

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN
November 24, 2020**

The Selectmen's Meeting convened at 4:02 pm in the Meeting Room at the New 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 explained that Facebook Live was not working, but the meeting would be available on Zoom. He read the log on information for those who would like to join the Zoom.

Mr. Weathers explained that they would be adding an agenda item, Discussion of Tax Rate.

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

DISCUSSION OF TAX RATE

Mr. Holmes explained that they still did not have a tax rate.

However, according to estimates by Ms. Golding, the Municipal Tax rate should be \$4.53, which is down 47 cents.

Ms. Golding noted that this tax rate was without using any fund balance. She attributed this to the voters voting the warrant articles down.

Mr. Colbath asked why the tax rate was delayed.

Mr. Holmes explained that the North Conway Water Precinct was late. He noted that he had received an apology from the precinct.

Mr. Holmes emphasized that the tax bills going out late was having a serious impact on cash flow but they had the TANS if necessary.

Mr. Porter noted that after a conversation with a North Conway Commissioner, the company responsible for doing the books for the precinct will not be doing them next year.

Mr. Colbath stated that this situation puts the Town in a very hard situation from a financial standpoint.

Mr. Holmes and Ms. Golding suggested not using fund balance this year as there are concerns about budget moving into 2021, specifically relating to the pandemic.

Mr. Porter and Mr. Colbath agreed.

Mr. Colbath moved, seconded by Ms. Seavey, to hold off on using any fund balance to reduce the tax rate. The motion carried unanimously.

DISSOLUTION OF SHORT-TERM RENTAL COMMITTEE

Mr. Porter moved, seconded by Mr. Thibodeau, to dissolve the short-term rental committee. The motion carried unanimously.

Mr. Porter stated that the committee did an admirable job and thanked Chief Solomon.

DISCUSSION OF SHORT-TERM RENTAL PROPOSALS

Mr. Holmes stated that the Board had in their possession the proposals from the Short-Term Rental Committee. He wanted to know if the Board would like to attack issues one at a time to accept or amend.

There was discussion regarding whether a noise ordinance warrant article passes or not, what that would mean in regards to noise enforcement for short-term rentals.

Mr. Holmes explained that it would only allow for the police to respond and cite the renters, not the owners of the properties, but the citation would constitute a record of violation against the owner's license.

Mr. Holmes noted that it seemed that the Board of Realtors were on board with the noise ordinance.

Mr. Colbath raised the issue on enforcement.

Mr. Holmes noted that properties could receive up to 4 violations a year of the short-term regulations and then they would lose their license.

Mr. Colbath questioned whether they would allow for public comment during these discussions regarding short-term rentals.

Many Board members were in favor of taking public input along the way.

Mr. Colbath would like to know the position of the Planning Board.

Chief Solomon explained that at the last Planning Board meeting, the felt that the Board of Selectmen should take this on.

There was discussion regarding issues of timeframe as the main reason the Planning Board would rather have the Board of Selectmen work on these proposals.

Mr. Porter explained that because they had told the voters that they would get something on the warrant regarding short-term rentals, the Board of Selectmen would have more time to get this done.

Mr. Colbath stated that he believes that if they rush it, no one is going to be happy with the outcome.

Mr. Colbath also stated that nothing is normal this year, and that COVID-19 had caused a delay. He noted that people should not expect things to be the way they were last year.

The was discussion regarding the five warrant articles that would need to be place on the warrant this year as outlined in the proposal.

Mr. Holmes noted that he had watched the Planning Board meeting, and he was concerned when he heard some members trying to tie short-term rentals and these proposals to affordable housing.

He added that he hopes that the Planning Board will get behind this and realize that the regulations are not carved in stone and changes can be made by the Board of Selectmen in the future.

Mr. Irving explained that the Planning Board was uncomfortable proposing amendments to the zoning ordinance without knowing the regulations that would be developed by the Board of Selectmen.

Mr. Irving noted that the Planning Board had recommended an addition to the definition of short-term rentals as follows:

Short Term Rental: The rental of a dwelling unit for periods of less than thirty (30) days, rented or offered for rent for fifteen (15) or more days in a calendar year and where the dwelling unit is not associated with commercial activities such as a hotel, motel, or bed and breakfast. This is a non-residential use. A qualified short-term rental must have a business license in good standing from the Board of Selectmen.

He noted that if the Board of Selectmen propose this definition, it would meet with the favor of the Planning Board.

Mr. Irving then explained that they would need a warrant article to amend the permitted use table in order to allow to allow short-term rentals as defined in all districts where residential uses are permitted.

Mr. Irving then added that the third piece would be a warrant article giving the Board of Selectmen the authority to license short-term rentals. He noted that this article would not go to the Planning Board.

Mr. Irving added that the additional warrant article for the trust fund that would allow the licensing fees to be collected and expended for the licensing and regulating expenses would also not go before the Planning Board.

Mr. Colbath asked about the final report from the Short-Term Rental inventory. Mr. Holmes stated that it is still in process and that they have identified 574 short-term rental properties to this point.

Mr. Colbath stated that if none of these things pass, the Town will have to send cease and desist orders.

Mr. Holmes stated that the proposed regulations will be going on the agenda weekly and the warrant articles will be discussed with the rest of the Selectmen's proposed warrant articles.

There was discussion regarding when public comment would be taken regarding these proposals.

Mr. Holmes explained that there is always a public comment agenda item at the end of the meetings.

He also noted that they would put the proposal on the Town website and Facebook page.

Mr. Colbath noted that they do have the deliberative meeting where all the warrants will be discussed, but that is very late in the process.

Mr. Irving noted that once the Board proposes an amendment to the zoning ordinance, there would be a public hearing on January 28, 2021 for the Planning Board process.

Ms. Seavey stated that she would be more comfortable having a hearing before going to the Planning Board.

Mr. Holmes noted that during the short-term rental committee process, they had received a lot of email comments. He stated that he would print them out for the Board.

Mr. Colbath stated that he personally wanted public comment every step of the way.

Mr. Irving noted that the Planning Board had already provided their recommendations as follows:

Proposed Definition:

Short Term Rental: The rental of a dwelling unit for periods of less than thirty (30) days, rented or offered for rent for 15 or more days in a calendar year and where the dwelling unit is not associated with commercial activities such as a hotel, motel or bed-and-breakfast. This is a non-residential use. A qualified Short-Term Rental must have a Business License in good standing from the Board of Selectmen.

Proposed addition to the use Table:

Table of Regulated Uses	District											Overlay District					
	Residential				Commercial					I1	I2	RR					
	RA	CCVR	CVR	NCVR	CCVC	CVC	NCVC	HC	RC				MC	FC	SP	WWP	GWP
Short Term Rentals	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr		Pr	Pr	Pr	N	Pur	Pur	Pur	N

Mr. Holmes noted that the Board of Selectmen had not seen these recommendations but would send them out.

Mr. Irving stated that they had added verbiage to avoid double regulating hotels and motels.

Daymond Steer from the Conway Daily Sun wondered if they could defer enforcement like they had over the past year.

Chief Solomon stated that they need to be cautious because if they fail to enforce portions of the zoning ordinance you can jeopardize the entire ordinance.

Mr. Colbath stated that in order to make these decisions, they need the information to do so.

ADOPTION OF PROPOSED WELFARE GUIDELINES

The Board had received proposed changes and additions to the welfare guidelines at the previous meeting.

Mr. Colbath confirmed with Ms. Parker that she felt comfortable with the proposal.

Ms. Parker explained that she was comfortable and that they fall in line with State recommendations.

There was a brief discussion regarding the importance these days for people to have a phone.

Ms. Seavey was concerned that the monthly shelter allowance for a zero bedroom had decreased. She would like to keep it at \$720, which was the allowance during the previous year instead of decreasing it.

Ms. Seavey moved, seconded by Mr. Colbath, to amend the proposed welfare guidelines for the monthly shelter allowance for a zero bedroom to be \$720. The motion carried unanimously.

Mr. Colbath moved, seconded by Ms. Seavey, to adopt the proposed welfare guidelines as amended. The motion carried unanimously.

Mr. Holmes explained that they had applied for a Community Development Block Grant for the community and that for all of the proposed programs for the Town, they had received \$355,816.

He commended Ms. Parker for her work on writing this grant.

Funds to be allocated include \$40,500 for life alerts, \$14,000 for recreation scholarships, assistance for Vaughan Community Services, the Gibson Center, and RSVP.

Ms. Seavey thanked everyone.

BUDGET REVIEW

a. Finance

Ms. Golding explained that they had one increase which was the salary line item. They had budgeted for a few hours a week for retired Bookkeeper Lauri Roode to come in an assist.

This budget was up 2.5%

b. Elections and Registrations

Ms. Inkell explained that this budget would be lower as they only had one election in 2021 as compared to the four in 2020.

c. Tax Collector

Ms. Inkell noted the biggest increase was due to the increase in the cost of leans. She noted that this was when they perform title searches because the contract prices had increased. She did note that those fees are passed on to the taxpayer and they will show up in the revenue side of things.

Mr. Holmes explained that the Budget Committee had questions regarding where they were in terms of tax collection this year. Mr. Holmes noted that there was a difference of .007%, and inferred that COVID-19 has not affected tax collections in any meaningful way to date.

d. Employee Benefits

Ms. Golding explained that they were seeing an increase in 8.7% in health insurance costs. She also noted that they were budgeting for potential retirees' leftover vacation and sick time.

e. Insurance 11

Ms. Golding noted that this was set on previous usage and rates were sent by Primex.

f. TANS 17

Ms. Golding noted that they had been fortunate that they could get reimbursed for the interest through the GOEFERR funds in 2020.

g. Revenue

Mr. Holmes stated that they had been amazingly accurate in terms of projected revenue to date.

Ms. Golding noted that they had thought they may have a bleak outlook in terms of revenue due to COVID-19, but they were amazingly close.

Mr. Holmes noted that Albany was holding funds from the Town of Conway for their rec bill which he believes to be a problem.

REVIEW OF RECEIPTS

The receipts were available for review.

SIGNING OF DOCUMENTS

(none)

CONSIDERATION OF BILLS

a. AP Manifest dated 11/26/2020

Mr. Colbath moved, seconded by Ms. Seavey, to sign the AP Manifest dated 11/26/2020. The motion carried unanimously.

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

- a. AP Manifest dated 11/19/2020
- b. Payroll dated 11/19/2020
- c. Notice of Intent to Cut Wood or Timber on Map/Lot 203-75.3
- d. Notice of Intent to Cut Wood or Timber on Map/Lot 268-127
- e. Notice of Intent to Cut Wood or Timber on Map/Lot 210-4
- f. Certification of Yield Taxes Assessed on Map/Lot 284-7
- g. Yield Tax Levy on Map/Lot 284-7
- h. 2020 Equalization Municipal Assessment Data Certificate

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

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

(none)

CONSIDERATION OF MINUTES

- a. Regular and Non-Public Minutes from 11/10/2020

Mr. Colbath moved, seconded by Ms. Seavey, to adopt the regular and non-public minutes from 11/10/2020 as written. The motion carried unanimously.

TOWN MANAGER REPORT

Mr. Eastman explained that he had talked to Cort Hanson from the Ski Touring Association and they do not have the desire to have the Whitaker Building open.

Mr. Eastman stated that he had looked into the cost of closing the building vs keeping it heated. He noted that to winterize, it would cost \$1440. If they decided to leave it open, it will cost the Town \$1142.

There was a discussion regarding the need for an alarm to monitor that the system is working through the winter. Mr. Eastman will look into this.

Mr. Eastman wanted to ask the Board whether they would be in favor of closing the ice-skating warming hut to the public. After some discussion with Michael Lane, they are hesitant to keep it open because they would need to clean the building after each person left it.

Mr. Eastman suggested only allowing the rink attendant access to the hut and putting some benches beside the rink for the public.

Mr. Colbath moved, seconded by Mr. Porter, to close the Whitaker Homesite building and the ice-skating warming hut to the public. The motion carried unanimously.

There was discussion regarding whether to put porta-potties behind the Whitaker Building.

Mr. Porter moved, seconded by Ms. Seavey, to put two porta-potties beside the Whitaker Homesite building out of the view of Route 16. The motion failed (2-3-0) with Mr. Weathers, Ms. Seavey, and Mr. Thibodeau in the negative.

Mr. Holmes explained that they had gotten the approval for the Election Grant and the costs of the absentee ballots would be covered by an 80:20 match. He also noted that they had applied for a separate grant that could be used for the 20% match so there would be no cost to the Town.

There was discussion regarding progress at the Town Hall. Mr. Holmes explained that they had not yet received drawings for the Town Clerks area, but were going to try and have the Town Staff do a lot of the work downstairs.

He noted that he had awarded the cleaning contract for the town hall and garages to Upcountry Property Services.

They would next be looking to install shelving in the basement.

Mr. Colbath stated that the Town needs to be working on acquiring property for public bathrooms.

Multiple options noted included the Whitaker Homesite, and on Seavey Street.

BOARD REPORTS AND COMMENTS

Mr. Porter explained that the Planning Board had met to discuss the Short-Term Rental proposals.

Mr. Colbath stated that the ZBA had met for two hearings the previous week.

Mr. Colbath noted that the Budget Committee would be meeting on December 16, 2020.

Mr. Thibodeau stated that the ESAA Executive Committee had met and the Hangar Project was moving forward slowly.

He explained that the airport had been relatively busy. He also noted that he would be bringing forward a request for a warrant article to support the airport.

Ms. Seavey explained that Valley Vision is very excited about their place at Town Hall.

Ms. Seavey explained that the Economic Council had their annual meeting and given out their annual awards.

Mr. Weathers stated that the CCC would not be meeting until next month.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Daymond Steer from the Conway Daily Sun asked about whether the Board felt that a tele-talk question regarding public bathrooms in North Conway Village would be helpful.

The consensus of the Board was that a general question about public bathrooms in North Conway would be acceptable.

Mr. Steer asked about whether they could fine precincts who are late in order to pay the interest on TANS. Mr. Colbath explained that the money ultimately comes from the taxpayers and they will deal with it the best they can.

There was discussion regarding who would be in charge of approving short-term rental license applications. It was identified that it would most likely be the Assistant Building Inspector or Assistant Planner.

At 5:58 PM, Mr. Colbath moved, seconded by Ms. Seavey, to go into non-public session under RSA 91-A:3 II (D), to discuss the consideration of acquisition, sale or lease. The motion carried unanimously.

NON-PUBLIC SESSION RSA 91-A:3 II (D) – CONSIDERATION OF ACQUISITION, SALE OR LEASE

At 6:07, the Board returned to public session.

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

At 6:08 pm, Mr. Colbath moved, seconded by Mr. Thibodeau, to go into non-public session under RSA 91-A:3 II (E) to discuss a pending litigation. The motion carried unanimously.

NON-PUBLIC SESSION RSA 91-A:3 II (E) -PENDING LITIGATION

At 6:12 pm, the Board returned to public session.

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

At 6:13 pm, Mr. Colbath moved, seconded by Mr. Thibodeau, to go into non-public session under RSA 91-A:3 II (A). The motion carried unanimously.

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

At 6:47 pm, the Board returned to public session.

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

ADJOURN

At 6:47 pm, the meeting adjourned at the call of the Chair.

Respectfully Submitted,

Krista Day
Executive Secretary