

TOWN OF LITCHFIELD BOARD OF SELECTMEN

February 18, 2015

Selectmen's Meeting

Members Present: John R. Brunelle, Chairman (6:15)
Frank Byron (Vice Chair)
Kevin Bourque
Steve Perry
Brent Lemire (6:10)

5:00 p.m. Paperwork Review

6:00 p.m. Call to order

Pledge of Allegiance

Selectman Frank Byron read aloud the Items for Consent

Review of Items for Consent

1. Minutes of January 12, 2015
2. Account Payable Manifest (\$58,666.24)
3. Payroll Manifest (\$46,335.52)
4. ACH Manifest - School payments February - May (\$3,171,735)
5. Corrective Deed - Map 1, Lot 4
6. Abatement Denial - Map14, Lot 190
7. Abatement Denial - Map 9, Lot 1-1
8. Hawkers & Peddlers License - Edward De La Flor
9. Veteran's Tax Credit application approval (4)
10. Land Use Change Tax Warrant - Map 18, Lot 63

Approval of Consent Items

Selectman K. Bourque **motioned** to approve the items for consent. Selectman S. Perry **seconded** the motion. The motion carried **3-0-0**.

Request for Items - Other Business

None

Other Business

Selectman Bourque would like to talk about Winter Operations

Mr. Byron wanted to remind everyone that Public Input will occur no earlier than 6:30

Administrator Report

New Business

Pipeline Update

Jason mentioned that most notably the representatives from Kinder Morgan have been less than responsive to a number of Town's in the region. Jason stated that they have not put them on a schedule yet for a meeting in Litchfield, it is not from a lack of trying and him chasing them down. Jason mentioned that he has had pleasant and hostile conversations with their Community Relations people. About every two weeks, the Administrators, Managers of most of the affected Towns have all been meeting regularly. We are all in the same boat, nobody is getting through at this point. Jason stated that one of the things they realized amongst all of the different towns is that there is varying levels of engagement, knowledge, interest pushed back from community. The last two meetings as a group, they have started looking at whether it makes sense for them to share legal counsel to protect collectively the communities interest. Jason will have some additional information to share at the next BOS meeting. Jason mentioned that you may have noticed in yesterdays paper that it was portrayed that Merrimack has hired an additional environmental lawyer. Merrimack as engaged the services of another member of the law firm that serves as Town Counsel for them to answer a few questions. Jason mentioned that he talked to Merrimacks Town Counsel about us coordinating any information that we may have on river issues and boring under the rivers, since it starts in their town and comes to our town. Collectively amongst the group, they have shared some of the resources that they have been able to identify through FERC and the last two meetings have had representatives from all of our congregational offices as well so they have been trying to keep on top of this. The entire delegation sent a letter to Kinder Morgan and FERC saying leave enough time for people to understand what is happening. Jason mentioned that they have received an information request from an engineering firm and all of the towns in the area received this request at the end of January, basically looking for a lot of specific environmental impact information. What the group discovered was that when the same request was made in Massachusetts, the approach that the town opted to take was to refer this request primarily through their Regional Planning Commission because they had the data and it was consistent. Jason mentioned that he drafted the response that each Town basically work through NRPC. Jason stated that he continues to post information on the Town's pipeline information page. Milford was one of the few Town's that had a real public presentation, the video from that is pretty useful and have connected it to the information page. Jason stated that there is a resident from Mason compiling all the comments to FERC at this point (which is all publicly available and can be found on the Town website).

NRPC is forming an Energy Facilities Subcommittee to look at the proposed expansion through the region and they are seeking a representative from each community in the region

to participate on that committee. This is something that Tom Young and Jason has been discussing, since he is one of our reps and on the NRPC executive committee and he has indicated that he would be willing to serve on this energy subcommittee.

Selectman Byron stated that he had a couple of things. Number one is that Jason mentioned early on that there tends to be at least on the Massachusetts area, the Regional Planning Commissions are filling the role of the regional coordinator, is NRPC planning on doing that role? Jason answered by saying that they are coordinating as much as possible within their purview, they actually have a regular participant in our working group that has been meeting, so it has been very helpful.

Selectman Byron proposed that they take the appointment of a representative to the NRPC Energy Subcommittee, put that on to any other business so when Mr. Brunelle is here, there will be a full board.

Mr. Byron stated tomorrow night in the Town of Hudson, there is going to be a public presentation conducted by Kinder Morgan. They will go over the pipeline and how it will affect the region. It will be held from 6:00 pm until 8:00 pm at The White Birch Banquet Hall, 222 Central St. Residents of Litchfield are able to attend that meeting. There is also a public presentation tonight at Londonderry High School.

Recreation Opportunity

In late January, a group of us met with Rick Charbonneau regarding the property he owns off Page Road. He has suggested that he would like to work with the Town to transform the site into recreation facilities that the town may need after he utilizes the portion he needs for sand removal. The parcel, which is approximately 100 acres, has the possibility to hold new playing fields, sledding hills, walking trails, etc. He has requested that the Town establish a committee of a Selectman, Planning Board rep, Rec Commission member, Conservation Commission member and TA to assist in defining the possibilities. The core project will need to proceed through the various land use regulatory requirements for the sand extraction. In terms of the site redevelopment after that, he will provide the services of a site engineer to design the fields and improvements. This is not a rapidly developing project -- his sense was that it will probably be ten years in overall development; however, incremental improvements should be possible to roll out across the parcel as work proceeds.

There is no immediate rush to specific plans or process here. I suggested that we engage Rec Commission (after Winterfest) and review the data from Planning Board Impact Fee update showing mathematical field "shortage" and test that against actual and projected need. In addition, as the conversation goes forward, investigate whether it makes sense to discontinue any existing sites and repurpose or sell those properties (potentially freeing up funds for operation & maintenance of new site.) In addition, should review both Rec & Planning surveys from previous years to identify other requests and suggestions to see if

those may be feasible. Want to involve Conservation as well -- there are some wetland areas on the parcel as well as some buffer areas where less intensive and/or no uses may make sense. 100 acres can accommodate a wide variety of things.

Overall, a significant offer of donation of land and improvements to the Town -- estimate of approximately \$200,000 (\$100K land + \$100K improvements). Jason stated that in near future he would be looking for a volunteer from the Selectmen for this committee. Steve Perry indicated that he was interested.

Old Business

Secondhand Dealer and Pawnbrokers

Jason mentioned that in the beginning of January, we had talked about this Ordinance. The Chief and Jason have reviewed and edited. The Chief was okay with the fees. A couple of minor changes after review with counsel, mainly adjustments to license requirement language and expiration dates of permits.

Mr. Byron stated that he thinks it is important that the Town have a pawnbroker and secondhand dealer ordinance, we are allowed to do that under the RSA's. We did have somebody who registered his business, but appears they are not conducting business out of their residence, and would suggest we Institute this ordinance.

Selectman F. Byron **motioned** that the Board of Selectmen approve the Secondhand Dealer and Pawnbroker Ordinance. Selectman Bourque **seconded** the motion. **Vote passes 5-0-0.**

Town Meeting Prep

Jason stated that he received a letter from Paul Fitzgerald, who attended his counsel. The slides is attached. Working to add insert to the printer by the end of this week or beginning of this week.

Mr. Brunelle mentioned that the other reason for this topic is that what are they as a Board going to do to get the message out. Jason and he have been talking about the operating budget. One thought is that they would like to get an article out in the HLN about the importance of passing the operating budget and highlight the reasons and what is important in that budget, if there are things that don't get passed we are getting further behind the eight ball. Mr. Brunelle would like to get that in the paper the week before the election.

Mr. Brunelle also mentioned that they put together the presentation at Deliberative, there is a lot of good content there, so Jason and He are talking about taking all those things and making little vinyets and get them published warrant by warrant and keep putting them out on facebook and twitter, so that it is constantly popping up.

The Board discussed putting an insert in the newspaper before the election.

Interview Mr. Matt Shoemaker for Planning Board Member

Matt Shoemaker came in front of the Board. Selectman Brunelle mentioned that Matt was nominated by the Planning Board, and has met with them and paperwork has been filled out. Mr. Brunelle asked the Board if anyone had questions for Matt. The Board thanked Mr. Shoemaker, because it is hard to get someone to join these boards, and he has some experience in real estate. Mr. Perry asked Mr. Shoemaker if he would find himself having any conflicts. Matt stated no, that right now he does strictly conveyancing, he is not really practicing outside of that. Mr. Shoemaker stated that if there was any potential conflict, he would bring it to their attention, but does not feel that will happen. Mr. Byron asked Matt if he has a good understanding of what the Planning Board does and what their job is. Matt stated yes, before he attended the first meeting, he went on and was reading the town survey that they did in 2012 and went through some of the minutes, etc. and is trying to catch up on a little bit of the paperwork. Mr. Byron asked Matt if he was familiar with the concepts of zoning ordinance and subdivision regulations. Matt stated that he was, he does run into some of that stuff, doing a purchasing and sales on a property.

Mr. Lemire asked Matt if he had a JD and if there was a specialized area that he works in. Matt stated that he didn't specialize, just did a general curriculum. Most of the specializations are obscure, there wasn't anything particularly in law at Suffolk, which is where he went to law school. Mr. Lemire asked if Matt was working as an attorney now or in real estate. Matt replied by saying a real estate attorney. Mr. Lemire also asked what positive outcome Matt could bring as a member of the Planning Board for the Town as a whole. Matt stated that with a legal background he has a little bit of an advantage of understanding the different concepts they are going to be facing, it is something that he deals with, he does run into issues and practices across New Hampshire and Massachusetts, so when he does run into those things that he is seeing, he is seeing them in a wide range of places, certain things are handled differently in different places, so it is a broad perspective. Mr. Bourque stated that he appreciated Matt stepping up. Mr. Byron asked what Matt's reasoning was for wanting to do this. Matt stated that it is two fold, one is that he would like to get a little bit of a better understanding of some of the issues they deal with, so he figured it was a good way of participating. The second thing is that he has seen that there is a lot of forward progress in the town and thought it would be interesting to be involved in that. Mr. Byron asked in terms of the Planning Board schedule, are you comfortable that he can make that schedule. Matt stated that 7:00 is a good time.

Mr. Byron asked Jason if this was for full member or alternate. Jason stated that they are looking for a full member effective March 11th after Town Meeting. There is an alternate slot now following town meeting and the expiration of term, there will be a full spot. The easiest thing to do is to appoint for a full term following town meeting. There is one meeting between now and then, so rather than appoint him as an alternate for one meeting and come back and do it all again. Mr. Byron asked if Matt understands the difference between an alternate and

full member. Matt stated that he did.

Selectmen Lemire **motioned** that the Board of Selectmen appoint Matthew Shoemaker a full member of the Planning Board effective March 11, 2015. Selectman Bourque **seconded** the motion. **Vote passes 5-0-0.**

Public Input

No members wish to speak. Public Input closed.

Other Items

Health reform information

Jason stated that under the informational items he attached two things that are worth while to read. The first was information from a session that Mr. Lemire and himself attended last month on Health Reform that was largely put on by Health Trust.

The second attachment is from NH Interlocal Trust who will be assisting with some of our reporting requirements (we are still a "small" employer) - note that we can designate them to complete the new IRS forms on our behalf. This is a good added value service for us.

Recount Legislation

Jason mentioned that there are two bills, one in the House and one in the Senate, co-sponsored by Rep. Byron & Sen. Soucy. At the end of January House bill was heard by committee on Tuesday and Town Clerk testified. Senate bill was heard by committee on Wednesday and Jason attended. Ultimately they both went out of the Committee with a "Ought to Pass". The Senate Committee was a little smoother path than the House was.

We are now in a position where both bills have passed their respective houses. House Bill was passed last week, Senate bill has passed, so it looks like that clarification will happen.

Jason stated that this is the issue we discovered last year where the law does not say in the case of a request of a recount of the ballot question, who needs to be notified for that.

FEMA initial review - blizzard

As a follow up to the January 28th snowstorm event, they are still trying to determine whether that storm will meet the threshold for the emergency declaration and reimbursement. The original preliminary damage assessment was to be filed back in the end of January. In this case they followed up and FEMA asked State Homeland Security to look (they did a more thorough assessment, where they wanted documentation) that was timesheets, vehicle records, material receipts, traditionally everything you do for a formal reimbursement, not a preliminary damage. Jason pulled that all together and sent it out in the beginning of February. They were still sorting through questions last week. Jason mentioned he spent a great part of Thursday going back and forth with our State Homeland Security Rep. to try and get information to her to pass to FEMA. Jason stated that we still do not know if the threshold has been met and if anything is actually going to be reimbursable. If it is, based on the ratios they take, we might see \$30,000 come back. Selectman Brunelle asked Jason if we know where we are budget wise this year with our snow removal. Jason stated that he will let them

know on Monday, because there are a lot of payments that he just saw come across his desk to be paid this week. The short answer is that it is not good. Jack ordered a full shed of salt at the beginning of the year, but the salt was not delivered.

Selectman Byron wanted to know where we stood on the collapse of the Highway building, and would like to be updated about whether the Insurance company has looked at this. Jason stated that it is his understanding that the insurance company was out that day or the next day. Jason has not seen a final yet but, expects we will be getting a final probably this week. Jack, Kevin and Jason are looking at what an appropriate replacement is. Mr. Lemire asked if it was destroyed or if it could be fixed. It was destroyed.

Selectman Bourque mentioned that one thing he wanted to bring up from the Town's side of it is that collapse happened, when it happened he heard no one got hurt (which he was happy about) but his question to John was why did it happen, and thinks when we have the type of winter we are having this year, there needs to be something in place so that does not happen. As far as the Road Agent, when he talked to John, he told John what they do this year, they have been outstanding, but our equipment is no good if we have a collapse. Mr. Bourque thinks us as a Board need to do something to make sure that does not happen. Mr. Brunelle asked Mr. Bourque what his suggestion is of what he wants them to do. Kevin stated that what we need to do is maybe get Kevin involved. Kevin gave an example: he had training for the Fire Department last week and happened to be at the middle school, he goes into some of those trailers, there is two feet of ice coming off those portables, if that ever comes off and hits a kid during the day while they are walking out to those portable trailers, that is an issue. Kevin stated that these are the things he thinks the Board needs to address. The snow load is huge, Jack and those guys being straight out, doing the road and what they have to do; he totally understands they don't have time to do it but, the Board needs to make the time to make sure these roofs are safe. If it requires hiring somebody and bringing them in, we need to do that. Selectman Brunelle stated that he thinks the concern is definitely warranted, the issue is as far as the school goes, that is the school's issue not the Towns issue. The school has maintenance folks and facility people that are supposed to be taking care of that. The Board of Selectmen can't tell them how to maintain their buildings. As far as the Town goes, the facility managers are responsible for their buildings. The collapse was a surprise, if you look at the building, it is a building that is oval and most of the time the snow slides off of it. In lieu of Jack and his crew making sure it is cleared, John stated that he is not sure who in the town we would actually engage to do that. Mr. Lemire stated that he would think that would be under the purview of the building inspector and would like to think our building inspector would be looking for these things. Selectman Byron stated that he personally agrees with Kevin, that we ought to be proactive and tends to agree with John that the school has to do what the school has got to do but, also thinks that if somebody sees that we have an ice problem at the school, we ought to be proactive and point that out to the school and let them respond in what ever fashion they deem appropriate, but also thinks we should have our building inspector go around and check out our facilities and make sure that they are clear

and if they are not clear, work with the Town Administrator or the Department Head to get that fixed. Mr. Bourque stated that he did speak to Kevin after the fact and knows there are motions in place now that they have done what they needed to do, but prior to that nothing was done. What happened was that collapse set off the trigger and said oh, we need to do something now. We need to be proactive and do something before it happens. Jason stated that we have people who are capable, and to be fair on this one, the dome structure was the dome structure because it was the ease of operation, you didn't have to worry about a flat roof, and ultimately that was the design of this one. This building was more vulnerable than we would have anticipated it to be.

Selectmen Reports

Selectman Lemire wanted to thank all the town staff and anyone in any way that reacted and worked for the benefit of the town and the residents in all of the storms that we had. Mr. Lemire stated that he is thoroughly impressed how well the roads were maintained and how all of the staff reacted to a mountain of adverse conditions. Mr. Lemire just wanted to thank them and kudos to everyone involved. Mr. Brunelle shared the same feelings. Mr. Brunelle also thanked the residents for their patience

Mr. Brunelle wanted to mention that last night we did have a two alarm fire in town that impacted a family in town. Mr. Brunelle stated that his heart goes out to the family that was impacted, nobody was injured but, does want to thank the Fire Department and all the mutual aid departments that came in.

Items removed from Consent

No items removed

Other Business

Selectman Byron mentioned that NRPC is looking to form a committee that will go over energy (pipeline setting), they are looking for an appointment from the Governing body. Tom Young a current rep to NRPC, so he will make a good candidate for this.

Selectman F. Byron **motioned** that the Board of Selectmen appoint Tom Young as the representative to NRPC for the Energy Subcommittee and Jason Hoch will be his alternate. Selectman Lemire **seconded** the motion. **Vote passes 5-0-0.**

Selectman Byron mentioned that he wasn't here for the Other Business part and had one question regarding the school ballot and what is the impact to the Town, and is there anything else the Town needs to do on their end. Mr. Hoch mentioned that the Town Clerk is sending out the Town ballots, we do not have school ballots yet to send out. A note will be inserted about the school ballot. At such time as the school ballots become available, the school clerk or the Town clerk sends those ballots out, so there is an added cost at some point to the

community of postage and materials because the theory is that we will be getting two absentee ballots. There is a bit of a logistical intrigue because now you are going to have two envelopes coming potentially back. There is some processing so Terri and he have been talking a little bit about how to work through that. Over the last couple of days there has been a lot of twists and turns. Terri has an obligation under state law to get ballots out, she is responsible for that election procedure and most of the things revert back to the Town Clerk. Jason stated that his understanding is that there was discussion at superior court this morning regarding this issue involving either school's counsel, Attorney General or both and the court has come up with a direction that the school clerk will need to sign the ballot by a certain time tomorrow or the court will accept a substitute certified signature by the school moderator.

Selectman B. Lemire **motioned** to Adjourn. Selectman J. Brunelle **seconded** the motion. **The motion carried 3-2-0.**

The next Board of Selectmen meeting will be February 23, 2015 at 6:00 pm at Town Hall.

Approved February 23, 2015