

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN**

June 14, 2005

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

Selectmen, Mark Hounsell, joined the meeting at 4:13 p.m.

PLEDGE OF ALLEGIANCE

Chairman Martin 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 6/16/05.

APPROVAL OF MINUTES

Mr. Webster moved, seconded by Ms. Umberger to approve the minutes of 5/10/05 as written. The motion carried 3-0-1, with Mr. Weathers abstaining.

CINDY RUSSELL UPDATES

North Conway Park Project – Cindy Russell and Chet Lucy reported on the park project located at the corner of Pine and Route 16 in North Conway. Ms. Russell advised that the Connie Davis Watson fund contributed \$125,000 toward the purchase of the property. Ms. Russell further advised that grants were also received from the Goldberg Foundation, Ham Foundation, the Pequawket Foundation as well as other family funds and individuals. Ms. Russell advised that Joe Berry has agreed to act as the purchaser of the property and that he was a major contributor to this project as well. Ms. Russell next advised that at the time of the closing on this property, they did not have all of the money needed but Mr. Berry provided a bridge loan so that the transfer could occur. There was then an article in the newspaper about this and that is when another party came forward with the \$15,000 to finish paying for the purchase. Ms. Russell next advised that Ben Wilcox and others from Cranmore have starting doing some of the clearing work and, also, three local contractors, Valladares, Hanson, and Glen Builders, have agreed to donate labor and machinery to take down the gas station building, canopy, etc.

Mr. Sires asked for an overview of the design or concept for the finished project. Ms. Russell stated that the idea is to keep it simple. She is waiting for the committee to get together again to decide, however, the idea is to have picnic tables in the cleared area, to clean out the blacksmith shop, and in the major section where the gas station

was it will be a simply landscaped area. Ms. Russell further advised that there was also talk of possibly moving the fence where the lilacs are located. Ms. Russell stated she knows that she needs to be in contact with the Town before doing all of this work. Ms. Russell also advised that she would like to see a flower garden and lighted flag at this location as well.

Selectman, Mark Hounsell, joined the meeting at this time at 4:13 p.m.

Mr. Lucy stated a name for the park was suggested to them as Connie Davis Watson Park and questioned the Board's feelings on same. The Board indicated that they would have liked to have known this before reading it in the paper; however, they have no problem with the name as suggested. Mr. Martin asked for comments from any member of the public at the meeting regarding the name of the park. There were none.

July 4th Celebration – Ms. Russell reviewed the July 4th celebration will be held on Monday, July 4, as specified by the Board. Ms. Russell advised that the celebration will start at around 3:00 p.m. with a parade at 5:00 p.m., a concert in the evening and, thereafter, fireworks will begin at approximately 9:15 p.m., depending on the weather. Ms. Russell further advised that she met with Chief Wagner regarding the idea of having people park at Ames parking lot and riding the train to the park to help with the traffic situation. Ms. Russell also stated that she hopes to get busses to help shuttle people as well. Ms. Russell next advised that she and Chief Wagner are planning on putting out a press release regarding traffic control and the additional transportation that will be offered.

Arts Jubilee – Ms. Russell distributed a schedule for Arts Jubilee to the Board and reviewed same. Ms. Russell advised that Arts Jubilee consists of three concerts in the park that are free to the public but they ask for donations. Further, Cranmore has offered to expand the concert series by having two additional concerts at the pavilion at Cranmore and that ticket proceeds for the two concerts at Cranmore will go to Art Jubilee.

CODE COMPLIANCE MATTER
CLIFFORD E. HALEY/MOBILE HOME VIOLATION

Code Compliance Officer, Jim Yeager, joined the meeting. Clifford E. Haley was notified of this meeting; however, he was not present for discussion.

Mr. Sires reviewed the events occurring up to this point with regard to the matter of a mobile home violation on West Side Road owned by Clifford E. Haley. Mr. Sires advised that it is now at a point where it is up to this Board as to which direction to take, i.e. legal action, etc.

Mr. Yeager distributed a packet of information concerning this matter to the Board and reviewed same. Mr. Yeager advised that a special exception was initially issued for the mobile home and, thereafter, Mr. Haley never renewed same in May of 2005. Mr. Yeager advised that he contacted Mr. Haley and Mr. Haley advised that his son would not be living in the mobile home and that he was going to use it for storage instead. Mr. Yeager advised that correspondence was sent to Mr. Haley and, also he was contacted a couple of times. Mr. Yeager next advised that Mr. Haley contacted him yesterday to advise that he would not make it to the meeting today. He also advised that he was going to use the mobile home for storage and also a sugar house. Mr. Yeager

advised that it is staff's opinion that this was put there as a second dwelling and now should be removed and legal action is recommended.

Mr. Webster moved, seconded by Mr. Weathers, that we continue the enforcement action based on the information presented. Mr. Webster commented that he has heard many complaints regarding this matter. Mr. Webster also questioned what happens if Mr. Haley submits a building permit application. Mr. Yeager advised that a legal opinion would be needed to determine if he can obtain a building permit. Mr. Hounsell stated he would like to give Mr. Haley an opportunity to come before the Board and put his case forward. Mr. Yeager advised that Mr. Haley had received adequate notice of the meeting. Mr. Hounsell further stated that he would also like to know if Mr. Haley can convert the mobile home into a sugar shack under the town ordinance. Mr. Sires stated that he feels hesitant to spend the legal budget on something Mr. Haley says that he may do. Mr. Webster stated that he feels we need to keep the process moving and that Mr. Haley still can come in and talk with the Board. Ms. Umberger stated that she agrees with Mr. Webster and doesn't want to stop this process and if Mr. Haley is available for the next meeting he has the option of attending to speak with the Board. Ms. Umberger further stated that Mr. Yeager has had plenty of discussion with Mr. Haley over the last few months as to what was going on with the mobile home and that the reason the mobile home is there is because a special exception was granted and the purpose was to house his son and if the purpose is not there now it should be removed. Further, if Mr. Haley comes in for a building permit for a sugar shack then that will be addressed, but for now we are addressing that he needs to remove the mobile home.

Building Inspector, David Pandora, joined the meeting at 4:42 p.m. There was discussion as to whether or not Mr. Haley can have a sugar shack at this location if he applies for a permit. Mr. Pandora advised he would have to look at the regulations if Mr. Haley applies for the permit. Mr. Yeager reiterated that right now it is a mobile home and no longer qualifies to stay on the property and as to whether or not he can change the use, we haven't received anything from Mr. Haley at this point requesting to do so. Mr. Martin reviewed that the special exception is no longer in effect and no application for a building permit has been received by the town. After further brief discussion **Mr. Weathers withdrew his second and Mr. Webster withdrew his motion.**

Mr. Webster moved, seconded by Mr. Weathers, to allow Mr. Haley to come to the June 28, 2005 meeting to state his case and failure to appear will make for automatic action. Mr. Martin asked for any further comments from the Board or public. There were none. **The motion carried 5-0-0.**

KATY ROBBART – BUSINESS PROPOSAL
FOR ICE CREAM/FOOD TRUCK

Katy Robbart was present for discussion along with Code Compliance Officer, Jim Yeager.

Mr. Sires explained that Ms. Robbart has a business proposal for an ice cream truck that she would like to discuss with the Board. Ms. Robbart distributed information to the Board regarding her proposal. Mr. Yeager distributed information to the Board for review regarding vending carts, etc. Mr. Yeager explained that the current vending cart policy only allows for a non-motorized cart. There are several vending carts around town selling hot dogs, ice cream, etc. Mr. Yeager next reviewed the statute giving power

to the Board to regulate these activities. Ms. Robbart next reviewed the information she provided advising that she is having a vehicle designed so that when you come up to truck it will look like a café. Ms. Robbart further explained that she sees this as a "Good Humor Truck" that goes from neighborhood to neighborhood and will also be dispatched. She would like permission to carry in the truck whatever it is people want and to be able to go wherever people want the truck to go. Mr. Weathers questioned if Ms. Robbart means town land or public right of way and not just at private businesses. Mr. Robbart replied in the affirmative and restated that anywhere people want the truck.

Mr. Yeager reviewed that Ms. Robbart's proposal is for a motorized van where vending will take place and that the current vending cart policy only allows for a non-motorized cart. Mr. Yeager stated that motorized is not in the ordinance and is not permitted. Mr. Yeager further added that since the current ordinance only provides for non motorized vending carts now that the Board could amend the policy to include motorized if they so choose. Mr. Hounsell stated that he sees this as the ordinance doesn't not allow the motorized vending. Mr. Hounsell questioned what ordinance would be violated if someone were to operate a motorized vending cart such as suggested by Ms. Robbart. Mr. Sires stated that a vending cart is defined in the ordinance and motorized is not permitted, however, the Board could determine this is not the same. Mr. Sires further added that there are other issues to consider such as traffic, the cart showing up at events held by other organizations who obtain permits, etc.

The Board held discussion and some Board members felt that the current ordinance may not apply to Ms. Robbart's proposal. Mr. Webster stated he has concerns with liability, parking on the roadways, etc. Mr. Weathers stated that the ordinance doesn't address what Ms. Robbart wants to do but he doesn't see how she can go into a public park or on town property with this vehicle without a permit, however, he does not see how we cant allow this in the streets, etc., if we have nothing that restricts same. After further discussion, **Mr. Hounsell moved, seconded by Mr. Weathers, that the Board directs town staff to develop a hawkers, peddlers, and vendors ordinance for the Town of Conway in accordance with RSA 31:102-a for review and consideration.** There was brief discussion as to reviewing other town ordinances in this regard for reference. **The motion carried 5-0-0.**

There was next brief discussion as to whether there should be a moratorium in place. **Mr. Hounsell moved that beginning June 15 that we put in place a moratorium on all vending activities in the Town of Conway as we prepare the ordinance that was part of the first motion.** Mr. Hounsell stated he feels if we don't do this now we may have a flood of activities. Mr. Webster stated that he doesn't feel a moratorium is necessary at this point as the season is short. Mr. Sires stated that currently our approach is that you can only do vending that is allowed under the current ordinance and he would like to discuss this matter with the town attorney and further review this matter. There was further discussion. **There was no second to Mr. Hounsell's motion. Mr. Hounsell withdrew his motion.**

Mr. Sires cautioned that any outfitting done now for this vehicle may be subject to any ordinance when put in place. Ms. Robbart acknowledged same. Ms. Sires also advised that the Board would need to hold public hearings regarding any proposed new or amended ordinance.

After further discussion, the Board agreed that they can't regulate the motorized vending now and will develop a policy that will cover motorized and non motorized.

MOUNT WASHINGTON VALLEY PRESERVATION ASSOCIATION
DISCUSSION OF MEMORANDUM OF AGREEMENT

Ben Wilcox, Peter Edwards and Stew Dunlap of the Mount Washington Valley Preservation Association joined the meeting.

Ben Wilcox distributed a packet containing financial information, pledges, granite paver sales, grants etc., to the Board and reviewed same. Mr. Wilcox next advised that they are at \$1.2 million and the Board had wanted \$1.5 million in the Memorandum of Agreement (MOA). Mr. Wilcox next advised that fundraising is going well. Mr. Wilcox next stated that the MWVPA realizes they need to have better communication with the Board of Selectmen and suggested that someone from the Town sit on their Board. There was brief discussion and the Board generally agreed that they would not support this entanglement but would consider this further. There was next a discussion regarding the phasing, funding and completion dates for the project.

FRYEBURG WATER COMPANY MATTER

East Conway residents, Bob Swett, Nancy Swett and Doug Swett along with Public Works Director, Paul DegliAngeli, were present for discussion.

Mr. DegliAngeli advised that the Public Utilities Commission (PUC) has issued an order regarding the water situation in East Conway with the Fryeburg Water Company. Mr. DegliAngeli reviewed that the PUC felt the water provided to the East Conway residents is wholly inadequate and the money paid by the customers for water is for naught and the water company should make reparations to the consumers. The PUC has ordered the Fryeburg Water Company to supply water for cooking, drinking, etc. to the consumers in East Conway. Mr. DegliAngeli next advised that the PUC will be holding a hearing for consideration of reparations on July 19, 2005.

Mr. DegliAngeli next advised that clarification has been requested as to where the water will come from, do they need to supply a dispenser for the water, etc. Questions have arisen from the customers as to how they will store the bottles, do laundry in the washing machine, make coffee, etc. Mr. DegliAngeli suggested this Board should join in asking for clarification of the order.

Mr. DegliAngeli next reviewed that it was ordered that no later than 8/1/05 the Fryeburg Water Company should submit to the PUC definitive testimony on the 1883 water main. Mr. DegliAngeli next reviewed that a report done in Maine recommends the main be replaced. Mr. DegliAngeli advised that the Maine PUC is holding a hearing in this matter this Friday.

The Board questioned the residents about how much water they can pick up, where they pick it up, the problems they are having with the bottles, etc. Bob Swett advised they pick the water up at the Fire Station and, so far, can have as many as they want. Bob Swett next displayed a 5 gallon jug for the Board and talked about how it is difficult to do laundry with the jugs, hard to shower with, the water is not hot, can't use in the dishwasher, etc. Nancy Swett demonstrated how hard the jugs are to pick up and handle. Bob Swett stated that to provide the water in the 5 gallon jugs is not an answer. Bob and Nancy Swett next pointed out that they also still have to pick up the water while

still paying the regular rates to the Water Company. Doug Swett advised that water pick up is only available for two hours a day, five days a week.

The Board questioned what the residents would propose at this point to make their situation better. Nancy Swett suggested water delivery to the house and that they also provide smaller drinking water bottles that are easier to handle. There was further brief discussion about how this would still not help with the laundry situation, etc. The Board asked that the residents think about the best way to have water come to them, i.e. maybe a tap, etc. The Board asked that the residents provide ideas to Mr. Sires to take with him to the meeting in July.

Mr. Webster moved, seconded by Mr. Hounsell, to authorize Town Manager, Earl Sires, to represent Paul DegliAngeli on July 19, 2005 in Concord. It was reviewed that this is due to the fact that Paul DegliAngeli will be on vacation. **The motion carried 5-0-0.**

Mr. Webster moved, seconded by Mr. Weathers, to notify the Consumer Advocate as well as the PUC what is going on to get this situation improved and clarified. Mr. Webster stated the only way to get this resolved is to get tougher with this matter. Mr. Hounsell stated he feels the only way to resolve the situation is to replace the pipe, but the Water Company says they can't afford this. **The motion carried 5-0-0.** Mr. Webster stated that this motion is to get clarification on the order. Mr. Sires clarified that the letter would go to the advocate and a draft would be prepared for the Board's review. The Board agreed.

Mr. Hounsell questioned if the Board would be alright with him attending the hearing with Mr. Sires. The Board approved.

CONSIDERATION OF NORTH SOUTH ROAD DEED / NHDOT

Mr. Sires reviewed that the Town had received a draft deed to the North-South Road previously. The deed reflected several parcels the town asked for, however, the Board then asked for additional parcels from the NHDOT. Thereafter, we heard from the NHDOT that they would be auctioning the additional parcels. There was brief discussion and **Mr. Hounsell moved, seconded by Ms. Umberger, to sign the final deed coming from the NHDOT insofar as it is consistent with the draft.** Mr. DegliAngeli briefed the Board on a few maintenance issues with the North-South Road. **The motion carried 5-0-0.**

DISCUSSION REGARDING PHASE 5B / CONWAY BYPASS PROJECT

Mr. Sires reviewed a draft letter regarding Phase 5B of the Conway Bypass Project contained in the Board's agenda packets. Mr. Sires advised that Conway Village Water Precinct and North Conway Water Precinct Commissioners have approved the letter. **Ms. Umberger moved, seconded by Mr. Webster that the chairman sign the letter. The motion carried 5-0-0.**

REVIEW OF CAPITAL IMPROVEMENTS PLAN ANALYSIS

Mr. Sires reviewed an analysis of the Capital Improvements Plan with the Board. Mr. Sires commented that the Town has done well with capital planning.

TOWN MANAGER REPORT

Red Cross – Mr. Sires reported the town owned building on Seavey Street which housed the MWV Chapter of the American Red Cross burned this morning. The building is a loss and the recommendation is to board it up so that it is secure and then demolish the building at a later date. It is further recommended that we contract with an outside contractor for same. There was a brief discussion as to when the building could be demolished. **Mr. Webster moved, seconded by Ms. Umberger, that after the appropriate investigation and clearance by the insurance company, that we demolish the building as soon as possible. The motion carried 5-0-0.**

Workshop for Local Officials – Mr. Sires reported he attended a training session yesterday which was an advanced workshop for local officials in Lincoln, New Hampshire.

Open House – Mr. Sires reported an Open House is scheduled for Friday, June 17, 2005 for Sandy George, who is celebrating twenty years with the Town.

Intervale Scenic Vista Subcommittee – Mr. Sires reported an Intervale Scenic Vista Subcommittee meeting is scheduled for Tuesday, June 21, 2005.

Mount Washington Valley Economic Council – Mr. Sires reported a Mount Washington Valley Economic Council meeting is scheduled for Wednesday morning, June 22, 2005.

Municipal Conference – Mr. Sires reported he would be attending a Municipal Conference on June 23, 2005 in Bartlett, NH.

Technology Village Groundbreaking – Mr. Sires reported the groundbreaking ceremony for the Technology Village is scheduled for June 20, 2005.

PEG Channel Meeting – Mr. Sires reported that the towns of Madison and Fryeburg responded to the letter sent and are interested in talking about PEG services.

BOARD REPORTS AND COMMENTS

Citizen Petition – Mr. Hounsell presented a copy of a petition to the NHDOT which was started by a citizen, Ralph Wiggin, regarding the poor condition of Main Street in Conway Village. Mr. Hounsell stated that the State is not planning on doing anything with this road right now and that the road is a disgrace. This road is a major thoroughfare in a tourist area and nothing is being done. There are potholes everywhere. Currently, work is not scheduled until the fall. There was brief discussion by the Board. **Mr. Hounsell moved, seconded by Mr. Weathers, that the Town Manager prepare a letter from the Selectmen, signed by the chairman out of session.** Mr. Sires confirmed the letter would be supporting the petition and asking for the work to be done as soon as possible. The Board agreed. Mr. Sires also confirmed this letter would be sent subject to the approval of the chair. The Board agreed. **The Motion carried 5-0-0.**

Mr. Hounsell next questioned if the town would be doing the striping on Route 16. Mr. Sires advised the town does not do the striping on Route 16.

Ad Hoc Committee – Mr. Hounsell reported the school voted unanimously to have the ad hoc committee regarding the sharing of information between town and school.

School Building Committee – Ms. Umberger reported a School Building Committee meeting is scheduled for Thursday, June 16, 2005 at 6:30 p.m.

Budget Committee – Ms. Umberger reported the Budget Committee met on Wednesday, June 8, 2005. The Committee agreed to advertise for the vacant seat on the Committee. The Committee also discussed the town and school budgets. The next meeting of the Committee will be held in September.

Infrastructure Committee – Ms. Umberger reported the Infrastructure Committee met on June 7, 2005. The Committee went through an update on each of the areas of town as to what is happening with infrastructure. There was a discussion about the problem with the poles in North Conway and getting wires moved. There was also indication that there was some additional work that needed to happen on Main Street in Conway Village and the committee agreed to look at the map that is in the Master Plan at the next meeting and talk about what kind of development we anticipate could occur as well as the feasibility of delivering water and sewer to those areas.

Countywide Selectmen Meeting – Ms. Umberger questioned if anyone is hosting the countywide selectmen meeting this year. Mr. Sires advised that he would check into this and advise.

Planning Board – Mr. Martin reported that the proposed plans for Lowe's and Home Depot are being reviewed by the Planning Board.

PUBLIC COMMENT/MEDIA QUESTIONS

There were no public comments or media questions.

ADJOURN

Mr. Webster moved, seconded by Ms. Umberger, to adjourn the meeting. The motion carried unanimously.

The meeting adjourned at approximately 7:15 p.m.

Respectfully submitted,

Karen J. Hallowell
Executive Secretary