

Minutes of Meeting
CONWAY BOARD OF SELECTMEN
September 20, 2016

The Selectmen's Meeting convened at 4:02 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, Holly Meserve.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Mr. Weathers stated item 4.A, North Country Council Update, has been added to the agenda; and item 12.A is for the 09/22/16 Accounts Payable Manifest. **Mr. Colbath moved, seconded by Ms. Seavey, to approve the agenda as amended. The motion carried unanimously.**

REQUEST TO DISPLAY POW-MIA FLAG AT SCHOULER PARK

Steve Woodcock and Karl Pfeil, Commander of Post 95, of the American Legion appeared before the Board. Mr. Woodcock stated that the North Conway and Conway American Legions would like to request flying the POW-MIA flag on a regular basis at Schouler Park. Mr. Woodcock stated the goal is to not forget those from the Vietnam War or any war that have not come home. Mr. Woodcock stated this is not a political statement, just a flag recognized by the United States of America.

Mr. Weathers asked the size of the flag. Mr. Woodcock answered 4' x 6'. Mr. Thibodeau asked if the American flag flies 24/7 at Schouler Park and is it lighted. Mr. Sires answered in the affirmative. **Mr. Porter moved, seconded by Mr. Thibodeau, to fly the POW-MIA flag below the American Flag at Schouler Park as long as the American Flag is up. The motion carried unanimously (5-0-0).**

NORTH COUNTRY COUNCIL UPDATE

Barbara Robinson, Executive Director; and Kevin McKinnon, Senior Transportation Planner, appeared before the Board. Ms. Robinson stated they wanted to introduce themselves, distribute some materials and address any issues the Board might have. Mr. Colbath asked what is the hot item right now. Ms. Robinson stated Economic Development, Transportation, which is always an issue, and they are looking for new Board of Directors.

Ms. Robinson stated they currently have a survey online, which will end on October 3rd, that they would encourage businesses in the region to participate in.

Ms. Robinson stated the North Country Council offers planning expertise, education and training sessions, facilitation, data collection for surveys for further funding and helps to solve problems. Ms. Robinson stated from a town perspective grant writing is very helpful and we help Town's with that process. Ms. Robinson stated we have a broad area in which we engage.

Mr. Sires stated a couple of things that Conway has going on with the Council is the Ten-Year Transportation plan and a Transportation grant that has been submitted and will be reviewed by the Committee in October. Mr. Sires stated it has been helpful for him to be part of the meetings and get a handle on what is happening in the Region. Mr. Sires stated one of the big changes over the last two or three years is the restructuring of the organization, we are now getting something out of our dues. Mr. Sires stated he will be recommending the dues in this year's budget.

Mr. Thibodeau asked how does the Fryeburg Airport fit into your preview where it is located in the State of Maine. Ms. Robinson stated their connection right now is through Northern Borders; there is a grant from the federal level to build that airport up and we will help manage the grant. Ms. Robinson stated they will not oversee the grant but will be facilitating the process.

UPDATE ON PROPOSED SOLAR GARDEN SOLAR GENERATING PROJECT

Paul DegliAngeli, Public Works Director/Town Engineer, was in attendance. Mr. Sires stated that he has contacted a number of other Towns, Farmington Hillsboro, Franklin and Allenstown; all of these towns said they have been great to work with. Mr. Sires stated we have looked at our sites and we believe all three sites will work; we may have to do a site plan on some of them, but it doesn't seem particularly complicated. Mr. Sires stated Paul DegliAngeli will be checking with NHDES; and Town Counsel, Peter Malia, thinks the various agreements are fine.

Mr. Sires stated they are looking at a lease, but we could also go with the easement approach which has a timing advantage; funding is limited and only a certain number of communities will receive funding. Mr. Sires stated if we wait for Town Meeting in April there is a risk the money will not be there.

Mr. Thibodeau stated he is in favor of this, however, what we are dealing with now seems to be a no bid contract. Mr. Thibodeau stated in the interest of opening to transparency are there any other companies doing the same thing that we should be exploring. Mr. Sires stated it is his understanding there is not; we were approached by another company six months to a year ago, but it fizzled out. Mr. DegliAngeli stated that company was more interested in roof tops.

Mr. Sires stated he will contact the four towns and see how they approached it. Mr. Thibodeau stated he doesn't want to hold up the process and miss out on a good opportunity, but he also doesn't want to get six months into the project and have someone claim we didn't put it out to bid. Mr. Sires stated he would double check on it. Mr. Sires stated he hopes to have the final draft to the Board in a month.

UPDATE ON LED STREETLIGHT RE-LAMPING PROJECT

Mr. Sires stated our street lights are within the NH Electric CO-OP and Eversource areas. Mr. Sires stated we assumed LED lights would save money, however, if we replace all 92 lights within the NH Electric CO-OP with the smallest lights it would cost about \$300 more a month.

Mr. Sires stated their explanation is that they have a flat rate of \$17.09 per light per month; this flat rate includes two things, electricity and a capital component to replace the light. Mr. Sires stated one advantage is lower maintenance, but the capital component is higher than what we expected. Mr. Sires stated there are seven or eight lights that are on the higher end that we might be able to save up to \$100 a month. Mr. Sires stated he will keep the Board posted.

Mr. DegliAngeli stated Eversource does not do the same program as the CO-OP; they want us to find the light and put them in and then they will charge use the new rate. Mr. DegliAngeli stated he went looking for lights and stumbled upon a company that will acquire and install the lights. Mr. DegliAngeli stated we are waiting to hear back as they are drafting a proposal; we don't have to raise any money to do the conversion it is done through our savings.

Mr. Colbath stated the rate saving for the first capital goes to them and then at the end we own the lights and now we recoup the savings. Mr. DegliAngeli stated we own the lights and are paying the electricity; they finance the acquisition and installation of the fixtures. Ms. Seavey asked what is the life expectancy of the lights. Mr. DegliAngeli answered he does not know that. Mr. DegliAngeli stated they are using the same supplier that the CO-OP used.

Mr. Thibodeau asked if we have any area or yard lights that are on meters that we own the light and pay through the meter. Mr. DegliAngeli stated all the ornamental lights are paid through a meter. Mr. Thibodeau asked if they are LED. Mr. DegliAngeli stated we converted them. Mr. Thibodeau stated everything we own and control we have converted to LED. Mr. DegliAngeli stated on the street lights and certain buildings; we only found two places that made sense, the Transfer Station and the Highway Garage.

Mr. DegliAngeli stated the CO-OP wants to own and maintain; Eversource just wants to sell us electricity, the lights are ours to maintain. Mr. Sires stated he will keep the Board posted. Mr. DegliAngeli left at this time.

USE OF FUND BALANCE AS 2016 REVENUE

Lilli Gilligan, Finance Director, appeared before the Board. Ms. Gilligan reviewed the Fund Balance. Mr. Sires stated this is the time the Board has to decide what to use for the tax rate. Mr. Sires stated the Board could comfortably level out the tax rate and have money to work with later.

Mr. Thibodeau stated what if the Board decides later on in the budget process that we are going to need some larger amounts of money. Mr. Sires stated we are comfortable with our financial situation that using \$500,000 to \$530,000 is appropriate and leaves options. Mr. Colbath stated he would rather work with the current statistics. Mr. Porter stated he would like to see no increase in the tax rate, which shows good faith.

Mr. Sires stated another way we have done this in the past, since we are trying to gather this information to submit to the State, is to indicate that you want a flat rate rather than using a specific dollar and use the amount necessary of fund balance to do that. Mr. Thibodeau stated he doesn't want to get into a situation where the taxes go up significantly because of significant projects to our buildings and not have the fund balance available. Mr. Colbath asked if a new Recreation Center or Town Hall would need to be a warrant article. Mr. Weathers answered in the affirmative.

Mr. Porter moved, seconded by Mr. Weathers, to put what is necessary out of the fund balance for a zero rate increase for 2016. Mr. Thibodeau stated he cannot support this motion; think we are very possibly looking at high increases next year if we do that. Mr. Thibodeau stated he was looking at using in the \$450,000 neighborhood. Ms. Seavey agreed with Mr. Thibodeau and stated she thinks there is going to be some unavoidable costs.

Mr. Sires stated one thing we have found out is that the situation at the Rec Center in regards to rodents is isolated. Mr. Colbath stated we can only deal with the present, not knowing what the future is. Mr. Colbath stated he thinks the taxpayers would appreciate the benefit of no increase. **The motion carried with Mr. Porter, Mr. Colbath and Mr. Weathers voting in the affirmative and Ms. Seavey and Mr. Thibodeau voting in the negative (3-2-0).**

REVIEW AND CONSIDERATION OF MS-1 / SUMMARY OF INVENTORY VALUATION

Dale Schofield, Assistant Assessor, appeared before the Board and reviewed the MS-1 with the Board. Mr. Sires stated once this is approved it goes to the State as part of the tax rate. **Mr. Colbath moved, seconded by Mr. Porter, to accept the MS-1 as presented. The motion carried unanimously (5-0-0).**

SELECTMEN SCHEDULE FOR ELECTION DAY 11/8/16

Mr. Colbath stated he could work all day; Mr. Porter and Mr. Weathers stated they could work in the morning; and Ms. Seavey and Mr. Thibodeau stated they could work in the afternoon.

REVIEW OF RECEIPTS

Receipts were available for the Board's review.

SIGNING OF DOCUMENTS

- a. Current Use Land Use Change Tax Collector's Warrant – Tax Map/Lot 250-84
- b. Land Use Change Tax – Tax Map/Lot 250-84

Mr. Colbath moved, seconded by Mr. Porter, to sign the Current Use Land Use Change Tax Collector's Warrant for Tax Map/Lot 250-84 and a Land Use Change Tax for Tax Map/Lot 250-84. The motion carried unanimously (5-0-0).

CONSIDERATION OF BILLS

- a. 9/22/16 Accounts Payable Manifest

Mr. Colbath moved, seconded by Mr. Thibodeau, to sign the 9/22/16 Accounts Payable Manifest. The motion carried unanimously (5-0-0).

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

- a. 9/08/16 Accounts Payable Manifest
- b. 9/15/16 Accounts Payable Manifest
- c. 9/15/16 Payroll
- d. Certification of Yield Taxes Assessed - Tax Map/Lot 252-60
- e. Certification of Yield Taxes Assessed - Tax Map/Lot 255-6
- f. Notice of Intent to Cut Wood or Timber - Tax Map/Lot 255-6
- g. Notice of Intent to Cut Wood or Timber - Tax Map/Lot 268-179
- h. Timber Tax Levy Tax Map/Lot 255-6
- i. Selectmen's Deed Tax Map/Lot 277-198

Mr. Colbath moved, seconded by Mr. Porter, to ratify the 9/08/16 Accounts Payable Manifest, 9/15/16 Accounts Payable Manifest, 9/15/16 Payroll, Certification of Yield Taxes Assessed for Tax Map/Lot 252-60, Certification of Yield Taxes Assessed for Tax Map/Lot 255-6, Notice of Intent to Cut Wood or Timber for Tax Map/Lot 255-6, Notice of Intent to Cut Wood or Timber for Tax Map/Lot 268-179, Timber Tax Levy for Tax Map/Lot 255-6, and Selectmen's Deed for Tax Map/Lot 277-198. The motion carried with Mr. Thibodeau abstaining from voting (4-0-1).

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATIONS

- a. North Conway Public Library/Bike for Books – 10/1/16
- b. Friends of Conway Rec/6th Annual 5K Donut Dash – 10/15/16

Mr. Colbath moved, seconded by Mr. Thibodeau, to sign the Special Event Applications for North Conway Public Library Bike for Books event on 10/1/16 and for the Friends of Conway Rec's Annual 5K Donut Dash on 10/15/16. The motion carried unanimously (5-0-0).

CONSIDERATION OF MINUTES

Mr. Colbath moved, seconded by Mr. Thibodeau, to approve the 8/23/16 regular and nonpublic minutes as written. The motion unanimously carried (5-0-0).

The Minutes of August 30, 2016 should be amended as follows: page 5, last paragraph, line 1 should read "...moved, seconded by ~~Mr. Thibodeau~~ Mr. Colbath, to sign nineteen...". **Mr. Colbath moved, seconded by Mr. Porter, to approve the 8/30/16 regular as amended and nonpublic minutes as amended. The motion carried unanimously (5-0-0).**

TOWN MANAGER REPORT

Mr. Sires stated he attend a meeting at the North Country Council; the Trails Commission discussed trails from the Cranmore area to the Puddin Pond area and there was a presentation by the Nature Conservancy looking at game movements and using game cameras to see where they are crossing.

Mr. Sires stated there was Non Precinct Fire Agreement Meeting and he believes we are moving forwarding. Mr. Sires stated with some tweaks it looks like we may be moving toward status quo. Mr. Colbath asked if we will meet again. Mr. Sires stated he is not sure at this time.

Mr. Sire stated he met with the new CEO of Tri County Cap. Mr. Sires stated the property on West Main Street has sold and is currently being renovated.

Mr. Sires stated he met with the Police Chief and the Forest Service at Diana's Bath; the Forest Service is not in favor of constructing a larger parking lot as it just doesn't make any sense too. Mr. Sires stated we did discuss how the resource is being negatively impacted. Mr. Sires stated they are in favor of limiting parking all together on West Side Road. Mr. Sires stated if the Board considers limiting parking, two things would have to happen; there would have to be enforcement from the Conway Police Department and we'd need to meet with NHDOT maintenance to see if there can be physical modifications made to the road side to prevent parking.

Mr. Sires stated staff has started the budget process. Mr. Sires stated there is a meeting on Thursday with the Fire Chief's, the Water Precincts and Emergency Management to discuss the State's suggestion of voluntary water measures.

Mr. Thibodeau asked the status of the West Main Street project; it seems nothing is happening at the moment. Mr. Thibodeau stated there is also a trailer mounted sign at the south end of West Main street that he thinks is too close to the road and causing a line of site issue. Mr. Thibodeau stated if the sign could move in it would make a big difference. Mr. Sires stated he would check with Paul DegliAngeli regarding the schedule and the sign.

Ms. Seavey stated the sign for the load limit on Kennett Street needs to be moved closer to West Main Street. Mr. Colbath stated he was under the assumption that it was to be done by Labor Day; what is the time frame and are we in a penalty phase. Ms. Seavey stated the people working there have been unbelievable. Mr. Thibodeau agreed with Ms. Seavey and stated there has been a great crew working there. Mr. Colbath stated there have not been any big delays.

BOARD REPORTS AND COMMENTS

Mr. Porter stated the Planning Board meets this week.

Mr. Colbath stated the Zoning Board of Adjustment and the Budget Committee both meet tomorrow night at the same time.

Mr. Thibodeau stated he has nothing to report.

Ms. Seavey stated the Economic Council did meet; continuation of sale of the land with interested parties, but nothing is final yet. Ms. Seavey stated Channel 3 is also meeting this week.

Mr. Weather stated the Conway Conservation Commission met last Wednesday; they finalized the budget for 2017. Mr. Weathers stated there is an increase in the operating budget over last year partly due to the Marshall property. Mr. Weathers stated trail projects have been started on that piece and there are boundary lines in need of painting; we hope to have revenue to offset that. Mr. Sires stated with the timber cut on the Common Lands this year there will be a public hearing for revenue.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Daymond Steer of the Conway Daily Sun asked if there would be a public hearing on the parking at Diana's Bath. Mr. Sires stated the plan at staff level is to talk to the main players and then bring to a Selectmen's hearing. Mr. Steer stated he heard there was a paint situation on Stark Road. Mr. Sires stated there has been paint on cars from line striping as the contractor applied the paint under humid conditions and did not dry. Mr. Steer asked if you could hunt on the Marshall Land. Mr. Weathers stated it is not posted, but you must comply with the State regulations.

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

At 5:39 pm, **Mr. Thibodeau moved, seconded by Mr. Colbath, to go into nonpublic session under NH RSA 91-A:3,II(c) to discuss tax matters.** Included in the nonpublic session were Town Manager, Earl Sires, Recording Secretary, Holly Meserve, and two property owners. **The motion carried by unanimous roll call vote.**

At 5:59 pm, the Board returned to public session. **Mr. Colbath moved, seconded by Mr. Thibodeau, to seal the minutes of this nonpublic session. The motion carried unanimously (5-0-0).**

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

At 6:00 pm, **Mr. Colbath moved, seconded by Mr. Porter, to go into nonpublic session under NH RSA 91-A:3,II(d) to discuss a real estate matter.** Included in the nonpublic session were Town Manager, Earl Sires, and Recording Secretary, Holly Meserve. **The motion carried by unanimous roll call vote.**

The Board returned to public session at 6:33 pm.

Mr. Colbath moved, seconded by Mr. Thibodeau, to seal the minutes of this nonpublic session. The motion carried unanimously (5-0-0).

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

Mr. Sires stated the Board has made a decision regarding the relocation of the Recreation Center and they have asked him to prepare a letter to the School with that decision. Mr. Sires stated once the letter is forwarded to the School it will be made public.

ADJOURN

At 6:35 pm, the meeting adjourned at the call of the Chair.

Respectfully submitted,

Holly Meserve
Recording Secretary