

**Minutes of Meeting**  
**CONWAY BOARD OF SELECTMEN**  
January 4, 2005

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

MOMENT OF SILENCE FOR DICK O'BRIEN

Mr. Webster remarked on the passing of Selectman, Dick O'Brien, on January 1, 2005. Mr. Webster next called for a moment of silence in honor of Mr. O'Brien.

PLEDGE OF ALLEGIANCE

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

SIGNING OF DOCUMENTS

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

APPROVAL OF BILLS

The Board reviewed and approved the manifest dated 12/30/04 and 1/06/05.

APPROVAL OF MINUTES

**Ms. Umberger moved, seconded by Mr. Weathers, to approve the regular and non-public minutes of 11/22/04 as written. The motion carried unanimously.**

CRANMORE BIRCHES PHASE II DEVELOPMENT RIGHTS

Ed Poliquin joined the meeting. Planning Director, Tom Irving, was also present for discussion.

Mr. Sires reviewed that Alvin Miller has purchased development rights for Cranmore Birches Phase II at the last auction held by the Town. Mr. Poliquin has now advised that he has an option agreement with Mr. Miller and wants to be sure he can build the units and is also here to request to swap one development right for another that was not sold. Mr. Irving advised that Mr. Poliquin has worked with the Cranmore Birches Homeowner Association and it is their preference to switch Unit C3 for B5. Mr. Irving reviewed a map of the area with the Board. Mr. Weathers questioned why they would be in favor of switching the two. Mr. Poliquin advised that it spreads the units out a little so they are not so close together.

Mr. Sires questioned if deed work needs to be done. Mr. Irving replied in the affirmative and added that the town needs to file a corrected deed as the first one was filed with inconsistencies.

**Mr. Martin moved, seconded by Mr. Weathers, that we allow the swap of unit C3 to B5 on the development rights to Cranmore Briches Phase II. The motion carried 4-0-0.**

Mr. Poliquin next had a brief discussion with the Board regarding a request made a few months ago for Adams Circle and Sands Circle to become town roads. The Board reviewed this will appear as a article on the warrant.

REVIEW AND CONSIDERATION OF CONDITIONAL LICENSE AGREEMENT  
BETWEEN THE TOWN OF CONWAY AND M&T REVOCABLE REALTY TRUST,  
MICHAEL T. AND MARY T. ANNESE, TRUSTEES

Town Manager, Earl Sires and Planning Director, Tom Irving, reviewed a proposed Conditional License Agreement between the Town of Conway and M&T Revocable Realty Trust, Michael T. and Mary T. Annese, Trustees. It was also reviewed that this property is located across from the Local Bookie in Conway and that this license gives the Town the right to use the right of way if needed in the future. Mr. Irving explained that the parking area and a brick wall are encroaching in the right of way and this agreement will allow them to continue to use the area until the town needs same.

After brief discussion by the Board, **Mr. Martin moved, seconded by Ms. Umberger, to sign the Conditional License Agreement between the Town of Conway and M&T Revocable Realty Trust, Michael T. and Mary T. Annese, Trustees. The motion carried 4-0-0.**

WARRANT ARTICLES

Mr. Sires distributed a copy of proposed warrant articles to date to the Board and reviewed same. (See attached).

There was brief discussion regarding the proposed article for the wildland fire trust fund. Ms. Umberger felt the article was confusing as worded and that it should be rewritten.

There was next brief discussion regarding the proposed article for safety equipment. Ms. Umberger stated that usually something like this would be put in the budget. Mr. Sires pointed out that the practice over the past several years has been that anything over \$5,000 goes into a warrant article. Ms. Umberger requested that this article also be rewritten so that it has more details and is more specific.

There was next brief discussion regarding the proposed article for signage. Mr. Webster suggested that language be added to this article so that everyone understands that this is for signage for both public and private ways.

There was next brief discussion regarding the proposed article for registrations. The Board agreed that language should be added to this article advising that it is a non lapsing account.

There was next brief discussion regarding the proposed article for the Sunoco property. Mr. Webster pointed out that it is important to note that the existing building would be removed and this would come from private funds.

The Board next agreed that they would like additional time to review the articles before voting on recommendations.

Mr. Sires next advised that the town has received a petitioned article regarding rezoning the property behind the Staples.

Ms. Umberger next advised that she had a question from an individual as to why we let non profit organizations put articles on the warrant. Ms. Sires advised that if a petition is received we are required to put same on the warrant.

### TOWN MANAGER REPORT

Class VI Roads – Mr. Sires reviewed discussion held at previous meetings regarding requests for building permits on Class VI Roads. Mr. Sires reviewed that options are as follows: the Board has the authority to deny building permits on Class VI roads; the Board could issue building permits with certain conditions; or, the Board could require a betterment assessment to bring the road up to town standards before issuing any permits. Mr. DegliAngeli reviewed a highlighted map of Class VI roads in Conway with the Board.

The Board held discussion about issuing building permits on the Class VI roads. **Ms. Umberger moved, seconded by Mr. Weathers, that prior to any building permit being allowed on Henderson Road, that the owners must come to the Town with a betterment request to improve the road and bring it up to town standards or other suitable measure.** Mr. Martin stated that if the legislative body doesn't allow reclassification of the road then someone won't be able to build on the road and he doesn't agree with this. **The motion carried 3-1-0 with Mr. Martin voting in the negative.**

North South Road Deed– Mr. Sires first reviewed that a request was made by the Board to the NHDOT for additional properties along the North-South Road. The town received a letter response from NHDOT Commissioner, Carol Murray, turning down the request. The NHDOT has also said they want to convey the deed for the North-South Road to the Town and if we want to continue the dialogue for additional property, we can do so in the future.

Mr. Sires next advised that with regard to the North-South Road, Mr. DegliAngeli has some issues with the road and needs to know if the Board still wants to proceed with the Deed at this point in time. Mr. DegliAngeli explained the issues are as follows: 1) cracks in the road that happened right away and the NHDOT are supposed to fill them when they do Phase 5B; 2) we still do not have vegetation on the steep area; and 3) the drainage pond outlet washout. Mr. DegliAngeli stated that, at this point, he feels we should wait until these things are fixed before signing the deed. There was a brief discussion and the Board all agreed to wait until the deficiencies are fixed before the transfer of the deed for the North-South Road.

Force Account Agreement – Mr. Sires reported there will be an amended Force Account Agreement regarding the costs for the underground utilities in North Conway Village. Mr. Sires further reported the Town has asked our attorney to look at what kind of surety we can ask for from the Mount Washington Valley Preservation Association. The reason for this is to make sure the Town is protected from any overages etc. from the project.

Recycling Enforcement Officer – Mr. Sires reported that the Recycling Enforcement Officer has given notice he will be leaving his position. Mr. Sires further reported the Town will be advertising to fill the position.

Offer of Gift of Land – Mr. Sires reported the Town has received an offer of a gift of land of approximately 15 acres and this will be referred to the Planning Board and Conservation Commissioner for recommendations.

#### BOARD REPORTS AND COMMENTS

Dick O'Brien – Mr. Martin reviewed that Selectman, Dick O'Brien's, funeral service will be held on Saturday, January 8 at 11:00 a.m. at the Catholic Church in North Conway.

Budget Committee – Ms. Umberger reported the Budget Committee will meet on January 5, 2005 and will be discussing the school budget.

School Committee – Ms. Umberger reported the School Committee will meet on January 6, 2005 at Conway Elementary School.

Conservation Commission – Mr. Weathers reported a Conservation Commission meeting is scheduled for January 12, 2005 at the Whitaker Meeting House.

#### PUBLIC COMMENT/MEDIA QUESTIONS

There were no public comments or media questions.

#### NON PUBLIC SESSION – RSA 91-A:3,II (d) / TAX MATTER

At 6:29 p.m., **Mr. Weathers moved, seconded by Ms. Umberger, to go into non-public session pursuant to RSA 91-A:3,II (d) to discuss a tax matter.** Mr. Webster advised that Town Manager, Earl Sires, Recording Secretary, Karen Hallowell, and one member of the public would be included in the non public session. **The motion carried by unanimous roll call vote.**

At 6:32 p.m. the Board returned to regular session. A motion to seal the minutes was made and carried.

#### ADJOURN

**Mr. Martin moved, seconded by Mr. Weathers to adjourn the meeting. The motion carried unanimously.** The meeting adjourned at 6:33 p.m.

Respectfully submitted,

Karen J. Hallowell  
Executive Secretary