

**Minutes of Meeting**  
**CONWAY BOARD OF SELECTMEN**  
**January 18, 2022**

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 appeared via Zoom.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Mr. Weathers noted that Mr. Holmes and Ms. Day were appearing via Zoom.

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

PUBLIC HEARING ON PROPOSED APPLICATION FOR CDBG FOR BLUEBIRD  
PROJECT LLC

- a. A proposed application to the Community Development Finance Authority for up to \$500,000 in CDBG Housing funds of which \$25,000 will be retained for administrative costs and approximately \$475,000 will be sub granted to Bluebird Project LLC toward the rehabilitation and/or acquisition of a property at 213 Seavey Street, North Conway, New Hampshire into approximately 4 units of primarily affordable housing units for low and moderate income households.

Mr. Weathers opened the public hearing at 4:01 pm.

There was an informational document available for the public.

Donna Lane read the following:

Community Development Block Grant funds are available to municipalities through the NH Community Development Finance Authority. Up to \$500,000 annually is available for economic development projects, up to \$500,000 for public facility, up to \$500,000 for housing projects, and up to \$500,000 for emergency activities. Up to \$25,000 is available per planning study grant. Up to \$500,000 was previously available for CDBG-Covid services. All projects must directly benefit a majority of low- and moderate-income persons.

This is a proposed application to the Community Development Finance Authority for up to \$500,000 in CDBG Housing funds of which \$25,000 will be retained for administrative costs and up to \$475,000 will be subgranted to Bluebird Project LLC toward the rehabilitation and/or acquisition of a property at 213 Seavey Street, North Conway, New Hampshire into approximately 4 units of primarily affordable housing units for low and moderate income households.

This project conforms with Conway's Housing and Community Development Plan's goals of encourage safe, decent, attractive and affordable housing for all segments of the population. (Short-term and Long-term Goal)

Mr. Weathers opened the room for public comment.

Russ Rennie, owner of a property across the street from this proposed project, appeared before the Board.

While he stated that he supports the proposed project for Pine Street, he does not support this particular project.

In his opinion, the few units that are proposed for affordable housing did not seem worth the investment.

He did not see the benefit to the Town.

He also expressed concerns about maintenance and property management.

Mr. Rennie expressed concern over the right of way on Patton Court.

Mr. Eastman noted that there was a letter of support that was given to the Chairman from neighbors, Ken, Jill, and Jackie White.

Mark Cobery, an abutter located at 48 Patton Court, appeared before the Board.

Mr. Cobery stated that while he can appreciate the need for housing, he did not think that this proposed project was going to do what they wanted it to.

He had concerns over safety and would like to know who their silent partner is.

Mr. Cobery asked if there was a conflict of interest because both Ms. Hickey and Ms. Grant were on Town Boards/Committees.

An abutter from 51 Patton Court appeared before the Board with concerns.

He was concerned about who would be sharing in the cost for plowing of Patton Court since one of the units proposed is accessed by that road.

He was also concerned about access for emergency vehicles.

He would like to see the Town take over the road.

He stated that the units were rentable as they were and wondered why they were not being put on the open market.

Mr. Weathers noted that in order for a Town to consider taking over a road, it would need to first be brought up to Town road standards.

Harrison Kanzler from the MWV Housing Coalition appeared before the Board.

He stated that he was strongly in support of both this project and the Pine Street project.

He explained that the proposed \$500,000 grant included the cost of acquisition, as well as the cost of materials as at least one of the units was not move in ready.

Mr. Kanzler stressed the need for affordable housing in the area.

He cautioned that if the public keeps saying that affordable housing is a problem but “we don’t want it here”, all that they will be doing was pushing the problem down the road.

Mr. Kanzler also added that the MWV Housing Coalition is only an advocacy group, and have in fact been working on this project with Ms. Hickey and Ms. Grant since August.

He commended the women for trying to do better for their community.

There was clarification that these units would not be subsidized, but instead be listed at fair market value rents.

Ms. Lane explained that the CDBG is available for landlords or developers and would lock them in to be affordable for 5 years.

She also added that the units would need to be improved to meet the HUD housing quality standards.

Ms. Lane explained that the role of the Town was to be the financial pass through for the funds, but there was no cost to the Town or the tax payers.

It was clarified that even though the CDBG is granted to the Town, there is no financial liability to the Town as a lien would be placed on the property. Any re-payment would come from that lien.

Ms. Grant stated that she would be willing to make the commitment for 10 years instead of five. There was discussion regarding some issues that will still need to go before the Planning Board for this project.

Ms. Grant noted that they planned to take over the current road maintenance agreement for Patton Court.

After a concern was noted about maintenance, Ms. Hickey noted that they have 5% annually budget for maintenance.

Mr. Kanzler emphasized that in the current market, landlords who rent at affordable prices are typically seeing a loss.

Mr. Weathers closed the public hearing at 4:51 pm.

PUBLIC HEARING ON THE HOUSING AND COMMUNITY DEVELOPMENT PLAN

Mr. Weathers opened the public hearing at 4:51 pm.

Ms. Lane read the following:

The Housing and Community Development Plan outlines goals for the next three years. CDBG requires a HCDP that is no older than 3 years. The last HCDP was adopted in 2019.

The proposed updated plan includes the same goals as the previous plan.

The new format includes the national and state objectives and includes a CDBG Citizen Participation Plan including required public hearings to update the public on the progress of CDBG projects.

Mr. Weathers asked for public comment.

There were no public comments.

Mr. Weathers closed the public hearing at 4:54 pm.

PUBLIC HEARING ON THE ANTIDISPLACEMENT AND RELOCATION ASSISTANCE  
PLAN

Mr. Weathers opened the public hearing at 4:54 pm.

Ms. Lane read the following:

This plan outlines measures, under the Uniform Relocation Act, required for CDBG projects that involve any displacement or relocation of persons (or businesses), if the

Town were to undertake a CDBG project which involved displacement or relocation they would follow this plan. The plan outlines the measures they would take to find comparable, suitable housing for persons (or businesses) displaced or relocated. This project does not anticipate displacement or relocation as the units are not residences.

Mr. Weathers asked for public comment.

There were no public comments.

Mr. Weathers closed the public hearing at 4:55 pm.

PUBLIC HEARING ON THE PROGRESS OF THE CDBG-COVID PROJECT THAT PROVIDES FUNDING TO THE MUNICIPALITY AND SERVICE-PROVIDER SUBAPPLICANTS FOR COSTS IN PREPARING FOR, RESPONDING TO, OR RECOVERING FROM COVID-19.

- a. Participating organizations include: The Town of Conway, Gibson Center for Senior Services, Way Station, RSVP, Vaughan Community Service, and Conway Village Congregational Church.

Mr. Weathers opened the public hearing at 4:55 pm.

Ms. Lane Read the following:

This is an update on the progress of the CDBG-Covid project that provides funding to the municipality and service-provider subapplicants for costs in preparing for, responding to, or recovering from Covid-19. Participating organizations include: The Town of Conway, Gibson Center for Senior Services, Way Station, RSVP, Vaughan Community Service, and Conway Village Congregational Church. To date \$265,000 of the \$375,000 grant has been spent primarily on staffing, van, buses, stove, freezer, emergency assistance and administration. Currently the projects have until 6/22 to incur costs.

Applicant/Subapplicant	Eligible Expenses	Award Amount	Amount Paid/Requested to Date	Folks Expected to Serve/LMI min
Town of Conway - Emergency Assistance	Emergency Assistance	\$15,000	\$7,190	400/400
Town of Conway - Life Alert	Life Alert	\$11,500	\$0	50/50
Town of Conway - Recreation	Scholarships Summer Program	\$14,000	\$14,000	112/112
Conway Village Congregational Church -Brown Church	Van, Equipment & Supplies	\$37,000	\$ 30,029	1060/540
Gibson Center for Senior Services	Buses & Drivers	\$106,500	\$100,335	140/72

Way Station	Staff & Emergency Assistance	\$72,054	\$22,566	75/39
Vaughan Community Services	PPE, Equipment & Supplies	\$74,000	\$53,950	90/90
RSVP	Staff & Mileage	\$20,000	\$19,997	700/700
Project Administration	Administration	\$25,000	\$16,529	
Totals		\$375,054	\$264,596	

Mr. Weathers asked for public comment.

There was no public comment.

Mr. Weathers closed the public hearing at 4:58 pm.

**Mr. Colbath moved, seconded by Mr. Porter, to approve the submittal of the CDBG Bluebird Project application for a term of 10 years and vote to authorize the Town Manager to sign and submit the CDBG application, and upon approval of the CDBG application, authorize the Town Manager to execute any documents which may be necessary to effectuate the CDBG contract, and any amendments thereto. The motion carried unanimously.**

**Mr. Colbath moved, seconded by Mr. Thibodeau, to adopt the Housing and Community Development Plan. The motion carried unanimously.**

**Mr. Colbath moved, seconded by Mr. Thibodeau to adopt the Antidisplacement and Relocation Assistance Plan. The motion carried unanimously.**

PUBLIC HEARING TO AMEND TOWN OF CONWAY ORDINANCE 152-19 TO ADD:

a. Parking at designated Recreation sites.

Parking is restricted at the following locations to valid parking stickers/passes or paid fee:

First Bridge parking on 180 River Road (Map 215-8)

Davis Park on 67 East Side Road (Map 265-129)

Smith Eastman Recreation Area (Map 252-58)

Meeting House Road where indicated.

Parking is restricted to vehicles with Conway parking stickers only at:

Conway Lake parking lot on 379 Mill Street (Map 268-9)

Violation of this section shall be a \$100 fine.

And to amend Town of Conway ordinance 152-21 to read:

- a. Appeals of violations and fines must be filed within **five** business days of violation. Appeals must be accompanied by full payment for the fine and shall be submitted in writing to the office of the Town Manager. If an appeal is granted and the fine waived, the fine amount shall be reimbursed.

Mr. Weathers opened the public hearing at 5:00 pm

Mr. Eastman explained that he and Mr. Holmes had consulted with Town Counsel regarding the Town's ability to ticket those who violate parking regulations and it was the opinion of Town Counsel that they were allowed to do so.

However, in order to make it more iron clad, they are looking to amend the ordinances.

Chief Mattei explained that it would be beneficial in terms of prosecution to have a specific ordinance to site.

Mr. Eastman also explained that they would like to extend the appeal period from two to five business days because it is more realistic.

Mr. Weathers closed the public hearing at 5:08 pm.

VOTE TO AMEND ORDINANCE 152-19 AND 152-21

**Mr. Porter moved, seconded by Mr. Thibodeau, to amend ordinance 152-19 to read as follows:**

- a. **Parking at designated Recreation sites.**

**Parking is restricted at the following locations to valid parking stickers/passes or paid fee:**

**First Bridge parking on 180 River Road (Map 215-8)**

**Davis Park on 67 East Side Road (Map 265-129)**

**Smith Eastman Recreation Area (Map 252-58)**

**Meeting House Road where indicated.**

**Parking is restricted to vehicles with Conway parking stickers only at:**

**Conway Lake parking lot on 379 Mill Street (Map 268-9)**

**Violation of this section shall be a \$100 fine.**

**And further, to amend ordinance 152-21 to read as follows:**

- a. Appeals of violations and fines must be filed within five business days of violation. Appeals must be accompanied by full payment for the fine and shall be submitted in writing to the office of the Town Manager. If an appeal is granted and the fine waived, the fine amount shall be reimbursed.**

**The motion carried unanimously.**

REQUEST FOR EASEMENT ON MAP/LOT 251-109 TO MAP/LOT 251-102 FOR ELECTRICAL LINES

Mr. Eastman explained that there had been a request for an easement in Transvale over a Town Owned lot (Map/Lot 251-109).

He explained that he and Chief Solomon had looking into it to see if this lot was a FEMA lot.

It was determined that it was not.

Chief Solomon explained that as the Emergency Management Director, he was unsure how granting this easement would be a benefit to the Town.

He explained that this lot is in the flood way.

**Mr. Porter moved, seconded by Mr. Thibodeau, to grant the easement for Map/Lot 251-109. The motion failed unanimously.**

RECOMMENDATION OF WARRANT ARTICLE UPDATE FOR ALTERNATE ENERGY ORDINANCES

**Ms. Seavey moved, seconded by Mr. Colbath, to table this discussion until next week so the contract Assessor can attend to answer questions. The motion carried unanimously.**

VOTE ON WARRANT ARTICLES

- a. Non-Precinct Fire and Rescue Protection Agreement with CVFD
- b. Non-Precinct Fire and Rescue Protection Agreement with NCWP

**Mr. Porter moved, seconded by Mr. Thibodeau, to place the following on the warrant:**

**Article \_\_\_: (Separate not included in Budget Appropriation Article #\_\_\_). To see if the Town will vote to approve the NON-PRECINCT FIRE AND RESCUE PROTECTION**



**AGREEMENT between the Town of Conway and the Conway Village Fire District. The agreement shall be for a term of five years beginning on January 1, 2023 and expiring on December 31, 2028. The annual cost of this contract will be included in the operating budget beginning in 2023 and shall be funded by non-precinct tax payers only.**

**The motion carried (4-0-1) with Mr. Weathers abstaining.**

**Mr. Porter moved, seconded by Mr. Thibodeau, to place the following on the warrant:**

**Article \_\_\_: (Separate not included in Budget Appropriation Article #\_\_\_). To see if the Town will vote to approve the NON-PRECINCT FIRE AND RESCUE PROTECTION AGREEMENT between the Town of Conway and the North Conway Water Precinct. The agreement shall be for a term of five years beginning on January 1, 2023 and expiring on December 31, 2028. The annual cost of this contract will be included in the operating budget beginning in 2023 and shall be funded by non-precinct tax payers only.**

**The motion carried unanimously.**

Ms. Day clarified that when the Board is voting on Selectmen's warrant articles such as these, their vote to place them on the warrant will be the recorded vote on whether they recommend or do not recommend the article.

She explained that in the case of petitioned warrant articles, as long as they have 25 verified voter signatures, the warrant articles are automatically placed on the warrant and then the Board votes on whether they recommend or do not recommend the warrant article as written.

#### DISCUSSION OF TOWN-WIDE MASK POLICY/MANDATE

Mr. Colbath explained that he had been contacted by some concerned citizens regarding the issue of masks due to the surge of cases in the area.

These citizens urged Mr. Colbath and the Town to institute a Town-wide mask mandate.

The issue of enforcement was discussed.

Mr. Weathers stated that he believed masks to be a personal choice.

Mr. Weathers opened the floor up for public comment.

Local Doctor, Bruce Latham, explained to the Board his opinion of the effectiveness of masks.

In summary, he believed that most masks would not stop COVID-19 from being transmitted.

Mr. Marvel spoke about the amount of hospital beds and ventilators that were available around the State.

He stated that he did not think that there would ever be a time where the Board instituting a mask mandate would be acceptable, but if there had been, it would have been almost two years ago.

Ms. Seavey and Mr. Porter stated that they believed masks are a personal choice.

Steven Steiner stated that even though he had a severe case of COVID-19, he does not believe masks work and would not wear one even if it was mandated.

Norman Treganza stated that as the Town is a travel destination, that people may choose to visit other areas if they decide to mandate masks.

#### REVIEW OF RECEIPTS

The receipts were available for review.

#### SIGNING OF DOCUMENTS

(none)

#### CONSIDERATION OF BILLS

- a. AP Manifest dated 1/20/2022

**Mr. Colbath moved, seconded by Mr. Porter, to sign the AP Manifest dated 1/20/2022. 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 1/11/2022

**Mr. Colbath moved, seconded by Mr. Thibodeau, to adopt the regular and non-public minutes from 1/11/2022. The motion carried unanimously.**

#### TOWN MANAGER REPORT

Mr. Eastman reminded the Board that the joint meeting between the BOS and the Budget Committee for the Non-Profit Presentations was next Wednesday, January 26, 2022 at 6:30 pm in the Marshall Gymnasium.

### BOARD REPORTS AND COMMENTS

Mr. Thibodeau stated that on Tuesday, January 25, 2022 at 9:00 am, there was a hearing regarding the proposed STR bill.

Mr. Thibodeau stated that he was going down to testify.

He wanted the Boards opinion on whether he should be testifying as a private citizen, or on behalf of the Board of Selectmen.

The consensus of the Board was that because they were still in litigation that Mr. Thibodeau should speak as a private citizen.

Mr. Colbath noted that the Budget Committee and the ZBA would be meeting the next evening.

Mr. Porter explained that at the Planning Board meeting the previous week, they had granted conditional approval for the Intervale Motel project.

Mr. Weathers explained that the CCC had met the previous week to go over the proposed budget for 2022.

Mr. Eastman explained that they had a discussion regarding the bathroom task force that was being spearheaded by the Chamber of Commerce at the previous meeting.

Because the Board had only voted to remove Ms. Seavey from being the Selectmen's representative to that task force, staff was looking for clarification on whether the Town should be part of the task force at all.

Ms. Seavey stated that it was her belief that as the bathrooms will be located on Town property, and run, managed, and budgeted for by the Town, it should be the job of the Town to create their own committee.

Mr. Weathers stated that he believed that the land swap should be complete before anything else happens.

Mr. Holmes wanted to know if the Board still wished to have himself, Mr. DegliAngeli, Mr. Eastman, and Mr. Lane as Town representatives on the Chamber's task force as they had voted to do that at a previous meeting.

Mr. Thibodeau stated that he believed the Town should have representation on the task force.

Ms. Seavey stated that the Town would be paying four staff salaries to be part of a non-town run task force.

Mr. Thibodeau moved, seconded by Mr. Colbath, to rescind the previous motion to have Mr. Holmes, Mr. DegliAngeli, Mr. Eastman, and Mr. Lane as Town Representatives on the bathroom taskforce run by the Chamber of Commerce. The motion carried unanimously.

**Mr. Thibodeau moved, seconded by Mr. Colbath, to appoint the Town Manager to represent the Town on the task force and give him the ability to use Town Resources/Staff as he sees fit. The motion carried unanimously.**

PUBLIC COMMENTS AND MEDIA QUESTIONS

Daymond Steer from the Conway Daily Sun inquired as to the Town's involvement in the homeless shelter that had been opened during the previous weekend at the Way Station.

Mr. Holmes explained that he had been contacted by the Church when they said they were planning to open a warming shelter this past weekend.

He talked with the building inspector who had recently been at the Church to inspect it for a different reason, and was informed that the Church has some blocked egresses, but had cleared those after becoming aware of them.

Chief Solomon was contacted as the EMD, and he communicated with Chief Preece.

While it was made clear to the Church that this cannot be a permanent situation unless they go before the Planning Board because it would be a change of use, that they could open the shelter for the weekend.

Mr. Steer asked if any other Town officials would be testifying at the hearing for the STR bill.

Mr. Holmes hoped Chief Solomon would be able to attend.

There was a discussion regarding the process for placing articles on the warrant and the process of the Board making recommendations.

Mr. Thibodeau stated that the way they do it currently is mandated by NH laws, and while he does not agree with it, it is what must be done.

**At 6:35 pm, Mr. Colbath moved, seconded by Mr. 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 ACQUISITION, SALE  
OR LEASE

**At 6:42pm, the Board returned to public session.**

ADOPTED: 1/25/2022

As Written

**Mr. Colbath moved, seconded by 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.**

ADJOURN

At 6:42 pm, the meeting adjourned at the call of the Chair.

Respectfully Submitted,

Krista Day  
Executive Secretary