

Town of Litchfield

Selectmen's Meeting

May 9, 2011

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

Members Absent: Brent R. Lemire (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 John Bryant and Sandra Vance to Recreation Commission
2. Current use application for Map 5, Lot 240
3. Public Demonstration permit for CHS Booster Club 5K Walk/Race – June 25th
4. Authorization for use of Highway Block Grant Funds not to exceed \$10,000 for construction – administration – Cranberry Lane
5. Veteran's credit application
6. Wage adjustment – length of service
7. Minutes – April 25, 2011

Approval of consent items

Selectman G. Lambert motioned to the Board of Selectmen to approve items 1 – 7 listed under consent. Selectman J. Brunelle seconded the motion. The motion carried 4-0-0.

Items for Other Business

Selectman F. Byron would like to discuss:

1. County Budget
2. Board of Director Request from the City of Nashua for Pennichuck Board of Directors
3. Status of Financial Audit 2010

Public Input

No members of the public present

Administrator Report

Old Business

Timber cut at Town Hall

Forester marked trees behind Town Hall on Wednesday – TA reviewed with logger on Thursday and we agreed to add more trees to be retained (not necessarily best forestry practice, but out of a concern of having some balance and not as many large openings). Intent to Cut is in signature folder.

We should be expecting about \$4,000 of revenue for timber cut at Town Hall. TA would like the Board to consider taking \$1,000 of that as unanticipated revenue and appropriate it toward other ground improvements, particularly loaming, seeding, liming, demossing, etc. of the front yards at Town Hall which look particularly worse for wear. The balance of the revenue would go to miscellaneous general fund revenues and offset taxes.

Town of Litchfield vs. Harleysville Insurance

Attorney Buckley has forwarded the necessary settlement documents for this case that would allow for paving of Blossom Court by June 1 and closure of Superior Court litigation. Message with details and draft documents sent with report. Board of Selectmen has authorized Attorney Buckley to proceed at previous meeting. TA now seeking authorization of Chair of Board of Selectmen to execute all necessary settlement documents for this.

Selectman F. Byron motioned to the Board of Selectman that the Board authorizes Chairman S. Perry to sign settlement documents and the Board accepts the settlement as proposed by Attorney Buckley.

Selectman J. Brunelle seconded the motion. The motion carried 4-0-0.

Property Liability Insurance

LGC has provided a quote that appears at first glance to offer a savings of approximately \$11,000 over our current plan with Primex. Linda and TA have reviewed the level of coverage and the plans are comparable. Both Linda and the TA have experience working with LGC's Property and Liability Trust and have experienced no service problems. Our renewal cost for Primex would be \$72,823 and the price from LGC is \$61,645. LGC's assumes a 3 year agreement with a guaranteed maximum increase of not more than 9% for the next two years. We are not eligible for a multi-year program at this point with Primex. However, we can most likely develop a plan with them this year that would make us eligible for locking in a cap of a 7% increase in future years.

Selectman G. Lambert motions to the Board to go with LGC and change our insurance rate for the next 3 years. Selectman S. Perry seconded the motion. Selectman F. Byron amended the motion that the Board of Selectmen will recommend going with LGC but will request Mr. Phil Reed review the two policies from Primex and LGC and recommends to the Board the benefits and disadvantages of each. Selectman G. Lambert seconded the motion. TA J. Hoch stated that if we choose not to renew with Primex we need to provide written notice to them no later than 5/17. Selectman G. Lambert withdrew his motion.

Selectman F. Byron made a motion that the Board of Selectmen request the assistance of Mr. Phil Reed to review the two policies of LGC as well as Primex's and the Administrator and Chair of Board is

authorized to send a letter to Primex canceling the policy. Selectman G. Lambert seconded the motion. Selectman G. Lambert amended the motion such that if our Town Administrator sees any changes that need to be made, he can attempt to make those changes in conjunction with Mr. Phil Reed so that he can get the right coverage for the Town and negotiate for rates on our behalf. Selectman F. Byron seconded the amended motion. The motion carries 4-0-0. The amended main motion carried 4-0-0.

Cable Franchise Renewal

An agreement has been received with Attorney Epstein for a rate of \$200 per hour. TA has executed the agreement and will begin process shortly.

New Business

Emergency Operations

The Emergency Management Director has not been returning calls and e-mail from the contracted vendor who is stated to do the Emergency Management Plan update. The contract calls for a delivery date by June 1, which the TA now feels is unreachable based on EMD's lack of attention to this project. The EMD has failed to respond to the TA's e-mail request for project status that was sent on April 15. It is the TA's recommendation that the Board of Selectmen considers an immediate appointment of replacement Interim Emergency Management Director and transfers all budget authority for that department to the Board of Selectmen acting through the Town Administrator until such an appointment is made.

TA is meeting with Lee Kimball who is contracted to update the Emergency Management Plan on Tuesday 5/3 and they are going to review the items to be updated and come up with a game plan to get the update completed. In order to keep this project moving, the TA will lead the effort to coordinate with departments. TA does not expect any problems engaging most of the departments to get this plan updated in a timely fashion. Selectman S. Perry met with the Chief this week and believes that we should hold off on replacing the Interim Emergency Management Director until he can meet with the Chief further and report back to the Board. Selectman G. Lambert suggests that we put out a request for interested parties who would be interested in being Litchfield's New Emergency Management Director and if the Board agrees then we should put out an announcement in the local news papers. Selectman S. Perry stated that he believes that there is no reason to go on with this. Selectman F. Byron motioned to the Board of Selectmen to table this discussion until the next Selectmen's meeting. Selectman J. Brunelle seconded the motion. The motion carried 3-1-0. Selectman G. Lambert motioned to the Board of Selectmen to put out a request for a new Emergency Management Director in the HLN, Manchester Union Leader and the Nashua Telegraph this week. Motion failed due to a lack of a second.

Highway Block Grant

DOT has advised that the revised estimate for Highway Block Grant for 2011 is now \$200,225.64 (down from their estimate in December of \$208,964.86). Since some of this comes from gas tax and vehicle registration surcharge revenues, we should also expect a further decrease if the proposed gas tax reduction is approved in Concord.

E-911 Data Update

Captain Nicoll has provided several documents for signature relating to the state's E-911 database update. The first is an acknowledgement that the map set and data reflects current conditions as of March 9th. He has reviewed and feels that it is compliant. TA has assisted by researching some

properties flagged as problems in the database. The second is an acknowledgement of Nonstandard Addressing. There are some locations that are not consistent with the general state addressing protocols. Notably is the approach taken to numbering cul-de-sacs (currently numbered with even left and off right as opposed to numbering counterclockwise around cul-de-sac). They have also flagged some unusual circumstances and/or shared driveways where a different practice would be used. Captain Nicoll has reviewed these with the TA and there are none that he feels require immediate change. Third is a data release agreement which will allow the release of this data for our use for emergency response purposes. There are some elements of this data set that we can use in building our GIS. (Package is on credenza in the TA's office for now in case the BOS has an interest in wading through it). Selectman F. Byron motioned to the Board of Selectmen to hereby adopt E-911 release. Selectman J. Brunelle seconded the motion. The motion carried 4-0-0.

Other Items

Letter to the Fire Chief regarding eligibility requirement deferred.

Proposed County budget sent. The hearing was on May 2 at 6:30. Final votes and hearings are in June. Currently showing an increase of \$2.7 million (6.2%). Selectman F. Byron motions the Board of Selectmen to put the County Budget on the Towns website for the citizens to see. Selectman S. Perry seconded the motion. The motion carried 4-0-0.

Selectman F. Byron motioned that the Board of Selectmen hereby votes to express its concern that the county has raised the budget which affects the Town of Litchfield and ask our State Representative to bring message to the County Budget Hearing. Selectman G. Lambert seconded the motion. The motion carried 4-0-0.

Reimbursement received from the DOT for eligible bike path work in the amount of \$12,380.41 (as expected and already booked in the accounts as a receivable item).

In December the TA advised the BOS that the auditors had identified approximately \$37,000 of expenses related to the Bike Path that had been seen as anticipated revenues that should not be expected. We took the corrective action by transferring the equivalent amount of eligible expenses to the Highway Block Grant Fund and then charging the \$37,000 item in the general fund. Upon further review, the auditors have no determined that their advice was incorrect. Linda and the TA had a conference call with the auditors this week and have clarified that those funds should be restored to the Block Grant Fund. The auditors are working on the correct adjusting entries for that.

TA received a letter from the Mayor of Nashua with information about the Board of Directors for Pennichuck. The letter outlines areas of preferred expertise and process of selection for Board Members. She has asked that we make this information available on our website.

Selectman F. Byron stated that he saw in the Manchester Union Leader advertising that they are looking for people who qualify to be on Board of Directors. Selectman F. Byron motioned to the Board of Selectmen that we send copies of information provided by the Mayor of Nashua to Mr. Peeples.

Selectman G. Lambert seconded the motion. The motion carried 4-0-0.

Selectman G. Lambert motioned to the Board of Selectmen that if Mr. Peeples is interested the BOS also submit a letter of recommendation for Mr. Peeples who is a former Selectman and who is also a member of the NRPC and the Water District. Selectman F. Byron seconded the motion. The Motion carried 4-0-0.

Steve Buckley has forwarded information about a Writ of Execution for the Seymour case that will be used to levy against gun collection at home. Chair has signed an affidavit as to Military service

(demonstrating that Seymour is not protected from judgment because he is on active duty military service). Paperwork filed with the Court on May 4th.

Prescription Drug Take Back Day yielded 21 pounds of medication disposed securely with Police Department on Saturday, 4/30.

We are having a problem at the Solid Waste Facility with getting the Fire Chief to schedule burning the brush pile. Dave Mellen had been hoping that it would have been burned 2 Sundays ago and it was not. Nothing has been done this week and his calls have not been returned.

Town Administrator is looking for some suggestions/guidance to nominate a member of the Board of Selectmen to help with the stack of non-public minutes. Looking to the board for recommendation for what approach the Board wants to take. Mr. Lambert stated that he will work with the TA on this.

Selectman Committee and Community Reports

Selectman Byron stated that the Planning Board was going to meet tomorrow night May 10th at 7:30 pm at Town Hall.

Selectman S. Perry stated that the Recreation Commission was going to meet tomorrow night May 10th at 7:00 at Town Hall.

Items moved from consent

No items removed.

Public Input

Mr. Robert Goecheck of 4 Pearson St. in Litchfield stated that he had three questions for the Board of Selectmen.

1. Are the Selectmen planning on complying with RSA 50:1 which states that the Selectmen, Mayor and or Alderman shall not layout, establish or enlarge a park or common area unless the Town or City Counsel shall have voted in favor thereof. Selectman S. Perry stated to Mr. Goecheck that the Board was told by Counsel that RSA 50:1 is superseded by RSA 35 B.
2. About one half of the use of the recreation fields appear to be limited to soccer fields. How are you going to pay for that? Selectman Perry stated with impact fees. Mr. Goecheck stated that basically these impact fees have a 6 year life span and look like over the course of 6 years the town park holds about 1000 people. The Capital Improvement Appendix B Table 421 established Impact Fee standards for soccer is 0.17 fields per 1000 people, so basically if your building 2 fields you can only recover 92.5% of the cost of the fields has to be paid by the Town. Selectman Perry stated that it is a multi-purpose facility, its delineating it by soccer fields because it is the largest field space required to get onto that property. Lacrosse will use the field space as well and it could also hold baseball fields which have been tossed around as an idea as well. Mr. Goecheck stated that we do not have standard for lacrosse fields, we do have for baseball. Selectman Perry stated that you will see general park area as what it is being filed under. We were trying to acquire land to expand our parks and recreation.
3. What is the value of the land you are using for parks? For instance if you had to go out and buy new land you would have to pay a price and recover the cost with some of the impact fees. So is

there a value you assess to the land so that you can recover the cost through impact fees? Selectman Perry stated that the assessors have on record a value of the land. We already own the land and we are going to repurpose the land and how can we collect impact fees for something we already own. Mr. Goecheck stated that the land in question has been owned by the town for approximately thirty years, you're going to pay the Town through Impact Fees? Selectman Perry stated that the land is already owned by the town, we can repurpose that land at any time. Mr. Goecheck asked are you not going to recover the cost of the land. Selectman Perry stated that he didn't believe we could. Mr. Goecheck asked what is the difference between not recovering the cost or if you had to go out and buy ten acres? Selectman Perry stated that we already own the property. We would not buy it from ourselves. If we took out a bond (as we did with the High School) to purchase the property, then yes we would try to recover the money. We are not taking out a bond to purchase the land from ourselves.

Other Business

None.

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

The public portion of the meeting adjourned at 8:15 pm.

Approved May 23, 2011

Steven D. Perry, Chairman

John R. Brunelle, V. Chairman

Frank A. Byron

George A. Lambert

Brent L. Lemire