

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN
August 1, 2023**

The Selectmen's Meeting convened at 4:06 pm at Town Hall with the following present: Mary Carey Seavey, Carl Thibodeau, John Colbath, Steve Porter and Ryan Shepard, Town Manager John Eastman and Executive Assistant Krista Day.

PLEDGE OF ALLEGIANCE

Ms. Seavey led the Board in the Pledge of Allegiance to the Flag.

APPROVAL OF AGENDA

Ms. Seavey noted that there were a few additions and changes to the agenda as follows:

6a. Discussion of Intent to Cut Near Rec Path

14a. Notification of Demo Permit Application for 1657 White Mt. Highway

Item 9 and 10 would be moved before item 8.

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

INTRODUCTION OF NEW TOWN STAFF

Mr. DegliAngeli recognized that today was the 1 year anniversary of Mr. Eastman taking over as Town Manager.

Mr. DegliAngeli introduced the new staff members as follows:

Valerie Kollander – Administrative Assistant for the Building Department

James Hounsell - Assistant Building Inspector

Nick DeVito – Zoning Compliance Officer

Ryan O'Connor – Town Planner

PUBLIC HEARING ON PROPOSED ORDINANCE FINE ADJUSTMENTS

Ms. Seavey opened the public hearing at 4:10 pm.

Chief Mattei noted that this was the second public hearing regarding the proposed ordinance fines.

There were no public comments.

Ms. Seavey closed the public hearing at 4:11 pm.

VOTE ON PROPOSED ORDINANCE FINE ADJUSTMENTS

Mr. Colbath moved, seconded by Mr. Shepard, to adopt the proposed ordinance fine adjustments as presented. The motion carried unanimously.

DISCUSSION OF INTENT TO CUT NEAR REC PATH

David Weathers explained that State of NH owns parcels of land that was going to be used for the bypass.

He explained that Town Forester Tim Nolin met with the specialist for disease control for forest and lands and they need to do some cutting on 159 acres.

Mr. Colbath moved, seconded by Mr. Thibodeau, to sign the intent to cut as presented. The motion carried unanimously.

REQUEST FOR LETTER OF SUPPORT FOR HISTORICAL MARKER

Sally Smith and Penny Merrill appeared before the Board to request a letter of support for a historical marker at the site of the landslide that took the lives of the Willey Family in Crawford Notch.

Ms. Smith explained that they are retired teachers who taught New Hampshire History.

They noticed that there was not historical marker for the Willey Slide and thought it was a disservice.

They have done the work to apply for the historical marker but would like a letter of support from the Town for their effort.

Mr. Porter moved, seconded by Mr. Colbath, to sign a letter of support for the application for a historical marker for the Willey Slide in Crawford Notch. The motion carried unanimously.

PUBLIC HEARING ON RENTAL LICENSING

Ms. Seavey opened the public hearing at 4:22 pm.

Mr. DegliAngeli explained that this was the second public hearing on the Town's proposal for rental licensing.

He stated that the intention is to ensure compliance with life safety code in all rental property.

He noted that the proposed program would go into effect on January 1, 2024 with an early registration period starting in September of the 2023.

Ms. Seavey opened the hearing to public comment.

Jim LeFebvre stated that he represents a non-profit who has a rental unit and he has received a quote of between \$8,000 and \$12,000 in order to have it pass this inspection which would put a serious crimp in their operations.

Randy Davison stated that he was concerned with the 4 unit property he purchased in order to help with affordable housing.

He stated that January 1, 2024 was a short time to get things fixed in a house that was built at the turn of the century.

He stated that he does not believe this time frame is doable.

Chief Solomon explained that they were currently talking about 1 and 2 residential unit properties and that a 4 unit building already falls under the current codes.

He added that just because they enact this does not mean people will be kicked out on the street.

Their intention is to work with people.

The Board decided that they would just be talking about the proposal for licensing 1 and 2 unit rentals at this time.

Charlene Brown stated that she thought the Town did not want short-term rentals and questioned the 3 year period and not a longer one.

Mr. DegliAngeli stated that the Town was proposing to license and inspect all rentals according to life safety code.

Mr. DegliAngeli explained that they had come to up with the 3 years because they are finding that people are continually doing work to their homes without building permits.

He compared it to work that had been done at the Red Jacket that had compromised the ability to suppress that fire.

Chief Solomon read some statistics about why they are taking this on.

This included that there are 1900 fatal fires per year and that 79% of these happen in 1-2 family homes.

He also gave some statistics on code violations found in the Town of Durham.

Mr. DegliAngeli explained that they are getting inquiries from people who already want to license.

He added that a lot of homeowners are surprised to know that their houses were never inspected when they were built.

Mr. DegliAngeli stated that they can only price the program to cover their costs so it may need to be adjusted in the future.

Krista Karnan asked if those statistics were from Conway.

Chief Solomon noted that they were national.

She stated that she does not believe it is wise to inspect and license long term rentals because tenants will be evicted.

She asked how long the landlord would have to fix issues before the tenants had to leave.

Chief Solomon explained that it would depend on the violation and it is very variable.

Ms. Karnan stated that local houses are going to have a problem because most of them have basement bedrooms.

Chief Solomon stated that the basement bedrooms are an issue because most have no second form of egress and are not allowed.

Ms. Karnan stated that she felt Mr. DegliAngeli's comparison to the Red Jacket fire was apples and oranges.

Mr. DegliAngeli agreed and said that he was just trying to make the point that work gets done on properties all the time and is not inspected and can be potentially dangerous.

Mr. Porter stated that it seemed that Ms. Karnan was looking for statistics for Conway and asked if they needed to have a death in Town in order to be proactive and make sure people are safe.

Ms. Karnan stated that it seemed like this was a short-term rental witch hunt.

Ms. Seavey stated that she did not believe anyone was looking to evict people, but it is important to deal with these issues now to make sure everyone is safe.

Linda Burns stated that she did not feel they should use the word eviction and fatality in the same sentence.

She added that she has great faith in the Selectmen and Administrators.

She emphasized that they are talking about saving lives.

Mark Hounsell explained that with any initiative, the first step is the hardest, but it can be tweaked.

He stated that you cannot thrive if you are not alive.

Josh Brustin questioned why they don't expand this to all residential units since those people have children too.

Mr. Shepard stated that he does not know if his home has been inspected.

He said that if someone came to inspect it, he would work to fix any issues.

However, if someone is essentially running a business and visitors are staying or living in their homes, they are responsible not for the safety of themselves, but of the visitors.

If he as a homeowner does not take the steps to fix issues, that is on him.

He emphasized that safety is the main concern.

Michael Schipe from Kearsarge said that they are talking about safety being the most important thing whatever the cost.

He explained that the reality is that there are tradeoffs in the world.

Russ Sureny stated that he has no problem with the 10 items on the inspection list, but they need time frames on getting things fixed.

Mr. DegliAngeli stated that he had thought people would have wanted to just work with the inspectors instead of a strict time frame.

Mr. Sureny was concerned that the timelines to fix issues is too open ended.

Chief Merrill explained that as for as timeline goes, they are willing to work with everyone, especially since it is hard to get people to do the work right now.

Chief Solomon agreed that there are too many possibilities to allow them to put time frames on paper.

Ellen Caughey stated that what you need to ask yourself is how much is your life worth.

She added that they need to protect the people staying in their homes.

Mr. Brustin asked if there was any research done in the communities that have had the self-certification option.

Chief Solomon noted that they did not have any information regarding self-affidavits specifically, but a number of places in the State have been doing inspections and licensing.

Mr. Brustin stated that there seem to be a number of unanswered questions and a lot of subjectivity.

Mr. DegliAngeli stated that right now they were having a public hearing on rental licensing for the purpose of life safety compliance.

Mr. DegliAngeli outlined the process.

He plans to start mailing information out, putting information in the paper, website and Facebook.

He added that they have a meeting with Host Compliance later this month regarding software.

In terms of litigation, that is unknown at this time.

Mr. DegliAngeli stated that potentially they could list the properties on Social Media that decide not to comply with the Town's plan.

Quentin Lewis asked what the process would be in the future if they want to make changes to this plan.

It was stated that if changes were to be made in the future, they would have another two public hearings before taking a vote.

Mr. LeFebvre stated that the Board could put a clause in saying that if the owner is working to fix the problem that the Town will work with them.

Mr. Steer asked if the Board needs to approve each step and discuss it separately.

He stated that there seem to be a lot of details that the Board should look at before voting.

Mr. Shepard stated that he feels comfortable with the roll out of this proposal.

He noted that there are things that can be tweaked in the future.

He thanked the public for coming out and voicing their opinions.

Ms. Seavey closed the public hearing at 5:36 pm.

VOTE ON RENTAL LICENSING

Mr. Colbath moved, seconded by Mr. Thibodeau, to adopt the rental license program as presented to start September 1 of this year.

Mr. Colbath stated that no program they set up is going to be perfect but they need to take the next step.

He noted that if things need to be tweaked, they will address it.

Mr. Thibodeau agreed with Mr. Colbath.

The motion carried unanimously.

The Chairman called a brief recess at 5:32 pm.

REQUEST FROM KEVIN PEARE MEMORIAL SKATE PARK

The meeting resumed at 5:49 pm.

Caren Peare and Harrison Kanzler appeared before the Board.

Mr. Kanzler noted that in their packets they had the draft MOU's and financial information.

Ms. Seavey asked what the role of the Town of Conway would be in this project.

It was stated that the Town of Conway would own the park.

Mr. Kanzler went over the financial information.

There was discussion regarding the fact that some donors have said they will donate if the Town becomes part of the project.

There was discussion regarding the savings in insurance if the Park was owned by the Town.

Mr. Kanzler stated that the mission of the park would be for it to be free and open to anyone.

Ms. Peare stated that this project was for the kids in the Community.

Ms. Seavey explained that while she was all for the project, she believed it should be a petitioned warrant article and decided on by the voters.

Mr. Thibodeau agreed with Ms. Seavey.

Mr. Colbath agreed as well and stated that it should be a town-wide decision.

Mr. Porter agreed.

Mr. Shepard stated that this will give the organization time to really promote this project.

There was discussion about the wording of the warrant article.

Mr. DegliAngeli stated that he would rather be the one responsible for building the park if the Town votes for it.

DISCUSSION OF CRANMORE SHORES

Residents of Cranmore Shores Lauri and Mike LaClair appeared before the Board.

Mr. DegliAngeli explained that Cranmore Shores was an old subdivision that had been approved prior to road standards.

The LaClair's home has been affected drastically due to improper drainage causing flooding and property damage almost every time it rains.

The Association has no Capital Improvements Program and no funds to fix it.

He explained that more lots are being sold and houses are being built which is adding to the problem.

There was discussion of issues with culverts.

Ms. Seavey questioned what the Town can do since these are private roads.

Mr. DegliAngeli explained that these residents are taxpayers of Conway and the Town at some point has a responsibility to assist.

He explained that the only way to fix it would be to rebuild the roads and drainage systems and use the betterment statute so the residents of Cranmore Shores would be responsible for the costs.

Mr. Thibodeau asked if the flooding in that area is propagated by the run off from above.

Mr. DegliAngeli explained that he was unsure because surveying and engineering needs to be done.

Resident Ellen Caughey handed the Board pictures of the failed culverts.

She noted that they had reached out to the Association and was told that it was the Town of Conway's culvert that failed.

Mr. DegliAngeli noted that if the Board wished, he would look into the legal options available.

Chief Solomon noted that he was hoping the Board could take action to cease issuing building permits in Cranmore Shores.

Mr. DegliAngeli noted that if they use the betterment statute, they would charge the residents of the area through taxes.

Resident Lisa Horrigan asked why the cost wouldn't be spread across all tax payers of Conway.

Mr. DegliAngeli explained that if the subdivision was built today, they would have had to pay for the roads to be designed appropriately and the cost would be spread across homeowners when they purchased their property.

Instead, the cost would need to be implemented retroactively as the roads are currently private.

Mr. Thibodeau moved, seconded by Mr. Porter, to pursue the issue of Cranmore Shores as discussed and see what the Town can do. The motion carried unanimously.

Mr. Thibodeau moved, seconded by Mr. Porter, to cease the issuing of building permits for Cranmore Shores. The motion carried (4-0-1) with Mr. Shepard abstaining.

DISCUSSION OF INVESTNH AWARD

Mr. DegliAngeli explained that they had been awarded the Invest NH Grant and they needed a contract signed by the Chair.

He noted that they plan to use the money for the Master Plan rewrite.

Mr. Colbath moved, seconded by Mr. Porter, to authorize Chairman Seavey to sign the Invest NH contract. The motion carried unanimously.

Mr. Porter thanked the staff for doing the work to get this grant.

DISCUSSION OF ARPA FUNDS

Mr. Thibodeau moved, seconded by Mr. Shepard, to authorize the expenditure of up to \$35,000 for security upgrades. The motion carried unanimously.

PARKING FINE APPEAL

Mr. Eastman explained that he had denied a parking ticket appeal for a gentleman on River Road.

The man had requested that the Selectmen reconsider the appeal.

Mr. Eastman explained that the man had parked between two no parking signs.

Mr. Colbath moved, seconded by Mr. Porter, to grant the parking appeal as presented. The motion failed unanimously.

NOTIFICATION OF DEMO PERMIT APPLICATION FOR 1657 WHITE MT. HIGHWAY

The Board was notified that there was a demo permit application submitted for the old Friendly's building.

REVIEW OF RECEIPTS

The receipts were available for review.

SIGNING OF DOCUMENTS

- a. Abatement of Taxes on Map/Lot 263-76.2
- b. Abatement of Taxes on Map/Lot 277-56
- c. Certification of Yield Taxes Assessed on Map/Lot 246-65
- d. Certification of Yield Taxes Assessed on Map/Lot 262-71.11
- e. Certification of Yield Taxes Assessed on Map/Lot 252-62
- f. Certification of Yield Taxes Assessed on Map/Lot 255-5.12
- g. Certification of Yield Taxes Assessed on Map/Lot 223-26
- h. Certification of Yield Taxes Assessed on Map/Lot 225-37
- i. Certification of Yield Taxes Assessed on Map/Lot 223-23
- j. Yield Tax Levy on Map/Lot 246-65, 262-71.11, 252-62
- k. Yield Tax Levy on Map/Lot 255-5.12, 223-26, 225-37, 223-23

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

CONSIDERATION OF BILLS

- a. AP Manifest dated 8/3/2023

Mr. Colbath moved, seconded by Mr. Shepard, to sign the AP Manifest dated 8/3/2023. The motion carried unanimously.

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

- a. AP Manifest dated 7/27/2023
- b. Payroll dated 7/27/2023

Mr. Colbath moved, seconded by Mr. Shepard, to ratify the documents a. and b. The motion carried unanimously.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

- a. ACTS Fundraiser Walk/Run (10/14/23)

Mr. Colbath moved, seconded by Mr. Thibodeau, to approve the special event listed above pending certificate of insurance. The motion carried unanimously.

CONSIDERATION OF MINUTES

- a. Regular and Non-Public Minutes from 7/18/23

Mr. Colbath moved, seconded by Mr. Shepard, to adopt the regular and non-public minutes from 7/18/23 as written. The motion carried unanimously.

TOWN MANAGER REPORT

Mr. Eastman let the Board know that they would be doing some work on the shrubs in front of Town Hall.

He also noted that next week the Davis Park courts would be resurfaced.

Ms. Day noted that Wednesday, August 10, 2023, the Town Clerk's office would be unable to process vehicle registrations until 1:30 pm as their server was being replaced.

BOARD REPORTS AND COMMENTS

Mr. Shepard stated that the Budget Committee would be meeting August 9, 2023 with the DRA.

He also noted that the Historic District Commission was planning an event for mid-September.

Mr. Thibodeau noted that the airport, in conjunction with School to Career at the High School, had their aviation camp.

He stated that the National Guard had come up and gave campers rides in a Black Hawk.

Mr. Colbath gave kudos to the School to Career program for all the have been doing for the last 20 years.

He noted that the ZBA would be meeting on the 16th and that the Economic Council meets next in September.

Mr. Colbath stated that he had attended Sgt. Bill Strong's retirement party on behalf of the Selectmen.

He also gave kudos to the Garden Club for their beautiful work in the gardens at the intersection in front of the library.

Mr. Porter stated that the Planning Board had met the previous week and had met the new Town Planner.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Daymond Steer from the Conway Daily Sun asked when the deadline for petitioned warrant articles was.

Ms. Day replied that it was February 13, 2023.

At 7:18 pm, Mr. Colbath moved, seconded by Mr. Thibodeau, to go into non-public session under RSA 91-A:II (D). Th emotion carried unanimously.

NON-PUBLIC SESSION RSA 91-A:3 II (D) – ACQUISITION OF PROPERTY

At 7:51 pm, the Board returned to public session.

Mr. Colbath moved, seconded by Mr. Thibodeau, to seal the minutes from this non-public session as it may affect adversely the reputation of any person other than a member of the Board. The motion carried unanimously.

At 7:51 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

At 8:35 pm, the Board returned to public session.

Mr. Colbath moved, seconded by Mr. Thibodeau, to seal the minutes from this non-public session as it may affect adversely the reputation of any person other than a member of the Board. The motion carried unanimously.

ADJOURN

At 8:35 pm, the meeting adjourned at the call of the Chair.

Respectfully Submitted,

Krista Day
Executive Secretary