

TOWN OF LITCHFIELD BOARD OF SELECTMEN

September 14, 2015

Selectmen's Meeting

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

Also Present: Troy Brown, 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 August 24, 2015
2. Approval of Account Payable Manifest (\$68,877.01)
3. Approval of Payroll Manifest (\$48,839.56)
4. Authorization for Issuance of Credit Card to Troy Brown
5. Land Use Change Tax Abatement - Map 3, Lot 6

Approval of Consent Items

Selectman S. Perry reads aloud the Items for Consent

Selectman J. Brunelle **motioned** for the Board of Selectmen to approve the Items for Consent
Selectman B. Lemire **seconds** the motion. **Vote carries 5-0-0.**

Request for Items - Other Business

Selectman F. Byron would like to discuss the revocation of the Town's credit card from former Town Administrator Jason Hoch.

Selectman S. Perry would like to discuss how the pistol permits are handled with the BOS and the Police Department.

Library Request for Supplemental Appropriation

Lynn Clifford, Library Board of Trustee and Vicki Varick are present to discuss with the Board of Selectmen a request for a Supplemental Appropriation.

Lynn Clifford states that a letter was sent to the Board of Selectmen. It outlined a formal request for the Library to be included as part of the Town's new Wage Plan implementation that passed in March by the voters of Litchfield. They shared a spreadsheet of the Wage Revision Plan with the Board. It shows a breakdown of the salary increases, longevity bonuses, FICA and

Medicare for a total of \$5,497.30. The Library would be able to contribute (\$2,500) and the Supplemental Appropriation request from the Town totals (\$2,997.30). Lynn states this would go into effect on October 4 thru the end 2015.

Selectman S. Perry asked for a budget total for next year.

Lynn and Vicki state they do not have this information because it would also include totals for year two of the plan.

Selectman J. Brunelle states that not all Town employees received an increase and those that did, did not receive a longevity bonus.

Selectman B. Lemire asks if this was a budgeted item for the Library this year. Vicki states no. Selectman B. Lemire states that this is not a contribution, he thought the Board of Trustees was making a contribution to the Library from a separate account. The \$2,500 is coming from the Library budget, but they do not have enough to cover the whole Wage Implementation till the end of the year.

Vicki states that the Library cannot absorb the whole cost of the Wage Implementation (\$5,497.30) only \$2,500. She states that they are also absorbing from their budget the Family Medical Leave amount of \$1,293.00 (which was discussed with the Board at a previous meeting).

Selectman F. Byron states that when the Board of Selectmen went forward with the funding for the Wage Plan for the Town, it do so by Warrant Article and allowed the voters to decide. He states that the Library has chosen to separate from the Town and now can legally change or implement anything they wish on their own behalf. He proposes that if the Library would like to implement the Town's Wage Plan that they do so by Warrant Article and ask the voters in 2016. Selectman F. Byron states he feels the Town should not be funding this, the Library stands on its own regarding all financial matters, and is an entirely separate organization. He also states that the voters were not made aware that the funds would be used for another organization/budget that is separate for the Town and their budget.

Vicki states that the voters do not understand that the Library is financially separate from the Town's budget. She is disappointed that the Town did not inform them of the Warrant Article, because they would have proceeded with their own Warrant Article. Vicki states that in her 17 years with the Library they have always adopted the Town's Personnel Policy and Wage Schedule. This is due to the belief that the Library and Town Employees should be treated in the same manner when it comes to matters of personnel to prevent any ill-will or "us-versus-them" mentality. She has felt the Board of Selectmen feel the same.

Selectman F. Byron states that the Library may have wanted or desired to follow the Town's policy (it was not required). However, at anytime the Library can act and move forward with any Warrant Articles they wish that may be in their best interest and present it to the voters. So to state that because the Board did not notify the Library of its Warrant Article, it is the Town's responsibility to encompass the Library and fund their Wage Plan.

Vicki states that she does not feel the Town has to. However, all these years they did not ask for wage increases because the Town did not, which is how it has always been handled.

Selectman B. Lemire continues to discuss the decision made by the Library along with Counsel to separate from the Town. There were intense discussions regarding the possible problems down the road of moving forward with this decision. He agrees with Selectman F. Byron

regarding the Library being able to act on their own as far as Warrant Articles or budgeting to suite their needs. He feels the Library cannot now have it both ways, and the voters need to have a say in this matter as they did for funding the Town's Wage Plan.

Board states that there are still about 4 months to the Town's budget season, and the money would have to be taken from some other Departments funding.

Selectman S. Perry states that in reviewing the numbers supplied by the Library, he feels the figures and grades are just to high and he cannot support this today. He states that he agrees the Library should move forward with this as a Warrant Article for 2016.

Vicki asks the Board to agree to communicate and share information better with the Library regarding policies in the future. They suggest speaking with the Town Administrator will also be helpful in the future.

Board discusses the figures and agree that they cannot support the funding as stated. They mention that the Town was implementing their Wage Plan over multiple years, not all at once. Board suggests and Vicki agrees to meet with Town Administrator Troy Brown and review their figures for the Wage Plan, and bring updated information to the Board at a future meeting.

Selectman B. Lemire **motioned** for the Board of Selectmen to table this discussion until additional information is presented at a future meeting.

Selectman F. Byron **seconds** the motion. **Vote carries 5-0-0.**

Conservation Commission Re: Land Purchase (Birch Street)

Members of the Conservation Commission, T. Levesque, J. McKibben, R. Husband and M. Coteau are present to discuss the purchase of land on Birch Street. T. Levesque states that the Conservation Commission has signed a Purchase and Sales for the property on Birch Street which includes Map 7 Lots 6, 7, 59, 125 and 126 (approximately 66 acres). He mentions that the land is great forest land as well having the potential for development on 2-3 Lots. It also is very close to the aquifer area (they share maps showing the land to the Board). They have agreed to purchase the 66 acres of \$180,000.

J. McKibben mentions that the Town owns an abutting piece of property Map 7, Lot 124. She tells the Board that Roger St. Laurent who worked with Pennichuck Water Works mentions that in the future if Litchfield would ever be in the need for water this site has some potential where it is in an aquifer area. The NH Fish and Game Wildlife Action Plan Map also shows the area is the highest ranked habitat in the State. What also makes this prime wildlife land is the fact that it is contiguous (no roads breaking up the property). J. McKibben's states that the Conservation Commission did look at comparable land values and found they ranged from \$122,000-\$135,000 per buildable acre. The 66 acres of forest land and the property having 2-3 buildable acres makes this worth the purchase price of \$180,000.

Selectman F. Byron states he sent an email requesting an appraisal of the property.

J. McKibbens and R. Husband discuss the fact that the Commission did not feel the need to spend \$4,000-\$6,000 on an appraisal, and there were no specific values for raw land that compare to this property. They felt the purchase price (\$180,000) compared to the value for 66 acres of prime forest/conservation land in the State, was without question a strong purchase.

Selectman F. Byron continued to discuss with the Commission members why they did not get an appraisal. He supports the Commission purchasing of land but feels this is the taxpayers

money being spent and this document is proof of the value of the purchase from a registered Appraiser. He also mentions that a P&S for the property has been signed, does it have a clause contingent on the Board of Selectmen's approval, and has it been approved by Counsel.

J. McGibbens states that it is contingent on their public hearing and the BOS approval.

R. Husband tells the Board that he has an issue with discussing the delicate issues of real estate purchases/figures in a public televised forum. If the Board would like to discuss real issues of pricing he feels it should be done in a non-public session.

Selectman B. Lemire states that he feels the Conservation Commission has done their due diligence regarding the purchase of this property and **motioned** for the Board of Selectmen to approve the purchase of 66 acres of land on Birch Street in the amount of \$180,000.

Selectman J. Brunelle **seconds** the motion.

Selectman S. Perry asks for the assessed value of these properties.

J. McGibbens states that there are 40 acres in current use, but does not have the assessed value on each parcel.

Selectman F. Byron made an **amendment** to the motion, that the Purchase and Sales agreement be sent to Town Counsel for review/approval.

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

Selectman S. Perry and the Board state that they would of liked more information such as an appraisal, assessed values and more information regarding the characteristics of the land and the benefits to the Conservation Commission.

Selectman F. Byron discusses working with the Commission on a checklist for documents that the Board would like to see for land purchases in the future..

Selectman S. Perry calls the main motion to a vote. **Vote carries 4-1-0.**

Administrator Report

New Business

HealthTrust Surplus

Town Administrator Troy Brown took a moment to introduce himself to the Board and the public watching the meeting. He states that he was able to begin working last Thursday. He has been introducing himself and interacting with Department Heads, Town Hall Staff and the Community. So far it has all been a very positive experience. T. Brown states that his priority along with the Board of Selectmen and Department Heads will be the Budget, he has been reviewing Mr. Hoch's recommendations. This week he will be meeting with the Fire Chief and taking a tour of the Station. He is aware the Board has allowed funding for researching plans/options for the current Station and they will be working together to come up with a proposal to present to the Board. He will also look at the Town's Highway Department and Transfer Station.

T. Brown states that the Town has received a reimbursement check in the amount of \$499.47 from HealthTrust. This check represents the Retirees portion of the 2014 Surplus Return and needs to be accepted by the Board as Unanticipated Revenue and then appropriate the full amount be returned to the retirees.

Selectman F. Byron asks if this is Unanticipated Revenue that will need the Town's approval by holding a public hearing before the Board can issue the money back to the retirees.

Administrator T. Brown states it is his opinion that this is a Surplus Return and is 100%

reimbursement to the Town and its Retirees.

Selectman F. Byron states the Town can accept the Revenue he is just wondering if a public hearing is needed. He states that the money is under the State threshold for the acceptance of Unanticipated Revenue, but he believes it has to be posted to the agenda for the public. He asks if it was posted for this evenings agenda. Board and T. Brown state that it was not. Board decides to table this discussion in order to post this on the consent agenda for the next Board meeting.

Stormwater Permit

T. Brown tells the Board that this is an FYI that Jason Hoch put together for the Board. He mentions that another comment period on a draft is opening, and may be getting closer to releasing an actual permit. So the State of NH may be adopting new rules. Stormwater group is meeting in early October, so more information may be available. If the permit is released, there is a requirement for a filing within a short timeframe. This first phase of required documents will need outside engineering assistance, and this funding will need to be added to the engineering budget in the amount of approximately \$20,000 - \$25,000 for 2016.

Troy mentions that this has been passed by the EPA in Massachusetts and is in effect now. Selectman F. Byron states that the documents Jason shared show the comment section is held up till November 2, then they have time to reply to the comments, so this will not take effect at least until early next year. This would allow the Town to use next year's Budget cycle to appropriate funds.

Selectman S. Perry states that they will set a date for Towns to comply. This would not be a drop dead date) but one they would like you to comply by). Town's will not be prepared to spend the large sums of money necessary to comply with this issue, there will have to be some leeway given.

Selectman F. Byron requests that the Board have the Town Administrator T. Brown research information and possible quotes from some Engineering Firms, as well as speak with Jack from the Highway Department on this matter. Then have a further discussion with the Board on this matter.

Public Input - None

Old Business

Fire Department SCBA

T. Brown states that a Town Warrant Article was passed allowing for the purchase of Self Contained Breathing Apparatus (SCBA airpaks) for the Fire Department in the amount of \$63,000. There was a Grant that the Department was hoping to receive to help with this purchase. However, it has been declined. So the Chief is requesting the BOS approve and allow him to move forward with the purchase of the SCBA's utilizing the Warrant Article Funding (Unassigned Fund Balance). The Chief mentions that there are only two vendors for Scott airpaks, and he will seek pricing from both along with a Company profile and reference documentation. He also requests to utilize the Mass State bid list to meet the requirements of the Purchasing Policy, this will save considerable time and costs.

Selectman B. Lemire states that the Fire Chief is only looking for the Board to approve him to get prices from vendors for the equipment. Then he will present his findings to the Board for approval to move forward with the actual purchase of the air-packs.

Selectman B. Lemire **motioned** for the Board of Selectmen to approve and allow Chief Fraitzl to seek the necessary pricing information in order to purchase the SCBA airpacks for the Fire Department.

Selectman J. Brunelle **seconds** the motion. Board decides that a motion was unnecessary and is withdrawn.

Pipeline - Comment Period Extended

Administrator T. Brown states that he will be attending the pipeline meeting in Brookline, and is trying to get up to speed regarding the information out there.

Selectman F. Byron states that he is not participating in a pipeline discussion. But he mentions the Town just paid a bill for approximately \$18,000 for lawyer's fees, which were Litchfield's share to the Coalition. He is wondering if Troy could get an idea of the costs for next year, so they may be budgeted for next year.

Other Items - None

Selectman Reports

Selectman B. Lemire states that he attended the Conservation Commission's last meeting. They are preparing for a public service announcement that will be televised, warning people to empty any standing water from properties.

Also Map 2, Lot 88 on Page Road, Continental Paving will be paving the two access roads into the property.

They also discussed Forest Service Management. They are researching the possibility of hiring someone to manage the forest services in Town. He recommended an RFP be done to see the capabilities of different companies, and what they can offer to the Town.

Selectman F. Byron asks a question to B. Lemire. He states that quite some time ago he believes the Board approved construction off of Albuquerque for the recreation fields in the amount of he believes \$397,000 from Impact Fees. He mentions that monthly the Town is now returning Impact Fees and would like to know if this amount has all been used or if there is any money left over (to be used elsewhere such as Page road project).

Selectman S. Perry states he does not believe the Recreation Committee has had any Impact Fees returned. They brought that allocated money down to zero, the bills exceeded the money that was available.

Selectman J. Brunelle agrees that the money was all used for that project, the Recreation Committee can expand projects on Sawmill when money becomes available. He mentions that the conversations for the Page Road project have been that there is no money available.

The Board asks Town Administrator Troy Brown to research the balances in the Impact Fee accounts and see what money if any has been encumbered for projects.

Selectman F. Byron states there is a Budget Committee meeting on Thursday September 24th.

Also he mentions that the BC will be reviewing the Town Budget on October 1st.

Selectman S. Perry mentions that Troy will be making it his first priority to review the Budget and all Departments Budgets, those that are complete will be available for the BC to review and will posted on the site for the BOS to look over. Troy will continue to work on other Departments or issues and have available for discussion at the next Board of Selectmen's meeting on September 28, 2015. Board discusses Troy attending some of the BC meetings while they are reviewing the Town Budget, and advise him to offset his hours accordingly as needed for the extra time.

Selectman S. Perry states that Jason had already reviewed and had the Budget pretty well set, he feels the Board is in good shape.

Selectman S. Perry states that there is a Planning Board meeting tomorrow evening September 15th that he cannot attend. Selectman K. Bourque volunteers to attend the meeting. S. Perry also mentions that this Wednesday September 16th there is a Page Road/Land use meeting that he cannot attend and will be contacting Mr. Charboneau to see if the meeting can be rescheduled till next Wednesday.

Items moved from consent

Selectman F. Byron states he understands that former Town Administrator Jason Hoch's credit card expires at the end of this month, and he has already turned the card into the Town office. The new Town Administrator Troy Brown also needs to be added to the credit card account.

Selectman F. Byron **motioned** for the Board of Selectmen to hereby revoke Jason Hoch's Town credit card effective September 11, 2015.

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

Other Business

Selectman S. Perry states that he signs pistol permits on a regular basis, and finds that when the Police Department denies a permit he is not furnished/allowed to see a reason why. He has to take the Chiefs word on his reasoning for denial. For this reason he feels that it should be turned over to the Police Department to sign all pistol permits.

Selectman F. Byron states that this discussion has been had, and the reasoning is that the Board felt one individual (the Chief) should not be the only authority. Having 5 individuals to review keeps a better check and balance on this issue. He also feels that if the Chief has justification for a denial, the Board should respect that and have to issue signing off.

He and Selectman J. Brunelle state that the Police Chief issues a letter stating the reason for denial, (there are actually very few reasons for denial). They state the reasons supporting the Chief's decision (arrest record..etc.) may not be available to the Board, but the Board does have to sign off on the permit being denied.

Selectman S. Perry states that many Towns have just the Police Chief as the only authority to sign pistol permits. He states that he or any Board member have no say in the issuance/denial of a permit to carry a pistol, however are obligated to sign regardless.

Selectman F. Byron states that any Board member that has any concerns of an individual who has applied for a pistol permit, they can flag the paperwork and have the Chief and Board

review and make a decision together.

Selectman S. Perry still feels that he is forced to sign a document that he has no control or opinion over, and feels the Police Chief should be the one to sign all permits.

Selectman B. Lemire states that you are hiring people you trust to give you those opinions, and does not have an issue with the permits coming through the Board of Selectmen.

Selectman B. Lemire **motioned** for the Board of Selectmen to adjourn

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

The next Board of Selectmen's meeting will be on September 28, 2015 at 6:00pm at Town Hall

Steven D. Perry, Chairman

John R. Brunelle, Vice Chairman

Brent T. Lemire

Frank A. Byron

Kevin C. Bourque