

**Minutes of Meeting**  
**CONWAY BOARD OF SELECTMEN**  
November 17, 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, John Colbath and Steven Porter, Town Manager, Earl Sires, and Recording Secretary, Karen Hallowell.

Selectman, Carl Thibodeau, was not in attendance due to a vacation.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Mr. Weathers advised there are additions to the agenda under Signing of Documents as follows: Supplemental Warrant Property Tax Levy State of NH 2015 and six Requests to Trustees of the Trust Funds for capital reserve fund disbursements. There was also a correction to an item under Signing of Documents as follows: The Quitclaim Deed for Tax Map/Lot 214-5 should state Selectmen's Deed. **Mr. Porter moved, seconded by Mr. Colbath, to accept the agenda as amended. The motion carried unanimously.**

APPOINTMENT OF DEPUTY TOWN CLERK/TAX COLLECTOR

Mr. Sires stated that Town Clerk/Tax Collector, Rhoda Quint, wishes to appoint Louise Inkell, who has been working in her office for a year, as the Deputy Town Clerk/Tax Collector. **Mr. Colbath moved, seconded by Mr. Porter, to accept the recommendation of Rhoda Quint and appoint Louise Inkell as the Deputy Town Clerk/Tax Collector. The motion carried unanimously.**

DISCUSSION OF WYLIE COURT - ELAINE SPRATT

Wylie Court resident, Elaine Spratt, joined the meeting.

Mr. Sires stated that Ms. Spratt contacted the town asking to speak to the Board of Selectmen about the condition of Wylie Court. Mr. Sires further advised that he did so some research on this and found out that Wylie Court is not in great shape but it is not terrible. It does have pot holes etc. Mr. Sires next advised that Wylie Court is not a town road. Also, there are about four different homeowner associations on Wylie Court. Mr. Sires next stated that his understanding is that some of the associations are collecting money and paying RWN Property Maintenance to do maintenance and plowing on the road. Mr. Sires stated that Mr. Nelson has advised that some of the associations pay and some don't and it is a confused situation over there. However, for a few hundred dollars and an afternoon the potholes could be fixed. Mr. Sires next reviewed that Settlers Green owns the road and has indicated they would turn the road over to the association but they don't plan to maintain the road and they never have.

Mr. Porter stated that he used to live in one of the condos on Wylie Court and the road situation has always been a sore point with all of the residents. The road belongs to Settlers Green and the offer has always been on the table that they want the association to take over that road.

Mr. Colbath reviewed that this is not a town road and asked if there is anything we can do to assist Ms. Spratt. Mr. Sires stated this is a tough situation and there is history here. About 10 or so years ago there was an effort for a road betterment but the warrant article failed. Mr. Sires stated a letter could be sent but, unfortunately, this is a civil matter and there is not much the town can do.

Ms. Spratt stated there are many absentee owners at the condos. There are owners who only use their unit for vacation or they rent it out and they are not around. Ms. Spratt asked if there is any pressure that can be put on Settlers Green by the town to recognize that they actually own that road and that they need to maintain and plow it. Ms. Spratt next advised that one year the plow went past the road until they complained and now they will lift the plow when passing the road.

Mr. Weathers asked when the last time the association got together. Ms. Spratt stated that it hasn't happened. There has only been informal discussions. There was next further discussion of the road and maintenance. Mr. Sires advised that Mr. Nelson of RWN advised that he will be doing the plowing this year and is being paid by some of the associations on the road. Mr. Weathers commented that part of the problem is that the associations aren't communicating and are not active. If they all did, they could contribute to the maintenance. The associations have to take the initiative and then come up with a fee for maintenance.

Ms. Spratt questioned if Settlers Green can be forced to maintain the road because they own it. Mr. Weathers and Mr. Colbath reiterated that this is a civil matter and this would have to be done through the associations and Settlers Green. There was further discussion about the responsibility of maintenance of the road. Ms. Spratt stated that she can't get everyone (the associations) on the same page. Ms. Seavey suggested that the Town give Ms. Spratt a list of contacts for the people in her building. The Board agreed.

Ms. Spratt asked about the town taking the road. Mr. Weathers that the road is not up to town standard. Mr. Sires added that the town also can't accept the road as it is not accessed by a town or a state road either. Mr. Weathers encouraged Ms. Spratt to get the list of owners from our assessing department and contact the other owners. Ms. Spratt agreed.

#### REVIEW AND CONSIDERATION OF MWVSTA AGREEMENT

Mr. Sires gave a brief overview of the Annual Operating Agreement between the Town of Conway, Mount Washington Valley Ski Touring Association (MWVSTA), and Conway Schools. Mr. Sires explained this sets out the relationship between the parties for ski trails. Mr. Sires further explained that there is a new section to the agreement this year – Item 12 opens the trails to fat tire bikes. The fat tire bikes would be allowed on designated bike trails or a groomed trail when conditions permit. **Mr. Colbath moved, seconded by Mr. Porter, to accept the MWVSTA Operating Agreement between the Town, School, and MWVSTA. The motion carried unanimously.**

#### DISCUSSION OF PROPOSED POLLARD STREET CONSTRUCTION DESIGN

Public Works Director, Paul DegliAngeli, joined the meeting.

Mr. Sires reviewed there was a public hearing held the other night to talk with the residents of Pollard Street about the design of the road.

Mr. DegliAngeli stated he is before the Board tonight to see how they would like to proceed regarding Pollard Street. Pollard Street is a town road and our standard is to have sidewalks in the village and currently this road has a sidewalk on each side. We are proposing to reconstruct the road and have a sidewalk on the west side of the road only. Mr. Colbath

asked about comments received at the public hearing. Mr. DegliAngeli advised that someone asked about speed tables. Also, Mark Hounsell suggesting building the road with no sidewalks and he also dropped off a sketch suggesting to make the road one way. Mr. Sires stated that the issue at this point isn't traffic flow but how we will rebuild the road. Mr. DegliAngeli reviewed there is sufficient space to build the road with a sidewalk on one side the same as Mechanic and Kearsarge. Mr. Colbath asked if there were concerns about the trees that need to come down. Mr. DegliAngeli advised that there is a rental property where trees are and we have mailed a letter to the owner. Mr. Porter stated he liked the idea of putting a sidewalk back in and on one side of the road. People should have the benefit of a sidewalk to walk on. As far as speed tables he is not sure this would be a win win and may cause problems down the road. Mr. DegliAngeli pointed out that we do not have speed tables anywhere else in town. Mr. Sires added that the Board could discuss Mr. Hounsell's idea of one way traffic in the future if needed. There was further brief discussion of the sidewalk and parking. Mr. Sires next reviewed that there is also discussion going on about sidewalks in Conway Village and there will be a price tag on a warrant article for maintenance of sidewalks. There was next brief discussion of sidewalk material and construction. **Mr. Colbath moved, seconded by Mr. Porter, to proceed with the design as laid out 26 feet curb to curb road with a 6 foot sidewalk on the west side. The motion carried unanimously.**

#### REPORT ON NEGOTIATIONS FOR TRANSFER OF CONWAY VILLAGE SIDEWALKS TO THE TOWN

Mr. Sires reviewed there was a public hearing with the CVFD Commissioners to gauge the feelings and sentiment of transferring sidewalks from the district to the town and, also, to see how voters felt about financial contribution to the town. Mr. Colbath stated that the meeting is being aired on Valley Vision and there was also an article on it in the Conway Daily Sun. He feels at this point it was a fact seeking meeting for the Commissioners of the Precinct and that they will now have to meet with the Selectmen to see where to go next. Mr. Porter stated that the Commissioners wanted to use what they have to pay down debt and have the town take over the costs for the sidewalks in 2017 and redo them. Also people that live in the precinct want their sidewalks rebuilt to satisfactory condition. Mr. Porter next stated that he feels that also from that meeting there were conflicting stories as to what the precinct wants to do with the funds. Mr. Porter next added that in reading prior minutes of precinct meetings the \$150,000 is to be used for sidewalks. Mr. Colbath agreed. Mr. Weathers stated it was not clear on what direction to go from the meeting and there are still questions. Mr. Colbath stated there are 850 registered voters in the precinct and only 50 were at the meeting. He felt that the people there want to use the money for sidewalks but the question is if this is representative of all voters in the district. Ms. Seavey stated that people need to show up at the meetings. Ms. Seavey further added that she does not feel this is a decision of the Commissioners about the money as it is law. Ms. Seavey next stated that the Commissioners need to listen to the people that showed up at the meeting. This was a public meeting and people should have showed up. She feels the Commissioners have all of the information they need.

#### CONSIDERATION OF PURCHASE OF TRAILER DUMP

Mr. DegliAngeli reviewed that discussion of a proposed purchase of a dump trailer was held at the last meeting. Mr. DegliAngeli next stated that, at this point, it is recommended that we make the purchase and haul our own salt in the winter. The trailer dump can also be used for sand and gravel in the summer and, also, we could use it to haul some items from the transfer station. Mr. DegliAngeli next reviewed that the Town uses about 30,000 ton of salt and we can save \$10 per ton by hauling it ourselves. We can pay for the trailer, including the fuel we will use to haul it, over the next two years.

Mr. Sires questioned if Mr. DegliAngeli was looking for approval in 2015. Mr. DegliAngeli responded in the affirmative and advised that we do have funds in the Solid Waste Equipment

Capital Reserve Fund. Mr. Weathers questioned if this would be a new or used piece of equipment. Mr. DegliAngeli stated he will look for a used one but new they are about \$70,000. Mr. Weathers asked about the life expectancy. Mr. DegliAngeli stated that we have some trailers that are 30 years old and others that are about 15 to 20 years.

Mr. Sires next reviewed the capital reserve and that it has been contributed to year to year as approved by voters and entrusted to the Board of Selectmen to expend from same. Mr. Colbath questioned the amount in the fund. Ms. Gilligan advised there is approximately \$160,000 in the fund. Mr. DegliAngeli reviewed that it would be about \$50,000 for a used dump trailer and about \$70,000 for new. He is planning to purchase a used one but has to look around. **Mr. Colbath moved, seconded by Mr. Porter, that we expend up to \$50,000 for the purchase of a trailer dump out of the Solid Waste Equipment Capital Reserve Fund. The motion carried unanimously.**

### REVIEW OF PROPOSED 2016 BUDGET

Planning and Zoning – Mr. Sires reviewed the proposed 2016 Planning and Zoning budget with the Board.

Inspections – Mr. Sires reviewed the proposed 2016 Inspections budget with the Board.

Health – Mr. Sires gave a brief overview of the proposed 2016 Health budget. Ms. Seavey questioned if the health inspector goes out to events. Mr. Sires stated that we do not check on food that is cooked at events. There was next a brief discussion of kennel fees.

Assessing - Tax Assessor, Tom Holmes, joined the meeting. Mr. Holmes reviewed that his department has been using a DOS based data base for the last twenty years to transfer information etc. Recently it failed to operate properly and so now other departments have to come down to his office to get information such as addresses, etc. Mr. Holmes next advised that he has found a company that can get this information onto a intranet at town hall and he is asking for the software package and maintenance fees in his proposed budget. Mr. Holmes further explained that this software will also better integrate his office with the Planning office. Mr. Holmes next gave a brief overview of the rest of his 2016 proposed budget.

Insurance – Finance Director, Lilli Gilligan, gave a brief overview of the proposed insurance budget. Ms. Gilligan explained we will be transferring to a January renewal date.

Employee Benefits – Finance Director, Lilli Gilligan, reviewed that the health insurance premium rates are increasing 9.5%. The actual increase is 7.2% because people covered by health insurance have situations that change, they may take the buyout, kids grow up and people are added and deleted, etc. Ms. Gilligan next advised that the 9.5% increase is the insurance company predicting our usage for the coming year. Ms. Gilligan next reported that the Health Trust has advised that in the first six months of 2016 we will not receive any refunds. They said we could possibly get a refund at the end of 2016 if there is excess in the fund. We have received refunds for the past six years. Ms. Gilligan next advised that the town also got a quote from the Interlocal Trust for \$90,000 less but the monies received over the past several years are at least that and, also, the school has Interlocal Trust but their rates are higher. Mr. Sires reviewed that we did have discussion a few weeks ago regarding the rate increase and the Board was comfortable with staying with the NHMA. The Board agreed.

There was next discussion of sick time buyback. Ms. Seavey asked if we ever didn't let people carry over sick time. Ms. Seavey stated she feels it encourages people to come in to work sick. Mr. Sires stated that this could be discussed during union negotiations if the Board would like. Mr. Colbath questioned if employees can donate hours to others. Mr. Sires stated

that this is tough to manage and cumbersome. Mr. Colbath suggested that this be something we talk about in the future as well.

Finance – Finance Director, Lilli Gilligan, and Town Clerk/Tax Collector, Rhoda Quint gave a brief overview of the 2016 proposed finance budget. Ms. Quint pointed out that the State of New Hampshire Motor Vehicles Department now requires a static IP address; however, legislation passed that added a \$1 fee to registrations and so this will be offset.

Elections and Registration - Town Clerk, Rhoda Quint, gave a brief overview of the proposed 2016 Elections and Registration budget.

#### APPOINTMENT OF CONSERVATION COMMISSION ALTERNATE

Mr. Weathers reviewed that Nat Lucy has volunteered to be an Alternate on the Conservation Commission. Mr. Sires reported that the town did advertise the position. **Mr. Colbath moved, seconded by Mr. Porter, to appoint Nat Lucy as an alternate on the Conservation Commission for a three year term. The motion carried unanimously.**

#### REVIEW OF MONTHLY RECEIPTS

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

#### SIGNING OF DOCUMENTS

- a. Abatement Tax Map/Lot 260-91
- b. Abatement Tax Map/Lot 262-83.220
- c. Selectmen's Deed Tax Map/Lot 214-5
- d. Supplemental Warrant Property Tax Levy, State of NH 2015
- e. Request to Trustees of Trust funds for
  - \$ 71,585.73 from Landfill Expansion CRF
  - \$175,538.10 from Highway Equipment CRF
  - \$ 89,340.50 from PEG Trust Fund
  - \$130,000.00 from Solid Waste CRF
  - \$ 63,276.00 from Police Vehicle CRF
  - \$ 44,928.00 from Parks Vehicle Equipment CRF

Mr. Sires reviewed that the Selectmen's Deed is for the property on Oak Street that the town took recently for failure to pay taxes. The owner is now purchasing the property back and this deed returns the property to the former owner. Mr. Sires requested the Board sign the Deed and he will hold same until the representatives for the former owner bring a check in to town hall tomorrow. **Mr. Colbath moved, seconded by Mr. Porter, to sign the Abatement Tax Map/Lot 260-91, Abatement Tax Map/Lot 262-83.220, Selectmen's Deed Tax Map/Lot 214-5, Supplemental Warrant Property Tax Levy, State of NH 2015, and Request to Trustees of Trust funds for \$71,585.73 from Landfill Expansion CRF, \$175,538.10 from Highway Equipment CRF, \$89,340.50 from PEG Trust Fund, \$130,000.00 from Solid Waste CRF, \$63,276.00 from Police Vehicle CRF and \$44,928.00 from Parks Vehicle Equipment CRF. The motion carried unanimously.**

#### CONSIDERATION OF BILLS

- a. Accounts Payable Manifest dated 11/19/15 - **Ms. Seavey moved, seconded by Mr. Colbath, to approve the Accounts Payable Manifest dated 11/19/15. The motion carried unanimously.**

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

- a. Accounts Payable Manifest dated 11/12/15
- b. Payroll dated 11/12/15

**Mr. Colbath moved, seconded by Mr. Porter, to ratify the Accounts Payable Manifest dated 11/12/15 and the Payroll dated 11/12/15. The motion carried unanimously.**

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

There were no special event applications for consideration.

CONSIDERATION OF MINUTES OF 11/3/15

**Mr. Colbath moved, seconded by Mr. Porter, to approve the minutes of 11/3/15 as written. The motion carried unanimously.**

TOWN MANAGER REPORT

Pre Bid Meeting – Mr. Sires reported that a mandatory prebid meeting was held this morning for any organizations interested in bidding on the town hall analysis. There was also a walkthrough of town hall and the old Echo building. The bids for this analysis are due in December.

Regional Roundtable – Mr. Sires reported that he attended a Regional Roundtable meeting on Friday. There was a presentation made by a demographer and economist. There was a discussion on affordable housing.

Transportation Advisory Committee – Mr. Sires reported that he will be attending a Transportation Advisory Committee meeting Thursday in Littleton NH.

Town Hall Water System – Mr. Sires reported the water system is on line and we will start mailing bills shortly.

Vehicles – Mr. Sires reported we received two pretty good vehicles for town use and had to sideline two others. We have three vehicles total now. Mr. Sires next added that we are also looking at a proposal to purchase a 4<sup>th</sup> vehicle.

BOARD REPORTS AND COMMENTS

Planning Board – Mr. Porter reported that the Planning Board has not met recently.

ZBA – Mr. Colbath stated that the ZBA is not meeting tomorrow as there were no applications.

Budget Committee – Mr. Colbath reported the Budget Committee is scheduled to meet on December 2, 2015. They will be reviewing proposed rules and regulation and a code of ethics.

LMWVSWD – Mr. Colbath reported the LMWVSWD met last Friday morning. There was a discussion of overtime, etc. The Albany and Eaton representatives were adamant about keeping the transfer station hours as is and feel the taxpayers want the hours to stay as is.

MWVEC – Ms. Seavey reported the MWVEC had a meeting regarding affordable housing. They would like to set up a meeting with the Board of Selectmen and the Planning Board in the future to have a discussion regarding same.

Selectmen Meeting – Mr. Weathers reviewed there is no meeting of the Selectmen next week. The next meeting is scheduled for December 1, 2015.

Conservation Commission – Mr. Weathers reported a Conservation Commission meeting was held last week but he was unable to attend due to having surgery.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Daymond Steer of the Conway Daily Sun asked if the Affordable Care Act is the reason for the increase in insurance. Mr. Sires stated it is not a driving factor. Usage is a factor.

Mr. Steer next stated he is wondering if the town has a plan or idea if the district dissolves and, also, will this create a domino effect. Where is this going? Mr. Colbath stated that this is a crystal ball question and we don't know. Mr. Colbath next commented that he personally does not want to see this happen. Mr. Porter commented that CVFD is looking for answers and we should give them time to sort it out.

Mr. Steer next asked about Airbnb, renting out property, disturbances, etc. Is this Planning Board or Board of Selectmen. Mr. Sires stated that partying and noise would be a police department issue. The Board of Selectmen have an interest in general regarding the housing market and, also, life safety is an issue under their jurisdiction. Planning and Zoning have jurisdiction relating to development, etc.

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

At 6:20 p.m., **Mr. Colbath moved, seconded by Mr. Porter, to go into non public session under NH RSA 98-A:3, II (d) to discussion a real estate matter.** Included in the nonpublic session was Realtor, Greydon Turner, Town Manager, Earl Sires, and Recording Secretary, Karen Hallowell. **The motion carried by unanimous roll call vote.**

The Board returned to public session at 6:38 p.m.

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

ADJOURN

At 6:39 p.m. the meeting adjourned at the call of the Chair.

Respectfully submitted,

Karen J Hallowell  
Executive Secretary