

Minutes of Meeting
CONWAY BOARD OF SELECTMEN
December 6, 2016

The Selectmen's Meeting convened at 4:04 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, 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 that they are going to put a hold on the 11/29/16 Minutes until Karen Hallowell returns as there is a modification that Mr. Colbath would like to make. **Mr. Colbath moved, seconded by Ms. Seavey, to approve the agenda as amended. The motion unanimously carried.**

PUBLIC HEARING – CHAPTER 88/PROPOSED CHANGES TO
BUILDING PERMIT APPLICATION FORM (HEARING 2 OF 2)

Mr. Weathers opened the Public Hearing at 4:05 pm regarding proposed changes to the Building Permit Application Form. This is the second of two hearings. Copies of the proposed changes were available for the public.

Mr. Sires stated the amendment is to require and provide site inspection for the layout of residential building footprints to make sure they are meeting the setbacks and to make sure the structure is in the right location on the lot. Mr. Sires received an email from Shawn Bergeron of Bergeron Technical Services and he had two suggestions: 1) adopt the current version of the code rather than indicating a specific date; and 2) list certain elements of the code that is being adopted as they are the residential building inspection provisions in State Law.

Mr. Sires stated if you were to amend the permit with those additions then you would be adopting residential building inspections for the Town of Conway. Mr. Sires stated that is something to think about as that is not what the Board of Selectmen wanted. Mr. Sires stated that would be a major change in the practice of the Town.

Mr. Weathers asked for public comment; Mr. Colbath stated the change you are talking about is in the State Legislation and asked if it were to pass would we have to enforce it. Mr. Sires stated that the Board of Selectmen have chosen to not enforce the State residential building codes and unless you've decided to change practice we will continue to not enforce them.

Steve Solomon, Chief, Conway Village Fire Department, stated by adopting a specific year of the code within the Town code you will actually be creating a problem for yourself because every time the State adopts a new code the permit will have to be amended again; and you are creating a situation where you have to look at more than one book and by State Statute you have to apply the more stringent standard. Chief Solomon stated it would be simpler to adopt the current version adopted by the State and exclude the portions regarding residential inspections. Chief Solomon stated State Statute also requires that you build it to code even if it is not being inspected.

David Pandora, Conway Building Inspector, stated looking at adopting the 2015 code, but the change on the permit should be to enforce the currently adopted version. Mr. Pandora stated should adopt just section 4 because if the Town votes to adopt sections 1 through 13 that includes the enforcement of residential building inspections as well. There being no other public comment Mr. Weathers closed the public hearing at 4:11 pm.

PUBLIC HEARING - PETITION FROM THE CONWAY VILLAGE FIRE DISTRICT
TO CHANGE THE BOUNDARIES OF THE CONWAY VILLAGE FIRE DISTRICT

Mr. Weathers noted that the Town of Albany is holding a public hearing at the same time here today. Mr. Weathers opened the Public Hearing at 4:11 pm regarding a petition received from the Conway Village Fire District to change the boundaries of the Conway Village Fire District. Maps of the area were available for the public.

Mr. Weathers asked for public comment; Mr. Sires read a letter from Bayard Kennett (attached). Janine Bean, Conway Village Fire District Commissioner, stated none of what Bayard Kennett calls questions in his letter are questions, however, she will address each one of them. Ms. Bean stated in regard to question 1, in March 2007 the Kennett Corporation petitioned both the Conway Village Fire District (CVFD) and the North Conway Water Precinct (NCWP). Ms. Bean stated NCWP defeated the petition to go to the legislature to make a boundary change. Ms. Bean stated CVFD moderated where the article carried as written; the voters were in favor of it.

Ms. Bean stated in regard to question 2, CVFD currently provides fire and ambulance service in that area. Ms. Bean stated as for water and sewer there is a precedent as to the liability of using the water line that services the high school. Ms. Bean stated just how much water does Mr. Kennett think can flow before the pressure is effected; we currently want to keep an eye out as it is developed.

Ms. Bean stated in regard to question 3, there is no question it is an opinion and she personally disagrees with it. Ms. Bean stated in March 2007 Mr. Kennett told the CVFD voters that there would be a 50-acre parcel on the Saco River available for sewer and water, but today he is saying this is all undevelopable; which is it. Ms. Bean stated if it is sold to the conservation entity that it no longer matters.

Ms. Bean stated she would like to ask Mr. Kennett where he has been in the recent years when CVFD voters requested the Town look into Town wide fire. Ms. Bean stated the Commissioners have repeatedly had conversations with the Selectmen asking them to step up and help move the Town in the right direction. Ms. Bean stated one Town, one fire department, one ambulance service, wouldn't that be both financially and operationally beneficial; where has Mr. Kennett been. Ms. Bean stated as for a sinking ship, he should climb on board and pick up an oar.

Curt Kennett asked why the Commissioners did not feel it necessary to notify the property owners of this proposed petition; the first they heard of it was when it was in the paper. Mr. Kennett asked what is it they intend to accomplish by taking the property into their district. Mr. Kennett stated the word undevelopable is incorrect, it is developable, buildable land.

Ms. Bean stated we have petitioned pursuant to RSA 52-A, which is to petition the Town for a public hearing. Ms. Bean stated they felt where the Kennett Corporation had asked us to take the land into the district several years ago, we thought they would still be interested; that might have been an oversight on our part.

Ms. Bean stated we didn't have to have any other public hearing as there are no residents in that area. Ms. Bean stated as for undevelopable she knows there is some land that is developable as they were specifically told of 50-acres that would be developable. Ms. Bean stated we are not asking to take into our district to raise money, we knew there wouldn't be any tax money coming in. Ms. Bean stated it is part of C9 area that we already service and it was a logical step especially where the voters had already approved it. We already have part of Pine Hill in Conway Village; and we installed stubs to be able to service that area.

Mr. Thibodeau stated this area includes the High School property. Mr. Sires agreed. Mr. Thibodeau stated CVFD gets paid a certain amount of money to provide fire and ambulance service to that area; have you done a cost benefit analysis on this. Mr. Thibodeau asked why would the district even want this at this time if you get paid to service the area.

Mr. Thibodeau stated there is zero to minimal tax revenue because the land that is privately owned is undeveloped land and probably in current use so the taxes that they will be paying behooves the revenue you currently get for providing fire and ambulance services to the high school under the non-precinct fire agreement. Mr. Thibodeau asked what precipitated this; he has been here 18-years and he doesn't remember there ever being a request to take land into a district that wasn't done by the request of the land owner.

Chief Solomon stated as to the C9 non-precinct agreement it has little effect as far as revenue goes. Chief Solomon stated there was always the question of where does the revenue generated from the C9 area come from as none of it is taxpaying money. Chief Solomon stated there are four properties; Kennett High, which doesn't pay taxes; the Kennett Corporation, who owns two lots and he would assume all that land is in current use; and Conway Village, who also doesn't pay taxes.

Chief Solomon stated when Tom Irving [Planning Director] had better quality maps we discovered that Bryant Drive, Abenaki Avenue, etc., which are located across the river, are a part of the C9 area. Chief Solomon stated so that is where the revenue from C9 is generated; by taking them out of the non-precinct area and putting them into Conway Village really doesn't affect the non-precinct fire amount.

Chief Solomon stated as to how this came about the discussion started after the NCWP suggested that they should take over the C9 non-precinct area and cover the high school. Chief Solomon stated this led to the inspection of the sewer. Chief Solomon stated when CVFD put sewer north of the Saco River they installed a sewer stub to manage the Pine Hill area. Chief Solomon stated for sewer in that area it either has to be in the CVFD boundaries or in the NCWP boundaries; we cannot sewer non-precinct areas.

Chief Solomon stated since we put the sewer stub in to manage sewer for development in that area we decided that we should try to put the land into our district now so when they do decide to develop the land they don't have to wait for one of our annual meetings, which is the only time Conway Village can take action on it. Chief Solomon stated they looked into the process on how to do this and since there are no residents in the area the petition goes directly to the Selectmen; if there had been residents, the residents would have had to submit the petition.

Mr. Kennett stated he just wanted to correct a misconception, the property is owned by the Kennett Company not the Kennett Corporation. Mr. Sires stated for this to happen the Board of Selectmen have to vote to approve it and then the Conway Village Fire District voters, including Albany, have to approve it; it is a two-step process.

Suzanne Nelson, North Conway Water Precinct Commissioner, stated she doesn't understand why they want the property; the NCWP would suggest that you leave it the way it is or split the property so the high school remains the way it is and possibly Conway Village gets the other part. Ms. Nelson stated it is going to cause a huge problem with the water and sewer that goes to the high school.

Mr. Thibodeau stated if you cannot provide sewer to a non-precinct entity, how does the NCWP do it. Chief Solomon stated it is part of the agreement; it is because it is another municipal entity. Mr. Thibodeau stated because it is between municipal entities. Chief Solomon stated that is correct. Mr. Colbath stated didn't we have a letter from the School Board that the pipes are owned by the School District. Mr. Weathers stated he believes Mark Hounsell told us that; not sure of the reference on that. Mr. Thibodeau stated it is in the contract. Mr. Colbath stated so they buy the services, but own the infrastructure. There was agreement to that statement.

Karen Umberger stated that she hopes the Board of Selectmen has had the opportunity to read the agreement between the school and the NCWP. Ms. Umberger stated the only way the NCWP can expand their boundaries is by an act of the Legislature unlike CVFD who can simply petition. Ms. Umberger stated this particular agreement has an effect because the water and sewer are infrastructures at the bottom of Eagle's Way on Route 302 that are managed by the taxpayers of NCWP and although we don't charge if there is a fire at the school we do meter it.

Ms. Umberger stated she personally thinks things should be left as they are; know there was a lot of discussion when the school went in whether CVFD or NCWP would manage C9 and at the time believe they had C9, but she is not positive. Ms. Umberger stated there are issues surrounding this petition, that area is greater than just the land and bringing it into anyone's district is a lot more complicated than the other areas that the district has expanded to in the past.

Mr. Colbath asked why is CVFD by petition and the NCWP is legislative. Ms. Umberger stated NCWP was formed in 1905 and done by an act of the legislature; not sure when the CVFD decided to become a fire district, but they did not go the legislative route, but the fire district route. Mr. Weathers asked if there is a distinction between a district and a precinct. Ms. Umberger answered in the affirmative and stated they are two different entities.

Jim Umberger stated he was involved in the agreement with NCWP and the school; the school owns the infrastructure and CVFD maintains it. Mr. Umberger stated before any hookups it has to be approved by the school. Mr. Umberger stated to change the boundaries just does not make sense at this time.

Mr. Thibodeau asked if you took property into the district what would the process be to provide water and sewer to the property; where would the hookups be and whose responsibility would that be. Ms. Bean answered on Route 16 across from Eastern Slope Terrace there are stubs for water and sewer to service that area. Ms. Bean stated it is their understanding that you cannot develop that land with a dead-end road, it would need an access road. Ms. Bean stated when it looked like it was going to be developed that is where we put the stubs.

Ms. Bean stated in regard to the inter-municipal agreement, there is an easement for developers to hook on to that infrastructure, but it also has to be viable for the school district. Ms. Bean stated the pipes were designed to service the high school, there is no additional capacity so might be looking at running more lines. Ms. Bean stated CVFD was created by a Charter in 1903 or 1905, and not through Legislation.

Ms. Nelson asked if more lines would have to be run, who would install them. Ms. Bean answered the developer. Ms. Nelson asked who would own them. Ms. Bean stated it is complicated; when we installed the stubs, we based it on a development that had been proposed. Ms. Bean stated we don't know if this is the right time, but it is not going to affect CVFD financially; it is a political thing. Ms. Nelson stated if this is all about a political thing, the Board of Selectmen should vote to leave it the way it is.

Mr. Thibodeau stated CVFD should meet with the land owner to determine their desires before we go any further. Ms. Bean stated they understand the property was on the market or being sold; except for 50 acres the land is nontaxable.

Mike DiGregorio, CVFD Commissioner, stated in hindsight it was an oversight not reaching out to the Kennett Company. Mr. DiGregorio stated they have a meeting Thursday night and it is not a bad idea to reach out to the property owner. Mr. DiGregorio stated that their goal is to protect our kids; the NCFD is a great fire department, but we believe our rescue portion is much better.

Mr. Umberger stated when the school was built there was a dual responsibility agreement between CVFD and NCWP. Chief Solomon stated the dual coverage was for the school; there was a side agreement between CVFD and NCWP for fire suppression. Chief Solomon stated we found we were doing all of the work and giving them half the money and we realized we had it under control; we have had no problems covering the school.

Mr. Weathers closed the public hearing for both the Towns of Conway and Albany at 5:52 pm.

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

Mr. Thibodeau moved, seconded by Mr. Colbath, 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 Selectmen further authorize Paul A. DegliAngeli, the Public Works Director, to execute any documents which may be necessary for this grant contract. The motion carried unanimously (4-0-0).

2017 PROPOSED BUDGET REVIEW

Lilli Gilligan, Finance Director, joined the meeting at this time.

Conservation Commission – Mr. Weathers stated there is a proposed increase over last year's budget. Mr. Weathers stated the Commission would like to expand the project that is ongoing on Hurricane Mountain Road; and there is a proposed project to do the view scape just north of the Elks Club on Route 16. Mr. Weathers stated there has been an increase in trails; and we picked up conservation land on the West Side Road. Mr. Weathers stated work started on the West Side Road land this past year and the New England Mountain Biking Association has also donated time working on the trails.

Mr. Colbath asked the percentage increase. Ms. Gilligan answered 134%. Mr. Sires stated this budget is reimbursed fully due to timber cuts.

Ambulance – Mr. Sires reviewed the proposed 2017 Ambulance budget with the Board and stated the new amount would be in the warrant article. Mr. Sires stated the only thing in the operating budget is the obligation we have through April 2017.

Fire and Emergency Management – Mr. Sires reviewed the proposed 2017 Fire and Emergency Management budget with the Board. Mr. Sires stated an agreement has been signed which will be in warrant articles on the ballot in April. Mr. Sires acknowledged Lieutenant George Walker, who was in attendance and is the Emergency Management Director; the budget proposes a \$4,800 stipend for the Emergency Management Director and \$500 is proposed for the assistant.

Patriotic Purposes – Mr. Sires reviewed the proposed 2017 Patriotic Purposes budget with the Board. Ms. Seavey asked for a breakdown of what is going towards the parade; what is going towards the fireworks; and what is going towards entertainment. Mr. Sires stated that they would provide that.

Executive – Mr. Sires reviewed the proposed 2017 Executive budget with the Board. Mr. Sires stated there is a 3% increase, which is primarily employee compensation. Mr. Sires stated that the Executive Dues line is up slightly due to the membership with the North Country Council. Mr. Thibodeau stated under postage it indicates tax bills; he asked if that should go over to the Finance and Tax Collector and Town Clerk. Ms. Gilligan stated it could be moved; historically it has been in the Executive Budget. Mr. Thibodeau stated it doesn't matter, just a point of curiosity. The Board agreed that it should be moved.

Legal – Mr. Sires reviewed the proposed 2017 Legal budget with the Board. Mr. Sires stated we have spent approximately 42% of that budget; currently holding it flat, but might be able to propose a reduction.

Welfare – Mr. Sires reviewed the proposed 2017 Welfare budget with the Board. Mr. Sires stated there is a 6.6% proposed increase which part is employee compensation. Mr. Colbath asked if the salary increase includes health benefits. Ms. Gilligan stated benefits is its own line item.

Debt Principal – Ms. Gilligan reviewed the proposed 2017 Debt Principal with the Board. Ms. Gilligan stated this is the last year of the bond payment for the Library expansion; it will be paid off in 2017.

Debt Interest - Finance Director, Lilli Gilligan, reviewed the proposed 2017 Debt Interest with the Board.

Interest on TANs – Ms. Gilligan reviewed the proposed 2017 Interest on TANs budget with the Board.

Discussion of Revenues projected 2017 – Ms. Gilligan reviewed the proposed revenue projections for 2017 with the Board. Ms. Gilligan stated there will be updated revenues as well as the expenditures at next week's meeting. Ms. Gilligan stated the \$8,400 in the State Revenue/Forest Lands has been removed because as of yesterday afternoon, they are backing out of that. Ms. Gilligan stated the bottom line suggestion is approximately a \$300,000 decrease, but revenues are reviewed and readjusted in August.

Mr. Colbath asked if she doesn't see that \$8,400 coming back. Ms. Gilligan answered not at the moment, but she is still fighting it. Ms. Gilligan left at this time.

SIGNING OF DOCUMENTS

- a. Agreement between Local #859 AFSCME and the Town of Conway for 2017-19
- b. Notice of Intent to Cut Wood or Timber Tax Map/Lot 223-3
- c. Notice of Intent to Cut Wood or Timber Tax Map/Lot 240-22

Mr. Colbath moved, seconded by Mr. Thibodeau, to sign the Agreement between Local #859 AFSCME and the Town of Conway for 2017-19; Notice of Intent to Cut Wood or Timber for Tax Map/Lot 223-3; and Notice of Intent to Cut Wood or Timber for Tax Map/Lot 240-22. The motion carried unanimously (4-0-0).

CONSIDERATION OF BILLS

- a. Accounts Payable Manifest dated 12/8/16
- b. Payroll dated 12/8/16

Mr. Colbath moved, seconded by Mr. Thibodeau, to sign the Accounts Payable Manifest dated 12/8/16 and Payroll dated 12/8/16. The motion carried unanimously (4-0-0).

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

There were no documents signed out of session.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATIONS

There were special event applications for the Board to consider.

CONSIDERATION OF MINUTES: 11/29/16

The Minutes of 11/26/16 will be considered at the next meeting.

TOWN MANAGER REPORT

Mr. Sires stated we received notice from the New Hampshire Department of Transportation that they are offering for sale two properties with homes located off Thompson Road that were originally along the bypass route. Mr. Sires stated the Town has first right of refusal. The Board did not have any interest in either of the lots.

Mr. Sires stated bids for the Town report are out and due Friday. Mr. Sires stated Zoning petitions can be submitted to the Town starting on Monday, December 12, 2016. Mr. Sires stated the Budget Committee meets on Wednesday, December 14, 2016. Mr. Sires stated the Board of Selectmen have meetings on Tuesday, December 13 and Tuesday, December 20, 2016; and they do not meet on Tuesday, December 27, 2016.

Mr. Sires stated the BOS have been discussing and have approved a lighting project in Conway through Eversource. Mr. Sires stated it was more expensive to convert to LED through NHCOOP and we had asked for a breakdown of the rates; we received that information today and have asked for it in writing. Mr. Sires stated NHCOOP has not keeping up with the technology and Eversource has up to date technology. Mr. Sires stated the NHCOOP situation is their LED lights are 67 watts while our existing lights are 50 watts; Eversource's are 25 watts. Mr. Sires stated NHCOOP rates are three years old.

Mr. Sires stated there are two people who have expressed interest in serving on the Conway Historic Commission

Mr. Sires submitted Conway Code/Selectmen's Policies binders to the Board for their review. Mr. Sires stated Karen Hallowell has put in a lot of work pulling these together; this reflects where things that were considered policy were removed and put into code and vice versa. Mr. Sires stated this is a draft; once the code is adopted in April this will make this the official owner's manual for how to do business for the Town. Mr. Colbath asked if the proposed code is on the website. Mr. Sires answered in the affirmative as stated as well as the Town Charter.

BOARD REPORTS AND COMMENTS

Mr. Colbath stated he had nothing to report.

Mr. Thibodeau stated that he had nothing to report.

Ms. Seavey stated the Economic Council will be meeting on Wednesday and Valley Vision will be meeting on Friday. Ms. Seavey thanked Steve Solomon and Donald Whitelaw for putting the lights up on the tree in Conway Village; it was a fun night for the tree lighting.

Mr. Weathers stated the Conservation Commission will meet a week from tomorrow.

PUBLIC COMMENTS AND MEDIA QUESTIONS

There was none.

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 Ms. Seavey, 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, Public Works Director, Paul DegliAngeli, and Recording Secretary, Holly Meserve. **The motion carried by unanimous roll call vote.**

The Board returned to public session at 6:50 pm

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

ADJOURN

At 6:51 pm, the meeting adjourned at the call of the Chair.

Respectfully submitted,

Holly Meserve
Recording Secretary