

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN
February 18, 2020**

The Selectmen's Meeting convened at 4:02 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 they would be voting on the petitioned warrant articles after the appointments to the short-term rental committee. He also noted that they would be adding an agenda item 8b., the signing of the warrant, as well as a non-public session at the end of the meeting to discuss a tax matter.

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

APPOINTMENTS TO THE SHORT-TERM RENTAL COMMITTEE

Mr. Holmes referred the committee to a handout which included the options for appointment to the new short-term rental committee. He reminded the Board that they were to appoint one short term rental owner, two abutters to short-term rentals, one realtor, a selectman, a planning board member, and a fire chief.

Scott Kudrick, owner of multiple short-term rentals in town, expressed his wish to be considered for the committee.

Mr. Colbath moved, seconded by Ms. Seavey, to appoint Scott Kudrick for the short-term rental committee. The motion carried (4-0-1) with Mr. Thibodeau abstaining.

Mr. Thibodeau explained that because he would like to be the selectman appointed to the committee, he did not want to show his feelings either way about who he wanted to work with; he wanted to remain impartial.

The candidates for the two positions on the committee for those residents of Conway who abut a short-term rental were discussed. It was determined that one of the candidates was not eligible as they were not a full-time resident in town.

The Board expressed high interest in three of the candidates: Kris Cluff, Tom Reed, and Ray Shakir.

It was determined that each selectman would list these top three in order of preference and the two highest scoring candidates would be appointed.

Mr. Porter stated that his first choice would be Kris Cluff, second choice would be Ray Shakir, and his third choice was Tom Reed.

Mr. Colbath stated that his first choice would be Tom Reed, second choice would be Ray Shakir, and his third choice was Kris Cluff.

Mr. Thibodeau abstained on voting.

Ms. Seavey stated that her first choice would be Kris Cluff, second choice would be Ray Shakir, and his third choice was Tom Reed.

Mr. Weathers stated that his first choice would be Tom Reed, second choice would be Kris Cluff, and his third choice was Ray Shakir.

After some calculations, it was determined that the two appointees would be Kris Cluff and Ray Shakir. Mr. Reed would be named as an alternate to the committee.

Mr. Colbath moved, seconded by Mr. Porter, to appoint Kris Cluff and Ray Shakir as regular members of the short-term rental committee, and to appoint Tom Reed as an alternate to the short-term rental committee. The motion carried unanimously.

The two candidates for the realtor on the committee, Steven Steiner and Greydon Turner expressed their wishes to be considered for the committee.

The Board expressed their top choices for this position.

Mr. Porter stated that he would like to appoint Steven Steiner.

Mr. Colbath stated that he would like to appoint Greydon Turner.

Mr. Thibodeau abstained.

Ms. Seavey stated that he would like to appoint Greydon Turner.

Mr. Weathers stated that he would like to appoint Greydon Turner.

Mr. Colbath moved, seconded by Mr. Porter, to appoint Greydon Turner as a regular member of the short-term rental committee, and to appoint Steven Steiner as the alternate. The motion carried unanimously.

Mr. Porter and Mr. Thibodeau both expressed interest in being on this committee. Mr. Thibodeau noted that Mr. Porter could be appointed as the planning board representative as well.

Ms. Seavey moved, seconded by Mr. Colbath, to appoint Carl Thibodeau as a regular member of the short-term rental committee. The motion carried (4-0-1) with Mr. Thibodeau abstaining.

It was stated that the two options for the planning board representative on this committee were Steven Porter and Steven Steiner.

Mr. Colbath moved, seconded by Ms. Seavey, to appoint Steven Porter as a regular member of the short-term rental committee. The motion carried (4-0-1) with Mr. Porter abstaining.

It was stated that Chief Solomon was the only fire chief to express interest in this committee.

Mr. Colbath moved, seconded by Mr. Weathers, to appoint Chief Solomon as a regular member of the short-term rental committee. The motion carried unanimously.

There was then discussion regarding potentially increasing the size of the committee to 9 members in order to allow the two alternates to become regular members.

Mr. Holmes noted that the former committee had chosen 7 members as they believed it was a workable number to create regulations.

Mr. Colbath moved, seconded by Ms. Seavey, to appoint the two alternate members, Steven Steiner and Tom Reed as regular members to the short-term rental committee. The motion carried unanimously.

VOTE ON PETITIONED WARRANT ARTICLES

a. Children Unlimited

Mr. Holmes stated that the budget committee had voted 14-0-0 on this article.

Mr. Porter moved, seconded by Mr. Colbath, to recommend the request from Children Unlimited for \$14,000 as submitted by petition. The motion carried unanimously.

b. Vaughan Community Service, Inc.

Mr. Holmes stated that the budget committee had voted 13-0-1 on this article.

Mr. Porter moved, seconded by Mr. Colbath, to recommend the request from Vaughan Community Service, Inc. for \$17,000 as submitted by petition. The motion carried (4-0-1) with Mr. Colbath abstaining.

Mr. Colbath stated that he abstained because he was on the Board of Directors for Vaughan.

Mr. Thibodeau asked for clarification between Vaughan Community Service and Vaughan Learning Center.

Mr. Colbath explained that Vaughan Community Service is the overall non-profit agency that provides outreach services, specifically the food pantry for the town. The learning center was the daycare within that entity.

Carl: what is the difference between Vaughan.

c. Vaughan Learning Center

Mr. Holmes stated that the budget committee had voted 13-0-1 on this article.

Mr. Porter moved, seconded by Ms. Seavey, to recommend the request from the Vaughan Learning Center for \$5,000 as submitted by petition. The motion carried (4-0-1) with Mr. Colbath abstaining.

d. White Mountain Community Health Center

Mr. Holmes stated that the budget committee had voted 14-0-0 on this article.

Mr. Colbath moved, seconded by Ms. Seavey, to recommend the request from the White Mountain Community Health Center for \$35,565 as submitted by petition. The motion carried unanimously.

e. The Gibson Center

Mr. Holmes stated that the budget committee had voted 14-0-0 on this article.

Mr. Colbath moved, seconded by Ms. Seavey, to recommend the request from the Gibson Center for \$36,500 as submitted by petition. The motion carried unanimously.

f. Tri County Community Action Energy Service Program

Mr. Holmes stated that the budget committee had voted 14-0-0 on this article.

Mr. Colbath moved, seconded by Ms. Seavey, to recommend the request from Tri County Community Action Energy Service Program for \$13,500 as submitted by petition. The motion carried unanimously.

It was clarified that this article helped provide funding for energy assistance.

g. Tri County Community Action Homeless Intervention

Mr. Holmes stated that the budget committee had voted 14-0-0 on this article.

Mr. Colbath moved, seconded by Ms. Seavey, to recommend the request from Tri County Community Action Homeless Intervention for \$5,027 as submitted by petition. The motion carried unanimously.

h. Tri County Transit Blue Loon

Mr. Holmes stated that the budget committee had voted 13-1-0 on this article.

Mr. Colbath moved, seconded by Ms. Seavey, to recommend the request from Tri County Transit Blue Loon for \$4,000 as submitted by petition. The motion carried (4-0-1) with Mr. Weathers abstaining.

There was brief discussion on the bus schedule regarding how they have changed to only rides by appointment.

i. North Conway Community Center

Mr. Holmes stated that the budget committee had voted 14-0-0 on this article.

Mr. Porter moved, seconded by Mr. Colbath, to recommend the request from North Conway Community Center for \$65,000 as submitted by petition. The motion carried unanimously.

Mr. Weathers stated that he hoped there would be continued cooperation between NCCC and Conway Recreation.

Mr. Colbath stated that speaking as a member of the Friends of Rec Board, they have been working together very well and that we are very fortunate to have both directors.

Ms. Seavey added that John Eastman has been very instrumental in working with the NCCC director.

Mr. Colbath noted that there had also been a lot of cooperation with Fryeburg Recreation Center.

j. Conway Area Humane Society

Mr. Holmes stated that the budget committee had voted 12-1-1 on this article.

Mr. Colbath moved, seconded by Mr. Thibodeau, to recommend the request Conway Area Humane Society for \$10,000 as submitted by petition. The motion carried unanimously.

k. Starting Point

Mr. Holmes stated that the budget committee had voted 14-0-0 on this article.

Mr. Colbath moved, seconded by Mr. Porter, to recommend the request from Starting Point for \$11,268 as submitted by petition. The motion carried unanimously.

1. Political District Resolution

Mr. Holmes stated that the budget committee had voted 7-2-5 on this article. He added that he believed this vote was because many were not familiar with the issue.

Mr. Colbath moved, seconded by Mr. Porter, to recommend the following petitioned article:

To see if the Town will urge that the New Hampshire General Court, which is obligated to redraw the maps of political districts within the state following the 2020 census, will do so in a manner that ensures fair and effective representation of New Hampshire voters. That in order to fulfill this obligation the New Hampshire General Court shall appoint an independent redistricting commission that draws the new district maps in a way that does not rely on partisan data such as election results or party registration or favor particular political parties or candidates. Submitted by petition.

Mr. Thibodeau inquired as to why the budget committee was weighing in on an article that did not have any money figure attached to it. Mr. Holmes explained that former Representative Frank McCarthy had sponsored a bill that had passed authorizing the budget committee to vote on any article presented to the town.

There was discussion regarding the prior process of redistricting which has historically been done by partisan committees which leads to boundary lines being drawn in favor of one party or another.

It was determined that they were looking to urge the state to complete the redistricting as an independent committee in order to have it be bi-partisan as it would be based strictly on population gathered from the census data.

The motion carried unanimously.

Mr. Shakir noted that he had to leave but wanted to thank the Board for their consideration and support.

DISCUSSION OF SNOW IN ROAD FINES

Public Works Director Paul DegliAngeli reminded the board that they had previously suggested raising the fines for placing snow in the road as well as fines for being over the load limit. He

stated that the board had asked him to look into what types of fines were being implemented elsewhere.

The board inquired as to what Mr. DegliAngeli's recommendation would be.

Mr. DegliAngeli noted that as they could see in their packets, many New Hampshire towns use a two-tiered system in which the first offense is \$100, and the second offense is \$500.

Mr. DegliAngeli noted that their current fine is \$20, which is the same as it was back in 1939.

There was discussion regarding how they identify individuals who put snow in the road. Mr. DegliAngeli stated that most of the time it is the plow drivers who witness it happening.

There was discussion of the illegality to pushed snow across the road due to safety issues.

Mr. Colbath inquired as to who is responsible for the enforcement of this. Mr. DegliAngeli noted that his department enforces this. He also noted issues with drivers having to go back through their routes to fix issues of snow in the road if they witness it happening.

Mr. Porter moved, seconded by Mr. Colbath, to change the fines for putting snow in the road to \$100 for the first offense and \$500 for the second offense. The motion carried unanimously.

DISCUSSION OF ROAD POSTING FEES

Mr. DegliAngeli explained that they have two different weight limits on some town roads; a no through trucking weight limit as well as their seasonal road posting.

He explained that many towns use a multi-tier system where the first offense brings a \$250 fine, and second offenses are \$500.

He stated that their current fine is \$50.

Mr. Weathers inquires as to how they were determining tonnage. Mr. DegliAngeli stated that they go by the gross vehicle weight rating.

Mr. Colbath asked how prevalent these violations were. Mr. DegliAngeli stated that they look to the police department to enforce them and they could contact them if they would like to.

Mr. DegliAngeli recommended the first offense fine of \$250, and the second offense fine of \$500.

Mr. Colbath moved, seconded by Mr. Porter to use the same wording as the Hancock ordinance.

Mr. Holmes questioned their ability to change the wording of the actual ordinance and not just the fees.

Mr. Thibodea stated that he stood in opposition of the verbiage of the ordinance as he did not believe going by gross vehicle weight rating was right, however, he stated that he doesn't know of any other way they could be doing it.

Mr. Weathers asked for clarification on whether if it was below 32 degrees and a road is posted, is it legal for overweight vehicles to drive over those roads.

Mr. DegliAngeli stated that it was not legal. However, as the weather changes often here, they do work with the drivers and/or companies and they can get a bond.

Mr. Colbath withdrew his motion. Mr. Porter seconded that.

Mr. Colbath moved, seconded by Mr. Porter, to change the fines for road postings to \$250 for the first offense, and \$500 for the second offense. The motion carried unanimously.

LETTER OF SUPPORT FOR EVERSOURCE

Mr. Colbath noted that he is a firm believer in tree removal as it helps lower the number of power outages.

Mr. Thibodeau asked Mr. Weathers if he has seen any instances in which these programs result in anything contrary to his position with the Conservation Commission.

Mr. Holmes noted that sometimes the town receives some complaints from people when their trees are cut, but it has been his experience that Eversource makes every attempt to notify the owners.

Mr. Colbath moved, seconded by Mr. Thibodeau, to authorize Mr. Weathers to compose and sign a letter on behalf of the Board of Selectmen in support of Eversource's tree cutting and removal programs. The motion carried unanimously.

DISCUSSION OF PRESIDENTIAL PRIMARY AND FUTURE POLLING PLACE

Mr. Holmes noted that he had received nothing but positive comments regarding Conway Elementary as the polling place once people arrives on the campus. However, there have been numerous complaints regarding the issues with traffic getting to and from the polling place.

He explained that they needed to come up with a polling place to use in the future, but most importantly, they needed somewhere to hold their April 14, 2020 elections.

He referred the board to the handout which included a list of possible locations as well as the pros and cons associated with each one.

He noted that they would be unable to use the school for the April 14, 2020 election, but was going to see if the school would be willing to change their calendar around to accommodate the September State Election.

Mr. Holmes added that they would be asking the school board to use Kennett High School for the November 3, 2020 Presidential Election.

There was discussion regarding whether the cafeteria at the high school would be an adequate space as the school department was concerned with the town using a floor covering if they utilize the gym.

Ms. Inkell had concerns regarding size of the room as well as the distance to the parking lot.

Mr. Weathers and Ms. Seavey believed that people needed to have more patience with the traffic as voting only occurs once in a while.

Mr. Thibodeau stated that he did not believe that they could blame the traffic problem completely on the voting. Mr. Colbath agreed and noted that Conway Village is a traffic bottleneck.

Mr. Holmes mentioned looking into North Conway Community Center. Ms. Seavey was adamantly opposed for reasons such as parking and potential life safety issues with the North Conway Fire Department.

Mr. Holmes noted that a floor covering for the high school gym could cost them around \$8,000.

Mr. Colbath and Mr. Thibodeau stated that the Center Conway Fire Department would be at the top of their list for the town election.

Mr. Colbath noted that he would prefer to not open the old recreation center to use as a back up if the fire department was unavailable. He would prefer the NCCC to be the backup. Mr. Thibodeau expressed his concerns again with NCCC due to life safety concerns due to traffic.

Ms. Inkell noted that they needed to choose a place tonight as it had to be on the warrant that they were about to sign as the deadline occurred prior to their next meeting.

Mr. Porter moved, seconded by Mr. Colbath, to hold the April 14, 2020 Town and School vote at the Center Conway Fire Department. The motion carried unanimously.

A. LETTER TO THE SCHOOL BOARD

The Board was in agreement to have Mr. Holmes send a letter to the Conway School Board for their appreciation of letting them use Conway Elementary School as a polling place for the Presidential Primary.

SIGNING OF WARRANT

Ms. Seavey moved, seconded by Mr. Porter, to sign the warrant for the 2020 Town Meeting. The motion carried unanimously.

REVIEW OF RECEIPTS

(none)

SIGNING OF DOCUMENTS

- a. Permanent Application for Property Tax Credits/Exemptions for Map/Lot 215-42.096
- b. Permanent Application for Property Tax Credits/Exemptions for Map/Lot 258-34.11
- c. Permanent Application for Property Tax Credits/Exemptions for Map/Lot 260-34.00
- d. Permanent Application for Property Tax Credits/Exemptions for Map/Lot 288-2
- e. Permit to Sell Raffle Tickets for Memorial Hospital (7/16/2020)
- f. Permit to Sell Raffle Tickets for Kevin Peare Memorial Skate Park (3/17/2020)
- g. Permit to Sell Raffle Tickets for Kevin Peare Memorial Skate Park (5/16/2020)
- h. Permit to Sell Raffle Tickets for Kevin Peare Memorial Skate Park (6/7/2020)
- i. Permit to Sell Raffle Tickets for Lilliputian Montessori School (5/1/2020)

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

CONSIDERATION OF BILLS

- a. AP Manifest dated 2/20/2020

Mr. Colbath moved, seconded by Mr. Thibodeau, to sign the AP Manifest dated 2/20/2020. The motion carried unanimously.

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

- a. AP Manifest dated 2/13/2020
- b. Payroll dated 2/13/2020

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)

- a. Joyce Endee Productions Craft Fair (10/17/2020-10/18/2020 and 12/19/2020 and 12/20/2020)
- b. Lilliputian Montessori Preschool May Fair 2020 (5/1/2020)
- c. North Conway Community Center 2020 Food Truck Festival (6/20/20 and 7/18/2020)
- d. North Conway Community Center Mudbowl (9/11/2020-9/13/2020) PENDING LIQUOR LICENSE
- e. White Mountain Community Health Center Whitaker Woods 5K (5/16/2020)

Mr. Colbath moved, seconded by Mr. Thibodeau, to sign the special event permits listed above in a. through e. The motion carried unanimously.

CONSIDERATION OF MINUTES

(none)

TOWN MANAGER REPORT

Mr. Holmes noted that Chief Solomon had attended a hearing regarding the proposed SB 458 which precludes towns from using zoning to regulate short term rentals. He added that Senator Bradley had proposed an amendment to the bill since they last spoke, however, it does not eliminate all of the issues the town of Conway foresees with this particular bill.

Mr. Holmes stated that the town now official owns the old recreation center as the deed had been recorded. Going along with that, he noted that along with getting voter approval to sell that property, it is required that they get approval by the Conservation Commission and the Planning Board. He wondered if the board would like to move forward with that now.

Mr. Porter stated that it would make more sense if they had the approvals in place.

Mr. Colbath moved, seconded by Mr. Thibodeau, to request that the planning board and the conservation commission agenda this item for the potential selling of the old recreation center property. The motion carried unanimously.

Mr. Holmes stated that he had been interviewed by NPR for a podcast regarding food trucks in town.

It was stated that the walls were up in the Bank of New Hampshire's construction out behind their current building.

Mr. Holmes stated that our attorney was looking into the lease for the bank property.

BOARD REPORTS AND COMMENTS

Mr. Porter stated that the planning board would be meeting on Thursday, February 27, 2020.

Mr. Colbath noted that the budget committee had held their public hearing on the budget for the town and school and that brings the end of the budget season for the committee until deliberative session on March 4, 2020.

He noted that the ZBA would be meeting the following evening.

Mr. Holmes pointed out that one article was not recommended by the committee and that was for the \$5 additional vehicle registration fee.

Mr. Thibodeau stated that the ESAA Executive Board met the previous week and they would be moving forward with the hangar project. He noted that they have been working through some environmental issues with Maine DEP.

Mr. Thibodeau gave the January airport report. He added that the Civil Air Patrol would be meeting Monday nights.

Ms. Seavey stated that the Economic Council met to discuss the land out back.

She also explained that Conway and the Economic Council had hosted the Broadband meeting. The committee is still gathering facts and information

Mr. Weathers noted that the Saco Swift River Advisory Board would be meeting to discuss an application regarding a campground.

Mr. Colbath asked Town Clerk Louise Inkell what the dates were to sign up for the April 14, 2020 election. Ms. Inkell stated the filing period was February 26, 2020 through March 6, 2020.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Resident Tom Reed expressed that the experience of voting at Conway Elementary School was pleasant once you got to the campus. The real problem was the uncoordinated traffic lights.

He suggested a potential memorandum of understanding with the school regarding using their facilities for polling places.

Mr. Colbath thanked Mr. Reed for volunteering for the short-term rental committee.

Daymond from the Conway Daily Sun inquired as to how much snow would have to be in the road to receive a fine and if they would have to have done it knowingly. Mr. Holmes stated that he would hope that the DPW would make good judgements.

Mr. Steer asked why the location for polling in April wasn't figured out sooner. Mr. Holmes explained that he did not realize that they had to have the location now for the April vote.

Mr. Steer asked Mr. Colbath if perhaps the budget committee should vote by roll call vote instead of a show of hands as he found it quite difficult to keep track of during their public hearing. Mr. Colbath stated that the Chairman and Vice Chair make those decisions.

At 6:05 pm, Mr. Colbath moved, seconded by Ms. Seavey, to go into non-public session under RSA 91-A:3 II (c) to discuss a tax matter. The motion carried unanimously.

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

At 6:20 pm, the Board returned to public session.

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

ADJOURN

At 6:20 pm, the meeting adjourned at the call of the Chair.

Respectfully Submitted,

Krista Day
Executive Secretary