

Town of Litchfield

Selectmen's Meeting

July 11, 2011

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

Also present: Jason Hoch, Town Administrator (TA)

Members absent: John R. Brunelle, Vice Chairman (excused absence)

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

7:00 Call to Order

PLEDGE OF ALLEGIANCE

All rose for the Pledge of Allegiance.

Review of Items for Consent

1. Minutes of June 27, 2011
2. Recertifying seal of minutes of March 25, 2009
3. Abatement of Timber Tax for Map 11, Lot 35, approval of amended Timber Tax for Map 11, Lot 35
4. Timber Tax, Map 11, Lots 8, 9, 17
5. Intent to Cut – Map 11, Lot 35 and Map 11, Lots 8, 9, 17

Approval of consent items

Selectman F. Byron motioned to the Board of Selectmen to approve items 1 – 5 listed under consent. Selectman B. Lemire seconded the motion. The motion carried 4-0-0.

Request for Items - Other Business

None

Public Input

None

Fire Department

The Fire Chief did not attend tonight's meeting as requested. A letter was sent to the Chief at the request of the Board after the last Selectmen's meeting that asked for a re-consideration of the refusal to provide the information from a letter sent in April where the Board outlined a number of departmental things that the Board wanted to understand. This response was due on Friday, July 8th. The Town Administrator has received no response. The same letter invited the Chief to come to tonight's Board of

Selectmen's meeting. The TA sent out an email last Thursday inquiring on the status and the only response was an email sent back asking Mr. Hoch if the meeting was going to be public. The TA replied back with an answer of yes and that was the last he heard. Selectmen Perry asked the TA if he heard anything on the Fire Truck and the TA stated that all he knew was that the truck was back in Town in the Fire Department. Mr. Hoch has not been provided any information in regards to the truck. Selectman G. Lambert asked what the Board's options were. Selectman Perry stated that the Chief is not willing to work with us. Selectman Lambert inquired if any of the other Board members had any ideas on ways they can incentivize the Fire Department to give the Board the information required to run the Fire Department. His concern is that if we have a department head that is not willing to communicate with the Board of Selectmen then we have a serious problem. Selectman B. Lemire stated that he has not seen this situation in all the years that he has been in Town or associated with the Fire Department. The apparent disregard for protocol, the responsibility to carry out the rule of the Town's people and not have an utter disregard for the will of the Town's people. Selectman Lemire stated that there are ways to handle this, but they are extreme. The Board has to carry out the will of the people and the Board has not been given the proper communication to allow them to effectively do their job. Mr. Lemire stated that he has had a long association with the Department and has never seen a situation such as this. Mr. Lemire also stated that we may need to seek Counsel. Selectman Perry stated that we need to start the process for when the Board appoints a Chief. Selectman G. Lambert asked if we could set up a meeting with Town Counsel. Selectman F. Byron stated that operationally the Board of Selectman is required to manage the affairs of the Town of Litchfield and that includes the finances. Added to the burden is the responsibility given to the BOS by the citizens is to plan for the appointment of Fire Chief coming up in March 2012. We are all within our purview as it relates to collecting information in preparation for the March appointment and believe the Board of Selectmen should put together a list of what the information they need (which was already sent out in a letter) and if the BOS does not get the information then the BOS needs to take action. The Board should talk to counsel first and if the Chief continues to not cooperate and continues not to cooperate in the areas of finance, then the Board should take action in terms of his financial authority. Selectman S. Perry made a motion to the Board to direct the Town Administrator to develop a plan to ensure the needed information is provided by the Fire Department in the absence of the Chief's cooperation and also a plan for the Board of Selectmen to assume control of financial disbursements of the Fire Department's budget and the Town Administrator review that plan with Counsel prior to the next Selectmen meeting. Selectman G. Lambert seconded the motion. Selectman F. Byron stated that he would like to suggest the Board of Selectmen consider holding a meeting in concert with Town Counsel and hold this discussion next week. The Motion carried 4-0-0.

Selectman G. Lambert stated that he believes it would be appropriate to put out an RFP for someone to do an operational audit of our Fire Department so the Board knows what this will cost and who the potential bidders would be as soon as possible. We may not execute on this but certainly starting this process now so that the Board can potentially get proposals from qualified individuals. Selectman B. Lemire stated that he believes that this may be a bit premature and if the Board needed to spend that kind of money. The Board has set up a committee to go over the job description of the Fire Chief that the Board is going to be advertising for and Mr. Lemire also believes that when they get to that point they can talk about operational efficiencies. Selectman S. Perry asked Mr. Hoch what else we have regarding the Fire Department. Mr. Hoch stated that he received a letter via email from Neil Bilodeau, Forest Ranger at the State Division of Forest and Lands and he stated that He was trying to determine the location of the reappointment forms for the Towns Forest Fire Warden and deputy wardens, Mr.

Bilodeau stated that these individuals are appointed by their agency for a 3 year term. Upon the end of the appointed term the Fire Warden and Town officials must sign the reappointment forms in order for their office to reappoint the Warden and Deputy Wardens. As of January 2010, the terms of Litchfield's Warden and Deputy Wardens ended. To date, their office has not received reappointment forms and cannot reappoint these individuals unless they have forms signed by both the Warden and the Selectmen. Mr. Bilodeau stated that he sent a letter to Chief Schofield in January 2011 inquiring about the status of the paperwork. He has not yet received a reply and would like any assistance in this matter. Selectman S. Perry stated that the current Warden is the Chief and we currently have 6 deputies. The deputy wardens are; Mr. Travis, Mr. Howard, Mr. Croteau, Mr. Richardson, Mr. Rea and Mr. Nicoll. Selectman S. Perry motioned to the Board that the Town Administrator contact all current deputy wardens to ask if they would be interested in serving as the Town's Fire Warden and those responses be provided via the Administrator to the Board of Selectmen by 7/22. Selectman F. Byron seconded the motion.

Selectman G. Lambert motioned for an amendment to ask for any other qualifying interested candidates in the Town may also submit an interest for the position. Selectman F. Byron seconded the motion. The amended motion carried 3-1-0. The amended main motion carried 4-0-0.

Selectman F. Byron suggest that the Board authorize a letter be sent to the Chief explaining the reasoning of their decision on soliciting the deputy wardens so that if we have a clear document and a clear communication with the Chief so that there is a public understanding to what is going on.

Selectman F. Byron motioned to the Board to hereby direct the TA to draft a letter to Chief Schofield as well as the deputy wardens explaining the reasoning of their decision to solicit the deputy wardens. Selectman B. Lemire seconded the motion. The motion carried 4-0-0.

Mr. Hoch stated that the Board received a letter via email from a citizen. No response has been given to this email and Mr. Hoch asked the Board if there was an interest in having a response composed for that email. Selectman Byron stated that there was a citizen of Litchfield who expressed their concern and their support of Chief Schofield and this person is also a fire fighter and thought the Board should respond to this email and give their feedback and thoughts. Selectmen B. Lemire stated that it would be appropriate to just thank the individual for his letter and comments and tell him that the Board has received his letter and take his comments under advisement. Selectman Byron stated that he thinks it even goes beyond this because he believes that while the individual stated his support for the Chief because of his leadership he failed to recognize the lack of cooperation the Chief has with the Board of Selectmen as well as with other organizations with which he has not fully cooperated. Mr. Byron believes that an expression of that as an expectation of the BOS that someone who fills his role and not just leads the fire fighters but also leads by example in terms of his cooperation with other Governmental organizations should be expressed. Selectman Lemire expressed that he thinks it is important to just acknowledge the receipt of this individual's letter. Selectman F. Byron motions to the Board of Selectmen to send a letter to the individual to be drafted by the Town Administrator and Chair explaining the thoughts and position of the Board of Selectmen. Selectman G. Lambert seconded the motion. The motion carried 4-0-0.

Selectman F. Byron motioned to the Board of Selectmen to respond in writing to Chief Schofield that we recognize that he has failed to provide the Board of Selectmen with requested information as stated in the letter of June 28, 2011 by July 8, 2011 and the Board of Selectmen is concerned that his failure to cooperate is jeopardizing the welfare of the Town in terms of the transfer of responsibilities from an elected chief to an appointed chief. Selectman S. Perry seconded the motion. The motion carried 4-0-0.

Administrator Report

Old Business

Cranberry Lane

The Culvert is in place and rip rap shall be put in this week. The Town Administrator will get a complete report when the project is finished.

Electronic Communications

Administrator Hoch shared LGC's response to inquiry re: the use of electronic communications. The first point made which wasn't part of the original question, but a valid reminder is that if the meeting is a quasi-judicial public hearing, testimony needs to be received in person or in writing which can be incorporated into the record. More common, is other non-judicial type business and in this area the law is less clear. Since information gather outside of a meeting is not prohibited, it is not clear that receiving it real time would also be prohibited. Bottom line suggestion is to avoid use unless the contents are shared in entirety and to recall that if communications go to quorum of the Board, then they are a public record.

New Business

Storage Container

At various times the Board has talked about finding a more cost effective replacement for the storage container adjacent to the Police Department that is holding evidence. The case for which items are being stored continues to have a variety of delays. Chief O'Brion had hoped for an earlier resolution and at various times it looked like that might happen. At the moment, we are renting the unit and last fall and earlier this year, we looked into a purchase. The prevailing prices we found were in the \$3,500 - \$4,00 price range which was higher than seemed appropriate. The thought had been that once the unit is done in service for the PD, it could move to the Solid Waste Facility for additional storage of baled recyclables. While looking up some information on NRRA's website (our recycled materials broker), Administrator Hoch was reminded that they offer cooperative purchase discounts for purchasing storage trailers. Dave Mellen has followed up with them and their units are in the \$2,500 price range. Additionally, we may be eligible for a grant from NH Beautiful of up to half the cost from NRRA (although, our eligibility is unclear given that the first use is not the solid waste site). Dave is preparing the grant paperwork (due in early August), and we should have an answer next month. Once that is clear, we'll have a plan to proceed for replacement and ending the lease of the current unit. Selectman F. Byron stated that when the Board looked into this before, a company in Pelham had cheaper prices for similar containers, and suggests that the Board also talk to Mr. Charbonneau because he may know someone who has them for sale. Selectman Perry also stated that he will also try to contact a couple of people. Selectman F. Byron also stated that some companies do a rent to purchase.

Electric Utility Assessment

The Town received a letter from Gary Roberge at Avitar discussing utility assessments and a change to the depreciation schedules being used based on new review of information received in the past year. He notes that the updates Avitar is doing this year will reflect a new depreciation schedule and somewhat reduce values. Suggests considering updating utility values to keep the assessments "reasonable defendable and least likely appealed". The estimated cost is \$500 for first utility and \$400 thereafter for

more than 3 utilities. Administrator Hoch's sense is that this is a reasonable idea, but he wants to gather any questions the Board may have to accompany a few of his own before following up with Gary if the Board is interested in considering this. (Letter in Administrator folder). Selectman F. Byron wanted to clarify that this was just for electric. Selectman G. Lambert wanted to know if this was going to make or cost the Town money. The Town Administrator stated that it will cost us money to come up with a lower value for utility. And there will also be a cost if it is appealed. Selectman F. Byron questioned whether it is under our contract with Avitar to represent the Town of Litchfield in terms of an appeal at no cost, there shouldn't be a cost to the Town for an appeal. Administrator Hoch stated only an appeal based on an update. Selectman F. Byron motioned to the Board of Selectmen to hereby authorize the Town Administrator to go ahead with the revised assessments on our public utilities. The motion failed due to lack of a second.

Road Plan

Administrator Hoch has been working on gathering the pieces for updating the road plan. NRPC provided road mapping data in the format needed and we had compiled some of the old data from the 2002 report to import. The TA has been trying to figure out how to get everything running in the RSMS program (pavement management software) we purchased. Several months ago, the TA called the UNH Tech Transfer center (which supports this software) to schedule some training. Mr. Hoch figured there were a few key things he needed to understand and then he would be able to run with it. MR. Hoch hadn't received any follow-up from them, so he spoke to their representative at the Emergency Planning conference in Manchester a few weeks ago. The result now is that we are now in their summer data collection and analysis program for free. They will take all of our base data, update field data as needed and load everything into they software along with developing the 10 year budget forecast for a full report. Additionally, they will maintain the archive for future updating help to the Town if needed. Mr. Hoch and Jack are putting together the local data they need on traffic and importance scores now and Mr. Hoch expects that the university group will be on site in a few weeks.

Other Items

Blossom Court is paved and approval given by engineer Lou Caron for release of payment. DRA is going largely electronic for tax rate prep and distribution this year. Town and School have filed all the necessary paperwork for electronic delivery of items. New operating policies approved by the Board at the last meeting were distributed to departments likely to have events triggering those clauses.

Trustees of Trust Funds met on 7/6 to begin reviewing banking/investment options. The TA sat in on that meeting and they are scheduling the next ban meeting on 7/12. The plan is to shift their cash holdings to a more appropriate form once they've reviewed options and checked references as needed.

Mr. Hoch has passed along correspondence from Attorney Buckley re: Seymour case and disposition of weapons. Some parts the TA wants to review with Chief O'Brion when he returned today. The Chief answered most of the questions we had. Selectman F. Byron made a statement for the public that the transfer to the sale of these weapons is not really going to the Town because the Town has been made whole in terms of Seymour. The weapons and sale of those weapons is actually going to the insurance company. Administrator Hoch stated "No" that this is what he believed also, but the notice sent to Seymour stated that all of the auction proceeds after deducting for the auctioneering expense and expense of storing the weapons would be applied to reduce the amount due by the Town in the judgment

awarded to the town. Selectman Byron stated that it was his recollection that we have received all the funds through insurance that Seymour absconded with and therefore any monies from the sales of guns and leans on his house, etc will actually go to the insurance company not the Town of Litchfield. Administrator Hoch will check into this and follow up with the Board.

David Chesley from Congressman Bass' office will be holding Office hours at Town Hall on July 25th between 4:30 and 6:30. He will stay around to briefly introduce himself to the BOS at meeting.

Selectmen Committee and Community Reports

Selectman S. Perry stated that there is a Recreation Committee meeting Tuesday, July 12th at 7:30 pm at Town Hall.

Selectman B. Lemire attended a Budget Committee meeting on June 30th. They discussed the role of the Budget Committee. Mr. Hart prepared a tentative Budget review schedule. They would like to start reviewing by September 22nd. There was also a question regarding the Library budget, who will populate the expenditure report and how will it be done? Administrator Hoch stated that if they looked at the reports that are sent out by Linda she runs the report for the Library and general funds. Selectman Lemire stated that there was also discussion from the Chair of the School Board. The School Board gave the Budget Committee their anticipated action that would be taken if money gets returned that was "reduced from their Budget" is approximately \$2 mil. Their year end balance for this year is expected to be \$873,000.00. They have encumbered funds: \$9,300 for adobe software for CHS, \$1,500 to rewire GMS, \$29,000 to fix bathroom floors at LMS, \$18,000 to purchase document management system for SPED and the SAU, and \$150,000 to repair the track at CHS. They intent to recommend budget adjustments for teaching positions to be re-appropriated, \$200,000 to GMS, about \$208,000 to LMS and \$172,000 to CHS. This includes teaching and staff positions. The Budget Committee for the most part agreed with their action.

Items moved from consent

No items removed.

Other Business

Selectman F. Byron had a couple of items to discuss: 1. Town Administrator is working on how the changes in the RSA (retirement) will affect the Town of Litchfield, and 2. Changing the Lobby to construct a small room for citizens who need to talk to the PD or are in holding and also changing the dispatchers window so they are not in view of the public. Do we put this in the budget, as a Warrant Article, etc? The TA will have a dollar amount on the list that is being priced out.

Selectman S. Perry motions to adjourn the public meeting to go into Non-Public Session per RSA 91-A: 3 II(c) - Consideration of property tax abatements. Selectman B. Lemire seconded the motion.

Roll Call Vote:

Selectman Byron – yes

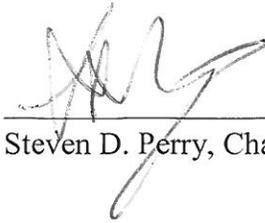
Selectman Lambert – yes

Selectman Lemire – yes

Selectman Perry – yes

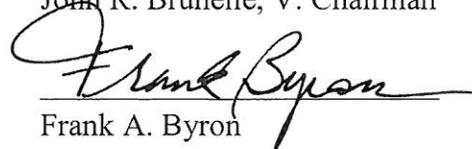
Motion carries 4-0-0.

The public portion of the meeting adjourned at 8:25 pm.



Steven D. Perry, Chairman

John R. Brunelle, V. Chairman



Frank A. Byron

George A. Lambert

Brent T. Lemire

