

TOWN OF LITCHFIELD BOARD OF SELECTMEN

April 8, 2013

Selectmen's Meeting

Members Present: John R. Brunelle, Chairman
Frank Byron, Vice Chairman
Brent Lemire
M. Patricia Jewett
Kevin Bourque

Also Present: Jason Hoch, Town Administrator

5:00 p.m. Paperwork review
6:00 p.m. Call to Order
9:09 p.m. Non-Public Session per RSA 91-A:3 II (c)

Pledge of Allegiance

Selectman J. Brunelle takes a moment to present State Representative George Lambert with a granite plaque, recognizing and thanking him for 6 years of service on the Board of Selectmen to the Town of Litchfield.

Meeting with NH House & Senate Delegation regarding pending legislation

Introductions are as follows: Frank Byron, State Representative District 20 for Litchfield
Ralph Boehm, State Representative District 20 for Litchfield
Donna Soucy, State Senator District 18, Wards 5-9
George Lambert, State Representative District 44 for Litchfield

Selectman J. Brunelle opens the meeting to a question and answer session with the public. Selectman B. Lemire would like to ask the Delegation if they feel the Block Grant money for the Town will be increased and would like to know their feelings on this issue going forward. Representative R. Boehm states that the Budget passed the House with a 12 cent gas tax increase, which he says the Senate says is a "no go". He states that the other problem with the House Budget is that 27% of the gas tax revenue is not being used for roads, it is being used for Public Safety and other issues and is something he is trying to stop. He states that the Block Grant money is not being used where it is supposed to.

Selectman F. Byron states that the Block Grant money according to the information given to him from the Finance Committee is flat lined at 30 million dollars for the years 2014 and 2015. He mentioned the amount of money that was in the Budget for 2013 is \$250,000 higher than will be in the 2014 and 2015 Budget.

Senator D. Soucy states she feels the funding debate for Block Grants is going to come down to two different funding sources, the Senate has taken a position in support of gambling and

there will be monies set aside from the anticipated licensing fees to fund road and bridge reconstruction. The House has taken a position in supporting a gas tax and is 1/3 there. She states that separate delegations from the House and Senate will have to meet to try and hammer out how a possible combination of these two positions can achieve revenues from gambling and a smaller gas tax. The Gambling/Casino Bill has been sent over to the House but has not been scheduled for a hearing yet, feels that it may not be until June before a clearer picture is given. She feels that the disrepair of roads and bridges is an issue that needs to be addressed and cannot be put off or it will be an even bigger problem.

Representative G. Lambert states that Highway Block Grants are one way that Towns receive income from the State, but there are a lot of other ways as well. Mentions that the term "Downshifting" has been apart of many discussions over the last 2 years, and if he was a Selectman he would be very concerned with that term. Because a lot of items that are currently stuck in the Budget are going to cost the Town and Taxpayers a lot more money, both at the Town and County Level.

Administrator J. Hoch questions the ongoing indefinite, yet called "temporary suspension", of certain revenues that Municipalities use to get. Revenue Sharing has been temporarily suspended since 2009, Rooms and Meals has been frozen since 2010. He states there is a State law with a match that has never been achieved that calls for a 60/40 split of that money, we are down to about 25%. He has seen a reference to 5 million dollars of the Rooms and Meals in the 2015 Budget, but has not seen any further language regarding this.

Representative G. Lambert states that he would advise to look at the overall picture and see that there are these Dedicated Funds and if the Budget goes thru as it is now those 5 million in funds will not be there. Because as part of the Budget that was just approved it allows the Governor and a Financial Committee made up of members of the Senate and House to go out and raid all the funds that they want to, to cover shortfalls anywhere in the revenue base.

Senator D. Soucy mentions that Revenue Sharing and Rooms and Meals in particular, as Jason mentioned has never reached that 60/40 split, although she mentions up until 2009 they were progressing. She mentions that she does see where authority be given for the Governor to take money from existing dedicated funds. Mentions that the Senate has been looking for another revenue source and has done that with the projection of \$80 million, with the gambling proposal. She states that one of her priorities is restoring Revenue Sharing.

Representative R. Boehm states that the big cut in downshifting made on the House side was money going to the County hospital, which will cause the County taxes to increase. As far as Revenue Sharing, the problem is that people in Concord want to spend more than they have, therefore causing higher fees and taxes. Medicaid Expansion is also something that he feels will cost the Taxpayer a lot of money. His idea to save finances is to say this is how much money you are going to get, spend that money on what is mandated by law and then what is left over can be spent on extras.

Representative F. Byron mentions that G. Lambert brought up a point earlier about dedicated funds, he mentions that his figures show 554 million dollars in those dedicated funds. Those funds can be taken to balance off budgets. The figures he has from the Finance Committee are that in 2015 there is a \$5 million increase in the Meals and Room Tax, but it remains to be seen what will happen with it. He states that the 2014 numbers are flat. In response to the Downshifting that R. Boehm mentioned, F. Byron states that each County has a cap on how

much it can spend on its County Homes. If that cap is reached then the State pays for anything above and beyond. Now the State has raised the cap, and that means a shifting to the Counties of about 7 million dollars. His numbers for Hillsborough in 2014 show an increase of about \$267,000 which is divided across the County by population; in 2015 it increases to \$1.8 million of additional County expenses.

Representative R. Boehm mentions that the County has had a surplus of money that has been used to keep the tax rate even, however that is starting to go away.

Chris Pascucci, 12 Colonial Drive states that the average person listening to this discussion hears roads are in disrepair, money has been raided, more money is needed and there are no guarantees that money will not be raided as well. It is said taxpayers need to compromise, and those choices are additional taxes, gambling or both. His definition of compromise is cut the budget by 10% or whatever may be needed. He feels there is a disconnect between Concord and the people sitting here and at home. There is a cigarette and gas tax increase, but that money is not enough, bring in gambling for revenue, but that will not be enough, it is never enough. He does not expect an answer from anyone, but his answer and solution is to spend less, no matter what the number is just spend less.

Representative R. Boehm states that he agrees with Mr. Pascucci and that gambling is not something that will happen right away, so far Salem is the only one that agrees with it, and that is not a done deal for them. It has passed the Senate but in his opinion it is about 40 votes short in the House, with debate on how the revenues would be spent. It will not be something to count on in the immediate future.

Mr. Pascucci states that the only way is to starve the beast is no gambling, no new taxes just cut the funds. When you starve, you will find a way to survive.

Representative R. Boehm mentions the State needs to do what private enterprise does and cut upper and middle management if there is a problem with revenue. Get rid of the bureaucracy.

Representative F. Byron states that he agrees with what is being said, but unfortunately that is not what is being done. He mentions there has been an increase in the Business Enterprise tax and the Business Profits tax. Also in the House version of the budget there has been a 30 cents increase in the cigarette tax and an increase in the gas tax, and all of this is going to affect the citizens of this State. He does not believe that the way the Governor proposed to have one Casino in the State makes a lot of sense. It will be a revenue neutral gain in his opinion and will not solve anything.

Senator D. Soucy asks F. Byron when he mentioned an increase in the Business Profit tax did he mean in the projected revenue? To which Representative F. Byron states yes. She states that the Gaming bill has been worked on for a number of years, and that the issues on how well regulated the facility will be have really been addressed this time. It will only end up in a community that welcomes it. She feels it will create jobs and bring revenue into the State, in the form of licensing fees as well as other costs in upgrading a facility and construction jobs as well.

Representative G. Lambert mentions that he prepared a document to help better understand the Budget. He states count the number of people in your household and multiply by \$385 and that will be the increase in your tax bill. The Budget will get a benefit of \$80 million if the State votes for a Casino, and he would love to vote for that. However, on his first day in office he swore to uphold the Constitution, which states that there will be free and fair competition in the trades and industry and it is inherent and an essential right to the people that they are

protected against monopolies and conspiracies which tend to hinder or destroy it. So when a Bill comes forth for one Casino in New Hampshire he has to vote against it because it would be a monopoly.

Jason Guerrette, 11 Perry Court, feels that a representative government is supposed to protect his liberties. Why is the government involved in the issue of a Casino, he feels because they want the money, to then go and be able to spend that money. If it was a free enterprise issue then anyone who wants to build a Casino would be able to. They would be on their own nickel and whatever happens, if there are 5 that open and the market get saturated and they can not stay afloat and four close, so be it. That is the essence of free enterprise and liberty. Not the Government telling me where they are going to spend my money, and not allow private enterprise to provide. When he hears cuts....he asks cuts to what? There is never cuts for the citizens, never lower taxes or less burden on us. Feels that the panel is representatives of the people, not out for themselves or what they wish, they should be representing the Town of Litchfield which he feels is pretty conservative, and votes certain ways and would appreciate if the people representing this Town would listen to the voters.

Representative G. Lambert states that if the same method that is taken with billiard tables, a fee of \$25 would be taken with slots and poker tables the State would not have to come up with an exclusive licensing arrangement and there would be sufficient revenue to solve the problems, and there also would not be a monopoly problem.

Senator D. Soucy assures that she is here to listen to any concerns of Litchfield's citizens and not just Manchester, and to please contact her anytime with questions or concerns.

Superintendent of Schools, Brian Cochrane would like to hear the the State portion of funding for education would be going up, or at least hear that it is not going down. He states that the cost of education is going up, where the population in Litchfield is slowly going down, and the costs do not always go down at the same rate as the student population. He mentions to Representative R. Boehm who is on the Education Committee that there have already been some significant cuts to the Department of Education, and the biggest fear is to what extent are the Revenues that use to come to defray costs such as Catastrophic Aid, and Adequate Education aid going to impact towns. Superintendent B. Cochrane goes on to mention that he was able to attend Legislative sessions with the House and Senate and was pleased at how informed and educated the Representatives were; they knew the history and trends of education. He wanted to state the more that they can do to stabilize things at the State level, then the more he can try his best in working with the Town.

Representative R. Boehm mentions that they put in a Bill this year to cap Catastrophic Aid at no less than 80% because right now it is at about 67%; however that Bill was defeated. They are just trying now to keep it level at the 67%. The other money given from Adequacy Aid is based on population. Feels programs like Common Core and No Child Left Behind do not work, and the State and Federal Government do not need to tell Towns and Citizens how to educate their children. He states find the State or even the Country that has the best programs such as Singapore Math and copy that curriculum.

Senator D. Soucy states there is still hope and that the Senate version will be a bit different.

Bob Curtis is member of the Planning Board, but is speaking as a citizen. He and his wife are concerned about House Bill 135. He feels it is taking away their right to defend themselves and would make them have to run if confronted. It makes no sense to him, feels criminals will target

those who are weak and disabled and the elderly. This Bill will take away the right for them to defend themselves. Would like to know if Senator D. Soucy knows this Bill makes no sense for New Hampshire and would like to know how she would vote on this Bill.

Senator D. Soucy states she is very familiar with this Legislation and the State lived by what was called the Castle Doctrine for many years. Meaning your home is your castle and you can always use force if someone tries to enter your home. Two years ago, Legislation which was Senate Bill 88 at the time changed that to what the current law is, and House Bill 135 would bring it back to what had been the Castle Doctrine. She has spoken to many who support this Bill rather than oppose it. She believes in 2nd Amendment rights and is leaning towards opposing this Bill as of now, but can not promise.

Representative R. Boehm states that this Bill goes back to the 1977 law. In 1982, the State amended the Constitution by changing the law. This Bill puts the law back to how the Constitution was.

Representative F. Byron mentions that he voted against HB-135 because he believes that the State should not be empowering Prosecutors to second guess what a citizen could do, or couldn't do in a case of an extreme emergency.

Representative G. Lambert mentions he had a discussion with a fellow Representative about how she was going to vote on this Bill. He informed her that she missed the voting and that HB-135 passed. She asked G. Lambert what does that mean now. He responded by saying you know the knee surgery you were thinking about having, well if we work at the office late and are walking to our cars and someone threatens us we will have to run, and I will have to leave you there. Her response was that would not be good. The Bill being repealed makes your Castle from the Vermont Border to the Canadian Border to the Massachusetts Border to the seacoast, as the area that you can defend yourself. If this passes then the law goes back to your front door to your back door as the area you have the right to defend. Otherwise if someone confronts you, you have to make a decision about possibly being arrested if you defend yourself.

Jason Guerrette states that he feels this supports the criminal not the individual. He questions what rational in the House decided your home is your only Castle. Which the panel states was the law for over 30 years and worked so it should go back.

Administrator J. Hoch states that the struggles he faces are with the basic functions of running Government. He is only allowed to do the things he is given the authority to do by the Legislature. So when he compiled this list of issues he hoped to have them register on the Representatives and Senators radar.

HB-183 Allowing earlier processing of absentee ballots HB-

269 Expedite special town meetings for Adequate Education Funding

HB-297 Management of Trust Funds and Capital Reserves (retained) - potential to allow for more investment options for Capital Reserve Funds

HB- 522 Clarification that Selectmen can sign manifests on non meeting weeks without triggering an official meeting under 91- A

SB-172 Catches up Investment law to allow additional investment options other than certificates of deposit and may reduce the need for supplemental collateralization of deposits.

HB-342 NH Retirement and Eligibility Reducing retiree eligibility from 32 to 24 hours. Bill has emerged with entirely different language. Litchfield relies on NHRS retirees for key

positions in Police and Fire. Most cost effective way to deliver high quality, skilled services when a full-time position isn't warranted.

Representative F. Byron mentions that he was able to drum up enough support to at least kill HB-342, with a sunset clause of 5 years put in. But in that 5 year period Towns are responsible for reporting work hours. His bigger issue is with HB-364 this requires Cities and Towns as well as Schools to notify any retirees of the limits; he tried to get thru an amendment to create a safe harbor for the Towns. He put in a floor amendment in the House to try and defeat this Bill and to make it the responsibility of the Retirement System to notify on an annual basis all retirees of their obligations for work, but the amendment was defeated. So he would like to see this die in the Senate, or have his amendment passed making it a requirement for the Retirement System to have the responsibility of handling this, not the Towns.

Representative R. Boehm states that it is the Employee's and the Union's responsibility not the State or Town.

Senator D. Soucy feels that HB-342 makes good sense, and tracking the data for 5 years will answer any questions that might arise.

Representative G. Lambert states that if the problem is the lack of income to the Retirement System for people working part-time. Then if the Town were to hire someone who is going to be making a contribution to the Retirement System, who is not already in the system. You could solve the underlying problem by making sure that the Town makes a contribution to the Retirement System based on those working hours, and this would solve the problem with no further study needed.

Administrator J. Hoch mentions that this likely is a 28-a violation of the Constitution, because that would be considered an unfunded mandate, and one of the legal challenges that went to court specifically cited this example as a likely change in the terms of the program.

Jason Guerrette mentions to Representative R. Boehm that the School is going to be spending \$90,000 in our Operating Budget, and he read this week that the Secretary of Education said that it is voluntary and not mandated that we do Common Core, he would like to know if this information is correct. R. Boehm states that yes it is correct. Jason Guerrette states the the town has chosen to do this with no mandate, just because it wants to, and if so then we are encouraging an unfunded liability. To which R. Boehm says yes.

The Board of Selectmen thank the Delegation for their time this evening and for their service in representing Litchfield.

Review of Items for Consent:

1. Approval of Accounts Payable and Payroll for weeks of April 1 and 8
2. Prospective Approval of Accounts Payable and Payroll for week of April 15
3. Reappointment of Joel Kapelson and Mike Caprioglio as members of the Planning Board with terms expiring March, 2016
4. Minutes of March 25
5. Transfer of funds approved 2013 Article 7 to Trustees of Trust Funds
6. Denial of Veterans' Tax Credit Application
7. Approval of Elderly Tax Exemption Application
8. Abatement release for Pennichuck settlement

9. Approval of Notice of Intent to Excavate (Continental Paving, Morgan Road)
10. Timber Tax Levy

Approval of Consent Items

Selectman B. Lemire **motioned** to the Board of Selectmen to approve items for consent.

Selectman P. Jewett **seconded** the motion.

Selectman F. Byron mentioned that Mike Caprioglio is currently an alternate for the Planning Board, and will be taking on a full membership to the Board, replacing Leon Barry.

Selectman J. Brunelle on behalf of the Board would like to thank Mr. Barry for his years of service to the Town.

Vote Carries 5-0-0.

Request for Items - Other Business

None

Public Input

Chris Pascucci, 12 Colonial Drive, thanks the Board and Delegation for this evening and felt that everyone learned something. States the the Voters at the Election told the Boards of this Town to slow down with proposing new and additional spending. Mentions that at the last Deliberative Session it was stated that a survey was sent out and showed that the community wants commercial development in Litchfield. On Tuesday March 12th, another survey was conducted, and it said no to more spending and if the failed warrants did not say it clear enough, the Operating Budget failure by such a small dollar amount should prove that the citizens cannot and do not want to pay anymore. He feels it has been normal practice for the Boards to take wishlists from members and groups and get things on the ballot for them, and it has been said by this Board that "growth is inevitable". He personally feels that growth is not inevitable, he believes it is a chosen path. He feels this election gave a very clear picture as to the will of the Litchfield voter. The survey conducted on Election day said no to new spending, no to Commercial Growth and no to higher taxes. Mr. Pascucci has a suggestion to try something different, next time people approach with ideas for new programs, more stuff and bigger Government, instead of doing all the leg work and making it easy by creating Warrants for them. Direct and instruct those people on how to create their own petition Warrant Article, let them do the leg work and sell it to the community. Mr. Pascucci goes on to mention the he understands that Selectman F. Byron was approached by someone willing to donate money to conduct a sewer system study. Which is the same study that voters rejected by a three to one margin on Election Day. He appreciates that Mr. Byron said no, due to the fact of the no means no law; however, it should not be done next year either even with donated money without first asking the voters again. Mr. Pascucci would like to know if the Board has a policy for accepting donations, and if so where can he find it, especially regarding anonymous donations. Selectman B. Lemire states that it is covered under State Law and believes that it only speaks to how a Town is to accept a donation, not regarding if it is anonymous or not. Mr. Pascucci would like the Board on a future date to include this topic as an agenda item, especially anonymous donations and be allowed with others to discuss this topic in further detail.

Jason Guerrette, 11 Perry Court also would like to know who anonymous donors may be in the future as well, donating to charity is one thing but for someone's own personal agenda that is another issue. Mr. Guerrette states that for one year the voters have said no and he would like the Board to acknowledge it. Understands that the Board can spend to the bottom line, but voters have spoken and unless it is a catastrophic issue, please do not do it.

Mr. Guerrette would also like to ask that the Board put Public Input at the end of the meeting so the public would not have to wait two weeks to comment on an issue. He would also like the Consent Calendar to be read into the meeting.

Administrator Report

Default Budget

Administrator J. Hoch states that the budget was defeated by 9 votes. When the Default Budget was calculated it was done by applying a series of mathematical rules. So there are places where he and the Board over and underestimated funds, and now that we are a few months into the year they are getting a better idea of where those areas are. So he tried to find a balance with this information that falls in line with what the Selectmen and Budget Committee recommended. So in finding \$70,000 he has kinda nipped and tucked through a variety of line items and has an ending Budget that calculates out to the \$4,874,847 which was approved as the Default Budget. J. Hoch mentions that copies had been given to the Board to look over the changes, there has been discussion with all Department Heads. So he would like to know if the Board prefer to go line by line or address just the larger changed issues.

Selectman J. Brunelle states that everyone has reviewed by now and just highlight the major changes, and answer any questions the Board may have. States that from what he sees the Police Budget was reduced by \$30,000, Fire Hydrants were also reduced due to anticipating for the year in December, now upon receiving a bill from Pennichuck for 2013 the amount is \$265,020. Road Maintenance was another line where he was able to cut areas like overtime, and catch basin clean out.

Selectman J. Brunelle asks what happens to funds for Storm Reimbursement, when they may be received during a current Budget cycle, do they always go back to the General Fund or to the account from which they were taken out. Jason states that if they were extraordinary costs they could go into the account from which they came.

Selectman B. Lemire believes that the Auditors will only allow insurance settlements, and storm or FEMA reimbursements that are from a catastrophic incident to be placed in accounts other than the General Fund.

Selectman J. Brunelle states that Police, Fire and Road Maintenance are where significant changes were made, all Department Heads have given their input. Also that this Fire Department budget allocates the \$20,000 that was reduced by the Budget Committee and was approved by the Board of Selectmen and then rebalanced to match the Default Budget.

Selectman K. Bourque mentions that he noticed Jason had pulled wages from the Highway Department in the amount of \$10,000, he is wondering due to the winter and road repair that will be needed will the Highway Department be alright with this. Jason Hoch states that this accounts for the current rate and hours for Jack and Les and usually in the summer someone is brought in to assist, he was able to add all of that with a little bit to spare for the unknown; he also noted that some of that savings was put back into overtime where the costs have been

running higher.

Selectman J. Brunelle states that no services have been cut or reduced from Mr. Pinciario. Administrator J. Hoch states that this was just a tightening of the belt for the Town and not taking away any services to penalize the community in any way for not passing the Budget.

Selectman B. Lemire makes a **motion** to accept the Budget.

Selectman P. Jewett states that she would like to go thru some items, for example \$2,377 for extra clerical support, can that Department survive without that. To which J. Hoch states that was a reduction to that line item by \$2,377 for clerical support. He goes on to say that he has not recommended anything in these line item adjustments that he feels cannot be achieved.

Selectman K. Bourque states that he noticed also that overtime was cut for the Police Department and that they are the only ones that overtime was cut from their Budget.

Jason Hoch states that at this point that is correct it was an area that he and the Chief felt comfortable with.

Selectman K. Bourque asks if overtime is being taken, shouldn't it be from each Department and the money allocated elsewhere.

Selectman J. Brunelle states that overtime is not expected it is to cover a problem that has occurred to cover shifts for example, overtime has been budgeted based on certain trends in history. Department Heads realize that they should not be covering their shifts on a regular basis with overtime, they have to look at other ways. Overtime has to be justified.

Administrator J. Hoch adds that come later in the year the Budget will have to probably be adjusted to compensate for changes, but this was an area where he and the Police Chief felt adjustments could be made.

Selectman J. Brunelle asks if a **second** was made, it was not so **motion fails for lack of second**.

Selectman B. Lemire makes a motion that the Board accept the Budget as presented.

Selectman J. Brunell **seconds** the motion.

Selectman P. Jewett asks a question regarding Town Reports she knows they have been reduced and is wondering if they are going to have enough.

J. Hoch states that the number is what has been actually paid because it was agreed upon to print 500 books. There are 2 to 3 cases (25 in each case) in storage for the rest of the year.

Selectman J. Brunelle mentions that the Town Report is accessed online now, as well as they are giving out DVD's to the Community.

Vote carries 5-0-0.

Selectman J. Brunelle states that the last Board of Selectmen meeting in May, he would like a Budget review

Cruiser & Skid Steer Order

Administrator J. Hoch starts with the Skid Steer part of this update. A lot of conversation has been had since the Fall with regards to replacing the skid steer, and replacing 3 of the police cruisers. The Default Budget has retained the funds that were approved for these items by the Budget Committee and the Selectmen.

Jason states that in September, the concern with the 2007 skid steer was that it was not reliably operational and it is a key piece of equipment in the operation of that Department. Dave Mellen

recommended considering replacement. The replacement cost is approximately \$34,000. The Town had been advised that the current equipment would have a trade in value of \$8,000. At that time, the Town applied to NH the Beautiful for a grant of up to \$5,000. When the grant award was finalized, the Town received \$2,500. Rather than reopen the Budget, the Board chose to encumber the \$2,500 difference at the end of 2012. Jason adds that when everything is said and done, \$7,500 ended up being in this years Budget for the skid steer. What is estimated is year 1 of a 3 year plan. Recall also that when it came to borrowing this money as part of the loan agreement on the cruisers, the Board planned to include the skid steer as a package. This allowed the Town to access the lower bank rate rather than vendor funding, and also by itself the skid steer did not cost enough for the bank to provide lease/loan on it by itself. Jason adds that to put into context why the decision was made to replace the skid steer, in 2012, the Town spent approximately \$2,500 on repairs for this equipment. Dave Mellen has been coaxing this skid steer along since the end of last year (he still did the twice per year tune up in December). Trying to avoid spending further repair funds on a piece of equipment slated to go out of service. There was a need to repair the coupling at around \$2,800. If the vehicle were kept for additional time, he would be concerned about hitting a point where the vehicle is not usable for an extended period of time rather than a couple of days here and there. Rental equipment would be around \$500 per week. Further, if the equipment remained in use for another year, the trade in value next year would likely drop from \$8,000 to closer to \$6,000. Jason also mentions that Mr. Mellen has tires in stock (\$4,000) but has not put them on as of yet, but would lose half that value if we put them on this year. Jason states that these were all things considered back in September when the Board of Selectmen and Budget Committee approved and included this in the Budget.

Selectman J. Brunelle states that if no action is taken on the skid steer the estimated costs to make it reliable is \$2,800 along with a tune-up that is due \$250-300 and already have tires that would need to be put on \$4,000. The Town is looking at about \$6,800 in repairs that are known. Selectman F. Byron states that he went and looked at the Skid Steer and spoke with the staff at the facility, he also ran a financial analysis on this purchase. He states that the staff told him that the skid steer is mechanically sound with the exception of the bucket disconnect system. The bucket disconnect system is basically a mechanism that is used to connect the bucket to pick up items or can add fork tyne's to use as a forklift. Selectman F. Byron asked the staff what else is wrong with the skid steer and was told that the vehicle is in perfect condition other than the bucket disconnect system. The staff's feeling is that they are not sure if the problem is in the hydraulic or the electrical systems, there thought is it is electrical. Selectman F. Byron states that the \$2,800 is what it would cost to replace this with a non-hydraulic manual system, which was used for many years before and worked fine. He was told that anything in back of the bucket in other words the whole unit is perfectly fine and stout. Selectman F. Byron says that Dave Mellen has no problem using that vehicle if the Board wants to repair, in order to save money with the Default Budget and not replace it. The cost of \$2,500 to repair this, when asked Mr. Mellen stated he disagreed and thought it was more like \$1,500 give or take and that he had expenses for about \$900 for 2 maintenance services that were done at \$450 each. Selectman F. Byron addresses the other question of the skid steer dropping from \$8,000 to \$6,000 in worth, he is not a specialist in skid steers, but his point being that it should not be considered in the Boards analysis because the same holds true in the purchasing of a new vehicle, it depreciates

as soon as it is taken off the lot. So he considers the \$2,000 a wash. So in looking at the numbers that were on the website, the 2013 payment will be about \$8,000 residual which is the value of the skid steer, \$2,500 for the Grant, \$2,500 was encumbered from 2012 and \$7,500 will be taken out of the 2013 Fiscal Year Budget. So the out of pocket amount will be the \$7,500 plus \$2,500 for the total cost of \$10,000 for 2013, with future years 2014 being \$7,199 and 2015 \$6,974 according to the website. Selectman F. Byron states that over a three year period the Town will be looking at \$23,000 for out of pocket costs. Where if the Town were to put \$2,800 into the existing vehicle to keep it going that would solve the issue for this year. He feels it does not have to be replaced this year only repaired, put new tires on and try and run it for 2 years and then see and re-evaluate.

Selectman J. Brunelle states that this information is totally opposite of what the Department Head, Dave Mellen has been saying. But if he feels he does not want to replace the skid steer at this time and can get along with repairing the existing vehicle, than he would suggest to the Board to take it out of the Budget. He feels Mr. Mellen is trying to work within the Budget and could hopefully get by for a year, but doubts 2 years. Selectman F. Byron states Mr. Mellen did not say 2 years, he was making that suggestion.

Administrator J. Hoch mentions that he feels now it will appear he has mislead the Board and he has not, he was going by information and many discussions with Mr. Mellen over a period of time about this vehicle and now does not know what to make of this information.

The Board discussed Selectman F. Byrons conversation with the staff and the decision was made to defer to a later date and have Mr. Mellen come and speak to the Board about the Skid Steer and his opinion on replacing or repairing to stretch out another year.

Cruiser

Selectman J. Brunelle highlights information regarding the purchasing of new cruisers. When this Board sat down with the Police Chief and discussed their Departments needs they were looking for 4 new cruisers, based on the buying behavior done 3-4 years ago. During the Budget process lengthy discussions were had about the life expectancy of a cruiser. The Town has a number of 90,000 miles for a front line cruiser reaching its shelf life. The Budget Committee agreed with the need for 2 cruisers, and approved 2. The Board of Selectmen worked with the numbers and came up with 3 being the right number, and it was within the Budget, the Budget Committee approved. Selectman J. Brunelle states the the Default Budget still has funding for the 3 cruisers. He would also like to mention that Ford who is the vendor of choice will stop manufacturing this years vehicles in a week, so if the decision is not made to go forward than this will be deferred until a later date.

Administrator J. Hoch states that the last lease had 4 vehicles in it, 3 were equipped similar and these have been the front line cruisers. When the Board dropped replacing the 4th car, it was car #6 which is mainly used as a supervisor vehicle, and because it is not equipped like the others it does not get the mileage (it is at 50,000). Which is nowhere near the 90,000 so not a need to take it out of rotation and move to a detail vehicle. car #3 as of April 2, has 93,000 miles, car #4 has 88,000, and car #5 has 71,000 miles. J. Hoch adds that just under \$1,000 has been spent on car #3 for repairs since January, car #4 has had \$140 for routine maintenance, car #5 \$1,336 for axle, brakes, fuel pump and routine maintenance and car #6 \$347. Jason mentions that car #5 broke down on March 21st on Albuquerque Avenue leaving an Officer

stranded for over an hour. Also car #5 the cage completely failed leaving access to secure space and firearms, this has been repaired. The interior is in poor shape the drivers seat is past the point of repair and needs to be replaced. Car #6 also has a continuing problem with the battery staying charged it needs to be routinely jump started. The day of Wilson Farms fire when additional Officers were dispatched to respond, car #6 would not start. J. Hoch states that he brings this up because coming out of their lease these vehicles are not under warranty, so the repair costs will increase over what has already been seen.

Selectman J. Brunelle mentions that the cages in these vehicles are about 10 years old and the plastic has deteriorated, they are safe but they are not new and have been around thru a few rotations.

Administrator J. Hoch mentions also that much of the equipment will not be able to be reused in the new vehicles due to the model changes, and the equipment in the current cruisers has been thru a few cycles and is worn.

Selectman B. Lemire asks if there was any pricing done on other makes and models, such as the Dodge Charger or Chevy Caprice. Selectman J. Brunelle said yes, but there is an alliance to Ford, they have had good luck with the cars, vendors and equipment fit ups.

Jason Hoch states that because of the model changes the 3 vehicles discussed have to be fully fitted with new equipment and the cost is higher in year one, hopefully 3 years out you are not replacing as much, you will be buying a vehicle but not the fit up items inside. Added to this is the camera system, which have largely failed as well. The order includes 4 cameras to purchase now they are portable and will be able to be move easily into a new vehicle. Jason mentions that car #6 has to be kept and the more it can be used in a front line way the better, parts will be moved around from the old cruisers to fit up car #6 and any other parts that can be used in the older cars. Set-up will be done in Massachusetts by MHQ who has been the Town's vendor for cruiser set-up and is familiar with equipment, department needs, and is able to handle all electronics/communication installs. An alternate vendor would mean a delay in communication installs. He mentions that the Chief has gone over the list and pared down and reviewed with both the vehicle vendor and set-up vendor to ensure that items listed are not being duplicated (or being added at one location, to be removed at the other). Jason states that the Budget set aside is \$40,500, he has had 2 quotes on financing as of now, which includes the cruisers and the skid steer combined (the figure will change if the skid steer is taken out) but there is only about \$1,000 difference between the two plans. So with the \$40,500 towards the cruisers this year and 2 more payments of about \$51,000 in 2014 and 2015.

Selectman F. Byron asks which cars will be retiring. Jason states #3, #4, #5.

Selectman J. Brunelle adds that these will go to detail cars and detail cars will go in for trade.

Selectman P. Jewett asks why are the warranties not being renewed on these vehicles.

J. Hoch states due to the fact that when they leave primary service they get a lot less use and when they are used as a detail vehicle the Town actually makes some money off them. Plus they do not offer warranties on service vehicles.

Selectman K. Bourque asks who sets the mileage restriction of 90,000.

Selectman J. Brunelle states that the Town went to different Communities and asked what they were doing and what was expected. Hudson is 80,000, Windham 3 years/90,000, Goffstown 110,000, Merrimack 80-100,000, Salem 3 years and the State Police 3 years/100,000. These vehicles are heavily used, motors in particular run hard, interiors are abused.

Selectman P. Jewett asks what is the expectant delivery when these are ordered. To which Jason states about 8 weeks and 2 to 3 months till able to be in service due to additional fit up time involved.

Selectman F. Byron suggests that 2 new cruisers get purchased and the best parts from the others get put into the existing cars that are left. Take out seats, cages anything that can be reused. Car #5 has 72,000 and if you go by the mileage used that should last another year. Feels the Town needs to get out of the cycle of buying bunches of vehicles and get back to spreading them out like the Town use to.

Selectman P. Jewett makes a **motion** to lease/purchase 2 new front line cruisers to be outfitted properly and to fix the remaining 2 vehicles to be front line cruisers

Selectman B. Lemire **seconds** the motion

Selectman J. Brunelle states that the Town will probably be looking at needing to purchase another vehicle next year, maybe get back to the Towns 2/1 rotation as was done previously.

Selectman B. Lemire feels this keeps things within the Default Budget, and meets the wishes of the voters. Feels this is a good compromise to the Police Department and the Town.

Selectman J. Brunelle asks what was the Default on the lease. Jason states \$34,429

Vote carries 4-1-0.

Jason mentions that he will initiate the order and will come back with the figures and paperwork at the next Board meeting. He wants to rework the amounts for the changes addressed this evening. But will still go with 4 cameras because the price was woven into the lease costs, cameras are \$25,000. Board still has questions regarding cameras, Jason will bring back stronger numbers and options.

Legal Services

Selectman J. Brunelle states that he reached out to about a dozen Town Administrators and Chairman regarding Mitchell Municipal and no one had anything negative to say. Other members of the Board did their own research as well.

Selectman J. Brunelle makes a **motion** to bring Mitchell Municipal on as the Towns new Legal Counsel. Selectman K. Bourque **seconds** the motion. **Vote carries 4-0-1.**

Administrator J. Hoch mentions that either himself or Selectman J. Brunelle will need authorization to sign a Fee Letter Representation Agreement with the Firm.

Selectman B. Lemire makes a **motion** to have a formal letter authorizing Selectman J. Brunelle be drawn up. Selectman P. Jewett **seconds** the motion. **Vote carries 5-0-0.**

Selectman J. Brunelle also mentions that he would like a letter sent to Hage and Hodes Law Firm thanking them for their service, but that the Town decided to go with other Counsel.

Community Planning Grant

Administrator J. Hoch mentions that the Grant the Planning Board had applied for has been approved and the Town serves as the Fiscal Agent for this Grant. Directions from the Funder are to sign the Grant Agreement so permission needs to be given for either Selectman J. Brunelle or himself to be the signer of that agreement.

Selectman F. Byron makes a **motion** allowing Chairman, J. Brunelle to sign the Community Planning Grant agreement.

Selectman P. Jewett **seconds** the motion. **Vote carries 5-0-0.**

Stormwater

Administrator J. Hoch discusses a meeting he attended on Tuesday with a number of other Town representatives concerned about the impending Stormwater Permit. They had Counsel there to speak, which was the same Counsel representing the Great Bay Communities in their discharge permit challenge. J. Hoch tells the Board that he has attached slides that were distributed to them and asked to be considered an Attorney/Client document.

Jason states that the perception of the meeting is that the impending Stormwater Permit is unreasonable, technically unsound and potentially sets up all Towns to be in immediate violation. At least 30 Towns were present at this meeting. Estimated cost for compliance for all of NH permitted Towns will be between \$5 and \$10 billion dollars. Towns are looking to align together in a group to challenge this. There are several angles to pursue on both the State and Federal levels. Jason expects that there will be a proposal for Towns to work together with shared Counsel on this, and the Town can evaluate what Litchfields role may be on this. There are some big Communities that this will affect such as Manchester and Nashua who will have massive costs as they look at compliance of this permit.

Jason states he has not received any proposal as of yet, but will be bringing this back for further discussion when he does. The comment period has been extended to May 15, 2013 with the EPA. J. Hoch mentions that he has given a State wide number, but wants to give a sense of the magnitude of what may be required. So he has included a proposal that Hampstead received for a consultant to fully manage their permit process they seemed like a reasonable comparison - population of 8500, largely single family residential, minimal commercial/industrial and operating with a Budget of \$5.3 million. Jason mentions to bear in mind, that Litchfields covered area is roughly half of the Town, so the cost of implementing here should be discounted at least by 1/2. Nevertheless, that adjusted cost is still \$174,000 in year one and \$157,500 for each of the remaining years. EPA's own bottom end estimate of an annual cost for Towns is \$70,000. He is just bringing the Board an update and will continue conversation at a later date.

Tax Map Update

Administrator J. Hoch states that he would like to move forward to get the Town's tax maps updated with NRPC. The new product will take everything that is now in paper form and builds it so it actually has GIS and a database behind it for the Town. The contract includes building from existing data the they have from other places, they will create digital versions of the tax maps, and annual updates at no additional cost. They have a very good base map as is, because they use subdivision plans from the registry. The company will also provide all the large paper size maps that are in the lobby or in areas of the Town Hall, as well as the electronic version of these. Jason would like to proceed with NRPC and start this project, they have it deliverable for the end of the year, he thinks more like September, and the cost is \$1,750 which the Town encumbered and set the money aside.

Selectman F. Byron asks if Jason spoke about the confidentiality of this with NRPC.

Administrator J. Hoch states they clarified the contract to read, All material, data, maps, reports, documents and other work products prepared under this agreement, shall be owned by the

Town. The Commission will retain file copies of the project inputs to facilitate future tax map updates. Retained project materials of a dynamic nature (e.g. assessing data base records) are to be handled by NRPC as unofficial Town documents not suitable for distribution subsequent to the project period.

Selectman B. Lemire makes a **motion** to allow Jason to proceed with NRPC in updating the Town tax maps. Selectman K. Bourque **seconds** the motion. **Vote carries 5-0-0.**

Defibrillator/Monitor Purchase

Administrator J. Hoch states that the bids for the defibrillators were sent out on March 14 and a request was posted on the website, 2 proposals were received and Firefighter/Paramedic Jim Rae has been going thru them. Jason mentions that both original proposals received were for approximately the same price. However the Zoll X-Series offers a great deal more than the Lifepak- 15. The Zoll X-Series is much newer technology. Its smaller, lighter and has built in features such as wi-fi, downloadable data, and "see-thru" CPR which the lifepak does not offer. For the Lifepak to add just some of those features it would cost several thousand more dollars in options. Although the Lifepak-15 is a good device, the Zoll is far superior and will cost much less. Of the 2 units, only the Zoll will be capable of keeping up with the technology over the next ten years. He recommends the Board accept Zolls proposal. The Zoll bid was lowest \$56,858 and the Lifepak-15 was \$60,032.50.

Selectman B. Lemire makes a **motion** to accept the proposal from the Zoll Company for the defibrillators in the amount of \$56,858, and the recommendation from the Fire Department. Selectman P. Jewetts **seconds** the motion. **Vote carries 4-0-1.**

Selectman Reports

Selectman P. Jewett went to the Conservation Committee meeting and they will be doing a site review next Friday on Nesenkeag at 5:00pm.

Also there will be a fishing derby on May 11, 2013

There will also be a Town Clean up of 2 miles on Route 3A on Saturday April 27, 2013

Hazardous Waste Day on Saturday April 20, 2013 between 8-12 am in Nashua at the Department of Public Works.

Selectman J. Brunelle states that the Budget Committee is meeting on the 25th

Items moved from consent

None

Other Business

None

Selectman J. Brunelle states the the Board will be going into a non-public session per RSA 91-A:3, II(a) - negotiating and strategies to collective bargaining

Selectman B. Lemire makes a **motion** to adjourn to go into a non-public session.

Selectman K. Bourque **seconds** the motion. **Vote 5-0-0.**

The next Board of Selectmen's meeting will be on April 22, 2013 at 6:00pm at the Town Hall

APPROVED APRIL 22, 2013