

**Minutes of Meeting**  
**CONWAY BOARD OF SELECTMEN**  
June 6, 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, Carl Thibodeau, John Colbath, and Steven Porter; Town Manager, Earl Sires, and Recording Secretary, Holly Meserve.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

**Mr. Colbath moved, seconded by Mr. Porter, to approve the agenda. The motion carried unanimously (4-0-0).**

PUBLIC HEARING/CHAPTER 115 SOLID WASTE ORDINANCE

Mr. Weathers opened the Public Hearing regarding proposed changes to Chapter 115 Solid Waste Ordinance at 4:04 pm. Mr. Sires stated this is more housekeeping than anything else; there were a series of changes made over the last five years that were not, by design, adopted in the code that was adopted this spring. Mr. Sires stated we stopped amendments to the code so everyone could review it for a year. Mr. Sires stated now we need to go back and add the things that were already adopted once, but were not in the version that the voters approved.

Mr. Sires stated there was a change in the format where all of the fees are now in one place. Mr. Sires stated the changes have been reviewed and approved by the Solid Waste District Board. Mr. Sires stated the amendments need to be posted in the paper and then another public hearing is needed. Mr. Weathers asked for Board comment; there was none. Mr. Weathers asked for public comment; there was none. Mr. Weathers closed the public hearing at 4:08 pm.

DISCUSSION OF LETTER FROM CARROLL COUNTY COMMISSIONERS  
REQUESTING SEMI ANNUAL PAYMENT OF TAXES

Mark Hounsell appeared before the Board. Mr. Weathers reviewed a letter received from the Carroll County Commissioners and stated that they would like to receive semi-annual payments.

Mr. Weathers asked for Board comment; Mr. Colbath stated that he would like to hear from Finance Director, Lilli Gilligan. Ms. Gilligan stated that we do collect the half rate taxes for all precincts, county and school at the same time, so the monies are collected on behalf of the County, but we are not required to submit it to them until December. Ms. Gilligan stated if we were required to do so it would require us to borrow money and have less cash flow.

Mr. Colbath asked if there are currently things that we pay out for the school. Ms. Gilligan stated the school is on a schedule and receives money almost every other week throughout the year to maintain their cash flows, which then enables us to have a more stable cash flow here. Ms. Gilligan stated there are RSA's that require acceptable payments between both parties so we have agreements in place and understanding in place with all of those entities.

Mr. Weather asked Mr. Hounsell if they are putting this request out to every town in Carroll County. Mr. Hounsell answered in the affirmative. Mr. Hounsell stated we have not received a response from anyone else and he appreciates this board having a meeting to discuss it. Mr. Hounsell stated the town collects about \$2.1 million on behalf of the County throughout the year and under law it is not due to the County until December 17<sup>th</sup>. Mr. Hounsell stated there is a repercussion to all of that; the towns collect the County's money, and we know we are going to collect about 18 million from the Town's in December but we have to borrow money throughout the year.

Mr. Hounsell stated if you collect someone's money on their behalf it should be turned over to them in a reasonable time frame. Mr. Hounsell stated if the Board agrees to this, we would work with you. Mr. Hounsell stated we should wait to see the response from other Board's to see if they think it is morally right. Mr. Hounsell stated we are just seeing what kind of response we would get.

Mr. Thibodeau stated he thinks if majority of the towns agree to do this and the County has a responsible expectation than he thinks it is the right thing to do. Mr. Weathers stated we are relying on that money at this time, would this request take effect next year. Mr. Hounsell stated this is a discussion for the next budget year. Mr. Hounsell stated your cash flow for this year is planned out, this would be going forward. Mr. Weathers stated he is interested in seeing the response from the other Towns. Mr. Hounsell stated it would not work if Conway said yes and the other Towns say no. Mr. Thibodeau stated we would have to table this to see what the other towns do. Mr. Weathers stated he thinks we would have to.

Mr. Hounsell asked if the Board could respond in a letter to the County to that point, it would be very helpful to us. **Mr. Thibodeau moved, seconded by Mr. Colbath, to have Mr. Sires write a letter.** Mr. Weathers stated for clarity if majority of the other Towns come on board it would be a matter of who has to borrow the money. Mr. Hounsell stated that he is impressed that Lucy Philbrick and Becky Jefferson established a relationship to manage cash flow.

Mr. Weathers asked for public comment; Frank McCarthy stated to correct some of what was said, the County does not really borrow money; there are three parts A) deals with borrowing money, B) deals with money coming from the Federal Government in grants, and C) is tax anticipation notes. Mr. McCarthy stated they don't borrow they use tax anticipation notes and only pay interest on what they use; and it is a very low interest rate. **The motion carried unanimously (4-0-0).**

#### DISCUSSION OF HB # 316

State Representative Frank McCarthy appeared before the Board to discuss House Bill 316 [this bill establishes a local option commercial and industrial construction exemption from property taxation applicable statewide].

Mr. McCarthy thanked the Board and stated that the bill has already passed both houses and goes in effect 60 days after signed, which will probably be in August. Mr. McCarthy stated there is plenty of time to put together a warrant article.

Mr. McCarthy stated there are three very important aspects of this bill, 1) nothing is forced down anyone's throat, this is enabling legislation that authorizes municipalities to do something and the body of the municipality has to vote to do this; 2) it is extremely flexible, there are a few caps on percentage and time length; and 3) the tax base for the town can never go down as a result of utilizing this bill.

Mr. McCarthy stated there is no effect on the tax that the citizens are paying, it will delay and increase the incoming taxes but once the delay is over, the tax base will shoot up and the amount of taxes will hopefully go down. Mr. McCarthy stated the intent of the bill is to give a business the incentive to build, rebuild, modernize or enlarge to increase work force numbers. Mr. McCarthy stated it would only apply to municipal and school taxes.

Mr. McCarthy stated the bill only allows for up to a 50% tax break and can be for no longer than 10 years. Mr. McCarthy stated no matter who it is it is designed to be uniform for everyone. Mr. McCarthy stated the tax base will not decrease because the tax is based on the amount of the improvements not on the original tax assessment. Mr. McCarthy stated the bill is on the Governor's desk to be signed in a couple of weeks; he has been working on this for a couple of years and he thinks it is going to help. Mr. Weathers asked for Board comment; there was none.

#### REVIEW AND CONSIDERATION OF DRAFT LETTER TO SENATOR SHAHEEN REGARDING STUDENT DEBT

Mr. Sires stated this was an outcome of a petition article approved by the voters at the last town meeting. Mr. Sires stated Jessica Wright was in attendance. Ms. Wright thanked the Board for their support. Mr. Colbath suggested adding the Commissioner of the Community College System to the distribution list; the Board agreed. **Mr. Porter moved, seconded by Mr. Colbath, to send the letter. The motion carried unanimously (4-0-0).**

#### WAIVER OF MUNICIPAL LIABILITY – TAX MAP/LOT 299-52, THE SPUR

Mr. Sires stated this is a similar agreement that we have signed with other folks that are not fully served by a Town Road. Mr. Sires stated this relieves the Town of any liability for access of emergency vehicles. Paul DegliAngeli appeared before the Board. Mr. DegliAngeli stated this was discussed on Highlands Drive; we have stopped issuing driveway permits in this development as our driveway restrictions are more stringent than the condition of the roads. Mr. DegliAngeli stated the agreement goes with the land; it contains language out of the statute and is required to be recorded. **Mr. Colbath moved, seconded by Mr. Porter, to grant a waiver of municipal liability for 299-52 on The Spur for John Woods. Motion carried unanimously (4-0-0).**

### CONSIDERATION OF AMENDMENTS TO CHAPTER 152

Mr. Sires stated when we started enforcing parking at Diana's Bath we realized that parking had never really been an issue there, but with the number of tickets issued we realized we needed to update our process. Mr. Sires stated the process we have now was probably instituted in the 1950's or 1960's. Mr. Sires stated we need to institute an appeal process since there has never really been a formal appeal process.

Mr. Sires stated the Town Clerk didn't feel she should be adjudicating them, and since the Police are issuing the tickets it shouldn't be appealed to them, so it fell onto the Town Manager to which the appeal will be directed to. Mr. Sires stated the appeal process will be available on the webpage. Mr. Sires stated we are redoing the parking tickets to reflect the new fine as well as have more information on it.

Mr. Sires stated over the last first two weekends of enforcement there were 85 tickets were issued. Mr. Sires stated since they were not tracked in the past they will now go to the Finance Department to be tracked and follow up with those who have not paid. Mr. Sires stated four additional signs have been installed at Diana's Bath, and we have also ordered "\$100 fine" signs for each of the existing signs and four placard signs to sit at the entrance. Mr. Sires stated it seems to have worked better as he doesn't think there were any tickets issued this past weekend. There was a suggestion to add "two-business days" to the amendments.

**Mr. Colbath moved, seconded by Mr. Porter, to approve the changes to Chapter 152 as amended. Motion carried unanimously (4-0-0).**

### CONSIDERATION OF THE APPLICATION FOR STATE BRIDGE AID CONSTRUCTION FOR THE WASHINGTON STREET OVER SWIFT RIVER BRIDGE #164/063

Paul DegliAngeli, Public Works Director, appeared before the Board. Mr. DegliAngeli stated that we resurfaced the partial deck rehab 17 years ago; there is still a section of the deck from the 1970's that is showing problems. Mr. DegliAngeli stated that we made application a few years ago that was tangled up with the gas tax, but that has since been figured out. Mr. DegliAngeli stated we have to show that we have raised some money, you will see project out for 2022, but to get into the queue we need to apply.

Mr. Weathers asked if this is similar to what they just did over Route 16. Mr. DegliAngeli answered exactly. Mr. Weathers asked if this would be a shorter-term project. Mr. DegliAngeli stated it should be. Mr. Thibodeau asked if traffic would be alternating two-way. Mr. DegliAngeli answered in the affirmative for a limited time.

### MAIN STREET PROJECT/CONWAY VILLAGE

- a. Intersection Improvements Review
- b. Review of Federal Surface Transportation Block Grant Program and State Aid Highway Program/Revised Local Project Agreement

Mr. DegliAngeli stated the last time we met he had given an update on preliminary engineering regarding additional lanes. Mr. DegliAngeli stated that engineering shows there

would be benefit to the two intersections by adding additional lanes rather than just updating the signals. Mr. DegliAngeli stated NHDOT concurred with the findings and they are going to have to find more money as it is out of budget.

Mr. DegliAngeli stated we are currently in the ten-year plan for the roundabouts; we have determined that they would fail at peak, and would work no better the rest of the time than with signals and lane modifications. Mr. DegliAngeli stated the project is still in the 10-year plan, so know they are going to have to increase the scope of work and do additional surveys and designs to fit these lanes in.

Mr. DegliAngeli stated we currently have an 8812 agreement that would require up to \$400,000 of Town money which is quite a bit above what the sidewalks would have cost. Mr. DegliAngeli stated it was agreed last time to move the project along that we should do both projects together and that the Board of Selectmen would commit that much funding. Mr. DegliAngeli stated we are working with the State now furthering this design; we want to keep going on the Main Street project and advertise both at the same time, but may need to split construction.

Mr. DegliAngeli stated the price is going to go up and so is our contribution; he would like the Board to consider that we renegotiate our contribution based on the original project stopping at Washington Street. Mr. DegliAngeli stated he would like to ask the State to reallocate the 10-year funds to keep this together, however, the 10-year program does not provide for a match from the town. Mr. DegliAngeli stated we would be willing to continue to manage this for them, willing to finance it for them, but he doesn't see why we would contribute local taxpayers' dollars when it is already approved in the 10-year plan.

Mr. DegliAngeli stated pursuing this will require assistance from our elected officials. Mr. Weathers asked if this would be starting in 2018. Mr. DegliAngeli answered in the affirmative. Mr. DegliAngeli stated he has sent an email to the utility company and they were to produce a design, however, their response today was that they are not where they said they would be yet. Mr. DegliAngeli stated we have asked for a definite date, but that project will stop at Washington Street because the State will not have lane designs.

Mr. DegliAngeli stated the best case is 2018-2019 project. Mr. Weathers asked if this would be two separate contracts and include signalization of the four-way intersection plus the Irving intersection. Mr. DegliAngeli stated this is beyond what was originally intended, if all parties agree to the additional lanes then he sees no reason to include the signals in the Main Street project. Mr. Weathers stated so terminate at Washington Street and another contract for lanes and signalization. Mr. DegliAngeli answered in the affirmative.

Mr. DegliAngeli stated there is no way they are going to be ready for 2018 from Washington Street east; there is a lot of work that needs to be done. Mr. DegliAngeli stated he does not think we should stick with the 8812 agreement.

Mr. Thibodeau asked if it would be the same ratio as the Washington Street project, and did we agree to maintain that road after it was complete. Mr. DegliAngeli stated it is designated as a State-owned winter maintained by the Town road, but will now be entirely Town owned. Mr. DegliAngeli stated we are not proposing to take over Route 16. Mr. Thibodeau asked if they agreed to the 90-10 because of the underlying intention of us assuming the responsibility of the road after. Mr. DegliAngeli stated we are no closer to how the numbers worked out.

Mr. DegliAngeli stated we need to find a way and offer to manage it for them; it will be less expensive for them to dovetail it with this project and for us to be the managers. Mr. DegliAngeli stated we would have to finance the project and be reimbursed for the actual cost; that's the NHDOT's incentive to work with us.

Mr. Thibodeau asked what is required from us to continue to move this project forward. Mr. DegliAngeli stated the Board needs to agree to this concept; getting them to draft a new agreement where we have no financial participation may require assistance from elected folks. Mr. Weathers stated we are talking about something that has not been designed yet east of the lights. Mr. DegliAngeli stated that is correct. Mr. Weathers asked does he think they will go along with it. Mr. DegliAngeli stated it is the right thing to do. Mr. Sires stated they are saving money in the long run.

Mr. Weathers stated the proposal for the Main Street project is to keep two lanes open at all times. Mr. DegliAngeli stated that is the intent; and it would mean no on street parking. Mr. Weathers asked if construction season would terminate when the ground freezes. Mr. DegliAngeli stated it would depend on the weather. Mr. Weathers stated there is no way if it starts on time that it is not going to take two seasons. Mr. DegliAngeli agreed. Mr. Sires stated he likes this approach, it makes total sense. Mr. Sires stated the Board needs to start the political effort now with the NHDOT. Mr. Sires stated a letter to the NHDOT Commissioner should be prepared.

**Mr. Colbath moved, seconded by Mr. Thibodeau, to have staff draft a letter to NHDOT explaining the Town's position.** Mr. Weathers asked for public comment; Mark Hounsell stated the Town has done a tremendous job keeping this moving, and the approach is correct; he stands ready to join in that effort to let the powers that be know that this is important. Mr. Hounsell asked how do you do a lane widening as there does not seem enough room without taking the highly protected Library land. Mr. DegliAngeli stated we will need to see drawings, there may be taking land, but the land may be in the right of way already. **Motion unanimously carried (4-0-0).**

Mr. Weathers asked for public comment; Daymond Steer of the Conway Daily Sun asked if there is any advantage to waiting until 2019-2020. Mr. DegliAngeli answered in the negative. Janine Bean asked if you are able to get them to change the contract, will that go out to bid for April 2018. Mr. DegliAngeli stated that is his goal. Ms. Bean asked if we should get the public to contact the utilities company. Mr. DegliAngeli stated it couldn't hurt. Mr. Hounsell asked which utility company. Mr. DegliAngeli answered both.

#### REVIEW OF RECEIPTS

Receipts were available for the Board's review.

#### SIGNING OF DOCUMENTS

- a. Abatements Tax Map/Lot 235-6.023 (2008-2016)
- b. Intent to Cut Wood or Timber Tax Map/Lot 238-4
- c. Intent to Cut Wood or Timber Tax Map/Lot 240-22
- d. Intent to Cut Wood or Timber Tax Map/Lot 243-21

**Mr. Colbath moved, seconded by Mr. Porter, to sign the Abatements for Tax Map/Lot 235-6.023 for the years 2008 through 2016; Intent to Cut Wood or Timber for Tax Map/Lot 238-4; Intent to Cut Wood or Timber for Tax Map/Lot 240-22; and Intent to Cut Wood or Timber for Tax Map/Lot 243-21. Motion carried unanimously (4-0-0).**

CONSIDERATION OF BILLS

- a. Accounts Payable Manifest 6/8/17
- b. Payroll 6/8/17

**Mr. Colbath moved, seconded by Mr. Porter, to sign Accounts Payable Manifest dated 6/8/17 and Payroll dated 6/8/17. Motion carried unanimously (4-0-0).**

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

- a. Accounts Payable Manifest 6/1/17

**Mr. Colbath moved, seconded by Mr. Thibodeau, to ratify the Accounts Payable Manifest dated 6/1/17. Motion carried unanimously (4-0-0).**

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

There were no Special Event Applications to consider.

CONSIDERATION OF MINUTES: 5/23/17 AND 5/30/17

**Mr. Thibodeau moved, seconded by Mr. Colbath, to approve the regular and nonpublic minutes of 5/23/17 and regular and nonpublic minutes of 5/30/17 as written. Motion carried unanimously (4-0-0).**

TOWN MANAGER REPORT

Mr. Sires stated the Board hired a new Town Manager, Thomas Holmes; he and Tom will be working together over the next couple of months. Mr. Sires stated he already talked about Diana's Bath. Mr. Sires stated he and Mr. Colbath were at the Mount Washington Valley Leadership graduation last night. Mr. Sires stated we have received two responses so far for the Rec Committee; the deadline is June 9<sup>th</sup>. Mr. Sires stated the revamping of Conway Village is moving along.

BOARD REPORTS AND COMMENTS

Mr. Porter stated the Planning Board will be meeting Thursday night.

Mr. Colbath stated that he attended the Mount Washington Valley Leadership Graduation. Mr. Colbath stated that the Budget Committee and the Zoning Board of Adjustment have a meeting on the same night and he is needed at the ZBA meeting, he will check with Mary Seavey when she returns about attending the Budget Committee meeting. Mr. Colbath stated that a ZBA member has resigned and we are in need of volunteers; it is a nice way to get your feet wet in local government.

Mr. Thibodeau stated there is a reasonable amount of activity at the airport; the incident on the Saco River over Memorial Day weekend required two life flights out of the airport. Mr. Thibodeau stated on June 11<sup>th</sup> there is a pancake breakfast at the airport from 9:00 – 11:30 am and it is open to the general public. Mr. Thibodeau stated there is a full board meeting of the Airport Authority on June 22<sup>nd</sup> at 7:00 pm.

Mr. Weathers thanked the NHDOT as the construction work on the bridge ended two weeks ahead of schedule. Mr. Weathers stated they will still be working under the bridge, but it will have no effect on traffic. Mr. Weathers stated there is a Conway Conservation Committee meeting a week from tomorrow night.

### PUBLIC COMMENTS AND MEDIA QUESTIONS

Daymond Steer of the Conway Daily Sun stated that he heard from Bill at the NHDOT and he indicated that it was the Conway Board of Selectmen that did not want a sidewalk on the Route 16 bridge. Mr. Weathers stated we asked and was told there couldn't be a sidewalk. Mr. Steer stated he referred to Minutes from 2014, were there more discussions since then. Mr. Weathers answered in the affirmative. Mr. Sires stated part of the issue is that there is a large breakdown lane.

### NON-PUBLIC SESSION / NH RSA 98-A:3,II(d) CONSIDERATION OF ACQUISITION, SALE OR LEASE OF REAL ESTATE

**At 5:40 pm, Mr. Colbath moved seconded by Mr. Thibodeau, to go into nonpublic session under NH RSA 98-A:3,II(d) consideration a real estate matter.** The nonpublic session included Town Manager, Earl Sires, Assessor, Thomas Holmes, and Recording Secretary, Holly Meserve. **Motion carried by unanimous roll call vote.**

At 5:50 pm, the Board returned to public session.

### ADJOURN

At 5:50 pm, the meeting adjourned at the call of the Chair.

Respectfully submitted,

Holly Meserve  
Recording Secretary