

Minutes of Meeting
CONWAY BOARD OF SELECTMEN
July 22, 2014

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), Mary Carey Seavey (Vice Chair), Stacy Sand, and Carl Thibodeau, Town Manager, Earl Sires and Recording Secretary, Karen Hallowell.

Selectmen DiGregorio was excused from this meeting.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Mr. Weathers advised that the agenda item for the Golden Eagle Railway Corp has been rescheduled. **Ms. Seavey moved, seconded by Ms. Sand, to approve the agenda as amended. The motion carried unanimously.**

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

- a. \$ 200.00 from the Property Liability Trust, Inc. to the Town of Conway;
- b. \$ 515.00 from the Property Liability Trust, Inc. to the Town of Conway;
- c. \$1,873.13 from the Property Liability Trust, Inc. to the Town of Conway; and
- d. \$4,232.46 from Peter and Ida Ivanovic to the Town of Conway

Mr. Sires reviewed that the three payments from Property Liability Trust are relative to insurance claims and the payment from Peter and Ida Ivanovic is for attorney fees awarded by the Court to the Town based on a Transvale zoning case. **Ms. Sand moved, seconded by Mr. Thibodeau, to accept the unanticipated revenue of \$200.00 from the Property Liability Trust, Inc. to the Town of Conway; 515.00 from the Property Liability Trust, Inc. to the Town of Conway; \$1,873.13 from the Property Liability Trust, Inc. to the Town of Conway; and, \$4,232.46 from Peter and Ida Ivanovic to the Town of Conway. The motion carried unanimously.**

APPOINTMENT OF NH SCENIC AND CULTURAL BYWAY COUNCIL REPRESENTATIVE

Mr. Sires reviewed information in the Board agenda packet regarding the appointment of a NH Scenic and Cultural Byway Council Representative. Mr. Sires reported that Janice Crawford has offered to volunteer to serve as the representative. **Ms. Sand moved, seconded by Ms. Seavey, to appoint Janice Crawford as our representative on the NH Scenic Byway Council.** Mr. Weathers questioned if the town advertised for this position. Mr. Sires advised we did not and that Ms. Crawford volunteered. There was a brief discussion on the time limit as someone else may also be interested. The Board agreed the appointment should be through April of 2015. **Ms. Sand amended the motion, seconded by Ms. Seavey, to appoint Janice Crawford as our representative on the NH Scenic Byway Council through April 2015. The motion carried unanimously.**

REVIEW AND CONSIDERATION OF PROPOSED LETTER OF INTENT TO NHDOT
REGARDING FUNDING FOR THE CONWAY TRAIL, MOUNTAIN DIVISION
RAIL CORRIDOR, CONWAY, NH THROUGH THE TRANSPORTATION
ALTERNATIVES PROGRAM

Chris Meier of MWV Trails was present for discussion.

Mr. Sires reported that we were advised of a grant opportunity and a draft letter regarding same is in the agenda packet. Mr. Meier and his group have identified an area where they would like to develop a trail. This program wouldn't limit use as was a concern of the Board in the past. This letter tells the NHDOT that we would like to submit an application. Mr. Sires next advised that he did send a copy to Colin Preece of the snowmobile club to review but he has not heard anything back yet. Mr. Meier next stated that this is a federal grant through a transportation program and is administered through the NHDOT and is for projects from \$200,000-\$500,000 and that they also have to come up with a 20% match. Mr. Meier further explained that the letter says non motorized trails but this does not include snowmobiles as they are allowed on these TAP funded trails.

Mr. Sires next stated that they MWV Trails is asking to submit the letter saying we will submit an application in the future. The Board would see the application before it is submitted. There was next brief discussion regarding the MWV Trails raising money for the 20% match. **Ms. Sand moved, seconded by Ms. Seavey, to send the letter enclosed as written to the NHDOT so that they know we will be applying for this grant.** Mr. Sires advised that he will get in touch with Colin Preece and if there are any significant issues they would be worked out during the application process. All agreed. **The motion carried unanimously.**

GOLDEN EAGLE RAILWAY CORP – DAVE SCHWANKE

This agenda item has been rescheduled.

REQUEST TO CHANGE HENDERSON ROAD FROM CLASS 6 TO CLASS 5

Leo Kiley appeared before the Board.

Mr. Kiley stated that he doesn't think the town has ever issued permits on a class 6 road. His attorney has done research and never saw a situation such as this as the Royal View Subdivision is now responsible for the roadway to the next lot since the town agreed to issue a building permit for the next lot. Mr. Kiley next stated that he is the developer of Royal View and he has a few lots left and once they are sold he turns the association over to the homeowners. His insurance covers this but it does not cover the individual homeowners. He feels there is liability to the homeowners. Mr. Kiley next stated that he upgraded the Henderson Road to a certain point and feels the town should now take over the maintenance.

There was a brief discussion of the road by the Board. Mr. DegliAngeli stated that Henderson Road is a Class 6 town road. The Planning Board made Mr. Kiley reconstruct the Class 6 road to town standard. The only way to change the road classification in Conway is by action of the legislative body. Mr. Kiley is asking if the Board of Selectmen would put an article on the warrant to change that section of Henderson road from Class 6 to 5. Mr. DegliAngeli next stated that from a construction standpoint staff would recommend this be done. Also, should this Board decline to ask the voters to change the classification, any 25 voters could

petition for same. Mr. Degliangeli next advised that this does not include the subdivision road until such time as they meet the buildout requirements.

There was next discussion by the Board on the length of the road and the cost to maintain same. Mr. DegliAngeli advised the cost for this would be minimal but with each additional road it does add money. Ms. Sand next questioned if we can just change the classification of a portion of this road. Mr. DegliAngeli pointed out that it would just be the portion to Royal View as the rest of the road was abandoned at a previous town meeting. Mr. Kiley is just asking for the portion of the roadway that he reconstructed. There was further brief discussion. **Ms. Sand moved, seconded by Ms. Seavey, to put the changing of Henderson Road from Class 6 to Class 5 as an article on the warrant contingent upon them applying a second coat of pavement to this road prior to us changing the classification.** There was a brief discussion on the roadwork being done prior to the 2015 Warrant. Mr. DegliAngeli also advised that this roadway is just shy of 1000 feet. **The motion carried unanimously.**

CONSTRUCTION PROJECT UPDATE

Washington Street – Mr. DegliAngeli reported that we are trying to put pavement on Washington Street on Thursday. They will be working late tonight and we will also be working in the intersection. We have traffic control through the weekend and will have police officers there as well. Mr. DegliAngeli further advised that they will be doing curbing and sidewalks next.

Road Striping – Mr. DegliAngeli advised we will be striping roads tomorrow.

REVIEW OF FEES

a. Special Events - Recreation Director, John Eastman, appeared before the Board. Mr. Eastman reviewed a special event fee study with the Board. There was a brief discussion on non profit fees. Ms. Sand suggested that maybe a third category be added for non profit event with for profit vendors.

b. Facility Use – Mr. Eastman next reviewed the facility use study with the Board. Mr. Eastman advised that these fees have not been adjusted in at least 15 or 16 years. There was a brief discussion by the Board.

Mr. Eastman next reported to the Board that First Bridge is back open for swimming. There was an incident of high bacteria but it is now back open.

SIGNING OF DOCUMENTS

- a. Abatement Tax Map/Lot 202-189.008
- b. Abatement Tax Map/Lot 225-43
- c. Abatement Tax Map/Lot 265-161.328
- d. Certification of Yield Taxes Assessed Tax Map/Lot 259-106
- e. Notice of Intent to Cut Wood or Timber Tax Map/Lot 242-1
- f. Permit to Sell Raffle Tickets/NH Assoc of Emblem Clubs – Drawing 6/6/15
- g. Timber Tax Levy Tax Map/Lot 259-106

Mr. Thibodeau moved, seconded by Ms. Sand, to sign the Abatement Tax Map/Lot 202-189.008, Abatement Tax Map/Lot 225-43, Abatement Tax Map/Lot 265-161.328, Certification of Yield Taxes Assessed Tax Map/Lot 259-106, Notice of Intent to Cut Wood or Timber Tax Map/Lot 242-1, Permit to Sell Raffle Tickets/NH Assoc of Emblem Clubs – Drawing 6/6/15, and the Timber Tax Levy Tax Map/Lot 259-106. The motion carried unanimously.

CONSIDERATION OF BILLS

- a. Manifest dated 7/24/14
- b. Payroll dated 7/24/14

Ms. Sand moved, seconded by Mr. Thibodeau, to sign the manifest dated 7/24/14 and payroll dated 7/24/4. The motion carried unanimously.

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

- a. Manifest dated 7/17/14

Ms. Sand moved, seconded by Mr. Thibodeau, to ratify the manifest dated 7/17/14. The motion carried unanimously.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

- a. Sherman Farm LLC/Open Farm Day – 7/26/14
- b. NH Intertribal Native American Council/Lou Black Eagle Memorial Saco River Pow Wow – 8/2/14-8/3/14 (Pending receipt of balance of fees)
- c. Frosty's Ski Shop/Ski and Snowboard Annual Sale – 8/10/14-8/17/14
- d. Northeast Passage/Three Notch Century Ride – 9/6/14

Mr. Sires reviewed that there were questions previously on the Northeast Passage Three Notch Century Ride event and that they have sent a letter in which is included in the event application packet for the Board's review. **Mr. Thibodeau moved, seconded by Ms. Sand, to approve the Special Event Applications for Sherman Farm LLC/Open Farm Day – 7/26/14, NH Intertribal Native American Council/Lou Black Eagle Memorial Saco River Pow Wow – 8/2/14-8/3/14 (Pending receipt of balance of fees), Frosty's Ski Shop/Ski and Snowboard Annual Sale – 8/10/14-8/17/14, and the Northeast Passage/Three Notch Century Ride – 9/6/14. The motion carried unanimously.**

CONSIDERATION OF MINUTES: 7/8/14

Ms. Sand moved, seconded by Mr. Thibodeau, to approve the minutes of 7/8/14 as written. The motion carried unanimously.

TOWN MANAGER REPORT

River Street – Mr. Sires reported we will not get funding from FEMA for River Road.

Town Hall Water System – Mr. Sires reported there is a situation with the water system here and hopefully we will have more information in about two weeks. Mr. Sires reviewed that back in the 1950's there was a situation where town operations caused water to not be

drinkable in the neighborhood here and at that time the Town started supplying water to about seven homes in the area plus town hall. Also, a couple of years ago there was a warrant article for a water system which was installed. Mr. Sires next reported that we have recently had issues with the water which are mostly a taste issue. We are hiring a company to look at the well as there may be a hole in the casing. This is probably just run off salt. Once we know what the problem is we will have a meeting with folks in the neighborhood. Hopefully it is just a simple fix but if not we will bring this matter back to the Board. Also, in the longer term, the town has been providing free water to the area residents and it may be time to start talking to the Board and the people on the water system about funding for this. Ms. Seavey questioned how many homes are on the system. Mr. Sires stated it is 6 or 7 plus town hall.

Transvale Acres – Mr. Sires reported that we are down to about 4-6 issues to be resolved in Transvale Acres with the legal budget. In concern for the legal budget we are taking a little different approach on some matters. We have decided to refer some cases to the NHDES to have them enforce septic issues.

NHDOL Inspection – Mr. Sires reported that the Department of Labor came in to do an inspection of town buildings and we have received a report identifying things to be corrected. We are taking care of the items and there is nothing major or significant on the list. Mr. Sires next reported that they also looked at the setup of for the General Assistance office and they kind of went along with what we have been talking about in that we need another exit for the employee.

Property in Transvale – Mr. Sires reported that the town received a request from a gentleman who lives in Transvale for a piece of property. This piece of property was foreclosed on and then turned over to the town. The person who asked about the lot is an abutter and he was allowed to rebuild on his lot. He is now offering to buy the lot next door. The reason he is interested is that he may need a well waiver. Also, this would put the property back on the tax rolls. Mr. Sires next stated that we did advise the person who was asking for the property that we have done this through tax sales or realtors in the past. Mr. Sires next stated that this property doesn't have a lot of use to anyone else as it has floodplain restraints. Mr. Sires stated that we could put this on the list of tax properties to sell or the Board could stick to our rules and keep this one. There was brief discussion by the Board regarding deeding the property with restrictions, keeping it for greenspace, etc. It was agreed that the property could be put on the list of properties and that the Board would decide on this matter at the time when they get a list.

Vacation – Mr. Sires reported that he would be out of the office the rest of this week and Monday to Wednesday of next week.

BOARD REPORTS AND COMMENTS

ESAA – Mr. Thibodeau reported there has been a lot of activity over the last few weeks at the Airport. Also, they have sold a lot of jet fuel. Mr. Thibodeau next advised that the Airport's Annual Meeting will be held Friday night, August 15, 2014. Mr. Thibodeau advised that town officials and staff can attend. Mr. Thibodeau next suggested that since the Town of Conway contributes to the airport, that Paul DegliAngeli attend the meeting to look at the facility.

Sign Committee – Mr. Thibodeau reported that the Sign Committee has not met recently.

Planning Board – Mr. Thibodeau reported that the Planning Board met recently and a few extensions were granted. There will be a couple of boundary line adjustments to discuss at

their next meeting. Ms. Seavey asked about the status of the Fandangle's property. Mr. Thibodeau advised that the Board granted a 90 day extension. The developer has just hired a local engineer to take over the project and the plans need to be redrawn and submitted to the town. They will not be sent back to Site Plan Review if there are no changes from the original plans; however if there are any change they will have to go back for a complete Site Plan Review to make sure they are in full compliance with the ordinances.

Healthcare Study Committee – Ms. Sand reported that the Healthcare Study Committee is scheduled to meet next Tuesday. At that time we are supposed to get a report from the school and also from the town on the plans offered. We are also supposed to get a report from the insurance company so we can look to see if we can reduce visits for certain things. The committee is still collecting information and then after we get the information then we can choose our areas of study.

LMWVSWD – Ms. Sand reported the LMWVSWD is scheduled to meet on Monday, August 4, 2014.

Budget Committee – Ms. Sand reported a Budget Committee meeting is scheduled for August 20, 2014.

MWVEC – Ms. Seavey reported that the MWVEC is scheduled to meet tomorrow.

Conservation Commission – Mr. Weathers reported there will not be a Conservation Commission meeting in July. The next meeting is scheduled for August.

Paint in Whitaker Woods – Ms. Sand asked about the roots that were painted in Whitaker Woods. Mr. Sires advised that this has been reported to the police. We don't know who did this. It was not associated with any local organization or part of any events.

Letter from NCWP – Mr. Thibodeau read a letter received from the North Conway Water Precinct advising they are not interested in attending any meetings to combine services. Mr. Thibodeau stated that with North Conway and Redstone having zero interest this is 50% of the mass not interested. Ms. Sand stated that she disagrees and feels information should be gathered and even if they don't want to participate in conversation it doesn't mean if we presented them with information they may not feel differently. She is all for gathering information. Mr. Weathers commented that he understands what Ms. Sand is saying but agrees with Mr. Thibodeau. On information gathering – someone will spend a great deal of time on this and it is not fair if the whole town is not participating. Also, we don't have to make a decision on this right now. Joe Quirk stated that it was the voters of Conway Village that brought this up, it was not the Commissioners. It was the constituents and it may be found that other constituents feels the same way should this be opened for discussion.

River Street – Mr. Thibodeau stated that when he found out that we were denied FEMA money for River Street he did send an email to Joe Kenney. He did receive something back that Joe Kenney sent to someone else to see if there is another venue of appeal for us to look at. Mr. Thibodeau stated he would like to get to the bottom of this. The Board agreed.

PUBLIC COMMENTS AND MEDIA QUESTIONS

There were no public comments or media questions.

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

At 5:32 p.m. **Ms. Sand moved, seconded by Ms. Seavey, to go into non public session under NH RSA 91-A:3,II (c) to discuss tax matters.** The non public session included Town Manager, Earl Sires, Tax Assessor, Tom Holmes, Recording Secretary, Karen Hallowell, and property owners. **The motion carried by unanimous roll call vote.**

The Board returned to public session at 6:20 p.m. A motion to seal the minutes was made and carried in non public session.

NON PUBLIC SESSION / NH RSA 91-A:3,II(d) – CONSIDERATION OF ACQUISITION, SALE OR LEASE OF REAL ESTATE

At 6:21 p.m. **Ms. Sand moved, seconded by Ms. Seavey, to go into non public session under NH RSA 91-A:3,II (d) to discuss a real estate matter.** The non public session included Town Manager, Earl Sires, Tax Assessor, Tom Holmes, Recording Secretary, Karen Hallowell, and a property owner. **The motion carried by unanimous roll call vote.**

The Board returned to public session at 7:10 p.m. A motion to seal the minutes was made and carried in non public session.

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

At 7:13 p.m. **Mr. Thibodeau moved, seconded by Ms. Sand, to go into non public session under NH RSA 91-A:3,II (e) to discuss a litigation matter.** The non public session included Town Manager, Earl Sires, Tax Assessor, Tom Holmes, and Recording Secretary, Karen Hallowell. **The motion carried by unanimous roll call vote.**

The Board returned to public session at 7:27 p.m. There was no motion to seal the minutes.

NON PUBLIC SESSION: NH RSA 91-A:,II(a) - TOWN MANAGER EVALUATION

At 7:27 p.m. **Mr. Thibodeau moved, seconded by Ms. Seavey, to go into non public session under NH RSA 91-A:3,II (c) to discuss the Town Manager review. The motion carried by unanimous roll call vote.**

ADJOURN

At 7:35 p.m. the meeting adjourned at the call of the Chair.

Respectfully submitted,

Karen J Hallowell
Executive Secretary