

TOWN OF LITCHFIELD BOARD OF SELECTMEN

January 28, 2013

Selectmen's Meeting

Members Present: George Lambert, Vice Chairman
Frank Byron
Brent Lemire
M. Patricia Jewett

Absent: John R. Brunelle, Chairman (excused)

Also Present: Jason Hoch, Town Administrator

5:00 p.m. Paperwork review
5:45 p.m. Non-Public Session per RSA 91-A:3 II (c)
6:10 p.m. Call to Order

Pledge of Allegiance

Review of Items for Consent:

1. Approval of Payroll & Accounts Payable weeks of January 14, 21, 28
2. Prospective approval of Payroll & Accounts Payable week of February 4
3. Minutes of January 7 & January 22

Approval of Consent Items

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

Request for Items - Other Business

Selectman F.Byron made a **motion** that the Litchfield Board of Selectmen extend a job offer to George Ivas of Litchfield for the position of Probationary Police Officer with an effective date of January 28, 2013 holding that position till January 28, 2014. Selectman B. Lemire **seconded** the motion. **Vote carries 4-0-0.**

Board of Selectmen sign documentation to approve the hire of Probationary Officer George Ivas. Police Chief O'Brion stepped forward to swear in Officer Ivas and present his wife with his official Town Badge, to pin on her husband.

Fire Chief Fraitzl came forward to recognize the promotions of two Firefighters to the rank of Lieutenant. This was done as part of the reorganization of the Fire Department, and consisted of a written exam, oral board with outside Officers and interview with Chief Fraitzl and the two Deputies. Both Firefighters have 8 years experience with the Department. Lieutenant Robert

Desmond, is a Firefighter 2 Certified and has done programs in Leadership. Mr. Desmond will be taking over the Training program for the Department with Deputy Allard. Lieutenant Edward Glancy, is a Firefighter 2 Certified, completed Leadership programs, and is also an EMT-I. Mr. Glancy will be handling Internal IT for the Department with Selectman J. Brunelle. Chief Fraitzl asked to take a moment to recognize and thank the Firefighter's families for their continued support in allowing their loved ones to do what they do for the Department and Town. Deputy Allard asked both men to come forward and requested their Firefighters Badges. Both wives were given a Lieutenant Badge to present and pin on Lt. Desmond and Lt. Glancy. Town Clerk Theresa Briand swore in Lieutenants Desmond and Glancy.

Selectman B. Lemire took a moment to say that this is one of the Selectmen's duties that they get to enjoy, seeing the Town's Public Servants being rewarded for all the hard work that is done. He would like to thank all of them as well as their families.

Selectman G. Lambert added that this last year it has been a pleasure to see, under Chief Fraitzl's guidance, the department pull together and move forward picking their new Officers and making sure that the Town has been well served. He feels the Fire Department has come together with all the changes in leadership and changes that the Town has added and would like to thank them all for their dedication.

Public Input: None

Administrator Report

New Business

Naming of New Recreation Fields & Access Road

Administrator J. Hoch has a request from the Recreation Commission for the naming of the new Park on Albuquerque and the access driveway at the Tennis Courts. The name recommended for the access driveway is Cougar Way, and the name for the Park would be Litchfield Park at Sawmill Brook. Jason states that the names have been reviewed by the Police, Fire and Highway Departments with no issues being raised.

Selectman F. Byron makes a **motion** that the Litchfield Board of Selectman hereby accept the names of Cougar Way for the road and Litchfield Park at Sawmill Brook for the park. Selectman P. Jewett **seconds** the motion. **Vote carries 4-0-0.**

FEMA Reimbursement

J. Hoch states that over the past few weeks, he has been working with a FEMA Representative assigned to the Town for reimbursement of eligible costs associated with storm Sandy. The Town compiled around \$9,677 in eligible reimbursement costs. Jason states there will be a sharing of the reimbursement, he just received the paperwork today and the amount will be \$7,257.91. He is not sure as of yet how best to account for the reimbursement, he will discuss this with the Auditors when they are here, there are several options that are available. Jason mentions that because he is dealing with prior year's expenses that are being reimbursed he will

need time to put everything in order. Selectman B. Lemire asks due to it being a reimbursement there is no need for a public hearing? J. Hoch states that could depend on how it is handled, due to it being a prior year, that is why he needs clarification. Believes that because the books for 2012 have not been closed yet that it can be put back in the prior year's General Fund, but would like to discuss and be sure with the Auditors.

IRS Mileage Rate

Administrator J. Hoch mentions that the Town budgeted at the new IRS mileage rate of 56.5 cents/mile. He would like to confirm the use of that rate and suggest that the Board consider a standing policy to follow the IRS mileage reimbursement guidelines, thus avoiding someone having to remember annually to specifically approve this.

Selectman B. Lemire makes a **motion** to adopt the IRS rate. Selectman F. Byron **seconds** the motion. Selectman F. Byron states that he thought there was already a motion to always accept the IRS rate, and that it is mentioned in the Employee Manual. Selectman G. Lambert believes that is correct but in the event that it is not clear suggests to go forward with the motion. **Vote carries 4-0-0.**

Planning Board Grant Application

J. Hoch discusses that last year the Planning Board submitted an application for the Community Planning Grant Program that is administered by the New Hampshire Housing Finance Authority. One of the main goals was to update the Zoning Ordinance, to enhance economic development and to promote agricultural preservation. The Planning Board submitted the application and scored well but did not get to the point where it was funded last year. Now there is a next phase to the Grant process this year. The Planning Board did a survey last year and with that information has adjusted their application to reflect new information with more emphasis on zoning, rather than Master Plan revision for this year. So the Board is looking for a letter of support.

Selectman F. Byron would like to make clear that any motion made by this Board needs to be recorded and given with the application. So the wording of the motion needs to be detailed and clear. Mentions that the Grant has to be approved by the Governing Body of the Town, which is the Board of Selectmen. So a motion needs to be made to allow the Planning Board to apply for the Grant. Selectman B. Lemire makes a **motion** for the Board to allow the Planning Board to apply for the Grant and the exact wording of the motion will be written up and presented by Jason. Selectman P. Jewett **seconds** the motion. Further discussion by Selectman F. Byron is to clarify that the Grant is being applied for by the Planning Board to the State of New Hampshire. The Grant application requires the Board to spell out within the application where the funding will be coming from, so within the body of the application it is already specified that a portion of the Grant is being funded thru the in-kind hours supplied by members of the Planning Board. Also some hours that are being used by the NRPC Circuit Rider who will be doing work on this along with some hours by Joan McKibben. All total Selectman F. Byron believes it comes to around \$1,900. J. Hoch believes that figure is on the low end. Selectman F. Byron goes on to explain that all of that will go in to support that the Town is putting forward a matching amount of money

to which the State will match as well. The idea of the Grant is for the Planning Board to go through the existing Zoning for the Town, as well as take a look at Farmland Preservation. Thus the Town could study and implement appropriate Zoning changes within the Town. **Vote carries 4-0-0.**

Solid Waste District Representative

J. Hoch asked the Board if they would continue to want Dave Mellen as Litchfield's representative for the Nashua Regional Solid Waste Management District. Dave has stated he would continue to represent the Town as our representative. Selectman B. Lemire makes a **motion** for Dave Mellon to continue as the Town of Litchfield's District Representative for the Solid Waste Department. Selectman P. Jewett **seconds** the motion.

Vote carries 4-0-0.

Administrator J. Hoch mentions that the Board can appoint a backup Representative, and volunteers unless someone else wishes to step forward. Selectman P. Jewett asks how much time is involved and when do they meet. Jason said they appear to meet twice a year. Selectman F. Byron makes a **motion** to appoint Selectman P. Jewett as the alternate to the Solid Waste Department. Selectmen B. Lemire **seconds** the motion. **Vote carries 3-0-1.**

SB 78

J. Hoch wanted to discuss an issue from the Legislative Bulletin regarding SB 78. Which is proposing a change to State Law that would spell out within the law the composition of the Board of Directors for the New Hampshire Municipal Organization, and limit this Board to elected officials only. Right now the Organization has a balance of elected and appointed officials. Jason goes on to add that it would be interesting to see a proposed law that would be defining what a Board membership of a non-profit should be. Jason finds that the current governance approach appropriately serves the interest of member communities. A balance of elected and appointed officials yields a variety of perspectives and experience that enhances the organization's effectiveness. An analogy would be the Board of Selectmen only managing the affairs of the Town vs. Board of Selectmen with the assistance of a Town Administrator. Jason feels there is a healthy balance that benefits the Town by having elected and appointed position. An additional concern, Jason would like to point out is that one of the sponsors is Senator D. Soucy. Given that her district is comprised of Manchester and Litchfield, and Manchester is not a member of NHMA, it would seem that seeking input from the one Town in the district potentially impacted by this would have been advisable. Jason recommends sending a message to Senator Soucy reflecting the position of the Litchfield Board of Selectmen if the Board has any concerns about the proposed change.

Selectman B. Lemire states that he feels it is absolutely appropriate to contact Senator Soucy. He has serious reservations regarding this proposed law.

Selectman P. Jewett asks what are the advantages and disadvantages?

Selectman G. Lambert states he feels there is a huge disadvantage, that NHMA is a non-profit but they also do lobbying, and there are currently RSA's in place that prohibit the co-mingling of monies between Lobbying Organizations being paid out of public money. So if this law were to

pass the way it is currently structured Selectman Lambert has concerns that there would be Public Officials directing Elected Officials, which would then be directing an organization that is a lobbying fund that contributes money based on mandatory participation by Communities.

Selectman B. Lemire states that it is not mandatory and we have that now and that any lobbying efforts are done on behalf of the Towns.

Selectman G. Lambert states that as the law is currently written they are not supposed to co-mingle lobbying and non-lobbying money. It is currently an issue being discussed in front of the Legislature.

Selectman B. Lemire feels this is a concern that this Board NHMA directly benefits the Towns, all their efforts are geared towards returning as much money to the Towns as possible. Also it creates a better atmosphere for the Towns to operate.

Selectman F. Byron asks to be clear that this RSA does not prevent NHMA from lobbying the Legislature in terms of changes to laws and things that would benefit Municipalities, but this law would strictly say anybody that is on the Board of Directors of the NHMA has to be an Elected Official from the Municipality which would void any membership of an Appointed Official.

Selectman F. Byron goes on to say that there is an attempt to define the Board of Directors of a Municipal Organization by the Legislature in this proposed change to the law. Feels that they are only focusing on New Hampshire Municipal Association.

Selectman B. Lemire makes a **motion** that the Town express to our Senator that the Board of Selectmen would be against this proposed law and the ramifications that would be to the Town of Litchfield. Selectman G. Lambert **seconds** the motion. The Board states this should be in writing with the signature on behalf of the Board. Selectmen F. Byron states that Senate Bill 78 is being heard on Wednesday January 30th at 10:15 am in LB102. Selectmen G. Lambert tells the Board that he will deliver the letter and speak on behalf of the Town of Litchfield in opposition of this matter. Selectmen F. Byron would also like a copy of the letter to go to the Senate Committee Chairman.

J. Hoch states that as this change in law would affect him as an appointed Official he has expressed his concerns by email to Senator D. Soucy and has spoken to another Member of the Committee that will be hearing this discussion, but as of yet has not heard from Senator Soucy.

Vote carries 4-0-0.

Old Business

Discussion of HB 197 - Potential Redistricting of Litchfield

Administrator J. Hoch states that there is a proposal for redistricting of the House seats for the Town of Litchfield. Selectman F. Byron suggested hearing from the Board how they feel regarding this issue. This Bill would shift the 2 person shared district with Manchester to a 1 person shared District with Hudson. When comparing with current Districts, beyond the Litchfield/Manchester District, the only other Districts impacted in the County are Hudson and Pelham (Currently joined with 11 reps between them and proposed to be split into 2 Districts of 7 and 4.) So, the ones on the losing end are Litchfield and Manchester Wards 8 & 9 who lose a seat and Hudson has a net gain of 1 shared seat. This takes Litchfield's Delegation and decreases it by a quarter whereas Manchester still has a hand full of people to speak on their

behalf.

Selectman P. Jewett asks the Board what is the population needed to have an extra Delegate? Selectman Byron said it was around 3250.

Selectman G. Lambert states that some years ago the State of New Hampshire passed a Constitutional Amendment that required our Districts to match the voting population of our communities which is how we got the current redistricting method. After the Constitution was amended there was a request to immediately go out and redistrict the State. Selectman G. Lambert goes on to say that the Courts for the State said no, and that Litchfield was the lead Plaintiff in that case and that he represented the Town of Litchfield in that particular lawsuit. Counsel representing Litchfield and other communities was Attorney William O'Brien, trying to get the State to enforce the Constitution and the Constitutional Mandate. Selectman G. Lambert states the Supreme Court said once in every 10 years does not matter, any action by the Legislature would not only have to pass but would have to convince the Supreme Court that an act of the Legislature had more power and authority than a Constitutional Amendment passed by the people to get them to do redistricting and passing another redistricting plan all the way to the Federal Government. To that Selectman G. Lambert feels he will have no problem being unbiased in his voting, even though he would be currently the Elected Representative most affected.

Selectman F. Byron states that he has spoken with the Minority Leader of the Elections Committee and feels that the chances of this happening are very slim. However, the Attorney General's Offices recommendation is that it is unconstitutional, simply because you can not be redistricted but once every 10 years period. It was the consensus of the Board that no action was needed at this point.

Counsel Transition

J. Hoch reminds the Board that he had informed them of Attorney David LeFevre leaving Hage, Hodes Law Firm. So all of the Town's business and contact is with Attorney Jay Hodes. Attorney J. Hodes will be meeting with Jason to go over pending legal matters some of which include the Pennichuck case, tax items, and Return of Surplus from LGC & Primex. Attorney Hodes will also be covering the Town Deliberative Session this Saturday.

Selectman G. Lambert asks J. Hoch if there is a non-compete clause in Attorney LeFevre's contract that would prohibit him or his firm from bidding on a contract with the Town for Legal Services. J. Hoch states that there is none that he is aware of. Jason goes on to state that due to the contract for Legal Services ending with Hage, Hodes at the end of February, he has sent out letters soliciting bids from various legal firms in the state. Requests are due back the end of next week and J. Hoch will compile the information and present it to the Board at their next meeting.

Other Items

None

Selectman Reports

Selectman P. Jewett mentions that the Conservation Commission will be meeting on February 7, 2013 it has been changed from the 14th.

Recreation Committee is having their Family Fun day on February 16, 2013 with Bingo and Movies. Also on February 17th the fun continues with Games and Dog Sledding and lots of fun to be had by all.

Selectman G. Lambert makes mention to make sure the Recreation Committee has filled out any appropriate forms/permits to hold Bingo in the Town as per RSA 287E. Administrator J. Hoch states he will pass the information to the proper people involved.

Selectman P. Jewett also wanted to mention that Selectman F. Byron and she attended the Eagle Scout Award Ceremonies which had a wonderful turnout.

Items moved from consent

None

Other Business

Selectman F. Byron wanted to discuss Saturday's Deliberative Session of the Town. Would like to make sure all slides are ready for presentation. Selectman G. Lambert states that the Chairman has sent out an email mentioning that he is receiving updates and working on getting the edits from everyone with a deadline of tomorrow.

Selectman B. Lemire **motions** to adjourn. Selectman P. Jewett **seconds** the motion. **Vote carries 4-0-0.**

Next Board of Selectmen's meeting will be on February 11, 2013 at 6:00 pm at the Town Hall.

Approved February 11, 2013