

**BARRINGTON SELECTMEN'S MEETING FEBRUARY 18, 2013 - 6:30 P.M. EARLY
CHILDHOOD LEARNING CENTER 77 RAMSDELL LANE, BARRINGTON, NH**

Selectman Clark called the meeting to order and led in the Pledge of Allegiance to the Flag.

Present were Selectman Malloy, Selectman Gaudiello, Chairman Clark, Selectman Pratt, and Town Administrator Scruton as well as employees, Recreation Commission members and members of the public.

APPOINTMENT

Leo Lessard, Strafford County Commissioner, met to hear about local concerns and answer questions on county government. He handed out materials on real estate trends and discussed the challenges facing towns and the county. Things are getting better but they are not great. He praised county services and discussed the various functions of county government. The county jail makes about seven million dollars a year from housing prisoners for other governmental entities. He invited the Board to come see the county facilities. The money to Cooperative extension and others were cut two years ago leading to about 70 layoffs but much of that has been restored. There have been some programs restored through joint operation with other counties. Dennis Malloy praised Commissioner George Maglaris for his breadth of knowledge from 30 years of service. There is a \$55,000,000 budget with about \$28,000,000 raised by property taxes. Nursing home care is the biggest expense. This includes Medicaid payment for some in private nursing homes as well as the facility at Riverside.

Recreation Commission on proposed Bylaws: The Recreation Commission has prepared a draft set of bylaws. Lisa Allis, Judy Dowe, Chris Easler, Jeffrey Heyliger, Jill Hilfiker, Jim Noble, and Steve Dowe are members of the Commission. Tara Barker, the recreation director, started the discussion by noting copies were sent to the Board.

Administrator Scruton brought up a number of issues for discussion.

- The first and most basic point is whether the Board of Selectmen approves the bylaws or is the Recreation Commission independent in having that authority.

Tara indicated she and the Recreation Commission are under the assumption that the Board of Selectmen approves the bylaws.

Selectman Gaudiello indicated some of the details in the bylaws are operational in nature. She had expected an overall memorandum of understanding with the operational details being left to the Recreation Commission. She would like a document clarifying authority and then the Recreation Commission can develop and adopt bylaws for the operation of the Commission within the authority detailed in the Memorandum of Understanding.

Selectman Pratt and Selectman Clark indicated they expected something along the same lines as Selectman Gaudiello.

It was decided the Town Administrator would draft a memorandum for review by the Commission and the Selectmen

- The Town Administrator asked what is the weight of the Town Meeting votes including the warrant article establishing the commission; the 2003 warrant article restricting the authority of the Recreation Commission; and the law. Lisa Allis indicated the 2003 vote was never followed and people were unaware of it. The decision was that the Memorandum of Understanding would clarify the authority.
- The Town Administrator asked about the delegation of specific issues and in particular in the proposed bylaws, Section II A & B, does the Board of Selectmen want the Rec Commission to have complete authority over personnel and the operating budget or a delegated authority answerable to the Board of Selectmen? When the issue last arose the operating budget personnel had appeal rights to the Board of Selectmen.

Selectmen Gaudiello indicated she liked how the Board of Selectmen handle personnel with the Town Administrator. The Board grants authority to hire all but the department head positions. For those the Town Administrator brings a recommendation which the Board will vote up or down. If it is rejected, the Board cannot appoint someone else unless the Town Administrator presents that name. She would envision that the Commission does the screening, interviewing and hiring for all but the top two positions. The Commission would screen and interview and present their top choice to the Board of Selectmen. Board could reject that one and ask the Commission to come up with another person to select or reject. The Commission was in agreement with this approach.

- The Town Administrator asked who has control over the operating budget. It was decided that the current method where the Recreation Director brings bills to the town for the approval of the Board of Selectmen works. It would be up to the Recreation Commission to discuss in its bylaws the extent of Recreation Commission involvement. The Recreation Commission would also be responsible to present the budget proposal to the Board of Selectmen. It could decide the degree of involvement of the recreation director.

Selectman Pratt asked about the Personnel Policy. The Commission follows the Town Personnel Policy for all employees as well as the Town's Hiring Policy. During discussion it was decided the Recreation Director will be jointly evaluated by the Town Administrator and the Chairman of the Recreation Commission. Evaluation of the rest of recreation employees will be by the Recreation supervisory staff. Discipline appeals will follow a process of appeal first to the Recreation Director for all personnel other than the director. The employee could then appeal to the Recreation Commission. Only the Director and Assistant Director can make a final appeal to the Board of Selectmen.

In 1997 under RSA 35-B:3-5 to establish a commission who would have the powers under RSA 35-B:1 et seq. The interesting phrase is "**These powers may be divided as directed by the governing body.**" The Board of Selectmen is the governing body. In a separate article that year the revolving fund was also approved. But then the town meeting vote from 2003 made it clear

the Board of Selectmen is responsible for all financial and personnel matters with the Recreation Commission overseeing the rest, which would include the revolving fund.

Selectman Gaudiello asked about the revolving fund. The MOU will make it clear that the Recreation Commission has authority over it. It will mention the 2003 article to clarify it. The Memorandum of Understanding will state the Recreation Commission can adopt and amend bylaws within the authority of the law and this agreement. The bylaws and any future amendments will be given to the Board of Selectmen for review.

The Board thanked the Recreation Director and the members of the Recreation Commission who came for their work.

REVIEW OF MINUTES – January 28, 2013, February 2, 2013

Selectman Gaudiello moved to approve and Selectman Malloy seconded to approve the minutes of January 28. Passed 4-0.

Selectman Gaudiello moved to approve and Selectman Pratt seconded to approve the minutes of February 2. Passed 4-0.

PUBLIC COMMENTS

Wildcat Transit Bus: Fire Chief Rick Walker discussed his opposition to the plan to drop off passengers on Route 125 at the intersection with Route 9. The bus was scheduled to start running February 18 from Rochester to Durham. Despite a meeting with town officials at which the Fire Chief, Police Chief, Town Planner and Town Administrator all opposed the idea, the company is still planning to drop riders off on 125 North Bound by the intersection of Route 9 and letting them use the existing stop lights to cross 125 to the Park and Ride by Calef's. There is also no sidewalk once they are going westward on Route 9 from the light to the parking lot.

Planner Marcia Gasses indicated this was discussed at Strafford Regional Planning Commission. She did not see how the state could be inconsistent when DOT would not allow a sidewalk without a light while Wildcat Transit plans to do this. It was noted the town provided at least 4 alternatives that the town staff deemed safer. The company did not get back to the Town after the meeting, but started the plan as originally suggested.

Selectman Gaudiello suggested a strongly worded letter with copies to NHDOT and SRPC expressing concerns and alternatives.

Selectman Pratt suggested adding support for the bus, while also summarizing the fact the town offered alternatives. He indicated his support for the bus route in general, but the safety issue cannot be ignored.

Selectman Malloy wanted it to be made clear in the letter the town tried to provide alternatives.

Selectman Clark moved, Selectman Gaudiello seconded to write the letter. Passed 4-0

Fire Chief noted EMS responded to 23 combined calls in the last 60 hours.

STAFF REPORT – Town Administrator Scruton

EPA: The Town Administrator announced that the EPA is holding a hearing on the Tibbets Road Superfund Site at the ECLC on Wednesday February 20 at 7 PM.

Conservation Commission: The Board received a memo from the Chairman of the Conservation Commission dated January 22, 2013 indicating the Conservation Commission will use some of the Conservation Fund for easement monitoring to use for legal costs for easement enforcement.

Meeting dates: Green Hill Road The Board will meet March 4 with our engineer Jeff Adler and the owners and engineers of the proposed gravel pit regarding Green Hill Road. The Planning Board needs the Selectmen to weigh in on what the Town would be willing to do for the road and what will be required. This would be in addition to the proposed meetings February 25 and March 11. If the Board meets February 25 it will need to move the meeting to the Public Safety Complex.

The Board would like more information from Jeff Adler including his recommendation before the March 4 meeting. Marcia Gasses will see if he can provide this to the Board February 25.

Deadline for RFQ for Architectural Services: Since the due date falls on a Friday, the deadline was extended to Tuesday February 26 at 2 PM.

Appointment of treasurer: Selectman Gaudiello moved, Selectman Malloy seconded to appoint Peter Royce treasurer for a term of 1 year at \$100 per week beginning March 12. Passed 4-0.

Appointment to Strafford Regional Planning Commission: The Planning Board recommends Tony Gaudiello. Selectman Clark moved Selectman Malloy seconded to appoint Tony Gaudiello. Passed 3-0-1(Selectman Gaudiello abstained).

Town Administrator Performance Evaluation: There was agreement to use the current form. There was discussion on whether to do it now with the board with whom he worked or wait until May. The Board requested that Selectman Pratt do the form before he leaves office and then it will be used with the others in May.

Volunteers: The Congregational Church will have a group of college students the week of March 9-12 who are available to work on projects around town. Library and Conservation Commission have suggestions. Jill suggested the recreation department may have something.

Annual Chamber Peeper 5K May 4: The Chamber of Commerce requested permission to close Mallego Road from 8:45 to 10:15 am without affecting traffic to the Post Office from

Route 9 or TD Bank from Route 125 on May 4. **Selectman Pratt moved, Selectman Malloy seconded to approve the request of the Chamber of Commerce. Passed 4-0.**

Fund Balance: The Board could revise the fund balance policy adopted last year to add to # 8. The proposed addition would add:

“The general plan is to use the amount of unexpended appropriations to apply to capital warrant articles the following year. Some, but not all of the revenue collected in excess of projections can also be used for this purpose.”

The Town Administrator proposed this is in keeping with what the Board decided at the end of 2012.

Selectman Clark was not opposed to the intent but not sure it needed to be part of the policy. Selectman Gaudiello suggested these amendments “The Selectmen may choose to use...” in place of general plan and “Revenue in excess may also be used...” to begin the second sentence.

Selectman Pratt asked what would happen if the fund balance had been tapped for an emergency. Selectman Gaudiello noted it is permissive not directive. Selectman Clark suggested “If fund balance remains in the recommended range after use, the selectmen ...”

Selectman Gaudiello moved Selectman Malloy seconded to support the policy as it currently stands. Passed 4-0.

Investment Policy for Treasurer: The Town Administrator noted this should be voted upon annually and is based on the “prudent man” standard. RSA 41:9 VII states “The selectmen shall annually review and adopt an investment policy for the investment of public funds in conformance with applicable statutes and shall advise the treasurer of such policies.” The Town Administrator noted that there are a couple of suggested changes from the earlier version. These were suggested by Peter Royce, which is to Section III (4), separating Safety and Convenience into two categories with (a) Safety (b) Convenience and the other two renumbered (c) & (d). Also the revision date will be changed to 2/18/2013.

Selectman Gaudiello moved to approve the investment plan as amended. Selectman Malloy second. Passed 4-0.

Deposit Policy: The 2007 policy has failed to keep pace with state law and should be revised. Also we would like to make clear an allowance to have change to start the next day. The Town Administrator noted the relevant statutes:

RSA 41:9 VIII. The selectmen shall be responsible for establishing procedures to ensure that all funds paid to the town from any department shall be remitted to the treasurer at least on a weekly basis or daily whenever such funds total \$500 or more. Remittances to the treasurer from the tax collector shall be in accordance with RSA 41:35 and remittances from the town clerk shall be in accordance with RSA 261:165.

RSA 41:35 Every collector of taxes shall keep in suitable books a fair and correct account in detail of the taxes due, collected, and abated, and of all property sold for nonpayment of taxes, which books shall be public records. A tax collector shall

remit all money collected to the town treasurer, or to the town treasurer's designee as provided by RSA 41:29, VI, at least on a weekly basis, or daily whenever tax receipts total \$1,500 or more. The collector shall make final payment to the town treasurer of all moneys collected within 10 days after the close of the town's fiscal year. Failure to remit collections on a timely basis as required by this paragraph shall be cause for immediate removal from office under RSA 41:40. (more to statute)

RSA 261:165 The clerk or official shall remit all fees collected to the town or city treasurer, or to the treasurer's designee as provided by RSA 41:29, VI, at least on a weekly basis, or daily whenever permit fee receipts total \$1,500 or more. Such permit fees shall be used for the general purposes of the city or town. Failure of the city official or town clerk to remit permit fees on a timely basis as required by this section shall be cause for the immediate removal from office under RSA 41:40 of the city official or under RSA 41:16-c of the town clerk.

Selectman Gaudiello moved, Selectman Malloy seconded to approve the recommended deposit policy. Passed 4-0.

Fixed Asset Policy: The board has now taken two actions to revise the 2004 policy for fixed assets, last year raising the threshold to \$10,000 and last month revising the depreciation schedule and treatment of two unique assets. We also made some adjustments to make it cleaner including assigning inventory to each department.

Selectman Malloy moved, Selectman Pratt second to approve the recommended fixed asset policy. Passed 4-0

Voter Guide: The Town Administrator proposed a voter guide. Selectman Gaudiello had taken time to make suggestions. Her draft was approved with the addition of “architects and other professionals” after “engineers” in Article 14.

Selectman Malloy moved, Selectman Pratt seconded to approve the voter guide and to authorize the Town Administrator and Selectman Gaudiello to shorten it if necessary for printing purposes. Passed 4-0.

Electric Pricing: The Town is going out with a request for prices for electricity over several term lengths. This is similar with what the Town did last year and saved money. Doug Langdon is doing the work for free.

Selectman Gaudiello moved, Selectman Pratt seconded to authorize the Town Administrator or his designee to enter into an aggregation agreement for the purchase of electric power. Passed 4-0.

Signing Purchase and Sales Extension: There has been a request to extend the purchase and sales agreement to March 31. While this extension won't affect our ability to tax the property, if it were extended again past April 1, it would.

Selectman Pratt moved, Selectman Malloy second to sign the extension Passed 4-0.

Video on website: CGI is a community video producer that will produce three videos for Barrington at no cost and host on their site. Numerous communities around the state have used

them including Rochester when I was there. They will film the videos in Barrington and put on their site. There is a link on our site to that video. When people go to that link, they find the video covering the middle of the screen, and then around that will be logos to go to various local businesses that have paid for the advertising space to be there. They do all the marketing to local businesses to be on their site and visible when people check our site to go there.

Selectman Gaudiello asked how the video would be done in Barrington where there is not as much commercial property to advertise and support the site. Selectman Pratt noted there were not likely to be a change in that situation in the near future. Selectman Malloy wanted to be sure we saw story board and had a lot more production information before proceeding. Selectman Gaudiello suggested Selectman Malloy be the lead where he understood production best. There is a question about how much advertising they would sell. There was some concern with advertisers showing up that might not be aligned with our values. The Board would like more information and delegated Selectman Malloy to follow up on this issue.

Items for Signature:

1. Abatement for David Smith per recommendation assessors
2. Minutes previously approved as amended for 1/14/2013
3. Minutes of January 28 and February 2
4. Purchase and Sales Extension on Clark Goodwill

SELECTMEN'S REPORT

Selectman Pratt noted there was good participation and interest in the RFQ for the Old Town Hall.

Selectman Malloy noted the legislature continues to deal with many municipal issues.

Chairman Clark attended the Planning Board. There are some open issues like the Gas Station by George Calef's, Associated Buyers freezer, a sign review, but that most of the last meeting was on Trinity Conservation Gravel Excavation. There was a lot of discussion on blasting. Last Wednesday candidate's night had a small turnout.

Selectman Pratt moved, Selectman Malloy second to enter Non-Public Session, under Personnel RSA 91-A:3 II(a). Roll call vote: Selectman Clark-aye, Selectman Pratt-aye, Selectman Gaudiello-aye, Selectman Malloy-aye Passed 4-0.

Selectman Pratt moved, Selectman Malloy second to exit nonpublic session and to seal the minutes for six months. Roll call vote Selectman Clark-aye, Selectman Pratt-aye, Selectman Gaudiello-aye, and Selectman Malloy-aye Passed 4-0.

There was some general discussion.

There was discussion on the fact the Town offices are closed Friday. Selectman Clark indicated he gets more comments about the office being closed Friday than any other issue. Town Administrator noted it would likely cost \$60,000 to keep it open because of increased need for

staff hours. These additional hours might also turn some part-time positions into full-time positions for benefits. Selectman Gaudiello wondered why there were no staff savings when we went from a five day to a four day week, but there would be staff expense to return to five days.

Selectman Gaudiello noted she is impressed with Marcia Gasses who is doing a great job. Other selectmen agreed.

Meeting adjourned at 9:25.

Submitted by John Scruton, Town Administrator