

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN**

June 28, 2005

The Selectmen's Meeting convened at 4:15 p.m. in the meeting room of Conway Town Hall with the following present: Karen Umberger (Vice Chair), C. David Weathers, Gary Webster, and Mark Hounsell; Town Manager, Earl W. Sires; and Recording Secretary, Karen Hallowell

Selectmen Larry Martin was absent.

PLEDGE OF ALLEGIANCE

Acting Chair, Karen Umberger, 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 6/30/05.

APPROVAL OF MINUTES

Mr. Webster moved, seconded by Mr. Weathers to approve the minutes of 5/17/05 as written. The motion carried unanimously.

AUDIT EXIT INTERVIEW

Accountant, Greg Colby, of the firm Plodzick and Sanderson, Finance Director, Lucy Philbrick, and Town Treasurer, Kevin Madden, joined the meeting.

Mr. Colby distributed a copy of the audit of the Town to the Board. Mr. Colby explained the report is in a different format this year due to GASB34. Mr. Colby reviewed the changes. Mr. Colby next reviewed the report with the Board and commented on the clean opinion the town has received. Mr. Colby also commented on the good financial condition of the Town.

CODE COMPLIANCE MATTER
CLIFFORD E HALEY / MOBILE HOME VIOLATION

Building Inspector, David Pandora, Code Compliance Officer, Jim Yeager, and Clifford Haley, joined the meeting. Planning Director, Thomas Irving, was also present for discussion.

Mr. Sires reviewed that Mr. Haley had a special exception permit for a mobile home on his property as a second unit and in February the special exception expired. Mr. Haley has advised that he was no longer using this for the purpose of a mobile

home. Mr. Haley was notified he was in violation. Mr. Haley was scheduled to talk with Board two weeks ago and was unable to appear and the Board then asked to give Mr. Haley the opportunity to come to this meeting to discuss the matter.

Mr. Haley stated that he is confused as to what the regulations are and to what he is in violation of. Mr. Haley advised that he told Mr. Yeager that his son was not going to live in the mobile home and that he was going to use it for storage. Mr. Haley advised that he asked if he needed a building permit and was told he did not. Mr. Haley stated that nothing says he can or nothing says he can't use this as a storage trailer. Mr. Haley further stated he would like to make it into a storage trailer and if he needs a building permit then he will do that, but he doesn't know whether he can apply for one or not. Mr. Pandora advised that Mr. Haley can apply for a building permit at any time.

Mr. Hounsell questioned if a storage trailer is an option for Mr. Haley and why can't it be considered a storage trailer. Mr. Pandora stated that our zoning states a mobile home a family member can live in the mobile home but if the family member is not living there then you can't have the mobile home on the lot. Mr. Weathers reviewed that the special exception was given due do a family member was going to reside in the mobile home and now that it is not being used for this purpose the Town has requested it be removed as it was placed there under the special exception. Mr. Sires also reviewed that to date we have not received a building permit application from Mr. Haley and, if we had, we could react to same.

Mr. Haley advised that he has picked up a building permit application. There was discussion with the Board and the Board encouraged Mr. Haley to fill out the application so that the Town could then make a determination.

After further discussion, **Mr. Hounsell moved that the action we took on the previous meeting regarding this issue be held in abeyance until such time as Mr. Haley submits his building permit and staff responds so long as Mr. Haley submits in reasonable time.** There was no second to Mr. Hounsell's motion. Mr. Hounsell questioned if this means that town staff has been instructed to enforce removing the storage trailer. Mr. Sires advised staff would come back to the Board before taking legal action.

Mr. Haley advised he would submit his building permit application.

DISCUSSION OF SHARED USE ROAD SIGNS

Bob Porter of the North Conway Rotary Club joined the meeting. Public Works Director, Paul DegliAngeli, was also present for discussion.

Ms. Umberger reviewed that Mr. Porter was before this Board a few months ago to discuss a proposal for "shared use" road signs.

Mr. Porter reviewed that the Rotary Club would like to see signs for shared use along the North-South Road, West Side Road, and now he would like to ask about putting signs on Kearsarge Road as well. The signs would indicate "share the road" with a picture underneath of a person walking or riding a bicycle. With regard to the North-South Road, Mr. Porter indicated he would like to see the signs starting from Common Court and ending at Depot Road, as there is no sidewalk.

Mr. DegliAngeli next provided pictures of the proposed signs for the Board's review. Mr. DegliAngeli also reviewed a map with the Board for minimum recommended signage placement. Mr. DegliAngeli recommended three signs in either direction for a total of six signs along the North-South Road. Mr. DegliAngeli next advised that the signs plus a post would cost \$40 in materials. Mr. Porter advised the Rotary Club will pay for the signs for the North-South Road, West Side Road and Kearsarge Road as a community service project. Mr. DegliAngeli advised the town could install the signs. Mr. DegliAngeli next questioned if the Board is agreeable to having the signs placed on the West Side Road, Kearsarge Road and River Road in addition to the North-South Road. There was a brief discussion regarding the fact that the Town cannot put these signs on Kearsarge Road at this time pursuant to the town ordinance. Mr. Webster also pointed out that the last time the share the road signs were discussed, the idea was that as funding become available we expand the signage to other areas. **Mr. Webster moved, seconded by Mr. Hounsell, that we implement a program for shared road program signs where appropriate and as funding allows.** Mr. Hounsell stated that he thinks this should be done on a road by road basis and he would like the opportunity to know where they are being put before they are installed. Mr. Porter pointed out that either a bicycle or a pedestrian under the sign is sufficient and we don't have to put both. Mr. Porter further questioned if this means the town won't consider signing Kearsarge at this time. Mr. Webster stated that we wouldn't consider this until after reconstruction of this road. Mr. DegliAngeli further added that we can't legally sign this when pedestrians shouldn't be on the pavement. Mr. DegliAngeli advised that Kearsarge Road is slated for bike lanes and he can't recommend it be signed until after this happens. Mr. DegliAngeli suggested amending the vehicles and traffic ordinance. Ms. Umberger suggested that any policy drafted should include language that the Board be notified where the signs are going up before they are installed. Mr. Hounsell stated that he wanted to explain to everyone that he likes the concept of the signs however; he does not like the way the motion is worded as "where appropriate" is too vague to him. **The motion carried 3-1-0 with Mr. Hounsell opposed.**

Ms. Umberger next confirmed that the share the road signs for the North-South Road and West Side road will be paid for by Rotary at a cost of \$40 each. Mr. Porter would like a figure to take to his next Rotary meeting. It was agreed there would be 12 signs for the North-South Road, 16 signs for West Side Road and some spares.

Mr. Porter next advised that he would like to have further discussion with the Board in the future regarding placing the Rotary wheel on the signs.

Ms. Umberger next confirmed that Mr. DegliAngeli would come back before the Board in the future with draft changes to Chapter 151 of the Ordinance.

MECHANIC STREET – DISCUSSION OF ON STREET PARKING

Dave Mennella of the Wooden Soldier and Peter Donohoe of Jesse Lyman Oil joined the meeting.

Mr. Sires first gave an overview of this matter advising that the Town is currently in the process of installing curbing and sidewalk on Mechanic Street in North Conway Village. Mr. Menella is a business owner on Mechanic Street and came up with an alternate suggestion for parking on Mechanic Street he would like to discuss with the Board today.

Mr. Menella advised that his business has been at the Mechanic Street location for thirty-five years and during that time there has always been parking. Now, with the work that is being done, there will be a loss of parking in this commercial area. The way curbing is planned for this street it will eliminate parking and the businesses on this street who have co-existed for many years will have to change the way they receive deliveries. Mr. Menella advised that they will not be able to receive deliveries without blocking traffic. Mr. Menella next presented photographs of the area for the Board's review.

Peter Donohoe advised that he supports the design for an inset. Mr. Donohoe voiced concerns for safety in this area.

Mr. DegliAngeli advised that parking has always occurred in this area. From the photos you can see signs posted for two hour parking and the street was striped for two hour parking. In the ordinance, however, it states that parking is prohibited to Pine Street. Mr. DegliAngeli next advised that he measured the area and believes there is room to do as suggested. Mr. DegliAngeli next reviewed the standards need per volume. Mr. DegliAngeli presented a picture of vehicles parked along the street for reference to space. Mr. DegliAngeli next advised that the Town could put back in three parking spaces between the poles, however, the cost would be \$2,000 and we would need to acquire an additional right of way. Mr. DegliAngeli advised, however, that he does not like this idea from a maintenance point of view.

Mr. Menella advised he would consider giving land to the Town for the right of way. Mr. DegliAngeli advised it would require four feet.

Mr. Sires stated that with regard to the costs he suggests we look to the landowner to pay the costs. Mr. Menella stated that he originally thought this could be done with an easement but now the town needs it to be deeded and he doesn't feel that he should have to pay for this because there was no communication that this was going to happen. Mr. Menella further stated his concern is getting delivery vehicles off of the roadway. Mr. Webster pointed out that the Town needs to be careful so as not to set precedent as a similar request could be made on other roads, such as Kearsarge. Mr. Donohoe stated he felt that safety is tantamount in this instance.

Mr. DegliAngeli next explained that due to the overlays done to the roadway over the years and the diminishing of the curbing it enables vehicles to pull over and, currently, we are in the process of putting the curbing back to where it once was. Mr. DegliAngeli next explained that the Town currently does not own enough land to do what Mr. Menella has suggested and to acquire the additional right of way it would require deed preparation, recording etc.

Mr. Hounsell stated that he did not feel Mr. Menella's request was an unreasonable one and if Mr. Menella is agreeable to deed over a portion of land then he has no problem with doing what Mr. Menella suggested. **Mr. Hounsell moved, seconded by Mr. Webster that we authorize the pull out as requested by the abutter on the condition that the appropriate amount of footage be deeded to the town and that that the town fund it.** There was discussion as to whether Mr. Menella should pay the cost. **Mr. Hounsell amended the motion, seconded by Mr. Webster, that we allow for the pull out and provide the funding to incorporate it in exchange for Mr. Menella surveying and deeding over the appropriate amount of land to facilitate this.** Mr. DegliAngeli pointed out that he needs this transaction for land to be

done by August 15, 2005 so as not to hold up the project. Mr. Menella advised he would do his best to have it done by August 15. Mr. DegliAngeli next questioned if the Board would like to see this signed for loading only or if they would like to see it striped for two parking spaces. Mr. Menella stated that in the past it was striped with no problems and he would rather see the town put the two spaces in as parking. The Board was also agreeable to seeing this striped for parking. **The motion carried 4-0-0.**

Mr. Menella and Mr. Donohoe thanked the Board for the time spent on this matter.

DISCUSSION OF STREET VENDING REGULATIONS

Ms. Umberger reviewed the discussion held at the last meeting concerning this matter.

Code Compliance Officer, Jim Yeager, distributed information to the Board concerning street vending regulations and reviewed same. Mr. Yeager reviewed the information is a compilation of information for non-motorized and motorized vending in town. In the case of the ice cream truck presented by Ms. Robbart last week she would be able to do this with the exception of a few streets in town. Ms. Umberger reviewed that so long as she is not set up on Norcross Circle or Route 16. Mr. Sires reviewed that also, once you stop and set up, that other regulations also apply meaning you can stop and set up but then you need another form of permit. Mr. Irving reviewed that due to zoning regulations you can't stop and set up anything. Ms. Umberger reviewed for further clarification that if someone wants to have an ice cream truck they can stop for brief periods of time but can not use Norcross Circle or Route 16. Mr. Irving confirmed that if someone stays somewhere for a period of time that this is not allowed and they would have to come in for site plan review. Mr. Hounsell stated that he thinks something else needs to be written because this is not clear.

REVIEW AND CONSIDERATION OF DRAFT LETTER TO PUC PUBLIC ADVOCATE REGARDING THE FRYEBURG WATER COMPANY ORDER

Mr. Sires reviewed a letter sent to the Public Utilities Commission dated June 24, 2005 regarding the Fryeburg Water Company matter. The letter addresses the concerns voiced by the Swett's at the previous meeting.

DISCUSSION OF ADELPHIA/TIME WARNER CABLE FRANCHISE TRANSFER

Mr. Sires reviewed that the Selectmen's agenda packets contained a copy of a letter from Time Warner Cable regarding assuming the franchise from Adelphia. This letter triggers a timeline and the town must respond or the transfer is automatically approved. Mr. Sires requested the Board review the information provided and advise.

Mr. Sires next advised that it is also his understanding that the Board can address service issues, etc with Time, Warner and suggested also having conversation with them regarding the shared channel. Mr. Sires further advised that he also has concerns that there could be other issues we may not be aware of that should be dealt with or needs to be provided for in the future, such as future negotiations and he would suggest that either a committee be established to look at this, the Board look at it collectively, or bring in someone from outside to take a look at this matter. If using outside help the Town could use trust fund money. Mr. Hounsell stated that he would

like it researched to see if we could also use some of the money to offset money spent on staff time, costs, etc. Ms. Umberger stated that we have tried not to use the money from the cable franchise fees for anything other than things associated with cable and staff salaries are paid for by the town. Mr. Webster suggested holding a public input session so that people can let us know what they are not happy with and the Board agreed. After further brief discussion, **Mr. Webster moved, seconded by Mr. Hounsell, to authorize Mr. Sires to seek professional legal help as necessary to review this cable franchise transfer and that the costs be allocated from the cable trust. The motion carried 4-0-0.**

Mr. Hounsell moved, seconded by Mr. Webster, that we direct Earl Sires to keep track of town staff costs directly related to franchise transfer research above the legal fees. The motion carried 4-0-0.

TOWN MANGER REPORT

Ambulance Agreement – Mr. Sires distributed information to the Board regarding the Ambulance Contract for review.

Town Manager Evaluation – Mr. Sires reported that July 11, 2005 is his fifth anniversary with the Town and it is time for his evaluation. Mr. Sires advised he will get information to the Board concerning the evaluation.

Todd Gallagher – Mr. Sires reported that the Assistant Recreation Director, Todd Gallagher, is taking a position at Fryeburg Academy. His last day with the Town of Conway will be in two weeks. Mr. Sires further reported that it is the Town's plan to promote Teen Center Coordinator, Mike Lane, to the position of Assistant Recreation Director and then advertise for the Teen Center Coordinator position.

BOARD REPORTS AND COMMENTS

School Board – Mr. Hounsell reported the School Board came to an agreement with Lee Kennedy for a guaranteed maximum price for the School.

Ad Hoc Committee – Mr. Hounsell reported a meeting has been scheduled for the Ad Hoc Committee to discuss shared information between the Town and School for July 12 at the SAU office in North Conway. Ms. Umberger pointed out that this Board has not officially appointed anyone to sit on this Committee. **Mr. Webster moved, seconded by Mr. Weathers, that Karen Umberger represent the Board of Selectmen on the Ad Hoc Committee. The motion carried 4-0-0.**

School Groundbreaking – Ms. Umberger reported she attended the school groundbreaking ceremony and this was a nice event. Children from eight towns participated in the event. Mr. Lloyd gave an excellent speech.

PUBLIC COMMENTS/MEDIA QUESTIONS

Peter Gagne of Northern Extreme Canoe stated that he has concerns with traffic at First River Bridge. There is currently one lane with a traffic light and the traffic flow makes it difficult to expedite his customers with what is going on in this area. Also, there is no notice for people who are on the river either. Mr. Gagne next advised that he spoke with Don Lyford of the NHDOT who advised him that he would look into the

situation. Mr. Gagne next questioned the Board if there is any way of utilizing Hussey Field so livery companies can offload canoes and kayaks more safely in this area. Mr. Weathers advised that he would have concerns over the condition of the grass with this request as Hussey Field is very susceptible to erosion. Further, any type of turning pattern, etc, would make for a rutty condition and, if it rains, a muddy condition. Mr. Gagne suggested putting boulders in to make a specific area for them to use and then the canoe companies could hydroseed the area after the season. Mr. Weathers advised that there is documentation that the field could flood in any month and putting in a barrier could cause a problem. There was further discussion by the Board. The Board agreed to ask Mr. DegliAngeli to work with Mr. Gagne to look at this situation. It was agreed by all that the situation would be looked at but that there are no guarantees as we need to look at safety first. Lastly, Mr. Gagne pointed out that, in the case of Weston's Bridge, the State of Maine alerted everyone of the bridge closing, construction, etc., and this would be helpful in New Hampshire could do the same.

ADJOURN

Mr. Weathers moved, seconded by Mr. Hounsell, to adjourn the meeting. The motion carried 4-0-0. The meeting adjourned at 6:50 p.m.

Respectfully submitted,

Karen J. Hallowell
Executive Secretary