

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN**

October 14, 2008

The Selectmen's Meeting convened at 4:00 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen, Larry Martin, (Chair), C. David Weathers, Mark Hounsell, and Bob Drinkhall; Town Manager, Earl W. Sires; and Recording Secretary, Karen Hallowell

PLEDGE OF ALLEGIANCE

Chairman Weathers 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 16, 2008.

APPROVAL OF MINUTES

The Board considered the minutes of 9/11/08. Mr. Drinkhall pointed out that the Board member names were listed incorrectly and should be corrected to reflect that all five of the current members were present. **Mr. Weathers moved, seconded by Mr. Drinkhall to approve the minutes of 9/11/08 as amended. The motion carried unanimously.**

TABLE MOTION / BELIEVE IN BOOKS

The Board reviewed the following motion on the table: To approve this program. (Believe in Books program in Whitaker Woods). This motion had been made at the meeting of 10/7/08.

Mr. Hounsell moved, seconded by Mr. Weathers, to remove the Believe in Books motion from the table. The motion carried unanimously.

The Board next proceeded to **vote on the motion "To approve this program"** and the **motion was defeated 2-3-0** with Messrs. Drinkhall and Weathers voting in the affirmative and Messrs. Dickinson, Hounsell and Weathers voting in the negative.

A.O. Lucy from the Believe in Books Foundation was present and asked the Board members why they voted in the negative. Mr. Dickinson advised that he doesn't feel this belongs in Whitaker Woods and Messrs. Hounsell and Martin agreed.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

There were no Special Event Applications for consideration by the Board.

DISCUSSION OF NORTH CONWAY MUNICIPAL PARKING LOT LEASE

Mr. Sires distributed a copy of the existing lease between the Town of Conway and the Roman Catholic Bishop of Manchester regarding the North Conway Municipal Parking Lot to the Board and reviewed same.

Mr. Sires explained the town does the plowing, etc. Mr. Dickinson asked if we could calculate the cost of how many parking spaces, fuel costs and costs to the town. Mr. Hounsell stated he feels this is too much money and may not support renewing the lease. Mr. Sires advised the lease ends in 2011. Mr. Drinkhall pointed out that if we sign for another 25 years we pay for pavement. The Board discussed terminating the lease. Mr. Martin polled the Board on if we can get out of the agreement by 2009 do or should we instead of spending staff time looking at all costs. Mr. Drinkhall stated that if we do look at the costs he would like to know the total parking spaces. Mr. Drinkhall further stated that if we can terminate it he is favor. Messrs. Dickinson, Hounsell and Weathers were agreeable to terminate. Mr. Martin stated if we can terminate we should do it and if not, look at the costs, etc for future.

RECOMMENDATIONS ON BUILDING INSPECTIONS

Mr. Sires reviewed the Board held discussion on the memo concerning recommendations on Building Inspections last week but did not finish. There were a couple items pending and this will give us direction on the entire package. Mr. Dickinson reiterated his position that he feels the Town should levy fines on people who do not do what they are supposed to do. Mr. Martin suggested getting through the items in the memo and then bring fines, etc back to another meeting.

Mr. Sires discussed the remaining items in the memo. The item regarding measuring and inspecting during business hours for the assessment department. Mr. Sires explained the Assessing department uses door hangers now to make contact asking for an appointment if no one is home. Item #7 protects staff to do their work. Sometimes properties are posted with no trespassing etc With regard to Item #8 this deals with quotes for third party and they are looking for accuracy of records. Mr. Martin questioned if the Board would like to send Earl off to work with these items. **Mr. Drinkhall moved, seconded by Mr. Weathers, to move forward with this. The motion carried 5-0-0.**

DISCUSSIONS OF LOCAL FIREWORKS ORDINANCE

Barry Schecht of BJ Alan Company of Ohio joined the meeting.

Mr. Schecht reviewed that in 1988 Conway put in an ordinance to regulate fireworks. Mr. Schecht advised that his company only sells Class C "backyard" fireworks. They have three showrooms in the state and they are the largest seller in the country. Mr. Schecht advised that most of the customers for this location will be coming from Maine. Mr. Schecht next went on to state that after this ordinance was put forward in 1988, several years later the state of New Hampshire started to regulate and test consumer fireworks. All of that has been negated by the State of New Hampshire and the Fire Marshall. Mr. Schecht advised that after 1988 in New Hampshire you can't sell firecracker missiles, bottle rockets, reloadables and others. The state has taken a lot

out. Mr. Schecht stated they never had a problem at their other locations. Mr. Schecht next advised that when they put up a location, they conform to state and federal laws. The locations are totally sprinklered and fire suppressed. They want safe buildings for customers and employees. Mr. Schecht stated he feels that the ordinance put in back then does not reflect what has happened since and they want to be part of this community, pay taxes, etc. They are a large, responsible company.

Mr. Weathers stated that one targeted market is Maine and isn't it true they do stops at the border. Mr. Schecht stated it has not affected their business in the Seabrook area. Mr. Sires questioned if the fireworks they sell are legal in Maine. Mr. Schecht replied that he did not know but he does know that Maine people come to the showroom.

Mr. Sires questioned the location they are looking at in Conway. Mr. Schecht advised they are looking at the location of John's TV. Mr. Schecht advised it is not a contemporary building and they will have to put money into it.

Mr. Hounsell questioned if there are any regulations to determine age to buy fireworks. Mr. Schecht advised you must be 18 to purchase fireworks and they check ID at the door. They are careful about this and even have a requirement that to work there you have to be 21.

Mr. Dickinson stated he sees nothing wrong with this as fireworks are very tame now and these places are all around now. Mr. Dickinson further stated he feels this it is an entirely appropriate use of the John's TV building.

There next a discussion on different types of fireworks, aerals, etc.

Mr. Martin next asked the Fire Chiefs for input on this matter. Chief Solomon of the Conway Village Fire Department spoke first. Chief Solomon distributed information to the Board regarding the danger of fireworks and reviewed same with the Board. The data included fires, people injured, etc. Chief Solomon next advised that fireworks are illegal in the State of Maine – you can't use or possess them and so putting a store within a mile of the state line does not seem right to him. Chief Solomon next stated that there may be a cost issue to the town if a fireworks store is in the Town of Conway. The Fire Chief has to inspect the building twice a year and need to set of fireworks before the fourth of July. Chief Solomon explained that when he worked in Tamworth, he had experience working with a fireworks shop in that Town.

Chief Preece of the North Conway Fire Department spoke next advising that at Cathedral Ledge they did have to put out fires in the past due to fireworks. They now close the gates to avoid this at the 4th of July. Chief Preece asked that if the Board of Selectmen to consider a change to the ordinance that the Board allow the Fire Chiefs input on the restrictions, etc.

Mr. Sires talked about the budget and that he would want to make sure this wouldn't cost the town more over the next few years. Mr. Schecht advised that because they are coming to the community, they would be happy to participate if they were the cause of any increase.

After further brief discussion by the Board, **Mr. Dickinson moved, seconded by Mr. Hounsell, that the Board of Selectmen set a time and place to hold a Public hearing relative to permitting the possession, display and sale of Class C fireworks in the Town of Conway. The motion carried unanimously.**

DISCUSSION OF PROPOSED AMENDMENTS
TO TEMPORARY EVENTS SIGNAGE AND PERMITS

Mr. Sires briefly reviewed the current Tent Sale/Temporary Event Permit application and advised no signage is currently allowed. Mr. Sires advised the town is proposing to allow signage, a fee of \$35, and that the permit be displayed. Mr. Sires advised the planning Board has reviewed the proposed changes. **Mr. Drinkhall moved, seconded by Mr. Weathers, that we adopt the portion that is page 4 and 6, temporary application procedures and requirements.** There was brief discussion. **Mr. Drinkhall amended the motion, seconded by Mr. Weathers, that we adopt the portion that is page 4 and 5, temporary application procedures and requirements. The motion carried unanimously**

DISCUSSION OF CURRENT ECONOMIC SITUATION IN THE VALLEY

Mr. Hounsell discussed that he has run into people in Town that have run into hard economic times, i.e. losing housing, no housing, no food, etc. Mr. Hounsell requested that people please donate to food pantries, etc.

Mr. Sires next distributed a memo from the General Assistance Officer with an update and reviewed same with the Board.

TOWN MANAGER REPORT

Crosswalk – Mr. Sires distributed a draft letter prepared to the State of New Hampshire regarding the request for a crosswalk at the Intervale Scenic Vista as discussed at a previous meeting. The Board approved the letter and felt the letter accurately reflected the discussion. The Board agreed the letter should be prepared for signature and sent.

Time Warner Cable – Mr. Sires reviewed a letter received from Time Warner Cable with the Board about the switch to digital cable.

BOARD REPORTS AND COMMENTS

Planning Board – Mr. Drinkhall discussed the ongoing Red Jacket matter before the Planning Board regarding visual and noise nuisances. Mr. Drinkhall advised that the Law Firm of Cooper, Cargill & Chant has been replaced by the Red Jacket with the firm of Sulloway and Hollis. The new firm wanted guidance and they had no plan at the last Planning Board meeting and this matter was continued to November 13, 2008 to give them time to come up with a plan. Mr. Drinkhall advised that he was the lone vote on the Planning Board to not give them more time as this has been an ongoing issue. Mr. Hounsell stated that, as he recalls, following our trip to Carroll County Superior Court the Red Jacket was instructed to have a plan by August. Mr. Drinkhall advised the only plan they have is a fence by the boundary line and this is not a plan ok by most people. The Fire Chief also had requirements for having access to this area and in order to put

up a barrier or wall this would have taken away from this area and there are propane tanks in ground so this matter is just going on and on.

There was discussion by the Board as to the Red Jacket being in violation of site plan and the fact this matter is dragging on. **Mr. Hounsell moved, seconded by Mr. Dickinson, that the Board of Selectmen write a letter to the Planning Board over the signature of the Chair informing the Planning Board that the Board of Selectmen are prepared to initiate enforcement action regarding Red Jacket's non compliance in regard to sound attenuation. The motion carried unanimously.**

Mr. Drinkhall next reported that a couple members of the Planning Board are in favor of changing setbacks to 50" for certain types of properties. There are 26 properties that would be affected and would make many non conforming. Mr. Irving has now come up with an idea that would change the buffer and solved the issue and this will be considered by the Planning Board.

Election - Mr. Dickinson advised he would like to remind everyone that absentee ballots are available at Town Hall. Absentee ballots must arrive at Town Hall by November 3, 2008.

Candidate for State Representative – Mr. Hounsell pointed out that in the audience is Candidate for State Representative, Karen Umberger. Ms. Umberger, is a former Selectmen, Budget Committee member and is now running for State Representative. Ms. Umberger advised she is waiting to speak under public comment.

Transfer Station – Mr. Hounsell advised that he noticed there are containers at the transfer station where clothes can be dropped off and they are shipped off. He made an inquiry on this and there are a ton of clothes a month that are shipped off and he thinks this is great.

Tax Rate - Mr. Hounsell reviewed the Board talked about the tax rate and this and set it last week. Mr. Hounsell stated he thinks the fund balance is getting dangerously low. Mr. Hounsell stated he feels the Board should have a discussion at a future meeting as to what this means. Mr. Sires advised the rate meeting with the NHDRA is scheduled for next Tuesday at 9:30 am at Town Hall. **Mr. Hounsell moved to rescind the previous action where we set the projected tax rate at \$4.45. There was no second. The motion fails.**

Conservation Commission – Mr. Weathers advised the Conservation Commission met last week. At that meeting they spent time on the budget and, also, the Forester was there and gave a report.

PUBLIC COMMENTS / MEDIA QUESTIONS

Candidate for State Representative, Karen Umberger, introduced herself and spoke about her experience with Conway's issues, Rotary, the food pantry, etc.

NON PUBLIC SESSION: RSA 91-A,II(c) / Tax Matter

At 5:52 p.m. **Mr. Drinkhall 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 the Town Manager, Earl Sires, Town Clerk/Tax Collector, Rhoda Quint, and Recording Secretary, Karen Hallowell. **The motion carried by unanimous roll call vote.**

The Board returned to public session at 6:14 p.m.

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

ADJOURN

At 6:15 p.m., Mr. Weathers moved, seconded by Mr. Dickinson, to adjourn the meeting. The motion carried unanimously.

Respectfully submitted,

Karen J. Hallowell
Executive Secretary