

**Minutes of Meeting**  
**CONWAY BOARD OF SELECTMEN**  
April 2, 2013

The Selectmen's Meeting convened at 4:18 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 Sires, and Recording Secretary, Karen Hallowell.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Mr. Weathers advised of two changes to the agenda. Conway Village Fire District Commission, Janine Bean, would be attending the meeting to discuss a precinct matter. Also, the Non Public Session to discuss a tax matter has been canceled. **Mr. Dickinson moved, seconded by Ms. Seavey, to approve the agenda as amended. The motion carried unanimously.**

PUBLIC HEARING – TO RECEIVE PUBLIC INPUT ON OFFERS OF A GIFTS OF  
LAND TO THE TOWN OF CONWAY AS FOLLOWS: TAX MAP/LOT #251-109 AND  
TAX MAP/LOT #251-136, (2<sup>ND</sup> OF 2 HEARINGS)

Mr. Weathers opened the public hearing at 4:19 pm. Mr. Weathers asked for Board comments and public comments. Mr. Sires advised Map/Lot 251-109 and 251-136 are located in Transvale Acres. There were no further comments. Mr. Weathers closed the public hearing at 4:20 p.m.

ASSIGNMENTS FOR VOTING DAY

The Board discussed a schedule for working at the polls on April 9, 2013. Mr. Weathers advised he would take the 8:00 am to Noon shift. Ms. Seavey advised she could there at noon for the afternoon shift. Mr. DiGregorio advised that he could be at the polls from 4:00 p.m. until closing. Ms. Sand advised that she had another commitment but would be there as her schedule allowed. It was understood that Mr. Dickinson, as a candidate for reelection as Selectman, could be inside the polling place but could not campaign inside or touch ballots.

DISCUSSION OF BOAT REGISTRATIONS / RHODA QUINT, TOWN CLERK

Town Clerk, Rhoda Quint, joined the meeting. Ms. Quint distributed a copy of a sample boat registration along with financial information from the State of NH to the Board and reviewed same. Ms. Quint advised that New Hampshire is now allowing towns to register boats and that she had attended training for same. Ms. Quint next reviewed boat fees, boat taxes, and agent fees with the Board. Ms. Quint further advised that unlike car registrations, you do not need to be a resident of the Town of Conway to register a boat.

There was next a review of the Boat Agent Agreement and a brief discussion by the Board. **Ms. Sand moved, seconded by Mr. Dickinson, that we authorize staff to sign the Boat Agent Agreement with the State of New Hampshire so that we can collect boat registration fees. The motion carried unanimously.**

CONWAY VILLAGE FIRE DISTRICT

Conway Village Fire District (CVFD) Commissioner, Janine Bean, appeared before the Board.

Ms. Bean advised that the CVFD received a letter from the Town of Albany regarding damage to Bald Hill Road during the last construction season. The CVFD disputed this claim. Ms. Bean next advised that since this the CVFD have put in a request for a building permit to the Town of Albany to construct a water tank on CVFD property but the Town of Albany refused same and have combined the matter of the building permit with the matter concerning the damage to Bald Hill Road. Ms. Bean next stated that under the RSA the CVFD does not need a permit as they own the land and they will now be sending a letter to the Town of Albany advising the CVFD will be proceeding with construction. Further, the CVFD has been advised by the LGC that they should notify the Town of Conway that they plan on doing this water tank. Ms. Bean stated she is also advising the Town of Conway and Town of Albany that there will be issues if they don't start this project. Ms. Bean stated they wanted to make the Conway Board of Selectmen aware of this situation with the Town of Albany and if the Town of Albany tries to stop the CVFD, the CVFD may call upon the Board of Selectmen for help as the Town of Albany may try to put an injunction on the water project.

Mr. Weathers questioned if the CVFD has advised the Town of Albany that they do not need the permit. Ms. Bean advised they just found about this yesterday and that they will be sending a letter to the Town of Albany tomorrow.

CVFD Commissioner, Tom Bucu, joined the meeting at this time (4:36 pm).

The Board thanked Ms. Bean for the update on this situation. Commissioners Bean and Bucu left the meeting.

DISCUSSION OF HUSSEY FIELD BOAT LAUNCH IMPROVEMENTS

Mr. Sires reported a meeting is scheduled for tomorrow with the Saco River Access Committee which includes canoe outfitters and other people who have been working on the plan for the boat launch. Mr. Sires next reviewed that last year a turnaround area was installed at Hussey Field and the meeting tomorrow is to finalize a location, etc, for the turnaround.

Mr. DegliAngeli reviewed the turnaround was a success last year and that the concept worked but they had used snow fence. We are now developing options for what can go there now and are looking for direction with regard to aesthetics. Further, we are operating under the concept that this turnaround should not be a permanent structure and we need to be able to take it in and out as the field floods. Mr. DegliAngeli next reviewed options of wood or metal for the turnaround area. Mr. DegliAngeli advised that if we were to use our sign posts, the cost would be around \$1,500. There was next discussion with the Board with regard to metal versus wood, the height of the structure, and whether canoes would be able to be passed over and/or under the corral area. The Board agreed that galvanized posts could be used with one string cable across them. The Board also agreed the posts should be 3.5 feet in height.

ROCKHOUSE MOUNTAIN ROAD / ALISHA FITZPATRICK

Alisha Fitzpatrick appeared before the Board. Also, present was Town Attorney, Peter Malia.

Mr. Weathers reviewed that this matter is in regard to an article on the ballot regarding discontinuance of the Class VI portion of Rockhouse Mountain Road.

Ms. Sand read aloud a letter from the Fitzpatrick family. (A copy of same is attached hereto).

There was first brief discussion regarding the abutting properties to the Class VI portion of the road.

Attorney Malia next briefly reviewed law for abandoning Class VI roads. Attorney Malia also advised that this requires 14 day notice before the vote on the warrant article and this has been done.

Alisha Fitzpatrick stated that she agrees the town went by the law but that the publication she read from stated a minimum of 14 days notice and she feels the town should have sent notices before this time.

Mr. Sires noted that in addition to the legal requirement of 14 day notice, this matter was discussed many times at public meetings, the meetings are broadcasted on TV and, also, the warrant was posted around town. We did go ahead and notify abutters by mail after the Deliberative Session of Town meeting. Mr. Sires next advised that when the warrant article was originally suggested and discussed it contained other roads, such as Labrador Pond Road. The town did receive public input on these roads during the process and the Board of Selectmen decided to remove some of the other roads that were suggested for the warrant article. We did not hear from anyone else at that time regarding Rockhouse Mountain Road.

Ms. Fitzpatrick again stated that she feels this was followed by the letter of the law, but she feels people should have been notified prior to the notices that were sent. Mr. DiGregorio reiterated that the Board did not hear from anyone concerning Rockhouse Mountain Road until the time of the deliberative portion of town meeting.

Mr. DiGregorio next questioned how Ms. Fitzpatrick uses the road and how the discontinuance of the Class VI portion will affect her. Ms. Fitzpatrick stated there are many times that she has to walk into the Town of Conway. If her car breaks down she has to use the road to walk. She also drives the road and she uses it all the time unless it is winter and it is not plowed. If she is barred from using the road, she will have to go five miles out of her way. Ms. Fitzpatrick next stated that she has been told by an attorney that if this is passed, they will still have the right to use this road. Mr. Weathers reviewed that if the articles passes the town is giving up the public's right to use the road.

Attorney Malia next stated that he did speak with Alisha Fitzpatrick before the Deliberative Portion of Town Meeting and explained to her that she should go to Town Meeting. Attorney Malia further advised that he also told her that he is the attorney for the Town of Conway and she should speak to her own attorney regarding this matter.

Mr. DiGregorio stated that we can't pull this article from the ballot now. Attorney Malia agreed. Ms. Fitzpatrick stated she is here to request the Board of Selectmen withdraw this article. Attorney Malia advised the town can't pull the article from the warrant at this stage, but can ask people not to vote in favor of the article.

There was next discussion of the result of an affirmative vote on the warrant article. Attorney Malia advised that use and possession reverts to the landowners. The public's right to use the road ends.

Ms. Seavey questioned if there is any tax impact to the landowners if the article passes. Mr. Sires advised he is not aware of any tax impact to the landowner.

Ms. Sand stated that when this matter was previously discussed, the abutters to the road were interested in closing the road due to trash, partying, etc, and unless we give up the road they couldn't gate it. If the voters now give up the right to the road and the road is gated, Ms. Fitzpatrick or her family will not have a key to the gate. Ms. Sand stated that she wished Ms. Fitzpatrick would have spoke up at the Deliberative Session regarding this matter. Ms. Sand stated she now does have some concerns with giving up this road and would ask the public to vote this down. Also, if this is voted down, it would give us more time to look into this particular road.

Mr. Weathers next spoke about the condition of the road and advised the road is not drivable but it could be walked. There was a discussion on the condition of the road.

Mr. DiGregorio question if anything gets recorded if the voters pass this article. Attorney Malia stated it is just a vote of the town.

Mr. Sires reviewed that as stated before, the town does not own the land and if this passes, we are giving up the right to the road.

There was further brief discussion. At 5:30 p.m. Ms. Fitzpatrick abruptly interrupted the discussion and stated that she did not want to have further discussion today and left the meeting.

#### APPOINTMENT OF ZBA MEMBERS

Mr. Weathers reviewed the Board received a memo requesting the reappointment of Phyllis Sherman and Dana Hylen to the Zoning Board of Adjustment. Mr. Weathers next advised that the town did advertise for positions on the ZBA but did not receive any responses. **Ms. Sand moved, seconded by Mr. Dickinson, to appoint Phyllis Sherman and Dana Hylen to the Zoning Board of Adjustment for three year terms. The motion carried unanimously.**

#### SIGNING OF DOCUMENTS

- a. Certification of Yield Taxes Assessed Map/Lot 247-4
- b. Certification of Yield Taxes Assessed Map/Lot 247-112
- c. Certification of Yield Taxes Assessed Map/lot 262-1
- d. Notice of Intent to Cut Wood or Timber Map/Lot 244-1
- e. Notice of Intent to Cut Wood or Timber Map/Lot 261-37
- f. Notice of Intent to Cut Wood or Timber 284-21
- g. Yield Tax Levy Map/Lot 247-4 & 247-112
- h. Yield Tax Levy Map/Lot 262-1
- i. Notice of Intent to Excavate (2012-2013 Supplemental) Map/Lot 238-1
- j. Notice of Intent to Excavate (2013-2014) Map/Lot 238-1
- k. Permanent Application for Property Tax Credit/Exemptions Map/Lot 245-34
- l. Permanent Application for Property Tax Credit/Exemptions Map/Lot 266-82

**Ms. Sand moved, seconded by Mr. Dickinson, to sign the Certification of Yield Taxes Assessed Map/Lot 247-4, Certification of Yield Taxes Assessed Map/Lot 247-112, Certification of Yield Taxes Assessed Map/lot 262-1, Notice of Intent to Cut Wood or Timber Map/Lot 244-1, Notice of Intent to Cut Wood or Timber Map/Lot 261-37, Notice of Intent to Cut Wood or Timber 284-21, Yield Tax Levy Map/Lot 247-4 & 247-112, Yield Tax Levy Map/Lot 262-1, Notice of Intent to Excavate (2012-2013 Supplemental) Map/Lot 238-1, Notice of Intent to Excavate (2013-2014) Map/Lot 238-1, Permanent Application for Property Tax Credit/Exemptions Map/Lot 245-34, and the Permanent Application for Property Tax Credit/Exemptions Map/Lot 266-82. The motion carried unanimously.**

#### CONSIDERATION OF BILLS

- a. Manifest dated 4/4/13
- b. Payroll dated 4/4/13

**Ms. Sand moved, seconded by Ms. Seavey, to approve and sign the manifest dated 4/4/13 and the payroll dated 4/4/13. The motion carried unanimously.**

#### RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

**a. Manifest dated 3/28/13 - Ms. Sand moved, seconded by Mr. Dickinson, to ratify the manifest dated 3/28/13 signed out of session. The motion carried unanimously.**

#### REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

- a. Conway Village Congregational Church/Church Festival 5/11/13
- b. Visiting Nurse Home Care & Hospice of Carroll County/Be Kind Fest 5/17/13-5/19/13
- c. Gibson Center for Senior Services/Craft Fairs 5/25/13-5/26/13, 7/6/13-7/7/13, 8/31/13-9/1/13 and 10/12/13-10/13/13 (Pending Insurance)
- d. Joyce Endee Productions/Memorial Weekend Craft Show 5/25/13-5/26/13; MWV Arts & Crafts Show & Leaf Peepers Art & Craft Show 10/19/13-10/20/13
- e. The Animal Rescue League of NH-North/Bark in the Park 9/21/13
- f. White Mountain Waldorf School/May Fair 5/18/13
- g. Children Unlimited Inc./Celebrations of Young Children's Parade 5/1/13
- h. MWV Baseball League/ MWV Cal Ripken Baseball League Opening Day Parade 4/27/13

Howard Stanten of Visiting Nurse Home and Hospice of Carroll County appeared before the Board to discuss the Be Kind Festival scheduled for May 17 to May 19, 2013. Also present was Recreation Director, John Eastman. Mr. Sires explained this is the second year for the Be Kind Festival and that it is a fairly involved event and wanted to go over this event with the Board. Also, there is an issue regarding electric power to discuss.

Mr. Stanten stated the first time this event was held was in 2011 and it was sponsored by the North Conway Village Association and it was a smaller event. People gathered on a Saturday in Schouler Park to do good things. Last year there was no one to organize the event. This year the Visiting Nurse Association (VNA) decided to take this on and the funds will be raised for VNA. Mr. Stanten next reviewed events planned for this year, including a butterfly release, band in Schouler Park, etc.

Mr. Stanten next advised that with regard to the electrical issue he did speak with the electrician today. The band planned for Schouler Park will require 50 amp service which is not generally used and the town hasn't needed this before. He is putting this band in touch with the electrician. The cost for this may be up to \$900 and they (the event holders) will be paying for this. They may also be able to get a grant for this cost and donate it to the town; however, the up front costs they will pay.

Mr. Eastman explained that this band brings their own sound and lights. Normally, when we have a band play in the park for events such as 4<sup>th</sup> of July, we hire a sound company that works with the band. The reason this is different is that they are a big band and require more power and a certain panel to plug into.

Ms. Sand questioned the butterfly release and asked about seasonality, types of butterflies, are they indigenous species, etc. Mr. Stanten advised that others have had the same questions and he does have materials from the butterfly release company discussing the environmental and seasonal issues, etc., and that he could forward same to the Board for review.

Mr. Eastman next reported that the police have also signed off for one officer for this event. At this time, the estimated attendance is 700; however, we just don't know how many people will be here for the event. He does have some concerns about the amount of people over the estimated attendance who may attend as this would require more toilets. At this time they are planning on a total of 8 toilets. This could also depend on the weather, etc. Mr. Eastman next stated that if the concert gets done at 9:00-9:30 p.m., we will need a plan to disperse people from the park. We will need to have the lights turned on for people to disperse in the park and this will require personnel. There was discussion by the Board regarding toilets and lighting.

Mr. DiGregorio questioned why they are having the event mid May. Mr. Stanten explained this is an attempt to give the business community something in the dead season. Also, when looking at other dates – Memorial Day is already busy and in June there is prom and other events and so they pushed this back into May.

Mr. Eastman next stated that lights should be on at night to clean up the trash as well and this would be an added expense to have staff there to turn lights on and off. Mr. Eastman asked if the Board would like to see more toilets than what has been estimated. There was brief discussion and the Board agreed that the 8 toilets estimated is okay for this year and we can estimate for more or less as needed next year.

**Ms. Sand moved, seconded by Mr. DiGregorio, to approve special event applications for the Conway Village Congregational Church/Church Festival scheduled for 5/11/13, Visiting Nurse Home Care & Hospice of Carroll County/Be Kind Fest scheduled for 5/17/13-5/19/13, Gibson Center for Senior Services/Craft Fairs scheduled for 5/25/13-5/26/13, 7/6/13-7/7/13, 8/31/13-9/1/13 and 10/12/13-10/13/13 pending receipt of their insurance certificate, Joyce Endee Productions/Memorial Weekend Craft Show scheduled for 5/25/13-5/26/13, MWV Arts & Crafts Show & Leaf Peepers Art & Craft Show scheduled for 10/19/13-10/20/13, The Animal Rescue League of NH-North/Bark in the Park scheduled for 9/21/13, White Mountain Waldorf School/May Fair scheduled for 5/18/13, Children Unlimited Inc./Celebrations of Young Children's Parade scheduled for 5/1/13, and the MWV Baseball League/ MWV Cal Ripken Baseball League Opening Day Parade scheduled for 4/27/13. The motion carried unanimously.**

### CONSIDERATION OF MINUTES

3/12/13 - Ms. Sand noted the following corrections to the minutes of 3/12/13: Page 1, Paragraph 1, after Recording Secretary, change the name Holly Meserve to Karen Hallowell. Page 4, Paragraph 1, last paragraph, line 3 should be corrected to read "...potential of the old SAU9 building site..." Page 5, line 1, the sentence should be corrected to read "Mr. DiGregorio reported we have been working with the Town of Madison..." **Ms. Sand moved, seconded by Ms. Seavey, to accept the minutes of 3/12/13 as amended. The motion carried unanimously.**

3/19/13 – **Mr. DiGregorio moved, seconded by Ms. Sand, to approve the minutes of 3/19/13 as written. The motion carried unanimously.**

### TOWN MANAGER REPORT

Ben Hounsell – Mr. Sires introduced Ben Hounsell to the Board. Mr. Hounsell is an 8<sup>th</sup> grader who is interested in local government. The Board welcomed Mr. Hounsell.

Reverse 911 System – Mr. Sires reported that information will be brought to the Board in the future regarding a Reverse 911 system.

Establish Committees – Mr. Sires suggested the Board consider establishing two committees; a committee to work with a realtor to come up with options for the Hobbs Street property and also a committee regarding the recodification project, if this article passes the voters on April 9.

Berlin City Manager – Mr. Sires reported he will be sitting on a panel this Friday to interview candidates for the Berlin City Manager.

Saco River Access Committee – Mr. Sires reported the Saco River Access Committee is scheduled to meet tomorrow, April 3, 2013.

Hobbs Street Property – Mr. Sires reported a meeting is scheduled for Tuesday, April 9, 2013 with perspective realtors for the Hobbs Street property.

Alisha Fitzpatrick/Rockhouse Mountain Road – Mr. Sires stated that on behalf of town staff, he does not feel it is fair to portray town staff as not having given Ms. Fitzpatrick time. Town staff and the town attorney have spent a tremendous amount of time with Ms. Fitzpatrick over the past few weeks to answer her questions and he would just like to make this clear. Ms. Sand advised that she received a message from Alicia Fitzpatrick and did call and discuss this matter with her. Also, staff did spend time with Ms. Fitzpatrick and gave her information. Ms. Sand further added that staff looked at the issue well beyond what was required of them and she appreciates it. Mr. DiGregorio stated that we struggle all the time with the best way to get information out to people and we do follow the law. People were notified with regard to this matter and we can't send certified mail to everyone in town when we have issues. Further, Ms. Fitzpatrick is not an abutter to the Class VI portion of the road. Mr. DiGregorio next stated that we also have Valley Vision here taping the meetings gavel to gavel. We do what we can to get information out to the public.

Letter from Mr. Hobbs – Ms. Seavey stated that with regard to a letter received regarding the area on West Side Road, she takes exception to someone stating that we make decisions before coming to meetings and that this does not happen.

### BOARD REPORTS AND COMMENTS

SAU9 Building Site – Ms. Sand reported that the Conway School Board was presented with a report regarding the old SAU9 building site but she was not notified that this would be on their agenda. There was a recommendation at that meeting to not allow the North Conway Community Center to utilize this property and the School Board voted on same. Ms. Sand next advised that she has requested a copy of this report. Also, she hopes that the new School Board will look at this issue again and address same. Ms. Sand reviewed that there was discussion previously regarding traffic safety, etc, and feels that all of the issues need to be looked at further.

LMWVSWD – Ms. Sand reported a meeting of the Lower Mount Washington Valley Solid Waste District is scheduled for Friday, April 12, 2013.

Valley Vision – Mr. DiGregorio reported that the Town of Madison voted on additional money for Valley Vision. We are now working on contract language. Mr. DiGregorio next reported that the Town of Jackson also approved additional money in their budget for Valley Vision. We didn't know about this and it was done from the floor of their Town Meeting and we haven't been contacted about this yet. They are looking to do more things on the air. We will have to have discussion with them as to how this will take place.

Washington DC – Mr. DiGregorio reported he had a great trip to Washington DC last week. While there he took a tour with someone from Senator Ayotte's office and, also, had discussion with young staff members as well.

Saco River Access Committee – Mr. Weathers reported a meeting with the Saco River Access Committee is scheduled for tomorrow morning, April 3, 2013.

Conservation Commission – Mr. Weathers reported a Conservation Commission meeting is scheduled for Wednesday, April 10, 2013.

Voting Day – Mr. Weather reviewed that Tuesday, April 9, 2013, is voting day.

### PUBLIC COMMENTS AND MEDIA QUESTIONS

There were no public comments or media questions.

### NON PUBLIC SESSION: NH RSA 91-A:3,II(c)

It was advised this matter is in regard to NH RSA 91-A:3,II(c) and if discussed in public could affect someone's reputation. At 6:20 p.m., **Mr. Dickinson moved, seconded by Ms. Sand, to go into non public session under NH RSA 91-A:4,II(c).** The Non public session included, Town Manager, Earl Sires, Public Works Director, Paul DegliAngeli, and Recording Secretary, Karen Hollowell. **The motion carried by unanimous roll call vote.**

The Board returned to public session at 6:50 p.m. **Ms. Seavey moved, seconded by Mr. Dickinson, to seal the minutes of this non public session. The motion carried unanimously.**

### NON PUBLIC SESSION: NH RSA 91-A:3,II(c) – TAX MATTER(S)

The non public session regarding a tax matter was canceled.



ADJOURN

At 6:51 p.m. the meeting adjourned at the call of the chair.

Respectfully submitted,

Karen J Hallowell  
Executive Secretary