

Minutes of Meeting
CONWAY BOARD OF SELECTMEN
January 12, 2016

The Selectmen's Meeting convened at 4:03 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen, C. David Weathers (Chair), Mary Carey Seavey, Carl Thibodeau, John Colbath and Steven Porter, Town Manager, Earl Sires, and Recording Secretary, Holly Meserve.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Mr. Colbath moved, seconded by Mr. Porter, to approve the agenda. The motion carried unanimously.

CONWAY VILLAGE FIRE DISTRICT

a. Discussion of HB 1428 concerning appropriations to the department of environmental services for the purpose of funding eligible and completed drinking water and wastewater projects under the state aid grant program -

Michael DiGregorio and Janine Bean, Commissioners of the Conway Village Fire District, appeared before the Board. Mr. DiGregorio stated years ago when the Village decided to undertake these projects there were agreements with the State and Federal Government that there would be some reimbursement; the state agrees with the fact that we are protecting the aquifer so they created this fund to support these projects. Mr. DiGregorio stated the State, however, changed the funding and the money promised has not been coming forward. Mr. DiGregorio stated the money for Phase I is coming, but the subsequent phases are not. Mr. DiGregorio stated tomorrow's hearing is to try to get more money out of the State.

Mr. DiGregorio stated we clearly believe they owe the higher number, but looking for at least \$247,000 reimbursement. Mr. DiGregorio stated when all the projects are done, and a few have not even been started, we are looking at over \$900,000 a year in debt. Mr. Sires stated per year and asked for how long. Mr. DiGregorio stated the term is 30 years and we have 21 years left. Ms. Bean stated it will be higher each year because it was not paid the first 10 years. Ms. Bean stated we are receiving the 30% SAG for Phase I, which is approximately \$104,000 a year. Ms. Bean stated this is specifically for the forced main project; we just signed paperwork last week which will begin in July and will be \$196,000 this year \$300,000+ next year.

Mr. DiGregorio stated we were on the list and why we were getting the first allotment of money, but then we went on the deferred list and now there is discussion if they are even going to fund these types of projects. Mr. DiGregorio stated it is a significant meeting tomorrow. Mr. Sires asked who is introducing this legislation. Mr. DiGregorio answered Tom Bucu and Daniel Carr. Mr. Sires asked if the local legislators support this bill. Mr. DiGregorio stated that is a very good question, he is not sure.

Mr. Thibodeau asked when the legislation will be voted on. Ms. Bean stated when Mr. Bucu contacted them he was surprised they were having the hearing, which is early; not sure,

but she can find out tomorrow. Mr. Thibodeau asked for Ms. Bean to get that information and he will start making phone calls.

Carl stated he and Mr. Sires had lunch with Senator Sheehan; he had just found out some ramifications and he did bring it up in the meeting. Mr. Thibodeau stated he asked if there was any possibility to receive any remedial funding. Mr. Thibodeau stated she instructed her representative, Chuck Henderson, to work with us and bring her back information; see what she could possibly do to relieve that situation. Mr. Thibodeau asked if they would you him to continue to pursue this or stay out of it. Ms. Bean stated any political entity that can help should be helping. Mr. Thibodeau stated he will continue to do what he can and willing to call people to see if they would like to get involved; he will also get in touch with local representatives. Mr. DiGregorio stated this is a very complicated situation and any help is much appreciated.

b. ***Discussion of proposed sidewalk warrant article*** – Mr. DiGregorio stated there has been a committee with the Selectmen's office and the precinct regarding transferring the sidewalks in Conway Village to the Town. Mr. DiGregorio stated he would like to untie the two items, especially the last lines of this warrant article, as we are not sure if we are even going to continue with the last two projects.

Mr. DiGregorio stated for us we think we need to focus on the 2016 budget and how that transfer would take place. Mr. DiGregorio stated currently the first part indicates the operational costs and construction of sidewalks, however, we would like it reworded that we are handing over our machine to you. Mr. DiGregorio stated we believe the value of the machine is approximately \$60,000; we bought it for \$110,000 plus attachments and it is only four years old. Mr. DiGregorio stated we have said we would hand that over to the Town and we believe that would off-set the initial costs for 2016. Mr. DiGregorio stated we also believe the warrant article ties the Precinct and the Town for 201, but we don't know if it is even going to take place. Mr. DiGregorio stated they are asking to come up with wording and an agreement to take transfer in 2016 and accept that we are handing over \$60,000 in value of equipment.

Mr. Thibodeau asked if that would include the final lease payment. Mr. DiGregorio answered in the affirmative. Mr. Thibodeau stated we are then looking at a value of approximately \$50,000 because we are making the last payment. Mr. DiGregorio stated you can; part of this, we believe, is we ran into a conflict with an existing warrant article and our attorneys believe under the law we are required to do maintenance for safety reasons, but would be in conflict to do construction. Mr. DiGregorio stated if we use that money we would have to fix that conflict at this year's annual meeting. Mr. Sires stated the Town Attorney is reviewing it as well.

Mr. Thibodeau stated Conway Village Fire District would be responsible until we assume the sidewalks; and even if it does pass doesn't mean we will take them over right away. Mr. DiGregorio stated Pollard Street is taking place in 2016 under the Town's budget; we are saying we deal with that and wait to deal with 2017 because it may not happen. Mr. Weathers asked if there is money set aside for the Main Street project. Mr. DiGregorio answered in the affirmative. Mr. Sires stated the District would not have the authority to maintain once that is no longer the power of their organization, but that has not happened yet. Mr. DiGregorio stated we believe we would put an additional warrant article to clarify Pollard Street, and if you accept we would put an additional \$20,000 for Pollard Street.

Mr. DiGregorio stated the Commissioners are handing over a machine with value, and handing over, if our voters agree on it, \$20,000 so instead of Main Street it should say Pollard Street. Mr. DiGregorio stated it should also include language that we are gifting the machine, or

handing over something with value. Mr. Colbath stated that the article is assuming responsibility of Conway Village sidewalks, but only addressing the cost of Pollard Street. Mr. DiGregorio stated that is because it is only this year's project.

Mr. Sires stated we would have to ask the voters to accept the responsibility and then raise the money for 2016. Mr. DiGregorio stated we were hoping it would note the value of the machine. Mr. Weathers asked what happens, where your meeting is before ours and you want to appropriate money in the Capital Reserve Fund, if they say no. Mr. DiGregorio stated we will have to explain the difficulty the precinct is in right now. Mr. Weathers asked the dollar amount set aside. Ms. Bean answered \$182,600 for sidewalks.

Mr. Sires stated if legal opinion comes back, and your attorney agrees, that you can maintain and construct sidewalks then it would only take a vote of the Commissioners. Mr. DiGregorio agreed. Ms. Bean stated we have been told by our attorney that we cannot construct; maintain and repair only. Mr. Thibodeau stated that Main Street is not going to occur under this; can only discuss what is happening in 2016 and that is Pollard Street. Mr. Thibodeau stated that it is not a given that we will take those sidewalks; and if we cannot come up with an agreement between the Board of Selectmen and the Commissioners, the Board of Selectmen may not even take the sidewalks.

Mr. Sires stated the meaning of the warrant article was to setup the terms for the transfer of the sidewalks. Mr. Sires stated the original idea of the \$90,000 contribution was to make it desirable to the Town. Mr. Colbath stated the warrant article would be to transferring a piece of equipment and be for Pollard Street only. Mr. Sires answered in the affirmative. Mr. Sires stated it is only a Capital Improvement project and the \$18,000 is to take care of the sidewalks this year. Mr. Sires stated the \$40,000 is to buy the machine and pay for staff and materials. Paul DegliAngeli stated the cost to the Town would be \$20,000 with the construction of Pollard Street and additional labor. Mr. DiGregorio stated we would put \$20,000 toward the construction of sidewalks or to the last payment.

Ms. Seavey stated the information being presented should be presented at the Town deliberative meeting. Ms. Seavey stated she doesn't see how it should be part of the warrant. Mr. DiGregorio stated they were given a deadline of January 19th to hammer it out; we have proposed the language we would like to see, but it is up to the Board of Selectmen to agree with or disagree with. Ms. Seavey stated the ultimate decision is with the voters. Mr. Sires asked if they are committed to paying off the machine. Mr. DiGregorio stated they did not discuss that in a meeting. Ms. Bean stated they have a meeting on Thursday. Mr. Sires stated if we are in agreement with the concept then we can show it to you on Thursday.

DISCUSSION OF WARRANT ARTICLES

Capital Reserve Fund for Infrastructure Reconstruction – Mr. Thibodeau asked if it is the same as last week. Mr. Sires stated that it has not changed. Mr. Thibodeau stated this is not much different from last year; his recommendation is to take \$250,000 of the \$600,000 and put it into the Capital Reserve. Mr. Sires stated we are estimating \$650,000 total; we still have some bills coming in. Mr. Thibodeau stated that would leave approximately \$400,000; what is our fund balance. Mr. Sires stated it is projected to be \$2.7 million; or 8.8% of our gross budget.

Mr. Sires stated personally he would be comfortable with 8 or 9% of the fund balance; you may have a little left over to contribute to fund balance. Mr. Thibodeau stated he would like to see \$250,000 go the Capital Reserve Fund for Infrastructure Reconstruction, \$200,000 to fund balance and the other \$200,000 go to off-set taxes. Mr. Sires stated the decision now is

the \$250,000; but should put the other items in the back of your mind. **Mr. Thibodeau moved, seconded by Mr. Porter, to take \$250,000 of the fund balance money and contribute to Capital Reserve Fund for Infrastructure. Motion carried unanimously (5-0-0).**

Water System - Mr. Sires stated they are working with the DRA regarding the money spent on the well and the agreements with the landowners that everyone contributes. Mr. Sires stated the question is how do we receive and handle that money. Mr. Sires stated we may need another Capital Reserve Fund; we are working on it and hopefully you will see something next week.

Hybrid Electric Vehicle and Electric Vehicle Charging Station – Mr. Sires stated he has done a little research and it is too soon to tell. Mr. Thibodeau stated there is only a very small percentage that can be charged on a land line; and asked why we need a charging station. Mr. Sires stated it came as a package; but it might be wise to get a fuel efficient vehicle instead. Ms. Seavey stated she is totally against this; and asked if he checked with the one at the Observatory. Mr. Sires stated he didn't. Mr. Weathers suggested rewording the article. **Mr. Thibodeau moved, seconded by Mr. Colbath, to eliminate the verbiage regarding hybrid to say buy a compact vehicle for use of the Town not to exceed \$20,000. Motion carried unanimously (5-0-0).**

Town Hall Facility needs and Site Alternatives Analysis – Mr. Sires stated there is a meeting tomorrow. Mr. Thibodeau stated he would suggest after the committee meets the consultant is selected by the full Board.

HB 359 – Tax Abatements – Mr. Thibodeau stated this asks the voters of the Town to give the Board of Selectmen authority to grant tax abatements to businesses that locate or expand within the Town of Conway. Mr. Thibodeau stated they would still pay taxes on the property; this allows the Board of Selectmen to abate the improvements for up to 5 years. Mr. Thibodeau stated we cannot abate state education or state taxes, just the municipal portion.

Mr. Sires asked if the Board of Selectmen would be able to set up criteria on how abatements are granted. Mr. Colbath stated he believes most are setup weighing the merits so you don't set precedent. Mr. Thibodeau stated once adopted it has to be granted uniformly for all projects. Mr. Thibodeau stated that would help create a more diverse economic base. Mr. Colbath stated he thinks this is a good way of being business friendly. Mr. Thibodeau stated we certainly are not competitive, but this might give us the advantage to at least try.

Terms of Compensation for the Elected Town Clerk/Tax Collector – Mr. Sires stated this sets the ground rules and lets people know who are interested what the compensation is and could attract qualified people for the position; at least there is a minimum amount. Mr. Thibodeau asked how does the 3% stack up to the other employees. Mr. Sires stated 2.5% is the base line and 3% is what we have. Mr. Thibodeau stated he asked what the average salary was for Town Clerks in New Hampshire and thought the answer was it was difficult to determine as some are hired some elected and there are different duties. Mr. Thibodeau stated now he's reading something that has been in effect for the last 10 years.

Mr. Sires stated we use the 30 Town Survey as a sample, but very few have 30 towns reporting. Mr. Sires stated the Town Clerk duties vary; but we have 8 to 10 decent comparable information. Mr. Sires stated we feel the information we have currently is sufficient. Mr. Colbath asked if it has fallen behind where it should be. Mr. Sires answered in the affirmative. Mr. Colbath stated the reason for the article is to make it fair and equitable. Mr. Sires stated it would be fair to keep up.

Rhoda Quint stated one of the reasons it is difficult to compare and assess equitably is each town in New Hampshire is different in population and there are different responsibilities. Ms. Quint stated that Conway is also a hospital Town, so we generate far more birth certificates, adoption certificates as they are generated in the Town in which the adoption occurs, and marriage licenses because of our hours of operation. Ms. Quint stated we are a town of 10,000; we 7,000 registered voters and we register 8,000 a year. Ms. Quint stated Conway also accepts responsibility of Hales Location, which we are compensated, for their elections as well as registering their vehicles.

Mr. Thibodeau stated within the 30-Town survey some are paid per basis, so much for a car, etc., and that would further convolute the comparison. Ms. Quint stated most Towns have adopted compensation. At this time, Mr. Thibodeau stepped away from the meeting.

SIGNING OF DOCUMENTS

- a. Abatement Tax Map/Lot 261-17
- b. Abatement Tax Map/Lot 264-24
- c. Certification of Yield Taxes Assessed Tax Map/Lot 225-39
- d. Certification of Yield Taxes Assessed Tax Map/Lot 210-16
- e. Certification of Yield Taxes Assessed Tax Map/Lot 257-6
- f. Elderly and Disabled Tax Deferral Application Tax Map/Lot 264-24
- g. Notice of Intent to Cut Wood or Timber Tax Map/Lot 225-35
- h. Permit to Sell Raffle Tickets – Gibson Center for Senior Svcs-2016 monthly drawings
- i. Timber Tax Levy Tax Map/Lot 225-39, 210-16 and 257-6

Mr. Colbath moved, seconded by Ms. Seavey, to sign the Abatement for Tax Map/Lot 261-17, Abatement for Tax Map/Lot 264-24, Certification of Yield Taxes Assessed for Tax Map/Lot 225-39, Certification of Yield Taxes Assessed for Tax Map/Lot 210-16, Certification of Yield Taxes Assessed for Tax Map/Lot 257-6, Elderly and Disabled Tax Deferral Application for Tax Map/Lot 264-24, Notice of Intent to Cut Wood or Timber for Tax Map/Lot 225-35, Permit to Sell Raffle Tickets – Gibson Center for Senior Services-2016 monthly drawings, and a Timber Tax Levy for Tax Map/Lot 225-39, 210-16 and 257-6. The motion carried unanimously (4-0-0).

CONSIDERATION OF BILLS

- a. Accounts Payable Manifest 01/14/16 – (2015)
- b. Accounts Payable Manifest 01/14/16 – (2016)

Mr. Colbath moved, seconded by Ms. Seavey, to approve the Accounts Payable Manifest dated 1/14/16 for 2015 and the Accounts Payable Manifest dated 1/14/16 for 2016. The motion carried unanimously (4-0-0). Mr. Thibodeau rejoined the meeting at this time.

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

There were no documents signed out of session to ratify.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATIONS

- a. MWVCC/13th Annual Chilly Chili Cook Off – 2/27/16 – (Pending Liquor License)

Mr. Colbath moved, seconded by Mr. Porter, to approve the Special Event Application for the MWVCC 13th Annual Chilly Chili Cook Off scheduled for 2/27/16 pending receipt of the liquor license. Mr. Thibodeau stated that the application indicates that there will be no alcohol sold and asked why a liquor license is necessary. Mr. Thibodeau stated he would like clarification. Mr. Sires stated he would report back to the Board as to why a liquor license is needed. **The motion carried with Mr. Thibodeau and Mr. Weathers abstaining from voting (3-0-2).**

CONSIDERATION OF MINUTES

Consideration of the minutes was carried to the next meeting.

TOWN MANAGER REPORT

Mr. Sires stated that the Intervale Lighting Precinct is responsible for paying for street lights north of Town and they are looking at dissolving this year; if they do, in entirety, it would fall to the Board of Selectmen to basically cut a deal with them directly to assume those responsibilities. Mr. Sires stated they will be asking the voters to pay for street lights; their Commissioners will be here next week.

Mr. Sires stated Conway Village Fire District has invited him to their next meeting on January 21, 2016; there will be a discussion regarding them dissolving and what the logistics are of what happens when a precinct dissolves.

Mr. Sires stated he did meet with Senator Sheehan on Friday and discussed the Transportation Plan. Mr. Sires stated he thanked her for her support of the 5-year plan and asked that she continue to support the 10-year plan.

Mr. Sires stated he attended a CDBG meeting in Concord on January 7, 2016.

Mr. Sires stated Cole Moffett is taking over for Theresa Kennett at the MWV Housing Coalition. Mr. Sires stated he will be setting up a meeting with him and our planning staff to discuss how to use our existing regulations to facilitate affordable housing.

Mr. Sires stated Town Hall is closed on Monday, January 18, 2016 for Martin Luther King, Jr. Day.

Mr. Colbath asked if there is a new executive director for the North Country. Mr. Sires stated he has not heard.

BOARD REPORTS AND COMMENTS

Mr. Porter stated he had nothing to report.

Mr. Colbath stated the Budget Committee is on-going; they gave Mr. DegliAngeli and the current staff kudos on a job well done for their presentations. Mr. Colbath stated they will be discussing the School at the next meeting.

Mr. Thibodeau stated the Airport Authority has not met. Mr. Thibodeau stated they did have a nice lunch with Senator Sheehan and he brought up the situation for the Airport and funding for the hanger building. Mr. Thibodeau stated she has instructed Mr. Henderson to

gather more information and get involved in that. Mr. Thibodeau stated there is a possibility that there might be some federal money available through the FAA to get that project moving. Mr. Thibodeau stated they also discussed remedial funding for Conway Village Fire District; would like to look into that to figure out how they got to this point as he is not sure how they got there or just how bad the situation is.

Ms. Seavey stated she has not had had any meetings. Ms. Seavey stated to put a closure to the liquor license issue on the Chilly Cook Off application, Horsefeathers will be selling liquor.

Mr. Weathers stated the Conservation Commission meets tomorrow night.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Daymond Steer of the Conway Daily Sun stated the issue with water and sewer in Conway Village -he is not sure he understands the numbers; what would be an average bill before and now projected and when will the new bills hit. Mr. Thibodeau stated it is about \$800 a year for a single family home; the demand fee went up \$22 for sewer alone and per gallon went from \$5.66 to \$8.40. Mr. Thibodeau stated water is projected to go from \$800 a year to \$2,000 a year over three years.

Mr. Steer stated it looks as though they are backing away from turning over the fire department. Mr. Weathers stated he is asking the wrong department. Mr. Sires stated they have invited him to a meeting to get a handle on what is going on and how the process of dissolving works. Mr. Sires stated this is the first communication regarding this subject and we are just starting to wander through this. Mr. Steer stated with a catastrophic bill like this, is there anything the Town can do. Mr. Sires stated we have talked with them regarding the Non-Precinct Fire and Ambulance contract; they are up for negotiation and they have raised the equality of those contracts.

Mr. Steer stated in regard to sidewalks, they can only talk about this coming year, but what if a voter in the other parts of Town should ask why they would want to take on this expense if there is nothing in it for me. Mr. Thibodeau stated some 20 years ago the Town of Conway took over the North Conway sidewalks and Conway Village residents have been paying for the maintenance and construction in North Conway for that 20 year time. Mr. Thibodeau stated there is no reason why we shouldn't so the Town pays for the entire Town. Mr. Porter stated sidewalks were not part of the North Conway Precinct at that time, but the responsibility of the lighting precinct.

NON PUBLIC SESSION / NH RSA 98-A:3,II(d) CONSIDERATION OF ACQUISITION, SALE OR LEASE OF REAL ESTATE

At 5:46 pm, **Mr. Thibodeau moved, seconded by Ms. Seavey, to go into nonpublic session under NH RSA 98-A:3,II(d) to discuss a real estate matter.** Included in the nonpublic session were Town Manager, Earl Sires; Realtor, Greydon Turner; and Recording Secretary, Holly Meserve. **The motion carried by unanimous roll call vote.**

The Board returned to public session at 6:16 pm.

Mr. Colbath moved, seconded by Mr. Porter, to seal the minutes of this nonpublic session. The motion carried unanimously (5-0-0).

ADJOURN

At 6:17 p.m. the meeting adjourned at the call of the Chair.

Respectfully submitted,

Holly Meserve
Recording Secretary