

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN
September 15, 2020**

The Selectmen's Meeting convened at 4:00 pm in the Marshall Gymnasium in the Conway Recreation Center 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 they would be removing item number 22., Non-Public Session RSA 91-A:3 II(a) – Personnel Matter.

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

DISCUSSION OF SEASONAL DINING PERMITS

Mr. Holmes explained that he had a request for the Selectmen to consider extending the outside dining permit past Columbus Day, and consider allowing the same permitting process next year and it had gone so well this year.

Wally Campbell appeared before the Board on behalf of the Valley Originals, specifically Dick Delaney who had made the initial request and was unable to attend this meeting.

Mr. Campbell thanked everyone for allowing the outside dining to happen as that many restaurants may not have survived without that opportunity.

Mr. Campbell hoped that the Board would consider allowing them to continue with outdoor dining at least until the end of October, weather permitting.

Rick Luciano explained that he is looking to invest money in his outdoor dining area, but only if they allow this process to continue. He stated that he sees the six-foot social distancing to be around for a long time, and because of this, restaurants lose a lot of capacity.

Ms. Seavey stated that everything looked great and she would love to see it continue.

Mr. Thibodeau stated that it made the Valley look alive. He noted that perhaps they may tweak the process a little, but these could be taken on a case by case basis.

Ms. Seavey moved, seconded by Mr. Thibodeau, to extend the existing outdoor dining permitting process to the end of the year, weather permitting. The motion carried unanimously.

Mr. Porter moved, seconded by Mr. Colbath, to allow the outdoor dining permitting process in 2021 from the beginning of Memorial Day on. The motion carried unanimously.

APPOINTMENT OF LIBRARY TRUSTEE

Mr. Colbath moved, seconded by Ms. Seavey, to appoint Kathy Bennett as a library trustee. The motion carried (3-2-0) with Mr. Colbath, Ms. Seavey, and Mr. Porter in the affirmative.

UPDATE FROM THE SHORT-TERM RENTAL COMMITTEE

Chief Solomon, Chair of the Short-term rental Committee appeared before the Board to give them an update of the committee's progress.

Chief Solomon explained that this committee had been tasked to try and come up with a set of regulations to allow short-term rentals to continue in the Town, but to address the issues that many of these properties are causing.

Chief Solomon explained that they are going to need to bring their recommendations to the Planning Board soon as their deadlines are sooner than those of the Selectmen.

Chief Solomon noted that the committee is going to be recommending that the regulations and enforcement be under the purview of the Board of Selectmen under RSA 41:11, business licensing. Because of this, Tom Irving would like to see the Board of Selectmen recommend and approve of the three recommendations the committee was making to the Planning Board.

Chief Solomon read the three recommendations as follows:

1. We recommend that you add the following definition to chapter 190-31 of the Town codes:

Short Term Rental: The rental of a dwelling unit for periods of less than thirty (30) days, rented or offered for rent for 15 or more days in a calendar year. This is a non-residential use.

2. We recommend that you add short term rentals licensed by the Board of Selectmen as a permitted use anywhere single-family homes are permitted.

3. We recommend that you add short term rentals licensed by the Board of Selectmen to section 110-4 A, “non-applicable” for site plan review.

Chief Solomon noted that after the committee completes their work, because they are an advisory committee, their recommendations and regulations will have to go through the review of the Board of Selectmen and legal counsel.

It was reviewed that the Board of Selectmen had voted that short-term rentals are a non-permitted use in the Town of Conway, but they would delay enforcement until this committee could come up with a set of regulations to help with the myriad of issues that have been brought to light due to the increase in short-term rentals in Town.

Mr. Holmes noted that they had budgeted for an assistant building inspector who would be taxed with handling most of the short-term rental regulation and enforcement under the direction of Board, they have received proposals from two different companies who could not only offer the inventory of properties, but an additional suite of services that could cover maybe 80% of what the assistant building inspector had been intended to do.

Mr. Holmes explained further that while he believes these companies would be beneficial, having a person to handle the enforcement would be necessary.

Mr. Colbath inquired as to whether they had discussed short-term rentals and the effect on affordable housing. Mr. Thibodeau explained that the issue of affordable housing was not under the purview of this committee, however, he did not believe that if short-term rentals were prohibited, that a lot of those properties would be utilized for affordable housing.

It was stated that the lack of affordable housing is a big issue in Town, but again, not within the purview of this committee.

There was mention that there is the belief that the number of short-term rentals in Town has actually decreased, and it was believed that many second home owners are actually utilizing their properties instead of renting them out due to the pandemic.

Chief Solomon explained that the committee was planning to include a section in the regulations for short-term rentals on noise violations that would allow action to be taken against the owners of the problem properties, however, they were planning to recommend that the Board of Selectmen create a town-wide ordinance as well.

It was determined that these short-term rental regulations would be enforced by the Board of Selectmen through a member of the staff. Chief Solomon also explained that companies such as Host Compliance offer a 24-hour hotline that would allow complaints to be made, logged, and brought to the town's attention by neighbors in order for the Town to take action.

Ms. Seavey thanked the members of the committee for their work.

Mr. Porter moved, seconded by Ms. Seavey, to endorse and recommend the Short-Term Rental Committee's recommendations as written above be presented to the Planning Board. The motion carried unanimously.

DISCUSSION OF HALLOWEEN ACTIVITIES

Mr. Eastman explained that at some point in time, his office had been tasked with setting the hours for Halloween trick-or-treating.

Mr. Eastman explained that he does not believe they can mandate whether trick-or-treating occurs or not, however, they have come up with some social distancing and sanitization recommendations for the public.

These recommendations were as follows:

**Conway Parks & Recreation Department
Halloween Proposal**

The following is a proposal for Trick or Treating in the Town of Conway on Saturday October 31st. Guidelines are subject to change.

1.) We have created a town logo "Trick or Treat Participant" that families can print/pick up and place on their door to let families know they welcome trick or treaters. Copies could be made available at Town Hall, the Conway Rec, the Conway Public Library and Conway Police Department for families unable to print it out.

** A copy of the flyer is on page 2*

** If homes do not want to participate, they should shut their lights off.*

2.) Encourage children to Trick or treat in small groups with only family members (preferable) or close friends that Their child has frequent contact with such as their classroom pod.

3.) Encourage/Avoid big parties/haunted houses.

4.) Encourage families to stay in their neighborhood as much as possible. Please avoid past popular areas of town (example Pollard Street area).

5.) Encourage children and parents to wear a mask, especially when approaching a house door/table. This can either be part of a costume (example ninja, doctor or nurse) or layered onto a costume. Rubber or plastic costumes are not suitable for this.

6.) Avoid wearing gloves, but carry hand sanitizer and use between every house.

7.) Only accept/hand out wrapped candy.

8.) Candy givers should stay behind storm door or outside behind a table and sit 6 feet back from the table and replace candy for each trick or treater to avoid hand to hand contact and hands going into a community candy bowl.

9.) Encourage candy givers to put out hand sanitizer.

10.) The Conway Parks and Recreation Department plans to host a drive thru style Halloween Party on Wednesday October 28th.

**Organizations and departments have been reached out to and asked to run a station. The Conway Police Department is already on board. Please note this party will follow social distance rules and will follow a similar format as our summer family festival.*



Mr. Porter believed that that it should be advertised as it would give the homeowners something to think about.

Mr. Colbath inquired as to whether they would be hosting the Halloween Party this year. Mr. Eastman explained that they would be putting on a drive thru Halloween event with stations for families to participate while socially distanced.

Mr. Colbath moved, seconded by Mr. Porter, to adopt the recommendations for Halloween as proposed by the Conway Parks and Recreation Department. The motion carried unanimously.

Mr. Eastman explained that they were looking to purchase more bleachers for the gymnasium to accommodate social distancing at large meetings.

Mr. Porter moved, seconded by Ms. Seavey, to authorize the purchase of more bleachers for the gymnasium and to submit for reimbursement from the GOFERR funds. The motion carried unanimously.

There was discussion regarding the potential need for an additional refrigerator next year for summer camp as the school offered a free lunch program and there was often not enough room for storage.

Mr. Eastman also explained that they would be looking to purchase an additional 48-60 lockers to accommodate proper sanitization processes and have enough so that each child did not have to change or share lockers.

Mr. Colbath moved, seconded by Ms. Seavey, to authorize the spending of \$4,100 for lockers at the Conway Rec Department and to submit this for reimbursement from the GOFERR funds. The motion carried

QUARTERLY UPDATE OF REVENUES AND EXPENDITURES

Ms. Golding explained that she had increased the estimated revenue for 2020 by \$129,000, which was still below last year's actual budget by 14%.

She noted that the DRA says they can still count on shared revenues coming in.

It was noted that they were down in terms of revenue from building permits, however they are in great shape overall.

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

Ms. Golding stated that they were at approximately 50% spent in relation to the budget and were in great shape.

Mr. Colbath moved, seconded by Mr. Thibodeau, to accept the expenditures as presented. The motion carried unanimously.

SIGNING OF THE MS-535

Mr. Colbath moved, seconded by Mr. Porter, to sign the MS-535. The motion carried unanimously.

DISCUSSION OF SOLAR POWER ISSUES

Mr. Holmes explained that there were three solar companies with projects of different size that were coming to the Town to seek a PILOT. However, there is some debate regarding the wording of RSA 72:74 – V, written as follows:

V. If a municipality enters into a voluntary payment in lieu of taxes agreement with an owner, or a lessee responsible for payment of taxes, of a renewable generation facility, the municipality, upon the request of the owner, or a lessee responsible for payment of taxes, of any other renewable generation facility located within the municipality, shall offer a comparable agreement to the owner or lessee of such facility.

The question is whether the same terms would have to be offered to all proposals regardless of their size.

The question that the Board will have to decided will be whether they want to stick with the current taxation process, ad valorem (to value), or offer a PILOT.

The consensus of the Board was that they did not have enough information to make a decision.

Mr. DegliAngeli explained that with the large solar projects, the Town would benefit from a higher income based on megawattage vs the current taxation process.

As this is new territory, Mr. Holmes would continue to work on gathering information in order to made the best decision for the Town prior to the applications being brought before the Board of Selectmen.

Mr. Holmes stated that his feeling is if they do not offer a PILOT, many of the smaller projects will not come to fruition because of the extra costs of creating a solar project.

~~ACKNOWLEDGEMENT~~ ACKNOWLEDGMENT OF BOARD APPROVAL FOR WHEELER
LEASE

- a. Authorization for Chairman to Sign Acknowledgement of Board Approval to enter into Master Installment Purchase Agreement with Mercedes-Benz Financial Services USA LLC for the purpose of purchasing the Wheeler Cab and Chasse

Mr. DegliAngeli reviewed that before COVID, they had already issued a purchase order for this wheeler and chasse, but due to budgetary concerns when the pandemic hit, the company was

willing to enter into a lease agreement to pay over a 5-year term. This was just authorization to allow Mr. DegliAngeli to sign the necessary paperwork regarding this purchase.

Ms. Seavey moved, seconded by Mr. Colbath, to authorize the Chairman to Sign Acknowledgement of Board Approval to enter into Master Installment Purchase Agreement with Mercedes-Benz Financial Services USA LLC for the purpose of purchasing the Wheeler Cab and Chasse. The motion carried unanimously.

REVIEW OF RECEIPTS

The receipts were available for review.

SIGNING OF DOCUMENTS

- a. Certification of Yield Taxes Assessed on Map/Lot 202-64
- b. Yield Tax Levy on Map/Lot 202-64

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

CONSIDERATION OF BILLS

- a. AP Manifest dated 9/17/2020

Mr. Colbath moved, seconded by Mr. Thibodeau, to sign the AP Manifest dated 9/17/2020. The motion carried unanimously.

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

- a. AP Manifest dated 9/10/2020
- b. Payroll dated 9/10/2020

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

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

(none)

CONSIDERATION OF MINUTES

- a. Regular and Non-Public Minutes from 9/1/2020
- b. Regular Minutes from 9/8/2020

Mr. Colbath moved, seconded by Mr. Thibodeau, to adopt the regular and non-public minutes from 9/1/2020. The motion carried unanimously.

Mr. Colbath moved, seconded by Mr. Thibodeau, to adopt the regular minutes from 9/8/2020. The motion carried (4-0-1) with Mr. Porter abstaining.

TOWN MANAGER REPORT

Mr. Holmes noted that Health Trust would be sending ~~them~~ approximately \$69,000 back from a surplus in insurance contributions.

Mr. Holmes stated that Michael Tetreault had resigned from the Budget Committee, therefore they would be looking for another representative for Redstone.

Mr. Holmes explained that the elevator in the Town Hall has not worked for a while. They had received information from the vendor that it would cost somewhere between \$8,000 and \$12,000 to repair, however, they would not be able to guarantee that it would continue to work. To replace the elevator would be tens of thousands of dollars.

Mr. Weathers clarified that in regards to having to be ADA compliant as Valley Vision would be occupying the second floor, as long as they could conduct business with anyone who was unable to access the second floor in an alternate spot, they would not necessarily have to have the elevator.

It was stated that currently Valley Vision occupies a second floor without elevator access and services individuals elsewhere.

Ms. Seavey stated that she believed the Town needed to repair it. She believed that is was not an issue with Valley Vision, but a Town liability issue.

Mr. Colbath stated that he was in favor of doing something, but wanted it to be cost effective.

Colbath: two other organizations of having elevator issues? Maybe see if they have a used elevator.

Mr. Thibodeau questioned whether it could be put off until next year given the current budgetary restraints.

There was mention of looking into installing a lift instead of an elevator.

Mr. Holmes will obtain some quotes and different options for the Board.

Mr. Holmes stated that they had submitted all the paperwork for the Election Grant.

Mr. Holmes noted that on Saturday, five hand sanitizers were ripped out of the porta-potties in Schouler Park.

In regards to progress at the new Town Hall, Mr. Holmes will be meeting with a locksmith regarding some of the vaults. He also explained that they had walked through with Architect Luigi Bartolomeo who would be assisting in designing the downstairs.

Mr. Holmes noted that fiber had been put in by First Light and now Northledge could begin on the internet and phone installation.

Mr. Holmes stated that his biggest concern was whether the contractors would be able to get to the work they needed done in a timely manner.

He also noted that the drop at the current Town Hall for Spectrum had still not been done.

Mr. Holmes told the Board that the Library had inquired about the potential use of some space at the old town hall.

BOARD REPORTS AND COMMENTS

Mr. Porter stated that the Planning Board met the previous week and would be meeting on October 13, 2020. PB met last week.

Mr. Colbath stated that the Budget Committee would be meeting on September 23, 2020 and that the ZBA would be meeting on September 16, 2020 for 14 hearings.

Mr. Thibodeau stated that the ESAA is doing fairly well. He noted that they had the new hangar pre-bid meeting last week and were looking forward to a ground breaking soon.

ESAA doing fairly well. Gave months report. Don't have counting system, down. Reasonable amount of activity.

Ms. Seavey noted that the Economic Council had not met, but she is continuing to work on getting Spectrum to install the drop at Town Hall.

Mr. Weathers stated that the CCC had met and had discussed the water level for Pudding Pond.

PUBLIC COMMENTS AND MEDIA QUESTIONS

There were no public comments.

At 5:38 pm, Mr. Colbath moved, seconded by Ms. Seavey, to go into non-public session under RSA 91-A:3 II (D). The motion carried unanimously

NON-PUBLIC SESSION RSA 91-A:3 II (D) –CONSIDERATION OF THE ACQUISITION,
SALE, OR LEASE OF PROPERTY

At 6:06 pm, the Board returned to public session.

Mr. Colbath moved, seconded by Mr. Thibodeau, to seal the minutes from this non-public session. The motion carried unanimously.

ADJOURN

At 6:06 pm, the meeting adjourned at the call of the Chair.

Respectfully Submitted,

Krista Day
Executive Secretary