

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN**

April 22, 2014

The Selectmen's Meeting convened at 4:04 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen, C. David Weathers (Chair), Mary Carey Seavey (Vice Chair), Stacy Sand, and Carl Thibodeau, Town Manager, Earl Sires and Finance Director, Lilli Gilligan.

Selectman, Michael DiGregorio, was not present due to vacation.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Mr. Weathers advised that the order of the agenda will be changed and item 8 will be heard after item 5. **Ms. Sand moved, seconded by Ms. Seavey, to approve the agenda. The motion carried unanimously.**

CONSIDERATION OF REQUEST FOR EASEMENTS
BY NORTH CONWAY COMMUNITY CENTER

Burr Phillips appeared before the Board to review a request for an Access Easement for the North Conway Community Center. Mr. Sires stated that the town attorney has reviewed the proposed Access Easement Deed and found it appropriate. Mr. Phillips stated that the easement is to formalize the parking lot to come in under zoning rules.

Ms. Sand questioned if the basketball court is going to be relocated. Mr. Phillips responded in the negative.

Ms. Sand moved, seconded by Ms. Seavey, to approve the request for the Access Easement Deed for the North Conway Community Center. The motion carried unanimously.

REQUEST TO BUILD ON UNIMPROVED ROAD/TAX MAP/LOT 272-39

Jim Pitman appeared before the Board to ask for Board of Selectmen approval to build on an unimproved road. Also present for discussion was Public Works Director, Paul DegliAngeli and Planning Director, Tom Irving.

Mr. Pitman stated that the reason he is before the Board today is because town staff can't issue a building permit because what is being proposed is against town standard. Mr. Pitman next made a presentation to the Board regarding Henderson Road and asked whether the Board would be willing to consider road improvements to be considered driveways. Mr. Sires explained that Mr. Pitman is here because he wanted to gauge the Board of Selectmen's view regarding the two entrances and whether they were going to want the road to be a qualified road up to town standards or not.

There was a lengthy discussion with the Board. Mr. DegliAngeli advised that there are three choices to consider as follows: 1) The Board of Selectmen can approve the request without the road being approved pursuant to RSA 674:41(d)1-3; 2) the road can be improved to town road standards; or 3) where the public road ends –begins a “driveway” not a private road. Mr. DegliAngeli next reviewed that Mr. Pitman wants to improve 25' of road only. Mr. DeliAngeli stated that in order for a building permit to be issued the property must have a minimum of 150' of frontage on a qualified town road, but if the Board were to approve a modified plan, the plan would need to include improvements of an additional 50' for the hammerhead plowing area so that, during the winter, emergency services could also access the residence. Mr. Irving stated that private landowners on this road should have a say in this matter. Mr. Degliangeli disagreed stating that right of ways are good for abutters.

Ms. Sand asked if the current improvements that were made to Henderson Road were up to town standards. Mr. DegliAngeli responded in the negative. Ms. Sand next questioned if this is going to be a year round residence. Mr. DegliAngeli responded in the affirmative.

Mr. Sires next advised that the town owns the properties that abut this property and the lots could be up for town sale this year and allowing this development to continue without a qualified road will render the town owned properties worthless.

Ms. Sand questioned how many houses were to be off of this “driveway”. Mr. Irving advised two.

Mr. Weathers inquired who is responsible for the upkeep of this road. Mr. DegliAngeli stated that Henderson Road is a Class VI road. The legislative body has not accepted Henderson Road even though part of Henderson Road has been improved. This section is the responsibility of the Royal View Association.

Mr. Thibodeau questioned how the Board of Selectmen governs building on a private road. Mr. Irving stated building permits are not allowed on a Class VI road and that this Board needs to ask the Planning Board for their comments on this matter.

Mr. DegliAngeli reminded the Board that 25 voters can petition the town for a road to be accepted.

Ms. Seavey moved, seconded by Mr. Thibodeau, to request the Planning Board to comment on the proposed and requested driveway off of Henderson Road in reference to Map/Lot 272-39. There was further discussion by the Board. There was a question about how to get a building permit. Mr. DegliAngeli stated that for staff to issue a permit, a minimum of 150' of frontage on a qualified road is required. Mr. Pitman next stated that the buyer wants the driveway to be as close to the pin as possible, i.e. 25'. Mr. DegliAngeli reviewed that the hammerhead for plowing requires an extra 50' beyond that getting to 75'.

Mr. DegliAngeli next reviewed maps of the area with the Board.

There was next further brief discussion regarding whether the Board of Selectmen should get a recommendation from the Planning Board on this matter. Mr. Irving then reviewed RSA 674:41(d)1-3 with the Board which states as follows: *(d) Is a private road, provided that: (1) The local governing body, after review and comment by the planning board, has voted to authorize the issuance of building permits for the erection of buildings on said private road or portion thereof; and (2) The municipality neither assumes responsibility for maintenance of said private roads nor liability for any damages resulting from the use thereof; and*

(3) Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds for the lot for which the building permit is sought; or

Mr. Pitman stated that this throws a monkey wrench into the project regarding lending and insurance. Mr. Irving stated that this matter will be heard at the May 8, 2014 Planning Board meeting.

A vote was taken and the **motion carried 4-0-0.**

REQUEST TO AMEND INFRASTRUCTURE CAPITAL RESERVE FUND:
NH 113/RIVER ROAD CULVERT, E CONWAY

There were approximately 12 members of the public present for this discussion

Mr. DegliAngeli advised that River Road in East Conway has completely failed and there are jersey barriers blocking travel. The culvert has collapsed.

Mr. DegliAngeli next reviewed options available to the Board of Selectmen to decide upon. The options are to replace the culvert with a concrete culvert or a metal culvert. The metal culvert can be done in thirty days and it would require an emergency permit from the NH DES. Mr. DegliAngeli advised that this culvert is always under water making metal a poor choice of culvert. A concrete culvert will take longer, not to construct, but to receive the materials. The materials are on backorder from all three concrete culvert manufacturers in New England due to the Irene floods. The anticipated time frame for receiving a concrete culvert would be in late fall of this year. If the Board chooses to go the route of a concrete culvert, a temporary one lane bridge could be placed in the interim. The one lane bridge would be 12' wide.

Ms. Seavey questioned how long it would take to build the culvert and who will be doing the building. Mr. DegliAngeli advised that a contractor states it would take at least two weeks to install the culvert. This is the most efficient way of doing this because the precast concrete sections are 12 tons each and we don't have the equipment to do it. Mr. DegliAngeli next stated that depending on the delivery date of the precast sections, this would be done either in the late fall or in 2015 after the winter season. Ms. Seavey questioned why we can't do this as soon as they arrive. Mr. DegliAngeli advised that the temperature for concrete and pavement curing will prevent us from doing the work if the temperatures are too cold.

Mr. Weathers questioned how soon a temporary bridge could be opened. Mr. DegliAngeli stated that a one lane bridge could be placed as early as Friday.

Ms. Sand next asked about the cost of the bridge, if traffic lights are required and, what is the dollar difference between a metal and concrete culvert. Mr. DegliAngeli stated that the price difference between concrete and metal is \$80,000 (metal being less). The concrete will last 20-30 years longer and so over time they will essentially cost the same amount. Mr. DegliAngeli next advised that the single lane bridge may require a traffic light and then followed up to say that we do have single lane bridges in town already without lights (i.e. the covered bridge), and so he thinks we can do this with good signage as the road itself is a long straightaway.

Mr. DegliAngeli next stated that he doesn't have an actual price on the temporary bridge, but the Tasker Hill temporary bridge cost about \$30,000. Mr. DegliAngeli next stated that we

need a statewide declaration from the Governor and Chief Solomon is working on this because it is needed to qualify for FEMA funds.

Kathy Sherman asked how wide the bridge would be because some farm equipment is 18 feet wide. Mr. DegliAngeli stated that the bridge is 12' wide and if there is equipment that is wider than 12' then a two lane bridge would be needed. Mr. Thibodeau advised that the farmer with the wider equipment did contact him, although he is not here tonight, and told him that he is willing to drive all the way around using East Conway Road for the time being.

Mr. Thibodeau questioned if a steel plate over the broken culvert is an option. Mr. DegliAngeli responded in the negative and proved several reasons why as follows: the culvert bottom is 12' down; 20' of pipe is now 12' down; and there is 18" of water on top of the pipe. A steel plate could easily wash away leaving us to liability of a dangerous roadway.

Ms. Sand questioned if the farmers had more than one piece of the equipment that is over 18' so they can park them on either side of the bridge. Ms. Sherman stated they had only one piece of the special planting equipment that is 18' wide.

An unidentified person in the audience stated that he feels that completely closing off the road was a bad choice because it is cutting off emergency vehicles. Mr. DegliAngeli stated that Chief Solomon has said that no emergency vehicle should be allowed over this broken culvert, which is why the jersey barriers were placed on scene.

Mike Fougere asked if we can dredge the water table down. Mr. DegliAngeli responded in the negative. Mr. Fougere next asked if a hybrid culvert made of concrete and metal could be installed. Mr. DegliAngeli advised that a hybrid structure would be required to be installed two feet higher than the water basin. These hybrid structures are seen in larger projects. The precast concrete is cheaper than the arched hybrid structure. Mr. DegliAngeli next advised that with regard to dredging, it wouldn't work because the water in that area is driven by the Saco River. A wetlands application would be required to control the level of the natural streams.

There was next a question if we could raise the road. Mr. DegliAngeli stated we could not as this would create a levy and is not allowed by NH DES and NRCS. It would only be allowed if the whole road was a pylon bridge.

Doug Swett stated that we need this done fast.

Another member of the public stated that she thought that this road was Route 113 and questioned if it is a state road. Mr. DegliAngeli advised that it is a town road.

Ms. Sand moved, seconded by Ms. Seavey, to authorize town staff to bring in a one lane bridge. The motion carried 4-0-0.

Mr. Sires stated that he did speak with Executive Councilor Joe Kenney and Councilor Kenney reassured that he would help move along our applications.

DISCUSSION OF FEES – PLANNING AND ZONING

Mr. Irving discussed a list of possible fee increases with the Board. Ms. Sand questioned what the fees are based on. It was reviewed that the present fees are based off of current staff hourly rates and actual costs to the town for planning and zoning work. Mr. Irving next advised that some of the fees would require several layers of public acceptance including

Board of Selectmen, Planning Board and possibly Town Meeting. There was further brief discussion. The Board will continue to review fees and have further discussion on this matter in the future.

2014 CONSTRUCTION PROJECT UPDATES

Mr. DegliAngeli reviewed construction projects for 2014 with the Board. Mr. DegliAngeli advised that North-South Road, Washington Street and the sewer interconnect projects will all begin approximately the first week of May.

Ms. Seavey asked if we will be able to get through on any of these roads. Mr. DegliAngeli stated that traffic on the North-South Road will be detoured through the old Chicks location. Traffic on Washington Street will be using lane shifts because Washington Street has on street parking; however, no parking will be allowed during construction so that that lane shifts can be used. The sewer interconnect project is a two year project and will be starting alongside the Saco, go up to Rt 16, go under the bridge, alongside of Rt. 16, and then all the way up to Hannaford. Mr. DegliAngeli reported that the contract is not yet signed and he is negotiating to have two crews on this project to speed this along.

Mr. DegliAngeli next reviewed that the Shaws Way pavement and curb will take about six weeks and will be completed by the town highway crew.

Ms. Seavey asked if all roads leading to North Conway will be impacted at the same time. Mr. DegliAngeli responded in the affirmative and reviewed they will start in early May and will be finished mid August except for the interconnect project.

Mr. Weathers questions if the sewer and water lines are going to be done under Washington Street. Mr. DegliAngeli stated water lines only as the sewer lines were installed in the last 10 years.

Mr. DegliAngeli next advised that another project is Pine Street and this work will start sometime after school is done for the year, likely in early July.

Mr. Thibodeau asked about Norcross Circle. Mr. DegliAngeli stated that plans for this project have been pushed to 2015.

Ms. Seavey questioned if the Washington Street project could be postponed. Mr. DegliAngeli responded in the negative and further stated that the funding will expire.

DISCUSSION OF AMENDMENTS TO SOLID WASTE EQUIPMENT CAPITAL RESERVE FUND

Mr. DegliAngeli advised that the scale at the solid waste facility is failing. The town crew has determined they can no longer continue to repair this as they have sandblasted and welded this structure numerous times. The structure itself sits on a steel frame and load cells are housed inside the steel frame and a steel plate sits on top. The present scale was installed in 1988 and the options are to replace the steel plate on top or replace the whole scale completely. With regard to the load cells, the lifespan is unknown and he estimates that replacing the deck provides a ten year lifespan. The options are to replace the steel deck plate deck at \$22,000 or replace the scale completely at a cost between \$47,000 and \$51,000.

Mr. DegliAngeli reviewed that with regard to the structure underneath, the quality is unknown because you can't see it well and there is only a small window areas to see the cells and you can't really see if the structure is failing underneath.

Ms. Sand questioned what project would be removed since we have to do the scale now. Mr. DegliAngeli stated that no project will be removed and he will be asking for more money in the capital reserve in the budget process next year. Mr. DegliAngeli next reviewed with the Board that this is the same fund that was reduced \$50,000 at the deliberative portion of town meeting this year.

Ms. Sand suggested that this matter be discussed at the meeting of the Solid Waste District scheduled for next week. All agreed. Mr. Weathers stated this Board will take a vote on this matter at the next Board of Selectmen meeting.

UPDATE ON ROOMS AND MEALS TAX PROPOSED LEGISLATION

Mr. Sires stated that he spoke with Mark Hounsell regarding the distribution of the rooms and meals tax issue and Mr. Hounsell recommended the direct approach of writing to the Governor asking that the Governor direct the NH DRA to collect, record, and make available this data. Mr. Sires advised that he would write a letter. Mr. Sires next advised that Conway Daily Sun reporter, Daymond Steer, did a public records request to the DRA and he was denied and that the DRA stated they do not collect/record that data. The Board agreed that Mr. Sires will send a letter to the Governor.

SIGNING OF DOCUMENTS

- a. Abatement Tax Map/Lot 262-50
- b. Notice of Intent to Cut Wood or Timber Tax Map/Lot 238-4
- c. Notice of Intent to Cut Wood or Timber Tax Map/Lot 262-86.1, 86.22 ,86.23, 86.24, 86.25, 86.26
- d. Notice of Intent to Excavate Tax Map/Lot 226-1
- e. Notice of Intent to Excavate Tax Map/Lot 263-117
- f. Permanent Application for Property Tax Credit/Exemption Tax Map/Lot 252-21
- g. Permanent Application for Property Tax Credit/Exemption Tax Map/Lot 254-29.094
- h. Permanent Application for Property Tax Credit/Exemption Tax Map/Lot 254-29.186
- i. Permanent Application for Property Tax Credit/Exemption Tax Map/Lot 277-216
- j. Permit to Sell Raffle Tickets/Dunkz Dozen Team to benefit Making Strides Against Breast Cancer – Drawing 5/19/14

Ms. Sand moved, second by Mr. Thibodeau, to sign the Abatement Tax Map/Lot 262-50, Notice of Intent to Cut Wood or Timber Tax Map/Lot 238-4, Notice of Intent to Cut Wood or Timber Tax Map/Lot 262-86.1, 86.22 ,86.23, 86.24, 86.25, 86.26, Notice of Intent to Excavate Tax Map/Lot 226-1, Notice of Intent to Excavate Tax Map/Lot 263-117, Permanent Application for Property Tax Credit/Exemption Tax Map/Lot 252-21, Permanent Application for Property Tax Credit/Exemption Tax Map/Lot 254-29.094, Permanent Application for Property Tax Credit/Exemption Tax Map/Lot 254-29.186, Permanent Application for Property Tax Credit/Exemption Tax Map/Lot 277-216, and the Permit to Sell Raffle Tickets/Dunkz Dozen Team to benefit Making Strides Against, Breast Cancer – Drawing 5/19/14. The motion carried unanimously.

CONSIDERATION OF BILLS

a. Manifest dated 4/24/14 – Ms. Sand moved, seconded by Ms. Seavey to sign the manifest dated 4/24/14. The motion carried unanimously.

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

There were no documents to ratify.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATIONS

There were no special event applications.

CONSIDERATION OF MINUTES: 4/15/14

Consideration of the minutes of 4/15/14 was carried to the next meeting.

TOWN MANAGER REPORT

CDBG Meeting – Mr. Sires reported he attended a CDBG meeting last Thursday. The Conway Senior Housing project was discussed. Also, 5.5 million dollars was voted on at the meeting with most of the money going to Berlin.

Business Guide – Mr. Sires handed out a Business Guide prototype and advised that he would have 600-1000 copies printed. Ms. Seavey stated there is punctuation and spacing that needs to be corrected. Mr. Thibodeau suggested inviting commercial realtors and the Chamber to a meeting of this Board to review this document. Mr. Sires advised he would set this up.

Webpage – Mr. Sires reported that he is updating the town webpage to make it more intuitive and user friendly for the public

Recodification – Mr. Sires reported that the company working on the recodification project has sent a draft and we need to schedule a meeting of the town committee to go over same.

Healthcare Study Committee – Mr. Sires reported that the school has responded to the letter sent regarding the Healthcare Study Committee and will be sending representation to the meetings.

CVFD – Mr. Sires reported that the CVFD has sent a letter to the Board of Selectmen advising that their annual meeting decided to request that the Town consider a town wide fire department.

BOARD REPORTS AND COMMENTS

Sign Committee - Mr. Thibodeau reported that the Sign Committee met last week.

Planning Board – Mr. Thibodeau reported the next meeting of the Planning Board is May 8, 2014.

ESAA – Mr. Thibodeau reported that he had a discussion with the Airport and they have generously agreed to not ask for the \$10,000 approved by the voters this year until July as we

are currently borrowing on a TAN. Mr. Thibodeau next advised that the other towns that he remembers supporting the airport this year include Bartlett, Jackson, Eaton, Albany, Fryeburg, Denmark, Brownfield and Chatham.

LMWVSWD – Ms. Sand reported that a meeting of the LMWVSWD is scheduled for April 29, 2014.

Budget Committee – Ms. Sand reported that the Budget Committee is scheduled to meet on April 30, 2014 at 6:30 p.m. Ms. Sand stated that she hopes that Mike DiGregorio takes over as the Selectmen representative to the Budget Committee this year but that she does not want to share that responsibility as discussed previously. She is also willing to be the representative is no one else will do it.

Healthcare Study Committee – Ms. Sand reported that meetings of the Healthcare Study Committee are scheduled for Saturday, May 10, 2014 from 10:00 am to Noon at the Conway Public Library and May 13, 2014 from 6:00 p.m. to 8:00 p.m. at Town Hall.

MWVEC – Ms. Seavey reported that the MWVEC has a meeting scheduled for tomorrow.

LMWVSWD – Mr. Weathers advised that he will also be attending the meeting of the LMWVSWD on April 29, 2014.

Easter Egg Hunt – Mr. Weathers reported that the Easter Egg Hunt at Conway Rec went very well. It had the most attendance he ever remembers with over 200 kids.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Daymond Steer of the Conway Daily Sun questioned with regard to the sewer interconnect project, what bridge are you talking about. Mr. Thibodeau advised it is the Rt 16 bridge over the Saco. Mr. Steer next asked questions about the project and how they will go under the bridge, etc. and Mr. Thibodeau responded to same.

ADJOURN

At 6:20 p.m. the meeting adjourned at the call of the Chair.

Respectfully submitted,

Lilli Gilligan
Finance Director