

TOWN OF LITCHFIELD BOARD OF SELECTMEN

December 10, 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. Approval of Accounts Payable for December 4 & 11
2. Approval of Payroll for December 6 and December 13
3. Minutes of November 22, 2012
4. Personnel Plan amended with changes from 11/26

Approval of Consent Items

Selectman B. Lemire **motioned** to the Board of Selectmen to approve the items for consent. Selectman G. Lambert **seconded** the motion. The motion carried **5-0-0**.

Request for Items - Other Business

Selectman Brunelle wanted to remind the Board that they will be meeting next Monday, the 17th of December at 6:00 pm. Selectman B. Lemire mentioned that he would have to be excused from that meeting due to a prior commitment.

Public Input

No members of the public wished to speak.

Road Agent re Albuquerque Ave repaving alternatives

Jack Pinciario, Road Agent came in front of the Board to discuss the possibility of widening the Road and having a by passing lane in front of Campbell High School as part of the repaving of Albuquerque. Jack mentioned that this was a question brought up by a member of the Board of Selectmen. When the School was built this was taken out of the budget because of the cost. Jack handed out copies of what will happen and how it will look and stated that it can be part of the project if the Board decides. Jack stated that we have 2,230' and about 5 saw cuts that they need to make. The total cost is somewhere in the vicinity of \$133,000 to \$140,000 for the whole

project without the widening. If the board decides to do this, the estimate from the engineer is roughly around an additional \$15,000. This will give a 13' passing lane there, where now it is about 60' wide today. Mr. Byron asked what it will be if Jack does this; Jack stated the turn will be about 12'. There will be two lanes of 13' north and south and then there will be one 12' lane on a passing lane which merges off Nightengale. Down at the turn it goes to 12' and then its starts to come out again before you get to the exit of Nightingale. Jack stated that the cost is roughly around \$15,000. Jack stated he would like to get the bid out sometime in January and schedule the work for some time after school closes. Selectman Lemire asked if there had been a request from the School District. Jack stated that this was brought up by a member of the Board of Selectmen. Mr. Lemire asked how much of a problem exists when school is in session. Jack mentioned that the only time there seems to be a problem is early in the morning when the students are arriving at school. Mr. Byron stated that traffic does back up there in the mornings, not excessive, but it does back up. Mr. Lemire asked if the lane would be delineated or just be an outgrowth of the pavement. Jack stated that it would be marked as a left turn lane. Mr. Brunelle asked that if we were to go forward with this what would the \$15,000 impact on Jack's budget. Jack stated that it would bring the project price up to around \$145,000 - \$150,000. Selectman Byron asked Jack where he was going to get the extra footage. Mr. Byron mentioned that Jack had talked about the island between Nightingale and how much you would have to go over; what is going to happen if you build this. Jack mentioned that if you look at the group of trees that is there, it really won't impact much of that, if anything it will only impact some of the scrub brush. Jack stated that he talked with the engineer and stated that he did not want to impact that growth that grows between the two. Jack also mentioned that PSNH came in and cleared a lot of that land, so a lot has already been cut down. Mrs. Jewett wanted to know what the disadvantages were other than the money. Mrs. Jewett stated that she is thinking about the people on Nightingale and how this will affect them regarding the noise. Jack stated that it will be less noisier because there will be no back up at that intersection; the traffic will be moving along. Mrs. Jewett mentioned she thinks it would be a good idea for the Road Agent to talk to the residents on Nightingale. Mr. Byron asked Jason what the status was in terms of money for this project. Jason stated that we are anticipating about \$170,000 for block grant, so we have enough to cover the project. Mr. Lambert wanted to know if we didn't do this project now and decided that we wanted to go out and do this later, would it cost the same or would it cost more. Jack stated that it would be more of a cost. Selectman B. Lemire **motioned** that the Board of Selectmen authorize the Road Agent to explore/proceed with adding the turning lane on Albuquerque at Campbell High School during the construction process next year. Selectman J. Brunelle **seconded** the motion. The motion carried **5-0-0**.

Administrator Report

New Business

Warrant Articles

#15. To see if the Town will vote to raise and appropriate the sum of \$20,000 for repainting of the Old Town Hall. This price includes legally required abatement of lead paint.

Jason mentioned that this warrant article comes from a request of the Historical Society. Jason stated that we had scheduled the painting last year with the prison work program, but on our scheduled week it rained and then we were put on the schedule for this year, but the program was discontinued. Steve Calawa, on behalf of the Historical Society, came in front of the Board to state that the Old Town Hall is in need of paint. Mr. Byron asked Mr. Calawa if we had painted this building before. Steve stated that the Historical Society painted it, and used prisoners. What was done at that point was a traditional scraping of the building where the paint was loose. The Historical Society rented equipment, purchased the paint and the Town paid for the feeding of the prisoners. Mr. Calawa stated that this has not been painted for at least ten years. Jason stated that Kevin got some informal numbers for painting the Old Town Hall to get a ballpark figure of what the numbers might be. Mr. Brunelle mentioned that if the building is in such disarray or in the condition that it needs to be taken care of and does go to warrant and gets turned down; this means nothing happens to this building and it stays the way it is. The Board agreed that the building looks horrible and is in need of repair and also agreed that this should go to warrant article for the people to vote. Mr. Lambert mentioned that if the warrant article failed, we can't spend any town money to do it. Mr. Lambert also mentioned that this does not mean that if a group of people in the Town wanted to raise money for this they couldn't. Jason stated that we just can not use the Town's money. Mr. Brunelle stated that it sounds like the Board is going to move forward with the warrant article but would like Kevin to validate the numbers. Mr. Calawa stated that the Historical Society would be willing to help the Town to the extent that they can. Steve also stated that they could put in a couple of thousand dollars, because they were planning on it anyway. Frank mentioned to Steve that his only advice is, if that is what the Historical Society is going to do, then it needs to be worded in the warrant article so that the people understand that some money (\$3,000) is coming from the Historical Society.

#2 To see if the Town will vote to establish an Assessing Revaluation Expendable Trust Fund pursuant to RSA 31:19-a.

After discussion and questions amongst the Board members and the Town Administrator, it was decided to re-write this warrant article and bring it back to the Board so that the voters understand what is actually being done.

#3 To see if the Town will vote to establish a Building Systems Expendable Trust Fund pursuant to RSA 31:19-a. Furthermore, to raise and appropriate the sum of \$20,000 for transfer into this fund from the unexpended fund balance as of December 31, 2012 and to appoint the Board of Selectmen as agents to expend from the fund. This Fund can be used for payment of the costs associated with unanticipated system failures of key building systems such as septic and heating and ventilation that require immediate action and cannot be deferred until a Town Meeting can be held. This would have a net cost to 2013 general taxation of \$0.

Jason explained to the Board the purpose of this warrant article is for unanticipated key system failures. The Board further discussed this proposed article and decided to get some clarification from Counsel.

#4 To see if the Town will vote to require that the annual budget and all special warrant articles having a tax impact shall include a notation stating the estimated tax impact of the article pursuant to RSA 32:5, V-b. The determination of whether an article has a tax impact and the estimated amount of the impact is to be made by the Governing Body.
The Board wanted to make clear, so the public understands that the Governing Body (Board of Selectmen) is required by state law to be the body that calculates the tax impact.

#5 To see if the Town will vote to raise and appropriate the sum of \$12,500 for the purpose of development of engineering and design plans for a sidewalk on Pinecrest Road to connect the bike path on Albuquerque with Litchfield Middle School so that a construction cost can be brought forward to 2014 Annual Meeting.

Members of the Board discussed their opinions and views regarding this topic and decided to look into the actual cost of the project, have Jason reword the context.

#7 To see if the Town will vote to raise and appropriate the sum of \$10,000 for the purpose of replacing the concrete at the entrance to the Town Hall/Police Station building and repairs to damaged siding on entrance columns to the building. And to fund this appropriation by authorizing the use of unexpended fund balance. This appropriation represents a portion of the funds () returned to the fund balance that were unexpected for roof repair authorized at the 2012 Annual meeting. This would have a net cost to 2013 general taxation of \$0.

Jason stated that he didn't have the final numbers back yet for the roof cost. Selectman Byron suggested a wording change. Jason will send to DRA.

#8 To see if the Town will vote to establish a Library Benefits Expendable Trust Fund pursuant to RSA 31:19-a. Furthermore, to raise and appropriate the sum of \$8,161 for transfer into this fund from the unexpended fund balance as of December 31, 2012 and to appoint the Library Board of Trustees as agents to expend from this fund. This Fund can be used for payment of health and/or dental insurance premiums should an employee of the library need to enroll unexpectedly during any given year. This would have a net cost to 2013 general taxation of \$0.

Request from Library.

#9 To see if the Town will vote to raise and appropriate the sum of \$70,000 for the replacement of two defibrillator/monitors used on Fire Department trucks.

#10 To see if the Town will vote to raise and appropriate the sum of \$10,000 for the purpose of undertaking a planning and engineering study to determine possible designs for a wastewater (sewer) system in order to encourage further commercial and industrial growth. It is the intention of the Board of Selectmen to use these funds with an additional \$16,500 previously set aside for economic development purposes to undertake such a study to develop detailed analysis of options and associated costs of those options.

The Board discussed the article and potential planning for future industrial growth.

#11 To see if the Town will vote to increase the at-large membership of the Budget Committee from six members, as approved by the Town in 1969, to seven members.

F. Byron explained to the Board that one of the reasons for this is to have an odd number of members so you don't end up with a tied vote. The BOS asked Mr. Hoch to contact Mr. Harte to get his opinion on adding another board member.

#12 To see if the Town will authorize the Selectmen to establish or amend fees for Solid Waste Disposal per the authority of RSA 41:9-a. The Solid Waste Facility Ordinances approved in 1989 and 1993 by the Town refer to rates for disposal of certain items but do not clearly authorize the Selectmen to adjust those fees as needed. Prior to the establishment or amendment of any such fees, the Selectmen shall hold a public hearing per the requirements of RSA 41:9-a IV.

This is a cleanup article that came out of the fee review with counsel earlier this year.

#13 Shall we adopt the provisions of RSA 32:5-b, and implement a tax cap whereby the Budget Committee shall not submit a recommended budget that increases the amount to be raised by local taxes, based on the prior fiscal year's actual amount of local taxes raised, by more than 3%?

Members of the Board had discussion about this new RSA and Mr. Byron mentioned that what he would suggest would be to craft this warrant article to say "do you want the BOS to study this for a year and bring back a recommendation". Mr. Byron also stated there are a lot of issues and questions on this article. This article will be re-structured as a study warrant.

#14 Shall we adopt the provisions of RSA 41:14-a which grants the Selectmen the authority to acquire or sell land, buildings, or both; provided, however, they first submit any such proposed acquisition or sale to the Planning Board and to the Conservation Commission for review and recommendation by those bodies. After the Selectmen receive the recommendation of the Planning Board and the Conservation Commission, they shall hold 2 public hearings at least 10 but not more than 14 days apart on the proposed acquisition or sale; provided, however, upon the written petition of 50 registered voters presented to the selectmen, prior to the selectmen's vote, according to the provisions of RSA 39:3, the proposed acquisition or sale shall be inserted as an article in the warrant for the town meeting. This authority shall not apply to the sale of Town-owned conservation land which is managed and controlled by the Conservation Commission under the provisions of RSA 36-A, any part of a town forest established under RSA 31:110 and managed under RSA 31:112 or any real estate that has been given, devised, or bequeathed to the town for charitable or community purposes.

Mr. Lemire thought it would be important to explain this to the voters. It was noted that no specific Town own property was identified for purchase or sale at this time.

#16 To see if the Town will vote to establish an Ambulance Revolving Fund pursuant to RSA 31:95-h. The money received from ambulance bills and allocated through the operating budget for the cost of anticipated uncollectible bills shall be allowed to accumulate from year to year, and shall not be considered to be part of the general fund

unreserved fund balance. The Treasurer shall have custody of all monies in the fund and shall pay out the same only upon order of the Board of Selectmen (no further legislative body approval required). These funds may be expended only for ambulance services.

Jason will discuss this with DRA

#17 To see if the Town will vote to raise and appropriate the sum of \$18,242 to support the requests of Human Services agencies in the following amounts requested by the agencies:

Big Brothers/Big Sisters of Greater Nashua & Greater Salem	\$500
Home Health & Hospice Care	
\$10,000	
St. Joseph's Community Services	\$1,575
Bridges Domestic & Sexual Violence Support	\$200
Greater Nashua Mental Health Center at Community Council	\$4,667
Lamprey Health Care	\$800
American Red Cross of NH	\$500

#18 To see if the Town will vote to raise and appropriate the sum of \$24,655 to hire a Teen/Technical Services Librarian effective April 1, 2013. The cost of the period for April 1 through December 31, 2013 will be \$24,655 of which \$18,533 represents wages and \$6,122 represents benefits. The annual cost of this position will be \$32,789 of which \$24,627 represents wages and \$8,162 represents benefits. This position will plan, manage and provide services and programs to tweens and teens, as well as procure and catalog new library materials.

Request of library. Budget Committee had removed this amount of money from library appropriation.

Advisory Warrant Articles

1. To see if the Town would like to revert to the traditional town meeting for continue conducting its annual meeting using the official ballot method (SB2). If this article does not pass, the Board of Selectmen would propose an article in 2014 rescinding the official ballot form of voting on all questions, but only for election of officers and certain other questions for which the official ballot is required by state law. This article is advisory. It was requested from Board Members to get feedback on going back to a traditional town meeting.

2 To see if the Town would like to hold the first session of Town Meeting (Deliberative Session) on the same day with the Litchfield School District. This approach was used in 2012. This article is advisory.

Recommended to Remove

A) To see if the Town will vote to raise and appropriate \$587 (which represents the difference to increase the stipend of the Road Agent....)

Road Agent requested that since next year is an election year the Board defer any action on the stipend. The Board decided to accept the wishes of the Road Agent.

Year end funds & Encumbrances

Jason stated that he will have a couple of re-encumbrances that will be carried over, so funds that have already been set aside that are still remaining;; \$10,000 for impact fee update. Jason also mentioned the roof repair (from the Highway Department) can go away. Air conditioning at the Fire Department; we have \$1,500 carried over and the Library \$6,000 for computers. These are just carry overs.

Jason noted earlier that prior year encumbrances that he expects that will not be used dropping back to the general fund balance and he expects that amount to be between \$18,000 and \$20,000.

Jason stated that they had talked about the Assessing approach and carrying it over so they are needing to encumber \$42,000; Jason stated that he planned on this happening already when he ran the rest of his numbers, so the Board does not need to count it when they look at totals.

Jason stated that at year end he is expecting around \$200,000 unspent. Jason stated that he would recommend retaining, after netting out new encumbrances, somewhere between \$80,000 to \$100,000. This gives money that goes back to the fund balance and gives us a cushion that if any of our projections or unexpected things went wrong and to make sure you have those funds available to recycle the following year (This was also done last year). Jason stated that he had a couple of things that were loose ends; \$1,000 tree removal from the Highway Department, \$1,000 of gravel purchase that did not happen, the skid steer for solid waste, when starting the process though it was going to be a \$5,000 grant from New Hampshire Beautiful and we have been notified that we will be eligible for \$2,500. Jason mentioned that he put the additional \$2,500 as an encumbrance. Jason stated that the next set of items were pulled from proposed 2013 budget including: copier for the Police Department (one time purchase) which was in the operating budget for \$8,000, an ideal use of this because it is non-recurring so it can be removed, the Board had already committed \$13,500 for finishing the impact fee update, Jason pulled \$1,000 for camera expansion out of the Government Buildings Budget. Jason mentioned that the Road Agent had significant savings with less winter and we had previously talked about setting aside some of the equivalent of one of the road repairs out of his unspent funds for \$38,000; Emergency Management, Jason pulled what would have been \$1,000 in the budget and did increase the number and got a slightly better number for what it is going to cost for an exercise of about \$2,500; Jason is suggesting that we pull one of the protective gear sets out from the Fire Department's gear replacement program; the police in car camera system software about \$2,000; the storage expansion from the IT budget, data switch from the IT budget; some of the additions that Jason had put in a couple of departments for records management added a couple of thousand for office supplies, he had added a little for police and is suggesting that he can pull all those out and flat line those budgets and put the extra here; the air conditioner at the fire department was underestimated last year at \$1,500, which cannot be done at this price, it is going to be about \$3,500. Jason mentioned that he didn't allocate all of what would be in his target range yet, there is still potentially more to come out from there.

Selectman F. Byron **motioned** to have the Administrator sharpen his pencil and leverage as much of the end of the year funds to remove more from the 2013 budget. Selectman P. Jewett **seconded** the motion. The motion carried **5-0-0**.

Jason mentioned that he had notes for project items. Sewer service study has been talked about already; Gas station improvement, contemplating how we can improve the gas facility at the Highway Department (we actually could store more fuel on that site); the next idea is the Public Safety Building, after discussion amongst the Board members, it was decided that there needs to be more research on this and the plans need to be re-visited. The phone system replacement; this was something that was talked about in the IT budget and talked about moving to a warrant article, Jason stated that the logic here is that at the end of the summer we had a FEMA reimbursement for \$48,000 that had come from prior year reimbursement; at the time we held it without taking any action to appropriate it and Jason had been suggesting that it would be ideal for replacing our Financial software. Jason noted that looking where we are across the whole budget, he is suggesting in terms of a priority item, the phone system is much more of a priority item than the convenience of new software. Jason stated that he is recommending taking \$43,000 of that \$48,000 and apply it to the phone system, which would leave about \$5,000 for upgrading the financial software. Selectman F. Byron stated that he wanted to get some justification for the phone system.

Budget Review - Budget Revisions - It was decided by the members of the Board to defer this for now.

Default Budget

Mr. Brunelle stated that on the agenda tonight was to review and approve the default budget. Frank and himself reviewed it and there were questions, they met with Jason and had some questions.

Selectman F. Byron **motioned** that the Board of Selectmen seeks Town Counsel opinion on use of adjustments to the prior budget for the purposes of overtime calculation of the default. Selectman G. Lambert **seconded** the motion. Selectman J. Brunelle **amended the motion** to get legal opinion on the whole default budget. Selectman G. Lambert **seconded** the amendment. Administrator Hoch mentioned that there were things he would like to add to legal opinion, there are at least two items in this budget that are accounting changes; moving to gross appropriations, the way we are doing ambulance billing and school fuel. Jason would like to get these validated. The amendment carried **5-0-0**. Selectman G. Lambert made an **amendment** so that once the Board receives this legal opinion from our attorneys, we share it with the public because the public has an interest in this particular information and this is an important topic that he doesn't want to see sitting on Jason's desk and not available so that we can answer these questions and back it up with legal opinions. Mr. Lambert would like the results of the legal opinion made public. Selectman P. Jewett **seconded** the motion. After further discussion from the Board, the motion failed **1-4-0**. The amended main motion carried **5-0-0**.

Selectman G. Lambert **motioned** that the BOS has a clear understanding that their intention in the future is to release this document unless there is a piece of information in it which would bar them under RSA 91:A from releasing it. Selectman J. Brunelle **seconded** the motion. The

motion carried **5-0-0**.

Old Business

Status of televising other boards and committee meetings

Mr. Hoch stated that there was no change. Selectman J. Brunelle stated that all the official meeting minutes are in the Clerk's Office.

Selectman F. Byron **motioned** to the Board of Selectmen to direct the Town Administrator to take an inventory of the meeting minutes for all Town Governmental Organizations that exist in paper form from January 1, 2012 till present. Selectman J. Brunelle **seconded** the motion. Selectman G. Lambert **amended the motion** that says after we get past the end of the year, and figuring out what our other year end expenses are, to direct the Town Administrator to take an inventory of the meeting minutes for all Town Governmental Organizations that exist in paper form from January 1, 2012 till present. Selectman B. Lemire **seconded** the amendment. The amendment carried **4-0-1**. The amended main motion carried **4-0-1**.

Bank controls review

The Auditors had no issues with the authorizations as established. Letter from Auditors in the communications folder. Selectman J. Brunelle mentioned that he spoke with the Treasurer and she stated that everything was excellent and that there were no open issues.

Fair Share Housing report

Mr. Hoch stated that he passed along the report that Frank and himself had been working on in October on the analysis of Workforce Housing, needs, deficits, surpluses and sent off to counsel at the end of October. The analysis we ran was that we are supplying our fair share of workforce housing at the moment. The legal opinion is that we are good. Selectman B. Lemire **motioned** to accept the opinion of Town Counsel relative to our fair share housing compliance. Selectman P. Jewett **seconded** the motion. The motion carried **5-0-0**.

Selectmen's Report

Selectman G. Lambert reported that he has gone to the Budget Committee a couple of times and they have gone through the School budget for special ed and the elementary school. The Budget Committee is meeting again on Tuesday and Thursday.

Selectman P. Jewett reported that she went to the Conservation Committee meeting. Pat also stated that this week they will be mailing the boxes to our servicemen, she has 19 names, some will be home for the holiday and there are 4 that are in Afghanistan or Spain. The 4th grade class at GMS had written letters and pictures which will be included.

Selectman Byron reported that there is a Planning Board meeting on the 18th of December there will be a public hearing at that meeting to discuss Multifamily Housing.

Items moved from consent

None

Other Business

No other Business

Selectman B. Lemire **motioned** to adjourn. Selectman P. Jewett **seconded** the motion. The motion carried **5-0-0**.

The meeting adjourned at 9:15 pm

The next Board of Selectmen's meeting will be on Monday, December 17, 2012, 6:00 at Town Hall and they will also be meeting on the 27th of December at 4:30 pm at Town Hall.

Approved January 7, 2013