

SUNAPEE BOARD OF SELECTMEN
6:30PM Town Office Meeting Room
Monday, August 17, 2015

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

Absent: Emma Smith

Also Present: See Sign-in Sheet

Chairman Trow opened the meeting at 6:30PM

REVIEW OF ITEMS FOR SIGNATURE:

Motion to approve the following CZC's:

Parcel ID: 0128-0021-0000 35 Garnet Street Michael & Julie Foley

Parcel ID: 0234-0021-0000 85 Hansen Chase Rd. Michael & Erin Terry

Parcel ID: 0235-0038-0000 12 Ridge Road Mark & Karren Vantzelfde

Parcel ID: 0138-0021-0000 73 Winn Hill Rd. Ronald & Susan Garceau

Parcel ID: 0211-0007-0000 16 Trow Hill Rd. Monica Rooney

Parcel ID: 0104-0002-0000 1036 Main St. GM John A. Kendall

Parcel ID: 0113-0033-0000 10 Ridgewood Point Rd. Robert Krieger

Parcel ID: 0131-0018-0000 100 Lower Main Henry L Kellner Trust

Parcel ID: 0118-0017-0000 42 Marys Rd. Jeanne Jaffe

Parcel ID: 0106-0048-0000 746 Jobs Creek Charles McMonagle

By Selectman Gallup, seconded by Selectman Gottling. Unanimous

Motion to approve the following AFTER THE FACT:

Parcel ID: 0128-0021-0000 35 Garnet Street Michael & Julie Foley

Parcel ID: 0131-0018-0000 100 Lower Main Henry L Kellner Trust

By Selectman Gallup, seconded by Selectman Gottling. Unanimous

Motion to approve the following SIGN PERMIT:

Parcel ID: 0211-0007-0000 16 Trow Hill Road Monica Rooney

By Selectman Gallup, seconded by Selectman Gottling. Unanimous

Motion to approve the following DEMO PERMIT:

Parcel ID: 0138-0048-0000 102 Edgemont Road Dwight & Helene Churchill

Parcel ID: 0103-0013-0000 66 Oak Ridge Road Gisela Polleys

By Selectman Gallup, seconded by Selectman Gottling. Unanimous

Motion to approve the following LAND DISTURBANCE BOND:

Parcel ID: 0103-0013-0000 66 Oak Ridge Road Gisela Polleys

Parcel ID: 0125-0005-0000 78 Jobs Creek Rd. Cosmos Alliance (Parillo)

Parcel ID: 0118-0017-0000 42 Marys Rd. Jeanne Jaffe

By Selectman Gallup, seconded by Selectman Gottling. Unanimous

Motion to approve the following DRIVEWAY PERMIT

Parcel ID: 0125-0005-0000 78 Jobs Creek Cosmos Alliance (Parillo)

By Selectman Gallup, seconded by Selectman Gottling. Unanimous

Motion to approve the following PROPERTY LIEN DISCHARGE:

Parcel ID: 0225-0043-0000 17 Paradise Road Stacy O'Mara

By Selectman Gallup, seconded by Selectman Augustine. Unanimous

6:45PM-PERKINS POND LOAN CLOSING DOCUMENTS

- Motion to approve the Resolution of Governing Board by Selectman Gallup, seconded by Selectman Gottling. Unanimous**
- Motion to approve the Signature and No Litigation Certificate with Receipt by Selectman Gallup, seconded by Selectman Gottling. Unanimous**
- Motion to approve the No Arbitrage and Tax Certificate by Selectman Gallup, seconded by Selectman Gottling. Unanimous**
- Motion to authorize Chairman Trow to sign the IRS Form 8038-G by Selectman Gallup, seconded by Selectman Gottling. Unanimous**
- Motion to authorize Chairman Trow to sign the certification to be executed at loan closing by Selectman Gallup, seconded by Selectman Gottling. Unanimous.**

APPOINTMENTS

7:00PM-Harbor House Livery Public Hearing

Chairman Trow opened the first of two public hearings on the potential sale of the Harbor House Livery (HHL) at 7:04PM. Mike Durfor, Chairman of the Harbor House Livery Committee did a slide presentation on the history of the HHL. Points made at public hearing:

- Better Future Alliance asks the BOS to vote to exercise the option to purchase HHL**
- Purchaser will be the Sunapee Harbor Riverway Corporation**
- Covenants were discussed that considered the following:**

Clock inside the cupola-covenant that the historic 1927 clock and cupola be preserved and maintained, and both the chime and the clockworks be kept in proper working order.

Horse ramp-the horse ramp is to be preserved and displayed as a piece of history, else the ramp to be removed in one piece and transmitted to the Sunapee Historical Society to be permanently displayed.

Front barn doors-to be incorporated into the use of the building.

Community use- the owner is required to provide for public access and community use of the building.

Thrift Shop-to have an 18 month lease from date of sale, continuing to pay for heat and electricity

Easement for Riverwalk, covered bridge and dam in deed.

Tax Stamps would be on \$1.00 sales amount. As of April 2015 was a town-owned property, (no 2015 taxes). Riverway would be responsible for 2016 full tax year.

41:14-a is statute for sale of town property and procedure being followed.

Recommended by Conservation Commission on August 5th and the Planning Board on August 6th.

The following were some of the comments from the public: couldn't believe the Town was selling the building for \$1.00 to the Riverway and didn't think the Town should fix the clock and repair the cupola before the sale.

Chairman Trow closed the public hearing at 8:47PM

PUBLIC COMMENTS

•Don Bettencourt stated that three weeks ago, for the first time that he can remember, if you got here by 6:45PM, you always could get in on public comments and was surprised because they happened before 6:45PM.

Mr. Bettencourt wondered if the Board would consider the School Board meeting format that starts with several items, before opening the public forum, at 7:00PM. The format is pretty predictable and at the end of the meeting there is another opportunity for the public to comment.

SELECTMEN ACTION

•The Board received a letter from Doug Gamsby, who is resigning as the Town Health Officer. Chairman Trow asked the Town Manager to send a thank you to Doug Gamsby for his years of excellent service to the town.

•**Motion to appoint Joseph Furlong as a full-time member and Tracy Nangeroni as an alternate to the Recreation Committee by Selectman Gallup, seconded by Selectman Augustine. Unanimous**

CHAIRMAN'S REPORT

•Chairman Trow wanted to set-up suggested guidelines regarding Board of Selectmen (BOS) Members sending out emails to other Board members. Anything that has to do With interpretation, discussion or questions should either come to the Town Manager to be put on the agenda or brought to the meeting. Donna Nashawaty will have the following disclaimer on all emails sent to the Board: "I am forwarding this e-mail to the Board of Selectmen for your information, and by doing so it becomes a public document. your reply, if you deem one necessary should not be a directive and should come only to me; otherwise, that would also be a public document and could constitute an illegal meeting in violation of RSA 91-A. If you believe this e-mail needs discussion as a group, then please let me know and I will talk to the chair about putting this subject on the next meeting agenda." Chairman Trow said that if a member of the BOS receives an input from a member of the community addressed with a BOS item, it should be forwarded to the Town Manager, who would either sent it to the Board or out on the agenda. It needs to fit the communication definition. If you come across a piece of information, such as a financial report from someone, that financial report can be shared, but the interpretation of that report is considered communication, which should not be by email that should be at a meeting. Any business must be conducted in a public meeting.

•Selectman Augustine thinks the Board should talk about what they want to accomplish at the next HHL public hearing on August 31st, specifically a discussion on the covenants. There is a proposed list, but Selectman Augustine feels as a group, they have not discussed those covenants, particularly after the comments and concerns that were voiced regarding the clock. In addition, if the public access and public meeting room are a key part of the deal, he would ask that the meeting room be included in phrase one construction. Chairman Trow thought there was some questions on what the phrases were in his mind and that his understanding was that phrase one was the main building and phrase two was the auxiliary buildings. Selectman Augustine thinks within the main building, they are thinking about phases.

Selectman Augustine wants to know what the Board wants to achieve on August 31st, which will be their last opportunity before we take the vote on September 8th. Donna Nashawaty said the Board would vote on the 8th, but would still have an opportunity change the language, as long as the concept was disclosed as part of the vote.

Donna Nashawaty stated that one of the things done at tonight's public hearing and at the August 31st hearing will be to say the list of possible covenants for the clock inside the cupola, the horse ramp, the front doors, the easement for the Riverwalk and public access and community use of the building, which is defined as either dedicated physical space within the building or program offerings to the general public. It does not say it absolutely has to have a community room. Selectman Augustine doesn't feel like the Board talked about the list of covenants, he feels they heard about them. Chairman Trow said that was fair enough and he doesn't think the Board has discussed, but thinks they were a result of the public input. Donna Nashawaty replied that it was actually a result of the Harbor House Livery Committee charge as they evolved, because they were the ones who came back to the BOS four years ago and said the clock tower, cupola, horse ramp and doors have to be preserved. At the August 31st public hearing Donna Nashawaty will have the draft language from the Town Attorney regarding the covenants in the deed. Chairman Trow said if the Board would like to have a discussion on the covenants, it can be done during the next public hearing. Selectman Gallup feels it's something the Board needs to discuss on their own, outside of the public hearing. Donna Nashawaty suggested the Board could either closed the public hearing and then talk about it as a Board. Selectman Gallup said that the opinions of the public are important, but they aren't as important as the technical end of making decisions like that are, otherwise we wouldn't have the authority to do what we do. Donna Nashawaty will not schedule any other appointments on August 31st until after 9:00PM.

TOWN MANAGER REPORTS

•Donna Nashawaty reviewed the BOS meeting dates for the remainder of 2015 and when the all-day budget session will be held with the Board. The meeting dates are as follows:

September-Tuesday, 8th and Monday 21st

October-Monday, 19th

November-Monday, 2nd, Monday 16th and Monday 30th

December-Monday, 14th and Monday, 28th.

The all-day budget session will be on Friday, November 13th

•The Board reviewed the July monthly budget update. Selectman Augustine compared the 2015 remaining percentage amount to the 2014 percentage amount and asked the Town Manager if she had any concerns, she reply she did not.

•Donna Nashawaty wanted to make the Board aware of the lawsuit involving Dustin Aldrich and the Zoning Board of Adjustment. One of the pieces that has fallen into place with all the zoning appeals has been that the Town's insurance liability coverage has assigned the Town an attorney, which is pay for by insurance, because they were asking for damages. On his own, after the last appeal, Dustin Aldrich filed another appeal. There are no damages asked for in this appeal. There are two court cases, the one covered by insurance company and then the one that is an appeal of the last denial. Donna

Nashawaty talked with the Town Attorney regarding if it made sense for the Town Attorney to represent the Town in the smaller one or should she approach the other attorney and ask him to represent the Town on both appeals. Ramsmeier & Spellman's hourly charge is the same as the Town Attorney. Donna Nashawaty believes the Town should contract Ramsmeier & Spellman for the additional court case and ask him to combine the two cases. If there are no objections, Donna Nashawaty will go ahead and contract Ramsmeier & Spellman.

Meeting adjourned at 9:56PM
Submitted by,
Barbara Vaughn
Administrative Assistant

Approved: _____

Joshua Trow, Chairman

Suzanne H. Gottling, Vice Chairman

John Augustine

Frederick Gallup

Emma Smith