

Minutes of Meeting
CONWAY BOARD OF SELECTMEN
June 4, 2013

The Selectmen's Meeting convened at 4:20 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen, C. David Weathers (Chair), Michael DiGregorio, Stacy Sand, and Carl Thibodeau, Town Manager, Earl Sires, and Recording Secretary, Karen Hallowell.

Selectman, Mary Carey Seavey, was not in attendance due to a family matter.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Mr. Weathers advised that one item will be added to the agenda under Signing of Documents as follows: An Authorization for Reimbursement from the Landfill Expansion CRF to the Town of Conway General Fund. **Ms. Sand moved, seconded by Mr. Thibodeau, to approve the revised agenda. The motion carried unanimously.**

CONSIDERATION OF WARRANTY DEED ON THE EASEMENT
REQUEST FROM CVFD FOR TAX MAP/LOT 277-119

Mr. Sires reviewed this matter is a request for an easement on Map/Lot 277-119 by the Conway Village Fire District. This is a lot owned by the town on Pequawket Drive and fronts the pond. The Conway Village Fire District has asked for this easement to use the lot for a pump station in the future. The Town would retain part of the lot along with access. Mr. Sires further reviewed that two public hearings have been held in regard to this matter. **Ms. Sand moved, seconded by Mr. Thibodeau, that we approve the Warranty Deed with the Conway Village Fire District and that the Chair, David Weathers, sign the Warranty Deed on behalf of the Board of Selectmen. The motion carried 4-0-0.**

DISCUSSION OF PARKING ALONG ECHO ACRES ROAD - JOE LAUTENSCHLAGER

Joe Lautenschlager joined the meeting. Also present was Public Works Director, Paul DegliAngeli, and Planning Director, Tom Irving.

Mr. Lautenschlager stated that he feels there is unsafe parking along a portion of Echo Acres Road in the summer. Mr. Lautenschlager stated that as the area had been developed granite curbing was installed on some of the road but there is one small section from the 99 Restaurant to the railroad tracks on the south side that does not have granite curb. In the summer, people park in the road on the pavement on the side with no curb and, with the other side of the road having curbing, the roadway is then down to a lane and a half in this area. Mr. Lautenschlager next stated that he feels there should be a sign on the side without curbing that says "No Parking on Pavement". Mr. Lauenschlager next stated that the people who are parking on the road are generally people going on canoe trips.

Mr. DegliAngeli reviewed Chapter 141/Vehicles and Parking Code. Mr. DegliAngeli advised that Echo Acres Road is listed as parking prohibited on both sides of the road from Route 16 to the railroad tracks. Mr. DegliAngeli stated that we could put up a sign and it would

then be up to the police to enforce same. Mr. DegliAngeli further cautioned that if we do put signs up then people may start parking beyond the railroad tracks.

There was a discussion of the canoe business in the area, the parking area for the business, and parking on Echo Acres Road. The Board agreed that for now No Parking signs would be put up and the town would also speak to the business owner about the situation.

DISCUSSION OF BUILDING PERMIT RESTRICTION ON TRANSVALE ACRES LOT 251-138

Richard Carruthers joined the meeting. Also present was Planning Director, Tom Irving, and Building Inspector, David Pandora.

Mr. Sires reviewed that in 2008 there were lots sold at public auction with a restriction that no building permit would be issued on the lots as they were in floodplain, etc. The Board of Selectmen thought that people might want the lots to use as buffers from neighbors, etc. Mr. Sires next advised that Richard Carruthers did purchase one of the lots and merged it with the lot his home is on. Mr. Carruthers' property was also damaged during Tropical Storm Irene and his home is grandfathered but does have substantial damage and he is having trouble meeting the requirements of FEMA. Mr. Carruthers is here today to ask the Board to lift the restriction on the lot he purchased in 2008.

Mr. Carruthers stated that the restriction on the additional lot he bought states that it is an unbuildable lot. When he bought the lot it was one quarter acre and then he combined it with his other lot and now has over one acre. Mr. Carruthers stated that in order to elevate his house he would need to pick it up and shift it over approximately 30 feet and he will then be able to put in pilings, etc., and this would give him room for a septic system. It is critical for him to move his house to be able to put septic in and he can't put the house on the other side of the lot because it is too close to service water. There was a discussion of the elevations, floodplain, septic, what could/could not be built, etc.

Mr. Carruthers next reviewed the language on the deed. There was a brief discussion of whether this restriction could be lifted. Mr. Sires advised that we can check with legal counsel on this matter. The Board agreed that an opinion should be obtained from town counsel on this matter and then reschedule this for further discussion.

Mr. Irving pointed out that the question for this Board is just to consider the restriction on the deed. The other issues would have to go before the Zoning Board of Adjustment for consideration.

SIGNING OF DOCUMENTS

- a. Abatement Tax Map/Lot 283-30
- b. Abatement Tax Map/Lot 268-162.13
- c. Notice of Intent to Cut Wood or Timber Tax Map/Lot 263-117
- d. Notice of Intent to Excavate Tax Map/Lot 263-117
- e. Permit to Sell Raffle Tickets – American Cancer Society – Drawing 10/20/13
- f. Permit to Sell Raffle Tickets – Friends of Conway Public Library – Drawing 7/27/13
- g. Report of Wood or Timber Cut Tax Map/Lot 214-84
- h. Report of Wood or Timber Cut Tax Map/Lot 223-15
- i. Report of Wood or Timber Cut Tax Map/Lot 226-1
- j. Report of Wood or Timber Cut Tax Map/Lot 255-9
- k. Report of Wood or Timber Cut Tax Map/Lot 259-21

- l. Report of Wood or Timber Cut Tax Map/Lot 263-128
- m. Report of Wood or Timber Cut Tax Map/Lot 280-60
- n. Authorization for Reimbursement from the Landfill Expansion CRF to the Town of Conway General Fund

Ms. Sand moved, seconded by Mr. DiGregorio, to sign the Abatement Tax Map/Lot 283-30, Abatement Tax Map/Lot 268-162.13, Notice of Intent to Cut Wood or Timber Tax Map/Lot 263-117, Notice of Intent to Excavate Tax Map/Lot 263-117, Permit to Sell Raffle Tickets – American Cancer Society – Drawing 10/20/13, Permit to Sell Raffle Tickets – Friends of Conway Public Library – Drawing 7/27/13, Report of Wood or Timber Cut Tax Map/Lot 214-84, Report of Wood or Timber Cut Tax Map/Lot 223-15, Report of Wood or Timber Cut Tax Map/Lot 226-1, Report of Wood or Timber Cut Tax Map/Lot 255-9, Report of Wood or Timber Cut Tax Map/Lot 259-21, Report of Wood or Timber Cut Tax Map/Lot 263-128, Report of Wood or Timber Cut Tax Map/Lot 280-60, and an Authorization for Reimbursement from the Landfill Expansion CRF to the Town of Conway General Fund. The motion carried unanimously.

CONSIDERATION OF BILLS

a. Manifest dated 6/6/13 – **Ms. Sand moved, seconded by Mr. Thibodeau, to approve and sign the manifest dated 6/6/13. The motion carried unanimously.**

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

- a. Seasonal Decoration Permit / Pine Tree School/Project Succeed/K-Kids
- b. Manifest dated 5/30/13
- c. Payroll dated 5/30/13

Ms. Sand moved, seconded by Mr. Thibodeau, to ratify the Seasonal Decoration Permit for Pine Tree School/Project Succeed/K-Kids, the manifest dated 5/30/13 and the payroll dated 5/30/13. The motion carried unanimously.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

- a. Rally in the Valley/Hillbillies Southern BBQ/North Conway- 6/9/13-6/16/13
- b. Inov8 Summer Race Series/White Mountain Milers/Whitaker Woods - Tuesdays nights 6/11/13-8/13/13
- c. Farmer's Market/North Conway Community Center – Sundays 6/23/13-10/13/13 (with the exception of 9/8/13)
- d. Summer Race Series/Red Jersey Cyclery/Summer Race Series/Whitaker Woods Thursday nights 6/27/13-8/1/13
- e. Making Strides Breast Cancer Walk/American Cancer Society, North Conway – 10/20/13
- f. Half Marathon/White Mountain Milers/North Conway – 10/27/13

Ms. Sand moved, seconded by Mr. DiGregorio, to approve the special event applications for Rally in the Valley/Hillbillies Southern BBQ/North Conway- 6/9/13-6/16/13, Inov8 Summer Race Series/White Mountain Milers/Whitaker Woods - Tuesdays nights- 6/11/13-8/13/13, Farmer's Market/North Conway Community Center – Sundays 6/23/13-10/13/13 (with the exception of 9/8/13), Summer Race Series/Red Jersey Cyclery - Whitaker Woods Thursday nights 6/27/13-8/1/13, Making Strides Breast Cancer Walk/American Cancer Society, North Conway – 10/20/13, and the Half Marathon/White Mountain Milers/North Conway – 10/27/13. Ms. Sand noted that four of the applications

being considered today were not submitted within the 90 day timeframe. Ms. Sand requested that event holders please get applications in timely in the future. **The motion carried unanimously.**

CONSIDERATION OF MINUTES

5/21/13 – **Ms. Sand moved, seconded by Mr. DiGregorio to approve the minutes of 5/21/13 as written. The motion carried unanimously.**

TOWN MANAGER REPORT

Codification – Mr. Sires reported that the RFP's for the codification project were due to the town this past Friday, May 31. The Town received five responses. The Committee will be meeting on June 20, 2013 and will rank the proposals.

Banners in Conway Village – Mr. Sires reviewed that a number of years ago, banners were put up in Conway Village by the Conway Village Chamber of Commerce. Since then the Conway Village Chamber was absorbed by the Mount Washington Valley Chamber of Commerce (MWVCC) and the MWVCC is not supporting these banners. Mr. Sires further advised that there is also a group in Conway Village that would now like to put flags up in the Village. The utility company will only allow the town to put things on the poles and, also, the utility company will not take down the banners that are there now. The Banners in place now are in need of maintenance as there are broken mounts, etc and the Town is not in a position to maintain the banners either. Mr. Sires stated this report is to alert the Board to the fact that we are now holding the bag on these banners and we now need to either come up with a way to keep them or take them down.

250th Celebration Committee – Mr. Sires reported that there is a 250th Celebration Committee meeting scheduled for this evening. Mr. Sires next reported that the committee has asked the town about support. Mr. Sires advised that he has spoken with the Recreation Director about the town assuming responsibility for some of the events such as fireworks, winter carnival, fourth of July activities and a celebration on the actual day of incorporation. The Recreation Director has advised that he could do this with some help. Mr. Sires next reported that the committee will be talking about this at their meeting tonight and about how to mull these events in with the yearlong events that they would like to have. Mr. DiGregorio stated that with regard to the town part of the events –we need to come up with a budget. Further, he is glad to see there are volunteers planning things but he doesn't see how they can have the celebration without money and, also, we need to ask the voters if they want to have this celebration and provide money for same. Mr. DiGregorio further added that he would like to see someone from the committee come before this Board to talk with us and give us an idea of where they want to be and if they are asking the town for some kind of a budget. Mr. Weathers stated that we also need to come up with a budget for the items Earl discussed as well. Mr. DiGregorio stated that he would like to see this as a warrant article. Mr. Sires pointed out that if this is going to be a warrant article we will have to put this forward in 2014 as the celebration will be in 2015. Mr. Sires next advised that the committee has also asked that someone from the town attend their meetings. Mr. DiGregorio stated that he still feels that they need to come before this Board to have public discussion. All agreed.

Security for Recreation Center – Mr. Sires reported that the camera has been ordered for the Recreation Department.

Hazardous Mitigation Meeting – Mr. Sires reported that a meeting regarding hazardous mitigation planning was held at town hall earlier today.

Redstone Mitigation Land – Mr. Sires reported that a grant application was submitted today for funds for the Redstone Mitigation Land.

Vacation – Mr. Sires reported that he would be out of town from Thursday, 6/6/13, to Wednesday, 6/12/13.

BOARD REPORTS AND COMMENTS

Planning Board – Mr. Thibodeau reported the Planning Board considered two items at the last meeting. An application by Tuckerman's Brewery to put in a malt hopper on a concrete pad was denied and sent back to site plan review and an application for Cranmore Mountain for a building was approved.

LMWVSWD – Ms. Sand reported she attended a Northeast Resource Recovery conference yesterday and today. Also, the LMWVSWD is working on ideas for the future to make us better at recycling, putting less waste in the landfill and keeping our costs down.

Channel 3 – Mr. DiGregorio reported that he is still working with other towns regarding airing Valley Vision.

Roads Scholar Program – Mr. Weathers reported that Jody MacDonald has received the fourth achievement level and Carl Peare has reached the third level for the NH Roads Scholar program.

Conservation Commission – Mr. Weathers reported the Conservation Commission is scheduled to meet Wednesday, June 12, 2013 at the Whitaker Meeting House.

PUBLIC COMMENTS AND MEDIA QUESTIONS

There were no public comments or media questions.

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

At 5:20 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 pending litigation matters.** Included in the non public session were Town Attorney, Peter Maia, Town Manager, Earl Sires, Public Works Director, Paul DegliAngeli, and Recording Secretary, Karen Hallowell. **The motion carried by unanimous roll call vote.**

At 5:52 p.m. the Board returned to public session.

Ms. Sand 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(C) – 2 MATTERS/CONTRACT DISCUSSION & REVIEW OF A PROPOSED AGREEMENT FOR PROPERTY OWNER

At 5:52 p.m. **Mr. Thibodeau moved, seconded by Ms. Sand, to go into Non Public Session under NH RSA 91-A:3,II(c).** Included in the non public session were Town Manager, Earl Sires, Public Works Director, Paul DegliAngeli, and Recording Secretary, Karen Hallowell. **The motion carried by unanimous roll call vote.**

At 6:23 p.m. the Board returned to public session.

Ms. Sand moved, seconded by Mr. DiGregorio, to seal the minutes of the non public session in regard to the contract discussion only. The motion carried unanimously. The Board agreed the portion of the non public minutes regarding an Agreement with Mr. Hurd would not be sealed.

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

At 6:24 p.m., **Ms. Sand moved, seconded by Mr. DiGregorio, to go into non public session under NH RSA 91-A:3,II(d).** Included in the non public session were Town Manager, Earl Sires, Public Works Director, Paul DegliAngeli, and Recording Secretary, Karen Hallowell. **The motion carried by unanimous roll call vote.**

At 6:52 p.m. the Board returned to public session.

A motion to seal the minutes of this non public session was made and carried in non public session.

ADJOURN

At 6:53 p.m. the meeting adjourned at the call of the Chair.

Respectfully submitted,

Karen J Hallowell
Executive Secretary

