

Action:

Release of Welfare Lien: In 1994 there was a welfare lien placed on a manufacturing housing unit. In 1996 the property was sold and has been resold since then at least once if not more times. When the current owners were preparing to sell they found the original lien was never released. We do not know if it was paid and never released or never paid. Neither do we know the amount without research at the old building in welfare files stored there. I suggest the Board of Selectmen release it. ***What does the Board wish to do?***

Emergency Lane: A resident on Swain Road has indicated they would like the town to do more, especially since there is the Town Forest on the Class VI portion. There is a provision in the law RSA 231:59-a (copy at end) that allows the Board of Selectmen to do work on Class VI roads without triggering a change to Class V. I would caution the Board that doing this here could well open the Board to a lot more requests. Our current policy is that we will redirect a plow truck towards the location of a health or fire emergency even on private or Class VI roads, including plowing the driveway if necessary for the ambulance/fire truck to get in. One problem in the past has been false alarms called in to get work done, but we believe we have that under control. ***Does the Board wish to start the process that is outlined in the statute or gather more information? Does the Board have a problem with our current policy for winter access of emergency vehicles?***

Tax Collector Mortgage search: ***Will the Board vote to authorize the Tax Collector to do the deed and mortgagee research needed to lien property?***

Tax Deeding: A woman living in Stratham owns two year-round cottages in Barrington on the lake and previously lived in one of them, but over the years they have been rented. The total owed on the two for the past three years is \$ 57,423. She has been notified we are ready to tax deed them. She requests the Board delay tax deeding in exchange for an offer to pay \$10,000 and then \$1,000 a month starting in December. The Tax Collector and I recommend against entering this payment agreement. The interest is \$700 a month currently and paying \$10,000 would drop that total a little, but the tax bill for December will be over \$6,800 so very little progress will be made at paying them off. ***Does the***

Board wish to grant her request or instruct the Tax Collector to inform her the Board is not going to stop the Tax Collector from proceeding?

Appointment: Karyn Forbes, ZBA Chairman, wrote: “Dawn Hatch has recently become an ex officio member of the ZBA. Due to her experience, we would like to have her sit as the first alternate. We understand that she cannot vote in any cases involving administrative appeals since that would be a conflict of interest.” Secondly, Peter Royce has indicated a willingness to serve on the Advisory Budget Committee. ***What does the Board wish to do on these two?***

Acceptance of funds: 31:95-e (copy at end of report) The Pierce family wishes to make a donation to the trust fund held to care for their family cemetery. The Board of Selectmen would be the ones to accept the donation and then the money is turned over to the custody of the Trustees of Trust Funds. The money is expended by the Cemetery Trustees in accordance with the donors' wishes. ***Does the Board wish to accept the money?***

Townsend: By way of background in 2010 the Court ordered Townsend to repay the Town for some of the legal expenses incurred in a land use enforcement action we had against him and won in the preceding years. January 28, 2013 he handed the Board of Selectmen a letter with lots of attachments on the background on the case. At the February 2 meeting (after deliberative session) I asked about writing a response and the Board voted to write him that since the town is represented by Counsel, the Board and TA were not going to discuss the litigation, but directed him to our attorney. This was done February 5. He has been communicating with our Attorney and she has been asking me questions. July 11, 2013 Townsend sent her a letter in which he offered to work off the debt. When asked by Jae, I agreed the Town was interested in the cash, not the work. I did not believe it in the Town's interest to accept the work offer because of issues with insurances and a question on the amount of oversight we would have to provide. I thought that represented the Board's opinion but there was a vote by the Board other than authorizing our attorney to respond to Townsend. I want to clarify that what I told Jae was in keeping with the Board's position. Also the judge indicated he would support a request from the town to attach the property of Mr.

Townsend for the unpaid debt. ***Does the Board have any issue with my statement to Jae that the Town is not interested in allowing him to work off the debt or our continuing to use all legal means to pursue the debt he owes the Town?***

Lemos Letter: ***Does the Board approve of the draft to Ed Lemos in response to his letter:***

MS-1 extension: ***We would like the Board of Selectmen to request an extension on the MS-1 until October 15.***

Health Meeting: The school has set up a meeting to discuss two different providers of health insurance (School Care and the Health Trust (formerly LGC & is the current provider)) on September 18 at 4:30 at the Annex. Separate from this Carolyn and I are trying to set up a meeting with our rep at the Health Trust. ***If a quorum of the Board is expected at either one I would like to post the meeting.***

Bridge Request for Qualifications: I have prepared the RFQ for the Green Hill Road Bridge. I would also like to appoint a committee and suggest the following members John Scruton, Keith Pratt, Peter Cook, Marcia Gasses and one member of the Board of Selectmen. ***Does the Board have any questions or suggestions?***

Town Administrator Schedule: I will not be at the meeting September 23 as I will be at the ICMA conference in Boston (no cost to the town). I will be away on October 21 but have scheduled Peter Cook to present his budgets to the Board. Suzanne is also gone September 16 and 23 so I suggest the Board consider moving the September 23 meeting to September 30. Susan has asked for a fuller discussion of the article that is proposed for the Svenson property. ***Does the Board wish to change the date of the meeting?***

Conservation Fund: The Bafflin Foundation has provided the Conservation Commission with a grant for \$10,000 for the purchase of the Leahy property. ***Will the Board allow the Conservation Commission to accept this for the Conservation Fund under RSA 36-A:4?***

Information:

Proposed Warrant Article: Article (first after zoning). To see if the Town will vote to raise and appropriate the sum of five hundred thousand dollars (\$500,000) for the purpose of developing a site for a future municipal building on land to be donated on Map 235 Lot 1 and Map 239 Lot 2 including engineering, permitting, design and construction to build a road and prepare the site for future building construction, said construction not to occur until approval of construction of a municipal building by Town Meeting; five hundred thousand dollars (\$500,000) of such sum to be raised through the issuance of bonds or notes under and in compliance with the Municipal Finance Act, RSA 33:1 et seq., as amended; to authorize the Selectmen to apply for, obtain and accept federal, state or other aid, if any, which may be available for said project and to comply with all laws applicable to said project; to authorize the Selectmen to issue, negotiate, sell and deliver said bonds and notes and to determine the rate of interest thereon and the maturity and other terms thereof; and to authorize the Selectmen to take any other action or to pass any other vote relative thereto. [3/5ths Majority Vote Required].

Foreman: Brian Lenzi, Peter Cook and I interviewed four internal candidates for the Highway Foreman position. It became clear during the interviews that one candidate had the most supervisory experience and we believe would do the best job managing the crew, Bob Brown. He has 29 years of supervisory experience in machine shops, 6 years in the department; is able to operate all the equipment; and has earned his Master's Roads Scholar (UNH T2). We are giving a part time employee at the transfer station an opportunity to prove he should move to full time, to fill the slot being vacated by Eric. We are not planning to fill Mike's slot but will look towards contract plowing, reducing the total workforce by one.

Barrington Shores: There will be a large gathering scheduled September 20-22.

Advisory Budget Committee: With the move to SB2, which was not even an option in 1976, it is simply impossible to comply with the exact wording of the warrant article (regarding appointment of members). Nominating at deliberative and voting at official ballot does not qualify because the voters doing the nomination are not necessarily the voters making the decision. Because this is an

advisory budget committee with no basis in statute, there is no source other than RSA 669:75 to determine how to appoint the members. I would have the selectmen appoint the vacancies for the current cycle using their general authority under RSA 669:75, and craft a warrant article for the next meeting to make a change in the procedure that can be accomplished under the SB2 format.

Answer on architects: BSC (Building Science Corporation) is an engineering firm. They have at least 2 architects, several engineers, a professor of an architecture school, etc. (Check www.buildingscience.com). The lead person on our project was not an architect, but a specialist in building systems. While we had a PO for more money, in the end we spent \$5,819 (below estimates) in 2011. Sheer McCrystal Palson (SMP) is an architectural firm we engaged in 2013 and paid \$7,255 for work they did earlier this year regarding renovating the Old Town Hall and several drawings and option that relate to that. They were selected in the spring of 2013 in a competitive qualifications analysis in which an RFQ was sent out broadly, about 20 firms responded to our site visit, and from those submitting RFQs three were interviewed before SMP was selected. Those registered architects working on our project are licensed NH architects Eric Palson (past president NH chapter AIA), and Jason Lacombe (Board member NH Chapter AIA). Before that we had H.L. Turner on whom the Town spent \$43,781.76 from 2010 to 2012. They have two full time architects, one of whom works out of the Concord office.

Request for Workers Compensation and Unemployment: I have sent out numerous requests for quotes. If you know of other firms whom I should contact for giving a quote, please let me know. Due date is November (rates for next year usually set in October). If we change from LGC/PLT we will need to find a new unemployment insurance coverage. I have been told by Davis Towle (which does business in other lines with towns) that the two pools are the only ones who can respond because of coverage of police and fire personnel. The difficulty of finding insurance in the private sector was what led to Compensation Funds of NH (now PRIMEX) and NHMA Trusts being formed in the first place. I have contacted the firms below.

PLT NHMA/LGC	Profile Ins (Rochester)	PRIMEX	Jenness (Rochester)
Immanuel(Barr.)	Rowley Agency (Concord)	Hartford	Davis Towle (Concord)
Eaton Berube	on-line sites	Aspen	Liberty Mutual (Dover)

Space Needs: When preparing the documents for the thumb drive on reports on the Town Hall, I came across a document in the HL Turner report which summarizes 7 different calculations on the amount of space needed for the town offices. They range from 8,358 (without some uses) to 11,563 square feet including mechanical, circulation & structure. The headings are relatively self-explanatory.

1. The space that was being used before mold was discovered and things moved around **11,333 sq. ft.**
2. The space occupied after things were moved around **8,356 sq. ft. at Old Town Hall but Town Administration, Finance and meetings were in different buildings**
3. The Space Needs 2006 plan to redesign the inside of building and bring it into compliance. **11,563 sq. ft.**
4. A plan from the Board of Selectmen **11,610 sq. ft.**
5. The amount requested by various departments (interestingly this was the median amount) **10,577 sq. ft.**
6. The national average **9,207 sq. ft.**
7. The amount the Turner Group (TTG) was suggesting based on their plan for the building. **10,807 sq. ft.**

By way of reference the current building is fully utilized without meeting rooms and without adequate archival or office record storage at **5880 sq. ft.** State and federal laws govern retention of documents.

APPENDIX

231:59-a Emergency Lanes. –

I. Notwithstanding RSA 231:59 or any other provision of law, a town may raise and appropriate, and the selectmen may expend, money for the repair of any class VI highway or private way which has been declared an emergency lane under paragraph II. Such repair may include removal of brush, repair of washouts or culverts, or any other work deemed necessary to render such way passable by firefighting equipment and rescue or other emergency vehicles. A capital reserve fund under RSA 35 or a trust fund under RSA 31:19-a may be established for this purpose.

II. No expenditures shall be made under paragraph I unless the selectmen, following a public hearing, declare the relevant class VI highway, private way, or portion thereof, as an emergency lane, and make written findings, recorded in the minutes of the meeting, that the public need for keeping such lane passable by emergency vehicles is supported by an identified public welfare or safety interest which surpasses or differs from any private benefits to landowners abutting such lane.

III. In the case of a private way, notice shall be mailed to all persons known to have a legal interest in the way, 10 days prior to the hearing, and the emergency lane shall not be declared if permission is denied by any person with a legal right to deny such permission. Neither the appearance nor non-appearance of such persons at the hearing shall prevent such permission from later being denied or withdrawn.

IV. A declaration under this section may be rescinded or disregarded at any time without notice. This section shall not be construed to create any duty or liability on the part of any municipality toward any person or property. Utilization of this section shall be at the sole and unfettered discretion of a town and its officials, and no landowner or any other person shall be entitled to damages by virtue of the creation of emergency lanes, or the failure to create them, or the maintenance of them, or the failure to maintain them, and no person shall be deemed to have any right to rely on such maintenance. This section shall not be deemed to alter the classification or legal status of any highway or private way, or to limit or restrict the authority of towns to regulate the use of class VI highways pursuant to such statutes as RSA 41:11, RSA 236:9--13, and RSA 674:41, or to authorize any person to pass over any private way when permission has been denied. This section shall not be deemed to alter the duties or powers of any party under RSA 227-L concerning forest fires.

31:95-e Acceptance of Personal Property Donated to Towns and Village Districts. –

I. Any town or village district at an annual meeting may adopt an article authorizing the board of selectmen or board of commissioners to accept gifts of personal property, other than money, which may be offered to the town or village district for any public purpose, and such authorization shall remain in effect until rescinded by a vote of town or village district meeting.

II. Prior to the acceptance of any such gift with a value of \$5,000 or more, the selectmen or board of commissioners shall hold a public hearing on the proposed acceptance. For gifts with a value of less than \$5,000, a public hearing on the proposed acceptance shall be at the discretion of the selectmen or board of commissioners. If no public hearing is held, the board of selectmen or board of commissioners shall post notice of the gift in the agenda and shall include notice in the minutes of the board of selectmen or board of commissioners meeting at which such gift is discussed. The acceptance of gifts under this paragraph shall be made in public session of any regular board of selectmen or board of commissioners meeting.