

SUNAPEE BOARD OF SELECTMEN  
6:30PM Town Office Meeting Room  
Monday, October 28, 2019

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

**REVIEW OF ITEMS FOR SIGNATURE:**

**MOTION TO APPROVE THE FOLLOWING CZC's:**

**Parcel ID: 0232-0024-0000 36 Route 103, McDonough Family Properties**

**Parcel ID: 0137-0016-0000 37 Harbor Hill Road, Sunapee Harbor View, LLC**

**By Selectman Gallup seconded by Selectman Gottling. Unanimous.**

**MOTION TO APPROVE THE FOLLOWING DEMO PERMIT:**

**Parcel ID: 0232-0024-0000 36 Route 103, McDonough Family Properties**

**By Selectman Gottling seconded by Selectman Hastings. Unanimous.**

**MOTION TO APPROVE THE FOLLOWING AFTER THE FACT PERMIT:**

**Parcel ID: 0232-0024-0000 36 Route 103, McDonough Family Properties**

**By Selectman Hastings seconded by Selectman Gallup. Unanimous.**

**MOTION TO APPROVE THE FOLLOWING SIGN PERMIT:**

**Parcel ID: 0129-0031-0000 14 Pleasant Place, Towne Office Complex, LLC**

**By Selectman Gottling seconded by Selectman Hastings. Unanimous.**

**MOTION TO APPROVE THE FOLLOWING DRIVEWAY PERMIT:**

**Parcel ID: 0134-0036-0000 Lake Ave. Barbara Chase**

**By Selectman Gallup seconded by Selectman Gottling. Unanimous.**

**APPOINTMENTS**

**•Perambulation Update**

Clayton Platt came to ask the Board to appoint Ethan Trevino to be the Select board's representative for the perambulation. For his Senior project Ethan Trevino will be doing the perambulation for the Sunapee/Goshen line under the guidance of Clayton Platt and Fred Gallup.

**Motion to authorize Ethan Trevino to be the Select board's representative for the perambulation under mentors, Clayton Platt and Fred Gallup by Chairman Trow, seconded by Selectman Gottling. Unanimous.**

**•Department Head Narratives**

Donna Nashawaty said the purpose of the Department Head narratives is to highlight substantial changes to the budget.

Executive- \$10,000 for Capital Reserve for Software/Technology

Planning- \$27,000 Design Phase for Route 11 Project

Town Clerk/Tax Collector- \$10,000 for record preservation added to budget and the Election budget is up 100% because in 2020 there will be (4) elections.

Police- (2) police cars will be replaced, which is in their budget. The cars are replaced every (6) years. The new car has been redesigned and are (4) inches wider, so the additional equipment for the car will not fit in the 2020 models and will need to be replaced.

General Government & Buildings & Grounds (GGBG)- changed a laborer from under the Highway Department to GGBG. Still working on siding at Safety Services building and siding on the backside of Highway Garage. (2) warrant articles for Harbor Boat Launch (\$180,000) and design and permitting water & sewer service to Highway Garage (\$16,000)

Highway Dept – Winn Hill and Youngs Hill are scheduled for paving. Winn Hill Road Paving project cost is (\$373,000). There are (2) options- encumber leftover money from this year's paving budget or revalue the cost of the project. There are (5) warrant articles, (4) are annually funded Capital Reserve Funds and the fifth is to purchase a highway truck (\$125,000).

Transfer Station -minor paving in front of "happy shack" (\$10,000).

Library -increased building maintenance line by (\$2,400), increased computer support/hardware line by (\$1,200) and (1) warrant article for possible full-time Library Aide.

Fire – (1) warrant article for Fire Equipment Capital Reserve (\$115,000). Some budgeting changes this year, making firemen employees and setting hourly rates and change in organizational chart. possible (\$15,000 to \$20,000) salary increase. Cost for training and equipment for new hired firemen.

Water & Sewer – (2) warrant articles-Asset Management Article (\$30,000) and TTHM Remediation Article (Sewer Users Paying) (\$400,000)

Recreation, Assessing & Zoning – no changes or significant increases to budget.

•Chief Cahill-Donation from Police Benevolent Association of Crosswalk Signs.

Chief Cahill came to ask the Board to accept a gift from the Sunapee Police Association in the amount of \$4,999.99 for crosswalk signs at the Dunkin Donuts crosswalk. **Motion to accept the gift from the Sunapee Police Association not to exceed \$4,999.99 by Selectman Gallup, seconded by Selectman Hastings. Unanimous.**

Chief Cahill said there is a revolving account under the Public Safety Services Revolving Account with a current balance of \$1,429.02. Chief Cahill is asking to withdraw \$578 from that account to outfit (1) officer with reflective coat and pants that are worn on details. **Motion to authorize the withdrawal of \$578 from the Public Safety Services Revolving Account to outfit (1) officer by Selectman Gallup, seconded by Selectman Hasting. Unanimous.**

#### PUBLIC COMMENTS:

•Chief Cahill-Chief Cahill stated that Officer Boisvert is in week 16 of his training and things are going very well. He will graduate from the Police Academy of December 20<sup>th</sup>. Officer Therrien will be retiring right around that time.

•Kevin Cooney said that last spring he volunteered to serve on the Capital Improvement Program Committee (CIP). There was an organizational meeting on June 25<sup>th</sup>, but they have never met again. Kevin Cooney said the Board might want to repurpose the committee. Selectman Gallup said with the Capital Reserve accounts that are in place the committee signed off on those accounts and on future capital improvement he's not sure the committee knows which direction to go.

•Mark McDonough said a building permit for his project was approved earlier tonight and he wanted to know if the commercial CZC fee had been discussed. Chairman Trow replied it will be discussed later in the meeting.

## SELECTMEN ACTION

•Raffle permit- 11/22-Knights of Columbus, Council #4983, at Mount Royal Academy  
**Motion to approve the Knights of Columbus #4983 Raffle Permit for a raffle to be held at Mount Royal Academy on November 22<sup>nd</sup> by Selectman Gottling, seconded by Selectman Gallup. Unanimous.**

•Use of Facilities-05/09/20-SMHS 4<sup>th</sup> Annual Live Free or Dye Color Run, Dewey Beach  
**Motion to approve the Use of Facilities from SMHS for the 4<sup>th</sup> Annual Live Free or Dye Color Run to be held at Dewey beach on May 9<sup>th</sup>, 2020 by Selectman Gallup, seconded by Selectman Hastings. Unanimous**

•2019 Equalization Municipal Assessment Data Certificate

Chairman Trow said this data certificate is prepared by Norm Bernaiche, Chief Assessor and is required by the state. **Motion to approve the 2019 Equalization Municipal Assessment Data Certificate by Selectman Gallup, seconded by Selectman Gottling. Unanimous.**

•Administrative Order by Consent with NHDES

Donna Nashawaty asked if the Board wanted her to summarize how the town got to this point. Chairman Trow replied that he is interested in what happen on the page 6 update because the Board has already gone through the rest of the order. Donna Nashawaty said the original order was sent to the Town Attorney. The Town Attorney asked how the town could sign the order without knowing what the cost is and why would you sign an agreeable Administrative Order with a fine. The town went back to the DES Attorney and said this was a problem and in addition the Water and Sewer Department had been working with the Engineers to get the pricing for the UV issue. The Water and Sewer Department got that number and have the money in a reserve account to pay for it if the warrant article fails. The Commissioners met last week and there were (2) dates in the proposed revision that didn't line up right, so the (2) dates were changed. There is also, no administrative penalty in the order. The revised order was delivered this morning and the Water and Sewer Commission's Chairman came in and signed it. Selectman Gallup had a couple of questions. He recalled David Bailey, Water and Sewer Superintendent saying that his latest tests were complying. Donna Nashawaty said the rules say blended, just because you have one test does not mean you are out of compliance. Selectman Gallup asked how long this blending period was? Chairman Trow believes it was (4) quarters or (4) tests. Selectman Gallup asked if this UV thing was going to cure it. Chairman Trow said there are no guarantees. Selectman Gallup replied that he has a problem with that. He continued by saying the town is spending almost a half million dollars on possibilities and if we do this and it doesn't work is someone going to give the town back it's half a million dollars? Selectman Gallup said the town built the filtration plant and that's was supposed to take care of all the problems and now this problem has come up. Selectman Gallup said part of reason we have this problem is that the leaks are being fixed, so the water isn't moving through the system quite as well. He said with the amount of money that is being spent on this whole program; the town could have drilled everyone in town a well. Selectman Gallup said he suggested that they run some water which seems to be pretty simple to him. Chairman Trow said that is what it comes down too, the fact that the problem has already been found and identified by DES. Selectman Gallup said as far as he's concerned the town needs some kind of guarantee or insurance policy that says that is going to fix it.

Selectman Gallup said he understands that only the water users are going to have to pay for this that it is quite a lot of money for them. Selectman Gallup thinks before the Board signs a contract with anybody to do this UV thing that we need some kind of assurances that its going to take care of the problem. Chairman Trow asked what the ability of the town to say its no longer going to supply water in general. Donna Nashawaty said one of the things she said to the Town Attorney was what if we don't have the money to pay for this service. The Town Attorney stated that there have been discontinued water systems in the past. It is not easy to do and could cause a lot of hard feelings. The Water Department can not afford to pass along to the water users, who don't have to sign up for the system. The second the water rates go to high; the users can say I'm out. Donna Nashawaty added that the town is not talking about all the water users because there are (2) different sources. The water system in Sunapee and the water system in Georges Mills. This involves the Sunapee side of it. Selectman Gallup thinks the Board is pretty much committed to signing this order, but before the Board signs any contract to sign this UV thing again, there needs to be some assurance. Chairman Trow asked if this would come back to the Board. Donna Nashawaty replied she thinks that the Board would have to sign the contract for engineering. Selectman Gallup suggested that the Board sign the order but send a letter to the Water and Sewer Commission stating the Board has some concerns and the Board needs to be convinced that this is going to fix the problem. After some discussion, the Board will sign the order and the Town Manager will write a letter to the Commission regarding the Board's concerns. **Motion to authorize the Chairman to sign the Administrative Order by Consent by Selectman Gallup seconded by Selectman Hastings. Unanimous.**

Highway Safety Committee Guidelines

The Board reviewed the new Highway Safety Committee Guidelines. **Motion to adopt the Highway Safety Committee Guidelines by Selectman Hastings, seconded by Selectman Gottling. Unanimous.**

#### CHAIRMAN'S REPORT

Items requested by Selectman Augustine:

- Political signs along Route 11

Selectman Augustine had a resident ask him about the signs along the highway in front of the Sherburne Gym. The resident thought at a previous Selectmen's meeting that it was discussed to not allow political signs on public property owned by the town. After some discussion, it was determined that the signs were in the state's right of way.

- Employee benefits review: Retirement/Pension

Selectman Augustine summarized in a handout to the Board what his thoughts were on the New Hampshire Retirement benefits.

#### TOWN MANAGER REPORTS

- November 4<sup>th</sup> BOS Meetings

Donna Nashawaty reported that she has no appointments for the Monday, November 4<sup>th</sup> Selectmen's meeting. The Board is meeting on Thursday, November 7<sup>th</sup> for the all-day budget Session, so building permits could be signed at that meeting.

The Board of Selectmen meetings with the Advisory Budget Committee (ABC) will be November 18<sup>th</sup>, December 2<sup>nd</sup>, December 16<sup>th</sup> and December 30<sup>th</sup> would be the last one. Donna Nashawaty asked if the Board would like to start these meetings at 6:00PM.

Chairman Trow replied that maybe they should just start the November 18<sup>th</sup> meeting at 6:00PM and see how it goes. Donna Nashawaty said that the County wanted to come to the Selectmen's meeting on November 18<sup>th</sup> to do a presentation on the County Healthcare. Chairman Trow asked the Town Manager to schedule the County presentation for 8:00PM.

•Update on Commercial CZC Fee

Donna Nashawaty updated the Board on the commercial CZC fees taken in between 2017 and now. After some discussion, the Board decided to not make any changes to the commercial CZC fee structure.

**Meeting adjourned 9:59PM**

**Respectfully Submitted by,**

**Barbara Vaughn**

**Administrative Assistant**

# SIGN-IN SHEET

## BOARD OF SELECTMEN MEETING

DATE: 10/28

Kevin Conroy

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SUNAPEE BOARD OF SELECTMEN  
MEETING AGENDA  
6:30PM Town Office Meeting Room  
Monday, October 28, 2019

1. REVIEW OF ITEMS FOR SIGNATURE:

CZC's:

Parcel ID: 0232-0024-0000 36 Route 103, McDonough Family Properties

Parcel ID: 0137-0016-0000 37 Harbor Hill Road, Sunapee Harbor View, LLC

DEMO PERMIT:

Parcel ID: 0232-0024-0000 36 Route 103, McDonough Family Properties

AFTER THE FACT PERMIT:

Parcel ID: 0232-0024-0000 36 Route 103, McDonough Family Properties

SIGN PERMIT:

Parcel ID: 0129-0031-0000 14 Pleasant Place, Towne Office Complex, LLC

DRIVEWAY PERMIT:

Parcel ID: 0134-0036-0000 235 Lake Ave. Barbara Chase

2. APPOINTMENTS

- Department Head Narratives
- Chief Cahill-Donation from Police Benevolent Association of Crosswalk Signs.
- Perambulation Update

3. PUBLIC COMMENTS:

4. SELECTMEN ACTION

- Raffle permit- 11/22-Knights of Columbus, Council #4983, at Mount Royal Academy
- Use of Facilities-05/09/20-SMHS 4<sup>th</sup> Annual Live Free or Dye Color Run, Dewey Beach
- 2019 Equalization Municipal Assessment Data Certificate
- Administrative Order by Consent with NHDES
- Highway Safety Committee Guidelines

5. CHAIRMAN'S REPORT

Items requested by Selectman Augustine:

- Political signs along Route 11
- Employee benefits review: Retirement/Pension

6. TOWN MANAGER REPORTS

- November 4<sup>th</sup> BOS Meetings
- Update on Commercial CZC Fee

7. UPCOMING MEETINGS:

10/30-7:00AM-Firewards Meeting, Town Meeting Room

11/04-6:30PM-Board of Selectmen, Town Meeting Room

11/05-5:00PM-Energy Committee, Town Meeting Room

11/06-7:00PM-Conservation Commission, Town Meeting Room

11/07-All Day Town Budget Session, Town Meeting Room

11/07-7:00PM-Zoning Board, Town Meeting Room



1376 US Rt.1  
York, ME 03902

# QUOTATION

Quote Number: 2019463  
Quote Date: Sep 27, 2019  
Page: 1

Voice: 207-351-8673  
Fax: 207-361-2017

**Quoted To:**

Town of Sunapee  
Town of Sunapee  
621 Route 11  
Sunapee, NH 03782

Customer ID	Good Thru	Payment Terms	Sales Rep
NH-SUNA	10/27/19	Net 30 Days	Miller, Kyle

Quantity	Item	Description Line 1	Unit Price	Amount
1.00	EA	Single Sided RRFB - R920 Solar System (2 units per System)	5,128.00	5,128.00
		Each System to include the following:		
2.00	EA	R920E Solar System - Natural		
2.00	EA	Top of Pole Mount, 2- 2.5" Square		
4.00	EA	Standard Battery		
2.00	EA	Light Bar with Confirmation Lights - Black		
2.00	EA	Light Bar Harness		
2.00	EA	Polara Bulldog Push Button		
2.00	EA	Push Button Harness		
2.00	EA	5x7 Sign frame with Push button Mount		
2.00	EA	5x7 MUTCD Sign		
1.00	S&H	Estimated Shipping and Handling	225.00	225.00
		***Material Quote Only***		
		*** Posts and Signs to be supplied by Others***		
			Subtotal	5,353.00
			Sales Tax	
			<b>TOTAL</b>	<b>5,353.00</b>



**From:** AAA Police Supply  
**Sent:** Tuesday, October 22, 2019 11:31 AM  
**To:** E.Neill Cobb  
**Subject:** Re: Quote

Lieutenant,

See below for pricing:

**1 # 26950 | HiVis | Sizes and Customization Below:**

- 1 - XL Tall

Customization:

- Add BT
- Add 5" Long x 1" High Velcro Strip (Female Side - Fuzzy)
- Add Black Reflective Letters on Back:

SUNAPEE

POLICE

**\$190.00**

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**1 # 134 Rain Pants | BK | Sizes Below:**

- 1 – XL Reg

**\$53.00**

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**1 # 9970 GORE-TEX® SUPERSHELL® JACKET**

1 XL Tall

**\$323.00**

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Shipping

**\$12.00**

**QUOTE TOTAL: \$578.00**

Thanks,  
Riley

On Tue, Oct 22, 2019 at 11:08 AM E.Neill Cobb <[e.neill.cobb@sunapeepd.com](mailto:e.neill.cobb@sunapeepd.com)> wrote:

Please provide a quote for the following items:

# 26950 | HiVis | Sizes and Customization Below:

- 1 - XL Tall

Customization:

- Add BT
- Add 5" Long x 1" High Velcro Strip (Female Side - Fuzzy)
- Add Black Reflective Letters on Back:

SUNAPEE

POLICE

# 134 Rain Pants | BK | Sizes Below:

- 1 – XL Reg

# 9970 GORE-TEX® SUPERSHELL® JACKET

1 XL Tall

Please contact me with any questions.

Thank you,

Neill

Lt. E. Neill Cobb  
Sunapee Police Department  
9 Sargent Road  
Sunapee, NH 03782  
(603) 763-5555  
*"Success Through Teamwork"*

## David Cahill

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**From:** Lynne Wiggins <Lynne@town.sunapee.nh.us>  
**Sent:** Friday, October 18, 2019 1:38 PM  
**To:** 'Chief Cahill (david.cahill@sunapeepd.com)'  
**Subject:** Re: Public Safety Revolving Fund

Hi Chief,

The balance in the fund as of today is \$1,429.02.

Lynne M. Wiggins  
Finance Director  
Town of Sunapee  
(603)763-2212 Phone  
(603)763-4925 Fax



**TOWN OF SUNAPEE**  
Post Office Box 717  
23 Edgemont Road  
Sunapee, New Hampshire 03782-0717  
Phone: (603) 763-2212 Fax: (603) 763-4925

## APPLICATION FOR A RAFFLE PERMIT

Organization Name: Knights of Columbus Council #4983

(Organization must be religious, educational, charitable, civic, veterans or fraternal organization or a political organization or party, organized for at least two years in NH)

Name of Principal Officer: Allen Ouellette

Principal Officer's Address: PO Box 505 Newport, NH 03773

Principal Officer's Telephone: Home: \_\_\_\_\_ Work: \_\_\_\_\_

Date of Drawing: Nov 22, 2019 Place of Drawing: Mount Royal Academy

Signature of Principal Officer: Allen Ouellette

Approved: \_\_\_\_\_

Misc. Merchant  
gift cert.

Board of Selectmen

OFFICE HOURS: Mon., Tues., Thurs., Fri. – 8:00 A.M. to 5:00 P.M. • Wed. – 8:00 A.M. to 1:00 P.M.

Raise Funds for Local Charities like Food Pantry  
Soup Kitchen & Fuel Assistance ETC

## APPLICATION FOR USE OF TOWN OF SUNAPEE FACILITIES

Area (Circle One): BenMere/Bandstand – Coffin Park - Dewey Beach - Georges Mills Harbor – Safety Services Building--Sunapee Harbor-Tilton Park

Name of Organization:

Sunapee Middle High School - Class of 2022

This Organization is: Non-Profit - Political - Private (N/A for profit companies)

Jon Reed  
Name of Duly Authorized:

Mailing Address: 10 North Road Sunapee NH 03782

Daytime Phone: 603-763-4627 Evening Phone: \_\_\_\_\_

I/We hereby apply for permission to use the above circled Town facility on:

Event Date: May 9, 2020 Time: From: 7:00am To: 12:00pm

Please describe the complete details of the event: (If advertising please include ad or flyer)

\*include a list of outside vendors that will be part of your event.

Fourth annual Live Free or Dye color run to benefit the class of 2022. Same course and parking plan as 2019. Approximately 200 participants.

I/We acknowledge understanding the following restrictions:

- (1) If this event will likely bring more than 50 people or 20 cars to the area, the applicant must first submit this application to the Chief of Police. The Chief of Police may require the applicant to hire police officer(s) for crowd or traffic control.
- (2) I/We agree to abide by the Town of Sunapee's Recreation Area Ordinance, which controls conduct and uses of this area.
- (3) The applicant shall indemnify and hold the Town of Sunapee, its employees, agents, and representatives harmless from any and all suits, actions, claims, in equity or at law, for damages asserted by any attendees at such function, or other third parties, resulting from the use of the premises, or from

the food and beverages served at the above-described function. In addition, in the event that the town is required to respond to any claims of any nature arising in connection with the function or the applicant's use of the premises, the applicant agrees to pay to the Town all costs, fees, charges and attorney's fees which may be incurred by the Town concerning such claims.

I/We plan on 200 # of people and 75 # of vehicles attending our event.

Signature of Responsible Individual

Date 10/9/19

Approved by Chief of Police

Date

01 # of Officer(s) will be assigned to event at applicant's expense.

Approved by Recreation Director (if applicable)

Date

Approved by Fire Chief (if applicable)

Date

Approved by Highway Director (if applicable)

Date

Signature of Approving/Denying Authority (Chairman of the Board of Selectmen)

Date

**Insurance:** At least ten (10) days prior to such scheduled function, the applicant shall furnish to the Office of the Sunapee Board of Selectmen written confirmation that the applicant has secured adequate liability insurance covering the event in an amount not less than \$300,000.

**\*Suggested \$50 contribution for non-residents**

**NO ALCOHOL ALLOWED ON TOWN PROPERTIES WITHOUT A  
ALCOHOLIC CONSUMPTION ON TOWN PROPERTY PERMIT**

## Barbara Vaughn

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**From:** Donna Nashawaty  
**Sent:** Thursday, October 24, 2019 1:40 PM  
**To:** Barbara Vaughn  
**Subject:** FW: Preliminary Ratio Study

can you print and include with the document Norm just gave us for selectmen.

thanks  
Donna

**From:** Norm Bernaiche <assessor@nl-nh.com>  
**Sent:** Thursday, October 24, 2019 1:38 PM  
**To:** Donna Nashawaty <Donna@town.sunapee.nh.us>  
**Subject:** Preliminary Ratio Study

Hi Donna,

I am leaving you the signature page required by the NH DRA in order to submit the ratio study data. It is to be signed by the Selectboard. Kris and I have gone through the sales and eliminated those that were non-arms-length sales. Attached are the statistics of those sales before further review by the DRA where they may add sales back in or delete/trim some sales from the sample. Once the study is complete and approved I will prepare a report on what the results are and how they might affect us. Regardless, this is a good stepping stone to start discussions about the upcoming 2020 revaluation. If you have any questions please feel free to ask and if you need me to attend a meeting by all means ask.

Thanks-Norm

Normand G. Bernaiche CNHA  
Chief Assessor  
Newbury, Sunapee, New London  
[assessor@nl-nh.com](mailto:assessor@nl-nh.com)

**2019  
EQUALIZATION  
MUNICIPAL ASSESSMENT DATA  
CERTIFICATE**



MUNICIPALITY: \_\_\_\_\_

*Sunapee*

We the undersigned do hereby certify that the assessment and sales information provided by us on the NH Mosaic Equalization System has been thoroughly reviewed by this Board and is complete and accurate to the best of our knowledge.

We understand that this information will be used by the NH Department of Revenue Administration to calculate the municipality's equalization ratio. The equalization ratio will be used to calculate the total equalized valuation for this municipality.

SIGNATURE OF ASSESSING OFFICIALS

*(Selectmen if Town; must be signed by a majority)  
(Assessor if City)*

DATE

NAME OF CONTACT  
PERSON:

*Norm Bernatche*

EMAIL:

*Assessor@NL-NH.com*

OFFICE PHONE NUMBER:

*763-2212*

OFFICE HOURS:

*Mondays 8-5*

*(Note: If your office keeps irregular hours, please provide an alternate means of contacting you.)*

***(Please check appropriate box, if applicable)***

☐

Full Reval

☐

Cyclical Reval  
*(values updated)*

☐

Cyclical In Progress

☐

Partial

☐

Update/  
Statistical

NAME OF COMPANY DOING REVALUATION WORK: \_\_\_\_\_

*(Please state if done in-house)*

COMMENTS: \_\_\_\_\_

**Please print, sign, scan and upload this page to <https://ratiostudy.org/>**





## 2019 Trial Ratio Study Report

1 of 8

10/24/2019 1:03:39 PM

Town Name: Sunapee, Sullivan County

Use Code: AA - Any & All

Date Range: 10-01-2018 through 09-30-2019

**NOT FOR PUBLICATION**

*Ratios were created using stipulated year assessments.*

### Summary of Codes Used

Group Class: AA - Any & All

**Property Codes:** 11 = Single Family Home  
12 = Multi Family 2-4 Units  
14 = Single Res Condo Unit  
15 = Res Condo 2-4 Unit Bldg  
22 = Residential Land  
23 = Commercial Land  
33 = Commercial L&B  
35 = Mixed Use Res/Cmcl L&B  
55 = Boatslip Only  
57 = Unclass/Unk Other

**Modifier Codes:** 00 = No Modifier Code  
70 = Waterfront  
71 = Water Access  
74 = View Influence - Positive

**Special Codes:** 00 = No Special Code  
D5 = Lake Sunapee  
D6 = Other Lake

### Indicated Ratio / Weighted Mean

Year	2019	2018	2017
Indicated Ratio	83.8	86.8	95.4
Weighted Mean	83.8	86.8	95.4

### Basic Statistics Section (Not Trimmed)

#### Sales In Date Range

Total: 125  
XX Moved: 0  
Sales w/PA34: 90  
%Sales w/PA34: 72.0%

#### Sales Used

Total Strata: 125  
Sales Used: 95  
%Sales Used: 76.0%  
Sales Used w/PA34: 67  
%Sales Used w/PA34: 70.5%

#### Results

%Mean: 90.0%  
%Median: 89.7%  
%WtMean: 83.9%  
COD (Median): 13.7  
PRD: 1.07  
Median Selling Price: \$315,000  
Median Assessed Value: \$283,600

### Extended Statistics Section (Trimmed)

Town Code:	207	Weighted Mean:	83.8	COD:	13.1	PRD:	1.07
Valid Sales:	95	Wt.Mean Lo 90%CI:	80.2	COD Lo 90%CI:	11.4	PRD Lo 90%CI:	1.04
Trimmed:	1	Wt.Mean Up 90%CI:	86.9	COD Up 90%CI:	15.3	PRD Up 90%CI:	1.10
Untrimmed:	94	Median Ratio:	89.7	Weighted COD:	14.2	COV:	17.2
Trim Factor:	3	Median Lo 90%CI:	85.7	Med. Abs. Dev.:	13.3	25th Percentile:	79.8



## 2019 Trial Ratio Study Report

2 of 8

10/24/2019 1:03:39 PM

Town Name: Sunapee, Sullivan County

Use Code: AA - Any & All

Date Range: 10-01-2018 through 09-30-2019

**NOT FOR PUBLICATION**

*Ratios were created using stipulated year assessments.*

Lo Trim Point:	45.9	Median Up 90%CI:	91.8	Med % Dev.:	14.8	75th Percentile:	97.8
Up Trim Point:	135.3	Mean Ratio:	89.3	Coef. Conc. 10%:	56.8	Broaden Median:	89.7
Min Ratio:	45.9	Mean Lo 90%CI:	86.7	Coef. Conc. 15%:	68.4	Geometric Mean:	88
Max Ratio:	157.2	Mean Up 90%CI:	91.9	Coef. Conc. 20%:	80	Harmonic Mean:	86.6
Min Sale \$:	\$35,000	Avg. Sale Price:	\$417,196	Coef. Conc. 50%:	99	Std. Deviation:	15.4
Max Sale \$:	\$1,890,000	Avg. Appraised Val:	\$349,460	Coef. Conc. 100%:	100	Normality Test:	Reject

*The general descriptive and median ratio statistics are not trimmed of outliers and are based on all valid sales in the sample.*

### Summary of Exclusion Codes Used

Codes	Description	Count	%Excluded	%Strata
12	Subdivided Post Asmt/Pre Sale	1	3.3	1.1
15	Improvements +/- Incomplete at Assmt date	1	3.3	1.1
21	Multi-Parcel Conveyance (MPC) - Properties can be sold separately	2	6.7	2.1
24	Sale Between owners of Abutting Prop	7	23.3	7.4
25	Insufficient market Exposure	3	10.0	3.2
27	Less than 100% Interest Transferred	4	13.3	4.2
35	Government Agency as Grantor/Grantee	1	3.3	1.1
38	Family/Relatives/Affil as Grantor/Grantee	4	13.3	4.2
40	Business Affiliates as Grantor/Grantee	4	13.3	4.2
51	Foreclosure	1	3.3	1.1
81	Estate Sale With Fiduciary Covenants	2	6.7	2.1
		<b>30</b>	<b>99.8</b>	<b>31.8</b>

### Included Sales

Verno	Book Page	Sale Price	Assessed Value	Ratio	PC	MC	SC	Trim	Notes
1	2051-0530	\$350,000	\$283,600	81	11	70	D6		
2	2051-0579	\$439,000	\$428,600	97.6	14	71			
5	2052-0104	\$835,000	\$547,800	65.6	11	71			



## 2019 Trial Ratio Study Report

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Town Name: Sunapee, Sullivan County

Use Code: AA - Any & All

Date Range: 10-01-2018 through 09-30-2019

**NOT FOR PUBLICATION**

*Ratios were created using stipulated year assessments.*

### Included Sales

Verno	Book Page	Sale Price	Assessed Value	Ratio	PC	MC	SC	Trim	Notes
7	2052-0212	\$170,000	\$184,000	108.2	33				
8	2052-0636	\$249,000	\$275,700	110.7	23				
11	2052-0948	\$317,000	\$306,200	96.6	11				
17	2053-0734	\$298,533	\$238,900	80	11				
18	2054-0083	\$400,000	\$409,600	102.4	11	71			
21	2054-0412	\$77,333	\$121,600	157.2	11			Yes	
22	2054-0654	\$1,088,000	\$735,900	67.6	11	70	D6		
30	2055-0290	\$385,000	\$346,000	89.9	11	71			
31	2055-0423	\$390,000	\$414,500	106.3	14	71			
33	2055-0693	\$320,000	\$310,300	97	14				
35	2056-0031	\$635,000	\$613,000	96.5	11	71			
45	2057-0055	\$750,000	\$627,700	83.7	11	70	D6		
46	2057-0229	\$200,000	\$175,400	87.7	11				
48	2057-0304	\$165,000	\$149,600	90.7	14				
49	2057-0326	\$300,000	\$276,500	92.2	14				
50	2057-0465	\$375,400	\$372,500	99.2	11	74			
51	2057-0645	\$177,000	\$174,700	98.7	11				
53	2057-0932	\$147,800	\$144,600	97.8	11				
58	2058-0264	\$315,000	\$378,100	120	14				
61	2058-0511	\$195,533	\$174,900	89.4	11				
63	2058-0708	\$310,000	\$311,300	100.4	14				
64	2058-0791	\$248,000	\$213,400	86	11				
68	2059-0787	\$515,000	\$376,700	73.2	14	71			
69	2059-0873	\$140,000	\$125,600	89.7	11				
71	2060-0409	\$224,000	\$178,100	79.5	11				
82	2061-0263	\$347,533	\$387,500	111.5	14	71			



## 2019 Trial Ratio Study Report

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Town Name: Sunapee, Sullivan County

Use Code: AA - Any & All

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### Included Sales

Verno	Book Page	Sale Price	Assessed Value	Ratio	PC	MC	SC	Trim	Notes
83	2061-0345	\$600,000	\$505,900	84.3	14				
91	2062-0676	\$249,000	\$290,800	116.8	11	70	D6		
96	2063-0545	\$425,000	\$364,400	85.7	12				
97	2063-0879	\$183,000	\$157,300	86	11				
101	2064-0841	\$197,000	\$182,000	92.4	14				
103	2064-0956	\$324,000	\$322,900	99.7	11				
115	2066-0193	\$225,000	\$203,200	90.3	11				
118	2066-0217	\$227,933	\$176,600	77.5	11				
119	2066-0255	\$380,000	\$322,100	84.8	11	71			
122	2066-0772	\$225,000	\$164,700	73.2	11				
123	2067-0145	\$90,000	\$68,000	75.6	55				
126	2067-0525	\$210,533	\$203,900	96.8	11				
127	2067-0756	\$775,000	\$678,300	87.5	11	71			
128	2067-0833	\$587,533	\$483,200	82.2	11	71			
129	2067-0863	\$290,000	\$304,200	104.9	11				
130	2067-0992	\$230,000	\$216,500	94.1	11				
131	2068-0270	\$65,000	\$45,200	69.5	22				
133	2068-0579	\$252,000	\$208,000	82.5	11				
134	2068-0676	\$154,000	\$153,400	99.6	33				
135	2068-0711	\$75,000	\$70,900	94.5	22				
136	2068-0783	\$50,000	\$46,800	93.6	22				
138	2068-0992	\$660,000	\$507,300	76.9	14	71			
139	2069-0215	\$340,000	\$312,000	91.8	14	71			
142	2069-0571	\$1,850,000	\$1,540,000	83.2	11	70	D5		
143	2069-0618	\$175,000	\$198,680	113.5	11	74			
145	2069-0962	\$38,000	\$47,200	124.2	22				



## 2019 Trial Ratio Study Report

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### Included Sales

Verno	Book Page	Sale Price	Assessed Value	Ratio	PC	MC	SC	Trim	Notes
146	2070-0026	\$35,000	\$37,700	107.7	22				
148	2070-0340	\$75,000	\$98,800	131.7	11				
150	2070-0506	\$440,600	\$371,700	84.4	11	71			
151	2070-0961	\$640,000	\$561,500	87.7	22	70			
157	2071-0729	\$280,600	\$258,600	92.2	12				
158	2071-0755	\$1,175,000	\$983,800	83.7	11	70	D5		
167	2073-0872	\$323,533	\$274,800	84.9	11				
172	2074-0610	\$315,000	\$225,600	71.6	14				
174	2074-0800	\$179,000	\$139,400	77.9	14				
175	2075-0183	\$350,000	\$241,600	69	11	70	D6		
178	2075-0508	\$395,000	\$336,300	85.1	11	70	D6		
179	2075-0683	\$395,000	\$381,300	96.5	11				
181	2075-0900	\$1,450,000	\$934,700	64.5	35	74			
182	2076-0466	\$1,400,000	\$1,364,600	97.5	11	70	D5		
183	2076-0468	\$265,000	\$121,700	45.9	22	74			
184	2076-0539	\$378,000	\$335,400	88.7	11				
185	2076-0651	\$254,533	\$247,500	97.2	12				
186	2076-0712	\$300,000	\$225,500	75.2	11				
187	2076-0825	\$155,000	\$153,400	99	11				
188	2076-0933	\$450,000	\$345,900	76.9	11				
190	2077-0360	\$480,000	\$484,100	100.8	14	71			
193	2078-0201	\$94,533	\$92,500	97.8	22				
194	2078-0284	\$1,890,000	\$1,268,900	67.1	11	70			
196	2078-0511	\$198,000	\$159,900	80.8	11				
198	2078-0582	\$48,000	\$46,900	97.7	22				
199	2078-0606	\$387,000	\$355,100	91.8	11				



## 2019 Trial Ratio Study Report

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### Included Sales

Verno	Book Page	Sale Price	Assessed Value	Ratio	PC	MC	SC	Trim	Notes
203	2079-0742	\$230,000	\$225,100	97.9	11				
205	2079-0953	\$435,000	\$323,000	74.2	11	70	D6		
206	2080-0147	\$320,000	\$432,900	135.3	11				
208	2080-0364	\$559,000	\$358,000	64	11	70	D6		
209	2080-0409	\$749,333	\$640,100	85.4	11	70	D5		
211	2080-0525	\$1,572,533	\$910,500	57.9	11	70	D5		
213	2080-0574	\$599,000	\$428,000	71.4	14	71			
214	2080-0997	\$282,000	\$185,200	65.7	11				
224	2083-0129	\$1,200,000	\$872,500	72.7	11	70			
227	2083-0673	\$266,000	\$235,900	88.7	11				
229	2083-0941	\$315,000	\$284,700	90.4	11				
230	2083-0969	\$900,000	\$708,400	78.7	11	70	D5		
231	2084-0123	\$120,000	\$126,100	105.1	11				
232	2084-0151	\$150,000	\$137,500	91.7	11				

### Excluded Sales

Verno	Book Page	Sale Price	Assessed Value	Ratio	PC	MC	SC	EX	Notes
6	2052-0139	\$425,000	\$585,099	137.7	12			25	Insufficient market Exposure see above
23	2054-0723	\$240,000	\$235,500	98.1	33			40	Business Affiliates as Grantor/Grantee private sale- seller owned construction company operating in this building- sold company, then sold property to the buyers of business
26	2054-0869	\$160,000	\$150,900	94.3	11			24	Sale Between owners of Abutting Prop technically an estate sale
28	2055-0164	\$169,000	\$205,200	121.4	11	71		38	Family/Relatives/Affil as Grantor/Grantee private sale- through probate, then sold
29	2055-0196	\$284,000	\$379,500	133.6	11	70	D6	27	Less than 100% Interest Transferred
34	2055-0774	\$252,400	\$259,200	102.7	11			81	Estate Sale With Fiduciary Covenants
36	2056-0155	\$85,000	\$77,800	91.5	55			24	Sale Between owners of Abutting Prop not marketed



## 2019 Trial Ratio Study Report

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### Excluded Sales

Verno	Book Page	Sale Price	Assessed Value	Ratio	PC	MC	SC	EX	Notes
37	2056-0320	\$190,000	\$191,200	100.6	11			25	Insufficient market Exposure private sale
41	2056-0630	\$185,000	\$250,900	135.6	11			38	Family/Relatives/Affil as Grantor/Grantee
44	2056-0870	\$2,000,000	\$1,465,500	73.3	11	70	D5	24	Sale Between owners of Abutting Prop
54	2058-0029	\$100,000	\$286,300	286.3	11			81	Estate Sale With Fiduciary Covenants
59	2058-0268	\$157,267	\$464,200	295.2	14			27	Less than 100% Interest Transferred 25 % transferred
70	2059-0906	\$97,000	\$95,200	98.1	22			24	Sale Between owners of Abutting Prop
72	2060-0438	\$313,533	\$316,500	101	11			15	Improvements +/- Incomplete at Assmt date much of home gutted at time of sale / plumbing work, much work needed - determined at inspection of sale - use current
77	2060-0961	\$41,200	\$349,100	847.3	11			27	Less than 100% Interest Transferred appears to remove one person from deed and add 2 others
79	2061-0117	\$124,067	\$363,400	292.9	57			35	Government Agency as Grantor/Grantee
85	2061-0492	\$361,000	\$436,300	120.9	33			40	Business Affiliates as Grantor/Grantee
92	2062-0802	\$82,533	\$263,200	318.9	12			51	Foreclosure
100	2064-0279	\$310,000	\$254,200	82	11	71		24	Sale Between owners of Abutting Prop
104	2065-0200	\$225,000	\$260,800	115.9	11			24	Sale Between owners of Abutting Prop
106	2065-0373	\$215,000	\$214,300	99.7	12			24	Sale Between owners of Abutting Prop
121	2066-0536	\$93,800	\$1,558,100	1661.1	11	70	D5	38	Family/Relatives/Affil as Grantor/Grantee
124	2067-0267	\$325,000	\$209,400	64.4	33	70	D5	40	Business Affiliates as Grantor/Grantee
155	2071-0609	\$435,000	\$348,100	80	11	71		21	Multi-Parcel Conveyance (MPC) - Properties can be sold separately multi parcel sale - 3 parcels can be sold independent of another
173	2074-0663	\$100,000	\$157,900	157.9	11			25	Insufficient market Exposure parcel had "for sale by owner" sign-gentleman who advertises "I Buy Houses" purchased
200	2078-0841	\$800,000	\$1,352,800	169.1	11	70	D5	27	Less than 100% Interest Transferred 50% interest transferred
204	2079-0881	\$118,000	\$51,200	43.4	55			38	Family/Relatives/Affil as Grantor/Grantee private sale - not on mls
212	2080-0531	\$775,000	\$821,000	105.9	15	74		12	Subdivided Post Asmt/Pre Sale Structure under construction 4/1/2019- was a large single family rebuilt into condos



## 2019 Trial Ratio Study Report

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Town Name: Sunapee, Sullivan County

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### Excluded Sales

Verno	Book Page	Sale Price	Assessed Vaue	Ratio	PC	MC	SC	EX	Notes
216	2081-0320	\$2,300,000	\$2,410,700	104.8	11	71		21	Multi-Parcel Conveyance (MPC) - Properties can be sold separately IMPROVED LOT / AND A SEPERATE BUILDABLE LOT CAN BE SOLD SEPERATE
228	2083-0692	\$67,867	\$229,600	338.3	33			40	Business Affiliates as Grantor/Grantee





The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Robert R. Scott, Commissioner**

The Town of Sunapee  
23 Edgemont Road  
Sunapee, NH 03782

Sunapee Water & Sewer Commission  
P.O. Box 347  
Sunapee, NH 03782

Re: Sunapee Water Works  
PWS #2271010

**ADMINISTRATIVE ORDER  
By CONSENT**

**No. 19-031 WD**

**A. INTRODUCTION**

This Administrative Order by Consent is issued by the New Hampshire Department of Environmental Services, Water Division to, and with the consent of, the Town of Sunapee, New Hampshire and the Town of Sunapee Water & Sewer Commission under the authority of RSA 485:58. This Administrative Order by Consent is effective upon signature by the parties.

**B. PARTIES**

1. The Department of Environmental Services, Water Division, is a duly-constituted administrative agency of the State of New Hampshire, having its principal office at 29 Hazen Drive in Concord, New Hampshire.
2. The Town of Sunapee is a duly-constituted municipality of the State of New Hampshire having a mailing address of 23 Edgemont Road, Sunapee, NH 03244.
3. The Town of Sunapee Water & Sewer Commission ("Sunapee Water Commission") is a duly-constituted board of commissioners of the Town of Sunapee having a mailing address of P.O. Box 347, Sunapee, NH 03782.
4. The Town of Sunapee, and its Water & Sewer Commission, may be referred to hereinafter, at times, as the "Responsible Parties."

**C. STATEMENTS OF FACTS AND LAW**

1. RSA 485 authorizes the Department of Environmental Services ("DES") to regulate public water supplies. The Commissioner of DES has adopted NH CODE ADMIN. RULES Env-Dw 100 *et seq.* (the "Drinking Water Rules") to implement this program per RSA 485:3.
2. RSA 485:1-a, I, defines "community water system" to mean "a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents."

3. The Responsible Parties own and operate a municipal water system that serves approximately 500 service connections with an estimated population of 1,700 residents in the Town of Sunapee, New Hampshire (the "Water System").
4. The Water System is a community water system as defined in RSA 485:1-a, I.
5. David Bailey is the superintendent and certified operator for the Water System. Superintendent Bailey is the primary point of contact for issues concerning the Water System, according to records maintained by DES.
6. The Water System draws 100% of its water from Lake Sunapee.
7. Env-Dw 103.57 defines "surface water" to mean "water that is open to the atmosphere and subject to surface runoff."
8. Lake Sunapee is a surface water as defined in Env-Dw 103.57.
9. Per Env-Dw 716.01, the purpose of Env-Dw 716, in part, is to establish the requirements for disinfection at public water systems ("PWS") supplied by a surface water source consistent with national primary drinking water requirements.
10. Env-Dw 716 applies to each PWS supplied by surface water, per Env-Dw 716.02.
11. Env-Dw 716.04 requires the owner(s) and/or operator(s) ("O/O") of a PWS subject to Env-Dw 716 to comply with the filtration and disinfection requirements of 40 CFR §§ 141.70-73, to ensure that any pathogenic organisms are inactivated.
12. Per Env-Dw 715.01, the purpose of Env-Dw 715 is to establish procedures and standards for the control of disinfectant residuals, disinfection byproducts, and disinfection byproduct precursors by the O/O of a PWS, consistent with national primary drinking water requirements.
13. Env-Dw 715 applies to each community water system at which any chemical disinfectant is added to the water in any part of the treatment process, per Env-Dw 715.02(a).
14. Trihalomethanes are potentially-harmful disinfection byproducts ("DBP") formed when sodium hypochlorite reacts with organic matter in drinking water. Per 40 CFR 141.2, Total Trihalomethanes ("TTHMs") means the sum of the concentration in milligrams per liter of the trihalomethane compounds (trichloromethane [chloroform], dibromochloromethane, bromodichloromethane and tribromomethane [bromoform]), rounded to two significant figures.
15. Env-Dw 705.03(c) sets the maximum contaminant level ("MCL") for TTHMs in drinking water at 0.080 milligram/Liter ("mg/L").
16. The following language is required by 40 CFR 141.205 to be included in notices of exceedances of the TTHMs MCL regarding possible health effects associated with consumption of TTHMs:

"Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous system, and may have an increased risk of getting cancer."

17. Env-Dw 715.10(a) requires the O/O of a community water system that uses a primary or residual disinfectant other than ultraviolet light, or delivers water that has been treated with a primary or residual disinfectant other than ultraviolet light, to comply with the requirements of 40 CFR §§ 141.620-629 (Subpart V – Stage 2 DBP requirements).

18. Sunapee uses sodium hypochlorite for treatment of the Water System to chemically disinfect the source water to provide bacteriological protection to consumers.

19. A *compliance date* of October 1, 2013, was set out in 40 CFR 141.620(c)(4) for community water systems serving less than 10,000 persons to comply with *Stage 2 DBP requirements*.

20. The O/O of a community water system, serving a population between 500 and 3,300 and subject to Stage 2 DBP requirements is required by 40 CFR 141.621(a)(2) to monitor for DBPs quarterly. Such water systems are required to take individual TTHM samples at the locations with the highest TTHM concentrations.

21. Per 40 CFR 141.620(d)(1), for systems required to monitor quarterly, compliance with the TTHM MCLs is determined by calculating the *locational running annual average* (“LRAA”) for TTHM using monitoring results collected under Stage 2 DBP requirements and determining that each LRAA does not exceed the MCL.

22. LRAA is defined in 40 CFR 141.2 to mean “the average of sample analytical results for samples taken at a particular monitoring location during the previous four calendar quarters.”

23. Per 40 CFR 141.620(c)(7), if a community water system is required to conduct quarterly monitoring, compliance calculations must be made at the end of the fourth calendar quarter that follows the compliance date and at the end of each subsequent quarter (or earlier if the LRAA calculated based on fewer than four quarters of data would cause the MCL to be exceeded regardless of the monitoring results of subsequent quarters).

24. The O/O of a community water system subject to Stage 2 DBP requirements is required by 40 CFR 141.629(a)(1) to report the following information for each monitoring location to DES within 10 days of the end of any quarter in which monitoring is required:

- i. Number of samples taken during the last quarter;
- ii. Date and results of each sample taken during the last quarter; and
- iii. Arithmetic average of quarterly results for the last four quarters for each monitoring location (LRAA), beginning at the end of the fourth calendar quarter that follows the compliance date and at the end of each subsequent quarter.

25. Env-Dw 801.08 requires the O/O of a community water system that violates a MCL specified in Env-Dw 700 to provide public notice of the violation to persons served by the water system within 30 days of learning of the violation and to submit certification of such public notice to DES within 10 days of providing public notice.

26. The TTHM LRAA for the Water System exceeded the MCL in Q2-2018 and as a result, DES issued an NOV to the Sunapee Water Commission on August 13, 2018. In the NOV, DES listed the TTHM LRAA of 0.086 mg/L at the monitoring location for the Water System and explained the public notice requirement associated with the violation.

27. On August 31, 2018, DES received proof of public notice for the Q2-2018 TTHM MCL violation.

28. The TTHM LRAA for the Water System exceeded the MCL in Q3-2018 and as a result, DES issued an NOV to the Sunapee Water Commission on November 13, 2018. In the NOV, DES listed the TTHM LRAA of 0.089 mg/L at the monitoring location for the Water System and explained the public notice requirement associated with the violation.

29. On November 30, 2018, DES received proof of public notice for the Q3-2018 TTHM MCL violation.

30. On February 21, 2019, DES issued Letter of Deficiency (“LOD”) No. DWGB 19-008 via certified mail to the Sunapee Water Commission. In LOD #DWGB 19-008, DES cited the TTHM MCL violations in Q2-2018 and Q3-2018. LOD #DWGB 19-008 also served as the formal notice of violation for exceeding the TTHM MCL for Q4-2018. In LOD #DWGB 19-008, DES listed the Q4-2018 TTHM LRAA of 0.081 mg/L at the monitoring location for the Water System. DES requested that the Sunapee Water Commission provide proof of public notice of the Q4-2018 TTHM MCL violation to DES by April 2, 2019; retain a consultant and submit the consultant’s report proposing a solution to the water quality violations in the Water System by April 22, 2019.

31. On February 28, 2019, DES received the United States Postal Service return receipt confirming delivery of LOD #DWGB 19-008 to the Sunapee Water Commission. The receipt was signed by the town clerk.

32. On March 1, 2019, DES received a report from Underwood Engineers, Inc., on behalf of the Sunapee Water Commission. In 2018, the Sunapee Water Commission commissioned Underwood to investigate the increased levels of TTHM in the Water System. In the report, dated November 28, 2018, Underwood theorized that “if TTHMs can be reduced to be well below the MCL before leaving the steel tank, it is likely that they will remain below the MCL in the distribution.”

33. In the report, Underwood also provided several recommended options for further evaluation:

- Advance a conceptual design of an Ultra Violet system;
- Evaluate and advance a conceptual design of switching the residual chlorine disinfection step to chloramines; and
- Contact similar water systems that currently use mixers and aerators and determine if they would be a suitable option for the Water System.

34. On March 5, 2019, DES received proof of public notice for the Q4-2018 TTHM MCL violation.

35. On April 26, 2019, DES received a letter from David Bailey. In his letter, Mr. Bailey stated that the Sunapee Water Commission is in the process of choosing one of the options outlined in the Underwood report. At the next meeting of the board of commissioners, scheduled for May 30, 2019, the commissioners would be voting on the options presented with the installation of an Ultra Violet system appearing to be the favored option. Additional funds for any option chosen would be needed, hence the Sunapee Water Commission would then draft a warrant article for town meeting by September 2, 2019. The warrant article would be voted on by the residents of Sunapee at the March 2020 town meeting. If passed, the Sunapee Water Commission could begin improvements to the Water System in April 2020 with a target operational date of July 2020.

36. On May 2, 2019, DES staff contacted David Bailey to discuss the DBP violations and his letter dated April 26, 2019. DES staff inquired how the Sunapee Water Commission planned to proceed should the residents of Sunapee fail to pass the warrant article. DES staff offered to meet with Mr. Bailey and the commissioners at the Sunapee Water Works to discuss all options.

37. The TTHM LRAA for the Water System exceeded the MCL in Q1-2019 and as a result, DES issued an NOV to the Sunapee Water Commission on May 14, 2019. In the NOV, DES listed the TTHM LRAA of 0.087 mg/L at the monitoring location for the Water System and explained the public notice requirement associated with the violation.

38. On May 21, 2019, DES staff met with Superintendent David Bailey, the other operators of the Water System, and five of the commissioners of the Sunapee Water Commission. During the meeting, DES staff and the Sunapee representatives discussed the DBP violations, the Underwood report, and potential solutions. DES staff also presented a spreadsheet documenting that TTHM results are trending upwards in the Water System.

39. On May 23, 2019, DES received proof of public notice for the Q1-2019 TTHM MCL violation.

40. On June 4, 2019, DES received email correspondence from David Bailey notifying DES staff that Underwood would be presenting a scope of work to the Sunapee Water Commission with the intent to provide further engineering services related to the DBP MCL violations.

41. The TTHM LRAA for the Water System exceeded the MCL in Q2-2019 and as a result, DES issued an NOV to the Sunapee Water Commission on July 12, 2019. In the NOV, DES listed the TTHM LRAA of 0.094 mg/L at the monitoring location for the Water System and explained the public notice requirement associated with the violation.

42. On July 29, 2019, DES received proof of public notice for the Q2-2019 TTHM MCL violation.

#### **D. DETERMINATION OF VIOLATIONS**

The Responsible Parties violated Env-Dw 705.03(c) by exceeding the TTHM MCL during the calendar quarters of Q2-2018 through Q2-2019, inclusive.

#### **E. ORDER**

Based on the above findings, DES hereby orders the Responsible Parties, and Responsible Parties agree, to undertake and complete the following actions in accordance with the time schedules specified:

1. **By February 1, 2020**, the Responsible Parties shall submit to DES, for consideration and approval, a Final Phase 1 design basis memorandum, projections of construction costs, and proposed implementation schedules for a new plan to meet the water quality standards.

2. **By November 1, 2020**, the Responsible Parties shall implement all improved and enhanced treatment and operational improvements to the Water System, approved by DES. The Responsible Parties shall also notify DES of all improved and enhanced treatment and operational improvements to the Water System implemented by the Responsible Parties, by November 1, 2020.

3. **By December 15, 2020**, the Water System shall be in compliance with the Stage 2 DBP requirements.

4. If the Water System is not in compliance with the Stage 2 DBP requirements by December 15, 2020; then **by April 15, 2021**, the Responsible Parties shall submit to DES, for consideration and approval, a Phase 2 design basis memorandum, projections of construction costs, and proposed implementation schedules for a new plan to meet the water quality standards.

5. Sunapee shall implement any Phase 2 measures in strict accordance with the schedule approved by DES.

6. **From the date of this Order** until the Water System is in compliance with the Stage 2 DBP requirements and treatment is operational, the Responsible Parties shall timely comply with Env-Dw 801.08, by notifying persons served by the Water System of any MCL violation within 30 days of learning of the violation; and by submitting to DES proof of public notice within 10 days of performing such public notice.

7. **From the date of this Order** until the Water System is in compliance with the Stage 2 DBP requirements and treatment is operational, the Responsible Parties shall provide to DES a brief progress report on all developments and actions taken towards achieving compliance. These reports shall be submitted to DES within 10 days following the end of each DBP quarterly monitoring period.

8. The Responsible Parties shall send all correspondence, data, reports, and other submissions made in connection with this Administrative Order by Consent, to DES as follows: **Eric Skoglund**, Enforcement Specialist, DES Water Division, Drinking Water and Groundwater Bureau, P.O. Box 95, Concord, NH 03302-0095 ~ Fax: (603) 271-3490 ~ Email: [Eric.Skoglund@des.nh.gov](mailto:Eric.Skoglund@des.nh.gov).

#### **F. CONSENT AND WAIVER OF APPEAL**

By execution of this Administrative Order by Consent, the Responsible Parties agree that this Order shall apply to and be binding upon the Responsible Parties, their officers, directors, board members, commissioners, successors, and assigns; and agree that this Order may be entered and enforced by a court of competent jurisdiction.

By execution of this Administrative Order by Consent, the Responsible Parties waive any right to appeal this Administrative Order by Consent provided by statute, rule, or common law, including without limitation the right to appeal to the New Hampshire Water Council, and waive any right to object to the entry and enforcement of this Order by a court of competent jurisdiction.

**The Town of Sunapee, New Hampshire**

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By: Josh Trow, Chair  
Sunapee Select Board  
Duly Authorized

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Date

**The Town of Sunapee Water & Sewer Commission**

\_\_\_\_\_  
By: Theodore Gallup, Chair  
Duly Authorized

\_\_\_\_\_  
Date

**NH Department of Environmental Services**

\_\_\_\_\_  
Robert R. Scott, Commissioner

\_\_\_\_\_  
Date

cc: DES Legal Unit

ec: Public Information Officer, DES PIP Office  
K. Allen Brooks, Chief, AGO-Environmental Protection Bureau  
Sunapee Health Officer  
David Bailey, Superintendent and Water System Operator, Sunapee Water Works  
Eric Skoglund, DES Water Division, Drinking Water and Groundwater Bureau  
EPA, Region 1

**Board of Commissioners Meeting  
October 24, 2019  
Sunapee Town Office Meeting Room**

PRESENT: Theodore Gallup-Chairman, Jimmy Williams, Richard Curtis, Anthony Bergeron, Douglas Gamsby, Charles Hirshberg, Jeffrey Reed.

Also present: Holly Leonard, David Bailey, Aaron Cartier, Michael Metcalf.

The Chairman called the meeting to order at 5:30 p.m.

1. Forms for Signing:

September 26, 2019 Meeting Minutes: Douglas G. made a motion to accept the meeting minutes from September 26<sup>th</sup>, seconded by Anthony B., after some discussion regarding the statement about electrical line being installed really should have said electrical conduit, voted unanimously in favor, so declared by the Chairman.

September Sewer Purchase Journal: Anthony B. made a motion to accept the September Sewer Purchase Journal, seconded by Jimmy W., after some discussion regarding Albee Automotive, the Town of Merrimack and Ti-Sales, voted unanimously in favor, so declared by the Chairman.

September Water Purchase Journal: Anthony B. made a motion to accept the September Water Purchase Journal, seconded by Jimmy W., after some discussion regarding Albee Automotive, voted unanimously in the affirmative, so declared by the Chairman.

Administrative Order of Consent: Michael Metcalf of Underwood Engineers arrived. There was some discussion regarding date changes that Michael M. had proposed and Michael M. stated that he had speaking with Sarah Pillsbury, head of the NH DES Drinking Water and Groundwater Bureau yesterday and that the State is good with changing the last two dates if at tonight's meeting the Commission could continue to move forward by making a decision on the method they wish to pursue in order to remediate the TTHM violations based upon the preliminary design figures presented by Underwood. Michael M. stated that he had proposed that the state revise the last two dates in the Letter of Compliance to take into consideration that if construction was completed in November 2020 then being in compliance by December 15, 2020 was unrealistic not knowing what the LRA would be at that time and how much reduction would be realized in the first sample after the method is put on-line. He stated that they had agreed to move the dates back 6 months to allow for 3 quarters of testing with the new treatment process in place, thus changing the December 15, 2020 date to June 15, 2021 and then phase 2 would also be 6 months later bringing that date to September 2021, he stated that there had been some push back from legal at the state but that he would not advise signing tonight as there will be a revised Letter of Compliance issued with those new dates. There was some discussion regarding the Commission being able to vote tonight to enter into the consent agreement with the stipulation that the dates were thus changed. Anthony B. questioned if the February 1<sup>st</sup> date is a problem pending the vote of the Town, there was some discussion regarding the funds that are in the Replacement Fund and the Capital Improvement Reserve Fund and the fact that it would only be better if the bonding were voted in so as not to drain all of the Water Department



Reserve funds that are available. Anthony B. made a motion to authorize the Chairman to sign the Order of Consent with the stipulation that the dates be changes by DES, seconded by Jimmy W., voted unanimously in favor, so declared by the Chairman.

2<sup>nd</sup> 2019 Billing Warrants: Holly L. presented that the Water Department Billing Warrant had figured to be \$194,879.76 in Water User Fees and \$69,687.80 in Water Bond Fees for a total of \$264,567.56 and that the Sewer Department Billing Warrant had come out to be \$285,909.00 in Sewer User Fees and \$67,868.74 in Sewer Bond Fees for a total Sewer Rent Collector's Warrant of \$353,777.74. Anthony B. made a motion to accept the second half of 2019 Billing Warrants, seconded by Jimmy W., voted unanimously in the affirmative, so declared by the Chairman.

2. Underwood Engineers Draft Technical Memorandum for DBP Mitigation:

Theodore G. questioned what alternative presented in the Memorandum Dave B. would prefer. Dave B. stated that he is leaning toward the aeration as one of the options can be accomplished without blowers on top of the storage tanks. There was some discussion regarding weather or not a pilot study could be done to ensure that this option would remove the TTHMs or not. There was much discussion regarding how much reduction may be realized from the aeration, if this may help with the red water issues as well and if this could be improved as well with the use of UV instead of primary disinfection with chlorine. There was some discussion regarding soda ash and perhaps using phosphates again to help with the red water problems. Michael M. stated that Sodium Silcate is one chemical that would work and that Newport is using it currently. Dave B. questioned if aeration in the tanks might raise the pH and Michael M. stated that it could. Richard C. questioned if the aeration system makes noise, Michael M. responded that there was one case noted where a neighboring apartment building complained and in that case it had been an issue. Michael M. stated that the Medora aeration had an option of installing the blower at ground level and perhaps if noise became an issue, walls could be constructed around it to solve the problem, but that the Pax aeration system did not give a ground mount option. Michael M. explained how the aeration system and blower work to remove the THMs. Charles H. questioned if there could be an issue with the chlorine residual because of the aeration, Michael M. did not think it would be too much of an impact. Richard C. questioned if the sand in the filter needs to be changed, Michael M. responded that he had done a study a few years back and that eventually it will need to be replaced. He explained that the sand filter will not remove the dissolved organics that are causing the TTHM problems. There was some discussion regarding adding carbon to the filters and the option of pressure vessels both being cost prohibitive and labor intensive. Dave B. stated that he would like to stick with the aeration in the tanks option, Michael M. stated that this has been successful in other instances but that there is still a chance that DBPs will form in the distribution system. There was some discussion regarding the fact that aeration will not remove Haa5s and that these have been an issue in Sunapee in the past and that there had been two high readings of Haas this year. There was some discussion regarding UV being able to help with both DBP issues even without using chloramines instead of chlorine. There was some discussion regarding piping reconfigurations that would be an improvement to the pipe gallery, Dave B. would like to see more automation of the valves at the Slow Sand Filter Plant and would like if this could be done during the UV installation process. There was some discussion regarding going with just the UV disinfection without the chloramines, Michael M. feels that this would be a feasible option and that the chloramines could be done as a phase 2 if the UV with the addition of chlorine before the water enters the distribution system does not

remedy the problem. Jeffrey R. questioned the difference between the two brands of UV systems, Michael M. stated that Atlantium is geared for smaller systems than is the Trojan system. There was some discussion regarding how much power the UV would need, how much space it would take up and if the generator at Harbor Hill could handle the UV disinfection unit. The Commission would lean toward the UV option without the chloramines and there would still be enough funds in the \$400,000 warrant article to install the chloramines after if it proves to be necessary in order to mediate the DBP problem.

Jeffrey R. made a motion to go with the Atlantium UV system as a proposed phase one, seconded by Anthony B., voted unanimously in favor, so declared by the Chairman.

Michael M. stated that the engineering for the construction phase of the UV system came to be \$51,750 which is 25% of the construction costs. Michael M. would propose that the Commission give the Chairman authority to sign an engineering contract when it is prepared so that the project can get under motion before the next Commission meeting on November 21<sup>st</sup>. Jimmy W. questioned the flow meter costs in the estimate and felt that they were quite high. Michael M. agreed that that may be an inflated price and there was some discussion regarding using the flow meters that are already at Harbor Hill to save on the total cost of the project. Charles H. questioned if the addition of chloramines may cause a problem with lead and copper, Michael M. stated that he had heard of lead issues in the DC area due to the use of chloramines but that the addition of sodium silicate should coat the distribution pipes and keep this from happening if chloramines need to be utilized. There was some discussion regarding chloramines and other types of health problems that could be issues in the community if they were used as Sunapee's secondary disinfectant instead of chlorine.

Anthony B. made a motion to authorize the Chairman to sign a contract with the engineering firm to design the UV system, not to exceed \$51,750, seconded by Jimmy W., after some discussion, voted unanimously in the affirmative, so declared by the Chairman.

3. Water Treatment Highlights: Dave B. reported that a leak on a service line on Garnet Street near Dewey Beach had been fixed last week and that it had probably been leaking since it had been installed. Dave B. stated that the hydrant in the harbor had been changed, Anthony B. stated that there had been a nice letter to the editor about the Water Department and this repair in the Intertown Record. Dave B. stated that the repair had been a bit of a challenge because the valve there had concrete all around it that had to be broken out. Dave B. stated that Noel Eastman had done a great job doing the digging for the department. Dave B. reported that the summer lines are all shut down for the winter and that hydrant flushing will be next week at night.

4. Wastewater Treatment Highlights:

Dave B. stated that there is an electrical conduit in the ground at Pump Station 3 and explained what was going on with the electrical there. He stated that after this is completed on Thursday that the Department can get some new siding on the building. He reported that the Wastewater Treatment Plant has been running pretty decently and that DES representatives will be there tomorrow working on the phosphorus. Dave B. stated that he is expecting that the AOC for the phosphorus at the plant is coming to an end but that he thinks with the change in the discharge permit for the winter months that the phosphorus limit can be met. Dave B. reported that DES officials have surmised that the higher phosphorus readings may be caused by the centrifuge effluent and may be proposing the addition of Poly Aluminum Chloride as the sludge enters the centrifuge in hopes of binding the phosphorus with the sludge.

Perkins Pond Legal Action: There was some discussion regarding the request for extension of time. Anthony B. made a motion to grant the extension of time until June 1, 2020 to Mr. Szalucka, seconded by Jimmy W., voted unanimously in favor, so declared by the Chairman.

5. Old & New Business: 2020 Proposed Budgets:

Holly L. presented that there had been a few changes made from the budget sheets in the Commission packets due to the revision of the projected payroll spreadsheet. She reported that this had resulted in an overall increase from 2019 to the proposed 2020 budgets as follows: The overall proposed Water O & M Budget for 2020 is now \$413,767.00 and that is an increase of 5.7% over 2019. The proposed Treatment Plant O & M budget for 2020 is now \$715,525.00 which is an increase of 4.48% from 2019 and the Collection system proposed 2020 O & M budget is now \$309,985.00, an increase of 3.42% from 2019. The Combined Wastewater proposed 2020 budgets at an overall increase of 4.16%.

There was some discussion regarding the proposed warrant articles and the budget meeting on November 7<sup>th</sup>.

The next meeting is scheduled for November 21, 2019.

The Commission received an invitation to a School Community Forum on October 30<sup>th</sup>.

7:30 p.m. Anthony B. made a motion to adjourn, seconded by Charles H., voted unanimously in the affirmative, so declared by the Chairman.

Dave B. stated that Underwood will have an employee doing some GIS mapping for the Sewer Asset Management Plan in town on November 4<sup>th</sup>. Dave B. stated that he and Aaron C. would like to see a charge instituted for turning on and off the summer residences. The Commission would discuss this further when setting rates.

Submitted by Holly Leonard.

Approved by the Water & Sewer Commission this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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Theodore Gallup-Chairman

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Charles Hirshberg

\_\_\_\_\_  
Richard Curtis

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Jeffrey Reed

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Anthony Bergeron

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Jimmy Williams

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Douglas Gamsby

For the Town of Sunapee, the Board of Selectmen appoint members to the Highway Safety Committee.

Highway Safety Committee is established under the Board of Selectmen's authority to assist them with policy issues.

The purpose of the Committee is to:

- make recommendations to the Board of Selectmen for the establishment of highway safety programs
- review and make recommendations concerning the town's present and future needs for traffic control signs and signalization
- review specific requests for traffic control signs and signalization and make recommendations
- advise, upon request, any town board, committee or commission regarding matters pertaining to highway safety
- to ensure full and effective coordination of all issues pertaining to the establishment of roadways (statutory responsibility of the Planning Board) and highway safety.

The Highway Safety Committee is made up of a representative of the Police, Fire and Highway Departments (usually the head of those departments), a representative of the school department, a selectman, and a member of the public. The member of the public shall be a 3-year term, the other members shall be as long as they hold the position.

This committee will meet quarterly or more frequently as necessary. All meetings, notices and minutes will comply with RSA 91-A as these are public meetings of a public group.

Please note, the Highway Safety Committee does not address issues pertaining to routine plowing/street sweeping/ maintenance. Questions or concerns in these areas should be directed to the Highway Director.

2017-2019 CZC Commercial permits issued (based on square-footage)

CZC#	Map and Lot	Owners Name	Feet Numb	Street Name	Date Approved	Value	Project Description	NOTES	Permit Fee Charged	Square Footage
3815	0237-0006-0000	HARDING HILL FARM, LLC	545	STAGECOACH RD	15-Jul-19	115,000	CONSTRUCTION OF 24' X 28' SUGARHOUSE FOR PRODUCTION OF MAPLE SYRUP, WITH ATTACHED 14' X 48' SHED FOR WOOD AND SAP STORAGE. INCLUDES RETAIL SPACE, EVAPORATOR ROOM AND A DRY STORAGE, REVERSE OSMOSIS ROOM TO FACILITATE PRODUCTION	New sugarhouse (1152 SF) + 672-SF shed	\$ 1,334.40	1,824 SF
3804	0211-0017-0000	HIGH PINES PROPERTY, LLC	990	ROUTE 11	17-Jun-19	1,000,000	CONSTRUCTION OF THREE SELF-STORAGE BUILDINGS; AS APPROVED BY PLANNING BOARD SITE PLAN APPROVAL 1/24/19. BUILDING 1: 12,540 SQ FT; BUILDING 2: 8,840 SQ FT; BUILDING 3: 4,800 SQ FT	3 new self-storage buildings	\$ 13,290.00	26,180 SF
3720	0130-0028-0000	PUBLIC SERVICE COMPANY OF NH (EVERSOURCE)	74	NORTH RD	18-Jun-18		624 SQ FT EXPANSION OF THE OPERATIONS BUILDING & UPDATE THE ELECTRICAL COMPONENTS / STRUCTURES WITHIN THE FENCED AREA & LIMITS OF THE SUBSTATION PAD	Eversource, 624 SF expansion	\$ 512.00	624 SF
3702	0133-0093-0000	SOO-NIPI REALTY TRUST, LLC	36	RIVER RD	07-May-18	1,000	65 SQ FT OF DECKING & HANDRAIL CONSTRUCT A PITCHED ROOF, NOT TO EXCEED 16 FT AND ADD A 8 FT X 19.5 FT EXPANSION TO REAR OF BUILDING	Stacey's Smoothies	\$ 132.50	65 SF
3697	0147-0019-0000	NAF SUNAPEE, LLC	563	ROUTE 103	23-Apr-18	18,000	DEMO INTERIOR OF OLD PIZZA CHEF & BACK OF MARKET AREA; REBUILD IN DUNKIN DONUTS; ADD NEW COOLER TO EXTERIOR OF BUILDING; CHANGE PARKING LOT & CROSS WALK MAKEOVER	Retail antique store, 8'x19.5 expansion = 156 SF	\$ 150.00	156 SF
3555	0129-0075-0000	J&F REALTY PARTNERSHIP	550	Route 11	2/21/2017	150,000	MOVING A GAZEBO TO NEW LOCATION; CONSTRUCT A NEW DEMENTIA CENTER AS PER DESCRIPTION AND PLANS APPROVED BY P/B AT SITE PLAN REVIEW (1/8/15)	Gutting pizza space and renovating for Dunkin Donuts	\$ 772.50	1,345 SF
3572	0106-0021-0000	HK SUNAPEE COVE	1250	Route 11	4/17/2017	3,600,000	24' X 42' SINGLE STORY OFFICE BUILDING WITH WALKOUT BASEMENT (FIVE OFFICES, ONE MEETING ROOM) AS PER DRAWING & SITE PLAN APPROVAL DES #2017-01489	Sunapee Cove assisted living expansion	\$ 6,458.00	12,500 SF
3603	0129-0031-0000	TOWNE OFFICE COMPLEX, LLC	14	Pleasant Place	6/26/2017	340,000	OPEN PAVILION STRUCTURE TO REPLACE EXISTING BEACH HOUSE IN SMALLER FOOTPRINT. PAVILION TO HAVE TWO (2) RESTROOMS. BUILDING NO HIGHER THAN EXISTING.	New office building	\$ 1,284.00	2,168 SF
3634	0144-0032-0000	FISHER BAY COMMUNITY ASSOC	130	Bay Rd	9/18/2017	165,000	Expansion of existing storage facility business with three (3) new buildings 14,300 SF: Building E 2-story 25'x140'; Building F single-story 30'x120'; Building B single-story 30'x90' and 20'x50'.	New pavillion for Fisher Bay	\$ 886.50	1,040 SF
		MCDONOUGH FAMILY PROPERTY	36	ROUTE 103		\$ 600,000.00	3 new storage buildings		\$ 8,820.00	14,300 SF