

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN**

September 11, 2007

The Selectmen's Meeting convened at 4:09 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen, C David Weathers (Chair), Larry Martin, Gary Webster, Mark Hounsell and Howard C. Dickinson; Town Manager, Earl W. Sires; and Recording Secretary, Karen Hallowell

PLEDGE OF ALLEGIANCE

Chairman Weathers led the Board in the Pledge of Allegiance to the Flag.

Chairman Weathers called for a moment of silence in observance of the sixth anniversary of September 11th.

SIGNING OF DOCUMENTS

The Board reviewed and signed various documents contained in the signature folder.

CONSIDERATION OF BILLS

The Board reviewed and signed the manifest dated September 13, 2007.

CONSIDERATION OF MINUTES

The Board agreed to hold on consideration of minutes until the next meeting.

CODE VIOLATION-ROY & LABONVILLE/FORMER GULDIES LOCATION

Code Compliance Officer, Jim Yeager, joined the meeting. Mr. Yeager advised that since that the off premise sign at the former Guldie's restaurant has recently been taken down. This was done sometime after the letter from the Board of Selectmen was sent out.

There was brief discussion regarding proceeding with enforcement action should the sign reappear due to the history of this matter. **Mr. Webster moved, seconded by Mr. Martin, that if the aforementioned sign reappears that the Code Enforcement Officer has the authority to charge the violation and move forward. The motion carried unanimously.**

REQUEST FOR CROSSWALK AT CONWAY COMMUNITY BLDG

Holly Meserve appeared before the Board. Ms. Meserve advised that she is the parent of a child who attends the Conway Recreation Center and is asking for a crosswalk at the Recreation Center. Ms. Meserve pointed out the only crosswalk in the area is the one at Town Hall.

Mr. Hounsell moved, seconded by Mr. Webster, that we instruct the Town Manager to begin the process of seeking a crosswalk in the aforementioned area and to do it in accordance with the best engineering practices. Mr. Webster asked

about appropriate signage for the area. Mr. DegliAngeli advised there is a pedestrian caution sign further down Rt. 113 near Saco Bound canoe launch and for some reason the town pays for that light to function. In discussions recently with the canoe livery we had informed them it was our intention to discontinue paying for that light. Mr. DegliAngeli suggested relocating the sign in the vicinity of the crosswalk or to new location. There was brief discussion by the Board. **Mr. Hounsell amended the motion, seconded by Mr. Webster, that we instruct the Town Manager to begin the process of seeking a crosswalk in the aforementioned area and to do it in accordance with the best engineering practices and to move the existing sign located near Saco bound to new crosswalk location. The motion carried unanimously.**

RECREATION UPDATE

Recreation Director, John Eastman, and Assistant Recreation Director, Mike Lane, joined the meeting.

John Eastman first updated the Board on Summer recreation programs and attendance. Mr. Eastman next updated the Board on fall programs and the numbers expected.

Mr. Martin questioned if the Recreation Department would be closed down during Fryeburg Fair week. Mr. Eastman advised that it is his recommendation that programs not be held as the attendance at the Recreation Department is always down the week of Fryeburg Fair. Mr. Eastman further advised that the Friends of Conway Rec French Fry Booth will be manned with volunteers at the Fair.

Mr. Weathers commended the Recreation Department on the Fourth of July Parade. Mr. Eastman commented he would like to have a marching band in the parade in the future. Mr. Eastman commented that the Recreation Department did receive lots of compliments on the parade and he also felt that it went well. Mr. Hounsell commented that it was the best parade he has ever seen in Conway.

DISCUSSION OF TRANSPORTATION ISSUES AND GACIT PUBLIC HEARING

Mr. Sires reviewed there is a GACIT hearing scheduled for Thursday at 3:00 p.m. The purpose of this agenda item today is to prepare any statements the board would like to take to the GACIT hearing.

Mr. Webster commented the Board needs to collectively look at the situation. A lot of property is now off the tax rolls, people have lost land and homes. We need a commitment that work will be done. The Town has done everything to keep this going and it is disappointing that state now has no answers and no money.

Mr. Weathers stated that hopefully this will all be discussed again on Thursday - lot of this they say is due to a lack of funding from what he has read.

Mr. Dickinson advised he would like to discuss the Southern Terminus and referred to information in the Board's agenda packets. Mr. Dickinson drew attention to Ralph Wiggin's drawings and stated he felt this was a solution to look at to solve the problem. Mr. Dickinson stated he feels state was ignoring doing the Southern Terminus the right way.

Mr. Dickinson moved, seconded by Mr. Hounsell that the Conway Selectmen write a letter to Councilor Ray Burton, with copies to all other public officials having an interest in the Bypass around Conway Village (known as the Southern Phase), requesting that the Department of Transportation redesign the Southern Terminus so that traffic can move freely in all directions without the use of traffic lights. Particular attention is shown to the “Wiggin” plan, long considered to be a reasonable solution to the problem. Furthermore, the Department of Transportation shall request, if necessary, a modification of the Corp of Engineers permit to accomplish the improvement to the Southern Terminus according to: 33CFR 325.7. Mr. Dickinson advised he would like copies sent to the Governor and Council, Senators Sununu and Gregg, Congressman Carol Shea-Porter, Senator Joe Kenney, Reps in Carroll County Districts 1, 2 & 3, Carroll County Commissioners, Selectmen of Albany, Bartlett, Eaton, Jackson and Madison, Richard Roach, Army Corp of Engineers, Mark Kern, EPA, Citizens Design Review Committee (CDRC), Rt 16 Advisory Committee, Conway Village Area Chamber of Commerce, MWV Chamber of Commerce. Mr. Webster advised he could support the first paragraph because of the extended schedule but he could not support the second paragraph of the motion as we do not need to open that door again. **Mr. Dickinson amended the motion to withdraw the second paragraph** (Furthermore, the Department of Transportation shall request, if necessary, a modification of the Corp of Engineers permit to accomplish the improvement to the Southern Terminus according to: 33CFR 325.7. – was deleted from the motion) **seconded by Mr. Hounsell.** Mr. Weathers advised that his understanding was that if the DOT went along with the Wiggin plan, then more land would have to be procured and the fear was they would have to go back before the Army Corp of Engineers and for permits. Also, if more land is needed it would drive up the cost for the project. Personally he likes the idea of an off ramp rather than a light but has a strong fear of disturbing the permits that are in place right now. Mr. Sires commented that the CDRC, Board of Selectmen as well as Boards of Selectmen from other towns felt that the design that had an underpass was preferable when the Governor came to Conway for a meeting, the message from Commissioner Murray and the Governor was keep this on track and stay with what they are proposing and then in 2012 they would be able to make changes ring the Madison phase. However, now it is being reported by the DOT project manager that they are not doing that until 2017. Mr. Hounsell stated that he feels that the Wiggin plan is more preferable than the state plan and we should do what is in the best interest of Conway.

At 5:00 p.m. there was a brief meeting recess due to audio problems with Valley Vision equipment. The meeting resumed at 5:11 p.m.

Mr. Weathers next reviewed a letter received from Karen Umberger asking the Board to proceed with the plan in place.

After further discussion, the Board voted on Mr. Dickinson's **motion as amended** and the **motion carried 4-1-0 with Mr. Weathers in opposition.**

DISCUSSION OF BIRCH HILL WATER SYSTEM

Mr. Hounsell made the following motion, seconded by Mr. Dickinson,

“I make a motion that the Board of Selectmen direct the Town Manager to proceed to identify the amount of town resources needed in order to evaluate the cost

associated with the engineering and complete installation of all options of potable water system that would do each of the following;

- I. Provide water suitable for human consumption and meeting the State of NH DES and the EPA's standards, from the Saco River aquifer to the Birch Hill Water District (BHWD) by;**
 - A. Extending the existing North Conway Water Precinct system from NCWP Well #2 directly to the Eastern boundary of the BHWD**
 - B. Extending the existing North Conway Water Precinct system from NCWP Well #6 along River Road and West Side Road directly to the Eastern boundary of the BHWD.**
 - C. Extending the existing North Conway Water Precinct system from a new replacement Well (replacing Well #2) belonging to the NCWP directly to the Eastern boundary of the BHWD.**
 - D. Any other options that may be available in order to help lower the cost to the residents of the BHWD; allow for the Selectmen to best follow the town's master plan; and to prevent the construction of a privately owned commercial major ground water well/operation within the town of Conway.**

- II. The Development of these costs would be based on the following conditions;**
 - A. The town would work in partnership with the NH DES and the BHWD/Pittsfield Aqueduct in such a manner to be eligible for 25% State Grant funding for interconnection and 40% (or more) from the U.S. Department of Agriculture Rural Development Grant funding.**
 - B. Any final initial project would result in the BHWD having access to water from the Saco River Aquifer would be recognized by the Town of Conway, The NH DES, and the U.S. Department of Agriculture Rural Development, as Phase 1 of a program of any future town-wide Water Infrastructure improvements.**
 - C. Developments of any subsequent phasing other than providing safe drinking water to the residents of Birch Hill will not be under consideration at this time.**
 - D. All cost of installation and operation of any system shall be the sole responsibility of those receiving the water.**

The potable water system costing shall included such things as engineering, land purchase, easements, pipes, storage tanks, pumps and all necessary appurtenances necessary for a complete system.

The Town Manager shall report back to the Board of Selectmen with the amount of town resources needed in order to evaluate the cost associated with the above paragraphs, before undertaking the costing evaluation.”

Mr. Hounsell explained this is to have town staff prepare costs. There was discussion with the Board and staff. Mr. DegliAngeli advised this would take approximately ten hours of staff time and could provide a rough estimate two meetings from now in October. **Mr. Dickinson moved the question with all in favor.** The Board voted on Mr. Hounsell's motion and the **motion carried unanimously.**

Mr. Webster moved, seconded by Mr. Dickinson, that at the completion of the staff's requirement as detailed in the opening paragraph the task force meets and reviews the documents.

CONSIDERATION OF PROPOSED SEX OFFENDER ORDINANCE

Police Chief, Ed Wagner, joined the meeting.

Mr. Sires reviewed the Board reviewed a proposed Sex Offender Ordinance briefly at a previous meeting and asked for additional information. Mr. Sires distributed a map outlining the areas in the proposed ordinance and reviewed same.

Chief Wagner next briefly reviewed the proposed ordinance with the Board. The discussed putting a sunset provision in the proposed ordinance for a period of four years so that it can be reviewed to see how it is working. There was also discussion regarding defining public parks in the ordinance and if it would include town common lands and forest lands. The Board also agreed that Planning Board and planning department be part of a public hearing if and when held regarding this proposed ordinance. It was agreed that further work would be done on this proposed ordinance and then brought back for consideration.

SCHOOL RESOURCE OFFICER

Mr. Sires reported the Police Chief and Police Commissioner have started discussions regarding School Resource Officer (SRO) positions which suggest one in each school. Mr. Sires reviewed that discussion with the Board to date have indicated that the Board would like to see the SRO funded out of school budget; however, to date this has been funded by the town budget. Chief Wagner has indicated that he is okay with the school funding it and if is ok with this board he will alert the school of intent to seek funding from school. There were no objections from the Board.

UPDATE ON OLYMPIC LANE

Mr. Sires advised he spoke with the Town Planner regarding the lot line adjustment on Olympic Lane. The School has until the 25th to satisfy the conditions. Mr. Hounsell stated his understanding is that they withdrew the application to the planning board. Mr. Sires stated that we have not been advised they are not pursuing the lot line adjustment to date.

DISCUSSION REGARDING TAX SALE

Mr. Sires advised he has been looking at properties owned by the Town with the Tax Assessor Tom Holmes. They have a map and a list of properties and there are no structures on any of the parcels we have identified. Mr. Sires advised they are further refining the list for saleable properties and will provide same to the Board.

TOWN MANAGER REPORT

Budget Committee Letter – Mr. Sires reported the Budget Committee has sent a letter asking to have Town Counsel review the Default Budget as proposed by the School and provide a legal opinion. Mr. Hounsell suggesting forwarding this to the school district first and asking for their view before sending this on to town counsel. Mr. Weathers called for a poll and the Board was in favor of sending this to the school with a cover letter asking for their comments. It was also agreed that the letter should request a response within four weeks.

Household Hazardous Waste Day - Mr. Sires reported that Household Hazardous Waste Day is scheduled for September 15. Mr. Sires distributed a flyer listing the acceptable items to the Board.

Budget Report – Mr. Sires provided the Board with a summary budget report advising that with 33% of the year left we have 38% of the budget remaining.

Intervale Crossroad - Mr. Sires advised the town is working with the DOT to do the crossing at Intervale Crossroad.

Burbank Road – Mr. Sires reviewed that this was a warrant article at town meeting and the voters did vote to abandon the road. However, there were questions of who owns underlying land. Town counsel has provided a legal interpretation that we still own the underlying land; it is still town property. Mr. Sires advised that he will write to Elbridge Russell and advise of same.

Tasker Hill Road Bridge – Mr. Sires reported the Town is asking for money from the DOT to do work on this bridge.

Howard Dearborn – Mr. Sires reported that Howard Dearborn is asking the town to consider a working group to discuss watershed issues along the Saco.

Boil Order in Birch Hill – Mr. Sires reported the DES issued a boil order in Birch Hill yesterday. Pennichuck is working with the residents.

Budget Schedule – Mr. Sires reviewed a proposed budget schedule for the fall season with the Board.

Right to Know Forum – Mr. Sires reported that the Town of Moultonboro is hosting at Right to Know Forum on September 17.

General Assistance – Mr. Sires distributed a packet of information regarding the Town's general assistance program. Mr. Sires advised that if the Board still would like the General Assistance Officer to come in and review same with the Board to please advise.

Conway Village Area Chamber of Commerce – Mr. Sires distributed Business Person of the Year nomination forms from the Conway Village Area Chamber of Commerce.

Census Training – Mr. Sires advised that Tom Irving will be attending census training. The census is coming up again and we are bumping up against the 10,000

population number. If our census is over 10,000 we won't be considered rural anymore. We have to be careful we are not over counted due to part time residents

BOARD REPORTS

Cable Extension – Mr. Hounsell stated he would like to see if Time Warner could run conduit on Eagles Way per the agreement. **Mr. Hounsell moved, seconded by Mr. Martin, that we would require that Time Warner do its two year extension of 1.5 miles from Rt. 302 to the new high school in conduit that already exists. The motion carried unanimously,**

Conservation Commission – Mr. Weathers reported the Conservation Commission will be tomorrow night, September 12, 2007 at 6:30 p.m. at the Whitaker Meeting House. Also, Saturday, they will receive the Tree Farm Award in Bethlehem, New Hampshire.

PUBLIC COMMENTS / MEDIA QUESTIONS

There were no public comments or media questions.

NON PUBLIC SESSION / RSA 91-A,II(a) / TOWN MANAGER REVIEW

At 6:53 p.m., a motion to go into Non-Public Session in the meeting room of Conway Town Hall under RSA 91-A: 3, II (a) was made by Gary Webster and seconded by David Weathers. Chair David Weathers, Mark Hounsell, Larry Martin, Gary Webster and Howard "Crow" Dickinson voted in the affirmative by a roll call vote.

The Board returned to Public Session at 7:08 p.m. Minutes of the non-public session were sealed on a motion by Larry Martin and seconded by Mark Hounsell.

ADJOURN

Meeting was adjourned at 7:09 p.m. the motion made by Gary Webster and seconded by Howard "Crow" Dickinson and voted in the affirmative by all present.

Respectfully submitted,

Karen J. Hallowell
Executive Secretary