

TOWN OF LITCHFIELD BOARD OF SELECTMEN

February 11, 2013

Selectmen's Meeting

Members Present: John R. Brunelle, Chairman
George Lambert, Vice Chairman
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
7:30 p.m. Non-Public Session per RSA 91-A:3 II (c)

Pledge of Allegiance

Review of Items for Consent:

1. Approval of Payroll & Accounts Payable weeks of February 4 & 11
2. Prospective approval of Payroll & Accounts Payable week of February 18
3. Approval of application for Veterans Tax Credit
4. Denial of abatement request
5. Minutes of January 28

Approval of Consent Items

Selectman F. Byron **motioned** to the Board of Selectmen to approve items for consent.
Selectman B. Lemire **seconded** the motion. **Vote carries 4-0-1**

Request for Items - Other Business

Selectman F. Byron would like to discuss AED status. Updates on status of Minutes to meetings. Also update on Insurance information with LGC and Primex.

Selectman J. Brunelle would also like to update the Board on discussions with the Budget Committee and Town Counsel that have taken place regarding the Deliberative Session.

Matt Leahy from the Manchester Office of Senator Shaheen, wanted to introduce himself to the Board and Town, and leave contact information for the community and staff. Mr. Leahy would be happy to answer any questions that may arise within the community and would be a contact person from the Senators Office.

Selectman F. Byron asks Mr. Leahy on behalf of the citizens of Litchfield how best to contact him or the Senator. Mr. Leahy brought a flyer with information of all the Senator's Offices and contact information, as well as stating the office number for Senator Shaheen is (603) 647-7500 FAX #

(603) 647-9352, address 1589 Elm Street, Suite 3, Manchester, NH 03101. Also the Senator's website is www.Shaheen.Senate.Gov. Selectman J. Brunelle mentions that this information will be posted on the Town website.

Public Input: No members of the public were present

Cable Committee - Capital Plan & Revolving Fund Use

Selectman J. Brunelle states that he has asked the Cable Committee to address the Board regarding their Budget which he mentions is funded by Franchise Fees. He felt it is important for the Board of Selectmen to understand how the Committee would like to use those funds and the direction that the Committee may be going in the coming year.

Administrator J. Hoch states that the move to the Revolving Fund was approved last year at the Town Meeting with an effective date of January 1, 2013. Jason also mentions that last year the Franchise Fee was lowered, and part of that reason was to target an income level that was expected to be around \$50,000 per year. He also states that the idea was to have \$25,000 for Operations and \$25,000 for Equipment. But would like to remind everyone that because it is a Revolving Fund whatever balance is there at the end of a year carries forward into a future year.

Richard Pentheny, Chairman of the Cable Committee, addresses the Board of Selectmen regarding items in their budget. Mr. Pentheny explains the items that are different this year are Telephone and Internet Access which was underfunded last year by about \$1,800. Nothing has been changed with the internet structure in the three facilities that are being maintained, but they are dealing static IP addresses that are needed for their equipment.

Selectman J. Brunelle mentions that at the Town Hall there is a cancellation order in place, and the issue he has with that is that a member of the Cable Committee signed a three year contract with Comcast. Selectman J. Brunelle adds that he is working on resolving this issue and will have it eliminated.

Mr. Pentheny goes on to state the next item is Software Services, of which \$3,000 is for Internet Streaming services used for meetings. Selectman J. Brunelle questions whethert this item is in the IT Budget not in the Cable Budget. Administrator Hoch states that it was taken out of the revised Budget, so it is not in the Town Budget now, so it would need to be in the Cable Budget. Mr. Pentheny goes on discussing line items, Office Supplies and Electricity and Heat will stay the same. Building Repairs \$1,600, the Committee would like to get the building painted this year and is working with Kevin to possibly see if there are any programs available to assist with this. Next line is Equipment Repairs and Maintenance, and Minor Tools and Supplies, they stay the same. Under Equipment Purchases Mr. Pentheny lists the following items

- 1) Large wall-mounted flat screen monitor capable of either wired or wireless computer connection at Town Hall.
- 2) Wireless HD Computer to TV Kit for wireless streaming of data from computers to large screen.
- 3) Editing software (Adobe Premiere) for their editing computer at the studio.

- 4) Fly pack for remote productions of Town and School events that occur outside of hard-wired facilities (Memorial day proceedings. meetings/events at other venues, sports etc.)
- 5) More advanced titling capabilities for meetings (adds enhanced "ON AIR" messaging functionality, emergency messaging, etc.)
- 6) Solid state recorder for one of their remote production cameras. File based recording similar to their meeting recorders.
- 7) Batteries for their two Canon-GL2 field cameras. (Current batteries old and not holding a charge).
- 8) 8-Channel switcher for Campbell High School to decrease complexity. (Currently using analog A/B switchers to feed their 4 channel video mixer).

Selectman F. Byron asks if instead of a flat screen monitor has the Committee checked into a projection screen that could be mounted right to the wall, with wireless technology. He is wondering if it may make better sense than a flat screen. Selectman F. Byron states he does not know the price difference, but is just wondering if anyone has checked into it. Mr. Pentheny states he has seen them but does not know if it would be better than a flat screen, but knows other Public Access Facilities and Towns use flat panel technology, but will gladly check into comparing the two. Selectman F. Byron goes on to say that the problem the Town had before with projection screens was that the microphones were picking up everything.

Selectman B. Lemire makes a **motion** to approve \$38,541 from the Revolving Fund Franchise Fees. Selectman G. Lambert **seconds** the motion. **Vote carries 5-0-0.**

Selectman P. Jewett thanks Mr. Pentheny for all his hard work, and states she feels there should be a fund that he could take out a fee for his time volunteering. Mr. Pentheny states that people that tape meetings do get paid a fee. Selectman P. Jewett mentions that she feels that he should as well. To which Mr. Pentheny mentions that they volunteer knowing this.

Selectman F. Byron mentions to Mr. Pentheny that he noticed in some of his documents that the Committee plans on expanding next year and would like to know if he could inform the Board about what that may include. Mr. Pentheny goes on to say that they have been trying to get other Committees to record their meetings, but thankfully the Board of Selectmen has put forth a requirement for all Boards to be recorded effective May 2014, so they were looking to implement staffing for that now that it is on the horizon.

Administrator Report

New Business

Legal Services

Administrator J. Hoch discusses with the Board that he has received 6 proposals for Legal Services they include Mitchell Municipal Group, Tarbell & Brodich, Hages Hodes, Devine Millimet & Branch, Donahue Tucker Ciandella and Upton Hatfield. They came in with a variety of rates ranging from \$125 to \$275 an hour. Jason mentions that he has dealt with many of these firms

and if the Board would like any perspective on this he would be glad to have a discussion. He has forwarded all information to the Board of Selectman and would like to know what action they would like to take next as far as narrowing down a decision on which Firm. Selectman J. Brunelle states that he feels the Board should take a look at the package Jason has supplied to each and rank them 1-6 and give their feedback and at the next Board meeting on February 25th have a discussion and make a decision. Current Counsel is continuing to support the Town so there is time to make a decision by the next meeting.

Mosquito Control District Resignation

Jason Hoch informs the Board that John Poulos from the Mosquito Control District Board has submitted his resignation. Selectman J. Brunelle asks Jason if the Chairman of the Mosquito Board has acknowledged the resignation. Jason states he saw an email mentioning knowledge of this to John but does not believe it was directed back to the Board of Selectmen. Selectman J. Brunelle states that Mr. Poulos has done much for the Town and Board and his services will be missed. Selectman J. Brunelle makes a **motion** with regret to accept the resignation of John Poulos from the Mosquito Control Board. Selectman P. Jewett **seconds** the motion. Selectman G. Lambert requests that the Board forward a letter thanking Mr. Poulos for all the hard work he has done. Jason has prepared a letter and will forward it to the Board for their signatures. **Vote carries 5-0-0.**

Voter information Flyer

Selectman J. Brunelle discusses with the Board that after the Deliberative Session there is a need to get information out to the citizens further explaining the Warrant Articles. Jason explains that along with the sample ballot that usually goes out as an insert in the HLN newspaper, he is asking for input from the Board on a brief explanation of each Warrant Article to be included in the flyer. Jason also mentions that last fall the Planning Board found that the USPS "every mailbox" service was around the same price as the HLN, asks the Board if they have a preference.

Selectman B. Lemire wonders if the taxpayer going to their mailbox would be able to identify a flyer as an important item or just dismiss it as junk mail. Or where they are so use to receiving the sample Ballot as an insert in the HLN, would that continue to be the better option. Administrator Hoch mentions that after thinking about this, the flyer has to be folded and one panel would have to be committed to the generic address and to a postage area, whereas, with an insert in the HLN you will not lose any space. As they need all the space they can get for information this may have resolved the discussion. Selectman F. Byron address the lead time needed to have the flyer printed up for the HLN is fast approaching, that an outside vendor may have to be used. Jason mentions that the vendor that has printed up items for the Town before has been cheaper and faster in the past. He also states that he is looking to have this completed and off to be printed next week. So he would appreciate any feedback from the Board on short explanations of the Warrant Articles. Selectman J. Brunelle also adds that he would like a mention of the Town website added to the flyer, so people can go and see video of the Deliberative Sessions for additional information. Jason also mentions that his list does not

include the Planning Articles, because they were not the Selectman's Articles, and would like to know how the Board feels about this. Selectman F. Byron states that if they need to fill up additional space add, if not feels it is ok to omit. The Board and Jason discuss paper size and layout to try and best fit the sample Ballot and 18 Articles on roughly 3 pages. Jason will continue to work on the layout to have it ready with the Board's input for next week, so it can be inserted in the HLN the Friday before the Election.

Workers Compensation Renewal

Jason Hoch mentions that Primex is offering a Contribution Assurance Program for 2014 and 2015, which allows the Town to lock in a maximum 8% increase for each year renewal. Jason adds that the Town has no problems with their Workers Compensation and Primex service. They have been helpful when needed. States that the Town achieved their Prime 3 Certification last year through the work of the Joint Loss Management Committee, which has controlled the growth of rates as well. Additionally, Jason adds this is the one line of pooled insurance that Primex has been returning surplus (the Town has a "premium holiday" of approximately \$13,000).

Jason goes on to state that the last page of the Loss Mitigation Agreement goes on to require that the Town send multiple people to a variety of their Training Sessions. Example would be sending 4 people to a Supervisor Academy for 4 days and 3 people to the Human Resource Academy. Which Jason goes on to say is a very large commitment of staff time by having to send so many people to these Training Sessions. Selectman J. Brunelle asks what happens if the Town does not send as many, to which Jason states the Town would lose their eligibility. Jason also mentions that he understands the reasoning behind this is to manage risk exposure and they believe this is how you go about doing that. With that, Jason tells the Board that he is looking into getting a quote from LGC for comparison. Selectman J. Brunelle asks when does the Town's policy expire with Primex. Jason states that the policy expires in December; however, Primex would like an answer by the beginning of March. Jason tells the Board that they will have a comparison quote from LGC and a decision can continue with the next Board of Selectmen's meeting on February 25th. Selectman P. Jewett asks if all Towns have the same requirements or is it based on the size of the Town. Jason explains that he feels it is probably based on the size of the Town, and that for example with the Supervisor Academy, Primex would like one member from the Town, one from the Fire and Police Department as well as one from the Highway Department. Jason states he is not sure if this is the best use of the Town's time and resources from a staff perspective. Jason also mentions that if the Board decides to proceed with the Primex CAP they would need to execute the paperwork at the last meeting in February. The Board and Jason decide to get a better comparison and figure whether it is cost effective to proceed, and continue discussion at the next BOS meeting.

Code Red Notification System

Administrator J. Hoch discusses the roll out of a new notification system called Code Red, the Fire Chief, Police Chief, Town Clerk and himself have completed Code Red training on February 6, 2013. They all are now able to use all the messaging features of this new system, which is

similar to what the School uses to notify parents and students. The plan is to start enrollment in the coming week. This will involve a general database check and information for people to enroll other phone numbers, emails, and sign-up for text messages. With this system Jason states that you can put out a Town wide notification if there should be an emergency, or if a road is closed in Town you could put out a notification to just that area. The Town will be calling everyone from their core database and invite that person to go to the Town website and update any further information that they feel may be needed or missing. They will be encouraged to speak to friends and neighbors and if they have not received a call to let them know about registering on the Town website as well.

Selectman G. Lambert asks if at the upcoming Election would it be possible to have information available to notify citizens of this and how to register. Jason mentions he would be hesitant to mingle this at the registration tables, but to have someone in the hallways to explain this, along with possibly a computer to input information could make sense. Selectman J. Brunelle feels that it would be difficult to staff, they usually have a bare minimum as is. He feels it is a good idea, just may be tough to find someone who they could spare to staff it. Jason mentions possibly a flyer next to the Town Report that can be picked up, as well as passing out at the upcoming Winter Carnival this week on the 15th and 16th. Also having an article in the HLN.

Jason would also like to mention to the Board that the Town Reports online version and CD's will be available by end of this week. Selectman J. Brunelle mentions he does not feel Jason has all the submittals yet. Jason states that he is waiting on one. Selectman J. Brunelle asks if the Report has gone to print yet. Which Jason answers no, but it needs to go to print very soon, otherwise there will be no report submitted.

Selectman J. Brunelle states that he has a draft of the Selectman's Report completed but has not received any input from the Board. Selectman B. Lemire mentions for John to share his completed draft and let the Board add any ideas they each might have, and all volunteer to help with edits he may need. Jason states that the drop dead date to have it to him is Wednesday.

Legislative Delegation Invite to Board of Selectmen Meeting

J. Hoch mentions that he has had a discussion with Selectman J. Brunelle regarding inviting our NH Delegation to the next Board of Selectmen meeting. So he would like confirmation from the Board about proceeding with the idea and also to extend the invitation to all the Town Boards, Committees and Department Heads as well as anyone who may have an interest. Selectman B. Lemire asks if the venue would need to be changed. Selectman J. Brunelle states that they have had similar meetings and have been able to fit everyone at the Town Hall. Jason mentions that our Delegation is smaller than it use to be, that we currently have only 4. The Board feels this is a good idea and to go ahead with organizing it. Selectman B. Lemire mentions holding it after the Town Meeting, March 25th. This would give the Delegation time to review any Bills that they may feel are of interest to the Town. Selectman F. Byron mentions that they should invite the County Commissioner as well, and they can discuss the County Budget also. The Board advised Jason to proceed with invites with a date of March 25, 2013 for the meeting.

Legislation Items

Administrator J. Hoch wanted the Board to be aware of a few items of note from this past week's Bulletin that may have potential impact on the Towns operations. First is SB121 which is a proposal to amend sharing of the Rooms & Meals tax. Currently, it allocates statewide collection based on population. This would call for an adjustment to that formula so 44% of the total would be based on revenue collected within a Municipality and the remaining 56% based on population. Given the relatively few number of places the Town has that charge Rooms & Meals, this would likely mean a further decrease in revenues from the State. Also it has an effective date, if passed, of July 1, 2013 which would result in less 2013 revenue to the Town. Jason adds for the Board to recall that 2012 revenues from Rooms & Meals was approximately \$369,000.

Jason goes on to mention that it is hard to calculate because he does not have numbers at hand because it is not recorded as to what is collected in each Town.

Selectman F. Byron states that 50% of \$369,000 would be would be approximately \$175,000.

The Town has no Hotels and few other businesses that charge Rooms & Meals tax so the Town would be losing approximately \$150,000 of the \$175,000. Selectman F. Byron goes on to ask who the Sponsor of the Senate Bill is.

Jason states it is sponsored by a surprising number of Sponsors, they are Senators Stiles, Bradley Woodburn, Carson and Fuller-Clark. As well as Representatives Shaw, Kahn, Rice and others. Selectman B. Lemire adds that it is mostly beneficial to Towns that have larger business areas which have more restaurants and hotels that collect Rooms & Meals, such as Portsmouth, Manchester and Concord to name a few. Selectman J. Brunelle states that this will impact a lot of bedroom communities that have none of the above such as Litchfield.

Jason discusses that he can see why people are advocating for this bill; at another time in his career when he was in Littleton and that Town was growing their downtown with lots of new restaurants, businesses and hotels they did not see any direct benefits for their local growth, he also would have been in support of this bill at that time. But now being on the other side of the fence in Litchfield who currently could be greatly impacted by this bill it is a much different response. Jason adds that the hearing is in the Senate Ways and Means Tuesday February 12, 2013 at 9:15am in room 103.

Selectman G. Lambert states that it has to pass the Senate before it goes to the House.

Selectman F. Byron feels it will pass the Senate and could only be stopped in the House. Jason advises to keep an eye on this for now.

Second item Jason would like to bring to the Board's attention is HB342, which is a proposal to change the number of hours a retiree can work from 32 to 24 hours per week. This would have a devastating effect on the Town's Part Time Detectives, School Resource Officer, Highway Maintenance and Fire Chief. From week to week, 32 hours can be a challenge, but the Town has found ways to live with that condition. But 24 hours would make these positions nearly unworkable in their current form and assignment. Selectman B. Lemire asks who is the Sponsor for this Bill to which Jason states Representative D. Sullivan. This Bill will be heard in the House Executive Department & Administration Office on Thursday February 14, 2013 at 1:15pm.

Selectman J. Brunelle feels the Town should have a Representative speak at this hearing.

Selectman F. Byron states that he could not voice his opinion on the Towns behalf due to the

fact that you cannot debate the pros and cons of an issue during a Committee Hearing, you are only allowed to ask questions. Also he mentions that if he goes off the Committee to testify on the floor on Town's behalf, he then cannot go back on the Committee and vote possibly for the Town. Feels the biggest impact would be to have someone testify, to which Jason advises the Board he will attend and represent the Town.

AED Status

Jason mentions that he spoke with Fire Chief Fraitzl and Paramedic Rea about initiating an order to purchase the two AED's. One the Town encumbered funds for which is to go to the Incinerator and one that will go to the Town Hall that a donation was received for.

Insurance Pool Information

Administrator J. Hoch spoke with Attorney Jay Hodes to update him on his previous discussions with Attorney LeFevre regarding this topic, and has constructed a paper trail of everything to inform Attorney Hodes. As a reminder Jason states that there are funds still out there from both pools that the Town participated in that have not been returned as of yet. Part of which is with LGC Health Insurance that still has some funds to reimburse and Primex has returned funds from one of their pools for Workers Compensation which the Town is receiving, but have not returned any funds from any of the other pools.

Selectman F. Byron asks when the settlement cut off date was. Jason states it was as of 2009. Selectman Byron asks if the Town should go back even further if Primex had been charging excessive funds further back than that would not be a part of this settlement, but feels the Town should collect any other funds charged. Jason understands Selectman F. Byron's point and states he will check into it and gather all information for Attorney Hodes and have an update at the next Board meeting.

Minutes

Selectman J. Brunelle discusses that the minutes online had been getting behind over the last few months. He states that the transition over to the new system has been completed and that all approved minutes for all Committees and Boards are up to date. On the Town website if you go to the Meeting Minutes tab and click you will see all the approved minutes for the Town there sorted by dates.

Selectman Reports

Selectman J. Brunelle mentions that the Recreation Committee meets tonight for the Winterfest event that starts on Friday February 15th and continues on Saturday February 16th, for more information go to www.litchfieldrec.com. there you will find a list of all activities for both days.

Selectman P. Jewett mentions there was a Conservation meeting Last Thursday evening, but that there was nothing outstanding to make note of.

Items moved from consent

None

Other Business

Selectman J. Brunelle would like to make the Board aware of a Budget Committee and Counsel event that happened over the last couple of days. The Chair of Board of Selectmen received an email from the School Board Chairman John York inquiring about the a post Deliberative Session that occurred. The Town Administrator has forwarded that email to Counsel on request of John Harte Chairman of the Budget Committee. They will be having a meeting to discuss anything needed to clear up that issue. Selectman J. Brunelle requests the individual emails that came across regarding this and any Counsel information as well, so they could be added to the Minutes of the next Board of Selectmen's Meeting. This would cover any questions that may be addressed, the Board of Selectmen's involvement has only been to handle the Counsel requests from the Budget Committee Chairman and School Board Chairman.

Jason would like to express his and the Town's appreciation to the Highway Department and their Contractors, there were a lot of long and dedicated hours given to clean up from the snowstorm that hit over the weekend. They all did a great job and had everything under control. The Board Thanks everyone from the Highway Department, Fire and Police Departments as well, they did an outstanding job.

Non-Public Session per 91-A:3 II(e) Pending Litigation

Selectman B. Lemire makes a **motion** to adjourn to go into a non-public session. Selectman P. Jewett **seconds** the motion. **Roll Call Vote carries 5-0-0, with Brunelle, Lambert, Byron, Lemire and Jewett** voting aye.

Town Administrator Hoch joined them in non-public session and provided the following comments:

As you may recall, we have 2 cases involving Pennichuck filed in Superior Court relative to their 2010 and 2011 assessments. In round numbers, our valuation from Avitar was around \$8.9 million and the state estimate was around \$5.75 million. (Over the life of this issue, Pennichuck calculated an even lower value.) Both 2010 and 2011 assessments were appealed by Pennichuck to Superior Court. We are getting very close to actual trial on this. In general matters associated with the case through 2012, we spent \$10,223 on this. So far into January, we have accrued another \$527.

In preparation for the actual trial, the amount of counsel's hours @ \$170/hr would increase dramatically. In addition, in order to bolster our valuation with an additional expert witness, we would be looking at an additional \$4000 plus \$2000 for each day of trial. Bearing in mind that \$1 million of valuation yields around \$18,000 in revenue, the prospect of fighting this in court was appearing to escalate quite quickly.

Realistically, my best guess is that a court would likely end up at a valuation somewhere between the two

With the commitment of time and money needing to be made shortly and following a conversation I had with Skip Sansoucy, who would be the expert utility valuation witness in this case, (Skip is the leading utility assessor in NH -- he provided me with utility valuation services in Littleton, where the Moore Dam and

related properties comprised about a 1/4 of the tax base at one time. I thoroughly trust his advice and guidance on utility valuation matters.) Jay Hodes and I focused our discussions on possible settlements. My recommendation was a structured approach that dealt with the 2 years currently in the courts and for the remaining years through the next revaluation. In that way, we would address the open item and forestall future filings until a date certain. Bearing in mind that Avitar is no longer doing utility assessing, we would need to contract for supplemental utility valuation services anyway and I'd prefer to put us on a gradual path to do that rather than have to perform that this year (wholly expecting that Pennichuck would challenge again.) For reference, estimated cost for utility valuation is in the vicinity of \$15,000. With all of that in mind, Jay and I put together a schedule that gradually decreased the valuation over a period of five years. As you'll see in the notes below, our first attempt tried to backload more of the stepped decreases so that the overall amount to be refunded for 2010 and 2011 would be less. Pennichuck offered a modified schedule that was a little more aggressive in the early years. Jay then requested that if the Town accepted the revised offer that Pennichuck waive any interest and penalty for the prior years, to which they agreed.

So, we are recommending that the Board accept the settlement outlined in the message from Meg Nelson below. It would gradually step back the valuation, with the maximum reduction for one year at \$1,000,000 of valuation (or \$18,000 of tax revenue).

Proposed settlement:

2010	\$7,900,000;	2011	\$7,400,000;	2012	\$7,000,000
2013	\$6,000,000;	2014	\$5,750,000		

The Board discussed the relative costs and benefits of settlement against continuing to pursue the case further.

Motion by Frank Byron to direct counsel to proceed with accepting the terms of the settlement. **Second** by Brent Lemore. **Vote 5-0** in the affirmative. The Board requested that Jay Hodes come to the next meeting to discuss.

Motion to come out of non-public session by B. Lemire, **Second** by P. Jewett. **Roll Call vote 5-0** in the affirmative: Brunelle, aye; Lambert, aye; Byron, aye; Lemire, aye; Jewett, aye.

The Board requested that the notes from the non-public session be incorporated into the public minutes of the meeting.

Motion to adjourn at 8:05 p.m.

The next Board of Selectmen's meeting will be on February 25, 2013 at 6:00pm at Town Hall.

John R. Brunelle, Chairman

George A. Lambert, Vice Chairman

Frank A. Byron

Brent T. Lemire

M. Patricia Jewett