



TOWN OF BARRINGTON

NEW HAMPSHIRE

Office of the Select Board

Town Administrator Report

December 11, 2023 Select Board Meeting

Information regarding Meeting Access, Meeting Materials, Public Comment, Nonpublic Session, and Special Accommodations can be found in the Visitor Orientation section located at the end of this report.

1. Call to Order
 - A. Roll Call Attendance
2. Pledge of Allegiance
3. Agenda Review and Approval – **Vote**
[December 11, 2023 Select Board Agenda](#)
 - A. Select Board/Town Administrator
Make a motion to approve the December 11, 2023 agenda [as amended].
4. Public Comment (see Visitor Orientation below)
5. Public Hearings and Invited Guests
 - A. School Board Liaison Report
 - i. The School Board will collectively serve as liaisons on a rotating and as-needed basis. At each meeting they will be invited to discuss topics of their choice with the Select Board.
6. Consent Agenda (requires unanimous approval) – **Vote**
Make a motion to approve the December 11, 2023 consent agenda (A-C) as presented.
 - A. Previously Submitted/Signed Requests for Signature
 - i. 2023 Municipal Assessment Data Certificate
Make a motion to authorize and sign the above-referenced documents (i).
 - B. New Requests for Signature
 - i. Accounts Payable Manifest 2023-250
 - ii. Payroll Manifest 2023-149
 - iii. Oath of Office for Library Trustee – Melanie Haley
 - iv. Assessing Contract Update – Corcoran Consulting
Make a motion to authorize and sign the above-referenced documents (i-iv).
 - C. The Homestead Update and Clarification of Deed Restriction
 - i. At the [November 5, 2022 auction](#), the Town sold ‘The Homestead’ (23 lots, 50 acres) to JE Development, LLC.
 - ii. At the April 17, 2023 meeting, the Select Board affirmed that merging ‘The Homestead’ from 23 lots into two lots (which are bisected by private property) satisfies the deed restrictions put in place by the Town when the properties sold on November 5, 2022.
 - iii. At the May 8, 2023 meeting, the Select Board signed a confirmatory deed in order to expedite clearing the title on the properties. The attorney representing the buyer has asked



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- the Select Board to sign a confirmatory deed in order to expedite clearing the title on the properties. The Town's attorney has reviewed the proposal and has no concerns.
- iv. The property owner is finalizing a plan to develop the property and is seeking affirmation from the Select Board that the proposed approach satisfies the deed restriction put in place by the Town when the properties sold on November 5, 2022.
 - v. See attached, [JE Development LLC](#)
 - vi. Specifically, the property owner is asking if his plan meets the requirement that 'the purchaser applies to the town to develop the parcels to the standards set by the planning board and other applicable town authorities'. The property owner wants to use the Class VI and Private Road standard for five lots and the subdivision standard for six lots. The entire project would be presented to the Planning Board and all of the Class VI and Private Road lots would be subject to approval by the Select Board.

Make a motion to acknowledge that The Homestead may be developed using the standards of the Class VI and Private Road Policy and/or the subdivision regulations pursuant to the deed restriction placed on the lots at the November 5, 2022 auction.

7. Appointments

8. Staff Report

A. Administrator MacIver

i. December Work Anniversaries

1. Richard Walker Jr. • Fire Chief • 23 Years
 - a. Hired in December of 2000 as a full-time member of the Highway Department crew; previously appointed as part-time Chief in July of 1999.
2. Dana Martel • Custodian • 11 Years
3. Brian Dodier • Highway Department • 10 Years
4. Jake Roger • Fire Department • 5 Years
5. Kieron Taylor • Fire Department • 4 Years
6. Lilah Cherim • Fire Department • 4 Years
7. Rebecca Nelson • Deputy Town Clerk • 4 Years
8. Malachi Fisher • Fire Department • 3 Years
9. Alexandra Kirk • Library • 1 Year

ii. 2024 Warrant Strategic Planning Session – December 12, 2023

1. See attached, [2024 Warrant Strategic Planning Agenda 20231212](#)

iii. Richardson Pond Dam Update

1. In May of 2016, the Town received a Letter of Deficiency from NHDES regarding the Richardson Pond Dam on the Goodwill conservation area.
 - a. See attached, [Richardson Pond Dam Letter of Deficiency – 160527](#)
2. The letter states that the Town must engage the services of a qualified engineer to complete a detailed inspection and reconstruction design.
3. At their November 7, 2019 meeting, the Conservation Commission voted to authorize spending up to \$10,000 from the Conservation Fund to engage a qualified engineer to perform an inspection and assessment of the Richardson Pond dam and perform a hydraulics and hydrology study. The Town [advertised a Request for](#)



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[Proposals](#) and received four responses. At the December 26, 2019 meeting, the Conservation Commission selected [Milone and Macbroom](#).

4. In July of 2020, the selected engineer (Milone and Macbroom) completed the preliminary survey and hydrology and hydraulics analysis for the Richardson Pond Dam.
 - a. See attached, [Existing Conditions Survey – 200708](#)
 - b. See attached, [Hydraulic Profile Survey – 200708](#)
 - c. See attached, [Existing Conditions Hydrologic Modeling – 200729](#)
5. Subsequently, the New Hampshire Department of Environmental Services Dam Bureau approved the hydrologic assumptions presented in the analysis.
6. Progress was delayed between late 2020 and early 2022 due to two main factors. First, Milone and Macbroom was acquired by SLR Consulting. Second was the global COVID-19 pandemic. The Town remained in close contact with the Dam Bureau and there was mutual recognition of the progress.
7. A stakeholder meeting was held on May 5, 2022 to review dam repair/replacement/removal options. The stakeholders included New Hampshire Department of Environmental Services Dam Bureau (NHDES), Southeast Land Trust (SELT), the Conservation Commission, the Select Board, staff, and SLR Engineers. The goal of the meeting was to achieve mutual agreement on the conceptual plan in order to take engineering to the next level.
8. Engineers from SLR proposed a reconstruction of the dam to maintain the water level but lower the earthen part of the dam rendering it non-jurisdictional. This was advised by NHDES and supported by the stakeholders. Construction details and techniques would be refined during full engineering.
 - a. See attached, [SLR Proposed Reconstruction Plan 20220505](#)
9. Following the preliminary engineering, the Conservation Commission appropriated up to \$50,000 to fund the engineering of the dam reconstruction. This scope was assigned to the CMA Engineers, the Town's Engineer of Record.
10. In late fall of 2022, the Planning Board discussed the Richardson Pond Dam project during finalization of the Capital Improvements Program (CIP). The Planning Board discussed the funding source and proposed removal of the dam. At the November 28, 2022 meeting, the Select Board discussed a desire to fully evaluate the dam removal option. CMA Engineers paused the design of dam reconstruction as the Town began evaluating dam removal.
11. The stakeholders discussed the dam removal option and agreed that before considering the option further, a comprehensive ecological study would be required in order to make an informed decision regarding the environmental impacts of removal. Specifically, Southeast Land Trust, in [a December 2, 2022 letter](#) to the Conservation Commission indicated that an ecological study would be required in order to inform their decision about how dam removal might contradict the terms of the conservation easement.
12. In early 2023, the Conservation Commission engaged Mark West to perform the required ecological study. Mr. West advised the Town that dam removal could be considered wetland impacts (for permitting and fee purposes) and since Richardson



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Pond is a large prime wetland, the cost of removal could dwarf the cost of reconstruction.

13. Between April and late November of 2023, the Town sought clarification from the New Hampshire Department of Environmental Services Dam Bureau and Wetlands Bureau regarding whether dam removal would be considered wetland impact or wetland restoration.
14. Eventually, David Price of the Wetlands Bureau cited Env-Wt 407.04(b) which addresses project-type exceptions. The Town would reasonably meet the criteria of Env-Wt 407.04(b) which means dam removal might not constitute wetland impacts. David Price also mentioned that *The application would also need to demonstrate no loss in function and value of the prime wetland based on when they were originally designated.* This would be the same information SELT would review.
15. The Conservation Commission has expressed a willingness (dependent on the cost) to fund the requisite ecological study.
16. Concurrently, the Advisory Budget Committee asked why the low-hazard dam could not be left to fail naturally over time. According to Lorilee Mather (NHDES Dam Safety Engineer);
 - a. *It is important for the Town to recognize that the structure would still be a dam and if it were to fail, naturally or by design, it continues to have all the same risks, public safety concerns, and potential for downstream impacts, both to infrastructure (at least Mallego Road) and environmentally (releasing a large amount of sediments into the stream).*
 - b. *In previous analyses (Town's consultants) the dam is estimated to overtop by up to 1.8-feet during a 50-year event (current design event for a low hazard dam). For any dam, overtopping is considered an unstable condition. Although the Dam Bureau would not require a permit for the modifications to reduce the height to achieve a non-jurisdictional status, or require repairs to a non-jurisdictional dam, it is reasonable to assume that the Wetlands Bureau would require the remaining structure be stable following the proposed work; something they would verify with the Dam Bureau.*
 - c. *Further, in accordance with RSA 482.2.V and RSA 482.11-a, to knowingly allow a dam (jurisdictional or not) to fall into disrepair with the purpose of "natural" failure is not consistent with an obligation to foster public safety or for environmental stewardship. Rather, if a non-jurisdictional structure that impounds water is to remain, it needs to be stable from failure.*
 - d. *Mitigations strategies that could reduce some of the risk and liability for the town would be to maintain a lower pond, regardless of the dam's jurisdictional status. A lower pond with a properly armored dam would reduce both the likelihood of failure and volume of flow that could occur if the dam were to fail and could also reduce or limit overtopping in a severe*



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storm event. We encourage the Town to discuss risk reduction options with your engineer that could include permanent concepts or temporary measures.

17. The Dam Bureau also recognized that the Town is making progress and that discussions regarding how to proceed (repair/reconstruction vs. removal) take time.
18. It is recommended that discussions regarding the funding of Richardson Pond Dam be put on hold until the stakeholders are able to make a final decision regarding repair/reconstruction vs. removal. Although this will mean that the project will likely be pushed to 2025 (or later), we have acknowledgement from NHDES that progress is being made.

B. Municipal Office Administrator Caudle

9. Old Business

A. Barrington Commons and Town Center Tax Incremental Financing District Development Program and Financing Plan – **Vote**

- i. At the November 27, 2023 meeting, the Select Board voted to move forward with a purchase and sale on Map 239, Lot 7 to be funded through a proposed tax incremental financing district. The new proposal is different than the 2023 proposal in the following ways:
 1. Smaller – 516 Acres
 - a. Nearly 1/3 the size of the 2023 proposal; focused on the Town Center.
 2. Shorter – 8 Years
 - a. Proposed at less than half the length as the 2023 proposal.
 3. Focused/Specific – Buy Map 239, Lot 7
 - a. Not an abstract plan like 2023, a tangible and specific plan to preserve Barrington's character.
- ii. See attached, [Barrington Commons and Town Center Tax Incremental Financing District Development Program and Financing Plan 20231201](#)

Make a motion to approve the Barrington Commons and Town Center Tax Incremental Financing District Development Program and Financing Plan as presented and include the establishment of the Barrington Commons and Town Center Tax Incremental Financing District on the 2024 Town Meeting warrant.

B. Finalize 2024 Operating Budget and Proposed Warrant for January 8, 2024 Public Hearing – **Vote**

- i. At the December 4, 2023 Select Board meeting, the Advisory Budget Committee recommended an \$8,998,280 operating budget and slight changes to a few warrant articles. The Select Board discussed the proposed 3% cost of living adjustment and asked for updated consumer price index data through October.
- ii. See attached, [2024 Cost of Living Adjustment Data 20231204](#)
- iii. At their December 5, 2023 meeting, the Advisory Budget Committee prepared a final recommendation to the Select Board regarding the remaining warrant articles.
- iv. See attached, [Advisory Budget Committee Draft Minutes 20231205](#)



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- v. The group unanimously recommended that the Select Board include an ABC recommendation vote on the Tax Incremental Financing District warrant article. The perspective is that the financial tool has a financial impact and thus a tax rate impact.
- vi. The group also prioritized the capital reserve contribution warrant articles so they would be presented to voters in order of priority. The list of warrant articles below shows the amounts and order recommended by the ABC.
- vii. See attached, [2024 Warrant Article Requests - Titles Only and Funding 20231206](#)
- viii. The Select Board is asked to finalize the operating budget and warrant ahead of the January 8, 2024 public hearing.

Make a motion to finalize the 2024 operating budget and warrant as proposed and recommended by the Advisory Budget Committee.

10. New Business

A. Barrington Highway and Transfer Collective Bargaining Agreement – **Vote**

- i. Over the summer, the Public Employee Labor Relations Board (PELRB) conducted an election petitioned by AFSCME Council 93. As a result of this election, a collective bargaining unit was formed comprising the full-time Highway Department employees and the part-time Transfer Station employees.
- ii. On November 15, 2023, November 30, 2023, and December 7, 2023, the Town and the AFSCME Council 93 bargaining unit met to discuss a proposed contract.
- iii. The result of negotiations (Tentative Agreement) includes a three-year term (2024-2027) which establishes terms and conditions of employment largely consistent with current policies and procedures. Changes included in the tentative agreement include:
 - 1. Solidifying a seasonal schedule of Monday through Thursday from the first Monday in June through Labor Day.
 - 2. Counting paid leave toward overtime from December 1st through March 31st.
 - 3. Expanding on-call to include Fridays during the seasonal schedule and holidays in the winter. On-call during the weekends in the winter remains.
 - 4. Establishes uniform dress provided by the Town on a one-time basis and maintained by employees with a \$750 annual stipend.
 - 5. Provides for step and cost of living increases at the same level provided to other non-union employees each year.
- iv. See attached, [Highway-Transfer Tentative Agreement 2024-2027 20231207](#)
- v. The cost items of the proposed contract will be presented to voters at Town Meeting in 2024. Those cost items are summarized below.

1. Total

- a. **\$32,280 – 2024**
- b. **\$30,995 – 2025**
- c. **\$31,865 – 2026**

2. Wages

- a. \$21,975 – 2024
- b. \$22,745 – 2025
- c. \$23,540 – 2026
- d. *Depends on wage adjustments budgeted by Select Board.



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3. Paid Leave Counts Toward Overtime

- a. \$2,100 – 2024
- b. \$2,175 – 2025
- c. \$2,250 – 2026

4. Clothing Stipend

- a. \$7,380 – 2024
- b. \$5,250 – 2025
- c. \$5,250 – 2026

5. Expanded On-Call

- a. \$825 – 2024
- b. \$825 – 2025
- c. \$825 – 2026

vi. The Select Board is asked to consider approving the Tentative Agreement for inclusion in the 2024 Warrant.

Make a motion to approve the Tentative Agreement as presented and include the cost items in the 2024 Town Meeting Warrant.

11. Select Board Member Reports and Concerns

- A. Select Board Member Hardekopf
- B. Select Board Member Gibson
- C. Select Board Member Mannschreck
- D. Select Board Vice-Chair Saccoccia
- E. Select Board Chair Cappiello

12. Public Comment (see Visitor Orientation below)

13. Nonpublic Session (if required)

14. Adjournment

A. Upcoming Meetings

- i. December 12, 2023 • January 8, 2024 • January 22, 2024 • February 12, 2024

B. Upcoming Events

- i. February 3, 2024 (Saturday) – Deliberative Session – Barrington Middle School
- ii. March 12, 2024 (Tuesday) – Ballot Session – Barrington Middle School

Visitor Orientation to the Select Board Meeting

Welcome to this evening's Select Board meeting. Please note that the purpose of the meeting is for the Select Board to accomplish its work within the time allotted. View the full Select Board Rules of Procedures at: <http://bit.ly/BarrSBRulesofProcedures>.

Meeting Access

• In-Person

- New Town Hall Meeting Room
- 4 Signature Drive, Barrington, NH 03825

• Remote Meeting Participation

- Video: barrington.nh.gov/sbmeeting
- Call: [+1 603-664-0240](tel:+16036640240) (one-click link)
 - Conference ID: 193 013 548#



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Meeting Materials

Additional details regarding each agenda item and all supporting documentation can be found in the Town Administrator Report at www.barrington.nh.gov/TA20231211. Please contact the Town Hall Administrative Office with questions.

Public Comment

Meetings are open to the public, but public participation is limited. If you wish to be heard by the Select Board, please note the two Public Comment portions of the meeting to speak to items on a meeting agenda and/or matters pertaining to the business of the Select Board. In addition, public hearings may be scheduled for public comment on specific matters. Speakers must be residents of the Town of Barrington, property owners in the Town of Barrington, and/or designated representatives of recognized civic organizations or businesses located in the Town of Barrington. When they are addressed and permitted to speak by the Chair, speakers first need to recite their name and address for the record. Visitors should address their comments to the Chair and the Select Board as a body and not to any individual member. Each speaker shall be provided with a single opportunity for comment, limited to three (3) minutes. Public Comment shall be limited to fifteen (15) minutes. Visitors should not expect a response to their comments or questions since the Select Board may not have discussed or taken a position on a matter. Public Comment is not a two-way dialogue between speaker(s), Select Board, and/or the Town Administrator. The Chair will preserve strict order and decorum at all Select Board meetings. Obscene, violent, disruptive, disorderly comments, or those likely to induce violence, disruption, or disorder, are not permitted and will not be tolerated. Complaints regarding Town staff should be directed to the Town Administrator.

Nonpublic Session

The Select Board may enter one or multiple nonpublic sessions pursuant to RSA 91-A:3, II. The public is not permitted to attend nonpublic sessions and will be asked to leave the meeting space. Nonpublic sessions are allowed for reasons including: Dismissal, promotion, compensation, disciplining, investigation or hiring of a public employee; Matters which would likely adversely affect the reputation of any non-board member; Buying, selling or leasing real or personal property if public discussion would give someone an unfair advantage over the municipality; Lawsuits filed or threatened in writing against the municipality, until fully adjudicated or settled; and Preparation for and carrying out of emergency functions related to terrorism.

Special Accommodations

The Town of Barrington requires 48 hours' notice if the meeting must be modified for your participation or if special communication aides are needed. Please submit requests to the Select Board Office or call 603-664-9007.