

Public Hearing on building permit on a private road: After reviewing staff and Planning Board comments and accepting public comment, ***Will the Board vote to grant the building permit with conditions?***

Public Hearing to accept donation on sun screen applicator. The value of each dispenser and one case of sunscreen is \$400. We are receiving two dispensers and two cases of sunscreen. The Melanoma Foundation of New England is making the donation. After receiving public comment, ***Will the Board vote to accept the donation?***

Public Hearing on amendment to noise ordinance: (see proposal at end of this report) After receiving public comment, ***Will the Board approve?***

Flag Pole Attachments for Memorial Day and beyond: The owner of the poles on Route 9 request the Board sign a request for permission to attach flags to the poles for Memorial Day again. Stephanie Dimke will bring the form since she raised the funds and has spear headed this in past years. It is routinely approved. ***Will the Board approve signing the application?***

Update of Legal Services Agreement: Board has filed directions with NHMA regarding legal responses to limit responses to a number of positions and situations. Since it costs money to have questions go to our attorneys, we will often use NHMA in matters on which they will give an opinion. I have produced an update, changing names but not positions to reflect changes in who is in those positions. The reason the Town restricted access is that the town has had a problem in the past with different members of boards asking questions without presenting full information of the situation/slanting the question, etc. and then presenting the answer to the Board, sometimes out of context. Occasionally there was a “blind-siding” occurring of the staff and Chairman at the meeting. The feeling was the Board as a whole should be involved in Board member questions. If it is routine, then staff can process the request from the chairman or from any individual member to send the question up for legal advice. In general NHMA will not answer questions related to interpretation of a town’s local ordinance/regulation other than compliance with state and federal law and case law. It is important to know that NHMA and our attorneys represent only the Town and not members of the public or individuals. At the end of this report is the existing policy for contacting our attorney, which since it involves expenditure requires town administrator approval. ***Will the Board vote to approve the revision which changes the names of the office holders authorized to contact NHMA for legal opinions?***

Welfare Lien Release: A small welfare lien was placed on a 1972 trailer in poor condition in a trailer park. When one of the two residents whom we had helped died and the other went to assisted living, the trailer was removed and destroyed by the park owner. There is nothing upon which to collect. ***Will the Board release the lien?***

Speed limit reduction 125 by Province Lane: *Does the Board wish to pursue asking the state to extend the reduced Speed limit of 35 to an area around Commerce way and authorize the Chairman to sign necessary documents to make that request?*

Town Farm Road: Our attorney indicates the only way the Town can safely change the road from a Class V (maintained) to a Class VI (unmaintained) is via a town meeting vote next March. The alternative of no maintenance for 5 years opens the town to a charge of insufficiency by anyone wanting to use it during that time period and damages if the road is not then immediately repaired/improved. Our attorney indicates the Town should receive a signed release from the owner(s), similar to the one for allowing building on a Class VI road,(e.g. waiving liability, agreeing to maintain the road, etc.) and one that also waives damages for the reduction in value caused by the change in the status in the road.

Information on the issue: A part of the Calef easement required the town to restrict certain motor vehicles within the easement. December 8, 2014 the Board decided to do this by placing an article on the Town Meeting warrant to reclassify the road to a Class A trail from Exclusion Area B (the one around the cemetery) to the other end of the property.

December 8, 2014 I sent this email to Attorney Whitley: "Mr. Kelsall lives in the buildings pictured on the Calef Easement Plan on Town Farm Road near the Seavey Cemetery. As you know, the Town has to construct a parking area/turn around in one of the two exclusion areas as a grant condition. Town Farm Road is a Class V road to just past the buildings owned by Mr. Kelsall, going between the house and barn (everyone agrees barn is in part on the 3 rod width of the road from the 1801 layout). Beyond that it is Class VI. The town turns around in Mr. Kelsall's driveway, but we have had problems over the years with vehicles he owns blocking the driveway so the plow truck has had to back out to the driveway near Exclusion Area A. The reason we asked to have Exclusion Area B added is so we could construct the turnaround beyond Mr. Kelsall. We would prefer the option where the road ends near Exclusion Area A and no longer plow and maintain to Kelsall. The Exclusion area is also intended to be the parking area for trails. Mr. Kelsall would like us to construct the turnaround in Area A, however we have indicated we would not do that as long as we have to maintain to his house. He has agreed to have the town discontinue maintenance of the road to his house if we construct the turnaround/parking area in Exclusion Area A. The problem is he wants to then restrict people walking on the road past his house. He would like a "dead end" sign just beyond the last driveway before his (near Area A). He would want the agreement to state that construction of all trails that are added will start at Area A, not Area B. (emphasis added). What do you suggest as an agreement with Mr. Kelsall? 2. A second issue that does not effect this question is the Town will be going to Town Meeting to reduce all the Class VI portion of Town Farm Road beyond

Exclusion area B to the property boundary (it forks and apparently one part is discontinued) changed to Class A trail. It is a requirement of the easement that we stop vehicles going along it. Can you draw up the language for that?

December 16, 2014 the Town signed to close and acquire the Calef Easement acquisition, which was then completed in 2014.

December 16, 2014 Steven replied: "See below for warrant article language for each situation.

For issue #1 and the discontinuance, see the attached agreement with Mr. Kelsall which I believe covers all of the points that you and I discussed but let me know if I missed anything. In addition, the statute requires that the BOS must provide notice by certified mail 14 days prior to the town meeting to all owners of property abutting Town Farm Road of the article contemplating complete discontinuance. If other property owners other than Mr. Kelsall will be impacted by the discontinuance, that will complicate this process, as the town will need to determine if compensation is necessary for the lack of access. The town should confirm how many owners will be impacted before proceeding. For issue #2, the creation is complicated because a portion of the trail needs to be created and another portion is being reclassified from Class VI road to trail. To properly document the intended location of the trail and to help explain at town meeting, I suggest the town have the intended trail location illustrated on a survey plan to be kept at the town offices, and that also distinguishes between the portion to be created anew and the portion being reclassified. In addition, depending on the funding for the trail, this article may need to include raising and appropriating language as well.

Attorney Whitley attached a proposed agreement with Mr. Kelsall (see town proposal at end of this document) and my recollection was Peter Cook gave it to Mr. Kelsall. Mr. Kelsall then presented a verbal counter offer that differed from the attorney's suggestion and no agreement was reached.

January 6, 2015, the following proposed warrant article was placed in the 2015 warrant. (Exclusion Area A is the one before his house and Exclusion Area B is the one by the cemetery.) Basically this was one that would have eliminated the need for the town to plow his road provided he had agreed legally not to seek damages.

Article 21. To see if the Town will vote pursuant to RSA 231-A to establish a Class A trail on land formerly owned by the A. Harlan Calef Revocable Trust and now owned by the Town (Tax Map/Lot 217/27 & 218/07) as shown on a plan entitled Wetland Reserve Program Conservation Easement on file at the town offices, said trail to be established pursuant to RSA 231-A:5 beginning at Exclusion Area A on said plan and running on town owned land as depicted on the plan to Exclusion Area B, and further to reclassify the Class VI portion of

Town Farm Road to a Class A trail pursuant to RSA 231-A:2 beginning at the property boundary line of Mr. Kelsall, Jr. (Tax Map/Lot 217/25 & 26) and land owned by the town (Tax Map/Lot 217/27 & 218/07) and continuing along said road taking the northerly fork in the road to the property boundary. Motor vehicle access by the public shall be prohibited on the Class A Trail established by this article.

The Board changed the article January 21, 2015 for Town Meeting to the language below because agreement could not be reached to absolve the town of liability for damages to read the language which was then later adopted at Town Meeting:

Article 22. To see if the Town will vote to reclassify the Class VI portion of Town Farm Road to a Class A trail pursuant to RSA 231-A:2 beginning on the Southeastern boundary of Exclusion Area B as shown on a plan entitled Wetland Reserve Program Conservation Easement on file at the town offices on land formerly owned by the A. Harlan Calef Revocable Trust and now owned by the Town (Tax Map/Lot 217/27 & 218/07) and continuing along said road taking the northerly fork in the road to the property boundary and the southerly fork to the Isinglass River. Motor vehicle access by the public shall be prohibited on the Class A Trail established by this article

Process for online registration payments:

- Customer accesses the Town Clerk's Office website at Barrington.nh.gov
- Scroll down click on the blue button labeled ONLINE PAYMENTS
- Click on the e-reg button, enter information requested from site
 - o if customer has renewal letter can enter in a pin to process or enter plate number, plate type, the last 4 digits of the vin and their email address
- Payment is made with checking account information(customer provides their account number and their bank's routing number)
- At the office we log into a software system Clerk Works and print the e-check
- At the office we log into Harris software system and process the registration with the e-check and mail the customer the completed registration with decals
- The e-check is deposited at the end of the day with our regular deposit.

In order to process credit cards I would have to log into a 3rd system to process and reconcile.

Proposed noise ordinance:

The following uses and activities shall receive an automatic waiver from noise level regulations by this ordinance. A person aggrieved by an automatic waiver may appeal to the Board of Selectmen.

- 1) Noises resulting from general property maintenance between the hours of 7:00am-9:00pm. General property maintenance may include but will not be limited to:

- A) Grass cutting
- B) Tree trimming
- C) Landscaping
- D) Home repairs
- 2) Snow blowers or other types of private or commercial snow removal operation.
- 3) Generators during power outages.
- 4) Music or sounds produced from electronic devices. ("Blaring music" or sounds produced with the intent to disrupt or annoy shall not be exempt).
- 5) Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit has been issued by the Town.
- 6) Noises resulting from work performed under Town issued building/construction permits during the hours of 7:00am-7:00pm.
- 7) Noises resulting from maintenance work performed by the Town or at the Town's direction.
- 8) Noises resulting from emergency maintenance work as performed by the Town, by a state or public utility companies, to include snow removal.
- 9) Authorized fireworks on national holidays during reasonable hours.
- 10) Lawfully discharging firearms.

This amendment shall take effect: -----

Date: _

Chairman-Board of Selectmen, Casey O'Brien

Policy on questions for the town attorney when the payment will be coming from the town legal line.

Only the following positions, boards and committees may directly submit a question to the Town Attorney.

The following Boards & Commissions may raise a question provided the content of the request was agreed to by a majority of the members at a meeting. The question will be submitted by the chairman or staff. The Town Administrator shall be consulted first, retains the right to refuse the submittal, subject to appeal to the Board of Selectmen, and will be included as a cc.

Board of Selectmen

Planning Board

Zoning Board

Recreation Commission

Conservation Commission

Advisory Budget Committee

Town Administrator

Town Planner

Code Enforcement

The Town Administrator will be included as a cc on all requests. The Town Administrator will use his judgment on submission of questions coming to him from other individuals. The Town Administrator may designate a person to contact the attorney in his/her absence.

Adopted by the Board of Selectmen 5-21-2012, revised 7-22-2013

Treasurer's Report

Balance Forward	\$10,018,492.36
Revenues	
Tax Collector	\$231,621.69
Town Clerk	\$160,097.80
Selectmen's Office	\$29,785.32
Sale of Town Property	\$61,171.01
Ambulance eft payments	\$6,676.21
developer funds	\$12,000.00
Recreation Total	\$49,874.68
Police Detail	\$1,680.00
school impact	\$21,405.00
NSF (net)	(\$10.00)
Savings Interest	\$116.06
Checking Interest	\$1,626.30
Revenue Total	\$576,044.07
March expenditures	(\$3,018,292.27)
rec ET out	(\$349.61)
void from March	\$1,379.98
rec NSF	(\$670.00)
balance	\$7,576,604.53

TD MM 6485

to be transferred from 6485

General Checking ..3701	\$5,973,221.04
Td checking.....8418	\$41,641.41
driveway surety	\$4,000.00

Sub accounts and Recreation

Ambulance Revolving	\$159,337.97
Diamant Water	\$3,763.83
Federal Police Grant	\$89.22
Gadd Reclamation	\$22,453.81
Gerrior Land Trust	\$38,380.25
KWS Culvert Fund	\$610.00
M Peabody Fund	\$1,721.95
Michaels Turnaround	\$3,093.78
Police Special Detail	\$78,471.47
School Impact Fees	\$150,395.44
Tamposi Stewardship	\$2,709.34
Langdon Construction	\$3,813.31
Kendall Leasing	\$3,066.20
Atkinson Surety	\$2,000.35
Toy Tech Surety	\$8,921.57
Trendezza	\$4,000.00
Chinburg	\$4,000.00
Ferguson	\$4,000.00

Recreation #9241206659	\$549,118.40
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Conservation	\$302,730.89
Town Seal	\$175.78
Fair Share	\$209,554.54
Bar Community Playground	\$31.06
White Crest	\$1,705.20
Mallego Plaza	\$446.59
Associated Buyers	\$277.38
Harding Development	\$78.60
Ambulance Department	\$2,795.15

sum	\$7,576,604.53
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**AGREEMENT
BETWEEN
THE
TOWN OF BARRINGTON, NH
AND
KELSALL**

This Agreement dated _____ 2014, is made by and between the Town of Barrington ("town"), New Hampshire and Maurice Kelsall, Jr. of 128 Town Farm Road, Barrington, NH 03825 regarding the

contemplated discontinuance of a portion of Town Farm Road in the vicinity of Mr. Kelsall's residence located at 128 Town Farm Road, Barrington (Tax Map 217-0026).

Whereas, Town Farm Road is a Class V road in the vicinity of Mr. Kelsall's residence and thereafter becomes a Class VI road near or at his property boundary.

Whereas, Mr. Kelsall is desirous of eliminating the public's right and authority to traverse the Class V portion of Town Farm Road in the vicinity of his property.

Whereas, the town intends to present an article at the upcoming 2015 Town Meeting to discontinue completely a segment of the Class V portion of Town Farm Road, beginning 50 feet easterly of the driveway of 81 Town Farm Road (Tax Map/Lot 217/24) and up to the property boundary of Mr. Kelsall at 128 Town Farm Road (Tax Map/Lot 217/25 & 26), to become effective provided that the town and Mr. Kelsall reach agreement on the future use of the road, and further upon completion by the town of a turnaround adjacent to Town Farm Road at Exclusion Area A and a trail from Exclusion Area A to Exclusion Area B as shown on a plan entitled Wetland Reserve Program Conservation Easement on file at the town offices which projects the town expects to complete by July 2015.

Whereas, the town intends to reclassify as a Class A Trail pursuant to RSA 231-A the Class VI portion of Town Farm Road beginning at Mr. Kelsall's property boundary and continuing along the road.

Whereas, assuming the above mentioned discontinuance article is approved by town meeting, pursuant to RSA 231:48-49, Mr. Kelsall has the right to appeal the discontinuance and to seek damages.

In consideration of the mutual promises described below, the parties agree as follows:

1. The town will prepare and support a warrant article at the 2015 Town Meeting to discontinue completely a segment of the Class V portion of Town Farm Road, beginning 50 feet easterly of the driveway of 81 Town Farm Road (Tax Map/Lot 217/24) and up to the property boundary of Mr. Kelsall at 128 Town Farm Road (Tax Map/Lot 217/25 & 26) subject to the conditions noted above.
2. Mr. Kelsall agrees to lend his support for passage of the discontinuance article and will not object to it or speak against it.
3. Assuming the above described discontinuance article passes at Town Meeting, Mr. Kelsall agrees to waive and release any and all rights he may have pursuant to RSA 231 to appeal the discontinuance and/or to seek damages as a result of the discontinuance.
4. Assuming the above described discontinuance article passes at Town Meeting, the town will endeavor to complete any required work by July 2015, subject to weather delays or other forces or matters outside the town's control.
5. Assuming the above described discontinuance article passes at Town Meeting, Mr. Kelsall further agrees and acknowledges that:

- A. any other owners along the discontinued portion of Town Farm Road will continue to have an implied easement to continue accessing their respective properties and he will not take any action to encroach upon those rights or prevent or obstruct their respective rights of access;
- B. any implied easements or rights of access to the private cemeteries along Town Farm Road on Tax Map/Lot 218/7 shall continue to exist and he will not take any action to encroach upon those rights or prevent or obstruct their respective rights of access;
- C. the town shall have an express easement for vehicular access to utilize the discontinued portion of the road to access land formerly owned by the A. Harlan Calef Revocable Trust and now owned by the Town (Tax Map/Lot 217/27 & 218/07) for forestry and land management purposes; and
- D. any other easements or encumbrances of record shall continue to exist.

This Agreement shall be binding upon the heirs, successors, and assigns of both parties, and shall be construed and interpreted under the laws of the State of New Hampshire. Once executed, this Agreement shall be recorded at the Strafford County Registry of Deeds.

All representations, statements, and agreements heretofore made between the parties are merged in this Agreement, and this Agreement is entered into by each party after an opportunity for investigation, with neither party relaying on any statements or representations not included in this Agreement. The terms of this Agreement may be amended in writing by agreement of the parties.

Any waiver by any party of any breach of any provision of this Agreement shall not constitute or be construed as a waiver of any right hereunder or subsequent breach hereof.

Should any provision of this Agreement or any portion of any provision of this Agreement be held invalid or unenforceable according to law, the remaining portions hereof shall not be affected thereby but shall continue in full force and effect.