

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN
July 18, 2023**

The Selectmen's Meeting convened at 4:01 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 agenda item #9 was removed.

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

PUBLIC HEARING ON PROPOSED ORDINANCE FINE ADJUSTMENTS

Ms. Seavey opened the public hearing at 4:04 pm.

Chief Mattei explained that after doing some research, he could not find where the fines were officially set and they were proposing following fines:

Chapter 12: Alcoholic Beverages - Public Consumption \$50.00
Chapter 62: Hawkers, Peddlers and Solicitors \$50.00
Chapter 90: Parks and Town Property - Restricted/Prohibited Activities \$50.00
Chapter 95: Peace and Good Order \$50.00
Chapter 152: Specifically, 152-1 (B) - Vehicle Restrictions Through trucking 13 ton GVWR \$100.00

Ms. Seavey asked for public comment.

Mr. Steer from the Conway Daily Sun asked about public drinking.

Chief Mattei clarified that this means drinking alcohol in public.

Mr. Steer asked if the Board thinks these fines are too high or too low.

Mr. Colbath stated that Chief Mattei has done his research.

Mr. LeFebvre asked what other Towns have for fines.

He also asked if there should be fines for the second and third violations.

Chief Mattei noted that these fines seem to be standard.

He also noted that due to the nature of the ordinance, they are usually one and done instances.

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

PUBLIC HEARING ON PROPOSED AMENDMENTS TO CHAPTER 152 VEHICLES AND TRAFFIC

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

Chief Mattei noted this was the second public hearing regarding the proposed amendments to define “Fire Lane” and some minor changes like where someone would go to pay a fine.

Ms. Seavey asked if there was any public comment.

There was no public comment.

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

VOTE ON PROPOSED AMENDMENTS TO CHAPTER 152 VEHICLES AND TRAFFIC

Chief Mattei reviewed that these are not new ordinance, again, they are just officially defining things so they can be enforced.

Mr. Colbath moved, seconded by Mr. Porter, to adopt the proposed amendments to Chapter 152 Vehicles and Traffic as presented. The motion carried unanimously.

Please see attached amendments.

DISCUSSION OF DIANA'S BATH

Forest Service District Ranger Jim Innes appeared before the Board along with Chief Mattei.

Chief Mattei explained that the Police Department has experienced serious complaints regarding Diana's Bath this year.

He noted that they had received 12 calls in 12 days.

Chief explained the traffic and parking issues that are a serious concern.

Chief Mattei stated that he would like to see the State take some of the shoulder of the road and create a paved queue line to help keep those waiting in their cars out of the road.

Mr. Innes stated that he is very happy with the partnership they have with the Town and agree that there is an ongoing traffic issue.

There was discussion regarding the hardship the Rec Department is having trying to get employees to work at Diana's Bath due to the abuse they are taking from people who are trying to park.

There was note that there were plans for a paved parking lot but the number of spaces would be staying the same.

Mr. Innes noted that he would reach out to the State to see if they would entertain the paved queue.

Mr. Colbath moved, seconded by Mr. Porter, to authorize the Chairman to sign a letter of support for a paved queue at Diana's Bath. The motion carried unanimously.

Mr. Innes reiterated again that he is thankful for their partnership with the Town.

MID GRANT PUBLIC HEARING FOR CDBG PROJECT #20-016CDCA – KAELA TAVARES

Ms. Seavey opened the public hearing at 4:26 pm.

She noted that there were handouts available up front.

Kaela Tavares from North Country Council read the following:

Community Development Block Grant (CDBG) funds are available to municipalities through the NH Community Development Finance Authority. Up to \$500,000 annually is available for Economic Development Projects, up to \$500,000 for Housing Projects, up to \$500,000 for Public Facility Projects, up to \$350,000 in Emergency Funds, up to \$25,000 per Planning Study grant. All projects must directly benefit a majority of low- and moderate-income persons. The Public Hearings will comment on the following:

The Avesta Housing grant will come to a close in December of 2023. The grant funds the construction of a housing project that will create 40 units of mixed income housing, 30 units of which are deed restricted for occupancy by low- and moderate- income households. Construction of the project is underway currently and is anticipated to finish in the fall of this year.

The Chairman asked if there was any public comment.

Resident Jim LeFebvre asked what types of units there would be.

Ms. Tavares noted that there was a mix of 1, 2 and 3 bedroom units and would get him a full breakdown.

Mr. Thibodeau asked if applicants were restricted by current residency or could people from other locations apply.

Ms. Tavares stated that because they used federal grants, they had to be open to applicants from anywhere.

Ms. Tavares noted that her contact information was: Kaela Tavares: ktavares@nccouncil.org 603-444-6303 ext. 2025.

Ms. Seavey closed the public hearing at 4:31 pm.

DISCUSSION OF BIKE CO-OP PROGRAM – SCOTT BOISVERT

Mobility Manager for Carroll County Scott Boisvert appeared before the Board.

He explained that he is trying to help expand new sustainable means of transportation in the area.

They are planning to begin a Bike Co-op program where they take used bicycle donations and partner with local bike shops as well as Kennett High School students to refurbish them.

These bikes would then be donated back to the community for free to help people get around.

The hope is to place bike racks at Fire Stations and other possible “depots”.

He also noted that they may see an increase in bicycle traffic.

Mr. Colbath asked if the Bike Shop near Walmart was doing this.

Mr. Boisvert noted that Anthony from the Bike Shop was one of the partnering shops.

Mr. Boisvert stated that they currently have 8 bicycles ready to be distributed.

The plan is to donate to the J1 students and they will have a required safety class and will need to purchase a helmet.

Mr. Boisvert noted that they are drafting a release of liability at the moment for the Co-op and the Bike Shops.

Mr. Boisvert stated that his contact information was: sboisvert@tccap.org and 603-723-4318.

REQUEST FROM KEVIN PEARE MEMORIAL SKATE PARK

Harrison Kanzler, Representative from the Kevin Peare Memorial Skate Park, appeared before Board.

He stated that he was here to request that the Town enter into a memorandum of understanding with the Skate Park.

He does not currently have the MOU drafted.

They are looking to be able to turn the funds over to the Town.

Mr. Colbath stated that he was 100% in favor of the park being built, however, he would need to do significant research for the liability for the Town to take it on.

Mr. Thibodeau agreed with Mr. Colbath.

It was requested that Mr. Kanzler outline exactly what the Town would be responsible for.

Ms. Seavey asked where they were with their financing.

Mr. Kanzler stated that he didn't have those numbers off the top of his head but could get that.

Mr. Shepard asked who would own the park.

Mr. Kanzler stated that the Town would own the park.

Resident Jim Pietrangelo asked where the land for the park was located.

Mr. DegliAngeli stated that it is near Hemlock Lane on a parcel that the State currently owns.

The land would be turned over to the Town.

Ms. Seavey stated that she felt it was too early to make a decision on this.

It was clarified that there had been no construction on the park yet.

Alec Tarberry stated that he thought the park was a good idea as the Valley seems to have a hard time retaining young people.

Mr. Kanzler is going to draft an MOU and do some liability research.

Mr. Kanzler stated that he would try and get a detailed financial breakdown regarding where they are in the fundraising process.

DISCUSSION OF CHARTER COMMISSION

Mr. Holmes stated that the Commission is in the process of gathering information and they would like to see if the Board of Selectmen had strong feelings for what they would like to see.

Mr. Holmes stated that the NHMA will be coming to the next meeting.

Mr. Thibodeau stated that he would like to see the Commission come up with the pros and cons for each potential form of government.

Ms. Seavey stated that she believed it was too early to form an opinion.

Mr. Holmes noted that the next meeting of the Charter Commission would be on July 26, 2023.

Mr. Porter stated that he needs more information before giving an opinion.

Mr. Colbath stated that he appreciated Mr. Holmes coming in but stated that he believes it is too early for him to give an opinion.

PUBLIC HEARING ON PROPOSED AMENDMENTS TO BUILDING PERMITS

Ms. Seavey opened the public hearing at 5:00 pm.

Mr. DegliAngeli explained that this was the second public hearing on the proposed new fees for building permits.

Mr. DegliAngeli explained the proposed amendments to the building permit fees and process. (Please see attached).

He stated that their proposed fee structure was figured in order to just break even with the building department costs.

Joy Tarbell asked for clarification about whether a certificate of occupancy would be issued.

Mr. DegliAngeli stated that certificates of occupancy will be issued.

Ms. Seavey closed the public hearing at 5:07 pm.

VOTE ON PROPOSED AMENDMENTS TO BUILDING PERMITS

Mr. DegliAngeli stated that the plan would be to begin with these new fees as of August 28, 2023.

Mr. Colbath moved, seconded by Mr. Thibodeau, to accept the proposed amendments to building permits as presented. The motion carried unanimously.

PUBLIC HEARING ON RENTAL LICENSING

Ms. Seavey opened the public hearing at 5:09 pm.

Mr. DegliAngeli explained that this was the first public hearing on a proposal for rental licensing that would include a life safety inspection.

He noted that these licenses would be required for rental units, both long and short term.

He stated that they were following the lead of other communities that regularly inspect for life safety.

Mr. DegliAngeli reviewed the 10 items that were being proposed for inspection. (please see attached).

Mr. DegliAngeli noted that they had also met with the State Fire Marshall and other community like Manchester are also requiring these licenses.

The proposal would be to begin this requirement as of January 1, 2024 and the license would be good for three years.

He also noted that they are proposing to beginning a voluntary registration as of September 1, 2023 that would allow for either an onsite inspection, or offer a self-inspection and signed affidavit that would allow the property to be in good standing for a year before an onsite inspection was required.

Mr. Colbath inquired as to what the proposed license cost would be.

Mr. DegliAngeli explained that staff is proposing a fee of \$375 every three years which is quite a bit under what other communities are charging.

The hope is that this licensing program is cooperative and that they will not need to utilize legal services which could potentially increase the licensing fee in the future.

He added that in terms of the voluntary licensing and registration period, they propose \$125 for the signed affidavit for one year.

Mr. Colbath asked what the process would be if they find units that aren't in compliance.

Mr. DegliAngeli stated that there are items that could be given 90 days to comply, but other issues such as bedrooms without proper egress would have to have no tolerance.

Ms. Seavey asked for public comment.

Wayne Beyer stated that this proposal was not accessible on the website.

Mr. DegliAngeli stated that as this was the first public hearing, the information would be uploaded for the public after tonight and public comment would be taken again at the next Selectmen's meeting.

Joy Tarbell stated that it sounded as if the Town was applying a one size fits all approach.

She asked if they were taking into consideration new homes versus old homes.

Mr. DegliAngeli noted that the new building permit process would be inspecting new builds.

Resident Rose Hache asked that the public be informed when they plan to discuss all issues relating to short-term rentals.

Josh Brustin asked what would happen as many short-term rentals are in chalets.

Mr. DegliAngeli stated that egress is a sticking point with the State Fire Code.

Mr. Brustin asked if there were be a fee if a second inspection was needed.

Mr. DegliAngeli stated that he was unsure at this time as it may be a trial and error.

Mr. Steer asked if this was for only single and two family rentals.

Mr. DegliAngeli stated that it was.

Chief Solomon stated that larger rentals are already required to have things completed by paid contractors.

Mr. Steer asked about insurance.

Mr. DegliAngeli stated that insurance was not in the Town's purview.

It was stated that the license proposal would be posted on the website tomorrow.

Mr. Steer stated that he doesn't agree with the Town's policy of not giving the information to the public before the Selectmen receive it.

Mr. Eastman explained that there are two public hearings.

He does not believe in giving the information to the Conway Daily Sun so the Selectmen have to read about information and proposals before it has been presented to them.

He noted that he will continue this practice.

Mr. Steer asked what would happen if a tenant decides that they don't want their quiet enjoyment of their property interrupted by an inspection.

Chief Solomon stated that there have been too many fatal fires and that a 15 minute inspection should not be a problem.

Mike Schipe of Kearsarge suggested doing the voluntary license period for a longer period of time perhaps with a drop in inspection.

He explained that for landlords things such as grills are not always under their control as tenants often move them.

Mr. DegliAngeli thanked him for his input and stated that they had to start somewhere.

Jim McQueeney asked if the rental units need to be ADA compliant.

Mr. DegliAngeli stated no.

Quentin Lewis asked if new owners take over a rental property, would they need to get relicensed.

Chief Solomon stated that they should as the new owner might change something.

Mr. DegliAngeli stated that they were still in discussion about the intervals.

Mr. DegliAngeli explained that any renovation done to a home requires a building permit and that after August 28, 2023, the issuing of a building permit will trigger an inspection.

Russ Sureny asked if the inspector is going to be limited to only looking at the ten things on the checklist as presented, or if when they got their foot in the door they were going to inspect for other things.

Mr. DegliAngeli explained that the intent is to inspect those ten things, however, he gave examples of things that if seen while in the house, they would not be able to “un-know”.

These things included charring from the electrical panel, holds in the floor, etc.

Mr. DegliAngeli stated that they need to be practical or they will not make progress.

He also noted that if they find property record card discrepancies such as extra bedrooms, that would need to be addressed.

Mr. Sureny stated that this seems like a no boundaries inspection.

Chief Solomon stated that this is intended to about life safety inspections.

Craig Winsquigs stated that while everyone cares most about safety, he would like to see this process slow down.

He stated that the negativity from the Town regarding short-term rentals has been disappointing and that they bring a lot of revenue into Town.

He went on to discuss other issues such as contracts with renters and information posted in each rental.

Mr. Shepard stated that while he appreciates Mr. Winsquigs ideas, what they are talking about tonight is licensing.

Wayne Beyer stated that it would have been more useful to have this document before but it seems that they are not addressing real problems.

Josh Brustin asked how they determine what participation rates will be like.

Mr. DegliAngeli explained that Host Compliance tells them that it is extremely variable depending on what they were trying to regulate.

Ms. Inkell noted that the Town does have an affidavit for rentals that is supposed to be filled out and filed with the Town Clerk.

Rose Hasche stated that they needed to address occupancy load and septic size.

Mr. Steer asked what the Board of Selectmen thought of the program.

Mr. Shepard stated that this is the first public hearing and he does not have an opinion yet.

Jim McQueeney asked why occupancy isn't on the checklist.

Mr. DegliAngeli stated that current codes do not place a limit on the number of people in a bedroom.

Chief Solomon stated that they cannot currently place an occupancy limit, they are working under statutes and court precedents and are only doing the minimum they can to improve life safety.

Ms. Seavey closed the public hearing at 6:15 pm.

The Chair stated they would take a brief recess at 6:15 pm.

DISCUSSION OF WASHINGTON STREET PARK MONUMENT REPAIR

The meeting reconvened at 6:21 pm.

Mr. Eastman explained that in April a vehicle had hit the monument at Washington Street Park.

While insurance is going to cover it, it is going to cost a lot of money.

He explained that he had met with Mr. Lane and Mr. Smith and have come up with a proposal to remove the monument posts and instead put a big engraved granite rock.

He noted that there are big rocks behind the Town Garage they could use and the Town would be reimbursed for their time.

Mr. Colbath asked if there was any historical significance to the monument.

Mr. Eastman stated that he did not believe so.

Mr. Colbath moved, seconded by Mr. Shepard, to remove the existing posts and replace with an engraved granite rock at the Washington Street Park. The motion carried unanimously.

PROCLAMATION FOR NATIONAL PARKS AND RECREATION MONTH

Recreation Director Mike Lane explained that this year the focus of National Parks and Rec is “where community grows”.

He noted that they had given their summer campers a 31 day challenge to partake and document different events.

He stated that he is really proud of his staff.

He recognized staff member Katie Dundee who was present, along with their 21 staff members, who are handing record numbers.

Ms. Dundee stated that she loves working at the Rec as the staff and kids are awesome.

Ms. Seavey read and presented a proclamation for National Parks and Rec month and presented it to Mr. Lane and Ms. Dundee.

PARKING PASS APPEAL

Mr. Eastman explained that they had received a parking pass appeal from a gentleman who has a second home with his wife.

However, because only her name is on the deed and the Selectmen had voted to only issue one parking pass per deeded owner, he did not qualify for a sticker.

He was appealing this decision to the Selectmen as he would like another sticker so they could take either one of their cars up when they visit.

Mr. Eastman did note that this gentleman came before him last year and was instructed that he could get his name added to the deed and he could be issued another sticker, however, this had not been done.

Town Clerk Louise Inkell stated that this type of request come before them several times a day and if allowed, it will make their jobs more difficult.

Mr. Porter moved, seconded by Mr. Thibodeau, to allow the parking pass appeal as presented. The motion failed (0-5-0).

REVIEW OF RECEIPTS

The receipts were available for review.

SIGNING OF DOCUMENTS

- a. Intent to Cut Wood or Timber on Map/Lot 213-10
- b. Warrant for Land Use Change Tax on Map/Lot 210-15
- c. Municipality Land Use Change Tax Bill on Map/Lot 210-15
- d. Permanent Application for Property Tax Credits/Exemptions on Map/Lot 231-79

- e. Permanent Application for Property Tax Credits/Exemptions on Map/Lot 254-47
- f. Permanent Application for Property Tax Credits/Exemptions on Map/Lot 262-83.090
- g. Permanent Application for Property Tax Credits/Exemptions on Map/Lot 277-311
- h. Permanent Application for Property Tax Credits/Exemptions on Map/Lot 269-38
- i. Permanent Application for Property Tax Credits/Exemptions on Map/Lot 262-83.274
- j. Permit to Sell Raffle Tickets for Way Station 6/1/2023-8/8/23
- k. Abatement of Taxes on Map/Lot 277-56

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

CONSIDERATION OF BILLS

- a. AP Manifest dated 7/20/2023

Mr. Colbath moved, seconded by Mr. Thibodeau, to sign the AP Manifest dated 7/20/2023. The motion carried unanimously.

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

- a. AP Manifest dated 7/13/2023
- b. Payroll dated 7/13/2023
- c. Intent to Cut Wood or Timber on Map/Lot 246-56

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

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

- a. Mt. Washington Valley Arts Association Art Display at the NCCC (8/5/23-8/6/23)
- b. Granite Outdoor Alliance at the Beach Camping Area (7/19/23, Rain Date 7/20/23)
- c. Sherman Farm Annual Corn Maize (Weekends 9/23/23-10/29/23)

Mr. Colbath moved, seconded by Mr. Shepard, to approve the special events listed above. The motion carried unanimously.

CONSIDERATION OF MINUTES

- a. Regular and Non-Public Minutes from 6/27/23

Mr. Colbath moved, seconded by Mr. Shepard, to adopt the regular and non-public minutes from 6/27/23 as written. The motion carried unanimously.

TOWN MANAGER REPORT

Mr. Eastman explained that they are still looking for a representative from Conway to serve on the Broadband Committee.

There was discussion regarding the Town Clerks Office needed to be closed on August 9 as their server was being replaced and they would be unable to complete motor vehicle registrations.

The consensus was that the Board would like to see the Town Clerk Staff be present and help the public with everything except motor vehicle registrations.

Mr. Eastman thanked Chief Solomon for his hard work dealing with the effects of flooding over the last few weeks.

He noted that some residents from Cranmore Shores will be at the next meeting.

Mr. Eastman explained that they had also gone to the campgrounds to check on the situation there.

He stated that he wanted to set the record straight regarding why campers were asked to leave the Walmart parking lot after being evacuated from the campgrounds.

He explained that it was part of Walmart's site plan review with the planning board as many campgrounds were complaining that they were losing business because people were parking/camping for free at Walmart.

Mr. Eastman stated that the public assumed that the Town of Conway was unempathetic in an emergency situation, but Walmart is the one who asked the campers to move along.

Mr. Eastman thanked the School District work working together to allow for campers to go to the High School during the last rain fall.

Mr. Porter reiterated that it was part of Walmart's approval at the Planning Board.

Mr. Thibodeau explained that he heard a lot of praise from the public for the Town Manager and Emergency Management Director and their cooperation with the school.

He noted that it disproves the idea that the Town does not care.

BOARD REPORTS AND COMMENTS

It was noted that the next Charter Commission Meeting will be on July 26, 2023.

Member of the Budget Committee Jim LeFebvre explained that the next meeting would be held on August 9, 2023 and the DRA would be in attendance.

Mr. Colbath gave the report for the Planning Board as he sat in on the meeting.

He noted that they had given the final approval for Panera Bread and the project for a multilevel building behind TJ Maxx.

Mr. Colbath noted that the ZBA would meet the next evening for 4 or 5 hearings and multiple requests for rehearing.

He noted that rehearings are open to the public but there is no public comment.

Mr. Thibodeau gave the ESAA report for the month of June.

He noted that the airport is very busy with campers flying in.

He stated that they would be soon offering scenic air tours.

Mr. Thibodeau stated that they have a new individual on the ESAA representing Bridgton.

Mr. Thibodeau inquired as to whether the Town needs to post signage at the river warning people of the dangerous high water.

Mr. Eastman explained that he would find out from Attorney Dennis tomorrow.

Recreation Director did note that all three of the Rec sites on the river offer more than swimming or going down the river.

Mr. Lane noted that a big part of his staff's job right now is education to the public.

He stated that they are also posting information regarding the river on their social media.

Mr. Colbath gave Mr. Lane and his staff kudos for their work on the 4th of July.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Daymond Steer from the Conway Daily Sun asked if the Board had any information regarding the Governor and Council meeting on the Main Street Project.

Mr. Eastman suggested he reach out to Mr. DegliAngeli.

At 7:13 pm, Mr. Colbath moved, seconded by Mr. Shepard, to go into non-public session under RSA 91-A:3 II (G). The motion carried unanimously.

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

At 7:27, 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 7:27 pm, Mr. Colbath moved, seconded by Mr. Shepard, to go into non-public session under RSA 91-A:3 II (C). The motion carried unanimously.

NON-PUBLIC SESSION RSA 91-A:3 II © – TAX MATTER

At 7:50, 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 7:50 pm, Mr. Colbath moved, seconded by Mr. Thibodeau, to go into non-public session under RSA 91-A:3 II (D). The motion carried unanimously.

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

At 7:57, 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 7:57 pm, the meeting adjourned at the call of the Chair.

Respectfully Submitted,

Krista Day
Executive Secretary