

## Action:

**Public Hearing Acceptance of money toward purchase of Conservation Land.** Portsmouth and Madbury are donating money to purchase the Lahey property as previously discussed. **Will the Board accept it?**

**Solar Energy:** I have been talking with Jack Bingham about an arrangement whereby the Town could enter into a multi-year agreement on solar power in which solar panels would be installed at the highway garage and safety complex (ground level). There would be no upfront cost but the town over the years of the contract would pay what they would otherwise be paying to PSNH to the provider of the solar panels. This would require a vote by town meeting to authorize the Board of Selectmen to enter a multi-year contract. Tentative wording for a warrant article would be: *To see if the Town will authorize the Board of Selectmen to enter into a long term agreement for electricity with a company that provides and installs solar panels for which there is no cost beyond paying the value of solar electricity used during the life of the contract at then current rates for traditional generated electricity.* Based on the town's purchasing policy, I would suggest we go out for a Request for Qualifications based selection process as it would seem there are a lot of vendors out there who might help and we want to be competitive. Durham went out for an RFQ in 2012, selected first one firm and over time went to a second firm before a contract has recently been executed to proceed. Hanover and others are considering it. **How does the Board wish to proceed?**

**Fund Balance:** Based on preliminary numbers, there will be adequate fund balance to fund all the capital warrant articles being proposed by the Board of Selectmen and still remain in the target zone for annual fund balance retention. This is in keeping with previously established fund balance policy. This will mean using \$688,000 from fund balance for road work, the garage, and capital reserve articles. Right now the net difference in amount to be raised by taxes is \$644,120 based on the proposed revenue projections subtracted from total proposed operating budget and warrant articles. This would represent about 70 cents on the tax rate but it is important to remember 2 things about the size of this number.

1. The Town used \$399,910 of fund balance in 2013 which is one reason for the size of the number. This is the reason the Town uses fund balance only for capital items as it would have had an additive impact on the tax rate if done to the operating budget.
2. This tax rate impact is based on the current assessment, which will change for everyone in 2014. The average percent change will remain constant, but because of changes in assessment, some will see a greater impact and some a lesser impact.

If the town appropriates the entire \$688,000 of the proposed capital items from fund balance, it will be a decrease in the tax rate of about 5 cents, although if the Collective Bargaining Agreement article (see below) goes forward it would then be a nearly level impact as far as the total amount to be raised by property taxes is concerned. I would like an answer on fund balance before doing the budget PowerPoint for the public hearing on the 13<sup>th</sup>. **Does the Board wish to use fund balance for all the capital warrant articles being proposed by the Board of Selectmen?**

**Tax impact statement:** The Town voted to allow the board to put the tax impact on the warrant and ballot. I propose we do so with one of these statements depending upon the warrant article. As you will notice from the first one we have a variety of options, but I encourage consistency. This could be stated as an impact on the rate or as the impact on total to be raised by property taxes.

- *There is projected to be no impact on the 2014 tax rate assuming assessments and other revenues are unchanged. **OR USE** There is no impact on the amount to be raised by property taxes expected in 2014 by the passage of this article.*
- *There is projected to be an (increase or decrease) of (X cents) in the 2014 tax rate assuming assessments and other revenues are unchanged. **OR USE** There is expected to be an (increase or decrease) of % of the amount to be raised by property taxes expected in 2014 by the passage of this article. **OR USE** There is projected to be an (increase or decrease) of \$XX in 2014 in property taxes on a home assessed at \$250,000 assuming assessments and other revenues are unchanged.*
- *(bond article) There is projected to be no impact on the 2014 tax rate, but this is a commitment to make payments in future years that will increase (one of above methods to reflect future years). (Any language here will have to be approved by bond counsel.)*

**Which ones/style does the Board prefer?**

**Collective Bargaining Agreement:** The groups representing management and labor **MAY have** reached a tentative agreement and ask the Board of Selectmen to approve the agreement and place it on the warrant for the cost items. It **SHOULD** mirror the Personnel Plan with some minor exceptions. The 3% matrix adjustment proposed in the agreement is the same as the Town is budgeting for all employees. There are cost savings built into health insurance starting July 1 by moving the employees to 85% of the HMO, instead of 85% of any plan offered. This is a one year agreement. It is estimated salaries will increase \$11,790 plus \$2,347 in roll-ups while saving in Health Insurance are estimated to be \$5,646 for a net increase of \$8,491. **Does the Board approve the tentative agreement?**

**Warrant:** Looking at the Treasurer's report it appears we have received \$4,208.84 in cemetery revenue since we set the amount to go into the Capital Reserve last year. While we have tracked it separately, it is now part of fund balance and I believe should be put into the cemetery capital reserve, unless Peter or someone indicates a different source for the money showing in his report (or additional money since the end of November). I would propose the following article be added to the warrant.

**Article .** To see if the town will vote to raise and appropriate the sum of \$4,208.84 to be added to the Cemetery Capital Reserve previously established in 2013 and to authorize the use of that amount from unreserved fund balance. This represents income to the Town in 2013 from sale of cemetery lots and other cemetery revenue. **[Majority Vote Required]. By a xxx vote the Board of Selectmen recommends this article. \*Note: This appropriation is in addition to Warrant Article # xxx, the operating budget article. The anticipated tax impact of this article is yyy.**

**Draft Warrant:** Peter would like to use out the Capital Reserve for the recycling building (\$2,245) to make some improvements related to the single stream recycling, rather than lapsing the fund as had been earlier discussed. Rick would like to use the funds in the ambulance account (\$1,223) towards “On Spots” which are instant chains for the drive wheels that spin down on hitting a switch rather than lapsing. ***Does the Board wish to request one or both accounts be warrant articles to be closed at Town Meeting or used for the purpose requested above?***

**Draft Warrant:** ***Does the Board wish to place an article on the 2014 warrant authorizing the Board of Selectmen to accept the Svenson land without further action by Town Meeting as in the proposed warrant?***

**School Space Needs:** I have a number of recommendations for meetings in March:

1. I recommend that the Board of Selectmen and School Board plan now to schedule a meeting shortly after Town Meeting to see if the School is interested in going forward to promote and place an article on the 2015 School Meeting Warrant for construction of SAU space (either in a combined new facility with whatever the town builds or discover if they going to pursue a different path). By then the election of members to the boards and a decision on the Svenson property will be completed.
2. I recommend that the Board of Selectmen approach this meeting with a preference toward not planning to place the SAU costs into the town warrant articles in 2015.
3. I recommend that the Board of Selectmen and Library Trustees plan now to schedule a joint meeting after the March Town Meeting to discuss how to plan for 2015 regarding a building(s) and invite the Recreation Commission.
4. I recommend meeting the School Board and Library/Recreation Commission at separate meetings because I believe the issues, especially as regards the town or school meeting article, are different and because separate meetings will help keep the focus on each of two distinct issues.
5. I recommend seeking the involvement of most if not all members of each board present for the meeting since having a representative in the past has not meant that the rest of the Board will understand all the rational and fully back what is decided. This will require additional Board of Selectmen meetings, perhaps on the meeting night of one or both of the other boards.

***Does the Board of Selectmen wish to plan to set up a meeting(s) with the School Board and the Library Trustees/Recreation Commission in March, and does it wish to meet separately or to invite both the School Board and Library Trustees/Recreation Commission to come at the same time?***

**Office Space Needs Analysis:** One of the issues the Board will have to address is what to do with allocating space for the following employees at the proposed new Town Offices who currently do not have space at the Town Offices: Recreation Director, Road Agent, and Building Supervisor. These positions show in some of the past ‘space needs studies’. One drawback in past studies is that they focused on using the old building as to whether or not to allocate space for them (see chart at end of report). **Please note that the “Existing Space (Temp Area)” does not include the Town Administrator,**

Finance or Welfare, since those were at the Police station, which is why that number is at significant. That space represented what was being used after the move within the old Town Hall because of mold. Also the national average only has one meeting room, instead of a second public meeting room as some of the other totals. Tentatively I do not plan to allocate space for the three positions listed above, but will allocate space for the Road Agent Administrative Assistant. ***Does the Board wish to include office space for the other three positions or any other positions either current or suspected future positions/uses?***

**Draft Board of Selectmen Report for Town Meeting:** I plan to bring any revisions to the Board January 13 for final adoption. I suggest the Board approve the final draft at a meeting as a full Board. ***Are there suggestions and comments on this first draft for incorporation into the final draft?***

**Road Names.** ***Does the Board approve the suggestion for the Whitetail development of the names Fawn Path and Yearling Drive as recommended by staff?***

## Information:

**Petitioned Articles:** I have heard of three. One on Svenson, one on the Right's Based Ordinance and one to use franchise fees to support cable broadcasts of meetings.

**Earned time:** With the new employees, Peter believes he will be able to take a vacation in January. The circumstances with the vacancies and new employees made it difficult for him to take a week in late November or December. I have agreed in keeping with authorization in the Personnel Plan to let him temporarily carry an excess 40 hours over from December 31 provided they are used in January.

**Highway Money:** There will be around \$90,000 in the Capital reserve for highway work created by the \$5 charge on motor vehicles after the completion of 2013.

**NHDOT** has approved the selection of HTA by the town for the bridge project, subject to successful negotiation of a fee arrangement. I have contacted HTA to start the negotiation.

**Old Green Hill Road:** There have been problems with people using and abusing the Class VI portion of the road between Orchard Hill junction and the Madbury town line. One of the owners has asked the Board do something to stop the "mudders" who like to create wet mud holes to run their 4 wheel drives through in the road. There are six Barrington properties impacted. Dover has already made its end of the road into a Class A trail. Two have residences but each has access and frontage on a Class V road (Orchard Hill and Tolend Road). Major Waldron is one of the owners. Here is what NHMA says on the notification situation. Note there is a risk of damages if the Town is taken to court by one of the abutters. I am sending notice to ask the abutters their opinion and indicate the Board would consider this at the January 13 hearing on the budget and warrant.

**Under RSA 231-A:2, I, reclassification of a Class VI road to a Class A trail requires a vote of town meeting. That vote may include any use restrictions to be placed on the trail, as set forth in RSA 231-A:4. However, RSA Chapter 231-A does not address notice or hearing requirements for this vote.**

Our advice is to follow the procedure for discontinuing a public highway under RSA 231:43. Specifically, we suggest that all abutting property owners receive written notice of the proposed change at least 14 days before the town meeting vote. RSA 231:43, II. General notice to the public is accomplished through the posting of the warrant, which will include the warrant article to reclassify the road from Class VI to a Class A trail. No public hearing is required under the law. If the Selectmen would like to hold a hearing, they certainly can, and should be sure to post public notice and send written notice to abutters at least 14 days before the hearing (thus, at least 28 days before town meeting).

Any aggrieved landowner may appeal the town meeting vote to the superior court within 6 months after the town meeting vote. The petition may also include in the petition a demand for damages based on the use limitations now placed on the road as a result of the reclassification. See RSA 231-A:2, III, referring to RSA 231:48 and :49. The amount of damages has not been addressed by the NH Supreme Court, but presumably it would be based on the difference between the market value of the property before and after the reclassification. In the case of a Class A trail, abutting owners are still permitted to use it to access existing structures and uses, but may not build additional structures without obtaining town permission.

#### **231-A:1 Class A and B Trails. –**

I. A class A trail shall be a full public right-of-way, of indefinite duration subject to public trail use restrictions. It shall not have the status of a publicly approved street, and shall not be used as a vehicular access for any new building or structure, or for the expansion, enlargement, or increased intensity of use of any existing building or structure. It may, however, be used by the owners of land abutting on such trail, or land served exclusively by such trail, to provide access for such nondevelopment uses as agriculture and forestry, or for access to any building or structure existing prior to its designation as a trail, and such owners' access for such uses shall be exempt from applicable public trail use restrictions, subject only to reasonable time, season and manner regulations imposed by the local governing body. The municipality shall bear no responsibility for maintaining the trail for such uses by abutting owners. Such owners shall, prior to excavation, construction or disturbance of a class A trail, obtain permission from the municipal officers, in the same manner prescribed for highways in RSA 236:9-11.

**231-A:4 Public Trail Use Restrictions.** – In this chapter "public trail use restrictions" means any restrictions upon use of a trail by the general public. Such restrictions may be imposed by a landowner as a condition of grant or dedication of a trail acquired under RSA 231-A:5, or by vote of the local legislative body or its designee at or subsequent to the time the trail is established, or by the local governing body under RSA 41:11. Such restrictions may include, but are not limited to, prohibition of motor vehicles, prohibition of wheeled vehicles, prohibition of off highway recreational vehicles, or restriction to specified modes of travel such as horse, bicycle, or foot. Such restrictions, if posted using legible signs at entrances to the trail from public highways, or at any property boundaries where new or different restrictions become applicable, shall be enforceable in the same manner as traffic violations as set forth in RSA 265. Any person violating such restrictions shall be guilty of a violation.



**Health Insurance:** The rebate the Town would receive September 1, 2014 would be \$29,532.54. I am awaiting an answer on what happens if we delay changing plans until July 1, 2015. I would also like to know if the guaranteed rate still applies if the school leaves the Health Trust.

**Evictions:** We are starting the process for tax deeded property.

		Existing Space (Premold)	Existing Space (Temp Area)	06 Team Design Plan	Selectman Plan	Requested*	National Average	TTG Suggested
Selectman's Office	3	790 sf	795 sf	790 sf	950 sf	800 sf	480 sf	700 sf
Shared Mail / Copy Area	0							
Town Administrator Office	1	125 sf	0 sf	125 sf	200 sf	160 sf	120 sf	120 sf
Shared Conf Room	0			130 sf			140 sf	140 sf
Finance/Welfare Office	2	620 sf	0 sf	620 sf		360 sf	360 sf	450 sf
Interview / Conf Room	0				100 sf	80 sf	160 sf	180 sf
Road Agent Office	1	195 sf	0 sf	160 sf	150 sf	160 sf	140 sf	180 sf
Facility Manger Office	1			150 sf				
Tax Collector Office	3	285 sf	425 sf	345 sf	750 sf	350 sf	480 sf	350 sf
Private Money Counting Area	0					100 sf	120 sf	120 sf
Town Clerk Office (Private office)	1	285 sf	425 sf	120 sf	150 sf	160 sf	140 sf	140 sf
Asst Town Clerk Office (wk area)	2	285 sf		395 sf	850 sf	400 sf	360 sf	420 sf
Vital Record	0			140 sf				
Shared Copy Area	0							
Building Dept	1	870 sf	870 sf	580 sf		480 sf	360 sf	360 sf
Building Inspector	1			155 sf	150 sf	140 sf	140 sf	140 sf
Asst. Building Inspect (Health)	1			100 sf		100 sf	140 sf	120 sf
Planning / Zoning / Conservation	3	845 sf	845 sf	695 sf	700 sf	845 sf	480 sf	750 sf
Planning Conf Room	0			150 sf	150 sf		120 sf	
Land Steward	0			180 sf				
Shared Copy Area	0							
Selectman's Meeting Room	0	1300 sf	1300 sf	1300 sf	2400 sf	1300 sf	1200 sf	1200 sf
2nd Public Meeting Room	0	855 sf	0 sf	855 sf		850 sf		600 sf
Break Room (Kitchen)	0	150 sf	205 sf	260 sf	375 sf	200 sf	225 sf	250 sf
Male Restroom (upstairs)	0	90 sf	0 sf	55 sf	100 sf	100 sf	150 sf	150 sf
Male Restroom (downstairs)	0			55 sf				
Female Restroom (upstairs)	0	90 sf	0 sf	55 sf	100 sf	100 sf	150 sf	150 sf
Female Restroom (downstairs)	0			55 sf				
Unisex Restroom	0	30 sf	30 sf					50 sf
Supply Storage	0	155 sf	155 sf	155 sf		150 sf	100 sf	100 sf
Storage	0	90 sf	175 sf	160 sf	225 sf		300 sf	300 sf
Storage Room 2	0	105 sf		115 sf				
Storage Room 3	0	110 sf		45 sf				
Records Room	0	370 sf	370 sf	370 sf	800 sf	740 sf	600 sf	600 sf
Server Room	0	355 sf	355 sf	155 sf	100 sf	175 sf	120 sf	120 sf
Janitor	0	85 sf	85 sf	85 sf	150 sf	85 sf	75 sf	75 sf
Spare Offices	0	330 sf	155 sf					
Recreation	0				200 sf			
Subtotal:	20	8395 sf	6190 sf	8565 sf	8600 sf	7835 sf	6820 sf	8005 sf
Circulation & Structure (25%)		2098.8 sf	1547.5 sf	2141.3 sf	2150 sf	1958.8 sf	1705 sf	2001.3 sf
Mechanical (10%)		839.5 sf	619 sf	856.5 sf	860 sf	783.5 sf	682 sf	800.5 sf
Total:		11333 sf	8356.5 sf	11563 sf	11610 sf	10577 sf	9207 sf	10807 sf

Notes: \*If the requested space was not commented on being bigger or smaller then it was kept the same size it currently is  
All spaces are plus or minus 5% depending on fitting into a floor plan.