

Town of Litchfield

Selectmen's Meeting

February 27, 2012

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

Also present: Jason Hoch, Town Administrator

Excused Absence: Frank Byron

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 January 23rd and February 13th
2. Land Use Change Tax Map 15, Lot 54
3. Land Use Change Tax Map 20, Lot 24
4. Recommendation from Avitar for denial of abatement – Map 8, Lot 98
5. Veterans Credit application

Approval of Consent Items:

Selectman B. Lemire motioned to approve the items for consent. Selectman J. Brunelle seconded the motion. The motion carried 4-0-0.

Request for Items – Other Business

None

Public Input

No members of Public present

Public Hearing – Increase in Detail Vehicle charges

The recommended adjustment charge for Police Cruiser from \$10 to \$15. After a review of other charges, not recommending any further changes at this time.

Chairman Perry opened the public hearing.

No members of the public present.

Chairman Perry closed the public hearing.

Selectman B. Lemire motioned to the Board of Selectmen to accept the adjusted Detail Vehicle fee. Selectman J. Brunelle seconded the motion. The motion carried 4-0-0.

Public Input:

No Members of Public Present

Administrator Report

New Business

Audit

The auditors were here Tuesday and Wednesday (last week). They were extremely pleased with overall state of accounts and practices. It was noted several times that the processes and commitment to internal controls was outstanding. Linda's work as well as the Trustees of Trust Funds accomplishments over the past year was specifically commented on by multiple auditors. They finished their onsite pieces and on site questions and answers.

Background Checks

In preparing for appointment of Treasurer, it became apparent that having a more structured background check policy may be helpful. Generally, people are checked prior to being hired or appointed and not thereafter. Frank provided a document from his files of a policy he had started on several years ago. Mr. Hoch has added and fleshed out a bit. It's shared for the Board's review and comments. Mr. Hoch is still in the comment and review stage – it has been circulated to some staff for comments (which was also a good learning tool for using the comment feature in Google Docs). Once the general structure is in place, Jason does want to review it with Counsel as well since it includes collection of personal financial data. The policy identifies key positions, mainly people that are handling money, dealing with children, sensitive information, and operating motor vehicles and for some of these positions we would want to do criminal, financial and motor vehicle checks or some blend of those at regular intervals. Mr. Hoch has put together a table that shows the positions and the potential interval for checks. Mr. Hoch asked the Board to take a look at this and mark up any comments they may have, so we can move this forward.

Old Business

Incompatible Offices

Mr. Hoch stated that at the last Selectmen's meeting there was a conversation about dealing with incompatible offices and a question as to what authority existed and what was feasible for the Board to consider as a policy and what may be allowed or not allowed. Mr. Hoch passed this along to counsel who pointed Mr. Hoch to a completely relevant section of RSA's that was far away from the incompatibility of office section of RSA's. The notable RSA is 31:29-a, which specifically authorizes the legislative body of a town to establish incompatibility of office requirements stricter than those

specified by state law. If there was an interest in proposing any other compatibility of office it would have to go to town meeting in a future year. Mr. Hoch provided an example from 1963 that town meeting voted on that you couldn't be a Police Officer and a Selectman.

There is a letter in the signature file for support of The Historical Society's application for Moose Plate grant for restoring old Grange Hall curtain. (the same application as submitted last year). As the Board of Selectmen did last year, they need to certify that the curtain will remain a public resource and if it is ever sold that the Moose plate grants would be returned to the State.

We received our franchise fee from Comcast for last quarter of 2011 for \$30,974.00. Also received \$60,000 capital grant from Comcast that goes to separate Cable Committee equipment fund. That check represents the last of the 5% franchise fee that changed January 1 for cable subscribers. Comcast pays us a quarter in arrears.

Pennichuck has filed an abatement application for 2011 taxes. This was forwarded to Gary at Avitar. Mr. Hoch met with all parties and counsel on Monday the 27th of February. The next stage coming here is that there is an interest in combining the 2010 and 2011 abatements into one package for resolution. Selectman G. Lambert asked Mr. Hoch how much money are we talking about in terms of taxation to Pennichuck. Mr. Hoch stated that in round numbers we have them on the books for around 9 million dollars; they would like a number closer to 5 million dollars. Mr. Lambert asked how the taxation is being done in other communities being served by Pennichuck in terms of valuation of the water system; are they charging by the linear feet, are they charging by the size of the pipes. Mr., Hoch stated that the way that Avitar's methodology is built is to take all of the assets so that the pipes, storage systems and pumps are assigned an original value and then an industry standard set formula is applied to adjust it up to a replacement cost value and then you apply a depreciation to it, so the end result that is being used is a depreciated replacement value for all the parts of the system.

In the paper work for review Mr. Hoch stated that the Board will see the confirmation for the last segment of our reimbursement from FEMA for the October storm. We received a reimbursement of \$12,887.93 for snow removal and \$31,088.06 for debris removal and shelter operation. Received notice on Friday of last segment to be reimbursed in the amount of \$15,182.87. We have no more outstanding paper work with them.

Recreation Commission re New Fields

Mr. Keith Buxton member of the Recreation Commission is requesting release of impact fees that are available for the field project in the amount of \$7,100. In addition to that they also have the Sawmill Brook recreation account, which they haven't done anything with at this point, and would like to request those funds in the amount of \$19,470.12. Mr. Buxton would like to take down that balance to zero and close that account. Both of those would be put to the same purpose of completing the field project in the first phase. Mr. Perry stated that the amount that the Board originally approved for impact fees was the amount as of that date. Mr. Buxton stated that the last time he came in, the available impact fees at the time were not enough to cover what we knew what the cost of the field project would be. We are hoping to get approved the release of those funds plus the additional impact fees up to the amount of the cost of

the project. The final motion that was made was to approve the amount available at that time, so we encumbered that amount and we still have some of that available but we will probably need the additional amount that has come in which is the \$7,100. Mr. Perry asked Keith what he has received for a bill from Continental. Keith stated that as agreed, it was \$240,000.00 and the Commission made a partial payment to this point of \$200,000.00 and they will be making the remaining payment this coming week. Mr. Perry asked what they have available from the earlier impact fee encumbrance. Keith stated they had approximately \$19,000.00. Mr. Perry asked if they were seeking the balance to pay the balance out. Mr. Buxton said they had \$19,027 left of encumbered funds as of today. The additional \$7,100 would put them at \$26,000 and then they have the Sawmill Brook money that they are requesting. Mr. Buxton stated that it is also a good point to acknowledge Litchfield Youth Soccer; they have, up to this point, contributed approximately \$25,000.00 to the project along with some volunteer time that they have come out to help out. They had some money set aside specifically for this type of project so when they heard the Rec Commission was doing this project they came forward. They would like to do a direct payment by paying a bill for the Commission. Mr. Hoch stated that we still need to acknowledge that through an official acceptance process. Mr. Perry asked how much we have left and how much we have in cost that the Rec Commission anticipates left over. Mr. Buxton stated all of the bills are paid except for the \$40,000 for Continental and the fencing; those are the last two costs aside from some miscellaneous things which we are looking at trying to get some donations for (flag pole, signage) but for the major cost all we have is fencing, which depending on what we have done and what we do through volunteer work would range anywhere from \$6,000 to \$12,000 for that. Roughly we have about \$50,000 left in costs at this point. Mr. Perry stated that you already used the money from the trees and everything else as well. Mr. Buxton stated that the initial payment that they made to Continental was the majority of the tree money; he believes there is \$1,300 left. Mr. Perry threw out an idea that they talked about last year; only because the fence is such an important issue with this from the start; we had another parcel that we considered last year of having the logger take care of and cut like we did in back of Town Hall; we talked about doing that on Talent Road. Is it worth it to contact the logger and maybe get an estimate of what we might get from that land? Mr. Hoch stated that if he recalls the conversation on that last year at the time the decision was to not do it to save whatever revenue may come from that harvest to apply to some future project that may happen on that site rather than take the money offsite. Mr. Perry stated that he agrees but in seeing that we have used the money and the project isn't complete, maybe it is a good use. Mr. Brunelle asked Mr. Buxton if they have an exact accounting of the project that he can share with our office. Mr. Buxton stated that he does but he does not have it with him; he has all the impact fee payments and all the payments they made to this point but there is some additional detail on what they have spent. Mr. Brunelle asked when they made the motion; he know this project has been four different motions, for engineering, etc. Did we ever put a dollar amount on top of it? Mr. Perry said the only thing we did for construction was encumber the impact fees as of that day that were available. Mr. Hoch stated that what happened in August 2011, was the request from the Commission at that time was available impact fees up to \$295,000 and the original part of the conversation that the Board had was that to approve the whole project phase I and II and they would provide a way to capture any impact fees that come in toward that project. However, then we got specific numbers and by the time the actual motion came out, it was for the exact amount that was available in the account as of that day. Selectman Brunelle asked what the final bottom line as it is right now, and how much have we expended so far? Mr. Buxton stated that approximately \$245,000 but we still have the \$40,000

additional that we will be making that payment. Mr. Perry asked Keith if that includes the money for the fencing, the wooden fence that has been put around the field and things like that as well. Keith stated that they didn't purchase that. Mr. Buxton stated that the total encumbered money was \$264,046.28 (impact fees), plus the tree money was \$34,000. Mr. Brunelle asked Keith what the bottom line estimate they need to complete the project. Keith stated they need \$50,000.00, which we already have the \$19,000 of that encumbered and part of that is being directly paid by the Soccer Commission. Selectman B. Lemire motion that the Board of Selectmen approve the request to transfer the impact fees of \$7,100.07 and also approve the release of the available funds from the Sawmill Brook recreation account for \$19,470.12 to the Recreation Commission to offset the cost of the new ball field project. Selectman G. Lambert seconded the motion. Mr. Perry asked for clarification, do we have enough money for project complete or do we still need some additional funding? Keith stated that this will give us more than we need to make our payment to Continental. The only significant additional cost would be the fencing. The motion carried 4-0-0.

Mr. Buxton gave the Board a status of what is complete; the construction is complete, all the site work and the fields are in place, the irrigation system is in, we have a working irrigation system and electricity, the fields have not been seeded because we were getting frost by the time we got to that point, Continental said they may come in and do some clean up in the spring if they need to but aside from that, they are completely finished with their part. It is just a matter of getting it seeded and getting a finished grading after the winter and then some fencing.

Administrator Report

Mr. Hoch stated that hard copies of the Town report came in today and pointed out they cost \$7.00 a copy to produce. The public can go online anytime to see this report and we also have some disks, which are probably running us .10 cents to produce.

This afternoon the Town received a donation of a 3D diorama painting done by resident Charlotte Katie Hayes which was donated by Tom and Susan Levesque. It is at the moment out in the hallway. It is a maple sugaring image.

Selectmen Committee and Community Reports

Selectman G. Lambert mentioned that two weeks ago the Board of Selectmen had expressed a concern over the taxation of utility poles. In an attempt to make sure that we wouldn't be hit with any negative consequences no matter what happened, he worked with Mr. Hoch and submitted an amendment that made sure that if they actually did pass the bill there would be no impact to the gross revenue collected this year; that passed, but the bill was defeated, so at no time was Litchfield at risk for losing money that they had planned on receiving this year.

Items moved from consent

No items moved

Other Business

Fire Chief Recruitment

Administrator Hoch stated that there was a note in the folder. The Board has narrowed a selection of candidates. The next step will be developing a contract, once a decision is made. He would like to get the processes moving. A draft contract is in the folder for review. Mr. Hoch stated that he wants to make that he understands the Board's key issues, then he can finalize the language and review with counsel so we are ready to review with the candidate when the Board makes a selection. Selectman Perry asked if there was a desire to finish that contract now. Mr. Perry stated that he had a couple of questions. The only thing that he has asked and discussed with Jason is that we draw this up in two ways; one for a one year and one for a three year contract. Mr. Hoch stated that he had thought about that and the way he wrote it right now is with a one year term to be automatically renewed for a consecutive one year period, unless either party notifies within 60 days. This approach covers us with the one year or the three year right now. Mr. Perry also stated that he sees that they are going to the step scale for the wage, which he believes is a good idea. The only thing Mr. Perry had a problem with was the end line on the hours because we requested 24 hours as the maximum and further the employee may not exceed 32 hours in any one week. Mr. Perry believes that the wording needs to be changed. Mr. Perry would like to see that read cannot bill for more than 32, the average needs to be 24, something to that effect. Mr. Hoch stated that the language above it talks about 24 hours and it says "we understand that circumstances may cause the employee to exceed 24 hours and average hours calculated on a quarterly basis should not exceed 24" which keeps us at the target. The additional language and comments that go with this, is in the event that we hire somebody that is a retiree participating in the New Hampshire Retirement System, there is a stringent requirement of New Hampshire Retirement that if you are collecting retirement, you cannot be paid for more than 32 hours in a given week, and so that boundary is there to make it very clear that we are not exceeding that, it is to protect the employee and the Town as well. Mr. Hoch stated that in the unusual situation where that happens we would probably be looking at some sort of comp time agreement and it would definitely be the exception. Selectman Perry also commented on the uniform allowance, we pay for all the uniforms, does that sentence really need to be in there? All the members of the Fire Department receive uniforms, why does it need to be spelled out. Selectman B. Lemire stated that it should be spelled out, along with everything it should be in there; you are making an agreement. Mr. Brunelle stated that this uniform allowance is not for the safety gear, this is just uniform. Mr. Perry stated that the other thing that he had was training, which states the employee shall be responsible for training of all members of the Fire Department, should it read more to the likes of "should be responsible for making sure all of his members are trained"? Mr. Lemire stated that the ultimate responsibility is the Chief's. Administrator Hoch said that by adding the word overseeing the training, we satisfy the requirement to make sure the people are trained and there is not confusion that he is actually training them. Mr. Perry also had a question about the vehicle. The Police Chief is allowed to take his vehicle to his residence outside of town. Administrator Hoch stated that this is written so it is provided for the use of the employee and incidental use in the performance of his duties for official town business, for professional growth and development, and other occasions that may be approved by the Board and it is expected that the command vehicle will be left at the station for use by department members designated by the employee during those times the employee does not anticipate routine need for it or for reporting to a scene where the employee will subsequently assume command. From time to time it may be in the best mutual interest of the employee and the employer that the vehicle be retained overnight by the employee such case as the employee will maintain a log of such usage provide the Town Administrator/ Selectmen on a monthly basis. Mr. Lemire stated that he

doesn't think that should be in there. He believes that sentence should be pulled out of there and shall be at the discretion of the Fire Chief. Mr. Lemire stated that he thinks that this is bordering on infringing upon the discretion of department heads. Mr. Lemire stated that if we state that it is expected that this vehicle will be used for Town business only, it will be sufficient, allow the department head the flexibility to determine where that vehicle is going to be left. You don't need that vehicle to run a scene of an incident. Mr. Perry stated that he was making a simple comment that we don't need to be stringent with the way the wording is that this is only the Chief's vehicle. Mr. Lemire stated that his point is that if you just take out the language that states "It is expected to assume command", then he would be happy and believes the rest is fine. Mr. Lemire stated that this should be a policy decision not a contractual decision. Mr. Brunelle asked Mr. Hoch what the Police contract says and Mr. Hoch stated that the Police contract says exactly what this contract says up until the sentence Mr. Lemire does not like and then it ends with "it may be used by the employee at times in his best judgment for other reasons since the employee is on call in the event of an emergency". Administrator Hoch stated that he would strike the sentence that states "it is expected". Mr. Hoch stated that if we are good with the rest he will get the numbers to line up, and run it past counsel and when you make a recommendation on candidate, Mr. Hoch will review it with the candidate and hopefully get all this done fairly quickly.

Public Comment

No Members present

Selectman B. Lemire motioned to adjourn the public portion of the meeting to go into non-public per RSA 91:A:3 II(b) – The Hiring of a Public Employee. Selectman J. Brunelle seconded the motion. Roll call vote: Mr. Brunelle – yes, Mr. Lambert – yes, Mr. Lemire – yes and Mr. Perry – yes.

We will come out of non-public to adjourn. The public portion of the meeting ended at 8:07 pm.

Steven D. Perry, Chairman

John R. Brunelle, V. Chairman

Frank A. Byron

George A. Lambert

Brent T. Lemire