

Minutes of Meeting
CONWAY BOARD OF SELECTMEN
May 9, 2017

The Selectmen's Meeting convened at 4:03 p.m. in the Meeting Room of Conway Town Hall with the following present: Selectmen, C. David Weathers, Mary Carey Seavey, Carl Thibodeau, John Colbath, and Steven Porter; Town Manager, Earl Sires, and Executive Secretary, Karen Hollowell.

PLEDGE OF ALLEGIANCE

Mr. Weathers led the Board in the Pledge of Allegiance to the Flag.

APPROVAL OF AGENDA

Mr. Weathers noted that Agenda Item #5 regarding establishing a recreation feasibility study will be rescheduled. **Ms. Seavey moved, seconded by Mr. Colbath, to approve the agenda as amended. The motion carried unanimously.**

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

- a. \$2,482.18 from the State of NH to Town of Conway Police Department for E-Ticket Grant (reimburse line 1307)
- b. Transfer \$7,053.76 from the Grant account to General Fund revenue, bank interest.

Lt. George Walker of the Conway Police Department appeared before the Board. Lt. Walker explained the \$2,482.18 is a highway safety grant to get away from paper copies. The grant money will be used to purchase equipment and get it installed. **Mr. Colbath moved, seconded by Mr. Thibodeau, to accept the \$2,482.18 from the State of NH to the Town of Conway Police Department for an E-Ticket grant and reimburse line 1307. The motion carried unanimously.**

Finance Director, Lilli Gilligan appeared before the Board. Mr. Gilligan reviewed a memo with the Board regarding the recommendation to transfer \$7,053.76 from the Grant account General Fund revenue. There was a brief discussion by the Board. **Mr. Colbath moved, seconded by Mr. Thibodeau, to transfer the funds as requested. The motion carried unanimously.**

ESTABLISH COMMITTEE FOR REC FEASIBILITY STUDY

This item was removed from the agenda.

LETTER FROM TOWN OF EATON REGARDING RECREATION PROGRAM FEE FORMULA

September Quint, a resident of the Town of Eaton, was present for discussion. Also present was Conway Recreation Director, John Eastman.

Mr. Weathers reviewed a letter received from the Town of Eaton asking the Town of Conway to take another look at the formula we use for the recreation program fee. Mr. Sires reviewed the history of this matter and reviewed that the formula is the same as solid waste, schools, etc. We use equalized value. We use the same formula for the Town of Albany. Eaton

has opted out of the recreation program in the past. The bottom line is that the Eaton Board of Selectmen don't want to pay the same as what Conway residents pay. They have stated they have less participants, etc. The letter received from Eaton also states the program is only a K-8 program but this is incorrect as we have adult and other programs as well. It is a broad and varied program.

Mr. Thibodeau asked about the other issues Eaton raised in their letter. Mr. Sires reviewed that Eaton does maintain two portion of Conway Roads, Rockhouse Mountain and Greeley Road. These roads are divorced from our system. The Town of Conway pays the Town of Eaton \$7,000 a year for their services. We pay them what it costs to maintain the roads. With regard to the School issue they raise in the letter, this is a separate issue and not relevant.

There was next further brief discussion of the formula, attendance figures, and the swim program.

There was no action taken by the Board of Selectmen.

WAIVER OF MUNICIPAL LIABILITY FOR DANIEL S. ROBINS AS TRUSTEE
UNDER THE DANIEL S. ROBINS DECLARATION OF TRUST DATED 2/15/14 - LEAVITT
ROAD, TAX MAP/LOTS 296-15 AND 297-3

Public Works Director, Paul DegliAngeli, was present for discussion. Mr. DegliAngeli reviewed this agreement was signed by the Board previously however it contained an end date for permits. They are now asking for an extension for the permit date. There was brief discussion by the Board. **Mr. Colbath moved, seconded by Ms. Seavey, to extend the expiration of the Agreement to 3/31/18 as requested. The motion carried unanimously.**

PROPOSED AMENDMENT TO CHAPTER 125, ARTICLE III, SNOW AND ICE

Mr. Sires reviewed proposed changes to Chapter 125, Article III, Snow and Ice. The proposal is to include sidewalks and to review the fine schedule. Mr. DegliAngeli suggested the fine be \$200. Mr. DegliAngeli reviewed that this past winter season the town issued 38 citations at \$20 each. He feels it is time to raise the fine. Mr. DegliAngeli next reviewed situations that occurred over the season. There was brief discussion by the Board. **Ms. Seavey moved, seconded by Mr. Colbath, to adopt the proposed amendment to Chapter 125, Article III, Snow and Ice and to amend the fee and fine schedule in the policy book at \$200. The motion carried unanimously.**

PROPOSED AMENDMENTS TO CHAPTER 152 VEHICLES AND TRAFFIC

Mr. Sires reviewed proposed amendments to Chapter 152 Vehicles and Traffic with the Board. (Copy attached).

With regard to fees and fines, Mr. Sires stated these need to be looked at as they have not been adjusted since the 1960's. Mr. Sires next reviewed that a meeting will be held regarding no parking on West Side Road but, in the meantime, we still do need to look at fees for all parts of town. Mr. Weathers suggested that all fines be made \$50. **Mr. Colbath moved, seconded by Mr. Porter, to make all fines \$50.** Ms. Seavey asked about parking within 20 feet of a driveway. There was a brief review and discussion by the Board. Ms. Seavey stated she would like this one revisited in the future. There was next a discussion of roads and road postings for no parking, etc. Mr. Sires commented that we may need to do an inventory in the future. **Mr. Porter moved, seconded by Ms. Seavey, to amend the**

violation for Parking within 15 feet of fire hydrant and Parking in a space reserved for the handicapped to \$100. Motion carried unanimously. Mr. Weathers referred back to the original motion made by Mr. Colbath that all other fines be brought to \$50. (All night parking; Overtime parking; Double parking; Parking more than 12 inches from curb; Parking on restricted area; Parking to block an alley or street; Parking within 20 feet of a driveway or crosswalk; Parking with left side to curb; and Parking with rear wheels to curb). **Motion carried unanimously.**

Mr. Sires next reviewed the proposed wording changes to Chapter 152 as presented. **Mr. Colbath moved, seconded by Mr. Porter, to approve the amendments as presented.** Mr. Thibodeau asked about the footage listed for Main Street under Section 152-18 and requested this be verified. Also, there was a question about Old Station Road referred to with regard to West Main Street. It was agreed that this definition should be clarified and footage should be added. Mr. Sires agreed to check the footage for Main Street and that also we will measure and put in footage for the West Main Street and strike the language about Old Station Road. **Mr. Porter withdrew the second and Mr. Colbath withdrew his motion.**

Mr. Colbath moved, seconded by Mr. Porter, to approve the amendments to Chapter 152 with the two exceptions to include actual footage on Main Street and West Main Street. Mr. Colbath questioned when this would take effect. Mr. Sires stated immediately. **Motion carried unanimously.**

READOPTION OF HEALTH REGULATIONS

Mr. Sires reviews that the Health Regulations are currently a Board of Selectmen policy and he is asking that they now be included in the Code. There was a brief discussion. **Ms. Seavey moved, seconded by Mr. Porter, to adopt the Health Regulations to the Code. The motion carried unanimously.**

PROPOSED AMENDMENT TO BUILDING PERMIT APPLICATION TO REQUIRE BUILDING SET BACK INSPECTIONS FOR ONE OR TWO FAMILY RESIDENTIAL STRUCTURES

Mr. Sires reviewed there were several discussions last fall regarding amending the building permit to require building set back inspections for one or two family residential structures. Mr. Sires further reviewed that the Board wanted to require inspections for setbacks to make sure foundations are going in the right place. Mr. Sires next reviewed that we already have the authority to do this by State law and, so in doing this now and amending the application, we will notify people we will be doing it.

There was brief review and discussion by the Board. **Mr. Thibodeau moved, seconded by Mr. Colbath, to approve the proposed amendment to the building permit application to require building set back inspections for one or two family residential structures.** Mr. Colbath asked if manpower will be an issue. Mr. Sires stated that Mr. Pandora said that he could handle this work. Mr. Thibodeau stated that the proposed amendment doesn't say anything about before the foundation goes in. Mr. Thibodeau suggested adding language regarding prior to foundation construction. Mr. DegliAngeli next stated that it should also include leach fields, retaining walls, wells, etc. There was a brief discussion by the Board. Mr. Sires stated that we will do further research on this and make sure we have the statutory authority for same and also manpower. **Mr. Colbath withdrew the second and Mr. Thibodeau withdrew the motion.**

ADOPTION OF BOARD OF SELECTMEN POLICIES

Mr. Sires reviewed a draft updated book of policies that was distributed to the Board in December. **Mr. Colbath moved, seconded by Mr. Colbath, to approve the 12/1/17 draft as policy. The motion carried unanimously.**

CONSIDERATION OF TEMPORARY CUSTODY RECEIPT TO CONWAY
HISTORICAL SOCIETY FOR HISTORIC THEATER CURTAIN

Mr. Sires reviewed that the Board had previously agreed to allow the Conway Historical Society to have temporary custody of the theater curtain. This would give the Town authority to ask for it back if we wanted to in the future.

Mr. Colbath questioned why not just donate the curtain to the Conway Historical Society. Mr. Porter stated he agreed that we should donate the curtain. Ms. Seavey stated that there are costs involved with restoration and if we donate the curtain then they can take over the responsibility. There was further brief discussion of gifting the curtain to the Conway Historical Society. **Mr. Colbath moved, seconded by Mr. Thibodeau, that we gift the theater curtain to the Conway Historical Society. The motion carried unanimously.**

CONSIDERATION OF PROPOSED LETTER TO
NHDOT COMMISSIONER VICTORIA SHEEHAN

Mr. Sires reviewed a proposed letter to the NHDOT Commissioner, Victoria Sheehan, dated 5/9/17 regarding parking on West Side Road in the area of Diana's Bath. **Ms. Seavey moved, seconded by Mr. Thibodeau, to send the letter. The motion carried unanimously.**

Mr. Thibodeau asked about the fee for parking in the no parking area. Mr. Sires stated it will be \$50 under our code and we may come back with a different recommendation in the future. Mr. Weathers stated this is under our code and there will be further discussions in the future to talk about enforcement under the town code or under state law. Mr. Sires reviewed a meeting will be held to discuss this matter in the near future. Ms. Seavey asked if towing will happen. Mr. Sires stated the sign will say tow away zone.

SIGNING OF DOCUMENTS

- a. Certification of Yield Taxes Assessed Tax Map/Lot 244-12
- b. Certification of Yield Taxes Assessed Tax Map/Lot 252-48
- c. Certification of Yield Taxes Assessed Tax Map/Lot 260-58
- d. Certification of Yield Taxes Assessed Tax Map/Lot 284-14
- e. Gravel Tax Levy Tax Map/Lot 263-117, 226-1, 238-1 and 207-14.5
- f. Notice of Intent to Cut Wood or Timber Tax Map/Lot 226-1
- g. Notice of Intent to Cut Wood or Timber Tax Map/Lot 284-14
- h. Notice of Intent to Excavate Tax Map/Lot 226-1
- i. Timber Tax Levy Tax Map/Lot 244-12, 260-58, 252-48 and 284-14
- j. Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 261-50.088
- k. Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 262-83.262
- l. Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 283-22.2
- m. Permit to Sell Raffle Tickets/MWV Arts Jubilee – Drawings 7/13/17, 7/20/17, 7/27/17, 8/3/17 and 8/10/17

Mr. Thibodeau moved, seconded by Ms. Seavey, to sign the Certification of Yield Taxes Assessed for Tax Map/Lot 244-12; Certification of Yield Taxes Assessed Tax Map/Lot 252-48; Certification of Yield Taxes Assessed for Tax Map/Lot 260-58; Certification of Yield Taxes Assessed for Tax Map/Lot 284-14; Gravel Tax Levy for Tax Map/Lot 263-117, 226-1, 238-1 and 207-14.5; Notice of Intent to Cut Wood or Timber for Tax Map/Lot 226-1; Notice of Intent to Cut Wood or Timber for Tax Map/Lot 284-14; Notice of Intent to Excavate for Tax Map/Lot 226-1; Timber Tax Levy for Tax Map/Lot 244-12, 260-58, 252-48 and 284-14; Permanent Application for Property Tax Credit/Exemptions for Tax Map/Lot 261-50.088; Permanent Application for Property Tax Credit/Exemptions for Tax Map/Lot 262-83.262; and Permanent Application for Property Tax Credit/Exemptions Tax Map/Lot 283-22.2. The motion carried unanimously.

Mr. Thibodeau moved, seconded by Ms. Seavey, to sign the Permit to Sell Raffle Tickets/MWV Arts Jubilee – Drawings 7/13/17, 7/20/17, 7/27/17, 8/3/17 and 8/10/17. Motion carried 4-0-1 with Mr. Colbath abstaining.

CONSIDERATION OF BILLS

- a. Accounts Payable Manifest 5/11/17
- b. Payroll 5/11/17

Mr. Colbath moved, seconded by Mr. Thibodeau, to sign the Account Payable Manifest dated 5/11/17 and Payroll dated 5/11/17. Motion carried unanimously.

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

There were no documents signed out of session to ratify.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

There were no special event applications to consider.

CONSIDERATION OF MINUTES: 5/2/17

Mr. Colbath moved, seconded by Mr. Thibodeau, to approve the regular and non public minutes of 5/2/17. Motion carried unanimously.

TOWN MANAGER REPORT

Solid Waste Ordinance Public Hearing - Mr. Sires reported the Public Hearing regarding the Solid Waste Ordinance will be held on June 6 instead of May 23, 2017.

Well Pump and Tank – Mr. Sires reported that the town pulled out the tank and pump behind town hall as it was no longer functional.

Student Debt Letter – Mr. Sires reviewed the warrant article was approved regarding sending a letter regarding student debt. We are working on a letter to send and will have something in the next couple of weeks.

Valley Pride – Mr. Sires reported that Valley Pride went off well this year. We appreciate the help of all the folks involved with Valley Pride.

Budget Committee – Mr. Sires reported he met with Jim LeFebvre, Chair of the Budget Committee, and he is working on scheduling a educational session with the DRA.

MWV Regional Roundtable – Mr. Sires reported he met with the folks from the collaborative effort. There was discussion about creating more economic activity in Conway Village.

Bank of NH – Mr. Sires reported we have not heard back from the Bank of NH about the building yet and he will be contacting them.

BOARD REPORTS AND COMMENTS

Planning Board – Mr. Porter reported the Planning Board is scheduled to meet this Thursday.

MWVEC – Ms. Seavey reported the MWVEC will be holding a Science Fair.

Conservation Commission – Mr. Weathers reported the Conservation Commission will meet tomorrow night at the Whitaker Homesite.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Daymond Steer of the Conway Daily Sun questioned if the Eaton recreation issue ends here or will you be inviting them in or sending communication back to the them. Mr. Weathers reviewed the Board took no action but we can send them a letter. The Board agreed to send a letter. Mr. Colbath suggested also addressing the other issues besides recreation that were in the Eaton letter as well.

Mr. Steer asked about the Solid Waste public hearing scheduled for June 6 and if this would open anything up for Eaton. Mr. Weathers stated he thinks they are happy with Solid Waste.

Mr. Steer next asked about the fines discussed earlier in the meeting and if they are immediate. Mr. Sires stated that are if someone is illegally parked. Mr. Steer questioned if the State allows for a \$100 fine. Mr. Sires stated that we will find out this information soon.

Mr. Thibodeau commented that the bridge job in Conway Village is going well. The contractor is extremely helpful and somewhat ahead of schedule.

ADJOURN

At 5:37 pm, the meeting adjourned at the call of the chair.

Respectfully submitted,

Karen J Hallowell
Executive Secretary