

**SUNAPEE BOARD OF SELECTMEN**  
**6:30PM Town Meeting Room**  
**Monday, March 12, 2018**

Present: Chairman Josh Trow, Suzanne Gottling, Vice Chairman,  
John Augustine Fred Gallup, Shane Hastings and Donna Nashawaty, Town Manager.  
Also, Present: See attached sign-in sheet.

**REVIEW OF ITEMS FOR SIGNATURE:**

**MOTION TO APPROVE THE FOLLOWING GCZC's:**

Parcel ID: 0231-0039-0000 41 Pine Ridge Road, Michael & Jennifer Kelleher

Parcel ID: 0129-0009-0000 45 Lower Main St., Skunk Hollow Enterprises, LLC.

Parcel ID: 0104-0038-0000 60 Prospect Hill Rd., Whipple/Bocko

Parcel ID: 0107-0049-0000 36 John Avery Lane, Laura Anne Kennedy

Parcel ID: 0104-0078-0000 13 Otter Hill Rd., Joan Butler

Parcel ID: 0209-0005-0000 189 Perkins Pond Rd., Margaret Tarzia

Parcel ID: 0128-0037-0000 56 Garnet St., Paula & Robert Planer, Jr.

Parcel ID: 0203-0007-0013 Granite Ridge Rd., Stephen & Lisa Vingerhoet

Parcel ID: 0133-0051-0000 15A Indian Cave Landing, Duggan 2015 Revoc. Trust

By Selectman Gallup, seconded by Selectman Gottling. Unanimous.

**MOTION TO APPROVE THE FOLLOWING SIGN PERMIT:**

Parcel ID: 0129-0035-0000 565 Route 11, Lake Sunapee Group, Inc.

By Selectman Hastings, seconded by Selectman Gallup. Unanimous.

**MOTION TO APPROVE THE FOLLOWING AFTER-THE-FACT:**

Parcel ID: 0209-0005-0000 189 Perkins Pond Road, Margaret Tarzia

By Selectman Gallup, seconded by Selectman Gottling. Unanimous.

**MOTION TO APPROVE THE FOLLOWING ELDERLY EXEMPTION:**

Parcel ID: 0233-0002-0000 243 Route 103, Jackie Partlow

By Selectman Gallup, seconded by Selectman Hastings. Unanimous.

**MOTION TO APPROVE THE FOLLOWING VETERAN EXEMPTION:**

Parcel ID: 0218-0053-0000 16 Apple Hill Rd., James Hannon

By Selectman Hastings, seconded by Selectman Gottling. Unanimous.

**MOTION TO APPROVE THE FOLLOWING TIMBER TAX:**

Parcel ID: 0224-0004-0000 101 Sleeper Rd. Harriet Colby

By Selectman Gottling, seconded by Selectman Gallup. Unanimous.

**MOTION TO APPROVE THE FOLLOWING PROPERTY TAX ABATEMENT:**

Parcel ID: 0114-0006-0002 952 Route 11, Lyndon & Doris Brown

By Selectman Gottling, seconded by Selectman Hastings. Unanimous.

**MOTION TO APPROVE THE FOLLOWING PROPERTY TAX ADDED:**

Parcel ID: 0121-0055-0000, 10 Fernwood South, The Fernwood Trust

By Selectman Gottling, seconded by Selectman Hastings. Unanimous.

**MOTION TO APPROVE THE FOLLOWING INTENT TO CUT:**

Parcel ID: 0148-0044, 0045, 0046, 0001, Route 103B Jeffrey & Allisen Heath Revoc. Trust

By Selectman Gottling, seconded by Selectman Gallup. Unanimous.

## PUBLIC COMMENTS:

- Shaun Carroll said he had heard there was something brought forward in the courts. Chairman Trow replied yes, there was a lawsuit against Town regarding the amended warrant article. The lawsuit came from the Concerned Taxpayers of Sunapee, John Augustine Fiscal Agent. Chairman Trow said the result is that the court decided there was no need to change the ballot and the Town is continuing with voting as scheduled. Shaun Carroll asked if it cost the Town anything to do this and Chairman Trow replied yes, legal expenses for the Town Attorney. Selectman Augustine then gave his overview of the employee health plan costs. Chairman Trow said given the warrant article was advisory it didn't matter either way. Selectman Gallup stated that Selectman Augustine seems to have it in his mind that it's cast in stone that the employees will never, ever again pay for any of their side of the health insurance and that could change this fall. Selectman Gallup went over how the employee health plan has changed from no contributions to a twelve and one half (12 ½) contribution by the employee, in addition to type of insurance offered since he's been on the Board.
- Ted Gallup finds the current events very troubling. When there is a vote for an insurance plan and there are four (4) in favor and one (1) no, which was Selectman Augustine. Then the warrant article, that was changed at the Deliberative Session, which Selectman Augustine didn't like so he took the Town to court. Ted Gallup feels there should be some reprimand here. Chairman Trow said there is nothing stopping anyone from suing the Town if they feel it is correct. Ted Gallup said he is on another Board and usually as a team you get together as Selectmen and you talk this stuff out and when you vote and four (4) said yes and one (1) said no that's usually the end of it. Selectman Augustine replied that just because the leadership says it's correct does not mean it is correct. Ted Gallup stated that he thinks Selectman Augustine has a bit of a problem getting his facts straight, because at the candidate's night Selectman Augustine made a statement that when he became a Selectman there was a one-million-dollar rainy day fund and now it's two-million-dollars. Selectman Augustine replied not when he became a Selectman it was five (5) years ago. Ted Gallup replied that he can't seem to find that information when he comes down to the Town Offices and speaks with the Town Manager, so Ted Gallup is not sure where Selectman Augustine gets his information. Selectman Augustine replied it was given to the Board a couple of months ago, showing the progression by the Town Manager. Ted Gallup feels that some of Selectman Augustine's statements mislead the public. Selectman Augustine told Ted Gallup he was welcome to his opinion, but he has the facts and the document that was given to the Board that showed the huge increase in what's called the Unreserved Fund Balance Account, which he calls the rainy-day fund. Chairman Trow jumped in and said that the Unreserved Fund Balance has grown over the years, as it is the guideline are between five per cent (5%) and seventeen per cent (17%) because the Town is legally the only ones who can carry a balance between us, the county and the school. Chairman Trow believes the Town's policy is between eight per cent (8%) and twelve per cent (12%), right now it's at nine point seven per cent (9.7%).
- Shaun Carroll started the discussion on the team building. Shaun Carroll considers the Board as the team and Selectman Augustine considers the town or residents the team. Chairman Trow closed the public comments portion of the meeting.

## SELECTMEN ACTION

- Authorization to Fly Donate Life Flag

**Motion to authorize to fly the Donate Life Flag by Selectman Gallup, seconded by Selectman Hastings. Unanimous.**

- Post Road Weight Limits

**Motion to authorize to post the Road Weights Limits by Selectman Gottling, seconded by Selectman Gallup. Unanimous.** Selectman Gallup suggested that the Highway Director come to the Board after the first of the year to ask for authorization to post the roads.

- Use of Facilities: 5/5-SMHS Class of 2018 5K Road Race, Dewey Beach

**Motion to allow the SMHS Class of 2018 to use Dewey Beach for the 5K Color Road Race Pending the Fire Chief's signature by Selectman Hastings, seconded by Selectman Gottling. Unanimous.**

- Motion to authorize the Chairman to sign the PSNH Pole Attachment Application

**Motion to authorize the Chairman to sign the PSNH Pole Attachment Application by Selectman Gallup, seconded by Selectman Gottling. Unanimous.**

- Abbott Library Alternate Reappointment-Sharon Palmer, One Year Term

**Motion to reappoint Sharon Palmer as an Abbott Library alternate for a one-year term by Selectman Gottling, seconded by Selectman Augustine. Unanimous.**

- Sestercentennial Expenses-Fireworks Deposit and License Plates

Kathy Springsteen, Chairman of the Sestercentennial Committee explained the two (2) expenditures that she would like the Board to approve. The first expenditure is in the amount of \$12,500 Sestercentennial fireworks. The committee received a donation in the amount of \$10,000 from Stacy's Smoothies to support the fireworks presentation. **Motion to appropriate \$12,500 to Atlas Fireworks for the Sestercentennial Fireworks from the Sestercentennial account by Selectman Gallup, seconded by Selectman Gottling. Unanimous.**

The second expenditure will be to purchase one hundred (100) additional commemorative license plates. The cost will be \$1,500 plus shipping, which will not exceed \$1,550. **Motion to approve \$1,550 for Sestercentennial License Plates from the Sestercentennial account by Selectman Gallup, seconded by Selectman Gottling. Unanimous.**

## CHAIRMAN'S REPORT

- Items Selectman Augustine requested on agenda:

### Website Refresh

Selectman Augustine had someone looking for the Sunapee Seniors and they couldn't find the information on the Town Website. Donna Nashawaty gave the details regarding more than 100 other towns use "Virtual Town Hall". It was set-up for municipal government and is updated regularly. We do not have non-town groups or activities hosted on the town website by general policy, but we can link to their non-profit site if requested in the "Living in Sunapee" section.

- Selectman Gottling reported that the House of Representative Ways and Means Committee unanimously supported the creation of a commission to look the evaluation of Utility properties and the starting point used would be the conclusions of the Assessing Board.

- Selectman Augustine stated that last year on Election Day two (2) roads never got plowed. Do we have confidence that all the roads will be plowed this year on Election Day. Donna Nashawaty replied that she could not conform or deny that two (2) roads never got plowed. Last year there were mechanical difficulties during the storm and this year an extra driver has been pulled in to do Lower Main Street and the parking lot area.

Donna Nashawaty stated that it takes three and a half (3 ½) hours to plow a route, maybe longer depending on the intensity of the snow. Selectman Augustine said that Selectman Gallup was approached by someone who said there wasn't even an attempt to do two (2) roads. Selectman Gallup replied that Selectman Augustine was correct and that he had spoken to the Highway Director regarding this situation. Selectman Gallup was told there had been changes to the routes, as well as some mechanical problems and the roads had been overlooked, but the Highway Director assured Selectman Gallup that it would not happen again.

•Selectman Gallup stated that he is also troubled by the events of the last couple of weeks, extremely troubled. Selectman Gallup read the following email into the minutes from Selectman Augustine to the Sunapee Board of Selectmen regarding the Board meeting to discuss the town Petition warrant article situation.

“Greetings BOS colleagues,

It is my understanding that I am allowed to have one-way communication with you. As such, I am not expecting a response and I am not trying to deliberate via email.

I'm writing with an update on the town petition warrant article situation. The Superior Court in Newport has scheduled a hearing for 10:30 am on Thursday March 8th. The fact that the judge saw sufficient merit to schedule a hearing rather than just tossing the request is a good indication that the Concerned Taxpayers of Sunapee will be successful in having the original wording of the petition warrant article restored on the ballot.

In my role as Selectman, I think that it would be wise for the Board of Selectmen to meet to discuss:

(1) how the Town should instruct the town's attorney to proceed. For example, if after reviewing the court paperwork the town attorney tells the BOS that the town will likely lose in court, the smartest thing for the Town to do might be just to immediately plead "no contest" prior to the March 8th hearing and thereby have more time prior to election day to get the ballots reprinted with the original wording.

(2) how the Town will react if the case is heard on March 8th and the judge orders the original wording to be restored given that as of March 8th there will be only two business days prior to the March 13th voting.

Should we wish to meet, I am available on Monday night (3/5) and/or Thursday night (3/8). Given that the BOS meeting would be focused on a pending litigation issue, it is my understanding that it could be a non-public meeting.

However, it is my understanding that even a non-public meeting has to have proper public notice. So, if the BOS was going to meet on Monday March 5th the public notice would have to occur very soon.

John”

John Augustine

Selectman Gallup stated that the blatant and absolute complete conflict of interest on Selectman Augustine's part and attempted use of his position as a Selectman to sway our decision.

Selectman Augustine replied it wasn't a decision he just wanted to meet and talk about the situation. Selectman Gallup replied why would anyone who brought the suit against the Town expect to be included in a meeting with the people who you were suing. Selectman Augustine tried to speak, but Selectman Gallup told him he had the floor. Selectman Gallup said in all his years of being on the Board of Selectmen, he has worked with many people that he had disagreements with but none of them would stoop to what Selectman Augustine has.

Selectman Augustine replied that his goal is to always have conversation around whatever topic is at hand, but in Selectman Augustine's opinion having no conversation was the wrong way to go. In the email Selectman Augustine thought it would be wise to have a meeting to discuss the next steps and what would happen, but he didn't say the Board should do one thing or another. Selectman Gallup replied it appears to him that Selectman Augustine said the Town should concede. Selectman Augustine replied that if the Attorney advises so, then it would be wise to listen. Chairman Trow moved on to the next item on the agenda.

## TOWN MANAGER REPORTS

### •Sale of Tax Deeded Property-22 North Shore Road

Donna Nashawaty stated that about three (3) years ago she was approached from someone interested in purchasing this property, which was taken by tax deed, because it had access to the waterfront on Perkins Pond. At the time the Town had decided if they did acquire any water access properties that they would hold onto them. A second interested party has just contacted Donna Nashawaty relative to this piece of property and she feels she would be remiss if she did not bring this to the Board of Selectmen to ask if they wanted to start the "wheels in motion" to sell this property under the sealed bid process with a minimum starting bid amount. This is a legal non-conforming .72-acre lot but is still legally buildable. The property was taken by tax deed in 1999. Donna Nashawaty wants to know if the Board would like her to further pursue selling this property.

The Board agreed that the Town Manager could start the process, but Selectman Augustine wanted the different town departments to be asked if they have any interest in this piece of property before it was put up for sale.

Donna Nashawaty will start the process and update the Board at a later date.

### •Rocco Pignataro Update

Donna Nashawaty explained that the last time she updated the Board Rocco Pignataro was having some financial issues and was unable to pay his obligation to the Town. Donna Nashawaty told the Board she wasn't able to talk to Rocco Pignataro, so she is unsure of where he stands right now. Rocco Pignataro stated that within the next week he should be able to make a couple of the payments, which would amount to \$1,000. Rocco Pignataro feels he could be caught up completely by next month. He is still waiting for payment on the framing job he has done and is now working as a subcontractor on a job and getting a weekly paycheck. After some discussion on payments and the last payment date, the Board will get updated on the payment status at the May 7<sup>th</sup> BOS meeting. The final payment of the 2017 taxes is due on May 10th in order to settle up the agreement.

### •February End of Month Report

The Board received the February End of Month Report, which will be updated with the budget after tomorrow.

### •BOS-Election

Donna Nashawaty stated that there needs to be three (3) Selectmen at the election and asked who would be attending. Chairman Trow, Selectman Hastings, Selectman Gallup and Selectman Gottling will be available to be at the election. Selectman Augustine asked that since there would be a quorum without him, he would not be required to be inside at the polls all day, which was noted as correct.

•The Annual Firemen's Supper is Saturday, April 14<sup>th</sup> at 6:00PM at the Safety Service Building.

•The Mitchell Municipal Group will be holding a reception for Jae Whitelaw, who is retiring, on March 29<sup>th</sup> between 4:00PM to 7:00PM at the Belknap Mill if anyone is interested in attending.

\*\*Manager's Review Rescheduled to the March 26<sup>th</sup> BOS Meeting

**Meeting adjourned at 8:05PM**  
**Respectfully Submitted by,**  
**Barbara Vaughn**  
**Administrative Assistant**