

Minutes of Meeting
CONWAY BOARD OF SELECTMEN
February 7, 2017

The Selectmen's Meeting convened at 4:00 pm in the Meeting Room of Conway Town Hall with the following present: Selectmen, C. David Weathers, Mary Carey Seavey, Carl Thibodeau, John Colbath, and Steven Porter; Town Manager, Earl Sires, and Recording Secretary, Holly Meserve. Lilli Gilligan, Finance Director; and Thomas Holmes, Assessor, were in attendance.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

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

CONSIDERATION OF PROPERTY TRANSFER BETWEEN THE
TOWN AND NORTH CONWAY COMMUNITY CENTER

- a. Quitclaim Deed - North Conway Community Center to Town of Conway (Parcel A)
- b. Quitclaim Deed - Town of Conway to North Conway Community Center (Parcel B)
- c. Mutual Release of Restrictions – North Conway Community Center/Town of Conway/North Conway Country Club
- d. NHDRA PA-34 Inventory of Property Transfer

Attorney Randall Cooper joined the meeting. Mr. Sires stated these are the documents required to undertake the transfer of property between the Town of Conway and the North Conway Community Center. Mr. Sires stated Attorney Cooper is representing the North Conway Community Center. Mr. Sires stated this will complete the swapping of parcels of land. Mr. Weathers asked for Board comment; there was none.

Ms. Seavey moved, seconded by Mr. Porter, to execute all the documents. Motion unanimously carried. Attorney Cooper asked the Board to affirm that the documents were executed on their own free acts and deed. The Board agreed.

DISCUSSION OF PURCHASE OF SIDEWALK
TRACTOR AND ONE TON DUMP TRUCK

One Ton Truck – Highway Foreman, Andrew Smith, joined the meeting. Mr. Sires stated we are looking to purchase equipment out of the Capital Reserve Fund for Highway Equipment. Mr. Sires stated since the capital reserve fund has not been approved and will not be voted on until town meeting this could have an effect on a basin cleaner and a truck if the voters don't approve the deposit into this fund in April.

Mr. Sires referred to a handout "Capital Reserve Fund for Highway Equipment 10 Year Plan" and stated we would spend the first three lines, which would leave \$190,000, but if the voters vote to not contribute this year we will not be able to purchase the basin cleaner and the truck.

Mr. Smith stated we are looking at purchasing those three items to get a jump start. Mr. Weathers asked if there was a financial advantage to purchasing now. Mr. Smith stated in regard to the one ton trucks you get into the model year change in April and are not able to get them until later or not at all. Mr. Smith stated these are prices for trucks they have on the lot; the ford is a 2016 and is ready to go, the other two trucks would have to have a body put on them.

Mr. Colbath asked if these trucks are equal. Mr. Smith answered in the affirmative. Mr. Colbath stated two of the bidders are out of the area and one is local. Mr. Smith agreed and stated one is a Ford and two are Dodges. Mr. Smith stated one truck is 10 weeks out and the value on the truck that is 12 years old may or may not have that same trade-in value in 10 weeks. Mr. Colbath asked if he could wait five weeks. Mr. Smith answered in the affirmative and stated the five week one is one they have to go get and put a body on. Mr. Weather stated the one that is five weeks out is more expensive.

Mr. Thibodeau stated the one from Crest is a Dodge. Mr. Smith answered in the affirmative and stated we have bought two Dodge vehicles from them. Mr. Colbath asked if they were happy with them. Mr. Smith answered in the affirmative. Mr. Thibodeau asked about the trade-in value. Mr. Smith stated the top prices include the trades.

Mr. Colbath moved, seconded by Mr. Porter, to purchase the one ton truck from Crest. Mr. Weathers asked for Board comment; Ms. Seavey asked if there would be a delay in getting it. Mr. Smith answered in the affirmative and stated five weeks. Ms. Seavey asked if that is an issue. Mr. Smith answered in the negative. Mr. Thibodeau asked if they are comparing apples to apples with all these trucks. Mr. Smith answered in the affirmative. **The motion unanimously carried.**

Sidewalk Plow – Mr. Weathers asked if the one we are using now is the one we inherited. Mr. Smith answered in the affirmative and stated that it was purchased from Bob Nelson about five years ago. Mr. Colbath asked where is this used. Mr. Smith stated it is used on the strip and as a backup. Mr. Colbath asked where is it housed. Mr. Smith answered in a container we rent from Coleman's at Settler's Green.

Mr. Weathers asked if the new purchase would be similar to the one in Conway Village. Mr. Smith stated it would be a different brand; the type of sander we want is the type that is put on the back, it looks like a sander that goes on a one ton and has a spinner. Mr. Colbath asked if they have shopped around. Mr. Smith answered in the affirmative. **Mr. Colbath moved, seconded by Mr. Porter, to purchase the sidewalk plow as presented. The motion unanimously carried.**

BUDGET

Ms. Gilligan stated there was a calculation error on the revenue side; the original revenue provided was \$3.5 million, however, it is actually \$3.8 million. **Mr. Colbath moved, seconded by Ms. Seavey, to accept the revised revenue of \$3,890,331 as presented. The motion unanimously carried.**

WARRANT ARTICLES

- b. Discussion of Petitioned Warrant Article for All Veterans Property Tax Credit, RSA 72:28(b)

Jim LeFebvre appeared before the Board. Mr. LeFebvre stated he represents American Legion Post #95. Mr. LeFebvre stated the property tax credit is for all veterans; and there were approximately 486 applications last year. Mr. Weathers asked if it is for anyone that served. Mr. LeFebvre answered it opens it up to those with at least 90 days of service and with an honorable discharge.

Tom Holmes, Tax Assessor, stated worst case there would be a couple of hundred people who would get a \$500 credit. Mr. Holmes stated this money would be distributed over the other taxpayers. Mr. Colbath asked if this is a legislative law and every town has to put it on the warrant. Mr. Holmes answered in the affirmative. Ms. Seavey asked if there is an income attached. Mr. Holmes answered in the negative. Mr. Thibodeau asked if this would have to be their primary residence. Mr. Holmes answered in the affirmative.

Mr. Weathers asked if this had to go before the State. Mr. Holmes stated the State has already passed it. Mr. Colbath stated this is the first time going before Towns. Mr. Holmes stated if the petition is recommended the DRA has suggested language and there is some language that is better than what is suggested.

Mr. Sires stated this is just a presentation at this point. Mr. Thibodeau stated this has already passed at the State level, it is just subject to Town approval. Mr. Holmes agreed and stated it is up to each town if they want to adopt it. Mr. Thibodeau stated he is 100% in favor and hopes it does pass; anyone who served in war and peace deserves recognition. [See the end of *Consideration of Selectmen's Articles* for vote].

- a. Consideration of Selectmen's Articles

Mr. Sires distributed and reviewed a draft copy of the proposed warrant articles to date.

Article 8 – It was determined that the Board needed to wait for the Budget Committee before addressing Article 8.

Article 9/Three Year (2017-2019) Collective Bargaining Agreement between the Town of Conway and AFSCME #93, Local 859, Department of Public Works – **Mr. Porter moved, seconded by Ms. Seavey, to recommend the warrant article for the Three Year (2017-2019) Collective Bargaining Agreement between the Town of Conway and AFSCME #93, Local 859, Department of Public Works. The motion carried unanimously (5-0-0).**

Article 10/Special Meeting – **Ms. Seavey moved, seconded by Mr. Colbath, to recommend the warrant article for a special meeting if Article 9 is defeated. The motion carried with Mr. Thibodeau voting in the negative (4-1-0).**

Article 11/Emergency Ambulance Service between the Town of Conway and the Conway Village Fire District – **Mr. Porter moved, seconded by Mr. Colbath, to recommend the warrant article for Emergency Ambulance Service between the Town of Conway and the Conway Village Fire District.**

Mr. Weathers asked for Board comment; Ms. Seavey asked if there would be any language in the warrant article that states it can be canceled. Mr. Sires stated that language is in the actual contract. Ms. Seavey asked why it was not in the warrant article language. Mr. Sires stated there is a lot of information that is not in the warrant article. **The motion carried with Mr. Weathers abstaining from voting (4-0-1).**

Article 12/Emergency Ambulance Service between the Town of Conway and Care Plus Ambulance Services – **Mr. Porter moved, seconded by Mr. Colbath, to recommend the warrant article for Emergency Ambulance Service between the Town of Conway and the Care Plus Ambulance Service. The motion carried unanimously (5-0-0).**

Article 13/Non-Precinct Fire and Rescue Protection Agreement between the Town of Conway and Conway Village Fire District – **Mr. Porter moved, seconded by Mr. Colbath, to recommend the warrant article for the Non-Precinct Fire and Rescue Protection Agreement between the Town of Conway and Conway Village Fire District.**

Mr. Thibodeau asked why there is no dollar value. Mr. Sires stated this just approves the contract; there is no money being appropriated in 2017. Mr. Thibodeau asked how can you obligate the taxpayers for 2018 without appropriating any money. Mr. Sires stated the voters can do that. Mr. Thibodeau asked when will money be appropriated. Mr. Weathers answered April 2018.

Mr. Thibodeau stated it doesn't make any sense to him. Mr. Sires stated it is the way the DRA has this structured; this makes sure the contract is in place for January 1. Ms. Seavey asked if the funding has been set. Mr. Sires stated the formula has been set. Mr. Thibodeau stated because we aren't spending any money in 2017 we cannot have a money value in the warrant article. Mr. Sires agreed. **The motion carried unanimously (5-0-0).**

Article 14/Non-Precinct Fire and Rescue Protection Agreement between the Town of Conway and the North Conway Water Precinct – **Mr. Porter moved, seconded by Mr. Colbath, to recommend the warrant article for Non-Precinct Fire and Rescue Protection Agreement between the Town of Conway and North Conway Water Precinct. The motion carried unanimously (5-0-0).**

Article 15/LED Street Light Conversion Project – **Mr. Colbath moved, seconded by Mr. Thibodeau, to recommend the warrant article to fund an LED Street Light Conversion Project for \$75,000. The motion carried unanimously (5-0-0).**

Article 16/Capital Reserve Fund for Infrastructure Reconstruction- **Mr. Porter moved, seconded by Mr. Colbath, to recommend the warrant article for the Capital Reserve Fund for Infrastructure Reconstruction with \$500,000 raised from taxation and \$250,000 to come from Fund Balance. The motion carried unanimously (5-0-0).**

Article 17/Capital Reserve Fund for Highway Equipment – **Mr. Porter moved, seconded by Mr. Colbath, to recommend the warrant article for the Capital Reserve Fund for Highway Equipment for \$300,000. The motion carried unanimously (5-0-0).**

Article 18/Capital Reserve Fund for Solid Waste Equipment – **Mr. Porter moved, seconded by Mr. Colbath, to recommend the warrant article for the Capital Reserve Fund for Solid Waste Equipment for \$115,000. The motion carried unanimously (5-0-0)**

Article 19/Capital Reserve Fund for Landfill Expansion – **Mr. Colbath moved, seconded by Mr. Porter, to recommend the warrant article for the Capital Reserve Fund for Landfill Expansion for \$1. The motion carried with Mr. Thibodeau abstaining from voting (4-0-1).**

Article 20/Capital Reserve Fund for Maintenance of Town Buildings and Facilities – **Mr. Porter moved, seconded by Mr. Colbath, to recommend the warrant article for the Capital Reserve Fund for the Maintenance of Town Buildings and Facilities for \$200,000. The motion carried unanimously (5-0-0).**

Article 21/Capital Reserve Funds for Parks Department Vehicles and Equipment – **Mr. Porter moved, seconded by Mr. Colbath, to recommend the warrant article for the Capital Reserve Fund for Parks Department Vehicles and Equipment for \$10,000. The motion carried unanimously (5-0-0).**

Article 22/Capital Reserve Fund for Police Vehicles – **Mr. Porter moved, seconded by Mr. Colbath, to recommend the warrant article the Capital Reserve Fund for Police Vehicles for \$70,000. The motion carried unanimously (5-0-0).**

Article 23/PEG Trust Fund – **Mr. Porter moved, seconded by Mr. Colbath, to recommend the warrant article for Public Educational/Government Cable Television (PEG) Trust Fund for \$1. The motion carried with Mr. Thibodeau voting in the negative (4-1-0).**

Article 24/Eastern Slopes Regional Airport – **Mr. Porter moved, seconded by Mr. Colbath, to recommend the warrant article for the Eastern Slopes Regional Airport in the amount of \$10,000. The motion carried unanimous (5-0-0).**

Article 25/Lease of Town Property at the Conway landfill site for the Construction of a Solar Energy Generating Facility. **Mr. Porter moved, seconded by Mr. Colbath, to recommend the warrant article for the Lease of Town Property at the Conway landfill site for the Construction of a Solar Energy Generating Facility. The motion carried unanimously (5-0-0).** Mr. Thibodeau questioned if the square footage was correct. Mr. Sires stated he would verify that is correct. **Mr. Porter moved, seconded by Mr. Colbath, to rescind the motion for Article 25. The motion carried unanimously (5-0-0).**

Article 26/Lease of Town Property at the Conway transfer station for the Construction of a Solar Energy Generating Facility. **Mr. Porter moved, seconded by Mr. Colbath, to recommend the warrant article for the Lease of Town Property at the Conway Transfer Station for the Construction of a Solar Energy Generating Facility. The motion carried unanimously (5-0-0).**

Article 27/Discontinue completely and absolutely an 870-foot-long Town road known as McMillan Lane – **Mr. Porter moved, seconded by Mr. Colbath, to recommend the warrant article to discontinue completely and absolutely an 870-foot-long Town road known as McMillan Lane. The motion carried unanimously (5-0-0).**

Article 28/Modify Elderly Exemption – **Mr. Porter moved, seconded by Mr. Colbath, to recommend the warrant article to Modify the Elderly Exemption.** Ms. Seavey asked if it should be combined “net” income for married. **Mr. Porter moved, seconded by Mr. Colbath to amend the motion to add the word “net”. The motion as amended carried unanimously (5-0-0).**

Article 29/Adopt Ordinances and Regulations/Code of Town of Conway – **Mr. Porter moved, seconded by Mr. Colbath, to recommend the warrant article regard adopting the ordinances and regulations for the Code of the Town of Conway. The motion carried unanimously (5-0-0).**

Article 30/Charter Amendments – Mr. Sires stated he would recommend changing the wording to “To see if the Town of Conway will vote to approve...”. **Mr. Porter moved, seconded by Mr. Colbath, to recommend the warrant article regarding Charter Amendments as amended and as revised on the website. The motion as amended carried unanimously (5-0-0).**

Article 31/Tri-County Community Action – **Mr. Colbath moved, seconded by Mr. Porter, to recommend the warrant article for Tri-County Community Action for \$13,500. The motion carried unanimously (5-0-0).**

Article 32/The Gibson Center for Senior Services, Inc. – **Mr. Colbath moved, seconded by Mr. Porter, to recommend the warrant article for the Gibson Center for Senior Services, Inc for \$35,000. The motion carried unanimously (5-0-0).**

Article 33/The Mental Health Center – **Mr. Colbath moved, seconded by Mr. Porter, to recommend the warrant article for the Mental Health Center for \$10,115. The motion carried with Mr. Weathers abstaining from voting (4-0-1).**

Article 34/Vaughan Learning Center – **Mr. Colbath moved, seconded by Mr. Porter, to recommend the warrant article for the Vaughan Learning Center for \$3,000. The motion carried unanimously (5-0-0).**

Article 35/White Mountain Community Health – **Mr. Colbath moved, seconded by Mr. Porter, to recommend the warrant article for White Mountain Community Health for \$35,565.** Mr. Thibodeau asked if this was the same organization that indicated they didn't need any money. Mr. Sires stated they did not submit a petitioned article two years ago, with the anticipation that Obama Care would not require the need for additional money, but that has not been the case. **The motion carried unanimously (5-0-0).**

Article 36/Starting Point – **Mr. Colbath moved, seconded by Mr. Porter, to recommend the warrant article for Starting Point for \$8,704. The motion carried unanimously (5-0-0).**

Article 37/Tri County Transit Bus Services – **Mr. Colbath moved, seconded by Mr. Thibodeau, to recommend the warrant article for Tri County Transit Bus Services for \$4,000.** Mr. Thibodeau stated they did have a better presentation this year. Mr. Colbath agreed and stated they answered all questions and scaled down their budget.

Ms. Seavey stated the Gibson Center, RSVP and this group are on the Transportation Committee together and we have been able to call on them to transport; they have stepped up a lot this year. Mr. Colbath stated often the numbers are low, but the number that use this service would not have been able to get to medical appointments, the library, and other places that those who drive cars take for granted. **The motion carried with Mr. Weathers abstaining from voting (4-0-1).**

Article 38/Vaughan Community Service, Inc. – **Mr. Colbath moved, seconded by Mr. Porter, to recommend the warrant article for Vaughan Community Service, Inc for \$17,000. The motion carried unanimously (5-0-0).**

Royalview Drive/Regal Circle/Palace Court/Camelot Court – Road Petition – Mr. Weathers asked if there is still a question on build out. Mr. Colbath stated they don't really meet the qualifications. Mr. Sires stated it would be at the Board's discretion to recommend. Mr. Weathers stated there have been other roads recommended and the voters have denied them; not a guarantee with the Board's recommendation.

Mr. Thibodeau stated there is a question of whether this would meet build out as some owners have purchased adjacent lots to protect views. Mr. Sires stated those owners were not willing to combine their lots so they are still considered buildable lots. **Mr. Porter moved, seconded by Mr. Colbath, to recommend the warrant article for Royalview Drive/Regal Circle/Palace Court/Camelot Court. The motion was defeated with Mr. Porter, Mr. Thibodeau and Mr. Weathers voting in the negative (2-3-0).**

- b. Discussion of Petitioned Warrant Article for All Veterans Property Tax Credit, RSA 72:28(b) *Continued*

Mr. Colbath moved, seconded by Mr. Porter, to recommend the warrant article for the All Veterans Property Tax Credit. The motion unanimously carried (5-0-0).

- a. Consideration of Selectmen's Articles *Continued*

Article/North Conway Community Center – **Mr. Porter moved, seconded by Mr. Colbath, to recommend the warrant article for North Conway Community Center for \$65,000. The motion carried with Mr. Thibodeau voting in the negative (4-1-0).**

Article/Children Unlimited, Inc. – Mr. Colbath stated they are requesting to fund a different program than what has been previously funded; New Hampshire Department of Health and Human Services cannot be the sole provider of the program. Mr. Colbath stated they have another program that serves the same population and the same number of families currently being serviced.

Mr. Colbath moved, seconded by Mr. Porter, to recommend the warrant article for Children Unlimited Inc for \$14,000. The motion carried unanimously (5-0-0).

SIGNING OF DOCUMENTS

- a. Current Use Land Use Change Tax Collector's Warrant Tax Map/Lot 250-82
- b. Land Use Change Tax – Tax Map/Lot 250-82
- c. Permanent Application for Property Tax Credits/Exemptions Tax Map/Lot 254-29.058
- d. Permit to Sell Raffle Tickets – Gibson Center for Senior Services – Drawings Monthly 2017

Mr. Colbath moved, seconded by Mr. Porter, to sign the Current Use Land Use Change Tax Collector's Warrant for Tax Map/Lot 250-82; Land Use Change Tax – Tax Map/Lot 250-82; Permanent Application for Property Tax Credits/Exemptions Tax Map/Lot 254-29.058; and Permit to Sell Raffle Tickets – Gibson Center for Senior Services – Drawings Monthly 2017. The motion carried unanimously carried.

CONSIDERATION OF BILLS

- a. Accounts Payable Manifest 2/9/17

Mr. Colbath moved, seconded by Mr. Porter, to approve the Accounts Payable Manifest dated 2/9/17. 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 to consider.

CONSIDERATION OF MINUTES: 1/24/17

The minutes of 1/24/17 were put on hold.

TOWN MANAGER REPORT

Mr. Sires stated they have submitted an offer for the bank building, but he has not heard anything back yet. Mr. Sires stated the Town Attorney has responded to the abutter on Wyman Avenue. Mr. Sires stated we are working with the providers to finalize the ambulance contracts. Mr. Sires stated we have revised the RFP for the Recreation Department to provide a study looking at the building, what we actually need and what the facility will cost.

Mr. Sires stated that a Community Development Block grant has been granted to fund a job program in Strafford County. Mr. Sires stated he met with Ryan Sommer of the North Conway Community Center regarding the annual tent sale; he relayed the information received from the public and the Board of Selectmen on how we feel that event should change to be consistent with our summer visitation and attractive downtown.

Mr. Sires stated Friday is the deadline to submit interest in filling out the term of Library Trustee until the April meeting.

BOARD REPORTS AND COMMENTS

Mr. Porter stated that the Planning Board would be meeting this Thursday night and they would be holding a public hearing on an amendment proposed by the Planning Board to repeal the Special Highway Corridor Overlay District.

Mr. Colbath stated the Budget Committee is still holding public hearings and they will vote after that.

Mr. Thibodeau stated that the Airport Authority nor the Executive Committee have met; they will meet the third week of February.

Ms. Seavey stated she had nothing to report.

Mr. Weathers stated that the Conway Conservation Commission meets tomorrow night and they will be discussing the lead story in today's Conway Daily Sun. Mr. Colbath stated it was a very well written article.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Mr. Weathers asked for public comment; Daymond Steer of the Conway Daily Sun stated that he was preparing a story on the public hearing for the budget and asked if there are any particular highlights or interests. Mr. Colbath stated this is his second year on the Budget Committee and the presentations by both the Town and the School went extremely well this year. Mr. Colbath stated that the taxpayers should be pleased and happy with the work of the officials.

Mr. Steer asked if there were any warrant articles they wanted to pitch to let him know. Mr. Thibodeau stated he is a big fan of the LED project; worth the investment.

ADJOURN

At 5:40 pm, the meeting adjourned at the call of the Chair.

Respectfully submitted,

Holly Meserve
Recording Secretary