

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN**

February 10, 2015

The Selectmen's Meeting convened at 4:08 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen, C. David Weathers (Chair), Mary Carey Seavey Michael DiGregorio, Stacy Sand, and Carl Thibodeau, 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 advised that Agenda item 15, Approval of Minutes, would be held until the next meeting. **Ms. Seavey moved, seconded by Ms. Sand, to approve the agenda as amended. The motion carried unanimously.**

HEALTH REGULATIONS

- a. Frank Darling Tax Map/Lot 251-86
- b. William Wilder Tax Map/251-42

Michele Wilder was present for discussion. Also present was Town Attorney, Peter Malia and Building inspector, David Pandora.

Mr. Sires reviewed that the Board of Selectmen passed a set of Health Regulations in 2013. Now that zoning cases are resolved we have started working with people to make sure they are following the health regulations with regard to campsites including how long a camping unit can be there, if it can be removed in the event of a flood, etc. The Health Regulations govern septic, things you can and can't do there, etc.

Mr. Sires next advised that the properties scheduled today have received notice regarding violation of the Health Regulations. Today is not an appeal of the violation and this has to be done in the courts. The matter is on the agenda today to have discussion only. Mr. Wilder next stated that Michele Wilder is here today but they have complied with the notice of violation and she would like to have discussion and ask questions.

Ms. Wilder stated that she agrees with 90% of the Health Regulations passed by the Board of Selectmen. She agrees there was a lot of destruction and damage by the hurricane. Ms. Wilder next advised that in 2013 they put a new travel trailer on their lot that is self contained and portable. The only complaint she has with the Health Regulations is the 180 day rule. She did not buy this property for seasonal use. When they bought the property it was to use year round. Her concern is that the town is considering her private property a camping lot and why can't she have her own self contained travel trailer there more than 6 months a year. The 180 day rule makes it unaffordable as she has to pay to store her trailer the time she can't have it on her property. The 180 day rule is not feasible or affordable for them as property owners and they bought it to use year round. In looking at all of the regulations they have abided by them even after the storm. They have done all the town has asked. She has a problem with the 180 day rule as they want to skimobile in the winter and kayak in the summer. There is nothing in the deed that says it is seasonal use only. Ms. Wilder next stated that Mr.

Pandora just gave her a new notice regarding abiding by a FEMA requirement and she just received this and will have to review same. Ms. Wilder next stated that she knows they are in a flood zone and they know they have to move the trailer if needed. She would like to hear from the Board of Selectmen why the 180 day rule. This was not on her property when she bought it otherwise they would have done something different.

Ms. Sand stated that if Ms. Wilder has an alternative suggestion to present it to the Board. Ms. Sand next stated that one reason for the regulations is if there is a sudden flood. It could be a matter of an hour to get the trailer out.

Ms. Wilder stated that she has information from when she bought the property and nowhere does it say seasonal use only.

Mr. Sires stated the town was being generous with the lots as they are in the floodplains so that there is some value to their land when the Health Regulations were developed. These lots have value that some others don't in town.

Ms. Wilder stated that when she bought the property they went through all the rules and regulations to make sure they could use the property.

Mr. DiGregorio asked if the Association comes around to make sure regulations are followed. Ms. Wilder stated they haven't received any notices from the association in Transvale.

Mr. DiGregorio stated there is an ordinance in place now and questions if there was somewhere in the ordinance that someone could get a waiver with a fee so we could inspect the property. Would this be allowed or would it open up a can of worms. Attorney Malia stated it is doable but it would open up a can of worms. We are trying to treat all properties the same. After Storm Irene we looked at all the properties and reviewed them for permits, etc. Attorney Malia next stated that if the Board does do this they would need to come up with an objective list for the waivers. Mr. Sires stated that there are hundreds of campsites down in this area.

Mr. Weathers next discussed the flooding that occurs in Transvale. Floods can happen without warning and then emergency personnel have to be sent down there.

There was next brief discussion of whether Ms. Wilder could appeal the Health Regulations violation. Ms. Wilder was advised that this could be done through the courts.

Mr. Thibodeau next asked why they are not grandfathered from before we put the Health Regulations in affect. There was a brief discussion. Attorney Malia stated that he can take a look at this to see if Ms. Wilder is grandfathered from the Public Health Regulations which prevents her from keeping her trailer there more than 180 days. There was further brief discussion. The Board agreed that Attorney Malia will look into the grandfathering issue.

John Darling next appeared before the Board. Mr. Sires advised Mr. Darling's situation is similar but his violation is pending because the unit is still on the property .

Mr. Darling stated that the town is saying it is a campground but he pays taxes on this private property. Mr. Sires explained that all private property has use regulations. The town said this could be used as seasonal campsites.

Mr. DiGregorio asked if there are other issues besides the 180 day rule. Mr. Sires stated that there are waste disposal and other issues.

Mr. Darling next stated that his deed says land and buildings. Mr. Sires explained that there is a 2004 photo of land and no buildings. Mr. Darling advised that he bought the property in 2010.

Mr. Darling next stated that if he moves the trailer he will be homeless and he bought the property to live on it. Mr. Weathers stated that all land has regulations and it is up to the individual to find out what the regulations and restrictions are.

There was further discussion. It was agreed that Attorney Malia would look at the regulations and see if the grandfathering issue may apply to this property as well.

Mr. Pandora asked if the trailer has a plate on it and is it registered. Mr. Darling advised that it needs to be registered as it ran out in January.

Mr. Weathers asked about waste disposal. Mr. Darling advised that he takes it to Settlers Green.

CONSIDERATION OF LOCAL EMERGENCY OPERATIONS PLAN GRANT

Mr. Sires reviewed that the State is providing a grant to allow us to update our Emergency Operations Plan in the amount of \$10,000. We have to match \$5,000 through attendance at meetings, etc. **Ms. Seavey moved, seconded by Mr. DiGregorio, that the Town of Conway Board of Selectmen, in a majority vote, accepted the terms of the Emergency Management Performance Grant (EMPG) as presented in the amount of \$10,000 for the LEOP Plan. Furthermore, the Board acknowledges that the total cost of this project will be \$10,000, in which the Town will be responsible for a 50% match (\$5,000). The motion carried unanimously.**

LIGHTING FOR BRIDGE OVER ROUTE 16, CONWAY VILLAGE

Public Works Director, Paul DegliAngeli, joined the meeting.

Mr. Sires reviewed that this discussion is a follow up to a previous discussion the Board of Selectmen held regarding lighting for the bridge on Route 16 in Conway Village.

Mr. DegliAngeli reported that we received an email back from the State advising they could put lighting back on the bridge as part of the project or, if the Board wants ornamental lighting, then the town would have to take them over. There was discussion by the Board on lighting for the bridge, poles, pole location, and LED lighting. The Board agreed they would like to know more about LED lighting for the bridge and a budget and that this matter should be brought back in the next couple weeks for discussion.

REVIEW OF CONCEPT FOR ROUNDABOUT IN CONWAY VILLAGE

Mr. DegliAngeli reviewed two concept plans for an oval roundabout in Conway Village. There was discussion by the Board on the location of the roundabout, traffic, directions of traffic, aesthetics, etc. Mr. Sires advised that we need to get information to the North Country Council by March 27, 2015. **Ms. Sand moved, seconded by Mr. DiGregorio, to put the concept out there to be on the plan. The motion carried 4-1-0 with Ms. Seavey voting in the negative.**

DISCUSSION OF TAX RATE AND USE OF FUND BALANCE FOR CRF

Mr. Sires reviewed that Mr. Thibodeau brought up the idea last week to use some of fund balance for the CRF for infrastructure.

Mr. Sires next reviewed there was also a discussion on revenues. Mr. Sires next reported that thanks to an error in the formula, we now have \$300,000 in revenue that we didn't account for last week and so he is asking the Board to revote on same this week so we can include this in our DRA paperwork.

Ms. Gilligan next distributed updated information regarding revenues to the Board and reviewed same. (See attached). Revenues are now estimated at \$3,475,598. **Ms. Sand moved, seconded by Ms. Seavey, to approve the updated revenues. The motion carried unanimously.**

Mr. Sires and Ms. Gilligan next reviewed the tax rate projection with the Board. (See attached).

Ms. Gilligan and Mr. Sires next briefly reviewed a memo with the Board regarding fund balance. (See attached).

Mr. Thibodeau next stated that he would like to see us increase the CRF for infrastructure from \$400,000 to \$500,000 as he feels we are playing a dangerous game of kick the can for projects in the future. Mr. Thibodeau suggested a warrant article for \$500,000 for the Infrastructure CRF with \$100,000 coming from fund balance. There was next discussion by the Board regarding fund balance, the tax rate, and the infrastructure CRF warrant article. Ms. Sand questioned what would happen if the suggested article failed. Mr. Sires stated that the money would then stay in fund balance. Ms. Sand stated that she feels this should be two separate articles. There was further discussion on the article. **Mr. Thibodeau moved, seconded by Ms. Seavey, to change the article for the CRF Infrastructure Reconstruction from \$400,000 to \$500,000 with \$400,000 to be raised by taxes and \$100,000 from fund balance.** Mr. Thibodeau stated he feels it should be one article. Mr. DiGregorio stated there are pro and cons to it being one article or two. Mr. Thibodeau stated that if you split it up you stand the chance of one or the other being defeated and he feels this is better as one article. Ms. Sand stated she disagreed with one article and people are looking today to cut and this may be cut. She also feels that voters tend to look only at the bottom line and this should be separate to make it clear. There was further brief discussion. **The motion carried 4-1-0 with Ms. Sand voting in the negative.**

There was next discussion regarding fund balance. **Ms. Sand moved, seconded by Mr. Thibodeau, to direct staff to use the \$400,000 figure for the purposes of the tax rate estimation.** The Board understood and agreed that this number could fluctuate. **The motion carried 4-1-0 with Mr. DiGregorio voting in the negative.**

WARRANT ARTICLES

a. Selectmen Articles - Mr. Sires reviewed draft warrant articles to date with the Board. Mr. Sires reviewed a language change to the article for town employee earned benefits taking out the word "retiring" and adding "employees leaving service". **Ms. Sand moved seconded by Ms. Seavey, to change the language on the town employee earned benefits article from retiring employees to employees leaving service. The motion carried unanimously.**

Mr. Sires next reviewed a change in the language for the PEG trust fund expansion of use of article advising that the language “No property tax funds will be raised to support this article.” has been deleted as it is not needed. **Mr. Thibodeau moved, seconded by Ms. Sand to strike the language “No property tax funds will be raised to support this article” from the PEG article for expansion of use. The motion carried unanimously.**

Mr. Sires next reviewed the article regarding the Victim Witness Advocate and noted that language was added regarding the cost of salary and benefits for 2016. Mr. Thibodeau questioned if he could change his vote on this article now. He has found out that that Carroll County has this program and feels it is a duplication of effort. Mr. DiGregorio stated that this was discussed and the county does have this but this proposed position would be for our courthouse. Ms. Sand stated that her vote was to get this on the warrant. Mr. Thibodeau stated he would go along with this for now and will do more research and get information. **Ms. Sand moved, seconded by Mr. DiGregorio, to change the wording of the article for the Victim Witness Advocate to include that this position would cost \$44,515 (including salary and benefits) in 2016. The motion carried unanimously.**

Mr. Sires next reviewed the article regarding Henderson Road and advised that language has been added regarding the words “private developer including the” has been added to the third sentence so that it reads “This reclassification is contingent upon and shall not occur until the road is brought up to current town standards by the private developer including the application of a 1.5” finish coat of pavement to the entire length and the subsequent acceptance of this work by the Town Engineer.” **Mr. DiGregorio moved, seconded by Ms. Seavey to add the wording “private developer including the” to the sentence in the Henderson Road article. The motion carried unanimously.**

Mr. Sires next reviewed changes to the language on the article regarding lien or tax deeded property. The new wording is suggested by the Town Attorney. **Mr. DiGregorio moved, seconded by Ms. Sand, to accept the language for the article regarding lien or tax deed property. The motion carried unanimously.**

b. Non Profit Petitioned Articles – The Board next reviewed non profit petitioned warrant articles.

Ms. Sand moved, seconded by Ms. Seavey, to recommend the warrant article for \$13,000 for Tri County Community Action. The motion carried unanimously.

Ms. Sand moved, seconded by Ms. Seavey, to recommend the warrant article for \$4,000 for Carroll County Transit Blue Loon Bus Service. The motion carried 3-2-0 with Mes. Sand and Seavey and Mr. Thibodeau voting in the affirmative and Messrs. DiGregorio and Weathers voting in the negative.

Ms. Sand moved, seconded by Thibodeau, to recommend the warrant article for \$10,115 for The Mental health Center. The motion carried unanimously.

Mr. Thibodeau moved, seconded by Ms. Sand, to recommend the warrant article for \$35,000 for the Gibson Center for Senior Services. The motion carried unanimously.

Mr. DiGregorio moved, seconded by Ms. Seavey, to recommend the warrant article for \$75,000 for the North Conway Community Center. Mr. Thibodeau stated that we asked them last year if we could look for a reduction in this amount and they came back with the same request and he thinks it is an awful lot of money. Ms. Sand stated that she thinks that the money they have now is going towards new buildings and thinks that with the new building they

will be able to collect more fees in the future. Ms. Sand stated that Mr. Sommer did say at the meeting that they would look to reduce the number when they are able to collect more fees. Mr. DiGregorio stated that the number has stayed the same for years. Ms. Seavey stated that a lot of tax base comes from North Conway and the community center serves children from all over town. Mr. Weathers stated that Mr. Sommer did make a statement to him that as long as he is the Director he doesn't want to see an increase in this allocation. **The motion carried 4-1-0 with Mr. Thibodeau voting in the negative.**

Mr. DiGregorio moved, seconded by Ms. Sand, to recommend the warrant article for \$13,000 for Children Unlimited. The motion carried unanimously.

Mr. Thibodeau moved, seconded by Ms. Sand, to recommend the warrant article for \$7,092 for Starting Point. The motion carried unanimously.

Mr. Thibodeau moved, seconded by Ms. Sand, to recommend the warrant article for \$3,000 for North Conway Day Care. Mr. DiGregorio stated that if taxpayer money supports this day care it should support all in his opinion. **The motion carried 4-1-0 with Mr. DiGregorio voting in the negative.**

Ms. Sand moved, seconded by Mr. Thibodeau, to recommend the warrant article for \$10,000 for Vaughan Community Service. The motion carried unanimously.

Ms. Sand moved, seconded by Mr. Thibodeau, to recommend the warrant article for \$3,100 for Tri County Restorative Justice Center. Ms. Sand stated that she wasn't clear on what this money was going for specifically. They did say they lost funding. Mr. Thibodeau stated he reread their proposal and still wasn't clear what it is for. Mr. Weathers questioned if they are making the request of other towns as well. Mr. Thibodeau responded in the affirmative. **The motion carried 3-1-1 with Ms. Sand and Seavey and Mr. Thibodeau voting in the affirmative, Mr. DiGregorio voting in the negative and Mr. Weathers abstaining.**

c. Other petitioned articles – The Board next reviewed a petitioned warrant article received regarding the default budget. Mr. DiGregorio stated that the Budget Committee already does the Default Budget. Many people who signed the petition are on the Budget Committee and they already do this. Mr. Sires reviewed that this matter was decided on about seven years ago and this may in essence be a revote on this matter. Ms. Sand stated that she thinks that it means they want to come up with the default budget number themselves. **The Board agreed 0-4-1 with Mr. Thibodeau abstaining to not recommend this article.**

There was next discussion on the petitioned article regarding a tax cap. Mr. Sires reviewed that this petitioned article is similar to the one submitted last year. **Ms. Sand moved, seconded by Mr. Thibodeau, to support the article for the tax cap. The motion failed 0-5-0.** Mr. Sires reviewed that this article will require a public hearing which will be scheduled. **Ms. Sand moved, seconded by Mr. DiGregorio, to direct staff to make a presentation on the consequences of a 2.5% tax cap. The motion carried unanimously.**

APPOINTMENT OF BOARD OF SELECTMEN REPRESENTATIVE TO THE ESAA

Mr. Thibodeau stated that the current representative to the ESAA is non participatory and Mr. Sires has indicated that he would do this if the Board agrees. The meetings are less often now and would not be as much time. Ms. Sand stated that her only comment is that Mr. Sires not have to leave a Board of Selectmen meeting to attend a ESAA meeting and asked if they could change the night they are held. Mr. Sires advised that he would stay at the Board of Selectmen meetings until they are over and then go over to the ESAA meetings. All agreed.

There was further brief discussion. **Ms. Sand moved, seconded by Mr. DiGregorio, to choose Mr. Sires as the ESAA representative. The motion carried unanimously.**

SIGNING OF DOCUMENTS

- a. Abatement Tax Map/Lot 246-62
- b. Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 202-157
- c. Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 215-42.036
- d. Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 232-179
- e. Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 262-83-274
- f. Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 262-83-297
- g. Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 268-149

Ms. Seavey moved, seconded by Ms. Sand, to sign the Abatement Tax Map/Lot 246-62, Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 202-157, Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 215-42.036, Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 232-179, Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 262-83-274, Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 262-83-297 and Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 268-149. The motion carried unanimously.

CONSIDERATION OF BILLS

a. Manifest 2/12/15 - **Ms. Sand moved, seconded by Mr. Thibodeau, to approve the manifest dated 2/12/15. The motion carried unanimously.**

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

There were no documents signed out of session to ratify.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

There were no special event applications for consideration.

CONSIDERATION OF MINUTES: 2/3/15

Consideration of the minutes was carried to the next meeting.

At 6:55 p.m. Selectman Thibodeau and Selectman Seavey left the meeting.

At 6:55 p.m. Mr. Weathers called for a brief recess of the meeting. Mr. Weathers reconvened the meeting at 6:59 p.m.

TOWN MANAGER REPORT

North Conway Community Center – Mr. Sires reported that the North Conway Community Center groundbreaking is scheduled for Thursday at 10:00 a.m. and the Board is invited to attend.

MWV Leadership Class – Mr. Sires reported there is a MWV Leadership class scheduled for tomorrow and he will be making a presentation.

Letter/HB 524 – Mr. Sires distributed a draft letter from the Board of Selectmen for the Board to review regarding HB 524. (A motion to approve this letter was made later in the meeting).

Vacation – Mr. Sires reported he will be off next week and Paul DegliAngeli will be acting Town Manager.

Next Meeting – Mr. Sires confirmed the next Board of Selectmen meeting will be held on Friday, February 13, 2015 to review the warrant.

Budget Committee Public Hearing – Mr. Sires reviewed that the Budget Committee Public Hearing is scheduled for tomorrow evening in the Kennett High School Auditorium.

BOARD REPORTS AND COMMENTS

Budget Committee – Ms. Sand reported a meeting was held last week to go over the non profit budgets. The next meeting of the Budget Committee is tomorrow night which is the public hearing. The Budget Committee will meet again on Thursday night to vote on the budget.

Selectmen Terms Ending – Mr. DiGregorio reported that he will not be seeking reelection this year. He has enjoyed his time in public office for many years and really hopes that some responsible people step forward and put their name in for Selectmen. Mr. DiGregorio stated that this is not a thankless job and he had a good time doing it but it is time for him to move on. Time wise it can be a lot but we are lucky in this town with the administration and staff. It is not as time consuming as people may think but it does take time.

Mr. Weathers stated that he would like to thank both Mr. DiGregorio and Ms. Sand. They have both been committed to being Selectmen and hoped they would run again.

Committees - Ms. Sand stated we did have a Healthcare Committee this past year and she would very much want to have an energy committee in the future. Ms. Sand stated that the best way to get funding for energy improvement projects is to have an audit and an energy plan. She is still hoping to do this in the future and is asking the Board to establish this committee while she is still a Selectman and also she would like to serve on this committee as the Board of Selectmen representative. Ms. Sand next stated that she would also like to continue to serve on the MWVSWC as well. Ms. Sand asked that this be put on an agenda for discussion. Mr. Weathers agreed.

Letter/HB 524 – With regard to the draft letter reviewed earlier in the meeting regarding HB 524 to send to the State Representatives, **Ms. Sand moved, seconded by Mr. DiGregoirio, to approve the letter to be signed out of session by the Chair of the Board of Selectmen. The motion carried unanimously.**

PUBLIC COMMENTS AND MEDIA QUESTIONS

Daymond Steer of the Conway Daily Sun stated that in terms of the oval for Conway Village, now that the Board has seen it, he would like their thoughts. Mr. Weathers stated that his first thought was that he didn't want to go down to the Irving station to go down Washington Street but if it moves the traffic efficiently he is okay with it. He would however like to see the models. Further, time has proven they work, but he would like to see the models for this plan. Mr. DiGregorio agreed he would like to see the models as well. Ms. Sand stated that circles can be attractive but she does like the minimalist approach that Paul DegliAngeli presented today instead of one with extra lanes.

Mr. Steer next stated that Mark Hounsell has stated that if Conway takes over the sidewalks then the state will do the work –is this correct. Mr. DiGregorio stated he doesn't see the connection and that the town would have to vote to accept the sidewalks.

Mr. Steer next questioned, with regard to the matter heard earlier regarding the trailer, if the town has a vacant spot to put trailers. Mr. Sires responded in the negative. There was next brief discussion regarding campsites, etc.

Tom Holmes next stated thank you to Stacy Sand and Mike DiGregorio and also thanked them for being complimentary to the staff.

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

At 7:18 pm, **Ms. Sand moved, seconded by Mr. DiGregorio, to go into non public session under RSA 91-A:3II(c) to discuss a tax matter.** The non public session included Town Manager, Earl Sires, Tax Assessor, Tom Holmes, and Recording Secretary, Karen Hallowell. **The motion carried by unanimous roll call vote.**

The Board returned to public session at 7:27 pm.

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

Mr. DiGregorio moved, seconded by Ms. Sand, that we abate \$828 for tax year 2014 for tax map/lot 264-54 for good cause shown. The motion carried unanimously. The Board signed the abatement.

ADJOURN

At 7:29 p.m. the meeting adjourned at the call of the Chair.

Respectfully submitted,

Karen J Hallowell
Executive Secretary