



## BARRINGTON, NH NONPUBLIC SELECT BOARD MINUTES

Monday, April 12<sup>th</sup>, 2021

The Select Board meeting for Monday, April 12<sup>th</sup>, 2021 was held by remote participation via a Microsoft Teams Meeting due to the COVID-19 pandemic, in accordance with [Emergency Order #12](#), pursuant to [Executive Order 2020-04](#). In attendance were Chairperson Knapp, Vice-Chair Saccoccia, Selectperson Bailey, Selectperson Mannschreck, Selectperson Ayer, Town Administrator (TA) MacIver, Municipal Office Administrator (MOA) Caudle. The meeting began in public session, with business conducted publicly prior to non-public session.

### **NON-PUBLIC SESSION**

**8:44pm.** Motion to enter Nonpublic Session for reasons of personnel, reputation, and legal by Vice-Chair Saccoccia, seconded by Selectperson Ayer. Roll Call Vote: Ayer – Aye, Mannschreck – Aye, Saccoccia – Aye, Knapp – Aye. ***The motion passed.***

Present in Nonpublic session were Chairperson Knapp, Vice-Chair Saccoccia, Selectperson Bailey, Selectperson Mannschreck, Selectperson Ayer, Town Administrator (TA) MacIver, and Municipal Office Administrator (MOA) Caudle.

**9:11pm.** The Select Board discussed the April 6, 2021 letter from Brendan O'Donnell, an attorney representing 2A Tactical. The letter requested a meeting with the Select Board to delay enforcement actions at 99 Tolend Road. TA MacIver provided a report from John Huckins dated in February which provides an update on the efforts to enforce the Zoning Ordinance. TA MacIver also shared the opinion of the Town's attorney that the Select Board deny the request and encourage them to pursue an application to the Zoning Board first.

TA MacIver shared that in March, representatives of 2A Tactical made a similar request to meet with the Select Board and request an extension of the May 16, 2021 deadline mutually agreed between John Huckins and Rob Russell (co-owner of 2A Tactical). The Chair at the time (Tracy) denied the request and encouraged the business owners to pursue an application to the Zoning Board.

Chair Knapp agreed with Tracy's approach and the recommendation of the Town's attorney. He felt that the Select Board should be the 'last resort'. The Select Board should not immediately involve itself with code enforcement actions.

Selectperson Ayer believes they are in violation of the Zoning Ordinance and should be held accountable, continuing to provide extensions would be a slippery slope. The rest of the Select Board members agreed.

Selectperson Mannschreck asked what the next steps were. TA MacIver recommended that the Chair send a letter responding to Brendan O'Donnell. TA MacIver can provide details and dates regarding an application to the Zoning Board. Selectperson Saccoccia felt it was important to emphasize the Select Board supports businesses, but the Town has a duty to enforce Zoning.

Selectperson Mannschreck asked what would happen on May 16<sup>th</sup>. TA MacIver explained that it was up to the Select Board and should be communicated to the business owners in a letter from the Chair. Selectperson Bailey asked that the enforcement action be turned over to the court after May 16<sup>th</sup> deadline. The rest of the members agreed. TA MacIver explained that it would first be turned over to the Town's attorney to issue final notices before the Town's attorney would file with the courts.

**9:43pm.** Motion by Chairperson Knapp to draft and send a letter suggesting the business pursue an application to the Zoning Board if they have concerns with the enforcement action. Also, to direct the Zoning Administrator to turn the enforcement over to the Town's attorney if they are not in compliance by May 16<sup>th</sup> and authorize the Chairperson to review before filing. Seconded by Selectperson Ayer. Roll Call Vote: Ayer – Aye, Mannschreck – Aye, Saccoccia – Abstain, Knapp – Aye. ***The motion passed.***

**Exit Non-Public Session**

**9:49pm.** Motion to exit non-public session by Chairperson Knapp, seconded by Selectperson Saccoccia. Roll Call Vote: Ayer – Aye, Bailey – Aye, Mannschreck – Aye, Saccoccia – Aye, Knapp – Aye. ***The motion passed.***

March 14, 2022

Date Minutes Were Unsealed