

**Minutes of Meeting  
CONWAY BOARD OF SELECTMEN**

October 21, 2008

The Selectmen's Meeting convened at 4:00 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen Larry Martin (Chair), C. David Weathers, Mark Hounsell, Howard C. Dickinson; and Bob Drinkhall. 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.

CONSIDERATION OF BILLS

The Board reviewed and signed the manifest dated October 23, 2008.

APPROVAL OF MINUTES

The Board considered the minutes of 9/23/08. Mr. Drinkhall pointed out that the header paragraph on the minutes should be corrected to reflect the names of the current Board. All agreed. **Mr. Weathers moved, seconded by Mr. Dickinson, to approve the minutes of 9/23/08 as amended. The motion carried unanimously.**

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATIONS

M&D Productions/"Rabbit Hole" – Mr. Sires reported this application for special event was received late; however, all components are included in the application. Mr. Sires recommended approving the event pursuant to the North Conway Fire Chief's conditions and requirements. **Mr. Dickinson moved, seconded by Mr. Weathers, to accept the special event application for M&D Productions for Rabbit Hole.** The Board held a discussion regarding the late submission of this application. The Board discussed charging for the late receipt of the application. There was further brief discussion on the application. **Mr. Weathers withdrew his second and Mr. Dickinson withdrew his motion. Mr. Drinkhall moved, seconded by Mr. Weathers, that we accept the application late and grant the permit with conditions as per the North Conway Fire Department. The motion carried 4-1-0 with Mr. Hounsell voting in the negative.**

**Mr. Hounsell moved, seconded by Mr. Weathers, to begin the public hearing process for public events requiring a certain amount be paid short of the ninety (90) days. The motion carried unanimously.**

DRIVEWAY PERMIT: ROBERT WADE

Bob and Michele Wade were present for discussion. Public Works Director, Paul DegliAngeli, was also present.

Mr. Wade is asking permission from the Board for a second driveway. Mr. Wade held discussion with the Board regarding the way his house is built on the property. He advised he would have designed it different if he knew about the driveway restriction. Mr. Wade advised they are at the end of a dead end street. Mr. Wade next advised that his wife, Michele Wade, is disabled and it would be a hardship for her without the second driveway. The Wades brought pictures of the property and provided same to the Board for review.

Mr. DegliAngeli advised the property is located on Grove Street Extension and explained the location and layout. There was a discussion with the Board regarding the layout and the hardship to Mrs. Wade and which driveway she would be using. Mr. Martin stated he would need to see proof of disability first before granting a second driveway otherwise others will be asking for second driveways as well. Mr. Hounsell suggested taking this matter under advisement otherwise we may have many requests for second driveways. Mr. Dickinson agreed he would need to see proof of a handicap before making his decision on supporting this request or not. Mr. Wade stated he understood and will send information to the Board regarding same. **Mr. Hounsell moved, seconded by Mr. Weathers, to continue this matter until we receive requested documents. The motion carried unanimously.**

#### CODE COMPLIANCE MATTER – RICHARD DAVIDSON

Mr. Sires suggested holding this matter in abeyance for ninety (90) days. The Board agreed to forego any action for ninety (90) days.

#### DISCUSSION OF WINTER ROAD MAINTENANCE PRACTICES

Mr. DegliAngeli discussed the procedures used in winter road maintenance. Mr. Drinkhall questioned areas to cut back and there was a discussion. Mr. DegliAngeli suggested if there is a decision to cut back the Board may want to hold a public hearing.

#### DISCUSSION OF LETTER FROM PENNICHUCK WATER COPORATION REGARDING LOCAL PROPERTY TAXES ON BIRCH HILL WATER SYSTEM IMPROVEMENTS

Mr. Sires reviewed a letter received from Pennichuck as well as memo from Assessor Tom Holmes regarding same. (See attached). **Mr. Hounsell moved, seconded by Mr. Dickinson, that we respond to Pennichuck through Donald Ware informing him that under no circumstance that would we endorse freezing property taxes.** Mr. Dickinson asked that the letter be copied to the Governor, Councilor Burton, State Reps, Birch Hill Water District, and North Conway Water Precinct. It was also suggested we should intervene on the PUC rate case. There was a brief discussion by the Board. **Mr. Dickinson withdrew his second and Mr. Hounsell withdrew his motion. Mr. Hounsell moved, seconded by Mr. Dickinson that the Town Manager draft a letter indicating that it is our opinion that there request is neither legal nor constitutional and would not be fair to the taxpayers of Conway and to copy this letter to governor and council, members of the General Court, Ray Burton, the appropriate person at the DES, North Conway Water Precinct Commissioners, Commissioners of the Birch Hill Water Precinct, and to further intervene with the PUC on this rate setting case. The motion carried unanimously.**

### TOWN MANAGER REPORT

Birch Hill/Letter to Governor – Mr. Sires distributed a draft letter prepared as per the Board's direction at the previous meeting to Governor and Council regarding the Birch Hill water system. The Board agreed to amend one sentence in the second paragraph and send same. **Mr. Dickinson moved, seconded by Mr. Drinkhall, to send the draft letter with attachments and with corrections. The motion carried unanimously.**

Fireworks – Mr. Sires distributed information giving a general overview of the regulatory process for fireworks use and briefly reviewed same with the Board.

MWVSTA – Mr. Sires distributed a draft agreement between the Town of Conway and the Mount Washington Valley Ski Touring Association for the Board to review. Mr. Sires advised this matter will be on the next agenda for consideration.

Tax Rate – Mr. Sires reported staff met with representatives from the DRA today to set the tax rate. The town will get the rate in the next week or so.

Health Insurance – Mr. Sires reported the Town received verbal communication from the health insurance carrier that rates are going up less than 1%.

### BOARD REPORTS AND COMMENTS

Snow Plowing and Removal – Mr. Drinkhall commented that he would still like everyone to consider snow removal and snow plowing when it comes to budgeting.

Mobile Home Inspections – Mr. Hounsell questioned if the town does inspections on residential mobile homes. Mr. Sires advised when a person has a home installed they are informed of the standards and other information, such as tie downs, etc, once the home is in place.

SAU Building – Mr. Hounsell reported there may be a plan to burn the SAU building for a exercise for the fire department. Mr. Sires questioned if they can legally be done and also questioned if we need to know the materials of the building etc. Also, there may be some impact to the abutters. Mr. Hounsell further stated he felt there should be a hearing to know if there are any impacts to the abutters and would like us to convey this information or that maybe we can have a future discussion on this matter. Mr. Hounsell stated he would also like to have a discussion on the future use of the building as he feels there may be a value to the building for the town. **Mr. Hounsell moved, seconded by Mr. Dickinson, that the Town Manager look into the legality of the Town taking property owned by the school district by eminent domain.** Mr. Weathers brought up costs for taking, renovating, maintenance, etc. There was brief discussion. **Mr. Dickinson moved, seconded by Mr. Weathers, to table the motion. The motion to table carried 3-2 (Messrs. Dickinson, Weathers and Martin in the affirmative and Messrs. Drinkhall and Hounsell in the negative).** Mr. Dickinson explained he thinks there is some benefit to thinking about this issue.

Snow Removal – Mr. Weathers stated his unofficial observations on snow removal are he thinks the town crew does an excellent job. He is out at night on fire calls etc and sees this. He also sees at times that the town roads are in better condition than the state roads.

Bypass Maps – Mr. Martin noted that the Bypass maps that have been displayed in the meeting room for many years have been taken down.

Election Day – Mr. Martin noted that Election Day is November 4, 2008 and that the polling place is at the new Kennett High School..

PUBLIC COMMENTS AND MEDIA QUESTIONS

There were no public comments or media questions.

NON PUBLIC SESSION: RSA 91-A:3,II(c)/TAX MATTER

At 5:45 p.m. **Mr. Drinkhall moved, seconded by Mr. Hounsell, to go into non public session under RSA 91-A:3,II(c) to discuss a tax matter.** Included in the non public session were, Town Manager, Earl W. Sires, Town Clerk/Tax Collector, Rhoda Quint, Recording Secretary, Karen Hallowell, and one citizen. **The motion carried by unanimous roll call vote.**

At 5:57 p.m., **Mr. Dickinson moved, seconded by Mr. Weathers, to come out of non public session. The motion carried by unanimous roll call vote.**

**Mr. Hounsell moved, seconded by Mr. Weathers, to seal the minutes of this non public session. The motion carried unanimously.**

ADJOURN

At 5:58 p.m. **Mr. Weathers moved, seconded by Mr. Dickinson, to adjourn the meeting. The motion carried unanimously.**

Respectfully submitted,

Karen J. Hallowell  
Executive Secretary