

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

The Selectmen's Meeting convened at 4:00 pm in the Meeting Room at the New 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 stated that they would be amending 8a., to read \$12,086,093.

He stated that 10a. was being removed, and they would be adding a 10r. Notice of Intent to Cut Wood/Timber on Map/Lot 214-87.5 and 10s. Notice of Intent to Cut Wood/Timber on Map/Lot 214-87.3.

They would also be removing the signing of Payroll from agenda item number 11.

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

DISCUSSION OF SIGNAGE AT THE NEW TOWN HALL

Mr. Holmes explained that they had received bids from two vendors: Gemini Signs and Renaissance Signs.

They have prices from Renaissance, but Gemini would like to know what options the Board wanted prior to giving a quote.

The consensus of the Board was that they preferred the black lettering on the white background.

There was discussion regarding the inclusion of the town seal.

The Board chose three designs they wished to use and Mr. Holmes would get quotes from Gemini before presenting back to the Board.

DISCUSSION OF SHORT-TERM RENTAL WARRANT ARTICLES

- a. To Authorize Board of Selectmen to Regulate and Charge Fees to License Short-Term Rentals

Mr. Holmes reminded the Board that they had discussed this at previous meetings.

- b. To Establish a STR Expendable Trust Fund and fund it in the amount of \$50,000

Mr. Holmes explained that they had run the wording of this warrant article by the DRA. Ms. Golding added that the DRA said that they will need to track the revenue coming in from short-term rental fees and will have to be deposited by the vote of the public at Town meeting each year in order to be deposited into the trust fund.

DISCUSSION OF STR VENDOR SERVICES

Mr. Holmes explained that the services they had been quoted by Granicus added up to \$36,352.50 This figure, even though it is from last year, would include address identification, compliance monitoring, mobile permitting and fee collection and a 24/7 dedicated hotline. He noted that he believed they could do without the mobile permitting option.

DISCUSSION OF NOISE ORDINANCE

Mr. Holmes explained that this noise ordinance had been adapted from that of the Town of Durham, NH. It is based around time of day, 10:00 pm to 6:00 am.

It was stated that a violation of the Town's noise ordinance would count as a violation against a short-term rental if upheld.

It was explained that the reason for a town-wide noise ordinance was so that short-term rental owners did not feel discriminated against as all owners in town have the right to the peaceful enjoyment of their property.

The Board requested that Mr. Holmes obtain a legal opinion on this before they vote on it.

VOTE ON BUDGET AND WARRANT ARTICLES

- a. Budget (\$12,086,093)

Mr. Colbath moved, seconded by Ms. Seavey, to recommend the 2021 Operating Budget of \$12,078093. The motion carried unanimously.

It was stated that the Budget Committee would be forming a subcommittee to come up with the default budget figure.

The Board determined that they would vote on the following Capital Reserve Funds as a Group:

- i. CRF for Infrastructure Reconstruction (\$500,000)
- ii. CRF for Highway Equipment Replacement (\$350,000)
- iii. CRF for Solid Waste Equipment Replacement (\$225,000)
- iv. CRF for Landfill Expansion (\$100,000)
- v. CRF for Maintenance of Town Buildings and Facilities (\$275,000)

- vii. CRF for Parks Department Vehicles and Equipment Replacement (\$30,000)
- viii. CRF for Police Department Vehicles (\$70,000)
- ix. Expendable Trust Fund for Public Educational Government Cable Television

Mr. Porter moved, seconded by Mr. Colbath, to recommend that the following be placed on the warrant as written below:

To see if the Town will vote to raise and appropriate the sum of Five Hundred Thousand Dollars (\$500,000) to be placed in the Capital Reserve Fund for Infrastructure Reconstruction to be used according to the purposes for which the fund was established.

To see if the Town will vote to raise and appropriate the sum of Five Hundred Thousand Dollars (\$500,000) to be placed in the Capital Reserve Fund for Infrastructure Reconstruction to be used according to the purposes for which the fund was established.

To see if the Town will vote to raise and appropriate the sum of Three Hundred Fifty Thousand Dollars (\$350,000) to be placed in the Capital Reserve Fund for Highway Equipment to be used according to the purposes for which the fund the established.

To see if the Town will vote to raise and appropriate the sum of Two Hundred Twenty Five Thousand Dollars (\$225,000) to be placed in the Capital Reserve Fund for Solid Waste Equipment to be used according to the purposes for which the fund was established.

To see if the Town will vote to raise and appropriate the sum of One Hundred Thousand Dollars (\$100,000) to be placed in the Capital Reserve Fund for Landfill Expansion to be used according to the purposes for which the fund was established.

To see if the Town will vote to raise and appropriate the sum of Two Hundred Seventy Five Thousand Dollars (\$275,000) to be placed in the Capital Reserve Fund for Maintenance of Town Buildings and Facilities to be used according to the purposes for which the fund was established.

To see if the Town will vote to raise an appropriate the sum the Thirty Thousand dollars (\$30,000) to contribute to the Capital Reserve Fund for Parks Department Vehicles and Equipment to be used according to the purposes for which the fund was established.

To see if the Town will vote to raise and appropriate the sum of Seventy Thousand Dollars (\$70,000) to contribute to the Capital Reserve Fund for Police Vehicles to be used according to the purposes for which the fund was established.

To see if the Town will vote to raise and appropriate the sum of One Hundred Ten Thousand Dollars (\$110,000) from the annual cable television franchise fees received to add to the Public Educational/Government Cable Television (PEG) Trust Fund, to support the operations and equipment needs of Public Education and Government broadcasting services. No funds shall be raised by local property taxes to support this warrant article.

The motion carried unanimously.

vii. CRF for Maintenance of Town Buildings and Facilities Leased by the Town (\$155,000)

Mr. Thibodeau explained that there had been a lot of issues that have arisen since they took over the New Town Hall building. He was concerned about whether they have enough funds to complete the work that needs to be done. He questioned whether they need to be increasing this Capital Reserve Fund Request.

Mr. Holmes stated that this request is tight. He noted that that after the miscommunication with the Bank where they ripped out the teller's area in the lobby, they had a major expense ahead of them. He also noted there were HVAC. He said that it would be up to the Board if they wanted to increase this request.

It was stated that this request broke down to \$110,000 for the New Town Hall, \$50,000 for the air-conditioning in the rec center gymnasium, and \$5,000 for the Pine Street garage.

Mr. DegliAngeli stated that the bids for the teller area would be coming in next Tuesday, and they would then have a better idea of funding needs.

There was also note of a bid coming in for a potential handicap bathroom downstairs as well.

It was determined that they would wait until Mr. DegliAngeli had the bid next week to vote on this warrant article.

Ms. Seavey stated that she would really like to see the Meeting Room retrofitted for their meetings.

Mr. Thibodeau stated that as they had reduced the tax rate, it gives them an ideal opportunity to get some things straightened out and completed.

Mr. DegliAngeli agreed.

b. Other Selectmen's Warrant Articles

The Board determined that they would vote on the following Selectmen Warrant Articles as a Group:

- i. Purchase 10 AED's for Police Department (\$18,000)
- ii. Police Radar Trailer (\$8,500)
- iii. ESAA (\$10,000)
- iv. Broadband (Non-Monetary)
- v. To Add Definition of Short-Term Rentals to Zoning Ordinance (Non-Monetary)
- vi. To Amend Permitted Use Table (Non-Monetary)
- vii. To Authorize Board of Selectmen to Regulate and Charge Fees to License Short-Term Rentals (Non-Monetary)

Mr. Colbath moved, seconded by Ms. Seavey, to recommend that the following be placed on the warrant as written below:

To see if the Town will vote to raise and appropriate the sum of Eighteen Thousand Dollars (\$18,000) for the purchase of ten (10) AED's (Automatic Electronic Defibrillators) for the CONWAY POLICE DEPARTMENT for use at the Police, District Court and on patrol.

To see if the Town will vote to raise and appropriate the sum of Eight Thousand Five Hundred Dollars (\$8,500) for the purchase of a portable Radar Trailer for the CONWAY POLICE DEPARTMENT for the purpose of speed limit enforcement in Conway.

To see if the Town will vote to raise and appropriate the sum of Ten Thousand Dollars (\$10,000) for the support of EASTERN SLOPE REGIONAL AIRPORT.

To see if the Town will vote to authorize the selectmen to appoint two (2) volunteer representatives from the Town to serve on the CARROL COUNTY BROADBAND "COMMUNICATIONS DISTRICT PLANNING COMMITTEE" for the purpose of drafting a "Communications District Agreement" under NH RSA Chapter 53-G: Communications Districts.

To see if the Town will vote to amend Chapter 190 (zoning) to include the following definition in §190-31 Definitions: "Short Term Rental: The rental of a dwelling unit for periods of less than thirty (30) days, rented or offered for rent for fifteen (15) or more days in a calendar year and where the dwelling unit is not associated with commercial activities such as a hotel, motel, or bed and breakfast. This is a non-residential use. A qualified short-term rental must have a business license in good standing from the Board of Selectmen."

To see if the Town will vote to amend Chapter 190 (zoning) by amending Attachment 2 - Permitted Use Table to include Short Term Rentals as a permitted use in all zones where single-family residences are currently permitted.

To see if the Town will vote to authorize the Board of Selectmen the powers to regulate Short Term Rentals under RSA 41:11-C and charge fees to license them under RSA 41:9-a

The motion carried unanimously.

- viii. To Establish Short-Term Rental Expendable Trust Fund for STR Management Vendor (\$50,000)

Mr. Holmes explained that \$35,000 of this request was for the STR Management Software Services. It is their plan that after the first year of STR licensing, this fund would be replenished through those fees.

His concern regarding including the fee for the software service in the Operating Budget would be that if the Operating Budget fails, they would no longer have those funds if the rest of the Short-Term Rental Warrant Articles pass.

Mr. Colbath moved, seconded by Ms. Seavey, to recommend that the following be placed on the warrant as written below:

Contingent upon Article # __ 's passage, to see if the Town will establish a "Short Term Rental Expendable Trust Fund" per RSA 31-:19-a and appropriate the sum of Fifty Thousand Dollars (\$50,000) for the purpose of regulating short-term rentals and further to make the Board of Selectmen agents to expend from this fund. After the first year, the Short-Term Rental Expendable Trust Fund will be funded in whole or in part from Short-Term licensing fees and short-term rental fines.etc etc.

Mr. Porter stated that he would feel more confident that they would have these funds if they are put in the operating budget.

Mr. Colbath stated that he believed this process of funding and expending from the same Trust Fund would be more manageable.

Ms. Golding stated that they could create two lines in the budget if these funds were included in the Operating Budget.

Ms. Seavey clarified that the budget could possibly be amended at Town meeting, and that they risk the result of not having the funds that way either.

Mr. Holmes stated they could place the fund request in both places and potentially decrease the warrant article request at Town Meeting.

It was clarified that the DRA had told them that they would have to have the voters vote to place the funds raised through license fees into the trust fund at each years Town Meeting.

Mr. Thibodeau explained that at the committee level, they felt that it would be best to go with some sort of fund so that they could demonstrate to the Short-Term Rental owners what their license fees were going towards.

There was a discussion regarding the setting of the license fees. It was determined that it could be reevaluated each year based upon the costs associated with the licensing and regulating of the short-term rentals.

The motion carried unanimously.

REVIEW OF RECEIPTS

The receipts were available for review.

SIGNING OF DOCUMENTS

- a. ~~Notice of Intent to Cut Wood or Timber on Map/Lot 266-140~~
- b. Abatement of Taxes on Map/Lot 217-22.001 (2020)
- c. Abatement of Taxes on Map/Lot 217-22.001 (2019)
- d. Abatement of Taxes on Map/Lot 217-22.001 (2018)
- e. Abatement of Taxes on Map/Lot 217-22.001 (2017)
- f. Abatement of Taxes on Map/Lot 255-31
- g. Abatement of Taxes on Map/Lot 254-29.080
- h. Abatement of Taxes on Map/Lot 278-68

- i. Abatement of Taxes on Map/Lot 254-29.088
- j. Abatement of Taxes on Map/Lot 201-10.017
- k. Abatement of Taxes on Map/Lot 254-29.085
- l. Abatement of Taxes on Map/Lot 254-29.094
- m. Abatement of Taxes on Map/Lot 230-72
- n. Abatement of Taxes on Map/Lot 251-112
- o. Abatement of Taxes on Map/Lot 262-83.045
- p. Abatement of Taxes on Map/Lot 254-29.101
- q. Abatement of Taxes on Map/Lot 214-45
- r. Notice of Intent to Cut Wood or Timber on Map/Lot 214-87.5
- s. Notice of Intent to Cut Wood or Timber on Map/Lot 214-87.3

Mr. Holmes explained that the abatements were due to credits for over payment due to elderly exemptions and the reduction of the tax rate.

Mr. Colbath moved, seconded by Ms. Seavey to sign the documents listed above in b. through q. The motion carried unanimously.

Mr. Colbath moved, seconded by Ms. Seavey, to sign the documents listed above in r. and s. The motion carried unanimously.

CONSIDERATION OF BILLS

- a. AP Manifest dated 12/17/2020

Mr. Colbath moved, seconded by Ms. Seavey, to sign the AP Manifest dated 12/17/2020. The motion carried unanimously.

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

(none)

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

(none)

CONSIDERATION OF MINUTES

- a. Regular and Non-Public Minutes from 12/1/2020
- b. Regular Minutes from 12/8/2020

Mr. Colbath moved, seconded by Mr. Thibodeau, to adopt the minutes above in a. through b. The motion carried unanimously.

TOWN MANAGER REPORT

Mr. Holmes noted that they needed to start thinking about Town Meeting and where they would be able to hold it and practice proper social distancing.

Mr. Holmes explained that unofficially, Mr. Richard had offered the Kennett High School gymnasium for Deliberative.

There was discussion regarding the potential to hold Town Meeting in an alternative way including Zoom, but that was very complex and not preferable.

Mr. Colbath moved, seconded by Mr. Thibodeau, to authorize Mr. Holmes to negotiate and request the Kennett High School gymnasium for the Deliberative Town Meeting. The motion carried unanimously.

Mr. Holmes thanked the Garden Club for their wreath donations.

Mr. Holmes noted that he would be bringing forth a parking fee proposal soon.

Mr. Holmes stated that he and Mr. Eastman were going to approach the Board regarding the potential of increasing special event fees as the Town's costs had increase.

There was discussion regarding the situation on porta-potties and potential public bathrooms in North Conway Village.

Mr. Colbath reiterated that it is not just a Town problem, and that everyone in the village needs to come together to find a place for public bathrooms.

There was a discussion regarding potential locations including Schouler Park and even an underground option.

Mr. Colbath and Ms. Seavey did not want to see any structure in Schouler Park.

Ms. Seavey emphasized that the business community needed to get involved and come up with a long-term plan to get this done.

Mr. Colbath inquired about the meeting that Mr. Holmes and Mr. DegliAngeli had attended with the State regarding the properties that were up for sale from the old bypass project.

Mr. Holmes reviewed that because the bypass project has dissolved, the State is beginning to sell off properties. Because of this, the by-path project was being endangered.

Mr. DegliAngeli explained that the by-path was planning to go to bed in February, however, the State had put a hold on that project.

He noted that they do not recognize the old corridor on the parcels they are trying to sell.

Mr. DegliAngeli stated that Bill Watson from the Commissioners Office called and asked the by-path committee for their patience.

He noted that the by-path committee will have to purchase the land. They have an amended agreement for the LPA project from the stated with an increased budget that appears to be for the acquisition of the property.

Mr. DegliAngeli emphasized that the Town has no financial obligation in this project.

There was brief mention that the Skate Park was looking to be constructed off of Hemlock Lane.

BOARD REPORTS AND COMMENTS

Mr. Colbath stated that the Budget Committee would be meeting December 16, 2020 at 6:30 pm.

Mr. Porter stated that the Planning Board had met and the majority of the Board was in favor of what was presented to them regarding short-term rentals.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Daymond Steer from the Conway Daily Sun stated that on Facebook people wanted the Town to just lift the ban on short-term rentals in Residential Zones.

Mr. Holmes stated that the definition being put forth to the voters would allow short-term rentals that were licensed through the Town would be allowed in residential zones. They are trying to solve the problem of those problem properties by regulating them.

Mr. Steer asked about if there is any thought about putting something on the warrant for money for research or committee work with the intent for looking into a plan for bathrooms in North Conway Village.

Mr. Colbath and Ms. Seavey were both not in favor of a warrant article for research. They both believe that the community needs to work together to find a reasonable solution.

Mr. Steer asked if they should restructure the noise ordinance for just the residential zones. He expressed concern that perhaps some businesses in industrial zones would not be able to adhere to the time frame set forth in the ordinance in regards to truck deliveries and such.

Mr. Thibodeau stated that he did not believe that the noise ordinance would prohibit any business's normal activity.

At 6:02 pm, Mr. Colbath moved, seconded by Mr. Thibodeau, 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 ACQUISITION, SALE OR LEASE

At 6:33 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 6:33 pm, the meeting adjourned at the call of the Chair.

Respectfully Submitted,

Krista Day
Executive Secretary