

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN
September 25, 2018**

The Selectmen's Meeting convened at 4:01 pm in the Meeting Room of Conway Town Hall with the following present: C. David Weathers, Mary Carey Seavey, Carl Thibodeau, John Colbath, Steven Porter, Town Manager, Thomas Holmes, and Executive Secretary, Krista Day

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Mr. Weathers noted that there were three additions to the Signing of the Documents:

- a. Notice of Intent to Cut Wood or Timber Map/Lot 208-1
- b. Certification of Yield Taxes Assessed Map/Lot 208-1
- c. Timber Tax Levy Map/Lot 208-1

Mr. Colbath moved, seconded by Mr. Thibodeau, to approve the agenda as amended. The motion carried unanimously.

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

- a. \$190.00 from NGM Insurance

Lilli Gilligan stated that this was the final payment from a private insurer for damage done to a police vehicle in an accident. Ms. Gilligan stated that this would be the final payment.

Mr. Colbath moved, seconded by Ms. Seavey, to accept the \$190.00 from NGM Insurance. The motion carried unanimously.

RECONSIDER MS-4

- a. Re-estimated increase non-tax revenue
- b. Vote on use of fund balance to set tax rate

Finance Director Lilli Gilligan provided the 2017 Town Report for each Selectmen to refer to. Ms. Gilligan stated that the Town voters were presented with an estimated tax increase of 34 cents if all the warrant articles were approved, which they were. Ms. Gilligan stated that there are a few things that can be manipulated such as overlay for projected abatements, the use of fund balance, the dollar figure of the adjusted figures in non-tax revenue, the Veterans Service Credit, and the value of the Town.

Ms. Gilligan noted that when they had estimated the 34-cent tax increase, they had estimated to use \$550,000 in fund balance, a \$15,000,000 increase in the Town's value, and a Veterans Service Credit of \$313,750. Ms. Gilligan noted that Assessor Dale Schofield had found an additional \$5,00,000 in growth for the Town and a lower value for the Veterans Tax Credit of \$293,125.

Ms. Gilligan referred the Selectmen to their packets with 3 pages of non-tax revenue figures. She noted that they had received some large and unexpected revenues that totaled \$167,714 over what they had already approved at the end of August.

Ms. Gilligan noted that there was a reduction in overlay, a \$45,000 building permit, an increase in projected school bus maintenance figure, and a Town owned property was redeemed.

Ms. Gilligan stated that with all of these changes, if the Selectmen decide to continue to use the \$550,000 in fund balance, this would drop the tax rate by a penny. If they decided to go with a flat tax rate, they would need to approve the use of \$535,000 in fund balance.

Ms. Gilligan noted that the decision on fund balance can be made later in October.

Mr. Colbath inquired as to if there was a certain percentage required for use of fund balance.

Ms. Gilligan stated that there are two methods that can be used. The first method would be to have 5-17% fund balance retained of the amount that is to be collected for all government entities by the Tax Collector. At this time the DRA has not provided this figure. There is no way to tell how much of the School, County and Precincts budgets will be allocated to Conway.

The other method to determine fund balance retention is to maintain between 15-20% of how much the Town is raising and appropriating. This year this number was \$12,954,712. This method puts the town in the range of maintaining 16-20% of the fund balance of the Town's total appropriation.

There was brief discussion regarding how fund balance increases year to year.

Mr. Weathers reviewed the options regarding fund balance and decided to wait until the next meeting so he had a chance to get public input.

Mr. Colbath moved, seconded by Ms. Seavey, to accept the adjusted projected revenues as presented. The motion carried unanimously.

DISCUSSION OF CHARTER COMMUNICATION RELOCATION OF VALLEY VISION

Mr. Holmes stated that Ms. Seavey had asked us to discuss the location change of Valley Vision.

Bill Edmunds from Valley Vision stated that Valley Vision, which has always been located on Channel 3, would be moving to Channel 1301 as of October 16. He noted that a cable box would now be required to view Valley Vision.

Mr. Edmunds said that he had been told from the local Spectrum office that the cable box would be available to people for no cost for the first year, but after that, there would be costs incurred.

Mr. Edmunds said at this point Valley Vision is just trying to inform the public of this move. He does not believe there is anything that can stop this move.

Mr. Edmunds stated that they had received notice that this move was happening on August 7, 2018. PSAs that they are going to move. Notified on August 7th about the move.

Mr. Edmunds noted that the Community Television Association of Maine is in the process of sponsoring a bill to make these changes to PEG Channels retroactive.

Mr. Edmunds noted that until the Town renegotiates their contract with Spectrum in 2020, he does not believe anything can be done. He noted that perhaps the Town can try and have Valley Vision moved back during these negotiations.

There was discussion on the potential for another company to take over the Town's contract. Mr. Holmes noted that our contract is non-exclusive and he would begin to look into other companies.

Mr. Holmes noted that he had already informed Spectrum that they would be looking to negotiate for the next contract.

It was advised that the Town perhaps contact outside representation who would be more knowledgeable in these types of contract negotiations.

If the public has any questions or concerns regarding this issue, please contact Mr. Holmes at 447-3811 ext. 210.

REVISIT DISCUSSION OF MAINTENANCE OF CROWN HILL ROAD

All of the Selectmen confirmed that they had had the chance to go out and look at the area in question on Crown Hill Road to determine at which point the road was abandoned by the Town.

Ms. Seavey asked for clarification regarding the private property sign on the road. Mr. Bryant explained that Thad Thorne had put it up.

Mr. Weathers inquired as to Mr. Thorne's intent with that sign. Mr. and Mrs. Bryant stated they believed it was to protect the kids.

Mr. Colbath noted that he cannot believe some of the roads that the Town maintains.

Mr. Colbath stated that his feeling is that because this road was abandoned through a warrant article, if the Bryant's want to change it, it needs to be done through a warrant article. He also added he did not want to see more work added to the Town Maintenance team.

Mr. Thibodeau stated that he agreed with Mr. Colbath in that the Selectmen do not have the authority to make a decision that was determined through a warrant article.

Mr. Bryant stated that he was here to find out what to do; he wished to work together with the Town.

Mr. Weathers stated that from seeing whether that sign is (on the western corner of the Thorne property), his interpretation is that the road was abandoned easterly from that point and reverts back to the abutters.

Mrs. Bryant inquired as to whether the Selectmen held the letter from Arthur Seavey to have any weight.

Ms. Seavey asked why there is a defined turnaround on the western corner if the road was abandoned on the eastern corner.

Ms. Seavey stated that she does not know how the Town could even plow the remaining section of road in its current state.

Mr. Thibodeau asked Mr. DegliAngeli where the Town stops work in the summer. Mr. DegliAngeli stated that there is a difference in opinion on where the Town is required to stop work. He noted that the previous administration had directed him to do work to the easterly boundary of the Thorne Property. He also noted that this instruction from previous administration does not bind the Town into continuing to do so.

Mr. Holmes stated that he believes that this was a case of a poorly worded article that was subject to interpretation. The only authority to determine what that meant was the by Town Voters.

He added that if the Town takes control of the road again, the property owners cannot dictate how it is plowed.

Mr. Bryant stated that why don't they all just make it simple and change the description of where the Selectmen believe the road to be abandoned and make it official. Mr. Weathers agreed that it would be smart to put on record whether the Board believes the intent was for the road to be abandoned.

Mr. DegliAngeli stated that what he was hearing is that the Board considered the road to terminate at the western boundary of the Thorne/Kellen property.

Mr. Colbath moved, seconded by Mr. Thibodeau, that the Board of Selectmen interpret the warrant article of 1961 to mean that Crown Hill Road terminates at the western boundary of the Thorne/Kellen property and physical appearance verifies that at this time. The motion carried unanimously.

There was brief discussion and determination that this change from public to private road would not have an effect on taxes.

DISCUSSION OF TOWN ASSISTANCE DISTRICT

Mr. Holmes stated that he is looking for the Board to give him authority to explore the possibility of creating a Town Assistance District. This would mean partnering with a neighboring Town and creating a Memorandum of Understanding that would allow our Town Assistance Director to serve the welfare clients of the other Town. This would allow for the Town of Conway to bill this other Town for both services rendered and time spent on those particular cases. He noted that this would be a tentative step towards regional town assistance.

Mr. Holmes noted that our welfare director already is serving some of these clients from neighboring towns, but by creating this MOU, it would allow the Town of Conway to recoup the money from the sending Town which would alleviate the burden on the Conway Taxpayers.

Mr. Holmes stated that the MOU would be created and reviewed by Attorney Malia and then brought to the Selectmen for final approval.

It was determined that it would be a good idea to only partner with Jackson at this time to see how the partnership goes prior to seeing if any other Towns were interested in partnering with the Town of Conway.

Mr. Colbath noted that the MOU would need to be carefully worded.

Ms. Parker clarified that RSA 165 stated that a district would be considered two or more towns.

Mr. Colbath stated that you wouldn't want this to become too involved because then it would become a county issue. Mr. Holmes added that at some point if you add too many Towns, Ms. Parker would not have the time to do her own job for the Town of Conway. He noted that a cost benefit analysis could be completed and recommended easing into this.

Mr. Colbath inquired as to how many cases Jackson has a year. Ms. Parker stated one or two.

Ms. Seavey explained that she believed it would open Pandora's Box to take on other towns. She discussed how she had faced nothing but issues with other Town's in regards to welfare and receiving the proper paperwork or payment seems next to impossible. She commended Ms. Parker for the phenomenal work she does for the Town of Conway, but was very concerned about actually receiving promised funds from these other Towns.

Mr. Colbath asked what other Towns do in terms of welfare. Ms. Parker stated that many other towns have formed districts while some contract out their welfare services.

Ms. Parker stated that whenever someone comes to her office, she had to spend her time with them regardless of the Town they are coming from. By forming a district, it would allow the Town to bill the sending Town for her time spent on the case and services rendered.

Ms. Seavey stated again that she was worried about actually collecting the money from these towns.

Mr. Porter moved, seconded by Mr. Colbath, to give Mr. Holmes and Ms. Parker the authority to further explore creating a Town Assistance District. The motion carried unanimously.

REQUEST TO REDEEM TOWN OWNED PROPERTY MAP/LOT 225-6

Mr. Holmes stated that they had received a formal request to redeem the Town Owned Property located at Map/Lot 225-6. He noted that they had also received the full payments from the Former Mortgager TD Bank. He noted that the property would go back into the former owner's name.

Mr. Colbath moved, seconded by Mr. Porter, to allow for the redemption of Town Owned Property Map/Lot 225-6. The motion carried unanimously.

HIGHWAY SAFETY IMPROVEMENT APPLICATION

Mr. DegliAngeli stated that he had met with the NH DOT representatives Bill Cass and Bill Lambert regarding options to help make the Intersection of East Conway Road and Eastman Road safer. Options included applying for the Highway Safety Upgrades Program or adding the project to the 10 year plan. He noted that there was a Road Safety Audit program that the Town was in the process of completing with the assistance of the North Country Council. Mr. DegliAngeli noted that this was the quicker route to getting the work completed.

There was also mention of the possibility of a temporary signal at that intersection.

Chief Wagner added that there have been 43 accidents at that intersection in the last 10 years which is excessive. He believes it is time to do something.

REC CENTER UPDATE

Recreation Director John Eastman stated that he had met with the architects and had been tasked with coming up with a list of things that they will need such as bleachers, baskets, curtains, etc. He noted that he had communicated with Andy Grigel from the SAU who had given him a lot of helpful information.

Mr. Holmes noted that people should be aware that the basketball court will be off center due to their attempts to maximize the space.

Mr. Colbath inquired as to whether they had any updated budget estimates. Mr. DegliAngeli stated that they have nothing better at this time.

Mr. DegliAngeli noted that they are looking at a February Break construction start date. He noted that they were offering flexible shifts for the work to be completed but they would have a drop-dead date that would enable to the recreation department to hold camp there next summer.

Mr. DegliAngeli stated that they would be prequalifying all contractors prior to bidding.

Mr. DegliAngeli wanted to let the public know that they would be replacing a culvert on Pequawket Drive and the road would be closed starting October 9, 2018 for three days to up to a week.

MAIN STREET PROJECT UPDATE

Mr. DegliAngeli stated that on August 1, 2018, the Town had submitted the scoping fee for engineering services for phase one of the Main Street Project.

Mr. DegliAngeli reviewed that this project is really two projects. The Western Project would be from West Main Street to Washington Street, and the Eastern Project would be from Washington Street to Past Wilder Street.

There was brief review of the history of this project. He noted that they had initially reshuffled things on the 10-year plan so that both parts of the Main Street Project could be done concurrently, however, the Eastern Project has now been moved to 2021 and the Western Project will not start until 2020.

Mr. DegliAngeli stated that in order to proceed, the Town needs approval from NHDOT for scope and fee. He added that on August 10, he was notified that the project was being reassigned to a different person at the State. To date, the Town still does not have an approval to proceed.

Mr. DegliAngeli stated that he drafted a letter to all of the stakeholders in the project and included Tom Bucu and Gene Chandler. He added that if it takes this long for things to progress, the Town will not be ready to begin the project in 2020. He noted that he is requesting monthly project meetings to ensure that everyone is on the same page.

Mr. DegliAngeli stated that the fiscal 2019 project funds are available October 1, 2018, but the Town cannot currently proceed with engineering at this point.

Mr. Thibodeau suggested getting in touch with Joe Kenney as this project is critical.

There was brief discussion regarding the shim coating on Main Street.

There was brief discussion regarding the importance of crosswalks being painted in Conway Village as soon as possible.

Mr. Colbath inquired as to the progress on Seavey Street. Mr. DegliAngeli stated that it was not yet completed due to the late start. They are preparing the sidewalks and the base pavement is down. The issue is that the curbing contractor is holding the project up due to having to reschedule so many times due to the extra time it took the water precinct to finish their portion of the project.

Mr. Colbath inquired as to when Skimobile road was going to be completed as there was raised iron. Mr. DegliAngeli stated that the company had to pull out due to the weather and the Town was waiting for them to come back.

There was brief discussion regarding the issues of line painting due to the temperatures in Town.

10 YEAR PLAN DISCUSSION

Mr. DegliAngeli stated that the State has put out requests for projects for the 10 year plan. He noted that they were looking to add rumble strips on Route 16 in Albany. He noted that while the problem East Conway Road intersection had not gained any traction in the past as the State saw it as more of a local traffic issue, however, the NHDOT would now like to see it happen along with the reconstruction of East Conway road from the intersection in Redstone to past Sherman Farm. However, this would be a 12 million-dollar project.

There was brief discussion regarding the potential for the bypass to come to fruition in the future and it's potential impact on the rec path.

Mr. Colbath inquired as to the work that had been scheduled for the bridge over the Conway Lake Outlet. Mr. DegliAngeli stated that this multiyear project was scheduled to begin in 2019.

REVIEW OF RECEIPTS

SIGNING OF DOCUMENTS

- a. Notice of Intent to Cut Wood or Timber Map/Lot 208-1
- b. Certification of Yield Taxes Assessed Map/Lot 208-1
- c. Timber Tax Levy Map/Lot 208-1

Mr. Colbath moved, seconded by Mr. Thibodeau, to sign the documents above in a., b., and c. The motion carried unanimously

CONSIDERATION OF BILLS

- a. Accounts Payable Manifest dated 9/27/18
- b. Payroll dated 9/27/18

Mr. Porter moved, seconded by Mr. Colbath, to sign the AP Manifest and Payroll dated 9/27/18. The motion carried unanimously.

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

- a. AP Manifest dated 9/6/18
- b. AP Manifest dated 9/13/18
- c. AP Manifest dated 9/20/18
- d. Payroll dated 9/13/18

- e. Temporary Right of Way Agreement Map/Lot 244-1
- f. Notice of Intent to Excavate Map/Lot 260-58
- g. Notice of Intent to Cut Wood or Timber Map/Lot 238-3
- h. Selectmen's Deed Map/Lot 276-198
- i. Certification of Yield Taxes Assessed Map/Lot 240-7
- j. Timber Tax Levy Map/Lot240-7
- k. Conditional License for 226 Seavey Street Map/Lot 219-82

Mr. Thibodeau moved, seconded by Ms. Seavey, to ratify the documents above in a. through k. The motion carried unanimously.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

- a. ESSC Ski Sale at North Conway Community Center (11/7/18-11/11/18)

Mr. Colbath moved, seconded by Mr. Thibodeau, to approve and sign the special event application for the ESSC Ski Sale at North Conway Comm

CONSIDERATION OF MINUTES

- a. Regular Minutes from 8/28/18

Mr. Thibodeau moved, seconded by Mr. Colbath, to adopt the regular minutes from 8/28/18 with the two corrections that had been discussed with Secretary, Krista Day. The motion carried unanimously.

TOWN MANAGER REPORT

Mr. Holmes noted that he does not believe that the Selectmen should go forward with the Warrant Article to Repair the Boat Ramp this year. He noted that Mr. DegliAngeli reports that the boat ramp repairs are holding up well.

Mr. Holmes noted that there have been a lot of Bass Tournaments happening on Conway Lake. He and John Eastman believe that these types of tournaments should be required to apply for special event permits.

Mr. Thibodeau asked what would require special event permits on public property. Mr. Holmes noted that the boat ramp is public property just as our parks are. He added that the Town was simply looking to manage organized use for commercial purposes.

Mr. Holmes noted that they had received notice from DES that the water at the Rec Center is now safe enough to use for hand washing.

Mr. Holmes noted that he had included the Rec Center's fall newsletter in the packet so the Board could be aware of what is happening at the Rec Center.

Mr. Holmes stated that the Town had received a certificate of appreciation from the Stephen Siller Tunnel to Towers event that had been held in Town.

Mr. Colbath asked of there had been any issues when Reach the Beach had come through Town. Mr. Holmes noted that while it has greatly improved over the last few years, there are a few issues regarding

van height and passing through the Albany covered bridge. He also noted the potential for the Main Street Project to have an impact on the race in the future.

Mr. Colbath inquired as to if there has been progress regarding the solar garden. Mr. Holmes stated that the company has communicated that they are in the process of moving forward but there is no deadline in the actual lease.

BOARD REPORTS AND COMMENTS

Mr. Porter stated that the Planning Board would be meeting on Thursday at 7:00 pm to look at two big projects; one for Memorial Hospital and the other for the potential Market Basket site.

Mr. Colbath stated that the Budget Committee had met and received a presentation from the DRA. He noted that there were questions regarding whether the Budget Committee should be voting on warrant articles that do not have appropriations. He added that Mr. Holmes and Chairman LeFebvre were charged with looking into it.

Mr. Colbath noted that the ZBA would be meeting to look at the application for a 71-foot false chimney for a cell tower in North Conway Village.

Mr. Colbath noted that he had represented the Town at the NHMA Legislative Update and there were other Towns who expressed concern regarding short term vacation rentals. This topic would be the number 1 action item that the NHMA would seek potential legislation for.

Mr. Thibodeau stated that the ESAA had their Executive Meeting last week and they are continuing to move forward with the hanger project and had just secured the final grant.

Ms. Seavey stated that the Economic Council was meeting Wednesday, September 26, 2018 and that Valley Vision was meeting Thursday, September 27, 2018.

Mr. Weathers stated that the Conservation Commission would be meeting next week.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Daymond Steer from the Conway Daily Sun asked if the Selectmen would like to elaborate on the progress of the Main Street Project. Mr. Holmes stated that Mr. DegliAngeli had given a very detailed and comprehensive explanation and that he could not think of anything more to add.

Mr. Steer inquired as to the status of the leaded pipe joints. Mr. Holmes suggested checking with the water precinct.

Mr. Steer inquired as to whether other Towns are redirecting their welfare clients to Conway. Mr. Holmes stated that it is happening and the Town is only able to bill these other Towns for services rendered, not Ms. Parker's time.

ADJOURN

At 6:17 pm, the meeting adjourned at the call of the Chair.

Respectfully Submitted,

Krista Day
Executive Secretary