

**Minutes of Meeting  
CONWAY BOARD OF SELECTMEN  
March 12, 2019**

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, 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 the Allegiance to the flag.

APPROVAL OF AGENDA

Chairman Weathers stated that there would be one addition to read as follows: Request to Redeem Tax Deeded Property Map/Lot 298-4.

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

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

- a. \$8,578 to be placed in the CRF for Building Maintenance

Library Director David Smolen stated that they received an additional check for \$8,578 from the Zono Lite Grant for the attic insulation project in 2018 that the Capital Reserve Fund for Building Maintenance paid for and would like those funds to be placed in the Capital Reserve Fund for Building Maintenance.

**Mr. Colbath moved, seconded by Ms. Seavey, to place the \$8,578 in the CRF for Building Maintenance. The motion carried unanimously.**

REQUEST TO THE SELECTMEN TO SPEND \$9,064.10 FOR LIBRARY FLOORING OUT OF CRF  
FOR BUILDING MAINTENANCE

Mr. Smolen stated he was requesting that the Selectmen authorize the spending for new flooring in the library, as well as requesting that the Town cover the \$500 difference between the what had been received (\$8,578) and what the cost to actually install the flooring would be (\$9,064.10).

Mr. Smolen stated that the new flooring would be a vinyl.

**Mr. Colbath moved, seconded by Ms. Seavey, to authorize the spending of \$9,064.10 for library flooring out of the CRF for Building Maintenance. The motion carried unanimously.**

REVIEW AND SIGNING OF THE AUDIT QUESTIONNAIRE

Chairman Weathers explained that they would be going over the annual Plodzick and Sanderson Audit Questionnaire as a Board.

The Board answered and voted on each question asked on the questionnaire.

All answers were in the negative except for one.

Mr. Thibodeau answered yes to the following question:

“Have you or any related party of yours had any interest, direct or indirect, in any of the following transactions or pending or incomplete transactions since January 1, 2018 to which the Town of any retirements, savings, pension, or other similar plan was, or is to be, a party? Specifically, regarding “Receiving or furnishing of goods, services, or facilities?”

Mr. Thibodeau stated that occasionally the Town will purchase small things such as nuts and bolts or keys from the store he owns. He stated that the amount was under \$500 a year.

**Mr. Porter moved, seconded by Mr. Thibodeau, to authorize the Chairman to fill out and sign the Audit Questionnaire on behalf of the Board of Selectmen. The motion carried unanimously.**

#### YEAR END FINANCIAL REPORT OF 2018

##### a. Expenditures

Finance Director Lilli Gilligan reviewed each department in terms of total expenditures for 2018.

In regards to the Executive budget, \$16,624 remained unspent. She noted that the biggest contributing factor was the Boards decision to not continue their North Country Council Membership so the Town saved those membership fees.

In the Elections and Registrations budget, \$3,231 remained unspent at the year end. Mrs. Gilligan explained that there were savings in the Deputy Town Clerk's salary as well as a savings on the cost for ballots.

In the Finance/Tax Collector budget, \$19,694 remained unspent. Contributing factors included savings in the IT line, Tax Collector Salary, and Tax Billing, but the Town did overspend on bank fees.

In the Assessing budget, \$5,324 remained unspent. Mrs. Gilligan explained that they had trouble getting qualified temps to commit to the amount of time desired for measuring properties this summer.

In the Legal budget, \$49,416 remained unspent as the legal experience in 2018 was less than anticipated.

In the Employee Benefits budget, \$83,358 remained unspent. Mrs. Gilligan explained that with seven staffing changes there was a need for less health insurance along with reduced salaries for new hires.

In the Planning and Zoning budget, \$3,578 remained unspent. Mrs. Gilligan attributed much of this to the fact that the Project Manager decided to take comp time instead of being paid overtime.

In the Government Buildings budget, the Town overspent by \$20,418 largely because of the abnormally long winter that required extra heat and hot summer months that required extra cooling. There was also discussion regarding the late arrival of some bills from Alba Architects.

In the Insurance budget, there was \$0 unspent.

In the Police budget, \$72,218 remained unspent. Mrs. Gilligan explained that this can be attributed to an unexpected retirement and Janet Subers taking a judgeship which saved in overall salary spending.

In regards to the Ambulance budget, \$0 was unspent.

In regards to the Fire and Emergency Management budget, \$3,845 was overspent as the Emergency Management Director had begun the Hazard Mitigation Plan in 2018 instead of 2019.

In the Inspections budget, the Town had underspent by \$487.

In the Highway budget, \$81,554 remained unspent. Mrs. Gilligan stated that quite a bit of money was saved due to the conversion to LED street lights. She also noted that the price of diesel had gone from 2.12 cents a gallon during the creation of the 2018 budget to 2.62 cents a gallon by the end of 2018.

Mrs. Gilligan added that the salt budget was overspent by \$34,204 and the school bus budget but they would be reimbursed from the school for all school bus maintenance costs.

Mrs. Gilligan explained that the highway vehicle maintenance line was over by \$50,000 due to the culmination of a long winter and necessary repairs to the trucks.

In regards to the Solid Waste budget, the Town overspent by \$9,835 due in part to 5 staffing changes.

Also, in the equipment lease line, \$72,000 of funds were used to cover the balance of the replacement of the two loaders that was not anticipated for 2018.

The costs associated with Household Hazardous Waste Day were also above budget.

In the Health Department, overspending of \$359 was due to the increase in kennel fees which come from a decision made by the Animal Control Officer.

In the Welfare budget, \$35,106 remained unspent. Mrs. Gilligan stated that this is attributed to the fact that the caseload was less than anticipated.

In the Parks and Recreation budget, \$21,776 remained unspent.

In the Library budget, \$11,590 remained unspent largely due to the unexpected retirement of the Assistant Director.

In the Patriotic Purposes budget, \$1,758 was overspent. Mr. Colbath noted that there is a revenue line for this.

In the Conservation Commission budget, \$1,844 remained unspent.

Mrs. Gilligan explained that no money was spent from the Interest on TANS budget.

To summarize the entire budget, the Town underspent by \$371,585 which is 3.3% of the total \$11,089,007 budget.

The Board commended Mrs. Gilligan for her work.

**Mr. Colbath moved, seconded by Ms. Seavey to approve the Year End Expenditure Report as presented. The motion carried unanimously.**

b. Revenue

Mrs. Gilligan stated that in regards to revenue, the Town came in at \$14,004 over the \$4,268,534 amount that the Selectmen had set in the fall.

**Mr. Colbath moved, seconded by Mr. Thibodeau, to approve the Year End Revenue Report as presented. The motion carried unanimously.**

c. Fund Balance

Mrs. Gilligan explained that the Unaudited figure of Fund Balance on 12/31/2018 was \$2,555,731.

**Mr. Colbath moved, seconded by Ms. Seavey, to approve the Year End Fund Balance Report as presented. The motion carried unanimously.**

DISCUSSION OF LETTER REGARDING KEVIN PEARE MEMORIAL SKATE PARK

Mr. DegliAngeli stated that he had written a letter to both the Board of Selectmen and the Multi-Purpose Path Design Committee regarding a potential location for the Kevin Peare Memorial Skate Park. He stated that he would like the Board to consider the merits of locating the park within the By-pass right-of-way adjacent to the multipurpose pathway off the cul-de-sac at Hemlock Lane.

There was discussion regarding the potential size of the park. Mr. Holmes stated that through his discussions, it would probably be approximately 10,000 square feet included the parking area.

The Board seemed to be in agreement that this would be a good area due to its central location and proximity to the Multi-purpose path.

Mr. DegliAngeli stated that he felt the stakeholders in the skate park seemed happy with this location as did the Multi-purpose path committee. He added that they would need the Selectmen to be in favor of it as well before they would approach DOT.

Carl: when constructed, how much ground does it consume.

Mr. Thibodeau stated that it was his belief that the park needed to find a location before they could really get moving on the fundraising efforts.

**Mr. Porter moved, seconded by Mr. Thibodeau, to endorse the concept and location on the east end of Hemlock Lane for the Kevin Peare Memorial Skate Park. The motion carried unanimously.**

DISCUSSION OF AWARD FOR HVAC FOR REC CENTER

Mr. DegliAngeli stated that he was asking for authorization of the Selectmen to use up to \$80,000 from the Recreation Revolving Fund for the HVAC system in the kitchen, cafeteria, and three program rooms in the new rec center.

There is currently \$123,000 in the fund.

There was discussion regarding the intent to use the remaining funds as a contingency for the rest of the work that had been contracted out.

**Mr. Colbath moved, seconded by Ms. Seavey, to authorize the spending up to \$80,000 for the HVAC in the kitchen, cafeteria, and 3 classrooms in the new rec center.**

There was discussion regarding other necessary items that the rec center is going to need to open this summer. Mr. Colbath stated that one item would be an ice maker. Rec Director John Eastman told the Board that he is going to suggest to the Friends of Rec that they purchase that item.

Mr. Eastman noted that the appliances and furniture had been purchased. In regards to other items such as golf carts, he is hoping to receive some support from the community.

There was discussion regarding the new plan to move the existing lights at the current rec center to the new fields. It was stated that they are hoping to receive a grant to help with this process.

**The motion carried unanimously.**

Mr. DegliAngeli stated that if the Selectmen would like to see the rec space, they could meet him on Thursday, March 14, 2019 at 11:00 am.

#### DISCUSSION OF POTENTIAL LEASH LAW IN WHITAKER WOODS

Mr. Holmes stated that he wanted to bring to the Boards attention that he had received some complaints regarding issues with dogs off leash in Whitaker Woods.

There was discussion regarding the current ordinance that does not require leash control, only owner supervision.

It was determined that the Selectmen would have the authority to create the leash ordinance.

Mr. Weathers stated that he felt the current ordinance was too vague.

Ms. Seavey stated that she believed there should be a leash law.

Mr. Porter stated that he had believed they had a leash law and that it was important that the Board step in if there are these issues occurring.

Mr. Colbath noted that this would bring on an enforcement issue.

There was discussion regarding other areas of Town that there are issues.

Chairman Weathers recognized resident Stacy Sand to speak.

Ms. Sand stated that she utilizes Whitaker Woods often. She noted that the issues are not usually with the locals who use the trails during the week, but instead, the tourists on the weekends. She explained that she

feels that most dogs are completely under the control of their owner. She feels that the Board should just encourage common courtesy instead of a leash law.

She noted that she does not recognize any of the Selectmen as being regular users of Whitaker Woods.

Ms. Sand stated that she felt that the Board would be penalizing the majority of responsible pet owners for a few bad eggs.

Mr. Holmes explained that he had received 2-3 written complaints and heard from about a dozen people regarding safety concerns of unleashed dogs in Whitaker Woods.

It was determined that the Board would continue this discussion after receiving some public input.

#### REQUEST TO REDEEM PROPERTY MAP/LOT 298-24

Mr. Holmes explained that they had received a written request along with a check to redeem a property that had been taken by the Town for overdue taxes in 2014.

**Mr. Thibodeau moved, seconded by Mr. Colbath, to approve the request to redeem Map/Lot 298-24. The motion carried unanimously.**

Ms. Seavey left the meeting room at this time.

#### REVIEW OF RECEIPTS

The receipts were available for review.

#### SIGNING OF DOCUMENTS

- a. Permanent Application for Property Tax Credits/Exemptions Map/Lot 261-50.083
- b. Permanent Application for Property Tax Credits/Exemptions Map/Lot 102-79
- c. Permanent Application for Property Tax Credits/Exemptions Map/Lot 234-12
- d. Permanent Application for Property Tax Credits/Exemptions Map/Lot 216-40
- e. Land Use Change Tax Map/Lot 250-52
- f. Land Use Change Tax Map/Lot 257-18
- g. Raffle Permit for Starting Point at White Mountain Hotel (6/1/19)
- h. Raffle Permit for White Mountain Waldorf School (5/11/19)
- i. Raffle Permit for Memorial Hospital (7/18/19)

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

Ms. Seavey returned to the room.

#### CONSIDERATION OF BILLS

- a. AP Manifest dated 3/14/19
- b. Payroll dated 3/14/19

**Mr. Colbath moved, seconded by Mr. Thibodeau, to sign the Accounts Payable Manifest and Payroll dated 3/14/19. The motion carried unanimously.**

RATIFICATION OF DOCUMENTS SIGNED OUTSIDE OF SESSION

- a. AP Manifest dated 3/7/19
- b. Notice of Intent to Cut Wood or Timber Map/Lot 218-35

**Mr. Colbath moved, seconded by Mr. Thibodeau, to ratify the AP Manifest dated 3/7/19. The motion carried unanimously.**

**Mr. Porter moved, seconded by Mr. Thibodeau, to ratify the Notice of Intent to Cut Wood or Timber Map/Lot 218-35. The motion carried (4-0-1) with Mr. Colbath abstaining.**

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

- a. Conway Area Lions Club Yard Sale at North Conway Community Center (8/31/19)
- b. WMV Cal Ripken Baseball League Opening Day (4/27/19)
- c. WM Waldorf School Annual May Faire Festival (5/11/19)
- d. WM Milers ½ Marathon and 5K (9/21/19)

**Mr. Colbath moved, seconded by Mr. Thibodeau, to approve the special event applications listed above in a. through d. Mr. Colbath stated that the approval of the Conway Area Lions Club Yard Sale was contingent on insurance. The motion carried unanimously.**

CONSIDERATION OF MINUTES

- a. Regular and Non-Public Minutes from 2/26/19
- b. Regular Minutes from 3/4/19
- c. Minutes from DPTM 3/4/19

**Mr. Colbath moved, seconded by Mr. Thibodeau, to adopt the minutes listed above in a. through c. as written. The motion carried unanimously.**

TOWN MANAGER REPORT

Mr. Holmes stated that the Town would be posting the Town Roads for Spring effective Monday, March 18, 2019.

Mr. Holmes stated that NH DOT had notified the Town that they were going to bypass the safety audit and go directly to design alternatives for the intersection of Route 302 and East Conway Road. Mr. Holmes stated that Superior Court had reached a decision regarding the McMillan Lane court case and ruled in the Town's favor. He did note that the other party had filed for reconsideration.

Mr. Holmes stated that there had been a confirmed case of the measles in the State.

Mr. Holmes informed the Board that the Town Report was now available on the Town's website and the hard copies were being printed.

Mr. Holmes stated that there would be a public hearing on April 4, 2019 at 7:00 pm at the Conway Village Fire Station regarding the Main Street Project.

Mr. Colbath inquired about the status of the Town Hall move. Mr. Holmes stated that he had been copied in an email request to inspect the bank building at their leisure. He had not yet heard back.

#### BOARD REPORTS AND COMMENTS

Mr. Porter stated that the Planning Board on Thursday, March 14, 2019 to look at the North Conway Grand Hotel addition and the Junges Motel plans.

Mr. Colbath stated that the ZBA would be meeting on Wednesday, March 20, 2019 and the Budget Committee would be meeting on March, 27, 2019.

Mr. Weathers stated that the Conservation Commission would be meeting on Wednesday, March 13, 2019.

Mr. Weathers stated that he was requesting that the Board support him in writing a letter to the NH DOT regarding the condition of Route 153.

**Mr. Colbath moved, seconded by Mr. Thibodeau, to write a letter to NH DOT regarding the condition on Route 153 and authorize the Chairman to sign it on behalf of the Board.**

Mr. Thibodeau suggested sending a copy of those letters to Councilor Mike Cryans, and the Representatives from our area.

**The motion carried unanimously.**

It was suggested that Mr. Holmes invite the Representatives and Councilor Cryans to meet and discuss the Governor's budget and the potential for funds to be used to help the new recreation center.

#### PUBLIC COMMENTS AND MEDIA QUESTIONS

There were no public comments or media questions.

#### ADJOURN

At 6:02 pm, the meeting adjourned by the call of the Chair.

Respectfully submitted,



Krista Day  
Executive Secretary