

Minutes of Meeting
CONWAY BOARD OF SELECTMEN
May 1, 2012

The Selectmen's Meeting convened at 4:00 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, 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.

APPROVAL OF AGENDA

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

CONSIDERATION OF ANNUAL LEOP AGREEMENT

Emergency Management Director, Steve Solomon, was present.

Mr. Sires reviewed the Board of Selectmen are required to address this each year as it reenacts our Local Emergency Operations Plan. Mr. Weathers called for any questions. There were none. **Mr. DiGregorio moved, seconded by Ms. Sand, to approve the Local Emergency Operations Plan 2012 Annual Concurrence. The motion carried unanimously.**

REVIEW AND CONSIDERATION OF OPTIONAL ROLLOVER AGREEMENT
FOR MOU BETWEEN TOC AND MWVPA REGARDING THE SCHOULER PARK
COMMUNITY EVENTS PROMOTIONAL SIGN

Mr. Sires reviewed the Town of Conway owns a sign in Schouler Park and on that sign there are signs for different community events going on throughout the year. Mr. Sires next reviewed this Agreement was created last year and the MWVPA is responsible for maintaining the sign. Mr. Sires next briefly reviewed the Agreement with the Board. **Mr. DiGregorio moved, seconded by Ms. Sand to approve the Memorandum of Agreement between the Town of Conway and the Mount Washington Valley Preservation Association regarding the Schouler Park Community Events Promotional Sign.** Ms. Seavey noted that she is on the MWVPA Board and questioned if this is something she can sign. The Board agreed since she is not being paid it would be fine. Mr. DiGregorio stated he hasn't heard any issues with the sign since last year. Mr. Sires agreed. **The motion carried 5-0-0.**

CONSIDERATION OF NORTH CONWAY COMMUNITY CENTER'S
REQUEST FOR BOUNDARY LINE ADJUSTMENT

Ryan Sommer, Executive Director for the North Conway Community Center, was present for discussion.

Mr. Sires reviewed this matter has been before the Board several times for discussion. Mr. Sires next reviewed the location of the land that the North Conway Community Center is requesting for a Boundary Line Adjustment. Mr. Sires further reviewed that the Board of Selectmen chose to proceed with the process of getting recommendations from the Planning Board and Conservation Commission and to hold two public hearings, which has been done.

Mr. Sires next reviewed the input received from the Conservation Commission was in support of the lot line adjustment and the Planning Board approved a motion in favor of the recommendation with a companion motion that the application for a boundary line adjustment be considered concurrently with the site plan review application for the proposed redevelopment.

Ms. Sand moved, seconded by Mr. Dickinson, to table this Boundary Line Adjustment until after the Planning Board has made their approval and recommendation and then make our final recommendation. The motion failed with Ms. Sand and Mr. Dickinson voting in the affirmative and Ms. Seavey and Messrs. DiGregorio and Weathers voting in the negative.

Mr. DiGregorio moved, seconded by Ms. Seavey, to approve the lot line adjustment contingent on a deed being draw up with respect to bathrooms that meets the towns approval and the town only reserves the right for bathrooms to 2032. Mr. DiGregorio stated he feels this will make the lines cleaner on the property. Further, as far as bathrooms, he doesn't want to tie any entity into bathrooms forever and this is why he added a year to the motion. If the town doesn't move to put restrooms in there in twenty (20) years then the requirement goes away. Ms. Sand stated that she is not anti-recreation or anti-community activity but she has had concerns expressed to her about the actual building proposed by the North Conway Community Center itself. She thought at least if we had the Planning Board look at what they are planning to put in this location then we could get a recommendation –she could then get more easily behind it and that is why she made the motion she did. How does a building twice as large affect our feel for the downtown and are we replicating programs of the town and the school –these are some of the concerns expressed to her. Also, typically boundary line adjustments are done after they have gone through the approval process. Mr. DiGregorio stated he feels this is a simple boundary line adjustment and then we can let the people express how they feel about the building. He feels this would keep the process from getting gray and thinks the property line adjustment is the thing to do and let it go forward. Mr. Weathers stated what if they don't get the approval of the Planning Board or they never come forward –is there a need then for this boundary line adjustment. By tabling this does it interfere with the project? Mr. Sommer stated that it is his understanding the proposed building impedes on the lot line and he doesn't think they can present this to the Planning Board without a lot line adjustment. Mr. Weathers next asked about their alternate plans if they don't get the lot line adjustment and Mr. Sommer explained the different positions they could place the building on the property. Ms. Seavey stated she agreed with Mr. DiGregorio on this with cleaning up the property lines. Ms. Seavey next stated the North Conway Community Center did come to the Planning Board on this matter. Mr. Sommer explained they have a conceptual design but the Planning Board wasn't voting on the site plan review when they appeared before them recently –they were there regarding getting a recommendation on the lot line adjustment for this Board. Mr. Sires stated this project has not been submitted to the Planning Board for review and they (the Planning Board) have only given feedback on the lot line adjustment. Mr. Sires next stated that with regard to the question of do we need a lot line adjustment if the project doesn't go forward –we can still operate the roadway if this goes forward. We just won't have a cooperative ownership of the land anymore. There was further brief discussion. **The motion carried 4-1-0 with Messrs. Dickinson, DiGregorio and Weathers voting in the affirmative and Ms. Sand voting in the negative.**

CONSIDERATION OF LETTER TO NHDOT REGARDING THE
11.5 ACRE PARCEL ON NORTH-SOUTH ROAD

Mr. Sires reviewed at the last meeting he was asked to draft a letter to the Commissioner of the NHDOT. Mr. Sires also advised he emailed staffers at the NHDOT to let

them know that this was coming. Mr. DiGregorio stated he agreed the draft letter presented does convey what we are trying to do. Mr. DiGregorio further added they have been sitting on the property for ten years and can't see why they can't wait until April of 2013 and give us time to let the voters decide on this matter. Mr. Dickinson asked if we asked for an easement. Mr. Sires reviewed the draft letter. (Copy attached). Mr. Sires suggested that in the second to last paragraph that with regard to the latter two options, both of those would require vote of the 2013 town meeting and so the letter should reflect same. The Board agreed. **Mr. DiGregorio moved, seconded by Mr. Dickinson, to approve the draft letter with the change as Mr. Sires mentioned and send it to the Commission of the Department of Transportation. The motion carried unanimously.**

Mr. Sires stated that related to this matter, we did get two letters from bicycle groups regarding this matter. Mr. Sires briefly reviewed the letters with the Board. (See attached). The letters discuss other parcels the state owns along this area and suggested we ask for easements. Mr. Sires suggested the Board take time to review this information and then re-agenda same. The Board agreed.

Mr. Dickinson stated he feels we should send copies of the letter we are sending to the Commission of the NHDOT to our state representatives, etc. Mr. Dickinson further advised that he did speak with Councilor Burton and Representative Gene Chandler about this matter and they called the NHDOT and advised them the Town of Conway is interested in picking up this property and we need more time. There was brief discussion by the Board. Mr. Dickinson reiterated we need to copy the representatives, etc. on the letter. The Board agreed.

Mr. Sires next advised that he did respond to NHDOT via email prior to the April 30, 2012 deadline date advising that we would be sending another letter.

SIGNING OF DOCUMENTS

- a. Certification of Yield Taxes Assessed – Tax Map/Lot 226-3
- b. Certification of Yield Taxes Assessed – Tax Map/Lot 240-22
- c. Certification of Yield Taxes Assessed – Tax Map/Lot 247-11
- d. Certification of Yield Taxes Assessed – Tax Map/Lot 257-11
- e. Certification of Yield Taxes Assessed – Tax Map/Lot 276-86
- f. Timber Tax Levy – Tax Map/Lots 226-3, 240-22, 247-11, 257-11
- g. Timber Tax Levy – Tax Map/Lots 276-86

Mr. DiGregorio moved, seconded by Ms. Seavey, to sign the documents, Certification of Yield Taxes Assessed – Tax Map/Lot 226-3, Certification of Yield Taxes Assessed – Tax Map/Lot 240-22, Certification of Yield Taxes Assessed – Tax Map/Lot 247-11, Certification of Yield Taxes Assessed – Tax Map/Lot 257-11, Certification of Yield Taxes Assessed – Tax Map/Lot 276-86, Timber Tax Levy – Tax Map/Lots 226-3, 240-22, 247-11, 257-11, and the Timber Tax Levy – Tax Map/Lots 276-86. The motion carried unanimously.

CONSIDERATION OF BILLS

- a. Manifest dated 5/3/12
- b. Payroll 5/3/12

Ms. Seavey moved, seconded by Mr. DiGregorio, to approve the manifest and payroll dated 5/3/12. 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 presented for consideration.

CONSIDERATION OF MINUTES: 4/17/12

Mr. DiGregorio moved, second by Ms. Seavey, to accept the minutes of 4/17/12 as written. It was noted there were a few grammatical errors that would be corrected. All agreed. **The motion carried unanimously.**

TOWN MANAGER REPORT

Charter Update – Mr. Sires reported we have done some preliminary updating on the Charter, i.e., SB2 form of governments, etc. There were also a few other procedural things in the Charter that have been updated. We expect to have a revised charter for the Board's review at the next Board meeting.

Fireworks – Mr. Sires reported that Janice Crawford has asked if the Board would confirm if they still support fireworks for New Year's Eve. Mr. Sires questioned if the Board is okay with doing this again this year. Mr. Weathers asked if there would be burning of the greens. Mr. Sires responded in the negative. The request is for fireworks, trashcans, etc, as was done last year. Ms. Seavey questioned if the fireworks would be done by the Conway Recreation Department and will the permitting come through the town. Mr. Sires responded in the affirmative but added that this is still a joint effort with the Chamber and, also, the North Conway Fire Department providing safety. It is his understanding the Chamber will again approach the North Conway Water Precinct for services this year. Ms. Seavey stated this is not a chamber event it is the effort of the Community Celebrations Committee. **Ms. Seavey moved, seconded by Mr. DiGregorio, that until further notice, the town is doing New Year's Eve.** Mr. Sires stated all costs are covered and there has been significant fundraising and this has worked out well. Ms. Seavey stated it is the Celebration Committee that comes up with the money. Ms. Seavey next advised they are also looking to do a parade in Conway for the Tree Lighting. Also, they hope to add money to help the Town with the Fourth of July Parade as well. Mr. Weathers pointed out the tree lighting wasn't a town sponsored event. Mr. Sires advised there was some scrambling at the last minute this past year to get this done and we did handle it as a town event. Mr. Sires next stated that there has been talk of expanding this event this year and as planning goes along this year, we will come back to the Board and ask about this particular event. Ms. Seavey advised the same people will step up to the plate again this year to help with this event. No Vote was taken on Ms. Seavey's motion.

Redstone Quarry – Mr. Sires reviewed he sent a copy of an email to the Board regarding a request for help at the Redstone Quarry. Redstone Quarry is a significant historic site and people have been getting into the area since the cell tower was put in and the gate was moved and are carting off items. Steven Swenson, Ray Burton and others have called about this matter. We have also asked the state for help from keeping people from getting in there and causing vandalism. Mr. DiGregorio questioned why the gate was put up the hill and can we get it put back. Mr. Sires explained there used to be a cable at the end of the property and when the NHDOT brought this from Schiavi there was joint access for Schiavi on the east side and

this is where the cell tower is and, in the course of this, the cable was removed and a gate was put further up the hill toward the tower. Mr. Sires next stated the only place it made sense now to put a cable up was where it used to be. Mr. Sires advised he contacted Schiavi, etc., and they have agreed that it is okay to put the cable across this area. We have also asked the NHDOT to come up and look at the other access area to see if we can get this blocked as well.

Perambulation – Mr. Sires reviewed the perambulation of town lines is required to be done this year. Mr. DegliAngeli was appointed by the Board to get this done. Mr. Sires next advised we are in the process of perambulating and the Board of Selectmen are required to write letters to the bordering towns advising that we are doing this work and ask them if they would like to view same. Mr. Sires advised we will be sending letters out on the Board's behalf in the near future. Mr. Sires next advised we will then have to file a return when this is completed. Mr. Sires next advised that the boundaries are still quite clear but we are repainting and marking same.

Bulletin Board/Transvale – Mr. Sires reported a bulletin board has been put up in Transvale Acres to give people information regarding building permits, about not providing electricity to anyone not complying with regulations, with information on bringing debris to the transfer station, etc. This will keep people on notice of what is going on.

East Conway Road – Mr. Sires advised the town found out today that the NHDOT is preparing to do work on East Conway Road. Trucks were seen today starting work just east of the transfer station road and they are going to be putting in under drains in the road. Apparently, this is the first part of a larger effort by the NHDOT. Mr. Sires next advised that Mr. DegliAngeli is calling the NHDOT to see what else is planned for work on East Conway Road.

BOARD REPORTS AND COMMENTS

LMWVSWD – Ms. Sand advised a meeting of the LMWVSWD is being scheduled for next week. Hopefully, they will have a plan soon to present to the Board of Selectmen regarding the dump store.

Redstone Quarry – Ms. Sand advised she was offered by Steve Swenson to take a tour of the Redstone Quarry area. Ms. Sand further advised this invite was to the entire Board if anyone is interested and would like to go on a guided tour. Mr. Weathers requested Ms. Sand advise the Board of the date of the tour and Ms. Sand agreed.

Planning Board – Ms. Seavey advised the Planning Board has requested that an alternate Selectmen's representative be named. Mr. Weathers advised that what has happened in the past is that if you cannot make it to a meeting then you call around to see who is available with as much notice as possible. Ms. Seavey agreed. Mr. Sires questioned if there were any volunteers of who to call first to sit in on a Planning Board meeting. Ms. Sand advised that if given enough notice she agrees to be the first called to fill in as the Selectmen's representative to the Planning Board.

Budget Committee – Mr. DiGregorio advised he is the representative to the Budget Committee and he has a conflict for a meeting of the Budget Committee scheduled for May 9, 2012. Ms. Sand advised that she could cover the Budget Committee meeting scheduled for May 9, 2012.

Councilor Burton – Mr. Dickinson stated that anytime anyone has a problem getting through to the NHDOT, we can always call Councilor Ray Burton.

Precincts – Mr. DiGregorio reported he ran into some of the Commissioners of the different precincts in town at the recent Earth Day Celebration. They agreed they are ready when we are to set a date for a meeting and they will attend. They would also like to have a NHMA representative at the meeting as they feel this would help with information. Mr. DiGregorio stated he would like to get a date for this meeting; however, his calendar is full for May. Mr. DiGregorio suggesting trying to get something scheduled for June.

Cal Ripken – Mr. DiGregorio stated that Cal Ripken baseball is joining with Conway Recreation to do a fundraiser for batting cages. Mr. DiGregorio stated he wants people to know that if they sponsor a child for the derby to please call him or contact the Recreation Department. Mr. DiGregorio further added they are looking at putting the batting center on the Recreation Department property.

Gift of Van to Recreation Center – Mr. Weathers stated that he would like to send a letter to the Friends of Conway Recreation to thank them for the donation of the 2011 Ford Van. Mr. Weathers reviewed a proposed letter with the Board. **Ms. Sand moved, seconded by Mr. DiGregorio, to send the letter of thanks to the Friends of Conway Recreation. The motion carried unanimously.**

Silver Star Banner Day – Mr. Weathers reviewed a Proclamation made by the Selectmen a few years ago proclaiming May 1 as Silver Star Banner Day. Mr. Weathers read aloud the Proclamation to the Board and for the public.

PUBLIC COMMENTS AND MEDIA QUESTIONS

There were no public comments or media questions.

Mr. DiGregorio was excused from the meeting and left at 4:46 p.m.

NON PUBLIC SESSION/NH RSA 93-A:3,II(C) – TAX MATTERS

At 4:57 p.m., **Ms. Sand moved, seconded by Ms. Seavey, to go into non public session under NH RSA 93-A:3 II(c) to discuss tax matters. The motion carried by unanimous roll call vote.**

The Board returned to public session at 5:31 p.m. A motion to seal the minutes of this non public session was made and carried in the non public session.

ADJOURN

At 5:32 p.m. the meeting adjourned without objection at the call of the Chair.

Respectfully submitted,

Karen J Hallowell
Executive Secretary