

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN
January 12, 2021**

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 adding a discussion of the Deliberative Town Meeting Location.

Mr. Colbath moved, seconded by Ms. Seavey, 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. Two \$500 TD Bank Gift Cards for the Police Department from an Anonymous Donor for Gifts for Local Families

Lieutenant Kelley-Scott appeared before the Board. She explained that an anonymous donor has been donating funds for a local family in need for holiday expenses for a few years.

It was determined that these cards would be used for the next holiday season.

Mr. Colbath moved, seconded by Mr. Porter, to accept Two \$500 TD Bank Gift Cards for the Police Department from an Anonymous Donor for Gifts for Local Families. The motion carried unanimously.

DISCUSSION OF TEMPORARY EVENT PERMITS

Mr. Yeager, Code Enforcement Officer, gave each Board member a "cheat sheet" regarding temporary event permits.

Mr. Yeager reviewed the key points such as they are simple permits that cost \$25. To obtain a permit, there is a one-page application that only requires staff approval. He added that a

temporary event permit can be utilized for up to 14 days per year, and they do not need to be consecutive.

Mr. Colbath inquired as to political events or protests would need to obtain a temporary event permit.

It was determined that the Town does not require that.

Mr. Holmes added that there often tends to be a bit of confusion regarding what types of events would qualify for a temporary event permit instead of a special event permit. He explained that temporary event permits would be considered events that were an extension of their current business.

Mr. Yeager added that there is a gray area between the temporary vs. special events. He noted that if the extension of the business will draw an extra-large crowd or create traffic or parking issues, then it would then necessitate a special event permit.

Mr. Yeager also added that temporary event permits were not issued on public property.

Ms. Seavey inquired as to whether yard sales needed permits.

Mr. Yeager noted that he had never issued permits for yard sales.

Mr. Holmes noted that each property is allowed 6 days a year for yard sales and that this is usually self-regulating unless there was a complaint.

Mr. Thibodeau asked whether they planned to move the temporary event permitting to the recreation department so the special event and temporary event permits would be completed in the same department.

Mr. Holmes explained that this depends on whether the short-term rental warrant articles are passed and they move forward with hiring an Assistant Building Inspector. If this happens, then the temporary event permitting would move to the recreation center as Mr. Yeager would be retiring.

Ms. Seavey noted that she did not want to overburden the recreation center.

DISCUSSION OF PARKING LOT AT HUSSEY FIELD

Mr. Holmes explained that they had discussed previously created a premium parking area on the westerly side of the river in Hussey Field.

Mr. Weathers explained that he had received a call from Justin Hussey. Mr. Hussey did not have a problem with creating the parking lot, but was concerned regarding whether this was the beginning of even more development of that hay land. He wants to see the land protected.

Mr. Weathers noted there was some concern regarding the past history of the erosion from overland flow.

Mr. DegliAngeli noted that he was also concerned with erosion.

Mr. DegliAngeli offered a second option for parking on the easterly side of the river which would be out of the flood plain and not on hay land. He explained that the snow drop-off area was on the easterly side, so there was already an area there.

Mr. DegliAngeli noted that perhaps they could sign River Road as no parking.

It was determined that the parking area would be past the picnicking and sunbathing area.

Mr. Eastman noted that there was also concern that having the parking lot on the westerly side may cause some back ups and traffic issues at the canoe drop off and onto River Road.

Mr. Weathers stated that the advantages of the easterly side are that it does not flood and has a greater capacity.

Mr. DegliAngeli added that there was also a lot more loam on the easterly side.

There was a brief discussion on attendants to man that parking area.

Mr. Thibodeau moved, seconded by Ms. Seavey, to utilize the existing snow dump area on the easterly side of First Bridge for parking. The motion carried unanimously.

DISCUSSION OF PILOT AGREEMENTS

Mr. Holmes stated that there were two PILOT Agreements before the Board with essentially the same terms as the last PILOT they had agreed to.

Mr. Holmes explained that one solar project was proposed for the Morrill Property and another on Digregorio Property.

The proposed rate was for \$4,000 per megawatt of nameplate capacity.

Mr. DegliAngeli noted that there was a potential fourth PILOT that had not come back to the Town at this point.

Mr. Colbath moved, seconded by Ms. Seavey, to authorize the Chairman to sign the PILOT agreements with Conway Lake Solar LLC and Conway 302 Solar LLC out of session.

Mr. Thibodeau questioned the 20-year lease with no revisitation of the terms as he said a 20-year term does not seem realistic from a business point of view.

Mr. DegliAngeli explained that because they had already executed an agreement that did not address revisitation other than a change of label plate capacity, so by statute he did not think there was anything that could be done.

Mr. Colbath stated that his assumption was that because it was such a large capital investment, they need that long length of time to make it financially feasible.

Mr. Thibodeau stated that he understands that they are bound by these terms, however, he wanted to remain on record as not being super comfortable with the 20-year lease.

The motion carried unanimously.

DISCUSSION OF APPEAL TO COUNTY COMMISSIONERS

Mr. Holmes explained that he had received a letter from the Carroll County Commissioners asking for payment of \$2,310.40 for what they are calling a late tax payment.

Mr. Holmes stated that he was looking for the Board to sign a letter to the County appealing this request.

Mr. Holmes explained that the Town believes that they paid times and they rest their case on a New Hampshire Statute regarding what constitutes a timely payment. He stated that according to New Hampshire RSA 80:55, any report, claim, tax return, statement and other document, relative to tax matters, required or authorized to be filed with or any payment made to the state or to any political subdivision thereof which is: (a) Transmitted through the United States mail, shall be deemed filed and received by the state or political subdivision on the date shown by the post office cancellation mark stamped upon the envelope or other appropriate wrapper containing it.

Mr. Holmes explained that the Finance Department reports sending the payment on the due date, December 17, 2020. However, the Town has been told that the County was not open on the 17th, did not collect their mail, and threw away the envelope it came in.

Mr. Holmes noted that he was going to ask Commissioner Terry McCarthy to make a motion to reconsider the vote to charge the Town of Conway the \$2,310.40 as they believe it was a timely payment. He noted that if that failed, he planned to appeal to the Carroll County Delegation.

Mr. Colbath moved, seconded by Mr. Thibodeau, to sign the letter to the County Commissioners to appeal their decision. The motion carried unanimously.

AUTHORIZATION TO SIGN AUDIT AGREEMENT

Mr. Holmes explained that he was looking for authorization for the Chairman to sign the contract with Plodzick and Sanderson for the annual audit.

Mr. Colbath would like Mr. Holmes to contact the auditors to discuss a potential date for them to come and give last year's audit report.

Mr. Colbath moved, seconded by Ms. Seavey, to authorize the Chairman to Sign the Contract with Plodzik and Sanderson for the annual audit on behalf of the Board. The motion carried unanimously.

DISCUSSION OF DELIBERATIVE LOCATION

Mr. Holmes explained that Superintendent Mr. Richard had confirmed that they would be able to utilize the auditorium for Deliberative Town Meeting with the gymnasium and cafeteria available for overflow.

There was brief discussion regarding whether the auditorium or gymnasium was best for social distancing, specifically in terms of the Board of Selectmen and the Budget Committee.

It was also stated that the short-term rental articles may draw a larger than normal crowd.

Mr. Colbath moved, seconded by Mr. Thibodeau, to authorize that the Deliberative Town Meeting take place at Kennett High School. 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 265-161.3, 265-161.356, 265-161.357, 265-161.358, 265-161.359, 265-161.360

Mr. Colbath moved, seconded by Ms. Seavey, to sign the document listed above. The motion carried unanimously.

CONSIDERATION OF BILLS

- a. AP Manifest dated 1/14/2021
- b. Payroll dated 1/14/2021

Mr. Colbath moved, seconded by Mr. Thibodeau, to sign the AP Manifest and Payroll dated 1/14/2021. The motion carried unanimously.

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

(none)

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)\

- a. Joyce Endee Craft Fairs (5/28/21 – 5/30/21, 8/20/21 – 8/22/21, 10/1/21 – 10/3/21, and 10/15/21 – 10/17/21)

Mr. Colbath moved, seconded by Ms. Seavey, to approve the special event application above. The motion carried unanimously.

CONSIDERATION OF MINUTES

- a. Regular and Non-Public Minutes from 1/5/2021

Mr. Colbath moved, seconded by Ms. Seavey, to adopt the regular and non-public minutes from 1/5/2021. The motion carried unanimously.

TOWN MANAGER REPORT

Mr. Holmes stated that the default sub-committee had met the previous week and were about 90% finished with their work.

Mr. Holmes explained that he had asked Tax Collector Louise Inkell to compare tax payments at this time last year compared to this year. She reported that on day after the tax due date, they had collected 83.3% of the total taxes due for both years.

Mr. Holmes reported that Jim LeFebvre has urged him to request that the Board of Selectmen plan some sort of event on the Fourth of July.

Mr. Eastman reported that he had been informed that nothing prohibits the Town from charging boat ramp fees at Conway Lake. He noted that the towns of Sunapee and Weir face similar issues to Conway.

He noted that Weir has found an iron gate across the ramp very useful as it can be locked at night.

Mr. Weathers would like Mr. Eastman to check the laws regarding the requirement to provide public access to the lake.

Mr. Colbath inquired as to the progress at Town Hall.

Mr. Holmes explained that the walls are being framed and they had awarded the sign contract.

BOARD REPORTS AND COMMENTS

Mr. Thibodeau gave the December activity report for the ESAA. He noted that they are currently having issues with a newly installed Guard System.

Mr. Thibodeau noted that the hangar project is moving forward slowly.

Mr. Colbath explained that the Budget Committee had met last week and this week to continue the School and Town Budget discussions. He noted that they would be continuing the next night.

Mr. Colbath reminded the Board that they had a co-meeting with the Budget Committee on January 25, 2021 at the Marshall Gymnasium for the non-profit presentations.

Mr. Colbath explained that the ZBA would be meeting on Wednesday, January 20, 2021 at Town Hall for a hearing on a proposed cell tower on Artist Falls Road.

Mr. Weathers brought up that he had been contacted regarding a potential issue with the proposed noise ordinance from loggers in the area. They were concerned over early morning work that could create noise.

Mr. Weathers explained that there would be waivers available for projects like this.

Mr. Thibodeau explained that he believed waivers would be alright in terms of being approved by the current pro-business Board of Selectmen, however, future Boards may not be inclined to issue waivers.

Ms. Seavey stated that she believed the noise ordinance was well done and would rather people come to them for waivers instead of reworking the ordinance.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Jeanine Bean appeared before the Board. She read a letter written by her mother, Betty Hounsell, urging the Board not to install pavers in the sidewalks in Conway Village.

Ms. Bean stated that she agreed with her mother and noted that Conway Village is not like North Conway.

Mark Hounsell appeared before the Board. He gave them a drawing regarding the potential issues that he believed could happen if they install the pavers.

He explained that installing the cut outs will result in numerous cracks. He added that the pavers would increase maintenance costs.

Mr. Hounsell stated that everyone had done an excellent job moving the Main Street Project forward and he was excited for the future.

He added that if they decide to put certain individuals or family names on pavers as a type of historical walk, someone would ultimately be forgotten.

Mr. Hounsell urged the Board to not move forward with the pavers.

Mr. Holmes stated that Daymond Steer from the Conway Daily Sun asked via Zoom if the temporary event permits are necessary. Mr. Holmes answered that it is a requirement in the Town Ordinance.

At 5:35 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 5:52 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 5:52 pm, the meeting adjourned at the call of the Chair.

Respectfully Submitted,

Krista Day
Executive Secretary