

**Minutes of Meeting  
CONWAY BOARD OF SELECTMEN**

May 20, 2014

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), Mary Carey Seavey (Vice Chair), Michael DiGregorio, Stacy Sand, and Carl Thibodeau, Town Manager, Earl Sires and Recording Secretary, Holly Meserve.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

The changes to the agenda are as follows: Under item #14 remove item t. Tax Anticipation Note and add u. 2014 Tax Collector's Warrant 2014; under #15b add bill for work at Ham Arena; under item #16 change the dates of the Manifest and the Payroll to 05/15/14; and under item #17 remove the Robert Frost Charter School/Color Run 5K.

**Ms. Sand moved, seconded by Mr. DiGregorio, to approve the agenda as amended. The motion carried unanimously (5-0-0).**

PUBLIC HEARING: TO ACCEPT AND DESIGNATE THE USE OF  
THE FOLLOWING UNANTICIPATED REVENUE

- a. \$43,959.24 from Health Trust. Inc. to the Town of Conway (Return of 2012 Surplus – Medical and Dental Insurance); and
- b. \$15,637.40 from Health Trust, Inc. to the Town of Conway (Return of 2011 Surplus – Medical and Dental Insurance).

Mr. Weathers opened the public hearing at 4:05 pm. Lilli Gilligan stated the total amount is not the Town of Conway's money; portions of these holiday checks are owed to our employees and retirees. Ms. Gilligan stated of the \$43,959.24, \$30,766.71 is revenue for the Town of Conway; and of the \$15,637.40, \$10,922.41 is revenue for the Town of Conway. Mr. Weathers asked for public comment; there was none.

**Ms. Sand moved, seconded by Mr. DiGregorio, to accept the \$43,959.24 from Health Trust. Inc. to the Town of Conway (Return of 2012 Surplus – Medical and Dental Insurance) and the \$15,637.40 from Health Trust, Inc. to the Town of Conway (Return of 2011 Surplus – Medical and Dental Insurance). The motion carried unanimously (5-0-0).**

AUDIT EXIT INTERVIEW

Sheryl Pratt and Tyler Paine of Plodzick and Sanderson joined the meeting. Also present was Town Finance Director, Lilli Gilligan and former Finance Director, Lucy Philbrick. Ms. Pratt reviewed annual financial report for the town for the year 2013 with the Board. A copy of the report is available on file at Town Hall. **Ms. Sand moved, seconded by Mr. Thibodeau, to accept the audit as presented for 2013. The motion unanimously carried (5-0-0).**

REVIEW AND CONSIDERATION OF ANNUAL  
STATE OF NH FINANCIAL REPORT (MS-5)

Ms. Gilligan stated this is the audit submission that is sent to the State to allow us to set the tax rate. **Ms. Sand moved, seconded by Mr. Thibodeau, to sign the Annual State of New Hampshire Financial Report, MS-5. The motion carried unanimously (5-0-0).**

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

- a. \$800 in Gift Cards from Shaw's Supermarket to the Conway Recreation Department to be used for the Teen Center's food bank for weekly meals

Recreation Director, John Eastman, joined the meeting. Mr. Eastman stated this is the first year for something like this; they contribute to Easter egg hunt and turkey trot.

**Ms. Seavey moved, seconded by Ms. Sand, to accept the \$800 in gift cards from Shaw's Supermarket to the Town Conway Recreation Department for use at the Teen Center's food bank for weekly meals. The motion carried unanimously (5-0-0).**

ACCEPTANCE OF GIFT OF FENCING VALUED AT \$1200 FROM LORRAINE  
TILNEY TO THE TOWN OF CONWAY RECREATION DEPARTMENT

John Eastman stated this is collapsible fencing for the ball fields at the rec center; it is exactly what we use on our ball fields. **Ms. Sand moved, seconded by Mr. DiGregorio, to accept the \$1200 in fencing from Lorraine Tilney to the Town of Conway Recreation Department to be installed at the Conway Community Center. The motion unanimously carried (5-0-0).**

DISCUSSION OF PURCHASE OF PLAYGROUND BARK MULCH FOR THE  
RECREATION DEPARTMENT FROM THE RECREATION REVOLVING FUND

Mr. Sires stated that this is an unbudgeted item and it could wait until next year, but felt it was a safety issue. Mr. Sires stated it has a \$1,200 value. Mr. Eastman stated that they purchased an aerator for \$1,269 less than what was budgeted; so there is \$1,269 still in the budget. Mr. Eastman stated that they could wait, but it was a tough winter and they need a special type of playground chip.

**Ms. Sand moved, seconded by Mr. DiGregorio, to purchase playground bark mulch for \$1,200 for the Recreation Department from the Recreation Revolving Fund. The motion unanimously carried (5-0-0).**

REVIEW OF PRESS RELEASE/CONWAY ADOPTS MASS  
EMERGENCY NOTIFICATION SYSTEM

Emergency Management Director, Steve Solomon, joined the meeting. Chief Solomon reviewed a copy of a press release regarding Conway Adopting a mass emergency notification system with the Board. Chief Solomon reviewed the press release.

REVIEW AND CONSIDERATION OF DRAFT LETTER  
REGARDING RAILS TO TRAILS

Paul DegliAngeli joined the meeting at this time. Christopher T. Meier and Ralph Cronin appeared before the Board. Mr. Meier submitted a letter dated May 20, 2014 addressed to New Hampshire Department of Transportation/Bureau of Rail and Transit to the Board for their review.

Mr. Meier stated that they would like to connect with the Fryeburg Rail Trail and go to the Intervale. Mr. Meier stated that the Town needs to be the proponent of the Rail to Trails. Mr. Meier stated that the Town enters into Rails to Trails agreement with the State and then the Town contracts with a non-profit to construct and maintain the trail system. Mr. Meier stated that they have received funding for the first phase of the build out and they are ready to get going if the Town wants to do it.

Ms. Sand stated that she has been following the Rails to Trails Program across the states and it has had a huge economic impact on towns; this could be a great economic impact and reduce traffic in Town. Ms. Sand stated that she thinks we should do what we can for this group to make it happen. Mr. DiGregorio stated that he is concerned that it is for non-motorized only; and why not be for the winter time too. Mr. Meier stated that the State's rail corridor is for non-motorized only and we cannot expand to motorize unless there are already leases in place for motorized.

Mr. DiGregorio stated he is an advocate to expanding it to snowmobiling as well. Mr. Sires stated that the snowmobile community has been involved in this effort and they are comfortable with this application as they are working on their own trail system. Mr. DiGregorio stated if we sign off isn't that saying we don't want motorized vehicles. Mr. Meier stated it is two separate programs; this would not impact the current snowmobile use. Mr. Meier stated if they wanted to expand the use it would be up to them to work through the State agency that does snowmobile leases. Mr. Meier stated that this would just be the Town allowing a recreational path within the corridor.

Mr. Thibodeau asked if there was anything in the agreement that would prohibit the snowmobilers to negotiate with the State for motorized. Mr. Meier stated that this is an agreement for non-motorized use; if the State wants to negotiate a motorized use that would be up to them. Ms. Seavey asked about the lease that the Conway Scenic Railroad has. Mr. Meier stated that it ends in December 2014. Mr. Meier stated that it is in the same corridor, but not on top of the rail; they would exist together. Mr. Meier stated that they have also met with the Conway Scenic Railroad owner, Russ Seybold.

Mr. Meier stated that the regulations state that the Town has to be a proponent. Mr. Meier stated once it is signed between the Town and NHDOT, the non-profit comes in to build it and maintain it. Mr. Sires stated that this letter states that we want to negotiate an agreement. Mr. Meier stated the first step after this is a walk through with the Town and the State. Mr. Weathers stated within the existing corridor there are places that the snowmobilers use now, but would be outside of the trail on the track; what if they decide to allow snowmobiles. Mr. Meier stated that it is the State's land and they can do with it what they want.

Mr. DiGregorio stated his issue is that the snowmobile people are represented; he cannot vote on it tonight as he needs to review it and make some phone calls. Mr. Thibodeau stated that he agrees with Mr. DiGregorio and he does not agree with some of the wording in the letter as it appears to be shutting down snowmobiling. Mr. Thibodeau stated that he is in favor of the concept, but snowmobilers are not getting a good shake out of this.

Mr. DegliAngeli stated the NHDOT tracks and trail are side by side; the recreation path would be parallel to the corridor that the snowmobilers are using currently. Ms. Sand stated the snowmobile clubs were a part of this process and has not been excluded; and there is a separate application for snowmobiles that they need to negotiate separately. **Ms. Sand moved to send the letter to the NHDOT to have them consider us for Rails to Trails Program. There was no second.** It was agreed to schedule a meeting between the Town, the State and the Snowmobiling Community to discuss the layout.

#### REQUEST TO BUILD ON UNIMPROVED ROAD/TAX MAP/LOT 272-39

Mr. Sires left the meeting at this time. Mr. DegliAngeli stated that per the Statute this Board requested the Planning Board to review the subject parcel and make a recommendation. Mr. DegliAngeli stated the Planning Board had a lengthy discussion and determined that the owner should be required to follow the Town's ordinance and improve the road to Town standards for the frontage of the lot. Mr. DegliAngeli stated that the Planning Board, however, wanted to iterate that they were not making a decision on the subject parcel, but taking a global position; they are looking at this Town wide.

Mr. DegliAngeli stated that the Tax Map is not correct as the lot line of the subject parcel is across from the Mr. Kiley's road [Royalview Drive], so 50-feet of the subject lot has a Town road constructed; our ordinance requires 150-feet of frontage on a Town standard road. Mr. DegliAngeli stated that the RSA allows the Board of Selectmen to waive that requirement, but the owner would need to sign off. Mr. DegliAngeli stated that the Planning Board is not recommending the Board of Selectmen exercise that option.

Mr. DegliAngeli stated in order to obtain a building permit there has to be a qualified lot and this is not a qualified lot because it does not have 150-feet on a Town standard road. Mr. DegliAngeli stated that the owner of the property is exercising his right to come to this Board to allow him to construct and in return he will acknowledge that he is on a road that is not maintained by the Town. Mr. DiGregorio asked if all the owners on Henderson Road were notified via certified mail regarding the road being abandoned. Mr. DegliAngeli answered in the affirmative and stated that Skip Smith was the only one to come forward regarding this lot.

Mr. DegliAngeli stated they researched how the road came to exist and found Selectmen minutes from the 1960's that the owner wanted to subdivide; the Selectmen agreed on a hand shake as long as the road was improved. Mr. DegliAngeli stated that the developer recorded the lots at the registry and then sold off the lots; nothing further has happened until this year. Ms. Sand asked what the town precedent in this situation is; have we allowed someone to build out part of their frontage or waive the town build out. Mr. DegliAngeli stated during his time of employment he has not addressed this. Ms. Seavey stated that the road is constructed to Town standards for almost 50-feet into this lot; is there anything that says the entire frontage needs to be to Town standards. Mr. DegliAngeli stated that the Town requires 150-feet on a Town standard road, but the RSA allows for the Selectmen to waive that standard.

Jim Pitman stated that applicant may be prepared to sign a waiver depending if they can obtain insurance on the property. Mr. Pitman stated that he has contacted an insurance company and said they would insure the property because the road was improved 50-feet. Mr. DiGregorio asked when the road was abandoned did the land go to the property owners. Mr. DegliAngeli answered in the negative and stated that they still have the right to travel over it. Mr. DiGregorio asked if the Board could require that the driveway be within the first 50-feet. Mr. DegliAngeli asked if the applicant would be willing to construct the driveway within the first 50-feet. Mr. Pitman answered in the affirmative.

Ms. Sand asked if the Town sells the next property and they want a house and a driveway, would we say that they would be required to improve the neighbor's frontage as well as their own. Mr. DegliAngeli referred to a betterment tax.

Mr. Douglass stated that they have owned these lots since 1973; the original developer did improve the road, so there was something done; he wrote a letter to the Town regarding it being abandoned and received no response; these lots are recognized by zoning; and the ordinance that requires the 150-foot on a Town standard road is the subdivision ordinance and we are not subdividing, the lots exist. Mr. Douglass stated that he suspects that the lots that the Town owns will not be built on because they are wet.

Ms. Sand stated mistakes can be compounded and referred to the Birch Hill water system as an example. Mr. Thibodeau stated that the Town has changed the rules on this man several times. Ms. Sand asked what is to stop a seller from hiding this waiver; how does this get recorded so the next lot that wants to sell knows of this. Mr. DegliAngeli stated the documents we will ask them to sign will be recorded against the land and not the owner.

**Mr. Thibodeau moved, seconded by Ms. Seavey, to give staff the authorization to issue a building and driveway permit with restrictions pursuant to RSA 674:41.** Ms. Sand stated that this is precedent setting and allowing the rest of the lots to petition the Town. **The motion carried unanimously (5-0-0).**

#### CONSIDERATION OF APPOINTMENTS TO CONSERVATION COMMISSION

- a. Rob Adair – Three year term expiring in 2017
- b. Carol Lyman – Three year term expiring in 2017
- c. Linda Kearney – Extend term (currently expires in 2015) an additional year to expire in 2016

**Mr. DiGregorio moved, seconded by Ms. Seavey, to reappoint Rob Adair and Carol Lyman to the Conservation Commission for three year terms, and to extend the term of Conservation Commission member Linda Kearney from 2015 to 2016.**

Ms. Sand asked to have this item tabled until it has been advertised. **Mr. DiGregorio moved, seconded by Ms. Seavey, to table this item until a public notice for members has been advertised. The motion unanimously carried (5-0-0).**

#### SIGNING OF DOCUMENTS

- a. Certification of Yield Taxes Assessed Tax Map/Lot 225-46
- b. Certification of Yield Taxes Assessed Tax Map/Lot 226-3

- c. Certification of Yield Taxes Assessed Tax Map/Lot 239-1
- d. Certification of Yield Taxes Assessed Tax Map/Lot 240-22
- e. Certification of Yield Taxes Assessed Tax Map/Lot 242-5
- f. Certification of Yield Taxes Assessed Tax Map/Lot 246-62
- g. Certification of Yield Taxes Assessed Tax Map/Lot 247-4
- h. Certification of Yield Taxes Assessed Tax Map/Lot 262-28
- i. Certification of Yield Taxes Assessed Tax Map/Lot 263-117
- j. Certification of Yield Taxes Assessed Tax Map/Lot 265-164
- k. Certification of Yield Taxes Assessed Tax Map/Lot 288-6
- l. Certification of Yield Taxes Assessed Tax Map/Lot 288-7
- m. Notice of Intent to Cut Wood or Timber Tax Map/Lot 263-1.7
- n. Notice of Intent to Cut Wood or Timber Tax Map/Lot 284-14.1
- o. Notice of Intent to Cut Wood or Timber Tax Map/Lot 291-22,23,27
- p. Timber Tax Levy Tax Map/Lot 239-1, 246-62, 265-164
- q. Timber Tax Levy Tax Map/Lot 242-5, 288-7, 263-117, 226-3
- r. Timber Tax Levy Tax Map/Lot 288-6, 225-46, 240-22, 262-28
- s. Timber Tax Levy Tax Map/Lot 247-4
- t. Tax Anticipation Note (*Removed*)
- u. Tax Collector's Warrant 2014 (*Added*)

**Ms. Sand moved, seconded by Mr. Thibodeau, to sign the Certification of Yield Taxes Assessed Tax Map/Lot 225-46, Certification of Yield Taxes Assessed Tax Map/Lot 226-3, Certification of Yield Taxes Assessed Tax Map/Lot 239-1, Certification of Yield Taxes Assessed Tax Map/Lot 240-22, Certification of Yield Taxes Assessed Tax Map/Lot 242-5, Certification of Yield Taxes Assessed Tax Map/Lot 246-62, Certification of Yield Taxes Assessed Tax Map/Lot 247-4, Certification of Yield Taxes Assessed Tax Map/Lot 262-28, Certification of Yield Taxes Assessed Tax Map/Lot 263-117, Certification of Yield Taxes Assessed Tax Map/Lot 265-164, Certification of Yield Taxes Assessed Tax Map/Lot 288-6, Certification of Yield Taxes Assessed Tax Map/Lot 288-7, Notice of Intent to Cut Wood or Timber Tax Map/Lot 263-1.7, Notice of Intent to Cut Wood or Timber Tax Map/Lot 284-14.1, Notice of Intent to Cut Wood or Timber Tax Map/Lot 291-22,23,27, Timber Tax Levy Tax Map/Lot 239-1, 246-62, 265-164, Timber Tax Levy Tax Map/Lot 242-5, 288-7, 263-117, 226-3, Timber Tax Levy Tax Map/Lot 288-6, 225-46, 240-22, 262-28, Timber Tax Levy Tax Map/Lot 247-4; and Tax Collector's Warrant 2014. The motion carried unanimously (5-0-0).**

#### CONSIDERATION OF BILLS

- a. Manifest 5/22/14

**Ms. Sand moved, seconded by Ms. Seavey, to sign the manifest dated 5/22/14. The motion carried unanimously (5-0-0).**

- b. Bill for work at the Ham Arena

Mr. DiGregorio stated that we need authorization for the money to be transferred from the Trustee account to the PEG fund for work at the Ham Arena for Valley Vision. **Mr. DiGregorio moved, seconded by Ms. Seavey, to pay Kondrat Construction for the work performed at the Ham Arena.** Mr. Thibodeau asked if this would be out of PEG and not tax dollars. Mr. Weathers answered in the affirmative. **The motion carried unanimously (5-0-0).**

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

- a. Request for Disbursement – 5/13/14 Transfer \$50,000 to Northway account
- b. Manifest dated 5/15/14
- c. Payroll dated 5/15/14

**Ms. Sand moved, seconded by Mr. DiGregorio, to ratify the Request for Disbursement – 5/13/14 Transfer \$50,000 to Northway Account, the Manifest dated 5/15/14 and Payroll dated 5/15/14. The motion carried unanimously (5-0-0).**

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

- a. American Legion Post 46/Friday Night Entertainment Under the Tent – 6/7/14-9/27/14
- b. Robert Frost Charter School/Color Run 5K – 7/5/14 - WITHDRAWN
- c. Tin Mountain Conservation Ctr/Mt Washington Century Cycling Event – 7/19/14

**Mr. DiGregorio moved, seconded by Ms. Seavey, to approve the special event applications for the American Legion Post 46/Friday Night Entertainment Under the Tent – 6/7/14-9/27/14, and Tin Mountain Conservation Ctr/Mt Washington Century Cycling Event – 7/19/14. The motion carried unanimously (5-0-0).**

CONSIDERATION OF MINUTES: 5/6/14

**Ms. Sand moved, seconded by Ms. Seavey, to approve the minutes of 5/6/14 as written. The motion carried unanimously (5-0-0).**

TOWN MANAGER REPORT

Mr. DegliAngeli stated that he would like to discuss road work and budgets as we are almost half way through the fiscal year. Mr. DegliAngeli stated that the pavement bids came in below our budget. Mr. DegliAngeli stated we had a culvert collapse, so two of the proposed 2015 projects will be postponed if we do not receive funding from FEMA for the collapsed culvert.

Mr. DegliAngeli stated that we have an audit underway for the large steel projects that need to be replaced. Mr. DegliAngeli stated we need to either expand the amount of funding or create a second one for replacement of these culverts. Mr. DegliAngeli stated that we will likely have to readdress pavement in the following years to keep pace. Mr. DegliAngeli stated that several roads need to be reconstructed, Crown Ridge, Pequawket and Birch Hill, but may have to be overlaid to buy five to seven years.

Bob deFeyter stated in regard to Birch Hill Road the Town put an overlay on it a dozen years ago and it has broken up again. Mr. deFeyter stated that he appreciates the Board looking at level funding each year, but they may want to consider boosting the funding for road work to get caught up. Mr. deFeyter stated putting an overlay is a waste of time; there is a drainage problem that needs to be addressed. Mr. deFeyter stated he would rather the Town put it off then put on an overlay. Mr. DegliAngeli stated that he will be evaluating the situation over the next few weeks.

BOARD REPORTS AND COMMENTS

Mr. Thibodeau stated that the Planning Board reviewed construction on Henderson Road which was addressed earlier. Mr. Thibodeau stated that the Airport Authority meets on the second Tuesday of every month; he reported on fuel sales and that they are moving forward with construction of the proposed terminal building.

Ms. Sand stated that the Budget Committee does not meet until August. Ms. Sand stated that they have held brainstorming sessions on the Healthcare discussion and have had good discussions.

Ms. Seavey stated that the Economic Council has not met.

Mr. DiGregorio stated there is a Joint Town/School Healthcare Study Committee Meeting on May 27<sup>th</sup>, but just determined that staff has another meeting they have to attend that day. Mr. DiGregorio stated that they will need to determine if that meeting will need be changed.

Mr. Weathers stated that the Town and Landfill Crew had a private donation of donuts from Leavitt's Bakery delivered as a thank you for a job well done this winter.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Daymond Steer of the Conway Daily Sun asked for clarification on a few of the items presented.

ADJOURN

At 6:50 p.m. the meeting adjourned at the call of the Chair.

Respectfully submitted,

Holly Meserve  
Recording Secretary