

SUNAPEE BOARD OF SELECTMEN
6:30PM Town Meeting Room
Monday, April 23, 2018

Present: Chairman Josh Trow, Suzanne Gottling, Vice Chairman,
John Augustine, Fred Gallup and Shane Hastings.

Absent: Donna Nashawaty, Town Manager.

Also, Present: See attached sign-in sheet.

MOTION TO APPROVE THE FOLLOWING CZC's:

Parcel ID: 0121-0015-0000 29 West Shore Road, John & Nancy Berger

Parcel ID: 0147-0019-0000 563 Route 103, NAF Sunapee, LLC.

Parcel ID: 0218-0041-0000 52 Hilltop Drive, Donald & Marianne Evans

By Selectman Gallup, seconded by Selectman Gottling. Unanimous.

MOTION TO APPROVE THE FOLLOWING LAND DISTURBANCE BONDS:

Parcel ID: 0121-0015-0000 29 West Shore Road, John & Nancy Berger

Parcel ID: 0125-0004-0000 94 Jobs Creek Road, Lee & Paul Tregurtha

By Selectman Gottling, seconded by Selectman Hastings. Unanimous.

MOTION TO APPROVE THE FOLLOWING INTEND TO EXCAVATE:

Parcel ID: 0211-0011-0000 Route 11, Michael & Elizabeth Lemieux

By Selectman Hastings, seconded by Selectman Gallup. Unanimous.

MOTION TO APPROVE THE FOLLOWING REPORT OF EXCAVATED MATERIAL:

Parcel ID: 0211-0011-0000 Route 11, Michael & Elizabeth Lemieux

By Selectman Gottling, seconded by Selectman Hastings. Unanimous.

MOTION TO APPROVE THE FOLLOWING TIMBER TAX

Parcel ID: 0224-0005-0000 135 Sleeper Road, Mary Colby

By Selectman Hastings, seconded by Selectman Gallup. Unanimous.

2. APPOINTMENTS

7:00PM Wendall Marsh Public Hearing Postponed

First Public Hearing will be held on Monday, May 7th.

7:00PM George Neuwirt – Building Permit Change

George Neuwirt gave a little background on his involvement in this process. In his opinion, he feels that the Zoning Administrator shouldn't be struggling with so many issues that either are not addressed or not defined, and the Zoning Ordinance was very confusing. George Neuwirt has taken on the cause of trying to administer some change to it. The bottom line is it's of benefit to the townspeople that things are simpler and easier to understand. The last round of changes that were made to the Zoning Ordinance were largely due in part to him trying to get this discussion started as to how we administer an easier to understand Zoning Ordinance. In his opinion, the Zoning Ordinance is still screwed up and he has forty changes that need to be addressed. George Neuwirt said that basically there are no provisions now where the Zoning Administrator is being sent out for site inspections, which is primarily the reason for this meeting, but the issue has become complex very quickly.

In 2000, Michael Marquise and the Zoning Administrator decided it might be a good idea to provide capability for the benefit of the townspeople to have foundation or structure inspections up until the old Zoning Administrator, Roger Landry's retirement. After some research George Neuwirt couldn't find anything in the Zoning Ordinance or Rules of Procedures that the town had to do them in the first place. George Neuwirt emailed the Town Attorney to give some feedback on whether or not there is anything in the Zoning Ordinance or Rules of Procedures that indicate that the Town is responsible for site/size verifications, the Town Attorney replied that the chain of command has to be through the Zoning Board, who at last Thursday's meeting voted not to pursue this. George Neuwirt has come to the BOS to see if the issue is relevant or something that the Board feels is important. Chairman Trow said that in his opinion communication was lacking in a process the BOS signs off on. But at this point Nicole Gage, Zoning Administrator is working on revising and readjusting the whole process and will present a new proposed CZC packet at the Monday, May 21st BOS meeting. After some discussion, the Board will wait on any decisions until after reviewing the new proposed CZC packet.

7:20PM Kathy Springsteen – Sestercentennial Requests

Kathy Springsteen, Chairman of the Sestercentennial Committee asked the Board for the following requests:

The Sestercentennial Committee requests up to \$2500 from the Sestercentennial fund to purchase up to 25 additional banners with hardware. **Motion to approve up to \$2,500 to purchase banners and hardware for the Sestercentennial Committee by Selectman Gallup, seconded by Selectman Gottling. Unanimous.**

The Sestercentennial Committee requests that the Board allow the use of the pole at the Sunapee Harbor dock that is owned by the town for display of a banner. **Motion to allow the use of the town flag pole in the harbor by Selectman Gottling, seconded by Selectman Hastings. Unanimous**

The Sestercentennial Committee requests \$1200 from the Sestercentennial fund to use for printing of a promotional brochure to help get the word out about the events. **Motion to approve up to \$1,200 to use for printing a promotional brochure by Selectman Gallup, seconded by Selectman Gottling. Unanimous.**

7:25PM Scott Hazelton - Safety Services Roof Repair Project & Town Generators

● Scott Hazelton sent the following memo to the Board and Town Manager which is a chronological sequence of events that pertains to the investigation of, and payment for, the defective shingles that were discovered on the Safety Service Building roof:

- **September 2015:** During a routine building inspection, Craig Heino, Buildings & Grounds Maintenance Supervisor, observed many of the existing roof shingles on the Safety Service Building roof to be "curling and/or falling apart".
- **September 2015:** We contacted North Branch Construction, the construction manager that oversaw the construction of the building in 2005 and notified them of the issue. They assisted us with determining that the shingles were defective. North Branch provided us with a copy of their original invoice for the purchase of the shingles from LaValley's Building Supply in Newport, NH, dated December 2005 for \$10,560.
- **December 2015:** We initiated a claim with IKO Industries, the shingle manufacturer, for the replacement of all the defective shingles (approximately 40% of the roof surface).

- **September 2016:** We received a "Homeowner's Inquiry Survey" from IKO Industries and submitted it back to them with samples of the defective shingles, and with photographs of the defective shingle on the Safety Service Building roof.
- **November 2016:** We received a "Goodwill Release" form from IKO indicating that they would credit the Town with 282 bundles of IKO shingles for the Town to repair at our cost (labor & equipment). The "Goodwill Release" also indicated that the existing warranty for the remaining shingles on the roof would no longer be applicable.
- **November 2016:** We submitted a letter to IKO Industries indicating that we could not agree to their "Goodwill Release". We requested an extension of our claim so that we could have a representative of North Branch Construction and from HP Roofing assist us with an inspection of the roof to confirm the extent of the defective shingles and to determine the estimated cost to replace them.
- **December 2016:** We received a letter from IKO Industries indicating that their "Goodwill Offer" had been extended to June 2, 2017 (the beginning of the summer months).
- **May 2017:** We submitted a letter to IKO Industries, after conducting a subsequent inspection of the roof with North Branch Construction and with HP Roofing, requesting that they replace 660 bundles of shingles on the roof at no cost to the Town, and that they provided a new 35-year warranty for the new shingles.
- **May 2017:** We received a letter from IKO Industries indicating that their "Goodwill Release" offer of 282 bundles remained, or that they could provide a cash offer of \$5,640.
- **May 2017:** We spoke with a representative from IKO Industries and they informed us that their offer was all that they were willing to provide to the Town, and that their original warranty did not cover the cost of labor or equipment in the event that the shingle were found defective.
- **May 2017:** We received a letter from IKO Industries with a "Release of Warranty" form which we signed and returned to them for the payment of \$5,640 as their prorated payment for the replacement of the original shingle purchase (which is 53.4% of the original cost of the shingles)

In March 2018, after the Town vote, we advertised a Request for Proposal in the Shopper, in the Intertown Record and on the Town's website under the Highway Department's webpage, for the removal and replacement of all the shingles on the Safety Service Building roof. On April 12, 2018, we received 6 (six) bid proposals for the project. The balance of the Buildings Maintenance Capital Reserve Fund is currently \$120,878. The apparent most responsive and responsible bidder for the project is WeatherCheck, LLC with a total bid price of \$90,755. We will also be installing ice belt on the lower northeast and southwest eaves of the building which is addressed by Additive Alternate #2 in WeatherCheck's bid proposal for a cost of \$2,500.00. The total project cost will be \$93,255 (\$90,755+\$2,500). I am seeking authorization from the Board of Selectmen to spend the \$5,640 that was received from IKO Industries and spend \$87,615 (\$93,255-\$5,640) from the Buildings Maintenance Capital Reserve Fund, to cover WeatherCheck's total project cost. If approved, the Building Maintenance Capital Reserve Fund will be revised to reflect the construction of this project in 2018 and will re-establish the timing of other projects in their order of priority pending future funding approval.

Motion to authorize the expenditure \$93,255 with \$87,615 from the Buildings Maintenance Capital Reserve Fund and \$5,640, which is a refund from IKO Industries by Selectman Gallup, seconded by Selectman Gottling. Unanimous.

●The Highway Department currently own three generators that do not run, and that have never been hooked up to any of the Town’s buildings. We would like to trade them for two new generators and Brian Bettencourt, of NH Generator, has requested that we provide him with a letter stating that the Town owns the generators so that he can prepare a proposal for us to consider a trade for the new ones. The information that I was able to gather on the existing generators that we would like to trade is as follows:

	Manufacturer	Model No.	Serial No.	Arrangement No
Details				
1.	Power Gard		7536DVE	7002868
	Has been at the Highway Garage since being constructed in 2002. Came from the old garage			
2.	ONAN Electric Gen Set		55.OEN-15R/12799D	0800493733
	This generator was given to the Highway Garage by the Town of Eastman 10+/- years ago			
3.	CAT 3306B		N/A	85Z03673
	This generator was given to the Highway Department by the Fire Department 20+/- years ago and Chief Ruggles confirmed that we could do whatever we wanted with it today.			

The new generators that we are considering trading for include a suitcase generator for use on construction projects and a stand-by generator that would run the power at our building (excluding 3-phase) in the event of a power loss. We currently borrow the Water Department’s generator every time we need one for a project and do not have a stand-by generator for the Highway Garage. **Motion to authorize the Town Manager to write-up a letter assuring ownership of the above-mentioned generators by Selectman Gallup, seconded by Selectman Hastings. Unanimous.**

●The following are the results of the bids that were received for the Cold Storage Building Phase 2. This project was approved for funding by the voters per Warrant Article 24 which authorized the withdrawal of \$52,000 from Hydroelectric Fund. The bid results are as follows:

1. Prospect Hill Construction – Total Bid Amount \$45,460.00
2. K.A. Stevens – Total Bid Amount \$59,250.00
3. Jancewicz & Son – Total Bid Amount \$78,109.00

We are responsible for the installation of the garage door and shelving which will bring us very close to the approved amount of \$52,000.

●Scott Hazelton will likely be pulling the road posting after Wednesday’s rain event for all of the paved roads and on Monday for the gravel roads.

●The Bradford Road Bridge will be closed on May 14th through roughly June 29th. The digital message board will be up there the first week in May and the closing has been advertised in four newspapers and under the Police and Town’s News and Announcements.

PUBLIC COMMENTS:

- Chris Whitehouse asked Scott Hazelton if there had been any complaints about the traffic lights on Route 11, Scott Hazelton replied that he and the police have received multiple complaints. The process for complaints is to contact the State Contract Administrator, who will talk to the Contractor, which is what the Town departments have been doing. The last time Scott Hazelton spoke with the State Contract Administrator they were going to retime the lights and they still are not working correctly in Scott Hazelton's opinion.
- Minnette Sweeney said she was speaking as a resident and she just wanted to say she has voted for everyone on the Board and she did because she feels each and every one of them bring something valuable to the Board. She feels Selectman Gallup knows the Town Government from way back, Selectman Augustine asks the questions, Chairman Trow does a great job, Selectman Gottling brings her state and county knowledge, and Selectman Hastings is the voice of reason. Minnette Sweeney supports the Town Manager, all the town staff and any resident who expresses their opinion. Right now, there is controversy, but she would like to see any issues worked out with conversations, information and education. She does not want to see anyone censured and doesn't think the voters want to see that either. Minnette Sweeney would like things worked out in a friendly way.
- Spec Bowers wanted to comment on the "Right to Know" law, which he is sure the Town is following the letter of the law. He wants the Town to go beyond the letter of the law and look at the spirit of the law. The idea of the "Right to Know" law is that the public should know when something significant is going to happen so they have time to comment before the meeting or at the meeting. The reason why he is bringing this up is at the last meeting there was a motion that was tabled and is not on tonight's agenda. So basically no one in town knows that you might take it off the table tonight and the public has not had the opportunity to comment and be here for the motion. Spec Bowers also spoke about another "Right to Know" that has to do with the accused and knowing the evidence against them.

SELECTMEN ACTION

- Motion for Wendall Marsh Project for PH on May 7th and May 21 at 7pm
Motion to hold 2 public hearings for the purchase of Wendall Marsh on May 7th and May 21st with the vote on June 4th by Selectman Gottling, seconded by Selectman Gallup. Unanimous.
- 2018 Anchorage Entertainment License
Motion to sign the 2018 Anchorage Entertainment License by Selectman Hastings, seconded by Selectman Gottling. Unanimous.
- Advisory Budget Reappointments, Mary Hillier & Veronica Hastings Three-Year Term Reappointments will be tabled until next meeting.
- Possible Advisory Budget Candidate, Chris Whitehouse
Discussion on possible alternate to committee. Town Manager asked to investigate.
- Recreation Appointments, Jessica Giberson & Ed Winters Three-Year Term
Motion to appoint Jessica Giberson and Ed Winters to the Recreation Committee for a three-year term by Selectman Gallup, seconded by Selectman Gottling. Unanimous.
- Use of Facilities:
5/27-Indian Cave Landing Owners Assoc., Assoc. Meeting, Safety Services Bldg.

Motion to approve the Use of Facilities from the Indian Cave Landing Owners Association to use the Safety Services Building on May 27th pending Chief Ruggles sign-off by Selectman Gottling, seconded by Selectman Gallup. Unanimous.

8/19-Lake Sunapee Protective Assoc., Antique Boat Parade, Sunapee Harbor

Motion to approve the Use of Facilities from Lake Sunapee Protective Association to use Sunapee Harbor for the Antique Boat Parade on August 19th pending Chief Ruggles sign-off by Selectman Gallup, seconded by Selectman Hastings. Unanimous.

9/01-Positive Tracks, Bold for Gold 5K Road Race, Sunapee Harbor

Motion to approve the Use of Facilities from Positive Tracks to use Sunapee Harbor for the Bold for Gold 5K Road Race by Selectman Hastings, seconded by Selectman Gottling. Unanimous.

CHAIRMAN'S REPORT

Chairman Trow stated that he and the Town Manager have been working alongside Selectman Augustine to try and come up with guidelines and policies that better suit the Board to insure that the Board doesn't get into these types of situations in the future. They have met twice with at least one more meeting later this week. Chairman Trow will leave it up to the Board with what they want to do with the tabled motions or wait until the next BOS meeting when he, Selectman Augustine and the Town Manager can come back with some proposed guidelines or policies and if to everyone's acceptance, then the Board can move forward and put all of this behind them. After some discussion, Selectman Gallup said as the author of the motions he is willing to allow them to stay tabled until the Board has information back from your mitigations.

TOWN MANAGER REPORTS

•Revenue Summary Report Thru March

Chairman Trow stated that this was something that came up at the last meeting that could be useful. The Town Manager is not here to answer any specific questions, but the item Chairman Trow has on his note is that report is only actual revenue line items if you are comparing the state revenue reports. Nothing after miscellaneous revenue items should be counted. Selectman Augustine said looking at the state statute, the Board is supposed to receive the expenses as well as the receipts every month. This report would satisfy the receipts, but Selectman Augustine does not find the formatting particularly helpful. He would like the estimated yearly revenue broken down monthly. Chairman Trow will have the Town Manager look into it.

•Smart Start Charge on Safety Services Building

Scott Hazelton stated that there was some lighting that was missed, so the Town's vendor had to go back and recount the lights. The contract was revised to reflect the lights that were missed. Chairman Trow said the previous total was \$254.80 per month and the new total is \$271.21.

Motion to authorize the Town Manager to sign the corrected and updated Smart Start Contract by Selectman Gallup, seconded by Selectman Hastings. Unanimous.

Meeting adjourned at 8:19PM

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