

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN**

August 22, 2006

The Selectmen's Meeting convened at 4:05 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen Larry Martin (Chair), Karen Umberger, David Weathers, Gary Webster, and Mark Hounsell; Town Manager, Earl W. Sires; and Recording Secretary, Karen Hallowell

PLEDGE OF ALLEGIANCE

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

SIGNING OF DOCUMENTS

The Board reviewed and signed documents contained in the signature folder.

APPROVAL OF BILLS

The Board reviewed and approved the manifest dated August 24, 2006.

APPROVAL OF MINUTES

Ms. Umberger moved, seconded by Mr. Webster, to approve the minutes of 7/25/06 as written. The motion carried 5-0-0.

PUBLIC HEARING – UNANTICIPATED REVENUE

Chairman Martin opened the Public Hearing regarding unanticipated revenue at 4:07 p.m.

\$1,092,300.00 from Home Depot to the Town Of Conway - Mr. Sires reviewed agreements between the Town of Conway and Rock Development pertaining to construction of the roundabouts or right turn only feature on the North-South Road. Mr. Sires explained the monies received from Home Depot are intended for road construction.

Mr. Martin asked for public comments. There were no questions or comments from the public.

Ms. Umberger moved, seconded by Mr. Webster, that we accept \$1,092,300.00 from Home Depot specifically tied to the agreement we have with Rock Development for road improvements. The motion carried 5-0-0.

Motorola Console Equipment valued at \$104,039.62 received from the State of New Hampshire to the Conway Police Department - Lieutenant Faia of the Conway Police Department joined the meeting.

Lt. Faia explained monies were received from the State of New Hampshire for the purchase of modern Motorola Console equipment for the Conway Police

Department. Ms. Umberger questioned if installation has started and Lt. Faia replied in the affirmative.

Mr. Martin asked for public comments. There were none and the public hearing was closed.

Mr. Weathers moved that we accept the \$104,039.62. The motion carried unanimously.

CONSIDERATION OF UNANTICIPATED REVENUE
IN AN AMOUNT LESS THAN \$5,000

Lt. Faia advised the Chief asked that the \$2,000 check received from North Conway Ambulance be placed in the Northway Bank account to be accessed as needed for body armor for the Police Department.

The Board questioned if this was the \$2,000 donated by North Conway Ambulance previously that was to be used toward console furniture. Lt. Faia indicated that the money is to be used as needed and the Police Department would like to use it for body armor, ballistic vests, etc, for officers as needed.

There was discussion by the Board. The Board felt there was some confusion regarding the designated use of the funds. The Board asked that the Police return to next meeting and provide further explanation with regard to this matter.

Ms. Umberger moved, seconded by Mr. Weathers, to table this matter until 9/12/06. Point of Order was made by Mr. Hounsell. Mr. Hounsell advised that he is not opposed to the motion; however, he still had questions and this motion makes the subject non debatable now. **Mr. Weathers withdrew his second and Ms. Umberger withdrew her motion.**

The Board held further brief discussion and asked that the police provide further information concerning the donation, such as putting it away for an unanticipated need, etc. The Board also advised they would also like to know how the police plan to make up for any shortfall in the budget to pay for the console furniture. Lt. Faia advised he would carry this back to the Chief. **Ms. Umberger moved, seconded by Mr. Weathers, to table this matter until 9/12/06. The motion carried 5-0-0.**

PUBLIC HEARING REGARDING PROPOSED CHANGE
TO BUILDING PERMIT APPLICATION

Chairman Martin reviewed the posted public hearing notice regarding proposed changes to the building permit application and opened the public hearing.

Mr. Sires first explained that Chapter 88 requires that any changes to the Building Permit application requires two public hearings.

Mr. Sires reviewed that the changes proposed today came about per changes in state law regarding building inspection requirements. (A copy of the language proposed to be added to the Building Permit Application entitled *Compliance with International Residential Code 2000* is attached hereto).

Building Inspector, David Pandora, advised that he agrees with the first paragraph of the proposed language. Mr. Pandora next advised that he has not received any mandates from the state regarding residential building inspections. He attended a meeting in Concord and the state is not going to mandate inspections.

The Board held discussion on the language of the proposed paragraph and suggested several changes.

Mr. Martin asked for public comments. There were none and the public hearing was closed.

Mr. Hounsell moved, seconded by Mr. Weathers, to eliminate the last two sentences; to put in the word “residential” in what is now the last sentence so that it reads “Be advised that the Town of Conway does not conduct residential inspections pursuant to the International Residential Code 2000.”; to make the last sentence bold and to move that sentence up to make all one paragraph; to place the word “remodeled” in the first sentence; and change the word “built” to “constructed” in the first sentence. It was reviewed that the paragraph would now read as follows: **COMPLIANCE WITH INTERNATIONAL RESIDENTIAL CODE 2000** By signing this application the property owner/contractor acknowledges that they understand that state law (RSA 155-A: 1, IV) requires residential structures to be remodeled or constructed in accordance with the International Residential Code 2000. Further, the owner/contractor agrees that this structure will be built in accordance with the International Residential Code 2000. **Be advised that the Town of Conway does not conduct residential inspections. The motion carried 5-0-0.**

The Board agreed the next Public Hearing in this matter will be held on September 12, 2006.

FOURTH OF JULY PARADE

Margie MacDonald, President of the Conway Village Area Chamber of Commerce was present for discussion.

Ms. MacDonald requested that the Board keep the Fourth of July parade in Conway Village as was done this past year. Ms. MacDonald advised they would like to have a parade along with a festival in Conway Village. Ms. MacDonald stated that traffic was not a problem with the parade in Conway Village. There was a brief discussion. **Mr. Hounsell moved, seconded by Mr. Weathers, that the Fourth of July parade be held in Conway Village on July 4, 2007.** Ms. Umberger felt this discussion should be held with the Recreation Department and, also, a discussion regarding the future of the parade should be held. Ms. Umberger stated that she wouldn't disagree that it was a success in Conway Village but feels there is a need to discuss the appropriateness of moving the parade from area to area. Mr. Hounsell pointed out that his motion is only for the year 2007. Mr. Webster commented that it is a hometown parade and we should look to spreading it around and suggesting possibly alternating the location around town. After further brief discussion **Mr. Hounsell moved, seconded by Mr. Webster, that this be a special order of business for September 12, 2006.** The Board asked that, if possible, someone from the Recreation Department be present at the meeting on September 12, 2006 to discuss this matter.

ENFORCEMENT CONCERNS REGARDING OUTDOOR
USE AT 3465 WHITE MOUNTAIN HIGHWAY, NORTH
CONWAY – ROBERT SCHOR & DR MARNI MADNICK

Bob Schor and Tom Hanley were present for discussion. Also present were Tom Irving, Town Planner, David Pandora, Building Inspector, and Jim Yeager, Code Compliance Officer.

Mr. Sires reviewed that Mr. Schor presented a letter to the Board a couple of weeks ago regarding his concerns with the Wild Boar Tavern. The Board tasked staff with looking to make sure all zoning issues were looked at. There was next a review and discussion of Mr. Schor's concerns with Mr. Schor, staff, and the Board. Mr. Sires advised that staff has looked into the matter and did not find any violations.

There was discussion by the Board regarding referring the code section concerning temporary outdoor seating to the Planning Board for a review and recommendation. **Mr. Hounsell moved, seconded by Mr. Weathers, that the Board of Selectmen communicate by letter to the Planning Board that they take a look at the way 123:41 is written and have that discussion at the Planning Board level.** Mr. Hounsell clarified that the section dealing with temporary outdoor use as the heading says temporary but it does not say this in the body. **The motion carried 5-0-0.**

HURRICANE MOUNTAIN ROAD/WORCESTER HILL ROAD E-911

David Pandora was present for discussion.

Mr. Sires reviewed that discussion was held previously concerning this matter. This Board had asked that staff contact the Town of Bartlett and a letter was written. A response to the letter has been received from Bartlett. Mr. Sires next advised that the State would like to see this matter straightened out as well. Mr. Sires next advised that someone has put up a Worcester Hill Road sign and the town of Bartlett letter's asks that it be taken down. Mr. Sires next reviewed that the road is in Bartlett; however, there are driveways on the road that lead to homes that are located in Conway. This issue is back before the Board to make a determination as to the road name.

There was next a discussion concerning E911 and how the road numbering is determined. David Pandora gave an explanation as to how house numbers are determined. Mr. Pandora further explained that two road names makes the road numbering different and this can cause confusion.

Mr. Sires advised that it is staff's recommendation that the best thing for the community is to have consistent numbering. After discussion by the Board, **Mr. Webster moved, seconded by Mr. Weathers, that we adopt the E911 numbering as applied to Hurricane Mountain Road. The motion carried 4-0-1 with Ms. Umberger abstaining.**

Mr. Hounsell moved, seconded by Mr. Weathers, that the Town Manager respond by saying if the sign is in Bartlett we no authority to enter Bartlett and if the sign is in Conway we would ask don't we have enough things to worry about in Bartlett. The motion carried 5-0-0.

The Board also agreed that letters are to be sent to the residents explaining new numbering, etc., and the circumstance of emergency response.

CONSERVATION COMMISSION REQUEST FOR PURCHASE OF CONSERVATION
EASEMENT ON WEST SIDE ROAD
(MAP LOT 250-162 &163)

Paul Pinkham, Chair of the Conservation Commission, Linda Comeau Program Coordinator for the Upper Saco Valley Land Trust, and Rob Adair and Tom Earl were present for discussion.

Mr. Pinkham advised that at the April 12, 2006 Conservation Commission meeting the Commission voted to seek to support the Upper Saco Valley Land Trust/Kennett Conservation Easement Funding by contributing \$10,000 from the Conservation Land Acquisition account. Mr. Pinkham next reviewed a map of the land proposed to be acquired through the easement with the Board. Mr. Pinkham explained this is not an actual purchase of land; it is the purchase of an easement, which is the use of the land. Mr. Weathers further explained buying long term use of the land for agricultural, recreation or wildlife habitat and the land can not be developed. Mr. Sires advised a legal reviewed was done and property rights can be purchased. There was next brief discussion and a review of the figures regarding the total cost of the conservation easement. **Mr. Hounsell moved, seconded by Mr. Weathers, that we approve this \$10,000, subject to all the other money and funding being secured. The motion carried 5-0-0.**

TOWN MANAGER REPORT

Construction Information Meeting – Mr. Sires reported that Executive Councilor Raymond Burton and NHDOT Commissioner Carol Murray will be meeting here on Friday, August 25, 2006 to talk about construction in North Conway.

BOARD REPORTS AND COMMENTS

Northern Roundabout – Ms. Umberger questioned if there was any progress in the negotiations regarding the northern roundabout. Mr. Sires advised there has been no word at this point. Ms. Umberger questioned if we are going to ask town staff to look at eminent domain or wait longer. Mr. Hounsell pointed out the motion last week was that staff was to do nothing at this point. Mr. Martin suggested talking about this matter again on September 12.

Emergency Management Director – Ms. Umberger reported that the Town interviewed four candidates earlier today for the position of Emergency Management Director. Ms. Umberger further reported that hopefully in the next couple of weeks a decision will be made on a candidate and an announcement will be made as to who will be hired.

Building/Steering Committee – Mr. Martin reported he attended a meeting of the Building/Steering Committee on August 17, 2006. Middle School renovations are coming along and the windows have been changed. There was also discussion regarding the High School being two weeks behind schedule but they are gaining ground and hopefully will be on schedule again in the near future.

PUBLIC COMMENTS / MEDIA QUESTIONS

Conway Daily Sun Report, Dena Libner, questioned the status of the northern roundabout. Mr. Sires advised the Board had voted not to pursue any action at this time. Mr. Sires further explained that there were some issues that could not be worked out and the Board felt no further time should be spent on this matter at this time. There are issues between the developers and they need to work them out between themselves.

ADJOURN

At 7:13 p.m. **Mr. Weathers moved, seconded by Mr. Webster, to adjourn the meeting. The motion carried unanimously.**

Respectfully submitted,

Karen J. Hollowell
Executive Secretary