

**Minutes of Meeting**  
**CONWAY BOARD OF SELECTMEN**  
August 23, 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

**Mr. Colbath moved, seconded by Mr. Porter, to approve the agenda as written. The motion carried unanimously.**

REQUEST FOR AMENDMENT TO DRIVEWAY PERMIT – WES SMITH/THORNE SURVEYS AND BOB NELSON, 646 PEQUAWKET – MAP/LOT 278-48

Bob Nelson of RWN and Wes Smith of Thorne Surveys appeared before the Board. Public Works Director, Paul DegliAngeli was also present for discussion.

Mr. Nelson reviewed that the Board discussed this at the last meeting and the way this was left was that the Board was going to ask Paul DegliAngeli questions about the length of the area.

Mr. Weathers stated that he did go to the site to view the area in question. He has concerns regarding erosion and the stability of the land there now. Also the wall is tipping toward the residence. Mr. Nelson advised this was built to engineers specs by Coleman. He feels it is happening because of all the water that comes down the road.

There was next review and discussion of the road, driveway, right of way, erosion, etc. Mr. Nelson also reviewed the area he wants to pave. Mr. DegliAngeli reviewed standards for driveways with the Board and that Mr. Nelson's request is outside of the town standard.

After further discussion the Board agreed that Mr. DegliAngeli should meet on site with Mr. Nelson to review the area. The Board further agreed that this matter would be on the next agenda for consideration. Mr. DegliAngeli, Mr. Nelson and Mr. Smith agreed to meet tomorrow at 10:00 am at the site.

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

- a. \$1,616.07 from the State of New Hampshire to the Town of Conway Police Department for DWI Patrols (Regular Officer OT Line)
- b. \$492.52 from Intervale Lighting Precinct to the Town of Conway (to General Fund)
- c. \$228.40 from the Conway Public Library to the Town of Conway (reimburse benefits line of library budget)
- d. \$3,140.00 from the Conway Public Library to the Town of Conway (reimbursement for library warrant article #25 for National Register of Historic Places)

Lt. Walker reviewed that \$1,616.07 was received from the State of New Hampshire for the second quarter DWI patrols. **Mr. Colbath moved, seconded by Ms. Seavey to accept the \$1,616.07 from the State of New Hampshire to the Town of Conway Police Department for DWI Patrols and place same in the regular officer overtime line. The motion carried unanimously.**

Mr. Sires next reviewed that the Intervale Lighting Precinct ceased to exist due a vote of their voters at their last precinct meeting. The former precinct bills have been paid and there is \$492.52 left over and the RSA stated that the money reverts to the town and goes into the general fund. **Mr. Colbath moved, seconded by Mr. Thibodeau, to accept the \$492.52 from the Intervale Lighting Precinct to the Town of Conway and place same in the general fund.**

Library Director, David Smolen, reviewed that the \$228.40 if the final 1% of the Mooseplate grant that the Library received. The \$3,140 is part of another grant received for the National Register Historian. **Mr. Colbath moved, seconded by Mr. Thibodeau, to accept the \$228.40 from the Conway Public Library to the Town of Conway and reimburse the benefits lines of the library budget and to accept the \$3,140.00 from the Conway Public Library to the Town of Conway for the reimbursement of the library warrant article #25 for the National Register of Historic Places. The motion carried unanimously.**

APPROVAL OF GRANT APPLICATION FOR MWV TRAILS ASSOCIATION APPLICATION  
TO THE TRANSPORTATION ALTERNATIVES PROGRAM (TAP)

Cort Hanson of the MWV Trails Association was present for discussion.

Mr. Sires reviewed that MWV Trails Association entered into an agreement with the Town to work on non-motorized trails.

Mr. Sires next reviewed that the MWV Trails Association submitted a grant last year but weren't successful in getting funded due to the competitive nature of the program. The MWV Trails Association is putting together another application to submit for 2017. The MWV Trails Association is asking for authorization to submit the application and also a vote from the Board that they intend to put an article on the warrant in 2017 to raise funds for this project. This is for federal TAP grant funding. Mr. Sires explained that the town will have to raise and appropriate the total amount of the project and the NHDOT will look for that commitment. Mr. Hanson explained that this would be a reimbursement program the same as last year. Mr. Hanson further reviewed that this grant application is to connect Thompson Road to Cranmore as a non-motorized recreation path. There was brief discussion by the Board. **Mr. Porter moved, seconded by Mr. Colbath, to approve a joint submission of the Town, working with MWV Trails Association, to submit this TAP grant application to the NHDOT and to put this on the 2017 warrant. The motion carried unanimously.**

PROPOSAL FOR SOLAR GENERATOR FACILITIES ON TOWN PROPERTIES  
NH SOLAR GARDEN/ANDREW KELLAR

Andrew Kellar and Clarke Fener of NH Solar Garden appeared before the Board. Also present was Public Works Director, Paul DegliAngeli.

Mr. Sires advised that NH Solar Garden approached the Town regarding a solar facilities on town property. We are looking at three sites, one over by the Public Works garage and two

properties that are future landfill cells. Mr. Sires stated he feels this project has potential and Mr. Kellar is here to review same.

Mr. Kellar introduced himself and Mr. Fenner. Mr. Kellar advised that this would be a land lease from the town. They would pay a PILOT and this would be new tax revenue for land that would otherwise not generate tax revenue and there will also be energy cost savings.

Mr. Kellar next reviewed and discussed information regarding the project with the Board. (See attached). Mr. Kellar next reviewed other towns in NH where they have done these projects.

The Board asked about a timeline for the project. Mr. Kellar advised that 8-12 months is a realistic expectation. They have to go through a process with the utilities and the NHDES and they are familiar with the process at this point. Mr. Kellar stated if the Board feels that this is a good project we can next move forward and work with the Town Manager. Mr. Sires advised the next step would be to proceed with a review of the documents for the project with the Town Attorney. **Mr. Colbath moved, seconded by Mr. Thibodeau, to proceed with review of the documents at the staff and attorney levels. The motion carried unanimously.**

#### DISCUSSION OF SCOPE OF WORK FOR LIBRARY ROOF

Library Trustees, Lucy Philbrick and Stacy Sand, were present for discussion.

Public Works Director, Paul DegliAngeli, stated that after a review of the library roof project with the Library Trustees, one of the Trustees had a question about the roof. That Trustee could not make it to this meeting tonight; however, there are other Library Trustees present if there are any questions.

Mr. DegliAngeli reviewed the roof project and history of discussions with the Board and the funds to be raised by the warrant article. Mr. DegliAngeli next reviewed the materials and the method of installation; standing seam or flat solder, and costs for same with the flat seam being more expensive than standing seam. Mr. DegliAngeli next reviewed three installation options and the costs for same. The three installation options are standing seam, flat solder, or just solder along the Greenwood Avenue side of the roof as this is the only side that is visible.

There was discussion regarding the bid amounts, contingency costs, budget, materials, etc. **Mr. Colbath moved, seconded by Ms. Seavey, that we, as the Board of Selectmen, defer the decision to the Board of Trustees of the Library with the caveat that they stay within the budget of the \$200,000 amount.** There was further brief discussion regarding costs, contingency and method. **The motion carried 4-1-0 with Mr. Thibodeau voting in the negative.**

#### DEFINITION OF THROUGH TRUCKING

Mr. Sires reviewed that while he was away on vacation, Acting Town Manager, Tom Holmes, did some research on definitions for through trucking.

Mr. Holmes stated that as he had previously advised, there is no definition out there. Mr. Holmes recommended the following language for through trucking on West Side Road: No person shall operate a truck as defined by RSA 259:115-b, excepting a "light truck", as defined in RSA 259:50, on West Side Road in Conway, NH, in a manner that allows the operator to

travel from one end of the street to the opposite end as through traffic without stopping for either business or as a resident of that street.

Mr. Holmes explained that by this definition it would only be through trucking if someone started at Washington Street and ended at River road and vice versa. Any access from Passaconaway Road, Birch Hill Road, etc., would be exempt from through trucking

There was a brief discussion by the Board of the definition and also West Side Road and other no through trucking roads in town. Mr. Holmes stated he recommends the language stated above for West Side Road only at this point as we have yet to look at the other roads in town at this point. **Mr. Thibodeau moved, seconded by Mr. Porter, that we accept the definition of through trucking as presented by Tom Holmes. The motion carried unanimously.**

### APPOINTMENT TO HISTORIC DISTRICT COMMISSION

It was first reviewed that at the last meeting of the Board of Selectmen, the Board felt that a member of Planning Board should be appointed to the Historic District Commission in addition to the Board of Selectmen representative.

Selectman Porter reviewed that he was appointed by the Board of Selectmen as the representative to the Historic District Commission. He is also the Board of Selectmen representative to the Planning Board. Mr. Porter next explained that as the Board of Selectmen representative and as a member of the Planning Board, there is no need to have two representatives to the Historic District Commission.

Mr. Porter next reviewed that Mark Hounsell was appointed to the Historic District Commission but has offered to step down and this would leave an opening. Mr. Hounsell offered to step down as he thought there would be too many members if another Planning Board member was named. Mr. Porter next explained that since he is the Planning Board representative and the Board of Selectmen representative there would still be the correct number of members to the Historic District Commission, which is 7 including him.

Ms. Seavey stated she is okay with having Mr. Porter as the Planning Board and Board of Selectmen representative to the Historic District Commission.

The Board agreed that Mr. Hounsell should be made aware of the situation that there would not be too many members on the Commission if he stayed on before accepting his resignation.

Mr. Porter next commented that he would like to have a meeting of the Historic District Commission after Labor Day so they can get started.

### FINANCIAL REPORT

- a. Review of Revenues
- b. Review of Fund Balance
- c. Review of MS-434

Ms. Gilligan first gave an overview of the memo and financials contained in the Board's agenda packets. Mr. Sires reviewed that the Board is not being asked to make a decision tonight regarding fund balance. This is just a briefing tonight as we do not have our final

estimate of revenues. Fund balance will be discussed again prior to the October 1, 2017 deadline.

Ms. Gilligan next gave an overview of the revenues to date. The original document in the Board's packet was to reduce revenues by \$125,000 but we have since received additional information and need to make adjustments.

There was next discussion regarding additional revenues to building permits and, also, to town own property which increases the figure presented. Ms. Gilligan advised that the town needs to submit the revised revenues to the DRA in order to set the tax rate. The new bottom line figure is \$3,844,744. **Mr. Colbath moved, seconded by Ms. Seavey, that we revise the revenue to \$3,844,744 as presented. The motion carried unanimously.**

#### REVIEW AND CONSIDERATION OF PRIMEX AGREEMENTS

- a. Workers' Compensation Program/Compensation Assurance Program Agreement
- b. Resolution to Enter Primex/Workers' Compensation Contribution Assurance Program
- c. Property and Liability Program/Contribution Assurance Program Agreement
- d. Resolution to Enter Primex/Property and Liability Contribution Assurance Program

Mr. Sires reviewed that the Town has a variety of insurances with Primex and that we do get a discount for multiyear contracts. **Ms. Seavey moved, seconded by Mr. Thibodeau, to approve and sign the Workers' Compensation Program/Compensation Assurance Program Agreement, Resolution to Enter Primex/Workers' Compensation Contribution Assurance Program, Property and Liability Program/Contribution Assurance Program Agreement and Resolution to Enter Primex/Property and Liability Contribution Assurance Program. The motion carried unanimously.**

#### SIGNING OF DOCUMENTS

- a. Abatement Tax Map/Lot 268-174
- b. Certification of Yield Taxes Assessed Tax Map/Lot 290-32
- c. Notice of Intent to Cut Wood or Timber Tax Map/Lot 214-32
- d. Notice of Intent to Cut Wood or Timber Tax Map/Lot 243-21
- e. Notice of Intent to Cut Wood or Timber Tax Map/Lot 298-2
- f. NHEC Petition and Pole License No 3636 - 1 Pole & 1 vault with underground on Whitaker Ln
- g. Timber Tax Levy Map/Lot 290-32

**Mr. Thibodeau moved, seconded by Mr. Colbath to approve and sign the Abatement for Tax Map/Lot 268-174; Certification of Yield Taxes Assessed for Tax Map/Lot 290-32; Notice of Intent to Cut Wood or Timber for Tax Map/Lot 214-32; Notice of Intent to Cut Wood or Timber for Tax Map/Lot 243-21; Notice of Intent to Cut Wood or Timber for Tax Map/Lot 298-2; NHEC Petition and Pole License No 3636 - 1 Pole & 1 vault with underground on Whitaker Lane, and Timber Tax Levy for Map/Lot 290-32. The motion carried unanimously.**

#### CONSIDERATION OF BILLS

- a. Manifest dated 8/25/16

**Mr. Thibodeau moved, seconded by Mr. Colbath to sign the Manifest dated 8/25/16. The motion carried unanimously.**

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

- a. Manifest dated 8/18/16
- b. Payroll dated 8/18/16

**Mr. Thibodeau moved, seconded by Ms. Seavey, to ratify the Manifest dated 8/18/16 and payroll dated 8/18/16. The motion carried 4-0-1 with Mr. Colbath abstaining.**

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

- a. MWV Supports Recovery Coalition/Take a Walk in Our Shoes – 9/19/16
- b. Sherman Farm/The Maize at Sherman Farm - 9/24/16-10/30/16

**Mr. Colbath moved, seconded by Mr. Thibodeau, to approve the special event applications for the MWV Supports Recovery Coalition for Take a Walk in Our Shoes on 9/19/16 and Sherman Farms for The Maize at Sherman Farm on 9/24/16 through 10/30/16. The motion carried unanimously.**

CONSIDERATION OF MINUTES: 8/9/16

**Mr. Thibodeau moved, seconded by Mr. Colbath, to approve the minutes of 8/9/16 as written. The motion carried unanimously.**

TOWN MANAGER REPORT

Tom Holmes was Acting Town Manager while Town Manager, Earl Sires, was on vacation and reported first.

Elevator – Mr. Holmes reported that a member of the Planning Board was not able to use the elevator to get to the meeting room at Town Hall. The elevator has since been repaired.

Diana's Bath – Mr. Holmes reviewed there have been concerns about crowds and parking at and around the Diana's Bath area. The Town has now heard from a person in Nereledge who is requesting similar signage to what Mr. Sullivan had asked for at a previous Board meeting.

Mr. Holmes next advised that he also received a call from a resident of Bartlett who asked that we ban parking on one or both sides of the West Side Road in the area of Diana's Bath. This person also voiced environmental concerns, exceeding capacity, etc.

Mr. Holmes next reported the Town received a response to the letter sent to the NHDOT Commissioner advising that their office has referred the matter to Bill Lambert of the Traffic Division. Mr. Holmes next reported that he spoke with Forest Ranger, Innis, and had a discussion with him regarding parking etc. Ranger Innis indicated that the Forest Service would be willing to write tickets if signed no parking.

Mr. Thibodeau stated he feels the issue raised regarding environmental concerns is a valid concern and feels we should look into information regarding same. Mr. Holmes stated

that if we ban parking on the road, this would limit parking to 60 cars in the parking lot. There was further brief discussion regarding environmental concerns. Mr. Sires stated that he would look for this information and report back.

Vacation – Mr. Sires thanked Tom Holmes for sitting in for him as Acting Town Manager while he was on vacation and also thanked Karen Hallowell for support as well.

Household Hazardous Waste Day – Mr. Sires reported that Household Hazardous Waste Day is scheduled for September 17, 2016.

### BOARD REPORTS AND COMMENTS

Historic District Commission – Mr. Porter reported that a meeting of the Historic District Commission will be scheduled soon.

Planning Board – Mr. Porter reported a Planning Board meeting is scheduled for Thursday, August 25, 2016.

Jim Soroka – Mr. Colbath reported that we lost a community leader, Jim Soroka, who passed away in an accident last weekend. Mr. Colbath stated condolences to his family on this tragedy.

Budget Committee – Mr. Colbath reported the Budget Committee met recently and they reviewed the revenue update. They also had a tour of John Fuller School. Mr. Colbath stated he feels the money was well spent on the updates made at the that school.

ESAA – Mr. Thibodeau reported the ESAA held their annual meeting last Friday. There was forty two people in attending and they received updates of items for the past year.

MWVEC – Ms. Seavey reported the MWVEC is meeting tomorrow.

NHDOT Bridge Project – Mr. Weathers reported the town received a response back from the NHDOT on concerns we had about the bridge project discussed at the last meeting and the traffic. Mr. Weathers reviewed the letter with the Board.

### PUBLIC COMMENTS AND MEDIA QUESTIONS

Daymond Steer of the Conway Daily Sun stated that the County is looking at solar with multiple companies and questioned if the Town would put this out to bid. Mr. Sires stated this is the only one he is aware of with these financial components. Mr. Sires next stated he would contact the County to get information.

Mr. Steer next asked about Mr. Thibodeau about solar for the Airport. Mr. Thibodeau advised that the Airport will be exploring solar and they are looking at a couple of different solar panel companies.

Mr. Steer next asked about power outages and solar. Mr. Thidobeaun stated it would not help in cases of power outages.

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

The non public session regarding tax matters was canceled.

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

At 6:13 pm, **Mr. Thidodeau moved, seconded by Mr. Porter to go into non public session under NH RSA 91-A:3,II(d) to discuss the consideration of acquisition, sale or lease of real estate. The motion carried by unanimous roll call vote.**

The Board returned to public session at 6:53 pm

**Mr. Colbath moved, seconded by Ms. Seavey, to seal the minutes of the non public session. The motion carried unanimously.**

DISCUSSION OF RECOMMENDATION REGARDING PROPOSED  
RELOCATION OF CONWAY RECREATION TO KENNETT MIDDLE SCHOOL

Mr. Sires reported that the Board of Selectmen had appointed a number of individuals in the community to work with the Board of Selectmen and staff to discuss the potential of relocating Conway Recreation to the Kennett Middle School in Conway Village. The Board went into a non public session to discuss a proposal by the School Board. A response to the proposal was also discussed and he has been directed to send same to the School Board.

ADJOURN

At 6:54 pm the meeting adjourned at the call of the Chair.

Respectfully submitted,

Karen J Hallowell  
Executive Secretary