

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN
January 17, 2023**

The Selectmen's Meeting convened at 4:08 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

8a. Discussion of Land in Kearsarge

9a. Notice of Demo Permit for 3599 White Mt. Highway

15. Regular and Non-Public Minutes from 1/10/2023

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

PUBLIC HEARING TO ACCEPT AND DESIGNATE A SPECIFIC PURPOSE FOR THE USE
OF THE FOLLOWING UNANTICIPATED REVENUE:

- a. \$250,753.58 from the State of NH for Municipal Bridge Funding Distribution

Mr. Eastman stated that this was Bridge Aid Funding that had to have a public hearing as it was over \$10,000.

Mr. Weathers opened the public hearing at 4:01 pm.

There were no public comments.

Mr. Weathers closed the public hearing at 4:02 pm.

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

- a. \$250,753.58 from the State of NH for Municipal Bridge Funding Distribution

Mr. Colbath moved, seconded by Ms. Seavey, to accept the \$250,753.58 from the State of NH for Municipal Bridge Funding Distribution. The motion carried unanimously.

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

- a. \$1,000 from Sheryl Carrier for the Police Department Uniform Line

Mr. Colbath moved, seconded by Ms. Seavey, to accept the \$1,000 from Sheryl Carrier for the Police Department Uniform Line. The motion carried unanimously.

DISCUSSION OF WARRANT ARTICLES

Mr. Eastman noted that they had received and verified the petition for the establishment of a Charter Commission.

There was discussion amongst the Board and Mark Guerringue about the next steps including the vote in April and if passed, the extra election of commissioners.

Mr. Eastman will have more information at the next meeting.

Mr. Guerringue explained that the goal seems to have the Charter Commission look at changing from the current form of SB2 as in his opinion, it is just not working as 30-40 people are often determining what is going on in the Town.

Mr. DegliAngeli explained that staff had been asked to bring the request of a betterment assessment warrant article to the Selectmen on behalf of Settlers Green.

Mr. DegliAngeli read the following out loud:

To see if the Town will accept Settlers Green Drive and the private portions of Common Court as public rights-of-way, provided that, pursuant to NH RSA 231:29, the abutters to the roads shall be required to pay a betterment assessment not to exceed ONE MILLION TWO HUNDRED FIFTY THOUSAND FIFTY-EIGHT DOLLARS AND FIFTY-EIGHT CENTS (\$1,250,058.58), which betterment assessment shall be prorated over a period not to exceed 10 years and shall, pursuant to NH RSA 231:30, create a lien upon the lands so assessed which shall continue until fully discharged, shall be subject to interest, and shall be subject to any other charges as are applicable to the collection of delinquent taxes, and further provided that any work required to bring the roads up to the standards and requirements currently in effect in the Town shall be secured with a performance bond pursuant to NH RSA 447:16.

Mr. DegliAngeli explained that a betterment assessment is in statute for the purpose for bringing a road up to the standards of the town and then accepting it.

Upon a positive vote, it would become a Town road, the Town would contract out all improvements, and the abutters would then bear the cost.

In this case, Settlers Green would be responsible for 100% of the cost because they are the only abutters.

Mr. Colbath asked where Barnes Road fits into this.

Mr. DegliAngeli explained that Barnes Road is already up to Town standards and would not need a betterment assessment.

However, it was stated that a petition had already been submitted to accept Barnes Road as a Town Road.

Mr. Thibodeau asked what the Town Engineer's recommendation was.

Mr. DegliAngeli explained that originally it had been a petitioned warrant article, however, they hadn't included the cost.

Because there is no cost to the Town to bring it up to standards, staff was ok with bringing the request before the Selectmen.

Mr. Thibodeau asked how much cost/effort would the road be to the Town if accepted.

Mr. DegliAngeli explained that it would add usual road maintenance such as plowing.

Mr. Smith explained that of the four roads that are up for acceptance, the addition of Royal View and Common Court prompted the Highway Department to budget for a new truck and driver.

They would need to shuffle the plow routes around to keep them well maintained in a timely fashion.

Mr. Colbath moved, seconded by Mr. Porter, to place the following on the warrant:

To see if the Town will accept Settlers Green Drive and the private portions of Common Court as public rights-of-way, provided that, pursuant to NH RSA 231:29, the abutters to the roads shall be required to pay a betterment assessment not to exceed ONE MILLION TWO HUNDRED FIFTY THOUSAND FIFTY-EIGHT DOLLARS AND FIFTY-EIGHT CENTS (\$1,250,058.58), which betterment assessment shall be prorated over a period not to exceed 10 years and shall, pursuant to NH RSA 231:30, create a lien upon the lands so assessed which shall continue until fully discharged, shall be subject to interest, and shall be subject to any other charges as are applicable to the collection of delinquent taxes, and further provided that any work required to bring the roads up to the standards and requirements currently in effect in the Town shall be secured with a performance bond pursuant to NH RSA 447:16.

The motion carried unanimously.

Mr. Colbath stated that the people should decide.

PRESENTATION FROM THE HISTORIC DISTRICT COMMISSION

Ken Rancourt, President of the Historic District Commission appeared before the Board.

He noted that he was appearing on behalf of the Commission which consisted of members Ken Rancourt, Alane Bamburger, Brian Wiggin, Steve Porter, Penny Merrill and Sally Smith, and alternates Heather Corrigan and Dave Robinson.

Mr. Rancourt explained that the Commission was charged to figure out what to do with the Older Homes in Conway.

They perused records and were able to identify 70 homes built before 1820.

However, many of these homes have been renovated and destroyed.

Mr. Rancourt explained that they had sent out surveys to owners of older homes to gather more information.

He noted that this summer they were going to focus more on homes on West Side Road.

Mr. Colbath noted that it seems as if the historic parts of Conway are chopped up.

Mr. Colbath asked if they had room for other members.

Mr. Porter moved, seconded by Mr. Colbath, to appoint Heather Corrigan and Dave Robinson as full time members of the Historic District Commission. The motion carries unanimously.

Ms. Seavey stated that work should be done to get individual homes on the registry instead of historic districts.

She commended the Commission for the work they have done and continue to do.

Mr. Rancourt thanked Mr. Porter and the rest of the Selectmen for the work they do.

DISCUSSION OF LAND IN KEARSARGE

Mr. Weathers explained that at their Conservation Commission meeting there had been discussion with the Upper Saco Valley Land Trust regarding a 2.2 acre piece of property in Kearsarge.

There was an unanimously decision by the Conservation Commission to approach the Town to see if they would be interested in donating that land to the USVLT.

Ms. Seavey asked Abby King from the USVLT if there had been communication with the abutters.

It was determined that the one abutter, Dawn Brauel, had not been contacted.

It was stated that the property owned by Ms. Brauel is almost entirely in the flood plain from Kearsarge Brook.

It was explained that the 2.2 piece of property would be available for public use however, there was no trailhead or parking lot.

Ms. King noted that the only change if the USVLT took this land would be who was overseeing and managing the land.

The Board agreed to contact Ms. Brauel before making a decision.

Ms. Seavey thanked Ms. King for all she does.

DISCUSSION OF REC FEES AND SPECIAL EVENT FEES

Recreation Director Mike Lane explained to the Board that they had not special event fees in a few years. Mike: we haven't adjusted fees in years.

The Board reviewed Mr. Lane's recommendations for adjustments that would cover the Town's costs. (See attached).

It was noted that the cost for non-profit events would not be increased.

Items that also needed to be increased were things such as portable toilets, trash removal, and trash bags.

Mr. Colbath moved, seconded by Ms. Seavey, to increase the special event fees and deposits as presented by Mr. Lane (see attached). The motion carried unanimously.

Mr. Thibodeau wanted to make it clear that he still believes that people should not have to obtain a special event permit when having an event on private property.

Mr. Lane presented the Board with the proposals for small increases in program fees for 2023. (See Attached).

Mr. Thibodeau asked if Mr. Lane anticipated an increase in staff wages and if these fees would be sufficient to cover those increases.

Mr. Lane explained that they had a new Counselor in Training program that would help reduce cost and that the fees would be sufficient.

Mr. Colbath noted that the adult program fees were a bargain.

Mr. Colbath moved, seconded by Ms. Seavey, to adopt the changes in program fees as presented (see attached). The motion carried unanimously.

Mr. Lane asked the Board to give him some guidance regarding the skating rink as the weather had not been cooperating and thus is had not been open yet.

Mr. Porter stated that he thought that because it was so late in the season, they should just keep it closed.

Mr. Colbath noted that there is an alternative at the Ham Arena.

Mr. Colbath moved, seconded by Mr. Porter, to continue with the skating rink for the 2023 season if mother nature allows. The motion carried (3-2-0) with Mr. Colbath and Mr. Porter in the negative.

NOTICE OF DEMO PERMIT FOR 3599 WHITE MT. HWY

This permit was for the old Intervale Motel.

Mr. Porter wanted to make a personal comment that he believed the company that was doing this work as well as the work at the Hilton Garden site had been less than respectful to both the Town Staff and the residents of this Town.

Mr. Eastman stated that Mr. Pandora said that the company has a number of things they have to do before they will be issued the permit.

REVIEW OF RECEIPTS

The receipts were available for review.

SIGNING OF DOCUMENTS

- a. Waiver of Municipal Liability on Map/Lot 272-41
- b. PILOT Agreement for 302 Solar. LLC
- c. Intent to Cut Wood or Timber on Map/Lot 284-21

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

CONSIDERATION OF BILLS

- a. AP Manifest dated 1/19/2023

Mr. Colbath moved, seconded by Ms. Seavey, to sign the AP Manifest dated 1/19/2023. The motion carried unanimously.

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

- a. AP Manifest dated 1/12/2023
- b. Payroll dated 1/12/2023

Mr. Colbath moved, seconded by Ms. Seavey, to ratify the documents listed above in a and b. The motion carried unanimously.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

(none)

CONSIDERATION OF MINUTES

- a. Regular Minutes and Non-Public Minutes from 1/10/2023

Mr. Colbath moved, seconded by Ms. Seavey, to adopt the regular and non-public minutes from 1/10/2023 as written. The motion carried unanimously.

TOWN MANAGER REPORT

Mr. Eastman stated that he had been contacted by the EPA and they would be doing an update on the Kearsrage Superfund Site.

They will be putting out more information and press releases in the future.

Mr. Eastman stated that he had been contacted by Julia Welscher from a studio company in California.

She was interested to know what permits she needed to obtain as they were going to be filming a documentary about rescues on Mt. Washington.

Mr. Eastman told her that they do not require permits but would tell the Board.

The tentative shoot dates are from January 28, 2023 – February 3, 2023.

Mr. Eastman stated that Mr. Smith is working on a light plan for here at Town Hall.

BOARD REPORTS AND COMMENTS

Mr. Thibodeau stated that the Airport had their meeting last week.

The airport would be presenting to the Budget Committee the next night.

Ms. Seavey stated that she hoped the Budget Committee would be open to listening as the airport is a vital part of the area.

Ms. Seavey stated that she was unable to attend the Economic Council dinner and that Valley Vision had not met.

Mr. Colbath stated that the ZBA did not have any hearings this month and that the Budget Committee was ahead of schedule.

Mr. Porter thanked Mr. Rancourt for his presentation.

Mr. Porter stated that the Planning Board had chosen the last 7 members of the Master Plan Committee.

He noted that the SE Group would be in Town to begin work from February 7, 2023 – February 9, 2023.

They would be hosting an open house for public input at Tuckerman's Brewery from 3:00 pm to 7:00 pm on February 8, 2023.

Mr. Weathers noted that the Conservation Commission had met the previous week and discussed the Kearsarge property that had already been discussed in the meeting.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Mark Guerringue stated that he believed the Board has always had correct instinct to put big decisions in front of the voters.

However, it could be said that the Board was "hiding" the parking program in the overall budget.

He urged the Board to remove the \$242,000 from the budget and place it as a warrant article.

Mr. Guerringue stated that the cell signal in North Conway is not good and the new cell tower is stuck in litigation.

Tom Eastman from the Conway Daily Sun asked what company was doing the Intervale work. It was stated that Opechee was doing the work.

Mr. Porter stated that the Planning Board had asked them not to cut the trees at the front of the Hilton Garden site until they got the back of the property done, yet they just did what they wanted with no regard for the Town.

Mr. Eastman stated that they would not be able to remove any money from the proposed budget at this time because it had been sent to the Budget Committee.

Funds could only be removed at the Deliberative Session.

Mr. Thibodeau stated that he did not feel that it would make a difference whether it was in the budget or placed as a warrant article.

ADJOURN

At 5:39 pm, Mr. Colbath moved, seconded by Mr. Thibodeau, to adjourn the meeting. The motion carried unanimously.

Respectfully Submitted,

Krista Day
Executive Secretary