

Town of Litchfield

Selectmen's Meeting

March 14, 2011

Members present: Steve Perry, Chairman
John R. Brunelle, Vice Chairman
Frank Byron
Brent Lemire
George Lambert

5:00 p.m. Review of Paperwork and Communications

Also present: Jason Hoch, Town Administrator

PLEDGE OF ALLEGIANCE

All rose for the Pledge of Allegiance.

SWEARING IN OF NEW TOWN OFFICIALS BY TOWN CLERK

Swearing in of Frank Byron and Brent Lemire as Selectmen

Swearing in of Chris Pascucci as Budget Committee and John Pinciaro as Road Agent

There was a tie for position of Cemetery Trustee a coin was flipped and Rhonda Lambert was sworn in a new Cemetery Trustee

ELECTION OF BOARD OFFICERS BY THE BOARD OF SELECTMEN

Selectman F. Byron nominated Steve Perry as Chairman of the Board; Selectman G. Lambert seconded the motion. The motion carried 4-0-1.

Selectman G. Lambert nominated Frank Byron as Vice Chairman. Mr. Byron declined. Selectman nominated John R. Brunelle as Vice Chairman. Selectman G. Lambert seconded the nomination. The motion carried 4-0-1 (Selectman Perry abstaining).

Discussion and consideration of items for Approval and Consent and any other Business:

- Elderly exemptions
- Approval of minutes for February 7th and February 28th.

Other Business:

- Abatements
- Pennichuck evaluation abatement as recommended by Avatar
- Recreation Commission has filed with Board of Selectman as well as the Planning Board a request under the RSA's for a public Hearing to be conducted for the plans that they are bringing forward to build two fields.

- Letter to Pennichuck from Town Administrator asking to file with the PUC based upon the results of the vote to take over the hydrant fees. Town Administrator to look into possible contract language with Pennichuck.
- Commercial Zone Development and proposal F. Byron would like to make recommendations to the Board. It was the consensus of the Board that Selectman Byron could work with neighboring communities on behalf of the Town.

PUBLIC INPUT

None

Discussion with Resident Ms Frisbie on Brickyard Parking:

Ms Frisbie not present

Appointment of Ex-Officio Positions by the Board if Selectmen

- Conservation Commission: Selectman J. Brunelle
- Planning Board: Selectman F. Byron
- Recreation Commission: Selectman S. Perry
- Budget Committee: Selectman B. Lemire
- Regional Hazardous Waste: Selectman G. Lambert
- Town Message Board on the internet: would someone like to have someone to continue to answer questions as Selectman F. Byron did last year. F. Byron will continue to participate as an individual.

Administrator Report:

There is a letter in the correspondence file from the Road Agent to Chief expressing appreciation for Officer Hartley's assistance during the February 27th storm in getting vehicles off the road.

There is a letter from Chief O'Brion to the Nashua Fire Department recognizing the work of an off-duty Nashua Fire Fighter who encountered a medical incident in Litchfield and provided possible life saving care until medical personnel could arrive.

Received a Letter from Primex regarding our ability to participate in Contribution Assurance Program for Workers Compensation, which guarantees that increase will not exceed 8% in the coming year. We are currently in a multi-year plan with them through the end of 2012 so we are eligible for 2012 without increasing our contract length with them any further. I am looking for authorization to sign the agreement on behalf of the Town. The paperwork is in the action folder. Selectman S. Perry motioned to the Board of Selectman to grant Town Administrator Mr. Jason Hoch the Power of Authority on

behalf of the Town to sign our contract with Primex for the Contribution Assurance Program for Workers Compensation. Selectman F. Byron seconded the motion. The motion carried 5-0-0.

There is information in signature folder regarding Town Clean-up Day. This is scheduled for April 16th. Registration form for NH the Beautiful needs three Board of Selectmen signatures to qualify for daffodil, tree or lilac program. Jason Hoch will be the contact for this project and Mrs. Jewett will continue to work on this project as well.

Received a request of a letter of support from Historical Society for their application for a state Moose Plate Grant for restoration of the Old Grange curtain. The application requires confirmation from Board of Selectmen that the preserved material will remain a public resource and will not be sold. If the item is sold, grant funds would have to be repaid to the State. It was noted that the item could be loaned without triggering the sales clause. Letter in signature folder. I have photos of some detail of the curtain if you are interested in having me forward the e-mail. (The letter was signed by the Board of Selectmen.)

Attorney Buckley forwarded a check from Primex in the amount of \$6,531.00 for settlement in the Seymour matter. We are still waiting for a check from AIG Holdings for \$6,351.00. Selectman F. Byron motions the Board of Selectmen hereby directs the Chair or the Administrator to contact Attorney Buckley to request final payment from AIG Holdings. Selectman G. Lambert seconded the motion. The motion carried 5-0-0.

Representative Ober e-mailed a table for retirement changes proposed in SB.3. Copy is also in this week's Legislative Bulletin.

At the Beginning of this month (3/1 & 3/2) the Police Department held their first set of interviews to fill the vacant Officer position. The chief felt there were several viable candidates so they are still working on this process.

Officer Hartley referred county prison work crew director to Chief O'Brion and me with recommendation that the crew is looking for some inside work over the next few weeks and has nothing currently lined up. We will be working with them to have the interior of Town Hall painted (with wall patching as needed), for the cost of providing lunch daily. We will provide the paint and supplies. The Police Department should be completed by the end of today. Admin office scheduled this coming week. The P.O. should be complete this week. The end cost is under \$2,000.00.

There was a letter sent to Pennichuck regarding the Hydrant vote to initiate process to amend tariff with PUC. There is a copy of this letter in the correspondence file. Selectman Byron had concerns that before Pennichuck goes ahead and files something, we either have a contract between pennichuck and the town or we make sure the ruling from the PUC contains those stipulations and clauses in there. What are the remedies the town would have if Pennichuck does not uphold some of its stipulated requirements, etc? Need clear answer before Pennichuck makes those filings. The Town Administrator will follow up with Mr. Don Ware to put agreement in place and also consult with J. Hodes (Town

Counsel). Selectman asked J. Hoch to speak with J. Hodes and what information is needed from Don Ware.

Town Administrator report has paused for a short time, and will continue after discussion with Recreation Commission.

Discussion of Land Clearing of Town Property with the Recreation Commission:

Discussion with Keith Buxton and also present Chief of CCM Land Clearing. Close to final design on what we would hope to have for field property and would like to file our intent to cut. When final design is completed we can get started as soon as possible.

Selectman G. Lambert temporarily left the meeting.

In the most up to date plan there is an allowance for 100 parking spaces. We would like to increase parking. Area around tennis courts would be cleared for parking. The intended area to be cut around the soccer fields with a buffer around the perimeter. We would like to select cut and clear out some of the area. Jack from the highway department would like us to cut around his place so that he may utilize this space and we will probably have to put in a retention pond.

Selectman G. Lambert is back in meeting.

Selectman F. Byron asked if there are any other properties for intent to cut. Mr. Buxton replied that it is up to the board. Rep. from CCM stated he has a forester on site. We can cut pine trees and the process is to sell to a sawmill get operating cost and the balance goes to land owner. This job we will offer \$170 per thousand board feet which will be about \$17,000 for the proposed field site, based on quality of the wood and ability to sell. The value of pine is higher now. Mr. Buxton stated they also looked at a thinning cut behind Town Hall and Talent Road. Mr. Buxton would like to see this happen as soon as possible, they originally wanted these fields ready for fall use, but this is not going to happen it is a longer process than anticipated. We will be cutting trees in the next couple of weeks. The window is May 1st. Selectman Byron asked Mr. Buxton if he has consulted with multiple loggers and Mr. Buxton explained that they consulted with a large and well known logging company and they told him that they would not be able to pay that they would take the logs. CCM would take the logs to their own saw mills. There is a difference of \$17,000. The value of the pine will drop come summertime due to demand. Mr. Buxton stated that per the Conservation Commission, this needs to be done before the Bird migration which is April 15th. The wet land scientist needs to come in at the end of this week or beginning of next week. This was originally done when there was about three feet of snow. If the wetland area is larger than expected it may mean the land is not feasible for what is planned. We are hoping by the end of next week we will have this information back. Members of the Fallon Estate community were present to voice their concerns. Mr. Buxton and Jason Allen have been speaking with the members of Fallon all along to accommodate members of the surrounding neighborhood. There are concerns about the turn around area at Juniper Court parking and drop off because of the proximity of the courts. We added an extension of the turnaround area on Juniper. We increased the buffer there as

well. A larger buffer was requested by the residents. There is a twelve foot access road for emergency vehicles. We have all worked hard including the residents to find a middle ground. Original plans had three soccer fields with a 20 ft. buffer all around. Keith from Rec. Commission expressed that he wants to wait until the water study comes back and they would not start any cutting until this was done. We hope that everything works out right. We want approval from everyone, then the recreation commission votes on the project and then we can start to go in there and start cutting trees. Mr. Buxton's reason with getting into tonight's meeting with intent to cut notice was in reading with the RSA if there is any issues with the paperwork there are four items where the intent to cut can be denied for 30 days. On top of that a meeting every two weeks so the potential is 6 weeks from now we would be getting an answer rather than trying to get the process started now. Mr. Lambert stated that there are a lot of concerned people at the meeting and they are not necessarily eagerly in support of what is going on and Mr. Lambert stated that he wants to make sure that we are asking the right questions to make sure that we don't rush to meet a date without meeting the needs of our community. Mr. Buxton stated that he understands this and they have heard all of their concerns and also has them in writing and we are addressing those concerns. Mr. Buxton stated that he also knows that this may take them to a public hearing where we bring not just the people they have met with from Fallon but the town as a whole to express their opinions. We are trying to provide a facility for the entire town to use. For the most part we are trying to work with everybody and have come along way. Members from Fallon stated that one of their concerns was that they were going to leave a fifty foot buffer line and that the logger does not go in this section and take the selects so that when they do put lights in they are not shining on the neighbors' houses. Also as long as the run off area is addressed so it does not flood out this lot because this forest is drinking all the water now and with the fields proper drainage is an issue. He wants to make sure the draining design takes care of this. Mr. Buxton explained there will be proper drainage on either side and behind the highway department in the North West corner could be a retention pond where everything would feed into there for the drainage. Another member expressed that the members of Fallon as a group would like to see the land properly surveyed to determine whether this land is feasible for use before any logging occurs. We don't want any tree's cut for any reason unless it is absolutely necessary. Keith and Jason have been great, they have worked with us. Keith Buxton stated that if there is an issue they will move on. Selectman S. Perry stated that he is hesitant to give approval without seeing the final plan. It would be a good idea to have a Forrester come in and make sure he sticks to the buffer and make sure that there is someone on site to monitor this project. Selectman Lambert's concern was whether this plan guarantees that we are not going to have a parking issue. A member of Fallon stated that they made an initial request to these folks to ask for a rather large buffer around 100ft. and a large fence 6ft or 8ft fence on their side of the field. The turnaround at Juniper does help with dropping off and picking up children. Folks that live back there stated that the best buffer they can get the better. One concern is how Albuquerque will be effected as well as far as traffic is concerned. Another member from Fallon stated that this is the first he has heard about revenue for logging and in regards to the fence and he realizes this is an added expense but where does the revenue from the logging going in this whole project as he though this project was funded by the Conservation Commission so is there an opportunity to take this revenue from the logging to protect the town barn, Fallon Drive, etc. Keith responded to the parking issue, when the survey was

finished the basic survey was based on existing conditions. The initial parking plan was to come in on the main entrance on Juniper Court and have parking right along that south side. Mr. Buxton stated that this would not work and took it to a contractor and showed them the plan and asked what their best option would be to alleviate this. The response to Mr. Buxton was to leave the parking the way the engineer showed it. That this was the most cost effective and convenient access point and they as the field committee took this back to our meeting and said that this was not going to work and started over. In the final design we will come up with a more spacious parking area. There is parking for 150 around the tennis court, and another fifty could be added on Juniper. And as far as traffic they do not believe this will be a problem. Keith stated that everyone is in agreement with the fencing as well. We do not know the final cost of the project, it could be cheaper and fencing could happen right away. Selectman S. Perry stated that we need to bring this back to the intent that is on the agenda which is the land clearing and asked the board if there are any more questions or comments. Selectman Lambert stated that without a definitive plan he is not a big supporter about giving anyone an opportunity to cut. He would entertain making a motion that we schedule a meeting between our regular meetings if necessary to give them the time frame that they come up with a plan. Keith Buxton stated that he would like to leave the intent to cut and meet with whom ever necessary when they do have a definitive plan. The time frame they have is a week and a half. There is a filing under RSA 674:54 which is 30 days. The hearing is not a required hearing. There needs to be a notification to abutters. The Town Administrator stated that under the RSA 674:54 a written notification shall contain plans, specifications, explanations of the proposed changes available at the time, a statement of the governmental nature of the use and a proposed construction schedule. Such notification shall be provided at least sixty days prior to construction. Either the governing body or planning board of municipalities **MAY** conduct a public hearing which shall be held in thirty days. This states that it **may** hold hearings not **shall** hold hearings, it is optional but advisory. Selectman G. Lambert motioned that based on a solid plan that we have yet to receive will be able to approve going forward of this project with signature only. Selectman B. Lemire seconded the motion. Selectman J. Brunelle suggests we wait the two weeks for the results of the water test from the scientist. Thinning of the forest is good for the forest there will be a final plan by the 28th of March. Selectman G. Lambert withdrew his motion and Selectman B. Lemire withdrew his second. Selectman F. Byron made a motion to the Board of Selectman that it will hold a meeting on evening of March 28th, 2011 to consider the proposal of the Litchfield Recreation Commission for the final plan for their recreational fields, the logging involved as well as the logging of additional two other parcels of town land. Selectman J. Brunelle seconded the motion. The motion carried 5-0-0. Selectman F. Byron made a statement that we would like to see this plan finalized. Selectman F. Byron asked how we monitor the cutting. Mr. Buxton stated that a forester or engineer would set a perimeter and have a ribbon line every 25 feet beyond the line. The Recreation Commission knows where the line is and members of Fallon would like it monitored. Chairman Perry said that this issue would return to the Board on the 28th.

Town Administrator Report:

MS-2 Report of Appropriations votes in Signature folder. Terri and I are gathering all of the items that need to be filed with DRA post election.

Revisions/updates are being handled for results of elections -- computer accounts, keys, etc.; BOS ex-officio roles to be discussed Monday night.

Even with elections, there are some vacancies and expiring terms or expired terms for committees in Town. Karen is compiling a list of those items and we can review strategies for reappointment, new appointments and solicitation of interest for vacancies if needed. I have spoken to John Poulos about the vacancy as a Trustee of Trust Funds. Selectman F. Byron suggests doing background checks.

With the results of Town Meeting, we should begin making preparations for future direction of the Fire Department with a Chief under the auspices of the Selectmen. I have had some informal conversations with MRI about undertaking an organizational study that could include planning for establishing qualifications and expectations for a Chief. I expect that, depending on the scope of services, such a study would cost up to \$15,000. I believe there are some possibilities to reduce the cost slightly and/or consider phasing part of it into 2012 if needed. However, I would still expect a need to allocate at least \$10,000 for this purpose. I would like to solicit a more detailed proposal from them and/or invite a representative to a future meeting or work session.

Highway

There are copies of prebid meeting minutes for the Roberts & Cranberry projects in Correspondence file. Total cost for Roberts is roughly \$90,000 and Cranberry \$140,000. Total cost is roughly \$230,000.

I had mentioned the idea of exploring a truck ban last meeting. I've drafted a sample ordinance and Jack had asked to talk to some industry people to gauge their opinion. At this point, Jack is withdrawing the request for the ordinance.

One bid received for used replacement truck for Highway Department after publication of ad. Used shorter timetable than may be preferred for ads -- best price truck could only be held through Friday 3/11. Acquisition price was \$8500 for state owned truck previously used for Turnpike maintenance, which was approximately \$80,000 less than the most likely replacement option and at least \$2000 less than other used vehicles of similar style viewed at online auction sites. As an added bonus, this truck contains a functioning ground speed salt & sand control system -- you may recall we recently purchased three of these devices for \$5300 each. This truck came with a higher end model.

Assessing

Loren has returned a group of abatement requests with her recommendations. She has attached her comments as well as supporting information from tax cards where appropriate. I've reviewed her comments and they seem reasonable.

Recreation

Rec. Commission field committee will be at next meeting to discuss timber harvesting on proposed field site as well as some selective cutting on Talent Rd site and around Town Hall. We can classify the

revenues from such harvesting as unanticipated revenues, which would allow reapplying some or all for the Rec. project. Other portions can be brought into the general fund as miscellaneous revenue and used to offset taxes this year. As you think about potential allocations of money -- the property taken for taxes on Talent Road had accrued almost \$3000 in unpaid taxes when it was taken (that was the amount written off at taking).

We also have a resident coming in on Monday night regarding Brickyard Road. By way of background, Chief O'Brion e-mailed me saying, in part, "We generally patrol this area during the soccer season and plan to continue this practice. The officer will make contact with a violator to have the vehicle moved, if this does not work then a parking ticket is issued. We found that when the Recreation Committee coned off the non parking positions prior to the game these were the best results. I can reach out to the Recreation Committee for this to happen again this spring to avoid any violations."

Town Clerk

Connection for motor vehicle registrations re-established by Fairpoint on Tuesday morning (3/1).

Lien notices for past due taxes are being prepared and should be going out within the next week or two with an anticipated due date of mid-April.

Building

Kevin has provided a proposed list of building permit fee adjustments. The plan simplifies the current approach by eliminating some of the per square foot charges, but does increase the minimum charge for permits. My sense is that this a more reasonable way to handle fees. I've provided the proposed list and the current list as an attachment to my report. I'd ask that you review and check with Kevin or I if you have questions and that we'll be at the next meeting in March looking for approval.

Tax

I'm reviewing materials related to an application for a deferral of taxes for elderly & disabled. In talking with Terri, I don't think this has been used here in the past. The nutshell version is that it allows a qualifying person to defer payment of taxes into a lien that becomes payable upon transfer of property or death, but prevents loss of home. It's enabled under RSA 72:38a. The circumstance in question seems like a reasonable use of this tool. I've attached some background about how it works. I've also asked David if he has any additional information.

After you've had a chance to read about the tax deferral program and asked questions (if any), I'll work on drawing up a memo with a recommendation on the application we have (needs action by June 1).

Town Hall

We'll be handling scheduling and posting of reader board signs through the office. People will still need to fill out request forms and post the letters themselves, with the exception of Town government items.

Stormwater

I've signed up for an EPA workshop on new stormwater permit requirements in May.

Policies

Some adjustments made to stipend policy which is attached. I've struggled with the best approach to this -- the hybrid of elected official and town employee incorporated into these roles is unique. In reviewing the costs associated with the positions, the Fire Chief stipend of \$3045 annually is equivalent to 2.26 hours per week at the current hourly rate of \$25.94 and the Road Agent stipend of \$913 annually is equivalent to 0.82 hours per week at \$21.52 per hour. Actual wages paid for these positions last year were \$27,948 in Fire and \$43,522 in Highway -- both of which trend below market averages for positions in similar sized towns. My recommendation would be not to try to ideally define what type of work falls under stipend and what is billed hourly as I am not convinced that the stipend level is reasonably related to the administrative work expectation. If these were continuing, I think we would be better served to adjust the stipend to more closely track the expected work and/or establish a annual rate in the same manner as the Town Clerk/Tax Collector. However, given that we know at least one of these positions needs a more comprehensive review of job requirements and expectations by the Selectmen now that you will be the appointing authority next March, (and I would recommend converting the Road Agent to a similar appointment at a future Town Meeting,) I'm not sure that this policy can fairly address the range of concerns around this issue. Selectman F. Byron stated that in his opinion we need a stipend policy. Selectman S. Perry stated that we need to clearly define every roll, stipend vs. hourly. Selectman S. Perry motioned to the Board of Selectmen that we forward the policy to the Road Agent and the Fire Chief for their comment and review and receive their comments back by the 28th for final action by the board. Selectman J. Brunelle seconded the motion. The motion carried 5-0-0.

Selectman J. Brunelle left the meeting for the evening.

Minor adjustments made to investment policy. Draft attached. Selectman F. Byron motioned to the Board of Selectmen approves Revision Investment Policy. Selectman B. Lemire seconded the motion. The motion carried 4-0-0.

Purchasing policy revised to accommodate requirements of 1996 town meeting vote that Town Counsel advises should apply today. My most recent changes are noted in column in italics. Selectman F. Byron motioned to the Board of Selectmen to accept the Purchasing Policy as written. Selectman G. Lambert seconded the motion. The motion carried 3-1-0.

Committee and District Reports:

None

Community Bulletins:

None

Public Input:

No members present

Approval with Consent:

Selectman made a motion to the Board of Selectman that we approve the elderly exemptions. Approve the Minutes of February 7th and February 28th. Selectman F. Byron seconded the motion. The motion carries 3-0-1.

Any Other Business:

Abatement request for Map 14 Lot 170, the recommendation of Avitar is to decline. Selectman F. Byron made a motion that the Board of Selectman declines the abatement of Map 14 Lot 170. Selectman B. Lemire seconded the motion. The motion carried 4-0-0.

Abatement request for Map 2 Lot 5, Avitar recommends abating the amount by \$585.60. Selectman F. Byron motioned to the Board of Selectman hereby abates Map 2 Lot 5 by the amount of \$585.60. Selectman B. Lemire seconded the motion. The motion carried 4-0-0.

Abatement request for Map 10 Lot 15, the recommendation of Avitar is to decline. Selectman F. Byron made a motion that the Board of Selectman declines the abatement of Map 10 Lot 15. Selectman B. Lemire seconded the motion. The motion carried 4-0-0.

Abatement request for Map 16 Lot 57 and Map 17 Lot 35b. The amount of the abatement being requested is somewhere in the amount of \$4 million dollars. Selectman F. Byron Motions that the Board of Selectman hereby tables this abatement request, and requests that Mr. Gary Roberge, the assessor of Avitar appear in front of the Board and review this with the Board before we make a decision on this. Selectman B. Lemire seconded the motion. The motion carried 4-0-0.

Recreation Committee Public Hearing: Under the RSA's the planning Board of Selectman may hold a public hearing. Does the Board want to request a Public Hearing? Selectmen F. Byron motions to the Board of Selectman request comments from both the Planning Board and Conservation Commission on the proposed plans of the Recreation Commission for the 28th of March, 2011 to be delivered to Selectmen no later than that date, and if they can not then please attend the meeting. Selectman B. Lemire seconded the motion. The motion carried 4-0-0.

Commercial Zone Development: Selectman F. Byron would like to discuss and seek the consent of the Board about the fact that we have being developed in the neighboring Town of Londonderry over 1000 acres of development for commercial property just south of the Airport. Mr. Byron believes that Litchfield can benefit from this. One of the things he would like to see consideration given to is the possibility of trying to run sewerage into that area and try to find a place to have that sewerage pumped to. Several Towns come to mind like Derry and potentially Manchester. The other thing that may be

worth looking into is to construct a TIF, and the possibility of trying to do a TIF up there, and lastly the possibility of putting a well in the northern aquifer. If we were to construct a well there and potentially connect that into the Pennichuck system and try to decrease the water rates to the community or decrease other costs to the community for hydrants. This would be able to provide a good steady stream of water to the northern commercial zone so we could fund larger scale businesses. Mr. Byron would like to see if the board would be amenable to him to start to try and investigate this and bring back to the Board to see what it looks like. Selectman S. Perry motions to the Board of Selectmen to grant Selectman F. Byron the position of open discussion for the commercial development in the northern end of Town with sewerage, water and any means he sees fit. Selectman B. Lemire seconded the motion. The motion carried 3-0-1.

Selectman F. Byron motioned to the Board of Selectman to adjourn the public meeting. Selectman B. Lemire seconded the motion. The motion carried 4-0-0.

APPROVED

Steven D. Perry, Chairman

John R. Brunelle, V. Chairman

Frank Byron

George A. Lambert

Brent Lemire