

# TOWN OF LITCHFIELD BOARD OF SELECTMEN

## December 23, 2013

### Selectmen's Meeting

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

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. Approval of Payroll (\$43,050.60) and Accounts Payable (\$49,307.97) Manifests
2. Minutes of December 9, 2013
3. Land Use Change Tax - Map 10, Lots 77-1, 77-5
4. Veterans Tax Credit Applications (2)
5. Acceptance of Heron Drive and Maintenance Bond for Heron Drive
6. Pole Permit - Comcast - Charles Bancroft Highway
7. Reappointment of Irwin Marine as Deputy Tax Collector for boat registrations;  
Boat Agent agreement with Irwin Marine

Selectman F. Byron would like to have the Pole Permit consent item removed  
Selectman J. Brunelle states item will be removed from consent and discussed later during  
Items moved from consent.

### **Approval of Consent Items**

Selectman J. Brunelle reads aloud the items for consent

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

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

### **Request for Items - Other Business - None**

### **Administrator Report**

#### **New Business**

#### **Default Budget**

Administrator J. Hoch tells the Board he is sharing his revisions to the Default Budget and is not looking for approval this evening. Jason states that the 2013 Default Budget as presented at

Town Meeting (with realignment of line items following the vote was an exercise of the Board of Selectmen's ability to adjust and transfer within the bottom line). He feels it is more appropriate to use the default as presented to the voters last year with the requisite adjustments from there. Adjustments are shown in the "default changes" column on the sheet provided, with a total for the 2014 default in the last column. Administrator J. Hoch asks the Board to review and gather any questions they may have for discussion and approval at the next regular BOS meeting. He tells the Board that the final numbers need to be provided by Budget Hearing, and those numbers are not finalized until the Board of Selectmen sign the warrant.

Selectman F. Byron states that last year there was a lengthy discussion over what should be kept in or cut from the default. He asks J. Hoch if during the formulation of this proposed Default Budget he has provided to the Board, did he follow the same rules they agreed upon last year. Administrator J. Hoch states no, that the numbers from last years default are one step removed from the budget that is being worked on this year. He tells the Board he worked from what the law states, that one time expenses and contractual expenses are removed, so he followed this directive. He looked at things that the Board made policy decisions on for the coming year and incorporated this into the Default Budget.

Selectman F. Byron states he understands the Board is to review and consider this agenda item and not make final approval this evening. His concern is that the Board's next scheduled meeting is for January 13, 2014 where revisions and final approval are needed for the Budget Hearing held on January 16th, he feels another meeting may be necessary.

Board discusses the difference in the Default Budgets and the allocations of line items within the budgets for this year and last, with the bottom line staying the same.

Selectman F. Byron states his issue is not with J. Hoch and his use of the Default Budget or line items as presented to the voters last year. His concern is with using the same policies and procedures they defined as a Board last year to arrive at the 2014 Default Budget, even though they are using a prior Default Budget as this basis.

J. Hoch states that he is looking for the same direction as last year, he feels his professional judgement and the advice of Town Counsel was to not go in the direction the Board wanted last year, and if the Board wishes for him to change directives this year he has no problem doing so he just wants the Board to go on record advising him of their wishes as to how the Default Budget should be calculated.

Selectman F. Byron states that the Board should review the rules and decisions that were made last year so everyone has them fresh in their minds.

Jason gives an example from the Zoning Board Budget - the prior year Books and Periodicals line was \$65, so this is the number to carry over in the default. Now their proposed budget for the coming year is \$16, so using the BOS approach the proposed budget then becomes the new default budget number in this line, rather than the previous carried forward number. Jason states with the perception that the difference between the \$65 and the \$16 is being called the one time purchase line. Unlike if it stated that they are buying fewer books but purchasing more stamps, the figure would then be last year's stamp figure, rather than trading between lines as priorities changed. However, the Board decided not to follow this, and any place where a line item went down the Board agreed to take the lower number from the proposed budget and place it in the default budget. Jason states that on a line basis that theory works, but on lines that may exchange there is no basis for calculating this, which is where the disagreement

has been. J. Hoch mentions that there is only one sentence in State law that defines what the Default Budget is, so there is limited meaningful guidance to fall back upon.

Selectman J. Brunelle mentions to the Board that if they feel this topic will be too much to review and approve on the January 13th meeting, the Board could meet on the 6th to discuss just this matter regarding the Default Budget.

Selectman B. Lemire states he was not totally comfortable with what the Board decided last year. He understands Administrator J. Hoch's point regarding contractual and one time expenses and how this could hinder Departments.

Selectman F. Byron states that the Board made a decision last year that any increase in a contractual item that occurs, would be automatically applied to the Default Budget.

Board decides to look over the information that Jason has supplied and to gather any questions for the January 13th Board meeting.

### **Albuquerque Use and Speed**

Administrator J. Hoch tells the Board that Selectman B. Lemire received a letter from a concerned citizen regarding the traffic and speed along the north end of Albuquerque, as well as pedestrians being able to cross at the intersection by April Drive. They would like to know what ideas the Board, Police Chief and Road Agent may have to address this situation.

Selectman J. Brunelle would also like to mention that this is not just one citizen concerned with this issue, there have been several.

J. Hoch tells the Board that he had a discussion with the Police Chief as well as the Road Agent. Police Department has been doing some additional directed patrols on Albuquerque based on the concerns about speeding. They reported that between January 1 and December 19 there have been 368 logged vehicle stops along the length of Albuquerque (in most cases a specific location along this road is not logged), 238 warnings have been issued, 94 summons and 31 arrests. Jason also mentions that the citizen noted concern regarding a tree that obstructed visibility near the intersection of April/Albuquerque. There was discussion regarding the possibility of adding a crosswalk and associated warning signs. However, there would need to be some adjustments to pavement and markings on April and/or add extensions to the bike path, otherwise the crosswalk will lead from nowhere to nowhere. J. Hoch states other options were discussed that had a larger price tag attached, such as additional signage with electronic speed displays (anticipated cost of \$8,000). He spoke with the Police Chief in Plaistow regarding signs they installed at the edges of their village area, and his sense is that they do affect driver behavior in those areas. Jason's opinion is that the challenge here is a design issue. From just north of Bristol, Albuquerque is an open and relatively straight road with wide open shoulders. The functional speed based on that design is higher than the speed of 35 that is posted. He tells the Board that all of the visual cues to both the drivers and pedestrians, enhance the feeling of speed (pedestrians) and actual speed (drivers). This leads to a decision point of considering raising the speed to a speed appropriated for that section of road (which he realizes is completely counter to the citizen's request) and he is not recommending. But possibly introducing some design elements to reduce the speed. So he states that the alternative is more signs, extra police resources may assist incrementally, but both will have limited impact. From a design approach, maybe consider planting some trees in the Town right of way as a relatively low cost approach to addressing the design issue (attached document showing street trees can

lower speeds 3 to 15 mph). He also mentions installing medians in the road. He tells the Board nothing can be done till Spring, however, wanted to get the discussion going to see what may be done regarding this matter.

Board discusses options and feel crosswalks at Albuquerque/April as well as other areas along this road are an alternative, along with additional signs and pavement markings to support safer pedestrian movements to and from the bike path. Also the possibility of installing poles with markers along the yellow line indicating a crosswalk (yield to pedestrians or slow speed) will also possibly slow the speed. They feel there are options to try before investing large sums of money on electronic displays. Board also discusses asking the Police Department to patrol or set up radar at this end of Albuquerque more often, to show more of a police presence in the area.

Selectman B. Lemire suggests that the Police Chief ask for a possible Highway Safety Grant for speed control or if there are any studies that can be funded regarding this issue. They also discuss speed studies that show the road was designed and built for a speed limit of 45. However, because it is not a state road (it is a Town road) the speed limit has to be 35.

Selectman J. Brunelle asks if a traffic study (as done on 102) can be done on this road in the Spring to see if speed is a problem. Board also would like Jason to check into the legalities of a possible sign in the middle of the road for crosswalks. They would also like input to control speed from the Police Chief and Road Agent. Board will take up discussion at a future meeting. Selectman J. Brunelle states that the citizen will need a response to the possible actions the Board can and will take regarding this issue.

### **Tires**

J. Hoch tells the Board that Selectman F. Byron passed along a question regarding tire disposal charges at the Solid Waste Facility. He was wondering if the Town charging a fee is causing the abandonment of tires to avoid paying this fee. Over the past year, the Town has had 10-12 tires abandoned at various locations throughout Town. Dave Mellen passed along that he collects and recycles around 400 tires each year. The charge is \$2 per tire and he has not experienced complaints about the charge or the check only policy. He also noted that the Town's charge is less than most businesses are charging for tire disposal. Dave does not recommend any change at this time. He also expressed a concern that eliminating the charge may lead to a greater number of tires being brought to the facility requiring further subsidy from taxpayers. Jason states that people will always throw out things (not just tires) along roadways and areas just because.

Selectman F. Byron raised this question because he thought the Town was charging a much higher fee, around \$10 a tire, and this was causing people to dispose of tires along the road. Selectman J. Brunelle ask what does the Town get charged for disposal of a tire. Jason states he believes \$2.80. The Board discusses that the Town is not breaking even and is in the hole for every tire disposed of. Jason states that the Board should revisit the fee schedule and possibly increase this fee to \$3.

### **Public Input**

Jason Guerrette 11 Perry Court, Litchfield states that his comments are in regards to the Default Budget and he is glad it came up as a topic this evening. He states that legally the Default

Budget guidance is indeed one line in the law. He states it is not intended to be what we make it out to be. If one looks at the history or reads transcripts and sees how the law came to be, you get a good understanding of what that point was. Jason states it is not about the concern or the hurt it may cause, it is so that a Town can continue. Because if a Town under SB2 does not approve of the Budget, and did not have a mechanism to go forward which is the Default Budget, then you would have no funds left to proceed. The law states it is not meant to jockey or shuffle things around the Default Budget only exists from the day it is formulated and signed, until voting day. Because after that this Board, due to a Supreme Court decision out of Hampton, says this is an Operating Budget and the Town can do with it what it will, because it is no longer a Default Budget. He states the Board can reallocate those funds however they choose. However, once that is done it becomes your new line items, not last years that has ended. There is no more Operating Budget from last year, it has become this years Operating Budget. So if the Town chooses to buy 10 widgets, that is where the Town's appropriation exists, it is no longer in the 10 oranges purchased prior. Jason states that once you took that Default Budget and turned it into an Operating Budget that is the basis by which the Board starts. So it does not matter where or how you reallocated those funds, from where they originally were. He is thankful it is not complicated and is just a sentence in the law. He feels there is still a misunderstanding though and would like to read this for the Board - Default Budget as used in this subdivision means the amount of the same appropriation (money), not services, as contained in the Operating Budget authorized for the previous year. Reduced and increased (both not one or the other) as the case may be by certain things, debt service, contracts and other obligations previously incurred or mandated by law. One time expenditures that are not likely to re-occur in succeeding budget are removed. Mr. Guerrette states that no one has ever challenged this law.

Selectman J. Brunelle closed public input

## **Old Business**

### **Warrant Articles**

Administrator J. Hoch tells that Board that he has compiled and edited all warrant articles, with suggestions from Counsel. As they are reviewed there are some additional comments with guidance from Counsel that he will include in the conversation this evening.

### **Road Improvement**

J. Hoch discusses with the Board the choices they asked for in presenting this article, there were 3 written - One asking for a million dollar Bond, another for a one year \$170,000 sum if the bond fails, the final for a sum of \$170,000 matching the Highway Block Grant that would be non-lapsing till 2016. Board discusses schedule of annual payments and term for the Bond. Selectman J. Brunelle asks the Board for a vote on Article 2 written for the million dollar bond.

### **Vote fails 2-3-0.**

Selectman J. Brunelle reads article as written

**Article 3:** To see if the Town will vote to raise and appropriate the sum of \$170,000 for the purpose of road pavement improvement projects. This sum matches the amount expected to be received by the Town through the NHDOT Highway Block Grant. It is anticipated that these

funds will be used toward the costs of repairs to Cutler Road and Stark Lane. This is a non-lapsing appropriation per RSA 32:7, VI and will not lapse until the improvements are completed or by December 31, 2016, whichever is sooner. *Estimated 2014 tax rate impact: \$0.21.*

Selectman B. Lemire **motioned** for the Board of Selectmen to approve Article 3 as written  
Selectman K. Bourque **seconds** the motion.

Board discusses why Mike Lane is not mentioned in this article, Jason states that the repair of Mike Lane is already in the Operating Budget. This is for Cutler Road and the balance to start the repair of Stark Lane. **Vote carries 5-0-0.**

### **Fire Department Air-Pack Replacement**

Selectman J. Brunelle reads article as written

**Article 4:** To see if the Town will vote to raise and appropriate the sum of \$21,000 toward the purchase of replacement SCBA equipment. These funds will be used either as the Town's matching share for a regional grant application which, if awarded, will award the Town \$186,000 for the purchase of this equipment; or, if the grant is not awarded, as a portion of the purchase price of the equipment, the remaining funds for which will be raised and appropriated at a future Town meeting. This is a non-lapsing appropriation per RSA 32:7, VI and will not lapse until the equipment is purchased or by December 31, 2016, whichever is sooner. *Estimated 2014 tax rate impact: \$0.03*

Selectman B. Lemire **motioned** for the Board of Selectmen to approve Article 4 as written  
Selectman P. Jewett **seconds** the motion. **Vote carries 4-0-1.**

### **Police Contract**

Administrator J. Hoch tells the Board that the appropriation numbers did change due to the gross appropriation for dispatch, even though it is revenue neutral. He states that each year has an increase of \$2,000. Jason also states that Counsel recommended adding a separate article if the Board is concerned about passage of this article. Which could state, shall the Town if Article 5 is defeated authorize the governing body to call one special meeting at its option to address Article 5, cost items only.

Selectman B. Lemire states that this would allow the Police Union to go back and renegotiate and if they reached agreement again come back to a special Town meeting during that given year, rather than having to wait till the following year.

Selectman J. Brunelle reads the article as written

**Article 5:** Shall the Town vote to approve the cost items for wage and related costs that have been included in the collective bargaining agreement reached between the Town of Litchfield and Council 93 of the American Federation of State, County and Municipal Employees which provided for the following increases in wages and benefits:

2014: \$44,562

2015: \$31,355 (estimated)

And further, to raise and appropriate the sum of \$44,562 for the 2014 fiscal year, such sum representing the additional cost attributable to the increase in benefits over those of the appropriation at current staffing levels. This collective bargaining agreement covers the full and part time patrol officers and full time dispatchers. This contract contains no raise for 2014 and a

2% raise in 2015. *Estimated 2014 tax rate impact: \$0.05*

Selectman B. Lemire **motioned** for the Board of Selectmen to approve Article 5 as written  
Selectman J. Brunelle **seconds** the motion. **Vote carries 4-1-0.**

### **Contract Special Meeting**

Selectman F. Byron **motioned** for the Board of Selectmen to consider Counsel's recommendation for **Article 6** Shall the Town, if article 5 is defeated, authorize the governing body to call one special meeting, at its option, to address Article 5 cost items only? (Majority vote required).

Selectman J. Brunelle **seconds** the motion. **Vote carries 5-0-0.**

### **Stormwater Management Trust Fund**

Selectman J. Brunelle reads the article as written

**Article 7:** To see if the Town will vote to establish a Stormwater Management Expendable Trust Fund pursuant to RSA 31:19-a. Furthermore to raise and appropriate the sum of \$40,000 for deposit into this Fund and to appoint the Board of Selectmen as agents to expend from the fund. The Fund can be used for the costs associated with engineering, documenting, repair and planning of stormwater and drainage systems as well as compliance with EPA stormwater system permits. *Estimated 2014 tax rate impact: \$0.05*

Selectman B. Lemire **motioned** for the Board of Selectmen to approve Article 7 as written  
Selectman K. Bourque **seconds** the motion.

Administrator J. Hoch tells the Board the this amount could be lowered from \$50,000 because he received an estimate back from the Engineers and is comfortable with the amount of \$40,000.

Selectman B. Lemire **amends** his motion to \$40,000.

Selectman K. Bourques **seconds** the amendment. **Vote carries 5-0-0.**

Selectman J. Brunelle asks the Board to vote on the main motion with the amount of \$40,000.

**Vote carries 4-1-0.**

### **Repainting of the Old Town Hall**

Selectman J. Brunelle reads the article as written

**Article 8:** To see if the Town will vote to raise and appropriate the sum of \$20,000 for repairing the Old Town Hall and to fund this appropriation by authorizing the withdrawal of that amount from the Unexpended Fund Balance as of December 13, 2013. This price includes legally required abatement of lead paint. This would have a net cost to 2014 general taxation of \$0.

*Estimated 2014 tax rate impact: \$0.00*

Selectman B. Lemire **motioned** for the Board of Selectmen to approve Article 8 as written  
Selectman J. Brunelle **seconds** the motion.

Selectman P. Jewett states that she thought the Historical Society had \$3,000 that they were going to contribute.

Board and J. Hoch state that this needs to be done to preserve the building, the money will be taken from Fund Balance and if the Historical Society is able to contribute this will reduce the funds needed. **Vote carries 4-1-0**

### **Town Hall Roof**

Selectman J. Brunelle reads the article as written

**Article 9:** to see if the Town will vote to raise and appropriate the sum of \$43,120 for the replacement of the roof on Talent Hall and to fund this appropriation by authorizing the withdrawal of that amount from the Unexpended Fund Balance as of December 31,2013. This would have a net cost to 2014 general taxation of \$0.

Selectman B. Lemire **motioned** for the Board of Selectmen to approve Article 9 as written.

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

Selectman F. Byron asks why the roof needs to be replaced at this time.

Board discusses that it is past its life expectancy and is showing alot of wear. They also discuss when work was last done on the roof, and it appears it was replaced after a fire around 1985.

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

### **Human Services Agencies**

Selectman J. Brunelle reads the article as written

**Article 10:** To see if the Town will vote to raise and appropriate the sum of \$4,952 to support the requests of Human Services Agencies including Big Brothers/Big Sisters, Home Health & Hospice, St. Joseph's Community Services, and Bridges and Community Council of Nashua.

*Estimated 2014 tax rate impact: \$0.01*

Selectman B. Lemire **motioned** for the Board of Selectmen to approve Article 10 as written

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

Selectman F. Byron would like to include a chart showing the breakdown of where this money is contributed. He tells the Board it appears the \$4,952 is spread to all agencies, when there are some agencies that money is not contributed to. Selectman F. Byron feels the voters should see this breakdown and be able to change any contributions if they wish.

J. Hoch states that there is a slide for Deliberative Session that shows the amount these agencies have asked for and the amount contributed by the Town, this can be presented to the citizens at this time.

Selectman B. Lemire states that he knows of a Town that is half the size of Litchfield that contributes \$29,000 (not including welfare). where we are only contributing \$4,900 he feels we should be ashamed. **Vote carries 5-0-0.**

### **Extended Liquor Sales**

Selectman J. Brunelle reads the article as written

**Article 11:** To see if the Town will vote to allow on premise licensees for liquor sales to sell until 2:00am as authorized by RSA 179:17II(b).

Selectman B. Lemire **motioned** for the Board of Selectmen to approve Article 11 as written

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

Board discusses that the Police Chief feels this will not contribute to any additional impact within the Town. This is not mandatory for Businesses, it is their choice to stay open that additional hour. **Vote carries 4-1-0.**

### **Conservation Fund Cap**

Selectman J. Brunelle reads the article as written

**14(a)** To see if the Town will vote to amend the 2011 vote regarding the deposit of land use change tax funds into the Conservation Fund to authorize 80% of the land use change tax collected pursuant to RSA 79-A:25,II; to be deposited into the conservation fund in accordance with RSA 36-A:5,III as authorized by RSA 79-A:25, II; however, in no event shall the balance in the Conservation Fund be permitted to exceed \$1,000,000.

14(b) only be valid if 14(a) passes.

Selectman F. Byron asks if 14(b) should be contingent upon the passage of 14(a).

Administrator J. Hoch states yes, and it should say that, and it is only a safety net if 14(a) passes.

Selectman B. Lemire **motioned** for the Board of Selectmen to approve both Articles 14(a) and 14(b) as written

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

Selectman F. Byron would like to be clear that once this fund hits its ceiling of \$1,000,000 the extra funds will roll over into the separate fund (not General Fund), and be held there, to only be accessible if the legislative body vote affirmatively to provide that money. This would have the Conservation Commission if they wished to purchase land, go to the legislative body and request funds to be able to do so.

J. Hoch states that yes, wherever that money goes the legislative body would have to decide the following year, and if no action was taken the money is taken out of this fund and given back to the Town's Fund Balance. It can not accrue from year to year.

Selectman F. Byron states that a separate fund needs to be set up that would allow any money that exceeds the \$1,000,000 cap, to be allowed by the voters to be moved into a fund or trust. His concern is that if the fund is not separate the money will be put back into the General Fund and will affect the tax rate of the Town.

Jason states that this needs to be constructed into three parts. The money is first capped at \$1,000,000, then any money that collects over that million is sent to a separate fund for a year, then the third part will be that it will have to be moved from that fund into another fund (or else it will be dropped into the GF). Jason recommends not setting up this third fund this year, but should be done each year after. Board agrees to have Jason rework these concerns discussed and clarify this information in the articles.

Selectman B. Lemire and Selectman K. Bourque **withdraw** their motions regarding Article 14(b) until this is addressed at a future meeting.

Selectman B. Lemire **motioned** for the Board of Selectmen to approve Article 14(a) as written

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

### **Expand Conservation Fund Uses**

Selectman J. Brunelle reads the article as written

**Article 13:** To see if the Town will vote to rename the fund which has in the past been referred to interchangeably as the Town Conservation Fund, the Conservation Land Acquisition Fund and the Conservation and Land Acquisition Fund to the "Conservation Fund," and to confirm that this fund may be used for all purposes authorized for conservation funds under RSA 36-A.

Selectman B. Lemire **motioned** for the Board of Selectmen to approve Article 13 as written

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

Selectman F. Byron states he believes that this will zero out the Conservation's Budget and they will run off of this Conservation Fund. **Vote carries 5-0-0.**

### **Route 102 Intersection Study**

Selectman J. Brunelle reads the article as written

**Article 14:** To see if the Town will direct the Board of Selectmen to bring to the 2015 annual meeting, an article to study alternatives and potential costs for a controlled intersection allowing access to Route 102.

Board discusses Page Road intersection with 102 and that it is a State road (not in Litchfield) and not Litchfield's responsibility to spend money on this intersection. But it is mentioned there are other options such as the Cutler Road intersection to 102, or perhaps other alternatives. Board decides this is something for the voters to express if they are concerned with the traffic exiting onto 102, and if they wish to pursue the matter any further by having a study done. J. Hoch states that he has had discussions with NRPC regarding some new traffic/intersection software they have and may be able to do a demonstration project in this area.

Selectman F. Byron **motioned** for the Board of Selectmen to approve Article 14 as written

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

### **Appoint Capital Improvement Program Committee**

Selectman J. Brunelle reads the article as written

**Article 15:** To see if the Town will authorize the Board of Selectmen to appoint a Capital Improvement Program Committee pursuant to RSA 674:5, which shall include at least one member of the Planning Board and may include but not be limited to other members of the Planning Board, the Budget Committee, or the Board of Selectmen, to prepare and amend a recommended program of Municipal Capital Improvement Projects projected over a period of at least 6 years.

Selectman F. Byron **motioned** for the Board of Selectmen to approve Article 15 as written

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

### **Elderly Exemptions**

Selectman J. Brunelle reads the article as written

**Article 16:** Shall we modify the elderly exemption from property tax in the Town of Litchfield, based on assessed value for qualified taxpayers, for persons 65 years of age up to 75 years, \$50,000; for persons 76 years of age up to 80 years, \$80,000; and for persons 81 years of age or older, \$125,000. To qualify, the person must have been a New Hampshire resident for at least 3 consecutive years, own the real estate individually or jointly, or if the real estate is owned by such person's spouse, they must have been married to each other for at least 5 consecutive years. In addition, the taxpayer must have a net income in each applicable age group of not more than a dollar amount determined by the Town of not more than \$30,000, or, if married a combined net income of not more than a dollar amount determined by the Town of not more than \$45,000; and own net assets not in excess of \$150,000, excluding the value of the person's residence and one automobile (the automobile of greatest value if more than one is owed). This article brings the eligibility requirements into conformance with State law and reduces the asset limit from \$300,000 to \$150,000. The modifications will take effect April 1,

2014.

Selectman B. Lemire **motioned** for the Board of Selectmen to approve Article 16 as written.

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

Selectman F. Bryon states that this was already in conformance with State statute according to DRA.

Administrator J. Hoch states that the Town was not in conformance with State statute, DRA missed a few things according to Counsel. This was originally adopted by petition at a Town Deliberative Session and where the asset limit is being changed they recommended correcting other errors as well. **Vote carries 5-0-0.**

### **Appointed Road Agent**

Selectman J. Brunelle reads the article as written

**Article 17:** To see if the Town will voted to discontinue the elected office of Highway Agent, and to authorize the Selectmen to appoint the Highway Agent. The current Highway Agent shall continue to hold the office until the 2015 Annual Town Meeting election, at which time the elected off shall terminate. If adopted, the authority of the Selectmen to appoint the Highway Agent shall continue in effect until changed by a majority vote at an annual or special Town meeting.

Selectman B. Lemire **motioned** for the Board of Selectmen to approve Article 17 as written  
Selectman P. Jewett **seconds** the motion.

Selectman F. Byron states that this is a continuing item that keeps coming up and feedback from the individuals involved keeps changing. He will be voting against this item until such time as there is a new Road Agent. Selectman F. Byron makes it clear that he is not unhappy with the current Road Agent, he does not get a good read on his thinking regarding this matter.

Selectman J. Brunelle states that each time this has been brought up in the past it has been during re-election time of his position, and the Road Agent felt it would have a negative impact if the Board went forward with the Article. He states that this is to ensure that someone is always in the position that is qualified. He would like to stress that there is not one ounce of concern regarding the current Road Agent, he feels he has done an outstanding job in all aspects of this position.

Administrator J. Hoch states that the relationship between the current Road Agent and himself as well as the other Department Heads is a great working team. The concern would be if someone else came on board and you did not have that same type of relationship, it could hinder the type of collaborative planning and working together as a team that the Town now has.

Selectman F. Byron states that he again would like to state that he has no issues with the current Road Agent and agrees with the comments made. However, State law spells out and defines the Road Agents duties, and are not for the Board of Selectmen to change in anyway, even if that person is appointed. He states that the Board would not be in a supervisory position over the Road Agent regardless if he is appointed or elected. Board discusses this issue.

**Vote carries 4-1-0.**

### **Tax Cap**

Selectman J. Brunelle reads the article as written

Shall we appoint the provisions of RSA 32:5-b, and implement a tax cap whereby the governing body (or Budget Committee) shall not submit a recommended budget that increases the amount to be raised by local taxes, based on the prior fiscal year's actual amount of local taxes raised, by more than 3%. (requires a  $\frac{3}{5}$  vote).

Selectman F. Byron **motioned** for the Board of Selectmen to approve this Article as written  
Selectman P. Jewett **seconds** the motion.

Selectman B. Lemire states that there is no safety net within this article and he is against this. He feels the Board of Selectmen and the Budget Committee are elected to manage the fiduciary aspects of the Town. For hundreds of years these Boards have been elected and trusted to do the right thing for a Town without putting unnecessary restraints upon them. He states if someone does not trust a Board to present a Budget to the taxpayer, that may go over 3% (due to an emergency or disaster), there is no way to override it. Also if inflation goes to 17%, there is no provision for this or any other type of unexpected occurrence.

Selectman F. Byron tells the Board that everything stated by Selectman B. Lemire is incorrect. He states this will not take away the ability of the Town to take action if there is an emergency or disaster that takes place. Town can go to the Budget Committee and DRA and get the money approved to handle this type of situation. This is still part of State law and would be available to any Board that comes along in the future. Next, he states this can be overridden by the voters who attend the Deliberative Session if they wish. He feels this article would keep the Town's Budget within a reasonable means giving the voters a sense of control, and allow the voters to limit what they want their elected officials to do.

Selectman J. Brunelle asks if this would include warrant article or just the operating budget. He is told both. He agrees that so far history shows the budget has been below 3%.

Selectman B. Lemire states that the Tax Cap is at the ballot box in March, with the voters as far as he is concerned. Board discusses other Town's who have had issues with imposing a tax cap. They also discuss a glitch in the State law, that has since been corrected. **Vote fails 2-3-0.**

### **Reduction in Services**

Selectman J. Brunelle reads the article as written

To see if the Town will direct the Board of Selectmen to develop a plan to reduce the Town services, including the reduction of hours of service across all Departments of the Town.

Board discusses the wording of this article and feels it is very vague. This has been a topic of conversation and this is a way to present it to the voters and have them give their opinion as to how they may feel regarding cutting Town services.

Administrator J. Hoch states this is to help develop a plan, this is not to adopt a plan.

Selectman F. Byron states that when he first presented this it did not include the Police or Fire Departments. He was looking to see if there were areas with Departments where services or hours could be cut to save the Town some money.

Selectman B. Lemire suggests a survey to assess the services offered to the Town, and he wonders if it could be included with the Capital Improvement Survey. Or just have the Board meet with the Town Administrator and see what can be done if anything without putting this to a warrant. Board discusses the wording of this article.

J. Hoch states that you can not write an article that includes all the elements and questions that have surrounded this continuing question of asking about a reduction in services, it has to be general. So Jason feels, first you need to see if the citizens what you to put your attention there and then bring a plan forward.

Selectman F. Byron **motioned** for the Board Selectmen to approve the Article as written Motion **failed** for lack of second.

Selectman F. Byron **motioned** for the Board of Selectmen to develop a plan to reduce Town Services within the Departments of the Town.

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

Selectman J Brunelle states that this Board has never increased any Town Services, they have just been trying to maintain the services already offered to the citizens of Litchfield.

Selectman F. Byron states his question is, are the citizens happy with the services or hours already offered or do they want or feel they should be reduced. As far as Department Heads coming forward and saying they feel their hours could be cut, he states that generally speaking that would never happen. **Vote fails 2-3-0.**

Selectman F. Byron states that the Board of Selectmen will be proposing a warrant article for a cost of living increase for employees.

Administrator J. Hoch states that one of the things he and the Board have been trying to do is move the Wage Plan forward. He has given the Board some plans and cost of implementation, and would much rather see the Board move forward with this plan and start chipping away at some of those positions, that will be showing salary increases. He states that asking and failing every year for a cost of living raise is not a good position for the Town's employee's to be in. Also that asking for a cost of living raise perpetuates a percentage on top of trying to implement a wage schedule that he is hoping the Board has decided to move away from. He felt the Board was working on the Wage Plan approach.

Board discusses that by not addressing a cost of living increase they will be sending a message to the employees of this Town. However, Selectman J. Brunelle states that hopefully by the employees seeing the Board is moving forward with a plan that will eventually address this, they will understand.

J. Hoch states that funds need to be attached to the Wage Plan for it to move forward. He states that if the Board is against funding this, he would rather see them go forward with a COLA plan instead.

Selectman J. Brunelle states that the Wage Plan and COLA are two separate issues. So going forward and discussing the Wage Plan, which has been in the works for over 2 years should be discussed. J. Brunelle states that this issue is set to be discussed later in the meeting, because Jason was asked to gather information on a cost for funding it for a two year period, so as not to have it be a huge hit to the Town.

Administrator J. Hoch states that it is not the case because some employees are well behind in the market. So when costed out it comes to around \$115,000. Board decides to table this conversation until it comes up under Old Business later in the meeting.

### **Year End Projection**

Administrator J. Hoch tells the Board that they are scheduled to discuss encumbrances at a special meeting set for Monday, December 30th at 5:00pm. He states that projections are now a little tighter than first thought, instead of \$70,000 he is looking more along the line of \$50,000. Jason tells the Board that winter has not been kind so far, and costs are trending higher than anticipated.

### **Budget Items - Hydrants; Regional Associations**

Selectman J. Brunelle states that the Board has already voted on the original amount they anticipated. However, the Budget Committee reduced the Boards proposed budget in this area to \$295,658 and asked the Board to explain the payment schedule.

J. Hoch states that this amount is \$3,661 dollars less than the Town's budget. However, he states that the schedule he provided the Board shows that there is a bubble in 2015 at \$312,977 and then a full rate without recoupment in 2016 of \$299,319 (which is what we budgeted this year). Jason states that one of the things the Board discussed was carrying over any unspent dollars from 2014 in to 2015, given the recoupment period. The question is whether it is preferable to have a larger known looming cost in 2015, or to spread that increase out over 2014 and 2015, (and if so, at what level).

Selectman F. Byron asks if the BC understands that this is a contract with Pennichuck.

Selectman J. Brunelle tells the Board he has discussed it the the Budget Committee and explained that the 3 years of payments that Pennichuck supplies showing \$295,658. as opposed to the \$299,319 (the Board anticipated). They felt rather than leave the extra \$3,661 there, they preferred to remove it from the budget.

### **Membership to NHMA**

Selectman J. Brunelle states that the Board has previously had a lengthy discussion on this matter and decided to table it until a meeting with a full Board, due to a split decision. The discussion involved whether to continue to fund the Towns membership with NHMA.

Selectman F. Byron defends the Town's removal from NHMA, because it is no longer necessary to be a member to receive insurance through them, it can be purchased through them or another vendor. He feels the expense of \$6,500 outweighs the benefits that the Town receives.

Selectman B. Lemire disagrees and states that he and others use this organizations services daily, especially the free legal consultation services provided daily. He feels that the Risk Pool (Insurance), is the area of concern not the Municipal side. He feels the Municipal part of this organization looks out for the Town's best interests and in maintaining the revenues from the State. He knows Legislators are not always happy with NHMA at times, but he feels they are a great asset to the Towns.

Selectman F. Byron states that is has no issues with NHMA from a State Representative aspect, and works closely with them. He just does not see that the benefits provided to the Town exceed the cost of membership.

Selectman J. Brunelle states that Budget 4197.10 line 560 currently stands at \$13,375 in the budget approved by the Selectmen, which includes the NHMA membership dues.

Selectman F. Byron **motioned** for the Board of Selectmen have the Town of Litchfield succeed from NHMA and reduce line 560 by \$6,929.

Selectman K. Bourque **seconds** the motion. **Vote fails 2-2-1.**

### **Route 102 Traffic Counts**

Administrator J. Hoch mentions to the Board that a traffic count was done this summer in July on Route 102, and it was discussed to have it done again in October when the traffic volume would be more normal. He states that NRPC has passed along their report from October 21 and 27, and the averages are the same during both time periods. The average speed was 44 mph northbound, and 45 mph southbound, with the 85th percentile for speed being 50-53 mph. Jason states that the data implies that the current speed limit is appropriate. He tells the Board that it would be nearly impossible with this data to have a speed limit lowered from what is posted.

### **Wage Plan**

Selectman J. Brunelle states that this was discussed in depth approximately a month ago, he states that the Board was somewhat in agreement with the levels and direction that the Wage Plan was taking. Board asked J. Hoch to come back to this meeting with a cost attached for funding this plan.

Administrator J. Hoch tells the Board that he shared an attachment showing some scenarios with potential wage costs. He used the updated schedule, assigned current employees in those positions to an approximate place in the grade, he reminds the Board there are 3 sections (a beginning, middle and end). He did not evaluate every position into every scenario. Jason states that he then calculated potential wage costs for a full year and a partial year. In some cases, there were no wage changes and in a handful of cases, the data implied a major change. For some positions that deviated significantly from where the chart would imply they should be placed. J. Hoch states that if everything started as of January 1st and everyone was in the slot he dropped them into, it would have an annual cost of \$116,000. Obviously not a realistic number, so he states this will have to be done gradually and over time. He states that some wage changes would be capped at a specific maximum increase over the current wage. Jason states that ultimately if the Board is committed to a new wage plan than his recommendation is to pick a number to fund this and start on a path to getting all employees on board. He states that he took a modified approach and came up with a  $\frac{3}{4}$  year (starting April 1) at a cost of \$37,847, which is probably still higher than the Board is willing to go. However, if the Board is ok with proceeding forward he will work within a dollar amount that the Board decides on. Board discusses this taking effect on April 1st and would it affect everyone. Jason states this will take a few years to implement all the changes, but some who are behind significantly may see a change on April 1 and October 1, others who are maxed out and are ahead in wages will not see any change. Jason tells the Board that he also showed no more than an 8% increase in wages between grades. He understands this 8% might be high, and states it can be adjusted to whatever the Board agrees on 3% or 5%.

Selectman J. Brunelle states that he feels this is a reasonable plan with reasonable numbers, and can be implemented gradually. It addresses employees concerns regarding wage increases.

Administrator J. Hoch also mentions that this has a longevity plan, which he feels is important to maintain. He states at the moment there is a reasonable number of employees that have served the Town for 20-30 years and are maxed at their pay scale. He states that the figure he gave

only included wages, there are longevity payments, taxes and benefits that go along with this as well. Board discusses the longevity raises that would be paid annually, they are as follows: 10 years (\$500), 15 years (\$750) and 20+ years (\$1,000) there are a total of 9 employees who fall into this category. The discussion continues with the Board trying to figure out a dollar amount for possibly funding this plan.

Selectman J. Brunelle asks J. Hoch if the Board gives him a dollar amount could he then make a schedule and report back to the Board with how and what that would look like in funding this wage plan. Jason tells the Board yes.

Selectman J. Brunelle **motioned** for the Board of Selectmen to approve under Personnel Administration-4155.10 a new line item titled Wage Plan Implementation in the dollar amount of \$30,000.

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

Selectman J. Brunelle states that at the next Budget Committee meeting he will ask for this to be reopened and will explain that the BOS has adopted a new wage plan and this is the funding to begin implementing it.

Discussion continues on how to adopt this pay plan, and Selectman F. Byron states he is not in favor of adopting this until he sees the Policy Manual and modified Personnel Policy.

Selectman B. Lemire would like to adopt the section of the policy that was just approve for funding, so the Budget Committee can move forward with approval.

Selectman B. Lemire **motioned** for the Board of Selectmen to adopt the Pay Wage Plan grid update for the Budget Committee.

Selectman J. Brunelle **seconds** the motion. **Vote carries 5-0-0.**

Selectman J. Brunelle asks the Board their feelings regarding a COLA plan. Board of Selectmen agree not to move forward with a COLA at this time.

## **Other Items**

### **2014 Holiday Schedule**

Selectman J. Brunelle states that the Town follows the State employee holiday schedule

#### **2014 Holidays** Non-Bargaining Unit Employees Only

New Year's Day	Wednesday	January 1, 2014
Martin Luther King Day	Monday	January 20, 2014
President's Day	Monday	February 17, 2014
Memorial Day	Monday	May 26, 2014
Independence Day	Friday	July 4, 2014

Labor Day	Monday	September 1, 2014
Veteran's Day	Tuesday	November 11, 2014
Thanksgiving Day	Thursday	November 27, 2014
Day after Thanksgiving	Friday	November 28, 2014
Christmas	Thursday	December 25, 2014

Selectman B. Lemire **motioned** for the Board of Selectmen to approve and accept the Holiday Schedule for 2014

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

### **Selectman Reports**

Selectman P. Jewett reads a note from Sargent Green, United States Army, thanking everyone from the Town for always keeping he and his family in their thoughts. It is his honor to serve his hometown and this great country.

She would like to thank all those who donated and helped with the packages to our servicemen and women.

Selectman J. Brunelle thanks Selectman P. Jewett for all that she does for the Town.

Selectman B. Lemire wanted to thank Selectman P. Jewett on behalf of the Board and the Town for all her hard work. For what she has done for this Town over the years is remarkable. He states that she must get a tremendous sense of satisfaction from what she does, for all the hours that she volunteers. It is greatly appreciated by all.

Selectman J. Brunelle states that the Budget Committee meetings have gone really well and the Town portion is about wrapped up and they will be moving onto the school.

He would also like to recognize and congratulate Fire Chief Fratzl for receiving the Chief Fire Officer designation from The Center for Public Safety Excellence Commission on Professional Credentialing.

### **Items moved from consent**

Selectman F. Byron tells the Board that Comcast is asking for a Pole Permit, for a pole they would like to install on the side of Route 3A. He states that the Litchfield Board of Selectmen do not control the right of way for Route 3A, therefore cannot grant permission for Comcast to install a pole on State property.

Administrator J. Hoch mentions that the Town of Litchfield/BOS do grant pole permits for all roadways in Litchfield whether they are Town or State.

Selectman F. Byron states this is the first time he has ever seen a pole permit come thru the BOS.

J. Hoch mentions that the Town/BOS approved pole permits earlier this year for PSNH along the north end of Route 3A.

Selectman F. Byron asked if the Town collects taxes on this, and Jason states only a pole permit and license fee, but stay tuned there is a possibility in the future that taxes may be collected.

Selectman J. Brunelle **motioned** for the Board of to approve the Pole Permit for Comcast to install a pole along Route 3A

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

## **Other Business - None**

### **Public Input**

Chris Pascucci 12 Colonial Drive, Litchfield tells the Board that in his opinion which he believes to be rooted in fact, is that he is going to state what he feels is clearly obvious. That is this Board as a whole knows the opinion and desire all to well of the voters of this Town. Which is why they will reach to far extents to prevent giving the voter a vote on certain issues. This Board tries harder to circumvent the voter and not allow them their opinion. Mr Pascucci states that he knows it is true that the Board mentions the public can come to a meeting and speak anytime. However, everyone including the Board knows not everyone is comfortable speaking in this type of situation on certain issues. He states that when he heard a tax cap, which would take a  $\frac{3}{5}$  vote to pass, this Board would not allow this to go to the voters. That tells him that this Board is afraid to hear what the voter will say, because they already know what their vote will be. Yet you will not allow them to have a say by voting.

Next he mentions the comments regarding does the voter want to save money, the topic of services was an advisory question something to look into, to possibly save a few bucks by cutting a few hours, yet the Board would not allow the voter their opinion. Because he states this Board knows better, they know this is what they need or want, it does not matter at all what the voter may want because they are not willing to even ask.

Regarding the Wage Plan or pay increases, Mr. Pascucci tells the Board that they clearly mentioned this evening that they have asked the voter, however, the voter keeps saying no. So you are no longer going to ask them and just put this into the Budget, because the voter is too dumb they will not know. They do not know what is best, it is only their money. This Board knows better how to spend their money. Just put it into the Budget and get it into the Default Budget and the voter will have no say. He states that he agrees with Selectman J. Brunelle when he states that no Department Head would come and say they are willing to take a pay cut, or cut their hours or benefits this just does not happen. But he feels this is an area that the Board does need to look into, he is not saying cut services, but feels the voters have a right to voice their opinions.

He mentions again the pay raises that were discussed and put right into the Budget without asking the voter. He states Selectman J. Brunelle mentioned that he did not think they could afford to fully fund this but we could afford \$30,000. Mr. Pascucci asks who is we, it is this Board, not we. We are the voters and if you put it on a warrant and asked the voters if they could afford \$30,000, that would be we, but you did not ask the voter you chose to just put it in the Budget. So how do you know what the voter can afford. He is not saying that raises are not

deserved, but is saying that there is a huge difference between the private and public world. He states that the Board says it is running a business, which it is. However, you choose to run it like a business when its convenient and this Board chooses to ignore the real world when it is convenient. In the real world if a raise is given 1% or 2%, they are also hit with a benefit increase of 3% or a higher health care deductible. He states so when you say we can afford, you really don't want to ask and have no idea what we the voter can really afford. There are people in this Town living on fixed incomes, let the people of this Town voice their opinions and stop taking that choice away from them.

He states that Selectman B. Lemire asked if the market will support a COLA, what is the market, the market is this Board. But a COLA on a warrant and let the voters decide that would be the market. Do not insult the voters by saying the market will support it, when it is you the Board supporting this. Voters deserve a say.

Jason Guerrette 11 Perry Court, tells the Board, no tax impact using end of year funds. He states if the Board were to put a warrant article that funds a warrant article or reduces taxes with those funds, he guarantees the voter would choose to lower their taxes. So there is no funding with zero tax impact. If the Board would choose to return that money you would reduce peoples taxes. Feels it is not the governments role to provide charity. He states that he was quite offended by Selectman B. Lemire's assumption and his being ashamed of this Town for not providing as much donations as other Town's he knows. He feels Mr. Lemire has no idea what the public citizens, donate in personal charity out of their own goodness of heart. Mr. Guerrette feels this Town is very charitable.

States that the comment by Selectman J. Brunelle about his opinion on the Road Agents perception by the voter, Jason feels the perception is much worse if the Board does not allow the voter to vote on things regarding this Town. He states that there were 1,200 people at an election who from their ballots said no to something, but then the Board can come back and maybe get 50 people at a special meeting to push something thru that this Board wants, that causes mistrust amongst people. He tells the Board to speak with the School, they stopped holding special meetings for that reason, it caused mistrust and didn't work.

Mr. Guerrette states that he does want voters to constrain government, because if the voters do not trust what is going on, than what happens is what Mr. Pascucci spoke of this Board will not give the voter an opportunity to voice their opinion. He tells the Board to trust the voter. He states that this evening he heard the best control of government is the ballot box. When the voter, votes no at that ballot box, this Board has the right to change that, however, it causes mistrust and animosity. He feels the contempt in this room this evening from this Board was unbelievable.

He mentions that 200 people who do a survey along with the CPI is nothing, 1,200 citizens at a voters box that tells you something. He also states that the free legal advice that Selectman Lemire spoke of wanting to keep so badly, surely did not tell him that 2 police cars find their way into the Default Budget. He states that in every job he has held there has never been automatic raises except when he was in the military. Yet the one who deserve it most do not receive raises yearly, it is every two years, and there are no longevity bonuses. These are the most deserving public employees and are not getting what the Board is giving this Towns employees.

Selectman B. Lemire **motioned** for the Board of Selectmen to adjourn.  
Selectman K. Bourque **seconds** the motion. **Vote carries 5-0-0.**

The next Board of Selectmen's meeting will be on December 30, 2013 at 5:00pm at Town Hall

*Approved January 13, 2014*