

Minutes of Meeting
CONWAY BOARD OF SELECTMEN
May 5, 2020

The Selectmen's Meeting convened at 4:00 pm in the Meeting Room of Conway Town Hall with the following present: C. David Weathers, Mary Carey Seavey, Carl Thibodeau, 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 the meeting was being streamed live on Facebook and the public could also phone in using the following number:

1-646-558-8656 Meeting ID: 867 5174 6559

Mr. Weathers also stated that after the Board's Discussion of Outdoor Dining, they would take public comment one by one through the zoom meeting.

Mr. Weathers stated that there were a few additions to the agenda, and one correction.

He added that they would be adding a discussion of Eversource weekend work, a vote on Mr. Holmes' recommendation to vote no on certain warrant articles.

Mr. Weathers stated that they would be adding a document under 8k., the 2019 Audit Contract, and that 8j. should be corrected to read 244-16 instead of 224-16.

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

DISCUSSION OF OUTDOOR DINING

Mr. Holmes explained that the Governor had set out guidelines regarding the ability for restaurants to begin outdoor dining service as of May 18, 2020. He added that there are quite a few restrictions regarding safety, sanitation, and zoning issues that have brought the town into the discussion.

Mr. Holmes stated that he is recommending that they modify their special event permit application and process to allow these businesses to go forward with outdoor dining. These applications would include information regarding potential tents, locations, and protection of diners from parking areas. He also added that they could not seat more than 50% of their

approved capacity. He added that there was some pushback already regarding the requirement of barriers, but that the town's basic concern was protecting the public from a careless driver. He noted that he would even be ok with the use of a few employee cars to create a barrier.

Mr. Holmes was also asking for the authority to allow Mr. Eastman or himself to approve these applications as to expedite the process.

He did note that there were a few businesses such as Horsefeathers and Hooligans where he did not know how they would make outdoor dining work due to land constraints.

There was discussion of increased signage and the need to have bathrooms available, whether they be porta potties or having indoor bathrooms open while practicing social distancing.

It was stated that the tents could not have sides.

Mr. Holmes stated that he believes it is the Town's job to be the least impactful that they can be on these businesses, but still maintain safety.

It was stated that the at this point, these approvals would be valid through Columbus Day or until the Governor lifts restrictions.

Mr. Thibodeau clarified that places that do not need to pitch a tent and do not encroach on parking, do not have to get a permit.

There was discussion regarding whether a business could use abutting property. Mr. Thibodeau noted that if it is their own property, he does not care.

Mr. Colbath agreed that they need to work with these businesses.

Mr. Holmes added that they would require an insurance rider for those businesses that encroach on Town property so that they are not liable.

Mr. Holmes stated that they really want to work with people and if the public has ideas to please let him know.

It was determined that if the applicant does not agree with a decision, they have the right to appeal to the Selectmen.

Ms. Seavey moved, seconded by Mr. Thibodeau, to authorize Mr. Holmes and Mr. Eastman to work with businesses and authorize them to make decisions regarding the amended special event permits to allow for outdoor dining in Conway. She added that appeals could be made to the Board of Selectmen if necessary.

At this time, calls were taken through the zoom platform from the public.

Stephen Johnson inquired as to why the Board was limiting the seating outdoors to 50% of approved capacity. Mr. Holmes stated that they were going off of the Governor's guidelines.

North Conway Fire Chief Pat Preece stated that he agreed with Mr. Holmes and that he wants these businesses to be able to work with them.

Kevin Hamlin asked if they had to use a tent. Mr. Holmes stated no.

Steven Steiner stated that he did not believe that the Board should be taking these peoples rights away. He added that they need to be opening up businesses. He stated that people are going into Walmart and Shaws and not having any problems with getting sick.

Wally Campbell stated that each of the 25 Valley Originals have unique scenarios. He added that they are diligent when it comes to sanitation.

Janice Crawford thanked the Board for their willingness to be flexible. She also asked for clarification regarding whether porta potties would be required. It was stated that they would not, but if they used indoor restrooms, proper social distancing practices would need to occur.

Daymond Steer asked if it was necessary to require these businesses to get a permit or if they could just go ahead without one. Mr. Holmes explained that there are guidelines and state laws for safety including the inspection of tents by the fire chiefs. Mr. Colbath added that there needs to be oversight and equity.

Chief Preece added that they would continue to do life safety inspections as normal and he wants to see this work for the restaurant owners.

The motion carried unanimously.

DISCUSSION OF DIANA'S BATH

Mr. Holmes explained that this was on the agenda at the request of the Forest Service. He explained that they had closed trailheads about a week ago. However, they had received word from the State Parks that they all need to be on the same page and to reopen. However, if the Board of Selectmen had a strong feeling regarding keeping Diana's Bath closed as it is in a residential area, they could try and keep it closed.

Mr. Thibodeau stated that he is supportive of opening Diana's Bath as long as they open with the same guidelines as the State Parks regarding things like social distancing.

Mr. Colbath explained that he can see both sides of the issue. However, he believes that they should open it up if everything else is being opened.

Mr. Weathers agreed.

There was brief discussion regarding the hope for two attendants at Diana's Bath this year.

Mr. Weathers moved, seconded by Mr. Porter, to support the opening of Diana's Bath. The motion carried unanimously.

PERMISSION FOR EVERSOURCE WEEKEND WORK

Mr. Holmes explained that the representative for Eversource, John Greene, was looking for authorization to be able to complete some work on Saturday, May 30, 2020. He noted that there is a Town Ordinance that prohibits this being done without approval from the Board.

Mr. Porter moved, seconded by Mr. Thibodeau, to authorize Eversource to perform weekend work on 5/30/2020 between 8:00 am and 5:00 pm. The motion carried unanimously.

REVIEW OF RECEIPTS

(none)

SELECTMEN'S VOTE ON RECOMMENDATION TO VOTE DOWN CERTAIN WARRANT ARTICLES

Mr. Weathers explained that there had been a letter in the paper stating that the Board had not taken a stance on Mr. Holmes recommendation to encourage voters to vote down some of the warrant articles to help combat the budget shortfalls they were potentially facing due to COVID-19.

Mr. Weathers stated that the recommendation was to vote no on Articles 9, 10,11,12,13,14,16, and 17.

Mr. Thibodeau noted that he had given this a lot of thought, and because they would not be able to use monies raised from these warrant articles as fund balance to offset the tax rate, this unfortunately is something that needs to be done.

Mr. Colbath stated that there is so much unknown in terms of potential bailouts and revenues.

Mr. Colbath asked Mr. Holmes that if these articles were voted down, are there any guarantees that it will not affect future funding. Mr. Holmes answered in the negative.

Ms. Seavey stated that it was sad that they needed to be having these conversations, but she supported Mr. Holmes' recommendations.

Mr. Porter explained that by presenting this to the voters, it tells the taxpayers that we have their best interests in mind.

Mr. Porter moved, seconded by Ms. Seavey, to recommend that voters vote no on Articles 9, 10,11,12,13,14,16, and 17 at the polls on May 12, 2020. The motion carried unanimously.

SIGNING OF DOCUMENTS

- a. Intent to Cut Wood or Timber on Map/Lot 256-2.2
- b. Certification of Yield Taxes Assessed on Map/Lot 239-1
- c. Certification of Yield Taxes Assessed on Map/Lot 241-5
- d. Certification of Yield Taxes Assessed on Map/Lot 226-1
- e. Yield Tax Levy on Map/Lot 239-1, 226-1, 241-5
- f. Warrant for Land Use Change Tax on Map/Lot 249-8
- g. Warrant for Land Use Change Tax on Map/Lot 250-206
- h. Municipality Land Use Change Tax on Map/Lot 249-8
- i. Municipality Land Use Change Tax on Map/Lot 250-206
- j. Gravel Tax Levy on Map/Lot 238-1, 263-117, 226-1, 244-16
- k. Signing of 2019 Audit Contract by Chairman Weathers

Mr. Colbath moved, seconded by Ms. Seavey, to sign the documents listed above in a. through j. and to authorize Chairman Weathers to sign the document listed in k. on behalf of the Board. The motion carried unanimously.

CONSIDERATION OF BILLS

- a. AP Manifest dated 5/7/2020
- b. Payroll dated 5/7/2020

Mr. Colbath moved, seconded by Mr. Thibodeau, to sign the AP Manifest and Payroll dated 5/7/2020. The motion carried unanimously.

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

- a. Tax Anticipation Note Loan #904095754

Mr. Colbath moved, seconded by Mr. Thibodeau, to ratify the document listed above in a. The motion carried unanimously.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

(none)

CONSIDERATION OF MINUTES

- a. Regular and Non-Public Minutes from 4/28/2020

Mr. Thibodeau moved, seconded by Mr. Colbath, to adopt the regular and non-public minutes from 4/28/2020. The motion carried unanimously.

TOWN MANAGER REPORT

Mr. Holmes stated that they had received word that they were eligible for up to \$240,897 in reimbursement from the CARES Act for COVID-19 related expenses. He added that this amount was based upon census data which insinuates that our town is less populated than it actually is.

Mr. Holmes noted that he is thinking about having Town Hall open back up to the public at the beginning of June. However, there are lots of things to be considered including protocols to protect the staff. He added that he was contracting with a cleaning company to come deep clean Town Hall.

Ms. Seavey believed that they should use some of those funds to get the recreation program back open. Mr. Holmes stated that the uses are quite restrictive, but he would look into this.

Mr. Eastman gave the Board an overview of the things the recreation center staff is doing to try and plan for summer camp. These included planning for daily temperature readings for staff and children, working on a COVID 19 Policy, coming up with protocols for staff, children, and parents regarding social distancing and sanitation.

He made clear that if camp is to go on this year, it is going to look much different than it has in the past.

Mr. Eastman explained that he was going to have a survey going out to parents this week to ask questions about whether they planned to utilize the program this year.

Mr. Weathers added that the summer camp staff need to realize that they are taking on a big responsibility in helping to keep the children at camp safe.

BOARD REPORTS AND COMMENTS

Mr. Porter noted that the Planning Board would be meeting on Thursday, May 14, 2020 at the Conway Recreation Center in Marshal Gymnasium.

Mr. Colbath stated that the ZBA would be meeting in Marshall Gymnasium on Wednesday, May 20, 2020. He added that the budget committee was set to meet on Wednesday, May 27, 2020.

Mr. Thibodeau explained that the bids for the transient hangar were opened that morning, and if everything checks out, the low bid was \$450,000 less than the engineer's estimate.

Ms. Seavey stated that Valley Vision would be meeting this week via zoom.

Ms. Seavey asked where they stood on absentee ballots. It was stated that over 900 absentee ballots had been requested, and only 225 had been returned.

Mr. Weathers stated that the Conservation Commission would be meeting on Wednesday, May 13, 2020 and the Saco/Swift River Advisory would be meeting on Thursday, May 14, 2020.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Daymond Steer from the Conway Daily Sun questioned whether businesses that were already allowing outside dining were a problem. It was speculated that many people may be eating in the parking lot or outside of businesses, however, they were not being waited on.

There was clarification regarding the money that Conway was eligible for in terms of reimbursement for COVID-19 related expenses. This money does not address budgetary shortfalls.

Mr. Steer asked Mr. Thibodeau if the ESAA had received \$30,000 from the State of Maine. Mr. Thibodeau confirmed this but added that they have not had a meeting to discuss it further.

Louise Inkell clarified the deadlines for receiving absentee ballots. She noted that they could be dropped off at Town Hall by 5:00 pm on Monday, May 11, 2020. They could also be dropped off at the polls on Tuesday, May 12, 2020 by someone on behalf of the voter by 5:00 pm. Ms. Inkell also noted that ballots could be received in the mail up until Tuesday at 5:00 pm as well.

Mr. Thibodeau wanted Mr. Holmes to look into the guideline that restaurants could only have 50% of their capacity for outdoor seating as he could not find that written online.

ADJOURN

At 5:28 pm, the meeting adjourned at the call of the Chair.

Respectfully Submitted,

Krista Day
Executive Secretary