

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN**

March 27, 2012

The Selectmen's Meeting convened at 4:00 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen, C. David Weathers (Chair), Michael DiGregorio, Howard C. Dickinson, and Mary Carey Seavey; Town Manager, Earl W. Sires and Recording Secretary, Karen Hallowell.

Selectman, Lawrence Martin, was not in attendance.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Mr. Weathers advised of one addition to the agenda under Signing of Documents the following will be added as item "m": MS-5 Financial Report of the Town Budget-Year ending 2011.

Mr. Dickinson moved, seconded by Mr. DiGregorio, to approve the agenda. The motion carried 4-0-0.

PUBLIC HEARING TO DISCUSSED PROPOSED CHANGES TO CHAPTER
113/SOLID WASTE OF THE CODE OF THE TOWN OF CONWAY (2ND PUBLIC HEARING)

Mr. Weathers reviewed this is the second public hearing regarding proposed changes to Chapter 113/Solid Waste Ordinance for the Town of Conway as required by the ordinance. Mr. Sires next reviewed the proposed changes as stated in the public hearing notice. (See attached).

Coleen Cormack and Stacy Sand of the Lower Mount Washington Valley Solid Waste District (LMWVSWD) joined the meeting.

Mr. Weathers opened the public hearing at 4:05 p.m.

Ms. Cormack first gave an overview of the LMWVSWD. Ms. Cormack next stated that a subcommittee of the LMWVSWD has been working on the issue of the dump store. She has also been working on a list of non profits in the area and what they accept, hours of operation and phone numbers. Ms. Cormack distributed a list for the Board's review. Ms. Cormack next reviewed discussion held at the previous public hearing. Ms. Cormack next stated she recommends closing the dump store on a temporary basis to work on the issues with the dump store. Ms. Cormack stated she hopes the Board of Selectmen will move forward in support of their efforts rather than ending the dump store altogether. Ms. Cormack further added she hopes if the Board of Selectmen do support their ideas, they will set up a brainstorming session with members of the public. Ms. Cormack next advised a date has been scheduled for this session on Monday, April 2, 2012 at the Conway Café, subject to the vote of this Board. Mr. Weather advised there isn't any plan to take an official vote on this matter today. Ms. Cormack next advised that attending the meeting would be the MWV Green Team, For Our Kids

Recycling, HE Bergeron, Cormack Builders and anyone else willing to help and attend the meeting from the public. She would also like to invite Paul DegliAnglei and employees of the transfer station as well as their input would be valued.

Barbara Holt advised she supports what the LMWVSWD has come up with. She is from the Town of Eaton, and they use the dump and dump store. She has read in the paper that items for the dump store aren't getting to the people who need them and she feels the use of the dump store is to recycle and she doesn't mind if people use it for income purposes.

Barbara Bloomberg advised she lives in Conway. Ms. Bloomberg advised that she has spent time at the dump and took a petition around that 70 people signed regarding the dump store. Ms. Bloomberg advised that only about 7 people she spoke with would not sign the petition. Ms. Bloomberg next read aloud the petition to the Board and provided a copy of same (see attached). Ms. Bloomberg next advised she had people enthusiastic to sign the petition. Others understood the issues and still signed the petition. Other people discussed and understood the problems, i.e., safety, etc. Ms. Bloomberg stated she felt that the image of the dump store could change by calling it the "Still Good Store" instead.

Joe Ferris advised that he represents the Albany Board of Selectmen. The Albany Board of Selectmen expressed concern over the dump store closing. Mr. Ferris stated it is an added benefit to the community and many people from Albany use it. Also, recycling keeps things out of the landfill.

Peter Close advised he is from the Town of Eaton. Mr. Close stated it might be worth it to hand count the people interested in keeping the dump store open present at the meeting today. Mr. Close stated he thinks the people here today are here to keep it open. Mr. Close asked for a show of hands and approximately 15 hands were raised in favor and one hand not in favor.

Mr. Weathers stated he sees the value of the dump store but we still have the issue of liability. The Town is not going to hire someone to police the dump store. During summer hours at the dump store it can be very interesting as there are people taking things out of your car, etc. We have talked about changing the location, etc, however this is congested already and to put people milling around in the parking area would not be a good idea and he does not see this happening either. Mr. Weathers further added it isn't just the value of recycling as everyone agrees we should keep things out of the landfill, but we have to think about safety, being sued, etc.

Bob Barriault of Conway stated his concern is if you have a few who are abusing the privilege, then you should address this situation. Take away their pass to the Transfer Station and then they can't abuse it. Mr. Weathers stated we would need to change the ordinance for this as well.

Bill Marvel of Conway stated when asked earlier if he was opposed to keeping the dump store open he raised his hand, but this is not really accurate. Mr. Marvel explained that although he is radical in his recycling efforts and goes to the dump store, he is ready to ascent to the Board's decision to close because of the obvious problems regarding liability, problems for the employees, etc. Also, much of the material left at the dump store goes into the landfill anyway. Mr. Marvel stated he was enthusiastic when Ray Leavitt started this effort years ago and, also, with the Board of Selectmen's efforts with recycling and just wanders when the Board of Selectmen is going to shut this down as they have been talking about this for a while.

Stacy Sand stated she would like to reiterate that she feels we should temporarily shut the dump store down while trying to find a solution to the serious issues that have been brought up. She is willing to keep working on these issues with citizens and others. Ms. Sand stated she feels we need to put ideas on the table and see how they come together. Ms. Sand next stated she would appreciate the Board of Selectmen voting to allow the subcommittee to work on this and then make a decision on the permanent closure or not.

Erik Eisele questioned how much the lawsuits cost the town. Mr. Sires explained we are part of an insurance pool and the rates are based on experience. The payment for the lawsuit is paid out by the insurance company. Other costs include staff time to spend at meetings regarding the lawsuit with attorneys, etc. Mr. Sires next stated that we talked about liability but safety is the issue. We have had incidents where people sue and some don't. Also, with repeated notice given to the town that it is not safe with incident reports and lawsuits, it is tough for us to continue to take a laissez-faire attitude. Further, we have had reports that ammunition, alcohol, chemicals, etc have been left at the dump store and this is of great concern.

Mr. Sires next advised that he did do research in other communities and some have dump stores that are only open in good weather and not full time and almost always they are staffed –sometimes by volunteers and sometimes by paid employees. If we are going to keep the dump store open we have to figure this out and if we want to use taxpayer money to staff it.

Mr. DiGregorio stated that recycling is paramount for him. Prior to the last meeting he was ready to shut the dump store down. Also he felt that people were coming in to the dump store and taking things to make money but it was pointed out to him that the intent was to get things out of the recycling stream.

Mr. DiGregorio next stated that lots of people are accosted when they go to the dump store and he is curious of people's concerns about this as he, himself, was accosted and he did not like the experience. Janet Brigham of Eaton advised that she has had things taken from her car but didn't mind as she was glad she didn't have to carry the items. Coleen Cormack stated that some people feel uncomfortable with the situation and will avoid using the dump store.

Ms. Cormack stated the issues of safety should be addressed all around with regard to the dump store, the metals pile, etc. Safety and liability are definitely on the list of things they would like to discuss.

Ms. Seavey stated she is all for recycling but has concerns regarding the building. Hopefully people on the committee can come up with ideas to make this better.

Maury Geiger stated if he wants to abandon something in the dump store then he has abandoned the item. His feeling is that whoever receives the chattel and returns it to the mainstream takes ownership. Mr. Geiger stated he feels some of the issues could be handled with signage. Also, things that would concern him include broken glass, etc, and this may be solved by keeping things off of the floor. He also has concerns as sometime you see children rummaging in the store.

Ms. Cormack stated she feels there was a time when the dump store worked and that we can get it to work again.

Mr. Weathers next questioned if anyone had comments on the other proposed changes to Chapter 113/Solid Waste Ordinance. There were no questions or comments.

Mr. Weathers closed the public hearing at 4:38 p.m.

PEQUAWKET DRIVE PUMP STATION SITE

Mr. DegliAngeli distributed a map regarding the proposed Pequawket Drive pump station site. (The property is located on Pequawket Drive opposite I Street). The CVFD is designing sewer for this part of town and this lot is owned by the Town of Conway. The CVFD is asking if the Board of Selectmen will give them an easement to use this lot. Mr. DegliAngeli next reviewed it is not known if this project will happen yet. This project is definitely not something we will see in the next three to five years, but sometime thereafter. They are designing this project now for the future.

A Board member questioned if the lot was unbuildable, then how will they build a pump station on it. Mr. DegliAngeli explained that the reason it may have been unbuildable was due to septic. Many of the lots may be buildable if they had sewer instead.

Mr. Sires further reviewed that the Town also started acquiring lots on the pond as a buffer. Mr. Weathers added that the Conservation Commission is interested in maintaining a buffer as a benefit to the pond.

There was next a discussion on the lot, setbacks, buffers, the water table, etc. Mr. DiGregorio questioned if the town would sell or lease the land to them. Mr. Sires advised if it would be a multi year lease this requires action of town meeting. If we are transferring this, we would go through the process of asking the Conservation Commission and Planning Board for recommendations and then hold public hearings. The easiest thing to do would be to give them an easement in perpetuity. Mr. Sires stated if the Board would like to proceed we could begin the process of the disposition of the property right. **Mr. DiGregorio moved, seconded by Mr. Weathers, to begin the process of disposition of the property right with a referral to the Planning Board and Conservation Commission and then public hearings.** Mr. DiGregorio questioned why we wouldn't support this matter to get septic systems away from the lake. He understands this is a ways away but the design is still going forward and if funding comes through the project has a chance. **The motion carried 4-0-0.**

UPDATE ON SUMMER ROAD PROJECTS

Public Works Director, Paul DegliAngeli, reviewed projects scheduled with the North Conway Water Precinct and the Conway Village Fire District. Mr. DegliAngeli also reviewed town paving project and information regarding the solid waste department expansion with the Board.

Mr. Sires next distributed a memo regarding East Conway Road to the Board and reviewed same. (See attached). Mr. DiGregorio stated he is not opposed to the \$10,000 because this will get this on paper for the survey. Mr. Weathers questioned if this is for a survey and design. Mr. DegliAngeli stated a survey and borings. This amount would get to the point of what work has to be done and where but it is not the final design. Mr. DiGregorio stated he felt if we start this it will indicate we are leaning toward the split in costs and then the state may not help. Mr. Sires advised he spoke with State Representative, Karen Umberger, and also forwarded a copy of the memo presented today to Representative Umberger and Chandler. Mr. Sires next advised that if the Board does not feel compelled to answer back yet –then let the legislators kick things around for a while. Ms. Seavey stated if we do move forward, where will the \$10,000 come from. Mr. Sires explained this could come out of the Capital Reserve Fund or we could program it in as extra money next year, but this year it could

be done out of the capital reserve fund. Mr. DiGregorio stated the reality is the road didn't just start falling apart; the reality is the state has never done anything with East Conway Road. Mr. DiGregorio stated he doesn't feel we have to do anything on this tonight and we should let our representative's work on this matter. This is what we have hired the Representatives to do and we should let them go do it.

DISCUSSION OF ACCEPTING LOTS IN TRANSVALE

Mr. Sires reviewed there are a number of things going on that will ultimately lead to the town owning lots in Transvale through the buyout program. When the town gets the lots they will just sit there. There also may be other situations where owners will just leave lots to the town. Further, there may also be legal issues with getting people to remove structures. Mr. Sires next advised there may be a list of approximately 12 properties coming before the Board in the future but it may be as many as 15. We are also trying for other funds to help property owners who don't qualify for this particular program.

Mr. Sires next advised that he talked with the Transvale Homeowner Association President and he assured that the town wouldn't be assessed or liable for paying homeowner association dues because there is no demand for services on an empty lot.

Ms. Seavey questioned if something could be discussed to get remaining lots at reduced rates. Mr. Sires stated this is something the Board could discuss in the future.

DISCUSSION OF VALLEY VISION EQUIPMENT NEEDS

Mr. DiGregorio reviewed an equipment list for Valley Vision with the Board. (See attached). Mr. DiGregorio pointed out on the list there is no figure for cables. The figure for this is \$1,000. Also the price for each location is \$7319 and if you add this all up the total figure is \$15,638. This was all in the original budget. This will put up permanent cameras at sporting events. **Mr. DiGregorio moved, seconded by Ms. Seavey, to approve expending \$15,638 out of the PEG Reserve Fund for the purchase of this equipment for the Ham Arena and Kennett High School. The motion carried 4-0-0.**

SIGNING OF DOCUMENTS

- a. Permanent Application for Property Tax Credit/Exemption Map/Lot 202-162
- b. Permanent Application for Property Tax Credit/Exemption Map/Lot 214-65
- c. Permanent Application for Property Tax Credit/Exemption Map/Lot 225-38
- d. Permanent Application for Property Tax Credit/Exemption Map/Lot 234-22-024
- e. Permanent Application for Property Tax Credit/Exemption Map/Lot 234-39
- f. Permanent Application for Property Tax Credit/Exemption Map/Lot 240-18
- g. Permanent Application for Property Tax Credit/Exemption Map/Lot 254-29-038
- h. Permanent Application for Property Tax Credit/Exemption Map/Lot 262-22
- i. Permanent Application for Property Tax Credit/Exemption Map/Lot 263-79
- j. Permit to Sell Raffle Tickets/Rotary Club of N Conway/Drawing 5/19/12
- k. Permit to Sell Raffle Tickets/White Mountain Waldorf School/Drawing 4/27/12
- l. Permit to Sell Raffle Tickets/Memorial Hosp/American Cancer Society/Drawing 5/30/12
- m MS-5 Financial Report of the Town Budget-Year ending 2011

Mr. Dickinson moved, seconded by Mr. DiGregorio, to approve and sign the Permanent Application for Property Tax Credit/Exemption Map/Lot 202-162, Permanent Application for Property Tax Credit/Exemption Map/Lot 214-65, Permanent Application for Property Tax Credit/Exemption Map/Lot 225-38, Permanent Application for Property

Tax Credit/Exemption Map/Lot 234-22-024, Permanent Application for Property Tax Credit/Exemption Map/Lot 234-39, Permanent Application for Property Tax Credit/Exemption Map/Lot 240-18, Permanent Application for Property Tax Credit/Exemption Map/Lot 254-29-038, Permanent Application for Property Tax Credit/Exemption Map/Lot 262-22, Permanent Application for Property Tax Credit/Exemption Map/Lot 263-79, Permit to Sell Raffle Tickets/Rotary Club of N Conway/Drawing 5/19/12, Permit to Sell Raffle Tickets/White Mountain Waldorf School/Drawing 4/27/12, Permit to Sell Raffle Tickets/Memorial Hosp/American Cancer Society/Drawing 5/30/12, and the MS-5 Financial Report of the Town Budget-Year ending 2011. The motion carried 4-0-0.

CONSIDERATION OF BILLS

a. Manifest dated 3/29/12

Mr. DiGregorio moved, seconded by Ms. Seavey, to approve and sign the manifest dated 3/29/12. The motion carried 4-0-0.

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

- a. Manifest dated 3/22/12
- b. Payroll dated 3/22/12

Mr. Dickinson moved, seconded by Mr. DiGregorio, to ratify the Manifest and Payroll dated 3/22/12. The motion carried 4-0-0.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

There were no special event applications for the Board to consider.

CONSIDERATION OF MINUTES: 2/28/12 & 3/13/12

Mr. DiGregorio moved, seconded by Ms. Seavey, to approve the minutes of 2/28/12 and 3/13/12 as written. The motion carried 4-0-0.

TOWN MANAGER REPORT

Transvale/Buyout Program – Mr. Sires reported we are getting the grant applications finalized. We just found out we need additional forms signed by the participants and hopefully these will be in in a week or two. Also, we are working on getting CDBG funds and a Public Hearing was scheduled for next week however, the CDFA has spent all of the funds for this round. We will be reapplying for CDBG funds in the next round.

Town Report – Mr. Sires reported the Town Report will be available no later than April 2, 2012. The Town Report will be available at various locations around town. The Town Report is also available on line on the Town's web page at this time.

Tour of Outdoor Town Facilities – Mr. Sires advised he and staff have toured outdoor town facilities. In Schouler Park, the boards are down for the ice rink. Also, the grass is not in good condition in Schouler Park. Mr. DiGregorio commented that football, etc., was hard on the grass this season. Also, there is talk about holding practice there and he does not think this is a good idea. Mr. Sires advised he will speak to John Eastman about this. Mr. Sires next reported that they have also toured Hussey Field and to look at the work done to clean up

debris from Tropical Storm Irene. Mr. Sires further advised he has a meeting with Dorothy Lindblade in the near future to tour the field with her as well. We want to make sure she is happy with what has been done so they are able to hold their annual event. Mr. Sires next reported that with regard to Davis Park, the Town will be doing some work to make it safer and easier to get down to the beach.

Road Bans – Mr. Sires reported the roads are drying out but the road bans are still in effect.

BOARD REPORTS AND COMMENTS

North Conway Community Center/Public Hearing – Mr. DiGregorio questioned when the public hearing regarding the Boundary Line Adjustment request by the North Conway Community Center is scheduled. It was advised the public hearings are scheduled for April 3 and April 17, 2012.

PUBLIC COMMENTS AND MEDIA QUESTIONS

There were no public comments or media questions.

ADJOURN

At 5:48 p.m. the meeting adjourned without objection at the call of the Chair.

Respectfully submitted,

Karen J Hallowell
Executive Secretary