

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN
April 20, 2021**

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.

SWEARING IN OF SELECTMEN

Town Clerk/Tax Collector Louise Inkell swore in newly reelected Selectmen, Steve Porter and John Colbath.

Mr. Colbath moved, seconded by Ms. Seavey, to nominate C. David Weathers as the Chairman of the Board of Selectmen. The motion carried (4-0-1) with Mr. Weathers abstaining.

Mr. Colbath moved, seconded by Mr. Thibodeau, to nominate Mary Carey Seavey as the Vice Chair of the Board of Selectmen. The motion carried (4-0-1) with Ms. Seavey abstaining.

APPROVAL OF AGENDA

Mr. Weathers noted that they would be adding two Waivers of Municipal Liability on Map/Lots 299-60 and 298-49 under "Signing of the Documents".

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

Mr. Weathers noted that they would not be discussing short-term rental issues in public session at the meeting today.

ADOPTION OF BOS MEETING SCHEDULE

Mr. Colbath moved, seconded by Mr. Thibodeau, to adopt the Board of Selectmen Meeting Schedule for 2021. The motion carried unanimously.

COMMITTEE ASSIGNMENTS

The Board discussed the following committee assignments.

Budget Committee: Mr. Colbath, Alternate: Ms. Seavey
Planning Board: Mr. Porter
Historic District Commission: Mr. Porter
Economic Council: Ms. Seavey
Valley Vision: Ms. Seavey
ESAA: Mr. Thibodeau
CCC: Mr. Weathers
Saco/Swift River Advisory: Mr. Weathers
Legislative Liaison: Mr. Thibodeau
Lower MWV Solid Waste: Mr. Colbath and Mr. Weathers
Union Negotiations: Mr. Weathers, Alternate: Ms. Seavey.

Mr. Colbath moved, seconded by Mr. Thibodeau, to confirm the committee assignments as listed above. The motion carried unanimously.

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

- a. \$250 from VRN Ventures LLC to be placed in the Police Dept. Canine Account

Chief Mattei explained that a local business donates every year. He requested that this year they put the donation in the Canine account.

Mr. Colbath moved, seconded by Mr. Thibodeau, to accept the unanticipated revenue of \$250 from VRN Ventures LLC to be placed in the Police Department Canine account.

PUBLIC HEARING ON OLIVEWOOD ENERGY SOLAR PROJECT

Andrew Provencher and Dominic Lebel appeared before the Board on behalf of Olivewood Energy.

They gave the Board a packet which included information on their proposed 110 megawatt solar farm on East Conway Road.

Mr. Lebel gave an overview of the timeline and process.

He noted that PILOT agreements give a stable and significant increase in revenue for the Town.

Mr. Lebel explained that without a PILOT, assessments of large energy projects can be disputed overtime if not done correctly.

Mr. Lebel stated that they have signed PILOTS with five New Hampshire towns in the last 17 months.

Mr. Lebel stated that they were proposing a starting rate of \$3,500 per megawatt, with an annual 2.5% escalation beginning at year ten

It was stated that they were hoping to begin construction in 2023.

Resident Karen Umberger appeared via Zoom. She expressed that this was a wonderful project that was very good for Conway. She stated that wind and solar are the future of our economic prosperity and hoped the Board would support the concept and idea.

Daymond Steer from the Conway Daily Sun inquired as to how the electricity gets used.

Mr. Lebel explained that they will be interconnected at the substation.

DISCUSSION OF POLICE MOTORCYCLE

Chief Mattei stated that he had looked into possible avenues for selling the old Police Motorcycle. He noted that Meredith Harley Davidson was willing to pay \$5,000. However, National Powersports in Pembroke offered \$8,000.

He explained that if they went with National Powersports, they would take the bike as is and the Town would not need to pay to have the bike stripped.

Mr. Porter moved, seconded by Ms. Seavey, to allow Chief Mattei to pursue the \$8,000 offer and place the funds in the Police Department Drug Account. The motion carried unanimously.

DISCUSSION ON FINES FOR NOISE ORDINANCE

Chief Mattie and Sargent Strong appeared before the Board to discuss fines for the new noise ordinance.

Sargent Strong noted that the State Statute allows for up to \$1,000 in fines.

Chief Mattei noted that he would recommend making flyers to help educate people on the noise ordinance and consequences for violating it.

Mr. Holmes explained that the existing disorderly statute requires a verbal warning before issuing a fine.

Chief Mattei noted that it would be up to the officer's discretion when responding to a noise complaint whether to issue a warning or fine. He stated the often a warning is all that is needed to stop the problem.

There was mention of whether the officers would address motorcycle noise. Sargent Strong noted that motorcycle exhaust has to be approved by the State, so they would have a hard time enforcing the noise form a motorcycle if it is passing State Law.

Mr. Hounsell stated that they should not penalize or fine the people who are working and making noise.

Mr. Thibodeau moved, seconded by Mr. Porter, that the fines for violating the noise ordinance be as follows: \$100 for first written offense, \$200 for second written offense, and \$500 for the third offense. The motion carried unanimously.

BY-PATH UPDATE

Mr. DegliAngeli stated that he had a meeting today with Bill Cass and Bill Watson regarding the By-Path Project. He noted that they are having regular meetings every other week.

Mr. DegliAngeli stated that he was happy to report they have facilitated moving things alone with the right of way issues. He noted they are currently on track for advertising in August.

Ms. Seavey inquired as to whether the right of way issues would affect the proposed location of the skate park on Hemlock.

Mr. DegliAngeli explained that the State had agreed that there was no market for the land, and it is very likely they will deed that whole corridor to the Town.

Mr. Colbath asked about the timeline for the Bridge work on Route 302. Mr. DegliAngeli stated that it was a State project, but he believed they would be wrapping up in May.

Mr. DegliAngeli stated that the contractor for the Main Street Project had provided them with an updated construction schedule, and they planned to be completely finished by the end of October.

DISCUSSION OF HISTORIC DISTRICT COMMISSION APPOINTMENTS

Mr. Holmes explained that they had received interest regarding membership on the Historic District Commission. He stated that they can have no less than three members, no more than 7 members, and it must include a Selectmen.

Mr. Holmes noted that both Ken Rancourt and Ray Lawrence were planning to remain on the Commission.

Mr. Thibodeau moved, seconded by Mr. Colbath, to appoint Brian Wiggin, Penny Merrill, Sally Smith, and Alane Bamburger as members of the Historic District Commission, and appoint Heather Corrigan, Dave Robinson, Stacy Pobatschnig as alternates. The motion carried unanimously.

DISCUSSION OF TOWN HALL ANNEX STORAGE – KEARSARGE LIGHTING
PRECINCT

Mr. Holmes stated that he had received a request from Lynn Lyman, Commissioner of Kearsarge, to store approximately three file cabinets at the Town Hall Annex as their building in Kearsarge was being torn down.

He noted that the Library has also expressed interest in storage space.

Mr. Colbath moved, seconded by Ms. Seavey, to allow the Kearsarge Lighting Precinct to store files in the Town Hall Annex. The motion carried unanimously.

REVIEW OF RECEIPTS

The receipts were available for review.

SIGNING OF DOCUMENTS

- a. Waiver of Municipal Liability for Map/Lot 299-47
- b. Certification of Yield Taxes Assessed on Map/Lot 240-6
- c. Certification of Yield Taxes Assessed on Map/Lot 260-58
- d. Yield Tax Levy on Map/Lot 260-58 & 240-6
- e. Gravel Tax Levy on Map/Lot 244-16, 226-1 & 260-58
- f. Permanent Application for Property Tax Credits/Exemptions on Map/Lot 234-75
- g. Notice of Intent to Cut Wood or Timber on Map/Lot 299-60
- h. Notice of Intent to Cut Wood or Timber on Map/Lot 260-58
- i. Application for Current Use Assessment on Map/Lot 201-23.2
- j. Waiver of Municipal Liability on Map/Lot 299-60
- k. Waiver of Municipal Liability on Map/Lot 298-49

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

CONSIDERATION OF BILLS

- a. AP Manifest dated 4/22/2021
- b. Payroll dated 4/22/2021

Mr. Colbath moved, seconded by Mr. Thibodeau, to sign the AP Manifest and Payroll dated 4/22/2021. The motion carried unanimously.

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

- a. AP Manifest dated 4/8/2021
- b. AP Manifest dated 4/15/2021
- c. Payroll dated 4/8/2021
- d. Permit to Sell Raffle Tickets for NCCC (5/19/2021)
- e. Special Event Permit for MWV Farmers Market (Tuesdays 6/29/2021-10/5/2021)
- f. Notice of Intent to Excavate on Map/Lot 260-58
- g. Notice of Intent to Excavate on Map/Lot 244-16
- h. Notice of Intent to Cut Wood or Timber on Map/Lot 214-187.5
- i. Permanent Application for Property Tax Credits/Exemptions on Map/Lot 217-15
- j. Permanent Application for Property Tax Credits/Exemptions on Map/Lot 215-42.088
- k. Permanent Application for Property Tax Credits/Exemptions on Map/Lot 262-83.070
- l. Permanent Application for Property Tax Credits/Exemptions on Map/Lot 262-83.213
- m. Permanent Application for Property Tax Credits/Exemptions on Map/Lot 260-4
- n. Notice of Intent to Cut Wood or Timber on Map/Lot 216-73.1

Mr. Colbath moved, seconded by Ms. Seavey, to ratify the documents signed out of session as listed above in a. through n. The motion carried unanimously

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

- a. White Mt. Milers Summer Series (Tuesdays 6/8/2021 – 8/10/2021)
- b. White Mt. Milers Bucks for Bernie (7/31/2021) Pending Payment
- c. MWV Soccer Club 4x4 under the Lights Soccer Tournament (7/24/2021 & 7/25/2021)

Mr. Colbath moved, seconded by Ms. Seavey, to approve the special event applications as listed above in a. through c. The motion carried unanimously.

CONSIDERATION OF MINUTES

- a. Regular Minutes from 3/30/2021
- b. 2021 DPTM Minutes

Mr. Colbath moved, seconded by Ms. Seavey, to adopt the minutes in a. and b. as written. The motion carried unanimously.

TOWN MANAGER REPORT

Mr. Holmes explained that while the Governor lifted the mask requirement as of last Friday, he had left it up to the municipalities on whether they would still require masks in their buildings.

Mr. Holmes noted that he had polled the staff, and that the majority of the staff at Town Hall are strongly in favor of continuing to require masks in Town buildings. He added that the Rec Center staff feel that they can manage their building without a mandate.

Mr. Porter stated that he felt it would be a good idea to continue the mask mandate in Town Buildings.

Mr. Eastman explained that he is not opposed to masks, and with summer camp coming soon, they would be following the guidelines that they receive from the Nation Parks and Rec Association. However, he noted that they have less traffic in and out of their buildings due to the door being locked.

He added that all of his staff, including the summer camp counselors are or would all soon be vaccinated.

Mr. Colbath moved, seconded by Mr. Porter, to continue to follow current CDC guidelines for masks and social distancing in all Town buildings. The motion carried unanimously.

Mr. Holmes asked if the Board wanted to revisit the 4th of July parade route as there had been some requests to move it back to Main Street even with the construction.

There was discussion regarding issues of private property and turnaround areas if they go on route 153.

Mr. Hounsell stated that they should move ahead with the parade on Main Street.

Ms. Seavey moved, seconded by Mr. Porter, to have the 4th of July parade down Main Street. The motion carried unanimously.

Mr. Holmes stated that the Board was invited to the dedication of the new North Conway Fire Station on May 22, 2021.

BOARD REPORTS AND COMMENTS

Mr. Thibodeau thanked the voters for supporting the airport at the polls.

Mr. Thibodeau gave the March airport activity report and stated that the transient hangar construction would most likely begin in the first week of May.

Ms. Seavey stated that Valley Vision would be meeting on Thursday, April 22, 2021.

Mr. Colbath thanked the voters for reelecting him as Selectmen.

Mr. Colbath noted that the ZBA would be meeting the next night.

Mr. Colbath noted that the Budget Committee would be meeting for their reorganizational meeting on April 28, 2021.

Mr. Porter thanked the voters for reelecting him. He noted that the Planning Board would be meeting on Thursday, April 22, 2021.

Mr. Weathers noted that the Saco/Swift River Advisory had met the previous week to review a dredge and fill application for the Old Glen Ellis Campground.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Mark Hounsell thanked Mr. Colbath and Mr. Porter for their service as well as the rest of the Board.

Mr. Hounsell noted that they are very fortunate to have talented Town Counsel. He stated that as they go into their non-public session regarding short-term rentals, they needed to listen to Town Counsel about how to do what they have to do. He explained that the people of the Town had voted, and now they need to do what needs to be done.

Mr. Hounsell stated that one option would be to start immediately issuing cease and desist letters to all owners. He explained that they are obliged to enforce the laws on the books.

Mr. Hounsell stated that they would most likely face litigation, but they had a duty to defend their zoning ordinance.

Mr. Hounsell thanked the Board.

Mr. Steer from the Conway Daily Sun stated that people are anxiously awaiting the Board's next steps regarding short-term rentals. He was hoping the Board could give them a timeline on how they were going to handle this situation.

Mr. Steer stated that the president of the NH Board of Realtors had made the statement that they do not believe municipalities have the power to ban short-term rentals.

Mr. Steer asked if the Town has the authority to mandate masks. Mr. Holmes explained that the Selectmen have the authority to manage their buildings as they see fit.

At 5:49 pm, Mr. Colbath moved, seconded by Ms. Seavey, to go into non-public session under RSA 91-A:3 II (I), Consideration of Legal Advice. The motion carried unanimously.

NON-PUBLIC SESSION RSA 91-A :3 II (I) CONSIDERATION OF LEGAL ADVICE

At 7:01 pm the Board returned to public session.

Mr. Colbath moved, seconded by Mr. Thibodeau, to seal the minutes from this non-public session. The motion carried unanimously.

At 7:01 pm, Mr. Porter moved, seconded by Mr. Colbath, to go into non-public session under RSA 91-A:3 II (J), consideration of confidential, commercial or financial information. The motion carried unanimously.

NON-PUBLIC SESSION RSA 91-A :3 II (J)- CONSIDERATION OF CONFIDENTIAL, COMMERCIAL OR FINANCIAL INFORMATION

At 7:09 pm the Board returned to public session.

Mr. Colbath moved, seconded by Mr. Thibodeau, to seal the minutes from this non-public session. The motion carried unanimously.

At 7:09 pm, Mr. Colbath moved, seconded by Mr. Thibodeau, to go into non-public session under RSA 91-A:3 II (A), personnel. The motion carried unanimously.

NON-PUBLIC SESSION RSA 91-A :3 II (A) - PERSONNEL

At 7:15 pm the Board returned to public session.

Mr. Colbath moved, seconded by Mr. Thibodeau, to seal the minutes from this non-public session. The motion carried unanimously.

ADJOURN

At 7:15 pm, the meeting adjourned at the call of the Chair.

Respectfully Submitted,

Krista Day

Executive Secretary