

TOWN OF LITCHFIELD BOARD OF SELECTMEN

July 14, 2014

Selectmen's Meeting

Members Present: John R. Brunelle, Chairman
Frank A. Byron, Vice Chairman
Brent T. Lemire
Kevin C. Bourque
Steven D. Perry

Absent: Jason Hoch, Town Administrator- Excused

5:00 p.m. Paperwork review
6:00 p.m. Call to Order

Pledge of Allegiance

Swearing In Of New Fire Department Members

Fire Chief Fraitzl states that he is honored to acknowledge the swearing in of four new members to the Litchfield Fire Department. They have completed their probationary period and all requirements and certifications necessary. Chief Fraitzl mentions that three out of the four completed their FF1 certifications, while one member came to the Department already having his FF2 certification (Christopher Patten). He calls forward Charles Bouley, Seth Miller, Brian Kimball and Christopher Patten. Tax Collector Theresa Brian proceeds to swear in the new members to the Fire Department. Deputy Allard handed badges to family member to pin on the new Litchfield Fire Department Members.

Selectman K. Bourque states that he has been a member of the Fire Department since 2006. He would like everyone to know the dedication and sacrifice (away from friends/family) that these members have to endure during their time at the Academy. He wanted to commend them on all their hard work, and thank their families for their support and allowing them to serve this Town. Selectman K. Bourque states that he is proud to stand by them and extends a congratulations to all.

Swearing In Of Police Department Sergeant

Police Chief O'Brion states that when Sergeant Costa left the Department for a job with the State Police, the Department began a promotional process for Sergeant. This included a written exam, oral board (outside of Litchfield PD), in basket (actual doing of the job) and Chiefs interview. He states that the candidate that come out number one was Ben Sargent. Chief O'Brion proceeds to swear in the new Sergeant to the Litchfield Police Department. The Chief hands a badge to a family member to pin on Sergeant Ben Sargent.

Review of Items for Consent:

1. Minutes of June 23, 2014
2. Approval of Accounts Payable Manifest (\$153,975.64)
3. Approval of Payroll Manifest (\$42,049.98)
4. Yield Tax - Map 22, Lot 13
5. Application for reimbursement for State Forest Lands

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

Fireworks

Selectman J. Brunelle states that the Board received a letter from Mrs. Beverly Lamarre at 134 Talent Road. He proceeds to read the following letter aloud

Dear Sir,

This email and attachment are being sent to my Litchfield Selectmen because I can't withstand one more July 4th (or 5th as it was this year) that is defined by very loud fireworks exploding very close to our home for several hours by multiple neighbors. This "tradition" of backyard fireworks has grown in my neighborhood and I see no other recourse than to try to challenge the legality of it.

We've lived in our current home almost 17 years. Like most people, we have learned to endure loud dogs barking at early hours, waking us from sound sleep. We endure loud cars, trucks and motorcycles driving by at all hours, also waking us at times. We endure parties with loud music playing for hours. But to endure fireworks going off all around us, being set off by four different families, is beyond what is reasonable.

Under the current lack of a ban on backyard fireworks, I have no rights as a citizen and have to endure the extremely loud noises of what sound like bombs and also the loud cannons that fire projectiles. I dread the week of July 4th every year because I know the days will include firecrackers going off at random, scaring myself, my cat and the birds in the backyard, and then early to late evening I will feel like I'm in the middle of a war zone.

The fireworks around our home continued past 11:00 this July 5th, when a neighbor set off some firecrackers in their backyard after all the professional

fireworks shows were finished. Then I phoned the police and complained, as I was so angry and tired by this time I didn't know what else to do.

I know that if people in our town wish to watch fireworks that they can go to Nashua's Holman Stadium or to Canobie Lake Park or to the Hudson Speedway or other public town displays. Fireworks can be fun to watch and I used to enjoy them. Please consider a local ordinance to ban firework use in residential neighborhoods. We should all have the right to enjoy a holiday, one where we can open our windows when the night air cools down, one where we don't have to turn the volume on our TV sets way up to try to block out the cannons going off, one where we don't have to comfort our pets as they hide under a bed for 8+ hours without coming out to eat or drink or stretch. People who choose to use loud fireworks don't take into consideration people who are sensitive and/or frightened by loud noise, people who are afraid of possible fire from the sparks, or the disturbance that harms wildlife.

I looked into the laws of states where fireworks are banned in neighborhoods and have attached a proposal. If there is going to be a meeting on this subject, I will surely like to attend. Thank you!

Selectman J. Brunelle states that last year there were similar concerns, and the BOS checked into the matter. He mentions that the Board forwarded a letter to Counsel and they responded that the Town could implement a noise ordinance as well as a partial ban limiting times of use.

Selectman F. Byron states that he tried to phone Mrs. Lamarre but was unable to reach her, so he sent an email and she returned his call. He informed her that it was on the agenda for discussion at tonight's meeting, and felt she and others concerned would try to attend. She forwarded Selectman F. Byron an email with some suggestions (such as a possible lottery of some sort, or ban). He states that he explained his understanding on the laws of fireworks for the State. He tells the Board that he feels there are a few options the Board can take, an outright ban, partial ban (between certain hours), hold a public hearing to hear citizens input on the matter, or move forward with a Warrant Article at election time. Board discusses the matter stating they feel it is a public safety issue and they understand people's concerns. Some mention they are in favor of a partial ban, but feel there is no way of enforcing. Also many areas in Town with complaints, border another Town and there is no ordinance that can control that. They state that Hudson as well as 18 other Towns have an outright ban on fireworks, but have a difficult time trying to enforce the ordinance. Board is open for discussions on the matter and suggest that they reach out to other Community's and the public for their opinions. They suggest the possibility of holding a public hearing in August and adding it as a Warrant Article in the future.

Public Input

Diane Sherman from Pilgrim Drive, discusses her concerns with the Board on this matter. She states she is concerned with property damage, that it is harmful to her animals as well as the wildlife in Litchfield. She tells the Board that it is a problem all year not just the 4th of July. She feels a ban would help cut down on this issue.

Selectman F. Byron **motioned** that the Board of Selectmen move forward with holding a public hearing in August to enact a possible partial ban on fireworks in the Town of Litchfield. The ordinance will be drafted by the Town Administrator J. Hoch.

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

Capital Improvement Committee

Selectman J. Brunelle tells the Board that after the town meeting in March, he has been working with the Department Heads and Town Administrator J. Hoch putting together an outline of items, pricing and scheduled replacements as a means for expediting the work of the this Committee. He states that they have reached out to the public and there have been three requests so far to serve on the Capital Improvement Committee. He has shared all his information with the Board, as well as a format that Plaistow is using. Selectman J. Brunelle mention they have a robust CIP and regularly make deposits to a variety of capital reserves, their format lays out the deposits needed and scheduled replacements of many capital items. He tells the Board that he is still trying to get a handle on what the duties of the Committee should be and is looking for input from the BOS.

Selectman F. Byron states that the responsibility would be to put together a 5-6 year plan which should include the capital needs for the School, Fire, Building, Highway and all the Departments of the Town. It would needs to include all the facilities and replacement equipment that will be needed over this time frame. Once completed this will be used as a basis for selecting the appropriate capital needs of the Town, and possible usage of Impact Fees.

Selectman B. Lemire states that it should be tied into the Budget also.

Selectman J. Brunelle agrees this would be tied to the Budget process, especially replacement cost issues. He states this should be a part of the process for creating the Reserve Fund, so there will be funds available to purchase necessary items. He tells the Board that the School and Budget Committee do not wish to work with the Committee so there will be no representation from them.

Board continues to discuss options and how items can be funded, by Impact Fees, Reserve Funds and Lease Purchases.

Selectman F. Byron states that the statutory obligation is from the Planning Board to the CIP. The Planning Board takes the information gathered from the CIP Committee and then plans accordingly.

Board feels everyone is on the right track and will continue to gather information to report back at a future BOS meeting.

Public Input - None

NHMA Re: Default Budget

Selectman J. Brunelle states that there was an inquiry sent from a Budget Committee member to NHMA regarding use of the Default Budget for lease payments. This information was shared with the Board. Selectman J. Brunelle reads the response from NHMA

I write in response to the following inquiry, and attach a 2006 decision from the NH Supreme Court in the matter of Sullivan v. Town of Hampton Board of Selectmen, which answers your inquiry. As the court makes clear, when you are dealing with management of the default budget, there is no focus on individual lines in a budget. The governing body has the authority to transfer funds between purposes in order to continue to provide ongoing public services. In your situation, the last approved operating budget certainly contained funding for the public purpose of providing police services. These vehicles are part of that ongoing public service, and the protection for the voters is that the governing body must continue to manage all public services within the bottom line of the noticed default budget.

Selectman J. Brunelle and the Board state that at this point the conversations surrounding leases, lease purchases and what can or cannot be purchased has been answered repeatedly, by all.

Agricultural Commission

Selectman F. Byron tells the Board that State Law allows Towns to institute an Agricultural Commission, authorized under RSA 674:44-e. There has always been discussion regarding the farms in Town and how to maintain them and encourage growth and retention, which is critical to Litchfield. He states that this would be the purpose of an Agricultural Commission, they would become involved in activities that are related to the farms and discussions with the farmers. Then be able to report back findings and concerns to the Board of Selectmen. He mentions that perhaps the Board could consider this for a Warrant Article later this year and see what the public and others think. Board feels it is a good idea to discuss further and will have Administrator J. Hoch add this item to the Budget process in the Fall, as a possible Warrant Article.

Old Business

2014 Budget Status

Selectman J. Brunelle tells the Board that J. Hoch shared his projected budget and comments with the Board which he reads aloud

On July 1, I updated projections and reviewed with departments as needed. A few "non-repeatable" events have assisted in making the budget manageable this year. First, with changes to C&D disposal at Solid Waste Facility (recycling wood rather than paying full demo material price), we are seeing savings in that department. Second, with several staffing issues at Police Department (vacancy and medical leave), are resulting in lower wage costs reflected in the PD officer wage line and the PD retirement in Personnel Admin budget). Third, fire calls are down through the first six months of the year

The rest of the projections reflect my generally pessimistic take on what else may happen through the year; I prefer to be cautious rather than optimistic. (The only 2 exceptions to that are Legal and Welfare where I did adjust projections down relative to budget -- our experience year to date is tracking well below expected. However, each of those could evaporate in a moment.)

My projection has also removed a reimbursement from the winter maintenance trust fund. The costs of winter as well as several conversions of contractor vehicles have caused the anticipated Highway department spending to exceed budget, but this is offset with savings in other departments.

Overall, I am showing an anticipated available balance at year end very close to my 2% of total budget target. You will recall that my preference is to manage our spending plans within 98% of total budget, with the remainder available to cover year-end unexpected events and timing and accounting issues related to year end. With all of this in mind, I would advise that we are in an acceptable place for day to day operations of the Town. No further dramatic action is necessary to ensure we are not in an overspending position. In fact, in some cases, I have reviewed items that department heads have deferred and we have discussed proceeding with those items (with the appropriate projection already incorporated into the budget projections.)

The Board state that there have been numerous repairs and issue that have stretched the Budget. It is always tight and adjustments have needed to be made, but feel it is still to early to project the outcome in December.

Selectman B. Lemire states that the Town is in good shape today, and will have to wait and see what happens later in the year.

Tax Deeded Property

Selectman J. Brunelle states there was a question from Selectman F. Byron at a previous meeting regarding waiving the 15% fee from a tax deeded property that the Town acquired. Counsel was asked if the Town could waive this fee? Counsel's response was that since the Selectmen can waive the taxes and the interest, they can also waive the 15% fee, and they state that most Towns do this.

Selectman S. Perry asks why would the Town want to waive this fee

Selectman F. Byron states why would the Town wish to keep money over and above the expenses and taxes that are owed to the Town. To him it is a moral issues and is not in favor. Board discuss this matter and state that the money is over and above what is owed to the Town. Town recoups any money put into the property, there is no lose to the Town. The Board states that they feel this should not be a blanket ruling and that this should be on a case by case issue.

Selectman F. Byron **motioned** for the Board of Selectmen to waive the 15% fee in this case.

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

Selectman F. Byron mentions that at the estimated value of this property the 15% fee would total approximately \$50,000-\$60,000.

Water System

Selectman F. Byron states that the Board at a previous meeting authorized he and Administrator J. Hoch to investigate the status of the water system that serves Litchfield. There was a concern

whether there was sufficient capacity to serve the needs of the community as well as anticipated growth. They scheduled and met with Don Ware who is the Vice President and Operating Officer for Pennichuck Water Works. Mr. Ware supplied them with information and maps that have been shared with the Board. Selectman F. Byron states that currently there is capacity (approximately double the needed) from the the wells serving Hudson and Litchfield. Litchfield receives $\frac{1}{3}$ of its water from the wells, $\frac{1}{3}$ from Nashua and $\frac{1}{3}$ from Hudson. He states that Pennichuck is investigating another connection for supply into the Litchfield system, because currently the water supplied to Hudson from Nashua is expensive water. So they are looking at drilling under the Merrimack, bringing water from PWW via the Annandale Farms area for cost control purposes (about 30% less). Mr. Ware also stated that he did not have a good idea as to what the growth of Litchfield would be in the future. So he and Pennichuck are available and ready to work with the Town regarding its long term planning in determining the best path forward regarding the provisions for adequate and a safe source of drinking water in the future. Selectman J. Brunelle and the Board ask for Selectman F. Byron and Jason to stay involved with this matter and continue a dialog with Pennichuck. They also mention to include the Planning Board in these discussion, and will discuss this at their next meeting. So the Board decides to revisit this matter later in August.

Wage Plan

Selectman J. Brunelle states the wage plan has taken effect, however there is no funding available due to the removal from the proposed budget by the Budget Committee and then the acceptance of the Default Budget. So Administrator J. Hoch would like guidance on how the Board would like to proceed in this matter. Board agrees to defer this matter until J. Hoch is available to advise and discuss this budget issue at a future BOS meeting.

Other Items - None

Selectman Reports

Selectman J. Brunelle states that he attended the last Budget Committee meeting where he read all the Legal Counsel's answers and advice on all the questions that had been discussed among the BC, BOS and public. He states that there was a lot of discussion and input from the Budget Committee as well as the public regarding this topic. As well as the motion made by the BOS on June 2nd making any questions by members of any Board or Committee member be filter through and submitted only by a Board or Committee Chairman. Selectman J. Brunelle mentions that several members as well as the public had issues with this and it was repeated that this would be controlling, restricting, placing a gag order etc. He defended the Board's position stating this does not stop anyone from asking questions, they just need to be done by a Chairman. Selectman J. Brunelle tells the Board that he invited anyone from the public or members serving to come to a BOS meeting to express their concerns on the matter, but no one has.

Selectman B. Lemire states that as a member on the Board of NHMA he had a discussion with the Executive Director regarding this matter, and they do not wish to have anyone other than a Board Chairman contact them regarding issues. This is due to the fact that there would be too

many people involved, they are contracted with the Boards of Selectmen of Municipalities and feel that is where the information should be directed.

Selectman J. Brunelle states that there is a policy in place for the Town. That the Boards, Committees, Department Heads and Public have all been notified on this matter regarding any future practices.

Selectman F. Byron mentions to B. Lemire that on the website for the NHMA it does state that “any” official can contact them. This has been brought up and also contradicts what the Executive Director is stating, and would like him to possibly address that to NHMA.

Selectman J. Brunelle states that Dave Mellen made a request that he would like the Town to not provide him with an expense report weekly, but rather monthly and in the Excel format. However, John states that the Town’s system does not generate an Excel formatted spreadsheet, it generates a PDF report. J. Hoch in the past (back in 2012) helped produce a spreadsheet for the Budget Process, which was very labor intensive it involved a lot of formatting and merging of documents to create. So he does not know how they can accommodate this request, and is asking for the Board’s thoughts. Board discusses some options, and feel if it is an added expense for employees to generate a report, then no it can not be done. If it is readily available and easy to generate, then no problem. They also discuss the option of generating a monthly report rather than weekly, and some feel just delete the weeks you do not want from your email. Selectman F. Byron asks if this would create an accounting issue, due to if the first of the month does not fall on a friday, and figures are then carried over into the next month. He also mentions that this may affect the Budget Committee with showing the month to month spending, and they would have to adopt this as well.

Also the topic of payroll/billing being bi-weekly rather than weekly is brought up to look into, in order to possibly save money for the Town. Board decides to table this conversation until they check with the Town Administrator and Department Heads to see if a weekly report is needed or would a monthly be better, and the issue of a bi-weekly payroll/billing.

Items moved from consent - None

Other Business - None

Selectman B. Lemire **motioned** to adjourn.

Selectman S. Perry **seconds** the motion. **Vote carries 5-0-0.**

The next Board of Selectmen’s meeting will be on July 28, 2014 at 6:00pm at Town Hall

John R. Brunelle, Chairman

Frank A. Byron, V. Chairman

Brent T. Lemire

Steven D. Perry

Kevin C. Bourque