

Minutes of Meeting
CONWAY BOARD OF SELECTMEN
August 22, 2017

The Selectmen's Meeting convened at 4:00 p.m. 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, Thomas Holmes 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/UNANTICIPATED REVENUE

- a. \$217,101.73 from the State of NH to the Town of Conway (Highway Block Grant)

Mr. Weathers opened the public hearing at 4:01 pm. Lilli Gilligan, Finance Director, appeared before the Board. Ms. Gilligan stated money that this money was made available to all municipalities through Senate Bill 38 for local highway aid. Ms. Gilligan stated that it cannot be used for locally approved and budgeted projects that exist already; it can be utilized for infrastructure projects in future years.

Mr. Porter asked if it could be used for Main Street project. Ms. Gilligan answered in the affirmative. Mr. Weathers closed the public hearing at 4:05 pm. **Mr. Colbath moved, seconded by Mr. Porter, to accept the unanticipated revenue in the amount of \$217,101.73 from the State of New Hampshire to the Town of Conway. Motion carried unanimously (4-0-0).**

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

- a. \$4,725.00 from Eversource to Town of Conway

Lilli Gilligan, Finance Director, appeared before the Board. Ms. Gilligan stated this is an incentive check for weatherization for insulating the Police Department this past year. Ms. Gilligan stated it cost \$13,500, so this would be used to off-set that project. **Mr. Porter moved, seconded by Mr. Colbath, to accept the unanticipated revenue in the amount of \$4,725 from Eversource to the Town of Conway. Motion carried unanimously (4-0-0).**

- b. \$3,087.41 from the State of NH to Town of Conway PD (Operation Granite Hammer)
Reimburse regular officer OT line

Lt. George Walker appeared before the Board. Lt. Walker stated this is an Opioid Abuse grant that ran for a four-month period; this money would be put back into overtime. **Mr. Colbath moved, seconded by Mr. Porter, to accept the unanticipated revenue in the amount of \$3,087.41 from the State of New Hampshire to the Town of Conway Police Department. Motion carried unanimously (4-0-0).**

REVIEW AND CONSIDERATION OF MS-434

Finance Director, Lilli Gilligan, appeared before the Board to discuss the proposed MS-434. Ms. Gilligan gave a revenue update. **Mr. Colbath moved, seconded by Mr. Porter, to update the non-tax revenues to total \$139,720.00 and to include Non-Tax revenue of \$4,030,051, Overlay request for tax abatements of \$58,510 and Fund Balance to reduce tax rate of \$133,000. Motion carried unanimously (4-0-0).**

MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN AND USVLT REGARDING PINE HILL PROPERTY

Mr. Holmes stated this is a draft agreement of understanding submitted for the Board's input. Mr. Colbath asked if we have had legal counsel review it. Mr. Holmes answered in the negative. Mr. Colbath asked if we should. Mr. Holmes stated that he wanted to bring it to the Board first and then have it reviewed by legal counsel.

Mr. Thibodeau asked if there are any problems with it. Mr. Holmes stated there is no provision for motor vehicle recreation or about the trails period. Mr. Thibodeau stated before the Board signs it, it should contain all the provisions that we would like to see. Mr. Weathers stated there is an existing trail system that should be maintained.

Mr. Porter stated that motorized vehicles leaves a broad spectrum, should it just be for snowmobiles. Mr. Weathers stated that neither is mentioned. Mr. Porter asked if there is any way to specify snow machines; he would be concerned with allowing four-wheelers, but should not take away the snow machines. Mr. Thibodeau stated he believes we have been told that the State of NH does not consider snow machines motorized vehicles with snow cover. Janice Crawford who was in attendance stated that is correct.

Mr. Weathers stated under "Management Committee" should there be just a member of the Board of Selectmen (BOS) or the Conway Conservation Commission (CCC) or should both be represented. After a brief discussion, Mr. Holmes stated that he will request that the core management consist of the BOS member and a CCC member.

Mr. Weathers stated under item IV.(B) "Stewardship Plan" there is a term he has never heard before, and he is not comfortable with it. Mr. Porter asked if it should be removed all together. Mr. Weathers stated he would like to see what is on the Intent to Cut form. The Board agreed to ask them for a clarification.

Mr. Weathers stated under item IV. "Forest Management Revenue" it should also indicate any expense related to a boundary line adjustment or remarking. Mr. Holmes asked if they want to clarify that this is only for Pine Hill. Mr. Weathers answered in the affirmative and stated any income should go back into "for Pine Hill".

REVIEW OF REQUEST TO TURN OFF STREET LIGHT ON PROSPECT ROAD

Mr. Holmes stated this street light blew out and no one complained, then the Town went through updating to LED lights and this one was replaced and turned back on. Mr. Holmes stated now some residents would like it shut off. Mr. Holmes stated there were four responses, two in favor of keeping it on and two in favor of turning it off. Mr. Holmes stated there were seven non-responses.

Mr. Porter stated it would be more beneficial to leave it on then to shut it off. Mr. Weathers stated he thinks it would be. Mr. Colbath stated when the light went out they adapted to it being off and once it's been on for a while they will adapt. Mr. Colbath stated he would vote in safety of leaving it on. **Mr. Porter moved, seconded by Mr. Colbath, to leave the street light on Prospect Road on. Motion carried unanimously (4-0-0).**

DIANA'S BATH SHUTTLE SERVICE

Janice Crawford of the Mount Washington Valley Chamber of Commerce appeared before the board. Tom Irving, Planning Director, was in attendance. Ms. Crawford stated we are seeing the consequences of having to take action at Diana's Bath. Ms. Crawford stated she has put together a shuttle service; she contacted Joe Berry for use of his community parking lot and she received an email from Katy Robbart of Fast Taxi that she was willing to help.

Ms. Crawford stated they began marketing that you could get a shuttle to Diana's Bath with signs at the corner of White Mountain Highway and Pine Street, at the Eastern Slope Inn parking lot and at the corner of West Side Road and River Road. Ms. Crawford stated the shuttle began running on Friday, August 18th. Ms. Crawford stated she is here this evening to talk about signage. Ms. Crawford stated that they plan on running through September 4th as a way to give some feedback to the White Mountain Forestry and the NHDOT.

Mr. Holmes stated the question is whether the Board of Selectmen are going to allow them temporary signage through Labor Day. Ms. Crawford stated as of 3:00 this afternoon there were 34 riders who found the shuttle mostly through signage.

Mr. Weathers stated at some point the forest service has to take into consideration the numbers at that site; this may eliminate a parking problem, but it is still putting a lot of people at the site. Ms. Crawford stated the Forest Service is not going to step into that political realm, their thought process is that these are public lands and they are not going to tell people they cannot come and visit. Ms. Crawford stated the Federal Representatives and the Senators will need to address this. Mr. Weathers stated they are going to have to step up to the plate.

Mr. Weathers asked if they are picking the signs up nightly. Ms. Crawford stated they could. Mr. Weathers asked if this is just through to Labor Day weekend. Ms. Crawford answered in the affirmative.

Mr. Porter stated this really does not help the problem and he can see a potential problem with allowing these as other businesses are going to want to use the same avenue. Mr. Weathers asked to hear from Mr. Irving. Mr. Irving stated these signs are not permitted signs, the best solution is to advertise a legitimate governmental service within the Town's rights-of-way. Mr. Irving stated allowing on private property causes difficulty if you are not allowing others to do it as well. Mr. Irving stated "way finding signs" can be on municipal property concerning a governmental purpose. Mr. Holmes stated the town would own the signs and the town would place the signs. Paul DegliAngeli, Public Works Director, stated we could install them where they are appropriate for our right of ways, but would need permission from the State to place them in their rights-of-ways.

Mr. Colbath asked if there had been any complaints. Mr. Holmes answered in the negative. Mr. Weathers stated the question before the Board is do we want to allow temporary signage through Labor Day with the signage being removed every evening. Ms. Crawford stated they are looking to gather data until 4 pm Labor Day.

Mr. Irving referred to a Court case, Reed vs. Town of Gilbert, and stated if you permit these signs for one class and don't permit for others you may be open for a constitutional challenge. Mr. Irving stated the Board could take it as their own and put the signs in their rights-of-ways so it is a governmental purpose on government property. Mr. Holmes asked about the A-frame sign at the Eastern Slope Inn. Mr. Irving stated each parcel in the Highway Commercial district is allowed one A-frame sign.

Ms. Crawford stated they are remotely trying to provide relief to the congestion and/or provide a service. Mr. Porter stated you need to meet the Town requirements. Mr. Irving stated if the signs are in the Town's right-of-way, the Public Works Director would have to be okay with them.

There was discussion regarding putting additional signage on the State signs that are already in place. Mr. Thibodeau stated these signs are put in permanently by the State, are they going to run this shuttle year-round or do we need to take them down in November. Mr. DegliAngeli stated we can take them down as part of our seasonal maintenance. Mr. Thibodeau stated it now becomes a responsibility of the Town of Conway and the Rec Department.

Ms. Crawford stated we are just looking through Labor Day. Ms. Crawford asked if the signs we have already created would that be something that the Public Works Department could put on Town land and leave them there until September 4th because now they are Town signs. Mr. Weathers stated you are asking the Town to knowingly place signs that are in violation. Ms. Crawford stated we could use the signs we have already created and have the Town put them on Town Land until September 4th. Mr. Irving stated if this is a legitimate governmental purpose on government land it would seem that they would be "way finding signs".

Mr. Weathers asked for public comment; Mark Hounsell asked how much are we expected to bend over, we do not want to continue to damage Diana's Bath; this is not in the best interest of the common good, or in the best interest of the Town. Mr. Colbath asked if it is attached to a State sign do we need permission. Mr. Irving stated he would suggest if you are going to put anything on someone else's property you should ask permission.

Mr. Porter stated he still disagrees with this process; he opposes putting signage anywhere. Mr. Porter stated the Town receives zero benefit. Ms. Crawford stated she would disagree that the Town does not receive any benefit from Diana's Bath; no one contacted the tourism industry or the Chamber of Commerce. Ms. Crawford stated all she has done since October is work with people in regard to Diana's Bath. Ms. Crawford stated if the shuttle service would relieve the parking situation, and finding people who are flexible in testing certain things, before we destroy Diana's Bath then that is the best way to save Diana's Bath. Ms. Crawford stated she was just asking if there was a way the Board of Selectmen could help and believe you have been told there is.

Ms. Crawford stated in the future she would ask that when this body is looking at something that is going to effect tourism that you would have the courtesy to call the Chamber of Commerce so you would have the full story when making a decision. Mr. Weathers stated this does not have anything to do with tourism, this was a life safety issue. Mr. Weathers stated we thought it was an unsafe situation and we had an obligation to address it. Ms. Crawford stated if they can put a sign that would direct people to the shuttle on this one piece of land that has been identified, then the Chamber would pay for the signs in good faith.

Daymond Steer of the Conway Daily Sun stated he thinks it would be best at the school. Mr. Steer asked if there is a virtual way to put these locations on maps; with today's technology, you could provide virtual maps. Ms. Crawford stated this is only a trial basis for two more weeks.

Mr. Hounsell stated there should not be special announcements or special calls to any particular group, the Board of Selectmen post an agenda and it is up to them to review the agenda. Mr. Hounsell stated if the parking lot is full that means Diana's Bath is full; he does not see how shipping in more people will help it. Mr. Hounsell stated the people in this town appreciate the tourism business, but can see through this clearly.

Ms. Crawford asked if the NHDOT allows us to put signs on the No Parking signs would that be allowed. Mr. Irving stated there are no regulations, this is up to the Board of Selectmen.

Mr. Colbath moved, seconded by Mr. Porter, to establish one temporary sign at the intersection of West Side Road and River Road within the Town's right-of-way to get us through Labor Day. Motion carried with Mr. Thibodeau voting in the negative (3-1-0). Mr. Weathers instructed Ms. Crawford to have the sign made up and then contact Mr. DegliAngeli to have it installed.

DISCUSSION OF REQUEST TO NHDOT TO REVERT TRAFFIC DIRECTION ARROWS AT RT 302/NORTH SOUTH ROAD INTERSECTION

Public Works Director, Paul DegliAngeli, appeared before the Board. Mr. DegliAngeli stated that the directional arrows at the Route 302/North-South Road intersection were changed by the NHDOT.

Mr. Holmes stated we have had serious problems since the State changed the markings; enough time has passed that we should ask the State to reconsider. Mr. Porter stated the area after the lights should also be readdressed. Mr. Colbath stated the lanes are not lined up which causes confusion on which lane you are supposed to be in; it is an unsafe intersection. Mr. Thibodeau stated everything from Shaw's back to the Walmart intersection should be changed back to the way it was.

The Board agreed to write a letter to the State requesting that they revert the straight/right hand turn onto North-South Road back to right hand turn only and then ask them to reevaluate the entire intersection. **Mr. Colbath moved, seconded Mr. Porter, to authorize the Chair to sign the letter. Motion carried unanimously (4-0-0).**

REVIEW OF RECEIPTS

Receipts were available for the Board's review.

SIGNING OF DOCUMENTS

- a. Abatement Tax Map/Lot 998-008, 246-46, 214-94, 202-149, 998-010, 998-126 and 998-006
- b. Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 265-74
- c. Raffle Permit/MWV Supports Recovery – Drawing 9/17/17

Mr. Thibodeau moved, seconded by Mr. Colbath, to sign the Abatement for Tax Map/Lot 998-008, 246-46, 214-94, 202-149, 998-010, 998-126 and 998-006; Permanent Application for Property Tax Credit/Exemptions for Tax Map/Lot 265-74; and Raffle Permit for MWV Supports Recovery – Drawing 9/17/17. Motion carried unanimously (4-0-0).

CONSIDERATION OF BILLS

- a. Accounts Payable Manifest 8/24/17

Mr. Thibodeau moved, seconded by Mr. Colbath, to approve the Accounts Payable Manifest dated 8/24/17. Motion carried unanimously (4-0-0).

RATIFICATION OF DOCUMENTS SIGNED OUT-OF-SESSION

- a. Accounts Payable Manifest 8/16/17
- b. Payroll 8/16/17

Mr. Colbath moved, seconded by Mr. Porter, to ratify the Accounts Payable Manifest dated 8/16/17 and Payroll dated 8/16/1. Motion carried with Mr. Thibodeau abstaining from voting (3-0-1).

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION

- a. MWV Supports Recovery/Take a Walk in Our Shoes – 9/17/17 with rain date 9/24/17 (Pending receipt of insurance)

Mr. Porter moved, seconded by Mr. Colbath, to approve the Special Event Application for MWV Supports Recovery/Take a Walk in Our Shoes event scheduled for 9/17/17 with a rain date of 9/24/17 pending receipt of insurance. Motion carried unanimously (4-0-0).

CONSIDERATION OF MINUTES

- a. 6/20/17 regular and non-public
- b. 8/08/17 regular and non-public

Mr. Thibodeau moved, seconded by Mr. Colbath, to approve the regular and nonpublic minutes of 6/20/17 and regular and non-public minutes of 8/8/17. Motion carried unanimously (4-0-0).

TOWN MANAGER REPORT

Mr. Holmes stated Don Lyford of the NHDOT contacted him, there will be a public hearing on what to do about the by-pass corridor on the October 11th, but they are still looking for a suitable location to hold the meeting.

Mr. Holmes stated he was invited by the Rotary Club to the dedication of the bench at Rotary Park in memory of Bob Therrian. Mr. Holmes stated the GACIT meeting on the 10-year plan will be on September 19th here at Town Hall at 7 pm. Mr. Holmes stated the Recreation Committee survey will be on the Town website soon.

Mr. Holmes stated the American Legion's event is August 31 and they still have not provided an insurance certificate. Mr. Holmes asked the Board what they would like to do. The Board agreed to give them until Monday and if an insurance certificate is not provided then the event is not approved.

Mr. Holmes stated Ranger Kessler has resigned so our area will be covered by other Rangers.

BOARD REPORTS AND COMMENTS

Mr. Porter stated the Planning Board meets this Thursday night.

Mr. Colbath stated the Zoning Board of Adjustment met last week; the Board approved a sunshade for cows in the floodplain conservation district, Michael's was denied their request for additional signage, and Journey Church was granted their request for additional signage.

Mr. Colbath stated the Budget Committee had a two-part meeting; they toured Conway Elementary and then met with representatives from the DRA. Mr. Colbath stated the Recreation Committee met; they reviewed a time frame with the consultants and worked on a survey. Mr. Colbath stated he attended the Eastern Slope Airport Authority's annual meeting; it was very informative.

Mr. Thibodeau stated we had the Eastern Slope Airport authorities annual meeting; we have our final location for the new hanger building and the engineering firm has submitted our application to the economic authority for a grant.

Mr. Weathers stated Brownfield Road in Center Conway has opened to one-lane traffic over the culvert; and the first coat of pavement should be going down on Mill Street in the next two weeks. Mr. Weathers stated the Conway Conservation Commission will meet the second week in September.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Daymond Steer of the Conway Daily Sun asked when the construction of the hangar building would begin at the Eastern Slope Airport. Mr. Thibodeau stated it is scheduled to tentatively go to bid in mid-winter or spring of 2018 and hope to break ground in June 2018.

Mr. Steer asked if signage for the shuttle service could be placed at Schouler Park. Mr. Weathers answered in the negative. Mr. Steer asked if there would be an introduction to the Recreation Committee survey. Mr. Holmes stated there is a short two sentence introduction.

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

At 5:55 pm, **Mr. Colbath moved, seconded by Mr. Thibodeau, to go into non-public session under NH RSA 91-A:3,II(c) to discuss tax matter.** The non-public session included Town Manager, Thomas Holmes, Tax Collector, Rhoda Quint, Recording Secretary Holly Meserve, and landowners. **Motion carried by unanimous roll call vote.**

The Board returned to public session at 7:15 pm.

Mr. Colbath moved, seconded by Mr. Porter, to seal the minutes of this nonpublic session. The motion carried unanimously (4-0-0).

SIGNING OF TAX DEEDS AND DEED WAIVERS

Mr. Porter moved, seconded by Mr. Colbath, to sign 24 deed waivers for Tax Map/Lots 268-163, 277-230, 268-116, 262-79.026, 217-22.008, 290-28, 252-45, 276-100, 288-29, 290-36.001, 254-29.112, 279-17, 261-27, 215-68, 262-83.061, 254-29.115.007, 232-50, 262-83.293, 277-145.001, 258-56, 272-49.003, 262-79.006, 262-83.201, and 262-83.228. The motion carried unanimously (4-0-0).

ADJOURN

At 7:35 pm, the meeting adjourned at the call of the Chair.

Respectfully submitted,

Holly L. Meserve
Recording Secretary