

**Minutes of Meeting  
CONWAY BOARD OF SELECTMEN**

January 19, 2016

The Selectmen's Meeting convened at 4:05 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

**Ms. Seavey moved, seconded by Mr. Colbath, to approve the agenda. The motion carried unanimously.**

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

a. \$2,055.60 from the Conway Public Library to the Town of Conway for Project Archivist

Library Director, David Smolen, joined the meeting. Mr. Smolen advised that this is a moose plate grant and is for the purpose of cataloging papers regarding Samuel Bemis, who is an important figure in the history of this area. **Mr. Thibodeau moved, seconded by Mr. Colbath, to accept the \$2,055.60 from the Conway Public Library to the Town of Conway for the project archivist. The motion carried unanimously.**

DISCUSSION ON PROPOSED DISSOLUTION OF INTERVALE LIGHTING PRECINCT

Suzanne Nelson. Meg Lavender and Sheldon Gottlieb of the Intervale Lighting Precinct joined the meeting.

Ms. Nelson stated they are present today to give the Board a heads up to the fact that the Intervale Lighting Precinct is working on dissolving the precinct. They have an annual meeting scheduled for March 7, 2016 and will take a vote. They do understand that they need 2/3 vote of precinct voters attending the meeting. Ms. Nelson next advised that part of the precinct is in Conway and part is in Bartlett. They have lights in Bartlett and Conway. Their budget is small, about \$4,000 for Conway. Conway collects taxes for the precinct and sends them to the precinct. Mr. Weathers asked about the lighting. Ms. Nelson advised it is street lighting from Ledgewood Road in North Conway to Washington Street in Bartlett; it is the lower Intervale area and there are 39 lampposts. Ms. Lavender next presented a map of the precinct and the lighting to the Board for review.

Mr. Sires next reviewed that about 2/3 of the lights are in Conway and 1/3 in Bartlett. The sole purpose of the precinct is to pay for streetlights. Ms. Seavey asked about maintenance. Mr. Sires stated the utility company does this are part of the bill.

Mr. Thidobeau questioned if the Intervale Lighting Precinct does successfully disband, does the Town of Conway absorb this or do we tax those owners separately. Mr. Sires stated

we could absorb and tax for them, or turn all of the lights off or turn some off. Ms. Seavey pointed out that people could also pay for a light themselves if they want one left on. Mr. Sires reviewed that in the past the town turned off every other light except for intersections and that people who wanted a particular light pay for it themselves.

Ms. Nelson pointed out that some of the lights are on Route 16. Ms. Seavey stated that if they are on Route 16 then we should pay for these. Mr. Sires stated that if the Precinct is paying for these now and turns them over, then they would be our responsibility. Ms. Nelson advised that the precinct annual meeting is scheduled for March 7, 2016 and they will be voting on this.

Mr. Thibodeau questioned if the precinct does dissolve, do we have to wait until next year to pay for them and how would this work budget-wise. Mr. Sires stated that the town budget could be increased if the precinct dissolves and the Board chooses to leave the lights on. Ms. Lavender advised she is the clerk of the precinct and that they have enough money to pay for the lights until July of 2016.

### DISCUSSION OF SHORT TERM RENTALS

Town Planner, Tom Irving, and Building Inspector, David Pandora, joined the meeting.

Mr. Sires stated this is an overview today on short term rentals. We at the staff level realize that rentals and short term rentals are a part of our economy here and this presentation is not to talk negatively about short term rentals but to advise the Board on the matter. Some issues are life safety concerns, neighborhood impact, and we have heard from realtors that a lot of sales are oriented to rental properties. It is propping up prices of real estate but it is also pumping up rental rates.

Mr. Irving reviewed that the rental market has been going on for a long time and is nothing new but with the advent of Airbnb and other internet sites it has become increasingly easy for people to offer their property for rent. This has taken something that was on a small scale and made it larger and there are no mechanisms in place to regulate it. This is being brought to the Board's attention to see if they would like staff to revisit or develop regulations on this part of the lodging industry. Mr. Irving next distributed a list of property types and uses and reviewed same with the Board. Mr. Irving further advised that this is something that is also being looked at on a state level and SB482 is a bill which proposes to give the municipality the authorization to regulate short term rentals.

There was discussion by the Board as to what brought this forward, types of rental properties, noise issues, parking, Rooms and Meals Tax, etc.

Ned Sullivan stated that he owns sixteen homes in North Conway, three are full time rentals and the rest are short term and he pays Room and Meals taxes to the state. He doesn't know how more regulations would keep any situations that arise from not happening.

Tim Anderson stated that as far as septic systems go, etc. when a house is built it is approved for septic for a certain amount of people. If it is turned into a rental or not, this doesn't mean there isn't twenty people living in a house. He feels the town is spinning its wheels on this, it is overregulating the town, and it will drive small businesses out of town.

Sue Nelson stated she owns rentals and also does send money to the State for Rooms and Meals. They have had their properties go through inspections. It costs money for the inspections and the list of stuff including structural blew her away. She feels this would be overregulating.

Mr. Thibodeau stated he would like to see us wait on this a while to see what the State is going to do and he would also like to know what kind of complaints and issues we have had. If we haven't had problems we can wait on this. Mr. Porter stated he agrees with Mr. Thibodeau on this matter. The changes we could do won't stop things from happening. He feels we should wait and see if it becomes a problem. He also feels that the rentals help the economy in this valley.

There was no action taken on this matter by the Board.

#### RECOMMENDATION FOR AWARD FOR TOWN HALL FEASIBILITY STUDY

Mr. Sires reviewed that the town put out an RFP looking for consultants to perform a study on the town hall building and the Echo property for space needs, structural, future town hall, etc. The Town received responses from four firms and he, Paul DegliAngeli, Mary Seavey and Carl Thibodeau ranked the proposals. They were all in the \$70,000 to \$80,000 range. The Committee chose Alba Architects and their bid amount was \$70,000. The Committee felt that Alba was the best choice for this project.

Mr. Thibodeau stated that all of the proposals are phased proposals and we discussed having a warrant article to raise funds for the study. We will have a structural analysis of town hall done, etc, and if we figure out it is not feasible we will stop the study and not spend any more money. If it is feasible we would then move forward with the next phase of the study. Mr. Thibodeau next stated that a warrant article could be \$70,000 but we could spend as little as the \$15,000 and \$18,000 due to the phasing. Mr. Sires reviewed that in December we were advised that the Echo property was under contract, however, it is now back on the market. Mr. Thibodeau next stated that a critical thing we are facing here is parking and reviewed that all parking behind the church and Echo does not belong to the Town; however we do use it and if the Echo building is sold, the parking will no longer be available to us. We have only 22 spaces and he feels this is a paramount concern. **Mr. Thibodeau moved, seconded by Ms. Seavey, to award the work to Alba Architects and proceed with contract negotiations contingent upon approval at town meeting.** There was brief discussion as to how much money to place in the warrant article. **The motion carried unanimously.**

#### VOTE ON PROPOSED WARRANT ARTICLES

Mr. Sires reviewed requested that the Board review the proposed warrant articles and decide whether to approve them to send them to the Budget Committee. There will still be time to change any articles as needed. (A copy of the proposed articles is attached hereto).

Operating Budget Article – Mr. Sires reviewed that the budget figure that the Board of Selectmen forwarded to the Budget Committee is \$10,614,105. Mr. Sires next advised that the Budget Committee has not set the default budget yet but the figure that has been presented is \$10,652,253. Mr. Thibodeau questioned why the default budget number is higher than the proposed budget. Ms. Gilligan explained that the budget defaults to the last year and includes contracts, health insurance, fuel costs, etc. **Mr. Colbath moved, seconded by Mr. Porter,**

**voted to place the amount of \$10,614,105 in the budget warrant article. The motion carried unanimously.**

**Collective Bargaining/Police – Mr. Colbath moved, seconded by Mr. Porter, to forward the Collective Bargaining Agreement warrant article to the Budget Committee. The motion carried unanimously.**

**CRF Infrastructure – Mr. Sires reviewed the warrant article with the Board. Mr. Thibodeau moved, seconded by Mr. Colbath, to approve the article as written and forward to the Budget Committee. The motion carried unanimously.**

**CRF Highway Equipment – Mr. Colbath moved, seconded by Mr. Porter, to approve the article as written and forward to the Budget Committee. The motion carried unanimously.**

**CRF Solid Waste Equipment – Mr. Thibodeau moved, seconded by Mr. Colbath, to approve the article as written and forward to the Budget Committee. The motion carried unanimously.**

**CRF Landfill Expansion – Mr. Colbath moved, seconded by Mr. Thibodeau, to approve the article as written and forward to the Budget Committee. The motion carried unanimously.**

**CRF Maintenance of Town Buildings and Facilities – It was reviewed that this article is now for \$275,000. Mr. Thibodeau moved, seconded by Mr. Colbath, to approve the article for \$275,000 and forward to the Budget Committee. The motion carried unanimously.**

**CRF Parks Department Vehicles and Equipment – Mr. Colbath moved, seconded by Mr. Thibodeau, to approve the article as written and forward to the Budget Committee. The motion carried unanimously.**

**CRF Police Vehicles – It was reviewed that this article is now for \$65,000. Mr. Colbath moved, seconded by Mr. Porter to approve the article at \$65,000 and forward it to the Budget Committee. The motion carried unanimously.**

**CRF Town Hall Water System – Ms. Gilligan reviewed that we will be collecting funds from the users of the Town Hall Water System. It has been determined that we do not need this CRF and it does not need to be on the warrant. The Board agreed to remove it from the draft warrant.**

**PEG Trust Fund – Mr. Colbath moved, seconded by Mr. Porter, to approve this article as written and forward it to the Budget Committee. The motion carried unanimously.**

**Town Employee Earned Benefits Expendable Trust Fund – Mr. Colbath moved, seconded by Mr. Porter, to approve this article as written and forward it to the budget committee. The motion carried unanimously.**

**Eastern Slope Airport – Mr. Porter moved, seconded by Mr. Thibodeau, to approve the article as written to forward to the Budget Committee. The motion carried unanimously.**

Vehicle for Town Hall Employee Use – It was reviewed that this article was reduced to \$20,000. **Mr. Colbath moved, seconded by Mr. Porter, to approve the article for \$20,000 and forward it to the Budget Committee.** Mr. Colbath questioned if this would go out to bid. Mr. Sires responded in the affirmative. **The motion carried unanimously.**

Crime Scene Mapping System – Mr. Sires reviewed the article for \$27,200 and that \$13,600 of the \$27,200 would come from a grant and \$13,600 would be raised through taxes. **Ms. Seavey moved, seconded by Mr. Colbath, to approve the article and forward it to the Budget Committee. The motion carried unanimously.**

Town Hall Facilities Needs and Site Analysis – Mr. Sires questioned what dollar figure the Board would like to place in the article. There was first discussion on amounts ranging from \$70,000-\$73,000 and the analysis. Ms. Seavey stated that she has huge concerns regarding parking. If we are going that far with this building in mind and then the Echo building goes away then the parking goes away as well. This will need to be explained to the voters. There was discussion by the Board on the Echo property and there was also a review of past discussion on this property. Mr. Thibodeau and Ms. Seavey pointed out that when that building was discussed previously there was no structural analysis done. Mr. DegliAngeli stated that one architect that submitted a proposal dismissed that building (Echo) altogether and said it was not worth studying; however, this is not what we asked. Alba Architects did split it up and gave us pricing. He believes they are of the same opinion but gave us a proposal on what we asked for.

Ms. Seavey next questioned if there will be discussion of the phased part and will the contract be presented at town meeting. Mr. Sires responded in the affirmative.

Mr. Weathers questioned if Echo owns the parking behind the church. Mr. Sires responded in the affirmative.

There was further discussion regarding whether to include the Echo property. Mr. Thibodeau stated that if we don't analyze this property and it is sold to someone else, we will have no parking. There was further discussion of the town hall building, Echo property, parking, etc. Mr. Thibodeau stated he doesn't feel we will spend the \$70,000 as the study will probably stop at this building. Mr. Colbath stated we are looking for a professional opinion on something we already know and so why are we spending \$70,000 to get information we already know. Also, if the article is turned down for \$70,000, then where are we. Mr. Weathers suggested instead to come up with a proposal for a new town hall and put that before the voters. Ms. Seavey stated she feels the study has to be done to validate it to the voters, but is not comfortable going with the \$70,000 and would feel more comfortable in the \$38,000 range. She feels the study should just be done on this building and it needs to be done by a professional. Mr. DegliAngeli stated that the \$38,000 would answer questions on this building. The Board next briefly discussed the amount of \$40,000. **Ms. Seavey moved, seconded by Mr. Weathers, to put \$40,000 into the warrant article and forward it to the Budget Committee.** Mr. Sires reviewed that this amount would just be for this building. Mr. Colbath stated he feels we need to do the full gamut to get all of our questions answered now as people are going to ask why the Echo building was not considered. There are many reasons to still consider it although he does agree it would be tough to retrofit that building. Ms. Seavey stated she has a hard time spending money on a building that we don't own (Echo). If we had a purchase and sales agreement on that building she may go along with it. The building could sell tomorrow and we are asking voters to approve money when we have no vested interest in that building. There was further discussion. **The motion carried 3-2-0 with Messrs. Colbath and**

**Weathers and Ms. Seavey voting in the affirmative and Messrs. Porter and Thibodeau voting in the negative.**

Conway Public Library/National Historical Register – Library Director, David Smolen, was present for discussion. Mr. Sires reviewed that the Board had questions about placement on the National Historical Registry. Mr. Smolen explained that the National Registry is honorific. Mr. Smolen stated that he spoke with Peter Michaud of the NH Division of Historical Resources. If there is any issue regarding the prospective reconfiguration of the road, then the National Registry won't stop anything in this regard. Mr. Weathers explained that his question was if the State goes forward with the roundabout and they had to take some of the grassy area, would this be inhibited in any way by being on the National Registry. There was further brief discussion. Mr. Sires stated that whether the building is on the historic register or not, it won't change the project. **Mr. Colbath moved, seconded by Ms. Seavey, to approve the article and forward it to the Budget Committee. The motion carried unanimously.**

Replace Roof at Library – Mr. Weathers reviewed the article and amount. **Mr. Colbath moved, seconded by Mr. Porter, to approve the article and forward it to the Budget Committee. The motion carried unanimously.**

Sidewalks/CVFD – Mr. Sires reviewed that the Selectmen have a proposed article regarding sidewalks in Conway Village. Mike DiGregorio has another proposal which is to raise \$58,000 with \$20,000 for the machine, \$18,000 for the operational costs and \$20,000 for construction of concrete sidewalks along Pollard and that the District will put in \$20,000 towards sidewalks. There was a discussion by the Board on the proposal. There was also discussion regarding the \$180,000 that the CFVD has already appropriated for sidewalks, ownership of the sidewalks, reconstruction of Route 16, the machine, etc. Ms. Gilligan advised that the final lease payment is \$22,214 which is more than is stated in the proposed article and the payment is due in May. There was further discussion of the proposed article. Mr. Porter stated that he feels this Board should go back original wording that was proposed for this article. There was further discussion regarding maintenance, construction, the money already raised by the precinct to do the sidewalks, etc. **Mr. Porter moved, seconded by Mr. Colbath, to go back to the original article that was presented a few weeks ago and forward this on to the Budget Committee.** The wording is as follows: To see if the town will vote to assume the operational responsibility for sidewalks located within the Conway Village Fire District. And furthermore to raise and appropriate \$60,214 which is the amount needed to fund the responsibilities associated with sidewalk maintenance and construction for 2016. Said sum shall be used as follows: Final Lease Payment for Sidewalk Maintenance Machine and Attachments \$22,214, Operational Costs for 2016 (staff and materials) \$18,000; Construction of concrete sidewalks along Pollard Street \$20,000. Further, this article shall not take effect until such time as the Conway Village Fire District agrees to provide funding in the amount of \$90,000 to be used for the construction of sidewalks along Main Street in Conway Village. **The motion carried unanimously.**

HB 359 – Mr. Thibodeau reviewed that he provided information on this warrant article to the Board last week. Mr. Thibodeau next advised that the House will be voting on this tomorrow. **Mr. Colbath moved, seconded by Mr. Porter, to approve the article and forward to the Budget Committee. The motion carried unanimously.**

Town Clerk/Tax Collector – Mr. Weathers reviewed the article. **Mr. Colbath moved, seconded by Mr. Porter, to approve the article and forward to the Budget Committee. The motion carried unanimously.**

SELECTMEN SCHEDULE FOR 2/9/16 ELECTION DAY

Mr. Sires reviewed that there is a Board of Selectmen meeting the same day as the election on 2/9/16. The Board does not usually meet on Election Day but this year it is different as it falls on the day where Board votes on warrant articles, etc. There was brief discussion by the Board. The Board agreed to limit the meeting to warrant articles. There was also discussion of moving the meeting location and time of the meeting.

The Board agreed to the following schedule to be at the polls on Election Day: Steve Porter and David Weathers will be there in the morning, John Colbath will be there in the afternoon from 12 noon to 7:00 pm, Mary Seavey from 2:00 pm to 7:00 pm and Carl Thibodeau from 1:00 pm to 5:00 pm.

SIGNING OF DOCUMENTS

- a. Abatement Tax Map/Lot 251-100
- b. Abatement Tax Map/Lot 268-110
- c. Notice of Intent to Cut Wood or Timber Tax Map/Lot 272.5.1, 272-5.2, 272.34.2, 272-35, 272-36 and 272-40
- d. Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 232-104
- e. Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 254-70
- f. Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 262-83.212
- g. Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 265-185
- h. Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 275-19
- i. Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 275-122
- j. Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 277-257

**Mr. Thibodeau moved, seconded by Ms. Seavey, to approve and sign the Abatement for Tax Map/Lot 251-100, Abatement for Tax Map/Lot 268-110, Notice of Intent to Cut Wood or Timber for Tax Map/Lots 272.5.1, 272-5.2, 272.34.2, 272-35, 272-36 and 272-40, Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 232-104, Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 254-70, Permanent Application for Property Tax Credit/Exemptions for Tax Map/Lot 262-83.212, Permanent Application for Property Tax Credit/Exemptions for Tax Map/Lot 265-185; Permanent Application for Property Tax Credit/Exemptions for Tax Map/Lot 275-19; Permanent Application for Property Tax Credit/Exemptions for Tax Map/Lot 275-122, and Permanent Application for Property Tax Credit/Exemptions for Tax Map/Lot 277-257. The motion carried unanimously.**

CONSIDERATION OF BILLS

- a. Accounts Payable Manifest dated 1/21/16
- b. Payroll dated 1/21/16

**Mr. Thibodeau moved, seconded by Mr. Colbath, to sign the Accounts Payable Manifest dated 1/21/16 and the Payroll dated 1/21/16. 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 for the Board to consider.

CONSIDERATION OF MINUTES: 1/5/16

**Mr. Porter moved, seconded by Mr. Colbath, to approve the minutes of 1/5/16 as written. The motion carried unanimously.**

TOWN MANAGER REPORT

CVFD – Mr. Sires reported he is working on financial issues with the CVFD. A meeting is scheduled for Thursday to have discussion with the CVFD Commissioners at 3:30 pm.

Budget Committee – Mr. Sires reported a Budget Committee meeting is scheduled for tomorrow night.

West Main Street Property – Mr. Sires reported we have not received any information back yet on the status of the West Main Street property.

BOARD REPORTS AND COMMENTS

Budget Committee – Mr. Colbath reported that the Budget Committee met last Wednesday and heard an overview of the school budget. There was also a presentation from Siemens Company regarding a study for three schools. Mr. Colbath next advised that there was also discussion at the Budget Committee meeting regarding the school board's 3-3 vote not to bond. The Budget Committee voted to ask the ask School Board to meet with them. Mr. Colbath next reported that Frank McCarthy of the Budget Committee thinks the Board of Selectmen should be in involved and take a position. Mr. Thibodeau and Mr. Weathers did not agree. Mr. Colbath stated he also agrees it is a school board issue.

ZBA – Mr. Colbath reported that the ZBA is meeting tomorrow, January 20, 2016.

ESAA – Mr. Thibodeau reported that the Airport Executive Board will meet on Thursday, January 21, 2016.

Non Profit Meeting – Mr. Thibodeau stated the Board received the non profit packets tonight for the joint meeting of the Board of Selectmen and Budget Committee. The meeting is scheduled for February 3, 2016 but the petitions are not due to February 9, 2016. Mr. Sires explained the process and the scheduling timelines.

Blue Loon Transit – Mr. Weathers reported that the Board received a letter request from Blue Loon Transit advising that they did not get their budget information in on time and asking if they could still submit it. The Board agreed to allow the late submission.

Conservation Commission – Mr. Weathers reported that the Conservation Commission met last week. There was a review of a recommendation for a trail system on the Marshall Property on West Side Road.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Daymond Steer of the Conway Daily Sun asked about the bidders on the RFP and stated he would get in touch with Earl on this tomorrow.

Mr. Steer next talked about the parking situation at town hall. If all employees parked in the town hall parking lot instead of the Echo parking area then we wouldn't have enough parking for the public at town hall. Mr. Sires stated this is correct; however, we could have employees park across the street at public works. Mr. Weathers reviewed that we have employees parking in the lot and, also, we have town vehicles.

Mr. Steer next stated if Conway Village dissolves then it would likely seem to him that the other districts would too or North Conway could split off. Mr. Thibodeau advised there is a meeting of the Conway Village District Commissioners on Thursday. There was next a brief discussion regarding districts, non precinct areas etc.

ADJOURN

At 6:41 p.m. the meeting adjourned at the call of the Chair.

Respectfully submitted,

Karen J Hallowell  
Executive Secretary