

**Minutes of Meeting**

**CONWAY BOARD OF SELECTMEN**

September 12, 2017

The Selectmen's Meeting convened at 4:00 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen, C. David Weathers, Mary Carey Seavey, Carl Thibodeau, John Colbath and Steven Porter; Town Manager, Thomas Holmes 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 (5-0-0).**

REVIEW OF SUMMER RECREATION PROGRAMS

Recreation Director, John Eastman, and Assistant Recreation Director, Michael Lane, joined the meeting. Mr. Eastman stated the summer went really well, and the weather was good. Mr. Eastman stated they had 16 staff members, and they did an outstanding job; it was a successful summer.

Mr. Eastman stated they tried some new activities; archery, hiking and a Family Fun night. Mr. Eastman stated we invited parents to come for an evening to see what a typical day looked like; there was close to 150 people that attended. Mr. Lane stated we also added fishing this year.

Mr. Lane stated there were a total of 250 kids registered, the average attendance was 149 kids per day where 2016 was 144 kids per day, the highest number in one day was 168 kids and the slowest day was the day before the Fourth of July with 112 kids.

Mr. Weathers stated your crew did an excellent job at Fourth of July; and leaving a walkway worked out well. Mr. Colbath asked if lot of staff returned. Mr. Lane stated 8 returned and there were 8 new. Mr. Holmes stated the cookout for family night was accomplished with donations from the community and money donated from Friends of Conway Rec. Mr. Eastman agreed.

Mr. Colbath asked if there were any issues or concerns over the summer. Mr. Eastman stated we are already addressing our concerns with the water, and the toilet situation we know is temporary, but we coordinated it better this year with different breaks.

Mr. Eastman stated the Teen Center opens tomorrow; and he reviewed the numbers for the fall sports for both kids and adults.

DISCUSSION OF PROPOSED MEMORANDUM OF AGREEMENT BETWEEN  
THE UPPER SACO VALLEY LAND TRUST AND THE TOWN OF CONWAY  
REGARDING THE PINE HILL PROPERTY

Jim Doucette of the Upper Saco Valley Land Trust (USVLT) joined the meeting. Mr. Holmes stated the BOS made some changes to the agreement which were mostly accepted; Mr. Doucette is here to discuss some minor issues.

Mr. Doucette stated the snowmobile trail is not entirely on the property we own; we would like to commit to the trail but not an exact location as the trail may have to be moved in the future. Mr. Weathers stated the Board wanted to make sure snow machines were still going to be allowed. Mr. Doucette stated there are trails onto and off of the property we own; we have no opposition of a corridor, but do not want to commit to a single trail. Mr. Colbath stated he thought the Board was generally talking. Mr. Doucette stated the agreement indicates existing trails.

Mr. Doucette stated they are fine with the changes to the Management Committee and adding the RSA to Stewardship Plan. Mr. Doucette stated in regard to Forest Management Revenue they have no problem changing the name; however, we would like to see more flexibility with the revenue. Mr. Doucette stated any revenue would be used for the operation of the Pine Hill Community Forest first, and then if there is a surplus of funds use those funds to benefit the Conway Citizens and then used outside of Conway, but still in the service area.

Mr. Doucette stated they are also in agreement to including "boundary line adjustments" and "re-marking" for clarity. Mr. Holmes stated the agreement will be reviewed by Town Counsel before the Board signs it. **Mr. Porter moved, seconded by Mr. Colbath, to have the Town Attorney review the agreement before signature of the Board. Motion carried unanimously (5-0-0).**

REQUEST FROM CENTER CONWAY FIRE DEPARTMENT FOR THE TOWN  
TO TAKE OVER PAYMENT OF LIGHT AT VETERANS TRIANGLE PARK

Mr. Holmes stated we could find no documentation over whose responsibility it is for the light. Mr. Holmes stated as long as anyone can remember Mrs. Honeycutt always took care of the flowers, the Parks and Recreation Department mowed the lawn and maintained the trees, and the Center Conway Fire District paid for the light.

Ms. Seavey asked if we do this for Conway and North Conway. Mr. Holmes stated he is not sure it is the same situation. Mr. Thibodeau stated Conway Village Fire District pays for the lights in the park next to the fire station. Mr. Holmes stated Burger King is responsible to light the flag in the area in front of Burger King. Mr. Thibodeau asked who pays for the lighting and maintains the Washington Street Park. Mr. Holmes answered the Town, as well as the fountain at the Rotary Park.

Mr. Eastman stated the Town pays for the lighting at Schouler Park, Washington Street Park, Rotary Park and the Swift River Bridge. Mr. Eastman stated there is a solar light at the Redstone Park. Lilli Gilligan stated the Town also pays for the street light at the Welcome Center in Conway Village. Mr. Thibodeau stated and the Christmas Trees there. Ms. Gilligan agreed.

Mr. Porter asked what the yearly cost of the light would be. Mr. Holmes estimated \$250. **Mr. Porter moved, seconded by Ms. Seavey, to take over the payment of the lights at the Veteran Park in Center Conway. Motion carried unanimously (5-0-0).**

#### CONSIDERATION OF AMENDMENTS TO FRAUD POLICY

Mr. Holmes reviewed the proposed amendments. After a brief discussion, **Mr. Colbath moved, seconded by Mr. Thibodeau, to accept the fraud policy as amended. Motion carried unanimously (5-0-0).**

#### UPDATE ON HIGHWAY EQUIPMENT CRF

Lilli Gilligan, Finance Director, appeared before the Board. Ms. Gilligan reviewed the Capital Reserve Fund for Highway Equipment replacement.

Ms. Gilligan stated the Sidewalk #1 (trackless) is an actual payment and will be paid in November; the One Ton, sidewalk #2 (holder) and the basin cleaner and truck all exceed what was budgeted. Ms. Gilligan stated payments have not been made and are looking to see if the Board wants to amend the numbers.

Mr. Thibodeau asked if these were estimated. Ms. Gilligan stated this was best guess, bids don't go out until after Town Meeting. Ms. Gilligan stated that the basin cleaner is being built. Mr. Thibodeau asked if we have purchased two and issued a purchase order for the third. Ms. Gilligan answered in the affirmative.

Mr. DegliAngeli stated we speak to the sales representatives, we don't buy these off the lot. Mr. DegliAngeli stated we are not exceeding the budget, but what was projected. Ms. Gilligan stated we are exceeding the budget, but not the cash that is in the account. Mr. Thibodeau stated given the current rate of acceleration would we be able to bid this stuff in December so we have an exact number to put on the warrant. Mr. DegliAngeli stated he doesn't think we can bid something in December and hold it until March. Mr. DegliAngeli stated we called them and asked what we could expect to spend on this. Mr. Colbath stated there are not competitive bids on these items. Mr. DegliAngeli stated of course there is.

Mr. Thibodeau asked if we purchased a vacuum truck instead of a basin cleaner would it save payroll hours. Mr. DegliAngeli stated it may be able to be done quicker and that worker could go do something else, but we are currently meeting our needs with our staffing, therefore, that would be why he didn't want to come to the Board proposing a vacuum truck.

Mr. DegliAngeli stated it took three purchase orders to put this piece of equipment together. Mr. Thibodeau stated it is a moot point since we bought it and it is a 20-year piece of property. Mr. DegliAngeli stated the trend is everything is up.

**Mr. Colbath moved, seconded by Mr. Thibodeau, to approve an additional \$26,836. Motion carried unanimously (5-0-0).**

CONSIDERATION OF REVISED LOCAL PROJECT AGREEMENT BETWEEN  
THE NHDOT AND TOWN OF CONWAY REGARDING THE MAIN STREET  
IMPROVEMENTS PROJECT

Paul DegliAngeli, Public Works Director, appeared before the Board. Mr. DegliAngeli stated we decided to drive the bus and made the changes to the document that NHDOT submitted, they reviewed our changes and wanted to make changes of their own. Mr. DegliAngeli stated the Commissioners signed a document with both set of changes and sent it back to us for our review.

Mr. DegliAngeli stated in the eastern project contract, which is 100% a NHDOT project, they have added if there are overruns of 5% the town would have to pay for those overruns. Mr. DegliAngeli stated we wrote back that if there are overruns beyond 15% the town would pay; they came back with 10% and that is the document before you tonight.

Mr. Thibodeau asked if construction would start in Spring of 2019. Mr. DegliAngeli stated we have been trying all summer to access the easement document on the western project so the utility companies could move the utilities and we have all but one. Mr. DegliAngeli stated the utilities company has not begun the design to move the utilities. Mr. DegliAngeli stated for all practical purposes it is a Spring 2019 start.

Mr. Thibodeau asked if they are going to plane the two-obnoxious area. Mr. DegliAngeli stated they say they are and they want to put in different light controls; the traffic division has them and can install them in a temporary way. Mr. DegliAngeli stated they sent us communication about this two weeks ago that they wanted to schedule it and they were going to get back to us.

REVIEW AND CONSIDERATION OF DRAFT LETTER TO NHDOT REGARDING  
THE REALIGNMENT OF THE ROUTE 302/NORTH SOUTH ROAD INTERSECTION

Mr. Holmes stated a letter has been drafted for the Board's review. Mr. DegliAngeli stated our observation does not agree with their data, they do not need that additional capacity. Mr. DegliAngeli stated we are asking them to change it back. Mr. DegliAngeli stated we have not asked them to change the lane striping as that hasn't seemed to be a problem. Mr. DegliAngeli stated the he spoke to the businesses there and they don't see it as a problem. **Ms. Seavey moved, seconded by Mr. Thibodeau, to authorize the chair to sign the letter. Motion carried unanimously (5-0-0).**

CONSIDERATION OF AMENDMENTS TO CHAPTER 152

- a. Stop Signs
- b. No Parking Zones
- c. Time Limit Parking Zones

Mr. Holmes stated this is the Vehicles and Traffic ordinance. Mr. Holmes stated we have inserted into the code stop signs, no parking zones and time limit parking zones. **Mr. Colbath moved, seconded by Mr. Porter, to insert and replace the existing list of stop signs, no parking zones and time limit parking zones with the updated version. Motion carried unanimously (5-0-0).**

REVIEW OF RECEIPTS

Receipts were available for the Board's review.

SIGNING OF DOCUMENTS

- a. Current Use Land Use Change Tax Collector's Warrant Tax Map/Lot 258-68.18
- b. Current Use Land Use Change Tax Collector's Warrant Tax Map/Lot 284-16.1
- c. Current Use Land Use Change Tax Collector's Warrant Tax Map/Lot 284-16.2
- d. Current Use Land Use Change Tax Collector's Warrant Tax Map/Lot 284-16.3
- e. Land Use Change Tax - Tax Map/Lot 258-68.18
- f. Land Use Change Tax - Tax Map/Lot 284-16.1
- g. Land Use Change Tax - Tax Map/Lot 258-68.2
- h. Land Use Change Tax - Tax Map/Lot 258-68.3
- i. Notice of Intent to Cut Wood or Timber - Tax Map/Lot 242-7

**Mr. Colbath moved, seconded by Ms. Seavey, to sign the Current Use Land Use Change Tax Collector's Warrant for Tax Map/Lot 258-68.18; Current Use Land Use Change Tax Collector's Warrant for Tax Map/Lot 284-16.1; Current Use Land Use Change Tax Collector's Warrant for Tax Map/Lot 284-16.2; Current Use Land Use Change Tax Collector's Warrant for Tax Map/Lot 284-16.3; Land Use Change Tax for Tax Map/Lot 258-68.18; Land Use Change Tax for Tax Map/Lot 284-16.1; Land Use Change Tax for Tax Map/Lot 258-68.2; Land Use Change Tax for Tax Map/Lot 258-68.3; and Notice of Intent to Cut Wood or Timber for Tax Map/Lot 242-7. Motion carried unanimously (5-0-0).**

CONSIDERATION OF BILLS

- a. Accounts Payable Manifest 9/14/17
- b. Payroll 9/14/17

**Mr. Colbath moved, seconded by Mr. Thibodeau, to approve the Accounts Payable Manifest dated 9/14/17 and Payroll dated 9/14/17. Motion carried unanimously (5-0-0).**

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

- a. Accounts Payable Manifest 9/7/17
- b. 2017 MS-1 / Summary of Valuation

**Mr. Porter moved, seconded by Mr. Thibodeau, to ratify the Accounts Payable Manifest dated 9/7/17 and the 2017 MS-1 Summary of Valuation. Motion carried unanimously (5-0-0).**

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

There we no special event applications to consider.

### CONSIDERATION OF MINUTES

- a. 8/22/17 Regular and Non-Public
- b. 8/29/17 Regular and Non-Public

The regular Minutes of 8/22/17 should be amended as follows: page 6, Ratification of Documents, line 1 should read: **Mr. Colbath ~~Mr. Porter~~ moved, seconded by Mr. Porter...**. **Mr. Porter moved, seconded by Mr. Colbath, to approve the regular minutes of 08/22/17 as amended, and the nonpublic minutes of 8/22/17 and the regular and nonpublic minutes of 8/29/17 as written. Motion carried with Ms. Seavey abstaining from voting (4-0-1).**

### TOWN MANAGER REPORT

Mr. Holmes stated homelessness is impacting our budget; and they cannot find a place to live in this area. Mr. Holmes stated the problem is region wide. Mr. Holmes stated he wanted to give the Board the heads up that this budget line item is being negatively impacted.

Mr. Holmes stated he met with representatives who want to start a skateboard park; there are fundraising efforts ongoing by the group and we indicated that town staff would help with the regulations when they have raised the money.

Mr. Holmes stated that the Joint Loss Committee met; we're going to have the building inspector inspect the fire escape at Town Hall and have it painted, the defibrillator was moved from the second floor to the first floor, staff will be trained again on the defibrillator, and all phones at Town Hall have been programmed with a speed dial button to the police. Ms. Seavey asked why there is not a defibrillator on both floors. Mr. Weathers agreed with Ms. Seavey. Mr. Holmes stated he would look into that. Mr. Holmes stated the blue security buttons were tested and all are working fine.

Mr. Holmes stated there is an open house at the White Mountain Community Health Center on Tuesday, September 19<sup>th</sup> from 5:00 pm to 6:30 pm at the health center for a meet and greet for the new director.

### BOARD REPORTS AND COMMENTS

Mr. Porter stated that the Planning Board meets this Thursday night.

Mr. Colbath stated that the Zoning Board of Adjustment meets next Wednesday and the Budget Committee does not have a September meeting. Mr. Colbath stated as most of you probably already know Dick Klement, who was a Budget Committee member, has passed away.

Mr. Thibodeau stated that the Airport Authority has not met; he reviewed the August report for the airport. Mr. Thibodeau stated in regard to the article in the paper today regarding Poland Spring purchasing land at the Airport Authority, the negotiations are very early and will be up to the registered voters in the Town of Fryeburg whether or not they want to sell.

Ms. Seavey stated Valley Vision and the Economic Council have not met.

Mr. Weathers stated the Conway Conservation Commission meets tomorrow night.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Daymond Steer of the Conway Daily Sun asked if the Equifax data leak has effected the town finances. Mr. Steer asked to be reminded of where we are regarding the Upper Saco Valley Land Trust. Mr. Holmes stated we have an agreement that will be reviewed by Town Counsel. Mr. Steer asked if the Board had any additional information regarding the GACIT hearing as he would be doing an article on it; there was no new information given.

NON-PUBLIC SESSION / NH RSA 91-A:3 II(E) – LITIGATION MATTER

At 5:27 pm, **Mr. Colbath moved, seconded by Mr. Porter, to go into nonpublic session under NH RSA 91-A:3,II(e) regarding a litigation matter.** The nonpublic session included Town Manager, Thomas Holmes; Public Works Director, Paul DegliAngeli; and Recording Secretary, Holly Meserve. **Motion carried by unanimous roll call vote.**

The Board returned to public session at 5:58 pm

Shall the minutes be publicly disclosed? Y  N  
If No, the following motion is required in the public session:

**MOTION MADE BY MR. COLBATH, SECONDED BY MR. THIBODEAU, to not publicly disclose the minutes because it was determined that divulgence of the information likely would:**

- Affect adversely the reputation of any person other than a member of the public body itself, or
- Render the proposed action ineffective, or
- Pertain to terrorism.

**ROLL CALL VOTE: Mr. Porter voted in the affirmative, Mr. Colbath voted in the affirmative, Mr. Thibodeau voted in the affirmative, Ms. Seavey voted in the affirmative and Mr. Weathers voted in the affirmative.**

MOTION TO UNSEAL MINUTES

**Mr. Thibodeau moved, seconded by Mr. Porter, to unseal the Board of Selectmen Non-Public minutes of June 2, 2015, September 27, 2016 and October 18, 2016 in their entirety. Motion carried unanimously (5-0-0).**

ADJOURN

At 6:00 pm, the meeting adjourned at the call of the Chair.

Respectfully submitted,

Holly Meserve