

# TOWN OF LITCHFIELD BOARD OF SELECTMEN

July 8, 2013

[Meeting Packet](#)

Selectmen's Meeting

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

Also Present: Jason Hoch, Town Administrator

5:00 p.m. Paperwork review

6:00 p.m. Call to Order

## Pledge of Allegiance

### Review of Items for Consent:

1. Minutes of June 24, 2013
2. Approval of Accounts Payable \$88,302.53 and Payroll \$44,040.95 for July 1
3. Approval of Accounts Payable \$1,708,794.88 and Payroll \$41,886.07 for July 8
4. Prospective Approval of Accounts Payable and Payroll for July 15

## Approval of Consent Items

Selectman J. Brunelle reads aloud the items for consent

Selectman F. Byron **motioned** for the Board of Selectmen to approve items for consent

Selectman P. Jewett **seconds** the motion. **Vote carries 3-0-0.**

## Request for Items - Other Business

Selectman F. Byron would like an update regarding the request made by the Board of Selectmen to legal counsel for recovery of funds from Primex and LGC. Which he states is exclusive of the settlement approved from the State already.

He would also like to discuss the ISO Survey, which impacts the Town's insurance rate.

Selectman F. Byron would also like to know what the prior insurance rate was.

Selectman P. Jewett would like to discuss the speed issue on 102 that was discussed at the last Board meeting. Also she would like an update on the Planning Board meeting that took place on June 25th which was regarding future land use within the Town. Selectman K. Bourque attended this meeting as liaison for the Board of Selectmen but is on vacation, so Russ Blanchette from the Planning Board will give an update to the Board of Selectmen.

**Public Input:**

Chris Pascucci from 12 Colonial Drive states that he attended the Planning Board meeting/workshop on June 25th regarding future land use. Felt it was a very informative meeting which had about 40 people in attendance. He tells the Board the room was divided into 3-4 small groups to discuss their concerns and ideas, then with the Board and public as a whole. Mr. Pascucci's impression is that the citizens of this town do not want growth, sewer or business in the Town of Litchfield. States sewer in particular was a hot topic due to the fact that if sewer was brought in business would follow. He states that with business comes traffic and demands on Town resources such Police, Fire and stress on roadways. Mr. Pascucci states that the meeting reflected the Town's vote at the polls that they do not want business; they want farms and smaller home type business. He mentions that at the meeting it was discussed if business would offset taxes within the Town and it is his view that bringing business into Litchfield will not lower taxes.

Mr. Pascucci would like the Board to keep in mind with the next election to let the citizens of the town bring petition warrants to the Board if they have concerns.

He also wanted to discuss the Building Sub-Committee issue that Selectman J. Brunelle discussed at a prior meeting. He states that he felt Selectman J. Brunelle wanted to go forward with a Safety Complex as his main goal. He is hoping that the sub-committee will not be formed as a way to sell that idea to the public. It is his hope that this committee will be doing research and gathering data on what the Town truly needs, and if something is found to be needed there will be factual documentation to back it up presented to the public.

Selectman J. Brunelle responds by stating nothing is off the table and no there is not a plan already in place. Research needs to be done with the Fire and Police Departments and Department heads looking at all concerns and needs. He mentions that the Fire Department is a main point of interest due to the need for space and age of the building, and a complex has always been part of the discussion. Selectman J. Brunelle states that research and documentation has to be done and nothing would come of this in 2014; it would not be at least until 2015. He states that this process will be similar to the Incinerator, where a Committee was formed, experts were brought in to educate everyone and it was a work in progress for 2 years weighing options before being presented to the voters.

Mr. Pascucci states he agrees with this and as a voter would like to be in front of this issue. He also asks if the meetings of the Sub-Committee will be recorded so the public can stay informed as the process goes along.

Mr. Pascucci also would like to discuss the 2 year budgeting. He feels that it has no chance if brought to the voters of passing. He mentions that maybe it should be presented as an advisory item asking if there is any interest. Feels that a lot of time is being wasted on this item, when the only positive he is hearing is that this will save the Board time. He feels that is what the Board and Town Administrator are elected or hired to do, create budgets and go thru with a fine tooth comb every line, making sure not too much or too little is being spent. So as a selling point to voters he feels time should not be the main point.

**Public Input - Closed**

**Administrator Report**  
**New Business - None**

**Old Business**

**Additional Health Trust Surplus**

Administrator J. Hoch states that back in the fall the Town received notification from the LGC HealthTrust regarding a surplus from HealthTrust for contributions in 2011, and the Town would receive a refund of this surplus. Jason tells the Board that in addition to this return, HealthTrust has advised that the Town will be receiving an additional \$38,600 for the calendar year 2010 based on the order from the Bureau of Securities Regulation.

Selectman F. Byron asks Jason what is the total amount of the 2 years.

J. Hoch states it is about \$53,000 between the 2 years. He reminds the Board that this is a shared amount between employees and retirees who have paid in during the coverage year 2010 and what the Town has paid. Since this was not gross appropriated, he states that a hearing will be needed in August to handle this as unanticipated revenue that the Town can then appropriate to cover and return to employees and retirees. Then determine what they wish be done with the remaining balance, which by his rough calculations will be around \$25,000.

Administrator Hoch tells the Board that he has shared a spreadsheet where he has outlined what was paid by the Town and what individual employees and retirees paid each month of both years. This had to be calculated on both Health and Dental. Then he allocated each individual share of the refund accordingly. Lastly he had to determine how to actually pay back the employees (some employees participated in pre-tax payments while other were post-tax; thus some of these payments are probably subject to federal taxation). He states that what will be retained by the Town as new revenue is \$25,277.81 for 2010, and \$9,765.68 for 2011.

So he mentions the Board will have to decide at a hearing what they wish to do with this 2010 Town share because it is unanticipated revenue; the 2011 share is already part of the budget process.

Selectman J. Brunelle asks when will the Town receive these checks. J. Hoch states end of August.

**Manifest Signatures**

Administrator J. Hoch states that the Board under approval of consent items has been listing "prospective approval" of Account Payable and Payroll.

Jason states the the House and Senate just passed a law allowing approval of non-contemporaneously signed manifests, which are signed by a majority of the board. This was signed by the Governor on June 25th and is effective on August 24, 2013.

So he mentions that in September the Board will be dropping "prospective approvals" of AP & Payroll from the consent agenda. However, report totals from prior weeks will be under other items so public can still see totals.

6:22 Selectman B Lemire arrives to meeting

## **Noise Ordinance**

Administrator J. Hoch mentions that he circulated a draft and received some concerns from the Police Chief and the Code Enforcement Officer that he has shared with the Board. They found this ordinance could be troublesome and there would be no way to enforce.

Selectman J. Brunelle tells the Board that the Police Chief states that since he has been with the Town ( almost 20 years) there has been no problems with noise complaints that they have not been able to handle. He feels the current state law of Disorderly Conduct is the appropriate way to handle these types of calls. J. Brunelle asks Jason if any Board members notified him of concerns or questions they may of had.

Administrator J. Hoch states that Selectman F. Byron expressed concerns with how this could affect some zoning issues, as well as emergency and nonemergency situations, agriculture, and lawn mowing were a few concerns.

Selectman F. Byron suggests to the Board that they scrap this ordinance. When he suggested this he was thinking of something much simpler for a nuisance noise or disturbance. Such as being between certain times of day or night, this has turned into more that he anticipated.

Selectman J. Brunelle asks if there is sufficient coverage for noise or nuisance issues for the Town now.

J. Hoch states that it falls to the Disorderly Conduct law currently on the books.

Selectman B. Lemire states that he agrees with Selectman F. Byron regarding tabling this issue. Selectman J. Brunelle asks the Board if they would like to table this issue or make it simpler as stated.

Selectman F. Byron states that his understanding is it cannot be enforced. Even though there is a law on the books regarding decibel noise levels. So he does not understand how the Chief is suppose to enforce that issue and can not this proposal.

J. Hoch states the the Town has not obtained the proper tools, training or staff for the Police Chief to enforce decibel noise issues. He tells the Board that the law is enforced very limited throughout the State, they would like it to be enforced to a larger extent. Jason also states that the Chief should be notified to put together a decibel equipment package to present with his budget this year.

Selectman P. Jewett would like to know how many calls did the Police Department receive regarding the noise that went on over July 4th in her neighborhood. She feels something needs to be done regarding the noise being allowed to continue for hours.

Selectman J. Brunelle states that common sense and courtesy can not be regulated.

Selectman B. Lemire makes a **motion** to table this discussion until another time

Selectman J. Brunelle **seconds** the motion.

Selectman F. Bryon feels this matter should not be tabled it should be dropped/killed.

Board withdraws their **motion** and **second**

Selectman B. Lemire makes a **motion** for there to be no further consideration on this ordinance.

Selectman J. Brunelle **seconds** the motion. **Vote carries 3-1-0.**

Selectman J. Brunelle states to J. Hoch that if the Police Chief feels that equipment is needed to enforce an existing noise ordinance law he should put together a package to present with his

budget.

Selectman B. Lemire also asks for Jason to check with the Chief regarding how many complaints they received over the July 4th holiday, and report findings back to the Board.

### **Pennichuck Rate Case**

Administrator J. Hoch tells the Board that he has forwarded information he has received on this matter to them. He states that if the Town would like to formally participate in the Public Utility process that a petition needs to be filed by July 12th. J. Hoch states that the combined permanent and step rate increases proposed are a 11.77% increase for general metered customers and 14.5% for municipal hydrants. Estimated annual increase for a regular residential customer will be \$75.48. He states that his understanding is there will be a series of rates. First being a temporary rate increase in the Fall of 7% which is proposed for all classes of users until rates are finalized. Then sometime next year when the PUC approves a final rate he calculates that the Towns monthly hydrant fee would go from \$22,085 per month to \$24,443.57 per month. Then after factoring in the temporary step increase (an adjustment allowed to capture known cost increases from the test year of 2012 through the end of 2013 while in process at the PUC), the monthly cost would be \$24,943.26.

J. Hoch believes that the PUC can set a rate change every 5 years, so there is not a gradual increase, it is always a spike in the rate increase. He states that sorting through the PUC information is not easy these numbers are based on information given and discussed with Don Ware from Pennichuck.

Selectman F. Byron asks Jason if hydrants are on a non-approved road in Town, who pays for them the Town.

Jason believes that as of right now the answer is no. Pennichuck has frozen (not charged) for some new hydrants in the past and not added them to a rate change. But he will have to check on this and get back to the Board with an answer.

Selectman F. Byron mentions the reason for asking is that there are going to be some approved roads in Town with hydrants that will be also adding to this increase. Or the Town has been paying for hydrants on roads that have not been approved and are not considered the Towns as of yet. He would like to know if the people living on these roads are benefiting from the Fire Protection Programs, or are they or the Developer paying for the hydrants.

Selectman J. Brunelle states that it is his understanding that the subscriber is charged a monthly fee and this cost is moved from the subscriber to the Town under the Fire Protection Program.

J. Hoch states that the questions is when does the pipe feet and hydrant get added to the Town's billing. He will research and report back to the Board at the next meeting.

Selectman J. Brunelle asks the Board if they wish to file a petition to intervene in the PUC process. The Board agrees it is in the best interest of the Towns to file and keep its options open to having a say in the process.

Selectman B. Lemire makes a **motion** to have the Town Administrator and Counsel file the necessary petition paperwork with the PUC for the Town.

Selectman J. Brunelle **seconds** the motion. **Vote carries 4-0-0.**

### **Reconciliation Policy**

Selectman J. Brunelle asks Administrator J. Hoch if he received feedback from the draft he circulated. J. Hoch states that Selectman F. Byron has a few requests for some editing to the draft, and feels he has incorporated these changes into the document.

Selectman B. Lemire makes a **motion** to approve the Policy as modified by Administrator J. Hoch.

Selectman P. Jewett **seconds** the motion.

Selectman F. Byron and J. Hoch discuss a few of the edits to the language in the policy regarding the authority of the Board of Selectmen and the Town Administrator to oversee and review all documents, access to electronic documentation and reconciliations. **Vote 4-0-0.**

Selectman J. Brunelle asks J. Hoch to make effective July 1, 2013 and to add “reviewed annually”.

### **Other Items**

#### **Culvert Issues**

Administrator J. Hoch mentions to the Board that there are two culvert issues that are at a point beyond routine maintenance. First is on Brenton Street. Water is eroding behind a large stone that supports an end wall and culvert as well as slope deterioration. Road Agent is reviewing a few different strategies with an engineer on how best to correct this problem. J. Hoch states that based on their preliminary review it appears it will be covered within the operating budget.

Jason states the second issue is a culvert pipe that needs to be replaced near the intersection of Ronisa and Garden. He tells the Board that material necessary for this is in stock. J. Hoch mentions that the issue here will be the closure of the road that will potentially impact the residents of the neighborhood. Jason states that when it is scheduled, the Town will notify residents via Code Red (and by flyer for those not enrolled).

#### **Draft Audit Management Letter**

Administrator J. Hoch mentions to the Board that he has shared the draft letter from the Auditors along with his responses on behalf of the Town. J. Hoch states that there was nothing of concern or alarm. Some research on old tax deeded property, requiring dual signatures on cash reconciliations, providing access to departmental internal turnover forms, improve controls over employee pay rates. They also had a few questions regarding trustee paperwork (forms MS-9 and MS-10), also a non-expendable portion of the library trust fund needed to be clarified.

Selectman F. Byron would like to know why there is no statement of the auditors opinion, which he states is standard procedure.

Administrator J. Hoch mentions to Selectman F. Byron to look on electronic page 4 of the financial statement and under “opinions” the auditors opinion is stated there. Auditors will be coming to a future meeting to discuss.

#### **Solid Waste AED Training**

J. Hoch states that all staff at the Solid Waste Facility have completed training from Paramedic

Rea in AED operation, CPR and choking hazards for adults, children and babies.

Selectman P. Jewett mentions to the Board that she thinks and thank you and praise should go out to all of the employees at the facility for all their hard work. Selectman J. Brunelle agrees and states the the Recycling Center has been praised by many organizations for its staff as well as its cleanliness and organization.

### **Tax Payments**

Administrator J. Hoch states that taxes were due July 1st, and after checking with the Tax Collector as of noon on Wednesday 95% of what was billed has been paid. He mentions this slightly exceeds their expectations.

### **Union negotiations**

Administrator J. Hoch states that the Police Union has advised they are ready and available to start working on a new contract.

Selectman J. Brunelle mentions that he two representatives from the Board are Selectman F. Byron and Selectman B. Lemire.

Selectman B. Lemire states that he has had a discussion with F. Byron and J. Hoch mentioning to them that if the meetings are held during the day he cannot attend, due to conflict with his job. However, he can review all documents and keep updated with Selectman F. Byron if that is suitable with the Board.

Selectman J. Brunelles asks if the meeting can be held later in the afternoon so everyone can attend.

Selectman B. Lemire states that he does not want to get into paying the Officers involved in the negotiations overtime, that he is fine with staying updated through Selectman F. Byron.

There is a discussion about the Officers being paid overtime if the meetings are in the afternoon or evening. Due to there being three Officers participating in the meetings all on different shifts they feel overtime will have to be paid.

Administrator J. Hoch reads a section of the Union Contract which states that it is not required to pay overtime for contract negotiations.

Selectman J. Brunelle states the Board would like both members to attend if possible along with the three Officers from the Police Department. They will be in touch with the Union and see if they can work out a schedule.

### **Route 102 Traffic Counts**

Administrator J. Hoch tells the Board that NRPC will be gathering updated speed and traffic data next week. They will be laying down the tubes/machine on Sunday 7/14, and leaving the machine until Sunday 7/21. Jason hopes to have the data by 7/22 if all is successful.

Selectman B. Lemire asks if it would also be a good idea to get a study done in September, due to in the summer there is not at much traffic.

J. Hoch agrees and feels more accurate data would be in September; however they will compile this information and combine with additional information as needed.

Selectman P. Jewett states that she would be glad to help out in any way needed to help gather any necessary information.

### **PLT Officials Coverage**

Administrator J. Hoch states that he and the Town Clerk/ Tax Collector had been discussing bonding for bank deposits, due to vacations and schedule changes. So he sought clarification of the Public Official Bond coverage under the Town's insurance as opposed to its general liability coverage. As per the State and DRA the Town has to list who is bonded in the Town. Jason states that under the Town's property liability coverage all officials are covered to the \$500,000 level. He mentions that he shared information from a Property Liability Trust representative stating that "PLT agrees to reimburse the member for any loss of money belonging to the member, or for which the member is legally liable, caused by acts committed by any one or more of the officials, employees, or volunteers of the member, acting alone or in collusion with others".

J. Hoch states that this cleared up the question of who could make deposits if necessary, and anyone can that is delegated by the Treasurer.

Selectman F. Byron asks J. Hoch to be covered under the Bond does the individual need to be specifically designated. Jason states that PLT suggests no you do not need to specifically designate.

### **Selectmen Reports**

Selectman J. Brunelle asks Selectman B. Lemire to update the Board regarding the Budget Committee meeting on June 27th. Selectman B. Lemire states it was a very well run meeting with everyone getting back together for the first time in awhile, it was brief. Questions revolved around 91-A and 32:15 regarding alternate members, with the Board deciding they were not going to change past policy.

Selectman J. Brunelle states that he took some of the questions that were asked from the meeting and forwarded them to Counsel for clarification.

Selectman F. Byron discusses the 2 year budgeting meeting with Counsel. Counsel listened to the group and ideas were discussed, but the end result is that Counsel will be researching information and checking with DRA and will have an official opinion at a future time.

**Items moved from consent - None**

### **Other Business**

Selectman F. Byron states that he knows the Town's previous Counsel was aware and was handling this matter he was wondering if it has been forwarded to the new Counsel and what may be the status.

Administrator J. Hoch states that on the April 22 meeting he shared a summary from Counsel and he asked for any feedback, receiving none he felt it was closed. In summary Jason states that the fixed date of June 29, 2009 was chosen by the Secretary of State, and through the agreement with Primex and LGC there are no other Holiday Premiums for any other prior dates and Litchfield has no further refunds forthcoming.

Administrator J. Hoch mentions to the Board that ISO will be reviewing building code operations later this year. This is part of the overall rating for communities. They will be doing the Police as well as Fire Departments.

Selectman F. Byron would like to know what the previous rate was so he can compare it to the new information that will be coming forward.

Administrator J. Hoch states that it was in 2007 and he will get that information to the Board.

Selectman J. Brunelle ask how long it take to generate the rating.

J. Hoch states several months.

Selectman K. Bourque attended the Planning Board Committee meeting on June 25th regarding future land use, however he is on vacation this week, so Russ who attended will update the Board.

Russ states the Future Land Use Visioning Community Outreach Session that took place was very well attended by community members. There were breakout sessions within the group with everyone brainstorming. Lots of positive information and good discussions were shared. He states that many feel Litchfield is great as it is. Analysis of the information has not been completed as of yet, but he hopes at the next meeting they will have some information and he would be glad to report back to the Board at a later date.

Selectman J. Brunelle asks Russ how this differed from the survey's that were sent out last year. He states that that survey showed people were interested in some commercial business that would have a convenience of services for the community.

Russ states he feels there is a good pool of public opinion to work with and this information will be pooled together with the survey done last year.

Selectman B. Lemire makes a **motion** to adjourn. Selectman J. Brunell **seconds** the motion.

**Vote carries 5-0-0.**

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

*Approved July 22, 2013*