

Minutes of Meeting
CONWAY BOARD OF SELECTMEN
March 28, 2017

The Selectmen's Meeting convened at 4:02 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen, C. David Weathers, Mary Carey Seavey, Carl Thibodeau, John Colbath, and Steven Porter; Town Manager, Earl Sires, and Executive Secretary, Karen Hallowell.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Mr. Porter moved, seconded by Mr. Colbath, to approve the agenda. The motion carried unanimously.

PRESENTATION BY SPONSORS OF 27TH ANNUAL
CLASSIC CAR SHOW – MWV CAR CLUB

Russell Boisvert and Jeff Noyes of the MWV Car Club joined the meeting.

Mr. Sires explained that Mr. Boisvert and Mr. Noyes are here today to discuss an event they are planning to be held in Schouler Park. This is a new event for Schouler Park. The Recreation Director, John Eastman and Corie Frechette have spent a good bit of time with these folks discussing the event and making sure there is enough room in the park, etc.

Mr. Boisvert first reviewed that the MWV Car Club have held this event at Settlers Green in the past. With regard to the event this year in Schouler Park, they will have help parking vehicles and getting vehicles in and out off the street. They are currently waiting for the snow to melt so that they can go and layout the park and not damage anything in the park. The event is planned for August 18, 2017 with a rain date of August 19, 2017. Mr. Thibodeau commented that this is a significant event and is well run. This will be good to have this in the center of village and he is 100% in favor of the event. Mr. Weathers questioned how many cars will be in the park. Mr. Boisvert stated they have room for 176 but they need to leave aisle areas etc., to walk. They will also be marking sprinkler heads so as not to damage any in the park. Mr. Weathers asked about set up for the event. Mr. Noyes explained they will set up the event the afternoon before the event to get ready and then they will start moving cars into the park at 8:00 am the morning of the event.

Mr. Noyes next explained that the money raised from the event will be used for a high school automotive scholarship.

There was next brief discussion regarding parking for the event. Janice Crawford of the MWVCC commented that she is excited and that this is a major event in the village. Ms. Crawford next stated that the Chamber is trying to build the spring season and asked the MWV Car Club to consider moving the event to June in the future. Ms. Crawford also asked that the MWV Car

Club also consider giving the scholarship to someone in the future who has student debt and already went to school. Mr. Noyes stated they have done this in the past.

There was next further brief discussion of the event, types of cars at the event, etc.

REQUEST TO PURCHASE TOWN OWNED LAND
TAX MAP/LOT 219-77 – SUZANNE NELSON

Suzanne Nelson appeared before the Board. Ms. Nelson reviewed that there is a sliver of land (219-77) that is owned by the town and backs up to her property. There is zero value to anyone except for them or someone on Seavey Street. She found out that the town owned the property and made an offer on the property.

The Board reviewed a map of the property and held brief discussion. The Board agreed that the abutters to 219-77 should be notified. **Mr. Porter moved, seconded by Mr. Colbath, that we notice the abutters and give ample opportunity to match the offer on the table and then bring this back to the Board of Selectmen at the end of May. Motion carried 5-0-0.**

REVIEW OF LETTER FROM NHDOT REGARDING DIANA'S BATH PARKING

Mr. Sires reviewed previous discussions held with residents, NHDOT, Forest Service, etc., regarding Diana's Bath parking. The Board of Selectmen wrote a letter to NHDOT Director Sheehan asking her to authorize signing the West Side Road on the north and south side of Diana's bath as no parking. It is currently signed for no parking on pavement.

Mr. Sires next reviewed the parking situation in the Diana's Bath parking lot and on the roadway. Mr. Sires reviewed there are safety issues, environmental issues, quality of life issues for the neighbors, difficulty getting in and out of driveways, etc.

Mr. Sires next advised that in February the NHDOT Commissioner responded to the letter from the Town. Mr. Sires reviewed the letter with the Board. The letter advises they want to address this as a global process. Mr. Sires next reviewed that previously this Board wanted to keep this issue separate and not wait for it to be addressed globally with other issues around the state as there are actual neighbors and neighborhoods in this area as opposed to other areas that are not in neighborhoods. Mr. Sires next stated that this issue is here again before this Board to review and see how they would like to proceed. Mr. Sires further added that the process stated by the NHDOT won't solve any problems for this summer.

Mr. Thibodeau commented that this is a congested area and a heavily traveled road. We need to contact the Commissioner and explain the uniqueness of this situation and see if we can get it resolved before this summer season.

Mr. Weathers asked for public comments.

Gregory Sullivan advised his property is located at 3793 West Side Road and is the closest house to Diana's Bath. Mr. Sullivan presented a photo of the parking situation for the Board's consideration. Mr. Sullivan stated he feels we should push back hard on this issue. Mr. Sullivan next reviewed a sentence in the letter from the NHDOT Commissioner that talks about a comprehensive effort for stakeholders and stated that he wasn't contacted as a stakeholder. Mr. Sullivan next stated that he feels it is only a matter of time before someone gets hurt in this area. Public safety, noise pollution, destruction of property, etc., are all serious problems in this area

and need to be addressed. Mr. Sullivan next commented that he was happy to have the Town post signs on either side of his driveway but they were supposed to be 35' and they were put up at 15" at either side of his driveway. Mr. Sullivan asked that the Board reconsider this and put them at 35' and that it be signed the entire length of his property. The frontage of his property is approximately 150'. Mr. Sullivan stated blueberries used to grow out front but now they are gone and this is just a symbol of what is going on here. There are also beer cans and other unimaginable trash that they pick up.

Janice Crawford of the MWVCC stated that the Chamber is working with the White Mountain National Forest and the Saco Ranger District. They will have a meeting at North Conway Water Precinct on May 3 to discuss the issue with businesses of where to hike, etc. and to give out information on all places the Mount Washington Valley has to offer. There are many other options they could offer and could also let people know there are only 60 parking spaces at Diana's Bath.

Nat Lucy spoke about parking off road in the right of way. Mr. Lucy stated that they will probably post the Lucy land.

Daymond Steer of the Conway Daily Sun questioned why we can't post the road but there are signs by Mr. Sullivan's property. Mr. Sires advised that the NHDOT did agree to those signs before discussions of the bigger issue.

Mr. Sires next explained why signs were put at 15' and advised that more signs could be added to Mr. Sullivan's property.

There was next further discussion by the Board regarding the parking, safety, liability, etc.

Ms. Crawford suggested if sending another letter to the NHDOT that the stakeholder committee be copied so they all understand this situation.

There was next discussion regarding sending a letter to the NHDOT. Mr. Thibodeau suggested that we request that it be signed by May 15, 2017. Also, we should copy state representatives.

Suzanne Nelson questioned if there is room to increase the parking. Ranger, Jim Innes, stated there are no plans to do that. Also, they have received input from local residents that they don't want this done. Ranger Innes further added that he doesn't think you can make the parking lot big enough.

Ms. Seavey questioned why the area is not manned. Ranger Innes stated it is not manned due to staffing. They manage that area and also the Kancamaugus. Ms. Seavey asked about volunteers. Ranger Innes stated this is a conversation that they are having. They do this on a part time basis at Lower Falls. Mr. Thibodeau asked about where their authority extends to and does it go to the road or just the property boundary. Ranger Innes stated it goes to the boundary. They have no authority to talk to people on the street -only in the lot. Ms. Seavey asked about capacity limits for the parking lot. Ranger Innes stated parking capacity in the lot is controlled by lot size but they can't control parking on the street. Also, it is public land and they don't prevent people from going on public land.

Nat Lucy commented that he thinks people park on the street to avoid the fee. If there was an attendant it would pay for itself. There could be spaces in the lot and people pull in and

don't want to pay and then park on the road. Ranger Innes reiterated that they (Forest Service) can't do anything about people parking on the road -only in the parking lot.

The Board further discussed sending a letter to the NHDOT. Mr. Weathers suggested that he and Mr. Sires draft a letter. All agreed.

Charles Monoghan of Nereledge stated it was very hard last summer to get in and out of the Nereledge development. There are cars speeding down the road and it is hard to get out of the driveway. They will be inundated in April for vacation week, etc. He feels the letter should get out as soon as possible and ask that the signs be put up by April vacation week.

Mr. Colbath moved, seconded by Mr. Porter, to draft a letter and get it out this week. Motion carried unanimously.

Mr. Sullivan thanked the Board for their consideration of this matter.

CONSIDERATION OF UNANTICIPATED REVENUE LESS THAN \$10,000/RSA 31:95-B, III (B)

- a. \$800 from Primex to the Town of Conway

Finance Director, Lilli Gilligan, reviewed \$800 was received from Primex who subrogated regarding a vehicle found at fault in connection with a car accident from December of 2015. This will be general revenue. **Mr. Colbath moved, seconded by Mr. Thibodeau, to accept the \$800 from Primex to the Town of Conway. The motion carried unanimously.**

FINANCIAL REPORT

- a. Review and approval of 2016 Operating Budget expenditures
- b. Review and approval of 2016 revenue report
- c. Review of 2016 fund balance report
- d. Review and approval of 2016 Capital Reserve expenditures

Finance Director, Lilli Gilligan, reviewed the 2016 financial reports with the Board.

Mr. Thibodeau stepped away from the meeting at 5:14 pm.

Mr. Porter moved, seconded by Mr. Colbath, to approve the reports and information contained herein as submitted. The motion carried 4-0-0.

REVIEW OF RECEIPTS

Receipts were available for the Board's review.

Carl Thibodeau rejoined the meeting at 5:17 pm.

BOARD OF SELECTMEN SCHEDULE FOR ELECTION DAY

Mr. Weathers stated that his understanding is that he and Mary can be at the polls, but since they are candidates they cannot touch ballots. Mr. Sires advised he will verify this information with the Town Clerk.

The Board next set up the following scheduled for Election Day: Steve Porter – Morning; Carl Thibodeau – after 2:00 pm; David Weathers – Morning; John Colbath – all day; and Mary Seavey – 2:00 pm to 7:00 pm.

SIGNING OF DOCUMENTS

- a. Certification of Yield Taxes Assessed Tax Map/Lot 249-1
- b. Certification of Yield Taxes Assessed Tax Map/Lot 259-3
- c. Gravel Tax Levy Tax Map/Lot 263-117, 226-1, 238-1, 207-14.5
- d. Notice of Intent to Excavate Tax Map/Lot 207-14.5
- e. Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 232-178
- f. Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 254-29.013
- g. Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 258-68.10
- h. Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 277-254
- i. Permit to Sell Raffle Tickets – MWVCC Leadership Program – Drawing 4/8/17
- j. Summary of Forest Stewardship Plan for Current Use Assessment Tax Map/Lot 207-4
- k. Summary of Forest Stewardship Plan for Current Use Assessment Tax Map/Lot 207-7 & 12
- l. Summary of Forest Stewardship Plan for Current Use Assessment Tax Map/Lot 207-8
- m. Summary of Forest Stewardship Plan for Current Use Assessment Tax Map/Lot 207-9
- n. Summary of Forest Stewardship Plan for Current Use Assessment Tax Map/Lot 210-1.1
- o. Summary of Forest Stewardship Plan for Current Use Assessment Tax Map/Lot 240-28 & 29
- p. Timber Tax Levy Tax Map/Lot 249-1 and 259-3
- q. Requests to Trustees of Trust funds for the following
 - \$101,054.00 from the Highway Equipment Capital Reserve Fund;
 - \$31,904.40 from the Infrastructure Reconstruction Capital Reserve Fund;
 - \$2,210.00 from the Maintenance of Town Buildings and Facilities Capital Reserve Fund;
 - \$109,989.00 from the Solid Waste Equipment Capital Reserve Fund; and
 - \$25,961.99 from the Public Educational–Government Cable Television Trust Fund

Mr. Colbath moved, seconded by Mr. Porter, to sign the Certification of Yield Taxes Assessed Tax Map/Lot 249-1; Certification of Yield Taxes Assessed Tax Map/Lot 259-3; Gravel Tax Levy Tax Map/Lot 263-117, 226-1, 238-1, 207-14.5; Notice of Intent to Excavate Tax Map/Lot 207-14.5; Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 232-178; Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 254-29.013; Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 258-68.10; Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 277-254; Permit to Sell Raffle Tickets – MWVCC Leadership Program – Drawing 4/8/17; Summary of Forest Stewardship Plan for Current Use Assessment Tax Map/Lot 207-4; Summary of Forest Stewardship Plan for Current Use Assessment Tax Map/Lot 207-7 & 12; Summary of Forest Stewardship Plan for Current Use Assessment Tax Map/Lot 207-8; Summary of Forest Stewardship Plan for Current Use Assessment Tax Map/Lot 207-9; Summary of Forest Stewardship Plan for Current Use Assessment Tax Map/Lot 210-1.1; Summary of Forest Stewardship Plan for Current Use Assessment Tax Map/Lot 240-28 & 29; Timber Tax Levy Tax Map/Lot 249-1 and 259-3; and Requests to Trustees of Trust funds for the following: \$101,054.00 from the Highway Equipment Capital Reserve Fund; \$31,904.40 from the Infrastructure Reconstruction Capital Reserve Fund; \$2,210.00 from the

Maintenance of Town Buildings and Facilities Capital Reserve Fund; \$109,989.00 from the Solid Waste Equipment Capital Reserve Fund; and \$25,961.99 from the Public Educational–Government Cable Television Trust Fund. The motion carried unanimously.

CONSIDERATION OF BILLS

- a. Accounts Payable Manifest 3/30/17
- b. Payroll 3/30/17

Mr. Colbath moved, seconded by Mr. Porter, to sign he Accounts Payable Manifest dated 3/30/17 and Payroll 3/30/17. The motion carried unanimously.

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

- a. Accounts Payable Manifest 3/9/17
- b. Accounts Payable Manifest 3/16/17
- c. Accounts Payable Manifest 3/23/17
- d. Payroll 3/16/17
- e. Notice of Intent to Cut Wood or Timber Tax Map/Lot 249-1-11, 250-32-57, 250-71-84, 263-63-73
- f. Notice of Intent to Excavate Tax Map/Lot 238-1
- g. Special Event License/Merlino's Steak House/Shawn Smith Foundation Fundraiser – 4/1/17 (pending liquor license)

Mr. Thibodeau moved, seconded by Ms. Seavey, to ratify the Accounts Payable Manifest 3/9/17; Notice of Intent to Cut Wood or Timber Tax Map/Lot 249-1-11, 250-32-57, 250-71-84, 263-63-73; Notice of Intent to Excavate Tax Map/Lot 238-1; and Special Event License/Merlino's Steak House/Shawn Smith Foundation Fundraiser – 4/1/17 pending receipt of liquor license. The motion carried unanimously.

Mr. Colbath moved, seconded by Ms. Seavey, to ratify the Accounts Payable Manifest dated 3/16/17, Accounts Payable Manifest dated 3/23/17 and Payroll dated 3/16/17. The motion carried unanimously.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

- a. Connect A Pet New England/Connect a Pet New England Vendor Expo – 4/1/17 (pending deposit)
- b. Mt Washington Valley Old Car Club/Monday Night Cruise Nights – Monday Nights 5/22-9/25/17
- c. 4 Our Kids Recycling Services/Funergy – 4/22/17
- d. White Mountain Waldorf School/Annual May Fair Festival – 5/13/17
- e. Kennett Middle School/27th Annual Crank the Kanc – 5/20/17
- f. Gibson Center/Craft Fairs – 5/17-5/18/17, 7/1-7/2/17, 9/2-9/3/17 and 10/7-10/8/17 (pending insurance)
- g. Joyce Endee Productions – Memorial Weekend Arts and Crafts Show, Leaf Peepers Craft Show and Santa's Stocking Stuffer Craft Show – 5/27-5/28/17, 10/14-10/15/17, 12/16-12/17/17
- h. Mt Washington Valley Old Car Club/27th Annual Classic Car Show – 8/19/17

Mr. Weathers reviewed the list of applications for special events. Mr. Sires stated that there is a letter from the applicant for the Connect A Pet New England event. This is the first time the event is being held and it is a fundraiser for a pet adoption agency in New England. They are paying the for profit event fee as there will be for profit vendors at the event, however, they are asking that the Board waive the \$250 event deposit. Mr. Sires reviewed that the Board policy is to deposit the deposits until after the event. There was a brief discussion regarding deposits for events. It was reviewed that they event applicants receive the deposit back after the event is over. Mr. Porter moved to waive the \$250 deposit request. There was no second to the motion.

Mr. Thibodeau next commented that he has worked for the MWW Car Club and would abstain from voting on the two event applications today.

Mr. Colbath moved, seconded by Mr. Porter, to approve the special event applications for Connect A Pet New England/Connect a Pet New England Vendor Expo – 4/1/17 (pending deposit); 4 Our Kids Recycling Services/Funergy – 4/22/17; White Mountain Waldorf School/Annual May Fair Festival – 5/13/17; Kennett Middle School/27th Annual Crank the Kanc – 5/20/17; Gibson Center/Craft Fairs – 5/17-5/18/17, 7/1-7/2/17, 9/2-9/3/17 and 10/7-10/8/17 (pending insurance); and Joyce Endee Productions – Memorial Weekend Arts and Crafts Show, Leaf Peepers Craft Show and Santa's Stocking Stuffer Craft Show – 5/27-5/28/17, 10/14-10/15/17, 12/16-12/17/17. Motion carried unanimously.

Mr. Colbath moved, seconded by Mr. Porter, to approve the special event applications for the Mt Washington Valley Old Car Club/Monday Night Cruise Nights – Monday Nights 5/22-9/25/17; and Mt Washington Valley Old Car Club/27th Annual Classic Car Show – 8/19/17. Motion carried 4-0-1 with Mr. Thibodeau abstaining.

CONSIDERATION OF MINUTES: 2/14/17, 2/21/17, 2/24/17, 2/28/17

Mr. Colbath moved, seconded by Mr. Thibodeau to approve the minutes of 2/14/17 regular and non public meeting, 2/21/17 regular meeting, 2/24/17 regular meeting and 2/18/17 regular and non public meeting. The motion carried unanimously.

TOWN MANAGER REPORT

Tent Sale – Mr. Sires reported a meeting was held with Mr. Manson and the North Conway Community Center regarding the tent sales. We conveyed the concerns of the Board with regard to location of the tent, duration of the event, and what can and can't be on the site. We should see this reflected when we receive the special event permit application this year.

ESAA – Mr. Sires reported an airport board meeting is scheduled for Thursday.

Joint Loss Management Committee – Mr. Sires reported a Joint Loss Management Committee meeting is scheduled for this week.

Town Report – Mr. Sires stated the 2016 Town Report is now available.

BOARD REPORTS AND COMMENTS

ZBA – Mr. Colbath reported the ZBA met recently and heard one appeal of administrative decision; however, he was unable to attend the meeting.

Budget Committee – Mr. Colbath reported a Budget Committee meeting is scheduled for tomorrow night.

ESAA – Mr. Thibodeau reported the airport board meets Thursday night. The Executive Committee met last Wednesday with representatives of Aeronautic agencies, etc. in attendance. The general consensus of opinion is they will be able to build the terminal building with pending grants and money from the FAA. Mr. Thibodeau next reviewed that it is critical from the New Hampshire side that the Town of Conway continues to contribute to the airport. He encourages everyone to please vote for this article at town meeting.

MWVEC – Ms. Seavey reported the MWVEC meets tomorrow.

Town Report – Mr. Weathers reviewed the 2016 Town Report is out and available at various places around town.

Meeting Schedule – Mr. Weathers reported the Board of Selectmen may or may not meet on April 4, 2017. There is no meeting on April 11, 2017.

Voting Day – Mr. Weathers reviewed that voting day is April 11, 2017. A sample ballot is available in the back of the town report.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Daymond Steer of the Conway Daily Sun stated that it was a close vote in the Town of Eaton regarding contracting with Conway Recreation. He has talked with people who don't like the formula and the costs to the Town of Eaton. Mr. Sires commented that Eaton has always wanted to pay only for kids that come to the program. The formula we have is the same as it is for schools and landfill/solid waste. Eaton wants to just pay per child but there are also programs for adults, etc. Mr. Steer questioned if the Town of Albany pays. Mr. Sires responded in the affirmative.

Mr. Steer next asked about Spectrum Cable. There were no comments from the Board.

Mr. Steer next asked about the 88/12 issue regarding a NHDOT project discussed previously. A couple of weeks ago it sounded like the state was agreeing. Mr. Sires stated they are okay with the 88/12 split but, in conversations with their engineers, there was questions with the amounts they have budgeted for these projects. If these budgets jump in costs in the future then our contribution jumps and we want to make sure of what our contribution is going to be.

Mr. Steer next stated that with regard to the letter to the NHDOT regarding parking near Diana's Bath, May 15 was discussed but someone also stated that April 15 would be better. Mr. Colbath stated he feels it should be as soon as possible. Ms. Seavey agreed. Mr. Weathers stated he feels we should stay with May 15 as the date. Mr. Colbath stated that the signs should be up by May 15.

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

At 5:46 pm, **Mr. Colbath moved, seconded by Mr. Thibodeau, to go into non public session under NH RSA 91-A:3,II(e) to discuss a real estate matter.** The non public session

included Greydon Turner, Realtor; Town Manager, Earl Sires; Tax Assessor, Tom Holmes; and Recording Secretary, Karen Hallowell. **Motion carried by unanimous roll call vote.**

The Board returned to public session at 5:53 pm.

Mr. Colbath moved, seconded by Mr. Porter, to seal the minutes of this non public session. The motion carried unanimously.

TOWN OWNED PROPERTY TAX MAP/LOT 275-18.118

Mr. Colbath moved, seconded by Mr. Porter, to accept the offer on tax map/lot 275-18.118 from Stephen Seavey as presented. The motion carried 4-0-1 with Ms. Seavey abstaining.

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

At 5:54 pm, **Mr. Thibodeau moved, seconded by Mr. Colbath, 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; and Recording Secretary, Karen Hallowell. **The motion carried by unanimous roll call vote.**

The Board returned to public session at 5:58 pm.

Mr. Colbath moved, seconded by Mr. Thibodeau, to seal the minutes of this non public session. The motion carried unanimously.

NON PUBLIC SESSION / NH RSA 91-A:3,II(A) - TOWN MANAGER EVALUATION

At 6:00 pm, **Mr. Thibodeau moved, seconded by Ms. Seavey, to go into non public session under NH RSA 91-A:3,II(a) to discuss the town manager evaluation.** The non public session included Town Manager, Earl Sires. **The motion by unanimous roll call vote.**

Ms. Seavey moved, seconded by Mr. Thibodeau, to seal the minutes of this non public session. The motion carried unanimously.

ADJOURN

At 6:45 pm, the meeting adjourned at the call of the Chair.

Respectfully submitted,

Karen J Hallowell
Executive Secretary