

**SUNAPEE BOARD OF SELECTMEN  
6:30PM Town Meeting Room  
Monday, April 9, 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 CZC's:**

**Parcel ID: 0218-0003-0000 1 Dowd Lane, Emily (Binder) & Emmons Neill Cobb**

**Parcel ID: 0127-0001-0000 15 Clearwater, Steven Tallarico**

**By Selectman Gallup, seconded by Selectman Gottling. Unanimous.**

**MOTION TO APPROVE THE FOLLOWING LAND USE CHANGE TAX:**

**Parcel ID: 0210-0062-0000 52 Trow Hill Road, Lynda Tallarico**

**Parcel ID: 0210-0002-0000 63 Trow Hill Road, Hideaway Hill Development, LLC**

**By Selectman Hastings seconded by Selectman Gottling. Unanimous.**

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

**Parcel ID: 0224-0005-0000 Sleeper Road, Michael & Mary Colby**

**By Selectman Gottling, seconded by Selectman Gallup. Unanimous.**

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

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

**By Selectman Gallup, seconded by Selectman Hastings. Unanimous.**

**APPOINTMENTS**

7:00PM-No Thru Trucking Ordinance Public Hearing

Chairman Trow stated that this ordinance has been a work in progress and currently will only affect one street, which is Central Street. The ordinance was modeled after several surrounding towns. Chairman Trow turned the public hearing over to Scott Hazelton and Lieutenant (Lt.) Neil Cobb, who presented the proposed No Thru Trucking Ordinance that was discussed at an earlier Board of Selectmen's (BOS) meeting. Nothing has changed with the ordinance. This ordinance came about after some residents came to the BOS to state that the traffic situation on Central Street was very dangerous on the street, especially during seasonal times of the year. A lot of heavy vehicles were using the street as a shortcut to the harbor. This ordinance is not just for Central Street, it will be a town ordinance with Central Street being the initial control point. Selectman Gottling asked what Scott Hazelton and Lt. Cobb were thinking regarding a starting date. Lt. Cobb replied that the current Route 11 bridge project is supposed to be completed by June 29<sup>th</sup>, so the ordinance would start between June 10<sup>th</sup> and June 15<sup>th</sup>, which is just before school is out for the summer. Selectman Augustine asked what trucks would be allowed to use Central Street. Lt. Cobb replied the language which is defined in RSA 259:115-b, that describes a truck as every motor vehicle designed, used or maintained primary for the transportation of property, which could be a pick-up truck right up to a semi-tractor trailer. The RSA does except a "light truck" which is any motor vehicle having no more than two axles. If it is a two-axle pick-up truck it doesn't meet the language, so the average person not operating commercially down Central Street is find to do so. If a vehicle is used for commercial purposes it would not be allowed on Central Street.

Selectman Augustine asked what the plan was to get the word out. Lt. Cobb replied they would use the electronic sign and media blasts on the Police Department and Town Office news and announcements web page. The posting signs would be put up on both ends and following those signs will be the speed limit signs. The speed limit on Central Street will be twenty miles per hour.

No Thru Trucking Ordinance public comments:

- Don Bettencourt stated in the past a person was given three minutes in the Public Comments section to address their comments, rather than throughout the course of the meeting. He asked if this was the same and if Chairman Trow could describe the guidelines for public comments. Chairman Trow replied that there is a section for public comment, but as the Board is discussing relevant things and if there is a public comment section of it that is relevant to take input it would be at that time. There is currently no official time limit on comments but will probably ask the person to stop talking if the topic is not related to the original subject.
- Bruce McCloy had two questions the No Thru Truck Ordinance. The speed limit is twenty miles per hour and he doesn't think it's been enforced and once the grace period has passed will the speed limit be enforced. Lieutenant Cobb replied absolutely, after doing four different speed studies the average speed is twenty to twenty-one miles per hour. The second question is will the survey counts be continued. Lieutenant Cobb replied yes.
- Jim Borelli wanted to thank the Board, Chief Cahill, Lieutenant Cobb and Scott Hazelton for listening to the residents of Central Street and coming up with different options to fix this issue.

**Motion to approve the No Thru Trucking Ordinance for the Town and Central Street with an effective date of June 15, 2018 by Selectman Gallup, seconded by Selectman Hastings. Unanimous.**

#### PUBLIC COMMENTS

- David Brown stated it was reported that a statement was brought to the Board of Selectmen (BOS) from the Town Manager regarding internal conflicts. David Brown would like a copy for his own to better understand what's going on. Chairman Trow replied that there is a copy of the statement in the BOS reading file and the complete statement is included in the last BOS minutes.
- Spec Bowers who owns property in Georges Mills but also at Eastman in Grantham where is on the Board of Directors. He mentions this because the situations such as the same population and budget is similar. Spec Bowers is disappointed on what he read in the newspaper regarding the statement which surprised everyone. He feels the BOS should have went in to a non-public session to discuss this issue. In his opinion, he did not see anything in the proposal that came close to suggesting a "hostile work environment". Spec Bowers doesn't see anything wrong with a member of the Board sending an email to various members of the Town. In the future he hopes the Board will think about the principles of "no surprises".
- Don Bettencourt is concerned about this concept of "speak as one voice" and thinks in his opinion, that it is related to the proposal to reprimand Selectman Augustine. Don Bettencourt stated he has been through first hand when he had his free speech taken away from his at the deliberative session two years ago. Don Bettencourt would like to hear every one of the BOS members opinion but feels there is an attempt to silence one BOS member, who represents a lot of people in the community. Don Bettencourt feels the Board should be encouraging Selectman Augustine to speak his mind, definitely not in a nasty or hostile way, but this concept of "speak with one voice" really means that he's supposed to join the majority.

Don Bettencourt would like to encourage continued dialog; discussions and he would be very disappointed if this Board censured or reprimanded someone for that.

- Shawn Carroll feels the Board is doing an excellent job as far as discussion and it is prudent for everybody to have a different voice or opinion. In his opinion, speaking as one is when you finally deliberate and have the interaction, which is healthy and brings things together. But, once the decision is made you do speak as one, which he feels is the right way to do it. The trouble starts when you go around, after the facts are laid on the table, all is deliberated, you get the vote, the majority rules and then you go around the “back door” and do things that do compromise the professionalism going on the Board level. If someone from the BOS is doing something which is inappropriate it has to be done in a public meeting. You are not supposed to be doing it in a non-public session according to the state RSA.

- Spec Bowers thinks it’s a borderline issue if you can go into a non-public session. He did read the RSA and there are two clauses that could apply to it and reasonable people might differ if you could go into non-public. Spec Bowers stated the idea of the Board voting to have the insurance policy not cover Selectman Augustine, in his opinion is not legal and hopes the Board will not remove insurance coverage from one member.

- Francis Harris thinks on this issue of public discussion of something, the reason it’s relevant here from what she has read is that part of the concern had to do with Town employees. She would think that personnel matters are better suited in an executive or non-public session, rather than in a public meeting. She feels this was one of the concerns and caused people discomfort and discussing in a non-public session would have been a better choice. Francis Harris would certainly, want to add her voice to the idea of when there is an election and there are five members of the Selectboard, she thinks the public’s expectation is that the 5 members will represent the residents as a whole and that there will be five opinions. She can appreciate what Shawn Carroll said about when there is a discussion and a decision is reached then that is the stance of the Board. Francis Harris has been to many meetings and sometimes felt when she has asked for more further information on something it hasn’t been particularly forthcoming. She thinks it takes more than a single or simple question to get more information. She would want to encourage each of the five members to ask questions until you understand the topic at hand and then you have a good discussion and reach a conclusion.

- Dan Junius has two comments. One he certainly endorses that personnel matters should be discussed in executive or non-public session, because of the delicate issues and probably not best served in a public forum. The other comment is the fact if anyone on the Board is pushing back on a particular issue, that is part of the job. Selectman Augustine does bring a voice and pushback is part of the process to get better answers. He appreciates the job that’s done there.

#### SELECTMEN ACTION

- Sign Deed Waivers

**Motion to sign the following deed waivers for non-payment of taxes:**

**Parcel ID: 0239-0001-0010 43 Wilderness Park Road, Daniel & Dawna Vinal**

**Parcel ID: 0239-0001-0008 22 Wilderness Park Road, Gilman E. Michaud**

**Parcel ID: 0239-0001-0002 38 Wilderness Park Road, Anne LaClair (Jeffrey A. Sykes)**

**Parcel ID: 0147-0033-0000 59 Hamel Road, Herbert Guimond & Bonnie Kane**

**By Selectman Gallup, seconded by Selectman Hastings. Unanimous.**

•Use of Facilities:

**Motion to approve the Use of Facilities application from Lake Sunapee Rowing Club to use Georges Mills Harbor on various dates by Selectmen Gottling, seconded by Selectman Hastings. Unanimous.**

**Motion to approve the Use of Facilities application from the Sunapee Fire Dept. Assoc. to host their Annual Awards Dinner at the Safety Services Building on Saturday, April 14<sup>th</sup> pending receiving the certificate of insurance by Selectman Gallup, seconded by Selectman Hastings. Unanimous.**

•Authorize Town Manager to Sign Pictorial Postmark Application

The Sestercentennial Committee would like to apply for a pictorial postmark using the logo design, which the Town of Sunapee holds the copyright. This postmark will be used during the month of August 2018 in conjunction with the Sestercentennial activities. **Motion to authorize the Town Manager to sign the Pictorial Postmark application by Selectman Gallup, seconded by Selectman Gottling. Unanimous.** The Parade Committee is looking for participants to march or have floats in the parade.

•Seasonal Water & Sewer Laborer Position

This is the position that Donna Nashawaty told the Board about at the last meeting. The Water and Sewer Department has a full-time laborer position opened and would instead of hiring a full-time laborer they would like to hire a seasonal laborer. This is not an additional position. Donna Nashawaty needs the Board to accept the job description as presented and add the seasonal hourly rate to the pay table. The rate would be \$14.61 an hour. **Motion to add the Seasonal Laborer for the Water and Sewer Department to the seasonal pay table at the rate of \$14.61 an hour and adopt the job description by Selectman Gottling, seconded by Selectman Hastings. Unanimous.**

#### CHAIRMAN'S REPORT

Items Selectman Augustine requested on the agenda:

•Update regarding potential "hostile work environment" litigation

Selectman Augustine stated it was mentioned at the last meeting about the possibly of one or more employees potentially bringing a lawsuit against the Town for a "hostile work environment", is there an updated, did the ligation happen? Donna Nashawaty replied no. Selectman Augustine asked if it were to happen would it be against the employer, which is the Town or against a single person? Donna Nashawaty replied she didn't know. Selectman Augustine thinks in his opinion, if it is a "hostile work environment" it would be against the employer and the Town would be the defendant and would defend itself. The idea that was mentioned at the last meeting, that a single person be excluded from the defense didn't make sense to him. Donna Nashawaty replied that the Personnel Policy defines how an employee would bring a case forward, but it does not say how a Board of Selectmen case would be brought forward, so she cannot answer that question.

•Town attorney's opinion on Town Manager's authority to change foundation inspection process without consulting with zoning board or Board of Selectmen.

Selectman Augustine stated there was a fair amount of discussion at the last meeting regarding the change to the process of inspecting foundations and as part of that discussion he thought it was asked and agreed that the Town attorney would be consulted on the authority of the Town Manager to make that change. The Board was provided with a significant amount of material on this subject in their meeting packet, but nothing about the Town Attorney's opinion on the

authority to change the foundation inspections. Selectman Augustine asked if he was correct on this request. Donna Nashawaty who checked the recording replied no, it was a question to the Town Attorney regarding the liability. There were two other people who checked the recording. Selectman Augustine asked if anyone else remembers anything similar to what he recalled. Selectman Gallup replied that he recalls the Board had asked about the liability of the Town as far as having the foundation inspections as opposed to not having the foundation inspections. Donna Nashawaty stated that under the Town Manager's report one of the things that she's supposed to do for the Board is to go out and gather information and bring it back, so the Board can make a decision. There was so much discussion on liability, question on who's authority on Certificates of Compliance (CZC), how it was done, who changed and under what ordinance that this will be discussed under the Town Manager's report.

- Town attorney's opinion on Town Manager's authority to change building permit form without consulting with Zoning Board or Board of Selectmen

The Board did not ask for the Town Attorney's opinion on this matter, but this will be discussed further under Town Manager's report.

- Town Employee Job Vacancies

Selectman Augustine asked for an update on job vacancies. Donna Nashawaty replied that the only one she knows about is the one the Board approved tonight for the Water and Sewer Laborer. Scott Hazelton said there is still the Harbor Bathroom Attendant vacancy. Selectman Augustine explained why he periodically asks for this update.

- Town Board & Committee Position Vacancies

Selectman Augustine asked for an update on board and committee vacancies. Chairman Trow said the Capital Improvement Committee need members. Donna Nashawaty said the Zoning Board just advertised for alternates and received one volunteer application.

- Selectman Gottling stated that they are diligently working on the County Budget.

- Selectman Gallup would like to introduce **a motion to censure Selectman Augustine, seconded by Selectman Hastings for discussion.** Selectman Gallup believes the actions of Selectman Augustine have been very inappropriate and need to be discuss and have some sort of disciplinary action taken. First, Selectman Gallup wanted to bring attention to the document he is holding which is the Town of Sunapee Ethical principles for Town Officials, Board Members and Employees. Selectman Gallup stated that there was a situation where Selectman Augustine was voted down by a vote of four to one, where he was unhappy with the outcome and brought forth a petition warrant article to the Deliberative Session. At the Deliberative Session changes were made to the petitioned warrant article, as it allowed to happen by the statues of the state, where he was defeated again, where he continues to bring the Town into a lawsuit in Superior Court. After having done this Selectman Gallup read into the minutes a letter from Selectman Augustine violating the very first part of the Town's Principles of Ethic Policy, which was conflict of interest. Selectman Gallup stated that the only thing the Board should have gotten from Selectman Augustine was communication that he has recused himself from any and all discussion regarding the lawsuit as opposed to wanting to be involved with the Town Attorney and deliberation on how the Town would defend itself against the lawsuit Selectman Augustine had brought forth. Selectman Gallup said the next thing was Selectman Augustine's conduct at some of the BOS meetings regarding the Town's constituents and some of the comments he has made concerning particular individuals. Selectman Gallup said to sit on this side of the table and laugh at someone who was discussing a situation that the individual thought was important, Selectman Gallup went on to say as a long-standing member of the BOS he has never laughed or

made inappropriate comments to anyone across the table. Selectman Gallup feels it is very unbecoming as a member of this Board and inappropriate to have at any of town meetings. Selectman Gallup will reserve some of his other comments for later. Chairman Trow has personally received some input from some people who were discouraged and disappointed that the Board had gotten to this point and Chairman Trow thinks that's a fair statement. The Board has gotten to a point where there is concern about a lawsuit, whether it happens gives Chairman Trow concern about the attitude and conduct of the Board or members of it. Chairman Trow thinks that the Board as a whole, in his opinion, should be acting as a Board. There is no question it should have discussions and it should have arguments within itself, but once the discussion is over it is the Board's process. It is the Board's prerogative to continue and make adjustments down the line, but it is not a place that the Board should find itself continually fighting after the fact. Chairman Trow thinks that it was extremely concerning, and he was ashamed of the Board when Selectman Augustine was laughing at the person who was commenting when the discussion was about health insurance costs and the discussion was regarding the different opinions on what the numbers were Chairman Trow said if there was a question on it, which personally he feels had been discussed many times at other meetings, as a policy of the Board a decision was made and if there were continuing issues on it bringing it to the Town Manager or to the Board as a discussion was the right place, not telling the person that they were wrong. Finding out where the differences were was probably the better course of action, but unfortunately it didn't go that way. Chairman Trow thinks discussions and difference of opinions are good, but he also believes that as a member of a public board you are essentially required to take a beating and deal with it. If the public wants to say something nasty or feels like we did something wrong, you have put yourself in this role and need to be able to take it. Chairman Trow said if he says something and people don't like it he hopes they would let him know and he hopes the rest of the Board feels this way. It concerns him that it doesn't seem necessarily the opinion of Selectman Augustine. Selectman Gottling thinks she said it at the last meeting that it is troublesome that issues don't seem to get settle and it bothers her that they come up again and again. Selectman Gottling would like the Board to move on because there are new challenges to face and many things like Central Street that the Board all agreed on. It usually seems to be about money that the Board has differing opinions, but so far, the voters have approved what the Board has done. Selectman Gottling also thinks the staff does a really good job and appreciates having a Town Manager and not a Town Administrator. If the town has a Town Administrator like they do in New London the Board would be a lot busier. Selectman Augustine has provided the remaining four Selectmen with his written response to the Town Manager's censure request and would like to ask each of the members if they received the request and have read it. The email was sent this morning and not all the members received and read the response, Selectman Gottling received it, but was at a meeting all day and has not had a chance to read it. Selectman Augustine thought that was within his rights to provide a response to each of the alleged transgressions that the Town Manager outlined in her document. He appreciates that the Board took the time to read it because in his opinion, what was written in there refuted what was stated as fact in the Town Manager's censure request, particularly the portion where she claimed he was factually incorrect.

Selectman Augustine said unfortunately, that's been a lot of the round and round, there are one set of numbers that two people can't seem to agree on and it's just basic math. Why they can't agree on the numbers is strange and in the future Selectman Augustine would suggest they find an objective third party to look at the same set of numbers and bring their opinion back to the BOS. Selectman Augustine said that the Town has an Advisory Budget Committee and when the Board gets things that are budget and finance related that they don't seem to be able to agree on what the final number is the Board could ask the committee to look at the data and provide their opinion back on what is the actual true number. Selectman Augustine believes the document he provided addresses all the items in the Town Manager's censure request. Chairman Trow said in the end one of the best impartial item on the healthcare will be the bill from the insurance company at the end of the year. There is no debating the check the Town will finally end up writing. Chairman Trow does not know why the Board cannot see eye to eye. He feels this subject has been presented many times and he doesn't feel like the Board needs to go into it again tonight. Selectman Trow doesn't know where the disconnect is, but he believes the Board is on the right path and at the end of the year with the final check the Board will know which party was correct with their numbers. Selectman Augustine asked if Selectman Gottling would like to take the time to read his document before she voted, maybe digest the document and vote at the next meeting. Chairman Trow stated that there is a mental philosophical ramification to it, there is no legal ramification, there is no impact in the vote, but Chairman Trow will look to the rest of the Board if there is a desire to wait and discuss to see if there is anything else. Chairman Gallup said he would step back if his other two BOS members wanted more time to digest this and vote at the next regularly scheduled meeting. After some discussion the vote will be tabled until the next meeting. Selectman Gallup would like to make another **motion that if the Town of Sunapee is sued for any of the allegations that have been brought forth to the Board in regard to the "hostile work environment" that Selectman Augustine not be by the Town of Sunapee's insurance policy, seconded by Chairman Trow for discussion.** Chairman Trow said it is a completely fair point to bring up the legality of it and asked the Town Manager where the Town stood on that. The Town Manager wanted to be very frank with the Board and say that there are very cautious things that you can say about employees in a public meeting. You cannot berate, ridicule or degrade them. Under the Town Manager's form of government, the employee comes to her when they have a complaint about the way they have been spoken to and everybody is aware of the "protected" classes, whether it be age, sex, religion, any of those items. Each one of the Town's Department Heads has had training to be able to deal with the employees, so their rights are not being violated. One of the places the BOS can help in guiding the Town to move forward is the administrative duties relative to the performance, jobs or directing employees fall under the Town Manager form of government. The very last thing that should be occurring is BOS members making comments about employees. The vested process for that is through the Town Manager, who is the BOS's direct employee. The rest of the employees follow the statute of the Town Manager form of government based on a set of policies and procedures that have been reviewed by the Town Attorneys, hence protecting the liability of the Town. Two employees have come to the Town Manager and said they would like to file a complaint. The Board should not have said the things that were said, very specifically by one member of the Board. The Town Manager is looking for some help from the Board to be able to shield the relationship and how they do the job from the Board.

The common theme from the public comments section of this meeting were that personnel matters should not be discussed in the public forum. Chairman Trow again asked if a lawsuit was brought against the Town, the question would be if a specific member of the Board can be sued or since the Board was acting in session and the person is on the Board. The Town Manager stated that if one of her employees say that their reputation was hurt because a Board member said something, you cannot take your hat off, especially if you're sitting behind this table. Selectman Augustine asked if the Town Manager could provide specific wording of those cases because he personally doesn't recall, particularly with the language the Town Manager is using. The Town Manager stated the problem is bigger. The Board should not be talking about employees' performances at a Board level and the Board did. Selectman Augustine replied once, the Town Manager responded it doesn't matter how many times, that employee came to her and said who do I complain too. Selectman Augustine said in his opinion, that once would make it inappropriate, not make a "hostile work environment", but the Town Manager mentioned that the employee was concerned their reputation would be hurt. Selectman Augustine said he thinks there's a difference about someone's feelings being hurt and someone's reputation being hurt. Chairman Trow read RSA 91A: 3-2c, which is a reason to go into a non-public session, states members if discuss in public would likely affect adversely the reputation of any person other than a member of the public body or agency itself, unless such a person requests an open meeting. Chairman Trow stated where you want to draw the line between feelings and actual reputation, in his opinion, isn't a good line and shouldn't be drawn. Selectman Augustine replied point taken and that he's not suggesting the Board goes into any further on this subject tonight. Selectman Gallup will also bow on this motion if the other two BOS members would like to have more time to digest the information. After some discussion, the motion was tabled until the next regularly scheduled BOS meeting.

#### TOWN MANAGER REPORTS

- NHMA Legislative Policy Process

Donna Nashawaty reported that there is a process that the New Hampshire Municipal Association goes through to introduce possible legislation to be pondered during the next legislative session. All the towns participate in this process and if there are some common themes that effect a lot of towns they will look to a Legislator to write legislative action and bring it to the House or the Senate for the following year. Donna Nashawaty gave an example of possible legislation that was given to Representative (Selectman) Gottling regarding the order of Zoning Board meetings, which requires that a Zoning Board hearing occur within thirty days of receipt of a completed application, which sometimes makes for a second monthly meeting. Donna Nashawaty asked if anyone had some legislation they would like brought up, if so the deadline is Friday, April 20<sup>th</sup>.

- Monthly Budget Through March

The Board reviewed the March monthly budget. Selectman Augustine asked for a similar report for monthly revenues. Donna Nashawaty said the report could be produced. The Board will try it for a month or two and see if it has any value.



- Update on Foundation Inspections

Donna Nashawaty reviewed the summary of the administration of a Certificate of Compliances (CZC) that was given to the Board. There are five components to a CZC;

- Enforcement

- BOS or Agent (Zoning Administrator, Nicole Gage) to enforce the ordinance.

- BOS or Nicole Gage take steps when required for violation.

- BOS or Nicole Gage process penalty in accordance with ordinance.

- Certificate of Zoning Ordinance Compliance

- When we need a permit.

- What shall be on application form.

- Nicole is working on updating the form to ascertain the applicant has met the provisions of the ordinance.

- At a minimum, the current application meets the form requirements in the ordinance.

- Issuance of CZC

- BOS retained that approval authority not given to Nicole.

- CZC is the actual document that the BOS sign.

- Card Stock Permit issue for posting by applicant.

Non-residents/multi family has Site Plan Review Approval first.

- Fees

- BOS sets fees

- After the Fact application process is authority of BOS with administration by Nicole.

- Revocation or lapse of Building Certificate

- BOS are authority for violation of CZC and order cease and desist.

- Selectmen or Nicole send notice of lapsed after 12 months no earnest or Substantial effort.

- Appeal of anything in this process is to the Zoning Board.

Donna Nashawaty went over the current CZC application with the Board. Nicole is working on an updated CZC application. After the last meeting Donna Nashawaty contacted the Town Attorney in regards to the Town's liability. The Attorney has given the town some samples to add in order to firm up or help the building permit process. Donna Nashawaty will look for some recommendations from the Board when she starts the CZC application update. Donna Nashawaty explained that the Assessor goes out and visits the site with the drafted sketch which is based on the CZC permit and do the measurements of the foundation. If the foundation is substantially different then the sketch they would come back and talk to the Zoning Administrator. Michael Marquise instituted the rule of foundation inspections and changed the rule when the issues of liability came up. So as far as the foundation measurements the majority are being done by the CZC sketch and Assessors. One the foundations is poured if it doesn't meet the setbacks and it has a bad measurement the Zoning Administrator will make them do an After the Fact application. If the BOS wants the Zoning Administrator to measurement every foundation that would be their call. The Town Attorney said that as far as the setbacks restrictions go the Town should not be relying on the markers that property owner is showing to where the foundation is being put in. The BOS is the authority in the CZC process, the Zoning Board has nothing to do with the process, unless there is an appeal. The Zoning Administrator is the administrative support to the Zoning Board and the agent of the BOS relative to CZCs and directly reports to the Town Manager as far as their position and employment.

George Neuwirt states that in his opinion, this decision was made by Michael Marquise and the Town Manager. It was done as a matter of convenience because the town didn't have the resources or the manpower at the time to administrate, but if you look at the job description it clearly identifies that the duties of the Zoning Administrator is visiting sites for field inspections and enforcing compliance issues. Donna Nashawaty replied that the Zoning Administrator does go out on site visits. Chairman Trow stated the most important part coming out of this is better communication. Donna Nashawaty read the email from Michael Marquise regarding his decision to remove the foundation inspections from the CZC. Donna Nashawaty will bring Nicole Gage to present the draft CZC application to the BOS for their review.

**8:55PM-Motion to go into a non-public session under RSA 91-A:3 II (a)- the dismissal, promotion, or compensation of any public employee or disciplining of such employee by Chairman Trow, seconded by Selectman Gallup. Roll call was unanimous.**

**Motion made by Selectman Hastings, seconded by Selectman Gottling to not publicly disclose the minutes because it is determined that divulgence of the information likely would affect adversely the reputation of any person other than a member of the Board.**

**10:30PM-The Board returned from non-public session.**

**•Motion to authorize Chairman to sign Town Manager's PAR by Selectman Gallup, seconded by Selectman Gottling. Unanimous.**

**Meeting adjourned at 10:35PM**

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