

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN**

July 26, 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, 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 7/28/05.

APPROVAL OF MINUTES

The minutes of 6/14/05 were considered. Mr. Weathers advised the minutes should reflect that he was in attendance on page one. **Ms. Umberger moved, seconded by Mr. Webster, to approve the minutes of 6/14/05 as amended. The motion carried unanimously.**

DISCUSSION OF SHARE THE ROAD SIGNS

There were approximately fifteen members of the public present for this discussion.

Mr. Webster moved, seconded by Ms. Umberger, to reopen the discussion. The motion carried 5-0-0. Ms. Umberger requested a review of the motion in this matter from the previous meeting. The Board next briefly reviewed the motion made and carried in this matter at the meeting of 6/28/05.

Mr. Martin opened the matter for discussion and asked that all discussion go through the chair.

Ted Sares distributed information to the Board and reviewed same. Mr. Sares expressed that he is against the placement of the Share the Road signs on West Side Road. Mr. Sares also stated that he has no ill feelings toward any particular groups in town, Elks, Rotary, Kiwanis, etc. and thinks they all do wonderful work.

Bob Porter of the Rotary Club of North Conway spoke about Rotary policy which is service above self. Mr. Porter next advised that Rotary looks at this as a safety issue and that he is the one that brought the idea to the Board. Mr. Porter advised that he has also asked for signs on North-South Road and Kearsarge Road as well as West Side

Road. Mr. Porter requested the Board keep with their prior decision in this matter to place Share the Road signs.

Mr. Sares stated that he lives on West Side Road and had asked for a blind driveway sign and had been advised by the Town that advisory signs don't work.

Ed Astrachan advised that he is a bicyclist and he feels the signs work and has experience with this as he has biked all around here. Mr. Astrachan also noted that he has been to Lake Placid and saw these signs and noticed something different in that he felt that people were cognizant of people on bikes and this prompted him to make the suggestion to Mr. Porter for the share the road signs. Mr. Astrachan also advised that he saw the signs in Vermont as well. Mr. Sares questioned what studies Mr. Astrachan refers to and Mr. Astrachan advised that he is not referring to any particular studies--it is his feelings from being there and, also, he has had discussions with people in the biking community.

Cindy Astrachan stating she starting biking four years ago and also went to other areas where the signs are located and had the feeling that people in cars were friendlier and more cognizant of bicyclers.

Ian Crookshank advised that he lives in Chatham but works in Conway. He has been biking for twenty five years around this area. Mr. Crookshank stated that it is sometimes scary as there are a lot of tourists in the area and they are often distracted or speeding. Mr. Crookshank stated he feels this is a safety issue. Mr. Crookshank supports placing the signs and feels it will improve safety.

Mr. Sares commented that he doesn't feel that you can set precedent on feelings. He feels you need to do research and due diligence.

Police Chief, Wagner stated that, with regard to West Side Road, there have been thirty five accidents on this road in the past one and one-half years. This is too many and it is a safety issue. Chief Wagner added that he has done no studies that the signs would help, but also feels they will do no harm either. Chief Wagner further added that he could bring back speeding statistics, etc., if the Board would like to see same.

Linda Teagan advised that she lives on River Road in North Conway. Ms. Teagan stated this is not the first request for a sign and between Route 16 and first bridge, there are almost thirty signs, all well intentioned. Ms. Teagan further pointed out that all of the signs are negative, i.e. no parking, etc, and this gives you a very tense feeling. Ms. Teagan next asked everyone to think about what you have on West Side Road as it is a beautiful, scenic, and lovely road. Ms. Teagan next stated that she feels that the Share the Road sign is odd and doesn't know what it talks about. It is a declarative sentence, it is not please share or thank you and she does not feel this is the New Hampshire way. Ms. Teagan next stated that she respects Rotary and knows they do positive things but hopes they would reconsider metal signs on a scenic road. The road should be lined with daffodils not metal signs. Ms. Teagan next asked everyone to think about the metal visual pollution next time they travel down the road.

Rick Paquette advised that he resides on West Side Road. Mr. Paquette questioned who is paying the bill for the signs. Mr. Sires advised that Rotary is providing the signs and the posts and the Town's Public Works staff would be installing the signs. Mr. Paquette next stated that he has a dog and grandchildren that visit and that he walks

on the road and it can be anxiety provoking to be out there and he would like to think that signage would help but hasn't heard anything that would improve the scenic road. Mr. Paquette next questioned how many Share the Road signs are proposed for West Side Road. The Board advised six signs total has been discussed, three on each side of West Side Road.

Ed Astrachan next suggested that since the signs are being donated, why not, in the spirit of compromise, put them up for a year and see what it brings.

Dino Scaletti of Redstone next spoke. Mr. Scaletti stated that he keeps hearing West Side Road referred to as a Scenic Road but there is nothing more picturesque than North-South Road. Mr. Scaletti stated that he feels someone could find a study somewhere on this issue. Mr. Scaletti further added that he does not feel the "not in my backyard syndrome" should apply here but, also, to put in signs for no reason because Rotary wants to do a project is not right either. However, if the signs work, then they should go in.

Mr. Sares stated that he has sent e-mails and has gone door to door and he finds that 98% don't want the signs and this is compelling to him.

Mr. Martin asked if there were any further comments from the public. There were none.

Mr. Webster stated that he has been a member of Rotary for seven years. Mr. Webster also advised that on the NHDOT website during the Keniston administration there was a document published regarding this subject. Also, Dover, New Market and others did studies and that information is available on the Internet as well.

Ms. Umberger stated that when Mr. Porter originally came in with his request for the signs, it was for North-South Road only and as the discussion went on it was brought up that it might be a good idea to look at policy and procedure for a share the road program. Ms. Umberger reviewed that the motion previously made and carried regarding shared road signs was to implement a program for the signs where appropriate and as funding allows. Ms. Umberger further advised that she wants the Board to be notified before any shared road signs are placed. Ms. Umberger further added that she sees no problem with continuing with the implementation of the program and then the Board can debate as we go through the various roads and decide where to put the signs.

Mr. Hounsell stated that this is an example of when the Board should hold off on a decision to hear comments from the public first. Mr. Hounsell further added that he feels this is also an opportunity for this Board to reconsider their prior decision and hear the public. Ms. Umberger stated she would like to see a draft policy in this matter before opening same back up for discussion again. Mr. Webster pointed out that when the draft policy comes back to the Board it will be an agenda item and everyone will have a chance to comment. Mr. Webster further added that the Board can take the comments made today and at the next meeting of this matter into consideration, but he is not ready to make a motion today. Mr. Webster further added that he feels we should also look at what other signs, if any, can be removed from the roadway at this point. Ted Sares stated that he came to the meeting today expecting some finality and doesn't want to come back to another meeting. Mr. Hounsell stated that he feels the Board should

reconsider the motion now and then table it. After brief discussion it was determined by majority of the Board that they were not going to make a motion to reconsider today.

Mr. Weathers stated there is no proposed policy yet and he would like to see this program on a trial basis to see if it would help. Mr. Weathers further added that he feels there would be some support for this program if there were less signs on West Side Road.

Mr. Hounsell moved, seconded by Ms. Umberger, that the program that is going to be implemented prohibit the placing of share the road signs on the West Side Road. Mr. Hounsell stated that he thinks that when a groundswell of people come to a meeting who are opposed then we should let them have an answer today. There was further brief discussion and Mr. Martin moved the question. A vote was taken and the **motion failed 2-3-0**, with Msrs. Webster, Weathers and Ms. Umberger opposed.

Ted Sares questioned where this matter stands now. Mr. Martin reviewed that staff would be coming back before the Board with a program. Mr. Sares questioned if he could come back when this is before the Board again. The Board advised he can come to any meeting. Mr. Webster pointed out that we may not see this back on the agenda until the fall. Mr. Webster further stated this Board would like to review the program before it is implemented. Mr. DegliAngeli asked for clarification as to what the Board wants from staff as the Board was previously shown what the signs would look like and, also, the Board discussed intervals of where the signs would be placed. Mr. Webster stated that once it is determined where the signs will be posted that staff come back to the Board and let them know where they will be placed and the Board agreed.

Mr. Sires stated that another thing to take a look at at this time is the bike/pedestrian system in town and make a recommendation that looks at the whole picture. Mr. Weathers stated that this is a good time to look at all of the signs on West Side Road and do a general review.

REDSTONE VILLAGE ISSUES

Dorothy Clough and Dino Scaletti joined the meeting. There were also several other Redstone residents present for the discussion.

Ms. Clough stated that are no signs in Redstone at all to show you are in Redstone. Ms. Clough stated she asked two years ago for a sign and never got an answer about the sign. She also previously inquired about a light for Redstone.

Mr. Sires reviewed that the matter of the light on Route 302 asked for by Mrs. Clough has been pending for some time. Mr. Sires advised the Town made a request to the utility company in the spring and so did Mrs. Clough and currently there are two requests before Public Service now. Mrs. Clough advised that Public Service called and said they received a request from the Town for a light on the south side of the park and they (Redstone citizens) are concerned about why the town would order a light on the south side. Mr. Sires advised that he asked staff to convey to Public Service that whatever they are looking for, we would request. Mr. Sires invited Mrs. Clough to meet with him at Town Hall on Wednesday, July 27, 2005, and call the utility company to straighten this all out. Mrs. Clough confirmed she would meet with Mr. Sires so they could call the utility company.

Mrs. Clough next asked about the light at the flag. Mr. Sires advised that this may now be another light and that there was an issue with flag protocol in that the light needs to be on the right side of the flag. Mr. Scaletti next spoke about flag protocol and questioned why the flag is not located in the middle of the park. Mr. Scaletti also stated there should be a more suitable flag pole in the park.

Mr. Hounsell next stated there is a light located at Bryant's and Sears and that the town pays for same but it never comes on at night. Mr. Martin advised that this is due to the fact that there is another light located above this light which makes the light not turn on. Mr. Hounsell stated that Redstone is not a lighting district and questioned why the town wouldn't pay for the light. Mr. Sires advised this would be the Board's decision. There was discussion about paying for the light by the Board. **Mr. Hounsell moved, seconded by Ms. Umberger, to ask Public Service to take the light down that is not working and put one up in Redstone and the Town will pay for the light.** There was discussion that the light would be located at the intersection on the north side of the park. **The motion carried 5-0-0.**

Mr. Sires next reviewed that there was a request for a sign entering Redstone Village made previously. At that time, the Board noted that the Town had not provided those signs for any other villages. The direction to staff was that if the budget permitted, that we get the sign; however, there was no excess in the budget that year to get a sign. Mrs. Clough stated that she would like to have one sign that shows you are in Redstone and that they are part of the Town of Conway. Mrs. Clough went on to state that there are signs for East Conway, North Conway and the police station but there are no Redstone signs. The Board held discussion about contacting the State to get one of the signs placed with the other signs put up by the State. Mrs. Clough was agreeable to adding a Redstone sign to the State's sign. Mr. Sires advised that he would make contact with the State.

Mr. Weathers pointed out that earlier in this meeting we had people before the Board expressing that they don't want signs in their neighborhood and now we have a request for a sign in Redstone. Mr. Hounsell agreed with Mr. Weathers' point and added that he felt we should take at least one meeting before we take action on the sign for Redstone. Mr. Webster pointed out that this request is at the State level and they will decide if the sign is put up. After further discussion, **Ms. Umberger moved, seconded by Mr. Weathers, that Town Manager, Earl Sires, call the State and see if it is feasible for them to provide a sign that says Redstone be added to the existing signs.** Mr. Hounsell suggested making this a special order of business for the next meeting. Mr. Webster stated that this is a state road sign and her request is just to add to the sign that already exists. **The motion carried 4-1-0, with Mr. Hounsell voting in the negative.**

Ms. Clough next asked about conservation land in Redstone. Ms. Clough stated that people in Redstone would like to know more about what is happening with the land that may be acquired and have discussion. Mr. Weathers advised that the Town is awaiting an appraisal on the property from the State. Mr. Weathers further advised that it would be beneficial for Redstone residents to attend a meeting of the Conservation Commission to get an update on this matter and an explanation of how they manage land. Mr. Webster advised the Conservation Commission meetings are held in the evening on the second Wednesday of the month at the Whitaker Meeting House in North Conway.

PUBLIC HEARING: TO RECEIVE COMMENTS
ON CABLE TELEVISION SERVICES

Adelphia representatives, Rodney King, John Bailey, Jerry Buckley and Gerald Hanley, joined the meeting. It was noted that besides the four representatives of Adelphia, there were no members of the public present for this public hearing.

Mr. Sires explained this meeting was scheduled to solicit comments from the public regarding cable television services. Mr. Sires advised that one issue he has heard about several times concerning cable service is the lack of a local number to call. Mr. Sires next advised that this public hearing was advertised in the newspaper and no e-mails were received concerning service and town hall only received one telephone call and it was regarding the lack of a local phone number for Adelphia.

John Bailey advised that he is the current General Manager at the local Adelphia office but will be retiring in one month. Mr. Bailey next introduced Gerald Hanley who will be replacing him as General Manager.

Jerry Buckley next stated that he was here to address the letter recently sent. Mr. Buckley stated the cable company would like to go on record that they are in compliance with the existing franchise agreement. Mr. Buckley went on to say that this is not to say there aren't issues that need to be worked out with the six towns, but they don't consider these issues as compliance issues.

Ms. Umberger requested the cable representatives discuss how the transition will take place between Adelphia and Time Warner. Mr. Buckley advised there is a notice (transition) period that Time Warner would be purchasing the assets of Adelphia and this is a little more complicated due to Adelphia being in bankruptcy. The Town will have the opportunity to review Time Warner's application. After the Town does due diligence with Time Warner they have the opportunity to approve or deny or, if the Town does nothing, then this is tantamount to approving. Mr. Buckley next advised that the deal between Time Warner and Adelphia probably won't close until the first or second quarter of 2006. Mr. Buckley further advised that the average customer will not see a large difference other than the company changing names.

Mr. Hounsell next stated that his e-mail address ends with adelphia.net and questioned what will happen with this after the changeover. Mr. Buckley advised there would be a change to e-mail addresses somewhere down the road. Mr. Hounsell stated that he was a Landmark customer and commented that the changeover to Adelphia did not go smoothly. Rodney King explained that this was because there was a small server and they now have very good e-mail service and that he does not believe they will have the same issues this time. Rodney King further advised that once it has changed over they will forward e-mails for a while.

Mr. Sires next distributed a copy of a recent letter received from Adelphia for review. Mr. Sires reviewed that there are ongoing issues regarding the shared channel. With regard to line extension, this is being worked out. With regard to technical issues, the Board is interested if the technology received locally is currently state of the art. Rodney King explained the system that serves Conway. Mr. Buckley added that it is a state of the art system and is comparable to Boston. Mr. Sires next asked about internships for Conway students. Rodney King advised this has to do with the PEG

access channel and the school and that there are laws that prevent them from taking children in the field for installation, etc. There was next discussion regarding the issue of phone access. Mr. Buckley stated that the 800 number allows for better service to the Town. The twenty four hour/seven day a week system answers 30% of the calls without a representative even having to talk to a customer. Mr. Martin pointed out that a lot of people don't like to get an automated service and want to talk to a person and this system is not a plus from a rural America point of view. Mr. Buckley acknowledged that all over, people do not want to speak with someone out of state or use an automated system.

The Board thanked the cable representatives for attending this meeting.

Mr. Weathers left the meeting at 6:05 p.m.

CABLE TV FRANCHISE AGREEMENT

Mr. Sires advised there was a meeting with area towns this past Friday, July 22 to talk about PEG services. The next meeting of the group is scheduled for August 2, 2005.

Mr. Sires next advised that he would like to have the Cable Agreement reviewed by outside counsel to see if there are any pitfalls that we may not be aware of at this time. Mr. Sires next advised that we have 60 days to complete this.

TOWN MANAGER REPORT

Alex Johnstone – Mr. Sires advised that Alex Johnstone, who worked in the Assessor's office for ten years during summers and also floated in other departments, passed away this past Sunday. Mr. Sires commented that Alex would be greatly missed and extended condolences to his family.

Draft DRA Assessing Report – Mr. Sires distributed a memo from Tax Assessor, Tom Holmes, along with a draft DRA Assessing report for the Board's review. Mr. Sires commented that the DRA has no recommendations for improvements and so it appears we did a good job.

Assessing Standards Board – Ms. Umberger pointed out that Tax Assessor, Tom Holmes, is stepping down from the Assessing Standards Board. Ms. Umberger stated she would like to have further discussion regarding this matter. Mr. Sires advised that he would speak with Mr. Holmes.

PUC Report – Mr. Sires reported he attended a meeting at the NH PUC last week concerning the Fryeburg Water Company matter. The meeting held was regarding restitution to customers. Mr. Sires highlighted the requests by the residents of East Conway and also provided a copy of the report to the Board for their review.

Draft MOU-MWVPA/Town of Conway – Mr. Sires distributed a copy of a draft Memorandum of Agreement between the Mount Washington Valley Preservation Association and the Town of Conway as well as a copy of the Force Agreement with the State for review. Mr. Sires advised this is just for review at this time. There was a discussion by the Board regarding the phases and deadlines for the project. **Mr.**

Webster moved, seconded by Ms. Umberger, to support this draft with the dates as they appear to further solidify our position. The motion carried 4-0-0.

Conway Village Lighting – Mr. Sires reported that at the suggestion of State Representative Tom Bucu, a letter was written to the NHDOT regarding the lighting in Conway Village. A response was received from the NHDOT advising they would be contacting the traffic bureau to schedule a meeting to review the situation.

Portsmouth Naval Shipyard – Mr. Sires reported a letter has been received from Anthony J. Principi, Chairman of the BRAC Commission, acknowledging receipt of our letter sent regarding the Portsmouth Naval Shipyard.

Eastern Slope Airport Authority – Mr. Sires reported the annual meeting of the Eastern Slope Airport Authority is scheduled for August 15, 2005.

Vacation – Mr. Sires reported he would be on vacation from August 4 through August 15. During his absence, Public Works Director, Paul DegliAngeli, would be acting in his place.

Carpet - Mr. Sires reported carpeting was installed downstairs at Town Hall this past weekend. Mr. Sires apologized to the public for any inconvenience they may have encountered during the time the Town Clerk's office was closed. Mr. Sires also thanked the Town Recreation and Public Works staff for their help in moving furniture, etc.

Countywide Selectmen's Meeting – Mr. Sires reported there has been no indication from any town in the County regarding hosting a Countywide Selectmen's meeting this year. Mr. Sires stated that if the Board would like to host again, a meeting could be scheduled for the fall. Ms. Umberger indicated that she got a lot of information out of the past countywide Selectmen's meetings that she attended and would like to see one scheduled.

BOARD REPORTS AND COMMENTS

Senate Bill 125 – Mr. Hounsell reported that Governor Lynch will be in Town at Chuck Roast next Tuesday at 9:00 a.m. to sign Senate Bill 125. Mr. Hounsell explained that Senate Bill 125 is a modification of last year's Senate Bill 100 which caused the upset in healthcare costs.

School Board – Mr. Hounsell reported that the School Board voted on July 25, 2005 to authorize the release of the letter from Attorney John Teague which discusses sharing information between the Town and School.

PEG Meeting – Mr. Webster commented on the attendance at the recent PEG issues meeting, which was held this past Friday. Mr. Webster commented there was a good discussion and thanked all who came to the meeting.

Share the Road Signs – Mr. Webster commented that regarding the matter of Share the Road signs, he doesn't want people to leave the meeting feeling they weren't heard. They were heard and he wants to make sure people know they that have this opportunity to be heard.

School Building Committee – Ms. Umberger reported the School Building Committee met last Thursday, July 18, 2005. There was not a lot on the agenda but they did have a spirited discussion about how far Lee Kennedy is along. Mr. Hounsell reported the School Board met last night and they did not sign contract with Lee Kennedy yet and negotiations are still ongoing. There was discussion at the meeting regarding the projected opening date for the high school. Mr. Hounsell stated that there is a good chance the school will not open in September of 2007.

Infrastructure Committee Meeting – Ms. Umberger reported a meeting of the Infrastructure Committee was held earlier today at the Conway Village Fire District office. At that meeting, the North Conway Water Precinct brought everyone up to date with what is going on in the precinct this year and Conway Village Fire District talked about what is going on with testing and evaluation of the two different systems. There was also a discussion about roads at this meeting. Ms. Umberger next advised that at the next meeting they are going to have discussion regarding water to areas not currently serviced by municipal water and looking at this long range. The next meeting is scheduled for August 23, 2005.

Depot Street Park – Mr. Martin stated that he wanted to pass along to Rotary that the park at Depot Street looks lovely. Mr. Sires commented on the new maple tree planted in the park and advised that it came from the transfer station. The tree was originally at Hussey Field and was washed away and our town crew planted it in the park.

PUBLIC COMMENT/MEDIA QUESTIONS

There were no public comments or media questions.

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

It was agreed that this agenda item would be carried to the next meeting.

ADJOURN

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

The meeting adjourned at 6:42 p.m.

Respectfully submitted,

Karen J. Hollowell
Executive Secretary