

STATE OF NEW HAMPSHIRE

STRAFFORD COUNTY

SUPERIOR COURT
CASE NO.: 219-2022-CV-00350

David and Judd Schofield-Savo

Alex and Steph Barthram

Dana Basken

Mike Brooks

Erwan and Sarah Camus

Josh and Cassy Cantin

Jason and Pauline Cheeseman

Robyn and Jerry Collett

Chris and Kristin Croteau

Lauren and Ryan Despins

Shane and Birtany Garcia

Bill Gervase

Katie and Brent Graham

Lisa and Evan Mousseau

Tyler Parkhurt & Amanda Petruzilli

Chris and Ester Sawyer

Yuting Ho & Todd Schaffner

and

Marlene and Robin Zychowski

(All Plaintiffs reside at Overlook Circle,
Barrington, New Hampshire)

Ian James, LLC

1062 Parker Mountain Road
Strafford, New Hampshire, 03884

Better Built Homes Construction
Management, LLC
3 Tech Circle
Amherst, New Hampshire 03031

Better Built Homes, LLC
3 Tech Circle
Amherst, New Hampshire 03031

Dubois & King, Inc.
28 N Main Street
Randolph, Vermont 05060

Town of Barrington, New Hampshire
333 Calef Highway
Barrington, New Hampshire 03825

Hoyle, Tanner & Associates, Inc.
150 Dow Street
Manchester, New Hampshire 03110

GMI Asphalt, LLC
288 Laconia Road
Belmont, New Hampshire 03220

v.

COMPLAINT
WITH REQUESTS FOR EQUITABLE RELIEF

(Plaintiffs request a trial by jury as to all issues so triable)

NOW COME the Petitioners, David Schofield-Savo, et al, by and through their attorneys, Hastings Law Office, P.A., and hereby complain against the named Defendants as follows:

Parties

1. David and Judd Schofield-Savo are New Hampshire residents with an address of 84 Overlook Circle, Barrington, NH.

2. Alex and Steph Barthram are New Hampshire residents with an address of 13 Overlook Circle, Barrington, NH.

3. Dana Basken is a New Hampshire resident with an address of 30 Overlook Circle, Barrington, NH.

4. Mike Brooks is a New Hampshire resident with an address of 31 Overlook Circle, Barrington, NH.

5. Erwan and Sarah Camus are New Hampshire residents with an address of 11 Overlook Circle, Barrington, NH.

6. Josh and Cassy Cantin are New Hampshire residents with an address of 52 Overlook Circle, Barrington, NH.

7. Jason and Pauline Cheeseman are New Hampshire residents with an address of 116 Overlook Circle, Barrington, NH.

8. Robyn and Jerry Collett are New Hampshire residents with an address of 12 Overlook Circle, Barrington, NH.

9. Chris and Kristin Croteau are New Hampshire residents with an address of 36 Overlook Circle, Barrington, NH.

10. Lauren and Ryan Despins are New Hampshire residents with an address of 48 Overlook Circle, Barrington, NH.

11. Shane and Birtany Garcia is a New Hampshire resident with an address of 76 Overlook Circle, Barrington, NH.
12. Bill Gervase are New Hampshire residents with an address of 99 Overlook Circle, Barrington, NH.
13. Katie and Brent Graham are New Hampshire residents with an address of 108 Overlook Circle, Barrington, NH.
14. Lisa and Evan Mousseau are New Hampshire residents with an address of 107 Overlook Circle, Barrington, NH.
15. Tyler Parkhurst and Amanda Petruzilli are New Hampshire residents with an address of 98 Overlook Circle, Barrington, NH.
16. Chris and Ester Sawyer are New Hampshire residents with an address of 18 Overlook Circle, Barrington, NH.
17. Yuting Ho and Todd Schaffner are New Hampshire residents with an address of 39 Overlook Circle, Barrington, NH.
18. Marlene and Robin Zychowski are New Hampshire residents with an address of 64 Overlook Circle, Barrington, NH.
19. Ian James, LLC is a domestic profit corporation with a principal office and mailing address of 1062 Parker Mountain Road, Strafford, New Hampshire 03884.
20. Better Built Homes, LLC (hereinafter, “BBH”) is a domestic profit corporation with a principal office and mailing address of 3 Tech Circle, Amherst, New Hampshire, 03031.
21. Better Built Homes Construction Management, LLC (hereinafter “BBH CM”) is a domestic profit corporation with a principal office and mailing address of 3 Tech Circle, Amherst, New Hampshire, 03031.

22. Dubois & King, Inc. (hereinafter, “D&K”) is a foreign profit corporation with a principal office and mailing address of 28 N Main Street, Randolph, Vermont 05060 and a New Hampshire registered agent, Jeffrey A. Adler, with an address of 15 Constitution Drive, Suite 1L, Bedford, New Hampshire 03110.

23. The Town of Barrington (hereinafter, “Town”) is a body corporate and politic with a physical address of 333 Calef Highway Barrington, New Hampshire and a mailing address of P.O. Box 660, Barrington, NH 03825.

24. Hoyle, Tanner & Associates, Inc. (hereinafter, “HT&A”) is a domestic profit corporation with a principal office and mailing address of 150 Dow Street, Manchester, NH 03110.

25. GMI Asphalt, LLC (hereinafter, “GMI”) is a domestic profit corporation with a principal office and mailing address of 288 Laconia Road, Belmont, New Hampshire 03220.

Jurisdiction and Venue

26. This Court has jurisdiction over this matter pursuant to RSA 491:7, together with other laws, rules, and regulations, and the common law of the State of New Hampshire.

27. Venue is proper in this Court in that the road in question is located in the Town of Barrington, County of Strafford, State of New Hampshire.

Background Facts

28. Plaintiffs (hereinafter collectively the “Homeowners”) all own homes on Overlook Circle in Barrington, NH.

29. The developer for Homeowners’ neighborhood was Ian James, LLC (hereinafter the “Developer”).

30. The Developer currently owns the road servicing the neighborhood (i.e., Overlook Circle).

31. Much of the construction work for the road and homes of Overlook Circle was done by BBH and managed by BBH CM.

32. As a part of the development, the Developer entered into a Scope of Work agreement with the Town and the Town's engineering firm, D&K.

33. On or about June 28, 2016, Scott Bourcier of D&K issued a milestone letter that provided his recommendation for bond reduction to the Town.

34. A punch list of items for completion of the project was prepared by the Town and D&K on or about July 18, 2018 and revised on or about November 1, 2019.

35. On or about November 4, 2019, the Developer contacted D&K to complete the final inspection for the paving of the wearing course.

36. On or about November 7, 2019, GMI paved the wearing course under the supervisor of D&K, specifically Scott Bourcier.

37. On November 24, 2019, Scott Bourcier e-mailed the Developer's Clifford "Cliff" Williams to state "the only item to be completed would be the gravel pit."

38. Apparently, however, Scott Bourcier gave a different opinion to the Town.

39. The Town has represented that "[f]ollowing the placement of the wearing course of pavement on November 7, 2019, there was a dispute between the developer [Developer] and the third-party engineer [D&K] regarding pavement thickness and surface temperature. As a result, the third-party engineer provided an opinion that the wearing course was not installed consistent with the Town's regulations and the approved plan." However, e-mail correspondence from the third-party engineer (Scott Boureier of D&K) to the developer (Cliff Williams of Developer), dated November 24, 2019, indicates that the engineer "would agree the **only item** to be completed would be the gravel pit." (Emphasis added.)

40. The Town retained a different engineer, HT&A, to inspect the road and has relied on HT&A to reject acceptance of Overlook Circle.

41. At the February 28, 2022 Town of Barrington Selectboard meeting, the Selectboard made a “[m]otion to *not* accept Overlook Circle pursuant to RSA 674:40-a III because it was not built to the Town’s specifications as required by Town Meeting...” See Exhibit A, attached hereto (Barrington, NH Selectboard Minutes, Monday, February 28, 2022) (emphasis in original). The motion to not accept Overlook Circle passed 4-0, with one abstention. See id.

42. Additionally, the Town has attempted to place all blame on the Developer for delays in taking borings to measure the depth of the pavement; however, when counsel for the Developer reached out to counsel for the Town to inquire how quickly borings could be done, counsel for the Town responded by stating, “I have no idea. The town would have to recontact the company that was going to do them...” Ultimately, the borings were done without advance notice to the Developer, and without the Developer on site.

43. The opinion that the Town relied upon to find deficiencies in the Road in order to support its decision to not accept the road came from a *different* engineer (HT&A) than the original third-party engineer (D&K) that the Developer had been required (by the Town) to hire and pay for.

44. More recently, the Developer, through Kara Carrier (who indicated that she was communicating on behalf of Cliff Williams), has communicated to the Homeowners, stating that “[s]ince the development is completely sold out to homeowners it will now be the responsibility of the Association to pay for the plowing of the road until the Town takes over.”

45. There is no association for Overlook Circle, and the Homeowners do not wish to form an association.

46. Additionally, a contract for plowing services was provided to the Homeowners.

47. The Homeowners acted in reasonable reliance, to their detriment, on the representations that Overlook Circle would be accepted as a Town road. Additionally, the Developer, or another contractor on the Developer's behalf has been plowing the road at no charge to Homeowners.

Basis for Preliminary Injunction

48. Homeowners, in part, are seeking relief in the form of a preliminary injunction.

49. Under applicable New Hampshire Law¹, in order to prevail on a request for preliminary injunctive relief, the party seeking such relief must prove (1) there is no adequate remedy at law; (2) immediate irreparable harm will result if the injunctive relief is not granted; (3) there will be no hardship to the respondent if the injunctive relief is granted, or the hardship to the plaintiff/petitioner, if the injunctive relief is not granted, is greater; (4) the plaintiff/petitioner is likely to succeed on the merits; and (5) the public interest will not be adversely affected if the injunction is granted.

50. Here there is no adequate remedy at law because an award of money damages would not address the issue of access to the Homeowners' homes.

51. Lack of access to one's home is an irreparable harm.

52. Here any hardship that might arguably befall the Developer (or the Town) is self-imposed, as both made representations to Homeowners (either directly or indirectly) relative to the roadway, such that the Homeowners purchased their homes and moved in with the reasonable expectation of road maintenance. Additionally, the hardship to either the Developer or the Town would be the lesser of the two hardships, as it would require the plowing—a service

¹ See New Hampshire Dep't of Env't Servs. V. Mottolo, 155 N.H. 57 (2007),

which both entities already provide—of one road that is less than one mile in length (and that has a built-in turn around) for one winter season as this case progresses.

53. The Homeowners did absolutely nothing wrong and, based on the representations that were made to them, they should not be forced to associate or otherwise take on the responsibility of Overlook Circle, whether for general upkeep or winter maintenance.

54. Although the question may remain of whether it is the Developer or the Town (or both) that is at fault for the current predicament at Overlook Circle, success in the form of a judgment that either (a) the Town must accept the road or (b) the Developer must be responsible for the road is the only just and equitable outcome. It is the balance of the equities that manifests the likelihood of success on the merits in this case.

55. Granting the preliminary injunction sought in this matter will not adversely affect the public interest. Homeowners can conceive of no reasonable basis to think that requiring a business entity or municipality to plow snow on a road that is less than one mile in length would have any impact, let alone an adverse impact, on the public interest.

Claims

Count I – Preliminary Injunction

56. The allegations above and below herein are hereby realleged and incorporated by reference as if fully set forth here in this Count.

57. Homeowners seek an order of this Honorable Court that compels either the Developer or the Town to plow Overlook Circle for the winter of 2022 to 2023.

58. Homeowners satisfy the standard for issuance of a preliminary injunction, and such an order would allow 18+ families to safely travel to and from their homes this winter.

Count II – Mandatory Injunction/Municipal Estoppel/Mandamus

59. The allegations above and below herein are hereby realleged and incorporated by reference as if fully set forth here in this Count.

60. Upon information and belief, the Town represented to the Developer's Cliff Williams that the Town would accept Overlook Circle as a Town Road if it was constructed to Town specifications.

61. The representation from the Town to Cliff Williams was then made by Cliff Williams to Homeowners, inducing them to purchase their homes on Overlook Circle.

62. Upon information and belief, the road was built to Town specifications.

63. Because both the Developer and the Homeowners were induced by the Town's express representation, the Town should be estopped from rejecting acceptance of the road.

64. Regardless of the mechanism, this Honorable Court should issue an order requiring that the Town lay out Overlook Circle as a public road.

Count III – Mandatory Injunction/Bringing Road to Class V Condition

65. The allegations above and below herein are hereby realleged and incorporated by reference as if fully set forth here in this Count.

66. In the alternative, if it is found that the road does not meet the applicable and appropriate Town standards, then the entity or entities deemed responsible for the deficiency should be ordered, by way of mandatory injunction, to bring Overlook Circle to an acceptable condition such that the Town shall then lay out Overlook Circle as a public highway and take on the maintenance therefor.

Count IV – Breach of Implied Warranty of Workmanlike Quality/Damages/Attorneys' Fees

67. The allegations above and below herein are hereby realleged and incorporated by reference as if fully set forth here in this Count.

68. The Homeowners purchased homes with a reasonable expectation that their homes would be located on (and benefit from being on) a public highway to be maintained by the Town.

69. As a result of no fault of the Homeowners, the Homeowners have been deprived of the expected benefit.

70. Additionally, if the road was not constructed to Town specifications, then, upon information and belief, the Homeowners' driveways were not constructed in a workmanlike manner.

71. As a result, any and all parties found to be responsible for the failure of expectation should be jointly and severally liable to the Homeowners for any and all just and reasonable damages resulting from any and all loss of use and enjoyment of their homes, depreciation of value, and all reasonable attorneys' fees arising out of the need to bring this legal action.

Count V – Negligence

(as against the Developer, BBH, BBH CM, and GMI)

72. The allegations above and below herein are hereby realleged and incorporated by reference as if fully set forth here in this Count.

73. If the Town is right as to the quality of the road, then Defendants, the Developer, BBH, BBH CM, and GMI, negligently failed to construct the Overlook Circle road and the Homeowners' driveways in a workmanlike manner and also failed to construct the roadway to the required Town specifications.

74. As a direct and proximate result of the specified Defendants' negligence, the specified Defendants are indebted to Homeowners in an amount within the jurisdictional limits

of this Court, including but not limited to the cost of remedying all defects and any reduction in the value of the homes.

Count VI – Fraudulent Misrepresentation
(as against the Developer, BBH, BBH CM, and GMI)

75. The allegations above and below herein are hereby realleged and incorporated by reference as if fully set forth here in this Count.

76. Upon information and belief, the Developer, BBH, BBH CM, and GMI knew of the inadequate and improper construction of the road and Homeowners' driveways.

77. Despite this knowledge, it was represented to Homeowners that the road and the driveways were adequate and satisfied Town specifications.

78. As a result of the fraudulent misrepresentation by the specified Defendants, the Homeowners relied upon the misrepresentation by closing on the purchase of their land and their homes.

79. As a direct and proximate result of the specified Defendants' fraudulent misrepresentation and the result thereof, the specified Defendants are indebted to Homeowners in an amount within the jurisdictional limits of this Court, including but not limited to the cost of remedying all defects, and any reduction in the value of the homes.

Count VII – Consumer Protection Act (RSA 358-A)
(as against the Developer, BBH, BBH CM, and GMI)

80. The allegations above and below herein are hereby realleged and incorporated by reference as if fully set forth here in this Count.

81. The specified Defendants' fraudulent misrepresentation discussed in Count V of this Complaint constitutes an "unfair or deceptive act or practice in the conduct of any trade or commerce within this state" (see RSA 358-A:2) by concealing and/or otherwise misrepresenting material defects and issues related to the Homeowners' use and enjoyment of their property.

82. The specified Defendants' actions towards Homeowners were improper, unconscionable and constitute a more than sufficient level of rascality and constitutes a deceptive trade practice, against the Consumer Protection Act, RSA 358-A.

83. As a result of the specified Defendants' unfair and deceptive acts, they are indebted to Homeowners in an amount within the jurisdictional limits of this Court, including but not limited to the cost of remedying all defects, any reduction in the value of the homes, and exemplary damages to include statutory double or treble damages and attorney fees.

COUNT VIII – Negligence
(as to D&K and HT&A)

84. The allegations above and below herein are hereby realleged and incorporated by reference as if fully set forth here in this Count.

85. D&K and HT&A provided contradictory opinions to the Town and to the Developer, resulting in the failure of the Town to accept Overlook Circle, as was promised to and expected by Homeowners.

86. One or both of D&K and HT&A was negligent with regard to its evaluation of Overlook Circle, to the detriment of Homeowners.

87. As a result of their negligence, D&K and HT&A are indebted to Homeowners in an amount within the jurisdictional limits of this Court.

COUNT IX – Negligent Misrepresentation
(as to D&K and HT&A)

88. The allegations above and below herein are hereby realleged and incorporated by reference as if fully set forth here in this Count.

89. Either D&K or HT&A (or both) misrepresented the quality of the Overlook Circle roadway.

90. Upon information and belief, D&K gave a different opinion to the Town than was given to the developer.

91. As a result of D&K's negligent misrepresentation (and negligence), the developer was deprived of the opportunity to evaluate the roadway and bring it up to Town specifications, if necessary, all to the detriment of Homeowners.

92. As a result of HT&A's negligent misrepresentation (and negligence), the Town was provided with inaccurate information which resulted in the Town's failure to accept Overlook Circle as a Town road, all to the detriment of Homeowners.

93. As a result of their negligence, D&K and HT&A are indebted to Homeowners in an amount within the jurisdictional limits of this Court.

Relief Requested

For the herein stated reasons, Petitioners respectfully request the following relief:

A. Issuance of a preliminary injunction ordering that the Developer (Ian James, LLC) or the Town of Barrington shall be responsible for winter maintenance of Overlook Circle.

B. A mandatory injunction, pursuant to the doctrine of municipal estoppel or otherwise, that rules and orders that the Town lay out Overlook Circle in Barrington, NH as a public highway; or, in the alternative,

C. Issuance of a Writ of Mandamus compelling the Town to lay out Overlook Circle in Barrington, NH as a public highway;

D. In the alternative, if necessary, issuance of a mandatory injunction requiring the liable entity (or entities) to bring Overlook Road up to Town specifications for the purpose of being laid out as a public road;

E. An award of all just and reasonable damages to the owners on Overlook Circle as a result of the failure to lay out Overlook Circle as a public road;

F. An award of reasonable costs and attorneys' fees, pursuant, among other things, to the Harkeem doctrine; and

G. Such other and further relief as may be right and just in the circumstances.

Respectfully submitted,
Homeowners
By their Counsel,

Date: 11/29/2022

By: /s/ Jason B. Dennis
Jason B. Dennis, Esquire | NH Bar ID No.: 19865
Hastings Law Office, P.A.
PO Box 290
Fryeburg, ME 04037
(207) 935-2061
jdennis@hastings-law.com

Exhibit A



BARRINGTON, NH SELECT BOARD MINUTES

Monday, February 28, 2022

The Select Board meeting for Monday, February 28, 2022 began at 6:30pm. The meeting was held at the Early Childhood Learning Center (ECLC), 77 Ramsdell Lane, and was also accessible by remote participation via a Microsoft Teams Meeting. In attendance were Chairperson Knapp, Vice-Chair Saccoccia, Selectperson Ayer, Selectperson Bailey, Selectperson Mannschreck, Town Administrator (TA) MacIver, and Municipal Office Administrator (MOA) Caudle.

6:30pm. The meeting was called to order by Chairperson Knapp. All members stated their names and addresses in a roll call attendance.

PLEDGE OF ALLEGIANCE

6:30pm. Chairperson Knapp led the Pledge of Allegiance.

AGENDA REVIEW AND APPROVAL

6:31pm. Selectperson Ayer stated he did not have sufficient time to review the compensation time item that was requested for addition under New Business earlier today.

Motion to approve the February 28, 2022 Agenda with intent to discuss policy change under new business by Vice-Chair Saccoccia, seconded by Selectperson Mannschreck. Roll call vote: Ayer – Aye, Mannschreck – Aye, Bailey – Aye, Saccoccia – Aye, Knapp – Aye. ***The motion passed.***

PUBLIC COMMENT

Public Comment is limited to three minutes per person, and 15 minutes total.

6:33pm. *Public Comment opened.*

6:34pm. *There were no public comments. Public Comment closed.*

PUBLIC HEARINGS

Acceptance of Overlook Circle

6:34pm. *Selectperson Ayer stepped away from the table.*

6:34pm. Town Administrator MacIver shared the statutory authority of the Select Board on acceptance of roads, as well as providing brief information regarding Overlook Circle and that a letter was sent to residents of Overlook Circle.

6:37pm. *Public Comment opened.*

Michael Brooks – Resident, 31 Overlook. Stated he is familiar with roads and situations of this nature due to his professional history. He is curious why the third layer was allowed to have been placed if an issue was known, and shared residents did not have much notice of an issue, having just learned about it the previous Wednesday.

TA MacIver provided additional history of the issues, including the initial concern of the temperature and thickness at which the road was laid, and the additional discovery of the subbase later in the process.

Jason Dennis – Attorney representing Overlook Circle residents. Mr. Dennis shared additional information regarding the NH statutes that govern road acceptance and arguments why the Town should accept the road, including his understanding that the Town told the developer the road would be accepted.

Selectperson Bailey requested a list of residents Mr. Dennis is representing. Mr. Dennis agreed to provide a list.

Chairperson Knapp stated his belief that 9,500 individuals should not share the burden of a poorly built road that serves 20 residences.

TA MacIver responded the Town did not, through the entire process, state the road was acceptable to the developer. Concerns were raised with the paving when it was being laid and were shared with the developer throughout the process. Residents who have spoken with TA MacIver shared additional issues they have experienced on their properties.

Clifford Williams - Developer - stated all tasks met the standard per Dubois and King; he stated he had attempted to allow borings but had difficulties connecting with the Town's attorney. In his opinion, if there were issues with the road, they would have revealed themselves by now. There are now eight holes in the road from the borings.

Jason Dennis argued the Town should not have released the bond if there was an issue.

TA MacIver responded, discussing the burden on taxpayers and the contractor not being required to have a representative from the Town on site. The Town did attempt to call the bond after raising concerns and was unsuccessful.

7:10pm. *There were no additional comments. Public comment closed.*

Motion to ***not*** accept Overlook Circle pursuant to RSA 674:40-a III because it was not built to the Town's specifications as required by Town Meeting as evidenced in the September 27, 2021 memo from Hoyle, Tanner, and Associates by Chairperson Knapp, seconded by Selectperson Bailey. Roll Call Vote: Mannschreck – Aye, Bailey – Aye, Saccoccia – Aye, Knapp – Aye. ***The motion passed.***

7:15pm. *Selectperson Ayer returned to the table and abstained from voting on the motion.*

CONSENT AGENDA

7:15pm. Motion to accept the Monday, February 28, 2022 Consent Agenda (A-G) as presented by Vice-Chair Saccoccia, seconded by Selectperson Mannschreck. Roll call vote: Ayer – Aye, Bailey – Aye, Mannschreck – Aye, Saccoccia – Aye, Knapp – Aye.

A. Meeting Minutes February 14, 2022

*Motion to approve the February 14, 2022 meeting minutes – **Passed on the consent agenda.***

B. Previously Submitted/Signed Requests for Signature

i. Meeting Minutes January 24, 2022

- ii. Meeting Minutes February 5, 2022
- iii. Accounts Payable Manifest 2022-208
- iv. Payroll Manifest 2022-107

*Motion to authorize and sign the above-referenced documents (i-iv) – **Passed on the consent agenda.***

C. New Requests for Signature

- i. Accounts Payable Manifest 2022-209
- ii. Payroll Manifest 2022-108

*Motion to authorize and sign the above-referenced documents (i-ii) – **Passed on the consent agenda.***

D. Personnel Policy Update – Recreation Update

*Motion to approve the proposed update to the Personnel Policy respective to Recreation Holidays. – **Passed on the consent agenda.***

E. Radio Licensing Appropriation

*Motion to appropriate \$2,907.50 from the Communications Upgrades for Emergency Services Capital Reserve to CDCG for frequency research and FCC licensing. - **Passed on the consent agenda.***

F. 2022 Peeper Road Closure Request

*Motion to authorize the road closures requested for the 2022 Peeper Race - **Passed on the consent agenda.***

G. Transfer Station Metal Container Agreement

*Motion to enter an agreement with Harding Metals based on the terms negotiated by the Northeast Resource Recovery Association for the Transfer Station metal disposal.- **Passed on the consent agenda.***

APPOINTMENTS

Tax Collector – Linda Markiewicz

7:17pm. Selectperson Bailey requested that new board members be allowed to have this on their first agenda on March 14. Chair Knapp stated his preference that the Board vote on the appointment of the Tax Collector and Treasurer, with the remainder of the appointments going before the Board for approval at the March 14th meeting as scheduled.

Motion to reappoint Linda Markiewicz as the Barrington Tax Collector with a term expiring in 2023 by Vice-Chair Saccoccia, seconded by Selectperson Mannschreck. Ayer- Aye, Mannschreck – Aye, Bailey – Aye, Saccoccia – Aye, Knapp – Aye. **The motion passed.**

Town Treasurer – Peter Royce

7:20pm. Motion to reappoint Peter Royce as the Barrington Treasurer with a term expiring in 2023 by Selectperson Bailey, seconded by Vice-Chair Saccoccia. Ayer- Aye, Mannschreck – Aye, Bailey – Aye, Saccoccia – Aye, Knapp – Aye. **The motion passed.**

Planning Board, Transfer Station and Recycling Center Review Committee, Zoning Board of Adjustment Appointments

7:21pm. The Select Board did not have any questions or concerns regarding any applicants for appointment. If all current applications are approved, there will be vacancies on the Zoning Board and Planning Board.

Selectperson Bailey motioned to approve all applicants in C, D, and E as listed. ***Motion withdrawn.***

C. Planning Board

Andrew Melnikas
John Driscoll
Bob Tessier
Andrew Knapp

D. Transfer Station

John Wallace
Margery Shepard
Aubrey (Pat) Mead, Jr.
Leonard Kerekes

E. Zoning Board

Tracy Hardekopf

Select Board Member Recognition

7:26pm. Chair Knapp thanked the entire Select Board, specifically Selectperson Ayer for his six years of service to the Select Board.

STAFF REPORTS

7:28pm. TA MacIver and MOA Caudle had no additional requests or additions.

OLD BUSINESS**2022 Town Meeting – March 8, 2022**

7:28pm. TA MacIver shared how to vote absentee, as well as where to find information on voting, sample ballots, and the warrant. The Select Board discussed the schedule for the Select Board to be present for the duration of Town meeting, with designees filling in for times Select Board members are unavailable.

New Town Hall Update and Finances

7:32pm. Progress has continued! Significant completion of the Town Hall is expected in July. Federal funding has again been delayed, it has never been guaranteed. \$875k bond financing must be started if the funds are not approved. The board discussed the pros and cons of the bond.

Motion to begin the financing process for the \$875,000 bond approved by voters in 2019 and use ARPA funds to reduce the amount needing to be bonded by Selectperson Bailey, seconded by Selectperson Mannschreck. Roll Call Vote: Ayer – Aye, Mannschreck – Aye, Bailey – Aye, Saccoccia – Aye, Knapp – Aye. ***The motion passed.***

NEW BUSINESS**Appointments for Terms Expiring 2022**

7:38pm. The Select Board was asked to begin to review appointees, applications, and vacancies.

Select Board Reorganization and Committee Assignments

7:38pm. The Select Board will need to elect a new Chair and Vice-Chair at the next meeting, on March 14th. Chair Knapp requested they be provided with training and materials to assist them in their transition into their positions.

Select Board Committee Assignments

7:39pm. The Select Board will be expected to discuss committee assignments at the March 14th meeting, with the Chair making final assignments on the 28th.

Compensation Policy – Fire

7:43pm. The Police Department currently utilizes a compensatory time policy to assist in filling open shifts. The Fire Department would like to utilize the same policy to assist in filling night and weekend shifts and avoid overtime. One correction was noted as necessary to the policy in addition to a spelling error: one hour equals one hour compensatory time. Chairperson Knapp raised concerns about tracking and expanding this policy to other departments in the future. Chief Walker confirmed the goal is to utilize this to increase flexibility in scheduling and assist in filling shifts, and how he plans to put this policy into effect and how he will address issues that may arise. He plans for tracking to be completed the same way as in the Police Department.

Motion to approve the proposed compensatory time policy for the Fire Department for one year, with a review by the HR Director at that time by Chairperson Knapp, seconded by Selectperson Bailey. Ayer – No, Mannschreck – Aye, Bailey – Aye, Saccoccia – Aye, Knapp – Aye. ***The motion passed.***

SELECT PERSON REPORTS AND CONCERNS

7:57pm.

Selectperson Ayer – The Conservation Commission meeting was cancelled.

Selectperson Mannschreck – Transfer Station Committee chose Harding. The School Board meets tomorrow, and the Advisory Budget Committee will not meet until August.

Selectperson Bailey – The Library meeting is scheduled shortly, there will be a plant sale and additional activities. The Zoning Board approved 2A Tactical after appeal 3-2. He declined to discuss his reason for supporting the approval publicly.

Vice-Chair Saccoccia – Recreation's fire wall project is ongoing. Camp information and updates are online.

Chairperson Knapp – Planning Board meeting is tomorrow. No Technology Committee meeting tomorrow, next is scheduled for the 15th. He thanked all who he's worked with, and encouraged the Board to make challenging decisions.

PUBLIC COMMENT

8:12pm. *Public Comment opened.*

Rick Walker – Thanked Selectperson Ayer and Chairperson Knapp for their time on the Board. Voiced his preference for a combined budget committee with the Town and School, three representatives from each.

8:15pm. *There were no additional public comments. Public comment closed.*

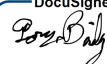
Barrington, NH Select Board Minutes
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ADJOURNMENT

8:15pm. Motion to adjourn the February 28, 2022 Select Board meeting by Selectperson Mannschreck, seconded by Selectperson Bailey. Aye – Aye, Mannschreck – Aye, Bailey – Aye, Saccoccia – Aye, Knapp – No. ***The motion passed.***

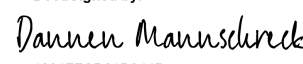
Links to all reviewed documents can be found in the [February 28, 2022 Town Administrator's Report](#).

DocuSigned by:

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Selectperson G. Bailey

DocuSigned by:

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Selectperson J. Saccoccia

DocuSigned by:

1864FFC061D944D...

Selectperson D. Mannschreck

Not in Attendance
Selectperson J. Cappiello

Not in Attendance
Selectperson R. Gibson

March 14, 2022
Date Minutes Were Approved