

TOWN OF LITCHFIELD BOARD OF SELECTMEN

September 24, 2012

Selectmen's Meeting

Members Present: John R. Brunelle, Chairman
George Lambert (Vice Chair)
Frank Byron
Brent Lemire
M. Patricia Jewett

Also Present: Jason Hoch, Town Administrator

5:00 p.m. Paperwork review
6:00 p.m. Call to Order

Pledge of Allegiance

Review of Items for Consent:

1. Minutes of September 10, 2012
2. Approval of Accounts Payable Manifests for payment September 24; ratification of Accounts Payable manifest for payment September 18 in an amount of \$9,575.82
3. Approval of Payroll Manifest for payment September 27, ratification of Payroll Manifest paid September 20, 2012 in the amount of \$42,596.56
4. Prospective approval of Accounts Payable manifest for October 2 and Payroll manifest for October 4.
5. Veterans Tax Credit application
6. Solid Waste Facility - use for Tootsie Roll Drive 10/20

Approval of Consent Items

Selectman B. Lemire **motioned** to the Board of Selectmen to approve the items for consent. Selectman P. Jewett **seconded** the motion. The motion carried **4-0-0**.

Request for Items - Other Business

None

Public Hearing - Acceptance of Donated Funds (\$1,725.04)

The Town received an anonymous donation toward the cost of striping Hillcrest Road in the amount of \$1725.04. Mr. Hoch would suggest that the Board conducts its public hearing and at the closing of such hearing accept the donation and appropriate the full amount for that purpose.

Selectman J. Brunelle opened the meeting for public comment. No members of the public had any comment. Public comment is closed. Selectman B. Lemire **motioned** to accept the donation of \$1,725.04, and thanked the anonymous donor for their community spirit.

Selectman P. Jewett **seconded** the motion. Selectman F. Byron **amended the motion** to appropriate that sum \$1,725.04 for use of striping for Hillcrest. Selectman J. Brunelle **seconded** the amendment. The amendment carried **4-0-0**. The main motion carried **4-0-0**. The Board thanked the anonymous donor.

Public Hearing - Snow Removal Ordinance (1971) Fine Amendments

Mr. Hoch stated that as part of their review of fees and fines a request by the Road Agent and recommended by the Police Chief to modify the 1971 Snow Removal Ordinance. There are two of these. One states that for **SNOW REMOVAL**: It shall be unlawful for an operator of a motor vehicle or other vehicle to park said vehicle on a public way in said Litchfield between the hours of 11:00 p.m. and 7:00 a.m. from November 15 through April 15 of each year or any other time during a snow storm or snow removal operation. Vehicles in violation will be towed away at owners expense. Penalty for the violation of such regulations shall be One Hundred Dollars. This changes the fine that was set in 1971 from \$20 to \$100.00. The second one states for **SNOW THROWN INTO STREET**: No person or persons shall by himself or his agent or agents throw, push, or put any snow or ice into or across the right of way of any street, highway or secondary road in Town. For the purpose of the Ordinance, right of way means street and sidewalk. Any person who shall violate the provisions of this ordinance shall, upon conviction, pay a fine of One Hundred Dollars.

Selectman G. Lambert is now present

Selectman J. Brunelle opened the meeting for public comment. No members present. Public comment is closed. Selectman B. Lemire **motioned** to accept the change in fee for the Snow Removal Ordinance. Selectman P. Jewett **seconded** the motion. Selectman G. Lambert motioned to **amend the motion** and remove the Snow Thrown into the Street section of the ordinance. the **amendment fails** due to lack of a second. Selectman G. Lambert would like to note that this ordinance as written states that no person or persons shall by himself or his agent or agents throw, push, or put any snow or ice into or across the right of way of any street, highway or secondary road in Town. For the purpose of the Ordinance, right of way means street and sidewalk. Any person who shall violate the provisions of this ordinance shall, upon conviction, pay a fine of One Hundred Dollars. The **main motion** carried **4-1-0**. Selectman G. Lambert wanted to revise the Town Ordinance on Snow Plowing and Snow Removal and empower all of the Selectmen to be able to write tickets and violations for violations of the Snow Ordinance. Mr. Lambert stated that the Selectmen are responsible for enforcing many ordinances of this community and many have the language that the Selectmen are responsible for enforcement, including our policy against Hawkers and Peddlers, and would like to see similar language in this ordinance. Selectman P. Jewett stated that is why we have a Police Department. Selectman J. Brunelle stated that we have already taken an action on the ordinance. The **motion fails** due to lack of a second.

Public Input:

Kevin Lynch resident of Litchfield, wanted to let the Townspeople know that one of our residents Jacob McQuesten this year as part of his sophomore project made a bench for the land across

from the old Town Hall, he put up a picnic table and bench there. The Board thanked Jacob on behalf of the Town.

Budget Review

Selectman G. Lambert temporarily stepped down from the Board due to the fact that his wife is a Cemetery Trustee

Cemeteries 4195 - Dr. Calawa and Rhonda Lambert

Mr. Hoch stated that they compressed a few lines

Water service at pinecrest - unchanged

General notices for postage - unchanged

Monument repair as needed, Hillcrest - unchanged

General supplies - to cover the cost of printing (updating and producing maps able to be obtained at Town Hall as one copy)

Grounds Keeping - This budget line combines all cemeteries, mowing of three cemeteries one dozen times during the season and the new addition that has been added back into this budget is spring and fall clean ups. In the past we were able to rely on the Prison Community service program. We no longer have this program. Selectman Byron asked why it was going up to \$9,000 rather than the \$3,000. Mr. Hoch stated that the difference is the seasonal clean ups that we now have to budget for. Paying a contractor \$1,000 for each Spring and Fall Clean up for Pinecrest, \$140 for each of the two for Old Church and \$1,000 for each Spring and Fall clean up at Hillcrest. The difference is \$4,280. Dr. Calawa stated that in the spring clean up there is a lot of tree trimming. Selectman Byron asked what Pinecrest Water? Dr. Calawa stated that when George Leary passed away his family put in a water system in memory of him, that water comes through Pennichuck and we have to pay for the use of the water, it is turned on in the spring and shut off in the fall.

Selectman B. Lemire **motioned** that the Board approve the amount of \$9,908 for account *4195 Cemeteries* and send to the Budget Committee. Selectman J. Brunelle **seconded** the motion. The motion carried **4-0-0**.

Selectman G. Lambert has resumed his seat as a member of The Board of Selectmen.

Health - 4411.10 -

The budget reflects a decrease from \$1,686 to \$1,636. Pulled the lines that have been carried for postage and printing out of this budget, they will be covered elsewhere as needed.

Selectmen F. Byron **motioned** to approve and send to the Budget Committee for account *4411.10 Health* the amount of \$1,036. Selectman B. Lemire **seconded** the motion. The motion carried **5-0-0**.

Building Inspector/Code Enforcement 4241.20 -

Bottom Line has an increase of \$252 to a total of a proposed budget of \$73,063.

Phone charge up slightly

Printing - reduced by \$100

Fuel - will be re-adjusted and based 360 gallons annual use

Vehicle Repairs - increase of \$400 (vehicle needs brakes)

Selectman B. Lemire **motioned** to approve and move to the Budget Committee, *Account 4241.20 Code Enforcement* for an amount of \$73,063. Selectman G. Lambert **seconded** the motion. The motion carried **5-0-0**.

Government Building 4194.10 -

Custodian line reflects an increase of one moving through the wage scale based on longevity, a second on shift from 12 hours to 15 hours per week.

Electricity - \$1,150 per month (Town Hall) for a total of \$13,800.

Building Maintenance and Repair - \$4,500

Selectman Byron questioned if this includes the painting of Old Town Hall. Kevin stated no, that the Selectmen back in the day wrote up a lease stating that all maintenance cost associated with that building shall be born by the Historical Society.

Security Cameras - \$3,300 The proposal is to add 5 additional cameras at areas around the Town Hall perimeter that are not current under camera view.

Selectman F. Byron **motioned** to drop the budget line from \$3,295 to \$1,000. Selectman G. Lambert **seconded** the motion. The motion carried **3-2-0**. The intent was to provide for adding 2 cameras.

Selectman F. Byron had questions and comments about other issues that could be added to Warrant Articles, Budget, etc.

Selectman Byron stated that he and Kevin have talked about the possibility of rearranging the area out front in Town Hall to try and expand some space. The current notes show requests for concrete replacement, masonry repairs, entry access changes, etc., Mr. Byron stated that if you look at totaling everything up you are looking at around \$8,400. Kevin stated that as far as space issues are concerned the Police and Fire Departments are the two departments that need space. Kevin stated that we do need to do the needed repairs to the building. Selectman Brunelle stated that he believes we need to sit back and figure out what we need for space in general, and address the Public Safety side of our Town and deal with the Fire and Police and figure out how to move that forward. We need to maintain the building and make some small adjustment to improve what we have in the building, but beyond that we need a better plan.

Administrator Hoch stated that in terms of the concrete replacement and the masonry base, we should be able to do that by asking to reallocate the money that the Town has already voted for the roof replacement that will be unspent. The price that is still pending, is the front entry (push button entry). Administrator Hoch stated that the other article that we wanted to introduce was creating some sort of building systems trust fund to set aside for an HVAC unit failure or septic failure.

Selectman B. Lemire **motioned** to move the amount of \$54,241 for account *4194.10 General Government Buildings*. Selectman G. Lambert **seconded** the motion. The motion carried **5-0-0**.

Street Lighting - 4316.30 - \$1,500 reduction, projecting a decrease from \$14,000 to \$12,500

Selectman B. Lemire **motioned** to move account *4316.30 Street Lighting* in the amount of \$12,500 to the Budget Committee. Selectman P. Jewett **seconded** the motion. The motion carried **5-0-0**.

Administrator Report

New Business

Fairpoint Superior Court Filing

Fairpoint has filed an abatement with Superior Court, as expected. There has been a long string of conversations amongst managers and administrators on our mailing list about possibly combining legal efforts on parts of this. The lawsuit is based on 4 counts:

1. Unconstitutionality
2. Violation of Equal Protection –Classification of Taxpayers
3. Ultra Vires Taxation
4. Disproportionality - (appears most towns used the cost approach but used a different pole cost)

The first three counts could be consolidated, the last one is questionable.

The letter was forwarded to J. Hodes. Most have been consolidated into Merrimack District Court.

Selectman G. Lambert **motioned** to the Board of Selectmen to contact Fairpoint and have a discussion with them about a near term negotiation for the contested tax amount and that we authorize a willing selectman to make that phone call so that we can actually collect this tax revenue and encourage them to pay the bill. The **motion failed** due to lack of second.

Fire Department Restructuring

Administrator Hoch stated that he had passed along something the Fire Chief had passed along to him talking about a restructuring and reorganization of the department that he has put in place. There are a lot of pieces to it. The short answer is to create 4 companies and more strategically use the resources in the organization. It was consistent with some of the direction the Board gave him when he was hired. Based on the feedback from the four company officers, it was received well and expected to be positive move toward reuniting the entire department. Here are the comments that I shared with the department prior to presenting a powerpoint presentation on the re-organization. Selectman Byron raised a concern that the Town Administrator was placed into a direct supervisory role between the Fire Chief and the Board of Selectman. Selectman Byron is concerned that this removes the participation and supervision of the Chief and the department from the Board and places it totally into the responsibility of the Town Administrator. Selectman Byron stated that this was more in line with a Town Manager role and was not in keeping with the responsibilities of the board. Selectman Lemire suggested that this was not a significant issue. Based upon that comment, Selectman Byron then suggested that the structure be changed to which Selectman Lemire declined. The Board decided to continue with this organizational structure. Selectman Byron congratulated the Chief on the job he has done.

Fire Detail Rates

while developing the plans for Nightmare New England, it would appear that the Fire Departments fee's for fire personnel and equipment at details are both higher and lower than several surrounding communities. Our rate for personnel is currently \$55 per hour and apparatus is \$10 per hour. While our personnel cost is higher than most, our apparatus cost is lower. In looking at the totality of the upcoming events, I would suggest changes if possible so that we can bring our rates more in line with surrounding fire departments and provide a more fiscally responsible fees to the businesses in Town. I would not suggest anything lower than the \$45 as this would create an issue should we not be able to fulfill a detail and have to utilize outside departments which mostly have rates in the \$45 neighborhood. Selectman Byron asked the Town Administrator if all the outstanding bills had been paid. Administrator Hoch responded that the billing for the penalty fees was still outstanding.

The Chief's suggestion is that the Town bill \$45 per hour with a minimum 2 hours, and ½ hour increments thereafter. FD personnel would receive \$35 per hour with the difference being benefits & administrative fees. Apparatus is currently billed at \$10 which is not even enough to cover the cost of fuel, The Chief is working on a proposal for apparatus but will not have it ready for a period of time. Therefore, for this year we remain at the current rates.

Administrator Hoch stated that this should go to public hearing. Selectman Lamberts questioned that in requiring someone to have a Fire detail, are they allowed to in a free market way go out and hire qualified individuals from any surrounding Fire Department who have qualifications to fulfill that detail requirement, or are they required only to use our Fire personnel and our Police personnel. Administrator Hoch stated that it starts through here, our department would have the jurisdiction on that. Selectman Byron stated that you can adjust the Fire rate but you cannot adjust the Police rate. Selectman J. Brunelle stated that we are going to hold a Public Hearing on this possibly for the next BOS meeting. Selectman G. Lambert **motioned** to the Board of Selectmen having to do with our policies for requiring Police and Fire details, have a public hearing to discuss whether or not the policy as currently adopted by this Board is consistent with the best interest of the Town and the States Constitution, which prohibits the Town from participating in any monopoly that would endeavor to raise prices any article or commerce and to destroy free competition in the trades or industries through combination, conspiracy, monopoly, or any other unfair regulatory means. Selectman F. Byron **seconded** the motion. Selectman G. Lambert stated that he would like the Board of Selectmen hold a Public Hearing on the topic of whether or not we are going to participate in this community under the rule of the NH Constitution, having to do with free and fair open markets in the services that we require our business to purchase. Selectman Lambert amended the motion to include for discussion whether or not the Town should be requiring businesses to actually use only Town provided Police and Fire detail. Selectman J. Brunelle stated that the Town is responsible for providing that safety measure. The **amendment failed** due to lack of a second. Selectman Lambert requested a roll call. Selectman Lambert-Aye, Selectman Lemire-no, Selectman Byron-no, Selectman Jewett- no and Selectman Brunelle - no. The motion failed 1-4-0.

NH Retirement System rate increase effective July 2013.

New rates from NH Retirement effective July 1 next year. There is a significant spike.

The changes in EMPLOYER contributions are as follows:

- Group I from 8.8% to 10.77% (22% increase)
- Police from 19.95% to 25.30% (27% increase)
- Fire from 22.89% to 27.74% (21% increase)

Rough estimate of impact to next year's budget is around \$30,000. Jason stated that he does not have all new pay rates loaded through budgets yet to do actuals -- that will come at Personnel Admin budget review time, so this estimate is based on last year's planned budget numbers..

Tax Map Update

Mr Hoch has received a proposal from NRPC for tax map updating. Their price is outstanding - they have most of the base data they need and have noted that the alignment between parcel data and assessing data is good. (This is often a problem when going to a full GIS base and hanging property data onto parcels from the assessing system.) They already have relatively updated parcels (based on registry filings) and somewhere along the line received map annotation (the parcel dimensions, etc.) that aren't internally calculated by the GIS.

Jason stated that he thinks this makes sense to do. At the moment, though, he hasn't had a chance to sort through where the money can best be allocated from and will try to have a recommendation on that front in the coming weeks.

Old Business

Town Seal Policy

Selectman Brunelle stated that this policy was presented at the last meeting and reviewed. Selectman B. Lemire **motioned** to approve the Town Seal Policy. Selectman F. Byron **seconded** the motion. Selectman Lambert had a concern that if we pass this policy, then people who want to go out and make a Litchfield mug etc, that has the Town Seal on it are no longer entitled to do so. Selectman J. Brunelle and B. Lemire stated that all the people have to do is come to the Board and ask. The motion carried **4-1-0**.

NH The Beautiful Skid Steer Grant

Based on the Boards conversation with Dave Mellon on Saturday reviewing his budget, one of the things that were talked about was replacement skid steer, and an application to NH Beautiful for a grant of up to \$5,000 to offset part of that cost. that application needs to be signed by the Board. Selectman F. Byron **motioned** that the Board of Selectmen hereby authorizes the submission of an application to the NH The Beautiful for a grant for a skid steer. Selectman B. Lemire **seconded** the motion. The motion carried **4-1-0**.

Administrator Hoch stated that he has a note from Avitar that some of the data verification work that is scheduled for 2013, will probably start later this year.

The repairs made by the Town to the bike path adjacent to the School property are complete.

Jason stated that he got a postcard from LGC that they are having their rate setting hearings for property liability and trust and health trust on September 27, 2012 at 10:am. You can go to the Lincoln Town Hall or at the LGC in Concord at 6:00 pm.

Jason stated that we will be putting up some flyers at the request of the cable committee who are looking for people who are interested in being operators. The pool of operators is running small, with some of the people going to college. If interested people can contact the Cable Committee.

Selectmen's Report

Selectman P. Jewett would like to invite everyone Meet and Greet your Candidates Night with questions and answers, on Thursday October 18th at Campbell High School starting at 7:00 pm. Light refreshments will be served.

Selectman F. Byron stated that he attended the NHMA session, where they voted on the priorities of the NH Municipal Association in terms of the legislature coming up. Frank stated that he gave Jason all his notes on it, and Jason has incorporated those under NHMA Policy Conference.

Selectman J. Brunelle stated that tomorrow night is the Recreation Commission Meeting, 7:00 at Town Hall and the Budget Committee is meeting Thursday at 7:00 at the School. The Town will also be starting their formal budget hearing that night.

Selectman P. Jewett wanted to say congratulations to the Fire Department on their open house. They had a very good turnout.

Items moved from consent

No items moved

Other Business

No Items for other business

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

The meeting adjourned at 8:30 pm

The next Board of Selectmen's meeting will be on October 8, 2012.

Approved October 15, 2012.