

**Minutes of Meeting  
CONWAY BOARD OF SELECTMEN**

May 24, 2005

The Selectmen's Meeting convened at 4:01 p.m. in the meeting room of Conway Town Hall with the following present: Selectmen Larry Martin (Chair), Gary Webster, David Weathers, and Mark Hounsell; Town Manager, Earl W. Sires; and Recording Secretary, Karen Hallowell. Selectman, Karen Umberger, was not in attendance.

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 5/26/05.

APPROVAL OF MINUTES

**Mr. Weathers moved, seconded by Mr. Hounsell to approve the minutes of 4/26/05 as written. The motion carried 3-0-1 with Mr. Webster abstaining.**

**Mr. Weathers moved, seconded by Mr. Hounsell to approve the minutes of 5/03/05 as written. The motion carried 4-0-0.**

APPEAL OF RECYCLING CITATION

Conway resident, Burlin Patterson, appeared before the Board.

Mr. Sires briefed the Board on the procedure regarding appealing a recycling citation. Mr. DegliAngeli reviewed the history of the matter that led to Burlin Patterson receiving and appealing a recycling citation.

There was a discussion with Mr. Patterson regarding the items that were not recycled as well as a discussion of the events that led to the citation. Mr. Patterson pointed out that the Recycling Officer does not wear a uniform and thinks that she should. After further discussion, Mr. Patterson advised that he would pay the fine and will bring a witness to the dump with him in the future. The Board questioned if Mr. Patterson was withdrawing his appeal. Mr. Patterson replied in the affirmative that he was withdrawing his appeal.

DISCUSSION OF BYRNE GRANT

Police Chief, Ed Wagner, joined the meeting. Chief Wagner advised the Board that the Police Department has been notified that they would be receiving an Edward Byrne grant. Chief Wagner advised that this grant helps local and state governments to do a variety of things that are law enforcement sensitive. Chief Wagner next advised

that the grant award is \$14,281 and part of this money will be dedicated to offsetting overtime patrols, purchase new handguns for the department, and for surveillance equipment. Chief Wagner further advised that they are obliged to share part of the money with another department in Carroll County and they will be doing so with the Carroll County Sheriff's Department.

Mr. Webster questioned when the Police Department received the grant. Chief Wagner advised they were notified of the grant in April, but have not yet received the money. After further brief discussion, It was agreed that a public hearing would be scheduled when same is received.

REVIEW AND CONSIDERATION OF INTERLOCAL AGREEMENT BETWEEN THE TOWN OF CONWAY AND THE COUNTY OF CARROLL, NH, FOR BYRNE GRANT

Mr. Sires reviewed an Interlocal Agreement between the Town of Conway and the County of Carroll, NH, regarding the Byrne Grant with the Board. (See attached). Mr. Sires reviewed that in the agreement the Town agrees to provide \$2975 of grant monies received to Carroll Country for an Accident Reconstruction Program. Chief Wagner explained that this agreement is required by the grantor so they know the grant will be shared. **Mr. Webster moved, seconded by Mr. Weathers, that we authorize the Town Manager to sign the Interlocal Agreement between the Town of Conway and the County of Carroll for the Byrne Justice Assistance Grant program. The motion carried 4-0-0.**

RED JACKET'S REQUEST FOR LETTER REGARDING SERVING LIQUOR IN PATIO AREA

This matter was removed from the agenda.

RECREATION DEPARTMENT / LIGHTING PROJECT

Recreation Director, John Eastman, and Assistant Recreation Director, Todd Gallagher, joined the meeting.

Mr. Sires reviewed that the Friends of Conway Rec (FOCR) proposed lighting for the recreation field in Center Conway. The concept was reviewed with the Board this past fall and the Board gave the nod for the project but advised they wanted to see the final plan. The FOCR is paying for the project.

Mr. Eastman reviewed a diagram of the plan with the Board. Mr. Eastman advised that they have not put in the poles or done any digging yet but would like to start soon. Mr. Eastman also reviewed a schedule of games with the Board and advised that there is a huge strain with the scheduling of the fields and having the lights at this field will provide an alternative for night games and will help with scheduling.

Mr. Eastman next advised that over the past weekend over thirty volunteers came out to help spruce up the Recreation Center property.

Mr. Hounsell questioned when the Recreation Department is looking to have the field dedication. Mr. Gallagher advised they are hoping for June 20 but this depends on timing with the project.

**Mr. Hounsell moved, seconded by Mr. Weathers, that we have no objection to the course of action laid before us and, further, the Board of Selectmen commend the volunteers and staff for time spent.**

CONSIDERATION OF OFFER OF GIFT OF LAND (TAX MAP/LOT 276-212)

Mr. Martin reviewed that two public hearings were previously held in regard to an offer from a citizen to gift land to the Town (Map/Lot 276-212). **Mr. Webster moved, seconded by Mr. Weathers, that the Board of Selectmen, who have the authority, accept the gift of land identified as Tax Map/Lot No. 276-212. The motion carried 4-0-0.**

The Board took a brief recess at 4:37 p.m. and resumed at 4:47 p.m.

APPROVAL OF TANS

Town Treasurer, Kevin Madden, Finance Director, Lucy Philbrick, and Town Clerk/Tax Collector, Rhoda Quint were present for discussion. Ms. Philbrick reviewed that the Board had previously approved an application for TANS and she now has the forms for signature. Ms. Philbrick further advised that they had checked with two banks and went with the one with a lower interest rate. **Mr. Hounsell moved, seconded by Mr. Webster, that the Board sign the forms for TANS. The motion carried 4-0-0.**

TAX WARRANT

Tax Collector, Rhoda Quint advised that the Warrant is ready today for signature by the Board for the first half billing of 2005. Ms. Quint further advised that tax bills are expected to be mailed on Friday, May 27, 2005 and will be due July 1, 2005.

DISCUSSION OF NORTH-SOUTH ROAD ACCESS

Planning Director, Tom Irving, and Public Works Director, Paul DegliAngeli, were present for discussion. Mr. Sires advised that this matter is on the agenda to talk about the North-South Road with regard to zoning and access.

Mr. Irving reviewed that the North-South Road is defined as a parkway and read aloud the definition of same from the Master Plan. Mr. Irving explained that the Planning Board took action on this due to the comments from the community that the North-South Road stay protected by the special highway corridor district. Mr. Irving next displayed a map reviewing the bypass right of way and reviewed buffers, setback, etc. with the Board.

Mr. DegliAngeli discussed the policy for the North-South Road. Mr. DegliAngeli next reviewed potential opportunities for access to the North-South Road. Mr. DegliAngeli further reviewed there are also potential driveway accesses to lots at the southern end of the North-South Road that were granted by the State.

After brief discussion by the Board, **Mr. Hounsell moved, seconded by Mr. Webster, that the Board of Selectmen recognizes that the North-South local road is a parkway and the town should strive to protect it from commercial**

**development by strictly limiting any new access to it whenever and wherever possible.** Mr. Hounsell explained he feels this motion would give direction. Mr. Webster stated the motion does not change what we have now but reaffirms where we have been over time. Mr. Webster further added that should this motion pass, he would be interested in seeing a similar discussion take place at a Planning Board meeting. Mr. Martin reviewed that there are some parcels that are allowed access. Mr. Hounsell stated that if someone has the legal right that this is not trying to take away any legal rights but speaks to what we recognize is important which is that the North-South Road is a parkway. After further brief discussion, a vote was taken and the **motion carried 4-0-0.**

A member of the public, Dot Seybold, questioned why there was no public input on this subject. Mr. Martin explained that this Board would have recognized anyone who wished to speak. Mr. Hounsell stated that this Board wants public comment and involvement and if someone had their hand up they would be recognized. Mr. Martin further questioned if Ms. Seybold would like to speak to the issue the Board just discussed and Ms. Seybold declined.

#### DISCUSSION OF PEG SERVICES

Mr. Hounsell stated that he would like to talk about PEG service issues as he has concerns. There are several different communities involved and he would like to see PEG services provided to Conway without involving the decisions of other towns but, if this is not possible, then how can we work with other towns. Mr. Hounsell further explained that he does not like that one town is telling us they are taking a specific day of the week and then we can have the rest. Mr. Hounsell questioned what the best way is to provide service to the community. Mr. Hounsell next stated that he thinks there should be a sit down with all the towns involved to see what they are going to do.

Mr. Sires advised that the Town has received a letter from a public relations person responding with a legal opinion from an Adelphia attorney regarding parceling out a shared channel. The letter received from Adelphia states the channel is to be shared. Mr. Sires stated that the language in the cable contract is open to interpretation. Mr. Sires suggested sending a letter back to Adelphia in response to their letter.

Mr. Webster next questioned if the cable provider has completed providing cable service to all areas of Conway. Mr. Sires advised that he would bring a map to a meeting in the near future so this can be reviewed.

Mr. Weathers next stated that he agreed we should sit down with other towns to talk about the PEG station. Mr. Webster suggested a letter be sent to the area towns to look for interest. The Board agreed a letter would be sent and would be signed by the Chair.

Mr. Martin asked for public comments on this issue. There were none.

#### TOWN MANAGER REPORT

Road Acceptance – Mr. Sires distributed information to the Board concerning road acceptance, including the minutes of the meeting last year where discussion was

held as well as the minutes of the 1994 Town Meeting wherein and article (Article 50) to delegate the authority of accepting roads to the Board was defeated.

PUC Letter – Mr. Sires reviewed a draft letter prepared to send to the PUC concerning the Fryeburg Water Company as directed by the Board at the previous meeting. **Mr. Webster moved, seconded by Mr. Weathers, to authorize Larry Martin, as Chair, to sign the letter to the PUC regarding water problems in East Conway. The motion carried 4-0-0.**

Board of Selectmen and Police Commission – Mr. Sires distributed a packet of information to the Board concerning the relationship of the Board and the Police Commission for review. It was agreed that the Board would review same and, if necessary, this matter would be brought to a subsequent meeting for discussion.

Summer Schedule – Mr. Sires distributed a memo with the revised summer schedule as requested at the last meeting.

MWVEC – Mr. Sires reported a MWVEC meeting is scheduled for tomorrow meeting and he and Mark Hounsell would be attending same.

Conservation Commission – Mr. Sires reported he would be meeting with the Conservation Commission chair and the Finance Director tomorrow afternoon to talk about the Commission's budget.

#### BOARD REPORTS AND COMMENTS

Memorial Day – Mr. Webster wished everyone a safe Memorial Day weekend.

Hussey Field - Mr. Weathers reported that he and Paul Pinkham looked at Hussey Field today and it appears that the banking along the river has held up okay but they feel that there should be some planting of low growing materials as this would help prevent future erosion. Mr. Weathers further commented that this could be done with volunteer labor and stock and could be done in early June. Mr. Weathers stated the field itself is not something that the town can walk away from and does require looking at to keep the banking and field in shape. Mr. Weathers stated he wants folks to be aware that it does require periodic attention both financially and time wise.

River Road Bridges – Mr. Webster requested updates on the work being done on the bridge on River Road in North Conway and the bridge on River Road in East Conway/Fryeburg. Mr. Sires advised he would look in to this and report back.

Main Street, Conway Village – Mr. Hounsell commented on the bad condition of Main Street in Conway Village due to pot holes etc. and asked for an update as to when this work would be done by the State.

#### PUBLIC COMMENT/MEDIA QUESTIONS

Conway Daily Sun reporter, David Carkhuff, introduced Dena Libner, a new reporter at the paper who will be covering the Board meetings. The Board welcomed Dena.

ADJOURN

**Mr. Webster moved, seconded by Mr. Weathers to adjourn the meeting. The motion carried unanimously.**

The meeting adjourned at 5:50 p.m.

Respectfully submitted,

Karen J. Hallowell  
Executive Secretary