

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN**

July 12, 2005

The Selectmen's Meeting convened at 4:04 p.m. in the meeting room of Conway Town Hall with the following present: Selectmen Larry Martin (Chair), Karen Umberger, Gary Webster, David Weathers, and Mark Hounsell; Town Manager, Earl W. Sires; and Recording Secretary, Karen Hallowell.

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 7/14/05.

APPROVAL OF MINUTES

Ms. Umberger moved, seconded by Mr. Webster, to approve the minutes of 5/24/05 and 5/31/05 as written. The motion carried unanimously.

CODE COMPLIANCE MATTER
CLIFFORD E HALEY/MOBILE HOME VIOLATION

Town Attorney, Peter Malia, Building Inspector, David Pandora, and Code Compliance Officer, Jim Yeager, joined the meeting.

Mr. Sires reviewed discussion held at the previous meeting with Mr. Haley regarding this matter. Mr. Sires further reviewed that the Board had encouraged Mr. Haley to apply for a building permit so that staff could make a determination in this matter. Mr. Sires advised that Mr. Haley has since filed the application for a building permit and the Town has received an opinion from counsel, Peter Malia, that Mr. Haley cannot convert the mobile home and, therefore, staff intends to deny the building permit. Attorney Malia next reviewed his opinion in this matter with the Board and also reviewed the case law that pertains to same. Attorney Malia next reviewed that the mobile home was on the property for a second dwelling due to the special exception he received. The mobile home remains on the property and is not being used as it was allowed for under the special exception. Attorney Malia opined that the application for building permit should be denied and advised that Mr. Haley can then appeal denial if he so chooses. Attorney Malia next reviewed the definition of a mobile home as well as the town ordinance definition of a storage shed, etc. and there was discussion with the Board regarding same.

Mr. Webster moved, seconded by Mr. Weathers, that staff be allowed to deny the building permit with the understanding that the information in the last paragraph of Attorney Malia's letter be made available to Mr. Haley. (Attorney Malia's letter dated July 6, 2005). There was a review of the procedure in that the building permit would be denied and Mr. Haley would be advised of his appeal rights. There was also brief discussion as to whether enforcement action should move forward at this time during the appeal process. Mr. Sires suggested giving him 30 days during the appeal time. After further brief discussion the motion carried **4-1-0 with Mr. Hounsell voting in the negative.**

DISCUSSION OF TIF DISTRICTS

Jac Cuddy of the Mount Washington Valley Economic Council joined the meeting. Mr. Cuddy explained that he was here to introduce the concept of Tax Increment Finance (TIF) Districts and to see if the Board is interested in same. Mr. Cuddy explained that he would like the Technology Village project to be considered for same. Mr. Cuddy requested that the Board give thought to this idea and then have further discussion in the future.

DISCUSSION OF 2005 ASSESSMENT POLICY

Tax Assessor, Thomas Holmes, joined the meeting. Mr. Holmes distributed information to the Board concerning the Town's assessment policy and reviewed same. (See attached). There was a brief discussion. **Mr. Webster moved, seconded by Ms. Umberger, to accept Tom Holmes' recommendation against any broadbased value adjustments but to reserve the right to spot adjust and have this discussion again in nine months. The motion carried 5-0-0.**

DISCUSSION OF CABLE TV LINE EXTENSION

Mr. Sires reviewed that every other year the Town advises the cable company where the cable should be extended in town. Mr. Sires advised that the areas of Town that remain without service is primarily in the South Conway area, i.e. Baird Hill Road, Potter Road, etc, and there are not many homes in this area and, also, some of these areas are without poles and this would prohibit service. Mr. Sires advised that the best candidate for extension of service this year is Potter Road south of Brownfield Road to its intersection with Labrador Pond Road and also Baird Hill Road. Rodney King agreed. There was brief discussion with the Board. Mr. Martin questioned if anyone has contacted town hall who doesn't have cable and expressed that they want cable. Mr. Sires advised that to his knowledge no one has contacted Town Hall with a request. **Mr. Weathers moved, seconded by Ms. Umberger, for continuation of cable down Potter Road to the intersection of Labrador Pond Road and Baird Hill Road south at the intersection of Brownfield Road continue south 1/10 mile. The motion carried 5-0-0.**

DISCUSSION OF LETTER TO TIME WARNER CABLE REGARDING FRANCHISE TRANSFER

Mr. Sires presented a letter a copy of a letter dated July 6, 2005 that was sent to Time Warner earlier in the week for ratification by the Board. Mr. Sires explained that a draft of the letter was e-mailed to the Board prior to it being sent however it was

determined that due to time constraints the letter was mailed. Mr. Sires reviewed the letter with the Board. **Ms. Umberger moved, seconded by Mr. Webster, that we accept this letter as written. The motion carried 5-0-0.**

The Board next discussed holding a public hearing to discuss cable television issue and directed that same be scheduled and advertised for the next meeting. Mr. Webster suggested putting language in the notice stating that if anyone is unable to attend the meeting that they can send their comments to town hall and the Board agreed.

Mr. Martin next asked if there were any comments from the public on this agenda item. There were none.

DISCUSSION OF LETTER TO PUC REGARDING FRYEBURG WATER COMPANY

Mr. Sires distributed a draft letter dated July 13, 2005 to the NH Public Utilities Commission (PUC) to the Board for review. Mr. Sires explained that this draft contained an additional paragraph than the draft the Board reviewed earlier in the day. The additional language was suggested by someone Mr. Hounsell had been in contact with from the Maine PUC office. Mr. Hounsell also pointed out that a distribution list for all correspondence in this matter was also provided from the Maine PUC and this should also be included in the letter.

After brief discussion by the Board regarding the draft letter, **Mr. Webster moved, seconded by Mr. Weathers, to approve and forward the letter as appropriate.** Mr. Hounsell confirmed the mailing list would be added to the list for carbon copies and the Board agreed. **The motion carried 5-0-0.**

TOWN MANAGER REPORT

Carpet – Mr. Sires reviewed that as part of the plan for Town Hall, the carpeting downstairs is being replaced. Mr. Sires explained this needs to be done over a weekend due to the fact that everything must be removed from the offices and it has been scheduled for July 23.. Further, the Town Clerk's office will need close at noon on Friday to have staff move furniture and equipment out of the office and into the hallway and, further, they will be closed Monday morning July 25, 2005 in order to have everything placed back in the offices and to have the equipment hooked back up. Ms. Umberger suggested setting up specific time parameters so that the public can be notified ahead of time. Mr. Webster pointed out that we should put this notice out to the radio station, newspaper and, also, put same on the town website.

PEG Services Meeting – Mr. Sires reported a meeting regarding PEG services has been scheduled for Friday, July 22, 2005 at 10:00 a.m. and will be attended by representatives from several of the area towns. There was next a brief discussion as to who should attend from the Conway Board of Selectmen and it was agreed that since the majority were interested in attending the Town should post the meeting as there may be a quorum.

Red Cross Building – Mr. Sires reviewed that a fire occurred recently at the Red Cross building owned by the Town on Seavy Street and questioned how the Board

would like to proceed. After brief discussion, **Mr. Webster moved, seconded by Mr. Weathers, that at the present time, there is no intention of reconstructing the Red Cross building on Seavey Street, Tax Map/Lot #218-124.** Mr. Hounsell clarified that this motion is not tying the hands of the Town to not doing anything with the property in the future and the Board agreed. There was next brief discussion and it was agreed the building would be demolished and the area seeded for now. **The motion carried 5-0-0.**

Bypass/Southern Terminus – Mr. Sires reviewed a draft letter to Carol Murray of the NHDOT regarding the Southern Terminus of the Bypass project. The letter asks that a meeting be convened of the permitting agencies. The Board signed the letter to Carol Murray.

Fryeburg Water Company Matter – Mr. Sires reviewed that he would be attending a meeting regarding the Fryeburg Water Company matter on July 19, 2005 at the PUC office in Concord, NH.

New England Institute of Labor Relations – Mr. Sires reported he would be attending a seminar hosted by the New England Institute for Labor Relations regarding bargaining on July 20, 2005 in Waterville Valley, NH.

Preconstruction Meeting – Mr. Sires reported that a preconstruction meeting regarding River Road is scheduled for next week and he is planning on attending as Public Works Director, Paul DegliAngeli, is on vacation.

BOARD REPORTS AND COMMENTS

Conservation Commission – Mr. Weathers reported the Conservation Commission will meet tomorrow night, July 13, 2005. At that meeting there will be a presentation by the Audubon Society in reference to the proposed building site for the lodge.

Town/School Ad Hoc Committee – Ms. Umberger reviewed the Town/School Ad Hoc Committee was formed to discuss the matter of notification between the town and school that may affect children. This came about as a result of bomb threats earlier in the year. The first meeting of this committee was held earlier today. There was discussion as to what was considered imminent danger. The committee also agreed they would ask the Police Chief, the Emergency Management person, and John Eastman to be at the next meeting. The committee also agreed they would review the School and Recreation Department's policies to see if the policies mesh or if they would recommend any changes be made. The next meeting of the committee is scheduled for August 23, 2005

Infrastructure Committee – Ms. Umberger reported that an Infrastructure Committee meeting is scheduled for July 26, 2005.

School Building Committee – Ms. Umberger reported than a School Building Committee meeting is scheduled for July 21, 2005.

Planning Board – Mr. Martin reported that a Planning Board meeting is scheduled for Thursday, July 14, 2005.

River Road Bridge – There was discussion by the Board regarding the problems at the bridge on River Road in North Conway, i.e. traffic, bridge jumping, parking, etc. Ms. Umberger questioned if the town has sufficient land to increase the size of the parking lot on River Road. Mr. Sires advised that he and Mr. DegliAngeli have reviewed this in the past and recalls that if grass is removed there would be an erosion problem and, also, funding is a problem but that he would look into this matter again. Mr. Sires further advised that with regard to bridge jumping, the Police Chief is looking into curved fencing for the bridge and will be talking with the NHDOT about same.

Road Striping/Conway Village – Mr. Hounsell questioned if we could have road striping done in Conway Village as the NHDOT will not be doing work in this area until after Labor Day. Mr. Sires advised that he could check with the State.

Lighting/Conway Village – Mr. Hounsell commented that there are dim lights in Conway Village and, also, there are several lights that are out. Mr. Sires advised he would look into this matter and advise.

SAU9 Office Renovations – Mr. Hounsell advised that with regard to the SAU9 office renovations, the bids came in over \$200,000 and there was a motion to reject all bids made.

Share the Road Signs – Mr. Webster stated that he would like to acknowledge publicly his receipt of e-mail regarding shared road signs. Mr. Webster explained it is not the intention to pepper the roads with signs but to have a few signs. The program we are looking at is for signs to make the road safer for pedestrians, etc., and is for only a few signs. Mr. Hounsell commented that he feels there should be a public hearing in this matter. Mr. Webster commented that there had been discussion at a previous meeting on this issue with Mr. Porter and this was at a public meeting. Mr. Webster further commented that previous discussion included West Side Road, Kearsarge Road and North-South Road and that he is expecting this to come back before the Board again. Mr. Sires advised this matter will be back before the Board with a presentation.

PUBLIC COMMENT/MEDIA QUESTIONS

Peter Magg advised that he was here last year to talk about the trash on North-South Road and West Side Road. Mr. Magg stated asked about the Adopt-A-Highway program as he has not heard anything and the roads are a mess again. The Board and Mr. Sires explained that a program was developed by staff and placed on the Town Warrant, but the voters did not adopt it. Mr. Magg asked what would now be done to clean up the road this year. Mr. Sires explained that in the absence of any new program, the town will continue doing as we had in the past; however, right now we are in the middle of the construction season. Mr. Sires advised that the Town is aware of the problem and will put people on this when we can.

There was next brief discussion regarding an offer by private businesses for money for a program. Mr. Sires advised that he would check to see if the offer is still there. Mr. Sires further added that there is still the problem that our staff does not have the time to dedicate to this.

Ms. Umberger suggested to Mr. Magg to get a petition together for the implementation of the Adopt-A-Highway program for the next town meeting.

Mr. Martin requested further comments or questions from the public or press. There were none.

NON-PUBLIC SESSION – NH RSA 91-A:3, II (a)
TOWN MANAGER EVALUATION

At 6:00 p.m. **Mr. Webster moved, seconded by Ms. Umberger to go into Non Public Session under RSA 91-A:3, II (a). The motion carried by unanimous roll call vote.**

ADJOURN

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

The meeting adjourned at 6:10 p.m.

Respectfully submitted,

Karen J. Hallowell
Executive Secretary