

**Minutes of Meeting  
CONWAY BOARD OF SELECTMEN  
October 16, 2018**

The Selectmen's Meeting convened at 4:04 pm in the Meeting Room of Conway 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 noted that there were three changed to the agenda. He noted that item number 7 needed to read "2018 Fund Balance". He also noted that under signing of the documents, item d. should read "Authorization for Trustees of the Trust to Write a Check for \$23,540.10 from the Public Educational-Government Cable Television Trust" and item e. should read "Authorization for Trustees of the Trust to Write a Check for \$302,219.11 from the Capital Reserve Fund for Infrastructure Reconstruction".

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

WHITE MOUNTAIN PRIDE

D.J. Kramer and Christopher Bellis were present from the newly formed White Mountain Pride group. They operate based on the idea that all members of the community regardless of gender or sexual orientation deserve to be celebrated.

Ms. Kramer stated that they are looking to host a Valley Wide Pride Week during the last week of June. She noted that they would be coordinating hikes, activities, and entertainment. Ms. Kramer added that there are over 40 vendors that are looking to be part of this event.

Ms. Kramer stated that they are about to start the fundraising process and are looking for the support of the Selectmen.

It was clarified that this event is going to be help on North Conway Community Center Property and there will be no parade.

SIGNING OF EMERGENCY MANAGEMENT AND HAZARD MITIGATION PLAN

Emergency Management Director Matt Leavitt appeared before the Board and presented the signature pages of the Conway Hazard Mitigation Plan and the Conway Emergency Operations Plan. He noted that the only changes were to Contact Numbers.

**Mr. Colbath moved, seconded by Ms. Seavey, to authorize the Town Manager and Chairman of the Board to sign the Hazard Mitigation Plan and Emergency Operations Plan. The motion carried unanimously.**

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

- a. \$9,576.06 from Primex

Ms. Gilligan explained that the Recreation Center was hit by lightning which had caused damage to the electrical equipment. She noted that this payment was the replacement cost of all of the damaged equipment minus the \$1,000 deductible. She requested that the monies be put back into the buildings general fund for recreation maintenance.

Mr. Colbath inquired as to if the new equipment would be moving to the new recreation center location at the middle school. Ms. Gilligan answered in the affirmative.

**Mr. Colbath moved, seconded by Mr. Thibodeau, to accept the \$9,576.06 from Primex. The motion carried unanimously.**

VOTE ON 2018 FUND BALANCE

Mr. Weathers asked the Selectmen how much fund balance they wished to use to offset the tax rate for 2018.

Ms. Gilligan quickly explained the two methods of determining how much fund balance to retain.

The first method would be to have 5-17% fund balance retained of the amount that is to be collected for all government entities by the Tax Collector. At this time the DRA has not provided this figure. There is no way to tell how much of the School, County and Precincts budgets will be allocated to Conway.

Last year the fund balance retained was calculated based on our Tax Collector having to collect \$33,168,937 which meant that \$2,233,101 fund balance was retained which was less than 7% of the amount that we were to collect.

The other method to determine fund balance retention is to maintain between 15-20% of how much the Town is raising and appropriating. This year this number was \$12,954,712. This method puts the town in the range of maintaining 16-20% of the fund balance of the Town's total appropriation.

Mr. Colbath stated that he was in favor of using more fund balance to keep the tax rate the same as in previous years or even less.

Mr. Porter agreed with Mr. Colbath as he believed this would be an act of good faith towards the tax payers. He noted that if they run into more expenditures next year, it may be a good selling point towards the voters.

Mr. Weathers stated that this is just a benefit to the tax payers as we had unexpected increases in revenue. He said that they could be conservative with the fund balance or use more to keep the tax rate the same.

Mr. Thibodeau stated that he was thinking completely differently than Mr. Colbath and Mr. Porter. He stated that by not increasing the tax rate less than half of what the voters approved

during last years voting process, it would allow fund balance to be used for projects such as the garage that needs to be completed. He was in favor of a moderate tax increase.

Ms. Seavey stated that she agreed with Mr. Thibodeau.

Mr. Weathers stated that Mr. Thibodeau was suggesting raising the tax rate less than half of what the voters had been expecting.

Mr. Holmes stated that another variable to consider is that 2019 was a revaluation year and there is no predicting what the impact will be on individual tax bills.

Mr. Colbath stated that he sees this issue from both sides but believes more in the bird in hand theory.

**Mr. Porter moved, seconded by Mr. Colbath, to use \$532,000 of fund balance to offset the tax rate. The motion failed (2-3-0) with Mr. Weathers, Mr. Thibodeau, and Ms. Seavey in opposition.**

Ms. Gilligan requested that when making a motion, the Selectmen choose the tax rate and not use the fund balance figure as this may change a bit.

**Mr. Weathers moved, seconded by Ms. Seavey, to set the tax rate at \$5.86 for 2018 using approximately \$400,000 of fund balance. The motion carried (3-2-0) With Mr. Porter and Mr. Colbath in opposition.**

#### QUARTERLY EXPENDITURE AND REVENUE UPDATE

Ms. Gilligan explained that she wanted to give the Board an update on the expenditures and revenues after the third quarter.

Ms. Gilligan directed the Board to their packets.

Ms. Gilligan stated that most items on the revenue side have been fully collected or are being collected on a daily basis and tracking right where they should be.

Mr. Colbath inquired about the Solid Waste Fee. Ms. Gilligan stated that this fee was collected from Albany and Eaton in the same manner they collect fees from Albany and Eaton for Recreation Services. Ms. Gilligan stated that they were expecting a final payment due November 1, 2018.

Ms. Gilligan stated that Library funds were expected to be received in December.

Mr. Colbath inquired about the Health Insurance Dividends of \$500.00. Ms. Gilligan stated that when an employee does not use all of the funds in the FSA account, it is returned to the employer.

There was a brief discussion of the properties connected to the Town Hall well.

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

Ms. Gilligan directed the Selectmen to the expenditures and noted that the presentation they were looking at would be the same format as used in the future budget presentations. She also noted that these expenditures were accurate through the previous week/s spending.

Ms. Gilligan noted that at this moment, there was 26% of the total general fund budget remaining.

Ms. Gilligan noted that one item that sticks out in the Executive Budget was the \$14,000.00 that the Selectmen had voted to not pay towards North Country Council dues.

Ms. Gilligan stated that elections had 26% of their budget remaining and were tracking to be on target.

Mr. Colbath noted that both Town Reports and Advertisements went over their budgeted amount. Mr. Holmes stated that there had been a lot of turnover that required advertising. He added that they would be raising that amount for this year's budget. Mr. Holmes also added that they had already decreased the number of Town Reports that were printed by 500 last year and that they would be decreasing this amount further.

Mr. Colbath inquired as to whether the Town Report was available online. Mr. Holmes answered in the affirmative.

Ms. Gilligan went over the Election and Registration portion of the budget. Mr. Colbath asked about where the salaries for Town Clerk employees are paid from. Ms. Gilligan stated that this portion of the budget contains half of the Tax Collector's salary and the entire salary of the Deputy.

In regards to Assessing, Ms. Gilligan stated that they are right at 24% remaining.

There was brief discussion regarding the software used in this department.

Ms. Gilligan stated that legal budget had 67% remaining. She noted that they had just paid out \$10,000 in attorney fees.

Mr. Holmes noted that they had increased the legal budget last year and would be decreasing it this coming budget year.

There was brief discussion on the departments included on the Town's Employee Benefit Budget. It was determined that the Town's budget does not include employees from the Police Department, Library, or Solid Waste.

Mr. Colbath inquired as to whether they had heard about proposed rates for next year. Ms. Gilligan stated there will be a 5.3% increase.

Ms. Gilligan presented the Planning and Zoning expenditures. There was clarification on the position of project manager.

There was discussion regarding the Police Budget. It was noted that the Cadet Program monies had been allotted to the pay of the newly appointed Diana's Bath Attendant and that this budget line would be added to the Parks and Recreation Budget in the future.

There was brief discussion of the building inspector duties regarding residential vs. commercial inspections.

During the discussion of the Highway Budget, it was made clear that parts of this budget are very weather dependent.

Mr. Colbath noted that the budget line for Highway Drainage was 28% over budget. He inquired as to if that was because of the Pequawket culvert that had to be replaced. Mr. Colbath also inquired as to when the paving would be done in Town.

Mr. DegliAngeli stated that the 28% did include the Pequawket Culvert.

Mr. DegliAngeli stated that he had received very vague communications from the paving company. He noted that the curbing contractor would be completing Seavey Street this week and he had expressed to the paving company that he expected them in Town next week to complete the paving.

Mr. DegliAngeli noted that temperature, weathers, and the plant closing are all factors that come into play with this paving project.

Mr. DegliAngeli stated that they cannot plow the roads in Town with the raised iron unless they are paved.

Mr. Thibodeau asked if they were under contract or if they could find someone else to complete the work. Mr. DegliAngeli replied in the affirmative to both questions. However, he noted that he would really like them to finish the job they agreed to do.

Ms. Seavey inquired as to the name of the company. Mr. DegliAngeli stated that they are called R & D Paving. He noted that they do good, quality paving but they are difficult to nail down and rarely execute the plan. He added that they had been on a previous 5-year suspension with the Town.

Mr. DegliAngeli stated that in the Solid Waste department, they have capital plans for equipment purchases that allow them to save for future purchases. However, both the loader at the landfill and the one at the transfer station had their transmissions fail this year. He explained that they were not due for replacement until 2019 and 2020. However, to repair them it would be \$27,000 each. Instead, they had purchased two loaders this year. This purchase will zero out the capital reserve fund for solid waste equipment, the revolving account, and they will need to use \$69,000 from the general fund.

Mr. DegliAngeli stated that they had decided to not upgrade the software at the transfer station due to the high number of staffing changes this year.

Mr. DegliAngeli stated that he would be requesting to make the part time transfer station worker full time.

There was a brief discussion on the health officer duties. Ms. Seavey requested to see a job description.

Ms. Gilligan stated that the Welfare department was way under in their budget. However, she noted that this department is unpredictable.

Ms. Gilligan stated that the Recreation Budget, Library Budget, and Patriotic Purposes Budget are right on target.

David Weathers reported that the Conservation Commission had a few more projects happening but were on target.

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

#### DISCUSSION OF SOCIAL MEDIA POLICY

Mr. Holmes introduced Holly Meserve, Planning Assistant and Chair of the newly formed technology committee.

Ms. Meserve stated that the committee had created a proposed Social Media Policy for employees at Town Hall. She explained that it is their intention to create a Town Facebook page and Twitter page to help get information out to the public in a timely fashion. She made it clear that the purpose of these pages would be for one way communication from the Town to the Public; commenting would not be allowed.

Mr. Colbath asked if they were going to add an Instagram account. Ms. Meserve did not believe they would be at this time.

There was brief discussion of how this Facebook page would be separate from the Police Facebook page and the Recreation Department Facebook page/

The Selectmen decided to table the discussion until they had a chance to look over the policy.

#### DISCUSSION OF STATE DOT TEN YEAR PLAN – EAST CONWAY ROAD PROPOSAL

Mr. DegliAngeli stated that they need to decided what, it any, projects to propose for the 10-year plan. He noted that they had decided to pursue fixing the intersection of Eastman and East Conway Road through a different avenue.

Mr. DegliAngeli stated that in the past they had applied for work on East Conway Road. Three years ago this work would have cost around \$10,000,000.00. The State had also reached out to see if the Town would take over that road once the work was completed.

Mr. Weathers stated that he doesn't believe they can make that decision without putting it out to the voters.

Mr. DegliAngeli stated that this would be something to look into, however, they would not have to have an answer or a vote to simply make the application. The question remains whether there is even an interest in doing so.

There was brief discussion regarding how the Town came to be responsible for Washington Street.

Mr. DegliAngeli noted that taking over maintenance would require additional equipment and man power.

The Selectmen decided to revisit this topic at the next meeting.

Mr. Thibodeau asked for an update on the Main Street Project.

Mr. DegliAngeli stated that the State had agreed to regular monthly meetings; the first meeting would be a teleconference on Thursday, October 18, 2018.

Mr. Thibodeau inquired as whether they would be on track to start on time. Mr. DegliAngeli stated that they have a schedule that is doable, but it is all dependent on DOT response times to the Town's submissions.

Mr. Weathers asked if Mr. DegliAngeli could handle an overlap of the Main Street Project and the Rec. Path Project. Mr. DegliAngeli stated that he can.

Mr. Holmes asked Mr. DegliAngeli to update the Board on the Rec Center.

Mr. DegliAngeli stated that they have put out a request for qualifications to the contracting community. He hopes to have the project awarded in December with a completion date in April. The goal is to have the summer camp at the new building for 2019.

Mr. Colbath requested that the Selectmen be invited to come to the mandatory pre-bid meeting at the Rec site.

#### DISCUSSION OF TOWN ASSISTANCE DISTRICT

Mr. Holmes noted that the Selectmen would be signing a waiver for Dual Representation so that Peter Malia, who is the attorney for both Jackson and Conway, could look at a draft agreement to create a Town Assistance District.

Ms. Seavey asked for clarification on the document that they would be signing. It was clarified that this waiver would allow Attorney Malia to review and make any changes or suggestions to the agreement before it was presented to the Selectmen. It was made clear that this does not suggest that the Board is agreeing to anything further than that at this time.

#### REVIEW OF RECEIPTS

(None)

#### SIGNING OF DOCUMENTS

- a. Current Use Land Use Change Tax Collector's Warrant Map/Lot 260-58
- b. Land Use Change Tax Map/Lot 260-58
- c. Application for Current Use Map/Lot 262-71.01
- d. Authorization for Trustees of the Trust to Write a Check for \$23,540.10 from the Public Educational-Government Cable Television Trust Fund

- e. Authorization for Trustees of the Trust to Write a Check for \$302,219.11 from the Capital Reserve Fund for Infrastructure Reconstruction
- f. Consent to Dual Representation and Waiver of Conflict
- g. Election Warrant
- h. Reappointment of Health Officer and Deputy Health Officer

**Mr. Colbath moved, seconded by Mr. Thibodeau, to sign the documents listed above in a. through h. The motion carried unanimously.**

#### CONSIDERATION OF BILLS

- a. Accounts Payable Manifest dated 10/18/18

**Mr. Colbath moved, seconded by Mr. Thibodeau, to sign the AP Manifest dated 10/18/18. The motion carried unanimously.**

#### RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

- a. MS-1
- b. Selectmen's Deed for Map/Lot 225-6
- c. Notice of Intent to Cut Wood or Timber Map/Lot 215-9
- d. Notice of Intent to Cut Wood or Timber Map/Lot 290-44
- e. Special Event Permit for American Legion Post 95 Veteran's Day Parade As Amended to for November 11, 2018.
- f. Conway Market Place Associates Fall Festival on 10/21/18
- g. AP Manifest dated 10/4/18 and 10/11/18
- h. Payroll dated 10/11/18

Mr. Thibodeau requested that the Board vote on the Conway Market Associates Fall Festival separately from the rest.

**Mr. Colbath moved, seconded by Mr. Porter, to ratify the documents signed out of session listed above in a. through e. and g., and h. The motion carried unanimously.**

**Mr. Colbath moved, seconded by Ms. Seavey, to ratify the Conway Market Place Associates Fall Festival Special Event Permit on 10/21/18. The motion carried (4-0-1) with Mr. Thibodeau abstaining.**

#### REVIEW AND CONSIDERATION OF SPECIAL EVENT| APPLICATION(S)

- a. Veno's Specialty Foods Pumpkin Carving for a Cause (10/28/18)

**Mr. Colbath moved, seconded by Mr. Thibodeau, to approve the special event application for Veno's Specialty Foods Pumpkin Carving for a Cause on 10/28/18. The motion carried unanimously.**

#### CONSIDERATION OF MINUTES

- a. Regular Minutes from 9/25/18



There were some clarification changes that needed to be made to the minutes. Mr. Weathers stated that they would take no action on this until the next meeting.

### TOWN MANAGER REPORT

Mr. Holmes stated that he had spent the morning in Campton with Ranger Innes at an alternative transportation working group meeting addressing issues at tourist sites in the State of New Hampshire. He noted that areas around the State are having similar issues. He added that the next step is to form sub-committees. He stated that he would be willing to be a member of a sub-committee whose focus was to find the best ways to get information out to visitors, but he wanted to get the permission of the Selectmen first. The Selectmen agreed.

Mr. Holmes noted that the current Town Hall is having a problem with rodents and bats and they would be contacting an exterminator.

Mr. Holmes noted that there was a grub problem at Whitaker Field.

Mr. Holmes stated that construction had begun at the old Fandangles site and the foundation had been poured at the adult day care center.

Mr. Holmes noted that the culverts on Thompson Road and Pequawket were completed.

Mr. Holmes stated that budget reviews with department heads were currently underway.

Mr. Holmes noted that the tax rate process had begun and that the DRA was waiting on precincts paperwork, however, the County and School's information were in.

Mr. Holmes told the Selectmen that the surveyors had been onsite at the Bank of New Hampshire and that a site plan was expected soon. He did note that the State has executed their jurisdiction as this area falls in their Shoreline Protection District.

Ms. Seavey stated that she believed the State should look into how the entire shoreline of Pequawket Pond had changed.

### BOARD REPORTS AND COMMENTS

Mr. Porter stated that the Planning Board had met and granted Memorial Hospital their proposed parking lot.

Mr. Porter noted that Historical Committee were meeting on Wednesday, October 17, 2018.

Mr. Colbath stated that the Budget Committee would be meeting in December and the ZBA would be meeting Wednesday, October 17, 2018.

Mr. Thibodeau stated that ESAA had ratified a new set of by-laws. He noted that this also requires ratification by the general membership which included all Town Managers and Selectmen that are members.

This vote would be taken on November 5, 2018 at 6:00 pm.

Mr. Thibodeau stated that these are critical changes and he feels very strongly about it.

Mr. Thibodeau gave a brief overview of August and September operations at the airport.

Mr. Thibodeau stated that there would be a Young Eagles Camp on November 10 and 11, 2018, put on by Ed Bergeron and sponsored by AOPA. He noted that this would give children from ages 7-17 a chance to go for a plane ride at no charge to hopefully sparking interest in aviation.

Ms. Seavey stated that the Economic Council is encouraging people to sign up for their annual meeting on November 15, 2018 at 6:00 pm at the Red Jacket.

Ms. Seavey will bring her notes and report for the Economic Council and Valley Vision at the next meeting.

Ms. Seavey noted that RSVP would be having their annual auction this weekend at the North Conway Community Center.

Mr. Weathers stated that the Conservation Commission had met and that a boy from Troop 150 had presented his project for his Eagle Award. He will be replacing the foot bridges on Pudding Pond.

#### PUBLIC COMMENTS AND MEDIA QUESTIONS

Daymond Steer from the Conway Daily Sun inquired as to whether the Board had any complaints seeing as the Spectrum digital switchover happened today. There had been no complaints.

Mr. Steer inquired as to whether Town Hall would be closed or not to exterminate the squirrels and mice. Mr. Holmes stated that he was unsure as they had not met with the exterminator yet.

Mr. Steer asked Mr. Thibodeau if the Fryeburg Airport Meeting on November 5<sup>th</sup> would be open to the public. Mr. Thibodeau stated that he believed it would be open to the public but there would be no public comment.

#### NON-PUBLIC SESSION RSA 91-A:3 (a) – THE DISMISSAL, PROMOTION OR COMPENSATION OF ANY PUBLIC EMPLOYEE

**At 6:11 pm., Mr. Colbath moved, seconded by Mr. Porter, to go into non-public session under RSA 91-A:3 (a) to discuss the dismissal, promotion, or compensation of any public employee.**

At 6:52 pm, the Board returned to public session.

**Mr. Colbath moved, seconded by Mr. Porter, to seal the minutes from the non-public session. The motion carried unanimously.**

ADJOURN

At 6:52 pm, the meeting adjourned at the call of the Chair.

Respectfully Submitted,

Krista Day  
Executive Secretary