for a break at 5:00 pm.

DISCUSSION OF CABLE SYSTEM LINE EXTENSION UNDER THE TIME WARNER CONTRACT

Mr. Sires reviewed cable line extension is a function of the existing contract with the Cable Company that the Town is in negotiations to extend and not the new contract we are trying to finalize. Mr. Sires reviewed the contract language regarding extending cable line every other year. Mr. Sires next reviewed the area in South Conway for the proposed extension. **Mr. Dickinson moved, seconded by Mr. DiGregorio, to request the cable company extend the cable line 1.5 miles. The motion carried unanimously.**

TIME WARNER EXTENSION AGREEMENT

Mr. Sires next reviewed the town is in negotiations with Time Warner Cable to renew the contract. The existing contract ran out in April. The Town is currently working to renew the contract and are close to having a proposed draft contract to the Board. Mr. Sires reviewed that Mr. DiGregorio suggested this extension agreement and the attorney for the Town has draw up same. Mr. Sires next reviewed the language in the extension agreement with the Board. (See attached). **Mr. Drinkhall moved, seconded by Mr. Weathers, to approve the agreement as read. The motion carried 4-0-0**

REVIEW AND CONSIDERATION OF MUNICIPAL AGREEMENT BETWEEN THE NHDOT AND THE TOWN OF CONWAY RE: HIGH RISK RURAL ROADS PROGRAM

Mr. Sires reviewed a proposed Municipal Agreement between the Town of Conway and the NHDOT regarding a High Risk Rural Roads Program. (A copy of same is attached hereto). Mr. Sires advised that he reviewed this with the Public Works Director and there isn't the feeling there is the need for this level of signage. Also, the sensitivity of the public to signs needs to be considered. Mr. Sires further explained the state would pay for the initial signs, however the town would be responsible for replacements and there is some concern over the number of signs they want to place. Mr. Drinkhall questioned how much it costs for the signs. Mr. Sires advised they are \$50-60 each. There was further brief discussion by the Board. **Mr. Weathers moved,**

seconded by Mr. DiGregorio, to join in the Municipal Agreement between the New Hampshire Department of Transportation and the Town of Conway regarding the High Risk Rural Roads Program. The motion failed 0-4-0.

LETTER FROM TOWN OF EATON RE: RECREATION

Mr. Sires briefly reviewed the history regarding the Town of Eaton and the Conway Recreation Department. Mr. Sires explained that we access participation to other towns for the recreation program the same as we do solid waste. Mr. Sires next reviewed a worksheet explaining same. Mr. Sires next reviewed a letter received from the Town of Eaton concerning the recreation formula. (see attached).

Mr. Dickinson returned to the meeting at 5:10 p.m.

Mr. DiGregorio stated he felt we should relook at the formula. We need to put thought into this before changing. Mr. DiGregorio further added that they (Eaton) are not sending a lot of kids to the program, but Albany does.

Mr. Weathers advised that Eaton Selectman, Rick Young, stopped by to talk with him regarding this issue. Mr. Young advised him they are looking for something that would be palatable to the voters of Eaton in the spring. There are not many families with young children in Eaton. Mr. Weathers advised that the programs of the recreation department are not just for youngsters in town and they need to relay to others, adults and seniors, that they can participate too. Mr. Dickinson questioned if Mr. Young gave any indication of what might be acceptable to them. Mr. Weathers stated no he did not but indicated they do like the programs, facilities, etc. but a large majority of the people in Eaton do not use the program.

Mr. Sires pointed out it would be a shame to give the services away to other towns for less than our town residents pay. Mr. Sires further pointed out that not all people in our town use the program either. Mr. Sires next stated they (Eaton) get to offer everyone in their community a full recreation center and they don't have to run one. Further, we offer kids, teen, and adult programs. Mr. Sires further added the Town of Eaton themselves have not promoted the program to their community; it is not on their web page, etc. Mr. Dickinson suggested we make an effort to other towns to let them know what is available. Mr. DiGregorio pointed out that Recreation Director, John Eastman, and Assistant Recreation Director, Mike Lane, do an excellent job of this through the website and on their Rec Weekly show.

Mr. Martin stated he needs to stand with Mr. Sires on this matter. He can't see letting someone else enjoy the program and put this onto the taxpayers of Conway. This is the same as with some people have kids in school and some do not. It is not a pay as you go program. If they don't want to participate they can vote it down at their town meeting.

Mr. Drinkhall stated he understands Mr. Sires and Mr. Martin's viewpoint but understands Eaton's point as well. Mr. Drinkhall questioned -if we lose them altogether would this be okay for the program. Mr. Sires advised if we stay with the current program and they opt out – yes. Mr. Sires next pointed out that we have to think about Albany in this matter as well – and they are happy with the current situation.

Mr. Sires suggested that we go back through the budget items connected with this and take a look at same. For instance we don't leave partks maintenance in the formula. Maybe the formula can be tweaked.

Mr. DiGregorio stated that in listening to what Mr. Sires has stated –it does make sense. There are seven kids in the program from Eaton now but he would like to know how many are eligible and don't use the program –maybe there are 20. It is not our fault that all people in Eaton don't use the program.

There was further brief discussion. The Board agreed with the idea to look at what exactly is an expense of the recreation program and sharpen same. **Mr. Drinkhall moved, seconded by Mr. Dickinson, for a directive to look at what exactly is an expense of the recreation program and to sharpen that and come back to the Board with same and, also, to call the school and find out exactly how many are eligible for the program. The motion carried unanimously.**

APPOINTMENT OF REPRESENTATIVE TO THE HENNEY HISTORICAL FUND COMMITTEE

Mr. Sires reviewed a letter received from Glenn Saunders regarding appointing a Selectmen's Representative to the Henney Historical Fund. (See attached). **Mr. Dickinson moved, seconded by Mr. Weathers, to install Glenn Saunders as a Trustee to the Henney Historical Fund through June 2012. The motion carried 5-0-0.**

DISCUSSION OF PROPOSED NOISE ORDINANCE

Mr. Martin reviewed any action on this subject would require a motion due to the action taken at the last meeting. Mr. Drinkhall would like to discuss this matter if there is no objection from the Board. No objections were raised.

Mr. Drinkhall reported he has had meetings with the Planning Board since the last Board of Selectmen meeting and they were contentious. One member is no longer a member of the Planning Board. They are adamant about the ordinance itself and at least two member want no changes to it.

Mr. Dickinson stated he would be supportive of an ordinance that bans Jake brakes. Mr. Martin reminded Mr. Dickinson this matter had already been discussed previously by this Board.

Mr. Drinkhall next stated that many people have spoken to him on this issue. Mr. Drinkhall further added that he has been on the Planning Board for ten years and only remembers two noise issues and these situations have worked out. Mr. Drinkhall next advised that he has also talked to the police on the matter and they advised anyone call on a nuisance and the Police Department can handle the matter.

Mr. Dickinson asked Mr. Drinkhall to describe comments people made who are in favor of the ordinance. Mr. Drinkhall advised that one person indicated that when construction hits the area of his home, he will immediately call the police and he is adamant about it. Mr. Drinkhall stated he advised this person to come to the Board and present their case but they refuse to do so.

Mr. Drinkhall next advised the ordinance proposed is the same ordinance that is in place in Windham, New Hampshire.

Mr. Martin reviewed that Mr. Drinkhall is discussing this matter tonight as it was said to him that he biased the Board on the subject. Mr. Drinkhall was criticized by the Planning Board for even bringing it up to the Selectmen, but he is the Board of Selectmen representative to the Planning Board. Mr. Drinkhall pointed out that it is not the case that all decisions go his way. Mr. Drinkhall further added that the Planning Board would like the Selectmen to reconsider this matter and, also, they want a junkyard ordinance. Mr. Martin stated he does not want to get into a Board war. Everything doesn't always go the way you want it to and you can't get mad. You take on the next challenge and keep your eye on what you are here for as a Board member. Mr. Martin next stated that if someone here wants to reconsider the noise ordinance we can but, if not, this stands as it is with this Board. Mr. Martin questioned if any member of this Board wanted to reconsider. Mr. Dickinson stated he would be happy to reconsider if they came forward with a different perspective and a new proposal as the one presented was too broad and sweeping. He would like to see something more specific, ie. Jake brakes etc. After further brief discussion, no Selectman asked for reconsideration.

Mr. Martin asked about junkyards. Mr. Sires and Mr. Drinkhall clarified this issue is about junkyards and not for junky yards. Mr. Sires next advised that this issue is pretty much handled by the State; however, we could ask staff to come before the Board to discuss further. Mr. Martin questioned if the Board wanted to make a motion to look at junkyards. Mr. Dickinson suggested Mr. Drinkhall take a copy of the state law concerning junkyards to the Planning Board. There was no action taken by the Selectman do look into junkyards.

TOWN MANAGER REPORT

North Country Council – Conway Bypass Roundtable Meeting – Mr. Sires reviewed the Town held a meeting with NHDOT Commissioner Campbell recently regarding the bypass. Mr. Sires next advised the North Country Council has now planned a meeting and this came out of the meeting with Commissioner Campbell a few weeks ago. Mike King of the North Country Council called and wanted to get meeting together and the North Country Council organized this meeting. The meeting will be held at Albany Town Hall on September 30, 2010 at 5:00 pm. Mr. Sires questioned if the Board wants someone to attend and do we have a position. The Board briefly discussed this matter. It was agreed that Mr. Sires and Mr. DiGregorio would attend the meeting to listen to discussion and represent the town.

Household Hazardous Waste Day 9/25/10 – Mr. Sires reported that Household Hazardous Waste Day is scheduled for September 25, 2010 at 10:00 am at the Transfer Station. Information on collection items is available Town Hall and on the town web page at www.conwaynh.org.

LGC Policy Conference – Mr. Sires reviewed the Local Government Center Policy Conference is scheduled for Friday, September 17, 2010 and that Mr. Dickinson will be attending.

CDBG – Mr. Sires reported he will be attending a meeting of the CDBG Board tomorrow, September 16, 2010 in Concord.

Census – Mr. Sires reviewed the Board had previously questioned what happens when the town reaches 10,000 in population and if we lose our rural status. One concern was with wastewater or water projects with precincts and one of those programs is jeopardized at that point. There is also a concern that once we hit 10,000 the highway compact situation comes into effect and that automatically Route 16 reverts to town maintenance and management, etc. Mr. Sires advised that he did look into this and basically the story is there is no trigger at 10,000. There used to be a 5,000 population trigger years and years ago. The compact actually means that although it is still a state road the local community maintains it and that is usually in response to a situation where the road has been upgraded and rebuilt and then the state turns it over to a local community to maintain. The other situation that can happen is the road can be reclassified from a state road to a local road and that can happen when there is a viable alternative road that handles state traffic and then a road that can handle local traffic. In talking with the DOT, they did not see that happening even if the bypass is built as there will still be a lot of regional traffic on Route 16 in town. The bottom line is if we hit 10,000, we don't have to worry about it. Also, we still don't know if we will hit 10,000 this year either.

BOARD REPORTS AND COMMENTS

Census Award – Mr. Martin reported the Town received an award from the Census Bureau for being supportive of the census program.

Cable Contract – Mr. DiGregorio reported the Town is still in negotiations with Time Warner Cable regarding the cable contract.

Lighting Project – Mr. Drinkhall asked that a discussion regarding lighting be placed on the next agenda. Mr. Sires reviewed the Board was to provide him with their ideas and comments about the lights and then we would put on the next agenda.

Primary Day – Mr. Drinkhall reported the vote tallying is a daunting task on the Town Clerk, Rhoda Quint. They were there till late a night completing this task. Mr. Drinkhall stated that write-ins for fictional characters or a friend puts much additional work on the town. Mr. Martin stated the whole staff should be commended and, also, everyone, that helped out too, including the Town crew and the Church for providing food – thank you to all.

Political Signs – Mr. Dickinson stated that with regard to political signs, people who won the primary –their signs can stay. Everyone else, all who did not win, their signs have to be pulled up and removed by this time next week. This is state law.

Conservation Commission - Mr. Weathers reviewed the Conservation Commission met last week for their regular monthly meeting. They had an update on their budget – expenditures half way through the year are right on track.

Tasker Hill Bridge - Mr. Weathers advised that the bridge on Tasker Hill road is now open. There is 2-way traffic again.

Board Relations – Mr. Martin stated he doesn't want to see Board wars. If the Planning Board wants to talk to this Board, they can come to the meeting and talk. All discussions here are public and we are doing the best we can with what we have.

Lighting – Mr. Martin stated that at the last meeting he made a public statement that he didn't understand how he missed commercial lighting being turned off. Mr. Martin stated he didn't participate in the vote because of a conflict. He is now asking that we bring this to the next level next week – one vote on PSNH lights and one on NHEC lights so that he doesn't have to abstain.

Birthday – Mr. Martin commented happy birthday to himself. The Board also wished him a happy birthday.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Bart Bachman of the Conway Daily Sun questioned the recreation formula for Eaton – what is it based on. Mr. Sires explained it is based on property values in town – and take a percentage.

Mr. Bachman next asked if the Board could summarize what happened with regard to the slope failure discussion earlier in the meeting. Mr. Weathers explained the area is the scenic overlook on Route 16 in Conway and a pipe deteriorated and failed.

Mr. Sires commented the next meeting of the Board of Selectmen is scheduled for September 28, 2010.

NON PUBLIC SESSION: RSA 91-A,II(C) / TAX MATTER(S)

At 6:08 pm, **Mr. Weathers moved, seconded by Mr. Dickinson, to go into non public session under RSA 91-A:II(c) to discuss a tax matter.** The non public session included a taxpayer and her friend, the Tax Collector, Rhoda Quint, Town Manager, Earl Sires, and Recording Secretary, Karen Hallowell. **The motion carried by unanimous roll call vote.**

At 6:20 pm, Mr. Drinkhall moved, seconded by Mr. Weathers, to return to public session. The motion carried by unanimous roll call vote.

NON PUBLIC SESSION: RSA 91-A,II(A)/TOWN MANAGER EVALUATION

At 6:20 p.m., **Mr. Drinkhall moved, seconded by Mr. Dickinson, to go into non public session under RSA 91-A:II(a) to discuss a tax matter.** The non public session included Town Manager, Earl Sires. **The motion carried by unanimous roll call vote.**

At 7:00 pm the Board returned to public session. **Mr. Dickinson moved, seconded by Mr. DiGregorio, to seal the minutes of this non public session. The motion carried 5-0-0.**

ADJOURN

At 7:01 pm the meeting adjourned at the call of the Chair.

Respectfully submitted,

Karen J. Hallowell
Executive Secretary