

**Minutes of Meeting**  
**CONWAY BOARD OF SELECTMEN**

February 26, 2013

The Selectmen's Meeting convened at 4:20 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen, C. David Weathers (Chair), Michael DiGregorio, Howard C. Dickinson, Mary Carey Seavey and Stacy Sand, Town Manager, Earl W. Sires and Recording Secretary, Holly Meserve.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

**Ms. Sand moved, seconded by Ms. Seavey, to approve the agenda by moving item #6 to before item #5. The motion carried unanimously.**

PUBLIC HEARING: TO RECEIVE PUBLIC INPUT ON THE TOWN OF CONWAY  
ACQUIRING LAND FROM PRIVATE CITIZENS AS FOLLOWS: TAX MAP/LOT #250-185,  
250-197, 251-6, 251-76, 251-77, 251-80, 251-81, 251-93, 251-101, 251-108, 251-110,  
251-119, 251-136, AND 251-138

Mr. Weathers opened the public hearing at 4:22 pm. Mr. Sires stated that a public hearing is required by State law anytime the Town intends to sell or acquire land. Mr. Sires stated that input from the Conway Conservation Commission and the Conway Planning Board is required as well. Mr. Sires stated that these are lots in Transvale Acres that may be purchased by the Town that are in the floodplain and floodway.

Mr. Sires stated that we have received the funding from FEMA and a block grant; we are now waiting for the fiscal committee, who meet next week, to approve the state funds. Mr. Sires stated that this is a voluntary program and the owners are not compelled to do this. Mr. Sires stated that this is not a taking.

Mr. Sires stated the property listed under item #6, Tax Map 251-136, was in the buyout program; however, it was foreclosed upon and taken by a bank. Mr. Sires stated that the bank has removed all structures and has offered to pay any back taxes and give the land to the Town; this would take the property out of the buyout program.

Ms. Sand asked if Tax Map 251-136 should be removed from this list as this is about acquiring land from a private citizen. After a brief discussion, it was determined to take it out of the buyout program list and hold a public hearing to receive the land.

Mr. Weathers asked for public comment; Richard Carruthers, owner of Tax Map 251-138, stated that he has a contract with FEMA and the Town and he wanted to make sure this is for perpetuity. Mr. Weathers stated that was how it was given to the Planning Board and the Conway Conservation Commission. Mr. Sires stated once the Town acquires the land we will commit to open space.

Mr. DiGregorio asked if they could turn it into agricultural space. Mr. Sires stated he did know what the details of undeveloped are as some programs allow you to work with nature programs; he will look into it. Mr. Weathers closed public at 4:28 pm.

DISCUSSION OF OFFER OF GIFT OF LAND AT  
94 BAY RD, CONWAY, TAX MAP/LOT 251-136

Mr. Sires stated Wells Fargo Bank foreclosed on this property, has removed all of the structures and are now offering to give it to the Town. Mr. Sires stated there is also another private owner whose children would like to offer their lot to the Town as well. Mr. Sires stated that Wells Fargo would pay all back taxes; however, the other parcels taxes are paid through 2012 and 2013 taxes would only be approximately \$60. Mr. Sires stated that this other lot is located between two lots in the buyout program.

**Ms. Sand moved, seconded by Mr. Dickinson, to start the process for the acceptance of gifts of land of Tax Map 251-109 & 136. The Motion carried (5-0-0).**

CONSIDERATION OF A REQUEST FOR AN ACCESS EASEMENT  
BY THE NORTH CONWAY COMMUNITY CENTER

Mr. Weathers stated there have been two public hearings on this so far. Mr. Weathers asked if we have seen the easement. Mr. Sires answered in the negative, but the Board could approve contingent upon easement. Mr. Weathers stated he was not comfortable until we see the easement. **Mr. DiGregorio moved, seconded by Ms. Sand, to approve subject to final review by the BOS of the easement language. The Motion carried (5-0-0).**

DISCUSSION OF NH DIVISION OF REVENUE REVIEW  
OF TOWN OF CONWAY ASSESSING PRACTICES

Tom Holmes appeared before the Board. Mr. Sires referred to a letter from the DRA dated February 21, 2013. Mr. Holmes stated that the DRA has reviewed his assessing practices and that his assessed values are close to market value. Mr. Holmes stated there would be a full reevaluation in 2014 to see if everything is still at market value or if it needs to be adjusted.

Mr. DiGregorio asked about the view tax. Mr. Holmes stated it was upheld; but the view is part of the assessment, there is not a separate view tax. Mr. Sires stated the view is a component of a situation at a home. Mr. Holmes stated Conway has been taxing the view since before his employment. Mr. Sires stated it is an amenity that adds to the value of the property. Ms. Seavey asked if a definition of view tax exists. Mr. Holmes answered in the negative, but we have information on how we assess views and why.

SIGNING OF DOCUMENTS

- a. Notice of Intent to Cut Wood or Timber Tax Map/Lot 255-9
- b. Tax Abatement Map/Lot 215-24 (2010)
- c. Tax Abatement Map/Lot 215-24 (2011)
- d. Tax Abatement Map/Lot 215-24 (2012)
- e. Tax Abatement Map/Lot 230-51 (2011)
- f. Tax Abatement Map/Lot 230-51 (2012)
- g. Tax Abatement Map/Lot 235-35 (2012)

Mr. Holmes stated that we have settled all court cases against his department. **Ms. Sand moved, seconded by Mr. DiGregorio, to sign the Notice of Intent to Cut Wood or Timber for Tax Map/Lot 255-9 and the Tax Abatement for Map/Lot 215-24 (2010), Tax Abatement Map/Lot 215-24 (2011), Tax Abatement Map/Lot 215-24 (2012), Tax Abatement Map/Lot 230-51 (2011), Tax Abatement Map/Lot 230-51 (2012), and Tax Abatement Map/Lot 235-35 (2012). The motion carried (5-0-0).**

#### REVIEW OF NHDOT'S PROPOSAL TO DISCONTINUE STATE MAINTAINED STREETLIGHTS

Mr. Sires stated we were notified that NHDOT is looking at decommissioning street lights. Mr. Sires stated that they are looking at reducing lights at four major intersections; Route 112/16 (three off, 2 on); Route 113/302 (five off, one on); North South Road/Eastman Road (four off, one on); and Burger King/Route 16/302 (shut off the one light). Mr. Sires stated there is a meeting scheduled March 15<sup>th</sup> in Lancaster.

Mr. DiGregorio stated that we did what we could to leave lights on at the intersections for safety; some of these are going to be pretty dark and have a long history of accidents. Mr. DiGregorio asked if the Town plans on attending; possibly consider LED lights. Mr. Sires stated that he would attend. Mr. Weathers stated we should get information from the Police and Fire Departments. Mr. Sires stated that he would obtain the accident data for those intersections.

Ms. Seavey stated that these are major intersections and don't think any are over lit; think they should look at alternative lighting. Ms. Sand stated that they are looking at reducing the lighting, not to remove all the lights. Ms. Sand stated that cars have headlights; her concern is for non-motorized traffic. Ms. Sand stated that lights are not needed if there are no pedestrians.

#### ASSIGNMENTS FOR TOWN MEETING

The Board decided to let it ride and see how it goes at the meeting.

#### CONSIDERATION OF BILLS

Manifest dated 2/28/13 - **Ms. Sand moved, seconded by Mr. Dickinson, to approve and sign the manifest dated 2/28/13. The motion carried unanimously.**

#### RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

There were no documents for the Board to ratify.

#### REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

There were no Special Event Applications presented for the Board's consideration.

#### CONSIDERATION OF MINUTES

Minutes of 2/12/13 – **Ms. Sand moved, seconded by Ms. Seavey, to accept the regular and non-public minutes of 2/012/13 as written. The motion carried (5-0-0).**

TOWN MANAGER REPORT

Mr. Sires stated that the monthly hazard mitigation meeting was held today. Mr. Sires stated that the skating rink is officially closed for the season since the weather is not cooperating. Mr. Sires stated that the Voter Guide for the Deliberative session is in the final draft form and should be out for the community on Thursday. Mr. Sires stated that they are finalizing the Town Report which should be out the third week of March.

BOARD REPORTS AND COMMENTS

Ms. Sand stated that she would like to encourage people to attend the deliberative session of Town Meeting.

Mr. DiGregorio asked the outcome of the Budget Committee's voting on the warrant. Mr. Weathers stated they decided that they did not want to vote again. Mr. Sires stated that the Budget Committee does not have the authority to reduce an amount on the warrant; they can either vote to recommend or not recommend. Mr. Sires stated they felt they acted appropriately and did not want to revote. Mr. Sires stated the warrant will show that it was not recommended by the Budget Committee.

PUBLIC COMMENTS AND MEDIA QUESTIONS

There was none.

ADJOURN

At 5:18 p.m. the meeting adjourned at the call of the chair.

Respectfully submitted,

Holly L. Meserve  
Recording Secretary