

Town of Litchfield

Selectmen's Meeting

June 27, 2011

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

Also present: Jason Hoch, Town Administrator

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

6:30 p.m. Consultation with legal counsel

7:15 Call to Order

PLEDGE OF ALLEGIANCE

All rose for the Pledge of Allegiance.

Review of Items for Consent

1. Minutes of June 13, 2011
2. Notification to DRA that PA-28 Inventories will not be used in 2012
3. Veteran's Credit Application
4. Unsealing of various non-public minutes as listed on memo of June 27, 2011
5. Recertifying the seal of various non-public minutes as listed through June, 2016 as listed on memo of June 27, 2011

Approval of consent items

Selectman B. Lemire motioned to the Board of Selectmen to approve items 1 – 5 listed under consent. Selectman G. Lambert seconded the motion. The motion carried 5-0-0.

Request for Items - Other Business

Town Administrator Jason Hoch would like to discuss recommended operating policy adjustments
Selectman Lambert would like to discuss the non-public minutes of January 22, 2007

Public Hearing – Modification of Parking Bans in vicinity of Brickyard Fields

Ms. Frisbee was at the meeting. Mr. Hoch mentioned that there are a couple of ordinances currently in place for banning parking in the vicinity of Brickyard fields. The one area that we had less coverage on prohibiting is on the corner of Brickyard and Nakomo; some of the parking has been a problem for Ms. Frisbee. Ms. Frisbee requested more space for deliveries that come up the side of her yard. Mr. Hoch has amended line item number 4 of the ordinance to read as “no person shall park or caused to be parked

in a vehicle or trailer at any time on the south side of Nakomo Dr. within 150 feet from the corner of Brickyard Drive.”

There were three ordinances passed at different times in 2008 – 2009 grabbing different areas of that vicinity. What Mr. Hoch did was to take all of those pieces and parts and put them all together so there is one master ordinance rather than 4 different parts. Mr. Hoch added number 4 and number 8 which states that this ordinance replaces all ordinances previously approved in 2008 and 2009 for the purposes of limiting parking on Brickyard and Nakomo Dr.

Public Comment

Ms. Frisbee, thinks it is a good consideration keeping in mind that you have all of Brickyard to drive on. She would greatly appreciate extending the no parking area. It is inconvenient for any deliveries and it is also an inconvenience to see cars parked outside her house all day.

Close Public Comment

Selectman F. Byron moved that the Town of Litchfield hereby adopts the parking ordinance as written and presented at this meeting to take effect July 1, 2011. Selectman B. Lemire seconded the motion. The motion carried 5-0-0.

Public Input

None

Fire Department

The Fire Chief was asked to come in for tonight’s meeting to discuss a few points of interest to the Board about the department’s transition to an appointed Fire Chief. The board needed to ask some questions to get some more information about the department, and also needed to ask a few questions about a couple of things that are happening with the Fire Department and also a rumor about an engine that needs some frame work. The Chief did not come in this evening due to a prior commitment and the Board will request that he comes to the next meeting. Selectman F. Byron stated that the Board asked the Chief to provide information in terms of the operations of the department with a letter sent out April 25th. This letter was not answered. Selectman Perry stated that the Chief remarked that he was not going to act on this, that he was not going to do the Selectmen’s job. Selectman Perry stated that we need to make a plan in order to go forward, and they need the Chief’s help with this. Selectman Lambert stated that based on the Chief’s response that he believes it is the Board’s responsibility, but without access to that information it would be hard for the Board to draw any conclusions, make any references or actually begin the planning process. Selectman Perry stated that he tried to contact the Chief a few time this prior weekend and could not get through. There have also been residents who have tried to get in touch with the Chief and have had no response as well. Selectman Perry asked the Town Administrator to discuss this with Counsel. Selectman Byron motioned that the Litchfield Board of Selectmen express in writing to Chief Schofield its regrets and concern that the Chief has demonstrated through his actions a lack of cooperation in the fulfillment of the citizens requests for the appointment of the Chief and by failing to provide information to the Board of Selectmen to allow them to fulfill our duties as directed by the citizens of Litchfield and that we request that he re-examine his decisions and provide the information that has been requested by July 15, 2011. Selectman B. Lemire seconded the motion. The next Selectmen’s meeting is the 11th of July. Selectman F. Byron motioned

to amend the motion to change the date from July 15th to July 8, 2011. Selectman J. Brunelle seconded the motion. The amendment passes 5-0-0. The amended main motion carried 5-0-0.

Administrator Report

Old Business

Cranberry Lane

Prep work was started on June 22. The culvert is to be delivered on 6/28 and installation should be completed by the end of the week. Base paving will go down. Final paving, after allowing time to settle, will probably be in August.

Emergency Operations:

Administrator Hoch attended emergency preparedness conference in Manchester on June 16th; the areas of interest for Mr. Hoch were social media and continuity of operations planning.

Cable Franchise Renewal

Administrator Hoch has scheduled the hearing for cable franchise with Comcast and additional public comment for August 1, 2011 at 7:00 pm.

Budget Schedule

In conversations with several departments, Mr. Hoch is comfortable that a Saturday session will be productive for a number of key departments. Mr. Hoch spoke with John Harte last week and asked for him to give a start and end date for the Budget Committee's reviews, so that Mr. Hoch can backfill a schedule accordingly. After they meet this week, Mr. Hoch will have that in hand and can build a draft schedule.

New Business

Use of Highway Impact Fees

Jack and Mr. Hoch had proposed the purchase of a pipe snake/camera system with an approximate cost of \$3,000 using impact fees for this item. With the addition of roads, culverts and drains around town as well as interconnection of drainage systems, the Town has increasingly large networks of stormwater drains to monitor and repair. We are reaching a point where we are trying to determine the cause of potential failures which may be blockages or broken pipes. This would allow us to better determine what may be occurring without having to always dig up a road. While we have been able to borrow one from Hudson occasionally, we are unfortunately reaching a point where we've needed one more than it makes sense to keep borrowing. Also, with our own equipment, we could begin a pro-active inspection program (which would support likely future stormwater management requirements). Mr. Hoch provided e-mail exchange in which Town Counsel did not agree with his theory on impact fees. We will look at other possibilities including next year's budget.

Other Items

Audit review and discussion has been postponed until July 25th. Frank Biron (Melanson & Heath) called and requested to reschedule. The final reports they had required a technical correction that appears to have resulted on their end from a software change. They wanted a chance to review and update

appropriately and to make sure that no other calculations were impacted. This was wholly a software issue on their end and in no way reflects any issues with our operations.

Board of Selectmen signed a warrant for unlicensed dogs on 6/20. This was provided to the Police Department – now forfeiture costs have been added to all the unlicensed dogs. Calls were made and notices went out.

After selling all of the compost bins in less than 2 hour via the Town's Facebook page and in tandem with conferences sessions Mr. Hoch attended last week on social media, Mr. Hoch is working to try to generate more regular content to be posted on the Town's Facebook page (which also gets cross posted to the Town's website for those who do not use facebook). The plan is to try to provide a varied range of information, education, health and safety information, operations information and history as content ideas arise. Operationally, the TA is using a web service that allows scheduling of these items into the future, so practically the TA is pre-populating the next few weeks of updates all at once. In addition to being a mechanism to better share our operations, the TA wants to try to build the credibility of the resource over time, so that in emergency cases, people already are using this as a source of information.

NRPC is looking for potential members for a broadband stakeholders group to investigate provision and expansion of broadband services in the State. (All regional planning commissions are doing this). If we have any people interested in serving on a committee that is anticipated to meet quarterly for the next 3 to 4 years on these issues, we should pass that along to NRPC. (Copy of the note in Admin Report Folder). Selectman J. Brunelle stated that he would be interested.

The Town had a small outstanding claim in Fairpoint bankruptcy. It was determined that \$7.69 of interest from taxes had been paid. Paperwork has been filed for payment. (This was attached to a \$207.69 claim, of which \$200 was paid in 2010, with the interest written off).

Selectman Lambert and Mr. Hoch attended the County Executive Committee Budget Hearing on Tuesday to speak in support of maintaining the Department of Corrections Community Service Program. Letters were also provided in support by Chief O'Brion and Road Agent Pinciario. Selectman Lambert stated that we have managed to receive guarantees that this program will continue.

Letters received from Jayson Brennan and John Miller resigning from the Planning Board due to job demands. A full membership and an alternate membership are now open.

Letter prepared for Board to send to Senate President Bragdon requesting a change to Litchfield's State Senatorial district to not be connected with Manchester in the next redistricting. (Suggestion from Ralph Boehm). Selectman F. Byron motions that the Board of Selectmen hereby recommends during the redistricting effort to Senator Bragdon that Litchfield is interested in partnering with a similar community for senatorial redistricting and that copies of this letter be sent to Senator DeBlois as well as our State Representatives. Selectman B. Lemire seconded the motion. Selectman G. Lambert suggested that this letter could potentially impact not only the citizens of Litchfield but also surrounding communities and people with whom we are and are not redistricted Mr. Lambert recommends that we send a copy of this letter as a PDF and text message the text of the body of the message to all reps in the state of NH, because that is one e-mail instead of a whole bunch and we might end up potentially talking

about redistricting with a Londonderry or someone else. There may be a block of other Towns that we are more closely aligned with in terms of size that might well get value from that type of block. Selectman S. Perry amended the motion to include all state reps as well as the School Board and the Budget Committee. Selectman G. Lambert seconded the motion. The amendment carries 5-0-0. The amended motion carries 5-0-0.

The NHRPC is coordinating a potential regional cooperative energy purchase project. Only commitment they are seeking now is proving our use and rate data. Once they run an analysis, the plan is to seek proposals for cost and then formalize participation if targets are met. The TA intends to participate in the initial data collection stage and see if this can yield a reasonable savings for the town. Mr. Hoch has already secured an independent proposal with about a 5% savings with us standing alone. (Paper in Admin Report Folder).

Administrator Hoch is looking for authorization for expenditure of \$77,990.67 from Highway Block Grant prior year funds for paving of Oak Drive (this is the third project with Roberts and Cranberry intended for using the balance of prior year's Block Grant). Selectman Byron wanted to make sure the \$77,990.67 did not jeopardize the ability to do Page Road culvert. Administrator Hoch stated that it would not. The three roads (Cranberry, Roberts and Oak) were the roads that were to be done this year. Page is scheduled for next year. We have sufficient funds to do Page Road next year. Administrator Hoch pointed out that the Road Agent was working with the engineer to refine and update the plans for the Page project now. Selectman B. Lemire motion to the Board to authorize the Town Administrator to expend the \$77,960.67 from prior year Highway Block grant funds to pave Oak Dr. Selectman Lambert seconded the motion. Selectman Byron called the question. Selectman Perry called this to vote (a call of question). Motion carries 3-2-0. Selectman Perry called to vote on the motion. Motion carries 3-1-1.

Selectman Committee and Community Reports

Selectman Lambert reported that if the Governor keeps his word, he will not veto the budget that was sent to him by a House last Wednesday and as of close of business this Wednesday the state will have a new budget which does not contain substantial cost shifting. It did include reduction of unfilled positions and other things to reduce spending. Selectman Lemire questioned about the issues of welfare payments or welfare reimbursements to the Town being cut. Selectman Lambert indicated that he would certainly make an inquiry and express concern.

Use of Electronic Devices for communicating at Meetings

Selectman F. Byron mentioned an article that he read in the Nashua Telegraph last week which involves the use in Nashua City Council meetings of electronic equipment, where members of the Nashua City Council were using the equipment and receiving text messages from constituents and then they would use those text messages for what ever purposes for the meeting. The concern in the article from one of the Council members was that meeting per RSA 91-A need to be open to the public and people that observe those meeting need to be able to hear all information that is going into or presented at the meeting and by using electronic devices it bypasses the requirements of RSA 91-A and basically blinds members of the council but it also blinds members of the public from having full transparencies for what happens at the meetings. Mr. Byron thought that it was an interesting topic and the concern that was expressed and in his opinion a valid one. Selectman Lambert suggested that we can either vote on this tonight or ask to see if the local Government Center has an opinion on this. If we are unhappy with their

response, we can ask our lawyers. Selectman Lambert also expressed that he believes that there is no clear answer on this after reading this article on whether or not this is or is not a concern. He thinks we should get opinions from people who are more legally versed in this. Selectman F. Byron stated that he was only stating that it was an interesting point the Alderwoman made and that he was not trying to make a motion. Selectman Lemire stated that we should ask our Town Administrator to ask LGC their opinion on this. The TA stated that he would follow up LGC.

Items moved from consent

No items removed.

Other Business

Discussion of non-public minutes of January 22, 2007. Selectman Lambert stated that there was a note in the non-public minutes that we were discussing sealing and he went through all of the non-public minutes and made some recommendations to the board as things that were in or things that were out. The note that was on those minute left him with two questions. 1. If non-public minutes which we were going to potentially unseal contain a reference to recommendations of counsel as part of the dialog that the actual letter from counsel is not included, does that mean that we should prevent the withholding or release of that information from the public if that is no longer an issue or concern to this community? Selectman Lambert is looking for guidance. Because the idea that we are just not going to release some non-public minutes because we say we believe that our legal counsel said 'x'. If that issue is no longer before us, does it matter what our legal counsel said at that time and is that sufficient reason for denying access of the information to the public. Selectman Byron stated that he wrote the note, it wasn't so much the issue of information from counsel, it was more that there was information in those minutes that seemed to impugn a member of the Town Government for potentially a felony level activities and he thought that was the bigger concern. Selectman Byron stated that his thought was that if you put something out there that could affect that reputation of the individual then it should remain sealed. There is nothing in the minutes that states that the accusations are false. Selectman Lemire stated that if there is any doubt that a person's reputation may be compromised he doesn't believe they should be released. The minutes will remain sealed.

Operational Policies

Administrator Hoch stated that there are a couple of recommended polices for the Board which states: Through the authority granted in RSA 41:8 requiring the Board of Selectmen to manage the prudential affairs of the Town, the Litchfield Board of Selectmen hereby establishes the following operating policies to effectively plan and oversee expenditures of the approved general fund appropriation from July 1 through April 1, 2012.

1. The expenditure of any monies from the General Fund, all training for two or more employees in excess of four hours for part-time, hourly and call employees must be approved at least two weeks in advance by the Board of Selectmen.
2. All purchases of equipment and/or services that are not otherwise subject to the Town's Purchasing Policy and for which payment is expected to be made from the General Fund for an amount greater than \$7,500 require approval of the Board of Selectmen.
3. All departments must provide by July 15, all expenses related to anticipated training schedule covering the period July 1 to December 31 that ensures compliance and recertification with all

job requirements. For those cases in which the Town uses and recognizes an employee's certification for fulfillment of Town related job tasks, this schedule should show the provision of continuing education hours or equivalent.

4. Prior to the disposition of any vehicle currently in use by any Town department for which the Town has spent more than \$1 in equipping for local need and requirements, approval of the Board of Selectmen is required.

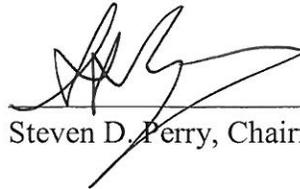
Selectman F. Byron stated that the policy expiration date of April 1, will allow us to take and effectively manage this budget as well as manage the budget in the early part of the year until the voters have a chance to approve it. Mr. Byron thinks it makes a lot of sense that we pay attention to the budget expenditures. Mr. Byron also questioned Mr. Hoch about point number 3 which has a date of July 1 to December 31 and wondered if Mr. Hoch wanted to make it the same as the April 1, 2012 date. Administrator Hoch stated that he would like to keep it the way it is for now as it relates to the current approved budget.

Selectman F. Byron motioned that the Board of Selectmen hereby adopts the proposed policy presented to the Board by the Town Administrator and it will become effective July 1, 2011. Selectman Brunelle seconded the motion. Selectman F. Byron amended the motion so that it will be distributed to all department heads by the TA effective on approval by the Board of Selectmen. Selectman J. Brunelle seconded the amendment. The amendment carried 5-0-0. The amended main motion carried 5-0-0.

Selectman F. Byron sent a message to the Board stating that he will not be able to attend the Planning Board Meeting on July 5th. He will be out of Town. Selectman G. Lambert stated that he will try to attend the Planning Board Meeting on July 5th at 7:00 p.m. Administrator Hoch stated that he will talk to Joan to see if there is still a meeting of the Planning Board on the 5th because of the Holiday.

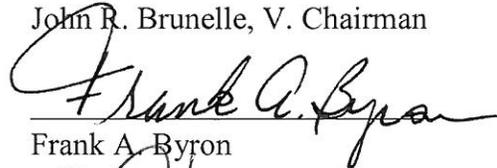
Selectman B. Lemire motioned to adjourn the public meeting. Selectman Lambert seconded the motion. The motion carried 5-0-0.

The public portion of the meeting adjourned at 8:45 pm.

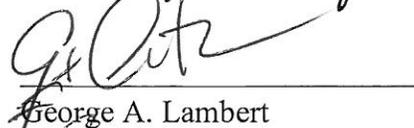


Steven D. Perry, Chairman

John R. Brunelle, V. Chairman



Frank A. Byron



George A. Lambert



Brent T. Lemire

