

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN**

June 5, 2012

The Selectmen's Meeting convened at 4:03 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, Holly Meserve.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

It was noted that five (5) items were being added under the agenda item "Signing of Documents" as follows: Timber Tax Levy Map/Lot 234-77, Timber Tax Levy Map Lot 231-139 and Map Lot 265-161.2, Certification of Yield Taxes Assesses Map/Lot 234-77, Certification of Yield Taxes Assessed Map/Lot 231-139, Certification of Yield Taxes Assessed Map/Lot 265-161.2. **Ms. Seavey moved, seconded by Ms. Sand, to approve the Agenda with the amendments. The motion carried 5-0-0.**

CONSIDERATION OF UNANTICIPATED REVENUE LESS THAN \$5,000/RSA 31:95-B, III (B)

a. \$500 from the Friends of Conway Recreation to the Town of Conway for flowers for the front of Conway Recreation Building. **Ms. Sand moved, seconded by Ms. Seavey, to accept the \$500 from the Friends of Conway Recreation to the Town of Conway to be used for flowers in front of the Conway Recreation Building. The motion carried unanimously (5-0-0).**

PROPOSED GRANITE MEMORIAL FOR REDSTONE/STEVE SWENSON

Steve Swenson appeared before the Board. Mr. Swenson stated that the Board has already approved the pink slab and they are requesting an approval for a green slab.

Mr. DiGregorio thanked Mr. Swenson for his efforts. **Mr. DiGregorio moved to approve the placement of both stones.** Mr. Swenson thanked the Board of Selectmen for the chained gate at Mountain Road and stated there are other areas that should be blocked off as well. Mr. Sires stated that that he has contacted representatives at DOT, as they are the owners of the property, as well as the State Historical Preservation Office, to ask how to protect the site. Mr. Sires stated he has not received a response. Mr. Sires stated that the Board could write a letter expressing concerns because in any other State this would be considered a state park valuable resource.

Ms. Seavey seconded the motion. Ms. Sand asked if the Board needs to approve the etching as well. Mr. Swenson stated that the Board did reserve the right to edit the wording on the stone and they respect that. Ms. Sand asked if that wording should be approved now. Mr. Weathers stated that he would like to wait one more meeting so he could review the wording. **Motion unanimously carried (5-0-0).**

Ms. Sand moved, seconded by Ms. Seavey, to send a letter to the State to restrict access to Redstone where vehicles and foot traffic can enter. **Motion unanimously (5-0-0).**

HUSSEY FIELD UPDATE

Mr. Sires stated at the last meeting he was tasked with a number of things and submitting an application to the granting agency, Woodbury Foundation, has been done. Mr. Sires stated that he did receive a response that we would hear in a week or so. Mr. Sires stated that the application packet gives a description and the cost. Mr. Sires stated that Paul DegliAngeli was tasked with looking at what would be feasible and working with the livery folks regarding management of the river access and he has done that. Mr. Sires stated that Chief Wagner is present to speak on Special Duty Officers.

Mr. DegliAngeli stated that they had been looking at a U-shaped drive, but after meeting with NHDOT representatives on site it was apparent that it would not fit, nor was NHDOT willing to permit it. Mr. DegliAngeli stated that the second proposal, which is what we are proposing, is more efficient, smaller and less expensive. Mr. DegliAngeli stated that this driveway goes between the existing boulders with a turnaround at the base of the existing ramp.

Ms. Sand asked how far this is from the river and stated that it is quite a distance with canoes. Mr. DegliAngeli answered approximately 200 feet which is no farther than what they do now. Ms. Sand asked if this would be in the way of special events. Mr. DegliAngeli stated that his could come down to stakes and cables, which during events could be removed.

Mr. Weathers stated that the Pow Wow and the Dog Show are both after Labor Day. Mr. Weathers asked Peter Gagne, who was in the audience, if that area would be busy after Labor Day. Mr. Gagne answered in the negative. Mr. Sires stated that we realized when looking at the design that this would really be a July and August solution; to make it permanent doesn't make sense. Mr. Sires stated that this will come out at the end of the season and we will set it back up the following year.

Mr. Weathers stated that this is a 2 year trial. Mr. Sires stated that this is experimental, but it is up to the Board. Mr. DegliAngeli stated if the Board approves this they will not be able to get to this until this fall unless we stop other construction and fixing wash outs. Mr. Sires stated for now they would take out material and loam and seed in the fall so it would be all set to go in the spring.

Mr. Weathers asked Chief Wagner if they would be supplying an officer on the weekends. Chief Wagner stated when we have special details or commercial details we have a signup sheet, so it will depend on the availability of the officers; we cannot force them to do it. Chief Wagner stated that we cannot require anyone to do special detail, but doesn't think it would be a problem finding people who want to make extra money.

Mr. Gagne asked as a long term solution would be the Police Department able to staff if money comes from grants or permit fees. Chief Wagner stated the only way would be if it were a special detail. Mr. Gagne asked on special detail would they be able to address other issues at First Bridge, such as jumping off the bridge, or would it just be traffic control. Chief Wagner stated that if they see an offense taking place they would address it.

Mr. Sires stated they determined it would cost approximately \$3,000 a summer for an Officer. Mr. Sires stated that they were looking to draw up an agreement as well. Ms. Sand asked if it would be possible to create a document for special use of an area so the commercial groups would have this ahead of time. Mr. DegliAngeli stated he could contact Fryeburg and Brownfield as both Towns require a permit. Mr. Sires stated for this year a contract and a check should come to the Town, which would give us the summer to establish the permit fee.

Ms. Seavey asked about litter and would that be a part of the contract. Mr. Gagne stated that litter has been a problem and North Conway Water Precinct did have an issue with trash. Mr. Gagne stated from his business there is less litter as he is dropping them off when the people are starting their trip, but there is an outfit that are taking boaters out. Mr. Gagne stated that they have tried trash cans down there, but everyone was using them and they were overflowing.

Steve Hartmann, who lives at 94 River Road, stated that litter is definitely a problem. Mr. Hartmann stated that he hopes we are not giving up the kid's beach to the outfitters in Town. Mr. Weathers stated there will be direction signs as he does not want the public to lose the use of the beach. Mr. Hartmann suggested putting a ramp on the south side. Mr. Weathers stated that the Town does not own that property. Mr. Weathers stated that he would like further research on the owner on the southeast and that is why there is a two year time frame. Mr. Hartmann stated that you just get trampled on. Mr. Sires stated there would be directional signage to bring the boaters up stream and then a sign with swimming only, no boaters.

Ms. Seavey moved, seconded by Mr. Dickinson, to work up an agreement for this summer to look like the one Mr. DegliAngeli presented, that there would be no surface treatment at this point, for the work to be completed in the fall, that it is contingent upon contribution for commercial duty by the liveries, that the area be cabled off during bad weather, that it includes directional signage for swimmers and boaters and it is for a two year trial.

Ms. Sand asked about signs. Mr. Sires stated that they plan to do that. Mr. Weathers asked Mr. Gagne if his employees walk people to the river and show them where to go. Mr. Gagne stated for his own company they are supposed to walk them down make sure they are wearing life jackets. Mr. Weathers asked Mr. Gagne to pass this onto the other liveries and let them know if there is a problem this may go away. Mr. Gagne stated that the most difficult is going to be the people coming in from the North and suggested signing the beach so people don't hang out there. Mr. Weathers stated that he must have communication with the livery people.

Ms. Sand stated that signs won't work; why should your company be in jeopardy when you can contact them, you know who they are. Ms. Sand stated they should be asked to direct their people to get their boats off the beach. Mr. Gagne stated that he understands that, but on the same token if there is a problem and it is the company from Bartlett, can you restrict them rather than everyone being penalized. Mr. Weathers stated if necessary we will have a permit for it. Mr. Gagne stated that he thought it was going to be a permit process next year.

Mr. DiGregorio stated that he would support this now, but it is a short term solution. Mr. DiGregorio stated that there is going to be issues with the beach and he would like something more long term. Mr. DiGregorio stated that the only solution is on the southeast side, but right now that is not working out. Mr. DiGregorio stated that this solution is something we can do right now. **Motion unanimously carried (5-0-0).**

HOBBS STREET PARKING

Mr. Sires stated this is a follow up from a meeting held six weeks ago. Mr. Sires stated the prior meeting had a lot of discussion with residents regarding the concerns with trucks parking and idling overnight. Mr. Sires stated the Board tasked Mr. DegliAngeli at looking at recommendations. Mr. DiGregorio stated that we did not want to inhibit the businesses, but to work together on a solution.

Judith McGinty stated that her concern was for the building across the street from her and the parking is during the day, in front of the houses and blocking the driveways. Ms. McGinty stated that Chicks posted their site, we contacted the Police Department and they move along. Ms. McGinty stated that the parking is during the day. Ms. McGinty stated there is industrial on one side on the road and residential on the other side.

Ms. McGinty stated that they spoke with the puzzle factory, they understand the residents' concerns and they must have spoken to the truckers as it has been better, but this is also the slow season. Ms. McGinty stated that we have a lot of foot traffic and as a residential neighborhood they need some consideration. Mr. Weathers suggested restricting on street parking. Ms. McGinty stated just in that area, around the three houses; wouldn't want them to park at night either as it is not going to hinder their business.

Mr. DiGregorio stated that we discussed no parking at all, but what if you had a gathering at one of the residential houses. Ms. McGinty stated that they would prefer no parking; they would make it work. Mr. Weathers asked if it would be no parking from Colbath Street to Carroll Industries. Ms. Sand stated the Board had discussed last time that the whole road should be posted so they don't get around the corner and get stuck. Mr. DiGregorio stated there is no reason for them to be stuck; they have enough room in the back to turn around.

Dan Franz of American Air Systems suggested signing it as no commercial truck parking, so it allows the residential to still park, but stops the commercial truck. Mr. DegliAngeli stated that they could add it to the no idling signage.

Tom Dias, Vice President of Chick Lumber, stated that White Mountain Puzzles does have limited access to the other seven doors if the first door is occupied; however, they are leaving in December. Mr. Dias stated that they will no longer be a tenant and that loading dock is not in the plans to be used as a loading dock. Mr. Dias stated lumber trucks would come in the other gate by American Air Systems, but it is not set in stone. Mr. Dias stated that they were not aware of truck parking; they send out with their purchase orders that deliveries are from 7 am to 3 pm and that there is no overnight parking and no idling.

Mr. Weathers stated that you are not allowing overnight parking or idling on your property. Mr. Dias agreed. Mr. Weathers asked if not allowing commercial truck parking or idling would not interfere with your business. Mr. Dias stated that it would not interfere with their business. Mr. Dias stated that they understand the concerns of the residents and we don't want to cause any waves. Mr. Dias stated that their vendors would be instructed that there is no overnight parking or idling at our facility.

Jamie of 186 Hobbs Street stated that she owns a day care and asked where they are going to park once Chick's moves down there with their retail store. Mr. Dias stated he does not have the information to present to the board tonight; however, there are two parking lots that exist and there would be no on street parking. Mr. Dias stated that they would not use the road for anything but driving. Ms. Sand stated that the site would require a site plan review and they will have to provide enough off-street parking.

Carl Thibodeau stated that he has 3.5 acres of parking that no one uses from 5 pm to 7am. Mr. Thibodeau stated that they could park there as long as they are out by 7 am. Mr. Thibodeau stated that section of Hobbs Street is the Ham Arena. Mr. Thibodeau stated this past weekend they had a function; their parking lot was full so they parked on both sides of Hobbs Street. Mr. Thibodeau stated when vehicles are parked from the back of Ham Arena to West Main it becomes a one lane road.

Mr. Thibodeau stated that he has offered on multiple occasions for Ham Arena to use his parking as it is virtually empty all day Saturday and Sunday. Mr. Weathers stated they appreciate the offer. Mr. Weathers stated if the puzzle factory is gone by December and they are talking to their vendors then this may not be too much of an issue.

Ms. Sand stated if they are not moving until December and Chick's cannot get onto the property there might still be some issues between now and December. Mr. Weathers stated they will post signs and enforce it. Ms. Sand stated that she just wanted the residents to understand that there are six months before they move, so there could be some issues but we are working toward it.

Mr. DiGregorio moved, seconded by Ms. Seavey, to post it for no commercial parking or idling from Kennett Street to American Air Systems. Mr. Thibodeau stated that this doesn't resolve the Ham Arena issue. Mr. DiGregorio agreed and stated that it could be discussed at another time. Mr. Sires stated that he would talk with the Police Chief and Management of the Ham Arena; he will look into it.

Mr. Dias stated that the puzzle factory is leaving and we don't accept deliveries there as we still use North Conway. Ms. Sand asked who is parked in the road. Mr. Dias stated maybe the puzzle factory is getting two deliveries and he can take care of that first thing tomorrow morning. **Motion unanimously carried (5-0-0).**

ORDERS TO REMOVE OR REPAIR HAZARDOUS
BUILDINGS PURSUANT TO RSA 155-B:2

Mr. Sires stated that this is part of our efforts in the Transvale Acres neighborhood to bring properties into compliance with all the applicable regulations. Mr. Sires stated that this is a request to remove hazardous buildings. Mr. Sires stated that the Building Inspector has determined these buildings to be uninhabitable or unsafe or significantly damaged and highly unlikely to be repaired. Mr. Sires stated that the owners do have the opportunity to do that within one year of the event which was August, 2011. Mr. Sires stated that these are not properties that were or are people's residence; they are not year round primary residents, they are secondary homes.

Mr. Sires read a memo from Peter Malia dated April 12, 2012. Mr. Sires reviewed RSA 155-B:2. Ms. Sand asked if FEMA has purchased some of these properties. Mr. Sires answered in the negative. Ms. Sand asked if they have purchased other properties. Mr. Sires answered not yet, but we hope to receive funds to buy out owner occupied or full time rental properties.

Ms. Sand asked if there would be a lot more of these. Mr. Sires stated these are the ones that appear to us that are not habitable, meet the definitions of state law and appear to be abandoned. Mr. Sires stated that they would like to proceed along this course to propel the owner to do something. Mr. Sires stated since the week after the event, we have been communicating with all the property owners and having them contact the Town. Mr. Sires stated some of the people have come in, others we have not heard from and suspect they have just walked away.

Ms. Seavey asked if the taxes have been paid on these properties. Mr. Sires stated all the properties are current, none of these are in a situation to be liened or taken. Mr. DiGregorio stated that PID 251-81 is not part of this and should be removed from the agenda. Mr. Weathers stated that the Minutes should indicated that 251-81 is not involved.

Ms. Sand moved, seconded by Ms. Seavey, to send the order to remove or repair Hazardous Building Pursuant to RSA 155-B:2 for PID 251-28, 251-38, 251-91, 251-95, 251-113, 251-119 and 251-129. The motion unanimously carried (5-0-0) .

SIGNING OF DOCUMENTS

- a. Fairpoint Petition and Pole License – Pole #'s 205/E/115, 205E/114, 205E/113A and 205E/113 located on Heath Road
- b. Lien Discharge – Map/Lot 235-6.002
- c. Notice of Intent to Cut Wood or Timber – Map/Lot 284-14.7
- d. Notice of Intent to Excavate – Map/Lot 263-117
- e. Summary of Forest Stewardship Plan for Current Use Assessment –Map/Lot 214-2.01
- f. Timber Tax Levy Map/Lot 234-77
- g. Timber Tax Levy Map Lot 231-139 and Map Lot 265-161.2
- h. Certification of Yield Taxes Assesses Map/Lot 234-77
- i. Certification of Yield Taxes Assessed Map/Lot 231-139
- j. Certification of Yield Taxes Assessed Map/Lot 265-161.2

Mr. DiGregorio moved, seconded by Ms. Seavey, to approve the Lien Discharge – Map/Lot 235-6.002, the Notice of Intent to Cut Wood or Timber – Map/Lot 284-14.7; the Notice of Intent to Excavate – Map/Lot 263-117, Summary of Forest Stewardship Plan for Current Use Assessment – Map/Lot 214-42.01, Timber Tax Levy Map/Lot 234-77, Timber Tax Levy Map Lot 231-139 and Map Lot 265-161.2, Certification of Yield Taxes Assesses Map/Lot 234-77, Certification of Yield Taxes Assessed Map/Lot 231-139 and Certification of Yield Taxes Assessed Map/Lot 265-161.2. The motion carried unanimously (5-0-0).

Ms. Sand moved, seconded by Ms. Seavey, to approve the Fairpoint Petition and Pole License – Pole #'s 205/E/115, 205E/114, 205E/113A and 205E/113 located on Heath Road. Motion carried with Mr. DiGregorio abstaining from voting (4-0-1).

CONSIDERATION OF BILLS

- a. 6/05/12

Ms. Seavey moved, seconded by Mr. DiGregorio, to accept and sign the manifest dated 6/07/12. The motion carried unanimously (5-0-0).

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

- a. Manifest dated 5/26/12
- b. Payroll dated 5/26/12

Ms. Sand moved, seconded by Mr. DiGregorio, to ratify the manifest and the payroll both dated 5/26/12. The motion carried unanimously (5-0-0).

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

- a. Hillbilly's Southern BBQ/5th Annual Rally in the Valley – 6/9/12 to 6/16/12
- b. White Mountain Milers/White Mountain Milers 15th Annual Get a Running Start – 6/10/12
- c. White Mountain Milers/White Mountain Milers Inov8 Summer Series – Tuesday nights from 6/12/12 to 8/14/12

- d. American Legion Post 46/American Legion Campout Weekend and Fundraiser for our Troops - 6/23/12
- e. Sherman Farm/Open Farm Day - 7/28/12
- f. Sherman Farm/Fields on the Saco – 8/25/12

Ms. Sand moved, seconded by Mr. Dickinson, to approve the Special Event Application for Hillbilly's Southern BBQ/5th Annual Rally in the Valley – 6/9/12 to 6/16/12; White Mountain Milers/White Mountain Milers 15th Annual Get a Running Start – 6/10/12; White Mountain Milers/White Mountain Milers Inov8 Summer Series – Tuesday nights from 6/12/12 to 8/14/12; American Legion Post 46/American Legion Campout Weekend and Fundraiser for our Troops - 6/23/12; Sherman Farm/Open Farm Day - 7/28/12; and, Sherman Farm/Fields on the Saco – 8/25/12. The motion carried unanimously (5-0-0).

CONSIDERATION OF MINUTES OF 5/22/12

The Minutes of May 22, 2012 should be amended as follows: page 1, second paragraph under Saco River Access at First Bridge, line 4, should read "...bridge where ~~we~~ **the North Conway Water Precinct** have the parking area..."; and page 6, second paragraph under Electrical Contract Bidding, line 2, should read "...town. There are broker companies and there are suppliers. Right now...". **Ms. Sand moved, seconded by Ms. Seavey, to accept the minutes of 5/22/12 as amended. The motion carried unanimously (5-0-0).**

TOWN MANAGER REPORT

Mr. Sires stated Dave Connell from the Municipal Association reviewed and made comments on the Town Charter. Mr. Sires stated we are in the process of finalizing the second set of revisions. Mr. Sires stated once they receive responses from other Boards he will forward the newest version.

Mr. Sires stated we have received a letter from the Robert Frost Charter School pursuant to RSA 674:54 for governmental land use. Mr. Sires stated that they are starting a school in North Conway in the former Timberland Plaza. Mr. Sires stated that this was also sent to the Planning Board as the law requires it to be sent to both Boards. Mr. Sires stated that this is a Governmental entity as it is affiliated with the School District. Mr. DiGregorio asked about life safety requirements. Mr. Sires stated that they are still required to meet all life safety codes.

Mr. Sires stated that there have been a number of articles regarding significant commercial developments in Town. Mr. Sires stated that the Town did receive an application today for a Super Wal-Mart and for a hotel/restaurant at the former Fandangle's Site. Mr. Sires stated that they expect to see an application for the Market Basket soon.

Ms. Seavey asked where it stands with the lights being turned back on. Mr. Sires stated that they should be turned on in July. Mr. Sires stated since they are American made lights they don't make them until someone orders them, so we have to wait for the construction of them.

Mr. DiGregorio asked if the ones in the village are back on. Mr. Sires answered in the affirmative. Mr. DiGregorio stated a sensor must be bad as one of the lights is on during the day; since we are probably billed by the hour we should have it fixed. Mr. Sires stated that we are billed on usage and will see about getting it repaired. Ms. Sand stated there is one at Schouler Park that is out. Mr. DiGregorio asked who does maintenance on the ones in the park. Mr. Sires answered NHCOOP.

BOARD REPORTS AND COMMENTS

Ms. Sand stated that the reason the Solid Waste District was not presenting today is one of the experts could not be here today; the goal is to be here at the next meeting.

Mr. Dickinson stated that he received a phone call the other night about a policy to establish a date on which the lake level is reduced in the fall. Mr. Dickinson stated that he spoke with Mr. DegliAngeli and he stated he would speak with Tom Deans who is the head of the Conway Lake Association and let them make a decision. Mr. Sires stated that Mr. DegliAngeli and Mr. Deans have discussed and are thinking about it. Mr. Weathers stated there should be an established date.

Mr. Weathers stated that the Conway Conservation Commission (CCC) meets in a week. Mr. Weathers congratulated the Kennett High School Softball Team for making it to the final four.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Eric Eisle of the Conway Daily Sun asked if the State property on the North South Road was coming up at the next Conservation Commission meeting. Mr. Weathers stated that a recommendation has already been sent to the State

Mr. DiGregorio left at this time, 5:32 pm.

NON PUBLIC SESSION/NH RSA 91-A:3,II(C) – TAX MATTER (3)

At 5:32 p.m., the Board went into non public session under NH RSA 93-A:3 II(c) to discuss tax matters. The non public session included Tax Collector, Rhoda Quint and several citizens with tax matters to discuss with the Selectmen.

The Board returned to public session at 6:02 p.m. A motion to seal the minutes of this non public session was made and carried in the non public session.

NON PUBLIC SESSION/NH RSA 91-A:3,II(E)/LITIGATION MATTERS

At 6:02 p.m., **Mr. Dickinson moved, seconded by Ms. Sand, to go into non public session under NH RSA 93-A:3 II(e) to discuss litigation matter.** The non public session included Town Attorney, Peter Malia. **The motion carried by unanimous roll call vote.**

The Board returned to public session at 6:29 p.m. A motion to seal the minutes of this non public session was made and carried in the non public session.

ADJOURN

At 6:29 p.m. the meeting adjourned without objection at the call of the Chair.

Respectfully submitted,

Holly L. Meserve
Recording Secretary