

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN
February 14, 2023**

The Selectmen’s Meeting convened at 4:00 pm at Conway Town Hall with the following present: C. David Weathers, Mary Carey Seavey, Carl Thibodeau, John Colbath, Steve Porter, Town Manager John Eastman and Executive Assistant 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 5p. would be amended to add “Pending submission of petition and verification of signatures”.

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

SELECTION OF CDBG ADMINISTRATOR FOR WAY STATION PLANNING STUDY

Mr. Weathers noted that Ms. Lane was the only one who responded to the RFP.

Mr. Colbath moved, seconded by Mr. Porter, to select Donna Lane as the CDBG Administrator for Way Station Planning Study. The motion carried unanimously.

DISCUSSION AND VOTE ON WARRANT ARTICLES

Ms. Seavey asked to speak on the topic of the parking program the previous week.

Ms. Seavey expressed concerns regarding the cell service in the Village as she had heard from multiple people that it is a real problem.

She stated that with the new cell tower not being in place, she had concerns about the ability to use the app.

Ms. Seavey moved, seconded by Mr. Porter, to rescind the motion to place the following on the warrant:

To see if the Town will vote to raise and appropriate the sum of Two Hundred Forty One Thousand Nine Hundred Fifteen Dollars (\$241,915) for the purpose of establishing a PARKING PROGRAM in the Town of Conway.

Mr. Weathers stated that there has been opposition to the parking program in regards to the fact that many believe a proper study has not been conducted.

He explained that he would rather take another year to address these concerns for the public.

Mr. Weathers emphasized that he is in favor of a parking program and does not believe it will hurt the businesses in North Conway.

Mr. Thibodeau stated that he is in agreement with removing it as a warrant article and from the budget this year.

He noted that issues regarding employee parking are things that need to be looked at further.

He stated that he is 100% in favor of a parking program. But believes they need their ducks in a straighter line.

Mr. Colbath stated that he is adamantly in favor of paid parking but it has become far too emotional.

Mr. Colbath showed the front cover of the paper which stated that there would be a public hearing on parking the next evening.

Mr. Colbath explained that this was not true and that the public hearing on Wednesday was for the entire budgets of the precincts, school and town.

The motion to rescind carried unanimously.

- a. To Accept 1 Mile of Roads in Royalview Development as Town Roads

Mr. DegliAngeli explained that this subdivision had gone through, and satisfied the Planning Board process.

He noted that it was built to Town standards and he was in residence for the construction.

Mr. DegliAngeli stated that there was no engineering reason to not accept the road.

Mr. Colbath moved, seconded by Mr. Porter, to recommend the warrant article as written below:

To see if the Town will vote to accept the one mile of roads in the Royalview Development (Royal View Drive, Camelot Court, Regal Circle and Palace Court) as Town Roads. Submitted by Petition.

The motion carried unanimously.

- b. To Accept Sargent Road and Nickelback Road as Town Roads

Mr. DegliAngeli explained that the same process had been followed and he stated that staff had no reason not to recommend for acceptance.

Mr. Thibodeau moved, seconded by Mr. Colbath, to recommend the warrant article as written below:

To see if the Town will vote to accept Sargent Road and Nickelback Road as Town Roads. Submitted by Petition.

The motion carried unanimously.

- c. To Accept Barnes Road Extension as a Town Road

Mr. DegliAngeli explained that this road was part of the same Planning Board process as Market Basket.

While this road has not been completed for the 18 months as stated in the Town Code, the Town was in attendance for the construction and this road exceeds Town standards.

Mr. DegliAngeli stated that he believes this road would satisfy the intent of the ordinance.

Mr. Colbath moved, seconded by Mr. Thibodeau, to recommend the warrant article as written below:

To see if the Town will vote to accept as a Town Road the road known as Barnes Road extension. The road shall be taken in the form of a public right of way in the location of the existing road as used for vehicular traffic. Submitted by Petition.

The motion carried unanimously.

- d. To Accept Settlers Green Drive and Private Portions of Common Court as Public Rights-of-Way

Mr. DegliAngeli explained that they would be holding a public hearing on the 28th of this month regarding this road acceptance as it would require a bond as part of the betterment statute.

He explained that these two roads were not to current Town road standards.

He noted that the petitioner is aware and is asking for a betterment assessment which would mean the abutters would pay for both the principle and the interest on a bond to bring the roads to Town standards.

Mr. Porter moved, seconded by Mr. Colbath, to recommend the warrant article as written below:

To see if the Town will vote to conditionally ACCEPT SETTLERS GREEN DRIVE AND THE PRIVATE PORTIONS OF COMMON COURT AS PUBLIC RIGHTS-OF-WAY, provided that, pursuant to NH RSA 231:29, the abutters to the roads shall be required to pay a betterment assessment not to exceed One Million Two Hundred Fifty Thousand Fifty Eight Hundred Dollars And Fifty Cents (\$1,250,058.58), which betterment assessment shall be prorated over a period not to exceed 10 years and shall, pursuant to NH RSA 231:30, create a lien upon the lands so assessed which shall continue until fully discharged, shall be subject to interest, and shall be subject to any other charges as are applicable to the collection of delinquent taxes, and further provided that any work required to bring the roads up to the standards and requirements currently in effect in the Town shall be secured with a performance bond pursuant to NH RSA 447:16. Submitted by Petition.

Mr. Colbath asked if the abutters were all aware.

Mr. DegliAngeli stated that through Town Counsel, we had urged Mr. Barsamian to reach out to the other abutter, Mr. Mullins.

Shawn Bergeron, representative for Mr. Mullins, stated that at this time no one has reached out to him and they are looking for more information.

Mr. Hounsell asked what would happen if the abutters defaulted on the bond.

Mr. DegliAngeli stated that the payment of bond would end up with the Town, but they would then go through the process of taking the abutters property for payment.

Mr. Hounsell stated that this was too close to the pocket book of people in Town.

The motion carried unanimously.

e. Keno

Mr. Thibodeau stated that he is in favor of this article.

He stated that he cannot see what harm keno would do.

Mr. Porter stated that two wrongs do not make a right.

Ms. Seavey noted that she has never seen any issues with it when being played at Almost There.

Mr. Colbath noted that he is not in favor of it as it has gone before the voters multiple times and has failed each time.

It was noted that there would be a public hearing regarding this article between Deliberative and the Town Election.

Ms. Seavey moved, seconded by Mr. Thibodeau, to recommend the warrant article as written below:

To see if the Town of Conway will vote to allow the operation of KENO within the Town pursuant to the provisions of NH RSA 284-41 through 51. Submitted by petition.

The motion failed (2-2-1) with Mr. Colbath and Mr. Porter in opposition and Mr. Weathers abstaining.

f. North Conway Community Center (\$65,000)

Mr. Porter moved, seconded by Ms. Seavey, to recommend the warrant article as written below:

To see if the Town will vote to raise and appropriate the sum of Sixty Five Thousand Dollars (\$65,000) said sum to be allocated to the NORTH CONWAY COMMUNITY CENTER for programs of the North Conway Community Center. Submitted by petition.

The motion carried (4-1-0) with Mr. Thibodeau in opposition.

g. Tri-County Community Action Program (\$22,100)

Mr. Porter moved, seconded by Mr. Colbath, to recommend the warrant article as written below:

To see if the Town will vote to raise and appropriate the sum of Twenty Two Thousand One Hundred Dollars (\$22,100) for the operation of TRI-COUNTY COMMUNITY ACTION PROGRAM, INC. service programs in Conway: Transportation, Energy Assistance, Weatherization, Guardianship, Head Start, Homeless Intervention and Prevention, Tamworth Dental Center. Submitted by petition.

Mr. Colbath noted his issues with the practice of TCCAP putting all of their programs into one warrant article.

He stated that he has issues with the transportation system that seems as if they do a bus for one person or they do not do it at all.

However, he noted they lead many other worthwhile programs.

Ms. Seavey stated that she believes this is done intentionally so that people vote it through in order to not penalize needy people.

Mr. Colbath expressed that the homeless shelter is always full and only served one person from Conway in 2022.

The motion carried unanimously.

h. Gibson Center (\$36,500)

Mr. Colbath moved, seconded by Mr. Thibodeau, to recommend the warrant article as written below:

To see if the Town will vote to raise and appropriate the sum of Thirty Six Thousand Five Hundred Dollars (\$36,500) to support Conway home delivered meals (Meals on Wheels), congregate meals, transportation and program services provided by the GIBSON CENTER FOR SENIOR SERVICES, INC. Submitted by petition.

Mr. Colbath stated that all non-profit petitioned warrant articles historically have been approved by 74%-95%.

Ms. Seavey noted that Maryanne Jackson has done a great job extending programs.

Mr. Colbath added that the Gibson Center had the most complete budget at the non-profit presentations.

The motion carried unanimously.

i. Children Unlimited (\$14,000)

Mr. Colbath moved, seconded by Ms. Seavey, to recommend the warrant article as written below:

To see if the Town will vote to raise and appropriate the sum of Fourteen Thousand Dollars (\$14,000) for the Family Resource Center at CHILDREN UNLIMITED, INC. Submitted by petition.

The motion carried unanimously.

j. Vaughan Community Service (\$17,000)

Mr. Porter moved, seconded by Ms. Seavey, to recommend the warrant article as written below:

To see if the Town will vote to raise and appropriate the sum of Seventeen Thousand Dollars (\$17,000) for VAUGHAN COMMUNITY SERVICE, INC. Submitted by petition.

The motion carried (4-0-1) with Mr. Colbath abstaining as he is on the Vaughan Board of Directors.

k. Vaughan Learning Center (\$5,000)

Mr. Porter moved, seconded by Mr. Thibodeau, to recommend the warrant article as written below:

To see if the Town will vote to raise and appropriate the sum of Five Thousand Dollars (\$5,000) for VAUGHAN LEARNING CENTER. Submitted by petition.

The motion carried (4-0-1) with Mr. Colbath abstaining as he is on the Vaughan Board of Directors.

l. Starting Point (\$17,804)

Mr. Colbath moved, seconded by Ms. Seavey, to recommend the warrant article as written below:

To see if the Town will vote to raise and appropriate the sum of Seventeen Thousand Eight Hundred Four Dollars (\$17,804) for the support of STARTING POINT. Submitted by Petition.

The motion carried unanimously.

m. Mt. Washington Valley Adult Day Center (\$12,500)

Mr. Colbath moved, seconded by Ms. Seavey, to recommend the warrant article as written below:

To see if the Town will vote to raise and appropriate the sum of Twelve Thousand Five Hundred Dollars (\$12,500) for the support of MOUNT WASHINGTON VALLEY ADULT DAY CENTER to supplement support services for elderly Conway residents attending the day center. Submitted by Petition.

Mr. Colbath explained that they are the only adult day center north of Concord.

He added that they stated they were working up to becoming self sufficient so that they would not need to request funding from the Town in the future.

The motion carried unanimously.

n. Conway Area Humane Society (\$10,000)

Mr. Colbath moved, seconded by Ms. Seavey, to recommend the warrant article as written below:

To see if the Town will vote to raise and appropriate the sum of Ten Thousand Dollars (\$10,000) for the CONWAY AREA HUMANE SOCIETY for the purpose of supporting continuing services for stray, abandoned and neglected animals brought to the shelter by Animal Control or private citizens no longer able to care for them. Submitted by petition.

The motion carried unanimously.

- o. White Mt. Community Health Center (\$35,600)

Mr. Colbath moved, seconded by Mr. Porter, to recommend the warrant article as written below:

To see if the Town will vote to raise and appropriate the sum of Thirty Five Thousand Six Hundred Dollars (\$35,600) for the support of WHITE MOUNTAIN COMMUNITY HEALTH CENTER to help meet the healthcare needs of the uninsured and underinsured residents of the Town of Conway. Submitted by petition.

The motion carried unanimously.

- p. Northern Human Services (\$10,115) pending submission and supervisors approval

Mr. Colbath moved, seconded by Ms. Seavey, to recommend the warrant article as written below pending submission of petition and verification of signatures by the Supervisors of the Checklist:

To see if the Town will vote to raise and appropriate the sum of Ten Thousand One Hundred Fifteen Dollars (\$10,115) for medical care at the NORTHERN HUMAN SERVICES Submitted by petition.

Mr. Colbath expressed that these services are for Northern New Hampshire and the current wait time to receive services is 3-4 months.

He also noted that they have an excess budget of \$2.5 million.

The motion carried (3-1-1) with Mr. Porter in opposition and Mr. Weathers abstaining.

Ms. Seavey explained that it always gets brought up at the non-profit presentations that these non-profits are “double dipping” as they already received a property tax abatement.

However, Ms. Seavey wanted to stated that they are entitled to those abatements as they are non-profit organizations.

Mr. Colbath noted that there are certain non-profits that lease space so they do not have that argument against them.

Mr. Colbath stated that the Vaughan operates the Town's food bank which saves the Town thousands of dollars.

REVIEW OF RECEIPTS

The receipts were available for review.

SIGNING OF DOCUMENTS

- a. Certification of Yield Taxes Assessed on Map/Lot 269-52
- b. Yield Tax Levy on Map/Lot 269-52

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

CONSIDERATION OF BILLS

- a. AP Manifest dated 2/16/2023

Mr. Colbath moved, seconded by Mr. Thibodeau, to sign the AP Manifest dated 2/16/2023. 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 2/7/2023

Mr. Colbath moved, seconded by Mr. Thibodeau, to adopt the regular and non-public minutes from 2/7/2023 as presented. The motion carried unanimously.

TOWN MANAGER REPORT

Mr. Eastman noted that Town Hall would be closed on Monday, February 20, 2023 in observance of Presidents Day.

Mr. Eastman also stated that the skating rink is closed for the season as a result of the warm weather.

Mr. Eastman noted that Senator Bradley was at Town Hall the day prior to discuss ways to help keep the tax rate level with the Budget Committee.

The main topic was the homesteader's exemption.

Questions were raised about the rooms and meals tax as Carroll County brings in the most yet receives the least amount back.

The suggestion of a "resort fee" was met with feelings that it would be difficult to pass in the legislature.

Mr. Colbath noted that it would be a "rooms" tax for \$2.00 per night but it had been voted down 4-1 in the House.

BOARD REPORTS AND COMMENTS

Mr. Colbath noted that the Budget Committee would be holding their public hearing on the entire budget the next evening at 6:00 pm.

This would be a review of the work that the committee had done over the last year.

He noted that Andrew Chalmers would be chairing the ZBA meeting as he would be at the Budget Committee meeting.

Mr. Weathers noted that the Conservation Commission had request that the Board of Selectmen appoint Mr. Corbett Tulip as an alternate for three years.

Mr. Colbath moved, seconded by Mr. Porter, to appoint Corbett Tulip as an alternate for three years to the Conservation Commission. The motion carried unanimously.

Mr. Porter moved, seconded by Mr. Colbath, to advertise for an additional alternate. The motion carried unanimously.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Shawn Bergeron explained that it seems that most of the communities surrounding Conway, like Bartlett and Madison, are struggling with the STR situation.

He explained that it would be conceivable that communities will go broke fighting this battle.

He suggested that perhaps the various Towns could talk to the legislature to see what Concord is going to do to help.

Mr. Bergeron asked what the official status for the building permit was for the Conway Casino.

Mr. DegliAngeli stated that the permit is suspended and a stop work order was posted the Friday prior pending hearing of the building appeals board, which in Conway is the ZBA.

Mr. Hounsell stated that it may be a good idea to fight together on short term rentals as it is costing tax payers.

He stated that he encourages any thinking outside of the box that might bring the MWV into a stronger position.

Mr. Hounsell explained that the Master Plan Steering Committee had met and he was really encouraged by the level of participation and knowledge of the members and the expertise of the SE Group.

Mr. Colbath added that those meetings are open to the public.

Daymond Steer from the Conway Daily Sun asked if the acceptance of Barnes Road was necessary for Market Basket.

Mr. DegliAngeli stated that the only condition was that it was to be open and operable.

Now, the owner of Barnes Road would like to see it as a public road.

Mr. Steer asked if building permits went before the Board of Selectmen.

It was clarified that they are handled at the staff level.

Mr. Steer asked what the connection was between the Board of Selectmen and the Planning Board as it seems they were on two different pages on short term rentals.

Mr. Porter explained that the Planning Board adding definitions would make regulating short term rentals easier.

It was stated that there is not a clear way that they should be handling STRs.

Mr. DegliAngeli noted that he is now the responsible administrator to the Planning and Building Departments.

He noted that they are increasing their building permit fees in order to offset expenses.

If the budget passes, they will be adding staff members in order to do residential building inspections which would include all short-term rentals.

In addition to the initial inspection, the goal would be to reinspect every STR every three years to address life safety issues.

In terms of regulating, Mr. DegliAngeli explained that they are proposing to license short term rentals.

If the Town loses in their appeal regarding STRs, they will have plenty of work in licensing.

If the Town wins, there will be plenty of work for enforcement.

In terms of license cost, they are open to an original proposal that the annual licensing fee be equivalent to three nights rent.

That would make the mean annual licensing fee for an STR, \$1,000 a year.

ADJOURN

At 5:04 pm, the meeting adjourned at the Call of the Chair.

Respectfully Submitted,

Krista Day
Executive Secretary