

SUNAPEE BOARD OF SELECTMEN
6:30PM Town Meeting Room
Monday, June 12, 2017

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

Chairman Trow opened the meeting at 6:30PM

REVIEW OF ITEMS FOR SIGNATURE:

MOTION TO APPROVE THE FOLLOWING CZC's:

Parcel ID: 0231-0040-0000 127 Pine Ridge Road, Daryl Heino.

Parcel ID: 0124-0002-0000 37 Ryder Corner Road, Barry & Patricia Shea.

Parcel ID: 0237-0043-0000 63 Jeffrey Road, Wilfred & Rita Deschenes.

Parcel ID: 0233-0013-0000 524 Stagecoach Road, V-OZ Asset Management.

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Parcel ID: 0209-0032-0000 22 Twin Birch Lane, Michael & Susan Butler.

Parcel ID: 0128-0052-0000 26 Garnet Street, Richard Osborne.

By Selectman Hastings, seconded by Selectman Gallup. Unanimous.

MOTION TO APPROVE THE FOLLOWING PERMIT TO EXCAVATE:

Parcel ID: 0129-0076-0000 546 Route 11, J & F Realty Partnership

By Selectman Gallup, seconded by Selectman Gottling. Unanimous.

MOTION TO APPROVE THE FOLLOWING DRIVEWAY PERMIT:

Parcel ID: 0225-0070-0000 21 Riverside Drive, Kimberly Pritula

By Selectman Gottling, seconded by Selectman Hastings. Unanimous.

APPOINTMENTS

•6:40PM Scott Hazelton- Update on Road Damage Costs

The following is a memorandum from Scott Hazelton to Donna Nashawaty, dated June 8th regarding the revised estimated costs and/or actual cost options to restore each road that was damaged on Wednesday, May 31, 2017, and are based on final damage assessments and measurements:

NORTH ROAD: EXCAVATION, GRAVELS & DRAINAGE RESTORATION COSTS

1. Contractor's Cost (Contractor's, Water & Sewer Department & Mutual Aid):
Original Estimated Cost = \$12,000 Actual Cost to Date = \$6,913
Revised Estimated Cost = \$10,000 (Actual cost + additional cost)
2. Aggregate Materials:
Original Estimated Cost = \$83,020 Actual Cost to Date = \$11,790
Revised Estimated Cost = \$15,000 (Actual cost + additional cost)
3. Drainage Materials:
Original Estimated Cost = \$2,387 Actual Cost to Date = \$0
Revised Estimated Cost = \$3,130 (Actual cost + additional cost)

NORTH ROAD: SURFACE RESTORATION OPTIONS & COSTS (2,700 linear-feet from the NHEC substation to the intersection of Sunapee Heights)

1. Pavement Grinding (by GMI Asphalt Inc.):
Estimated Cost = \$18,720
2. Pavement Patching (by GMI Asphalt Inc. with prep work by Highway Department):
Original Estimated Cost = \$76,435
Revised Estimated Cost = \$22,250

3. 1" Pavement Overlay (by GMI Asphalt Inc.):
Original Estimated Cost = \$30,650
Revised Estimated Cost = \$27,700
4. 3" of New Pavement (by GMI Asphalt Inc.):
Estimated Cost = \$71,500

NORTH ROAD: SUMMARY OF SURFACE RESTORATION COST OPTIONS

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|--|-----------|
| 1. Estimated cost to grind and restore North Road to a gravel surface: | \$46,850 |
| 2. Estimated cost to restore North Road with pavement patches: | \$50,850 |
| 3. Estimated cost to restore North Road with pavement patches & 1" overlay: | \$78,080 |
| 4. Estimated cost to remove existing pavement and to construct 3" new pavement: | \$99,630 |
| 5. Estimated cost to grind the existing pavement and to construct 3" new pavement: | \$119,340 |

RYDER CORNER ROAD: EXCAVATION, GRAVELS & DRAINAGE RESTORATION COSTS

1. Contractor's Cost (Contractor's, Water & Sewer Department & Mutual Aid):
Original Estimated Cost = \$13,200 Actual Cost to Date = \$4,365
Revised Estimated Cost = \$8,000 (Actual cost + additional cost)
2. Aggregate Materials:
Original Estimated Cost = \$102,488.75 Actual Cost to Date = \$15,950
Revised Estimated Cost = \$19,000 (Actual cost + additional cost)
3. Drainage Materials:
Original Estimated Cost = \$13,438.80 Actual Cost to Date = \$0
Revised Estimated Cost = \$15,000 (Actual cost + additional cost)

RYDER CORNER ROAD: SURFACE RESTORATION OPTIONS & COSTS (3,000 linear-feet from the intersection of North Road to Piney Point Road)

1. Paving Grinding (by GMI Asphalt Inc.):
Estimated Cost = \$18,400
2. Pavement Patching (by GMI Asphalt Inc. with prep work by Highway Department):
Original Estimated Cost = \$68,361
Revised Estimated Cost = \$17,000 (\$16,000 machine method + \$1,000 hand method)
Note: The estimated cost to install pavement patches with grader is approximately \$18,100
3. 1" Pavement Overlay (by GMI Asphalt Inc.):
Original Estimated Cost = \$18,451.30
Revised Estimated Cost = \$28,200
4. 3" of New Pavement (by GMI Asphalt Inc.):
Estimated Cost = \$79,500

RYDER CORNER ROAD: SUMMARY OF SURFACE RESTORATION COST OPTIONS

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|---|-----------|
| 1. Estimated cost to grind and restore Ryder Corner Road to a gravel surface = | \$60,400 |
| 2. Estimated cost to restore Ryder Corner Road with pavement patches = | \$59,000 |
| 3. Estimated cost to restore Ryder Corner Road with patches & 1" overlay = | \$87,200 |
| 4. Estimated cost to remove existing pavement and to construct 3" new pavement = | \$121,500 |
| 5. Estimated cost to grind the existing pavement and to construct 3" new pavement = | \$139,900 |

PERKINS POND ROAD: EXCAVATION, GRAVELS & DRAINAGE RESTORATION COSTS

1. Contractor's Cost:
Original Estimated Cost = \$14,800 Actual Cost to Date = \$3,225
Revised Estimated Cost = \$5,000 (Actual cost + additional cost)
2. Aggregate Materials:
Original Estimated Cost = \$102,488.75 Actual Cost to Date = \$7,435
Revised Estimated Cost = \$10,000 (Actual cost + additional cost)
3. Drainage Materials:
Original Estimated Cost = \$13,040.10 Actual Cost to Date = \$0
Revised Estimated Cost = \$15,000 (Actual cost + additional cost)

PERKINS POND ROAD: SURFACE RESTORATION OPTIONS & COSTS (2,700 linear-feet from the intersection of North Road to the Perkins Pond Road boat launch)

1. Paving Grinding (by GMI Asphalt Inc.):
Estimated Cost = \$16,560
2. Pavement Patching (by GMI Asphalt Inc. with prep work by Highway Department):
Original Estimated Cost = \$68,361
Revised Estimated Cost = \$6,500
Note: The estimated cost to install pavement patches by Highway Department is \$4,500
3. 1" Pavement Overlay (by GMI Asphalt Inc.):
Original Estimated Cost = \$16,551
Revised Estimated Cost = \$27,600
4. 3" of New Pavement (by GMI Asphalt Inc.):
Estimated Cost = \$79,500
Revised Estimate Cost = \$71,500

PERKINS POND ROAD: SUMMARY OF SURFACE RESTORATION COST OPTIONS

1. Estimated cost to grind and restore Perkins Pond Road to a gravel surface: \$46,560
2. Estimated cost to restore Perkins Pond Road with pavement patches: \$36,500
3. Estimated cost to restore Perkins Pond Road with patches & 1" overlay: \$62,100
4. Estimated cost to remove existing pavement and to construct 3" new pavement: \$101,500
5. Estimated cost to grind the existing pavement and to construct 3" new pavement: \$118,060

ROADWAY RESTORATION RECOMMENDATIONS & COSTS: The following summary of work and recommendations for the repair and restoration of North Road, Ryder Corner Road, and Perkins Pond Road are provided for your consideration:

1. North Road: North Road washouts have been excavated and box cut to establish a stable roadway subbase. The excavations were brought back up to subgrade (filled) using 3" dense graded aggregate capped with 3/4" hardpak and compacted. An existing 48" diameter culvert pipe will be replaced, and two other pipes will be cleaned prior to restoring the roadway surface. The majority of the existing underground drainage system is functioning correctly and does not need to be replaced. Surface restoration of the road should include grinding (reclaiming) the existing asphalt with the addition of 1 1/2" crushed ledge, regrading the roadway, and re-paving the roadway with a 3" thickness of new pavement.
Total Estimated Cost to repair North Road is \$119,340.
2. Ryder Corner Road: Ryder Corner Road washouts have been excavated and box cut to establish a stable roadway subbase. The excavations were brought back up to subgrade (filled) using 3" dense graded aggregate capped with 3/4" hardpak and compacted. The roadway underdrain will need to be reconstructed, and two existing culvert pipes will be replaced. Surface restoration of the road should include grinding (reclaiming) the existing asphalt with the addition of 1 1/2" crushed ledge, regrading the roadway, and re-paving the roadway with a 3" thickness of new pavement.
Total Estimated Cost to repair Ryder Corner Road is \$139,900.
3. Perkins Pond Road: Perkins Pond Road washouts have been excavated and box cut to establish a stable roadway subbase. The excavations were brought back up to subgrade (filled) using 3" dense graded aggregate capped with 3/4" hardpak and compacted. The roadway underdrain will need to be reconstructed, and two existing culvert pipes will be replaced. Surface restoration should include installing pavement patches in the washed-out areas.

The Total Estimated cost to repair Perkins Pond Road is \$36,500.

ROADWAY RESTORATION COST SUMMARY

Total Estimated Cost to repair all three roads is \$295,740.

10% Estimated Construction Contingency is \$29,574

Total Estimated Repair Cost is \$325,314

Note: *The above total estimated costs do not include Highway Department labor and fuel costs.

*Total Actual Cost of Repairs to Date is \$49,678, and will be paid from roadway paving line item which has an estimated remaining balance (with one pending invoice) of \$60,000.

**Total Estimated Cost to Repair Other Roadway Washouts is \$20,000

After some discussion, a motion was made to set the public hearing for June 26th at 7:00PM to ask Dept. Of Revenue (DRA) to set aside from fund balance for this road restoration project by Chairman Trow, seconded by Selectman Hastings. Unanimous.

7:15PM Fire Engineers & Fire Department Petitioners

At the March 23rd Board of Selectmen (BOS) meeting the Board asked the Town Manager to schedule the Fire Engineers and the Fire Department Petitioners for a future BOS meeting to discuss Warrant Articles that were on the March 2017 ballot. Donna Nashawaty sent an email to both groups for dates they would be able to meet with the BOS, both agreed to come to tonight's meeting. Chairman Trow suggested starting with the Petitioners regarding the reasoning for the Warrant Articles. The Petitioners were represented by Steve Marshall, John Galloway, and Brad Palmer. Steve Marshall wanted to start off by saying this was not a personal problem with the Engineers as people. It's a process problem, with the way the form of government is. For the record, since this process was started back in November the Engineers kept it separate from the personalities, friendships, and working together, and they want to publicly thank them.

The Petitioners feel that the current Board of Engineers government, while it was a good form of government in 1903 when it started, isn't efficient now and is just another layer of government, governing a Town agency. They feel the way the Board operates now is a conflict of interest with the Town policy. The policy says very clearly that a Department Head cannot make decisions regarding payroll, policies, procedures, and assignments for members of their own family. Each one of the current Board of Engineers has at least one family member on the Fire Department. The Engineers are making payroll decisions, policies decisions and to a degree assignment positions.

Sometimes it's hard to tell who we are getting our instructions from. Are they an Engineer or the Chief or Deputy Chief? They think it's a great department that could do better with a streamlined process. The Petitioners feel reporting to one Board, the Board of Selectmen, just like all the other Town Departments is smoother, cleaner and more efficient. Donna Nashawaty stated that the Board had the (2) Petitioned Warrant Articles in front of them that appeared on the ballot. One of the things that occurred when the Fire Department was looking at its structure and some of the history. The following is the RSA that pertains to the Fire Department organization.

154:1 Organization. –

I. All town and city fire departments, and fire departments of village districts or precincts organized pursuant to RSA 52:1, I(a), shall be organized according to one of the following forms, chosen by vote of the local legislative body:

(a) A fire chief appointed by the local governing body, or by the town or city manager, if any, with firefighters appointed by the fire chief;

(b) A fire chief appointed by the local governing body, or by the town or city manager, if any, with firefighters appointed by the local governing body or manager, upon recommendation of the fire chief;

(c) A fire chief elected by the local legislative body pursuant to RSA 669:17, with firefighters appointed by the fire chief;

(d) Firewards of any number, as determined by the local legislative body, either elected pursuant to RSA 669:17 or appointed by the local governing body, with a fire chief appointed by the firewards and firefighters appointed by the fire chief; or

(e) Firewards of any number, as determined by the local legislative body, either elected pursuant to RSA 669:17 or appointed by the local governing body, with a fire chief and firefighters appointed by the firewards.

II. Firefighters may recommend the appointment of any firefighter, fire officer, or fire chief to the appointing authority as provided in subparagraphs I(a) through (e).

III. A municipality may choose a form of fire department organization different from those set forth in paragraph I, including the election of fire chief, fire officers or firefighters, or all such persons, by the firefighters.

IV. A town, city, village district or precinct may, by vote of the local legislative body, change the organization of its fire department from one form to another. For municipalities with a town meeting form of government, such a vote shall be taken under an article inserted by the selectmen or by petition in the warrant for the annual meeting, and the change in form shall not take effect until one year following such vote.

V. Further fire department organizational provisions, including, but not limited to the manner of appointment and promotion of firefighters and officers, may be set forth in a municipal charter or local ordinance, if such provisions conform to this chapter.

VI. Subject to statute, charter, or local ordinance, and subject to such written formal policies or guidelines as may be adopted or approved by the appointing authority, the fire chief shall have the organizational and administrative control of the fire department.

VII. For purposes of this chapter the term "firewards" includes fire engineers and fire commissioners, where applicable.

VIII. The firewards, if any, shall constitute a board, and shall take actions by majority vote. They shall elect a clerk, and may adopt a badge of office.

Donna Nashawaty stated that at some point since 1994, there should have been a Warrant Article describing the form of Fire Department organization. The Petitioners issues would be resolved if one of these forms of organization was chosen and voted on by the legislative body. Mark Scott stated that there was an article to organize and fund a Fire Department in February 1903.

The first Board of Engineers report was in February 1904, which is the organization the Fire Department has followed since its conception. Chairman Trow said there were two things the Board was looking at; the request by the Petitioners to change how the Department is organized and the other was that we could never find where it truly became a Town Department with the organization. Donna Nashawaty replied that she thought the Petitioners tried to choose one of the RSA 154 options. Steve Marshall stated that this petition is basically the 1994 vote that never happened. Selectman Gottling asked what to the Board of Fire Engineers do that's different from the Fire Chiefs. Steve Marshall replied that basically they are the Fire Department's Board of Selectmen or Governing Body. Selectman Gottling asked what would their ideal situation be? Steve Marshall replied that the ideal situation would be that they continue to run the department as a Chief and Deputy Chiefs, but the governing authority would be the Town Manager and the Board of Selectmen.

Chairman Trow invited the Fire Engineers to voice their comments. Chief Ruggles stated that basically after the Fire Engineers found out about the petition they did some digging and since the March Town Meeting have done some research on what towns do, that have Firewards, how they're run,

who the members are, and what the members are. Chief Ruggles contacted 5 different towns that have wards. In Weare the Board consists of 3 members of the Fire Department, 3 citizens-at-large, and the Fire Chief. New Boston has 7 members, which are all members of the Fire Department. One of the members is the Fire Chief. The Chief does not vote on any of the policies. He brings the policies to the Board, who approve the policies and in case of a tie, the Chief is the deciding vote. The Town of Enfield has a 3-member Board, The Town voted that the Chief, Deputy Chief, and Captain cannot be on the Board. New London has a 7-member Board appointed by the Board of Selectmen, and none of the Board members are members of the Fire Department. The Fire Engineers had a meeting the other night and their decision is that they would like to stay as a Board for a little while longer to see if they can come up with the best idea for the Town and the Department. The Municipal Association said that the Chief should not be on the Board. Chief Ruggles stated that he would step down from the Board of Engineers if he remained Chief. The Sunapee Fire Department is run by a set of Bylaws and the other towns are run by policies. Chairman Trow asked if their recommendations are that the Chief would not be on the Board and that the guidelines would go away. Chief Ruggles replied that the Bylaws would be replaced with SOP's (Standard Operating Procedures) and policies. After some discussion, Chairman Trow said that since the Town is trying to get this on the next Warrant, that a follow-up should be set. The following-up meeting will be the first Board of Selectmen's meeting in September at 7:00PM.

4. SELECTMEN ACTION

- Use of Facilities:

07/15-Abbott Library Pancake Breakfast, Safety Services Building.

Motion to approve the Abbott Library Pancake Breakfast by Selectman Gallup, seconded by Selectman Hastings. Unanimous.

07/04-Lake Sunapee Yacht Club Fireworks, Dewey Beach (loading barge)

Motion to approve the Lake Sunapee Yacht Club's use of Dewey Beach for loading the fireworks barge, pending Chief of Police approval by Selectman Gallup, seconded by Selectman Gottling. Unanimous.

- Friends of Abbott Library Raffle Permit

Motion to approve the Friends of Abbott Library Raffle Permit by Selectman Hastings, seconded by Selectman Gallup. Unanimous.

- Lake Sunapee Yacht Club Entertainment License

Motion to approve the Lake Sunapee Yacht Club Entertainment License by Selectman Gallup, seconded by Selectman Hastings. Unanimous.

5. CHAIRMAN'S REPORT

Chairman Gallup was approached by more than one person regarding the camera turning off at 8:00PM before the last meeting was adjourned. Donna Nashawaty replied that it was a special meeting with only one agenda item, the meeting was programmed to start at 6:30PM and end at 8:00PM. Donna Nashawaty replied that we are still working out the bugs.

6. TOWN MANAGER REPORTS

- Seasonal Pay Table

Donna Nashawaty reported that the Beach staff have been hired, but there needs to be some rate changes to the Seasonal Pay Table. **Motion to adopt the suggested pay structure variations**

**for the seasonal workers by Selectman Gallup, seconded by Selectman Gottling.
Unanimous.**

•Sale of Town Property-Dock

Donna Nashawaty stated that the Town has a 12 x 12 swim raft, that has been replaced. The raft has a value between \$300 and \$500? If there are no objections she would like to proceed with a sealed bid. There were no objections.

•Devon Smith

Donna Nashawaty said the Town has a bit of an issue regarding a property the Town took by Tax Deeding. Devon Smith has found a process to pay back the taxes and get her property Back, but the property must be in her name. Donna Nashawaty said the Town doesn't really want the property. They just want the taxes paid. The Town Attorney said this could be done like the Pignataro property. The Town Attorney would help write-up a payment schedule and upon signing the Town would put the deed back in her name. Donna Nashawaty's suggestion would be that in 8 weeks the entire payment would be due. After the closing, the Town would be paid. If this works, she will bring a document to the next meeting for their signature. After some discussion the Board agreed.

•GMI

Scott Hazelton has proposed a three-year contract, with GMI. The contract would hold the price per ton and has an escape clause. Donna Nashawaty wants to have more information before she brings this back to the Board.

•Harassment Training

The Mandatory Employee Harassment Training was done on Wednesday, June 7th in the Town Hall Meeting room.

•Old Abbott Library

Donna Nashawaty met with Becky Rylander and talked a little bit about the changes to the Old Abbott Library building. Donna Nashawaty still has some issues that the Attorney bought up that the Board should discuss at the next meeting.

•Fernwood Point Bid

Donna Nashawaty will have the bid for the next meeting.

•May Monthly

Selectman Augustine asked if at the next meeting the May Monthly Budget Report will be available. Donna Nashawaty will email the report to the Board tomorrow.

Meeting adjourned at 9:16PM

Submitted by,

Barbara Vaughn

Administrative Assistant

Approved: _____

Joshua Trow, Chairman

Suzanne H. Gottling, Vice Chairman

John Augustine

Frederick Gallup

Shane Hastings