

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN
January 31, 2023**

The Selectmen's Meeting convened at 4:08 pm at Conway Town Hall with the following present: C. David Weathers, Mary Carey Seavey, Carl Thibodeau, John Colbath, Town Manager John Eastman and Executive Assistant Krista Day.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Mr. Weathers stated there would be one addition to the agenda:

3a. Statement by Town Attorney

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

Mr. Weathers noted that Mr. Porter was unavailable for the meeting.

STATEMENT BY TOWN ATTORNEY

Town Attorney Jason Dennis explained to the Board that the Town of Conway had been named Plaintiffs on behalf of Leavitts Bakery in a federal lawsuit filed today.

Leavitts is seeking a ruling from the Federal Court for both a preliminary injunction and a permanent injunction from enforcement action regarding their oversized sign.

Attorney Dennis noted that a hearing could happen in days or weeks.

Attorney Dennis stated that he was surprised this came about without notice because the Town had been in communications with the Counsel for Leavitts as to a possible resolution as well as a petitioned warrant article.

He noted that the case has been assigned to Judge Joseph LaPlante.

Attorney Dennis explained that he had reached out to Attorney Hilliard to see if there was any conflict in the case if he was to assist.

It was stated that Attorney Hilliard does not have a conflict.

Mr. Thibodeau asked what their options were.

Attorney Dennis stated that they could backtrack and not enforce, or they could litigate it.

There was a brief discussion about the petitioned warrant article up for the vote in April.

It was also stated that more work needs to be done regarding sign ordinances through the Master Plan Process.

Mark Hounsell stated that he was not speaking for the Planning Board, but he felt that they had a good discussion at the Planning Board meeting and it seemed to be the consensus of the Board that this particular petitioned warrant article was not the final answer.

He added that the Master Plan would follow with a rewrite of many zoning ordinances.

AMENDMENTS TO SPECIAL EVENT FEES

Mr. Eastman stated that at a meeting two weeks prior, the Board had voted to adopt new Special Event Fees.

However, they had found a glitch and would like to amend again.

Mr. Eastman explained that for multi-day events, after the initial day, the fee would be 50% of the cost of the initial day.

Mr. Colbath moved, seconded by Ms. Seavey, to amend the special event fees as presented. The motion carried unanimously.

VOTE FOR "AS NEEDED" WARRANT ARTICLES FOR COLLECTIVE BARGAINING AGREEMENTS

Mr. DegliAngeli noted that we have never invoked the option to have a special meeting due to a Collective Bargaining Agreement not passing the vote, however, the following warrant article has always appeared following each Collective Bargaining Agreement article:

“Shall the Town, if article (#) is defeated, authorize the governing body to call one special meeting, at its option, to address article (#) cost items only”

Mr. Colbath moved, seconded by Ms. Seavey, to place the following warrant article after the Collective Bargaining agreement between the Town and the Police Department and the Collective Bargaining Agreement between the Town and AFSCME #93, Local 859, and Department of Public Works.

Shall the Town, if article (#) is defeated, authorize the governing body to call one special meeting, at its option, to address article (#) cost items only

The motion carried unanimously.

DISCUSSION OF ARPA FUNDS FOR CHARTER COMMISSION POTENTIAL EXPENSES

Mr. Eastman explained that if a Charter Commission is approved by the voters, there will be some financial expenses that come with that.

These expenses include the cost of a special election, legal services, and administrative costs.

Mr. Eastman also noted that he had been told by NHMA that there are no alternates allowed on the Charter Commission, and that elected officials can also be elected to be a member of the Charter Commission.

Mr. Colbath stated that if the voters are concerned enough to have a Charter Commission, then it should be the tax dollars spent on costs associated with that.

Ms. Seavey and Mr. Thibodeau would rather see ARPA funds be used considering all that is going on in the Town regarding the proposed budget.

Mr. Thibodeau stated that he would like to see the Charter Commission formed, funded and functional.

Mr. Colbath moved, seconded by Mr. Thibodeau, to allocate up to \$15,000 of ARPA funds for funding necessary costs should a Charter Commission be created by the voters. The motion carried unanimously.

DISCUSSION OF CEMETERY ADVISORY COMMITTEE

Mr. Eastman explained that he had met with Ms. Cormack, Mr. Wiggin and Ms. Leavitt to start looking into some long range planning.

Perhaps this planning could be incorporated in the Master Plan process.

They have decided that they will not be putting in a petition this year.

Mr. Weathers offered his time to help look into land specifications that would be needed to a cemetery.

The consensus of the Board was that they would like to have Mr. Eastman reach out to the various cemetery organizations to see who would like to be part of a potential advisory committee as they are already very knowledgeable.

Mr. Eastman will investigate and come back to report at a future meeting.

The Board would also like to see if there are already "Cemetery Trustees".

Mr. Hounsell noted that they could consider looking into a surrounding area for a cemetery.

Mr. Hounsell believed that going forward some thought should be given to fixing the old stones that date far back into our history.

Mr. Thibodeau stated that if any philanthropist would like to donate land for a cemetery it could be used as a tax write off.

REVIEW OF RECEIPTS

The receipts were available for review.

SIGNING OF DOCUMENTS

- a. Intent to Cut Wood or Timber on Map/Lot 259-106

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

CONSIDERATION OF BILLS

- a. AP Manifest dated 2/2/2023

Mr. Colbath moved, seconded by Mr. Thibodeau, to sign the AP Manifest dated 2/2/2023. The motion carried unanimously.

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

- a. Abatement on Map/Lot 246-20.002

Mr. Colbath moved, seconded by Mr. Thibodeau, to ratify the document listed above. The motion carried unanimously.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

(none)

CONSIDERATION OF MINUTES

- a. Regular and Non-Public Minutes from 1/24/2023

Mr. Colbath moved, seconded by Mr. Thibodeau, to adopt the regular and non-public minutes from 1/24/2023 as presented. The motion carried unanimously.

TOWN MANAGER REPORT

Mr. Eastman noted that the Board had the filming schedule in their packet for the small film crew who was in Town.

Mr. Eastman stated that he wanted to let the Board know that there was a small casino coming to Town in Conway that would offer Charitable Gaming.

He noted that he had taken the time to reach out to the Lottery Commission in order to confirm that this was legal.

Mr. Eastman was told that Charitable Gaming is not regulated like sports betting or keno, which require the vote of the people.

Charitable Gaming is games of chance that allocate a certain percentage of the profits to go towards non-profit organizations that have been vetted by the Attorney General's Office.

Mr. Eastman noted that the Lottery Commission would be attended a future meeting to go into more detail.

Mr. Hounsell noted that he had read an article regarding the advancement of bigger casinos.

He also gave a brief history of charitable gaming.

Mr. Hounsell expressed concerns regarding the increased demand that casinos bring to Town's Police Departments and General Assistance Departments.

Mr. Colbath asked about the lights on Pollard Street.

Mr. Eastman stated that Mr. Smith had met with Eversource and they were putting together final costs.

BOARD REPORTS AND COMMENTS

Mr. Thibodeau stated that the NH Senate Finance Committee met today and they had approved a \$100,000 request for the ESAA.

They are hopeful that the full Senate will support it next week.

Mr. Colbath noted that the new airport manager, Allison Navia, came and presented to the Budget Committee and was very astute and professional.

Mr. Colbath noted that the Budget Committee had met for a presentation of the default budget and a revenue update.

He stated that the Budget Committee had voted in favor of the default budget, but he had abstained because he was the Selectmen's representative and wanted to have the Board weigh in first.

Ms. Golding explained that the default budget was the prior years budget after subtracting any one year or contractual accosts.

The reduction was \$1.2 million from the current proposed budget.

Mr. Eastman reported that Chief Mattei said that a reduction that large would result in the Department not being available 24 hours a day.

It was stated that a lot of the Budget Committee members would rather vote the budget down and stick with the default if the parking program was still in the budget.

There was a question about whether they want to take a chance on the budget being defeated, or perhaps make the parking program into a warrant article.

Mr. Thibodeau stated that he did not want to take it out of the budget.

Ms. Seavey agreed as it was going to be a continuous expense.

Mr. Eastman explained that Chairman Donohoe had reached out to him as he was concerned about the parking program remaining in the budget.

Mr. Colbath stated that they are going to have a tremendous amount of work to do in the default passes in this inflationary time.

Ms. Seavey stated that the Town has done a good job at maintaining the budget and current staffing levels, but they cannot stay at status quo.

Mr. Colbath noted that the default budget for the school is only \$187,000 less than the proposed budget.

It was stated that the default budget would eliminate all pay increases for non-union staff.

Mr. Colbath moved, seconded by Mr. Thibodeau, to accept the default budget as presented. The motion carried (3-0-1) with Mr. Weathers abstaining.

Ms. Golding reviewed the revenues thus far, but there was still outstanding revenue from 2022 for things such as fuel and vehicle maintenance.

Mr. Colbath moved, seconded by Mr. Thibodeau, to accept the revenue as presented. The motion carried unanimously.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Daymond Steer from the Conway Daily Sun asked when the Town will select a paid parking vendor.

Mr. Eastman noted that they would not be doing so until after the vote.

Mr. Steer inquired as to whether they were preparing for the major war that could be on the horizon.

Mr. Eastman noted that our fuel tanks are full.

There was brief discussion regarding the continued issue of bathrooms in North Conway.

ADJOURN

At 6:10 pm, the meeting adjourned at the Call of the Chair.

Respectfully Submitted,

Krista Day
Executive Secretary