TOWN OF LITCHFIELD BOARD OF SELECTMEN July 28, 2014

Selectmen's Meeting

Members Present: John R. Brunelle, Chairman

Frank A. Byron, Vice Chairman

Kevin C. Bourque

Absent: Brent T. Lemire - Excused

Steven D. Perry - Excused

Also Present: Jason Hoch, Town Administrator

5:00 p.m. Paperwork review6:00 p.m. Call to Order

Pledge of Allegiance

Review of Items for Consent:

- 1. Minutes of July 14, 2014
- 2. Approval of Accounts Payable Manifest (\$69,828.77)
- 3. Approval of Payroll Manifest (\$30,854.46)
- 4. 2013 MS-5 Financial Report of the Town Budget
- 5. Reappointment of Michael Croteau to Lower Merrimack River Advisory Committee
- 6. Creation of Capital Improvement Committee as approved by 2014 Article 20 consistent with RSA 674:5-674:7
- 7. Appointment of John Poulos Jr., Patrick Cummings and Elizabeth Vaughan to Capital Improvement Committee
- 8. Abatement Timber Tax Map 22, Lot 13 (Town Owned Property)

Approval of Consent Items

Selectman J. Brunelle reads aloud the items for consent

Selectman K. Bourque **motioned** for the Board of Selectmen to approve the items for consent Selectman F. Byron **seconds** the motion. **Vote carries 3-0-0.**

Request for Items - Other Business

Selectman F. Bryon would like to discuss the topic of Fireworks.

Road Agent Re: 2015 Road Improvements and Route 102 Intersection Study

Road Agent Jack Pinciaro tells the Board that he has an update to the Road Improvement Plan and has identified and prioritized the next major segments of road repairs, as well as attached

some preliminary pricing. Also, he has developed a three phased plan for extending Albuquerque to Route 102 with a potential for a signalized intersection. He should have updated numbers from Northpoint Engineering on cost for a formal study for design and engineering for Town Meeting, (as the article passed by voters requested). Jack shares maps and charts with the Board and Administrator J. Hoch.

Jack states that the total for the 2015 road repairs (worst roads in the community) totals \$2,242,022. They include Blue Jay Way, Albuquerque (from Meadowbrook to Pinecrest), Nesenkeag (2 phases), Page Road (4 phases), Pilgrim, Pinecrest (Albuquerque to Moose Hollow), Robyn Avenue, Sybil and Cutler (depending on 102 project). He tells the Board that if they continue funding with the \$340,000, it would take 7-½ years to complete. He states that the chart breaks the roads down by priority, but it would depend on funding available as to how they may get completed.

Board and Jack discuss what roads would be a priority in 2015 with the \$340,000 available. J. Hoch states that this was to layout the next few years with State projects, and is set up to use the first \$170,000 from the Operating Budget; then an additional \$170,000 from the Warrant Article. He mentions that some streets in need of repair are secondary streets, while those listed here are major rebuilds. The funding will not all be used on the major rebuilds. This list was to give everyone an idea, next will be to look at the numbers and see what can be completed, similar to how things were done this year.

Selectman J. Brunelle states that he understands all the road projects for this year have been completed. Jack tells the Board that Mike Lane is just finishing up, he just received the bill and 2% has been retained, and there are only a few patches that need to be completed.

Administrator J. Hoch mentions to the Board that they have been looking into a topic from a prior conversation regarding a possible Bond. He states that this is not a proposal in any way, just conversations regarding the possibility of getting 4 years of road projects done with a 1.2 million dollar bond, and could a package be put together that would not raise taxes. J. Hoch states that the Road Improvement Article was one of the most supported by the voters, so there was clearly an interest. He is looking at the possibility of using the \$360,000 (projected funds used yearly) to pay for a bond. Jason states this may be a topic that comes up again in the future, they are tossing around ideas only at this time. Board discusses some of the options to this idea, and if the Highway Block Grant could be used to pay for a Bond.

Selectman F. Byron states that he would not be in favor of a Bond. He mentions that it could lock the Town into certain unanticipated situations (such as if there were drainage or engineering issues), and feels it should be a year to year decision for the voters to decide on.

J. Hoch states that it is a fair opinion and that is why he is not proposing anything at this time, it is just an idea for a conversation.

Selectman J. Brunelle mentions that he feels these projects could be broken down and packaged into Warrant Articles for the voters to decide on. Package road repairs into \$170,000, along with the Block Grant money and present to voters.

Jack states that the road projects listed have no drainage issues attached to them (possible change to a catch basin) would be all. Other roads may have issues, but not the ones that he has included in his information this evening.

Board states that the breakdown of road repairs and the cost attached to each is terrific

information that Jack has supplied to the Board, as well as the public to have a clearer understanding of what projects need to be done. Jack requests the Board post this on the Town website for the public to be able to study and review.

Jack Pinciaro shares maps and documentation regarding the Intersection Study done on Route 102, with the Board and Administrator J. Hoch. He states that the areas shown in yellow are the exits from Litchfield, orange would be the new construction section of Albuquerque. The project would be divided into three phases, he tells that Board that they looked at several different ways this could be completed, and this was the best. Jack mentions that the total shown for the project includes all three phases, as well as all necessary permits, lights and anything needed for completion. He asks the Board to look over the information and share any feedback, and if they feel this project should be pursued.

Selectman J. Brunelle tells the Board that the warrant article that the voters passed, asked for a study to be completed and that information shared at a public meeting.

J. Hoch states that after a lot of discussion this study and plan would be the only thing they could recommend building, that would be the least intrusive. However, this still may not be something the Board or Town decide to build or pursue. He states that phase one would be the most challenging (Cutler Road out to 102) because it is land owned by the State not the Town, it would be all new construction, it involves the signal (light), and there are many issues pertaining to this section. Board discusses presenting this in March to the voters, and if the design should be presented as a whole project (all three phases), or just sections at a time. They mention that if approval is not done on all three phases, there would be no point in funding phase two and three if phase one did not pass.

Selectman J. Brunelle asks if enough work has been done on this study to satisfy the warrant article. J. Hoch states that yes they have done what the article requested. Now the question may be is there interest in the idea presented (as the best option) to move forward with this project. Or disagreement, and feel an engineer should be hired to study this further and come up with other options at an additional cost.

Selectman F. Byron states that he feels the Board needs to decide what response they want to present to the voters. One being no this project is not feasible, another being yes this project could be completed and here are various proposals, or this is the approach the Board would take with these recommendations. He believes that the whole project needs to be engineered and permitted, (not just certain phases) so money is not spent for no real purpose. Then present it to the voters

J. Hoch states that the next action would be some kind of warrant article, he states this does not have to be decided now. He suggests they all read over the material and then discuss this at a future meeting when the whole Board is present, sometime in September.

Selectman F. Byron mentioned that in the informational items the Board received, there is an article titled Transportation Alternative Program; which is the program that paid for the Town's bike path. He states that there is a notice for additional grants under this program, and would like to know if Jack has any projects that he feels could benefit from this. He knows that there were discussion regarding sidewalks, as well as alternative means to access the bike paths. Jack states that he recently received the email and has started looking it over. Selectman F. Byron

states that the deadline for submitting a letter of interest for these grants is August 6, 2014. Jack states that they have discussed a project to extend the bike path along Page Road merging it with Albuquerque, which would then connect all the schools. Board discusses an article presented in 2011 to fund this section of bike path with a project price added at the Deliberative Session of \$300,000, which was defeated by the voters. Jack states that was an incorrect figure that was attached to the project.

J. Hoch tells the Board they could use the Bike Path Funds as the 20% match needed from the Town for the Grant. This fund has \$62,000 which could be enough for a 20% match on a \$300,000 bike path extension project. Jack reminds the Board that with the use of the Grant money, it has to be built according to their specs, and it may be a problem trying to marry the two paths together. Jason states that the advantage that Litchfield brings would be that as far as the State is concerned Litchfield has a terrific reputation within the Transportation planning circles. Which makes Litchfield more credible when applying for an extension of its bike path, due to its success in design and usage. Board and Jack decide to draft a letter applying for a Grant.

Public Input:

Robyn Dunphy 72 Independent Lane Manchester, introduces herself to the Board and tells them about her family and educational background. Then that she is running as a Republican for the Senate (District 18) in Manchester.

Selectman J. Brunelle apologizes for stopping her, but tells Robyn that it is the practice of the Board not to allow Candidates to use the Board of Selectmen's public input session as a political platform.

Chris Pascucci 12 Colonial Drive, states that he missed the last BOS meeting, but watched the video. He heard Selectman B. Lemire adamantly state that the NHMA, only took calls or questions from the Board of Selectmen, that he as a member of the Board of Directors had spoken with them and was assured of this. Mr. Pascucci would like to correct that information because it is false, and mentions that the website states they are open for calls and questions from any and all elected and appointed Officials of a member town. He feels it is a great organization and the Town pays over \$6,000 yearly to be a member, and thinks any elected or appointed individual should not be afraid to contact them with any questions they may have. He states that the BOS passed a resolution that any responses go through a chairman of a Board or Committee, and he feels that is fair. However, until the NHMA changes this policy or their bylaws he encourages anyone elected or appointed to feel free to contact the NHMA, and utilize what is being paid for.

Chris goes on to discuss the wage plan, which he states is a Selectmen approved plan and not approved by the voters. Because it is not voter approved, the Town has a wage plan in place that is not funded and he feels this is not fair to the employees or the taxpayers. He states that since the Board cannot put money into the upcoming Default Budget, it has to be added into the Proposed Budget and hope the voters pass it, otherwise there still would be a wage plan with no funding. Or he feels a warrant article could be created asking the voters to approve the wage plan. He noticed it is on the agenda this evening and hopes a warrant article will be discussed.

Chris states that Selectman S. Perry stated on Candidates night that he felt all new raises should go on a warrant and the voters should decide.

Mr. Pascucci mentions his feeling on the topic of Fireworks, that was presented and discussed at the last BOS meeting during Public Input. He discusses the legal aspect of enforcing a possible ban, the money that would need to be budgeted to educate, enforce, advertise, as well as court fees if a ban on fireworks is passed. He feels a ban would be unenforceable and a waste of time, as well as a burden to Town resources and the Police Department. He understands it bothers some individuals, but it is only a few nights a year. Understands the Board plans on having a public forum to discuss this matter, but feels only a select few would participate. He would like to see it as a warrant article and have the voters decide. Mr. Pascucci makes a formal request of the Board and proceeds to list a variety of noises that he feels are a public nuisance and he would wish to ban. He knows it would be silly to ban all items he listed, but feels banning fireworks is just as silly, he enjoys his freedoms and is tired of Politicians trying to take them away.

Selectman J. Brunelle would like to clarify that the Board of Selectmen has taken no action on Fireworks and will be holding a Public Hearing to discuss the matter. He mentions that the Board also stated that if a ban was decided upon, it would be done as a warrant article give to the voters.

Administrator Report

New Business

Conservation Commission - Land Purchase

Administrator J. Hoch tells the Board that the Conservation Commission is negotiating for the purchase of land. While there is a handshake agreement in place, there is no signed Purchase and Sales agreement. J. Hoch states that he will not discuss where the land is or the price that is being paid. They are allowed to purchase land, subject to the approval of the local governing body, which is the Board of Selectmen. So the Conservation Commission will be holding a public hearing on August 7th regarding the use of the Conservation Fund for this purchase (see RSA 36-A:5 II). J. Hoch states that they will proceed from their hearing with the intent to spend money from the fund to purchase the land, and the final step will be the Board of Selectmen's meeting that will be held on August 11th for them to seek approval from the Board. Jason tells the Board that once a Purchase and Sales is signed, he will post and make available all the necessary information regarding this property (prior to their public hearing). He states that the Conservation Commission is working with Counsel on the various issues related to the documents needed for this purchase.

Selectman F. Byron asks if they have a certified property appraisal.

J. Hoch states that they do not.

Selectman F. Byron tells the Board that he does not feel he can sign off on the purchase of this property unless there is some type of appraisal in place.

Jason states the Conservation Commissions concern was that there have been no equivalent sales in the past few years, so a property appraisal would be just a mathematical inference that the Town would be paying someone a few thousand dollars to make that mathematical guess. But J. Hoch states that he will tell the Commission of Selectmen f. Byron's concern and if it is

the wish of the Board he will mention they will need to get this documentation. Selectman F. Byron **motioned** for the Board of Selectmen to request a certified property appraisal of the value of the property be brought to the Board. Motion does not receive a **second**. **Motion fails for lack of a second**.

Other Funds

Administrator J. Hoch states this question came up and he has shared a chart with the Board showing Fund Accounts that are not apart of the normal Operating Budget, along with some notes that he has made where relevant. Jason mentions that the balances shown are June end cash balances. This is important in the case of Detail Funds where there is usually money in transit between payments out and receivable. He tells the Board that the two Detail Funds (Fire and Police) are designed now to be largely "self clearing" - the town is reimbursing full charges for administration, vehicle and all associated wage and benefit costs. In the past, not all of these costs were being reimbursed, leading to a balance building up in these accounts. He tells the Board that now they bring in administrative charges as a General Fund Revenue, and Vehicle Reimbursements back into the Departments bottom line (see 01-4210-10-910 in Police Dept). The "trailing balance" left over from years where administrative reimbursements had not been made from the Detail Fund to General Fund is gradually being reduced by Detail Vehicle related expenses (he reminds the Board that vehicle computers were purchased this way). Jason states that there are also two cable funds being carried, Cable Equipment Fund which was the equipment grant that was received from ComCast, this fund is not replenished; and the Cable Revolving Fund which is replenished quarterly from the Franchise Fees and bills are paid from this fund. Also the Conservation Commission has two small funds and one large fund called the Conservation Land Fund which encompasses all purposes, under RSA 36A. J. Hoch mentioned the Bike Path Fund and the Water District Reimbursement Fund, which is for an appropriation purpose, and is pending a public hearing for commitment of these funds. He states that he will not go through all the funds now, the Board can look over and see where they may have questions.

Selectman F. Byron states that some of these fund accounts need to be eliminated, they have been on the books forever, examples would be the Fire Pond Fund or the Footbridge Fund which has been in place since early 90's to replace a footbridge that got washed out, it still has a balance of \$17,285.03 this money should be moved into the General Fund or placed somewhere. He would also like to know if the money in the Police Detail Fund is being used for maintenance on the vehicles being used on Police details, as well as the same for the Fire Detail Funds.

Administrator J. Hoch tells the Board yes, the funds are being used for those purposes. Jason and the Board discuss how some of these funds will become "self clearing" (it is a process). Also that research needs to be done to find out where some of the funds in these accounts came from, some came from grants, some Town meetings, Selectmen, and because some have strings attached to them they can't all be placed back into the General Fund. Jason mentions that some will require the Board to close, others will involve Town meetings. Selectman F. Byron would like the Board to take action and get this matter resolved before the close of this year. So if warrant articles or meetings are needed they can be taken care of, and

money could be repurposed and spent in other areas that it may be needed.

Old Business

2015 Budget Target

Administrator J. Hoch tells the Board that he was updating his 2014 budget projections and had transaction data at hand, he made a first pass at calculating a 2015 Default Budget based purely on current year and various contractual obligations (not incorporating any of the adjustment approaches taken by the BOS in prior years). He also made a pass at the Operating Budget and got his first wave of numbers before sending them out to Department Heads to review. Jason is suggesting that this year the Board give him an overall target that he can use for guidance as he begins workings with Departments on their Budgets. His preference would be a goal of mathematical default plus a percentage as a goal, then they could work out how to accommodate Department requirements within that goal. If there are outlying items, then everyone could have a focused conversation about those as the Board reviews budgets to determine whether those items should be included, excluded, moved to articles or deferred. Jason states that in some ways this reflects the process that everyone has ended up going through the past few years after Town Meeting, when he has had a target (the default budget) and has had to work with the Departments to adjust various line items and priorities to be able to recommend an overall realignment for the Board to consider as a modified budget. This would be a somewhat different approach than has been taken in the past several years of building and reviewing budgets line by line and seeing where the number is at the end.

Also, he would like to schedule a Saturday workshop like they have done over the past few years, Jason wants to get a date on everyone's calendars before they begin filling up. Last year it was done on the second Saturday in September and he recommends that again this year which would be September 13, 2014.

Board agrees on the Saturday workshop and the date of September 13th.

Selectman F. Byron suggests taking the existing Budget number (the default budget numbers that already exist) and have Jason work with the Department heads and fit their budgets into those numbers. Anything that does not fit in, he suggests that it be identified and then presented to the Board for review and discuss options such as warrants, deferred or added items into the budget. He has no problem flat lining the Budget (with the exception of any items needed to be discussed), and presenting this to the Budget Committee. There would be no need to bring to the Board any Department Heads whose budget fits into the the targeted numbers, only if they have items that need reviewing.

Jason states what ever number the Board picks he will make it work. However, if the Board picks this years Default Budget (2014) as the number he will ask for the cost of the Union Contract pre-approved be added, as well as possibly the cruisers.

Board discusses this and agrees to use 2014 Default Budget number and construct the Budget with the Departments based on those figures. Then add or subtract as needed, and any items that don't fit bring before the Board for discussion.

Jason states to be clear that the Board agrees rather than a line by line review as long as the Departments bottom line number is on target it will not matter how they got there, and if there are no major changes they may not come in before the Board. But all Department Heads are welcome to come before the Board if they have any questions or comments. Also that all

Warrant Articles are separate.

Gasoline Pricing

Selectman J. Brunelle mentions that the Board can go ahead and discuss this matter tonight, however, he would like to have a full Board before making any decisions. Selectman S. Perry has expressed interest in this topic and they would like for him to be able to express his opinion. J. Hoch suggests that due to Chief O'Brion having requested some information from DOT & Burke Oil regarding pricing. He states that there is a price breakdown referenced in the state bid. But not provided with the bid package which should show the full breakdown of the elements of the rate, but should not include the state tax. In addition, the Chief has requested more detailed information about a pre-buy program, which they had mentioned earlier in the week to him. He has not received all this information, and due to not having a full Board this evening Jason would like to postpone until the next BOS meeting.

Selectman F. Byron states he has no problem with that at all, but would just like to explain what his concerns are on this matter. He states that the Town is paying just say \$3.70 for oil (understands that is a state purchase price). However, he could go to any pump today and pay about \$3.50, which 22 cents is state tax or (road tax). But Municipalities are exempt from paying this road tax, so why would the Town pay \$3.70. When it should be 22 cents cheaper than the \$3.50 price at the pump. Board discusses that there is a delivery charge, as well as it is a pre-buy situation. Also that there are not a lot of options surrounding wholesale prices on fuel. But this is why the Chief and Jason are checking into an explanation and breakdown on the pricing as well as any other possible options. Board decides to table the discussion until there are more answers as well as a full Board present.

Wage Plan

Administrator J. Hoch and the Board decide to table this discussion until they have a full Board.

Water Usage

Selectman F. Byron states that this is not regarding water usage. It was a discussion that he had with Don Ware (VP from Pennichuck), asking to participate in the future planning and growth of Litchfield. To be able to determine if line sizes would need to be increased as the Town grows or what ever the needs of Litchfield in future years may be to accommodate its growth. It was suggested that a it may be possible to form a group that could meet with him on occasion and discuss these matters. Selectman K. Bourque was going to check with the Planning Board about being involved in this group, but was unable to attend their last meeting. They will bring this up at a future BOS meeting.

Other Items

Biweekly Payroll

J. Hoch mentions to the Board that he understand there were some questions last meeting about the potential benefits of a bi-weekly payroll. He states that this was looked at about a year and a half ago, and there was not a lot of employee interest. Also the only benefit would be a recapture of about 2 hours of paper processing, there are only 10-15 paper checks generated

each week (remainder are direct deposits) and no checks are mailed on a weekly basis. So there is not a postage savings and only a negligible material savings. Jason states that when software changes were made last year and some updating of internally generated timesheets were done, this has significantly sped up the processing time. He states that they are expecting to implement over the next few weeks a remote data entry module for the Police and Fire, the two most complex data entry departments. So it does not appear there are substantial gains to be made from shifting to a bi-weekly payroll.

Milfoil Control

Administrator J. Hoch tells the Board that the Conservation Commission has received their Special Permit to apply pesticide to up to 4 acres of Darrah Pond for milfoil removal as discussed this past fall. This has been completed by Aquatic Control Technology, the contractor who carried out the work.

Jason and the Board discuss that there continues to be a disagreement between the State permitting agency, as well as the use of the chemicals within the State. Jason states that this was suppose to be a multi-year treatment plan hitting certain areas of the pond each year. Each year needs to be approved by DES and multiple State Agency's, so in reviewing the permit and future plan Jason feels the Conservation Commission will need to run a longer run management program. He anticipates their next cycle may be more manual harvesting than chemical. He feels it will be a longer plan than first thought, but they will know how effective possibly in a few weeks.

Fireworks

J. Hoch tells the Board that he shared a few sample ordinances with them to review. He states that he thought the plan was to go though with a Public Hearing to get some input on this topic. However, in reviewing the minutes from the last meeting he noticed that Selectman Lemire volunteered him to write an ordinance. He would like the Boards input as to the direction they would like him to take.

Selectman F. Byron states that the original thinking was to eliminate fireworks during certain hours, and this was what was going to be addressed at a public hearing. However then he feels this becomes a noise and not a fireworks issue. Board discusses the options of a possible outright ban, or a permissible use (which could require permitting). They mention that is any action was taken by the Board it would be a permissible, with possible permitting. Board and Jason will work on an ordinance to present at a public hearing where they would have the final say. Board agrees to draft the ordinance and have it for the Board to approve at the first BOS meeting in August. Then notice the Public Hearing and have it held on the second BOS meeting in August.

Selectmen Reports

Selectman F. Byron states that last Thursday there was a Budget Committee meeting. He tells the Board that the Committee was going to consider how to address lease purchase contracts. It started out that due to there not being a full Board they would delay the issue, however they went ahead on considering it, but it was withdrawn. So there was no action taken. He states that

he asked for a discussion on how would the Budget Committee fund the purchase of the Police cruisers. The discussion started that it should go into the Budget as a purchase, and there was some agreement to that. However the vote failed. Selectman F. Byron states that he is not sure where things stand, but he will wait for a full Board to be present and bring the topic back up in the hope of resolving this issue.

He states that the Budget Committee wanted to understand why the Police Departments Lieutenant overtime was so high. He forwarded this to Jason who responded to the BC that this was due to the Lieutenant filling in for the vacant Sergeant position, and there were several situations that called for a Senior Officer be present at a scene.

Selectman F. Byron mentions that the BC also wanted to know what could be done as far as their request to receive monthly reports. They have accepted them in PDF form so he felt just send them monthly rather than weekly.

The Board discusses what seems to be driving this issue, the BC wants to know what type of accounting is used, an accrual or ledger form, and the Town uses a ledger form.

Selectman J. Brunelle mentioned that the BC does not seem to be asking for the same data from the School that they are requesting from the Town. They also do not analyze the Budgets in the same manner. He feels if the put as much energy into the School side as they do the Town side he would be happy.

Selectman F. Byron states that the did mention to the Budget Committee that the BOS would not be getting into any long term head butting with the Committee, each has a job and responsibilities to do. Anything that has happened in the past should be put behind them and they should focus on working forward with their best efforts.

Items moved from consent - None

Other Business - Fireworks, but was covered earlier.

Selectman K. Bourque **motioned** for the Board to adjourn Selectman J. Brunelle **seconds** the motion. **Vote carries 3-0-0.**

The next Board of Selectmen's meeting will be on August 11, 2014 at 6:00pm at Town Hall

Approved August 11, 2014