

SUNAPEE BOARD OF SELECTMEN
6:30PM Town Meeting Room
Monday, June 18, 2018

Present: Chairman Josh Trow, Vice Chairman Suzanne Gottling, 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: 0126-0027-0000 92 Garnet Hill Rd, Lindsay B. Paul Revoc Trust

Parcel ID: 0138-0005-0000 116 Edgemont Rd, Cousens / Peck Revoc Trust

Parcel ID: 0233-0058-0000 216 Bradford Rd, Greer B. Merrill

Parcel ID: 0233-0011-0000 299 Route 103, Richard T. Dow

Parcel ID: 0130-0028-0000 74 North Rd, Public Service of NH (Eversource)

Parcel ID: 0114-0053-0000 101 Fairway Dr, Thomas F & Reiko Seymour

Parcel ID: 0103-0027-0001 101 Oak Ridge Rd, Jonathan Barrett

Parcel ID: 0130-0034-0000 10 North Rd, Sunapee School District

By Selectman Gallup, seconded by Selectman Gottling. Unanimous.

MOTION TO APPROVE THE FOLLOWING DEMO PERMIT:

Parcel ID: 0126-0027-0000 92 Garnet Hill Rd, Lindsay B. Paul Revoc Trust

By Selectman Gottling, seconded by Selectman Hastings. Unanimous.

MOTION TO APPROVE THE FOLLOWING DRIVEWAY PERMIT:

Parcel ID: 0131-0016-0000 116 Lower Main St., Brian Coer

Parcel ID: 0133-0104-0000 25 Maple St, Elizabeth & Peter Hoekstra

By Selectman Hastings, seconded by Selectman Gallup. Unanimous.

MOTION TO APPROVE THE FOLLOWING LAND DISTURBANCE BOND:

Parcel ID: 0131-0016-0000 116 Lower Main St., Brian Coer

Parcel ID: 0126-0027-0000 92 Garnet Hill Rd, Lindsay B. Paul Revoc Trust

By Selectman Gottling, seconded by Selectman Hastings. Unanimous.

MOTION TO APPROVE THE FOLLOWING NTENT TO CUT:

Parcel ID: 0237-0006-0000 Stagecoach Rd, Harding Hill Farm, LLC

By Selectman Hastings, seconded by Selectman Gallup. Unanimous.

APPOINTMENTS

7:00PM-Rocco Pignataro

Donna Nashawaty stated that a letter was sent, as the Board had requested, by regular mail and return receipt to Rocco Pignataro asking him to attend tonight's Board of Selectmen's (BOS) meeting to discuss his missing agreement payments. The Town did not receive the return receipt card back. Chairman Trow said that he assumes there have been no more payments made, Donna Nashawaty replied there have not. Selectman Augustine asked if there had been any phone calls, emails, or any communication from Rocca Pignataro, Donna Nashawaty replied no. Donna Nashawaty said you can not leave him a message because his mailbox is full. Selectman Augustine asked at what point is it appropriate to do a police wellness check on someone who has literally gone off the radar screen. Donna Nashawaty isn't sure that not replying to paying a bill makes a wellness check. Donna Nashawaty could send the Police to deliver the letter.

Selectman Augustine is more concerned about his wellbeing if no one has heard from him. Chairman Trow said Rocco Pignataro came before the Board about 2 months ago and thought he was due some money and would be able to make a payment to the Town. Selectman Gallup asked if it had been 6 months since a payment was made, Donna Nashawaty replied yes, 6 months. Selectman Gallup said it was unfortunate but feels the Town must start the process of taking the house away from him. Selectman Gallup said the Town has been through this multiple times and thinks the Town has given him plenty of opportunity to judicate the situation. The lack of communication is troubling and thinks coming up with something to show good faith is better than not seeing anything. Hopefully starting the proceedings might rekindle Rocco Pignataro's enthusiasm to get this cleaned up. Chairman Trow said that he knows the Town doesn't really want to be a landowner, but the Town has been more than gracious with the amount of time and allowances made in this whole process. Chairman Trow would agree it's time to start the process and would look to the Board for their opinions. Selectman Gottling said the Board has got to somehow get his attention and is quite disappointed that circumstances haven't lead him to keep contact with the Board. Chairman Trow said at this point the Board will start executing the portion of the contract that says if you don't repay the property goes back to the Town. Donna Nashawaty will find out what needs to be done and signed.

7:15PM-Scott Blewitt-Special Recreation Transfer & Misc. Items

- Scott Blewitt said that the Recreation Newsletter was mailed out in May.
- Scott Blewitt passed out "wooden tokens" to the Board that will be used at the Dewey Beach Snack Shack. The nickels are to coincide with the 250th celebration and will only be used in 2018. Scott Blewitt ordered 1000 nickels for a cost of \$250. Scott Blewitt would like the Board's blessing on the Token Program. **Motion to approve Recreation Dewey Beach Token Program by Chairman Trow, seconded by Selectman Gottling. Unanimous.**
- The next order of business to transfer funds from the Special Recreation Fund to the General Fund in the amount of \$9,283.04. **Motion to authorize the transfer of \$9,283.04 from the Special Recreation Fund to the General Fund by Chairman Trow, seconded by Selectman Gallup. Unanimous.**
- Scott Blewitt said the Recreation Committee spent \$7,500 to hire an engineering company to come up with a master plan for Veterans Field. A final version of the plan should be available in the next couple of weeks. The plan is to break ground for the Veterans Field upgrades in 2019. Scott Blewitt would like the Board to support the idea of committing \$50,000 to \$60,000 from the Special Recreation Fund towards this project. Right now, there is a balance of \$86,293.59. The total cost for the project will roughly be around \$300,000. Chairman Trow asked what the public feedback was regarding the project. Scott Blewitt replied that the residents really appreciate Veterans Field and it's many other uses for such as the skating rink, basket court and skatepark. Chairman Trow feels that the intent of the Special Recreation Fund is to do special projects but will look to the Board for their thoughts or concerns. After some discussion, the Board came to a consensus to earmarking \$50,000 for the project.

PUBLIC COMMENTS:

No public comments

SELECTMEN ACTION

•Sign MS 232

Motion to approve and sign the MS232 by Selectman Gottling, seconded by Selectman Gallup. Unanimous.

•Capital Improvement Program (CIP) Update

The Board received the final version of the CIP guidelines with the changes from the last meeting. If approved, the Board will vote to adopt the CIP guidelines tonight. **Motion to adopt the Capital Improvements Program Committee Guidelines by Selectman Gallup, seconded by Selectman Gottling. Unanimous.** Donna Nashawaty will poll the committee members for a date to hold their first meeting. Selectman Gallup said that in his opinion the members of the committee will have a lot to digest in the first year, so there might not be any big recommendations from the CIP committee. Chairman Trow said that he hopes in the first year the committee will be able to come up with recommendations on what works and doesn't work in this process. Chris Whitehouse, a current member of the CIP committee had some questions regarding location of capital reserve spreadsheets and scheduling meetings.

•Rules of Procedures

Chairman Trow stated that the Board received the legally adjusted Rules of Procedures (see below) in their meeting packets that Chairman Trow, Selectman Augustine and Donna Nashawaty worked on and will open to the Board for their comments. Items in red are the Town Attorney's comments.

**Board of Selectman
Sunapee, New Hampshire
Last Revised/Approved: <NOT YET>**

Purpose:

This document describes the duties and methods of operation of the Sunapee Board of Selectmen ("Board"), and provides guidelines on approaches to interfacing with the Town Manager ("Manager"), the Town of Sunapee ("Town"), its employees ("Employees"), and the public. Any conflicts arising from changes with state RSA changes shall take the change in RSA as the appropriate process. In addition, the Board of Selectmen will adhere to the Sunapee Code of Ethics. This document to be reviewed and approved as written, or revised as necessary then approved, at the first meeting of the voted board after each Town election. Any item herein, except as required by law, may be overruled on a per-occurrence basis by a majority vote of the present Board at any time. An amendment to these By-Laws may be moved at one Board meeting but shall not be voted upon until the next regularly scheduled meeting, not less than 7 (seven) days later.

Authority:

The Board is a duly elected Board and derives its authority from RSA 41:8, other RSA's, and Town ordinances. The Manager derives his authority from RSA 37.

Organization:

The Board is a 5 (five) member Board. For purposes of process, the Board shall vote upon and elect a Chairman and Vice-Chairman at the first meeting following each Town election. Any vacancies shall be filled within 45 days. In the event the Chairman is unable to attend a meeting or must abstain from action, the Vice-Chairman shall fulfill the duties as required.

Power & Duties:

- A. Board members shall make best-effort attempts to attend all meetings
- B. Members of the Board have authority only when acting as a Board legally in session and with a quorum. The Board shall not be bound by any action or statement of any individual Board member except when such statement or action is pursuant to instructions from the Board
- C. Given that the Town has voted to be under a Town Manager form of governance, duties as required under RSA 37 are to be completed by the Manager
- D. The Chairman shall preside at all meetings of the Board and perform all duties required by law. In his absence, the Vice-Chairman shall take his place and perform the same. Any action of the Chairman may be overruled by a majority vote of the board
- E. The Board shall delegate members of the Board to serve on required committees after each Town election, and may delegate members to perform other duties as agreed upon by consensus and permitted by law
- F. The Board shall hold standard public meetings as necessary in order to facilitate the business of the town. The Chairman may allow, but is not required to allow, public input and/or participation during discussion of the Board at time other than public hearings or public comment. This will be limited to comments on the motion under consideration, and will be time-limited to 2 minutes per comment, unless circumstances warrant an extension, which shall be at the discretion of the Chairman
- G. The Board may hold non-public meetings as needed, as provided under RSA 91-A:3. These may be distinct from a standard meeting or may be included as an item in the process of a regular meeting, in which case a short recess may be called in order to ensure proper attendance is achieved. Non-public meetings shall generally be placed at the end of a regular meeting if they are co-scheduled, after public action. If any public action will be knowingly acted upon after a non-public session, it shall be noted prior to entering non-public
- H. Annually, the Board is responsible for evaluating the job performance of the Manager. It is the Chairman's responsibility to coordinate the evaluation, including obtaining input from the other members of the Board, aggregating that information, and presenting to the Board a comprehensive draft of the evaluation document. The current seated Board of Selectmen must complete the final evaluation document prior to the next annual election

Limitations of Power & Duties:

- A. The duties and responsibilities of the Board as set forth in these guidelines and as otherwise enumerated under NH State Law, are almost always subject to certain conditions, limitations and exclusions that require further examination to determine the full extent of the Board's authority as it pertains to each specific set of circumstances
- B. By statute, the Board has no direct authority over the personnel other than the Manager
- C. Individual Selectmen are not prohibited from acting as an ordinary citizen of the Town by expressing personal viewpoints and opinions on municipal matters to the extent that such information is based on encounters and observations derived outside of the privileged purview of a Selectman. Any viewpoints or opinions so expressed shall be as a member of

the public, and as not to conflict with Process(H) the Selectman should relocate away from their seat for the duration of their comment and will be treated as a member of the public

Meeting Notice:

Standard meeting scheduling shall be noticed at least one month prior. Meeting cancellations shall be noticed as soon as feasible once cancellation has been determined. Any emergency meetings shall be noticed as soon as feasible ~~upon need has been determined~~when necessary. Each meeting shall be posted in accordance with RSA 91-A.

Process:

- A. Quorum - A quorum shall consist of three (3) members of the Board. In the event that 3 members are absent from a meeting, no official meeting can take place and therefore no decisions can be made. Any agenda items shall be moved to the next standard meeting, unless an emergency meeting is required.
- B. Right-to-Know - It is illegal for the Board of Selectmen to make any decisions by use of a secret ballot or by email or in such a way that is contrary to the Right-to-Know Law. Further, Selectmen should disqualify themselves from the Board and step down from all participation in deliberations (including voting) on any subject matter where there is a conflict of interest or if they nonetheless feel it appropriate to do so~~or perceived conflict of interest~~. A Selectman should disqualify himself whenever he has a direct personal or pecuniary interest in the outcome.
- C. Abstention - In the event that a Selectman should voluntarily abstain from voting, such action shall not count towards the tally of a vote for the purpose of determining the majority viewpoint. If a majority of attending Selectman abstains from a vote, no action shall be taken.
- D. Agenda Layout - The Town Manager bears the primary responsibility for coordinating and planning the Agenda. The Chairman has the final authority over the final approved agenda, timing, schedules and related matters. The Agenda shall be published at least 3 days prior to the meeting, and included in the minutes.
- E. Agenda Requests - Selectmen wishing to place an item on the agenda must make the request to the Manager and Chairman before Wednesday at 4:00 p.m. prior to a Monday meeting. Citizens wishing to place an item on the Selectmen's agenda must provide a copy of all presentation material and documentation to be included in each selectman's "packet" by Wednesday at 12:00 p.m. prior to a Monday meeting, and inclusion into the agenda is at the discretion of the Manager and Chairman.
- F. Conduct - Meetings shall be conducted in accordance with generally accepted practices of order and decorum. In the event of dispute regarding procedural matters, Robert's Rules of Order shall serve as a guideline with a vote of the Board being the final deciding authority.
- G. Voting - Votes shall be by a show of hands or by a roll call. The vote of each member present shall be recorded.
- H. Reconsideration - No action shall be considered at a subsequent meeting in the same calendar year except by majority vote of the members present and voting.
- I. Adjournment - A motion for adjournment will usually not be in order until after the completion of the order of business, unless a motion has been made at the start of the meeting to adjourn at a specified time

Requests for Information:

- A. Formal requests for information from Board members from the Manager, Town Counsel, Department of Revenue Administration, or the Attorney General's Office shall be made at a

meeting, and only at the direction of the majority of the Board. Informal requests may be made by email to the Manager, but are non-binding until acted upon at the next meeting of a quorum of the Board. Any information provided to any individual Selectman shall be provided to the rest of the Board.

- B. Acting as a citizen, a member of the Board may ask a department head for information, and as a courtesy should copy the Manager (the department head will do so as they reply). The Board member may only ask for anything that any other citizen could ask for and if it falls under a right to know request the procedure for that shall be followed.

Conflict Resolution:

- A. Numbers - In situations where a conflict arises among the Board or as the Board in its interactions with another entity, full effort shall be made to come to resolution by consensus. In cases of question on calculations or multi-option possibilities, questions and concerns shall not be placed as accusations or interrogation unless the quorum is in consensus. The Board shall attempt to ensure full discussion to resolution of all relevant questions before voting, but 2 (two) members of the Board may at any time call for a vote, and the result of the vote shall abide by Process(H).
- B. Personnel - Citizens that make complaints to the Board or member of it should be encouraged to contact the department that handles the matters that the complaint is about. They should then be encouraged to contact the Manager. If they don't feel that they have gotten resolution, only then the Board could bring the matter up to manager or at a meeting the citizen can request an appointment (which may or may not be non-public at the Board and Manager discretion)
- C. Departments – Any requests from a department or employees thereof that are not able to be resolved by the department head or Manager shall be resolved [via the Personnel Policy](#) and/or by the majority vote of the Board, during a legal public or non-public (as necessary) meeting

Chairman's Duties:

- A. Vote as a member of the board in all actions as appropriate
- B. Open the session at the time at which the Board is to meet by calling the members to order
- C. Announce the business before the Board as it is acted upon
- D. As necessary, to recognize members entitled to the floor
- E. State and put to vote all the questions which are regularly called or necessarily arise in the course of the proceedings and to announce the result of the vote
- F. Protect the Board from annoyance, up to and including having persons removed from the meeting if necessary
- G. Assist in expediting all business in every way compatible with the rights of the members, as by allowing brief remarks when un-debatable motions are pending or by calling a brief recess to permit restoration of order or clarification of an obscure point if he thinks it advisable
- H. Restrain the Board and Public when engaged in debate within the rules or order
- I. Enforce on all occasions the observance of order and decorum among the members, deciding all questions of order, unless he prefers to submit the question for the decision of the Board
- J. Ensure that Board communication abide by all aspects of the NH Right-to-Know Laws
- K. Authenticate by their signature, when necessary, all acts, orders and proceedings as directed by vote of the Board
- L. Represent the Town at ceremonial events
- M. Act as Board liaison to Town Counsel in any issues pertaining to the Manager

Violations & Repercussions:

There are no defined consequences under NH law for failure to comply with these guidelines. However, it should be noted that the remaining members of the Board of Selectmen may vote to publicly censure a Selectman for repeated or egregious failures to meet these obligations.

In the event that a quorum of the Board is of the opinion that one of the Selectmen has violated State Law, then they may vote in public session to initiate judicial removal proceedings and/or petition a court of competent jurisdiction for the imposition of such other penalties as may be allowed by law.

Effective Date:

These Rules of Procedure shall take effect immediately following a majority vote of the Board of Selectmen at a regularly scheduled Selectmen's meeting.

Selectman Gottling thought it read quite well and felt the Board was in compliance with a lot of it but had some suggestions. One was to change the word motion to topic under the Power & Duties section, F. The second one is under the Violations & Repercussions section, D. Agenda Layout regarding the timeline for publishing the agenda. The wording was changed to the following; the Agenda should be published at least 3 calendar days prior to the meeting, and in most cases strive to be on Thursday prior to a Monday meeting, and included in the minutes. Selectman Augustine would like to see the documents associated with the agenda uploaded to the website. Chairman Trow suggested that the whole packet be scanned and uploaded to the website as the agenda packet. Chairman Trow said that this document is a set of guidelines that's flexible or adjustable and has to be reviewed every year as part of accepting it. The intent should be that every year the elected Board should be reviewing the document to see if changes need to be made. Selectman Gallup said the presented document is fine and covers a lot of things that go on, but he doesn't think it covers what was getting the Board in trouble, which is respect for the Board's decisions. As members of this Board there is an opportunity to discuss and express opinions on the different subjects that come before the Board regardless if it's operational, capital or personnel. The subject is discussed and voted on as a decision of the Board. It is Selectman Gallup's feeling that once the Board has made a decision it's the Board member's responsibility to respect that decision and not continue to peruse their own agenda on it. Chairman Trow replied that he would love to say once the Board is done with a subject it will talk as one Board, however, you are completely entitled as a member of the public to make whatever comments you feel are appropriate. If the Chairman and barring an overruling by the Board feels the comments are out of order or causing problems it is in his purview to tell someone to stop, up to having them legally removed. Chairman Trow said as a policy he personally doesn't feel like he wants to go back on any issues once there are discussed, but there's no legal requirement on this subject. Chairman Trow understands what Selectman Gallup is saying but is not sure how much the Board can really do to enforce this. Selectman Gallup replied that he guesses there's a bit of morality involved in here. Over his tenure here on the Board there have been issues where he has been defeated in his opinions and the vote, but was willing to accept what the Board decided was the right direction to go. Selectman Gallup has had constituents come back and say he was right and they're wrong, but he will say it was the decision of the Board and back their decision. Selectman Gallup doesn't not think it is appropriate for a Board member, even though our freedom of speech allows someone to do this, when you put your name down as a Board member, you are going to have to accept defeat every

now and then. Selectman Gallup doesn't see anything in these Rules and Procedures that would take away the possibility of what happened in a situation this spring here happen again. When Selectman Gallup goes into the voting booth, he votes how he feels regardless of what the Board says, but in public, as a member of the Board he will support the Board's decision. Chairman Trow's question would be what would you like to see in this document?

Selectman Gallup replied it's a little difficult because he doesn't like what he sees but doesn't have an answer. Chairman Tow replied that he was trying to avoid getting ourselves in situations like we found ourselves, but having to work within the confines of what people are legally allow to do. Selectman Gallup said there may not be any answer to it. Selectman Augustine would be fine with language that says as a general operating rule there's an expectation that once the Board makes a decision that the decision would be supported by each member of the Board. But in specific matters or any given topic is not required. Chairman Trow replied why put it in there. Selectman Augustine replied that if this had been in there 6 months ago he might have acted differently. Chairman Trow asked why? There's no recourse as to not following that. Selectman Augustine replied that he thinks if people understood the general expectation that the individual Board members would be supportive of that but retain the legal right to differ. Selectman Gottling doesn't feel it should be in there because if at anytime one of the Board members decide that there's something so important to them that they're not going to abide by that general agreement, they to feel free and don't abide by it. Selectman Gottling doesn't think there's a point in putting the expectation that we're all going to be nice. Chairman Trow said there are some circumstances where a topic might have to be discussed again, changes to a policy, responding to "Letters to the Editor", etc., and the Board feels it has to go back and reiterate their point. There was some discussion and suggestions to the conflict resolution, power & duties and process section. Donna Nashawaty will updated the document and bring back to the next BOS meeting for review and signature.

•Sunapee School District Raffle Permit

Motion to approve the Sunapee School District Raffle Permit to be held on August 18th at the Wild Goose Store by Selectman Gottling, seconded by Selectman Hastings. Unanimous.

•Sunapee Lions Club Raffle Permit

Motion to approve the Sunapee Lions Club Raffle Permit to be held on August 25th in Sunapee Harbor on River Road by Selectman Hastings seconded by Selectman Gallup. Unanimous.

•Use of Facilities:

07/01 – 07/29 – Middle School Summer Soccer, Veteran's Field

Motion to approve the Use of Facilities from the Middle School Summer Soccer Program to Use Veterans Field pending Chief Cahill's approval by Selectman Gallup, seconded by Selectman Gottling. Unanimous.

08/25 – Sunapee Lions Club Rubber Duck Race, River Road

Motion to approve the Use of Facilities from Sunapee Lions Club to hold the Rubber Duck Race at the harbor on River Road pending Chief Cahill's approval by Selectman Hastings, seconded by Selectman Gottling. Unanimous.

CHAIRMAN'S REPORT

Items Selectman Augustine requested on the agenda.

•Update regarding use of cash-back credit card for Town purchases.

Selectman Augustine asked if there were any regarding Sunapee's ability to use cash-back credit cards. Donna Nashawaty replied that at the last meeting she said she wasn't recommending that the Town do this because of the dollar amount the Town would have to meet to get any benefits out of the program. Donna Nashawaty did say she would meet with our local banks to see if the Town could do better on their interest rate. The local banks can't offer the commercial credit cards programs that the bigger banks can, but also waive fees and give special attention to our accounts. Selectman Augustine asked if the local banks offered credit cards. Donna Nashawaty replied no not for government accounts.

- Share feedback received on possibility of transfer station being open on the Tuesday following being closed for a Monday holiday (e.g., Labor Day)

Selectman Augustine asked if the Board got any feedback regarding the transfer station being opened after a Monday holiday. Donna Nashawaty replied that at the last meeting she said she would ask the transfer station employees if they received any questions or concerns from the residents on this matter and they said they had not. Selectman Augustine said he received 2 emails, but the rest of the Board did not receive any feedback.

- Discuss whether to invite candidates running to represent Sunapee at state-level (e.g., State Representative, State Senator, Executive Councilor) to future BOS meetings

Selectman Augustine asked if the Board wanted to invite local candidates running for state level office to future a BOS meeting. Right now, local candidates call and ask to be put on the agenda to introduce themselves to the Board, which will continue.

- Ability for BOS to review performance review documentation created by Town Manager

There was an email from the Town Attorney stating that Personnel documents were confidential. Selectman Augustine asked for a copy of the email.

- Town employee job openings update

The Seasonal Harbor Bathroom Attendant was hired. There is still the Truck Driver and Account Clerk positions that has not been filled.

TOWN MANAGER REPORTS

- Monthly Summary of Expenditures and Revenues

The Board received the Expenditure and Revenue Reports for the month of May, which were distributed after the last meeting.

- As of this afternoon the No Thru Trucking signs are up.

- A new Did You Know newsletter has gone out.

- Donna Nashawaty said that Scott Hazelton estimated that the Town will be receiving \$35,000 to \$40,000 from FEMA later this year from the October storm. Scott Hazelton will ask the BOS to use this money:

- replace the propeller on the leaf vacuum, estimated cost \$5,000
- purchase a new sweeper broom for the bobcat, estimated cost \$ 6,600
- replenish the gravel reserves used in erosion repair 2017, estimated cost \$14,000
- purchase sand & salt for upcoming winter, remaining FEMA money

Scott Hazelton will schedule appointment to discuss with BOS after he receives check.

Chairman Trow stated that the Wendall Marsh Project closing is this Friday, June 22nd in the Town Meeting Room.

Meeting adjourned at 9:43PM
Respectfully Submitted by,
Barbara Vaughn
Administrative Assistant