

Minutes of Meeting
CONWAY BOARD OF SELECTMEN
July 26, 2016

The Selectmen's Meeting convened at 4:03 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen, C. David Weathers (Chair), Mary Carey Seavey, Carl Thibodeau, John Colbath and Steven Porter, Town Manager, Earl Sires, and Recording Secretary, Karen Hallowell.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Mr. Weathers noted that a Permit to Sell Raffle Tickets has been added under signing of documents. Also, an agenda item will be added to discuss logging trucks on West Side Road **Mr. Colbath moved, seconded by Mr. Porter, to approve the agenda as amended. The motion carried unanimously.**

CONSIDERATION OF UNANTICIPATED REVENUE LESS THAN \$10,000/RSA 31:95-B, III (B)

a. \$3,000.00 from the Conway Public Library to the Town of Conway for Project Archivist

Library Director, David Smolen, reviewed that the Library received a grant from the Gibson Woodbury Charitable Foundation for \$3,000 to continue to work on the papers of Samuel Bemis. **Mr. Porter moved, seconded by Mr. Colbath, to accept the unanticipated revenue in the amount of \$3,000 from the Conway Public Library to the Town of Conway for the project archivist. The motion carried unanimously.**

b. \$100.00 from Conway Village Congregational Church to Town of Conway Recreation

Mr. Sires reviewed that \$100 was received from the Conway Village Congregational Church for a Fourth of July booth fee in Schouler Park. **Mr. Thibodeau moved, seconded by Mr. Colbath, to accept the \$100 from the Conway Village Congregational Church to the Town of Conway. The motion carried unanimously.**

PARKING ALONG WEST SIDE ROAD IN AREA OF DIANA'S BATH – GREGORY SULLIVAN

Gregory Sullivan, owner of property on West Side Road, joined the meeting.

Mr. Sires advised that the Town was contacted by Mr. Sullivan regarding parking along West Side Road in the area of Diana's Bath. Mr. Sullivan was also following up and reiterating a request he made several years ago when he contacted the Police Chief and Town about this area of the road as well. Mr. Sires next reviewed that at the time of Mr. Sullivan's previous request, the town had decided not to make any changes to parking at that time.

Mr. Sullivan stated that back in 2009 things got busy in the area of Diana's Bath. He is here tonight hoping to get relief and to have some no parking signs put up on either side of his driveway. Mr. Sullivan advised that his family has been on the road since 1936. He stated thanks to the Chief for coming out and looking at the situation as since 2009 it has gotten worse. Mr. Sullivan next stated that cars are parking on both sides of the road between the Lucy property and the Bartlett town line. He believes this is a dangerous situation. People are parking on both sides of the road and getting out of cars onto the road, kids are getting out of

both sides, there are screeching brakes, etc. Mr. Sullivan next distributed photos of cars parked along the roadway for the Board to review. Mr. Sullivan next advised that he does place rails in the area of his driveway so that people won't park there. It is dangerous to exit his property when people are parked next to his driveway. Mr. Sullivan is asking the Board for relief from this situation and also to ask the State. Mr. Sullivan next went on to state that he also has a situation with people parking in front of his house. There is rowdy behavior, foul language, and trash. He and Mr. Lucy have been out there on several occasions filling up trash bags of litter.

Mr. Sullivan next requested that he get relief of 35 yards on each side of his driveway as no parking. He feels this would make the situation safer. He does not like putting the rails on the ground as a motorcycle could hit them, etc. From a safety point of view for the public and his property he feels no parking for a short distance on either side of his driveway would help and asks that the town put up signs. Mr. Sullivan next stated that he feels that the federal government should take a look at the parking situation at Diana's Bath but knows that would not happen any time soon.

Ms. Seavey asked about accidents in the area. Mr. Sullivan stated he hears screeching tires all the time. He is here part time on weekends and vacations, etc. Also, when he came up on Sunday someone had moved the logs from in front of his property. Ms. Seavey questioned if he has the right to even put the barriers there. Mr. Sullivan stated he puts them out because people are parking on his property. This area used to be loaded with blueberries but they are all gone now. Chief Wagner stated that he did not do the research on accidents in that area before coming to this meeting.

Mr. Thibodeau asked about the pavement width. Mr. DegliAngeli advised that it is a state road and is probably 22-24 feet. He does not know the width of the right of way. A discussion regarding the road and who has ownership or a say as to the right of way ensued. Mr. DegliAngeli stated that land in a right of way is still the land of a landowner. Mr. Thibodeau questioned if it removes the rights of the owner. Mr. DegliAngeli stated the state or municipality takes care of rights of way for safe motoring.

Chief Wagner next stated that he agrees with Mr. Sullivan. He is not here to discuss whether or not we should put up signs but for those who travel this area, it is a very dangerous place to go through. Also, whether or not there are accidents is not a lone indicator of dangerous or not. For Mr. Sullivan it is a matter of being safe getting out of his driveway. The bigger issue is the state or federal government needs to build a bigger parking lot.

Mr. DegliAngeli stated we can put up signs, but if they are not enforced then they are not effective. Mr. Weathers stated the Forest Service can also be called. Mr. Thibodeau questioned if signs are put up will this create a hardship to patrol the area. Chief Wagner stated yes and, also, if Mr. Sullivan is in town he will be calling. Mr. Sullivan stated he can call a private towing company if he has the right to police it himself. There was next discussion about signing the area of the driveway.

Mary Lucy stated if there is going to be no parking in front of Mr. Sullivan's property this will then push parking closer to Lucy Farm. Ms. Lucy next stated that this is also a very dangerous area for bicyclers, etc.

Chet Lucy stated that he has counted 60-70 cars out there at a time. Mr. Lucy next reviewed that he had sold a piece of property to the government to put in the Diana's Bath parking area. The point here is that the Forest Service needs to own up to its responsibility. The parking area is not big enough and pressure should be put on them to tend to business. Mr. Lucy advised that he has also had people picnicking on his property. He feels the answer is to get the Forest Service in on this and see if more land is available for parking.

Kim Beals stated that there are a number of stakeholders here such as the Chamber of Commerce and the Economic Council as tourism is involved. They have done a good job of promoting this area but with that we also have to deal with property owners. She feels the federal government should be involved in the discussion.

Nat Lucy questioned if a landowner has the right to say no parking on his property. There was further discussion by the Board about the right of way area. Mr. Weathers stated that maintenance work in the right of way is done by the state such as removing trees, etc, however the trees belong to the landowner. Mr. Sullivan stated that he cannot build a wall etc as it is the state right of way. He agrees with others statements that the federal government needs to step up and fix the situation. Further, he is only asking for a short distance of his property to be signed which is 35 yards on either side of the driveway –from utility pole to utility pole.

There was further discussion by the Board regarding the parking on West Side Road, the right of way, the parking lot at Diana's Bath, Mr. Sullivan's request for no parking, etc.

Mr. Sullivan next suggested that there be no parking on one side of the street. He feels that parking on both sides is an accident waiting to happen.

Nat Lucy commented that he feels it is irresponsible of the Board of Selectmen as this is a safety hazard for children, etc., and heads are in the sand if we are not treating this as a flat out safety hazard as someone is going to get hurt. It is up to the forest service if they want a bigger parking lot but first is the safety of humans.

Mr. Porter moved, seconded by Ms. Seavey, that we (a) put up no parking signs on both sides of the Sullivan property for 35 feet and; (b) we notify the forest service to consider enlarging the parking lot to alleviate on street and off street parking to protect people. There was brief discussion regarding the distance and parking in the area. **The motion carried 3-2-0 with Messrs. Thibodeau and Weathers voting in the negative.** Mr. Weathers stated he voted in the negative as he did not feel that 35 feet was enough.

Mr. Weathers next advised Mr. Sullivan that we will post either side of his driveway 35 feet for no parking and the Town will write a letter to the Forest Service. Mr. Sullivan advised he would be writing a letter also.

Mr. Colbath next stated that he feels we still need to ask the state to come before us to discuss the liability issue. Mr. Thibodeau stated he feels the NHDOT needs to look at this area. Mr. Colbath stated that the Chamber, etc, and also emergency services should also be involved in the discussion.

Mr. Colbath asked about the no parking on pavement signs and who enforces this. Chief Wagner stated they enforce but most people are parked off of the road. Mr. Sullivan stated that he feels that the 'no parking on pavement' signs are an invitation to park there.

Mr. Weathers stated that the town will send a letter to the Forest Service and the NHDOT. The Board agreed. The Board also agreed that this matter can be looked at again in the future if needed.

PARKING REGULATIONS – DEPOT STREET: TIME LIMIT BUS PARKING

Mr. Sires reviewed that this is a continuation of a discussion held at the last Board meeting. Mr. Sires advised that there are four busses in the parking lot at Depot Street all day long. This is an issue for our parks department trying to get into the lot. At the last meeting of this Board there was discussion of possible solutions and to maybe sign it for time limit parking.

Mr. Thibodeau had requested that we looking at the village in general and information is included in the agenda packet regarding time limit parking in town. Mr. Sires next reviewed that signage in is not consistent in town and if we were to get serious about parking enforcement in the village then we have to look at the signage.

Mr. Porter stated that we aren't talking about people coming in to town and parking for a few hours. We are talking about a couple of businesses that are parked all the time. If you are a normal driver, you are there for a few hours. The vehicles we are talking about are there all night and during the day and only take off for a few hours and we need to look at this issue. We are talking about businesses who park and leave vehicles there and this needs to be addressed and enforced in the future.

Mr. Weathers reviewed that there have also been businesses in town that have also complained as some parking is being taken up all the time.

Mr. Sires stated that if we post this as time limited parking there is the question of if the police will have time to enforce it and, also, would we have an issue with selective enforcement. Mr. Holmes stated that we have ordinances on the books now that do prevent kiosk, food trucks etc., from setting up and if they did set up they would be asked to leave. Mr. Holmes further stated that the situation we have now is a type of advertising for a business and is a gray area. Further he does not feel that time limit parking is a problem as most people come and go in a few hours. Police Chief Wagner stated they do not have time to mark tires, etc, for parking enforcement. He does agree however that this is being used for a different purpose and is advertising. Ken Rancourt suggested parking meters to generate income.

There was further discussion regarding parking in the village, etc. **Mr. Porter moved, seconded by Ms. Seavey, to send a letter to the parties involved in this discussion asking them to cease their long term parking at this facility.** Mr. Thibodeau stated it is his understanding that these parking spaces are not posted for a particular length of time. Mr. Sires stated they are not posted for time at Depot Street. Mr. Thibodeau stated then he questioned whether or not we can restrict one individual for parking there for extended periods of time without posting it. He feels the motion should be to post time limits. Mr. Porter agreed and feels it should be posted first. **Mr. Porter amended the motion, seconded by Ms. Seavey, to send a letter to the parties involved in this discussion asking them to cease their long term parking at this facility and to include two (2) hour parking signs at Depot Street Parking lot.** Chief Wagner stated this is not enforced anywhere else. If someone parks in the village it is not enforced. Further, he feels the town should look into Mr. Holmes' idea in that we don't allow them there in the first place. Mr. Sires stated this could be looked into with the Planning Department. Kim Beals stated that if the Town changes Depot then it will just be another street such as Mechanic. She feels we need to be consistent all around. If you put up one sign you will have to sign all. We need to be consistent with the regulation. There was further discussion by the Board of the businesses parking and if this constitutes advertising. Mr. Colbath questioned which businesses are involved. Mr. Porter advised it is the Moose Tour company and Valley Taxi. **The motion carried 5-0-0.**

TRUCKS ON WESTSIDE ROAD

Logger, Peter Howland, appeared before the Board. Also, present for discussion was Police Chief Ed Wagner and Public Works Director, Paul DegliAngeli.

Mr. Weathers reported that he received a call from a logger who has a logging operation off of Passaconaway Road and has to come out onto West Side Road. The logger was stopped by the NHDOT the other day and warned for no through trucking.

Mr. Howland advised that this logging operation has been going on for many years and he has always traveled the road. Mr. Howland explained that if going through Conway the problem is getting stuck and it is sometimes easier to go up West Side Road.

Mr. Colbath questioned how this is regulated, is it by weight, etc? Mr. DegliAngeli first explained that we have seasonal regulations when the road bans are going on and there is a requirement to post a bond if you want to use a road during the bans. Outside of seasonal posting of roads, we have roads posted as no through trucking. We take what the vehicle is rated for and not what is on the truck. Mr. DegliAngel next stated that if you have a destination on West Side Road then you are not through trucking. However, if you are, for instance, driving a concrete truck through to Barlett then this is through trucking. If you have a destination on West Side Road then this is not through trucking. Mr. DegliAngeli next reviewed the costs to pave and maintain West Side Road with the Board.

There was a discussion by the Board as to whether or not Mr. Howland's case constitutes through trucking. Mr. Thibodeau stated he would like to have the town attorney define through trucking. There was further brief discussion. **Mr. Thibodeau moved, seconded by Ms. Seavey, that we send an inquiry to town counsel for the definition for through trucking and in the interim, while the definition is pending, we should allow the logger to go either direction on West Side Road when entering West Side Road during a mid point.** There was next a brief discussion of per axel load weights and limits. Mr. Weathers stated that this motion does not include times of the year when roads are posted. Ms. Seavey stated that when we get the opinion of town counsel she would also like to hear from Paul DegliAngeli about the impacts to the roadway. **The motion carried 5-0-0.**

APPOINTMENT OF HISTORIC DISTRICT COMMISSION MEMBERS

Mr. Sires reviewed that the Board of Selectmen had asked staff to place an ad for volunteers for the Historic District Commission. Mr. Sires reviewed next reviewed the RSA regarding Historic District Commissions with the Board. Mr. Sires next reviewed that people who have volunteered to date to serve on this Commission are as follows: David Smolen, Kim Beals, Mark Hounsell, Ray Lawrence Sr., and John Cannell.

Ken Rancourt was present at the meeting and volunteered to serve on the Commission.

Ms. Seavey moved, seconded by Mr. Colbath, to appoint David Smolen, Kim Beals, Mark Hounsell, Ray Lawrence, Sr., John Cannell and Ken Rancourt to the Historic District Commission. The motion carried unanimously.

Mr. Weathers asked that after the Commission has its first meeting that they come up with a mission statement. Mr. Weathers next thanked the volunteers for agreeing to serve on the Commission.

APPOINTMENT OF NON-PRECINCT FIRE AGREEMENT/AMBULANCE COMMITTEE MEMBER

Mr. Porter stated that prior to the meeting held last week to discuss the non precinct fire agreement, it was brought to his attention that it may be a potential conflict for him to be on this committee due his father, Robert Porter, being a North Conway Water Precinct Commissioner. He has discussed this with David Weathers and also Attorney Malia. Attorney Malia advised that it could be perceived that by both being on the Board it is a conflict. Mr. Porter stated that he recused himself but did still attend the meeting. However, when it comes time for the ambulance discussions with this Committee he would like to be part of that discussion. Mr. Porter next stated that he does think it is wise that he recuse himself from the non precinct fire agreement and have another Selectmen appointed for this part of the discussions. Mr. Colbath

questioned which Selectmen now sit on the committee. Mr. Weathers advised it is himself and Steve Porter. Mr. Colbath next volunteered to take Mr. Porter's place. Mr. Porter next advised that it was also discussed that David Weathers in involved with the committee but this was deemed okay. Mr. Weathers stated that no one seemed to have a problem with him sitting on the committee and this was discussed at the recent meeting. Further, he is not doing any ambulance shifts and only fills in as needed.

Mr. Colbath next asked who else is on the town committee and if non precinct fire and ambulance are one committee. Mr. Porter advised that it is one committee and the representatives from the public appointed by the Selectmen are Stacy Sand and Bob Barriault. Mr. Thibodeau pointed out that this is an advisory board and they will bring back recommendations to this Board. Mr. Thibodeau stated he fails to see the conflict as this has to come back to the full Board for review. Mr. Sires advised that the attorney's caution was that you need to be aware of the appearance of a conflict. After further brief discussion by the Board, Mr. Porter stated he feels it is in the best interest of the taxpayers that he remove himself for the non precinct fire agreement but he would like to be there for the ambulance discussions. Ms. Seavey agreed. **Mr. Thibodeau moved, seconded by Ms. Seavey, that we appoint John Colbath to replace Steven Porter for the Non Precinct Fire portion and that Steven Porter will go back on the committee for the ambulance portion. The motion carried 5-0-0.**

NHMA POLICY PROPOSALS

Mr. Sires reviewed that the NHMA Policy Proposal Conference is scheduled for September. The NHMA asked the Board to indicate support or non support of any proposed policies. Mr. Sires next reviewed that Tax Assessor, Tom Holmes, did provide comments on some of the proposed policies and we are awaiting comments from other departments regarding any of the policies.

Mr. Sires next advised that what is time sensitive at this point is if the Board of Selectmen have any floor policies that they would like to put forward. This Board has until August 9, 2016 to submit any floor proposals of their own to the NHMA for consideration.

Mr. Thibodeau requested that Mr. Holmes discuss his concerns. Mr. Holmes reviewed his comments made in a memo to the Board with the Board.

Mr. Weathers questioned how the Board wanted to proceed. Mr. Sires questioned if the Board had any floor proposals to discuss now and, if not, we can take up the recommendations on the NHMA proposed policies at a future meeting. The Board did not have any proposals and agreed to take up the matter of the NHMA proposed policies at a future meeting.

REVIEW OF RECEIPTS

Receipts were avail for the boards review

SIGNING OF DOCUMENTS

- a. Abatement Tax Map/Lot 284-12
- b. Notice of Intent to Cut Wood or Timber Tax Map/Lot 218-35
- c. Notice of Intent to Cut Wood or Timber Tax Map/Lot 282-1.102
- d. Permit to Sell Raffle Tickets/Friends of Conway Public Library – Drawing 9/21/16

Mr. Colbath moved, seconded by Mr. Porter, to sign the Abatement for Tax Map/Lot 284-12; Notice of Intent to Cut Wood or Timber for Tax Map/Lot 218-35; Notice of Intent to Cut Wood or Timber Tax for Map/Lot 282-1.102; and a Permit to Sell Raffle

Tickets for the Friends of Conway Public Library for a drawing 9/21/16. The motion carried unanimously.

CONSIDERATION OF BILLS

- a. Accounts Payable Manifests dated 7/28/16

Ms. Seavey moved, seconded by Mr. Porter, to sign the Accounts Payable Manifests dated 7/28/16. The motion carried unanimously.

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

- a. Accounts Payable Manifest dated 7/21/16
- b. Payroll dated 7/21/16

Ms. Seavey moved, seconded by Mr. Thibodeau, to ratify the Accounts Payable Manifest dated 7/21/16 and Payroll dated 7/21/16 signed out of session. The motion carried 3-0-2 with Messrs. Thibodeau and Colbath abstaining.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION

- a. Open Farm Day / Sherman Farm LLC – 8/6/16
- b. 18th Annual Reach the Beach / Ragnar Reach the Beach LLC – 9/16/16 (pending insurance)
- c. Bark in the Park / Conway Area Humane Society – 9/26/16

Mr. Thibodeau moved, seconded by Mr. Colbath, to sign the Special Event Applications for Open Farm Day / Sherman Farm LLC – 8/6/16; 18th Annual Reach the Beach / Ragnar Reach the Beach LLC – 9/16/16 (pending insurance); and Bark in the Park / Conway Area Humane Society – 9/26/16. The motion carried unanimously.

CONSIDERATION OF MINUTES

Consideration of the minutes of the 7/12/16 meeting was carried to the next meeting.

TOWN MANAGER REPORT

North Country Council – Mr. Sires reported he attended a North Country Council Board of Directors meeting on July 13, 2016. The meeting focused a lot on what the new Director is doing for the organization in the future.

Mr. Sires next reviewed that he also attended a North Country Council Transportation Advisory Council meeting on August 21, 2016. There was presentation about a project that the NHDOT is working on with UNH. It is a statewide asset data exchange system to get all information in one place. There was also discussion of a pavement management program. Mr. Sires next reviewed that there was also a discussion about the transportation alternatives project. The MWV Trails Association is working on a grant to submit to the state for a trail that would go from Whitaker Woods to the Pudding Pond area. The application will come before this Board later this month; however, it looks very competitive.

Recreation Relocation – Mr. Sires reported that discussions regarding relocating the recreation department to the Middle School are still under negotiations. The school will be submitting a proposal to the town and then we will have a meeting to discuss and review the proposal.

Non Precinct Fire Negotiations – Mr. Sires reported a meeting was held to discuss the non precinct fire agreement and all five fire departments were invited to attend. The town presented to North Conway and Conway Village a basically status quo proposal. There was a lot of discussion but no resolution of any issues at the meeting. Conway Village wants to make a counter proposal that is more beneficial to them and North Conway has expressed an interest in assuming one of non precinct areas that is now covered by Conway Village. Center Conway has also indicated they would like a small payment because they provide mutual aid to the two departments that are involved in the non precinct fire agreement now. They will be providing additional information to the town regarding this request. The next meeting of the committee is scheduled for September 1, 2016.

Vacation – Mr. Sires reported that he will be on vacation starting August 4, 2016. He will return to the office on August 22, 2016. Tom Holmes will be sitting in as Town Manager while he is away.

BOARD REPORTS AND COMMENTS

Planning Board – Mr. Porter reported that a Planning Board meeting is scheduled for Thursday night.

ZBA – Mr. Colbath reported that a ZBA meeting was held last week. Two matters were presented and approved.

NHMA Budget Workshop – Mr. Colbath reported the NHMA is holding a Budget Workshop on September 27, 2016 at Attitash and he would like to attend. The cost is \$80. Mr. Sires advised that Karen can set him up to attend.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Daymond Steer of the Conway Daily Sun asked for the names of people who were appointed to the Historic District Commission. Mr. Sires reviewed the names of the appointees. Mr. Steer questioned if they will pick their own chair, meeting dates, etc. Mr. Sires responded in the affirmative.

Mr. Steer asked about the non precinct fire agreement and ambulance agreements and if anyone is keeping track of managing the contracts, staff time, etc., as it seems staggering to him. Mr. Sires reviewed that this is something that the Town Manager does in this town. Mr. Sires reviewed that there are five precincts and there are areas not located in a precinct.

Mr. Colbath questioned if the contracts are not successfully negotiated will we need a special town meeting. Mr. Weathers reviewed that the ambulance agreement ends April of 2017 and the non precinct fire agreement ends in 2018. Mr. Sires stated that if there is a lag we can try to get the parties to agree to carry over agreements. Also a one year agreement could be made by the Selectmen; however, any multiyear agreement has to go to the voters.

There was next further brief general discussion of the agreements, precincts, formulas, etc.

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

At 6:24 pm **Mr. Colbath moved, seconded by Ms. Seavey, to go into non public session under NH RSA 91-A:3,II(c) to discuss a tax matter.** Included in the non public session was Town Manager, Earl Sires, Tax Collector, Rhoda Quint, and Recording Secretary, Karen Hallowell. **The motion carried by unanimous roll call vote.**

The Board returned to public session at 6:42 pm.

Mr. Colbath moved, seconded by Mr. Porter, to seal the minutes of this non public session. The motion carried 4-1-0 with Ms. Seavey voting in the negative.

ADJOURN

At 6:43 pm the meeting adjourned at the call of the Chair.

Respectfully submitted,

Karen J Hallowell
Executive Secretary