

TOWN OF LITCHFIELD BOARD OF SELECTMEN

April 28, 2014

Selectmen's Meeting

Members Present: Frank A. Byron, Vice Chairman
Brent T. Lemire
Kevin C. Bourque

Absent: John R. Brunelle, Chairman - Excused
Steven D. Perry - Excused

Also Present: Jason Hoch, Town Administrator

5:00 p.m. Paperwork review
6:00 p.m. Call to Order
7:25 p.m. Non-Public Session per RSA 91-A:3 II (c)

Pledge of Allegiance

Review of Items for Consent:

1. Minutes of April 14, 2014
2. Approval of Accounts Manifest (\$45,181.41)
3. Approval of Account Payable Manifest (\$45,050.78)
4. Reappointment of Sharon Harding Reed as Treasurer
5. Reappointment of Debra Hogencamp as Deputy Treasurer
6. Veterans Tax Credit Application Approval
7. Land Use Change Tax Warrant - Map 10, Lot 77
8. Timber Tax Levy - Map 1, Lot 31
9. Elderly Exemption Approval
10. Elderly Exemption Denial
11. Gravel Tax Levy - Map 21, Lot 18

Approval of Consent Items

Selectman F. Byron 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 3-0-0.**

Request for Items - Other Business - None

Appointments

Litchfield Republican Town Committee re: Albuquerque Avenue Adoption

Selectman F. Bryon states that he would like to make the Board and Public aware that he is a member of the Litchfield Republican Committee in case anyone is uncomfortable with him

hearing this matter, he would be willing to step down. No one had an issue with Selectman F. Byron staying on the Board.

Jason Guerrette 11 Perry Court, states that he is the Chairman of the Litchfield Republican Committee. He tells the Board of Selectmen that the Committee is hoping to participate in the Adopt-a-Spot program, which is a Town clean up program. Jason mentions that Goffstown has implemented this program and he has shared by email their website and information. He states that Goffstown has broken their program down into specific sections that include: Program Rules, Cleanup Report (showing if anything hazardous was found), Safety Orientation Forms, Safety Checklist, Safety Signature Sheet/Status Report, Groups Indemnification Agreement & Liability Release Form (so no one holds the Town responsible), and a Renewal/Termination Form (positions renew every 2 years). Mr. Guerrette states the program would be open to anyone, and is hoping to use Goffstowns program as a model for Litchfield. He tells the Board that the Adopt-a-Spot Program was developed to give volunteer groups, businesses and citizens of the Town an opportunity to manage the cleanup of litter from adopted sections of Town maintained roads or properties. The program will allow for greater community involvement in keeping the Town free from litter. Jason states that signs will be used to recognize the responsible group. That the following rules will be used to administer the program and ensure positive program results, and safety with minimum program requirements from each group that must be followed and are outlined in the rules. J. Guerrette mentions that each group that would like to participate in the program will submit an application through (Goffstown uses DPW) he proposes using the Road Agent or anyone that the Board would like to designate. Jason states that the application would include general information about that group, including but not limited to the date of application, name of group, address, contact person/phone number and number of volunteers expected to participate, and two areas that the organization would like to adopt. He states that the Road Agent would review the applications and deny requests for areas that are already adopted or are deemed inappropriate for safety or other reasons (ex: wetlands). All final decisions regarding all aspects of the Adopt-a-Spot program are discretionary and are based on the program rules and any other considerations deemed pertinent. Mr. Guerrette states that there is a formal contract that will be signed outlining all the requirements which may include an acknowledgement of the hazardous nature of roadside work. Also that the coordinator will distribute all related safety gear and training information as required. Jason states that he believes the Town supplies information on cleanup days now. He states that the agreement states specific times, frequency and collection of materials. He mentions that this would be a year round cleanup of the areas adopted, unlike the volunteers that now clean up the roadways a few times yearly. He tells the Board they can set a schedule if they feel it necessary.

Jason goes on to mention that the Road Agent would provide safety training, equipment (signs, safety vests, and trash bags) to the group coordinator. As well as, administer agreements and contracts to ensure all groups get a fair chance at locations requested. Also schedule the pick up of all wastes collected during the event, in Litchfields case dispose it at the Recycling Center. J. Guerrette states that the Groups responsibilities include that they complete all applications and operation follow up forms. Propose dates and coordinate with the Road Agent, and obtain all required safety gear and training. Groups adopt a spot for 2 years, all volunteers are required to sign safety orientation sheets and all required forms the day of each event. Each area is

cleaned twice a year (or schedule Board sets). All material must be placed in sealed bags and put near edge of road for collection. Minors must have parental consent. Provide first-aid supplies and be able to respond to minor injuries. No group or individual under court order to provide community service can participate in a cleanup event. The Group, not the Town or its agents, are responsible for the activities of its participants while involved in the program. Mr. Guerrette goes on to mention that for liability the Group will hold harmless the Town/Road Agent from claims arising out of work and services provided, as well as, any and all claims based on the negligence and intentional conduct of any participant. The Group must provide primary insurance coverage for the group, including participants. Jason states that the Road Agent can use discretion and terminate a group for any of the following reasons, Group fails to renew it term within 30 days of its termination, the program is discontinued, any member engages in unsafe activity, or if the Group fails to comply with minimum program standards. Jason states that Goffstowns program is the best he has seen, he thinks the ownership aspect of this program is a great incentive. He states the Committee will participate in the Town cleanup regardless, but feels this program has been very successful and would like to see it adopted in Litchfield.

Selectman F. Byron states that the Town has programs that are currently being run by the State (ex: Conservation Committee and Womens Club). He states that this has been looked into in the past and was decided due to the liability aspect for the Town, not to proceed. He states that there is a liability to the Town regardless of the signing of a release form. That by endorsing the program and providing safety training and materials you open the Town up to having a liability issue. Selectman F. Byron states that is why Litchfield has continued to have volunteers, such as the group that is sponsoring a cleanup day this weekend.

Selectman B. Lemire thinks this is a very noble idea, but mentions he knows from experience that once the Town endorses a program such as this, there is a cost to the Town and an issue and concern regarding insurance. He feels the Town could informally support a program.

Mr. Guerrette states that this type of program becomes a point of pride and ownership, and he understands the liability issue. But feels anyone even a volunteer on a cleanup day could decide to sue.

Selectman F. Byron mentions that there is no reason why his Group still could not volunteer to participate in a Town cleanup day.

Jason Guerrette asks if Counsel can be asked what the cost attached to this might be for insurance.

The Board and Administrator J. Hoch discuss that the concern would not just be a cost issue, but Counsel would recommend against the Town endorsing and sponsoring training for this program for liability issues and the Insurance Carrier would as well.

Mr. Guerrette again mentions that a discussion is taking place without really knowing what the Insurance Company or Counsel would say. He states that he will make a phone call to Goffstown to see what type of impact it has had on their community.

Selectman F. Byron mentions that the Board of Selectmen has and is stating that it does not wish to take this Program on at this time. He has no problem with checking into the insurance and liability issues, but states the Board and Town are not looking to take on this type of Program now.

Administrator Report

New Business

Annual Policy Review: Background check

Administrator J. Hoch tells the Board that there were no major changes to be done to this policy. He mentions that there was one question from the Board regarding what would happen if an appointed official refused a background check. Jason states that if the official was a term related position, they would not be reappointed to another term. If the official was an elected position then they would not be in compliance with the policies of the Town. He tells the Board that Counsel stated when the new policies went into effect, that you could not require existing Employees or Appointments to follow it they were prior to May 1, 2012.

Jason states the next issue was regarding when a financial or criminal report is generated on an official. The policy was updated to state that once satisfactory and checked, they are not retained but disposed of through shredding paper copies and erasing all electronic data copies (so that any information cannot be reconstructed) or turn over the complete report to the applicant.

Selectman F. Byron mentions that he was questioning where it stated that by signing the first report, it would carry over to any subsequent requests for approval. He does not think that the State system would work the same for the Town.

J. Hoch mentions that the Federal guidance has been updated and clarified regarding the use of background checks to read - get the applicants or employees written permission to do a background check, this will be part of the document used to notify the person who will get the report. If you want the authorization to allow you to get background reports throughout the persons employment make sure it is stated clearly and conspicuously.

Jason states that the next question was regarding a provision in the financial report (these are the most costly to the Town), that an applicant can supply the Town with a recent valid credit report (within 120 days). However, the Town reserves the option to request an additional report. This was questioned (due to prior incident with Treasurer) if it was appropriate for an individual to supply their own report. Jason states that there is a clause that the Town has the right to request their own report.

Selectman F. Byron mentions that the statement regarding the disposal of information is now under the Credit Check portion as the Town's responsibility. He feels it should be noted under the Background section as well, so that the Police Chief is mentioned as also disposing of any and all information.

Administrator J. Hoch states he will add the information to both areas acknowledging the Town and Police Chief.

Selectman F. Byron **motioned** for the Board of Selectmen to accept the revisions made and approve the Town of Litchfields Background Check Policy effective April 28, 2014.

Selectman B. Lemire **seconds** the motion. **Vote carries 3-0-0.**

(Selectman B. Lemire temporarily leave meeting at 6:35)

Cash Receipts

Administrator J. Hoch states that the Petty Cash section of this policy has been removed and a Change Cash Draw section was added. All other sections reflect the current operations and there have been no issues with cash receipts by the Auditors. Jason tells the Board that there

was a paragraph under the Solid Waste Disposal section that needed clarification due to the wording sounded as if all the cash funds were being turned over to Dave Mellen, this was corrected. J. Hoch states that Petty Cash was eliminated as it was only used once or twice in the past few years. Instead a statement was added under Procedures regarding the Change Cash Draw (used for making change).

(Selectman B. Lemire returns to the meeting at 6:37)

J. Hoch states that the last question that Selectman F. Byron asked was what happens when the Cash Funds cannot be reconciled. When is a decision made and referenced to the Selectmen or the Police Department. He mentions that the existing section on compliance states that if the policy is violated it may result in denial or revocation of the privilege to handle Town funds, subject to disciplinary action, including termination as outlined in the Personal Policy. Other Officials may be subject discipline or removal as provided under prevailing bylaws, ordinances or state law.

Selectman F. Byron reads a section in the policy stating that if any discrepancy that is found must be explained in writing and in detail to the Finance Director or Town Administrator. He mentions that there is nothing that states what is going to happen with that information. He wants to maybe add a line saying that the Town Administrator will then advise and forward the information regarding an unresolved issue to the Board of Selectmen.

Selectman K. Bourque thinks this will be a good idea.

J. Hoch states that if it is an unresolved issue it would definitely trigger an action within another policy which would have a course of action. He also mentions that an issue could be resolved and it still be an issue. But he will add a sentence that states- when appropriate the Town Administrator will follow any reporting and investigation steps required by the prevailing Town policy.

Selectman K. Bourque mentions that he had a question regarding the Solid Waste Facility giving receipts out only upon request. He feels it would be beneficial to have them always give a receipt, it would be another form of checks and balances, if at the end of the day they have 5 checks they should have 5 receipts to balance.

J. Hoch states that where they no longer accept cash at the facility he feels it isn't an issue any longer, where a check is the customers receipt. Also mentions he felt it was difficult for them to keep going back to retrieve the receipt book.

Selectman K. Bourque states that they have the hut as you pull into the facility, and they could handle the receipts right there. Checks are still like cash and can be put into a pocket and taken home or overlooked, but if you have a receipt to balance with at the end of the day it would be another form of checks and balances.

Jason states that he feels it is a valid point and will talk with Dave Mellen regarding this topic to get his input because he knows his operation better and will report back to the Board.

Conference & Meeting

Administrator J. Hoch tells the Board he received numerous comments regarding this policy and he needs to do a rewrite on this section. He would like to continue the discussion regarding this policy at the next BOS meeting. Board agrees.

Credit Card

Jason Hoch mentions that there was clarification to a section in this policy stating no purchase totaling over \$1,000 could be finalized without the authorization of the Town Administrator. Also a section pertaining to “all carbons could be destroyed” was eliminated, due to no longer using carbons. Jason states that under additional changes to cards, it was clarified that the Selectmen can remove with or without cause any credit cards. Also under the audit section it was added that the Board review all cards every two years.

Selectman K. Bourque asks how often do the Town credit cards renew.

J. Hoch states he believes every 2 years. He also mentions that he looks over the card list periodically, and at once in awhile a one time purchase may be over the \$1,000 and a cards limit may need to be bumped up, then put back down. So he is looking at limits and cards often.

Selectman K. Bourque **motions** for the Board of Selectmen to accept the revisions made and approve the Town of Litchfields Credit Card Policy, effective April 28, 2014.

Selectman B. Lemire **seconds** the motion. **Vote carries 3-0-0.**

Selectman F. Byron mentions to the Board that the Cash Receipts and Conference & Meeting policies will be added to the Financial Policy, Fraud, Fund Balance and Investment Policies to be discussed at the next BOS meeting.

Public Input:

Jason Guerrette 11 Perry Court, states he sent some information to Administrator J. Hoch regarding the two cruisers purchased from the previous Budget with the lease purchase ending in this last years Operating Budget. Now there is a new Operating which happens to be the Default Budget. Mr. Guerrette tells the Board it does not have an approval by the Legislative Body, to enter into a multi-year agreement. So he states as he sees it the Town can certainly go buy new cruisers because there is no authorization to continue the current lease, and they can be purchased outright. But he mentions that the Legislative Body did not appropriate for the next years lease payment as specified. He would like to know if the Board will continue as it currently has, or take another look at this and take a different action.

Selectman F. Byron states that Mr. Guerrette sent quite a few emails to the Town Administrator and the Chairman of the Board of Selectmen, and asks what is it he is looking to accomplish by this.

Jason Guerrette responds by stating he wants the Town to follow State Law.

Selectman F. Byron asks what is he looking for as an outcome.

Jason again states for the Town to follow State Law, he has no problem as long as the law is followed.

Selectman F. Byron states that the background of the program is that back in 1999 the Town of Londonderry approached the State Legislature with a request that they eliminate the requirement to have a $\frac{2}{3}$ vote to accomplish things (similar to doing contracts). In 1999 a Bill was submitted to the State Legislature which went in front of both the House and Senate Municipal and County Committees. Selectman F. Byron states that the reasons expressed by Londonderry during those hearings was to allow the rental of cruisers and other equipment that were required as part of managing the Town. The testimony to the Committee also stated that non-appropriation clause items can be funded from a Default Budget. Testimony also stated that Senate Bill 2 Towns, if the Budget failed the appropriations would be contained in the Default Budget. Selectman F. Byron mentions that the Legislature at that time enacted RSA 33:7-e

which allows Municipalities the ability to lease equipment without a $\frac{2}{3}$ voted. So other RSA's are not applicable to this particular situation.

Selectman F. Byron also goes on to mention to Mr. Guerette that RSA 33:7-e states that the Governing Body may enter into leases of equipment as required by the Municipality. Appropriations to fund lease agreements with non-appropriation clauses may be approved by a simple majority vote of the Legislative Body. He states that this appropriation has already been done by the Town of Litchfield.

Selectman F. Byron states that since 2010 the Board of Selectmen has continuously put in place, appropriations for the leasing of cruisers in the Operating Budget. It has been ongoing year to year to year. He also mentions that Mr. Hoch the current Town Administrator while working for other Municipalities has reviewed this matter with Counsel (which he states happens to be the same Counsel to Litchfield) and received an opinion that cruisers could be placed into the Operating Budget if they contained a non-appropriation clause. Selectman F. Byron mentions that as a Board these expenses were presented and discussed at public meetings and the Budget Committee was fully aware of and recommended to the citizens their appropriation, which included the rental costs of the cruisers. Those appropriations are currently funding these purchases.

Selectman F. Byron tells Mr. Guerrette that the information he sent to the Board references a Supreme Court case Foote (v) Manchester School District, which is a court case that is in regards to a 3 year contract with the Town of Bedford and the City of Manchester regarding sending students to the Manchester School District. He states this matter is non-applicable to what is being discussed because there is no non-appropriation clause, nor any ability to void the contract.

Selectman F. Byron mentions that the other reference Mr. Guerrette brought up in his email was an article from NHMA regarding Trust Funds and Capital Reserve Funds, this also is not applicable. One small section of the article states that Towns can use RSA 33:7-e and it is a differing opinion than that of the Town Counsel used by Mr. Hoch and other Municipalities, and is at odds with the intention of the Legislation.

So Selectman F. Byron states that at the end of the day the Board of Selectmen are aware and are very comfortable that due diligence has been done on this matter and it is being handled appropriately by placing it into the Budget.

Jason Guerrette states that he know the Boards opinion on the NHMA and has heard it referred to often. He understands the Board is choosing not to go with their opinion, but states he sent another piece of information that speaks particularly to a piece of equipment that was leased and their opinion in that NHMA case. Mr. Guerrette tells the Board that he understands their point and it would require challenge. So he will challenge.

Fee Update

Administrator J. Hoch tells the Board that the fee schedule was last updated in 2012. He is planning on a revision to the list (Departments are reviewing). He does not expect many changes except in the area of Solid Waste. Jason mentions that the Board may recall in 2012 that they clarified approval for setting fees via last year's Town Meeting. So Dave has put together a major revision of the fees since they have not been updated in some time. J. Hoch states that the Board will see that some things have been added while others have been

removed in an attempt to reflect disposal costs as well as the changing nature of the products being received (for instance, in a volume based pricing system flat screen monitors are cheaper than CRT monitors). He states that the Fire Chief has reached out to his colleagues to see in his market how fees compare. He states this will be an item that will be continued into the next meeting in May, as they continue to gather information. Jason mentions that the approval of this fee setting requires a noticed public hearing (including newspaper ad), so this will be a future meeting item.

Selectman F. Byron states that under the disposal of roofing shingles they are looking to change it from \$50 a load to \$10 per square, he is puzzled to know how the average person is going to know what a square is. (he does)

Selectman B. Lemire states he does not know

Selectman K. Bourque states that in Commercial building 3 bundles of shingles (10X10 area) equals a square.

Jason states that Dave could identify a bundle of shingles easy, but to identify and price a load of shingles (big, small, half a load) was a little more difficult.

Selectman K. Bourque mentions that people have asked him what if someone wants to dump Commercially, can they if they live in Town. And would this formula be applied to large loads.

Administer J. Hoch states that individuals who build an addition or do home projects, materials can be disposed of for a fee. However, he does not believe that the Town's permit would consistently allow Commercial. But he will check into it to have a better answer from Dave.

Selectman F. Byron states that he would like to know why is this being expanded out. He knows it costs the Town to dispose of these materials, but feels that is why residents pay taxes to the Town. They discuss items on the list, and Selectman F. Byron states that this volume of pricing will create a series of issues and wonders why the Town needs to expand on this.

J. Hoch states that items that have been flagged are large items that add to the disposal costs to the Town. Because one size does not fit all any longer, an example is TV's the fees to the Town for disposing a 25 inch to a 52 inch vary. Also so many things need to be disposed of separately such as microwaves, laptops and monitors, which all have a cost to the Town attached.

Selectman K. Bourque states that there seems to be a large jump in some areas, such as TV's. Jason states that they tried to find a reasonable middle ground for some of the fees, it is still being worked on.

Selectman K. Bourque also mentions that he feels his comments regarding the Solid Waste Facility handing out receipts for every transaction would be worthwhile, due to the volume of checks that they will be receiving now.

Board continues to discuss pricing on some items.

Jason also mentions that there is the ability to pay online, but everything has not been completely worked out as of yet. Jason will continue to gather information and take the Boards concerns to Dave and discuss options and he will report back to the Board.

Volunteer Cleanup Day

Volunteers will be having a Town Clean Up Day this Saturday May 3, 2014 from 8-12pm. They will be meeting at the Town Hall

Selectman B. Lemire asks if this is posted on the Town websites.
Jason states that yes it is and would gladly be posted for anyone who asks.

Old Business

Social Media Policy

Administrator J. Hoch states that this issue was brought up at the last BOS meeting and got a lukewarm response. He tells the Board there were some fair concerns and questions and is wondering if anyone has reflected more over the past few weeks and if there are any more thoughts regarding him pursuing this further.

Selectman F. Byron states that he seemed to be the only one with concerns regarding this policy. But feels it would be best to postpone this topic until there is more of a full Board. Everyone agrees and this is tabled for another meetings agenda.

Other Items

Insurance Renewals

Administrator J.Hoch tells the Board that over the past few weeks he has been gathering various pieces of information to make a recommendation about Health Plan changes, as it is coming up for renewal on July 1st. He states that the Towns current provider is showing a 5% increase for July. There are some possible plan changes with the provider such as higher co-pays and deductibles that can help with an increase. A simple adjustment of moving to a \$20 co-pay from \$5 nearly eliminates the entire price increase effective for the Towns current plans this July. So he has been putting together some figures and has attached the price sheet as a sample for the "Under 50" Pool, J. Hoch states the real problem is next year with the departure of the School, because as of now the Town is at a lower rate being combined with a larger group (the School). So with their departure, the Town will be looking at a substantial increase of about 10% over the current rate for the same product.

Jason states he has reached out to two other Insurance Pools that offer insurance to Schools and Towns, they are School Care (Cigna) and NH Interlocal Trust (Harvard Pilgrim). He just received rates today and thinks there are some good options, he is leaning toward a move to the NH Interlocal Trust. He states the rates look very good, but he does not have a recommendation as to which of their programs is best. Jason tells the Board this would work out well and avoid changing Insurance carriers twice (July and next year), and the rates look much better than what the Town would be looking at next year with the rate increase the current carrier is quoting. He will continue to work on this and have a recommendation for the Board at the next BOS meeting in May.

Selectman F. Bryon verifies the timeline for this information with Jason and would like to know if he will have examples of the plans for the Board to review.

J. Hoch states he is planning on having that information at the next meeting and will keep the chart he shared updated with his findings.

Selectman F. Byron mentions he would like an outline of the deductibles and co-pays from Jason. Because he would like to know the breakdown of premium cost with the change in deductibles and co-pays, as well as what type of savings each may generate.

Administrator J. Hoch states he will provide that information at the next BOS meeting.

County Budget Hearing

J. Hoch tells the Board that the Hillsborough County Board of Commissioners is having their Public Budget Hearing on Wednesday, April 30th @ 9:00am. He states that this is one of the steps towards the approval in June. He mentions that the Commissioners Budget call for a 2.3% increase in tax appropriation, largely due to workers compensation (no premium holiday) and health insurance. The meeting will be held in at the Commissioners Complex, in the Commissioners' Conference Room, Bouchard Building which is located at 329 Mast Road in Goffstown, NH.

Road Improvements

Jason tells the Board the road repairs and improvements are moving along quickly. The patching on Nesenkeag Road is taking place today. Most of the work (exception of Mike Lane) should be completed within the next week or two. He states that Jack is taking advantage of school vacation week and having the work done on McElwaine. Also Jack and the Engineer were out looking at and discussing the repairs to Mike Lane last week They were looking for additional insight on drainage issues, and spoke to some residence. Jack states the meeting was helpful and they made a few minor adjustments to the plan. This project will start later this Summer.

Selectman Reports

Selectman F. Byron states there was a Budget Committee hearing last week. There were several questions asked by the Committee which he shared with J. Hoch. They regarded the Ambulance and bad debt, as well as what the expected run rate for collecting bad debt from the Ambulance year to year was.

He states that the Budget Committee was told that the Default Budget information had been loaded into the spreadsheet, that is currently getting updated on a week to week basis for the Budget Reports that are going to the Selectmen, Department Heads and Committee Members.

Items moved from consent - None

Other Business - None

Public Input

Jason Guerrette 11 Perry Court, asks the Board if there was indeed an Attorney's opinion, or just that the Attorney shared a similar experience as Litchfield.

Selectman F. Byron states that there is no Attorney's opinion for the Town. As he stated before Administrator J. Hoch received those opinions when he was in other positions for other Towns. They happened to be from the same and current Legal Counsel representing the Town of Litchfield today.

J. Guerrette mentions a question asked of the NHMA stating instead of purchasing the truck outright, can the Town enter into a lease purchase to acquire a truck. He states that the response was yes, the Governing Body may enter into a lease of equipment as required by the Municipality. He tells the Board that with RSA 33: 7-e if the lease includes a non-appropriation

clause (also known as the escape clause) which the Town of Litchfields does have for the cruisers. Than the appropriation to fund the lease may be approved by a simple majority of the voters, which he states we have not had as of yet. Mr. Guerrette mentions that in this case the voters authorized the Selectmen to enter into a lease agreement and vote to appropriate for one year, for a simple majority. Subsequent years lease payments can then be included in the Operating Budget which would then require approval, or a separate warrant article. If the voters in future years fail to appropriate the funds necessary to make the lease payments the equipment is returned and the Town has no further obligation. On the other hand he states that if the lease does not contain the escape clause it creates a debt obligation on the part of the Town and is subject to Chapter 33 of the Municipal Finance Act. This would require a $\frac{2}{3}$ ballot vote of the Annual or Special Town Meeting, $\frac{3}{5}$ in an Official Ballot Referendum Town. J. Guerrette states that he understands the position of the Board. But mentions there are many opinions that are stating the Town is not doing things correctly. He suggests the Town get an actual opinion from Counsel on what the NHMA believes is the law, rather than this matter going any further than it needs to.

Board of Selectmen again state that they understand the opinions and are comfortable with the decisions made.

Non-Public Session per RSA 91-A:3, II(i) - Pending Litigation

Selectman B. Lemire **motioned** for the Board of Selectmen to adjourn the public portion of the meeting to go into a non-public session per RSA 91-A:3, II(i).

Roll call vote - Selectman Lemire (yes), Selectman K. Bourque (yes), Selectman F. Bryon (yes). Board will only come out of non-public to adjourn.

The next Board of Selectmen's meeting will be on May 12, 2014 at 6:00pm at Town Hall

Approved May 12, 2014