

Minutes of Meeting
CONWAY BOARD OF SELECTMEN
June 16, 2015

The Selectmen's Meeting convened at 4:03 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen, C. David Weathers (Chair), Mary Carey Seavey, Carl Thibodeau, Steven Porter and 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. Colbath moved, seconded by Mr. Porter, to approve the agenda with reversing the order of items #4 and #6. The motion carried unanimously.

UPDATE ON WEST MAIN STREET PROJECT

Paul DegliAngeli, Public Works Director, appeared before the Board. Mr. DegliAngeli stated that the work consists of water main, drainage and pavement rehab. Mr. DegliAngeli stated it went out to bid late in the season and there were only two bidders. Mr. DegliAngeli stated that the low bidder was above the budget. Mr. DegliAngeli stated that we met with the contractor and the Conway Village Fire District Commissioners and the consensus was to postpone the project until 2016. Mr. DegliAngeli stated that the issue is whether to award the project to the low bidder and hold start to next year, or rebid the project. Mr. DegliAngeli stated that is for the 2016 Construction season.

UPDATE ON MAIN STREET PROJECT

Mr. DegliAngeli stated he and Mr. Sires, Dave Mercier and Greg Quint met with NHDOT personnel this morning and reviewed this project. Mr. DegliAngeli stated the project was intended to be a 2016 construction project and there is concern with West Main being a 2016 construction project; however, after meeting this morning with NHDOT this project will not have approval until the August time frame. Mr. DegliAngeli stated it will not be able to be designed and out to bid until late fall or early spring. Mr. DegliAngeli stated this will become a 2017 construction project.

Mr. DegliAngeli stated the project consists of repairing/replacing the signals at the two intersections; this will correct a signaling problem. Mr. DegliAngeli stated the State has offered to fund 100% of the project contingent upon the Town managing the billing. Mr. DegliAngeli stated they are looking to partner with the Town's locally managed projects to front the money and then reimburse. Mr. DegliAngeli stated that this is a 2017 construction project. The Board asked that this be put on the next agenda which is in two weeks.

Mr. DegliAngeli reviewed the North Country Council Regional Transportation's conclusion of their 10-year plan which commences next year; it is updated every two years and will be updated next year. Mr. DegliAngeli stated that the roundabout project is 10 to 12 years out; it would address the signals and we don't know if the roundabout is a solution. Mr. DegliAngeli stated a traffic analysis needs to be completed to determine if this is a real solution.

Mr. Thibodeau asked if this would be done this summer. Mr. DegliAngeli answered in 2017; it could be included in the Main Street project or it might be a separate project, but done at the same time. Mr. Thibodeau asked if the Town would have to appropriate money for this and, if so, where will we get the money to pay for it. Mr. Sires stated those are the questions he was thinking about this morning and Ms. Gilligan will do some research; we think it can be done as a pass through due to others.

Mr. Thibodeau stated that he doesn't have a problem with waiting 10 to 12 years out for a permanent solution, but just where is the money going to come from while waiting for reimbursement. Mr. DegliAngeli stated it is \$300,000 and they will process monthly invoices. Mr. Thibodeau asked typically how long it takes NHDOT to pay a bill. Mr. DegliAngeli answered 60 to 90 days. Mr. Thibodeau asked what the time frame for a complete project is. Mr. DegliAngeli stated if it is its own project 90-days, but if it is a part of the larger Main Street project it could be 120 days.

Mr. Colbath asked why the Town has to be the middle man for the money. Mr. Sires stated the State has limited resources for these types of projects. Mr. Sires stated if Paul is managing it, then we have competence that it will be done right. Mr. DegliAngeli stated aid projects are disappearing and employees are going down. Mr. Sires stated our match is our expertise and management. Mr. Colbath stated for this type of project it just seems an odd way of doing it. Mr. DegliAngeli stated it is a shift; third project we have done this way.

Mary Seavey joined at this time [4:21 pm].

REVIEW OF LETTER FROM CONWAY VILLAGE FIRE DISTRICT REGARDING SIDEWALKS

Mr. Sires stated that we have received a letter from the Chair of Conway Village Fire District Commissioners; the voters have asked the Commissioners to discuss sidewalks with the Board of Selectmen. Mr. Sires stated the voters of the Conway Village Fire District have voted for the Town to take over their sidewalks; there now needs to be a discussion if the Town wants to do that and, if so, how to do it. Mr. Sires asked how the Board would like to proceed.

Mr. Weathers stated even if it is approved by their voters and there is a warrant article to approve it, it is still up to the Board of Selectmen. Mr. Sires stated it can be placed on the warrant when you are satisfied, but you are not compelled to put it on. **Mr. Colbath moved, seconded by Mr. Porter, to form a committee to negotiate sidewalks with Conway Village Fire District with Mr. Sires, Mr. DegliAngeli and two members of the Board of Selectmen representing the Town. Motion unanimously carried.**

Mr. Porter and Mr. Colbath volunteered to be on the Committee. **Ms. Seavey moved, seconded by Mr. Thibodeau, that Mr. Porter and Mr. Colbath would be the two members of the Board of Selectmen. Motion unanimously carried.**

UPDATE ON ROUTE 16 BRIDGE LIGHTING – CONWAY VILLAGE

Mr. DegliAngeli stated we have received an estimate from NHDOT for lights on the bridge. Mr. DegliAngeli stated they are requesting four LED lights on the bridge, however, engineering has determined that lighting is not warranted, but they are happy to include it if the Town is willing to pay for it. Mr. Thibodeau asked who pays for the maintenance of the lights now. Mr. DegliAngeli stated the lights have not been on for approximately three to five years

now. Mr. Sires stated this would be a 2016 budget item. Mr. Thibodeau stated it would be the cost to install plus the fixtures. Mr. DegliAngeli stated that estimate includes the fixtures.

Mr. Colbath asked if the lights have been off for 3 to 5 years why is it being requested. Mr. DegliAngeli stated the Board before had requested it when the State was here giving an overview of the project. Mr. Sires stated the discussion at the time was there was pedestrian traffic on the bridge. Mr. Thibodeau stated there is enough money in the estimate to provide the LED. Mr. DegliAngeli answered in the affirmative, but if I'm wrong this is an \$18,000 estimate.

Ms. Seavey asked if these poles are physically on the bridge. Mr. DegliAngeli stated not these poles; there are two older poles that have to come down during the construction. Mr. DegliAngeli stated they will be on the bridge as they are now. Mr. Thibodeau asked if they would be on the upstream side or the downstream side. Mr. DegliAngeli answered downstream. Mr. Thibodeau asked about maintenance cost. Mr. DegliAngeli stated we don't have LED with Eversource, only with the NHCOOP. Mr. Sires stated they don't have a rate yet. Mr. Thibodeau asked if it would be metered. Mr. DegliAngeli answered in the affirmative.

Ms. Seavey asked if there would be any sidewalks on that bridge. Mr. Weathers stated they were going to get back to us regarding sidewalks. Mr. DegliAngeli stated he believes there were sidewalks on the upstream side; drawing shows a sidewalk. Mr. DegliAngeli stated lighting is proposed on the downstream side. Mr. DegliAngeli stated there are two lights on the bridge and two lights just on the opposite side of the retaining wall. Mr. DegliAngeli stated there needs to be a decision by June 22, 2015.

Mr. Colbath made a motion, seconded by Ms. Seavey, to approve the lighting project as presented. Motion defeated unanimously.

NHDOT PROPOSED STREETLIGHT REMOVAL

Mr. Sires reviewed the NHDOT proposed street lights to be removed. Mr. Sires stated if we want any of the lights they are proposing to turn off left on we will have to pay for them. Ms. Seavey asked the cost factor to keep them on. Mr. Sires stated he is not sure, but we pay \$18-22 a month and there are probably 12 to 13 lights proposed to be turned off, so several thousand dollars a year.

Mr. Porter stated the biggest concern with some of these intersections is creates a potential safety hazard with pedestrian traffic. Mr. Porter stated that he doesn't agree with NHDOT's thought process and should look at and see what the cost ramifications are to take them over. Mr. Thibodeau asked if they are going to remove the fixtures or just turn them off. Mr. Sires stated he thinks they would remove them. Ms. Seavey stated she doesn't think overall it is a huge sum of money. The Board asked that this be put on the next agenda which is in two weeks.

REPORT ON THE NORTH COUNTRY COUNCIL TEN YEAR TRANSPORTATION PLAN PROCESS

Mr. Sires stated that the Town has been participating in the North Country Council's 10-year transportation plan process. Mr. Sires stated that the Conway Village oval roundabout ranked #1 in the Region and East Conway Road ranked #4. Mr. Sires stated they held a public hearing last week, discussed the plans and the components and it was approved by the Committee to be submitted to the NHDOT.

REVIEW OF RAIL TRAIL AGREEMENT

Mr. Sires stated this is something the Board of Selectmen discussed last summer with the Mount Washington Valley Trails Association. Mr. Sires stated the idea is that only a Town can create a path along the rail corridors and this group has asked the Board of Selectmen to do that. Mr. Sires stated in the package given to the Board there is an agreement to the NHDOT that outlines responsibilities. Mr. Sires stated Town and local money would fund the construction; and the Town and the Community would be responsible for maintaining, releasing liability, providing insurance to protect them and providing insurance to cover the operator of the railroad. Mr. Sires stated when you enter into the agreement it is up to the Town through the Board of Selectmen to determine if it is to be built; this does not compel the Town to construct it.

Mr. Thibodeau asked if the insurance would be under our blanket insurance that we carry or would it have to be an additional policy. Mr. Sires stated he thinks it would be under our blanket policy, but he will find out. Mr. Colbath asked who reviews these agreements. Mr. Sires answered himself, Mr. DegliAngeli and Town Counsel.

CONWAY CODE PROJECT - GENERAL DECISIONS

Mr. Sires stated there are basic decisions that need to be made.

Color of Binder - Mr. Sires asked what color of the binder and the lettering; the Board agreed to a blue binder with gold lettering.

Fees - Mr. Sires asked if the fees should be in each code or add the wording similar to "the fees that shall be set from time to time by the Board of Selectmen"; the Board agreed to wording that fees are set by the BOS.

Penalties – Mr. Sires asked if the Board would like to do this similar to fees or leave them as they are. Mr. Thibodeau suggested doing it the same way as the fee schedule; the Board agreed.

Ballot Items – Mr. Sires stated several codes only had the warrant article language. Mr. Sires stated we would like to write it as a code and not the warrant article language; the Board agreed.

Historical Information – Mr. Sires stated when it is updated they will include the history of each of these chapters.

TOWN MANAGER REPORT

Mr. Sires stated DHHS is talking about closing the Conway Office and three others; Conway would have to go to Berlin or Portsmouth. Mr. Sires stated he just wanted to let the Board know in case you wanted to write to your representatives about keeping one in town; the Board agreed.

Mr. Sires stated we have two video cameras in the downstairs hallway and one in General Assistance. Mr. Sires stated there are two more coming; one in the parking lot and one upstairs.

Mr. Sires stated that he attended a meeting of the Mount Washington Valley Leadership Program. Mr. Sires stated this is a good program for the young leaders of the Valley to get involved with the community and establish contacts.

Mr. Sires stated they are making progress on the Emergency Operations Plan; there will be a few more meetings before it is complete. Mr. Sires stated there is a retirement party for Dr. Nelson at the Red Jacket at 4.

SIGNING OF DOCUMENTS

- a. Abatement -Tax Map/Lot 265-157.1
- b. Certification of Yield Taxes Assessed -Tax Map/Lot 225-45
- c. Certification of Yield Taxes Assessed - Tax Map/Lot 231-105
- d. Current Use Land Use Change Tax Collector's Warrant - Tax Map/Lot 263-1.11
- e. Current Use Land Use Change Tax Collector's Warrant - Tax Map/Lot 263-1.12
- f. Current Use Land Use Change Tax Collector's Warrant - Tax Map/Lot 263-1.13
- g. Current Use Land Use Change Tax Collector's Warrant - Tax Map/Lot 263-1.14
- h. Current Use Land Use Change Tax Collector's Warrant - Tax Map/Lot 263-1.15
- i. Current Use Land Use Change Tax Collector's Warrant - Tax Map/Lot 263-1.3
- j. Current Use Land Use Change Tax Collector's Warrant - Tax Map/Lot 264-65
- k. Current Use Land Use Change Tax Collector's Warrant - Tax Map/Lot 264-67
- l. Land Use Change Tax - Tax Map/Lot 263-1.11
- m. Land Use Change Tax - Tax Map/Lot 263-1.12
- n. Land Use Change Tax - Tax Map/Lot 263-1.13
- o. Land Use Change Tax - Tax Map/Lot 263-1.14
- p. Land Use Change Tax - Tax Map/Lot 263-1.15
- q. Land Use Change Tax - Tax Map/Lot 263-1.3
- r. Land Use Change Tax - Tax Map/Lot 264-65
- s. Land Use Change Tax -Tax Map/Lot 264-67
- t. Notice of Intent to Cut Wood or Timber - Tax Map/Lot 257-4.2
- u. Notice of Intent to Cut Wood or Timber - Tax Map/Lot 261-52
- v. Notice of Intent to Cut Wood or Timber - Tax Map/Lot 284-14
- w. Notice of Intent to Cut Wood or Timber - Tax Map/Lot 284-14.1
- x. Timber Tax Levy - Tax Map/Lot 225-45 and 231-105

Mr. Thibodeau moved, seconded by Mr. Colbath, to sign and approve the Abatement -Tax Map/Lot 265-157.1; Certification of Yield Taxes Assessed -Tax Map/Lot 225-45; Certification of Yield Taxes Assessed - Tax Map/Lot 231-105; Current Use Land Use Change Tax Collector's Warrant - Tax Map/Lot 263-1.11; Current Use Land Use Change Tax Collector's Warrant - Tax Map/Lot 263-1.12; Current Use Land Use Change Tax Collector's Warrant - Tax Map/Lot 263-1.13; Current Use Land Use Change Tax Collector's Warrant - Tax Map/Lot 263-1.14; Current Use Land Use Change Tax Collector's Warrant - Tax Map/Lot 263-1.15; Current Use Land Use Change Tax Collector's Warrant - Tax Map/Lot 263-1.3; Current Use Land Use Change Tax Collector's Warrant - Tax Map/Lot 264-65; Current Use Land Use Change Tax Collector's Warrant - Tax Map/Lot 264-67; Land Use Change Tax - Tax Map/Lot 263-1.11; Land Use Change Tax - Tax Map/Lot 263-1.12; Land Use Change Tax - Tax Map/Lot 263-1.13; Land Use Change Tax - Tax Map/Lot 263-1.14; Land Use Change Tax - Tax Map/Lot 263-1.15; Land Use Change Tax - Tax Map/Lot 263-1.3; Land Use Change Tax - Tax Map/Lot 264-65; Land Use Change Tax -Tax Map/Lot 264-67; Notice of Intent to Cut Wood or Timber - Tax Map/Lot 257-4.2; Notice of Intent to Cut Wood or Timber - Tax Map/Lot 261-52; Notice of Intent to

Cut Wood or Timber - Tax Map/Lot 284-14; Notice of Intent to Cut Wood or Timber - Tax Map/Lot 284-14.1; and Timber Tax Levy - Tax Map/Lot 225-45 and 231-105. Motion unanimously carried.

DISCUSSION OF FAIRPOINT COURT HISTORY AND ABATEMENT APPLICATION

Tax Assessor, Tom Holmes, joined the meeting. Mr. Holmes stated the Town has been in litigation, on and off, with Fairpoint since 2000 over statutory taxation of their property located in the public's rights of ways. Mr. Holmes stated the spaces they occupy in the street are taxable. Mr. Holmes stated it is still being fought today and the phone company keeps bringing up other issues. Mr. Holmes stated it has gone to Court and the town prevailed.

Mr. Holmes stated now Fairpoint has determined if they don't apply for the license we cannot tax them. Mr. Holmes stated the Town of Belmont says you cannot break the law and then use it as an argument to not pay taxes.

Mr. Holmes stated it was suggested if they agree to the right-of-way value we would accept their conduit value; both parties agreed, but then they disagreed and they have an abatement appeal. Mr. Holmes stated in the meantime, it is incumbent upon this Board that the license has language in it that says the licensee agrees to pay any legally assessed taxes. Mr. Sires asked if Mr. Holmes would be submitting specific language to the Board. Mr. Holmes answered in the affirmative; it would be the same as Lyman, New Hampshire's language. Mr. Thibodeau stated he does not have enough knowledge to know what we are attempting to do and asked that he submit the language to the Board for approval.

CONSIDERATION OF BILLS

- a. Accounts Payable Manifest 6/18/15

Ms. Seavey moved, seconded by Mr. Thibodeau, to approve the Accounts Payable Manifest dated 6/18/15. The motion carried unanimously.

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

- a. Accounts Payable Manifest 6/11/15
- b. Payroll 6/11/15

The Board determined there was no information available.

REVIEW OF RECEIPTS

The monthly receipts were available for the Board's review.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

There were no special event applications to consider.

CONSIDERATION OF MINUTES: 6/2/15

Mr. Colbath moved, seconded by Mr. Porter, to approve the minutes of 6/2/16 as written. The motion carried unanimously carried.

BOARD REPORTS AND COMMENTS

Mr. Porter stated there is no Planning Board report. Mr. Porter stated there is a piece of real estate on Route 16, the former Packard Art Gallery building, that is overgrown and run-down. Mr. Porter asked if there is anything the Town could do. Mr. Porter stated that he has heard it is for sale. Mr. Sires stated that we have had conversations with the representative of the owner in the past and they indicated they would do something, but nothing has been done.

Mr. Sires stated we need to get back on it; we might have a hazardous and dilapidated building situation. Mr. Sires asked if the Board would like staff to pursue that avenue; it is a dangerous building. Mr. Thibodeau asked if we can specify removal. Mr. Sires stated that he has asked the building inspector, David Pandora, to look at it again with that question in mind. Mr. Sires stated he will have more information for the next meeting. **Mr. Porter moved, seconded by Mr. Thibodeau, to pursue the old Packard site as to what we can do to secure it or have the building torn down at the next meeting. Motion unanimously carried.**

Mr. Colbath stated that the Budget Committee had an organizational meeting last Wednesday. Mr. Colbath stated there was discussion of the municipal aid for fire and police in Hales Location; whose obligation is it to respond and who pays for it. Mr. Weathers stated it is the County, Sheriff and State Police. Mr. Sires stated there is mutual aid in responding.

Mr. Colbath stated they would like any updated documentation from the Town or School 72 hours prior to a meeting and not on the night of a meeting. Mr. Colbath stated that he asked them for their rules and procedures and there is none. Mr. Colbath stated there was discussion regarding a member of the Board who is married to a school teacher, and that person did not recuse themselves and voted on it. Mr. Colbath stated there was a question if there was any policy that would overlap to the Budget Committee. Mr. Colbath stated there was discussion regarding work that needs to be done at Pine Tree; and where the money would come from.

Mr. Thibodeau stated the Sign Committee met; and we are in the process of finalizing language to bring back internally lit signs. Mr. Thibodeau stated there will be restrictions, such as only the logo and the lettering can have light pass through and there would be a restriction on the size. Mr. Thibodeau stated some of the signs we looked at that were attractive at night were Profile Motors, 99 Restaurant and Pizza Hut.

Mr. Thibodeau stated that the Committee will go the Planning Board for their approval to put on the warrant. Mr. Thibodeau stated they will next address roof mounted signs, as we don't see why they cannot be 90 degrees to the roof and only allowed parallel to the roof. Mr. Thibodeau stated if someone wants to convert an existing sign to be internally lit, they will have to bring the sign into total compliance if any part of the sign is non-conforming. Mr. Sires asked if there is an incentive to go internally, but be a bit larger. Mr. Thibodeau stated the committee felt the 40 square feet was sufficient.

Mr. Thibodeau stated there is an Airport Authority meeting this Thursday to continue operating the Airport. Mr. Thibodeau stated there is a full Board meeting in July. Mr. Thibodeau stated that the Annual meeting for the Airport will be on the third Friday in August.

Mr. Thibodeau stated that the Town of Fryeburg had their annual meeting last week and agreed with the BOS warrant article to support the airport with \$14,000. Mr. Thibodeau stated they are looking at possibly submitting a grant application with Northern Borders for a piece of equipment to do our own brush cutting and field mowing.

Ms. Seavey stated the Economic Council has not met.

Mr. Weathers stated that the Conway Conservation Commission did not have a quorum so there was no official business conducted.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Daymond Steer of the Conway Daily Sun asked if the light fixtures proposed to be shut off would be marked. Mr. Sires stated that they could do that.

Mr. Steer asked if the trash from the snow banks melting at First River Bridge has been cleaned up. Mr. Sires stated we use the area behind the parking lot at First River Bridge as a snow dump. Mr. Sires stated there is a particular individual that has had concerns for several years; we clean up that area once the snow melts. Mr. Sires stated it is also not just trash from our pickup operations, but people throwing whole bags of trash; we have taken care of that too. Mr. Sires stated by the beginning of June it is ready to go.

ADJOURN

At 5:48 pm the meeting adjourned at the call of the Chair.

Respectfully submitted,

Holly Meserve
Recording Secretary