

Minutes of Meeting
CONWAY BOARD OF SELECTMEN
August 28, 2018

The Selectmen's Meeting convened at 4:00 pm in the Meeting Room of Conway 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 was one addition to the agenda. He would be adding 9b., John Eastman and the discussion of increasing Teen Center fees.

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

REQUEST FOR LETTER OF SUPPORT FOR SB 365

Karla Allen stated that she was before the Board to request a letter of support from the Town for the override of Governor Sununu's veto of SB 365.

Ms. Allen noted that while all energies are subsidized, biomass is the only type that brings in revenue to the State. She also noted the importance of the biomass industry for forest health.

Ms. Allen noted that Conway is known for their balance of forest management and recreation opportunities.

Ms. Allen stated that the timber tax revenue for the Town has been approximately \$35,944 annually over the last 5 years. She noted that it reached a high of \$68,964 in 2007.

Ms. Allen noted that she works for Garland Lumber and they have four big jobs pending until there is a decision on SB 365 because there is no place to truck the wood currently.

Ms. Allen also noted that the equipment currently used to chip wood cannot be used for any other purpose. She noted that a lot of companies are giving up.

Ms. Allen added that in addition to the revenue from Timber Tax, the Town is also going to lose revenue from vehicle registrations.

Ms. Allen noted that there is also talk from the Snowmobile Club that there is potential of having to shut down ATV and Snowmobile trails because of the inability to affordably maintain the trails. She added that this is detrimental to the entire State as there is over \$600 million in revenue brought in each year from the ATV and Snowmobile industry.

Mr. Thibodeau inquired as to why the ATV and Snowmobile trails would be forced to close. Ms. Allen stated that they lose the economic value from the trails and they already lose timber value by allowing people to recreate through the property.

Mr. Weathers stated that he had talked to a competitor of Garland Lumber and this 3rd generation business does not think it will survive past the current generation.

Mr. Colbath inquired as to what the major opposition to SB 365 was. Ms. Allen stated that no one knows why the Governor vetoed the bill; it passed in the House and the Senate. She also noted that this affects farmers as they will not have access to the wood ash. She also added that the only trash burning facility in the State would no longer be able to burn the left-over drugs from the State of New Hampshire.

Mr. Thibodeau inquired as to what the impact would be on rates for electricity if the Biomass plants remain open. Ms. Allen stated that they believe it would be minimal with a maximum of a 36-cent increase per bill a year.

Mr. Colbath asked if windfarms compare in anyway. Ms. Allen stated that windfarms are all subsidized, but she is unsure if any revenue is brought back to the State through that type of renewable energy.

Ms. Allen added the potential for increases in forest fires if logging debris is left. She also noted the issue of bug infestations.

Mr. Colbath moved, seconded by Mr. Porter, to authorize Chairman Weathers to sign a letter of support of the Veto Override of SB 365. The motion carried unanimously.

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

- a. \$4,555.61 from NGM Insurance Company

Lilli Gilligan, Finance Director, stated that this is an insurance payment from someone who hit a cruiser.

Mr. Colbath moved, seconded by Mr. Porter, to accept the \$4,555.61 from the NGM Insurance Company. The motion carried unanimously.

REQUEST TO REDEEM TOWN OWNED PROPERTY MAP/LOT 276-198

Mr. Holmes stated that there has been a request to redeem a tax deeded property, Map/Lot 276-198. He noted that she is ready, willing, and able to redeem at this time. He said that an abutter plans to buy it from the owner once it is redeemed.

Mr. Thibodeau moved, seconded by Mr. Porter, to allow the redemption of Town Owned Property, Map/Lot 276-198. The motion carried unanimously.

DISCUSSION OF MS-434

Finance Director Lilli Gilligan stated that this is a presentation for revenue reconsideration. She added that their packets contained information regarding what has been received in non-tax revenue as of this point and to see if the budget we had set in 2018 is too low or too high.

Ms. Gilligan stated that on Page 15 of the Selectmen's packets they would see her modification of the Preliminary Tax Rate that had been calculated prior to Town Meeting. The modification showed an estimated change in tax rate from \$6.10 to \$5.96. She noted that they would have better calculations once the Town Assessor Dale Schofield has determined what the revaluation of the Town is this September.

Ms. Gilligan stated that there has been over a \$200,000.00 increase in projected revenues.

The following were Ms. Gilligan's highlights of the differences in Budget Recommendation and Adjusted Revenues Recommended:

Account Description	Recommended Revenues Adjustment Difference
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Land Use	Increase of \$14,052
Interest on Late Tax Payments	Increase of \$20,000
Motor Vehicle Registration	Increase of \$75,000
Building Permits	Increase of \$19,000
School Bus Maintenance	Decrease of \$33,000
Reimbursement of Recreation	Increase of \$32,377
Income from the Police Department	Increase of \$30,000
Income from the Planning Board	Increase of \$10,000
Income from Highway	Increase of \$5,500
Sale of Town Property	Increase of \$14,122
Interest Income	Increase of \$6,800
Parking Tickets	Increase of \$6,700

Ms. Gilligan stated that she would need a vote on whether the Board would accept these updated revenues as she had to submit by September 1, 2018.

Mr. Colbath moved, seconded by Mr. Porter, to accept the 2018 adjusted Revenues as presented by Ms. Gilligan. The motion carried unanimously.

Mr. Porter commended Ms. Gilligan for her work.

DISCUSSION OF MAINTENANCE OF CROWN HILL ROAD

Robert and Alexa Kimberly-Bryant stated that they were before the Board to clear up the condition of the road that they live on.

They noted that in 1961 the Town had voted to discontinue part of Crown Hill Road. The warrant article read as follows:

Voted to discontinue that part of the road that runs Easterly from the property of Mrs. Margaret R. Kellen on Crown Hill, so-called in South Conway, to the Brownfield Town line.

The Kimberly-Bryants stated that there is disagreement between the Town and themselves regarding which side of the Kellen property the article is referring to.

The Kimberly-Bryants believe that it was intended to be discontinued Easterly of the Easterly boundary of the Kellen property. They presented a letter written by Town Manager Arthur Seavey in 1991 in which it stated to the Kimberly-Bryants that the Town Attorney “confirmed that the end of the highway that has been discontinued does extend to your property line as you intended”.

Due to this letter from Arthur Seavey, the Kimberly-Bryants believe that the Town should be maintaining Crown Hill Road up until their Westerly boundary line in both the winter and the summer; the Town has currently been assisting with summer maintenance up to that boundary line.

Mr. Kimberly-Bryant stated that as he is getting older, he cannot do all of the winter maintenance. He stated that he wanted to clear up who is in fact responsible for the road and to what point.

Mr. Weathers stated that he had taken a trip out there with Mr. DegliAngeli and Mr. Holmes. The Town is currently using a turnaround at the Westerly boundary of the former Kellen property that had been deeded to the Town. It is his belief that the turnaround was built there as it coincided with the discontinuation point of Crown Hill Road.

In response to Mr. Seavey’s letter, Mr. Weathers stated that he is not sure Mr. Seavey had the authority to say what he said. Mr. DegliAngeli noted that there is no record that he went to talk to the Town Attorney.

Mr. DegliAngeli stated that they have other examples of communications penned by Mr. Seavey during this time that make conclusions that were not in his authority to do so. Mr. DegliAngeli gave the example of the Ingalls Subdivision.

Mr. Kimberly-Bryant inquired as to who knows the truth then. He noted that he could have pushed this issue in the past but he did not. He mentioned the problem of emergency services access.

Mr. Weathers answered that whenever a road is discontinued, those who live there know that emergency services may or may not be able to get to you.

Mr. Kimberly-Bryant asked again who owns the road.

Mr. Holmes stated that the Town has been accommodating the Kimberly-Bryants by assisting with summer maintenance even though they do not have ownership of the road.

Mr. DegliAngeli stated that they had been doing maintenance based on the document written by Mr. Seavey. He stated that now they have other examples of how Mr. Seavey made decisions that were not in his purview to do so. He noted that the evidence they have is very gray on the point of discontinuance. He noted that he believed the Town discontinued the road at the turn around, or the Westerly boundary line of the former Kellen Property.

Mr. DegliAngeli stated that there are other roads in Town that are only maintained in the summer months.

Mr. Kimberly-Bryant stated that he was not going to sue anyone.

Mr. Kimberly-Bryant asked why the Town would end the road before Kellen's driveway as he still used it. Mr. Weathers stated that Kellen would maintain that himself.

Mr. Holmes stated that if the Town had intended to discontinue on the easterly side of the Kellen property, why would they have acquired a piece of land on the westerly boundary. Mr. Kimberly-Bryant stated because it was flat and free. Mr. Holmes stated that it would make sense then that the Town would discontinue the road at the flat area of Crown Hill.

Mr. DegliAngeli stated that the extra frontage is not the issue, instead, it is the grade, narrowness, trees, and the fact that someone would have to deed land to the Town to create another turnaround.

Mr. Colbath stated that this was decided in 1961 with a warrant article and he felt the Kimberly-Bryants could petition for a warrant article to extend the road.

There was discussion about the cost factor to adding Town provided winter maintenance to the additional portion of the road. It was determined that it would cost at least \$10,000 to make the road maintainable.

Mr. Colbath and Ms. Seavey agreed that they felt this would be best decided with a warrant article as there seems to be no clear evidence of the exactly discontinuation point.

Mr. DegliAngeli stated that it would require the Town to use smaller equipment to maneuver on that portion of road and there is only one Town employee who is responsible for that type of thing.

Mr. Weathers suggested that the Selectmen take the time to go look at the area prior to making any decisions.

REQUEST FOR LETTER OF SUPPORT FOR TAP GRANT

Cort Hansen and Larry Garland were present to request a letter of support for the reapplication of the 2018 TAP Grant for the continuation of the recreation path project from Hemlock Lane to Smith-Eastman Park.

Ms. Seavey moved, seconded by Mr. Porter, to authorize Chairman Weathers to sign a letter of support for the 2018 application of the TAP Grant. The motion carried unanimously.

DISCUSSION ON TEEN CENTER FEE INCREASE

Recreation Director John Eastman stated that he was interested in raising the Teen Center registration fee from \$20.00 to \$30.00. He explained that this fee covers each participant for an 8-month period where the Teen Center is open 4 nights a week. He added that in addition to supervision and activities, the program provides dinner each night they are open. He did add that special events and trips cost a bit extra, but no one is ever turned away for inability to pay. As Mr. Colbath inquired, Mr. Eastman stated that there are scholarships provided by the Friends of Conway Rec.

Mr. Holmes recommended an incremental increase.

Mr. Eastman noted that Sut and Margaret Marshall donate dinner every Friday and Todd Gallagher works well with local restaurants to donate dinner as well. He thanked the Marshall's and local businesses.

Mr. Colbath moved, seconded by Mr. Thibodeau, to increase the annual Teen Center Registration fee from \$20 to \$30. The motion carried unanimously.

REVIEW OF RECEIPTS

The receipts were available for review.

SIGNING OF DOCUMENTS

- a. Notice of Intent to Cut Wood or Timber Map/Lot 201-23
- b. Certification of Yield Taxes Assessed Map/Lot 260-58
- c. Timber Tax Levy Map/Lot 260-58

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

CONSIDERATION OF BILLS

- a. Accounts Payable Manifest dated 8/30/18
- b. Payroll dated 8/30/18

Mr. Colbath moved, seconded by Mr. Thibodeau, to approve and sign the AP Manifest and Payroll dated 8/30/18. 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 8/21/18

Mr. Thibodeau moved, seconded by Mr. Porter, to adopt the Regular and Non-Public minutes from 8/21/18 as written. The motion carried unanimously.

TOWN MANAGER REPORT

Mr. Holmes informed the Board that he had put together a display of vintage postcards of the Town of Conway that had been graciously loaned to the Town by Steve Morrill.

Mr. Holmes stated that he had received word from Charter Communications that they had dropped the Soccer Channel in our service area.

Mr. Holmes informed the Board that the NH DOT has agreed to shim coat from the railroad tracks to a little past Irving in Conway Village as a means to improve the road until reconstruction begins. Mr. Porter inquired as to when that would take place. Mr. Holmes stated that he believes the shim coating will begin Mid-September.

Mr. Holmes stated that Hazardous Waste Day would be taking place at the Transfer Station on September 22, 2018. He noted that more information can be found on the Town's website.

Mr. Holmes noted that Election Day is September 11, 2018 at the usual location of the current Recreation Center in Center Conway.

Mr. Holmes gave the Board an update on the new Rec Center. He noted that Mr. Eastman is compiling a list of necessary items needed for the center and bid documents are expected by Mid-November and construction is expected to begin by Christmas Break.

There was a question regarding the Town Hall move. Mr. Holmes stated that there has been no further progress since he informed the Board that the Town Planner had received plans for the new branch.

There was discussion regarding election assignments. Mr. Colbath stated he would be there all day while Selectmen Seavey, Porter, and Weathers would be there throughout the morning as well. Mr. Thibodeau stated that he would be out of the country during the elections.

BOARD REPORTS AND COMMENTS

Mr. Porter stated that the Planning Board and Historical Committee had not met.

Mr. Colbath stated that the Budget Committee was not meeting until September 19, 2018 and the ZBA had not met.

Mr. Colbath did note that he and Ms. Seavey had attended a lengthy and detailed Election Update training with the Secretary of State.

Mr. Thibodeau stated that he had nothing to report from the ESAA.

Ms. Seavey stated that she had attended both the Republican and Democratic debates that had been put on by the Economic Council.

Ms. Seavey thanked Daymond Steer from the Conway Daily Sun for his article on the Angel Flights and their willingness to work with RSVP and the Town of Conway.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Daymond Steer from the Conway Daily Sun asked the Board how they felt about the Abenaki Property; he noted that it seems to be becoming a safety issue.

Mr. Holmes stated that the Town does not budget for maintenance of that site that was deeded to the Town in the mid-1990s. In the past, they did take advantage of monetary help from the Connie Davis Watson Foundation to help maintain the buildings. However, the Town does not have the authority to tear down buildings on a Native American site.

Mr. Steer inquired as to whether there were plans to use the buildings again. Mr. Holmes stated that the Town had been entrusted to preserve the buildings and it was not clear as to whether the family had plans to use the buildings in the future.

There was a brief discussion whether this issue should be turned over to the Historical Commission. Mr. Porter stated that this would be difficult as they have no financial backing from the Town to be able to do anything.

Ms. Seavey stated that Mr. Steer should write an article in hopes that the family would see it.

ADJOURN

At 5:53 pm, Mr. Colbath moved, seconded by Ms. Seavey, to adjourn the meeting. The motion carried unanimously.

Respectfully Submitted,

Krista Day
Executive Secretary