

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN
October 13, 2020**

The Selectmen's Meeting convened at 4:01 pm in the Marshall Gymnasium in the Conway Recreation Center 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 agenda item 4., Memorandum of Understanding between the Town of Conway and Margaret and Charles ("Sut") Marshall, was being removed.

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

Mr. Weathers explained that Facebook Live was not working, however they were streaming on Zoom.

He noted that the phone Number was: 1 646 558 8656 and the meeting ID was: 821 5793 6634.

ELECTION UPDATE – MODERATOR FAUVER

Moderator Deborah Fauver appeared before the Board in order to discuss the upcoming election on November 3, 2020 that would be taking place at Kennett High School.

She explained that they would be utilizing the entire gym this year instead of only half as they had in previous years.

Ms. Fauver explained that in regards to absentee ballots, they had received over 2000 requests so far and over 1000 ballots had been returned.

Ms. Fauver noted they have approximately 60 poll workers for the election.

Ms. Fauver explained the pre-processing of ballots that would occur on November 2, 2020. This process allows them to check to ensure all ballots have been signed which will allow them to be counted on November 3, 2020.

Ms. Fauver noted that if you requested an absentee ballot prior to November 3, the ballot needs to be returned to the polling location before 5:00 pm on November 3. If someone requests a ballot on the day of the election, it needs to be returned by 7:00 pm.

Ms. Fauver urged folks to return absentee ballots as soon as possible as the Center Conway Post Office is now required to send the ballots out, even if they are received the day before or day of the election.

SIGNING OF ELECTION WARRANTS

a. Conway

Mr. Porter moved, seconded by Mr. Colbath, to sign the election warrant for the Town of Conway for the November 3, 2020 election. The motion carried unanimously.

b. Hale's Location

Mr. Porter moved, seconded by Mr. Colbath, to sign the election warrant for Hale's Location for the November 3, 2020 election. The motion carried unanimously.

RECOMMENDATION TO THE SACO/SWIFT RIVER ADVISORY COMMITTEE

Mr. Holmes explained that they had received interest from two individuals regarding being recommended to the Saco/Swift River Advisory Committee; Pete Gagne and Steven Angers.

Mr. Holmes noted that Mr. Gagne runs a livery service in Conway and Mr. Angers writes about fishing in town.

Both Mr. Thibodeau and Ms. Seavey spoke in favor of Mr. Gagne.

Mr. Thibodeau moved, seconded by Ms. Seavey, to recommend that Pete Gagne be appointed to the Saco/Swift River Advisory Committee. The motion carried unanimously.

PERMISSION TO APPLY FOR GRANT

Mr. Holmes noted that he had applied for and received confirmation that they had been awarded a \$5000 grant from the Center of Technology and Civic Life. He stated that they could use this towards the 20% match for the grant from the Secretary of State.

Mr. Holmes noted that he was going to be looking for the Selectmen's acceptance of the grant when the actual check is received.

SHORT-TERM RENTAL COMMITTEE REPORT – CHIEF SOLOMON

Chief Solomon, Chair of the Short-Term Rental Committee, appeared before the Board to summarize his meeting with the Planning Board about the recommendations of the committee.

Chief Solomon explained that they had been working diligently to perform the task assigned by the Board of Selectmen, which they are calling, “regulate but don’t eliminate” short term rentals.

Currently, short-term rentals are only permissible in the commercial district.

To change this requires a vote of the legislative body. However, he is very concerned that the proposal to allow STRs in the residential zones, or as the STR committee phrased it, allow them anywhere single-family homes are allowed will not pass.

He explained that he met the previous week with the Planning Board, and while they had not voted on the committee’s recommendations, it was fairly clear that they are not completely on Board.

Chief Solomon explained that if this does not pass, there is a high potential for lawsuits as the Board had already stated that short-term rentals are prohibited outside of the commercial districts.

Chief Solomon noted that if the Planning Board does not vote to put their recommended zoning changes on the warrant, there was the ability of the Board of Selectmen to do it.

He stated that if they put something before the voters and it doesn’t pass, then in his mind, the voters have spoken.

Chief Solomon noted a potential alternative route of instructing the committee to look at other possible options. This included potentially changing the current definition of owner-occupied tourist homes to remove the “owner occupied” which would allow short-term rentals with an occupancy of no more than 8 in residential areas.

Regardless of approach, Chief Solomon explained that time is of the essence.

Steve Porter, the representative to the Planning Board, explained that it seemed that the Planning Board was questioning allowing the short-term rentals in all residential zones as well as not having them be subject to site plan review.

While they are unsure how they would complete site plans for the enormous number of short-term rentals in town in a reasonable amount of time, the overall feeling Mr. Porter got was that they would rather do it that way to make sure things are done correctly.

The other issue is that they are fearful that allowing these businesses in a residential zone would cause other businesses who have been told they are unable to operate in these zones would have an issue with that decision.

Mr. Porter explained that they tabled this issue at the Planning Board meeting so that they could have more time to think about it before making a decision.

Chief Solomon stated that in order to allow short-term rentals anywhere outside of commercial districts will require a vote by the legislative body and he does not feel that the voters are in favor of that.

Mr. Colbath asked if they had any information on what other towns are doing.

Chief Solomon explained the different things they had been seeing in Hampton, Portsmouth, and Laconia where they are not allowing them in residential zones or only in particular areas of town.

Chief Solomon added that Jackson is permitting them up conditional use permits, but they are having mixed results getting the owners to comply.

There was discussion regarding how before the COVID-19 shutdown, it seemed to be 50/50 with those in favor and against short term rentals in the Town of Conway. However, because of the plethora of issues that have been seen during the shutdown, there has been a change of tone.

Mr. Holmes suggested a potential option of creating the ordinance that would allow short-term rentals duly licensed by the Board of Selectmen to allow the enforcement by the Board's police powers. He noted that a lot of the short-term rental properties could be administratively approved.

Mr. Holmes noted that they had budgeted for an Assistant Building Inspector, however, perhaps a one-year Assistant Planner would be better in order to help with the site plan review process during the first year of licensing.

There was a brief discussion regarding potential lawsuits regardless of whether short-term rentals are deemed as permitted uses in residential zones or if they are not.

Chief Solomon explained that the committee has been doing a lot of work and will have a set of robust regulations to recommend to the Board, as well as recommendations on hiring a vendor to help with the licensing of these short-term rentals.

Chief Solomon emphasized that they cannot wait for the committee to complete their work to take action on the potential zoning changes.

Mr. Colbath stated that he would be more comfortable if the article came through the Planning Board.

REVIEW OF RECEIPTS

The receipts were available for review.

SIGNING OF DOCUMENTS

- a. Yield Tax Levy on Map/Lot 203-51
- b. Certification of Yield Taxes Assessed on Map/Lot 203-51
- c. Warrant for Land Use Change Tax on Map/Lot 255-31
- d. Warrant for Land Use Change Tax on Map/Lot 258-68.4
- e. Warrant for Land Use Change Tax on Map/Lot 260-58
- f. Warrant for Land Use Change Tax on Map/Lot 250-5
- g. Municipality Land Use Change Tax on Map/Lot 255-31
- h. Municipality Land Use Change Tax on Map/Lot 258-68.4
- i. Municipality Land Use Change Tax on Map/Lot 260-58
- j. Municipality Land Use Change Tax on Map/Lot 250-5

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

CONSIDERATION OF BILLS

- a. AP Manifest dated 10/15/2020

Mr. Colbath, moved, seconded by Mr. Thibodeau, to sign the AP Manifest dated 10/15/2020. The motion carried unanimously.

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

- a. AP Manifest dated 10/8/2020
- b. Payroll dated 10/8/2020

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. MWV Recovery Coalition Halloween Party and Haunted Family Boo Walk (10/30/2020)

Mr. Colbath moved, seconded by Mr. Thibodeau, to approve and sign the special event application listed above in a. The motion carried unanimously.

CONSIDERATION OF MINUTES

- a. Regular and Non-Public Minutes from 9/29/2020

Mr. Colbath moved, seconded by Mr. Thibodeau, to adopt the regular and non-public minutes from 9/29/2020 as written. The motion carried unanimously.

TOWN MANAGER REPORT

Mr. Holmes stated that they had received the third disbursement from the GOEFERR funds and all of their requests had been approved, including the finance software. He noted that they would have one more submission.

Mr. Holmes explained that they had met with representatives from Rockhouse Mountain as they were starting a large capital project and will be applying for grants. They are looking to request the Town's support of these grants.

Mr. Holmes noted that there were two people out sick at Town Hall. He stated that they had been instructed to stay home until 36 hours after they were symptom free. He anticipates this situation to go on all winter.

Mr. Holmes explained that at the new Town Hall building, Public Works, Planning, and Building were working on the second floor. He added that they had begun working on the reception and Town Clerk area.

Ms. Seavey inquired about the status of Valley Vision moving to Town Hall. Mr. Holmes explained that he had sent the proposed lease to Attorney Malia who had made a few changes. The new proposal was given to Mr. Edmunds.

Mr. Holmes noted that the firm term of the lease was going to be until April 30, 2021.

In regards to the status of the elevator at Town Hall, Mr. Pandora is in communications regarding what the cost of a new elevator would be as many parts to fix the existing elevator are not available any long.

BOARD REPORTS AND COMMENTS

Mr. Porter stated that the Planning Board had met the previous week to discuss the recommendations regarding short term rentals, two subdivisions, and a conceptual plan for mixed use housing.

Mr. Colbath noted that the Budget Committee would be meeting in December and the ZBA will meet on October 21, 2020.

Mr. Colbath noted that at the Broadband meeting they wanted to ask if the Town's Select Board would vote to support putting a warrant article on the Town Meeting Warrant to begin the process of forming a "Communications District" for the purpose of bringing high-speed, affordable Broadband to every premise in Carroll County.

Mr. Colbath asked that this be put on the agenda for their next meeting.

Mr. Thibodeau gave the activity report for the ESAA. He noted that they hangar project was still on track and they anticipate breaking ground this fall.

Mr. Weathers stated that the CCC would be meeting on October 14, 2020.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Mr. Colbath wanted to make note that the floor in the Marshall Gymnasium had been refinished and looked great.

Daymond Steer, from the Conway Daily Sun, asked if there were any updates on the Main Street Project.

Paul DegliAngeli noted that they had the contract signing the week prior and that there would be a preconstruction meeting next week. They are still hoping for a November start date.

Mr. Steer inquired as to how disruptive this project would be to traffic. Mr. DegliAngeli noted that they were required to keep two lanes of traffic at all times.

Mr. Steer suggested that perhaps the Board could limit the number of short-term rentals that a single owner could have.

Mr. Steer inquired as to what this new Broadband Committee would be responsible for. It was stated that they would continue the work that the larger committee has been working on.

At 5:09 pm, Mr. Colbath moved, seconded by Ms. Seavey, to go into non-public session under RSA 91-A:3 II (A) – Personnel Matters. The motion carried unanimously.

NON-PUBLIC SESSION RSA 91-A:3 II (A) -PERSONNEL MATTERS

The Board returned to public session at 6:29 pm.

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

ADJOURN

At 6:29 pm, the meeting adjourned at the call of the Chair.

Respectfully Submitted,

ADOPTED: 10/27/2020
As Written

Krista Day
Executive Secretary