

BUDGET/TOWN MEETING WARRANT RELATED ACTION:

Revenue: The totals are as follows on the proposed revenue projections: Total for 2013, \$2,391,909: Total for 2014 projection \$2,494,735: Net projected increase is \$102,826. ***Does the Board approve this projection?***

Highway Budget: We have adjusted the proposed Highway budget to reflect the fact we have reduced the contract plow line because we could not find a contractor and accurately budgeted for the person we added to bring us back up to the level of last spring. The net increase is \$31,000. ***Does the Board wish to make these changes in the 2014 budget?***

COLA/Step: Steps without the collective bargaining unit would cost \$28,946. A 3% COLA for all those in the budget other than bargaining unit employees (not counting recreation program staff from Revolving fund or ambulance crew from revolving fund) would be \$39,500 (\$53,900 including bargaining unit employees). In addition there would be roll-up costs which would vary by department by a rough number would be 15% overall. ***What would the Board like to budget for step/COLA (we could then refine the numbers for public hearing)?***

Health Insurance: Attorney Closson indicates it is acceptable to pay for only a single plan for part time (30-35 hours) employees while offering the employee the opportunity to purchase (at their expense with no town co-pay) dependent coverage, and in fact January 2015 that will be the minimum to avoid a fine under the Affordable Care Act. I suggest the Board put money to do that into the budget, effective July 1, 2014 (beginning of the plan year which overlaps the ACA's requirement). We have two revolving fund recreation employees in that range who would come out of the revolving fund (one at 34.5 hours). We have one temporarily working over 30 but would not include that person in the list. We have four employees in the operating budget who are between 30 and 35 hours a week. I suggest we offer and budget for the single HMO plan. The estimated cost would be \$3,950 to the benefits line for Library, Land Use, Tax, and Transfer Station budgets. In addition I would propose that the Town provide employees working 20 hours or more a week the opportunity, fully at their expense, to purchase into the Health Insurance plan. The reason for this is to avoid another penalty from the ACA related to our Flexible Spending Account being available to employees working 20 hours or more year round. I would not expect anyone to purchase Town insurance as the exchange would be less expensive, but availability is the key to avoid most of the ACA's penalties which kick in starting in 2015 for employers. ***Does the Board wish to proceed with budgeting for a single plan for employees working 30-35 hours (and changing the personnel plan)? Does the Board wish to make insurance available at the employee's full expense to those year round employees working 20 hours or more?***

SAU and New Construction: Superintendent Gail Kushner wrote: "I am projecting I will need to take a room at the ECLC for another classroom. Our plan is to move the SAU to the Annex. We will have 2 or 3 to a room. We will use three out of the four rooms. I will turn my current office into the Board room, so it could be used for small Planning meeting etc. We are still concerned about room at the elementary school. Right now the SAU is going to have to be flexible and move where there is space."

My question is how we should proceed with the space needs analysis as it relates to whether or not we plan for inclusion or not of the school in the project. One thought is that the school in their warrant in 2015 could ask for funding for an SAU addition to the proposed Town Hall or if the Town Hall fails a stand-alone facility. The Town would be requesting a Town Hall (with the question still undecided as to whether or not a library would be included in one article or two articles). In the coming year they could do their own space needs analysis and at their expense if they wanted this to be a combined facility work with our architect to design a “wing” that would be added to the proposed town building or stand alone. ***What would the Board like to do?***

Warrant Article from Charter’s group: They will be bringing in an article for using fund balance to pay for the engineering for subdivision and perhaps site civil engineering. ***What does the board wish to do with the bonding article and the proposed article from Charter’s group?***

New Highway Equipment Garage electricity: The Building Inspector indicates he believes it very likely that electricity to operate emergency lights would be a requirement for this and that lights sufficient for the safety of employees would also be a requirement. Diesel engines will also need electricity to help them start in the winter.

January 13 budget hearing: ***Shall I post a public hearing on the bond issue and the budget and warrant or just for the budget and warrant? Does the Board vote to place the budget and warrant articles on the budget worksheet for public hearing?***

Warrant Article from Committee: (Jae’s comment) (First, as this ordinance regulates the use of land, I believe it is effectively a zoning ordinance and should be reviewed as such. Second, I believe that the town does not have the authority to adopt the majority of the substantive provisions of the document. Contrary to the apparent view of the drafters of the document, New Hampshire is not a home rule state; municipalities only have such authority as the legislature chooses to delegate to them. Several provisions of the document concern subjects not so authorized and several are in direct contravention of statutory provisions.

I have not been asked to provide a provision-by-provision analysis. I will, however, provide a couple of examples. Section 3 (a) provides that it is unlawful to engage in mining or excavation activities, both of which are specifically authorized by the state (RSA 12-E and RSA 155-E). Section 3 (c) provides that any state or federal permit that is contrary to the provisions of the ordinance shall not be valid; the town does not have the authority to “invalidate” a state or federally issued permit. Section 5 (b) and (c) provide that the town or individual who successfully seeks enforcement of the provisions of the ordinance is entitled to recover all costs of litigation; again, the town is not authorized to impose that penalty.

The proposed ordinance does contain a “severability” clause (Section 10) which purports to save the remainder of the ordinance if one or more provisions are invalidated. However, this clause is not effective if removal of the invalid clauses renders the remainder of the ordinance ineffective as to the purposes for which it was adopted; I believe this would be the case here.

As you know, the voters in town can submit a petitioned zoning ordinance to the town for approval at the annual town meeting, and the selectmen are required to put it on the ballot. If this occurs, I strongly recommend that the planning board vote to not recommend its passage due to the numerous unlawful provisions contained in it.)

The deadline for a petitioned article for Zoning was December 11. The deadline for a Town Meeting warrant article is January 13.

MEMORANDUM To: Barrington Selectmen
From: Barrington Conservation Commission
Subject: Proposed Warrant Article from Barrington Waterways Protection Committee
Date: December 9, 2013

The Barrington Waterways Protection Committee (formerly known as the Isinglass Protection Committee) presented its proposed warrant article ("Community Bill of Rights Ordinance") at our meeting last Thursday. You will recall that this committee was formed as a result of a vote by the town last March, and it was subsequently formed as a subcommittee of the Conservation Commission. I believe that they are planning to present the article to the selectmen in the near future.

We had a long and detailed discussion about various aspects and implications of the article, and all of the members present found themselves largely 'of two minds' about whether or not we should recommend that the selectmen support the warrant article. As a result, we voted not to make any specific recommendation either way.

We certainly appreciate that the committee has worked long and hard to come up with their warrant article, and appreciate their efforts to help safeguard Barrington's natural resources.

Does the Board wish to place this on the warrant or to wait for the committee to petition a warrant article?

Other warrant articles: There are several other warrant articles that I will place on the agenda (based on prior discussion with the Board) for January 6 including animals running loose in public ways, making Old Green Hill Road a Class A trail from Orchard Hill to the Town line, eliminating the Capital Reserves for the Ambulance and the Recycling Building, and doing something to clarify status of the Advisory Budget Committee (at a minimum clarifying the means of appointment since we can't do it the way Town Meeting voted, i.e. floor votes) . I would propose also an article in which the Town authorizes the Board of Selectmen indefinitely the authority without further action by Town Meeting to buy back for \$1 any land it has previously sold that required that land be first offered to the Town before it could be sold to a third party, provided there is money in the budget. ***Does the Board have additional articles to add to the warrant?***

OTHER ACTION:

Conditional Turbocam Building Permit: Tom Abbott requests permission from the Board of Selectmen to grant a conditional building permit for Turbocam. There are some outside issues that do not involve life safety but will require hand digging and would disrupt a grassy slope creating an erosion hazard. He

is seeking surety to guarantee completion of this and any similar little issues, especially with landscaping that cannot be reasonably done until spring. **Will the Board authorize him to do so?**

Redemption Drive: We have a formal request for accepting Redemption Drive. The Road is complete and everything done as requested with the exception of four driveways and their aprons. I expect two of those will never be built because of slopes, but we will not know for several years. There is likely a better way to access the property once determination is made on building and parking elevations. The Board should also require that the apron for lot 6 be built and a 400 foot gravel driveway be constructed as required in the Development Agreement by August 1, 2014 or the escrow could be used. I also request the Board hold 20% of the \$700,000 bond for two years and then a smaller amount that would cover the cost of building those driveways that are not built yet and authorize the Town to use that escrow if the driveway to Lot 6 is not timely built. ***Does the Board wish to accept the road; set the maintenance surety at \$140,000; require the driveway to Lot 6 as agreed upon previously; and subject to an acceptable deed?***

December 30 Selectmen Meeting: If at least 3 members of the Board were willing to come into the Town Offices to sign documents that week, I believe we could cancel the meeting for December 30. ***Does the Board wish to cancel the December 30 meeting?***

Board of Selectmen Meeting: Currently the Board has scheduled meetings for March 10 and 24. I will be away March 10. An advantage of scheduling for 17th is that any members elected at the March 11th Town Meeting will be able to sit if there is no recount and the Board will be able to reorganize that night. I also expect to be away at some point in April, but do not know dates yet. ***Does the Board wish to adjust the schedule to March 3 & 17?***

Posting benefit costs for each employee at year end: Jae recommends against doing this because of the risk that such information may violate HIPPA rules. It is possible to make reasonable assumptions for some employees as to their level of coverage by comparing similar salaries in similar situations. Rochester and Dover do list gross benefits in their posting of salary on the theory it does not give enough information to actually identify the plan a person is taking. Also, some parts of the total, for example the Worker's Compensation piece, will be an estimate. ***Does the Board still wish to vote to list a total benefits line for each employee after year end?***

Asbestos Removal: While I want to monitor the budget and in particular snow related expenditures, I would also like the flexibility to ask the Trustees of the Trust funds for the money to remove the asbestos from the Old Town Hall if the budget suddenly tightens up. ***Will the Board grant authority to the Town Administrator to ask the Trustees of the Trust Funds to pay the cost of asbestos removal from the Old Town Hall out of Town Building Trust Fund?***

RFQ for Bridge and Culvert Consultants: The committee put out an RFQ. There were 8 firms that responded. They were evaluated by each of the four members of the committee (Keith Pratt, Peter Cook, Marcia Gasses and John Scruton) on a 100 point scale. The top three were selected for interviews. The Bridge Committee interviewed the three finalists December 9. The Bridge Committee recommends

the Board accept its recommendation of HTA to do bridge and culvert design work for the Town including state bridge funding projects. ***Does the Board concur?***

Worker's Compensation: *Since PRIMEX was by far the lowest proposal on Worker's Compensation, would the Board like to lock in that rate with a maximum increase of 8% for 2015 and 2016 as I recommend?*

Tax Deed Property. One of the pieces of land which the town took has an easement on it for a well to an abutting property (Map 126 lot 18). The owner of the easement owns a cottage with frontage on North River Lake, while the 1.2 acre parcel is on the other side of the private way. Because it has been less than three years, the first option must be to offer it to the prior owner. If we sell it before the three years elapses, then the prior owner gets any "profit" after we take our costs, interest, taxes and 15%, however given the well easement. While the easement may limit the use of the other lot, it does appear to be buildable. ***Does the Board wish for us to start the process with the prior owner and advertising it for sale or wait the 3 years?***

Stephen Jeffrey: He has requested the Board hold hearings on removal of three members/alternates on ZBA. He has also requested that Dawn and Fred not vote on this. While I see no reason Fred can't vote, I would suggest the remaining three members of the Board reject that request. On a related matter, NHMA attorneys have clarified Stephen's request to the ZBA must in the form of a request for a rehearing with a written document indicating why he feels the ZBA made a mistake earlier. It does not require notifying abutters unless a rehearing is granted. He must also establish why he has standing. Karyn, who was not at the earlier meeting, can sit if she becomes familiar with the case. Whether the ZBA takes testimony on the rehearing request or rules on the written statement is its choice. Also there was a change in the law to indicate all appeals regarding the Planning Board go first to the ZBA if any part of it goes to the ZBA, which in this case is the variance request. ***Does the Board wish to set a hearing for the specified members of the ZBA?***

673:13 Removal of Members. –

I. After public hearing, appointed members and alternate members of an appointed local land use board may be removed by the appointing authority upon written findings of inefficiency, neglect of duty, or malfeasance in office.

III. The appointing authority or the planning board shall file with the city or town clerk, the village district clerk, or the clerk for the county commissioners, whichever is appropriate, a written statement of reasons for removal under this section.

INFORMATION:

Unemployment Compensation: After talking with Chairman Clark, I signed the power of attorney to allow PRIMEX to be our agent in administering the program since that was a part of the worker's compensation proposal and could not remain with PLT.

Earned Time Buyout: We hope to have a year to date sometime December 16 which would reflect how much earned time was actually bought out by employees by departmental budget in 2014. The total for the year is down substantially over prior years, in large part because of limits the Board placed on it in 2012.

Lock Box for Tax Payments: The system has had a number of problems which we believe outweigh the advantages. I expect we will end the process when this cycle of bills is complete.

Holidays: Town offices will be closed December 24 and 25 as well as January 1. The Transfer Station and Recycling Center will be closed Tuesday Dec 24th and Tuesday Dec 31st.

Health Insurance: The School Board voted to accept the BEA agreement. This includes changing to School Care next year. The paraprofessionals also opened their contract to switch to School Care. The only thing left is the school meeting vote in March. School will not switch to School Care if the voters do not accept the teacher contract. School saves \$153,020.

Mendum Pond: The Conservation Commission is discussing protecting 131 acres on the pond next to UNH owned land.

Tax Deeded Manufactured Housing: As allowed by the Board we waived the 15% charge and deeded a property back to the owner in exchange for administrative fees, costs, interest and back taxes. We have a second one for which that may happen.

Cemetery: Lowest cost proposal to mow the cemetery was from the school.

The filing period for town offices is from January 22-January 31, 2014.

The following elected offices become vacant in 2014.

SELECTMEN

Two for 3 year term Dawn Hatch Susan Gaudiello

TRUSTEE OF TRUST FUNDS

One for 3 year term Robert Drew

CEMETERY TRUSTEES

One for 3 year term Richard Walker

LIBRARY TRUSTEES

Two for 3 year term Frances Ditursi Peter Royce

SUPERVISOR OF THE CHECKLIST

One for 6 year term Nilda Janelle

The following appointed positions will need to be filled along with incumbent if any:

TOWN PLANNING BOARD

Two for 3 year term George Calef Anthony Gaudiello

One for 3 year term ALTERNATE Dan Ayer

TAX COLLECTOR

One for 1 year term Linda Markiewicz

TOWN TREASURER

One for 1 year term Peter Royce

Deputy TOWN TREASURER

One for 1 year term upon recommendation by Treasurer

CONSERVATION COMMISSION

Two for 3 year term Peter Sandin Pamela Failing

LIBRARY ALTERNATE TRUSTEES

Two for 1 year term Pat Keravich Sam Boduch

ZONING BOARD

One for 3 year term Karyn Forbes

BUDGET COMMITTEE

One for 1 year term and two for three year terms or perhaps two for 1 year and one for three years)

RECREATION COMMISSION

Two for 3 year term Jim Noble

ALTERNATE Christine Morris

Nonpublic Session Personnel, Reputation, Non-meeting for Labor Negotiations