

Minutes of Meeting
CONWAY BOARD OF SELECTMEN
October 21, 2014

The Selectmen's Meeting convened at 4:06 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen, C. David Weathers (Chair), Mary Carey Seavey (Vice Chair), Michael DiGregorio, and Carl Thibodeau, Town Manager, Earl Sires, and Recording Secretary, Karen Hallowell.

Selectman, Stacy Sand, was not present due to a vacation.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Mr. Weathers reported that a document regarding a Tax Anticipation Note would be added under the signing of documents. **Mr. DiGregorio moved, seconded by Ms. Seavey, to approve the agenda as amended. The motion carried unanimously.**

TOWN OF CONWAY 250TH ANNIVERSARY CELEBRATION UPDATE

Janice Crawford and Brian Wiggin joined the meeting. Ms. Crawford distributed updated information regarding the 250th Anniversary Celebration and Ms. Crawford and Mr. Wiggin reviewed same with the Board.

Mr. Wiggin next referred to cemeteries and stated that the three cemeteries in town are getting full. He feels that the town needs to think about space for another cemetery. Mr. Wiggin further stated that he feels that some of the cemeteries are in need of maintenance and asked the Board to consider this in the future and, also, that a warrant article may be coming in regarding same.

Ms. Crawford next discussed funds in the town budget for the Fourth of July celebration and other events and asked that the Board consider increasing the line in future years.

Mr. Wiggin next asked about security and if this is in the town budget. Mr. Sires advised this will be in the police budget. Mr. Sires further added that meetings have also been held regarding handling events.

Ms. Crawford next advised that Russ Seybold has indicated that he could transport people from Conway to North Conway for 250th events but that they need to have additional conversation with him as to how this would happen.

BALD HILL ROAD/TRAFFIC SAFETY CONCERNS

The party requesting this agenda item, Stephen Harper, was not present.

Mr. Sires advised that we did receive information on police patrols in the Bald Hill Road area from the police department and a copy of same is in the Board's agenda packet. Mr. Sires next stated that he was in that area today and noticed that there weren't any speed limit signs on the road in Albany and so it may be worth asking Albany to put up signs alerting people to the speed limit.

DRIVEWAY PERMIT FINE (1000 KEARSARGE ROAD – MAP/LOT 203-130.1)

Jerry Hughes and Elizabeth Hughes appeared before the Board. Also present for this discussion was Public Works Director, Paul DegliAngeli.

Mr. DegliAngeli advised that Mr. Hughes got a building permit but did not get a driveway permit for property at 1000 Kearsarge Road. We have asked him to make application and also pay a fine for no permit.

Mr. Hughes stated that he wants to talk about his Crestwood Drive property first. Mr. Hughes advised that there was an issue on this property with a granite marker that was knocked over. Mr. Hughes advised that he did not do any excavating on this property but he was blamed for knocking over a marker and he did not get his \$500 driveway assurance back on this property. Mr. Hughes next stated that Coleman Construction brought sewer through the neighborhood and they reached into his property and tore up his up his sprinkler system. He understands that the town has the right to come onto his property but if they do damage they should be liable. Mr. Hughes next stated that another town official came to him about his \$500 and advised that Coleman has to go through a punch list after doing work and that there were other markers in the neighborhood that had to be put back at Coleman's expense. Mr. Hughes next stated that he never did get his \$500 back from the town and also never heard back from Coleman's regarding the sprinkler.

Mr. Hughes next stated that with regard to the situation today, he did do this work without a driveway permit and he was trying to get his money back from the prior incident. Now he has been hit with a \$500 fine. It is up to the Board of Selectmen if they want him to pay it or not. Further, \$2,000 of a \$4,000 driveway has been taken up and is now gone.

Ms. Seavey questioned Mr. Hughes about another property on Kearsarge Road and if there was an issue with a driveway. Mr. Hughes stated that he did do work on that driveway. An overlay was put down on the driveway.

Mr. DiGregorio next asked, with regard 1000 Kearsarge Road property, if this was an existing house with an existing driveway. Mr. DegliAngeli responded in the affirmative. Mr. Hughes explained that it is a remodel. Mr. DegliAngeli stated that they took a 14' driveway and made it a 30' driveway. Mr. Hughes stated that it is now a 10' by 73' driveway.

Mr. DegliAngeli next reviewed that the town asks for driveway permits for several reasons and asks for surety and one reason is to make sure it is up to town standard. On this application we don't have a complete application and this is why there was a notice of fine issued. Mr. Hughes has had permits in the past and he is well aware of the town's permit application. Mr. DegliAngeli next stated that the driveway that Mr. Hughes put in is wider than the standard aloud and he was told that he could come in and talk with the Board of Selectmen to ask for relief. Mr. DegliAngeli reiterated that the work was done without a permit and without surety.

Mr. DegliAngeli next stated that he disagrees about the monument issue on Crestwood discussed by Mr. Hughes earlier. With regard to the sprinkler system, it was installed in the right of way and this is an issue with the water precinct.

Mr. DiGregorio asked Mr. Hughes if he did this without a permit and if he has now redone the driveway at 1000 Kearsarge Road. Mr. Hughes explained the driveway area and what was put in and what is there now. He took part of it out.

Mr. DiGregorio asked if Mr. Hughes is here to try to eliminate the fine portion. Mr. Hughes responded in the affirmative. Mr. Hughes further added that he did pay the \$100 for the permit but has not paid for the surety.

Mr. Hughes next referred back to the Crestwood Avenue property and stated that he did not take the marker out. Mr. Sires stated that these are two different issues and that the Board can't make a deal on something that happened some other time.

There was next further discussion regarding the driveway at 1000 Kearsarge Road and the permit application. There was discussion that the town has not seen the property since he changed the driveway back. There was also discussion about the fee for the permit and the surety. Mr. DegliAngeli stated that the permit application is incomplete because there was not surety. Mr. Thibodeau questioned if he has undone the portion of driveway does he need a permit. Mr. DegliAngeli stated he has been assessed a fine for not taking out a permit. There was further discussion by the Board. Mr. DiGregorio stated that before making a motion he would like to know if the work is now done correctly. If he is to consider negotiating a fine, he would like to know if the driveway has now been done right. Mr. DiGregorio next stated to Mr. Hughes that if he had other issues in the past then he should have come before this Board, but right now we have to decide on this fine.

Mr. Thibodeau moved, seconded by Mr. DiGregorio, to table this matter pending Paul DegliAngeli's investigation of the current status of this matter. Mr. Weathers advised that the next meeting is November 18, 2014 and this would be discussed again. All agreed. **The motion carried 3-1-0 with Ms. Seavey voting in the negative.**

REQUEST FOR GATE ON LITTLE CHATHAM ROAD

Doug Burnell joined the meeting. Mr. Burnell reviewed that he had discussion with the Board of Selectmen a few years ago and a motion was passed to put up a gate on Little Chatham Road. There was discussion by the Board and it was agreed to review the minutes from the prior discussion.

Mr. Burnell next reviewed information regarding the road and gate. Mr. Burnell stated again that this was discussed before and he would like to know if there is any objection to putting the gate up or if he has to pay for it etc. He would like a gate on the Conway side.

Mr. Thibodeau questioned if no one lives beyond section and if Mr. Burnell wants it so that no one tears up the road in mud season. Mr. Burnell responded in the affirmative.

Mr. DegliAngeli stated that we could put boulders and a chain and this wouldn't really cost much, but a gate would cost if you want to put it across the road so that people don't plow it and drive through. Mr. DegliAngeli next reviewed a map of the area with the Board.

Mr. Thibodeau asked for a recommendation. Mr. DegliAngeli reiterated the town could put up boulders and a chain without much cost but if a gate is put in it would cost around \$600. Mr. DegliAngeli next stated that the road is in pretty good shape and we do minimal maintenance on it. Mr. DegliAngeli next stated that it is a public service to gate it. You could also put up a sign that it is not a through road. Mr. DegliAngeli next advised that there is a turnaround on the road and Mr. Burnell has asked that this gate be put just past the turnaround.

Mr. Burnell next advised that Fryeburg has put up a gate on the Maine side of the road. Most locals know this but there are other people coming from the other side that don't always know it is gated on the other end.

Mr. Weathers asked if Mr. Burnell thought that a sign would work stating that the road is not winter maintained and that there is a gate ahead. Mr. Burnell agreed this could work. Mr. Weathers stated that a properly placed sign could work and then we could reevaluate this matter next spring. There was further discussion about whether to put a sign up year round that says gate ahead and no exit or place boulders and a chain. Mr. Burnell stated that they do open it up on the Fryeburg end in the spring and people do travel the road after mud season and before hunting season. There was further brief discussion. **Mr. Weathers moved, seconded by Mr. Thibodeau, to put a sign up "closed for winter months – gate ahead" and see if that is effective.** Mr. DiGregorio asked Mr. Burnell if he was hoping for the gate or boulder. Mr. Burnell stated that he is okay with trying the sign for now. There was further brief discussion. Mr. Sires advised that the minutes of the previous meeting will also be reviewed. **The motion carried unanimously.**

DISCUSSION OF TOWN HALL WATER SYSTEM UPGRADES AND FINANCING

Kellie Johnson, Josepha Gorecki, Tom Davidson, Tim Goodson and Ray Leavitt were present for discussion.

Mr. Sires reviewed previous discussions held regarding the water system. Mr. Sires next reviewed that two budget scenarios have been provided in the Board of Selectmen agenda packets and reviewed same. One scenario is for a new well and pipe and the other scenario is to repair the well with a sleeve.

Mr. DegliAngeli advised that he and Dave walked the property to see where a well might be placed. Mr. DegliAngeli next discussed the well, salt, etc. Mr. DegliAngeli advised the casing is worn in the well. The casing goes all the way to the bedrock and the casing is rusting. If the casing were fixed there would be no salt in the water. There is still a question however of why there is salt in the water. It may be because we salt our public works facility but he believes this is not different than the State salting. Mr. DegliAngeli next advised that in walking the property, Dave also brought up a concern with drainage, etc and he has looked at prior plans regarding the drainage in the area. If the casing is fixed it should take care of the problem. Mr. Weathers stated that this is not guaranteed and we don't really know where the salt is coming from. If we go with the other option we won't have the same concern. Mr. Thibodeau questioned that if we do move the well then what about the catch basins. Mr. DegliAngeli stated we will repair the catch basins and bring them up to standards.

Mr. Davidson from the Center Conway United Methodist Church stated that the general consensus of folks is that although there isn't a legal standing there is a moral standing because the town has been supplying water. He feels there is a third scenario –that being that we continue the way it is. Their position is that they believe morally that the current relationship should continue.

Mr. DiGregorio questioned if the town is obligated to provide drinking water. Mr. Sires stated that currently we are providing bottled water. The moral obligation in his mind is to provide clean water but not provide it for free forever. Mr. DegliAngeli agreed and added that the concept of free water is unheard of. If someone had a well, they would have to replace it every so many years also. Mr. DegliAngeli next stated that another option to consider is status quo but this isn't an option that has been talked about.

Ray Leavitt stated that the Center Conway Fire Precinct Commissioners feel that based on past practice there is responsibility for costs for upgrades etc. There is also another option where they could file a petition to force the town to maintain the system at current costs. It is not the fault of the people on the water system that the water was contaminated. Mr. Leavitt further added that there may be some other issues as well as the town will become a quasi water system and may have to deal with the PUC. He feels that the town should do a little more homework on this before going too far.

Ms. Gorecki stated that maybe she should put in her own well but where would she put it. She used to have nice healthy water 50 years ago. She asked how would you feel if you were in her shoes and have land worth nothing. Mr. DegliAngeli stated that if you drill a well it will be in bedrock and you shouldn't have a problem then with the water.

Mr. Thibodeau stated that he can't believe anyone would think they get free water in perpetuity whether you have your own well or are part of a water system –it is not free. The residents on the system have enjoyed this for years now and now they are being asked to pay a small amount.

Mr. Goodson stated that he understands what Mr. Thibodeau is saying but the point is back before what happened with the salt, etc, the water was fine to drink. Now he can't put a sand point in and have water that is okay. He walked his property and his option would be to drill a well and he is not financially in a position to do so. Mr. Goodson next asked about a cost recovery fee. Mr. Sires stated it is in the CRF for future repairs. Mr. Goodson asked if it is capped. Mr. Sires stated this will be decided when we figure out what it is we are going to do.

Mr. Goodson asked if he would be entering into a binding contract with what is decided. Mr. Sires responded into the affirmative and added that right now we are trying to come up with a concept and then we will have to hammer out the details.

Mr. Davidson stated that what he was saying earlier is that it was their preference to continue status quo but he understands that the Board of Selectmen make the decision. Mr. Weathers stated that if anyone decides they don't want to do this, they could put in their own well and this is another option.

Mr. Gorecki stated that she did not ruin the well and doesn't feel she should have to pay. Mr. Weathers explained that the situation now is due to the casing and it has developed leaks which is a normal progression.

Mr. Thibodeau next directed a question to Tax Assessor, Tom Holmes, asking if when he appraised a property what does he look at for the well etc. Mr. Holmes stated that they haven't been able to derive that out of prices. Some homes are on water systems, some private, etc. However, if someone came to him and said they had a problem, an adjustment to the assessment could be considered due to costs.

Mr. Weathers next asked how to proceed forward and if there was a preference as to direction.

Mr. Davidson stated they have to live with whatever the Board decides and asked what happens if anyone decides to opt out.

Mr. Goodson stated he would rather have the new well option.

Ms. Seavey stated that she is not comfortable with people saying that this Board decides and they will go along with it. She would like to hear their preference regarding the options.

Mr. Leavitt stated he was here tonight saying what the Commissioners said last night and he will have to take this back to them again.

Mr. DiGregorio agreed with Ms. Seavey in that we don't want to force anyone to do anything on this. His feeling however is that the well should be replaced. He feels it should be fixed for generations to come and for this amount of money he hopes they would agree as it is for the long term.

Mr. Davidson stated again that the preference is what was stated earlier but would go with the long term fix.

Mr. Leavitt stated he would take this back to the Commissioners but they don't have much option as it is a public building and they need to have water. Also, they can't get setbacks to put a well in. Mr. Leavitt further added that his only concern is whether this will come under the PUC. Mr. Sires advised that we will do the research on the PUC matter.

Tim Goodson stated that he is in for the new well.

Kellie Johnson stated she is in for the new well.

There was further brief discussion and all agreed they were in for the new well.

Mr. Thibodeau moved, seconded by Ms. Seavey, that we move forward with the project at an estimated expense of \$25,000 for a new well located back in the woods pending written unanimous participation of all parties. Mr. Sires suggested a letter of commitment. There was a discussion of what happens if there is not unanimous participation. There was also discussion regarding that the costs are just estimates at this point and we don't know if all will participate. **Ms. Seavey withdrew the second and Mr. Thibodeau withdrew the motion.**

Mr. Thibodeau moved, seconded by Ms. Seavey to spend \$25,000 for the construction of a new well. The motion carried unanimously.

DISCUSSION OF RIVER ROAD CULVERT

Mr. Sires reviewed discussion was held at the last meeting regarding having a contractor plow the temporary bridge and now we have new information.

Mr. DegliAngeli stated that we now have a permit for replacement and we are trying to get this out to bid with a due date before Christmas and then have construction in the spring. Along with the permit we asked for a temporary fix as well. We think that we can put in temporary measures for not more than \$4,000. The quote to maintain the single lane bridge was for \$5,500. Mr. DegliAngeli stated the if going with the temporary fix then the temporary bridge could be removed and the road plowed. If this Board chooses to remove the bridge we will advertise the project, send out notices and start work next week. **Mr. Thibodeau moved, seconded by Ms. Seavey, that we go forward with the River Road culvert as laid out by Mr. DegliAngeli and remove money from the CRF to pay for it estimated between \$4,000 and \$5,500. The motion carried unanimously.**

SCHEDULE FOR ELECTION DAY

Mr. Weathers reviewed that Election Day is November 4, 2014. The Board agreed to the following schedule for the Selectmen for Election Day: David Weathers 8:00 am to 12:00 noon, Michael DiGregorio 12:00 noon to 4:00 pm, and Mary Seavey 2:00 pm to 7:00 pm.

SIGNING OF DOCUMENTS

- a. Current Use Land Use Change Tax Collector's Warrant – Tax Map/Lot 207-14.3
- b. Current Use Land Use Change Tax Collector's Warrant – Tax Map/Lot 258-68.22
- c. Current Use Land Use Change Tax Collector's Warrant – Tax Map/Lot 262-28
- d. Current Use Land Use Change Tax Collector's Warrant – Tax Map/Lot 288-31.213
- e. Land Use Change Tax – Tax Map/Lot 207-14.3
- f. Land Use Change Tax – Tax Map/Lot 258-68.22
- g. Land Use Change Tax – Tax Map/Lot 262-28
- h. Land Use Change Tax – Tax Map/Lot 288-31.213
- i. Notice of Intent to Cut Wood or Timber – Tax Map/Lot 250-106 & 155
- j. Notice of Intent to Cut Wood or Timber – Tax Map/Lot 291-11
- k. TAN Documents dated 10/21/14

Ms. Seavey moved, seconded by Mr. Thibodeau, to sign the Current Use Land Use Change Tax Collector's Warrant–Tax Map/Lot 207-14.3, Current Use Land Use Change Tax Collector's Warrant–Tax Map/Lot 258-68.22, Current Use Land Use Change Tax Collector's Warrant–Tax Map/Lot 262-28, Current Use Land Use Change Tax Collector's Warrant–Tax Map/Lot 288-31.213, Land Use Change Tax–Tax Map/Lot 207-14.3, Land Use Change Tax–Tax Map/Lot 258-68.22, Land Use Change Tax–Tax Map/Lot 262-28, Land Use Change Tax–Tax Map/Lot 288-31.213, Notice of Intent to Cut Wood or Timber–Tax Map/Lot 250-106 & 155, Notice of Intent to Cut Wood or Timber–Tax Map/Lot 291-11 and TAN Documents dated 10/21/14. The motion carried unanimously.

CONSIDERATION OF BILLS

a. Manifest dated 10/23/14 – **Mr. Thibodeau moved, seconded by Ms. Seavey, to approve the manifest dated 10/23/14. The motion carried unanimously.**

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

- a. Manifest dated 10/16/14
- b. Payroll dated 10/16/14
- c. Warrant for 11/4/14 Election – Town of Conway
- d. Warrant for 11/4/14 Election – Hales Location

Mr. Thibodeau moved, seconded by Ms. Seavey, to ratify the Manifest dated 10/16/14, Payroll dated 10/16/14, Warrant for 11/4/14 Election–Town of Conway and Warrant for 11/4/14 Election–Hales Location. The motion carried unanimously.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

a. Post 95 American Legion/Veterans Day Parade – 11/11/14 – **Mr. DiGregorio moved, seconded by Ms. Seavey, to approve the special event application for the Post 95 American Legion Veterans Day Parade. The motion carried unanimously.**

CONSIDERATION OF MINUTES

- a. 9/16/14 non public
- b. 9/23/14 regular meeting
- c. 9/23/14 non public

Mr. Thibodeau moved, seconded by Mr. DiGregorio, to approve the minutes of 9/16/14 non public meeting, 9/23/14 regular meeting and 9/23/14 non public meeting as written. The motion carried unanimously.

TOWN MANAGER REPORT

Recreation Facility Planning Committee – Mr. Sires reported a Recreation Facility Planning Committee meeting was held yesterday. There was discussion on the process and where this is headed. There was also discussion about the RFP which is due on Friday.

Solar Energy Presentation – Mr. Sires reported that he attended a solar energy project presentation earlier today at Tin Mountain.

Frost School – Mr. Sires reported that he and Tom Holmes will be talking to students at the school tomorrow about local government.

West Side Road Land Acquisition – Mr. Sires reported he is working with the Conservation Commission regarding the acquisition of land on the west side of town. This may be before the Board at the meeting scheduled for November 18, 2014.

Tech Village – Mr. Sires reported he attended the road opening at the Tech Village the other day. There was also discussion about a bottling plant in the town in the future.

Budget Management – Mr. Sires reviewed that a Budget Committee member brought up a concern about how the town manages the budget during the year, how we spend line items, and whether the Board of Selectmen have to approve moving money from line to line. Mr. Sires advised that he spoke with the DRA about how we do this in town and they were satisfied with how it is done. Thereafter, he wrote to the DRA with questions and asking whether the Board of Selectmen have to approve expenditures if over expending a line or just the bottom line. The DRA wrote back advising that because we have a town manager form of government that the town manager supplements the roll of the Board of Selectmen and some of the duties is to regularly make reports to the Board. Also, the DRA said to provide details and receipts to the Board of Selectmen but there is nothing that says that the Board of Selectmen has to approve. Also, what we did find out was that we are to provide receipts for monthly expenditures and we will start putting this on the agenda.

Tax Bills – Mr. Sires reported that there is concern about when the tax bills will be distributed. The DRA has advised that the county has not submitted certain information. We are working with our state representatives and the DRA to try to expedite this. Also, we may have to go back and borrow more money if the tax rate can't be set. We would like to get the tax bills out soon however so that they are not due at Christmas. Mr. Sires next added that if we do not get word back, we should urge the DRA to set the tax rate.

Budget Committee - Mr. Sires reported that the Budget Committee is scheduled to meet tomorrow night.

BOARD REPORTS AND COMMENTS

MWV Regional Collaborative meeting – Mr. Thibodeau reported a MWV Regional Collaborative meeting was held recently. They have contracted with a planning organization out of Portland to look at the whole Mount Washington Valley region and to have planning ordinances reviewed. At some time in the future we may be asked to look at our regulations regarding affordable housing.

Planning Board – Mr. Thibodeau reported a meeting of the Planning Board is scheduled for Thursday night.

ESAA – Mr. Thibodeau reported the ESAA met two weeks ago. They are looking at restructuring how the airport operates. They also had discussion about the terminal building which may not be happening until spring of 2015.

MWVEC – Ms. Seavey reported that the MWVEC had a ribbon cutting for the new road. Also, the MWVEC is scheduled to meet again tomorrow.

Recreation Facility Committee – Mr. DiGregorio reported the Recreation Facility Committee is scheduled to meet again on November 5 at 9:30 a.m.

Conservation Commission – Mr. Weathers reported the Conservation Commission is scheduled to meet on November 12.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Daymond Steer asked about the ESAA terminal project. Mr. Thibodeau stated it had to do with the consultant selection, time scheduling, etc.

Mr. Steer next asked about Fairpoint putting wires in during a project in Conway. There was no comment from the Board of Selectmen.

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

At 7:11 pm, **Mr. Thibodeau moved, seconded by Mr. Thibodeau, to go into non public session under RSA 91-A:3,II(c) to discuss a tax matter.** The non public session included a taxpayer, Tax Assessor, Tom Holmes, Town Manager, Earl Sires, and Recording Secretary, Karen Hallowell. **The motion carried by unanimous roll call vote.**

The Board returned to public session at 7:23 p.m. There was no motion to seal the minutes of the non public session.

ADJOURN

At 7:24 p.m. the meeting adjourned at the call of the Chair.

Respectfully submitted,

Karen J Hallowell
Executive Secretary