

SUNAPEE BOARD OF SELECTMEN
6:30PM Town Office Meeting Room
Tuesday, May 31, 2016

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 APPROV THE FOLLOWING CZC's:

Parcel ID: 0126-0028-0000 84 Garnet Hill Rd. Douglas & Laurie Sanders

Parcel ID: 0127-0035-0001 16 A Overlook at Indian Cave Robert Ruopp

Parcel ID: 0131-0017-0000 110 Lower Main Street Ernest Rowe

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

Parcel ID: 0218-0011-0000 118 North Rd. Deborah Hutchinson

By Selectman Gallup, seconded by Selectman Gottling. Unanimous

MOTION TO APPROV THE FOLLOWING AFTER THE FACT:

Parcel ID: 0218-0011-0000 118 North Rd. Deborah Hutchinson

By Selectman Hastings, seconded by Selectman Gallup Unanimous

MOTION TO APPROV THE FOLLOWING DRIVEWAY PERMIT:

Parcel ID: 0235-0061-0000 Middlebrook Road Helmut Schmidt

By Selectman Gottling, seconded by Selectman Hastings Unanimous

MOTION TO APPROV THE FOLLOWING INTENT TO CUT:

Parcel ID: 0225-0027-0000 Youngs Hill Rd. Rob Gallup 3in Favor Gallup Abstained

Parcel ID: 0225-0028-0000 Youngs Hill Rd. Maryann Henry Unanimous

Parcel ID: 0211-0011-0000 1106 Route 11 Michael Lemieux Unanimous

By Selectman Hastings, seconded by Selectman Gottling

MOTION TO APPROV THE FOLLOWING 2015 ABATEMENT

RECOMMENDATIONS-GRANTED:

Parcel ID: 0128-0046-0000 40 Garnet St. Timothy & Judith Zappala

Parcel ID; 0133-0056-0000 Lave Avenue Shane McMahon

Parcel ID: 0139-0012-0000 60 Rolling Rock Rd. Deborah & Keith Chrisman

Parcel ID: 0148-0006-0000 111 Hamel Rd. Robert Pinato

Parcel ID: 0147-0063-0000 58 Hamel RD. William Spears & Robin MacIlroy

Parcel ID: 0148-0020-0000 94 Hamel Drive Thomas & Kelley Perron

Parcel ID: 0144-0014-0000 20 Heather Way Harlow & Lian Farmer

By Selectman Gallup, seconded by Selectman Hastings Unanimous

MOTION TO APPROV THE FOLLOWING 2015 ABATEMENT

RECOMMENDATIONS-DENIED

Parcel ID: 0148-0035-0000 24 Sunnyside Dr. Richard & Karen Veilleux

Parcel ID: 0148-0017-0000 106 Hamel Rd. Mark & Holly Adamy

Northern NE Telephone (DBA Fairpoint) Poles & Conduit

By Selectman Gottling, seconded by Selectman Gallup Unanimous

MOTION TO APPROVE THE FOLLOWING 2015 ABATEMENT RECOMMENDATIONS-GRANTED:

**Parcel ID: 0136-0010-0000 363 Lake Ave. Roger & Jerena Dik
By Selectman Gottling, seconded by Selectman Gallup Unanimous
MOTION TO APPROV THE FOLLOWING 2015 ABATEMENT RECOMMENDATIONS-GRANTED:**

**Parcel ID: 0109-0012- & 0109-0014-0000 Jobs creek Rd. & Route 11
Mark & Diane Goldman by Selectman Gallup, seconded by
Selectman Hastings Unanimous**

MOTION TO INSTRUCT THE TOWN MANAGER TO DRAW UP THE PAPERWORK TO ABATE 1/2 OF THE APPROPRIATE AMOUNT ON THE FOLLOWING 2012, 2013 & 2014 ABATEMENTS:

**Parcel ID: 0109-0012- & 0109-0014-0000 Jobs creek Rd. & Route 11
Mark & Diane Goldman by Selectman Augustine, seconded by Selectman
Gottling Unanimous**

MOTION TO APPROVE THE FOLLOWING 2015 ABATEMENT RECOMMENDATIONS-NO ACTION

**Parcel ID: 0128-0030-0000 92 Garnet St. Richard & Elizabeth Katz Revocable Trust
By Selectman Gottling, seconded by Selectman Hastings Unanimous**

APPOINTMENTS

7:00PM-Chief Cahill, Ruger Firearms

Chief Cahill wanted to publically thank and present Ruger Firearms with a plaque and personal pen sets for their continuing support to the Town of Sunapee.

7:10PM-Riverway/Mike Durfor/Scott Hazelton: Harbor House Livery Clock (HHL)

Scott Hazelton stated that when the repairs to the HHL clock were completed last year the clock worked for a little bit, but when they went to set it to daylight savings time it stopped working. It was a component that was not repaired by D'Avanza Clock Repair that broke and he didn't warranty that item because he didn't need to touch that item. D'Avanza has submitted a proposal to repair the time portion of clock mechanism. The cost is \$1,850 and he will warranty the operation of the clock for one year. Scott Hazelton recommends the repair so the Town can turn the clock over to the Riverway in working condition, which was the original agreement. Mike Durfor requested that the warranty be signed over to the Riverway, so it is clear that the Riverway owns the clock and the warranty. Chairman Trow stated that the money will come out of the HHL Capital Reserve Fund that was set-up for maintenance and repairs to the HHL. **Motion to expend \$1,850 out of the remaining money in the Harbor House Livery Capital Reserve Fund to finish the repair on the clock and get it to the point that it is functioning and has a warranty, so it is turned over to the Riverway in proper working order and turning over the warranty to the Riverway by Selectman Gallup, seconded by Selectman Gottling. 4 in favor Augustine Opposed**

7:25PM- Scott Hazelton -discuss the result of the Highway Safety Committee's meeting pertaining to Class VI Roads

Scott Hazelton gave the Board an excerpt from a manual, A Hard Road to Travel, which is guidance manual that is put out by NHMA for Road Agents, Highway Directors, etc. on how roads are classified, maintained and the laws pertaining to road maintenance. Last fall, the Highway Safety Committee had a meeting to discuss the Class VI roads in Sunapee. At that meeting, the committee recommended that gates and bars were installed on a couple of roads that have seen quite a bit of use and have received a fair amount of damage by motor vehicles traveling on them. One is the end of Sleeper Road and the other one is the edge of Ledge Pond Road. Scott Hazelton read the RSA's pertaining to Class VI roads. His proposal would be to put a swing gate up, similar to a couple different private road locations, it would be left unlocked. The cost would be roughly \$1,500 per gate, but if the Town can get ahold of the steel and do it in-house it would be cheaper. Selectman Gallup suggested putting one gate up to see how it works and Scott Hazelton agreed he could put one gate up for a trial period. Scott Hazelton will talk to the Highway Safety Committee about putting up a sign stating no vehicular travel between November 1st and April 1st.

7:45PM - Sunapee Historical Society

Becky Rylander, Chairman of the Historical Society stated that the Historical Society is very interested in buying the old Abbott Library. Now that the BOS are free to entertain proposals, Becky Rylander is here to present their proposal tonight. The Historical Society has updated their business plan and drafted a Memorandum of Understanding (MOU) to guide purchase and lease negotiations. Donna Nashawaty will email the MOU and business plan to the Board for their review. Donna Nashawaty stated that now that the Cy-pres has been approved, the Town has thirty (30) days to hire a Commercial Realtor, determine the restrictive covenants and determine the list price and any other terms. Chairman Trow said at the next meeting the Board will work on the deed restrictions and pick the potential Commercial Realtor.

PUBLIC COMMENTS

- Donna Gazelle said on behalf of Sunapee Heritage Alliance she would like to thank the Town Manager, Town Clerk and Highway Employees for helping to clean out the Harbor House Livery Building on May 2nd.

- John Brandolini received a letter from the Town Manager on behalf of the Board of Selectmen (BOS) and has no idea what the letter means. Is he fired or not fired, he would like clarification. John Brandolini read the letter to the Board. The letter has the exact words from the May 2nd meeting minutes. Chairman Trow replied that the intent of the letter was to thank the current members in a nice way and tell them the committee will be reorganized this year. John Brandolini asked if there were any town guidelines that give the Board of Selectmen or Town Manager the authority to fire the members before their three (3) year term is up. Chairman Trow believes that as a subcommittee of the BOS it is their prerogative to bring on or remove members as they see fit. John Brandolini was upset that the BOS talked about the BAC at their May 2nd meeting and didn't invite the current BAC members to participate.

John Brandolini feels if a BAC committee member says anything controversial or bring up issues the BOS doesn't like, then they could get fire. Chairman Trow replied it is not that the issues or discussions were contentious, but rather that the entire operation felt adversarial and for whatever reasons, it felt not as a discussion or group effort, but adversarial. Chairman Trow said that the Board's intent at the next meeting is to revisit the BAC guidelines and he feels there is nothing to prohibit anyone for reapplying to the committee. Chairman Trow said it was adversarial, the Board is just going to start over and see where we go from there.

John Brandolini replied that the May 2nd meeting minutes stated that the BOS wanted to change the demographics and don't want "lake" people. Selectman Gallup replied that the Board is attempting to get representation from the entire town, instead of one small portion, four (4) of the five (5) BAC members live on the lake. Chairman Trow stated the BAC guidelines will be discussed at the next meeting.

- Selectman Augustine excused himself from the table to speak as John Augustine, a member of the public and taxpayer. John Augustine asked if the Board envisions changing any other membership structure of any other committee. John Augustine read a paragraph from the Town of Sunapee Ethical Principles regarding fair and equal treatment and thought the Board should talk to an expert before making a decision to see that the Board was not violating the Ethical Principles regarding the demographic requirement. Chairman Trow replied that this would go before Town Counsel if the Board is adjusting the guidelines of the committee.

- John Augustine, a member of the public and taxpayer, stated that on May 17th Town Counsel came and spoke to a group of Officials and Board members regarding the Right-to-Know (RTK) law. At that session a question was asked about the situation at the Deliberative Session, where a resident was told that their comments were inappropriate and out of order and John Augustine reported the Town Counsel said it was not handled correctly. So given that, would the Board consider issuing a statement that says the town welcomes comments from all qualified people to speak going forward. Chairman Trow replied that after the Deliberative session, the town got legal counsel and the response at that point was that once the public agreed with the Moderator that that was the end of the discussion, it's the Moderator's meeting. Donna Nashawaty stated that that was upheld by the Town Attorney at the RTK session, John Brandolini replied no, that the Town Attorney said it was handled incorrectly. John Brandolini said the Town Attorney said the Moderator should not have cut him off and once he did the public can say sit down, but John Brandolini also said that the Town Attorney at the RTK session said it was handled improperly by the Moderator. Donna Nashawaty replied that the Town Attorney said the corrective fix was that the floor had to override the Moderator in order for the person to continue to speak. Donna Nashawaty read RSA 40:4 "I. The moderator shall preside in the town meetings, regulate the business thereof, decide questions of order, and make a public declaration of every vote passed, and may prescribe rules of proceeding; but such rules may be altered by the town."

John Brandolini asked Donna Nashawaty if she agreed that the Town Attorney said it was handled incorrectly at the RTK Session. Donna Nashawaty replied that the Town Attorney answered John Brandolini, because the question was worded out of content, as the Town Attorney further went on she said that's not illegal, John Brandolini then said the Town Attorney said it could have been handled better. Selectman Gallup said there's a difference between it could have been handled better and it was handled incorrectly.

SELECTMEN ACTION

•Use of Facilities:

Motion to approve use of facilities from Sunapee Cove to use Dewey Beach for a Picnic on Thursday, June 2nd by Selectman Gallup, seconded by Selectman Hastings. Unanimous

Motion to approve use of facilities from Abbott Library Foundation to use Abbott Library on July 14th for the Annual Gala Fund Raiser by Selectman Gottling, seconded by Selectman Hastings Unanimous

Motion to approve use of facilities from Lake Sunapee Rowing Club to use Georges Mills Harbor on various dates contingent on twelve (12) parking spaces being available at Fletcher's property, also to be revisited by Board if property sells before rowing season is over by Selectman Gottling, seconded by Selectman Gallup Unanimous.

•Seasonal Building Custodian Position

Scott Hazelton stated that this position was talked about at the last meeting and at this Point, the position has not been filled. Scott Hazelton has come up with a way to fulfill some of the duties of the position with one of the Seasonal Part-Time Laborers at the Transfer Station. This person will be able to do the trash duties, at both locations, on Friday, Saturday and Sunday and still do his Transfer Station duties. With this change to the part-time Seasonal Janitor position, the position will not have to use a town truck, access the Highway Garage or need keys to the Transfer Station. The position has been restructured and renamed and Scott Hazelton would like the Board's approval on the job description. **Motion to accept the amended Part-Time Seasonal Janitor as presented by Selectman Hastings, seconded by Selectman Gallup. Unanimous**

•Cy-Pres Approval

Donna Nashawaty will email the Board the library documents to review for the next meeting.

CHAIRMAN REPORT

•Chairman Trow received an email today and as of today, he is the prospective Vice-Chairman of the Upper Valley Regional Planning Commission for the coming year. Chairman Trow wanted to address an email that was sent out saying there was intentional incompleteness of minutes and agendas by staff. It would not have been quite as much of an issue had it simply been the Board and asked to discuss at next meeting, but it included members of the public. Chairman Trow wanted to be clear regarding issues involving the staff, the actual staff should go through Donna Nashawaty and if it involves Donna Nashawaty it should go through this Board internally.

•Selectman Gottling feels nothing has ever been done with bad intentions, with public communication and she would like to be on the record that our staff a really good job and once in a while some really hard issues come up and things may not happen when we want them too. After some discussion regarding when the agenda for the meeting should be posted Selectman Augustine made the following motion. **Motion that if there's going to be an email blast for the agenda that it happens consistently on Thursday morning prior to the meeting day by Selectman Augustine, seconded by Chairman Trow. 1 in Favor 3 Opposed 1 Abstained**

•Selectman Augustine asked when the Board would be discussing and finalizing the BAC guidelines. Chairman Trow replied the guidelines will be addressed at the June 13th meeting.

TOWN MANAGER REPORTS

•Donna Nashawaty reported that Primex has come back with a quote of \$69,229 for the year and if the town implements a self-participation and some policies another \$2,000. In addition, it will reduce the town's workers' compensation. The amount budgeted was \$73,724. Primex has a "prime" program that is ten (10) steps. Donna Nashawaty will work to get this discount. Primex has an annual renewal (calendar year), instead of a fiscal renewal and Donna Nashawaty recommends that we do this and in doing so, we won't have spent \$35,000 in 2016. **Motion starting July 1, 2016 that the Town goes with Primex for a six (6) month period and for 2017 go with the calendar year by Selectman Trow, seconded by Selectman Gottling. Unanimous**

•Right-to Know Information Request Policy

Donna Nashawaty presented the Right-to Know Information Request Policy to the Board for a motion to adopt policy. **Motion to adopt the Right-to Know Information Request Policy as presented by Selectman Gallup, seconded by Selectman Hastings. Unanimous**

•**Non-Public RSA 91-A: 3, II (a) Dismissal, promotion or setting compensation 10:20PM-A motion was made by Selectman Gallup to go into non-public session Under RSA 91-A: 3, II (a) dismissal, promotion or setting compensation. The motion was seconded by Selectman Gottling and Roll Call vote approved Unanimous. 10:50PM-The Board returned from non-public session. A motion was made to seal the minutes by Selectman Gottling, seconded by Selectman Hastings.**

Meeting adjourned at 10:51PM

Submitted by,

Barbara Vaughn

Administrative Assistant

Approved: _____

Joshua Trow, Chairman

Suzanne H. Gottling, Vice Chairman

John Augustine

Frederick Gallup

Shane Hastings