

**Minutes of Meeting  
CONWAY BOARD OF SELECTMEN  
August 20, 2019**

The Selectmen's Meeting convened at 4:00 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

Mr. Weathers stated that there were two corrections to the agenda.

The first correction was under agenda item #5 b., to change it to read as follows:

b. \$7800.16 from Primex for Workmans Compensation.

The second correction was under agenda item #5 c., to read as follows:

c. \$4,846.14 from Primex for Property Liability Insurance.

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

PUBLIC HEARING FOR CDBG FOR BLACK BEAR VILLAGE COOPERATIVE

Mr. Weathers opened the Public Hearing for the CDBG for the Black Bear Village Cooperative at 4:03 pm.

Mr. Weathers read the following:

Community Development Block Grant funds are available to municipalities through the NH Community Development Finance Authority. Up to \$500,000 annually is available for economic development projects, up to \$500,000 for public facility and housing projects, and up to \$350,000 for emergency activities. Up to \$12,000 is available per planning study grant. All projects must directly benefit a majority of low- and moderate-income persons. The public hearing will hear public comment on the progress of \$500,000 CDBG, \$475,000 toward the acquisition by Black Bear Village Cooperative of the Lamplighters Manufactured Housing Park, located at 125 Lamplighter Park The acquisition of the Park will allow it to remain affordable to the residents.

Black Bear Village Cooperative purchased Lamplighter Mobile Home Park on July 12, 2019 and became the 131<sup>st</sup> resident-owned community in the New Hampshire. The residents of Lamplighter's received a notice in late November of 2018 stating the community was for sale with an interested buyer already placing an offer on the park. Under state law, the residents then had 60 days to submit a competing purchase and sale offer in an effort to purchase the park themselves. With a seasoned board still in place from an attempt to purchase ten years ago and an involved membership at the ready, the cooperative completed their due diligence, obtained financing along with a generous grant from the CDFR, and completed the purchase process. Now, the community begins the challenging yet rewarding process of resident-ownership and has the opportunity to improve infrastructure, stabilize rents, and control their own destiny.

Mr. Weathers opened the hearing for public comment.

Mr. Holmes made the audience aware that there were handouts available on the table.

Daymond Steer from the Conway Daily Sun wanted clarification on what this public hearing was about.

Donna Lane explained that this was the required public hearing to give the public a summary of the progress they have made.

Mr. Porter explained that by going through this process, 214 households were given the opportunity to purchase the park. This has put a lot of people at ease and the park is much happier.

Mr. Colbath congratulated the park but noted that he is sure they have a lot more work ahead of themselves. Mr. Porter agreed and explained that there are some infrastructure issues that are being addressed.

Jim Anderson, president of the cooperative, was present and noted the tremendous progress the park has made and thanked Donna Lane.

Mr. Weathers closed the public hearing at 4:10 pm.

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

III

- a. \$1,063.90 for the Opioid Grant for the Police Department

**Mr. Colbath moved, seconded by Mr. Thibodeau, to accept the \$1,063.90 from the Opioid Grant and place it in the police overtime line. The motion carried unanimously.**

- b. \$7,800.16 from Primex for Workers Compensation

Mrs. Gilligan explained that this was payment from Primex for the insurance premium holiday that they had discussed at their last meeting. She requested that these funds be placed in the line of insurance premium holidays.

**Mr. Colbath moved, seconded by Mr. Thibodeau, to accept the \$7,800.16 from Primex and place it into the insurance premium holidays line. The motion carried unanimously.**

c. \$4,846.14 from Primex for Property Liability Insurance

**Mr. Colbath moved, seconded by Mr. Thibodeau, to accept the \$4,846.14 from Primex and place it into the insurance premium holidays line. The motion carried unanimously.**

DISCUSSION OF CABLE FRANCHISE NEGOTIATIONS WITH ATTORNEY KATE  
MILLER

Mr. Holmes explained that Attorney Kate Miller from Donahue, Tucker, & Ciandella had signed a contract to assist with the cable television negotiations.

Ms. Miller thanked the Board for retaining her. She explained that she currently works with 17 communities that have Charter Communications. She noted that this is often an asset because they can have the same conversations with Charter and often split some of the costs.

Ms. Miller noted that currently conversations with Charter are slow.

She explained that cable laws are generally written to favor the existing cable operator, but do not necessarily allow to one exclusive franchise to do business in one area. She noted however that there is not much competition.

Ms. Miller noted that some of the areas are negotiable are the local access channels and the amount of the franchise fees.

She explained that the issues with channels provided and prices are non-negotiable.

Ms. Miller noted that she understood there are some areas in town that do not have service and she would look at all the tools to go about seeing if that could be changed.

Mr. Holmes quickly went over the issues that had arisen at this point that the town was concerned about.

He first explained that their PEG channel was operated by a non-profit company. He noted some issues of surround towns voting to have access to Conway's PEG channel as they all fall in the same school district; however, Charter was refusing to turn these channels on/off.

Mr. Holmes explained the issue of Charter moving their PEG channel from Channel 3 to 1301 which makes it harder for some people to find.

Mr. Holmes noted the issue of Charter's unwillingness to transfer the towns free cable drop from town hall to the public works garage across the street.

Mr. Holmes emphasized how hard it is to communicate with Charter as well.

Ms. Miller explained that it is her hope that with a big group of towns, they will be able to get more attention.

Ms. Miller stated that they would first review the current agreement to see if there were any deficiencies in Charters performance.

Ms. Miller noted that they would begin an audit with the help of the town staff.

Bill Edmunds, Station Manager for Valley Vision asked Ms. Miller how the recent FCC ruling was going to affect these negotiations. Ms. Miller was unsure as this ruling will most likely be contested.

Mr. Edmunds inquired about how likely it is that they could get Channel 1301 moved back to the lower channels. Ms. Miller was unsure, however, she noted that you can negotiate to have the basic tier include the PEG channel.

Mr. Edmunds asked if it would be worth courting other companies. Ms. Miller said there would be no harm in trying.

#### DISCUSSION OF BUILDING PERMIT FEES FOR VAUGHAN COMMUNITY SERVICE

Dan Jones, Vice Chair of Vaughan Community Service Inc, and Dot Seybold, Chair, appeared before the Board to request their consideration in waiving their building permit fee of \$3170.00 for their new project that will house the food pantry.

Mr. Jones emphasized that Vaughan operates the food pantry instead of the Town and how he believes this to be a huge savings to the Town.

Ms. Seavey commended Vaughan for their work and the tremendous number of people they service.

Mr. Colbath disclosed that he would be abstaining from this matter due to the fact that he was a member of the Vaughan Board. However, he noted that he was 100% in favor of the Selectmen waiving this fee as Vaughan is a pure asset to the town.

Mr. Thibodeau stated that while he commended Vaughan for all they do, he noted that there is still an expense to the town for a project like this. He noted that he could not support a 100% reduction of their fee, but instead could support a total fee of \$1000.00

Ms. Seavey once again reiterated how many mouths this organization helps to feed instead of asking the town to support them.

Mr. Porter stated that he believed that Vaughan does so much for the town that he would support the full waiver of building permit fees.

Mr. Colbath stated that he believed this project would have much less administrative costs to the town when compared to the Mt. Top Music project.

Mr. Holmes stated that while staff have some concerns about these discounts, they will go along with the Boards decision.

**Mr. Porter moved, seconded by Ms. Seavey, to waive the \$3,170.00 building permit fee for Vaughan Community Service Inc. The motion failed (2-2-1) with Mr. Porter and Ms. Seavey in the affirmative, Mr. Thibodeau and Mr. Weathers in the negative, and Mr. Colbath abstaining.**

**Mr. Thibodeau moved, seconded by Mr. Porter, to reduce the applicable building permit fee for Vaughan Community Service to \$1,000.00. The motion carried (4-0-1) with Mr. Colbath abstaining.**

#### REVIEW OF RECEIPTS

The receipts were available for review.

The Selectmen reconvened after a 1-minute recess.

#### SIGNING OF DOCUMENTS

- a. Abatement of Taxes for Map/Lot 260-58
- b. Request to the Trustees of the Trust for \$323,224.87 from the Capital Reserve Fund for Infrastructure Reconstruction.
- c. Request to the Trustees of the Trust for \$11,437.21 from the Capital Reserve Fund for Maintenance of Town Buildings and Facilities
- d. Request to the Trustees of the Trust for \$138,023.93 from the Capital Reserve Fund for Highway Equipment
- e. Request to the Trustees of the Trust for \$14,564.00 from the Capital Reserve Fund for Police Vehicles
- f. Request to the Trustees of the Trust for \$63,275.07 from the Public Educational-Government Cable Television Trust Fund
- g. Request to the Trustees of the Trust for \$65,750.00 from the Capital Reserve Fund for Solid Waste Equipment
- h. Request to the Trustees of the Trust for \$13,868.44 from the Capital Reserve Fund for Parks Vehicle and Equipment
- i. Waiver of Municipal Liability for Map/Lot 299-18

**Mr. Colbath moved, seconded by Mr. Thibodeau, to sign the documents listed above in a. through i.**

Mr. Thibodeau asked for clarification on what was purchased from the CRF for Police Vehicles. Mrs. Gilligan explained it was the difference between the purchase of a vehicle and an insurance reimbursement for a deer collision.

**The motion carried unanimously.**

CONSIDERATION OF BILLS

- a. AP Manifest dated 8/22/19

**Mr. Colbath moved, seconded by Mr. Thibodeau, to sign the AP Manifest dated 8/22/19. The motion carried unanimously.**

RATIFICATION OF DOCUMENTS SIGNED OUTSIDE OF SESSION

- a. AP Manifest dated 8/15/19
- b. Payroll dated 8/15/19

**Mr. Colbath moved, seconded by Mr. Thibodeau, to ratify the documents listed above in a. and b. The motion carried unanimously.**

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

(none)

CONSIDERATION OF MINUTES

- a. Regular Minutes from 8/6/19
- b. Non-Public Minutes from 7/23/19

**Mr. Thibodeau moved, seconded by Mr. Colbath, to adopt the regular minutes from 8/6/19 and non-public minutes from 7/23/19 as written. The motion carried unanimously.**

TOWN MANAGER REPORT

Mr. Holmes noted that the DOT will be working on some bridges in Ossipee during a weekend in late September which may have some effect on traffic.

Mr. Holmes explained that at the August 27, 2019 meeting of the Board of Selectmen, there would be discussion of an initiative by some surrounding towns who are trying to bring broadband to the area.

Mr. Holmes noted that there are still intermittent issues with the phones at the recreation department.

Mr. Thibodeau inquired as to whether they had heard from Primex about whether or not there would be an issue with our insurance coverage as the electricity was turned off at the recreation center. Mr. Holmes stated that there is no issue according to Primex.

**Mr. Porter moved, seconded by Mr. Thibodeau, to winterize the old recreation center. The motion carried unanimously.**

Mr. Holmes also told the board that they had found out there would be no municipal liability with leaving the playground equipment at the old recreation building for now.

There was brief discussion regarding the open house at the new recreation center. The Selectmen determined they would hold their meeting on September 10, 2019 at the rec center.

Colbath: notification in the CDS.

#### BOARD REPORTS AND COMMENTS

Mr. Porter stated that the Planning Board would be meeting Thursday, August 22, 2019.

Mr. Colbath stated that the ZBA would be meeting on August 21, 2019 and the Budget Committee would be meeting in September.

Mr. Thibodeau explained that there had been a story in the paper about a man who had flown his gyrocopter from England and around all 50 states. This man chose to land at the Fryeburg Airport.

Mr. Thibodeau explained that the ESAA is currently negotiating with a solar company for a solar farm at the airport which will be a good boost in revenue.

Mr. Weathers explained that the Conservation Commission met the week prior with Don Johnson to review his forest land improvements.

#### PUBLIC COMMENTS AND MEDIA QUESTIONS

Resident Ray Shakir expressed his concern over short term rentals in the area. He stated that he believes the Town need to start the conversation and figure out how to regulate the issues associated with the short-term rentals. He noted that looking into potentially licensing short-term rentals may be an answer. He emphasized that he is not looking to take away the rights of property owners, but instead figure out a way to make it fair to both parties.

Resident Steven Steiner stated that he just wants to make sure the rights of both the property owners and the neighbors are upheld.

Daymond Steer from the Conway Daily Sun inquired as to whether it would be possible to have a public hearing on the issue.

Mr. Thibodeau stated that it is his belief that this does need to be regulated and the idea of a public hearing was not a bad one.

Mr. Colbath noted that last year the issue of short-term rentals was the biggest area of concern at a forum he went to at the State level.

Mr. Holmes gave a brief explanation of the steps the town has tried to take thus far in regards to trying to target the property owners for issues occurring at their rental properties. He discussed the "Disorderly Household Bill".

It was determined that this issue would be discussed at a future meeting.

Mr. Steer asked if they had looked into issues at the Seavey Street intersection after the crash that occurred that day. Mr. Holmes had not heard about the crash.

Mr. Steer inquired as to whether they think they should adjust the fees for all non-profits for building permits. The consensus of the Board was to take each non-profit request on a case by case basis.

Mr. Steer asked about the status of the solar project. Mr. Holmes stated that they were asking for a 90-day extension.

**At 5:32 pm, Mr. Colbath moved, seconded by Mr. Thibodeau, to go into non-public session under RSA 91-A:3 II (c) to discuss a tax matter.**

NON-PUBLIC SESSION RSA 91-A:3 II (C) – TAX MATTER

**At 6:05 pm, the Board returned to public session.**

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

ADJOURN

At 6:05 pm, the meeting adjourned by the power of the chair.

Respectfully submitted,

Krista Day  
Executive Secretary