

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN
May 11, 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 explained that he was adding the following items:

- 8. Discussion of Fee for Asphalt Shingles and Mattresses
- 11a. Discussion of Timber Contract with Khiel Timber
- 11b. Authorize Mr. Holmes to sign three copies of Timber Contract
- 11c. Authorize Mr. Holmes to sign two copies of Work Agreement
- 11d. Authorize Mr. Holmes to sign Wetlands Agreement
- 11e. Intent to Cut Wood/Timber on Map/Lot 235-87
- 11f. Permanent Application for Property Tax Credits/Exemptions on Map/Lot 266-54
- 11g. Permanent Application for Property Tax Credits/Exemptions on Map/Lot 218-65
- 11h. Intent to Cut Wood/Timber on Map/Lot 230-122, 225-56, 225-102, and 245-29.2

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

PUBLIC HEARING TO ACCEPT AND DESIGNATE A SPECIFIC PURPOSE FOR THE USE
OF THE FOLLOWING UNANTICIPATED REVENUE:

- A. \$50,000 FROM THE FRIENDS OF REC FOR THE OLD RECREATION
CENTER PROPERTY/DICK O'BRIEN FIELD

The public hearing opened at 4:01 pm.

Mr. Holmes explained that this was the money pledged by the Marshalls for the improvements at the old recreation center property. The plan is to use the funds for irrigation and other improvement projects.

There were no public comments.

The hearing closed at 4:03 pm.

CONSIDERATION OF UNANTICIPATED REVENUE MORE THAN \$10,000/RSA 31:95-B
III (A)

- A. \$50,000 FROM THE FRIENDS OF REC FOR THE OLD RECREATION CENTER PROPERTY/DICK O'BRIEN FIELD

Mr. Colbath moved, seconded by Ms. Seavey, to accept the \$50,000 from the Friends of Rec for the old recreation center property/Dick O'Brien Field. The motion carried unanimously.

CONSIDERATION OF UNANTICIPATED REVENUE LESS THAN \$10,000/RSA 31:95-B III

- A. \$250 FROM TED PHILLIPS TO BE PLACED IN THE POLICE DEPT. CANINE ACCOUNT

Mr. Colbath moved, seconded by Ms. Seavey, to accept the \$250 from Ted Phillips to be placed in the Police Department Canine Account. The motion carried unanimously.

DISCUSSION OF TRAILER PARKING IN CONWAY LAKE LOT

Resident Chris Toomey appeared before the Board to discuss the Board's decision to not allow boat trailers in the Conway Lake parking lot.

Mr. Holmes explained that he and Mr. Eastman had met with Mr. Toomey down at the Conway Lake parking lot to discuss trailer parking.

Mr. Toomey explained that he believed there was room enough for 4 boat trailers to be parked in the parking lot by backing them into the woods.

Mr. Toomey stated that by having people park their boat trailers so far away, there is the potential for traffic backup, but also, he explained that if he was the only one on the boat, there is no good place to tie the boat up while he has to walk to get the trailer. He added that because of this, there is a risk of the boat floating into the swimming area.

Mr. Weathers explained that he was concerned about this idea as he did not want to take up room for cars to park.

Ms. Seavey explained that she did not believe Mr. Toomey's concern of having to leave a boat unattended happened that often.

The Board thanked Mr. Toomey.

DISCUSSION OF FEE FOR ASPHALT SHINGLES AND MATTRESSES

Public Works Director Andrew Smith appeared before the Board to request the increase in both dump fees for the disposal of asphalt shingles and mattresses.

He explained that there had been an increase in the cost to truck these items away, therefore, he was recommending an increase of \$85 to \$100 per ton of asphalt shingles, and from \$25 to \$30 for mattresses.

He also added that currently asphalt shingles falls under the category of recycling construction debris which he believes should stay at \$85 per ton. Therefore, he was recommending that an additional line be added strictly for asphalt shingles.

Mr. Porter moved, seconded by Ms. Seavey, to adopt the new fees for asphalt shingles and mattresses as presented. Additionally, they will make asphalt shingles a new category by itself. The motion carried unanimously.

DISCUSSION OF STRIPING ON OLD WEST SIDE ROAD

Mr. Smith explained that they would like to paint white lines on Old West Side Road near the corner to help define where the no parking area begins and ends.

Mr. Holmes stated that they would move forward with that, he just wanted to notify the Board.

APPROVAL OF TAX BILL

Town Clerk/Tax Collector explained that she was requesting a few changes to the Tax Bill that is set to go out soon.

Changes included adding the correct physical address of their new Town Hall (23 Main Street, Conway, NH), changing the mailing address (P.O. Box 2680, Conway, NH), and adding the words “or online payment” to the following line so it reads as follows:

A \$40.00 fee plus all additional delinquency penalties and collection costs will be charged for any check or online payment returned by the bank for any reason.

Ms. Inkell noted that soon we needed to start forwarding any mail that is still being sent to the previous mailing address in Center Conway.

Mr. Porter moved, seconded by Mr. Colbath, to accept the changes to the tax bill as presented. The motion carried unanimously.

CONSIDERATION OF AMNESTY DAY

Mr. Holmes inquired as to whether the Board wished to have an Amnesty Day at the Transfer Station this year.

Mr. Porter suggested holding it the weekend after Labor Day.

The Board inquired as to when Hazardous Waste Day was.

Mr. DegliAngeli stated that it was in September, but was unsure of the exact date. He stated that they should not have the two days coincide.

One weekend either side of hazardous waste day.

The Board decided to table this discussion so they could finalize the date.

DICUSSION OF TIMBER CONTRACT WITH KHIEL TIMBER

Mr. Weathers explained that the Conservation Commission had recommended doing a Timber Cut on a piece of land that is owned by the State, but maintained by the Town. The land was part of the mitigation package for the bypass.

The profits from the cut will go to the Town.

Khiel would like to begin the cut so they need to authorize Mr. Holmes to sign the necessary documents on behalf of the Town.

It was stated that Tim Nolan will do the seeding after the completion of the logging operation.

Mr. Weathers recommended they lime, fertilize and seed the area hopefully by September 15, 2021.

Mr. Colbath moved, seconded by Ms. Seavey, to Authorize Mr. Holmes to sign three copies of Timber Contract, Authorize Mr. Holmes to sign two copies of Work Agreement, and Authorize Mr. Holmes to sign Wetlands Agreement. The motion carried unanimously.

Mr. Colbath moved, seconded by Ms. Seavey, to sign the following documents:

- 11e. Intent to Cut Wood/Timber on Map/Lot 235-87**
- 11f. Permanent Application for Property Tax Credits/Exemptions on Map/Lot 266-54**
- 11g. Permanent Application for Property Tax Credits/Exemptions on Map/Lot 218-65**
- 11h. Intent to Cut Wood/Timber on Map/Lot 230-122, 225-56, 225-102, and 245-29.2**

The motion carried unanimously.

REVIEW OF RECEIPTS

The receipts were available for review.

SIGNING OF DOCUMENTS

- a. PILOT Agreement between TOC and Saco River Solar, LLC
- b. Permit to Sell Raffle Tickets for Kevin Peare Memorial Skate Park (4/3/2021)

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

CONSIDERATION OF BILLS

- a. AP Manifest dated 5/13/2021

Mr. Colbath moved, seconded by Ms. Seavey, to sign the AP Manifest dated 5/13/2021. The motion carried unanimously.

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

- a. AP Manifest dated 5/06/2021
- b. Payroll dated 5/6/20201

Mr. Colbath moved, seconded by Mr. Thibodeau, to ratify the documents signed out of session as listed above. The motion carried (4-0-1) with Mr. Porter abstaining.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

- a. Anna Peare's Kevin Peare Memorial Skate Park Battle of the Bands, 7/3/2021
- b. Kirsten Neves Tuckerman Brewing Co. Live Music Series (4/10/21, 4/17/21, 4/24/21, 4/30/21, 5/1/21, 5/7/21, 5/8/21, 5/14/21, 5/15/21, 5/21/21, 5/22/21, 5/23,/21 5/28/21, 5/29/21, 5/30/21)
- c. Diane Drew Old Car Club Cruise Night Monday Nights (5/24/21-9/20/2021)

Mr. Colbath moved, seconded by Mr. Thibodeau, to sign the documents listed above in a., b. & c.

Mr. Colbath inquired as to why they were approving events that had already happened for Tuckerman Brewing Co. Mr. Eastman explained that Tuckerman's had believed that their liquor license covered entertainment, but they were incorrect. Mr. Eastman stated that they were still being charged for the events that had already occurred because of this.

The motion carried unanimously.

CONSIDERATION OF MINUTES

- a. Regular and Non-Public Minutes from 4/27/2021

Mr. Colbath moved, seconded by Mr. Porter, to adopt the regular and non-public minutes from 4/27/2021 as written. The motion carried (4-0-1) with Mr. Colbath abstaining.

TOWN MANAGER REPORT

Mr. Holmes stated that Kennett was planning on having their graduation parade through Town and wanted to apprise the Board of this.

Mr. Holmes noted that the flag pole had been shipped.

Mr. Holmes stated that they were planning on setting up the parking kiosk for Meeting House Road in time for Memorial Day.

Mr. Holmes explained that they had received estimates for a pickleball court somewhere in Town. This quote included \$10,850 for asphalt and \$8,375 for the rest of materials needed.

BOARD REPORTS AND COMMENTS

Mr. Thibodeau gave the April activity report for the airport. He explained that they are also in the process of applying for grant money to rebuild the access road and perhaps to extend the runway.

Ms. Seavey stated that the Economic Council met and they are moving forward with the sale of one of the lots.

Mr. Colbath stated that the ZBA would be meeting the next week for 9 hearings and a rehearing.

Mr. Porter stated that the Planning Board would be meeting Thursday, May 13, 2021.

Ms. Seavey asked Mr. Holmes to keep pickleball in mind when looking at potential grants to apply for.

Mr. Weathers stated that the Conservation Commission would be meeting the next night.

PUBLIC COMMENT AND MEDIA QUESTIONS

Daymond Steer for the Conway Daily Sun explained that there seemed to be confusion regarding the letter that had been sent to short-term rental owners. He recommended possibly giving an explanation of it to the public.

Mr. Steer inquired about where the money for the Assistant Building Inspector position came from. Mr. Holmes stated that it was budgeted for in the general budget.

Mr. Steer asked how the Town was looking in terms of funding for a public bathroom. Mr. Holmes stated that he was in the process of applying for multiple grants.

Resident Abbey Moore appeared before the Board to represent the newly formed Association for Responsible Vacation Rentals.

She read the following letter:



May 11, 2021

To the Town of Conway Board of Selectmen,

We are the Mt. Washington Valley Association for Responsible Vacation Rentals, recently established to represent the rights of homeowners, visitors, independent contractors servicing short-term rentals (STRs), businesses, and the many people of Conway who support responsible vacation rentals. We have a membership over 1,200 members which is increasing daily, are funded and legally represented. First and foremost, although our association believes that STRs are legal and not in violation of zoning ordinance, we are focused on operating STRs under reasonable regulations.

We understand the topic of STRs is multi-faceted and we applaud and thank the Board of Selectmen and all town officials who have given considerable time and effort to explore the issues. The town vote on April 13th shows a divide amongst resident voters on the issue of regulation and zoning of STRs. There is an "Us vs Them" climate amongst Conway neighbors.

Those residents voting for regulation along with Conway property owners advocating similarly, demonstrates a clear consensus for zoning changes, not an outright ban. Swift action by the Town to restrict property owners' ability to rent their homes is contrary to the will of the majority of taxpayers. We believe we can bring some additional considerations to the table and be part of the solution. We are determined to work hard to mitigate problems by improving neighborhood relationships and becoming a valued part of Conway's way of life.

We have an organized leadership board and working sub-groups already focusing on the following areas:

1. Self-regulation and self-policing of all vacation rentals through education and guidance of owners to operate their properties in a manner harmonious to neighbors and neighborhoods. In this light, we also embrace the recently voted noise ordinance and ask how we can help the town enforce that.
2. Giving back to the community by funding important, local initiatives. At the outset, we want to explore ways we can assist the town in tackling the shortage of affordable housing. Later, we can look at contributing to other important local efforts in the schools, on the trails, and on town lands. Again, we will seek the town's input on the best way we can make a positive difference.
3. Advocacy that protects the interests of homeowners to enjoy their legal right to occupy and share their home that best meets their personal needs and the community at large.
4. Lessening the current and acute emotional intensity by allaying the anxiety of tourists who have already booked their 2021 family vacations in Conway's STRs; mitigating the extreme concern of the >800 local STR support folk and owners and curbing the cancellation of home improvements and ground up builds. We have seen each of these concerns expressed on various Facebook pages and in The Conway Daily Sun.

This is important and worthy work which will take time.

Therefore, this association is coming forward to ask the selectmen to reconsider their decision to institute a ban and instead pause for a period of time to allow the community at large to forge a comprehensive set of zoning solutions that addresses everyone's concerns. We kindly request a moratorium on serving cease and desist orders, at least through the end of the next New Hampshire State General Assembly. We will use this valuable hiatus to demonstrate that we are valuable and considerate members of the Mt. Washington Valley community and are focused on further improving the town and its reputation as a wonderful tourist destination.

Thank you for your consideration and we look forward to working with you. We are also happy to meet with the Board of Selectmen to answer any questions.

With appreciation,

The President of the MWV Association for Responsible Vacation Rentals and its members

David Cavanaugh David Cavanaugh

Second Homeowner Chris Vachon appeared before the Board. He explained that he felt that they needed to come up with a compromise as the Board did not have the legal authority to regulate or shut down short-term rentals. He stated that the Town needs to be more informed on what they are voting for.

Mr. Vachon stated that it was upsetting that 4/5 of the Board of Selectmen lobbied against the regulations. He stated that he knows the Board is made of good people, but they need to figure something out.

Resident Steven Steiner appeared before the Board to express his dismay that he served the Town for 5 years on the Planning Board and was not even asked to sit as an alternate this year.

Mr. Porter suggested that he come to the Planning Board meeting on Thursday and express this.

Mr. Steiner stated that he felt the \$20 fee for parking sends a bad message to the general public.

Debbie Savo appeared before the Board and explained that she has been using her property as a vacation house for 20 years and did not feel that she was taking away from local affordable housing. She stated that if they choose to do a pause on enforcement, they should do an economic impact study.

At 5:03 pm, Mr. Colbath moved, seconded by Ms. Seavey, to go into non-public session under RSA 91-A (L) for consideration of legal advice. The motion carried unanimously.

NON-PUBLIC SESSION RSA 91-A :3 II (L) CONSIDERATION OF LEGAL ADVICE

At 6:02, the Board returned to public session.

Mr. Colbath moved, seconded by Mr. Porter, to seal the minutes from this non-public session as divulgence of the information would render the proposed action ineffective. The motion carried unanimously.

At 6:03 Mr. Colbath moved, seconded by Ms. Seavey, to go into non-public session under RSA 91-A (C) to discuss a tax matter. The motion carried unanimously.

NON-PUBLIC SESSION RSA 91-A :3 II (C) TAX MATTER

At 6:09 pm, the Board returned to public session.

Mr. Colbath moved, seconded by Mr. Thibodeau, to seal the minutes from this non-public session as divulgence of the information would render the proposed action ineffective. The motion carried unanimously.

At 6:10 Mr. Colbath moved, seconded by Ms. Seavey, to go into non-public session under RSA 91-A (D). The motion carried unanimously.

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

At 6:22 pm, the Board returned to public session.

Mr. Colbath moved, seconded by Ms. Seavey, to seal the minutes from this non-public session as divulgence of the information would render the proposed action ineffective. The motion carried unanimously.

ADJOURN

At 6:22 pm, the meeting adjourned at the call of the Chair.

Respectfully Submitted,

Krista Day
Executive Secretary