

Minutes of Meeting
CONWAY BOARD OF SELECTMEN
December 8, 2020

The Selectmen's Meeting convened at 4:00 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 stated that there were two additions under signing of the documents:

- a. Timber Tax Levy on Map/Lot 205-1
- b. Certification of Yield Taxes Assessed on Map/Lot 205-1

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

CONSIDERATION OF UNANTICIPATED REVENUE LESS THAN \$10,000/RSA 31:95-B III

- a. \$100.00 anonymous donation for sponsorship of a Welfare Family

Mr. Colbath moved, seconded by Mr. Porter, to amend the above to read:

- a. **\$125.00 and artificial Christmas Tree from Anonymous Donor for sponsorship of a welfare family.**

The motion carried unanimously.

Welfare Director, BJ Parker, explained that they had received an anonymous donation of \$125.00 and an artificial Christmas tree from a former welfare client. She explained that this former client once was too proud to accept assistance. However, this client did accept the help and now wants to give back as he told her that she taught him kindness.

Ms. Parker stated that she had contacted Family Liaison at Conway Elementary School, Mandi McDonald, to see if she had any families in mind.

Mr. Colbath suggested she contact Jennifer Perkins at Vaughan as well.
Mr. Colbath thanked the donor.

Mr. Colbath moved, seconded by Mr. Porter, to accept the donation as amended. The motion carried unanimously.

DISCUSSION OF NORTH CONWAY VILLAGE BANNERS

Mr. Holmes directed the Board to their packet with a sample design for banners as requested by Janice Crawford. He stated that they were also planning to add the word "Village" to the banner.

Ms. Crawford, who joined the meeting via Zoom, explained that they were planning to put them on the four lamp posts in front of Schouler Park with the permission of the Board.

There was discussion of size. It was determined that they would be 18" x 36".

The banners would be removed at the end of the Holiday season.

Ms. Seavey had concerns about how low they would hang.

Mr. Porter moved, seconded by Mr. Colbath, to allow the banners to be hung in North Conway Village. The motion carried unanimously.

Ms. Crawford noted that the MWV Preservation Association was also planning to replace the damaged no parking signs on the North South Road and Grove Street.

DISCUSSION OF 2021 ESTIMATED REVENUES

Mr. Holmes explained that the estimated revenues before the Board were their best estimates at this time.

After discussions with Kathleen Golding, they had reduced the projected rooms and meals revenue by 25%.

There was a discussion regarding payments in lieu of taxes.

They had also reduced the shared revenue estimate.

It was stated that the Town had not yet received their rooms and meals taxes for 2020 to date.

They believe this is a conservative estimate.

Ms. Seavey asked why the Hales Location line was at \$0.00. Ms. Golding explained that Hales does not have Town Elections and therefore, they had no election in 2021.

BUDGET REVIEW

b. Department of Public Works

i. Government Buildings (pg.10)

Public Works Director Paul DegliAngeli explained that the budget was up quite a bit due to the fact that we were now occupying a space that was three times the size of the old town hall. He also noted that they are continuing to maintain and run the old town hall as well.

Mr. DegliAngeli explained that they budgeted based upon historic utility numbers, but they do expect changes as they continue to make the building more efficient.

Mr. Thibodeau inquired about what was included in the \$25,000 Town Hall Repairs. Mr. DegliAngeli explained that this line included both routine maintenance and repairs. This would include things like changing the thermostat system as well as altering how fresh air is brought into the building. He also added that the heating equipment maintenance was also included in this.

Mr. Holmes stated that this is a transition year, but they now have four times the space to maintain. He noted that they are getting the revenue from Valley Vision to help offset some of this.

There was brief discussion regarding the deed restrictions on the old town hall building that may prevent more space from being rented out in the future.

ii. Highway (pg. 17)

Mr. DegliAngeli explained that the Highway Labor line is down \$11,800 because of the reorganization of the Public Works Department. He explained that this includes part of his salary as he is now part of the Executive budget.

He noted that he will become the full-time engineer, and they plan to promote a full time Public Works Director

There was discussion regarding the highway inventory line and how it is the flow through for purchasing parts for vehicles in all departments.

Mr. Colbath noted that after the Police Department, this is the second highest department for expenses. He added that they do a great job taking care of the problems in town and maintaining the roads.

There was a discussion regarding streetlights and how the Main Street Project had new guidelines they would have to meet regarding lighting and pedestrian crosswalks. Mr. DegliAngeli explained that they are waiting for DOT input on their new lighting and crosswalk plan.

iii. Solid Waste (pg. 18)

Mr. DegliAngeli explained that there was a 3% decrease over last year's budget. This also included \$39,000 less due to the reorganization of his position.

There was brief discussion of the elimination of a foreman position due to a retirement in February.

c. CRF Warrant Articles

i. CRF for Infrastructure Reconstruction (pg. 23)

Mr. DegliAngeli noted that Main Street Project had been funding over a couple of years to ensure their 10% match with the State.

He explained that they were planning to reconstruct Birch Hill Road as it had been put off due to the pandemic in 2020. He also noted that they were planning to work on the Thompson Road Bridge.

There was brief discussion regarding the order in which they planned to complete the paving of gravel roads such as Abenaki, Bryant & Nash, and Modock. Mr. DegliAngeli stated that while it would make the most sense to prioritize Modock, homeowners had not made requests for them to do so like they had for Abenaki, Bryant, & Nash.

Mr. Weathers noted that even if they reconstructed Modock, there are still going to be issues that stem from the other gravel roads.

It was stated that the Town is on schedule for the paving and maintenance of roads.

There was discussion regarding the Washington Street Bridge Project. It was stated that they were not going to see anything from the State until 2030 and that they would just perform surface maintenance until then.

ii. CRF for Highway Equipment Replacement (pg. 24)

Mr. DegliAngeli noted that the only changes he had made to the information before the Board was to vehicle names and numbers.

It was reviewed that they were paying for the wheeler lease over the next few years.

iii. CRF for Solid Waste Equipment Replacement (pg. 25)

There was discussion regarding the price of the pick-up truck for the landfill. It was determined that this truck was heavier than the truck for the highway department, and that it would also include a snow plow.

There was discussion regarding the CAT Compactor. Mr. DegliAngeli noted that it was due for replacement and as it is the single most expensive piece of equipment they own, they would be doing a lease as well. The machine has a 20-year lifespan.

There was a discussion of the Town's bidding process when it comes to local vendors.

iv. CRF for Landfill Expansion (pg. 26)

Mr. DegliAngeli explained that this request was level funded at \$100,000.

There was discussion regarding updated estimates for the landfill phases.

Mr. Thibodeau asked if they had seen changes in trash and/or recycling due to the pandemic.

Mr. DegliAngeli explained that that the quantity had increased almost threefold. He noted that their aluminum is up dramatically and they are receiving revenue from this.

Mr. DegliAngeli also noted that steel is skyrocketing.

v. CRF for Maintenance of Town Buildings and Facilities (pg. 27)

There was discussion of the irrigation of the old recreation property and the \$50,000 that is promised from the Marshalls. These funds will go towards raised beds, irrigation, and other property upgrades.

Mr. DegliAngeli explained that the police station pump had failed annual inspection and needed replacement. He noted that the Court will be paying 50% of the total cost.

There was discussion regarding the garage expansion that had been put off by voters at the request of Town. It was noted that millions of dollars' worth of equipment currently sits outside and that they could extend the life of the equipment with this expansion.

Mr. DegliAngeli explained that they contractor has agreed to hold the price for the expansion with the exception of the increased cost of steel.

vi. CRF for Maintenance of Town Buildings and Facilities Leased by the Town (pg. 28)

This request would be for \$50,000 for an air conditioning system in the gymnasium of the Recreation Center. This figure is down by half of the original quote as it has been redesigned by Mr. DegliAngeli.

It was stated that the calculation was based on 12 tons.

Ms. Seavey explained that this air conditioning project is not only critically important for the children's programs, but also to the future theater programs as the new stage was being completed.

- vii. CRF for Parks Department Vehicles and Equipment Replacement (pg. 29)

This request was level funded for \$7,000.

- viii. CRF for Police Department Vehicles (pg. 30)

Chief Mattei explained that they were requesting \$70,000 for the purchase of two police Dodge Interceptors.

Mr. Thibodeau inquired as to how many vehicles they have now.

Chief Mattei explained that they currently have 10 as they retired Car #8 due to rust. They do currently have a 1500 pick-up truck on order that should arrive by the end of the year.

Chief Mattei explained that they like to budget for \$35,000 per vehicle as prices can fluctuate. Also, due to the time of year they can order, they don't know if they will be able to get a 2021 or 2022 vehicle.

- ix. Expendable Trust Fund for Public Educational Government Cable Television (pg. 31)

Mr. Holmes explained that the PEG warrant article would again be for \$110,000 this year.

- d. Other Selectmen's Warrant Articles

- i. Purchase 10 AED's for Police Department

Chief Mattei explained that they were asking for 10 new Automated External Defibrillators (AEDs) for the Police Department. He explained that currently they only have eight working units. The new AEDs run around \$1,800 per unit, for a total request of \$18,000.

Chief explained that the units they have are old and quite outdated.

The new units would be from the same company that the Medical Crews get their units from. He hopes this will bring uniformity and the ability for pads to be used prior to their expiration dates.

Chief noted that in eight years, the department has used the AEDs 29 times, and 4 of those times were life saving efforts.

Mr. Colbath suggested they look for grant money to help purchase these as well.

Chief Mattei explained that they did put the word out, but had not found any active grant opportunities at this time.

ii. Police Radar Trailer

Chief Mattei explained that he wanted to put this out to the voters as they continue to get complaints about high speeds in multiple areas of Town. While they do put out directed patrols, they are not always able to do so with the staff they have.

This digital unit will be a tow behind trailer that is solar powered. He noted that with a good amount of sunlight, the batteries can charge for over two weeks. He also noted that it will provide data collections such as the traffic and the average speed of the traffic. The trailer would cost \$8,500.

iii. ESAA

Mr. Thibodeau explained that he would be requesting that the Board of Selectmen place a warrant article again for \$10,000 to help fund the Eastern Slope Airport Authority. He stated that he continues to believe that the airport is a viable means of access and egress for the Mount Washington Valley. It is his belief that the Town of Conway should contribute to the airport. He added that he feels it is short money for the amount of service the airport provides.

Mr. Colbath stated that in his mind, one successful life flight of a tax paying resident of the Town of Conway more than pays back this warrant article. He believes it to be a worthwhile investment.

Mr. Holmes added that the outreach that goes to the children in our school system from the ESAA surprised him.

Mr. Thibodeau added that Ed Bergeron started a STEM Aviation Program in the schools. He noted that as of last week, there was zero participants from Fryeburg, and that they were all from the Conway School District.

iv. Broadband Warrant Article (pg. 32)

Mr. Holmes explained that Mr. Colbath had requested this be discussed.

Mr. Colbath stated the Broadband Committee would like to see a warrant article to allow the creation of a communications district for the purpose of bringing high-speed, affordable Broadband to Carroll County.

The main purpose for this would be to allow them to collect federal funding and grant funding for the purpose of helping to bring Broadband to our area.

Mr. Thibodeau clarified that this would be a non-monetary article.

Ms. Seavey added that they had lost out on grant money this last year because they did not have districts set up.

DISCUSSION OF SHORT-TERM RENTAL PROPOSALS

a. Discussion of V. – VII. (pg. 40-42)

There was discussion regarding the next steps. It was determined that they were going to try and get through the rest of the proposal in order to present the entire package to the Planning Board for their next meeting.

Page 38: 1A. Could send to planning board a week earlier.

The Board reviewed the following sections as follows:

- I. Regulations
 - A. Sleeping Areas. Only the rooms designated as sleeping areas in the application, shown on the floor plan, and approved by The Town, shall be used for sleeping. Lofts accessed by ladders are not suitable for sleeping areas.
 - B. Occupant Load:
 1. The maximum number of overnight guests permitted in a short-term rental is, not more than 2 persons per bedroom, plus 2 additional guests. Children under 3 years old sleeping in their parent's bedroom shall not count toward the occupant load.
 2. The maximum number of people allowed on the property after midnight shall not exceed the approved occupant load.
 - C. Parking: A maximum of 1 vehicle per bedroom is permitted. All overnight guests' vehicles must be parked on the property. All vehicles must be parked in a designated parking space.
 - D. Garbage
 1. Dumpsters shall be placed in observance of setbacks and shall be enclosed.
 - E. Noise

1. Short Term Rentals shall not interfere with the neighbor's peaceful enjoyment of their property.
 2. Noise complaints, when reported to the Town, may constitute a violation of this ordinance when the reporting party is willing to make a written complaint or provide evidence of excessive noise.
- F. Posting: Each Short-Term Rental shall have a clearly posted and legible notice, on or adjacent to the front door, containing the following information.
1. The name of the owner or owner's agent with their 24-hour phone number.
 2. The maximum number of occupants permitted by license
 3. The maximum number of vehicles permitted on the property and that all vehicles must be parked on the property.
 4. If there is a Fire Pit, the requirement to get a permit before use and to burn only camp fire wood.
 5. If Pets are permitted, the requirement to keep pets under control and off other people's property.
 6. Name and phone number of Fire Department that covers that STR
- G. Fire Pits: Fire Pits must be installed and used in compliance with NH RSA 227: L-17.
1. Permits must be obtained by the guest before using the fire pit.
 2. Only campfire wood may be burned in the fire pit.
 3. A guests' violation of State Law and Rules regarding outdoor burning or burning other than campfire wood will be addressed with the guest by the Fire Department. It shall also be a violation of these rules and subject to the penalties set forth in section VII.
- H. Fire Alarm Systems
1. Short Term Rentals that have fire alarm systems are required to maintain their systems in compliance with NFPA 72, *The National Fire Alarm Code*.
 2. Fire Alarms shall be installed and maintained such as to minimize nuisance activations from things such as cooking appliances, wood stoves, and fireplaces.
 3. The third and each subsequent time the Fire Department responds to a nuisance fire alarm in a calendar year shall constitute a violation of these rules and subject to the penalties set forth in section VII.
- I. Safety Standards
1. Short Term Rentals shall meet the requirements of Chapter 24 of NFPA 101, *The Life Safety Code*, as adopted by the State of New Hampshire including but not limited to:
 - a. Not less than one Means of Egress for each occupiable room.
 - b. Not less than one Means of Escape for each occupiable room.
 - c. Smoke Alarms in each sleeping area, outside each sleeping area and on each level.
 - d. Carbon monoxide alarms.
 2. Heating appliances shall be maintained not less than annually.

3. Chimneys, Fireplaces, Woodstoves, and Pellet Stoves shall be installed and maintained in accordance with NFPA 211, *Standard for Chimneys, Vents, Fireplaces, and Solid Fuel Burning Appliances*.
4. Building electrical system installed and maintained in accordance the NFPA 70, *The National Electric Code*.

II. Inspections

- A. Short Term Rental Licenses are issued with self-certification of compliance with life safety and other rules.
- B. Inspection by the Town and/ or Fire Department is initiated in one of the following ways.
 1. Owner's request
 2. Violation of these rules
 3. Observation of perceived Life Safety violation by the Town or Fire Department while there on other business, such as an emergency response.
- C. Town and Fire Department officials conducting inspections will do their best to accommodate the owners or owner's agent needs and minimize disruption to guests whenever possible.
- D. Discovery of Imminent Threat to Health, Life, or Safety. Pursuant to NH RSA 147:4, 147:11, or 154:21-a, should an imminent threat to life or safety be discovered, the short-term rental shall be vacated and their license suspended until such time that the problem is corrected.

III. Violations and Penalties

- A. Violations of These Rules shall be addressed as follows
 1. First Violation. A written warning shall be issued to the owner or owner's agent containing the nature of the problem and required corrective action.
 2. Second Violation within one year of the first violation. A fine of \$275.00 shall be levied on the owner.
 3. Third Violation within one year of the first violation. A fine of \$550.00 shall be levied on the owner.
 4. Fourth Violation within one year of the first violation. Revocation of the Short-Term Rental License.
- B. One year from the date of the first violation, that violation shall be removed and the second violation, if there is one, shall become the first violation for subsequent violations. If there is a third violation on file, it becomes the second.
- C. Owners with continued or egregious violations of these rules may be prosecuted under NH RSA 616:17
- D. Any owner who has had his/her short-term rental license revoked, may not apply for a short-term rental license for that property for one year from the date of revocation.
 1. This has no effect on other licensed short-term rentals that owner owns.

2. Should an owner have his/her licensed for a particular short term rental property revoked a second time, that owner may no longer obtain a short-term rental license for that property.
- E. Right of Appeal. An owner who feels he has been issued a violation in error, may appeal to the Board of Selectmen.
1. Any fines levied shall be stayed pending the appeal.
 2. Should the violation being appealed cause a revocation of the license, that short term rental shall not be rented during the appeal process.
 3. If an owner has been charged criminally, he/she must seek redress through the court system.

It was pointed out that there was a typo in section VII.-a.-3. It said “fire” instead of “fine”.

Mr. Colbath asked if there were any red flags in this proposal. Mr. Thibodeau explained that all red flags he believed had been raised during the committee meetings. He stated that he believed this to be a good package. He added that no one came out of the committee particularly happy about the whole thing. He does believe that because they have proposed to go with the Board of Selectmen having the police powers over short-term rentals, issues that arise with the proposal, things can be easily changed. He added that this would provide some level of regulation to keep calm in the Valley.

Ms. Seavey asked how they came up with the time of midnight for guests to go home. Mr. Holmes explained that they had to come up with a reasonable time for guests to leave in order for occupancy limits to be upheld.

There was discussion regarding the proposed noise ordinance. Mr. Holmes explained that if it does not pass, they will continue to follow the state statute, but this does not allow them to cite the owners of the property for not properly running their rentals.

Mr. Thibodeau stated that he believes if this passes and they hire an assistant building inspector, they will manage to get around and inspect all the properties in time.

There was discussion regarding whether they needed a floor plan on the required posting for each rental. It was determined that a floor plan would be required to apply for a license, but the total occupancy allowance was all that they would require to be posted at the property.

There was discussion regarding whether they should require owners to give all abutters contact information as Earl Sires Jr. had suggested. The consensus of the Board was that the abutters could contact the Town for that information if they needed it.

Mr. Holmes added that he had gotten a legal opinion regarding their ability to cap the number of licenses. Attorney Buckley at the NHMA had stated that it is not possible under existing statute.

Mr. Holmes explained that he had also sought legal advice regarding a potential grandfathering issue in precincts, associations, etc. Attorney Malia stated that these organizations can always adopt rules that are more restrictive than the town, but not less.

There was a discussion regarding the sections on violations. It was determined that owners can always appeal violations to the Board of Selectmen.

There was discussion regarding the potential for these ordinances to not pass in April. It was determined that the Board would then have to issue cease and desist orders as their zoning ordinance would then be compromised.

Ms. Seavey stated that the Short-Term Rental Committee did a great job, but it was up to the voters.

Mr. Colbath moved, seconded by Mr. Porter, to accept the short-term rental proposal with the typo corrected under section VII. – a. – 3., and to send the proposal to the Planning Board. The motion carried unanimously.

There was a brief discussion of the upcoming Planning Board Agenda.

DISCUSSION OF SURPLUS PROPERTY AT TOWN HALL

Mr. Holmes explained that the Bank had left a lot of pieces of furniture, including safes, in the lobby. He noted that after discussions with Mr. DegliAngeli, they believe they could make quite a bit of money on the scrap metal. His recommendation was to authorize the Town to dispose of this material.

Mr. Porter moved, seconded by Mr. Colbath, to transfer excess surplus property from the town hall lobby to the transfer station.

There was discussion regarding leaving the disposal up to the discretion of Mr. Holmes and Mr. DegliAngeli.

Mr. Porter and Mr. Colbath rescinded their motion.

Mr. Thibodeau moved, seconded by Ms. Seavey, to authorize the Town Manager to dispose of the unusable excess property at the new Town Hall in the manner that yields the best return. The motion carried unanimously.

REVIEW OF RECEIPTS

The receipts were available for review.

SIGNING OF DOCUMENTS

- a. Supplemental Warrant Property Tax Levy 2020
- b. Timber Tax Levy on Map/Lot 205-1
- c. Certification of Yield Taxes Assessed on Map/Lot 205-1

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

CONSIDERATION OF BILLS

- a. AP Manifest dated 12/10/2020

Mr. Colbath moved, seconded by Mr. Thibodeau, to sign the AP Manifest dated 12/10/2020. The motion carried unanimously.

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

(none)

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

(none)

CONSIDERATION OF MINUTES

- a. Regular and Non-Public Minutes from 11/24/2020

Mr. Colbath moved, seconded by Mr. Thibodeau, to adopt the regular and non-public minutes from 11/24/2020 as written. The motion carried unanimously.

TOWN MANAGER REPORT

Mr. Holmes explained that they had gone out to bid for the Town Clerk area at the New Town Hall.

Mr. Holmes explained that the Parks and Rec Department had done an inventory of broken headstones in the Town maintained cemeteries. The Friends of Rec would be applying for grant funds to have them replace/repared.

Mr. Holmes noted that Pennichuck East Utility Inc was requesting a rate increase for Birch Hill's water system which would be 10 dollars a month.

Mr. Holmes stated that they would be discussing the short-term rental warrant articles and funding for Host Compliance Services at the next meeting.

Mr. Holmes stated that they hoped to have something in front of them next week regarding the rights of way issue that they had hired a law firm for in conjunction with many other towns.

Mr. Colbath stated that Friends of Rec was acting as a conduit for the Town for the cemetery funding.

Mr. Colbath asked if Mr. Holmes had done anything regarding the recommendation he had received regarding hiring a part-time supervisor of the checklist. Mr. Holmes stated that he had discussed it with the Town Clerk and Moderator and the consensus was it was not needed in most years and 2020 was unusual.

BOARD REPORTS AND COMMENTS

Ms. Seavey stated that Valley Vision was looking for some chairs to use in their new space. Mr. Holmes stated that he had given Mr. Edmunds four chairs to use.

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

Mr. Porter stated that the Planning Board would be meeting on Thursday.

Mr. Weathers stated that the Saco/Swift River Advisory Committee would be meeting next week.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Daymond Steer wanted clarification regarding when the highway garage expansion would be potentially completed. It was stated that it was on the schedule for 2021.

Mr. Steer asked if they had considered installing special air systems at the new Town Hall that are supposedly made to kill the COVID-19 virus. It was stated that they did not plan to do that.

ADJOURN

At 6:55 pm, Mr. Colbath moved, seconded by Mr. Thibodeau, to adjourn. The motion carried unanimously.

Respectfully Submitted,

Krista Day
Executive Secretary