

# SELECTMEN'S MINUTES

## MONDAY, AUGUST 13, 2012

The Selectmen's meeting for Monday, August 13, 2012 started at 6:30 p.m. Present were Selectman Malloy, Selectman Gaudiello, Selectman Hatch, Chairman Clark, Selectman Pratt, Administrator Scruton and Clerk McNeil.

Chairman Clark welcomed everyone and led in the Pledge of Allegiance.

### APPOINTMENTS

Attorney Malcolm McNeill – Village Place – Attorney McNeill was present along with Joe Falzone who is the developer of a proposed subdivision off of Route 9. Also present was the engineer from Beals Associates and a representative from Gove Real Estate. Attorney McNeill stated that he and his client have already attended seven meetings with the Planning Board. The public safety officials would like an access through Deer Ridge Drive through a small section of Class VI road. The intent of the developer is to have the subdivision road accepted as a Class V town road as it is being built to town standards. They anticipate subdivision approval next week. The road will be built in three phases and they would anticipate that this would be three year project. They would ask for acceptance of the road after 75% of the houses have been sold. Road maintenance is not amenable to a homeowners association, but the homeowners association will maintain the open space. Attorney McNeill expressed his concern, after receiving a memo from the town, that one department is effected financially with the acceptance of the road and the town won't guarantee acceptance. The road will be bonded up front and maintenance bonds will be in place. They want to go forward with the project and if they do everything that is asked, when they come forward for road acceptance they would normally expect the Board of Selectmen would accept the road as a Class V town road. A town refusing to accept a road built to town standards has never occurred before in any of their projects in southern New Hampshire. John Scruton stated that there are still some unknowns about the project, but the Board would look at everything when acceptance comes before them. Selectman Hatch noted that you have to take into consideration that with a phased subdivision part of the road would already have a lot of wear even before acceptance. Selectman Pratt asked what the town should be budgeting to take care of maintenance of the road. What are we getting into for costs? They were unable to answer the question. Mr. Falzone noted that no builder will buy a lot if the town won't accept the road. Administrator Scruton stated that the current board cannot bind a future Board. Attorney McNeill stressed that controlling growth should be done by a moratorium. Attorney McNeill noted that Mr. Falzone will give the Board a year's notice before he asks for road acceptance and it will either be in three years or 75% of homes sold whichever come last. With regard to the Class VI stub to Deer Ridge Road, Selectman Hatch moved to approve Mr. Falzone doing work to the Class VI stub as part of the development of Village Place with a bond in place and a waiver of liability, seconded by Selectman Malloy. It was unanimously voted in the affirmative.

Stephen Jeffrey – Planning Board Appointment – Mr. Jeffrey questioned several Planning Board interpretations noting wording from the Zoning Ordinance. He has concerns about several wetlands questions, and special use permits that are "after the fact" and how the Planning Board applies the permits. Mr. Jeffrey has his position and the Planning Board has their position. Chairman Clark asked "what is your expected outcome for tonight"? Mr. Jeffrey wanted his report entered into the record. Planning Board member, Alan Kelley, stated that he disagreed with two approvals that were not processed properly through the Planning Board. Mr. Kelley explained his concern with the process citing several RSAs. Several other members are reluctant to agree with him regarding retroactive authority of previous violations.

#### DEPARTMENT HEAD REPORTS –

Chief Walker – His department has had 448 emergency calls to date. The budget looks good for this time of year. He does more spending in October and November. He has planned maintenance expenses that will be looked at later in the year. Chief Walker suggested that it may be time to start looking to fund two staff members for weekend coverage.

Tom Abbott – Mr. Abbott stated that he has no issues with the budget as long as there are no major unanticipated expenses. Selectman Hatch asked about the code violations and could the Board continue to get updated reports. Mr. Abbott explained how he handles code violations. Chairman Clark asked about the illegal signs that have been placed around town. Tom Abbott explained he has no authority over those in the State right-of-way.

Administrator Scruton drafted the proposed changes to the Driveway Ordinance which were discussed at a prior meeting. Selectman Hatch had concerns that the aprons are not getting paved. The new policy provides for a construction entrance so the builder does not have to pave the entrance twice because of construction damage. Selectman Gaudiello moved to adopt the amendment for the Policy for Excavation within Barrington's Public Roadways Including Driveways, seconded by Selectman Pratt. Chairman Clark asked for a roll call, Malloy – aye, Gaudiello – aye, Hatch – nay, Clark – aye, Pratt – aye. The motion passes.

New Town Planner, Marcia Gasses was introduced to the Board. The Planning Board is making a bucket list as to their different projects including looking at open space subdivisions.

REVIEW OF MINUTES – JULY 9, 2012 – Selectman Gaudiello moved to approve the minutes with one minor change, seconded by Selectman Pratt. It was unanimously voted in the affirmative. Selectman Malloy abstained as he was not absent.

PUBLIC COMMENTS – There were no public comments.

#### STAFF REPORT

##### Administrator Scruton

1. Administrator Scruton submitted a proposal for the earned time changes along with proposed changes in the holiday schedule based on comments that had been previously made. With so many various hourly employees it was noted that updates need to be made for the transfer station employees. The Board asked several questions and comments. There were still some unresolved issues at this stage: authority to say no to the buy-down for budgetary reasons, is there going to be a "use it or lose it" situation, hold buy-down until December to get a better look at the 2012 budget figures, how to treat usage of earned time by salaried employees. Administrator Scruton will bring back a draft for the next meeting. The Board asked that the next draft include a "use or lose" provision starting January 1, 2012. It was also suggested that employees submit their "intention" of cashing out with Administrator Scruton.
2. The MS-4 Revenue Projection needs to be signed and submitted in order to set tax rate. There was discussion of what amount of fund balance to use to buy down the tax rate. Selectman Gaudiello moved to authorize Administrator Scruton to proceed with completion of the MS 4 with minor adjustments and to use no fund balance to buy down the tax rate, seconded by Keith. It was unanimously voted in the affirmative.
3. The Legislative Policy Conference will be held on September 21, 2012. Selectman Hatch moved to have Administrator Scruton as the town's representative, seconded by Chairman Clark. It was

unanimously voted in the affirmative. Administrator Scruton would like the Board to review the proposed policy changes and make any comments if necessary.

4. Administrator Scruton indicated he thought he had the proper authorization on behalf of the Board on the Turbocam project but asked for confirmation. Selectman Pratt moved to confirm authorization for Administrator Scruton to sign on behalf of the town various applications regarding the Turbocam project, seconded by Selectman Gaudiello. It was unanimously voted in affirmative.
5. Chairman Clark moved to appoint Marcia Gasses as Barrington's representative to both the SRPC and to the Strafford Metropolitan Planning Organization, seconded by Selectman Hatch. It was unanimously voted in the affirmative.
6. Selectman Pratt moved to approve the Hiring Procedure, seconded by Selectman Hatch. It was unanimously voted in the affirmative.
7. Selectman Malloy moved that based upon the tape of the meeting, the following correction be added to the May 7, 2012 Selectmen minutes after the motion to appoint Steve Jeffrey to a three-year term as a full member of the Planning Board by adding the following motion which was previously missed in the minutes: "A motion was made, seconded and passed to table the appointment of Steve Jeffrey to a three-year full member term", seconded by Selectman Gaudiello. It was unanimously voted in the affirmative.
8. Selectman Malloy moved that the board vote to ratify the action taken on June 24, 2012 by which the board took the issue appointments to the Planning Board off table and appointed Jackie Kessler to a three year term as a full member of the Planning Board, seconded by Selectman Hatch. It was unanimously voted in the affirmative.
9. Selectman Hatch moved to support the road name of Redemption Road as the new name for the road going into the Clark-Goodwill property, seconded by Selectman Pratt. Selectman Malloy stated that he would like to consider other options. Chairman Clark asked for a roll call, Pratt – aye, Hatch – aye, Clark – aye. Selectman Gaudiello and Selectman Malloy abstained from the vote. The motion passes.
10. Administrator Scruton stated that he has met with the assessor in Rochester to discuss regional assessing. The draft proposal would be to have someone assigned to Barrington and work out of the Barrington Town Hall. This person would measure and list, perform the annual ¼ of the town review, abatements, and pick-ups. The Chief Assessor in Rochester would oversee the work. It was noted that this may need to include a five-year contract and probably go before town meeting. It was also noted that several members of the Board would like to see a request for proposal for assessing services.
11. Administrator Scruton noted that the strip of land along the frontage of the Clark-Goodwill property was never transferred to NHDOT.
12. The intersection of Route 125 and Newtown Plains Road will be added to the proposed list of DOT projects.
13. Administrator Scruton noted the updated schedule for paving projects.

#### Clerk McNeil

1. The Board approved and signed an Intent to Cut for John Dolmat.
2. The Board approved the name of Graycee Way for a private road off of Scruton Pond Road.
3. The Board signed the MS-1 and authorized Clerk McNeil to make minor changes if necessary.
4. The Board signed the MS-1 extension to have in place if necessary.
5. The Board approved and signed payroll manifests dated 7/8, 7/15, 7/22, 7/29 and 8/5.
6. The Board approved and signed payroll manifests dated 7/12 (2), 7/19, 7/26, 8/2 and 8/9.
7. The Board approved and signed abatements #26 - #29.

#### OLD BUSINESS

There was no old business.

#### NEW BUSINESS

Chief Walker noted an issue that came up between the Mica Point Association and an abutter. It was noted that the issues is a civil matter.

Selectman Hatch moved to authorize Chief Walker and Chief Conway to put out to bid the sale of a generator, a wagon and a police cruiser, seconded by Selectman Gaudiello. It was unanimously voted in the affirmative.

#### SELECTMEN'S REPORT

Selectman Hatch stated that the School Board has just one meeting in August. The Planning Board is proceeding with the Turbocam application as two hurdles have been crossed and they are dealing with the subdivision and site review.

Chairman Clark moved to go into non-public at 10:22 p.m. per RSA 91 A: 3 II a, c, d or e to discuss personnel, seconded by Selectman Malloy. Chairman Clark asked for a roll call, Malloy – aye, Gaudiello – aye, Hatch – aye, Pratt – aye, Clark – aye. It was unanimously voted in the affirmative.

Chairman Clark moved to come out of non-public session at 10:44 p.m. and moved to seal the minutes indefinitely, seconded by Selectman Hatch. It was unanimously voted in the affirmative.

Meeting adjourned at 10:45 p.m.