

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN
March 28, 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. Colbath moved, seconded by Ms. Seavey to approve the agenda as written. The motion carried unanimously.

Mr. Weathers noted that they were going to take the agenda out of order and DOT was going to present first.

NH DOT PRESENTATION ON EAST CONWAY ROAD ROUNDABOUT

Tim Dunn, Project Manager for the Intersection Safety Improvement project at the Route 302 and East Conway Road intersections appeared before the Board with Trent Zanes.

Mr. Dunn reviewed some of the concerns that have led to design revisions regarding the roundabout proposed.

He noted that they were proposing changes such as an increase in size.

Mr. Zanes stated that their design changes will make the roundabout more accommodating to larger trucks.

He explained how they used software to depict these changes.

He stated that it would now be 140 in diameter compared to the previously proposed 120 feet.

Additionally, there will be widened approach lanes and a reduced truck apron slope and curb reveal.

Mr. Colbath asked if this design, and a roundabout in general, was safer.

They stated that it was.

Mr. Dunn stated that the plan is to advertise for construction in the summer of 2024 and begin construction in the summer of 2025.

GIFT OF LAND FROM THE MWV TRAILS ASSOCIATION

Mr. DegliAngeli explained that there was a piece of land by Hemlock Lane that would provide a buffer between Walmart parking lot and the rec path.

He stated that the land had been owned by Mr. Barsamian, but donated to the MWV Trails Association in order to get the tax incentive.

At this point, the MWV Trails Association would like to donate the land to the Town.

Mr. Porter moved, seconded by Mr. Colbath, to accept the gift of Map/Lot 246-60 from the MWV Trails Association. The motion carried unanimously.

PRESENTATION OF CERTIFICATE FOR LUIGI BARTOLOMEO

The Board signed a certificate for Luigi Bartolomeo to recognize his service on the ZBA.

It is the hope that he can attend the next Board of Selectmen's meeting.

DISCUSSION OF FLAG POLE AT SWIFT RIVER

Mr. Eastman explained that there has been a flag pole at the Swift River Bridge that has been maintained by the Parks and Rec Department.

During the last wind storm the pole Town Property, Supervision of Parks and Rec. Last wind storm, had a flag pole there.

Mr. Lane noted that this is not something that they had budgeted for.

He recommended that they pay for the cost of a new flag pole out of the Recreation Revolving Fund.

Mr. Colbath moved, seconded by Ms. Seavey, to purchase a new flag pole for the Swift River Bridge by using \$1,890.58 from the Recreation Revolving Fund. The motion carried unanimously.

DISCUSSION OF ZBA APPOINTMENTS

Mr. Eastman reviewed that at the last meeting they had asked if anyone who was interested in becoming an alternate for the ZBA to contact his office.

While they have received three responses, would like to recommend that they wait until after the election as a current alternate, Steven Steiner, is running for Planning Board and according to RSA 673:7, only one person can be a member of both the ZBA and the Planning Board.

Mr. Colbath moved, seconded by Mr. Porter, to table the ZBA alternate appointments until the April 18, 2023 meeting. The motion carried unanimously.

REQUEST FOR SEALED MINUTES

Mr. Eastman stated that they had received a request to unseal the non-public minutes regarding the acquisition, sale or lease of property from the 3/21/2023 meeting.

He believed that it would be appropriate to unseal.

Mr. Colbath questioned whether we had legal advice on this matter.

Ms. Day stated that the reason they had sealed the minutes was that it would “render the proposed action ineffective”.

Staff believes that unsealing these minutes would not do so.

Ms. Seavey moved, seconded by Mr. Thibodeau, to unseal the non-public minutes regarding acquisition, sale or lease of property from 3/21/2023. The motion carried unanimously.

Mr. Eastman read the minutes as follows:

Mr. Eastman explained that they have owned a piece of property on Conway Lake located at Map/Lot 267-11 that was acquired in 1994 from Richard Garland.

Mr. Eastman would like to know if the Board would like to place this property up for auction in June along with the other properties they had previously voted to sell.

Mr. Thibodeau moved, seconded by Mr. Porter, to place Town-owned property, Map/Lot 267-11, up for auction in June. The motion carried unanimously.

Mr. Eastman noted that this is a .26 acre, unbuildable lot with a high assessed value on Conway Lake.

DISCUSSION OF WHITAKER BATHROOMS

Mr. Eastman stated that he had a conversation with Mr. Porter and had received a phone call from a past employee regarding the potential of opening the Whitaker bathrooms again this summer.

Mr. Colbath stated that he would certainly like to discuss it at the April 18, 2023 with more details provided.

Mr. Thibodeau noted that he did not have a problem discussing it, but that Mr. Hounsell had completed a minority report based upon the cost per use of the bathrooms last year and due to the high cost, he did not plan on voting for the bathrooms.

He emphasized that there seemed to be way more cost than benefit.

Ms. Seavey stated that she would like to see the Berry Company become involved in the conversation.

Mr. Colbath stated that he would hope people are just as concerned about bathrooms in North Conway Village as they were about paid parking.

There was brief discussion regarding where the money would come from.

One suggestion was from ARPA funds and the other was from the Recreation Revolving.

Mr. Eastman stated that he would not like to see it come from the Recreation Revolving Fund as those were funds raised by fees collected from residents for programs and did not want to see those spent on restrooms that were primarily for tourists.

Mr. Hounsell stated that we need to be cautious of using the ARPA funds as a “slush fund” and that this needs to be a community conversation.

REVIEW OF RECEIPTS

The receipts were available for review.

SIGNING OF DOCUMENTS

- a. Agreement between TOC and AFSCME, Council 93, Local #859
- b. Permit to See Raffle Tickets for Vaughan Community Service (6/24/2023)
- c. Notice of Intent to Cut Wood or Timber on Map/Lot 260-57
- d. Permanent Application for Property Tax/Credits/Exemptions on Map/Lot 262-65
- e. Permanent Application for Property Tax/Credits/Exemptions on Map/Lot 215-67.13
- f. Permanent Application for Property Tax/Credits/Exemptions on Map/Lot 280-23
- g. Permanent Application for Property Tax/Credits/Exemptions on Map/Lot 268-80.2
- h. Permanent Application for Property Tax/Credits/Exemptions on Map/Lot 260-87
- i. Permanent Application for Property Tax/Credits/Exemptions on Map/Lot 215-42.072

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

CONSIDERATION OF BILLS

- a. AP Manifest dated 3/30/2023

Mr. Colbath moved, seconded by Mr. Thibodeau, to sign the AP Manifest dated 3/30/2023. The motion carried unanimously.

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

(none)

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

- a. REVEL Race Series/Brooksee LLC (5/5/2024)
- b. Kennett High School 100th Celebration and Parade (9/22/2023-9/23/2023)
- c. Valley Pride Day (6/24/2023)
- d. Annual Strawberry Festival (6/24/2023)
- e. Whitaker Woods 5K Fundraiser Supporting WMCHC (5/20/2023)

Mr. Eastman noted that he would be coming back before the Board as the Kennett High School 100th Celebration and Parade event is also planning to hold fireworks.

Mr. Lane explained that the Revel Race Series is planned for May of 2024.

He wanted the Board to know that it is a very large race that will only be ending in Conway.

Mr. Lane stated that the State had signed off on the race.

Despite the size of the race, Mr. Lane does not believe it will have as much of an impact on traffic due to the time of year.

Mr. Colbath moved, seconded by Mr. Thibodeau, to approve the Special Event Permits as listed above. The motion carried unanimously.

Mr. Lane stated that he had begun receiving inquiries regarding outdoor dining.

He would like to know if the Board would like to offer this option again this year.

Mr. Colbath asked if there had been any issues in the past.

Mr. Lane stated that he had not had any issues.

Mr. Porter moved, seconded by Mr. Colbath, to allow outdoor dining using the same process as previous years from April 1, 2023 through December 31, 2023.

Mr. Porter stated that he believed that outdoor dining was a great thing for the Valley.

He noted that he could have a conversation with Mr. Torres so see if it would be something the Planning Board could make more permanent.

Mr. Colbath stated that he is all for the idea of outdoor dining but would rather it be addressed through the Master Plan process.

Mr. Eastman stated that the important thing is that the outdoor dining has an inspection and plan.

The motion carried unanimously.

CONSIDERATION OF MINUTES

- a. Regular and Non-Public Minutes from 3/21/2023

Mr. Colbath moved, seconded by Ms. Seavey, to adopt the regular and non-public minutes from 3/21/2023 as written. The motion carried unanimously.

TOWN MANAGER REPORT

Mr. Eastman reminded everyone that the election was on April 11, 2023 at the Town Garage.

He noted that the Town Report was out and recognized Ms. Day for her work.

Mr. Eastman stated that April 8, 2023 would be the Recreation Center's Mobile Easter Egg Hunt and that on April 16, 2023 there would be a grand reopening of the Recreation Center now that the stage was completed.

He noted that there was going to be a letter going out on behalf of the Friends of Rec.

BOARD REPORTS AND COMMENTS

Mr. Thibodeau stated that there would be an acrobatic air show at the ESAA sometime in the future.

Mr. Porter stated that the Planning Board had met the previous week.

Ms. Seavey stated that the Economic Council had named the road for AVESTA.

Mr. Colbath stated that the Budget Committee would be meeting in April for a reorganization meeting and that the ZBA would be meeting on the 19th for a number of hearings.

Mr. Weathers stated that the CCC meetings are open to the public.

Mr. Thibodeau wanted Mr. DegliAngeli to answer some questions that were posed by Mr. Hounsell regarding the dissolution of the CVFD.

Mr. DegliAngeli went through the list of questions as written below:

1. If the voters of the CVFD dissolve the district by Jan. 1, 2024, will the voters of the town need to vote in order to establish a town water department?

Mr. DegliAngeli stated that if the district dissolves, the Town is obligated and empowered by statute to take over the water department.

He added that they have been told this has been supported by DES, Attorney Dennis and Attorney Buckley.

2. If yes, what entity will operate the business of the now defunct CVFD for the first quarter of 2024?

Mr. DegliAngeli stated that the Town of Conway will operate per the Statute.

He explained that they would be obligated to keep the current budget and only the people in the district would continue to pay the costs.

3. What would the impact be on the citizens of the defunct CVFD if the town meeting rejects the establishment of a town water department?

Mr. DegliAngeli reiterated that the voters would not need to vote to create a Town water department.

4. Will the selectmen need to prepare provisions in the town budget for the expenses of running a new town water department in order to continue the services the citizens of the CVFD currently have?

Mr. DegliAngeli stated that yes, moving forward they would begin to plan for these costs during the budget process like they do with every department.

5. What are the selectmen's plans for water department operations if CVFD dissolves and the voters of the town reject the establishment of a town water department?

Mr. DegliAngeli stated that again, the Town can run the water department as it exists now without the vote of the legislative body.

If they wish to expand, they would need the voters permission.

Mr. Hounsell stated that he believed Mr. DegliAngeli's answers were categorically wrong.

He stated that he believes there is a tainted opinion of staff here.

He noted that if you establish something new that has not been in Town before, it has to have the voters approval.

He stated that there is an issue of keeping the public informed.

Mr. Hounsell does not want this dissolution to be rushed and wants it to go through the process.

Mr. Hounsell added that if Article 33 and 34 do not pass, it would be his assumption that the people could not have a fire department.

Mr. Thibodeau read articles 33 and 34 to clarify that regardless of the vote, the Town can still have a fire department.

Those articles were only for how to organize the department and mutual aid.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Daymond Steer from the Conway Daily Sun asked if there would be any scenario where the Conway Village people would be paying for the North Conway Fire Station.

Mr. DegliAngeli stated no, not that he could think of.

Mr. Steer asked if they would put more ARPA funds towards fixing pipes in the Conway Precinct.

Mr. Eastman stated that this would be up to the Selectmen.

ADJOURN

At 5:23 pm, Mr. Colbath moved, seconded by Ms. Seavey, to adjourn. The motion carried unanimously.

Respectfully Submitted,

Krista Day
Executive Secretary

