

**Minutes of Meeting  
CONWAY BOARD OF SELECTMEN  
October 25, 2022**

The Selectmen's Meeting convened at 4:00 pm at the Conway Fire Station with the following present: C. David Weathers, Mary Carey Seavey, Carl Thibodeau, John Colbath, Steve Porter, Interim 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.**

PUBLIC HEARING ON UNANTICIPATED REVENUE MORE THAN \$10,000/RSA 31:95-B III

- a. \$50,000 from the State of New Hampshire Locality Equipment Matching Program

Mr. Weathers opened the public hearing at 4:00 pm.

Mr. Eastman explained that these were funds that the Town applied for to reimburse us for money that had been expended during the pandemic for life safety related purchases.

These purchases included two police cruisers and the AED machine for the upstairs at Town Hall.

The public hearing closed at 4:02 pm.

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

- a. \$50,000 from the State of New Hampshire Locality Equipment Matching Program

**Mr. Colbath moved, seconded by Mr. Thibodeau, to accept the \$50,000 from the State of New Hampshire Locality Equipment Matching Program. The motion carried unanimously.**

DISCUSSION OF PARKING SPOTS ON NORCROSS CIRCLE

Mr. Weathers explained that they had met at the Fire Station a couple weeks ago to see a demonstration regarding the ability/inability for the emergency vehicles to turn left out of the station with the current configuration of the parking spaces.

There was discussion regarding the potential to create a parking lot on the Town owned parcel near the community center.

Mr. Weathers suggested that they eliminated 1 to 3 spaces and turn one of the spaces into angled parking.

**Mr. Porter moved, seconded by Ms. Seavey, to remove 3 spaces behind the backstop on Norcross Circle and to change one existing spot into angled parking to create two spaces.**

After discussion regarding a potential parking lot and how many spaces they should consider removing, **Mr. Porter moved, seconded by Ms. Seavey to rescind the motion on the floor.**

**Mr. Porter moved, seconded by Ms. Seavey, to table this discussion until they have more information. The motion carried unanimously.**

#### DISCUSSION OF NOVEMBER ELECTION ASSIGNMENTS

It was noted that Mr. Colbath, Ms. Seavey, and Mr. Weathers will be present all day at the election and Mr. Porter and Mr. Thibodeau will be present in the afternoon.

#### DISCUSSION OF ARPA FUNDS

##### a. Crosswalk Signs/Lights

The Board discussed the possibility of purchasing crosswalk lights/signs with ARPA funds for crosswalks in North Conway Village.

Ms. Seavey stated that she would really push for one at the Grove Street crosswalk that crosses the North South Road due to safety concerns of the residents on that road.

The total cost to outfit all uncontrolled crosswalks in the village would be approximately \$55,000.

Mr. Colbath asked if they had researched the effectiveness of these signs.

He noted that he would be willing to spend \$10,000 to see if they are effective.

**Mr. Porter moved, seconded by Ms. Seavey, to authorize the expenditure of up to \$10,000 from ARPA Funds for crosswalk signs/lights at the Crosswalks on Depot, Grove and Seavey Street. The motion carried (4-1-0) with Mr. Thibodeau in the negative.**

Mr. Colbath explained that he would like to see the expenditure of around \$50,000 from ARPA for the construction of three more pickleball courts in Center Conway.

He noted that they could also entertain a warrant article or using funds from the Recreation Revolving Fund.

He stated that they need a commitment now in order to have completion within the next year.

There was discussion of the potential of converting one of the tennis courts at Davis Park into a pickleball court.

There was note that we have not received the bridge aid money yet nor has the Town heard about funds for the Board ramp.

**Mr. Colbath moved, seconded by Ms. Seavey, to use up to \$50,000 of ARPA funds for the construction of three additional pickleball courts in Center Conway and if any additional funds are**

**needed, they will be privately raised. The motion failed (2-3-0) with Mr. Weathers, Mr. Porter and Mr. Thibodeau in the negative.**

It was discussed that perhaps this topic should become a warrant article in order to let the voters decide.

Mr. Thibodeau noted that he would like to see a specific commitment from the pickleball stakeholders.

He added that they need to be cautious with the remaining ARPA funds.

PUBLIC FACILITIES COMMITTEE UPDATE

a. Report of the Committee

Ms. Seavey gave the following report:

Committee Members:

Mary Carey Seavey, Chair and Ways and Means Committee Alternate

Steve Porter, Vice Chair and Location Committee Member

Jac Cuddy, MWV Economic Council Director, Location Committee, and Ways and Means Committee.

Michelle Cruz, MWV Chamber of Commerce Director and Location Committee Member

Mark Hounsell, Town of Conway Citizen, Location Committee Member, Design Committee Member, and Ways and Means Committee Member

Tad Furtado, Town of Conway Citizen and Location Committee Member

Dr. Eliza Grant – Town of Conway Planning Board and Ways and Means Committee

Ace Tarberry – Town of Conway Citizen and Alternate

Paul DegliAngeli – Town Engineer and Design Committee

Johnny Eastman – Town Manager and Location Committee

Krista Day – Executive Assistant – Town Manager and Recording Secretary

Big Picture Issues to be considered by the North Conway Village Bathroom Committee

1. Location
2. Design
3. Parking
4. Hours
5. Staffing

The following Committees were defined at the May 31, 2022, Board Meeting:

### Location Committee

The Location Committee consisting of Selectmen Steve Porter, Jac Cuddy, Tad Furtado, Johnny Eastman, Michelle Cruz, and Mark Hounsell, investigated the following locations as potential sites for a Public Bathroom Facility in North Conway: the Jones Property next to TD Bank, old Rafferty property, the Movie Gallery building, the Ski Museum, the North Conway Community Center, the Eastern Oil /Lyman building, the Rotary Park parking lot, the small building owned by the Baptist Church, plus several locations owned by the Berry Corporation and Brian Fram.

The property received by the Town of Conway as a result of the land swap between the North Conway Community Center and the Town of Conway was off the table as a potential site for a North Conway Village Public Bathroom.

The Board of Selectmen also received a letter from the North Conway Commissioners stating that the North Conway Fire Station had not been designed for public restrooms and therefore could not be considered as a possible location.

### Design Committee

1. Paul DegliAngeli presented the Conceptual Floor for Public Rest Rooms in North Conway Village.
2. Mark Hounsell presented a list of 28 items that represented the “Construct of an ADA Compliant Public Restroom in the Village of North Conway.

### Ways and Means Committee

The Ways and Means Committee was represented by Michelle Cruz (MWV Chamber of Commerce; Jac Cuddy (MWV Economic Council; Dr. Eliza Grant, Doctor of Veterinary Medicine, and a member of the Conway Planning Board; Mark Hounsell, Town of Conway Citizen; and Mary Carey Seavey (Alternate), Committee Chair, and a Town of Conway Selectman.

The Ways and Means Committee presented to the Committee potential sources of funding for a public bathroom facility in the Village of North Conway but stepped back pending reports from the Location Committee on potential sites for the structure.

### Findings

1. The Location Committee was unsuccessful in their search for a potential site for a public bathroom in the Village of North Conway.
2. The Ways and Means Committee made a unanimous decision that it was not in the best interest of the Committee to continue investigating funding options without having a defined site for the building – all potential grants applications would require a potential building site.
3. The Committee voted to request a motion from the Board of Selectmen to open the public bathroom facility at Whitaker Woods, install public bathroom signage, man the facility, and monitor the usage of the facility. Mr. Hounsell stated for the record that he objected to using Whitaker Woods for public bathrooms.

4. At the June 21<sup>st</sup> Selectman's meeting Ms. Seavey moved, seconded by Mr. Thibodeau, to open the Whitaker Building bathrooms for the summer, ending Columbus Day weekend with the stipulation they find attendants to man the building. Furthermore, to authorize spending up to \$25,000 of ARPA funds for this endeavor. The motion carried (3-2-0) with Mr. Colbath and Mr. Thibodeau in the negative.

5. The bathrooms at Whitakers Woods opened on July 20, 2022, and monitoring of usage started at that time.

6. At the October 11, 2022 meeting, Krista Day reported a tally of the number of visits per day at the Whitaker Facility. She noted that there were four days missing from the excel sheet as they had not been reported yet. However, these numbers were updated after the meeting to reflect the following: Total days – 80; total hours staffed – 636 hours; total visits - 3, 016; and total cost - \$12,530.55.

7. Johnny Eastman, Town Manager reported that the Town had not received any negative comments regarding the bathroom at Whitaker Woods.

8. Michelle Cruz, MWV Chamber of Commerce, reported that she had received negative comments from the North Conway Village businesses regarding the location of the public bathrooms at Whitaker Woods – mainly regarding the location not being close to the Village.

9. Michelle Cruz explained that she had sent an anonymous survey to the North Conway Village business community and the feedback was that people are asking for public restrooms and when they are told where they are located, they believe it is too far.

10. Michelle Cruz noted that there are concerns from the Ski Museum about the ability to continue to open their bathrooms daily to the public due to monitoring and cleaning concerns.

11. Michelle Cruz also noted that Ben Wilcox from Cranmore had wanted her to know that the Artist Falls Lodge will be open during operational hours for bathroom use.

12. The Committee, except for Mark Hounsell, voted to continue using Whitaker Woods as a Public Bathroom Facility in North Conway and look to the Town Engineer and the Selectman to come up with recommendations for modifying the present building to better accommodate public bathrooms.

13. The Committee looked to businesses in North Conway to help with coming up with a site in the Village that would accommodate a Public Bathroom Facility.

14. The Committee, except Mark Hounsell, agreed that there was a need for a Public Bathroom Facility in North Conway Village. It should be noted that Whitaker Woods is in North Conway Village.

15. The Committee looks to the Town of Conway Selectman to decide how to handle the \$399K that the Town of Conway voters allocated to the project.

Submitted – October 25, 2022

Mary Carey Seavey – Bathroom Facility Chair, Town of Conway Selectmen

b. Minority Report

Mr. Hounsell thanked the Board for establishing the Public Facilities Committee.

He read the following aloud:

The 2022 Public Facilities Committee (the committee) conducted several public meetings pertaining to the creation of a town-provide Public Restroom Facility in the village of North Conway in the town of Conway. At the conclusion of the charge and directive given by the Board of Selectmen (BOS), before voting to adjourn SINE DIE the MAJORITY of the committee adopted the following motion duly made by Mr. Porter and seconded by Mr. Furtado,

“To recommend that the Board of Selectmen move forward with using the Whitaker Woods Homesite as a Public Bathroom Facility in the future and to investigate the construction of a partition/vestibule in the facility.”

The vote was five in the affirmative and one in the negative, with Mr. Hounsell in opposition.

This minority report is presented in support of the minority's dissent.

Now comes the minority who opposes the committee's recommendation to the BOS and does hereby recommend to the BOS the following, “That the BOS accept the committee's study and compilation of resulting data as findings of facts. That these facts demonstrate that the at a rate of one (1) visit every thirteen (13) minutes at a measured cost of \$4.15 per visit that there exists no need to burden taxpayers with the cost for providing staff and supplies for the purpose of providing a public restroom in North Conway Village and furthermore, the MINORITY does here-in recommend that the Board of Selectmen move forward by using the \$399,999.00 raised in 2022 for the construction of a Public Restroom to reduce the 2023 tax burden on property taxpayers and to not support the expenditures of public funds for the construction of a partition/vestibule in Whitaker Woods Homesite to facilitate a Public Bathroom Facility.”

In support of minority's recommendation, the following is offered.

1. It is not the locals who need a public restroom.

The new claim by the majority that it is the local population who have a need for a public restroom in North Conway Village has not been demonstrated by or expressed by any substantial call from the local citizenry. As it became apparent there was no need for a facility for the visitors (tourists) to the town the majority's changed its argument and rationale to meet a “local need” that is unsubstantiated by the facts and does not exist.

2. Based on the collected data the rate of an average of one visit every 13 minutes is not a pressing issue that requires a solution

3. It is not the responsibility of property taxpayers to pay for the services businesses SHOULD be providing to their customers.

Respectfully submitted on behalf of the minority,

Mark Hounsell, Member

Public Facilities Committee Thanked the Board to establish this committee.

Mr. Hounsell explained that he wanted the people to consider that in his opinion, it has not been demonstrated that they should be doing anything in regards to providing public restrooms.

He does not believe that creating a vestibule in the Whitaker Building is a good idea.

He noted that if they get the parking program up and running, the Whitaker building would be a good home base for the enforcement officer.

Mr. Thibodeau stated that he was not in favor of having public restrooms that far from Schouler Park.

Ms. Seavey stated that she did not feel that three months of data from the Whitaker Bathrooms was enough to conclude that public restrooms are not needed.

There was discussion regarding the lack of complaints received at Town Hall about restrooms.

There was discussion regarding the vandalism of the porta potties in Schouler Park.

Ms. Seavey stated that there seemed to be a need for locals to use restrooms when participating in sports and activities in the park.

The Board decided to take no action at this time.

### REVIEW OF RECEIPTS

The receipts were available for review.

### SIGNING OF DOCUMENTS

- a. Permanent Application for Property Tax Credits/Exemptions on Map/Lot 254-29.068
- b. Permanent Application for Property Tax Credits/Exemptions on Map/Lot 265-161.328
- c. Permanent Application for Property Tax Credits/Exemptions on Map/Lot 254-29.104
- d. Permanent Application for Property Tax Credits/Exemptions on Map/Lot 261-21
- e. Permanent Application for Property Tax Credits/Exemptions on Map/Lot 275-31
- f. Permanent Application for Property Tax Credits/Exemptions on Map/Lot 219-126
- g. Permanent Application for Property Tax Credits/Exemptions on Map/Lot 275-19
- h. Permanent Application for Property Tax Credits/Exemptions on Map/Lot 265-101
- i. Permanent Application for Property Tax Credits/Exemptions on Map/Lot 299-122
- j. Permanent Application for Property Tax Credits/Exemptions on Map/Lot 254-29.176
- k. Permanent Application for Property Tax Credits/Exemptions on Map/Lot 277-176
- l. Permanent Application for Property Tax Credits/Exemptions on Map/Lot 243-17

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

CONSIDERATION OF BILLS

- a. AP Manifest dated 10/27/2022

**Mr. Colbath moved, seconded by Mr. Thibodeau, to sign the AP Manifest dated 10/27/2022. The motion carried unanimously.**

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

- a. AP Manifest dated 10/20/22
- b. Payroll dated 10/20/22

**Mr. Colbath moved, seconded by Mr. Thibodeau, to ratify the documents listed above. The motion carried unanimously.**

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

(none)

CONSIDERATION OF MINUTES

(none)

TOWN MANAGER REPORT

Mr. Eastman explained that the new Conway Recreation Center parking lot is open, they are just waiting on lights.

Mr. Eastman noted that the elevator has been repaired at Town Hall.

BOARD REPORTS AND COMMENTS

Mr. Thibodeau stated that the ESAA had a meeting the previous week.

He gave the October Activity report from the airport.

Ms. Seavey stated that work continues on the road at the Economic Council.

Mr. Colbath noted that the ZBA had met the previous week for two minor hearings.

He stated that he believed they had also received a rehearing request from Leavitts Bakery.

Mr. Colbath stated that the Budget Committee had met but Ms. Seavey attended in his place.

Mr. Porter stated that the Planning Board would be meeting on Thursday, October 27, 2022.



He added that they will hopefully have a contract signed for the master plan soon.

Mr. Colbath thanked the Conway Fire Department for the use of the room for the last two meetings.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Daymond Steer from the Conway Daily Sun stated that he had heard a complaint regarding the widening of the paths in Whitaker Woods.

It was explained that there was some work done in order address the problems that were being caused by walkers walking on the groomed cross country ski trails.

**At 5:56 pm, Mr. Colbath moved, seconded by Mr. Porter, 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 6:45 pm, the Board returned to public session.

**Mr. Colbath moved, seconded by Mr. Thibodeau, to seal the minutes from this non-public session as divulgence of the information would render the proposed action ineffective. The motion carried unanimously.**

ADJOURN

At 6:45 pm, the meeting adjourned at the call of the Chair.

Respectfully Submitted,

Krista Day  
Executive Secretary