

**Minutes of Meeting  
CONWAY BOARD OF SELECTMEN**

June 21, 2011

The Selectmen's Meeting convened at 4:02 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen, C. David Weathers (Chair), Lawrence Martin, Howard C. Dickinson Michael DiGregorio and Mary Carey Seavey; 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.

APPROVAL OF AGENDA

**Mr. Dickinson moved, seconded by Ms. Seavey, to approve the 6/21/11 agenda. The motion carried 5-0-0.**

PRESENTATION BY NORTH CONWAY COMMUNITY CENTER/LAND  
EXCHANGE FOR PROPOSED NEW RECREATION FACILITY

Appearing for the North Conway Community Center was Burr Phillips, PE, of Civil Solutions, LLC; North Conway Community Center Board of Directors, Monika Belkin, Curt Dezter and Mark Miller; and North Conway Community Center Executive Director, Ryan Sommer. Also, present at the meeting from the Town of Conway were Public Works Director, Paul DegliAngeli, and Planning Director, Tom Irving.

Burr Philips distributed conceptual site layout plans for the North Conway Community Center to the Board and reviewed same. (See attached). Mr. Phillips stated they feel a land exchange makes sense as this is a road issue. He is before the Board today to see if they are receptive to the idea or not and understands that more details are needed to review before a final decision is made.

Mr. Phillips next reviewed the property boundaries for the North Conway Community Center, North Conway Country Club and the Town of Conway. Mr. Phillips explained there is also another piece of land that may be part owned by the Town of Conway but that they need to do a title search to determine if it is owned by the Country Club or the Town.

Mr. Phillips reviewed that one of the conceptual designs would encroach onto Town of Conway Land; however, if they acquire the piece land on the plan this would clear up a boundary issue. Mr. Phillips next reviewed a second conceptual design and explained they pulled the building up a little further so it would not encroach onto the land. However, they feel that a boundary line adjustment would clean up the lines.

Ms. Seavey questioned what the Town is doing with the piece of land now. Mr. Sires stated that it is recreational greenspace. The land is half owned by the Town of Conway and half by the North Conway Country Club. There was a brief discussion on the use of the property. Ms. Seavey stated this has been used by the North Conway Community Center and she would hate to see this as a blocking point for future purposes. Mr. Martin stated that, as it stands now, there is nothing that prohibits

citizens from using the land as it is jointly owned. He could only buy into this idea of a boundary line adjustment if there is an easement done on the property for public use and then maybe he would consider this matter. He does not want to see residents restricted from the area and we have to look at this as a whole for the Town of Conway. What protection would we have without an easement if this is turned over the North Conway Community Center, which is private. What is to say we would be able to use this in the future. Burr Phillips stated the idea is that the road pavement would go to the town and the land to the Community Center. Mr. Martin stated that right now people can go and freely use this area just as the Community Center has free use of it. If we do a swap, then the Town of Conway has no say as to what goes on there. He would like to see a guarantee that citizens can use this area. Monika Belkin stated that all citizens of the Town of Conway can come on the Community Center property any time they like. Mr. Martin stated he agrees but that we have to have it documented because 20 or 30 years from now when this Board has changed, someone can say they want a fee to use the property. Burr Phillips stated they could add some sort of restriction. Mr. DiGregorio questioned if there is anything in the North Conway Community Center Charter that states it is open to anyone. Monika Belkin stated there is nothing in the charter one way or the other. Mr. Detzer stated it probably says it is for the community, etc. Mr. DiGregorio stated it may be an unwritten policy but Mr. Martin wants to make sure this is for everyone to use in the future.

Mr. Weathers questioned if they are asking for our opinion on giving up this parcel of land in exchange for a road we have no problems with right now. Mr. Phillips reviewed the boundaries and roadway etc. Mr. DegliAngeli stated that under state law we have prescriptive easement to use the road. We don't have title to any roads. We would be giving up a piece of land for something we already have.

Mr. Martin stated the request would be no tax loss to the Town as we are not getting any revenue for it now. If it were a beach or some other large area to use it would be an advantage to hang on to it and he would say no; however, in looking at the big picture it is a benefit to a segment of the community to allow it to happen so long as there is some easement to allow it to continue to be used always by the public. He could probably support if this is the case.

Mr. DegliAngeli stated that in his 20 years with the town, this lot has come up for discussion 3 times for bathroom facilities. Ms. Seavey questioned if facilities are in the plans and if they are going to address the matter of public restrooms. Burr Phillips advised yes there will be public restrooms. Mr. Miller stated the restroom facilities will be open to the public when the North Conway Community Center is open. Burr Phillips questioned if there would be public restroom signs. Mr. Miller stated they could put signs and then reiterated the restrooms would only be open when the North Conway Community Center is open.

Mr. Phillips next questioned if the Board generally accepts the ideas presented today. Mr. Weathers questioned if they are expanding will they also have more parking spaces which will be a loss of greenspace as well. Mr. Phillip replied in the affirmative and advised they are adding a parking area for 40 cars. Mr. Weathers questioned if the 40 car parking is where there is currently greenspace. Mr. Phillips replied in the affirmative.

Mr. DiGregorio next stated that he is all for cleaning up the lot lines on the property. Mr. Martin questioned Town Planner, Tom Irving, if there was any this could

happen without the lot line adjustment. Mr. Irving stated that he has not seen the information that was distributed to the Board today; however, this could create issues under site plan review. Mr. Martin questioned if they would still have to meet greenspace requirements. Mr. Irving stated that if it is government uses on government land it is not subject to review; however this is not exclusively a government entity, they are a non profit, and they are subject to greenspace requirements. Mr. Sires questioned if they would not have to move the line on the second plan presented. Mr. Phillips stated from a planning perspective, the other plan keeps more greenspace up front. Ms. Seavey advised that she is in favor of greenspace up front, the lot line adjustment and, also, parking in the back. Mr. Martin questioned his fellow Selectmen if there was a property line adjustment –would they be comfortable with this so long as we have access to the property. Mr. DiGregorio questioned if they would have to put this on the plans. Mr. Martin replied in the affirmative.

Curt Detzer questioned if this would have to go before the voters. Mr. Sires advised this matter requires the review of the Planning Board and the Conservation Commission and, also, public hearings would have to be held. This would only have to go to town meeting if someone submits a petition requesting a vote on the matter.

Mr. Weathers advised he is not voting on this matter either way today. He would like to hear feedback from the public on the matter. The Board was next polled on their feelings on the matter. Ms. Seavey-yes; Larry Martin-yes but with restrictions; Crow Dickinson –yes; Mike DiGregorio – yes but with restrictions; and David Weathers abstained.

Mr. Phillips advised they will finish with the title searches and get the lines figured out, etc, and then come back before this Board to review. Mr. Martin suggested speaking the Town Planner we well and Mr. Phillips agreed.

Mr. Miller questioned if the Board would feel better if all land was open to the Town of Conway or just the piece of land in question. Mr. Martin stated he doesn't want to see us lose what we have but would go along with either.

#### DISCUSSION OF RIVER ROAD RECREATION AREA

Appearing before the Board were several representatives of local canoe liveries, Peter Gagne, Larry Manson, Steve Hurst, Paul Demecko, Steve Pelletier and Bob Tagliaferri

Mr. Weathers advised an informal meeting was held earlier today with several of the canoe livery representatives, the Town Manager, Earl Sires, and Public Works Director, Paul DegliAngeli, in the area of the precinct property on River Road.

Mr. Gagne stated that he and the other canoe livery representatives are here today to talk about a new river access for this coming summer on River Road. Mr. Gagne stated that he has always unloaded canoes, etc., on the south side of the road for 29 years –this was how to access the river. Mr. Gagne next advised that he spoke with David Bernier, Superintendent of the North Conway Water Precinct, and he has asked that them not to unload boats at this location any longer because of the new precinct building and asked instead that they use the north side where they took down the old building on precinct property. As everyone knows there is a parking issue at First Bridge and they are looking for some manner to drop off people and for the people

visiting the area as well. They are looking for a solution to this problem they keep bringing up but can't find one. Mr. Gagne next went on to state that Davie Bernier is allowing them to use the north side, but they are here today to see if we can come up with a plan for parking and access.

Mr. Sires stated that Peter is correct about some things however, the bigger picture is at Hussey Field. The outfitters have been there for many years, there are youth programs that take place at Hussey, sports, recreation, special events, etc. There is demands for fields and space in town. Hussey Field has a number of problems we need to look at over the next couple of months. Mr. Sires suggested that the Board of Selectmen create a committee to sit down over the next 6 to 9 months to try to work out a solution.

There was next a brief discussion of the landowners in the area, Town of Conway, North Conway Water Precinct, Joe Berry, etc. Mr. Sires pointed out that the town owns the land used for parking on the east side of the road. The Precinct owns the land where the pump house used to be. Mr. Sires suggested approaching the Precinct about consolidating the parking in this area.

Mr. Martin stated he felt the committee suggestion was a good idea and that we should involve the North Conway Water Precinct and the liveries. Mr. Martin next directed a question to the livery owners –If we come up with an idea, are they going to come forth an assist with what would need to be done. Mr. Gagne stated, speaking for himself, he would chip in and he realizes it would be an asset for the whole community. Larry Manson stated he thinks they are all in the same boat. Mr. Martin stated that he would have a problem with the taxpayer bearing the cost of any fix. Ms. Seavey stated that as a resident of the Town she uses this area and she would like to sit on the committee if one is formed. The businesses need this and we as a community do too.

Mr. Weathers stated he is hesitant about Hussey Field as thousands have been spent on this area. This area does flood and major damage can occur. However, the upper level may be okay to use if we can work out something on this, but this is down the road. Mr. Weathers next discussed a telephone call received from a citizen who had concerns when trying to access the area. Mr. Weathers stated we need to balance the public need and the business need.

Mr. Martin suggested that both Mary Seavey and David Weathers be on the committee that is formed for this matter. **Mr. Martin moved, seconded by Mr. DiGregorio, that we form a committee to look into the Saco River access on River Road for the liveries and the general public.** Mr. Sires pointed out that we do also have other issues with Hussey Field and so long as this is understood when trying to work out a solution. All agreed. A vote was taken on the motion and the **motion carried unanimously.** Mr. Martin reiterated he would like to see Ms. Seavey and Mr. Weathers sit on the committee. All agreed.

Mr. Sires next questioned Mr. Gagne if he felt everything was straightened out for this year. Mr. Gagne replied in the affirmative and stated he spoke with David Bernier and they just don't want them to use the south side, they have to use the north side.

**Mr. Martin moved, seconded by Ms. Seavey, that we direct staff to put the committee together to look into the motion we just passed and to note that Mary Seavey and David Weathers are will to serve.** Mr. Martin further added that the

committee should include three livery people, Paul DegliAngeli, Earl Sires, John Eastman and a member of the North Conway Water Precinct. All agreed. Mr. DegliAngeli questioned when a report would be due from the committee. Mr. Sires suggested the committee convene in September and report back in May. The Board agreed. Mr. Martin further pointed out that the understanding is everyone is all set for this year. **The motion carried unanimously.**

Mr. Gagne next questioned if they can get a special use permit to use Hussey Field on Saturdays only if they have someone there to monitor traffic. They want to be able to get in that area and Saturday is the day they are sold out and it is crazy at First Bridge. Mr. Weathers stated he would not be in favor of this idea. Brian Hussey needs to get the hay off the field and, also, the area can get muddy. He is not in favor of any vehicles in that area. Mr. Gagne stated that if they used the field on Saturday it could be checked on Sundays. Ms. Seavey questioned how close to the precinct land they could come in off the road to minimize any potential damage. There was brief discussion on the size of the area. Mr. Weathers stated this is a scenic sodded area and could easily be damaged. He could not go back to the voters and ask for money for this again. Mr. Martin questioned if we can let them have time in the morning. Mr. Sires stated they have talked with the precinct about loading and unloading and what they are asking for now is to be able to turn around and get out. Mr. Martin stated he supports their endeavors discussed earlier but cant support this because the closer you get to the river the more chance of damage. Foot traffic is okay. Mr. Gagne stated they are trying to get off of River Road and they just want to circle to get more vehicles off the road. Mr. DegliAngeli stated there was discussion of room to create a boat unloading area and it was agreed there is not enough parking in the area. Also, there is too many people at this location and at some point there will be too many people on the river as well. Mr. DegliAngeli further stated that if and until we get the land from the precinct, they have a sketch for an unloading area. However, he thinks this would be best served to collect their money for two hours of time and schedule a detail. With the traffic there should be a police presence. There are crowds, bridge jumpers, vans, trailers, etc. If they can have the field for two hours they can get clients unloaded quickly and be on their way. If there was police at the location at a certain time on Saturday an officer could be required and the liveries would have to pay for same. Mr. Sires stated he doesn't think the idea of a police detail is a bad idea; however, when we say the area can only be used at a certain time for businesses, the public may have a problem with this idea. The area would have to be used by all –businesses and the public.

There was further discussion regarding the drop off area, signage, etc. Mr. DiGregorio pointed out that a committee was just formed and he feels these issues should move to the committee. We need to see maps, ideas, parking lots, etc. Mr. DiGregorio further pointed out that we cant put signs up in the area for no parking on the North Conway Water Precinct property because we don't own it. Mr. Weathers stated we need to work on all this with the North Conway Water Precinct, etc and discussion can be held regarding this matter in the fall.

#### DISCUSSION OF NON PRECINCT FIRE AGREEMENT

Mr. Sires reviewed a copy of the current Non Precinct Fire Agreement which will expire next year for review. Mr. Sires stated the current agreement seems to have been working fine and there have been no complaints on the formula. **Mr. Martin moved, seconded by Ms. Seavey, that we continue with the Non Precinct Fire Agreement as written.** Mr. Sires suggested writing letters to both the precincts

informing them the Town is willing to continue with the Agreement and get their responses. Mr. Sires further advised this needs to be presented to voters at town meeting if it is to be a five year contract again or the Board could do a rollover agreement year to year without permission. **Mr. Martin amended the motion, seconded by Ms. Seavey, that we continue with the Non Precinct Fire Agreement as written and, further, to write letters to the Conway Village Fire District and the North Conway Water Precinct informing them we are willing to do this and get their responses. The motion carried 5-0-0.**

#### DISCUSSION OF ADDITIONAL MOTORCYCLE PARKING

Mr. Martin requested this agenda item be continued to the next Board meeting scheduled for July 12, 2011. The Board agreed.

#### APPOINTMENT TO CONSERVATION COMMISSION

Mr. Sires reviewed that the Conservation Commission has recommended the appointment of Larry Huemmler. **Mr. Martin moved, seconded by Mr. Dickinson, to appoint Larry Huemmler to the Conservation Commission for a one-year term. The motion carried unanimously.**

#### UPDATE ON SALE OF GROVE ST PROPERTY

Mr. Sires reported he received a notarized release from the prior owner of the Grove Street property (Map/Lot 219-170). The notarized release states he does not wish to repurchase the property and this clears the way for the town to finish the sale of the property. Mr. Sires next reported that we have notified the real estate agent that the buyer should do their due diligence and proceed as necessary. Mr. Sires advised that we are obligated to give the property owner any monies we receive over and above the taxes owed, interest, expenses, etc., from the sale. Mr. Sires next stated that we expect to close on the property in approximately 30-40 days.

Mr. Martin commented this was a learning process and that he thinks that staff did a wonderful job.

#### SIGNING OF DOCUMENTS

- a. Abatement Map/Lot 275-48
- b. Permit to Sell Raffle Tickets/Bernese Mtn Dog Club of Nashoba Valley/Bernese Education & Rescue of New England – Drawing 9/10/11

**Mr. Martin moved, seconded by Mr. DiGregorio, to approve the Abatement Map/Lot 275-48 and the Permit to Sell Raffle Tickets/Bernese Mtn Dog Club of Nashoba Valley/Bernese Education & Rescue of New England – Drawing 9/10/11. The motion carried unanimously.**

#### RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

- a. Manifest dated 6/16/11
- b. Payroll dated 6/16/11
- c. Notice of Intent to Cut Wood or Timber Map/Lot 243-12

**Mr. Martin moved, seconded by Mr. Dickinson, to ratify the documents signed out of session as follows: Manifest dated 6/16/11, Payroll dated 6/16/11 and, Notice of Intent to Cut Wood or Timber Map/Lot 243-12. The motion carried unanimously.**

CONSIDERATION OF BILLS

a. Manifest dated 06/23/11

**Mr. Martin moved, second by Mr. DiGregorio, to approve the manifest dated 6/23/11. The motion carried unanimously.**

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

- a. American Legion Post 46/Summer Carnival 7/28-7/31/11 – application withdrawn
- b. The River Church/White Mountain Car Club/Classic Car Show 7/9/11
- c. Ski & Snowboard Outlet/Annual Ski and Snowboard Sale 8/8/11-8/21/11
- d. Kennett Hockey Duck Derby/4<sup>th</sup> Annual Duck Derby 9/10/11

Mr. Weathers advised the Special Event Application submitted by the American Legion Post 46 for the Summer Carnival from 7/28 to 7/30/11 has been withdrawn by the applicant. There was no action taken by the Board on this application.

**There was next brief review of the Special Event Applications for consideration today. Mr. Martin moved, seconded by Mr. DiGregorio, to approve the Special Event Application for The River Church/White Mountain Car Club/Classic Car Show scheduled for 7/9/11, the Special Event Application for Ski & Snowboard Outlet/Annual Ski and Snowboard Sale scheduled for 8/8/11-8/21/11, and the Special Event Application for the Kennett Hockey Duck Derby/4<sup>th</sup> Annual Duck Derby scheduled for 9/10/11. The motion carried unanimously.**

CONSIDERATION OF MINUTES OF 6/7/11

**Mr. Martin moved, seconded by Mr. DiGregorio, to approve the minutes of 6/7/11 as written. The motion carried unanimously.**

TOWN MANAGER REPORT

CDBG Meeting – Mr. Sires reported he will be in Concord most of the day on Thursday, June 23, 2011 attending a meeting of the Community Development Block Grant Board.

Abenaki Encampment – Mr. Sires reported he will be meeting with an historian on Friday, June 24, 2011 regarding the Abenaki Encampment. He will be talking with him about completing the interpretive panels for the site.

BOARD REPORTS

Next Meeting - Mr. Martin reviewed the next meeting of the Selectmen is not until July 12, 2011.

4<sup>th</sup> of July – Mr. Martin questioned if the 4<sup>th</sup> of July parade will embark from its normal location in Conway Village this year. Mr. Sires advised it will and, also, there is information regarding 4<sup>th</sup> of July activities on the town web page. Mr. Martin next questioned if the Board is going to participate in the parade as they have done in the past. There was brief discussion regarding trying to put something together for the parade. Mr. DiGregorio advised that he would be out of town.

Legislative Update – Mr. Dickinson reported the Governor vetoed SB3, the retirement bill, but a good many of the provisions in that bill have been put into SB2, which is the budget and this will be decided on tomorrow. Also, it turns out the house and senate are projecting an annual deficit to June 31 this year.

Around the Statehouse Program – Mr. Dickinson reported that on Friday, June 24, 2011 there will be an Around the Statehouse program on Channel 3 at 7 pm if anyone wants to hear additional information about what is going on in Concord.

Channel 3 – Mr. DiGregorio reported an invitation was extended to the Madison Board of Selectmen to come before this Board to discuss Channel 3; however, they have a scheduling conflict.

Budget Committee – Mr. DiGregorio advised the Budget Committee met recently to discuss the school budget; however, he did not attend the meeting. Erik Eisele of the Conway Daily Sun stated that the Budget Committee approved unanimously what the school has asked for.

Flags – Ms. Seavey stated that she feels this Board should look at forming a committee regarding flags being up for Memorial Day, Fourth of July, etc.

Conservation Commission – Mr. Weathers reported the Conservation Commission will not be holding a meeting in July. The next monthly meeting of the Conservation Commission will be held in August.

#### PUBLIC COMMENT

There were no public comments or media questions.

Mr. DiGregorio left the meeting at 5:37 p.m.

#### NON PUBLIC SESSION: NH RSA 91-A:3,II (C) –TAX MATTER

At 5:39 p.m. **Mr. Martin moved, seconded by Mr. Dickinson, to go into non public session under NH RSA 91-A:3,II (c) to discuss a tax matter.** The non public session included Town Manager, Earl Sires, Tax Collector, Rhoda Quint, Recording Secretary, Karen Hallowell, and one citizen regarding a tax matter. **The motion carried by unanimous roll call vote.**

At 5:48 pm the Board returned to public session.

**Mr. Martin moved, seconded by Ms. Seavey, to seal the minutes of the non public session. The motion carried unanimously.**

ADJOURN

At 5:50 p.m. the meeting adjourned at the call of the Chair.

Respectfully submitted,

Karen J. Hallowell  
Executive Secretary