

Barrington Select Board Minutes

Monday, April 8, 2019

The Select Board meeting for Monday, April 8, 2019 started at 6:30 p.m. Present were Selectperson Ayer, Selectperson Hardekopf, Selectperson Hatch, Selectperson Bailey, Chairperson Knapp, Administrator Scruton, Deputy Town Administrator MacIver and Clerk McNeil.

Chairperson Knapp opened the meeting, led in the Pledge of Allegiance and asked the public to silence their cell phones.

APPOINTMENTS

Rondi Boyer was present as a new Planning Board alternate. The Board approved the appointment. Chairperson Knapp administered the oath of office.

Chairperson Knapp thanked Selectperson Bailey for being the past Chair, for his time, effort, leadership and confidence.

PUBLIC COMMENT – Deputy Police Chief, George Joy thanked the Board and town for supporting the Police Department and the upcoming project at the public safety building.

REVIEW OF MINUTES – March 25, 2019 – Selectperson Hardekopf moved to accept the minutes of March 25, 2019, seconded by Selectperson Hatch. Chairperson Knapp abstained from the vote as he was not present at that meeting. The motion passes.

STAFF REPORT

Deputy Town Administrator MacIver stated that most of his staff report is listed under old and new business.

1. Deputy Town Administrator MacIver gave the Board an all boards meeting calendar that will be updated throughout the year.
2. The Administration is working on developing a recommended charge for the Bike Path Committee.
3. The Administration is working on developing a policy for internal billing for the Highway Department and Recreation/Conservation Commission.

4. There will be a joint meeting with the chairs of the Recreation and Conservation Commission to review their MOU's
5. Letters were sent out to property owner's on the Class VI section of Swain Road regarding their options for road maintenance.
6. The office staff has advertised the sale of town owned property with courtesy letters going to all abutters.
7. Deputy Town Administrator MacIver noted April Employee Work Anniversaries.
8. The following are upcoming events and meetings: 4/20 – First Annual Barrington Roadside Clean-Up Day, 4/20 – Library/Recreation Annual Egg Hunt, 4/22 – next Select Board meeting.

Clerk McNeil

Clerk McNeil requested signatures on the following: The Planning Board appointment for Rondi Boyer, the denial of an elderly exemption, four eviction notices, John Wallace's appointment to the Local River Management Advisory for the Lamprey River, One Intent to Excavate Gravel, the Moose Plate Grant Application, vendor manifest dated 4/4 and payroll manifests dated 3/31 and 4/7.

OLD BUSINESS

Vote to Enter into a Development Agreement to Sell Two Town Owned Lots to Turbocam – Chairperson Knapp stepped down from the Board. The Board has held two public hearings with input from the Planning Board and Conservation Commission supporting the town selling two lots on Redemption Road. Selectperson Hardekopf noted that this is the final step of RSA 41:14a. She asked if there was any public comment. Chief Walker noted that Turbocam is an exceptional partner with Barrington through the fire service and as a taxpayer. He supports the sale of the land. Selectperson Bailey moved to sell two lots to Turbocam for future development, seconded by Selectperson Hatch. The motion passes. Chairperson Knapp returned to the table.

Paving and Striping Bids - Recommendation – Peter Cook recommended the paving low bidder R & D Paving Inc. of Franklin at a bid of \$656,380 and for striping, Industrial Traffic Lines Inc. of Londonderry at \$29,860. Selectperson Ayer felt that Advanced Excavating and Brox Industries were the only qualified bidders for paving as they both have DOT approval and meet the bid specs. Selectperson Bailey noted that R & D used cubic yards instead of square yards. This was an

alternate and the RFP noted that it would not be part of the consideration of the bid. Selectperson Hardekopf asked Mr. Cook if certificates of insurance were submitted with all bids. Pike and Brox did not supply certificates of insurance. Selectperson Hardekopf moved to accept Peter Cook's recommendation, seconded by Selectperson Hatch. The motion was amended to ask R & D Paving Inc. compute the cubic yards to square yards for the stone price. Chairperson Knapp asked for a roll call, Ayer – nay, Hardekopf -aye, Hatch – aye, Bailey – aye, Knapp – aye. The motion passes.

Striping Bid – Selectperson Hardekopf moved to support Mr. Cook's recommendation of Industrial Traffic Lines, seconded by Selectperson Bailey. The motion passes.

Moose Plate Grant (NH State Conservation Committee Grant for Haley/Panish/Rubinstein) Signing Authority – Selectperson Bailey moved to authorize the Chair, Andrew Knapp, to sign the Moose Grant Application and to accept and expend \$20,000 with the money being used on the Panish/Haley/Rubinstein land conservation project, seconded by Selectperson Hardekopf. The motion carries.

Approval Authority for Exemptions and Credits. Clerk McNeil currently has the authority to approve and sign exemptions and credits. With her upcoming retirement she is requesting the Board give authority to the Town Administrator or his/her designee. The majority are non-discretionary. Selectperson Bailey moved to authorize this for the Town Administrator or his/her designee, seconded by Selectperson Hardekopf. The motion passes.

GASB 45/75 Actuary – Selectperson Hardekopf noted a question on managerial notes from previous GASB audits. She supports hiring an actuary to calculate the financial liability of the insurance rate difference for retirees. The quote for services would be \$3,450 for two years. Chairperson Knapp moved to hire an actuary firm for two years, seconded by Selectperson Hardekopf. The motion passes.

Fire Stipend Change – Selectperson Hardekopf noted the vote from the last meeting regarding the point-based stipend for fire/EMS. At this point, Selectperson Hardekopf highly recommends that the board do not do this. A new

proposal would provide two levels of pay. The part-time officers would be paid hourly and the per-diem employees would be paid by the point system. After the completion of the salary study the committee will make a further recommendation. Chairperson Knapp noted that a decision for a bonus at the end of the year could be looked at with any left-over funds. This would recognize command personnel. Selectperson Bailey moved to over-ride the vote from last week and pay the command staff hourly and the per-dim employees by the point system and report back to the board to see what is left in the account at year end, seconded by Selectperson Hardekopf. Chief Walker stated that there will be no change in salary until compensation study is finished. The motion passes.

Bridge Engineering – multiple bridge engineers; Andy thinks more options are better. The town will be having three bridge projects in the next several years. The only cost would be for advertising. The Board supports this concept and would like an RFQ developed.

Building Committee Charge – The Board had previously asked the administration to recommend a charge for the Town Hall Building Committee. Selectperson Hardekopf supported staff being included on the committee and the use of materials that the town has on hand from previous plans. The committee should be made up of five to six people and charged with setting up draft recommendations. There was discussion as to who would be on the committee – a member of the Board, Conner MacIver, John Huckins, Paul Sanders and two or three members of the public. Selectperson Hardekopf moved to adopt the proposed charge for up to six members, seconded by Selectperson Bailey. The motion passes.

NEW BUSINESS

Deputy Town Administrator MacIver: The Road Agent has brought forward a request to go out to bid for an excavator rental this year; the anticipated cost makes this purchase, through the purchasing policy, require Board review and approval. This would be for a mini excavator rental for May 1st to October 31st

Chairperson Knapp: I have a general comment around that; rentals are great and serve a purpose, but I know that based on the numbers of hours we utilized it, we could hire a person to come in and run it and do what we need to for what we spent. Also, I have leased equipment before and I found that (in my case

Caterpillar was running a good deal) I was able to purchase a piece of equipment with 0% financing and own the equipment cheaper, on a year over year cost basis, than renting for 4-5 months.

Selectperson Bailey: Thank you.

Chairperson Knapp: I don't know if that is something we have looked at, but ideally, I would like to explore all options; what is the rental cost, what is the purchase cost (over years), what is the cost to sub-contract the work.

Selectperson Hardekopf: It is my understanding that before we would put this forward to a vote; we would gather those three areas of information.

Chairperson Knapp: Yes

Selectperson Ayer: We have no sewer or water, so the demand for an excavator year-round is not needed in this town. We would use it for a short in the summer, 4-6 months, then we would store it for six months, so if we bought it, we would have to buy it cheap to justify it, in my book. A rental or sub-contracting the work is better so we aren't storing it for the winter and not changing the oil/filter (which costs \$400-\$500).

Chairperson Knapp: Ideally, I would like to gather all the information and make an educated and informed decision.

Selectperson Ayer: The hours we put on them in the last three years have not been that much for the whole year for the cost of renting; it would be cheaper to sub-contract it out.

Selectperson Hatch: I agree with what Chairperson Knapp is saying to look into the three available options.

Selectperson Hardekopf: The only other thing to consider, we would have to ask Peter this; if the equipment is needed yesterday, as opposed to waiting two more weeks for this response; the crew may need the equipment sooner.

Peter Cook, Road Agent: The reason I brought this forward was, so we could get started on our projects; if we kick it back two weeks, we are going to kick our projects back two weeks, three weeks, four weeks. When you sub-contract (which we have always done in the past, until about five years ago), you are working at someone else's schedule. What it is going to do but doing what we are doing is delay the paving projects and stuff like that. I came forward last year and had them do this, if I remember right.

Chairperson Knapp: I have a question, why would it delay paving projects?

Peter Cook, Road Agent: We still have paving preparation to do; we still have ditch work to do on Stillwater.

Chairperson Knapp: I was under the impression that the ditch work was all done the year before; that is what we have talked about at prior meetings.

Peter Cook, Road Agent: No. It used to be done that way, but we stopped doing it that way. All our roads that are shim and overlay are ready to go now. Our roads that are reclaim, such as Stillwater, have culverts that still need to be replaced, before we pave.

Chairperson Knapp: That is something that I know we talked about last year and the feedback that we received as a Board was that the ditch work and culvert work was all done the year prior and the paving was done the next year, so the road was ready to go. What happened?

Peter Cook, Road Agent: This year we aren't at that level; we still have culvert work to do. Winter sets you back, fall sets you back, everything sets you back. If you want to hire all this work out, and you think that is the cheaper way to go, that's fine, just look at me and say, hire it out and I will do it tomorrow, and do everything all at once.

Chairperson Knapp: Thank you for your comment.

Peter Cook, Road Agent: If that is what you want to do, as a Board, just look at me and direct me to do that, that's all. We do this every year. Paving isn't the only thing we do. We are a small group of guys. We do ditch work, we do culverts, we

do mowing, we do tree cutting, we do cold patching, we do brush work, and we work at the dam. We do all this stuff and then, when you throw in a thunder and lightening storm or a wind storm, and you are out picking up trees for two-three-four days, that got blown down that you weren't preparing for, that has to figure in too.

Selectperson Hardekopf: What do we anticipate the cost of the rental is?

Deputy Town Administrator MacIver: \$25,000 for last year.

Town Administrator Scruton: What would be the cost to sub-contract the work?

Peter Cook, Road Agent: I would have to someone. Are we going to get a cost for what it would do or are we going out to bid to get a cost of what it would do? I have come before and said, for example, the floor at the shed, this is what it is going to cost, I was asked to get a price, I got a price, and then I was told we need to get bids. Do you want me to get bids for this or do you want me to get a number for this?

Chairperson Knapp: My suggestion to the Board for this would be to get bids because, it is likely going to be above \$10,000.

Selectperson Hardekopf: I have a question; we received an agreement that expired; what was the total amount of that lease purchase, last year?

Peter Cook, Road Agent: I do not know off the top of my head.

Chairperson Knapp: They ended our lease purchase on that?

Town Administrator Scruton: Yes.

Chairperson Knapp: That is kind of a raw deal.

Deputy Town Administrator MacIver: That expired in December or November.

Selectperson Hardekopf: Based on the information that we have been provided, the need to expedite the work and the need to be able to perform the work based

on the timeline of the Highway Department not the timeline of a contractor; we should approve the RFP for rental, also get information gathered for the following year so we know what it would cost to hire someone and what it would cost to buy an excavator.

Chairperson Knapp: Are we leasing on a month to month basis?

Peter Cook, Road Agent: Yes.

Chairperson Knapp: If we are leasing on a monthly basis we could rent the excavator for a month and easily have this information gathered and ready to go before the next meeting. That is two weeks to get moving on this. With a couple of phone calls you can figure out the purchase information quickly and you can get RFP's out to people based on what is there and line them off as we complete.

Peter Cook, Road Agent: You want to rent it for a month; I am just trying to get this straight. Then you want me to go out and get prices of what one would cost or prices of someone to come in and do the work.

Chairperson Knapp: We are going to have a monthly lease rate, so we will know what it costs to rent it per month. We would get a purchase price rate, to see what it would cost to purchase an appropriate piece of equipment. And we would get a cost to rent it out for sub-contracting, so someone would do the work for us. The way I look at it is if you are renting equipment, you want to utilize that equipment as quickly and efficiently as possible, that way you are spending a whole lot of money for it to sit there. You are paying for it to sit and we do not run it for very many hours when we have it, but we spend a large chunk of money to do that.

Peter Cook, Road Agent: I am not going to disagree with you, but you are going to lose three-four-five days in the summer per month on rain; there is nothing you can do.

Chairperson Knapp: I run all projects like that; for all of our locations. You set a plan on when you are going to do something, you set a RAIL and an action list and then you have alternate dates and rain dates that fill in your void. That is just business planning.

Peter Cook, Road Agent: Business planning is mother nature, you are at her mercy.

Chairperson Knapp: This isn't going anywhere so I think we are done with that, what would the Board like to do?

Peter Cook, Road Agent: I am trying to have a civil conversation and you are going to shut me... fine.

Audience Member: That was rude.

Chairperson Knapp: It is not rude, we are not being productive at this point.

Peter Cook, Road Agent: It is rude, it is very rude. I come in here for three years and I have been attacked; attacked, attacked, attacked. Everything I have done is attack, attack, attack.

Chairperson Knapp: Peter, no one is attacking you we trying to...

Peter Cook, Road Agent: Yes, they have, okay? Let's just be honest; you keep talking about open and transparency, I have been attacked every time I come in here. Every time, okay? So, don't sit there and say it hasn't happened. It's happened. Give me the smirk all you want Andy, because you know what? As of this moment, I resign. I am done doing this job. Find yourself somebody else to do it, who is going to work for free all weekend long. Do it. Thank you very much for treating an employee that way. Thank you.

Town Administrator Scruton: I would like to thank Peter for his many years of service, he has been with the Town a long time and done a lot of good work.

Peter Cook, Road Agent: You have got what you wanted, you actually got what you wanted, every friggen one of you, you got what you wanted to tonight.

Chairperson Knapp: Peter, I do not think that is anything like what we are trying to do. We are trying to set up...

Peter Cook, Road Agent: Bull, Andy. You know it and it is true. I have been told it by former Selectmen, so don't say no.

Chairperson Knapp: We are trying to set a productive path forward.

Peter Cook, Road Agent: And I was trying to be productive and I was trying to have a civil conversation. If it's not true, If it's not true, how come a member of the Board of Selectmen filed a complaint against me with the Police Department and it got turned over to Strafford County? How come? There is no... I ended up paying for it. So, I am supposed to be happy about that? Any other employee would have sued your asses.

Chairperson Knapp: Thank you Peter, thank you for your service. Thank you, well not thank you for your resignation, but I guess we have to, we accept your resignation.

Selectperson Hatch: I think we ought to sit back and let cooler heads meet with Peter and maybe it can be worked out. It is a hard situation both for Peter and the Board.

Selectperson Bailey: Mr. Chairman, I would like to move this go to non-public for discussion.

Town Administrator Scruton: I assume it is under personnel?

Selectperson Bailey: That is correct, that is my motion, Mr. Chairman, or my request I should say, sorry.

Chairperson Knapp: Can we do this with all our other non-public at the end or are you requesting we do it now?

Selectperson Bailey: We can do it at the end sir, I think it will give everybody a chance to evaluate what just took place and we can go from there.

Chairperson Knapp: I prefer to digest stuff like that before we respond to it.

Selectperson Hardekopf: It appears that the Board has recommended that three things take place, a one-month lease on the excavator rental, we obtain the cost to do a 60-month financing agreement and we compare that to the rental, and

that we obtain an over-arching amount of what it would cost to contract these services. I would make a motion that we obtain all of those bits of information and continue a monthly lease on the excavator.

Selectperson Bailey: Can Conner take care of that, working with the staff?

Chairperson Knapp: I would second that motion.

Selectperson Ayer: I can give Conner a couple of phone numbers of businesses and the City of Rochester and the City of Dover also sub-contract.

Town Administrator Scruton: You can waive the purchasing policy. You can rent for a month and be under the amount that the purchasing policy requires. If you want to authorize, immediately, renting we can do it on the basis of quotes and do it more quickly here. I think we also need to find out what sub-contractors would charge, and we need to get a purchase price which is a bid that is going to take us at least two weeks if not a month.

Selectperson Ayer: I could call three contractors today and it would be \$125/hour for an excavator with rubber tires with operator and fuel. Then you are going to pay mobilization.

Chairperson Knapp: Conner can figure out the information and we can go from there.

Chairperson Knapp: Roll call vote; Ayer – Aye, Bailey – Aye, Hardekopf – Aye, Hatch – Aye, Knapp – Aye.

Board/Committee Assignments – The following are the liaison assignments for the Board: Hatch – ZBA, Bailey – Library, Hardekopf – Recreation Commission, Ayer – Conservation Commission, Land Committee, Planning Board Alternate, Hatch/Hardekopf – School Board

Tax Deeded Home Repurchase – A formal request was submitted from a property owner whose mobile home was taken by the town for non-payment of property taxes. They would like to pay all of the back taxes, costs and interest to have this

property deeded back to them. The Board supported deeding the property back to the prior owner after all taxes, interest and fee are paid.

Selectperson Bailey noted a letter from Town of Strafford Selectmen stating that they are not interested in opening up their Class VI sections of Old Settlers Road to accommodate traffic when the culvert is replaced in Barrington.

Chairperson Knapp noted that the phone contracts are due soon. This is something to think about for the next meeting.

Chairperson Knapp asked if the Highway Department would like to adjust their schedule this year. He requested having a conversation at the next meeting

Selectperson Ayer noted that Drew pond is dry because the state recently cleared a blocked culvert.

SELECTPERSON'S REPORT AND CONCERNS

Selectperson Ayer noted that he did not have any meetings to attend and also noted that there is a new chair of the Conservation Commission.

Selectperson Bailey stated that the Library is looking at next year for proposed a new library. He recently attended "Books and Blooms" at the Library and was the high bidder on several designs.

Selectperson Hardekopf noted that there were no Recreation Commission meetings.

Selectperson Hatch will be attending the next ZBA meeting where there will be two hearings.

Chairperson Knapp did not attend any meetings.

It was noted that the Compensation Study Task Force met and they will be working on an RFP.

PUBLIC COMMENT

There was no public comments

Selectperson Hardekopf moved to go into non-public session at 7:47 p.m. per RSA 91-A:3 for discussion of land, legal, personnel and reputation, seconded by Selectperson Bailey.

Chairperson Knapp: Roll call vote; Ayer – Aye, Bailey – Aye, Hardekopf – Aye, Hatch – Aye, Knapp – Aye.

Selectperson Bailey moved to exit non-public session at 8:55 p.m., seconded by Selectperson Hatch.

Chairperson Knapp: Roll call vote; Ayer – Aye, Bailey – Aye, Hardekopf – Aye, Hatch – Aye, Knapp – Aye.

The door was opened and the public was allowed back in.

Selectperson Bailey: A motion to seal the minutes from the non-public session, indefinitely, to avoid adversely affecting the reputation of individuals discussed.
Selectperson Hardekopf: Second

Chairperson Knapp: Roll call vote; Ayer – Aye, Bailey – Aye, Hardekopf – Aye, Hatch – Aye, Knapp – Aye.

Chairperson Knapp: Our announcement is; in a public meeting tonight, Peter tendered his resignation. After very careful consideration, the Board has accepted the resignation and we would like to recognize and thank Peter for his 40 years of service to the Town of Barrington.

Selectperson Bailey: A motion to adjourn at 9:00 p.m.

Chairperson Knapp: I second that motion.

Chairperson Knapp: Roll call vote; Ayer – Aye, Bailey – Aye, Hardekopf – Aye, Hatch – Aye, Knapp – Aye.