

**Minutes of Meeting**  
**CONWAY BOARD OF SELECTMEN**  
January 28, 2014

The Selectmen's Meeting convened at 4:10 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen, C. David Weathers (Chair), Michael DiGregorio, Mary Carey Seavey, Stacy Sand, and Carl Thibodeau, Town Manager, Earl 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. Weathers advised that an agenda item would be added to discuss the purchase of a baler. **Ms. Sand moved, seconded by Ms. Seavey, to accept the agenda as amended. The motion carried unanimously.**

PROCLAMATION CONGRATULATING FINANCE DIRECTOR,  
LUCY PHILBRICK, ON HER RETIREMENT

Chairman Weathers presented Finance Director, Lucy Philbrick, with a Proclamation congratulating her on her retirement.

APPOINTMENT OF CONSERVATION COMMISSION MEMBERS

**Ms. Seavey moved, seconded by Ms. Sand, to appoint Paul Pinkham as an alternate on the Conservation Commission for a three year term and Dan Lucy as a regular member of the Conservation Commission for a two year term. The motion carried unanimously.**

DISCUSSION OF BALER PURCHASE

Mr. Sires reviewed that the town needs a baler at the transfer station and that we have sought bids for same. Mr. Sires stated that the baler purchase is estimated to cost \$70,000. Staff would like a vote to expend \$55,000 from the Solid Waste Revolving Fund with the balance to be paid from the Solid Waste Equipment Capital Reserve Fund for this baler.

Mr. DegliAngeli reported that he collected bids and is happy with the low bidder. Mr. DegliAngeli next stated that we had planned for this purchase partially out of the Solid Waste Capital Reserve Fund and partially from the revolving fund which is where we have special revenues. Mr. DegliAngeli next advised that if going with the low bidder we need a 30% downpayment. The town is following up with a credit report and we are checking the references of the low bidder and they appear to be a solid company. They have a 12-14 week lead time for manufacturing and shipping the baler to us. Mr. DegliAngeli stated that if we go to the next bidder it would be from the same manufacturer.

Mr. DiGregorio asked for an explanation of what the baler does. Mr. DegliAngeli reviewed that all of our recycled commodities are baled and this is how they get to market. The current baler is about 25 years old and has been repaired several times and we feel we are on borrowed time with the equipment.

Mr. Thibodeau asked about parts and service for the new baler. Mr. DegliAngeli stated it is a New Hampshire company and just a few hours away.

**Mr. DiGregorio moved, seconded by Ms. Sand, to vote to expend \$55,000 from the Solid Waste Revolving Fund with the balance to be paid from the Solid Waste Capital Reserve Fund and to approve putting 30% down for the purchase of the baler.** Ms. Gilligan distributed information to the Board for review regarding the Revolving Fund and Capital Reserve Fund. There was no further discussion. **The motion carried 5-0-0.**

PUBLIC HEARING: CDBG PROJECT UPDATE – TRANSVALE ACRES BUYOUT PROGRAM

At 4:31 p.m. Chairman Weathers opened the Public Hearing on the Progress of the CDBG Transvale Acres Buyout Project.

Mr. Weathers reviewed that Community Development Block Grant funds are available to municipalities through the NH Community Development Finance Authority. Up to \$500,000 annually is available for economic development, up to \$500,000 for public facility and housing projects, and up to \$350,000 for emergency activities. Up to \$12,000 is available per each planning study grants. All projects must directly benefit a majority of low and moderate income persons.

During a CDBG project, a progress update public hearing is required. This public hearing is to update the public on, and take public comment on, the progress of the CDBG Project. This project is the FEMA and CDBG funded Transvale Acres buy-out program for qualifying properties within the floodplain in Transvale Acres in Conway. \$133,082 in CDBG funds were used to acquire ten properties that had been occupied fulltime prior to Storm Irene. The buildings on the properties were demolished and cleared, and the properties will remain undeveloped. The proposed beneficiaries were primarily of low and moderate income persons.

Mr. Weathers asked for public comments.

Mr. Sires reviewed a map of Transvale Acres showing lots for camp sites and also lots owned by the town.

Richard Carruthers advised that he is a resident of Transvale and was substantially damaged by the storm. He has pursued rebuilding his home and, so far, has been successful although it is difficult financially. The regulations say he has to elevate his home and he needs to put in a septic system which will cost \$7,000-\$10,000. Mr. Carruthers asked the Board to help him with this financially from the funding received. Mr. Sires advised that we can't do it through this program and the program requirements are strict.

There were no further public comments. Mr. Weathers closed the public hearing at 4:37 p.m.

PUBLIC HEARING: CONSIDERATION OF UNANTICIPATED REVENUE - \$15,858.00  
FROM CDFA/CDBG PROGRAM TO THE TOWN OF CONWAY FOR THE  
TRANSVALE ACRES BUYOUT PROGRAM

At 4:37 p.m., Mr. Weathers opened the Public Hearing regarding unanticipated revenue in the amount of \$15,858.00 from the CDFA/CDBG Program to the Town of Conway.

Mr. Sires reported this is our last drawdown for this program. It needs to be accepted and designated by the Board.

There were no questions or comment from the public or the Board. Mr. Weathers closed the public hearing at 4:38 p.m.

**Ms. Sand moved, seconded by Mr. DiGregorio, that we accept unanticipated revenue in the amount of \$15,858.00 from the Cdfa/CDBG to the Town of Conway for the Transvale Acres Buyout Program. The motion carried unanimously.**

#### DISCUSSION REGARDING PROPERTY ACROSS FROM LIBRARY/PARKING LOT

Library Trustees, Colleen Hill and Judy Seddon, appeared before the Board. Also present at the meeting was Library Director, David Smolen.

Colleen Hill distributed a copy of the map of the area of the library including the lot across the street and reviewed same. Ms. Hill explained there is a piece of property owned by Burnell across the street from the library and they are proposing to buy this piece of property after it is subdivided to create 20 parking spaces and then turn the lot over to the town.

Ms. Seavey asked the price of the lot. Ms. Hill stated the asking price for the lot is \$50,000 but they have not agreed on a price yet. Also, improvements to the lot are about \$26,000. Mr. DiGregorio questioned where the money would come from. Ms. Hill advised it would come from endowments –accounts for the general good of the library. Mr. Weathers questioned when the lot town is turned over to the town would this be public parking or parking just for the library. Ms. Hill stated that her understanding is that it would be a public lot.

Mr. DiGregorio next reviewed that another party in the past had tried to turn a lot in this area into a parking lot but it was rejected by the voters. Ms. Hill stated that it was a different lot and it was also a larger lot. What they are proposing is a smaller space and completely visible from the road. Ms. Seavey asked the size of the lot. Ms. Hill advised it is .3 acres. Mr. DiGregorio stated that he has difficulty with circumventing what the voters said before and thinks that what the Trustees are asking now is to override that. The voters have taken a position. Mr. DiGregorio next questioned if they have considered putting forward a petitioned article instead. Ms. Hill stated that as far as the process goes, she is not well versed in the ins and outs of that. With regard to the voters saying no to the other lot previously, she feels this is different due to the size of the lot has been reduced. Also, she hears from people at the library that they want more parking.

Mr. DiGregorio questioned if anyone has talked with the Medical Center to see if they will be staying at their current location in Conway as they have outgrown this space. Ms. Hill stated that she does not know if anyone has asked about that but she does know that they pay Echo to allow their employees to park across the street.

Mr. Thibodeau asked the character of the lot now. Mr. Weathers advised that it is grass and gravel. Mr. Thibodeau asked if the plan on paving the lot and doing all the work for \$26,000. Mr. DegliAngeli stated materials and labor would be \$26,000 if the labor was done by the town.

Mr. Sires reviewed the Board would need to make three decisions. 1. Whether to work with the Library to acquire this lot; 2. To agree to use in house labor; and 3. Ongoing maintenance. Mr. Sires next reviewed the process for acquiring property with the Board. Mr.

Sires further reviewed that during the process the public could file a petition requiring the acquisition go to town meeting for a vote. Mr. Sires further stated that if the Board does go this way we would have to get further information on how to proceed with the warrant article, etc.

Ms. Sand stated that with regard to parking, they definitely need more parking. Ms. Sand next asked the Library Director, David Smolen, about employees parking across the street. Mr. Smolen advised that he did speak to Mark Hounsell about this and at the time Mark was concerned with older staff parking across the street and so they didn't push it. Ms. Sand further stated that Mr. Thibodeau also offered free parking to the staff that is within walking distance. Ms. Sand stated that if she knew that staff wasn't taking the public spaces she may be agreeable to this proposal. Mr. Smolen stated that he will talk to the employees about parking. Mr. Weathers asked where they are parking now. Mr. Smolen stated they park on Greenwood Avenue. Mr. Weathers asked how many employees. Mr. Smolen stated 5 employees plus volunteers but he wouldn't ask the volunteers to park across the street. He is concerned with asking volunteers who may be older, etc, but he wouldn't have a problem with asking staff. He takes a different perspective on volunteers. Ms. Seavey asked how many volunteers are at the library at any given time. Mr. Smolen stated he doesn't know exactly how many each day but last year there was 3,000 hours for volunteers. Ms. Seavey pointed out that between volunteers and employees, this takes up approximately 9 parking spaces and this is 2/3 of the street parking. The Trustees are asking to spend \$76,000 and haven't asked the employees to park across the street. She understands you can't make the volunteers park across the street but they can ask the employees.

Mr. DiGregorio asked about the lot zoning. Mr. Sires advised that he has talked with the planner and because the lot line would cause a substandard lot and would not meet town standards there would have to be language that it is going to a government entity. The Town is not bound by the same regulations. Mr. DiGregorio asked if someone could change the zoning in the area this year. Mr. Sires advised the deadline has passed to put something on the 2014 warrant to change the zoning.

Mr. Thibodeau stated that he feels that the price seems high for a unbuildable acre lot. Seth Burnell, owner of the lot, discussed the size, shape of the lot etc. Mr. Burnell further advised that if he does divide the lot it will be unbuildable.

Mr. Weathers asked for public comments. Lucy Philbrick stated that when this zoning change went before the public before it was defeated four to one, although it did include other property. In her opinion a parking lot will spoil a beautiful neighborhood. The parking problem in the area is due to the medical center and if this lot goes in you will be creating parking for the medical center.

Paul Wheeler stated that he is the owner of the house closest to the property for the proposed parking lot and he will be impacted by this development. He bought the property after the vote last time. Mr. Wheeler asked the Board to think about the town not having the same standards to go by as others. Mr. Wheeler further stated that he does not feel parking is so bad that it requires this development. Mr. Wheeler next stated that if a parking lot was put in next to his property there will be headlights shining in the bedrooms in the house from the parking lot. Also, people will be on cell phones, there could be arguments, skateboards, etc. in the lot. If the Board of Selectmen allows this, he feels it will reduce the value of his property. Mr. Wheeler next stated that he feels there are other ways to alleviate parking, i.e. parking at Echo. Also the town does take care of the sidewalks and they are plowed and sanded. Mr. Wheeler next suggested that the library also look at the island in the parking area in front of the library and look at getting rid of this to add more parking, look into angled parking and, talk to the medical

center about parking in their lot when they are closed. Mr. Wheeler further added that he feels there should be enforcement of the parking time limits on the street by the police. There are a lot of things that can be done before putting in a parking lot.

Ms. Sand questioned if the lot would have to be paved. Mr. Thibodeau stated that if we follow our own town regulations it will have to be paved. Mr. DegliAngeli stated it would need to be paved for winter maintenance.

Mr. Thibodeau next stated that a vote was taken previously and the voters were adamant about not having parking. He doesn't see how we can go against the public wishes. He also questions the price and value of the property. He stands opposed. Mr. DiGregorio stated that as he previously said, the voters said no on this. He could support only if the voters changed their minds. Ms. Seavey stated she is in favor of the voters being involved in this decision.

There was next further discussion regarding the zoning, dividing the lot, and the petition process etc. Mr. Weathers asked that Mr. Smolen talk to the library employees about parking across the street, talk to the police, etc., and, also think investigate other alternatives.

#### UPDATE ON TRANSVALE ACRES COMPLIANCE

Mr. Sires reviewed a memo regarding Transvale Acres compliance matters with the Board.

#### SIGNING OF DOCUMENTS

- a. Application for Current Use Tax Map/Lot 293-4
- b. Application for Current Use Tax Map/Lot 293-8
- c. Authorization to transfer \$19,719.92 from the Police Special Duty Revolving Fund to the Town of Conway General Fund
- d. Authorization to transfer \$87,822.55 from the Solid Waste Revolving Fund to the Town of Conway General Fund
- e. Certification of Yield Taxes Assessed Tax Map/Lot 222-1
- f. Certification of Yield Taxes Assessed Tax Map/Lot 210-16
- g. Certification of Yield Taxes Assessed Tax Map/Lot 240-1
- h. Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 202-198
- i. Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 203-92
- j. Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 231-17
- k. Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 254-29-106
- l. Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 262-83-020
- m. Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 277-234
- n. Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 299-106-2
- o. Permit to Sell Raffle Tickets / Memorial Hospital Volunteers / Drawing 3/31/14
- p. Permit to Sell Raffle Tickets / Gibson Center for Senior Svcs / Drawings last Friday of month
- q. Timber Tax Levy Tax Map/Lot 210-16, 221-1 & 240-1

Ms. Seavey reviewed item "j" Permanent Application for Property Tax Credits/Exemptions for Tax Map/Lot 231-17. There was a question on the dates on the application. It was agreed that the Board would hold on approving this application until the next meeting so that the dates could be checked.

**Ms. Sand moved, seconded by Mr. Thibodeau, to approve the Application for Current Use Tax Map/Lot 293-4, Application for Current Use Tax Map/Lot 293-8, Authorization to transfer \$19,719.92 from the Police Special Duty Revolving Fund to the Town of Conway General Fund, Authorization to transfer \$87,822.55 from the Solid Waste Revolving Fund to the Town of Conway General Fund, Certification of Yield Taxes Assessed Tax Map/Lot 222-1, Certification of Yield Taxes Assessed Tax Map/Lot 210-16, Certification of Yield Taxes Assessed Tax Map/Lot 240-1, Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 202-198, Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 203-92, Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 254-29-106, Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 262-83-020, Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 277-234, Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 299-106-2, Permit to Sell Raffle Tickets / Memorial Hospital Volunteers / Drawing 3/31/14, Permit to Sell Raffle Tickets / Gibson Center for Senior Services with drawings the last Friday of the month, and a Timber Tax Levy Tax Map/Lot 210-16, 221-1 & 240-1. Finance Director, Lilli Gilligan, stated that the requests for authorization to transfer \$19,719.92 from the Police Special Duty Revolving Fund and the authorization to transfer \$87,822.55 from the Solid Waste Revolving Fund are for purchases made. In the future, we will be asking for authorization to expend from the funds prior to the purchases. **The motion carried unanimously.****

#### CONSIDERATION OF BILLS

- a. Manifest dated 1/30/14

**Ms. Seavey moved, seconded by Mr. DiGregorio, to approve the manifest dated 1/30/14. The motion carried unanimously.**

#### RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

- a. Manifest dated 1/23/14
- b. Payroll dated 1/23/14

**Ms. Sand moved, seconded by Ms. Seavey, to ratify the Manifest dated 1/23/14 and the Payroll dated 1/23/14. The motion carried unanimously.**

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

There were no Special Event applications for consideration.

#### CONSIDERATION OF MINUTES: 1/14/14

**Ms. Sand moved, seconded by Mr. Thibodeau, to approve the minutes of 1/14/14 as written. The motion carried unanimously.**

#### TOWN MANAGER REPORT

Open House – Mr. Sires reported the Open House held for Lucy Philbrick was well attended.

MWVEC – Mr. Sires reported that he recently met with Jac Cuddy of the MWVEC. The MWVEC is starting the planning process to open up some lots on their property.

Humane Society – Mr. Sires reported the he is reviewing the annual agreement between the Town and the Humane Society.

Budget Committee – Mr. Sires reported the Budget Committee meets tomorrow night and Warrant Articles will be discussed. We will also be discussing the default budget calculation.

### BOARD REPORTS AND COMMENTS

ESAA – Mr. Thibodeau reported the ESAA met recently. They are waiting to hear which towns will be contributing to the airport so they can establish a budget.

Planning Board – Mr. Thibodeau reported the Planning Board held a meeting recently and reviewed plans for the North Conway Community Center.

LMWVSWC – Ms. Sand reported the LMWVSWC met last Friday. The roll of the committee is education and they are trying to work with the towns, schools and other entities about recycling. Ms. Sand next reported that there used to be a trash can located at the Conway Village Chamber booth and we were picking up trash from there. This trash can will be removed as it is not on town property. Ms. Sand next stated that she spoke with Paul DegliAngeli who let her know that by bringing back the Recycling Officer the town has increased recyclables. Currently the Recycling Officer is a part time position and that maybe we can increase this to full time next year.

Budget Committee – Ms. Sand reported the Budget Committee meets tomorrow night and they are supposed to have final questions for the town and school. They have had the school budget for only a couple of weeks. They have had the town budget longer and have had time to review the town budget and ask questions. Ms. Sand next reported another Budget Committee meeting will be held next week and there will be discussion of the school budget by the Committee. Mr. Sand next reported that the Budget Committee will also be meeting, along with the Board of Selectmen, next Wednesday to review non profit budgets and David Weathers will Chair the meeting. Ms. Sand stated there was a question of who will be taking the minutes of this meeting. It was advised that Iris traditionally has taken the minutes of this meeting. Mr. Sires advised that he will talk to the Budget Committee Chair concerning this matter.

MWVEC – Ms. Seavey reported the MWVEC met last Wednesday.

Valley Vision – Mr. DiGregorio reported that a Valley Vision Board of Directors meeting is scheduled for February 5. This is in conflict with the joint Budget Committee and Board of Selectmen meeting to review non profits and he is not sure at this point how he will handle this situation.

Teletalk – Mr. DiGregorio stated that comments made to Teletalk regarding the North Conway Community Center were that most people felt this was a town project and he wanted to make sure that people know that the North Conway Community Center is separate from the town. Also, the North Conway Community Center petitions the town for money every year and we have no control over the money they receive or any projects they have.

Banner for Olympians – Mr. Thibodeau reviewed that last year a banner was hoisted in town for Jeff Locke. It is his understanding that this is not an expensive endeavor and he feels we should now do the same thing for our Olympians, Sean Doherty and Leann Smith. **Mr.**

**DiGregorio moved, seconded by Mr. Thibodeau, to direct the Town Manager to look into putting a banner up.** Ms. Seavey pointed out that we have to check with the Chamber of Commerce on this first. Mr. Sires agreed. **The motion carried unanimously.**

PUBLIC COMMENTS AND MEDIA QUESTIONS

There were no public comments or media questions.

NON PUBLIC SESSION / NH RSA 91-A:3,II(C) – Tax matter

At 5:50 p.m., **Ms. Sand moved, seconded by Mr. Thibodeau, to go into non public session under NH RSA 91-A:3,II(c) to discuss a tax matter. The motion carried by unanimous roll call vote.**

At 6:02 p.m. **Ms. Sand moved, second by Mr. DiGregorio, to come out of non public session. The motion carried**

**Ms. Sand moves, seconded by Mr. DiGregorio, to seal the minutes of this non public session. The motion carried unanimously.**

ADJOURN

At 6:03 p.m. the meeting adjourned at the call of the Chair.

Respectfully submitted,

Karen J Hallowell  
Executive Secretary