

# TOWN OF LITCHFIELD BOARD OF SELECTMEN

## January 25, 2016

### Selectmen's Meeting

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

Absent: Steven D. Perry, Chairman - Excused

Also Present: Troy Brown, Town Administrator

5:30 p.m. Paperwork review  
6:00 p.m. Call to Order  
7:12 p.m. Non-Public Session - RSA 91-A:3,II(c) - Reputation  
Non-Public Session - RSA 91-A:3,II(a) - Compensation

### Pledge of Allegiance

#### Review of Items for Consent:

1. Minutes of January 11, 2016
2. Approval of Account Payable Manifest for 1/19/2016 (\$39,830.24) 1/19/2016 (\$28,859.60) 1/26/2016 (\$3,403.69), 1/26/2016 (\$183,839.32) and 1/26/2016 (\$249.93)
3. Approval of Payroll Manifest for 1/21/2016 (\$44,363.72) & 1/28/2016 (\$45,295.69)
4. Abatement (1)

### Approval of Consent Items

Selectman J. Brunelle reads aloud the Items for Consent

Selectman B. Lemire **motioned** for the Board of Selectmen to approve the Items for Consent

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

Selectman F. Byron corrects an amount Selectman J. Brunelle stated, from \$249.43 to the correct amount of \$249.93. **Vote carries 4-0-0.**

### Request for Items - Other Business

Selectman F. Byron request the Board of Selectmen after adjourning discuss in a non-public session under RSA 91-A:3,II(a) - Dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted.

## **New Business**

### **Reconsideration of Library Warrant Article**

Present - Vicki Varick and Lynne Clifford

Selectman F. Byron tells the Board at the last meeting of the Budget Committee they voted on the Warrant Articles They had a concern with the Library's Warrant Article and the amount of money they were asking for to implement their Wage Plan. It is his understanding through emails with Vicki that the Library Trustees have voted to change that dollar amount. He is suggesting the Board hear about this update from Vicki and then vote as a Board to support or not support the change to the Warrant Article. Then at the Deliberative the Board will have to make an amendment and speak in support or not (depending on the vote this evening), then it can be reconsidered by the Budget Committee.

Vicki states that the dollar amount was amended from \$14,819 to \$10,648. Vicki tells the Board they just reallocated how the money was being rolled out, it will be an even percentage to each employee over three years.

Selectman F. Byron **motioned** for the Board of Selectmen to recommend and support an amendment to Warrant Article 10 - First Year of Library Non-Union Wage Plan Implementation to \$10,648 and to support this Warrant Article amendment at the Town Deliberative Session.

Selectman B. Lemire **seconds** the motion. **Vote carries 4-0-0.**

### **Review of 2015 Year End Budget Report**

Town Administrator T. Brown tells the Board that the 2015 Budget is not closed, and nothing is ever official until the Auditors make their final adjusting entries. But he does not anticipate any more significant activity at this point. Troy states that last week wages were adjusted by the contracted Bookkeeper and they reflect 100% of all wages paid in 2015, leaving the Operating Budget with an Unexpended Balance of \$16,974.59. However, out of that the Board Encumbered \$7,000 for IT and Fire had another \$6,000-\$8,000 outstanding for radio equipment. Troy states after these calculations are factored in the bottom line for the Operating Budget should be an ending balance of about \$2,000. T. Brown tells the Board there was good news still regarding two Warrant Articles. One was for the Scott Air Packs which left an Unexpended balance of \$21,089.20 (due to the use of Encumbered Funds), the other Wage Implementation Warrant Article left \$30,000 remaining (it was never transferred out of the Budget into salary columns) this money is still considered part of the Operating Budget. Therefore, Troy states it is safe to assume that the Budget should return about \$51,000 of Unexpended Funds to the General Fund. Troy also mentions that after reviewing Revenues with Karen, they anticipate exceeding estimates by about \$100,000 (\$80,000 from car registrations, and \$12,000 from building permits), this will be returned to the General Fund also.

### **Dick Pentheny, LCTV Chairperson - Town Hall Video Equipment**

Selectman J. Brunelle states that Mr. Dick Pentheny (LCTV Chairman) is returning to update the Board about a previous discussion regarding estimates for the Town Hall to be included in the upgrades being made to the cable television studio and network.

Dick Pentheny tells the Board that the cost estimate for the necessary upgrades to the Town Hall equipment will be \$24,000 and the Studio cost of \$47,000 for a total cost for both estimated

at about \$70,000. Dick states that they will be doing a new distribution process for the Town Hall location and CHS, because it will be video over IP from both locations to the Studio.

Selectman J. Brunelle states that it will be streamed from the Town Hall and recorded at the Studio location. Dick tells the Board yes. Originally he was looking to have one of the channels here at Town Hall, however Comcast was not receptive to this idea and preferred to have everything originate from one location.

Selectman J. Brunelle states that there will be local recording here at this location also. Dick tells the Board yes.

Selectman F. Byron asks how will this give the Town Hall location better reliability.

Dick mentions it will be all new electronics and a new Company coming in to replace what they have been having issues with. He also had a conversation with the Town's Comcast

Representative explaining how this has been a problematic location all along, and by the Town adding all new hardware to this location the Board of Selectmen will be expecting this to resolve any problems. He told them if it does not resolve the issues, then Comcast will have to come in and take a look at what is going on, because it will be an issue with their service. Dick tells the Board they acknowledged there have been continuing issues at this location and it would be on them to rectify. Board and Dick discuss if it has been a Comcast issue or an equipment issue, Dick states they are not sure where the signal has dropped. However, with the new equipment upgrade and a good signal coming from this location it would then become a Comcast issue.

Board of Selectman and Mr. Pentheny discuss the turnaround time for completion, and originally they were looking at February 15th/16th for the Studio. But if the Town Hall is approved then they will try and schedule for it all to be completed at the same time, and he would say completion by March. He stated that the system will not be off line during the transition.

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

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

### **Dick Pentheny, LCTV Chairperson - LCTV Charter**

Dick Pentheny mentions that he and Troy discussed this issue, and have shared and updated Charter revision with the Board of Selectmen. He felt uncomfortable and did not feel the word "Charter" fit, so it is now called Litchfield Community Television (LCTV) Station Management Statement of Operations Document. He states that the original document had a lot of good checks and balances that he did not want to lose. So he eliminated the term Cable Advisory Committee (CAC) and changed it to LCTV Station Manager. This still allows accountability between the Station Manager and the Board of Selectmen, as well as communications with Comcast. He reminds the Board the reason for changing this (eliminating the Charter) was because they never have enough members present for formal meetings to take place. Dick tells the Board that the Station Manager will work under the Board of Selectmen and with Town Administrator T. Brown as an agent for the Board.

Selectman J. Brunelle asks if the changes have been run by legal Counsel.

Troy states these changes have not been run by Counsel, just the original questions regarding if the Board had the authority to disband a Charter, which Counsel said they did. He states that if the Board is in agreement with the changes discussed they can accept and move forward. But he recommends a formal process of holding a public hearing to adopt the Operating

Procedures, and having the documents reviewed by Counsel. Board of Selectmen agree with proceeding with the changes and agree on holding a formal hearing, and would like legal Counsel to review the documents then they will proceed with a public hearing. Board thanks Mr. Dick Pentheny.

### **Reconsideration of Non-Union Employee Warrant Article**

Selectman F. Byron states that the Budget Committee removed from the Selectmen's Budget the \$30,000 for the Town's second year wage plan implementation. So Board of Selectmen decided to move forward and place funding as a Warrant Article, he would like to know if the Board wishes to continue with the Warrant or handle this from within the Budget. However, he is not sure if legally the Board can remove or amend the Warrant Article where it has already been posted.

Selectman J. Brunelle states he originally wanted the article pulled and for the Board to fund the Wage Plan from the Budget. The Board discussed this and felt the voters would agree with the warrant where they approved the wage plan last year knowing it was a two year arrangement. He feels that now by the Budget Committee not supporting this they are sending a mixed message to the voters, that this is now somehow a bad thing for the Town.

Selectman K. Bourque agrees.

Board discusses if they can legally pulled the warrant where it has been posted, or if they can amend it at the Deliberative Session.

Selectman B. Lemire states he is not sure, but the opinion of Counsel recommended that the Board "word any such article very narrowly, so that it was clear that it was only raising and appropriating money for salary adjustments to bring employee's salaries in line with the salary plan adopted by the Board of Selectmen. If the article were then to fail, the Selectmen would retain the discretion to transfer money in the General Budget for other types of salary adjustments, such as longevity bonuses, promotional increases, and salary adjustments".

Selectman F. Byron states the advantage or benefit of pulling the article would be the Board would have the discretion to deal or fund this as the Board feels appropriate. The other option would be to amend at the Deliberative Session.

Troy states that the warrant is now worded specifically to fund just the wage plan, and if defeated the Board would like to know if they can still give raises to employees. But there is no money within the Budget for raises. The Board and Troy discuss this issue, and that funding would come from 2016 Budget, and the possibility of funding only some of the wage plan would be a better situation than not at all.

Selectman J. Brunelle asks if Laura will be representing legal Counsel at the Deliberative Session or is she sending someone else. Troy states that she is sending another Attorney from a different law firm, because Laura and the firm were booked.

Board agrees on pulling the warrant if possible, if not can the article be amended at the Deliberative Session. The Board would like Troy to contact Counsel tomorrow and see what options the Board has and what can legally be done.

### **Public Input - None**

### **Review Draft Deliberative Session Presentation**

Town Administrator T. Brown states that he has shared a link with the Department Heads and Board, showing all the slides for the presentations of the Warrant Articles at Deliberative Session. He will be working on presentations all week and would like the Board to review the sections they are assigned to speak on, and if they wish to have anything changed could they do so before Thursday. Board agrees and will look over their presentations and the slides and get back to Troy on any adjustments that may be needed.

The Board reminds Troy to post that there will be a Board of Selectmen's meeting after the Deliberative Session to review any amendments made to Warrant Articles.

Selectman F. Byron also wanted to ask the Board to reconsider and possibly amend the Tax Cap Warrant Article as written. He mentions after the discussion with Mr. Spencer at the last BOS meeting, he and Troy reviewed all the calculations presented.

Troy mentions that when he put together his spreadsheet showing calculation for the average 5 and 10 year tax increase calculations he did not include Veteran's Tax Credits or Overlay dollar amounts. He mentions that Selectman F. Byron has shared a spreadsheet with the Board showing those figures.

Selectman F. Byron states that in preparing the Tax Cap the Board went with a percentage increase and under State law the Board has the option to use a percentage or a dollar amount. He mentions with a percentage change you end up with all sorts of weird calculations, that are difficult to make sense of (as the Board has found with its discussions), so he is recommending changing the warrant to a dollar amount, which he feels is much more direct and easier to follow.

Selectman F. Byron states that the spreadsheet shows 2010-2015 it avoids years 2008 and 2009 which had a large increase due to the hydrants. These calculations look at the overall Gross Appropriations (which include all approved warrant articles), actual Revenues along with the Veterans Tax Credit and Overlay, and then determines the tax effort or how much tax will have to be raised. The spreadsheet then shows a dollar amount increase that would be needed, and he states the average over the 5 year calculation shown is \$168,967 or a 5.95%

Selectman B. Lemire states that the only reason the calculations are this low (\$168,967) is due to one year in 2013 where there was a drastic decrease in the average (a \$-9,817), all the other years are an average of \$313,916 to \$159,241, so these figures are as such also.

Frank states that these are just numbers used to calculate and show both sides if a percentage or a dollar amount change is used, and he is just asking the Board if they wanted to reconsider this. He felt a dollar amount was easier for everyone to understand. He states that a 5% increase amounts to about \$300,000 in a dollar figure.

Troy tells the Board that a dollar figure is straightforward and easy for everyone to understand, and much simpler to calculate. Board continues to discuss this option of a percentage or a dollar amount change. As well as again how the Board of Selectmen are not subject to a tax cap, but the Budget Committee is and that voters can amend and change Budget or Warrant issues at the Deliberative Session. Board again mentions that the voters requested this and they have to present the article.

Board agrees to move forward with a dollar amount instead of the percentage change, and they will amend the Warrant Article at the Deliberative Session.

Selectman J. Brunelle **motioned** for the Board of Selectmen to approve a tax cap not to exceed \$175,000.

Selectman K. Bourque **seconds** the motion. **Vote carries 3-0-1.**

Selectman F. Byron states that the warrant will appear as it is written today, but at the Deliberative Session he will as the Moderator to amend the warrant as stated in the motion just made by the Board.

### **Administrator Report**

T. Brown tells the Board that the Highway Department had a problem last week with the garage heating unit. The unit was shutting on/off there were exhaust fumes, it was running really rough, so a service company was call in. They were able to band-aid the situation, but recommend a plan to replace the unit (which is about 25 years old). Troy mentions that Jack and Kevin are working on getting three quotes from vendors, but they anticipated the cost to be around \$5,000-\$8,000 to replace. He tells the Board that he will recommend they use the Expendable Trust Fund to do this repair, he states there are funds available (about \$20,000) and not use Budget Funds. Board and Troy discuss the replacement of the single unit with a new design that is more efficient to operate.

Troy states that he the Fire Chief and Building Inspector meet today with the Architect and Engineer regarding the Fire Station. He reports that they reviewed preliminary reports on the analysis of the existing Fire Station. Troy anticipates in late February or early March they will be presenting 3-4 proposals to the Board for their review on costs associated with a possible addition or bringing the existing station up to code, or the possibility of a new station. He will keep the Board up to date on the progress.

T. Brown mentions that he offered the Bookkeeper position to a resident in Litchfield. They are currently doing the necessary background checks. He is hoping for a start date of February 9, 2016.

### **Selectman Reports**

Selectman F. Byron mentions that Town Administrator Troy Brown testified before the House Committee in Concord regarding Employee Pension Plans. This was concerning the issue Litchfield had with a fine being levied against the Town from the NH Retirement System, which was eventually dropped. Frank states that the Committee has a Mr. Hess (Chairman of the Committee) drafting an amendment, and anticipates the House Committee moving forward on making changes on this issue. He tells the Board that the Committee asked a lot of questions, and was baffled why Litchfield would of been fined \$3,000.

Troy mentions that it was important that they also learned it was not only Litchfield who was fined, but four other Communities. But by Litchfield bringing this to the NH Retirement Systems Administration, it caused them to review and internally change their process, and in turn by coming forward helped out four other Communities.

Selectman F. Byron mentions that it is a bi-annual event, but is an effort by the part of the Legislature to overturn the Hawkers & Peddlers license. He mentions that Chief O’Brion will be testifying tomorrow against eliminating the Hawkers & Peddlers permits that are currently used in Town, and other Towns. He states that other Chiefs as well as the Chief of Police Association will be in attendance to testify against it.

**Items moved from consent - None**

**Other Business - None**

Selectman J. Brunelle **motioned** for the Board of Selectmen to adjourn the public portion of the meeting to go into a non-public session per RSA 91-A:3,II(c) - Reputation and RSA 91-A:3,II(a) - Compensation

Selectman J. Brunelle states that matters which if discussed in public would likely affect adversely the reputation of any persons or any other members of the public body itself. Unless such person requests an open meeting.

Roll call vote - Selectman K. Bourque (yes), Selectmen B. Lemire (yes), Selectman F. Byron (yes) and Selectman J. Brunelle (yes). Board of Selectmen will only come out of non-public to adjourn.

Selectmen would like to remind everyone the Town Deliberative Session will be held on January 30, 2016 at Campbell High School, with a Board of Selectmen’s meeting following.

The next Board of Selectmen’s meeting will be on February 8, 2016 at 6:00pm at Town Hall

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Steven D. Perry, Chairman

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John R. Brunelle, Vice Chairman

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Brent T. Lemire

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Frank A. Byron

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Kevin C. Bourque

