

Minutes of Meeting
CONWAY BOARD OF SELECTMEN
November 13, 2018

The Selectmen's Meeting convened at 4:01 pm in the Meeting Room of Conway Town Hall with the following present: Selectmen, C. David Weathers (Chair), Mary Carey Seavey (Vice Chair), Carl Thibodeau, John Colbath and Steven Porter; Town Manager, Thomas Holmes; and Planning Assistant, Holly Meserve.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Mr. Weathers stated the non-public session should be under RSA 91-A:3.II(1). **Mr. Colbath made a motion, seconded by Mr. Porter, to approve the agenda as amended. Motion carried unanimously (4-0-0).**

DISCUSSION OF ABATEMENT FOR FAIRPOINT

Dale Schofield, Assessor, appeared before the Board. Mr. Holmes stated this has been a long-standing case, and there has been a settlement offer. Ms. Schofield stated there is an abatement application for Northern New England Telephone Operations, LLC d/b/a Consolidated Communications for \$22,763. Ms. Schofield stated we have been in litigation since 2014, and this resolves the years 2014 through 2017. Ms. Schofield stated this is a savings of \$45,000 plus interest. Ms. Schofield stated there was a court decision this past June that determined how to assess rights-of-ways, and this abatement represents that formula.

Ms. Seavey joined the meeting at this time. Mr. Holmes stated this is litigation that is occurring with other towns and has gone against the Towns. Mr. Holmes stated that FairPoint has reached out to us to settle with the cost of one year. Mr. Holmes stated he is not confident we stand a good chance at the Supreme Court, and he would advise the selectmen to consider this offer.

Mr. Porter made a motion, seconded by Mr. Colbath, to accept the one-year abatement for FairPoint for all outstanding years. Mr. Weathers asked if there was any discussion; Mr. Colbath asked if we have received settlements in the past. Mr. Holmes answered in the affirmative and stated in 2007 and 2013. Mr. Colbath asked if we would see this again. Mr. Holmes stated we very well may.

Ms. Schofield stated they would be filing a tax abatement for 2018. Ms. Schofield stated it was lowered, but not enough under this formula. Ms. Schofield stated hopefully after this we should be ok. Ms. Schofield stated there is already an RSA in place on how to assess conduits and poles; the last thing is the rights-of-ways which needs to be hammered out in court. **Motion carried with Ms. Seavey abstaining from voting (4-0-1).**

2019 BUDGET DISCUSSIONS

a. Overview of Proposed Budget

Mr. Holmes stated we are requesting \$11,359,489.00, which is a 2.4% increase. Ms. Gilligan stated the amount spent has been updated through this week. Ms. Gilligan reviewed the areas of increase and decrease.

b. Conservation Commission

Rob Adair, Chair of the Conway Conservation Commission, appeared before the Board. Mr. Adair stated the budget is pretty much leveled funded. Mr. Weathers asked for Board comment; Mr. Weathers asked if the bulk of the trail work is on the Marshall property. Mr. Adair answered in the affirmative.

c. Executive

Mr. Holmes stated there are not too many changes to this department; there was a decrease with the Selectmen's decision to discontinue membership with the North Country Council. Mr. Holmes stated there was an increase in the salary line. Mr. Holmes stated we ate through rather easily the newspaper line item as we had to do a lot of advertising, so we are looking at an increase there. Mr. Weathers asked for Board comment; there was none.

d. Legal

Mr. Holmes stated last year we requested an increase in this line item for a potential Supreme Court appeal, and that has been resolved. Mr. Holmes stated we do have some pending cases, but we have proposed a reduction. Mr. Holmes stated we have also included a \$15,000-contract cost if the Board decides to hire a professional negotiator. Mr. Weathers asked for Board comment; Mr. Thibodeau asked if the \$15,000 was included in the \$90,000. Ms. Gilligan answered in the affirmative.

e. Police

Chief Ed Wagner appeared before the Board and submitted a spreadsheet to the Board members. Chief Wagner stated there is an increase in labor of approximately \$15,642.00 as a result of an increase in the Regular Officer line, a decrease in the Prosecutor line, and an increase in the Dispatcher line. Chief Wagner stated there is an increase of approximately \$16,000 in the Benefits line.

Chief Wagner stated there is an increase in Operations as a result of including tasers. Chief Wagner stated he believes his department would be the last department in Carroll County to have tasers. Chief Wagner stated this is a potential increase of \$17,280 as a yearly cost. Chief Wagner stated the overall increase to the Operations line is \$29,310. Chief Wagner stated the Vehicle line increased \$3,279. Chief Wagner stated the overall budget increased \$83,784.31.

Mr. Colbath asked for the Prosecutors position to be explained. Chief Wagner stated that the Prosecutor in June of this year was no longer working for us, so we added a police officer. Mr.

Thibodeau asked if the \$71,000 includes this new officer. Chief Wagner answered in the affirmative. Mr. Colbath asked if the position was filled internally. Chief Wagner answered in the affirmative.

Mr. Colbath asked if they were purchasing SUV's. Chief Wagner stated we are staying with all SUV's. Mr. Thibodeau asked if the computer software was an annual fee or a lease. Chief Wagner answered annual fee. Mr. Thibodeau asked in regards to cleaning, when was it put out to bid last. Chief Wagner answered last year. Chief Wagner stated the decontamination company for the cells increased their prices.

Mr. Thibodeau stated so you don't own the tasers. Chief Wagner stated they are only good for five years, they won't certify them after five years. Chief Wagner reviewed the tasers. Mr. Thibodeau asked for a yearly cost of \$17,280 is all the equipment included. Chief Wagner stated it includes everything you need for the five years. Mr. Thibodeau stated the Equipment line increase is all for this weapon. Chief Wagner answered in the affirmative.

Mr. Weathers asked if every officer on duty will carrying one. Chief Wagner answered in the affirmative. Chief Wagner stated it is his decision and his decision alone; he was against them, but went to the Chief's convention and he is more comfortable now letting his officers carrying them.

Chief Wagner stated a taser allows you to gain distance from the person who wants to fight with you. Chief Wagner stated the new tasers have four prongs that will shoot out, it allows an officer to get distance between them and the suspect. Chief Wagner stated it is not a decision he made lightly, but three of our officers were put in great danger this year.

Mr. Thibodeau asked if the cruisers were Ford only. Chief Wagner stated Dodge as well. Mr. Thibodeau asked if they were not bidding a Dodge. Chief Wagner stated it would be more expensive as you would have to change all the equipment as the equipment we currently have fits to a Ford.

f. Parks/Recreation

John Eastman, Recreation Director, appeared before the Board. Mr. Eastman stated the main increase is moving to the middle school. Mr. Eastman stated the increase in Rec Personnel includes one extra day for the Administrative Assistant and for a new position of Recreation Programmer. Mr. Eastman stated they are eliminating one Teen Center position and one Summer Camp Counselor as the new Recreation Programmer position can overlap to work at the teen center and the summer camp.

Mr. Eastman stated with the new position we could increase the adult programs, which we would charge for, but need someone to manage that. Mr. Eastman stated they are looking at expanded hours at the teen center as well. Mr. Eastman stated the new position is only funded for half a year as they won't start until June, but in 2020 it will be funded fully for 12-months which is about \$34,000.

g. Patriotic Purposes

Mr. Eastman stated that WMWV was a sponsor who instead of giving money would sponsor the musical group, but they did not do that this year. Mr. Eastman stated we were not aware that they were not doing that this year so we went over this year. Mr. Eastman stated we due pass the bucket which brought in \$3,581. Ms. Seavey stated she doesn't think this budget is ever out of line, it is for the people who live here. Mr. Colbath agreed and stated people wanted this money spent. Mr. Porter stated we owe it to the people for that one day; he doesn't think this is a major increase at all.

h. Recreation Revolving Fund

Ms. Gilligan reviewed the Recreation Revolving Fund revenue and expenditures. **Mr. Porter made a motion, seconded by Mr. Colbath, to approve they Recreation Revolving Fund revenue and expenditures as presented. Motion carried unanimously.** Mr. Holmes stated we now have to budget for the Diana's Bath attendant.

VOTE ON SPECIAL EVENT PERMIT FEE STRUCTURE

Mr. Holmes stated the goal of this proposal is to structure a fee schedule that incentivizes timely applications for special events and disincentivizes last minute applications for special events. Mr. Holmes stated he is looking for the Board to approve the new fee structure for 2019.

Mr. Thibodeau stated he cannot buy into the less than 30-day fees, he thinks they are extravagant. Mr. Thibodeau stated there has to be some middle of the road that doesn't waste a lot of money that doesn't need to be wasted as long as there is not a lot of time burden placed on staff. Mr. Holmes stated the change was to really send the message for applications submitted within 30 days.

Mr. Thibodeau explained his own situation with a special event permit which was able to be put together less than 30 days before the event, but he knowing the process and doing a lot of leg work himself it was not much burden on staff time. Mr. Thibodeau stated, however, you're going to have people who do put a lot of burden on staff, how to you quantify that burden on staff.

Mr. Thibodeau asked when does the clock start ticking. Mr. Holmes answered when the application is submitted to staff, and it could have pending items. Mr. Eastman stated the clock starts when the application is submitted to our office. Mr. Thibodeau asked if you have to pay the fee when the application is submitted. Mr. Holmes answered in the affirmative. Mr. Thibodeau asked what if the event is canceled. Mr. Holmes stated you are reimbursed your money.

Ms. Seavey stated the 0-500 has a steeper fee increase if submitted less than 30-days and it should be consistent. Ms. Seavey stated she agrees with hitting people if they don't come in, but she has an issue with the \$500 fee and the \$1,000 fee. Ms. Seavey proposed to increase the non-profit 0-500 expected attendance submitted less than 30 days to \$300 and for profit 0-500 expected attendance submitted less than 30 days to \$600.

Ms. Seavey made a motion, seconded by Mr. Porter, to accept the fees with the changes. Motion carried unanimously (5-0-0). Mr. Colbath made a motion, seconded by Mr.

Thibodeau, to approve the overall Special Event Permit Fee Structure as amended. Motion carried unanimously (5-0-0).

DISCUSSION OF SPECIAL EVENT SECURITY DEPOSIT

Mr. Holmes stated we require a \$250 security deposit and, in most cases, the \$250 is fine, but some of the larger events on public property the \$250 is inadequate. Mr. Holmes stated he would like the Board to consider allowing Mr. Eastman to recommend to the Board a higher security deposit and the Board can make the determination if it is necessary. Mr. Holmes stated this would be on a case-by-case basis.

Mr. Thibodeau asked if there has been an event on private property where the \$250 has been kept. Mr. Eastman answered in the affirmative and stated once for trash. Ms. Seavey stated it is a security deposit, but the check is cashed. Mr. Eastman agreed and stated we are not allowed to hold a check; the funds have to be there to accept it. Ms. Seavey asked what account does that go into. Mr. Eastman answered the Recreation Revolving Fund under Events and Fees.

Mr. Holmes stated this would be a discretionary recommendation from Mr. Eastman on a case-by-case basis. **Mr. Thibodeau made a motion, seconded by Ms. Seavey, to allow a discretionary assessment for a security deposit on a case-by-case basis for potential damage on Town property. Motion carried unanimously (5-0-0).**

REVIEW OF RECEIPTS

The receipts were available for review.

SIGNING OF DOCUMENTS

- a. Abatement of Taxes for Map/Lot 998-125
- b. Abatement of Taxes for Map/Lot 279-12
- c. Abatement of Taxes for Map/Lot 215-34.007
- d. Abatement of Taxes for Map/Lot 277-36
- e. Abatement of Taxes for Map/Lot 276-249
- f. Abatement of Taxes for Map/Lot 254-29.112 for 2013-2018
- g. Current use Land Use Change Tax Collector's Warrant for Map/Lot 297-3
- h. Land Use Change Tax for Map/Lot 297-3
- i. Request for the Trustees of the Trust for \$159,083.12 from the Capital Reserve Fund for Infrastructure Reconstruction
- j. Request for the Trustees of the Trust for \$8,614.72 from the Public Educational-Government Cable Television Trust Fund

Mr. Porter made a motion, seconded by Mr. Colbath, to sign the documents listed above in a. through j. Motion carried unanimously (5-0-0).

CONSIDERATION OF BILLS

- a. AP Manifest dated 11/15/2018

Mr. Colbath made a motion, seconded by Mr. Thibodeau, to sign the AP Manifest dated 11/15/18. Motion carried unanimously (5-0-0).

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

- a. AP Manifest dated 11/8/18
- b. Payroll dated 11/8/18
- c. Permit to sell raffle tickets for RSVP on 11/15/18 – 11/15/19
- d. Municipal Work Zone Agreement
- e. DOT Project Agreement for the Mt. Washington Valley Trails Association Congestion Mitigation and Air Quality Program

Mr. Colbath made a motion, seconded by Mr. Thibodeau, to ratify the AP Manifest dated 11/8/18 and Payroll dated 11/8/18. Motion carried with Mr. Porter abstaining from voting (4-0-1).

Mr. Colbath made a motion, seconded by Mr. Thibodeau, to ratify the permit to sell raffle tickets for RSVP on 11/15/18 – 11/15/19. Motion carried with Ms. Seavey abstaining from voting (4-0-1).

Mr. Colbath made a motion, seconded by Mr. Thibodeau, to ratify the Municipal Work Zone Agreement and the DOT Project Agreement for the Mt. Washington Valley Trails Association Congestion Mitigation and Air Quality Program. Motion carried unanimously (5-0-0).

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

- a. Conway Celebration Committee/MWV Preservation Association's Spirit of the Holidays Tree Lighting on 11/24/18

Mr. Colbath made a motion, seconded by Mr. Porter, to sign and approve the special event permit application and waive the fee for the Conway Celebration Committee/MWV Preservation Association's Spirit of the Holidays Tree Lighting on 11/24/18. Motion carried unanimously (5-0-0).

CONSIDERATION OF MINUTES

- a. Regular and Non-Public 10/30/18

Mr. Thibodeau made a motion, seconded by Ms. Seavey, to adopt the regular and non-public minutes of 10/30/18 as written. Motion carried unanimously (5-0-0).

TOWN MANAGER REPORT

Mr. Holmes stated that Ted Sares has resigned as an alternate to the Planning Board effective immediately. Mr. Holmes stated that skating rink is up at Schouler Park.

Mr. Colbath asked if there is any update on the Town Hall move. Mr. Holmes answered in the negative and asked if the Board would like him to reach out to the bank officials and tell them we are getting impatient. The Board agreed.

BOARD REPORTS AND COMMENTS

Mr. Porter stated the Planning Board met last week, the Market Basket project was granted a lengthy conditional approval. Mr. Colbath stated the Budget Committee will start meeting on December 12th and the Zoning Board of Adjustment meets tomorrow night.

Mr. Thibodeau stated the Airport Authority held an information meeting on 11/25, there was a lot of public at large. Mr. Thibodeau stated on November 27th this Board will convene at Town Hall to hold its regular meeting, then recess at 5:30 to go to Fryeburg to vote on the ratification of the revised bylaws and then have the Board of Selectmen's meeting in Fryeburg. Mr. Colbath stated it is obvious the bylaw needs to be streamlined.

Ms. Seavey stated the Economic Council's annual dinner is on Thursday night, and Valley Vision has not met.

Mr. Weathers stated the Conservation Commission will be meeting tomorrow night. Mr. Colbath stated he and Mr. Weathers both attended the Lower Mt. Washington Valley Solid Waste Committee meeting. Mr. Weathers stated there was a general discussion regarding Amnesty Day and Household Hazardous Waste Day and that it should be two times a year.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Daymond Steer of the Conway Daily Sun stated if a letter is written to the bank, he would like a copy. Mr. Holmes stated after the bank receives it.

Mr. Steer asked if there were any possible changes to the Airport Authority bylaws that would change their 501(C) status. Mr. Thibodeau answered in the negative and stated there is no supporting evidence that the changes will have any effect on our current status. Mr. Thibodeau stated they are interested that the public access airport is open to the public.

NON-PUBLIC SESSION RSA 91-A:3, II(1) – DISCUSSION OF PENDING LITIGATION

At 6:01 pm, **Mr. Colbath made a motion, seconded by Mr. Thibodeau, to go into nonpublic session under NH RSA 91-A:3, II(1) to discuss pending litigation. Motion carried by unanimous roll call vote.**

At 6:41 pm the Board returned to public session. **Mr. Porter made a motion, seconded by Mr. Thibodeau, to seal the minutes of this nonpublic session. The motion carried (5-0-0).**

ADJOURN

At 6:41 pm, the meeting adjourned at the call of the Chair.

Respectfully Submitted,

Holly L. Meserve
Planning Assistant