

TOWN OF LITCHFIELD BOARD OF SELECTMEN
June 2, 2014

Selectmen's Meeting

Members Present: John R. Brunelle, Chairman
Frank A. Byron, Vice Chairman
Kevin C. Bourque
Steven D. Perry - arrived late

Absent: Brent T. Lemire - Excused

Also Present: Jason Hoch, Town Administrator

5:00 p.m. Paperwork review

6:00 p.m. Call to Order

Pledge of Allegiance

Review of Items for Consent:

1. Minutes of May 12
2. Approval of Accounts Payable Manifest - (\$149,146.44)
3. Approval of Payroll Manifest - (\$53,729.63)
4. Declaration of March 1 as Pat Jewett Volunteer Appreciation Day
5. Elderly Exemption Recertification (2)
6. Abatement (Clerical) Map 1, Lot 70
7. Abatement (Exemption Requalification)

Approval of Consent Items

Selectman J. Brunelle reads aloud the items for consent

Selectman F. Byron **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

Selectman F. Byron would like to discuss an opinion from Legal Counsel.

Administrator J. Hoch states that Selectman S. Perry would like to discuss the Road Agent position.

Merrimack Valley Regional Water District - Ray Peeples

Ray Peeples mentions to the Board that it has been an interesting year for the Water District, with the City of Nashua purchasing Pennichuck Water Works. He states that he took over the job of monitoring the Water District from Selectman F. Byron over 10 years ago, and has continued

through the Charter process and the purchase by the City of Nashua. He tells the Board that part of the PUC agreement mandated that the Water District had a member serving on the Pennichuck Board. He mentions that the City of Nashua and legal counsel have been debating over this issue for some time, and have finally come to an agreement that it was part of the PUC agreement and needed to continue. Mr. Peeples states that the Water District advertised for the job and they have offered it to a Candidate, which has been accepted. It should be public knowledge within the next day or two. He tells the Board the Candidate is from Amherst and is very qualified, and should be a good representative speaking for the communities involved with the Water District. He states that the Town of Litchfield should have received a check for the portion of money the Town invested in the Water District.

Administrator J. Hoch tells the Board they received a check in the amount of \$16,750, which will be accepted at a public hearing to be announced in a few weeks.

Selectman F. Byron states that he understood the check would be for the total expenses that were invested by the Town to the Water District.

Mr. Peeples states that the Water District was suppose to be the receiver of the Water Works, however it did not work out that way, they became a player but not the owner. So at this point there is not a revenue stream, and the money received from the PUC agreement with the City of Nashua has no way of being refilled. Legal expenses were paid and some money was kept in reserve, and a motion was made to return a portion of the money to the Towns. This money was equally distributed to the Towns according to the percentage they contributed. He states that as the Water District moves forward and becomes more engaged with the Board of Pennichuck there is potential for more revenue ahead.

Selectman F. Byron states that Nashua was part of the original Water District formed and would like to know if Nashua subsumed their obligation when they purchased Pennichuck.

Ray Peeples states that the contract with Pennichuck is that it is mandatory from the PUC agreement that the Water District have a member on the Board. He explains to the BOS that Nashua thought they had a different role in this agreement with appointing a person to the Board. They kept going around and around with legal counsel thinking that the candidate the Water District appointed needed to be vetted by the Board of Aldermen, and the Mayor and her staff. Ultimately they realized this was not so, they needed to accept the Water Districts choice of candidate, and that it is mandated by the PUC and not Nashua. Mr. Peeples states that Nashua did not get any money back, they footed most of the expenses. The \$250,000 that the Water District received from Nashua as part of the Pennichuck agreement, is the money given back to the Towns that contributed. He states that he feels no more money will be coming back as of right now, but thinks in the future some additional may be reimbursed. He feels there will be more answers when their member is sitting on the Board.

(6:13 Selectman S. Perry arrives to meeting)

Administrator J. Hoch asks Mr. Peeples what is the role of the Water District other than having a member sit on Board.

Mr. Peeples states that the Water District has a Charter they are to follow. Also he states that as of right now every member sitting on the Board of Directors for the Pennichuck Corporation were placed there by the City of Nashua. Which leaves no voice for any of the other Communities, so the ongoing goal of the Water District is to be a voice for these 16 Communities. Also a high

priority of the Charter was to have a good resource plan (ex: what is the resource, where is it, and how is it getting consumed). He states that at the rate they are dishing out permits for water no one really knows what a sustainable level is, and part of the Charter was to come up with that information. He sees the ongoing role of the Water District is to make those decisions and instruct and guide the person they have sent to sit on the Board. Also have them report back of the ongoing events in Nashua so that it continues to be good for all the affected Communities. Selectman J. Brunelle asks is the Water District made the resource plan up to date. Mr. Peeples states that no, that was all part of the Charter and were goals that the District needed to achieve and they needed to have someone represent the Water District on the Pennichuck Board in order for that to happen.

Selectman J. Brunelle states he meant prior to Pennichuck being purchased.

Mr. Peeples states no that would of been an extensive amount of work, but feels it is something that Pennichuck needs to do. He is not sure if he answered the question clearly, and states that the ongoing role of the District is funded in the Charter and still does not know at some point in time that the Water District will not be the prevaler of water in the future. He mentions that the way the deal was structured it was all about bonding of items, and it was not necessarily for the better of the individual Communities involved with the Pennichuck Corporation for the purchase of water. However it was a necessity to keep it as a local resource, and not owned by another company in another Country. He thinks the Water District will help set policies that are beneficial for all.

Selectman F. Byron asks how often the District meets

Mr. Peeples states that they meet once a quarter, most have been about hiring a representative for the Water District. But now that will soon be behind them and he expects more issues and topics will be discussed.

Selectman F. Byron asks if that Representative will be going around to the surrounding Towns.

Mr. Peeples states he does not, but does not believe that job was assigned to them, their job is to sit on the Pennichuck Board.

Administrator Report

New Business

2010 Police Vehicle Status

Chief O'Brien and Lieutenant Donnelly are present to address the Board.

Chief O'Brien states he is here to discuss the condition of the current fleet of Police vehicles, the repairs, mileage and general condition over the last 15 months.

Selectman J. Brunelle updates the Board as to the reason for this meeting, and it is due to some major failures with two of the four front line cruisers.

The Chief states that in the last 15 months there had been an issue with 1 car being out for repair (leaving 3), then as of two weeks ago another failed and has left the Department with only two front line vehicles out of the four. He tells the Board that in the last 15 months repairs have totalled \$22,000 - \$23,000 for vehicles 5 & 6. He mentions that while these vehicles have been out of service this taxes the wear and mileage on the two new vehicles purchased last year, shortening their life cycle before the lease will be finished. He states that they got car 5 back after an additional \$1,200 in repairs and today got car 6 back after spending \$1,100 on repairs.

So as of today all four cars are returned to the fleet.

J. Hoch mentions that the two new vehicles are tracking higher use and mileage than they normally would in a full rotation due to being used while cars 5 & 6 have been out with repair issues.

Chief O'Brien states that car 3 is 1 year old and in another year will have between 70,000-80,000 miles, which is where the Department gets rid of them. But they will still have a year of payments on the lease. He also mentions that car 4 was purchased in September and already has 22,000 in mileage, which is more mileage than car 3 has had on a monthly basis. So it will be in the same situation as car 3. He states that car 5 has over 100,000 and car 6 has 81,000 miles.

The Chief tells the Board that the costs from January to today on car 5 total \$11,538.35 (+additional \$1,200). Car 6 has a total of \$7,322.58 (+additional \$1,100) in repairs.

Selectman F. Byron asks how much of these totals are for maintenance vs repair.

Chief states that all maintenance has been removed from these totals, this is only repairs.

He mentions that in 2013 over \$10,000 was spent on car 5 in repairs, and car 6 was over \$6,000.

The Chief also states that while the two vehicles were out for repair the others were in service 24 hours a day, and rather than two Officers being out on patrol, there were two Officers in one cruiser. He mentions again that car 3 already has 35,000 miles and its end of patrol life is 85,000 miles which will be next year, not in 3 years. Car 4 has 22,121 in miles and is expected to have 80,000 by next year also. Leaving the fleet two vehicles down, two years earlier than anticipated.

Selectman F. Byron asks if this is actual mileage or run time

Chief O'Brien states it is strictly odometer mileage.

Selectman K. Bourque asks what is the mileage normally put on a vehicle yearly

Administrator J. Hoch states that the plan is 30,000 each year for 3 years for a total of 90,000 when it reaches its end of life cycle. However, this is not happening.

Chief O'Brien states that back in 2010 when the Town had a cruiser crises, when 4 cars were discontinued. The Department was going to lease/purchase 4 vehicles, however that did not happen. Two cruisers were purchased instead, and this had a rippling effect on the front line cars, the detail cars as well as the administrative cars. Which has left the detail and administrative vehicles in extremely poor condition and not able to be used possibly next year.

So as a result none of the vehicles with the exception of 3 & 4 are under warranty. So full repair costs are being paid out. He mentions that there is a chance of another possible \$20,000 being spent before the end of the year.

He tells the Board that cars 7 & 8 are strictly detail vehicles, they have over 100,000 each, and no money is being put into them, if there is a break down they will be towed back and that will be it, due to they are in such poor condition.

His recommendations are to possibly replace cars 5 & 6 with the front line Explorers. He contacted MHQ, and they currently have two vehicles left that meet the Departments requirements and they will hold them until tomorrow. At this time he is not looking to replace cars 7 & 8. But when they are ready to be replaced he has looked at the Ford Fusions because they should last longer and run more efficiently, which could be a discussion for next years Budget.

Administrator J. Hoch tells the Board that this is to update them as to what is happening and just to give information on the whole fleet. They are not looking to replace 7 & 8 at this time, just

thinking ahead to next years budget.

Chief O'Brien states that in conclusion as of now everything is just backing up, the whole fleet is

- unsafe and unreliable
- not able to replace 2 Admin vehicles
- not able to replace 2 Detail vehicles
- extreme and excessive repair costs
- unsafe and unreliable Front line vehicles
- Officers forced to double up
- affects morale (this is not just a vehicle, its their workspace)
- Residence of this Town deserve excellence from their Police Department

He states that when the Citizens of this Town call their Police Department they expect a cruiser to show up.

Chief O'Brien states that the cost of the Ford Interceptor is \$25,927 (Massachusetts state bid), the upfitting is an additional \$12,661.57. Looking forward the cost of the Ford Fusion is \$23,000 and the upfitting is an additional \$4,932.74. He mentions that once the four Front line vehicles (Interceptor) are purchased and the upfitting is done, that additional cost is complete unless the model changes.

Selectman S. Perry asks if they move away from Ford, are there any cheaper options.

The Chief states that most are the same price range, however upfitting would be an issue if the four Front line vehicles are not the same

Board discusses the options of upfitting different vehicles or Officers getting in and out of vehicles that are not the same (knowing where the lights, sirens etc.). As well as if two vehicles stay the same, but the possibility of two other cheaper options purchased in order to save money. Board concludes that everything needs to stay the same.

Selectman S. Perry highlights the discussion cars 3 & 4 are all-wheel drive Front Line vehicles (1 year old), cars 5 & 6 are Front Line vehicles (basically junk), cars 7 & 8 are Detail cars (but not reliable).

J. Hoch discusses the repairs on vehicles 5 & 6 and tells the Board its time for a conversation regarding when do they wish to stop investing in vehicles that will only get \$1,000 at best when they go to auction.

Selectman K. Bourque states that for the price of repairs since 2013 a new vehicle could have been purchased.

Selectman S. Perry states that the Department has to have 4 Front Line vehicles to the fleet in order to cover the necessary shifts. Board discusses options with how to cover shifts.

Selectman F. Byron states that the Town is on a Default Budget and no money is available, he would like to wait closer to the end of year and see where the Budget is.

Selectman S. Perry asks J. Hoch how is the Budget trending as of now.

Jason states that the Police Budget is running slightly ahead, due to Sargent Costa's departure and some Employees out on medical leave. He thinks it has about \$20,000 available towards end of year, he is not comfortable to shuffle from Department to Department yet. Also there are Unanticipated Funds available of about \$16,000. Which combined he feels could purchase one vehicle out-right, but he is not comfortable with the purchase of two, but suggests possibly looking at lease options. Or there are more radical options available such as the ability to

redeploy funds from certain Warrant Articles, he is very hesitant to recommend this option but it is available.

Jason states that legally there are options, practically these are things the Board has to weigh. Selectman J. Brunelle states that one will eliminate the pressure but not solve the problem long term. He mentions the 2010 decision to purchase 4 cruisers and schedule over the next few years a rotation of vehicles in order to eliminate such a thing from happening. However, the ball was dropped and it was not made a priority.

Selectman F. Byron states that the Board was fully aware at the time as to what would happen, that the numbers that were being put forward as cost savings of about \$8,000 a year. It was stated at the time that those costs would catch up later on down the road, and here we are.

Selectman J. Brunelle remembers in order to save money at the time this was pushed off and thought it would be planned for in the future, but never was.

Selectman F. Byron asks Jason how far over is the Town in the Highway Departments Budget. While Jason is looking up this information, Selectman S. Perry asks the Chief how quick could a vehicle be available. Chief O'Brien states 30-40 days roughly.

J. Hoch tells the Board the Highway Budget is \$8,000 over, with the assumption of already pulling \$18,000 from the Winter Maintenance Trust Fund. If not the Budget will be \$26,000 over the bottom line. Jason anticipates one more load of salt to add to the supply the Town has, and assumes that the Contract Service line of the Budget will be completely exhausted.

Board and Jason discuss where he would be getting the \$8,000 from if needed. Jason states that right now these accounts appear to be trending with an extra \$7,500 in Legal, \$4,000 in Personnel, \$20,000 Police, \$15,000 Solid Waste, and \$18,000 in the Fire budget. He tells the Board there are smaller amounts available for possible pick up as well. His figures are also based on the proposed changes with the Town's Health Insurance plan.

Selectman F. Byron tells the Board that money was just invested into these two vehicles, and recommends that the Board waits on this issue until September, when they will have a better idea of money spent and the Budget will be clearer.

Jason states that one problem in waiting till September is its the time for new cars in the consumer marketplace and not a time for the public safety market, (which is the first quarter and July). So he would be concerned there may be no vehicles available at that time. J. Hoch states that if the Board is comfortable in waiting, then decide what is the dollar amount to cap repairs and revisit the purchasing of vehicles later.

Selectman J. Brunelle feels it does not make sense to him to keep pouring money into these vehicles and when do they stop.

Selectman K. Bourques states that he agrees with Selectman F. Byron and feels the Board should wait and get a better picture of the Budget later on in the year.

Selectman S. Perry asks how much is left in the repair cost line of the Budget. Jason states \$9,000 is roughly left, half has already been spent.

The Board, Jason and the Chief discuss the availability of vehicles, continuing repair cost (when would be the cut off amount).

Selectman S. Perry asks if there are figures available if they decide on a lease purchase.

Administrator J. Hoch states that generally a lease purchase on two vehicles would be around \$70,000 spaced out over 3 years, however the Town usually crafts their own deal.

Selectman J. Brunelle states he is comfortable with the purchase/lease of one vehicle at this time but not two. Feels something needs to be done.

Jason states the only problem with leasing is that you would be continuing to stack future lease payments.

Selectman J. Brunelle mentions that there is nothing stopping the Town from rolling over the leases and rewriting them into one lease again.

Selectman S. Perry asks Jason for the total amount left on the two vehicles leased last year.

J. Hoch states that there are two years remaining and the amount of \$80,000-\$82,000 is the payment for each of the next two years. This lease purchase also included 4 cameras and all the other equipment needed for the 2 new vehicles, and upgrades for 2 existing cars. Also the Town opted to keep a low first year payment due to needing money for repairs of other vehicles, and having a higher payment for the remaining two years.

Selectman S. Perry discusses the initial problem in 2010 when the Town did not come up with a system to continue to replace the necessary vehicles needed, and now have exhausted the life expectancy of the four cars in the fleet by not doing so. He states he is blown away by this, that more is owed on the two new vehicles than they are worth. He mentions that the camera systems should of been bought outright. He asks if the refund of \$16,000 from Pennichuck (after being accepted), could be used towards the purchase of a new vehicle.

Jason states yes once accepted.

Board discusses that there is no easy answers to correct this and money is still the issue.

However, using the \$16,000 from Pennichuck, and the \$20,000 in the Police Budget could be used toward the purchase of one vehicle. They also discuss how much to commit to funding repairs on cars 5 & 6.

Selectman J. Brunelle **motioned** for the Board of Selectmen to make one purchase of a new Police cruiser to place in service as soon as possible in the dollar amount of \$38,500. Using the funds from the Police Departments Budget and the acceptance of the refund check from Pennichuck in the amount of \$16,000.

Selectman S. Perry **seconds** the motion.

Selectman F. Byron states that there is still too much opportunity for things to got wrong within the Budget. He understands that the Police presence in the Community is a high priority. But they are only half way through the year and already \$26,000 over in the Highway Budget, under in others he understands, but feels this is not the time.

Selectman J. Brunelle asks Jason where is the bottom line to the budget tracking as of now.

J. Hoch states that he is projecting \$62,000 under budget, this includes factoring in using the \$18,000 from the Trust Fund.

Selectman F. Byron states than it is actually closer to \$40,000 then.

Board continues to discuss safety issues with the vehicles, recommendations for funding and when to say when on the repair costs for the older vehicles. Also what will be done if they do not act now and the two new vehicles that are available are not in the future.

Selectman S. Perry understands the need and that if the Police Department does not have vehicles they do not show up on calls, and that is unacceptable.

Selectman F. Byron states he would like to be clear on what is being proposed. That Selectman J. Brunelle's motion is to take \$35,000 to purchase one vehicle, but there are concerns regarding

spending three to four thousand on repairs. He states he will spend 3-4 thousand on repairs knowing it is going into vehicles that are not worth it, because there are not sufficient funds to do otherwise at this time the Town has to live with that. He states that the unknowns are just that and breakdowns can occur on a call with a new or used vehicle, but you do what needs to be done.

Selectman S. Perry feels this is ludicrous that it has gotten to this point. That it is irresponsible of the Board to push \$80,000 in lease payments in the second year, on two vehicles that are only worth \$76,000. However, that is where we are at. He states that he has a real issue with one of these men or a citizen getting injured due to a car being unsafe. He mentions that if the Board thinks that a car with over 100,000 miles on it and known repair/safety issues, opposed to a new vehicle are the same as far as safety goes, he feels you are crazy. So he hates to say it and feels it is not the right time, but is in favor of the purchasing of one vehicle at this point. He states that something else unfortunately will have to be pushed aside.

Selectman K. Bourque states that even if they are Front line vehicles if they are unsafe they should not be used (referring to 5 & 6).

Chief mentions that is why two Officers have been on patrol in one vehicle and the new vehicles have been getting the extra mileage added on.

Board continues to discuss and debate options and issues with this problem.

Jason tells the Board that there have been numerous ways discussed to fund buying outright or leasing. And states that with the Budget trending at 99%, it is a scary spot to be in. If the Board chooses to move forward with a purchase he will pull together some numbers with the options discussed for purchase or lease.

Selectman J. Brunelle asks the Board to vote on the **motion** presented. **Vote fails 2-2-0.**

Public Input:

Chris Pascucci 12 Colonial Drive, tells the Board that was an hour discussion on a topic that should of taken 5 minutes. He mentions it is clear the Town is in need of new cruisers, that is not the point, its the goal. The Board is just trying to justify how to get to that goal. He states that the Board did a good job in convincing themselves as well as the Budget Committee of the need for new cruisers. But the Budget Committee does not have the final say, and cannot approve a multi-year lease. This Board can however buy them outright if there is money. But there are cruisers leased from last year with an \$80,000 balance still attached that have not been approved by the Legislative Body. He mentions that the Board has gotten legal opinions from a year or two ago regarding what they believe is right, and have stated that they feel comfortable with that decision and the choices that have been made and feel they are within the law. Chris agrees with Selectman S. Perry and believes that it has been irresponsible of the Board to have the Town and Police Department in this situation. He believes there is a very simple way of getting the vehicles that are needed, ask the voters for their approval. He states it is a simple process that was never brought up this evening, just ask the voters. He mentions that most warrant articles were passed for the Town and School, whereas the budgets were not. The voters and Town deserve excellence from the Police Department as well as from the Officials elected to these positions to do the right thing.

Jason Guerrette 11 Perry Court, tells the Board that he has been hearing that in regards to the Police cruiser issue certain things can or cannot be discussed due to a pending lawsuit. He states that is not the case, he has made reference to what he believes, what LGC and NHMA Attorneys believe about how the Town purchased the cruisers. He states that there is no question that the Town needs new cruisers and the Chief just validated that, the point is how do you get there. Mr. Guerrette tells the Board that he is not suing the Town, because he believes that the Town will do the right thing, so there is no pending lawsuit or action. He states that the right thing is to purchase the lease out or give the vehicles back. This makes it difficult to operate, but it is due to past actions from the BOS that the Town is in this position now, and some really tough choices will need to be made. However, all he has heard this evening is how can the Board compound the problems and make it worse. He states that the Legislative body has not approved the two cruisers already purchased, and until they do the Board is in violation and this has to be dealt with before moving ahead. Mr. Guerrette tells the Board that he is the guy that will push the button, he is asking that the Board not even go there. He tells the Board to go ask an Attorney if they are correct it what has been done, before other issues are created. He mentions that he has not seen an Attorney's opinion and it would be the Boards right not to share that, however for the expense and time to clear up this issue it would be very beneficial. Before creating another multi-year lease that will need the Legislative bodies approval ask Counsel first. He tells the Board that the Town is working on an Operating Budget not a Default Budget, a Default Budget is just for an election. The Town is operating with exactly the same amount of money as last year plus money on top of it. So there is more money than last year to cover the extra costs. Jason asks the Board to please fix the current problem before creating another. He states that he is only as good as his word and now he is in the position to put up or shut up. He is asking the Board to do the right thing so they all do not have to go down that road, because that remaining \$7,000 in legal funds will go quickly for no reason at all.

Annual Policy Review - Purchasing

Administrator J. Hoch states there were two administrative changes to this policy. One is to change the word obtained "\$3,000-\$11,999 - Informal written bids from at least three sources must be obtained", change it to solicited. As well as changing "Town Administrator, with prior notification to the "Board" change prior to just notification.

Selectman K. Bourque **motioned** for the Board of Selectmen to approve the changes discussed to the Purchasing Policy.

Selectman F. Byron **seconds** the motion. **Vote carries 4-0-0.**

Vendor Exception List

J. Hoch states that this is the annual update of vendors for whom cumulative purchases and/or some source requirements may not exceed the threshold for bidding/P.O. Or in some cases where there is a sole source existing contract. He states that the new vendors are in italics. He tells the Board this was started last year and with the benefit of hindsight, some should have been on the list last year.

Selectman F. Byron asks Jason what is the purpose of this list.

Jason states this is a list of vendors where there may be a situation when the purchase order

policy is not followed. When each individual item from a vendor may be less than the targeted threshold and the accumulative effect will be greater. An example would be Londonderry Ford, at \$1,000 a visit is well below the purchase policy threshold, however the accumulative total if Ford is visited a few times a month may be greater than the targeted threshold.

Selectman Byron states then does that mean an individual does not need to follow the purchasing policies.

Jason states no, but there are situations with some of the Town's vendors when this does arise and it does not necessarily following the policies with an accumulation of purchases, individually yes but together over months not always.

Selectman F. Byron states that taking a vehicle to Ford once is a single purchase, you do not lump a years worth of expenditures together as one purchase. Common sense tells you that you treat each purchase individually. He states that if the individual purchases and within the policy, but when added total together at the end of the year is more, so what.

The Board discusses that sometimes there are just too many policies, and feels this one is a waste of time and effort. If it is an Auditors issue, they suggest that the Town Administrator has permission to make a note in the file recognizing this. The Board agrees to scrap this policy issue at this time.

Records Retention

Administrator J. Hoch states there were a few additions on the optional list, they are Bank Reconciliation: 3 years, Department of Revenue MS forms: 10 years and Candidate sign up forms: term of office plus 3 years.

Selectman J. Brunelle questions the keeping of electronic emails and how is that going to be enforced.

Jason states it is listed as discretionary and are retained as needed. He is not sure what the protocols may have for the between two or more elected and appointed officials. The Board discusses what is automatically retained now, and what and how additional non-mandatory items could be archived. Board decided to delete this portion of the policy, due to it not being a part of the State Law.

Selectman F. Byron **motioned** for the Board of Selectmen to approve the Records Retention Policy as amended

Selectman S. Perry **seconds** the motion. **Vote carries 4-0-0.**

Social Media

Selectman J. Brunelle mentions to the Board he thought it was decided to not move forward with this policy at this time.

Selectman F. Byron states that this was last reviewed at a meeting that John was absent from, and at his request to the Board it was added to tonights agenda because he felt John would like to see some action take on this policy.

J. Hoch tells the Board that the Town does not have any type of Media policy and he saw a policy one of his colleagues had constructed, and felt it looked pretty straight forward and used that as a guide. He states that this has not been reviewed by Counsel yet, due to it being a new policy. Administrator J. Hoch mentions that he still has not gotten a clear answer regarding the removal

of material, as far as who should make that determination and how it will occur. He states that the Board may wish to not implement any policy at this time and continue the current approach. Selectman J. Brunelle tells the Board that this became an issue at election time when there was a posting made and someone made a derogatory comment against that candidate. So he as one of the moderators of the Town's Facebook page questioned removing it, but was not sure due to there being no policy in place. As it turned out the individual who posted it chose to remove it on their own and the issue was resolved. So it brought the question up, if you know something is wrong, abusive or offensive shouldn't it be removed, when it is on a website that represents the Town.

Selectman F. Byron understands the process and the issue, however is concerned who will act as "God" to determine what is offensive.

After discussing further the Board decides to shelf this policy until a later time.

Water Sources

J. Hoch mentions that one of the items discussed from time to time, but never pursued any further is investigating potential municipal water source for Litchfield. Right now, water service is via Pennichuck and the two water supply wells transfer that water to Hudson. So he states with the discussion regarding the Water District and the rate increases with Pennichuck, is this something that the Board would like to more actively consider.

Selectman F. Byron mentions that Hudson as of right now does not have any wells, they are taking all their municipal water from Litchfield with a small supply coming across the bridge from Pennichuck. He feels at some point the way Litchfield and Hudson are growing both Town's will be past the capacity of those two wells. He does not know what would happen then, he does not believe that Hudson could shut down Litchfield's water supply because it is a PUC action, but it could get very complicated. But his thought would be if Litchfield could develop its own well and some how tie it into the existing infrastructure within Litchfield that could offset if sufficient enough some of the rates and assure the future needs of Litchfield as far as water.

The Board discusses this option and they are in agreement with researching and pursuing this issue. Reaching out to Pennichuck for possible answers as well as speaking with individuals who do this type of thing. Maybe some engineering prices and possible study costs associated with this. They discuss this possibly going in front of the Town as a Warrant Article in the future.

J. Hoch and Selectman F. Byron will research ideas and bring a concept back to discuss at a future meeting.

Old Business

Fee Update

Administrator J. Hoch tells the Board he wanted to revisit the conversation regarding fees. He sensed some concern about some of the fees and wanted to have any questions and concerns answered before he goes forward and schedules a public hearing.

Selectman F. Byron states that there were several fees that he questioned being charged to residence. In his opinion when do the fees stop and when are they considered part of the tax collection. He understands refrigerators/appliances, tires and such items. But when it comes to mattresses and wood, people are paying taxes to use the facility and where to you draw a line he

feels its a little over the top.

Selectman J. Brunelle states that he agrees with Selectman F. Byron across the board. He understands the pass thru costs, but questions an item like a box spring mattress that goes in the same bin and the regular trash. Also some of the fees charged for TV's and other items that are disposed of in the regular trash containers.

J. Hoch states that the Town is paying a \$600 fee per container and even though some items were considered pass through, size matters when it come to larger TV's and mattresses that fill up the containers quickly. Dave and he felt the costs had to start being passed along in a volume based pricing system, and compared pricing to what other Towns are doing.

Selectman J. Brunelle states that this will also be an issue when it comes to receiving cash at the facility.

Jason states that he can go back and change things that only have a third party pass through, and not count C & D, he and Dave will review and condense the list. He was looking for the Boards thoughts before continuing.

Board agrees to have Jason and Dave construct a smaller list with direct pass through costs and report back at a future meeting.

Health Insurance

J. Hoch states that the Town has to plans through HealthTrust which are associated with Anthem Blue Cross and there is an increase intended for July 1, 2014. He tells the Board that the Town is also currently rated with the School, however with the passing of the Teachers contract as of next July the Town will no longer be a part of that rating. Due to the Town being a smaller group of under 50 individuals, this will increase the Town's rates significantly by not being combined with a group of 50+ individuals. So Jason explains he went to the three pools that offer insurance Health Trust (Anthem), School Care (Signa) and New Hampshire Interlocal Trust (Harvard Pilgrim). He compared apples for apples with the new smaller group rate from HealthTrust, and found that by moving to the Interlocal Trust with the Harvard Pilgrim plans they are equivalent to what the Town offers today. The six month cost for the remainder of this year will save approximately \$4,755 based on current enrollments, and the annual savings by going with the Interlocal Trust would be about \$24,000. School Care was not competitive at all. He tells the Board he has been working on getting reviews from the Police Union because it is somewhat of a negotiated item with them, and trying to get equivalent coverage wherever possible. Jason tells the Board that in summary hs recommendation is to move to the Interlocal Trust for the Harvard Pilgrim plans that are equivalent to what the Town offers today, effective September 1, 2014. This would eliminate the increase that the Town would face for HealthTrust and would keep the insurance rates effectively flat from July 2013 through June 2015. Jason suggests that the Board look at rates for July 2015 renewal, you may want to consider additional adjustments (different copays, or deductibles etc.) he was unable to eliminate this increase that the Town will see next July with those changes. Administrator J. Hoch states that once he identified a plan that eliminated the increase that the Town was looking at this July and the large anticipated increase awaiting in 2015, he slowed his pursuit of other plans. Especially since the Board has not made a wage adjustment for the majority of employees for several years, he was less enthusiastic about further increases to health related costs beyond premium changes already seen (some

employees have higher prescription costs with the change made in 2013).

Jason states that September 1 is an unusual date and the reason being, the Town will be renewing its plan with HealthTrust on July 1, 2014, then will serve notice to leave HealthTrust at the end of August in order to receive the Town's return on surplus (from 2012) this year. Then transition to Interlocal Trust effective September 1 of this year. The reason for this is the Town's contract with HealthTrust allows for a 60 day notice of separation. Interlocal Trust has guaranteed the prices given for September 1, 2014 enrollment.

Selectman S. Perry would like to make sure that employees understand their deductibles will be resetting in January.

Selectman J. Brunelle **motioned** for the Board of Selectmen authorize Administrator J. Hoch to proceed with the transition and documentation to Interlocal Trust for health insurance effective September 1, 2014.

Selectman K. Bourque **seconds** the motion. **Vote carries 4-0-0.**

Pennichuck Rate Case

Administrator J. Hoch mentions the Board wanted Counsel to review the pending settlement case that Litchfield was still and part of and update them as to how it was proceeding. Counsel stated that since Litchfield had no argument that this was not justified, and since staff at OCA have signed off on it, they are comfortable taking a "no position". So they have removed Litchfield from the signature block and have simply indicated that we did not participate in settlement discussions. J. Hoch states that under this agreement the charge for municipal hydrants will be increased to 13.77%, and residential customers will see a 10.96% increase and will be effective on July 1.

Impact Fee Appeals

J. Hoch asks Selectman K. Bourque to jump in if there is anything he wishes to add. Jason tells the Board that the Planning Board is looking at the Impact Fee ordinance. Currently the appeals of Impact Fee decisions go to the Planning Board, and there was some concern over the validity of this. Jason states that normally the Planning Board does not hear appeals, it is the Zoning Board or the Board of Selectmen. So he sent a list of questions to Counsel.

Administrator J. Hoch reads the response stating that the appeals process is up to the BOS. The statute defaults to an appeal to the ZBA, but allows the ordinance to provide otherwise. With impact fees, it makes some measure of sense that it goes to the Board of Selectmen rather than the Zoning Board because the amount of the fee is not really a zoning function, it is more of an administrative function. But either appeal path is legal.

He asks the Board if they are comfortable being the body that hears the appeals of impact fee calculations, from an aggrieved applicant. The Board agrees to hearing any impact fee appeals.

Other Items - None

Selectman Reports

Selectman F. Byron states that the next Budget Committee meeting will be on June 26th, and he will not be able to attend. Selectman J. Brunelle states that he or Selectman B. Lemire will

attend.

Selectman J. Brunelle mentions that he attended a Budget Committee meeting for Selectman F. Byron and came away with a few requests. They are asking the BOS to refer to Counsel and get an opinion regarding the multi-year lease agreements. So John would like guidance on how to respond to this request.

Selectman S. Perry states that the BOS believes they are in compliance, but does the Board have prior feedback that states that.

J. Hoch and the Board state that in 2010 there was an opinion from Counsel, and there have been no areas that Counsel has flagged for concern as these types of issues have been discussed.

Selectman S. Perry mentions that since there is a new issue on the horizon involving the Police cruisers, he feels the Board should get an opinion from Counsel and make sure the Board is correct.

Selectman F. Byron **motioned** for the Board of Selectmen to take a recess for 5 minutes and return at 8:35.

Selectman K. Bourque **seconds** the motion. **Vote carries 4-0-0.**

8:36 Board of Selectmen return

Selectman J. Brunelle states that in regards to Selectman S. Perry's question, and due to the feedback from the Budget Committee and members of the Community the Board has received an opinion from Counsel. He states that it has not been shared with the whole Board as of yet and time will be needed to review and discuss the response. So at this time this matter will be tabled until the information is reviewed, it will be kept confidential unless the Board decides otherwise.

Selectman J. Brunelle also mentions that there was a discussion with the Budget Committee regarding having a workshop with the BOS, B/C and Town Counsel to help everyone understand their roles and responsibilities. John states that the Budget Committee objected to Town Counsel attending. Selectman J. Brunelle states that he did ask Counsel for their opinion and asks the Board about sharing this information with the public this evening.

Selectman F. Byron **motioned** for the Board of Selectmen to release Town Counsel's opinion to the Chairman of the Budget Committee Chairman.

Selectman K. Bourque **seconds** the motion. **Vote carries 4-0-0.**

Selectman J. Brunelle states that the question asked to Counsel was the following: Could you clarify the legal responsibility of the Budget Committee relative to the current year budget after Town Meeting?

Legal Counsel's response was: The Budget Committee's role after Town Meeting is fairly limited, RSA 32:22 provides the following:

Upon request by the budget committee, the ...administrative official, shall forthwith submit to the budget committee a comparative statement of all appropriations and all expenditures by them made in such detail as the budget committee may require. The budget committee shall

meet periodically to review such statements. The provisions of this section shall not be construed to mean that the budget committee, or any member of the committee, shall have any authority to dispute or challenge the discretion of other officials over current town or district expenditures, except as provided in RSA 32:23.

RSA 32:23 reads as follows:

Upon receipts of the reports provided for by RSA 32:22, the budget committee shall examine the same promptly, and if it shall be found that the governing body or town manager have failed to comply with the provisions of this chapter concerning expenditures, a majority of the committee, at the expense of the municipality, may petition the superior court for removal as provided in RSA 32:12

Essentially, these statutes when taken together allow the budget committee to review expenditures to ensure that the bottom line budget is not being overspent. They do not give the budget committee the authority to challenge expenditures or transfers that do not exceed the bottom line or violate some other provision of the law, such as the “no means no” provision.

Selectman J. Brunelle states that he did read these two RSA’s to the Budget Committee at the last meeting and they were still disputed, the B/C did not agree. He will forward this information to the Chairman.

Selectman F. Byron states that it is pretty self explanatory that some of the issues that are currently being raised are outside the scope and responsibility of the Budget Committee. Town Counsel has now clearly spelt this out. He understands from reading the minutes of the Budget Committee meeting that they disagree with Town Counsel giving an opinion. But they will be who represents the Town in court, and that is the opinion we take.

Items moved from consent - None

Other Business

Selectman F. Byron mentions that several years ago the Board of Selectmen made a decision that individual members of the Board should not be contacting Town Counsel. This was due to bills being run up, as well as only partial information given to Counsel which caused misinformed decisions to be made, along with other issues. So the Board limited the ability of board members to communicate with Counsel, and all communications were to go through the Chairman. He states that his opinion is that should hold true for all the Boards in Town.

Selectman F. Byron **motioned** for the Board of Selectmen to hereby direct the New Hampshire Municipal Association and Town Counsel that they are to only provide legal opinions and advice to any member of the Board of Selectmen, the Town Administrator, selected Town Officials and only the Chairs of the following town committees or boards.

- Planning Board
- Zoning Board
- Budget Committee
- Conservation Commission

- Recreation Commission
- Mosquito Control
- Police Department
- Fire Department
- Building Inspector/Code Enforcement Officer;

Further, that any legal opinions issued by Town Counsel and/or the NH Municipal Association will be copied to the Chairman of the Board of Selectmen and/or the Town Administrator. The Chairman of the Board of Selectmen or his/her designee shall inform NHMA and Town Counsel as well as the Chairman of the boards/committees contained in this motion of these requirements and shall immediately and annually thereafter provide a list of the names of the chairs of the board/committees/departments qualified to receive legal opinions.

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

Selectman F. Byron states that this puts everyone on the same footing, it does not interfere with anyone's ability to get a legal opinion they just have to go through the Chairman.

Selectman F. Byron states that he is giving an **amendment** that states any members of the Board of Selectmen shall refer all legal questions or inquiries to NHMA and/or Town Counsel through the Chairman of the Board of Selectmen or the Town Administrator.

Selectman S. Perry **seconds** the amendment.

Selectman F. Byron states this places everyone to the same standards. This allows the Chairman who should be the most knowledgeable regarding any events to be made aware of anything happening within the Town. Legal opinions should not be given to just an individual, they should be given to the Board as a whole. **Vote carries 4-0-0.**

Selectman J. Brunelle then asks the Board to vote on the original motion. **Vote carries 4-0-0.**

Selectman S. Perry would like to know when, where and how the Board and Administrator J. Hoch intend to move forward with the appointment of the Road Agent.

Selectman F. Byron believes that the Board is only allowed to make appointments at the end of March.

J. Hoch states that the Road Agent serves up through Town Meeting, then the Board can make an appointment.

Selectman S. Perry states that a contract or agreement will still need to be drawn up outlining the job description. He feels this should start being discussed now rather than waiting until the last minute.

Selectman J. Brunelle mentions that the job of the Road Agent is very well defined by an RSA. So it should be easy to pull together a job description detailing duties. He also mentions that his wishes are to have Jack continue in this position. And believes there should be no problem with that recommendation, there is no need to go outside to advertise the position.

Jason states that the Road Agent is a minimal defined state law, and he can certainly write something, and will have it for the Board by a September meeting.

Selectman K. Bourque **motioned** for the Board of Selectmen to adjourn

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

The next Board of Selectmen's meeting will be on June 23, 2014 at 6:00pm at Town Hall

Approved June 23, 2014