

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN
January 7, 2020**

The Selectmen's Meeting convened at 4:00 pm in the Meeting Room of Conway Town Hall with the following present: Selectmen, 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 the Allegiance to the flag.

APPROVAL OF AGENDA

Mr. Weathers noted a few additions to the agenda.

He noted that they were adding an item, 5a., to allow Chairman of the Budget Committee to speak regarding the joint meeting of the Budget Committee and the Board of Selectmen.

Mr. Weathers noted that they were replacing page 31 in their packet with the provided document.

Mr. Weathers noted that they would be discussing the February 11, 2020 polling location when Moderator Deb Fauver arrived around 4:30 pm.

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

REVIEW OF RECIEPTS

There were no receipts available to review.

INTRODUCTION OF ASSESSOR AND FINANCE DIRECTOR

Mr. Holmes introduced the Board to the Town's new Tax Assessor, Dave McMullen. Mr. Holmes noted that Mr. McMullen comes to Conway highly experienced.

Mr. Holmes introduced the Board to the Town's new Finance Director, Kathy Golding. He noted that she comes to them from the Town of Albany where she was the Town Administrator and the Tax Assessor for Hales Location. He added that she had already been a big help with adding the proposed warrant articles to the DRA website.

DISCUSSION REGARDING THE JOINT MEETING OF THE BUDGET COMMITTEE AND
THE BOARD OF SELECTMEN

Chairman LeFebvre reviewed that there was a scheduled joint meeting of the Budget Committee and the Board of Selectmen scheduled for January 27, 2020 at 6:30 pm at the Conway Library for the non-profit warrant request presentations.

Mr. Colbath noted that there would be a sub committee formed by the Budget Committee to work on creating the default budget starting January 15.

DISCUSSION OF SECOND ACCESS ON DINSMORE ROAD

Richard Oaks explained that he and his wife own property at 50 Dinsmore Road. He noted that they were looking to create an in-law apartment over their existing garage and were seeking permission for a second driveway.

Mr. DegliAngeli explained that the current ordinance allows for one curb cut per property. He added that they had sent Mr. Oaks and his wife a letter at the end of last year because they had been plowing a second opening and it was deemed to be unpermitted and unsafe.

There was discussion regarding the need to know clear boundary lines in order to determine a suitable location for a second driveway further to the west to allow for a better line of sight.

Mr. Colbath noted that this would technically be considered an accessory apartment and would need to get approval from the ZBA.

It was decided that Mr. Oaks would need to have the boundary lines determined before the Board could move forward with considering this request.

DISCUSSION OF US CENSUS

Kimberly Huber was present to discuss the upcoming 2020 Census. She explained that she is a Partnership Specialist whose job it is to create more awareness of the upcoming census. It is their hope that with more awareness will come more self-responding and less need for knocking on people's doors.

She reviewed the major 3 reasons for the US Census. These included federal funding, federal representation, and districting.

She explained that this will be the first year that individuals can respond online and by phone. She did note that those individuals with PO Boxes would not be receiving mailings there, but instead, notices will be left at their properties.

She added that they were currently recruiting for help. She noted the pay rate of \$20 dollars an hour to anywhere from 10-35 hours a week of work.

She noted that those interested could apply for employment online at 2020census.gov.

DISCUSSION OF FEBRUARY POLLING LOCATION

Mr. Holmes explained that they had been looking to hold the February 11, 2020 primary at the High School, however, issues with having to protect the gymnasium floor had arisen.

Mr. Holmes explained that the moderator, town clerk, and himself had taken a look at the Conway Elementary School gymnasium. He noted that with the Board's approval, they believe this to be a good location for parking and space, as well as it having a tile floor that would better stand up to winter foot traffic.

Mr. Porter moved, seconded by Ms. Seavey, to hold the February 11, 2020 presidential primary at Conway Elementary School. The motion carried unanimously.

Moderator Fauver noted that because it is a new location and they do not have access until 3:15 pm the day prior, and must be moved out before the following day, they are going to need all hands-on deck with regards to set up and break down.

Ms. Seavey suggested looking for assistance from the Kennett Key Club.

There was discussion regarding the storage of the election materials as they are currently at the old recreation center and will be stored at the new recreation center.

Mr. Thibodeau was adamant that the election materials should be moved prior to the election in the daylight so that an inventory could be taken and it would save time during the election set up.

Mr. Thibodeau moved, seconded by Ms. Seavey, to direct the Department of Public Works to move the voting supplies to the new recreation center prior to the February 11, 2020 election. The motion carried unanimously.

Mr. Weathers noted that the receipts were now available for review.

DISCUSSION OF DOT PAVING PROJECT LETTER

Mr. DegliAngeli noted that DOT planned to pave from about the intersection of 113 and 16 in Conway to just before Burger King and that they were looking for a signed Municipal Work zone Agreement.

Mr. DegliAngeli also noted that DOT had accepted the 90% plan submission yesterday for the Main Street Project. He discussed the time line and it now looks like they will be out to bid sometime in March or April.

Mr. Thibodeau moved, seconded by Mr. Colbath, to authorize the Chairman to sign the Municipal Work Zone Agreement for State Project #42287 on behalf of the Board of Selectmen. The motion carried unanimously.

RATIFICATION OF DPW UNION CONTRACT

Mr. Holmes explained that he, Mr. Weathers, and Mr. DegliAngeli had been on the negotiating committee and had reached common ground and common objectives with members of the union. He noted that the only real change was to expand the matrix in order to allow those who are doing a good job to reach the average salary in a timely fashion.

Mr. Colbath moved, seconded by Mr. Thibodeau, to sign the Agreement between the Town of Conway, New Hampshire and the American Federation of State, County, and Municipal Employees AFL-CIO and its appropriate affiliates Council 93, Local #859 from January 1, 2020 to December 31, 2022. The motion carried unanimously.

Mr. Colbath thanked all those involved.

SHORT TERM RENTAL COMMITTEE PROPOSAL

Mr. Holmes reviewed that he had been Chairing an Ad Hoc Committee with the goal of getting some regulations regarding short term rentals. However, he explained that it became apparent that under Conway's permissive zoning laws, they have concluded that they are in fact not a permitted use.

He explained that the committee's intention was not to eliminate, but regulate short term rentals.

He read aloud the proposal by this committee.

Mr. Colbath moved, seconded by Mr. Porter, to accept the recommendations by the short-term rental committee. The motion carried unanimously.

a. Discussion of Senate Bill 458

Mr. Holmes wanted the Board to be aware that there was legislation being presented that would prevent towns from regulating short term rentals through zoning. While this was still very early on, he wanted to make them aware that this could be an issue.

Mr. Holmes noted that he had reached out to the DRA to see if they received a list of people who paid rooms and meals tax through AirBnB. He was told that this information was confidential. He sent a letter to the DRA and was once again denied this information.

He wanted to know if the Board wished him to pursue this further.

Mr. Holmes read the letter he had sent to the DRA.

Mr. Thibodeau suggested trying to arrange a meeting with the Senator regarding the issues they are having.

Mr. Colbath inquired as to what the function of this newly formed committee would be. Mr. Holmes noted that it would be to outline regulations that would help the town to solve some of the issues that they are dealing with in regards to short term rentals.

Mr. Porter moved, seconded by Ms. Seavey, to accept the proposal by the short term rental committee and move forward with forming a new committee composed of a member of the Board of Selectmen, a member of the Planning Board, one short term rental property owner, one Realtor, two public members who abut a short term rental property, and a fire chief. The purpose of this new committee will be to:

- a. To define “short term rental” for the purposes of regulation.**
- b. To develop proposals to regulate the practice of short term or transient renting in Conway.**
- c. To identify any necessary amendments to Conway’s codes that would have to be adopted by either the legislative or governing body as required by statute.**
- d. To report their findings to the Board of Selectmen and the Planning Board by August 1, 2020.**
- e. To receive and review short term rental inventory information if the voters vote to approve funding of same.**

The motion carried unanimously.

Ms. Seavey noted that she is interested in serving on this committee.

Mr. Porter moved, seconded by Ms. Seavey, to authorize Mr. Holmes to pursue a formal 91A request to the DRA regarding whether they receive a list of properties who pay rooms and meals tax for short term rentals. The motion carried unanimously.

DISCUSSION OF HB 1160

Mr. Holmes explained that a representative from the NHMA had made him aware that there was going to be a resurrection of a bill that would allow towns the option to charge a two dollar per room per night fee for hotels, motels, and short-term rentals. However, the town would be responsible for managing and collecting this.

Mr. Thibodeau noted that he believed they should remain neutral on this. Mr. Colbath agreed that it would be premature to decide to support or not support this bill.

DISCUSSION OF DEED FOR OLD RECREATION CENTER

Mr. Holmes explained that it seems that the School Department never filed a deed to the town for the old recreation center property.

There was discussion of what to do with this information. It was determined that Mr. Holmes wanted to discuss it with Mr. Richard when he returned from vacation first.

SIGNING OF DOCUMENTS

- a. Notice of Intent to Cut Wood or Timber on Map/Lot 240-28 and 240-29
- b. Warrant for Land Use Change Tax on Map/Lot 202-238
- c. Warrant for Land Use Change Tax on Map/Lot 202-239
- d. Municipality Land Use Change Tax Bill on Map/Lot 202-249 (Sangngam)
- e. Municipality Land Use Change Tax Bill on Map/Lot 202-249 (Valentino)
- f. Permit to Sell Raffle Tickets for Conway Lion's Club (March 21, 2020)
- g. Abatement of Taxes on Map/Lot 202-169.002
- h. Certification of Yield Taxes Assessed on Map/Lot 242-7
- i. Timber Tax Levy on Map/Lot 242-7

Mr. Colbath moved, seconded by Mr. Thibodeau, to sign the documents listed above in a. through i. The motion carried unanimously.

CONSIDERATION OF BILLS

- a. AP Manifest dated 1/9/2020

Mr. Colbath moved, seconded by Mr. Thibodeau, to approve and sign the AP Manifest dated 1/9/2020. The motion carried unanimously.

RATIFICATION OF DOCUMENTS SIGNED OUTSIDE OF SESSION

- a. AP Manifest Dated 12/26/19 and 1/2/2020
- b. Payroll Dated 1/2/2020

Mr. Colbath moved, seconded by Mr. Thibodeau, to ratify the documents signed out of session as listed above in a. and b. The motion carried unanimously.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

(none)

CONSIDERATION OF MINUTES

- a. Regular Minutes from 12/17/19

Mr. Colbath moved, seconded by Mr. Thibodeau, to adopt the minutes from 12/17/19 as written. The motion carried unanimously.

TOWN MANAGER REPORT

Mr. Holmes noted that they would be looking into two more potential warrant articles. One was regarding a potential line of credit option to help fund the Main Street Project in case the State does not reimburse us fast enough. The second potential article would be in regards to allowing the Board of Selectmen to make modifications to the solar lease. He noted however that he had not heard back from Blue Planet to see if this is something they would like to move forward with as they had lost their Planning Board approval.

Mr. Holmes noted that he had a good meeting with the Budget Committee the night before.

Mr. Holmes explained that Mr. Smolen had met with the Library Trustees regarding the \$10,000 reduction in their proposed 2020 budget. He said that Mr. Smolen may be looking to ask the Selectmen to restore these monies if they would not have their potential contract between the Library and the town of Albany until 2021.

BOARD REPORTS AND COMMENTS

Mr. Porter noted that the Planning Board would be meeting on January 23, 2020.

Mr. Colbath reviewed that the Budget Committee had met the night before. He noted that there was discussion regarding the role of the moderator that was a bit contentious.

Mr. Colbath wanted to address the public and explain that while the Board had voted to put the potential \$5 registration fee for vehicles on the warrant, it did not mean that they supported it one way or the other. He emphasized that the Board felt as if it was something that the voters should decide for themselves.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Mr. LeFebvre urged the Board to look into their proposal to add an assistant building inspector/ He questioned whether there would be a need for this position if there is legislation in the works that would make it so towns could not regulate short term rentals.

ADJOURN

A 5:30 pm, Mr. Colbath moved, seconded by Mr. Thibodeau, to adjourn. The motion carried unanimously.

Respectfully submitted,

Krista Day
Executive Secretary