

SUNAPEE BOARD OF SELECTMEN
6:30PM Town Meeting Room
Monday, March 26, 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.

•Election of Officers

Selectman Gallup nominated Josh Trow to continue as Chairman, which was seconded by Selectman Gottling. Unanimous. Selectman Gallup nominated Suzanne Gottling to continue as Vice Chairman, which was seconded by Selectman Hastings. Unanimous.

•Committee Assignments

CROWTHER CHAPEL: Selectman Augustine

HIGHWAY SAFETY: Selectman Gallup

LSPA: Becky Rylander, David Beardsley, Alternate

PLANNING: Selectman Gottling, Shane Hastings, Alternate

SCENIC BYWAYS: Selectman Gallup

TRI-TOWN ASSESSING: Selectman Gottling

UVLSRPC: Chairman Trow

REVIEW OF ITEMS FOR SIGNATURE:

MOTION TO APPROVE THE FOLLOWING CZC's:

Parcel ID: 0233-0070-0000 64 Bradford Rd. Kimberly Perry

Parcel ID: 0128-0030-0000 92 Garnet St., Harkins Revoc. Trust

By Selectman Hastings, seconded by Selectman Gottling. Unanimous.

MOTION TO APPROVE THE FOLLOWING SIGN PERMIT:

Parcel ID: 0149-0012-0000 699 Rt. 103, Proulx Real Estate Holdings, LLC (Ziggy Pizza)

By Selectman Gottling, seconded by Selectman Gallup. Unanimous.

MOTION TO APPROVE THE FOLLOWING CURRENT USE APPLICATION:

Parcel ID: 0237-0027-0001 Brook Road Backland, Janet Robillard

By Selectman Gottling, seconded by Selectman Hastings. 4 in Favor, Selectman Gallup Abstained.

AFTER THE FACT:

Parcel ID: 0114-0006-0000 19 Brown Hill Road, Mark Brunelle

By Selectman Gallup, seconded by Selectman Hastings. Unanimous.

APPOINTMENTS

•7:00PM-Mindy Atwood, Director Abbott Library-New Library Aide Position

Mindy Atwood stated that there are 4 employees filling the position that's currently on the pay table as Library Aide II, which is a grade 5. Mindy Atwood is here tonight to ask the Board of Selectmen (BOS) to consider adding a Library Aide III position, which would be a grade 7 to the pay table. This is a new position, but no new staff hours, it's a reallocation of some of the Library Aide II into what we would call the Library Aide III position.

The Library Aide III requires a different and more advance skillset and more technical knowledge than a Library Aide II. This pay increase was included in the 2018 library budget. **Motion to add the Library Aide III to the organizational chart and pay table at grade 7, which will not increase the number of employees at the library by Selectman Gallup, seconded by Selectman Hastings. Unanimous.**

•7:05PM-Advisory Budget Committee (ABC) Follow-up Meeting

Chairman Trow opened the ABC Follow-Up meeting and then invited Linda Tanner, Chairman of ABC Committee up to the table to discuss how things went this year. Mary Hillier also came up for comments. Linda Tanner stated that it was a lot easier in her second year on the committee since she was more aware of what kind of things would come up, much more comfortable with the numbers and asking questions. Linda Tanner feels it's a very large group to deal with and it can be overwhelming at times dealing with so much information all at once. She also felt confused by the constant updates to the budget books. Mary Hillier thanked the Board for the opportunity to serve on this committee and make comments on her observations as a member. Mary Hillier stated that she has tried to research the responsibilities of a committee member and the work using the town website, but feels it gives a very limited picture of the rules and expectations. She thinks some updates there might be useful. The size of the committee overall is very cumbersome, which also makes the meeting cumbersome. The committee minutes are part of the Board of Selectmen minutes, but maybe should be broken out and put on the committee's home page. The citizen members aren't clear on the rules of communication between members and when it is a violation of ethics. Does the statute allow to assign subcommittee work so that some of the budget work could happen still in a public forum but with a smaller group? Mary Hillier appreciates the efforts the town employees make and the patience of the Town Department Heads and their efforts to educate the citizens. Mary Hillier's final point would be regarding transparency on the town's ABC web page on the website by providing links to the committee minutes or a disclaimer on where you could find the meeting schedules, agendas and minutes. Chairman Trow stated that the layout of the committee came from a vote back in 1987 and would take a vote on the ballot to make any changes. Linda Tanner feels the full day is not bad, but you're grabbing so much information, maybe meeting as a subcommittee with some Department Heads to ask some in-depth questions would be helpful. Chairman Trow said it was brought up that there is limited information on the website and wondered what they would be looking for that would give them better insight. Mary Hillier replied a clear definition of their roles, the work that needs to be done and the ethical guidelines. After some discussion, Chairman Trow thanked both ladies for serving on the committee.

•7:45PM-Scott Hazelton: Update of Capital Improvement Plan (CIP) Items

Scott Hazelton updated the Board on following CIP items:

Pavement Management Plan

- Transition from the current 15-Year Pavement Management Plan to 10-year plan this year.
- Additional \$75,000 for the 10-Year Pavement Management Plan per Town vote.
- This years paving plan includes improvements to the following roads:
 - North Road (from Trow Hill to Ryder Corner);
 - Perkins Pond Road (from North Road to the boat launch);
 - North Road (from West Court Road to NHEC Substation);
 - Stagecoach Road (from Route 103B to the top of the first hill, budget dependent);
 - Chase Street (Levelling course budget dependent).

- Asphalt prices have increased by \$2.89/ton (per the NHDOT's asphalt escalator clause) and will be applied to our current contract with GMI Asphalt.
- The 10-Year Pavement Management Plan is on the Highway Department's webpage.

Bridge Maintenance Capital Reserve Plan

- Bradford Road Bridge will be closed on May 14th through June 29th for reconstruction of the bridge.
- Funding for the reconstruction of the bridge is in place due to the additional money that we received from the NHDOT in 2017.
- Coordinated with and notified the public through the Town's News & Announcements, have met with the Town of Newport, and will place notifications in the Intertown Record, the Shopper, the Argus Champion and the Eagle Times newspapers.
- Digital message boards will be installed the week of May 7th in Newport (at Main Street) and at the intersection of Route 103 and Bradford Road to notify traffic of the project.
- Will work with FEMA to determine if they will assist in raising the elevation of the Bradford Road bridge approach on the Sunapee side of the bridge.
- The next bridge project will be the reconstruction of the Jobs Creek Road Bridge of Jobs Creek in 2020.
- The Bridges Maintenance Capital Reserve Plan is on the Highway Department's webpage.

Buildings Maintenance Capital Reserve Plan

- Will be replacing the shingles on the roof of the Safety Service Building this summer. Approximately 40% of the existing shingles on the west side of the roof are failing, and a portion of the shingles on the east side are failing.
- Filed a claim with IKKO (shingle manufacturer) for the failing shingles and received approximately \$5,000 from them towards the cost of replacing the failed shingles.
- The remainder of the shingles will continue to deteriorate and need to be replaced. IKKO indicated that they will not honor the remainder of the warranty on the shingles that will fail.
- The roof re-shingle project is currently out to bid to local contractors, is advertised on the Town's webpage, and will advertise in the Shopper during the week of March 28th.
- The estimated cost to re-shingle the Safety Service Building Roof is \$100,000.
- The Buildings Maintenance Capital Reserve Plan balance (after the Town vote) has enough money in the fund to cover the cost of the project.
- This year's project was supposed have paved the Highway Garage entrance road and parking lot. Will revise the Buildings Maintenance Capital Reserve Plan to reflect the current needs.
- An updated Buildings Maintenance Capital Reserve Plan will be posted on the Highway Department's webpage after bid proposals are received and the actual cost for the project is determined.

PUBLIC COMMENTS:

- Chris Whitehouse asked if in the future the Town Employees will be paying something towards their health insurance. Chairman Trow replied that it is up for adjustment and will be look at during the budget process. Donna Nashawaty fully explained the numbers including the savings to the town. The number breakdown can be reviewed under the Town Manager section of these minutes.

SELECTMEN ACTION

•LSPA One (1) Year Appointments-Becky Rylander & David Beardsley, Alternate
Motion to reappoint Becky Rylander as the full member and David Beardsley as the alternate member to the LSPA Board, both for a one-year term by Selectman Gottling, seconded by Selectman Gallup. Unanimous.

•Approve Sestercentennial Expenditures; Decals, Banners and Mounting Hardware
Dana Ramspott would like the Board to approve the expenditure of up to \$125.00 to purchase additional decals and to approve the expenditure of up to \$5500.00 for the purchase of the 49 banners and 50 sets of mounting hardware. **Motion to authorize the expense of up to \$5,625 for the purchase of decals, banners and the mounting hardware from the Sestercentennial Fund by Chairman Trow, seconded by Selectman Gallup. Unanimous.**

•Approve Springfield Transfer Station Contract

Chairman Trow read the contracts that states Springfield agrees to pay the Town of Sunapee in \$102,291 four quarterly payments of \$25,572.75. The total sum is 25% of the 2018 Transfer Station operating budget of \$504,287 (\$126,072) less \$23,781 which is 25% of the \$95,122 (2017 Revenue) received from the sale of recycled items and the sale of open-top tickets. The agreement is renewed annually. **Motion to approve the Springfield Transfer Station contract by Selectman Gottling, seconded by Selectman Gallup.**

•Reappointments:

Melissa Heino-Deputy Town Clerk/Tax Collector, 3 Year Term

Motion to reappoint Melissa Heino for Deputy Town Clerk/Tax Collector for a 3-year term by Selectman Gallup, seconded by Selectman Hastings. Unanimous.

Kathy Weinstein-Assistant Treasurer of Town of Sunapee

Motion to reappoint Kathy Weinstein for Assistant Treasurer, Town of Sunapee for a 2-year term by Selectman Gottling, seconded by Selectman Gallup. Unanimous.

•Use of Facilities:

Various Sunday Mornings, Lake Sunapee United Methodist Church, Gazebo

Motion to approve the Use of Facilities form from Lake Sunapee United Methodist Church to use the Gazebo on Easter and from July 1st thru Labor Day for Sunday services by Selectman Gallup, seconded by Selectman Hastings. Unanimous.

•Adopt 2018 Pay Table

Donna Nashawaty presented the 2018 Pay Table, which included the 1.5% COLA for the Board to adopt. **Motion to adopt the 2018 Pay Table as presented by Selectman Gottling, seconded by Selectman Gallup. 4 in Favor, Selectman Augustine Opposed.**

•Add Part-Time Seasonal Laborer to Seasonal & Elected Pay Table & Organizational Chart

Donna Nashawaty asked the Board to adopt the Part-Time Seasonal Laborer for the Highway Department, which was included in the 2018 budget, to the job description with a rate of pay of \$14.61 and add to the Seasonal Pay Table and Organizational Chart. This position will do the mowing and grounds clean-up. The position is 30 hours a week and starts in May and ends in October. **Motion to adopt the Part-Time Seasonal Laborer to the job description with a rate of pay and add to the Seasonal Pay Table and Organizational Chart by Selectman Gottling, seconded by Selectman Hastings. Unanimous.**

- Rescinded Added Tax

Donna Nashawaty stated that this added tax was approved by the BOS at their last meeting, but it was discovered that this had to be billed in the 2017 tax commitment, which is done and ready to go to the lien process. It was a Veteran's Credit that remained on the property that didn't get removed. **Motion to rescind the added tax by Selectman Gallup, seconded by Selectman Gottling. Unanimous.**

- Potential Deeds

Donna Nashawaty presented the 2018 potential deeds to the Board. The Tax Collector is required to notify the Board one month before the deeding date, which is May 3rd. Donna Nashawaty would like the Board to make a motion to instruct the Town Manager to draw up the 4 waivers, to not take 59 Hamel Road and 22,38 and 43 Wilderness Park Road. The reason the Town would not take these properties is the cost to clean-up and maintain would be more than the taxes owed. **Motion to instruct the Town Manager to draw up waivers for 59 Hamel Road and 22, 38 and 43 Wilderness Park Road by Selectman Gallup, seconded by Selectman Hastings. Unanimous.**

Unanimous.

CHAIRMAN'S REPORT

- Chairman Trow stated that the Board has kind of gotten off the topics the last few meetings or during the last year, both in public comments and other sections of the agenda. He is hoping to set some guidelines or structuring things a bit better.

- Ted Gallup asked if Selectman Augustine approves the additional agenda items through the Chairman. Chairman Trow replied that Selectman Augustine sends an email to the Chairman and Town Manager requesting the items be added. Donna Nashawaty wanted to clarify that the items appear on the agenda, but the town staff does not do any work on them just because they appear on the agenda. Donna Nashawaty went on to say she will say she has nothing to add to the 3 items on tonight's agenda and it doesn't reflect poorly on the fact she is not prepare for the meeting. Chairman Trow said generally if something comes up in the Chairman's Report that the Board feels needs more discussion, it will be brought back under Selectmen's Action at a later date. Selectman Augustine said it was his understanding that any Selectman could request an agenda item and it's the Board's decision whether to spend time discussing the subject.

Items Selectman Augustine Requested on the Agenda:

- Express Thanks to Election Workers/Gym Maintenance Staff for Work on Voting Day
Selectman Augustine wanted to express thanks to the workers on Election Day, especially the gym maintenance staff who kept the steps and walkways cleared off. They made it a very smooth process on what was a challenging day given the weather.

- Review Warrant Article Election Results and Discuss Implications & Next Steps

More of this was discussed earlier in the meeting.

- Discuss Current & Future Policy Regarding Town Employees Publicly Seeking Alternative Full-Time Employment

Selectman Augustine stated there were a couple of situations where a full-time town employee is now seeking full-time alternative employment is there a policy on this situation. The general consensus of the Board is whether it's a private or public position why would you have a policy and would it be legal.

TOWN MANAGER REPORTS

•Proposed Dates for Wendall Marsh Public Hearings and Vote (4/23, 5/7, 5/21)

Donna Nashawaty stated that she has received an email from Van Webb of the Conservation Commission that they would like to proceed with purchasing the other half of the Wendall Marsh project. To do so they must meet with the Planning Board for comment, have 2 public hearings to be held on April 23 and May 7th with the vote on May 21st. **Motion to hold 2 public hearings for the purchase of Wendall Marsh on April 23 and May 7th with the vote on May 21st by Selectman Gallup, seconded by Selectman Hastings. Unanimous.**

•Building Permits-Foundation Inspections

Donna Nashawaty stated that during the transition from Roger to Michael to Nicole an issue came up regarding foundation inspection within the setbacks. The problem was the Zoning Administrator would go out to the property for the inspection and would rely on the property owner to show where the boundary lines were which could open the town to some liability. The foundation check was discontinued until a permanent/formal process was approved. The Board asked for further information and will be discuss at their next meeting.

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

At the last meeting the Board asked the Town Manager to send an email to the different departments to see if anyone had a purpose or use for the property and none of them did.

•Letter to Board of Selectmen (BOS)

Donna Nashawaty read the following letter to the BOS that she had written:

“I would like to take this opportunity to clarify some of the “facts” attributed to Selectman Augustine at the last meeting. The Town of Sunapee has professional staff that gather information when requested by the Board of Selectmen and when asked off the cuff should not be defending numbers or details. E.g., some wrong numbers were thrown out about fund balance by everyone. I feel like both the staff and my integrity is challenged in letting the details go uncorrected, however it ends up being a disagreement or inaccurate information given by Selectman Augustine as fact, there are many times that I as your Town Manager end up being the one defending the professional staff against Selectman Augustine. This feels like a personal argument between myself and Selectman Augustine. I would like the boards assistance with fixing this problem that exists. In addition: I feel that my employees need insulation from Selectman Augustine. Over the past 2 weeks I have gotten 4 emails addressed either to my staff or to the chair and myself, that all go to someplace that they shouldn't, in addition to the last public meeting of the chastising of a public employee in a streamed meeting because of a couple of typographical mistakes that appeared on an agenda, including the comment at 16:49 of the stream, “and someone gets paid to do this, right?”. The Board has addressed this in the past and determined that the error that occurs is non-substantial and the lambasting of myself and staff should never occur in a public meeting for one and the Town Manager form of government dictates how the employee is judged to do their job by the town manager not a single selectman.

- Email questioning the work hours of the Recreation Director, sent as confidential, which any selectman should know it cannot be. The email is so detailed with assumptions that lead any reader to conclude it is an accusation.
- Email relative to political signs. Then further directed my Highway Department and Police that “my expectation is that the law will be applied equally to every person. I never expect special treatment.....”

- Email to Myself and my AA encouraging as a “friendly suggestion” to let the chair review the minutes. A selectman doesn’t send an email to the Town Manager
- Health Insurance updated thru EOY 2017
 - Cost to the town
 - 2018 Premium cost estimated \$517,130
 - 2017 Premium actual Town cost of \$584,417
 - Expendable trust for Health Premiums to be used to pay second half of employee deductible
 - Created in 2016 for \$43,500
 - 2017 named BOS agents to expend
 - 2018 add \$21,750 so enough would be available for 2019 plan deductible
 - Total necessary for 2018 if all employees use 100% of deductible
 - \$34,500
 - Maximum amount to be expended for health insurance premium in 2018
 - \$551,630
 - **Total savings in costs to town for 2018 plan compared to 2017 plan**
 - \$32,787
 - Adjust to the good by amount of expendable trust not spent so a number larger than \$32,787 is the amount saved.
- Fund Balance as reported each year by DRA when setting tax rate

Tax rate year	Fund Balance Retained	Percent of retainage	Budget amount that overall Town Retainage covers
2010	\$1,223,888	7.08%	\$17,270,220
2011	\$1,472,135	8.10%	\$18,173,920
2012	\$1,379,173	6.87%	\$20,051,330
2013	\$1,469,071	7.90%	\$18,584,060
2014	\$1,527,867	7.83%	\$19,507,940
2015	\$1,685,625	8.67%	\$19,432,010
2016	\$1,938,927	9.81%	\$19,768,690
2017	\$1,698,956	8.18%	\$20,767,310

In summary, I need the board to take some action to prevent these kinds of micromanagement and harassment, hostile work environment from being accused. The complaints made to me fall under the policies of the town and other than a lawsuit the employees have no recourse against Selectman Augustine.

- You can discuss publicly to make a motion to censure Selectman Augustine in order to make it an official criticism.
 - to formally reprimand (someone): While a vote to *censure* the individual selectman, it has no legal ramifications, it is a significant and rare symbolic vote of disapproval.

- You can discuss as a board to make a motion that if the Town is sued for any of the above accusations about the public employees, that Selectman Augustine will not be defended by the Town of Sunapee's insurance policy."

Donna Nashawaty stated being sued for a hostile work environment, because you're being criticized, is a very defensible act and it would be brought on the Town of Sunapee and not just Selectman Augustine. The Town would be in the very tenable position of then paying out of their town policy for the harm and damage that was create by a hostile work environment. Donna Nashawaty went on to say that as the Board knows she is the Town Manager, who is responsible for the administration of the town functions and that is not a micromanagement of the Board. The Board of Selectmen selects the policies Donna Nashawaty feels like every time she comes to the BOS she's having personal dictation back and forth with a single Selectmen, which usually is in the accusatory matter that we were wrong. Donna Nashawaty leaves this with the Board and throws herself at their mercy. Chairman Trow responded that the Board ideally is operating as a whole, there's no question that there are things that they don't always agree on. In Chairman Trow's opinion the staff has always been very helpful about information or feedback as requested through usually the Town Manager, so it is unfortunate that there have been problems. Chairman Trow stated that he does not know what action the Board would like to take if any, but certainly feels that the Town Manager and the staff have complaints that are founded in certain cases, he will leave this to the Board. Chairman Trow asked if there was any desire for the Board to take any action at this time. Selectman Gottling would like to have both proposals to review and think about it. Donna Nashawaty will email to the Board. Selectman Augustine asked if the hostile work environment is based on one comment, which seems excessive. Chairman Trow stated that there have been multiple occasions. Selectman Augustine replied over what timeframe and Chairman Trow responded three years since he had been on the Board. Selectman Augustine said he was sorry if he hurt anyone's feelings, but he guesses he has a standard that he expects his self to adhere to and others as well. Chairman Trow wanted to make one other comment, he expects that this Board is a group of adults and professionals to somewhat at the very least. This having to happen is a problem. There were some comments at the last meeting, that were quite heated. There was a lack of respect between the public and the Board that was entirely avoidable and unfortunate and shouldn't have happened. Chairman Trow said he expects this Board, every member of it, every member of the public dealing with it, acts like an adult. Selectman Gallup agrees with the Town Manager that the Selectmen are the policy makers and she is the Administrator. The Board has hired her/contracted her to be the town's Administrator. After some discussion the Board moved on to the next item.

•Smart Start Program

Donna Nashawaty stated that an assessment was done on all the buildings for the Smart Start Program and the town was told that the project couldn't be funded because there was no money from Eversource.

Eversource freed up some money and since the town was ready to go they gave it to the town. The Board needs to make a motion to enter into the Smart Start Program contracts. There is an annual savings of almost \$10,000. The savings is \$3,000 for the Safety Services Building, \$3,500 for the Highway Department, \$1,200 for the Transfer Station and \$1,800 for the Town Offices.

Motion to authorize the Town Manager to enter into the Smart Start 2018 Lighting Incentive Program by Selectman Gottling, seconded by Chairman Trow. Unanimous.

Meeting adjourned at 10:40PM

**Respectfully Submitted by,
Barbara Vaughn
Administrative Assistant**