

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN
January 14, 2020**

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

Mr. Weathers noted that they would be swapping item number 6 and 7. He also added that they would be added an 8c., to discuss a warrant article to sell the old recreation center.

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

2020 SCHEDULE FOR BOARD OF SELECTMEN

Mr. Colbath moved, seconded by Mr. Porter, to adopt the 2020 Schedule for the Board of Selectmen as presented. The motion carried unanimously.

APPROVAL OF FINAL SHORT-TERM RENTAL COMMITTEE MEETING MINUTES
FROM 12/18/19

Mr. Porter moved, seconded by Mr. Thibodeau, to adopt the short-term rental committee meeting minutes from 12/18/19 as written. The Motion carried unanimously with Mr. Porter, Mr. Thibodeau, and Mr. Holmes in the affirmative.

DISCUSSION OF PROPOSED LIBRARY BUDGET

David Smolen appeared before the Board to see if the Board would consider reinstating the \$10,000 they had cut from the Library budget if they would agree to not have their proposed contract with Albany take effect until 2021.

Mr. Thibodeau inquired as to why they wanted to go and change the way they had been doing things for years. Mr. Smolen explained that he believes that it will help with allowing him to keep a stable library budget because the Trustees could pay for projects instead of asking the town for money.

Mr. Colbath explained that he was concerned that this would cost the taxpayers money because they would no longer have these funds in the general fund.

Mr. Smolen noted that if they cannot come to an agreement with Albany this year, they would be in a bind because they would have a smaller budget and still not be receiving the funds from Albany.

Ms. Seavey inquired as to what the role of the Library Trustees was. Mr. Smolen noted that they are elected officials. He then explained that they do have a Friends of the Library Board as well who work to fundraise for the library.

Mr. Weathers wanted to know how the existing situation with the town receiving the funds from Albany hurting the library. Mr. Smolen stated that the statute empowers the trustees to retain the funds.

Mr. Colbath moved, seconded by Ms. Seavey, to reinstate \$10,000 to the proposed 2020 Library Budget. The motion failed (2-3-0) with Mr. Thibodeau, Ms. Seavey, and Mr. Weathers in the negative.

DISCUSSION OF PLOWING OF CATHEDRAL LEDGE ROAD

Erik Nelson from the State of New Hampshire Parks was present to discuss the potential for the Town of Conway to plow a portion of the state's class 3 road, Cathedral Ledge Road.

Mr. DegliAngeli explained that currently the Town stops plowing Cathedral Ledge Road at Sanctuary Road. However, because of the increased popularity of Cathedral Ledge for winter climbing, many people are parking on the sides of the roads because the state park does not have the resources or man power to plow a parking area. He wanted to see if the Selectmen had any interest in looking into this option.

There was discussion on the time that it would take the plow driver to do this. It was determined that it would take less than 5 minutes.

It was determined that the Board wanted to see how the people in this neighborhood felt before continuing forward.

Mr. Colbath moved, seconded by Mr. Porter, to table this item so they could notify the abutters of the potential change in plowing on Cathedral Ledge Road. The motion carried unanimously.

DISCUSSION AND VOTE ON ADDITIONAL WARRANT ARTICLES

- a. Union Contract

Mr. Holmes explained that the Board had voted to approve the Union Contract at the last meeting, but they needed to vote to add it to the warrant.

Mr. Thibodeau moved, seconded by Mr. Colbath, to recommend that the following be placed on the warrant:

**ARTICLE ____: (Separate – Not included in Budget Appropriation Article #____)
To see if the Town of Conway will vote to approve the cost items included in a
THREE YEAR (2020-2023) COLLECTIVE BARGAINING AGREEMENT
BETWEEN THE TOWN OF CONWAY AND AFSCME #93, LOCAL 859,
DEPARTMENT OF PUBLIC WORKS which calls for no increase in benefits or
costs to the town for fiscal years 2020, 2021, and 2022. The proposed contract makes
changes to the current merit matrix that provides for increases in salaries and
~~assorted benefits~~ under the current agreement at the current staffing levels.**

| Fiscal Year | Estimated Increase |
|-------------|--------------------|
| 2020 | \$4,501 |
| 2021 | \$27,141 |
| 2022 | \$27,926 |

And further to raise and appropriate the sum of Four Thousand, Five Hundred and One Dollars (\$4,501) for the current fiscal year, such sum representing the additional costs attributable to the increase in salaries and benefits required by the new agreement over those that would be paid under the current agreement at current staffing levels. The total compounded cost of the 3-year agreement is \$95,711.

**Recommended by the Board of Selectmen (- -).
Recommended by the Budget Committee (- -).**

The motion carried unanimously.

Mr. Holmes explained that they also needed to vote to place an article on the warrant that would allow them to hold a special meeting to address cost items only after the vote if needed.

Mr. Thibodeau moved, seconded by Mr. Colbath, to recommend that the following be placed on the warrant:

**ARTICLE ____: Shall the Town, if Article ____ is defeated, authorize the governing body to call one special meeting, at its option, to address article cost items only?
Recommended by the Board of Selectmen (- -).
Recommended by the Budget Committee (- -).**

The motion carried unanimously.

- b. Main Street Project Financing.

Mr. Holmes reviewed that during the Main Street Project the Town is responsible for financing. They had looked into using TANS, but the new finance director had suggested that because that may be illegal, they should look into financing themselves using the unrestricted fund balance. It would save tax payers interests costs as they are borrowing from themselves.

Mr. Holmes noted that they would be looking to place an article on the warrant to allow the spending of \$750,000 on a rolling basis from this unrestricted fund balance.

There was discussion regarding whether they had reached out to obtain legal advice or recommendations from the DRA. Mrs. Golding explained that the DRA suggested that this may be the easiest and cleanest way to go about it.

Questions regarding whether this would prohibit them from using a portion of the fund balance in the fall to offset taxes were raised. Mr. DegliAngeli believes that while this will be a two-year project, funds would be spent and reimbursed on a rolling basis from the state.

It was determined that Mr. Holmes would add language in this article to allow it to become a non-lapsing article in order to make sure these funds could be used no matter how long these projects end up taking. He will bring it before the Board at the next meeting.

Mr. DegliAngeli again reviewed the timeline for the project which is aiming for a fall start and continue over two seasons.

c. Selling of the Old Recreation Center

Mr. Holmes reviewed that despite everyone's best efforts, they are unable to find a deed for the Old Recreation Center. He explained that he was requesting permission from the Board to write a letter to the School Board requesting that they sign a deed over to the Town so that they would be able to sell the property. He noted that they would be meeting on January 27, 2020.

Mr. Colbath moved, seconded by Ms. Seavey, to authorize the Chairman to write and sign a letter to the Conway School Board requesting that they sign a deed for the Old Recreation Center property over to the Town. The motion carried unanimously.

REVIEW OF RECEIPTS

(none)

SIGNING OF DOCUMENTS

(none)

CONSIDERATION OF BILLS

- a. AP Manifest dated 1/16/2020
- b. Payroll dated 1/16/2020

Mr. Colbath moved, seconded by Mr. Thibodeau, to sign the AP Manifest and Payroll dated 1/16/2020. The motion carried unanimously.

RATIFICATION OF DOCUMENTS SIGNED OUTSIDE OF SESSION

(none)

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

(none)

CONSIDERATION OF MINUTES

- a. Regular Minutes from 1/7/2020

Mr. Colbath moved, seconded by Mr. Thibodeau, to adopt the minutes from 1/7/2020 as written. The motion carried unanimously.

TOWN MANAGER REPORT

Mr. Holmes explained that the ad hoc committee tasked with creating a default budget met the night before. He said that with the help of former finance director Lilli Gilligan, and the current finance director Kathy Golding, they had come up with solid budget.

Mr. Holmes noted that the only other warrant article that he foresees being brought before the Selectmen would be in regards to the Solar lease. However, they have not communicated with him in a few weeks.

Mr. Holmes reviewed the progress made on the subject of short-term rentals. He reviewed that he had expressed discontent at the last meeting as the DRA seemed unwilling to answer his question about whether or not they are provided with a list from AirBnB when they are being paid the rooms and meals tax that is automatically collected through their website. He explained that he had received a phone call from the gentlemen, Derek Kline, who had formally denied his request. He stated that Mr. Kline apologized because he had received the request as a 91A request and noted that he should have just reached out to Mr. Holmes via the telephone.

Mr. Holmes did explain that the DRA does in fact just receive one large payment from AirBnb and there is no way of knowing what properties they were paying for.

Mr. Holmes explained that much to the disappointment of town staff, the Disorderly Household bill was killed inexpedient to legislate due to a last-minute effort by the Real Estate lobby.

Mr. Holmes handed out a packet that included the letters of interest from those who would like to be considered for the soon to be formed short term rental committee.

Mr. Thibodeau noted that he had a conversation with Senator Bradley regarding the proposed legislation that he was sponsoring that would prohibit towns from regulating short term rentals through zoning. He explained that Senator Bradley was surprise about some of the things they discussed. He had stated that he would go back to the other sponsors of the bill to see if they could redraft it. Mr. Thibodeau noted that the overall feeling is that they don't want to allow for legislation that could ban them all because it would have a negative effect on New Hampshire's economy.

BOARD REPORTS AND COMMENTS

Mr. Colbath noted that the Budget Committee had met last Wednesday and was scheduled to meet on Wednesday, January 15. He stated that because there was also a ZBA meeting that night, Selectmen Seavey would be attending the Budget Committee meeting in his place.

He noted that the ZBA had three new hearings and that they would be looking at the traffic study for the proposed hotel at Cranmore.

Mr. Thibodeau explained that both the Executive and ESAA Boards had met. He explained that things are slowly moving forward with the transient hangar. They are hoping to move forward with construction in the fall. He also explained that they had signed a letter of permission to allow a solar company to continuing moving forward with plans for a 5-megawatt solar farm at the airport. He noted that this would allow for a large revenue source for the airport.

Mr. Thibodeau also noted that 4 members of the Board had been re-appointed to three-year terms. He added that they would be looking for a new Conway resident to appoint to the ESAA Board as Ed Bergeron had announced his resignation effective in June. He mentioned seeing if the new owner of the Conway Scenic Railroad is interested in the position.

Ms. Seavey noted that she would be meeting with Bill Edmunds from Valley Vision to draft a presentation for the Town of Albany Selectmen.

Mr. Weathers stated that the Conservation Commission would be meeting on Wednesday, January 15.

Mr. Thibodeau noted that he would be unable to attend the Non-Profit Presentations.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Daymond Steer from The Conway Daily Sun wondered if the town would still go forward with hiring an assistant building inspector since they are unsure what legislation is going to be created

that may prohibit their ability to regulate short term rentals. Mr. Holmes noted that if legislation like that does come about, he will not hire for that position, but said that they are still planning to move forward at this time.

There was clarification that the Western portion of the Main Street Project would be hopefully starting this fall.

Mr. Steer inquired about the timeline for selling the rec center. Mr. Holmes noted that they needed permission from the voters to sell the property and it would need to be reviewed by the Planning Board and Conservation Commission.

ADJOURN

At 5:18 pm, Mr. Colbath moved, seconded by Mr. Thibodeau, to adjourn. The motion carried unanimously.

Respectfully submitted,

Krista Day
Executive Secretary