

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN**

October 7, 2008

The Selectmen's Meeting convened at 4:10 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen C. David Weathers (Acting Chair), Mark Hounsell, Howard C. Dickinson and Bob Drinkhall; Town Manager, Earl W. Sires; and Recording Secretary, Karen Hallowell.

Chairman, Larry Martin, was not in attendance.

PLEDGE OF ALLEGIANCE

Chairman Weather 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 9, 2008.

APPROVAL OF MINUTES

Consideration of the minutes of 9/11/08 and 9/23/08 were tabled to the next meeting.

PRESENTATION OF CERTIFICATE OF APPRECIATE TO EDWARD F DUFFY

It was reported that Emergency Management Director, Edward F. Duffy, recently resigned from his position with the Town of Conway. The Board presented a Certificate of Appreciation to Mr. Duffy. The Certificate was given in recognition of Mr. Duffy's commitment and service as the Town's Emergency Management Director for the past two years.

CANDIDATE FOR STATE REPRESENTATIVE EDWARD BUTLER

Candidate for State Representative, Edward Butler, introduced himself, spoke about the committees he is involved in as well as issues that are important to him. Mr. Butler advised the Board he is available to come to Conway and respond to needs whenever necessary.

CONSIDERATION OF UNANTICIPATED REVENUE LESS THAN \$5,000/RSA 31:95-B, III (B): A) \$875.00 AND \$927.50 FROM THE NH DEPARTMENT OF JUSTICE TO TOWN OF CONWAY PD/ GRANTS FOR BULLET PROOF VESTS; B) \$3047.26 FROM THE STATE OF NH TO TOWN OF CONWAY PD FOR DWI PATROLS; C) 900.00 FROM VARIOUS BUSINESSES IN CONWAY VILLAGE TO THE CONWAY PD FOR

THE DARE PROGRAM; AND D) \$2,548 FROM STORYLAND THROUGH THE GOLDEN GOOSE DAYS EVENT TO THE TOWN OF CONWAY PD FOR THE DARE PROGRAM.

Lt. Perley advised the Conway Police Department applied for grants and the grants were granted for bullet proof vests for the police department in the amounts of \$875.00 and \$927.50. There is a 50% reimbursement for the bullet proof vests. All purchases have to be approved for make and manufacture of vests and they have to be brought from an approved vendor. They bought 5 new vests from Neptune Vests and the vests costs \$3385. The reimbursement request was made in February and approved in August in the amount of \$1,802.50 (\$875 and \$927.50). Lt Perley advised they have also applied for money for 16 more vests. **Mr. Hounsell moved, seconded by Mr. Drinkhall, to accept the unanticipated revenue.** The chair suggested one motion. **Mr. Drinkhall withdrew his second and Mr. Hounsell withdrew his motion.**

Lt. Perley next reviewed \$3047.26 was received from the State of NH to Town of Conway PD for DWI Patrols. Lt. Perley explained this was for individual officers on patrol and this was different from the actual checkpoint. Lt. Perley reported on the Officer who participated and time and hours spent. The results yielded 169 stops, 7 DWI's, 3 other assorted offenses, 169 warnings, and 10 other offenses.

Lt. Perley next reviewed the Conway PD received \$900.00 in donations from various businesses in Conway Village for the DARE Program. This effort was spearheaded by Roland Bishop and many businesses donated. Lt Perley expressed his thanks to the many businesses who gave.

Lt. Perley next reviewed \$2,548 was received from Storyland through the Golden Goose Days Event for the DARE Program. This is for the sale of Golden Good tickets and events. A number of businesses pick them for contribution and the PD is happy people support them.

Mr. Hounsell moved, seconded by Mr. Drinkhall, that we accept Agenda item #9 as written in its entirety. The motion carried unanimously.

REVIEW AND CONSIDERATION OF MEMORANDUM OF AGREEMENT BETWEEN THE TOWN OF CONWAY AND BELIEVE IN BOOKS LITERACY FOUNDATION

Mr. Sires reviewed that A.O. Lucy from Believe in Books Literacy Foundation was before the Board recently to discuss a proposed Story Walk Program in Whitaker Woods. The program includes pedestals for books to be placed in Whitaker Woods. Mr. Sires reviewed that a proposed Memorandum of Understanding (MOU) between the Town of Conway and Believe in Books was distributed for review and consideration as well. Mr. Sires further reviewed that this matter has been reviewed by the Conservation Commission.

There was discussion by the Board. Mr. Hounsell advised that he has had conversations with people about what MOU should and shouldn't contain and about the program and he is also having difficulty with the concept of the program. One thing he is having difficult with is that it is the woods and should where you should be walking through the woods not reading books. Further, he does not know what kind of reading materials will be on the pedestals. Mr. Dickinson agreed the Town does not know what

will be on the pedestals. Mr. Dickinson further added he would have no problem with things on trees to identify trees but is opposed to these pedestals in Whitaker Woods. **Mr. Dickinson moved, seconded by Mr. Drinkhall, to approve this program.**

Mr. Hounsell moved, seconded by Mr. Dickinson, to table this motion until we have a full Board. The motion to table carried unanimously.

DISCUSSION WITH CONSERVATION COMMISSION REGARDING PROPOSED
RULES AND REGULATIONS FOR TOWN OF CONWAY'S
CONSERVATION LAND AND OPEN SPACES

Conservation Commission members, Paul Pinkham and Carol Lyman, joined the meeting. Mr. Pinkham advised the Conservation Commission has drafted proposed Rules and Regulations for the Town of Conway's Conservation Land and Open Spaces for the Board's review and consideration. Mr. Pinkham explained the Commission would like to keep this (the proposed Rules) positive sounding, not negative and would propose that they only be posted at the entrance and exits as they do not want to see a lit of signage.

The Board reviewed the proposed Rules and Regulations for the Town of Conway's Conservation Land and Open Spaces and brief discussion was held. With regard to item #5, it was agreed by the Board and Conservation Commission members that language be added regarding fires allowed by appropriate fire chief or warden. There was next also a brief discussion regarding mining and prospecting. **Mr. Hounsell moved, seconded by Mr. Dickinson, to accept the Rules and Regulations for the Town of Conway's Conservation Land and Open Spaces with the aforementioned fire warden/fire chief amendment. The motion carried 4-0-0.**

PROPSAL FOR CROSSWAL AT THE SCENIC VISTA

State Representative, Tom Bucu, joined the meeting. Representative Bucu advised he is at the Board meeting today to discuss the possibility for a crosswalk at the Intervale Scenic Vista. Reasons for the crosswalks are that the restrooms at the Visitor Center are not open until 10:00 a.m., people cross for ice cream and other things at the Scenic Vista.

Representative Bucu next advised that he spoke with the NHDOT Assistant Commissioner and they are willing to put in a crosswalk but need the request from the Town of Conway. Representative Bucu advised he is here to ask that the Town of Conway make such a request.

Mr. Dickinson moved, seconded by Mr. Drinkhall, to put in a crosswalk. Mr. Sires pointed out there are no sidewalks. Mr. DegliAngeli reviewed that the Town recently requested a crosswalk at the Recreation Center and were turned down. Mr. Hounsell suggested asking the state to install a tunnel or a light at the Intervale Scenic Vista as crosswalk paint will wear out. Mr. Drinkhall questioned the cost of maintaining a crosswalk. Mr. DegliAngeli explained the overhead is personnel and it takes approximately one gallon of paint. Mr. DelgiAngeli further advised that plowing each year takes off the paint.

Mr. Sires questioned where the crosswalk would go, it would have to come out of a driveway. Mr. DegliAngeli agreed and stated he would also like this information. Mr. Dickinson stated he would like to see drawings, etc., such as where they would like to put the crosswalk. Mr. Hounsell stated he may consider the request if they also put one in Center Conway as requested. There was further discussion. Mr. Drinkhall withdrew his second and Mr. Dickinson withdrew his motion. **Mr. Hounsell moved, seconded by Mr. Dickinson, that we have staff come up with a draft letter containing the very essential point that we will consider a request at the Scenic Vista so long as they will approve a request on Route 302 for a crosswalk by the Conway Recreation Center. The motion carried unanimously.**

RICHARD LAKE / DISCUSSION OF VARIOUS TOWN ISSUES

Richard Lake appeared before the Board. Mr. Lake advised he appeared before the Board three year ago when he had applied for a building permit and driveway. Mr. Lake advised that he submitted the application the next day after the Board okayed the application and six or seven weeks later he got his permit back and in the meantime his wife fell in the driveway. He never put in the driveway because he took his wife to his daughters to get better.

Mr. Lake next advised that about a month ago he put in an application for a building permit and received a letter back from the Town denying the application.

Public Works Director, Paul DegliAngeli, discussed the driveway permit and advised that driveway permits are good for one year from date of issue. Mr. DegliAngeli also explained why the town issues permits for drainage purposes, etc. Mr. DegliAngeli explained that it has been three years and Mr. Lake's driveway has not been done. Mr. Sires confirmed that the building permit has not been issued because the driveway permit has not been done. The driveway permit he applied for previously expired two years ago.

Mr. Hounsell questioned if he must fill out a new driveway permit and provide a \$500 surety. Mr. DegliAngeli confirmed same. Mr. Hounsell asked Mr. Lake what his objection was to filling out a new application. Mr. Lake first stated he would continue to use the driveway in the current condition and forget about his addition. Mr. Lake then advised he fill it out if he gets it in a few days. Mr. Sires noted his current driveway condition is not in compliance. Mr. Hounsell next advised Mr. Lake that the town needs to have a driveway application. There was discussion regarding the site and surety. Mr. Hounsell advised that he voted 3 years ago to waive fee but he is not doing to do this again and that Mr. Lake will have to go through the process just like everyone else. Mr. Lake advised he will make application the way he did before and let the town take it from there.

Mr. Lake next advised he would like to discuss Birch Hill. Mr. Lake stated he is not sure why there buried pipe 5-6 feet deep, tore up the road bed and graded the road corduroy. One day they have signs up and another day they do not and they do not have anyone controlling traffic either. Mr. Lake further stated they have not put in any cross ties in the water system. Mr. DegliAngeli explained they have a permit to open the street. Pittsifeld put this out to bid and they have a vested interested because it is their water lines but we also will have out inspector there. The corduroy refer to has been inspected as well and the catch basin will require some cleaning. Mr. DegliAngeli

advised this work has been paid for by Pittsfield and we have a maintenance bond for same.

Mr. Lake next discussed flooding and advised the drain basin to the left of his driveway has not been cleaned. He has requested it be cleaned but this has not been done. Mr. DegliAngeli advised they are usually cleaned yearly or twice yearly. We can easily check if this was missed.

Mr. Lake next questioned what the town is going to about erosion due to the clearing done by Sullivan. Mr. Sires advised the town will be happy to take a look at it

Mr. Weathers called for a brief recess of the meeting at 5:47 pm. The meeting reconvened at 5:54 pm.

RECOMMENDATIONS ON BUILDING INSPECTIONS

Mr. Sires distributed a copy of his memo concerning recommendations on building inspections to the Board for review.

Item #1 There was a discussion regarding scaled plans for building permits. The purpose of this proposal is for setbacks and accuracy for assessing data. The Board discussed. Mr. Dickinson felt this may lead to more violations and wont support. Mr. Pandora advised that we can assist with this area. Mr. Hounsell pointed out that wrong placement can affect abutters. Mr. Pandora suggested further language be added regarding assistance with the drawings. The Board agreed Mr. Sires would prepare language for further consideration.

Item #2 There was a discussion regarding adding private roads to this proposed item. The Board agreed to hold discussion on this item.

Item #5 With regard to surety fees the intent is to have the owner comply. There was a discussion. Mr. Hounsell felt it was reasonable and protects the citizens of the town and the majority of the Board agreed. Mr. Dickinson disagreed with the surety and suggested fines. The Board agreed this item should be discussed further.

At 7:42 p.m., due to time constraints, the Board agreed to continue discussion on this agenda item to another time.

Mr. Hounsell moved, seconded by Mr. Dickinson, that the Board have staff prepare what they can identify and make recommendations regarding appropriate penalties for non compliance on driveways or building permits. The motion carried 4-0-0.

DISCUSSION OF 2008 TAX RATE

Finance Director, Lucy Philbrick, joined the meeting. Mr. Sires distributed information to the Board concerning the tax rate and reviewed same. Mr. Sires reviewed \$4.45 tax rate is an increase of 45 cents. Mr. Sires reviewed the value of town property is not appreciating as it was before. Last winter the budget was increased for snow removal and heat at Town Meeting and this was due to the unusual conditions of the winter and this impacts the budget. Mr. Sires next reviewed that automobile

registrations have dropped. There is a decrease in non tax revenues. There are several things impacting us all at once. Mr. Sires reviewed that in the past revenues typically surpassed expectations and we were able to contribute from the fund balance in the past, however, we don't have that amount this year to contribute. Mr. Sires reviewed there is \$300,000 this year and this is \$200,000 less than in years past. Mr. Sires recommended applying \$300,000 from the fund balance.

The Board next briefly discussed tax rebates and tax cases that are pending in court. There was also brief discussion regarding the land taken off the tax roles by the state for the bypass that isn't being built.

Mr. Sires next discussed the budget for the rest of the year and advised that there will be no travel, no filling of positions that become available, etc.

The Board next held discussion on the amount to apply from the fund balance. Ms. Philbrick advised a meeting with the DRA will be scheduled in the near future. The only thing holding things up is the county but as soon as this information is received the DRA will be calling the Town for an appointment to set the tax rate. After further brief discussion, **Mr. Drinkhall moved, seconded by Mr. Hounsell that we take \$300,000 from the current unreserved fund balance. The motion carried 4-0-0.**

DISCUSSION OF CURRENT ECONOMIC SITUATION IN THE VALLEY

Discussion of this agenda item was carried to the next meeting.

TOWN MANAGER REPORT

This agenda item was carried to the next meeting.

BOARD REPORTS AND COMMENTS

Meeting schedule – Mr. Weathers called the Boards attention to the November calendar noting that Tuesday, November 4 is Election Day and Tuesday, November 11, 2009 is Veterans Day and asked the Boards pleasure on meeting dates. **Mr. Hounsell moved, seconded by Mr. Drinkhall, to meet November 6 and November 13, 2008. The motion carried unanimously.**

PUBLIC COMMENTS / MEDIA QUESTIONS

There were no public comments or media questions.

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

At 7:25 p.m., **Mr. Hounsell moved, seconded by Mr. Drinkhall, to go into non public session under NH RSA 91-A,II(C) to discussion tax matters. The motion carried unanimously.**

The Board returned to public session at 8:48 p.m. A motion to seal the minutes was made and carried in non public session.

ADJOURN

At 8:48 p.m., **Mr. Dickinson moved, seconded by Bob Drinkhall, to adjourn the meeting.**

Respectfully submitted,

Karen J. Hallowell
Executive Secretary