

## Town of Litchfield

Selectmen's Meeting

April 25, 2011

Members present: Steve Perry, Chairman  
Frank A. Byron  
Brent L. Lemire  
George A. Lambert

Members absent: John Brunelle (excused)

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

Also present: Jason Hoch, Town Administrator

7:00 Call to Order

### **PLEDGE OF ALLEGIANCE**

All rose for the Pledge of Allegiance.

### **Review of Items for Consent**

1. Reappointment of Mosquito Control District
2. Land Use Change Tax warrant for Map 13, Lot 171
3. Veteran's Credit Application
4. Request of Lions Club for "Road Toll" day, 6/11 at Solid Waste Facility
5. Minutes of 4/11/11 meeting

Selectman F. Byron would like to remove Item #1 (reappointment of Mosquito Control District) and discuss separately.

Selectman B. Lemire motioned to the Board of Selectmen to approve items 2 – 5 listed under consent. Selectman F. Byron seconded the motion. The motion carried 4-0-0.

### **Items for Other Business**

Selectman F. Byron would like to discuss the value of the General Fund as it exists. Approximately middle of June and see what we will have for residual.

### **Public Input**

No members of the public present

## **Administrator Report**

### **Old Business**

#### **Stipend Policy**

Nothing new to report

#### **Pennichuck Hydrant Status**

Administrator Hoch provided e-mail response from Don Ware regarding Pennichuck's responsibilities. There is no specific document outlining them. However, there are recommended practices by the ISO that are followed (if not, then ISO rating for Town is lowered.) These standards include hydrant testing and target flow requirements. There are no specific hydrant clearing standards; the company's target is with 3 days of town clearing the snow.

#### **Department Operations & Capital Plans**

Continue to work on this. Information is coming in. Expect to hear from Highway and Police shortly.

#### **Brickyard Parking**

Chief O'Brion and Officer Hartley are following up. Jack and Administrator Hoch have discussed acquiring some temporary curbing which can be placed along road shoulder to better denote "No Parking" areas adjacent to driveway and fire hydrant. From Chief: 1. Spoke with John Bryant to ensure that the recreation commission puts out the parking cones as they did last year. This helped out with illegal parking. 2. Officer Hartley made contact with the corner residence of Nakomo and Brickyard to contact is immediately if someone blocks hydrant or driveway. 3. The Police Department will monitor and take corrective action of any offenders.

#### **Timber cut at Town Hall**

Administrator Hoch attached a letter from the County Forester about potential timber harvest at Town Hall. Notes a harvest of 15 acres of forestland could produce around \$4,500. The strategy would be to remove small pines, mature pines and most of the hardwoods due to poor quality growing. The suggestion is to leave good quality intermediate pines. Also notes blue spruce by sign on Hillcrest is dead. Steve has also suggested we consider cutting the front side of the building in the area between the parking lot and Albuquerque which could open up some space for additional passive recreation and increase visibility of the Town complex. Selectman F. Byron motioned that the Board of Selectmen that the Town authorizes selective cut as recommended by County Forester for the Town Hall property parcel. Selectman B. Lemire seconded the motion. The motion carried 4-0-0.

#### **Solid Waste**

Received notice from DES Air Resources that they have determined Town has complied with all reporting requirements for incinerator permit and DES has received all emissions based fees and permit is hereby terminated. Dave has also been advised by the third party testing company that the lead testing has met the state requirements (meaning no further abatement is needed).

#### **Recreation Fields**

Forwarded information last week about questions the Board has received about the State laws governing the layout of parks. There appears to be two conflicting RSA's. RSA 35B-1, which is more detailed and is a more recent law that provides in part that any Town acting through its governing body may

acquire land within or without its jurisdiction by gift, purchase or lease for public recreation park area and may prepare, equip and maintain land for said purpose. There is a previous Law from 1877 that speaks about Town and City Councils voting in favor of laying out the parks. Counsel has pointed out that RSA 35B-1 (the newer one) when it speaks of acquiring land and preparing it on your own authority, its most likely in conflict with earlier law of 1877. Counsel also points out in greater detail when Town meeting approved creating a recreation commission at voted Town meeting in 2000 under the auspices of the newer law RSA 35B-1 the commission is free to exercise that authority. The main purpose is to clarify that the direction we are going in is consistent with what is allowed under state law.

Tree cutting is underway at the site. Once the site is clear the engineer working with the Recreation Commission can finalize the plans and make sure there were no surprises once the trees came down. The hope is that maybe by the next meeting they will be in a position to discuss with the Board final plans, approval and release of impact fee money.

### **Town of Litchfield vs. Harleysville Insurance**

Informal mediation held at Hage, Hodes office on 4/21 with Town Counsel Steve Buckley, counsel for Harleysville, contractor and homeowners association. Draft agreement attached which seems to be acceptable in concept to all parties and results in paving Arbor Circle as anticipated by the original bond. Request a motion to authorize Attorney Buckley to execute the Settlement Agreement as presented, or with minor technical clarifications, on behalf of the Town in the case of Town of Litchfield vs. Harleysville Insurance. Selectman B. Lemire motioned to the Board of Selectmen to authorize Attorney Buckley to execute the Settlement Agreement as presented. Selectman F. Byron seconded the motion. The motion carried 4-0-0.

### **New Business**

#### **Cable Franchise Renewal**

Over the past two weeks, Administrator Hoch met with Dick Pentheny of the Cable Committee and Bryan Christiansen of Comcast to get a better handle on where we are with cable franchise renewal. It appears that the previous strategy of a consortium is not going to occur this time as surrounding communities are on different renewal timetables or are in various stages in the renewal process already. Administrator Hoch is suggesting an approach that would involve us reviewing draft items locally and teleconferencing with counsel on a limited basis to review and comment on our work and to work through a checklist/timeline that would be provided from counsel. Administrator Hoch has been through this process before and the scope of authority for the town continues to narrow and Administrator Hoch thinks we can do this and manage to live within the budget allocated in the absence of working with a consortium – it may take a little more of my time; however, Administrator Hoch think centralizing it through my office may make it easier to keep everything moving. The Cable Committee has recommended working with the same counsel as before, Peter Epstein. Administrator Hoch is inclined to agree with their recommendation since there is an existing relationship, rather than seeking new proposals. There are practically only a handful of firms that have this as a specialty anyway. It was the consensus of the Board to proceed in this manner.

### **Other Items:**

Tax Lien filed with Registry on April 13<sup>th</sup>. Total owed is \$163,841.

Letter from DRA reviewing recent validation update. All items are in compliance. Letter in file.

Cemetery Trustees – Meeting Monday morning 4/25. Came up with a game plan to clean up deeds and updating and making copies of maps.

Received a letter from County Forester on Talent Road potential tree cutting. Administrator Hoch would recommend deferring this until a clearer plan is in place for the future use of the land (Allowing for potential use of harvest revenue for project on that land, if applicable).

Administrator Hoch received notification from Primex that they are exiting the Health Insurance business; this removes one of the pools from consideration for us (they had been in partnership with Harvard Pilgrim).

### **Selectman Committee and Community Reports**

Selectman Byron stated that the meeting the Planning Board was going to have last week was cancelled. They will be going to one meeting a month.

Selectman Perry will be attending a Recreation Committee meeting Tuesday night, 7:30 pm at Town Hall.

Selectman Lemire will be attending a Budget Committee meeting Thursday night, 7:30 pm at Town Hall.

Planning Board will be holding a meeting on May 10<sup>th</sup>.

### **Items moved from consent**

Selectman F. Byron stated that the appointment of members for the Mosquito Control District, under state law, that it is within the Board of Selectmen to appoint a member of Board of Selectmen to the Mosquito Control District, or a designee. Selectman F. Byron would like to suggest that we ask the Town Administrator to take a look and see how the Board has been able to function; attendance, as well as due diligence work in terms of a recommendation for the Board to go forward with appointments. Selectman F. Byron motioned to the Board of Selectmen to table this for now. Selectman B. Lemire seconded the motion. The motion carried 4-0-0.

### **Other Business**

Selectman F. Byron stated that each week the Town Administrator and office puts into the bills the amount of money that is left in the General Fund. Right now we have \$931,676.72 in the General Fund. Usually around this time of year the Board of Selectmen looks at what we are going to have left in the fund come July 1<sup>st</sup> when the new tax bills are due. Selectman Byron would like to ask the Administrator if he would run an extrapolation projecting and see where we will be. Administrator Hoch will run more detailed numbers for the Board, but feels in consultation with Linda and Sharon, that we are in a good position right now.

Selectman S. Perry motioned to the Board of Selectmen to adjourn the public meeting and go into a non-public session – RSA 91-A:3 II(c) – Tax. Selectman B. Lemire seconded the motion. Roll Call Vote: Selectman Byron – yes, Selectman Perry – yes, Selectman Lemire – yes, Selectman Lambert – yes. Motion carried 4-0-0.

The public portion of the meeting ended at 7:35 p.m.

Meeting adjourned at 7:45 p.m.

*Minutes Approved 5/9/11*