

**Minutes of Meeting  
CONWAY BOARD OF SELECTMEN  
December 5, 2017**

The Selectmen's Meeting convened at 4:02 pm in 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, Thomas Holmes, and Recording Secretary, Holly Meserve.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

**Mr. Colbath moved, seconded by Ms. Seavey, to approve the agenda. Motion carried unanimously (5-0-0).**

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

a. \$200.00 from The John and Alice Pepper Fund for The Damon O'Neal Scholarship Fund by the Town of Conway Trust Fund.

Lilli Gilligan, Finance Director, appeared before the Board. Ms. Gilligan stated that the John and Alice Pepper Fund annually donates to the Damon O'Neal Scholarship Fund. Ms. Gilligan stated this is the protocol necessary to place money in the fund. **Mr. Colbath moved, seconded by Mr. Thibodeau, to accept the donation. Motion carried unanimously (5-0-0).**

CERTIFICATE OF AUTHORITY - VOTE TO ACCEPT HOUSEHOLD HAZARDOUS  
WASTES COLLECTION GRANT FUNDS AND TO ENTER INTO A GRANT  
CONTRACT WITH THE NH DEPARTMENT OF ENVIRONMENTAL SERVICES

Mr. Holmes stated we receive a grant from the State for the Household Hazardous Waste Day and this authorizes Paul DegliAngeli, Public Works Director, to accept the money. Mr. Colbath asked if this is for this year's or next year's Household Hazardous Waste Day. Mr. Holmes answered next years.

**Mr. Colbath moved, seconded by Mr. Thibodeau, to accept Household Hazardous Wastes Collection grant funds and to enter into a grant contract with the NH Department of Environmental Services. The Board of Selectman further authorizes Paul A. DegliAngeli, the Public Works Director, to execute any documents which may be necessary for this grant contract. Motion carried unanimously (5-0-0).**

### VOTE ON REQUEST BY CONWAY VILLAGE FIRE DISTRICT TO EXPAND BOUNDARY

Mr. Weathers stated this is in regard to allowing Almost There in Albany to be within the Conway Village Fire Districts boundaries. Mr. Weathers asked if there was any further discussion or concerns. Ms. Seavey asked if there has been any consideration for the district to expand any further into Albany. Steve Solomon, Conway Village Fire Department Chief, answered in the affirmative, but stated there is no funding available to extend.

Chief Solomon stated that Mr. Whigham, owner of Almost There, will actually run a private line to connect to West Main Street Extension. **Mr. Thibodeau moved, seconded by Mr. Colbath, to grant the request to allow Conway Village Fire District to expand their district.** Mr. Weathers asked for public comment; there was none. **Motion carried unanimously (5-0-0).**

### DISCUSSION OF KENO

State Representative, Karen Umberger, joined the meeting to discuss Keno. Ms. Umberger stated she is here to see if the Board would consider putting an article on the warrant for the adoption of keno in the Town of Conway. Ms. Umberger stated that the current law says that Keno is optional throughout the state, and six towns have adopted Keno. Ms. Umberger stated 50 restaurants, bars, pubs, legions, etc. have in fact applied for a Keno license and of that 30 of them have been installed. Ms. Umberger stated it is not active yet in the State as they are working on the continuity between the State and the individual places.

Ms. Umberger stated Keno can only be authorized where alcoholic beverages are sold and can only be operated between the hours of 11 am and 11 pm. Ms. Umberger stated 8% of the proceeds that are collected goes to the owner of the establishment and 1% of the proceeds go to the New Hampshire Department of Health and Human Services. Ms. Umberger stated that no one under the age of 18 can play.

Ms. Umberger stated that the Board of Selectmen can place a warrant article on the ballot or it can be petitioned. Ms. Umberger stated that a public hearing is required at least 15 days prior to the vote, but cannot not be any more than 30 days prior to the vote.

Ms. Umberger stated that the money will go into the Education Trust Fund to support a full day Kindergarten grant of \$1,100 per child. Ms. Umberger stated we currently have 88 Kindergarten children which would result in \$96,800 to the school. Ms. Umberger stated we would also be providing \$1,100 per Kindergarten child within the Robert Frost Charter School. Ms. Umberger stated currently each kindergartener receives half of the pupil amount and the taxpayers pick up the remaining cost associated with full day kindergarten.

Ms. Umberger stated if more than \$1,100 is raised then any overage will be prorated to the kindergarten children. Ms. Umberger stated that the Keno money is designed to assist with full day kindergarten throughout the State. Ms. Umberger stated if the revenue does not come in, every student will still receive the \$1,100. Ms. Umberger stated Keno is a way to help the State offset the cost of full day kindergarten, and at the State level we been struggling with getting keno authorized.

Mr. Thibodeau stated the deliberative meeting is usually more than 15 days before the vote. Ms. Umberger stated it would have to have a separate public hearing. Mr. Thibodeau stated none of the funds collected from Keno, even if it exceeds \$1,100, will go to the general fund it will just continue to fund kindergarten. Ms. Umberger agreed and stated it will continue to go into the Educational Trust Fund and only will support full day kindergarten throughout the State.

Mr. Holmes stated 8% of the proceeds go to the owner and 1% of the proceeds go to the State. Ms. Umberger agreed and stated the 1% goes to a fund to help problem gamblers and the other goes to the Lottery Commission. Mr. Holmes stated there are winners. Ms. Umberger stated that would come from the Lottery Commission share, but she is not sure the percentage.

Mr. Weathers asked for public comment; Daymond Steer of the Conway Daily Sun asked when would the Board determine the public hearing date. Ms. Umberger stated the decision the Board of Selectmen has to make is if they are going to put it on the ballot or if it has to be petitioned. After a brief discussion, the Board agreed to wait a week to make a decision to gather more input from the public. Mr. Holmes stated this would be on next week's agenda.

#### MAIN STREET AND 10 YEAR PLAN UPDATE

Public Works Director, Paul DegliAngeli, joined the meeting. Mr. DegliAngeli stated the Governor and Council signed the Main Street Project agreement. Mr. DegliAngeli stated the GACIT committee directed NHDOT to reschedule the Conway intersection improvements to coincide with the Main Street Project. Mr. DegliAngeli stated that funding will be available in fiscal year 2019 which begins in July 2018, so engineering can commence August/September 2018. Mr. DegliAngeli stated we anticipate bidding early Winter 2019 for a Spring 2020 start.

Mr. Weathers asked if this is going to be one contract up to the lights at Washington/Pleasant Street and then a separate contract to the lights at the Irving station. Mr. DegliAngeli stated it will be two separate contracts, but will bid simultaneously. Ms. Seavey asked if nothing is starting until 2019. Mr. DegliAngeli stated construction will not begin until the Spring of 2020 and will go into 2021.

Steve Bamsey, Conway Village Fire District Commissioner, stated we have supported the joint activity, but that it could not delay the project and now it is pushed back another year. Mr. Bamsey stated if pushed back it will be more expensive; it is disheartening that this news is coming out. Mr. Bamsey stated he understands that our hands are tied, but this news just cost us money.

Mr. DegliAngeli stated he understands the frustration, however, the contract the District had with the State is was a 53-47%, and what we have done here is removed all of the pavement cost and we are sharing in the common items. Mr. DegliAngeli stated so while comments are not incorrect it is a two-way street, and we ran into a snag with the NEHPA process. Mr. DegliAngeli stated we didn't see it coming and neither did the NHDOT. Mr. DegliAngeli stated it appears we have the obstacles worked out and at the end of the day the total dollars to the district will be less.

Ms. Umberger asked if in order for a contract to be in place for 2019 you would have to have all of the things ready now, but she is not sure why it will take two years to put it all together. Mr. DegliAngeli stated for a spring construction start in 2019 we would need to have a bid out this time next year and the funds will not become available until August of 2018. Mr. DegliAngeli stated there is a lot of design and engineering work to do; we cannot design, receive final design approval from the State and put it out to bid in four months.

Ms. Seavey asked what the impact to the district, to the taxpayers of the district, would be. Mr. Bamsey stated he could not give specific numbers, only that we have a loan out that we have already used and pushing projects back will have the prices going up. Mr. Bamsey stated all we care about is the pipe in the ground, our concern is the pipe in the ground. Mr. Bamsey stated we have been waiting for several years now to get that going and now it is going to be a bit longer.

Mr. DegliAngeli stated he agrees that it is disheartening; when they first starting talking to NHDOT about the water main Carol Murray was still the Commissioner. Mr. DegliAngeli stated we have been working on this for a decade and now we see it.

#### CAPITAL RESERVE FUND / EQUIPMENT FUND PURCHASE GATOR BID

Mr. DegliAngeli stated we had the gator replacement scheduled further down the road, but we are asking to replace it now where we have the balance. Mr. DegliAngeli stated we have determined that this is a 10-year machine and not a 15-year machine. Mr. Thibodeau asked how it went from \$10,000 to \$5,500. Mr. DegliAngeli stated there are more players in the market, and the estimate was based on what we paid the first time. **Ms. Seavey moved, seconded by Mr. Thibodeau, to purchase a John Deer for \$5,500.58. Motion carried unanimously (5-0-0).**

#### REVIEW OF VALLEY VISION PROPOSED 2018 BUDGET

Valley Vision Station Manager, Bill Edmunds, joined the meeting to review the proposed 2018 Valley Vision Budget. Mr. Edmunds explained the PEG expendable Trust Fund. Mr. Edmunds stated that their contract runs from the beginning of May to the end of April. Mr. Edmunds stated they are asking for the same amount of money.

Mr. Weathers asked if Albany has checked to see how they were overcharged. Mr. Edmunds stated they have sent emails that have not been returned and what we have received states programming deductions. Mr. Edmunds stated there is still a bit of confusion on why they did not receive the customary fee from Spectrum.

Mr. Holmes stated that he has reviewed the memo of understanding and Albany is required to send all money to Conway and they need to determine why there is a shortage. After a brief discussion, the Board asked Mr. Holmes to contact the Town of Albany.

## DEPARTMENT HEAD BUDGET PRESENTATIONS 2018

Elections and Registration – Rhoda Quint appeared before the Board and reviewed the proposed budget. Ms. Quint stated the number of elections have gone up in 2018. Ms. Quint stated there will be a new clerk and she is happy to help if they need assistance. Mr. Weathers asked for Board comment; there was none.

Ambulance – Ms. Gilligan stated the warrant articles called for a specific dollar amount and there is a 12.85% increase. The total amounts to be paid to the two separate ambulance companies is \$234,048.

Fire and Emergency Management – Ms. Gilligan stated this is from warrant articles on last year's ballot. Ms. Gilligan stated this is only paid with taxes from residents and businesses within the non-precinct area in town and was increased by 8%.

Conservation Commission – Rob Adair, Chair of the Conway Conservation Commission, appeared before the Board. Mr. Adair stated the Conservation Commission oversees trail management and timber management activities. Mr. Holmes stated the budget has decreased this year. Mr. Weathers stated there is one timber sale coming up. Mr. Adair stated it has been completed. Mr. Weathers asked if it would go towards revenue in 2017. Mr. Adair answered in the affirmative and stated it would cover our budget completely.

Patriotic Purposes – Mr. Holmes stated this is up 5.65%. Mr. Holmes stated we have lost some contribution money and there was a more expensive band this year. Mr. Holmes stated we will be having a cheaper band next year. John Eastman, Conway Recreation Director, appeared before the Board. Mr. Eastman stated we had a sponsor for our entertainment, but they opted to not fund the entertainment so we had to put some money back in.

Mr. Weathers asked about fireworks. Mr. Eastman stated they have budgeted \$10,500 for fireworks. Ms. Seavey stated this does not include anything for New Year's Eve. Mr. Eastman stated that is correct. Ms. Seavey asked if there are sponsors for the New Year's Eve celebration. Mr. Eastman answered in the affirmative and stated the businesses through the Chamber support that financially which covers the fire protection as well.

Executive – Mr. Holmes reviewed the proposed budget and stated there is an overall 3.6% increase. Mr. Thibodeau asked how did Executive dues go from \$10,550 in 2015 to \$25,256 in 2018. Ms. Gilligan stated in 2016 we joined the North Country Council for \$14,784. Mr. Thibodeau asked if we are getting a \$14,000 benefit. Mr. Holmes answered in the affirmative and stated especially with their input on the 10-year plan as they do have the ear of the State. Mr. Holmes stated for the foreseeable future he sees more benefit to this end of the county. Ms. Seavey asked if all departments have their own telephones. Ms. Gilligan stated all the phones are within the Executive budget.

Legal – Mr. Holmes stated legal is up as we have some cases currently ongoing and this includes any settlement amounts.

Welfare – BJ Parker, Welfare Officer, appeared before the Board. Mr. Holmes stated there is a distinct lack of housing in the area and we have been unable to find emergency shelter over the summer. Mr., Holmes stated we are currently working with families who are living in cars and at campgrounds. Mr. Holmes stated the increase also projects the needs to support three households

who are currently applying for state help. Mr. Holmes stated we hope to get the money back, but in the meantime, we are required by statute to help until they are approved for disability. Ms. Seavey asked what are we providing these people. Ms. Parker stated it depends on the circumstances, but mostly rent, electricity and medications. Ms. Parker stated they have no income while their disability application is pending.

Debt Principal – Ms. Gilligan reviewed the Debt Principal and stated that it has zeroed out as the 15-year library bond was payed off.

Debt Interest – Ms. Gilligan reviewed the Debt Interest.

Interest on TANs – Ms. Gilligan stated there is a \$500 increase anticipating the Board of Selectmen decide to support the Carroll County Commissioners request to receive half their money in June rather than all of their money in the second week in December. Ms. Gilligan stated the increase is also for the Main Street project.

### DISCUSSION OF REVENUES PROJECTED 2018

Ms. Gilligan reviewed the projected revenues for 2018 with the Board.

### DISCUSSION OF RECREATION REVOLVING FUND

Mr. Eastman reviewed the Recreation Revolving Fund with the Board. **Mr. Thibodeau moved, seconded by Mr. Colbath, to approve the Recreation Revolving Fund as presented. Motion carried unanimously (5-0-0).**

### CAPITAL RESERVE FUNDS

**Infrastructure Reconstruction:** Mr. DegliAngeli reviewed with the Board. Mr. Thibodeau asked if the Birch Hill and Seavey Street project could be swapped. Mr. DegliAngeli stated we think the Seavey Street project is a higher priority.

**Highway Equipment Replacement:** Mr. DegliAngeli reviewed with the Board.

**Solid Waste Equipment Replacement:** Mr. DegliAngeli reviewed with the Board.

**Landfill Expansion:** Mr. DegliAngeli reviewed with the Board.

**Maintenance and Town Building and Facilities:** Mr. DegliAngeli reviewed with the Board. Mr. DegliAngeli stated there is \$345,000 for the garage expansion. Mr. DegliAngeli stated we need more space as the garage was built in 1988. Mr. DegliAngeli stated this is a two-bay, which is actually four-bays, 80' x 40' expansion.

**Parks Department Vehicles and Equipment Replacement:** Mr. DegliAngeli reviewed with the Board.

**Police Department Vehicles:** Ms. Gilligan reviewed with the Board. Mr. Holmes stated it is a level funded request.

**Public Educational Government Cable Television:** Ms. Gilligan reviewed with the Board. Mr. Holmes stated this is the Conway portion of how Valley Vision Budget is funded.

#### REVIEW OF RECEIPTS

Receipts were available for the Board's review.

#### SIGNING OF DOCUMENTS

- a. Notice to Intent to Cut Wood or Timber Tax Map/Lot 201-23
- b. Timber Tax Levy Map/Lot 225-38.002
- c. Certification of Yield Taxes Assessed Map/Lot 225-38.002
- d. Abatement Tax Map/Lot 264-54 (2017)
- e. Annual Operating Agreement between the Mount Washington Valley Ski Touring Foundation, Conway Schools and Town of Conway
- f. PSNH Petition and Pole License Petition – 1 Pole 115/22.5 White Mountain Highway

**Mr. Colbath moved, seconded by Ms. Seavey, to sign the Notice to Intent to Cut Wood or Timber for Tax Map/Lot 201-23; Timber Tax Levy for Map/Lot 225-38.002; Certification of Yield Taxes Assessed for Map/Lot 225-38.002; Abatement Tax for Map/Lot 264-54 (2017); Annual Operating Agreement between the Mount Washington Valley Ski Touring Foundation, Conway Schools and Town of Conway; and PSNH Petition and Pole License Petition – 1 Pole 115/22.5 White Mountain Highway. Motion carried unanimously (5-0-0).**

#### CONSIDERATION OF BILLS

- a. Accounts Payable Manifest 12/7/17
- b. Payroll 12/7/17

**Mr. Colbath moved, seconded by Mr. Thibodeau, to sign Accounts Payable Manifest dated 12/7/17 and Payroll dated 12/7/17. Motion carried unanimously (5-0-0).**

#### 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

11/28/17 Regular and Non-Public – Mr. Colbath stated the only motion in the Non-Public Minutes of 11/28/17 under consideration of the acquisition, sale or lease of real or personal property should be amended to indicate that “Motion carried with Mr. Colbath voting in the negative (4-1-0)”. **Mr. Colbath moved, seconded by Mr. Thibodeau, to approve the regular and nonpublic minutes of 11/28/17 as amended. Motion carried unanimously (5-0-0).**

### TOWN MANAGER REPORT

Mr. Holmes thanked the Mountain Garden Club for the holiday wreaths at Town Hall. Mr. Colbath stated that their annual Christmas sale is at the North Conway Community Center this Saturday starting at 9:30 am.

Karen Hollowell, Executive Secretary, appeared before the Board. Mr. Holmes stated that Ms. Hollowell will be leaving and her last day is Friday. Mr. Holmes thanked Ms. Hollowell for her service to the Town. Mr. Weathers thanked Ms. Hollowell as well and stated that it has been a real pleasure working with her. Ms. Hollowell thanked the Board and stated that she has enjoyed her time here.

### BOARD REPORTS AND COMMENTS

Mr. Porter stated he had nothing to report.

Mr. Colbath stated that the first Budget Committee meeting will be on December 13<sup>th</sup> and the ZBA will be meeting on December 20<sup>th</sup>.

Mr. Thibodeau stated that he had nothing to report.

Ms. Seavey stated that the tree lighting in Conway Village went extremely well and she thanked Janice Crawford.

Mr. Weathers stated that he had nothing to report.

### PUBLIC COMMENTS AND MEDIA QUESTIONS

Daymond Steer of the Conway Daily Sun stated he attended a meeting in Fryeburg with the airport and asked Mr. Thibodeau how the airport was doing with this issue with its budget. Mr. Thibodeau stated so far, the airport has not expended any funds on this issue and he is not sure how it will shake out. Mr. Thibodeau stated the airport in theory shouldn't be on the hook for anything as it is between the contractor and the contractor's supplier.

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

At 6:32 pm, **Ms. Seavey moved, seconded by Mr. Colbath, to go into nonpublic session under NH RSA 91-A,II(c) to discuss a tax matter. Motion carried by unanimous roll call vote.**

At 6:37 pm the Board returned to public session. **Mr. Colbath moved, seconded by Ms. Seavey, to seal the minutes of this nonpublic session. The motion carried unanimously (5-0-0).**

NON-PUBLIC SESSION / RSA 91-A:3 II(e) – PENDING LITIGATION

At 6:37 pm, **Ms. Seavey moved, seconded by Mr. Colbath, to go into nonpublic session under NH RSA 91-A,II(e) to discuss pending litigation. Motion carried by unanimous roll call vote.**

At 6:44 pm the Board returned to public session. **Mr. Colbath moved, seconded by Ms. Seavey, to seal the minutes of this nonpublic session. The motion carried unanimously (5-0-0).** Mr. Thibodeau left at this time.

NON-PUBLIC SESSION / RSA 91-A:3 II(d) - CONSIDERATION OF THE ACQUISITION, SALE OR LEASE OF REAL OR PERSONAL PROPERTY

At 6:44 pm, **Ms. Seavey moved, seconded by Mr. Colbath, to go into nonpublic session under NH RSA 91-A,II(d) to discuss pending litigation. Motion carried by unanimous roll call vote.**

At 6:54 pm the Board returned to public session. **Mr. Colbath moved, seconded by Ms. Seavey, to seal the minutes of this nonpublic session. The motion carried unanimously (4-0-0).**

ADJOURN

At 6:55 pm, the meeting adjourned at the call of the Chair.

Respectfully submitted,

Holly Meserve  
Recording Secretary