

TOWN OF LITCHFIELD BOARD OF SELECTMEN

June 10, 2013

Selectmen's Meeting

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

Also Present: Jason Hoch, Town Administrator

5:00 p.m. Paperwork review
6:00 p.m. Call to Order
8:00 p.m. Non-Public Session per RSA 91-A:3 II ©

Pledge of Allegiance

Review of Items for Consent:

1. Minutes of May 28
2. Approval of Payroll and Accounts Payable for June 10 and June 3
3. Prospective approval of Payroll and Accounts Payable for June 27

Approval of Consent Items

Selectman J. Brunelle reads aloud the Items for consent. Selectman F. Byron asks for the dollar amounts to be read aloud in the future - Accounts Payable \$72,333.63 and Payroll \$42,695.09. Selectman K. Bourque **motioned** for the Board of Selectmen to approve items for consent. Selectman P. Jewett **seconds** the motion. **Vote carries 4-0-0.**

Request for Items - Other Business

Selectman F. Byron would like to discuss the non-public meetings that are being posted to the Town website

Selectman J. Brunelle would like to discuss the resignation of Valerie Hardy from the Mosquito District Commission

Public Input: No members of the public were present

Administrator Report

New Business

Fire Department Grant

Administrator J. Hoch states that there is a notice for a grant application from a resident in Litchfield, Jen Gilbert who works for Fireman's Fund Insurance Company. This company

donates a portion of profits to Fire Departments across the country. Jen Gilbert is nominating the Litchfield Fire Department for a grant for a much needed commercial washer/dryer for the Departments protective gear. He states that part of this nomination process involves obtaining support from elected officials and other members of the community. Jason as Town Administrator has put together a letter of support and would like to know if any of the Board of Selectmen would be willing to write a brief letter of support as well.

He states that the protective gear dryer is \$8,800 the washer is for \$9,995 and an additional \$1,000 for plumbing and electrical to install.

This would be for a grant and no expense to the Town.

Selectman J. Brunelle makes a **motion** to authorize the Chairman of the Board of Selectmen to sign a letter in support of the grant for the Fire Department.

Selectman P. Jewett **seconds** the motion. **Vote carries 4-0-0.**

Old Business

Hazard Mitigation Plan

Administrator J. Hoch states that this was worked on last summer with NRPC. It is a requirement with FEMA to update this plan every 5 years. There were meetings with NRPC, the Road Agent, Building, Fire and Police Departments. The plan was submitted to FEMA for review and Jason was notified it has been approved by FEMA pending adoption. This will allow the Town to be eligible to apply for mitigation grants administered by FEMA. The next step in this process is for the Board of Selectmen to formally adopt this plan. J. Hoch states that Jill Longval from NRPC has sent a letter with language for a certification of adoption for the Board to sign and forward with the plan.

Selectman F. Byron states that he could not find in his notes any information regarding this topic being discussed in the past. So he would like to know what is all this regarding.

J. Hoch states that this is a requirement in order to maintain eligibility with FEMA for Hazard Mitigation Grants. Which may involve such things as a culvert failure, flooding or something that requires FEMA assistance with building or replacing rather than just emergency assistance in the form of reimbursement. There needs to be a plan on file with the Town and FEMA showing that there is a plan in place and the Town has thought about risks that can occur, a type of master plan.

Selectman J. Brunelle and J. Hoch state that in 2011 the Board spoke with Jack Morehouse from FEMA regarding this Hazard Mitigation Plan, and it was also discussed in July of 2012. Jason mentions that this plan needs to be updated every 5 years, and he raised this issue again when the Board and he finished the Emergency Operations Plan and shared all notes and documentation with the Board.

Discussion continues with Selectman F. Byron and Selectman J. Brunelle regarding when the Board was notified and it is mentioned July 23 and August 13 are a few dates that it was discussed with the Board of Selectmen at a meeting.

Selectman J. Brunelle makes a **motion** to approve the certificate of adoption by FEMA for the Litchfield Hazard Mitigation Plan update for 2013.

Selectman K. Bourque **seconds** the motion. **Vote carries 3-0-1.**

Selectman J. Brunelle states the paperwork is there for the the Board to sign.

Selectman J. Brunelle also asks J. Hoch for a way to keep the Board informed of old items that may be lost or forgotten about over time.

Jason states that in the BOS meeting agenda at the bottom of the page under the heading “open items” he will inform the Board of items pending that may still need their attention or further discussion.

Noise

J. Hoch states that he did some investigating of policies with other Towns. He also discussed this with Chief O’Brien and was advised that the Town does not have sound metering equipment as thought, (which would require calibration and training). So he would just like to confirm if this is still the direction that the Board wants to consider. Mentions that some towns opted to go with a nuisance ordinance instead of a noise ordinance. So he has given the Board some samples of what other Towns have implemented and would like them to look it over and give some feedback for further discussion.

Selectman J. Brunelle states something should be done to address this, but he is not in favor of it costing the Town as far as equipment, training or something that can not be enforced. The Board discusses that this happens at certain times of year but is not a large problem for the Town at this point. That a “good neighbor” type of policy regarding noise should be more of what should be done rather than noise that needs to be measured.

Selectman P. Jewett states that she feels the public should be made aware when a surrounding Town is going to be having an event that will be creating excessive noise or a disturbance. The Board continues to discuss that they can not control what surrounding Towns do. That hopefully after what happened with Londonderry’s fireworks display, and the calls and feedback to their Departments they would notify neighboring Towns in the future.

6:25 Selectman B. Lemire arrives to meeting

Selectman J. Brunelle asks J. Hoch to draft a courtesy letter to surrounding Towns asking them in the future if possible to notify our Police/Fire Departments if they know of an event that is going to create noise and or a disturbance that may concern our community. Then the Town can possibly alert citizens through the Code Red System.

Selectman F. Byron asks the Board to still address the noise ordinance issue. Understands and agrees that money should not be spent for a decimal type meter or on trying to enforce a metered type of ordinance. But in reading Jason’s information, Towns still found it difficult to enforce a noise ordinance of any kind. J. Hoch states that most Towns specified types of noises (fireworks, music, vehicles) and set time limits as to when these things can start/stop. The Board agrees to read over the material from Jason and give him feedback and he will continue in the direction of a “Good Neighbor” type of approach rather than a measured noise enforcement, and Jason will get back to the Board.

Reconciliation Policy

Administrator J. Hoch states at the last meeting they discussed that somehow the Reconciliation Policy had eluded the annual review since it was passed in 2010. He has made a few adjustments based on the current practices. As part of this review with the staff involved with

reconciliation, he realized that part of the verification being done monthly is departmental receipts vs. clerk posted receipts. The policy (as well as the items provided in the electronic monthly file) reflect this. They are working on implementing an automatic data import from the Town Clerk system into the General Ledger so ultimately those numbers will be exactly the same; they are currently manually entered. Comparing those two data sources does not usually yield any new information, its the department receipt ledgers that yield the information. So Jason is introducing this as the amended policy and would like the Board to read over and inform him of any changes or issues they may have, and he will present a final policy at the next BOS meeting for approval. Selectman F. Byron states that he feels this eliminates involvement on the part of the Board of Selectmen. Also concerned that he does not see anything stated that the Board can audit the Town Clerk/Tax Collector and Treasurer's books as they feel necessary.

Selectman J. Brunelle mentions for Jason to add into the policy that the Board of Selectmen have the authority to audit anything at anytime.

Selectman F. Bryon feels that does not address the lack of involvement allowed by the Board. His concern is based on the 2005-2008 period where money was stolen from the Town by the Treasurer. Feels this is due to the lack of involvement by the Board of Selectmen. He feels that the Board should go into the records periodically to review them and cross check ledgers against each other.

Selectman J. Brunelle states that isn't that what the auditor do. To which Selectman F. Byron states he feels once a year is not sufficient.

J. Hoch states that he feels the policy has the opening for involvement addressed and goes on to read - Under the responsibilities of the finance office "to perform the requirements of reconciliation procedures monthly. Running a ledger report, providing the Town Administrator and the Board of Selectmen with the results of that work". Under the responsibilities of the Town Administrator "it is required to review monthly the reports of Treasurer, Town Clerk/Tax Collector and Board of Selectmen's Finance Office for comparison and receipt of their independent reconciliation records. To make available electronic copies of supporting documentation for verification and review of the independent reconciliation reports. To present the entire Board of Selectmen within 30 calendar days the summary of all these reports signed by all parties for the Boards approval".

Selectman F. Byron states that he feels the Board should still be more involved than that, and participate in some of those reconciliations. Sit in on reconciliations with the Treasurer, Town Clerk/Tax Collector and review their books and bank statements.

Selectman B. Lemire and Selectman J. Brunelle state that they feel there are layers of protection that have been implemented since 2008 to prevent what happened from happening again.

Records are checked and cross checked by multiple individuals. There is a Town Administrator that goes over these records as well.

J. Hoch states that the Board has all those document summaries shared monthly and the Board can review and look at all the bank statements, look at Town Clerk's or Treasurer's reports at anytime.

Selectman J. Brunelle asks Jason to share a link to where the reconciliation reports and statements are for the Board to take a look at. Also to add and clarify the wording in the policy to include that the Board of Selectmen can review documents or sit in on a reconciliation of books

with any Department at any time. He also asks for a letter to be sent to the employees who handle the reconciliations, Treasurer, Town Clerk/Tax Collector to notify the Board when the reconciliations are going to take place so a Board member can attend if desired.

6:48 Selectman F. Byron leaves meeting

Pay Plan

Administrator J. Hoch would like to update the Board as to some changes he has worked on with this plan. He states the wage sheets show changes where he has tried to merge steps and merits into a workable system, this is because the Board has showed an interest in both programs. He has added notes for the Board to review, he has incorporated 15 grades and each grade has about an 8% separation between it. This allows room to drop positions in grades which has been a challenge currently. The methodology and market updates still need to be worked on, but he states he needs a table and a schedule to be able to insert data into. He would like the Board to take a look at this and to give him any feedback or concerns. He is looking to see if where he has slotted people in grades makes some logical sense to the Board. He is also looking for where they have discussed longevity of some employees, he has included a few ideas and would like input regarding this. He would like the Board to focus on where he has inserted positions in grades to give him an idea if this works. He mentions that he recognizes this is loaded with some political statements and questions. Also that after an employee's first 2 years there is no definite step. Which currently they receive a step each year regardless of merit. It is left that the Board will review the information and report back to Jason any ideas or concerns. He will report back to the Board at a future meeting.

6:57 Selectman F. Byron returns to meeting

Other Items

J. Hoch would like to mention to the Board that when workers were tacking up siding that was falling off on the building, they noticed that there were some soft spots behind the siding. The siding has been removed and they found there has been some water leakage behind, which appears to have been happening for some time. So the plywood, insulation and sheetrock have been repaired and replaced and the siding should be completed when the rain stops. Jason states that it appears to be completely unrelated to the roof. However the ice dams or metal edging on the roof that was not completed last year when the new roof was put on, should be dealt with in the coming month. He mentions that the Town retained some of the money and has not paid the full bill until the work is completed.

Selectman F. Byron states that a document Jason shared he can not open. Jason mentions he will check the link and forward the email, it is regarding the retirement of Steve Martin and Debra Mahoney from the School Board. They are having an open house on June 20th and the Board has been invited.

Selectman F. Byron mentions to J. Hoch that he would like to understand the NH Retirement court case. After reading through the documents it appears to him that the court did not make a decision.

Administrator J. Hoch states that based on the changes made in 2011 to NH Retirement there were several court cases filed. One of those cases that has been working its way through the court system pertains to whether the changes to calculation of wages and eligibility that were changed in 2011 were prohibited as changes to a contract. The results by the courts remain inconclusive at this point. However, one interesting point that has come out, is the perception by the court that the agreement of a contract begins for NH Retirement when an employee comes off of probation and starts paying into retirement. Which he states is important because there had been a presumption that the terms of participation were based on vesting (after 10 years).

2 Year Budgeting

Selectman F. Byron states that there was a meeting he attended last Monday with NHMA. In attendance were Administrator J. Hoch, Barbara Reid - NHMA, John York along with a NH school board official. The discussion was biennial budgeting (32:25), and during the meeting they learned there is nothing preventing the Town of Litchfield from adopting a Biennial Budget process.

7:06 Selectman B. Lemire leaves meeting

He states that there was a recommendation for the Town of Litchfield to have legal counsel review and advise Litchfield regarding Senate Bill 2 as compared to 32:25.

J. Hoch states that the NHMA representative had worked in Municipal Services at DRA for a number of years. So she gave information regarding the paperwork and form challenges that DRA will have to adjust to work with Litchfield or any Town wanting to adopt this process. Jason states the meeting was very informative and answered question he and the Board representatives had.

Selectman J. Brunelle asks what would be the next step the Board needs to take if they would like to move forward with the process.

7:08 Selectman B. Lemire returns to meeting

Jason states he would advise what was recommended and that would be for the working group to meet with legal counsel.

Selectman P. Jewett expresses concerns about how will the Board know what can happen in a two year time frame. What if there are unexpected problems.

Selectman J. Brunelle discusses that this is only the Budget aspect. The Board and Committees would develop a Budget that would take the Town out for 2 years. First year it would get voted on by the Citizens along with any warrant articles. Second year if there are any issues or events that may arise there will still be the warrant article process available.

J. Hoch goes on to stress that this is only the Budget. This does not do away with the Town/School Deliberative Sessions or any warrant or special articles. He states that the core operating budget does not change greatly for a two year period. What is eliminated in year 2 is the extensive Board/Staff and Committee process to develop a budget, saving time for all to focus on other Town business. He mentions this would be coordinated with the Town and School so they are staggered making only one budget to oversee each year.

Selectman P. Jewett asks if this will save the Town money. Board states not necessarily other than saving the Town time that can be spent attending to other Town issues.

Selectman K. Bourque asks Jason how long has this biennial budgeting has been in effect and

how many towns have implemented it.

Jason states that it has been in effect since 1998 and no Towns in NH are doing this, only the State of NH itself.

Selectman P. Jewett along with Selectman K. Bourque wonder why would Litchfield want to be the first to go forward with this if no one else has implemented it within the State since 1998.

Jason mentions that most of this has been implemented in Washington State since it was adopted in 1985, 25 cities used the multi year approach with 5 reverting back. In 2012 there were 35 cities that adopted the multi year process. Cities/Towns have adopted this plan and it is working. He states that we can sit back or the Town can say it sees a benefit to the Community and be a leader in this matter rather than wait for someone else to lead us.

Selectman B. Lemire states that this concept has no data to compare, it is up to the individual Towns to adapt and make it work for their City or Town. He believes there are safeguards in place to allow the Town to go in and adjust any issues that may arise. He would like to know what type of Government these Town/Cities have, Town meeting style or a Council-Mayor form. With Litchfields unique form of government he believes this is a big consideration to look at. Discussion continues amongst the Board regarding pros and cons of this plan. Board decides it would like to continue going forward with Legal Counsel coming in for a meeting with the Town/School and working group to discuss further concerns and receive advice.

J. Hoch states that it is recommended to go with one Legal Counsel to represent the Town and School in this matter rather than sending extra on both. He would also like to know if the whole Board would like to be a part of this meeting or just a representative. The Board agrees it should go forward with the Town's Legal Counsel and the whole Board would like to participate in this discussion.

Selectman J. Brunelle makes a **motion** to authorize going forward to seek Legal Counsel for a meeting with the Town and School regarding 2 year Budgeting. But not to exceed \$500.

Selectman B. Lemire **seconds** the motion.

Selectman P. Jewett **amends** the motion to state that the funds for Legal Counsel be split between the Town and School.

Selectman B. Lemire **seconds** the amendment. **Vote fails 2-2-1.**

Selectman J. Brunelle goes back to the main **motion** to authorize Legal Counsel for a meeting with the Town and School regarding a 2 year Budget process. Not exceeding \$500. **Vote carries 4-0-1.**

Building Committee

Selectman J. Brunelle mentions to the Board that he would like to form a Committee to start looking at the Town's Building issues involving the Fire, Police and Town Hall. He would like the Committee to be made up of 7 individuals and he volunteers to be Chairman if no one else would like the position. Selectman J. Brunelle feels the upcoming issues regarding repair or replacement of some buildings in Town will be a process and the public needs to be educated and informed. There is a discussion regarding a Public Safety Building combining the Police/Fire, as well as a Sally Port for the Police Departments vehicles. Selectman F. Byron states that money from impact fee funds was given to construct a sally port and area for the

Police Departments vehicles. Selectman J. Brunelle states that this was indeed done, however the vehicles do not fit.

Selectman F. Byron makes a **motion** to put together a Committee as discussed to study the Town's facilities.

Selectman B. Lemire **seconds** the motion. **Vote carries 4-0-1.**

Other Business

Selectman F. Byron discusses the non-public minute links to the Town website were not there. J. Hoch states that most all are now released and posted, there are a couple from early 2012 where there was some confusion on dates that need to be posted.

Selectman J. Brunelle noticed that the Planning Board's minutes were not posted. J. Hoch states that they are posted but are published in the Planning Board's own area on the website.

Selectman J. Brunelle would like to state that Valerie Hardy has given her resignation from the Mosquito Control Committee and he and the Board would like to Thank her for her service. He would like to let the public know that the Mosquito Committee is looking for volunteers.

Selectman P. Jewett makes a **motion** for the Board of Selectmen to send a letter signed by Selectman J. Brunelle on behalf of the Board thanking Valerie for her service.

Selectman B. Lemire **seconds** the motion. **Vote carries 5-0-0.**

Selectman Reports

Selectman P. Jewett would like to say congratulations to the Graduates of the class of 2013 from Campbell High School. The Graduation will be held on Friday June 14, 2013 at 6:00 pm at the High School.

Congratulation to the Campbell High Girls Softball Team for winning the State Division III title.

She would also like to state that the Fishing Derby was a success and lot of fun for all.

Conservation Board held a meeting Thursday June 6

Selectman P. Jewett discusses her concern over the accidents that have happened on 102, and the section between Old Derry Road and West Road. She would like to have the speed limit lowered to 35 rather than 45 due to these accidents and all the Business that is in this area. She understands it is a State road, but feels Litchfield should try and do something to slow people down in this area.

Administrator J. Hoch states that after discussing this with P. Jewett he reached out to the Commissioner. He found out there is a process to getting a speed limit changed and it involves Engineer and Traffic studies. Knowing DOT had looked at the Page Road and 102 area, he checked on those results and found they felt it was not necessary to implement a speed change at that time.

He was informed that the Town would have to have traffic and speed counts documented in that

area, and the Town would need to fund those studies.

The Board discusses the 3 deaths in this area they believe speed was not a factor that it was obstruction of site or errors in judgement in pulling out into traffic. They discuss having an Officer out shooting radar and collect data on the speeds. They discuss contacting Hudson to see if the Town could borrow their sign that monitors and records speed and place it in the area. Board believes it would be helpful to bring the Police Department in on this discussion and to have the Chief contact Hudson regarding the sign.

Jason would also like to contact NRPC and try and get on their schedule to possibly get a sign that changes speed behavior, he feels that is the best for data information.

Jason will research and at the Board's next meeting discuss findings.

Selectman F. Byron mentions that the Planning Boards Strawberry Festival is going to be held on June 22. The Planning Board will be having a both asking for input by the citizens regarding their thoughts on Zoning.

He would also mention that the Planning Board will be having a meeting on June 25th at the Town Hall to be held at 7:00 pm. This is to go over and to seek public input on the topic of Zoning. He also would like members of the Board of Selectmen to attend this meeting if possible..

Selectman F. Bryon would also like to inform the Board that he will be out of town between June 16-19 and will not be available except by email.

Selectman K. Bourque states that he took a ride with the Litchfield Police Department, also got a look at the new cruisers which are terrific, he recommends everyone take a look at them.

Selectman J. Brunelle states that the Board will be closing the public portion of the meeting and going into a non-public session per RSA 91-A:3, II(c) and RSA 91-A:3, II(a).

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

Selectman K. Bourque **seconds** the motion.

Roll Call Vote: Selectman P. Jewett - yes, Selectman F. Byron - yes, Selectman K. Bourque - yes, Selectman B. Lemire - yes, Selectman J. Brunelle - yes. The Public portion of the meeting ended at 8:00 pm.

The next Board of Selectmen's meeting will be on June 24, 2013 at 6:00 pm at Town Hall

Approved June 24, 2013