

TOWN OF LITCHFIELD BOARD OF SELECTMEN

July 11, 2016

Selectmen's Meeting

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

Absent: Kevin C. Bourque - Excused

Also Present: Troy Brown, Town Administrator

5:00 p.m. Paperwork review
5:45 p.m. Non-Public Session - RSA 91-A:3,II(a) - Personnel Matter
6:00 p.m. Non-Public Conference Meeting with Legal Counsel
6:58 p.m. Call to Order

Pledge of Allegiance

Review of Items for Consent:

1. Meeting Minutes for June 27, 2016
2. Approval of Account Payable Manifest 7/5/2016 (\$1,665,535.75) & 7/12/2016 (\$89,431.75)
3. Approval of Payroll Manifest 7/5/2016 (\$33,308.28) & 7/14/2016 (\$82,054.09)
4. NH Department of Revenue Administration - MS-535 Form
5. NH Department of Revenue Administration - PA-28 Form

Selectman F. Byron asked for 1.) Meeting Minutes from June 27, 2016 be removed from the Items for Consent.

Approval of Consent Items

Selectman F. Byron reads aloud the Items for Consent

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

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

Request for Additional Items/Other Business

Business

PFOA Update

Meeting with Governor Hassan

Town Administrator T. Brown, Selectman F. Byron, DES, Representative from Health & Human

Services, Representatives from Amherst, Merrimack, Bedford, Londonderry and Litchfield were all contacted by Governor Hassan to meet last Thursday for a discussion and update on the PFOA matter. Troy mentions Governor Hassan wanted to assure everyone this issue is a top priority for her as well as all the State Agencies involved.

Troy mentions they expressed the Town's concerns regarding a contingency plan in case the construction of the waterline extension does not occur this Fall. Governor Hassan and the State are very confident as a remediation plan if accepted by St. Gobain that DES and Pennichuck Water Works will be able to start construction this Fall. T. Brown states they did mention if for any reason the project is not completed to all homes this year, they will install a temporary point of source water filtration system to those homes affected until construction resumes in the Spring. The Governor also mentioned future meetings will be scheduled to keep everyone involved updated.

Selectman F. Byron states that talks between St. Gobain and the State are moving forward rapidly, in order to try and resolve this matter. He mentions copies of what Litchfield is requesting regarding this issue were given to DES and St. Gobain. Selectman F. Byron believes these are public documents and is requesting if the Board agrees to have them posted to the Town website for the public to view. Board agrees and Troy will make sure they are posted. F. Byron mentions they had a conversation with the Deputy Commissioner from DES, and he feels it would benefit the Town of Litchfield and their legal representatives to enter into a direct conversation with St. Gobain. They could present the letter to St. Gobain and have a discussion of the Town's requests and concerns. The idea would be that before an agreement was made between the State and St. Gobain, this would be an opportunity for Litchfield to have its needs/requests put into this agreement. Making the State hold St. Gobain accountable for commitments made, and fulfilled. Litchfield would be responsible for any other issues that may occur. Selectman F. Byron would like to know if the Board is in agreement to move forward with such a discussion. Board agrees.

Selectman F. Byron **motioned** for Town Administrator T. Brown to contact St. Gobain and its Representatives to see if they would agree to a meeting with the Board of Selectmen and Legal Counsel. This would be to discuss the Town's requests regarding the construction of the waterline extension in Litchfield as outlined in a letter which was mailed to them.

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

DHHS Blood Testing Program Informational Meeting

Troy mentions he is working with NH Health and Human Services, they are looking to hold a public informational meeting to discuss with all homeowners in Litchfield, and all the surrounding Communities affected by this PFOA matter. This would be on a voluntary basis, which would discuss how to schedule a PFOA blood test. He mentions a press release was published today, stating a meeting will be held at Campbell High School Auditorium on July 19, 2016, Tuesday at 7:00 pm. Troy mentions they will post the information on the Town's Facebook page, and he will send out a Code Red alert to all citizens Town wide.

Selectman F. Byron states the Deputy Commissioner from DES will also be in attendance to update everyone on the progress being made moving forward with this matter.

He mentions there will also be a public meeting held at the Campbell High School Auditorium on

August 3, 2016. This will be to gather input from Citizens regarding the standard the State is looking to adopt (70 parts per trillion), as a lifetime exposure to PFOA. There will also be the same informational hearing held at the former Pease location on August 10, 2016.

Troy mentions NH Health and Human Services is holding these meetings not just to inform the current residents in the Communities affected, but also homeowners or students who have moved away or are at colleges in other States.

Selectman F. Byron would like the Town to hold its own meeting to inform the citizens about the State and the details of their agreement with DES and St. Gobain (they are hoping the agreement is made by 8/1). As well as, to discuss with the citizens who is negotiating and representing who in this matter. DES initially was to negotiate on behalf of the residents of Litchfield. But has now stated they will not be, it will be up to each homeowner to negotiate for themselves and their property. Board agrees, once an agreement is reached they will hold a public meeting to inform all residents of the details of the State's agreement. Also who will be representing them and who will be responsible for their losses when it come to their property. Selectman F. Byron also mentions the average blood test result from Pease was 2.1 parts per Billion. There are parts per Billion and parts per Trillion (which is a factor of 1,000 lower), so he mentions if you test at a level of 2.0 parts per Billion, that would be 2,000 parts per Trillion.

Waterline Extension Update

Town Administrator T. Brown mentions Fire Chief Fraitzl is working with Pennichuck and their staff on the proposed layout of the fire hydrants to be added in Town from the waterline extension. He also mentions Luke Caron the contracted Engineer for Litchfield and this project has received the plans/drawings for the waterline extension, however, they were not complete. He has made comments from what he has looked over so far, and will be reviewing the rest as soon as they are received.

Wastewater Feasibility Study

Selectman F. Byron states several weeks ago the Board received the Wastewater Feasibility Study from the Engineering Company for the State. The Board reviewed the study and he would like the Board of Selectmen to accept the report and forward it on the the Planning Board for use in their planning processes. They can record any necessary informational items from the study into any future planning they may be undertaking.

Selectman F. Byron **motioned** for the Board of Selectmen to accept the Wastewater Feasibility Study and forwards it to the Litchfield Planning Board to incorporate into any future town planning.

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

Safe Routes to School Committee

T. Brown mentions this topic was discussed during the last years budget process and became one of the 2016 Action Items for the Board of Selectmen. To form a Safe Routes to School Committee and learn more about grant opportunities available and design a sidewalk for safe travel to and from school. This project would look into extending the sidewalk from the Middle School to Albuquerque along Pinecrest. Troy states NHDOT confirmed today there are still

\$15,000 (maximum award amount) planning grants still available, through the Safe Routes to School Program. The Town would need to identify a problem and show the State that if a sidewalk is constructed, it would benefit and encourage students from grades K-8 to walk or ride a bicycle to school in a safe manner. Troy tells the Board in order to start this process a Committee has to be formed. He is recommending the following Committee Membership

1. Troy Brown, Town Administrator
2. John Pinciario, Road Agent
3. Police Department Representative
4. Planning Board Representative
5. School Representative
6. Citizen Representative
7. Board of Selectmen Representative

T. Brown states once the Committee is in place, the first step would be to invite the State and they would provide an informational meeting with the Committee. Then the process moves forward if preliminary approval is received, the Committee would then submit an application through the Safe Routes to School Program for a grant.

Selectman J. Brunelle asks if the planning funding has to be applied for before any future construction funding can be applied for.

Troy mentions there is no longer any construction funding available, just a grant program for the planning process with the maximum amount of \$15,000. If the planning grant is received you could apply and possibly receive some other funding through additional programs, but it is very competitive.

Board states a Warrant Article on this issue went before the voters in 2013 and it overwhelmingly failed. Board asks if the School has to initiate this process.

Troy states as long as School Representation is on the Committee, that is all that is needed. He mentions the School has to have a buy in for this project, to show and promote students using this sidewalk in order to get to school safely. He mention an analysis of the neighborhoods will have to be done showing usage and a need for this project.

Selectman F. Byron asks if there is a motion from the Board to form a Committee.

Selectman B. Lemire asks if the School has been approached and are they interested in this program, if not why would the Board want to proceed.

Troy states he has not approached the School Board on this issue.

Selectman S. Perry states the School should be the one initiating and moving forward with this matter. Also this project will cost much more than \$15,000 and the voters overwhelmingly voted against funding this.

Board continues to discuss the matter, and decides the School should show interest and take the lead in this project and be the ones to proceed and move forward with the grant process.

They advise Troy to contact the School and report back to the Board if they are interested.

Board of Selectmen Action Items

Selectman F. Byron mentions the Board put together a list of Action Items to tackle during the course of the year. Some have been completed, others are in progress and some are yet to be completed. The Board reviews the list and updates the action items completed, and has a brief

discussion on a few pending items. They discuss Code Red and the training of personnel. Troy mentions they are hoping to hold the training in August. Troy and the Board discuss the formation of the Agricultural Committee and agree the Conservation Commission should head this Committee.

Selectmen B. Lemire (as Representative) will ask at the next Conservation Commission meeting in August for them to organize and serve as the Agricultural Committee and appoint membership.

Board of Selectmen and Troy agree they will continue to update this Action Item List.

2016 Default Budget Adjustments

T. Brown mentions he updated the 2016 Default Budget Adjustments and has shared the document with the Board of Selectmen. Troy mentions as they have made budget adjustments during the year, one item they forgot to include was the lease payment for the Highway Department's new vehicle purchased last December in the amount of \$9,371.00. He also mentions the Non-Union Wage Implementation was set at \$30,000, and the actual net impact is \$23,000 (leaving a small allowance for overtime). Troy states he also removed the Stormwater MS4 Permit Cost of \$10,000.

T. Brown states the Default Budget had been exceeded but by adding back the Stormwater Permit cost it covers the lease payment which was not accounted for. And with a few other minor expense item adjustments they are currently approximately \$5,000 under the Default Budget.

Troy states he is still working with all Departments and some areas are going really well, one such area is vehicle fuel and he is expecting if all continues as it has this first half of the year there may be an extra \$10,000 in this line. So assuming everyone is able to hold to their bottom line, these figures show the latest projections.

Board and Troy discuss the new spreadsheet appearance and how changes were supposed to be made to the columns for an easier viewing. Troy states the software company promised it would be fixed and no issues by July, but they are still having issues and they are working on the matter.

Draft Organizational Chart

Selectman F. Byron mentions he created a draft Organizational Chart for the Board to review. He states Google Doc's has very basic features that allow you to construct a chart, he took a stab and has shared it with Troy and the Board. He did not fill in names, he kept it very general and there are some things missing he will point out as he explains the chart. He states the chart shows, under the Board of Selectmen are the Town Administrator, Police Chief and Fire Chief who report to the BOS. He feels the Fire/Police Chief's both have a reportability to the Town Administrator (but the software does not allow him to show it that way).

Selectman B. Lemire agrees they should be listed under the TA, as well as all other Department Heads (except the Town Clerk/Tax Collector). All should be on a lateral line under the TA, who is under the BOS.

Selectman F. Byron states he has no problem with that arrangement, he would just like to know what direction the Board wishes to take. Because the Fire/Police Chief's have had some sort of

reportability to the Board of Selectmen. Board discusses the difference between a Town Manager and a Town Administrator. Under state law a Town Manager has certain duties he needs to follow, while a Town Administrator has a job description as detailed by the BOS. Selectman F. Byron states the Board can give permissions to the Town Administrator and set up what and how he is to handle personnel under his direction, based on what the Board decides.

Board discusses if the Town Administrator should be directly under the BOS and everyone falls under his direction, or does the Town Administrator handle most personnel with certain Individuals/Department Heads reporting to the Board.

Selectman S. Perry states Jason Hoch (our previous TA) always said one great thing with this Town was that we may of wanted a Town Administrator, but allowed the Town Administrator to operate as a Town Manager. Board continues to discuss the issue.

Selectman S. Perry asks Troy how he views his position with the Board of Selectmen.

Troy states he views his position as outlined in Selectman F. Byron's chart. He runs the Town side and decides with Department Heads if they can handle an issue or does it need to go in front of the Board of Selectmen. And he feels he is a first point of contact very often for the Police and Fire Chief, but will usually touch base with the Board on most all matters.

Selectman F. Byron states he feels the Fire and Police Chief should report to the TA on a day to day basis, and have a budgetary responsibility to report to the Town Administrator. But for larger issues or concerns they need to report to the Board of Selectmen, or have the TA bring these issues to the Board on their behalf.

Selectman B. Lemire states that Troy cannot hire, fire, demote or promote without direction from the Board of Selectmen, which is the difference between an Administrator and a Manager

Selectman F. Byron states he has heard numerous issues with the Towns reportability, that he would like to get this down on paper to eliminate any further or future problems. He would also like to have this included in the Personnel Policy Manual.

Board agrees and has no issue with the Fire and Police Chief reporting to the Town Administrator, then coming to the Board of Selectmen.

Board and Troy continue to discuss who does not report to the BOS, the Town Tax Collector/Town Clerk is an elected position but works under the TA and reports on issues to the Board. Planning Board can hire/fire with no approval from the BOS, they only report on Budgetary issues to the Board of Selectmen.

Selectman B. Lemire states he has other Organizational Charts he could share, but would like to make a draft Organizational Chart and bring it back for the Board to review.

Board agrees this does not show positions exactly as they should be, but understand there were limitations with the software, they agree have B. Lemire work on a draft proposal and will discuss this at the next Board meeting.

Public Input - None

Administrator Report

Town Administrator T. Brown would like to thank the citizen from Town who helped make the Hillcrest Road improvements a reality. Also this same citizen dropped off a Bobcat for the Town

Public Works Staff to use for cutting bush in areas of Town at no charge.

He also mentions next week on Monday/Tuesday and Wednesday he will be off and will return to the office on Thursday and Friday.

Selectman Reports

Selectman B. Lemire shared a comprehensive and informative document from NHMA with Troy, and thinks the Board may want to have him share it with other Agencies and Department Heads in Town. Board agrees and would like Troy to share with Department Heads and Budget Committee.

Selectman J. Brunell states there had been no Recreation Commission meetings, but one is scheduled for tomorrow evening, which will include a Public Hearing to discuss Jeff Lane at 7:30 pm.

Selectman S. Perry states the Planning Board has not meet since the last BOS meeting. There is a meeting scheduled for next Tuesday. He mentions he will share the Wastewater Study with the Planning Board. He also mentions the people organizing the Jeff Lane project have been invited to the July 19th Planning Board meeting to discuss the project with the Board and neighbors, but he has not heard if they will be in attendance.

Selectman F. Byron states he will be out of the Country from July 15-22. If you need to reach him he will be checking email and do his best to respond.

Items moved from consent

Selectman F. Byron states that one item was moved from the consent agenda, it was the Approval of Minutes from June 27, 2016. He mentions he was not in attendance for this meeting and did not wish to vote in favor of them, so he rather they were pulled and a motion made for approval and he will abstain from the vote.

Selectman S. Perry **motioned** for the Board of Selectmen to approve the Minutes from the June 27, 2016 Board of Selectmen's meeting as written.

Selectman J. Brunelle **seconds** the motion. **Vote carries 3-0-1.**

Other Business - None

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

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

The next Board of Selectmen's meeting will be on July 25, 2016 at 6:00pm at Town Hall

Frank A. Byron, Chairman

Brent T. Lemire, Vice Chairman

John R. Brunelle

Steven D. Perry

Kevin C. Bourque