

TOWN OF LITCHFIELD BOARD OF SELECTMEN
November 14, 2016

Selectmen's Meeting

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

Also Present: Troy Brown, Town Administrator

5:00 p.m. Paperwork review
5:30 p.m. Non-Public Session - RSA 91-A:3,II(b) - Hiring
6:00 p.m. Call to Order

Pledge of Allegiance

Review of Items for Consent:

1. Approval of BOS Meeting Minutes from October 24, 2016
2. Approval of Account Payable Manifest 11/01/16 (\$156,495.09), 11/08/16 (\$59,114.27) and 11/15/16 (\$29,266.70)
3. Approval of Payroll Manifest 11/03/16 (\$49,225.82), 11/10/16 (\$52,286.57) and 11/17/16 (\$53,987.05)
4. Hillsborough County Tax - \$1,081,242.00
5. Town Clerk October Reconciliation
6. Tax Collector October Reconciliation
7. Town Treasurer September Reconciliation
8. 2016 Equalization Assessment Data Certification

Approval of Consent Items

Selectman F. Byron reads aloud the Items for Consent

Selectman J. Brunelle would like Item 1, the Approval of Meeting Minutes from October 24, 2016 removed from the Items for Consent, due to his absence from that meeting.

Selectman F. Byron removes this Item and states the Board will discuss it later in the meeting under Items Removed from Consent.

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

Request for Additional Items/Other Business - None

Business

Prosecutor Resignation - Lonnie McCaffrey

Police Chief O'Brion and Prosecutor Lonnie McCaffrey Present

Chief O'Brion would like to recognize Lonnie McCaffrey. He states 7 years ago the Board of Selectmen gave Lonnie his chance to become Prosecutor for the Town of Litchfield. It was his first Prosecutor position, he came from a job up North as a Juvenile Probation & Parole Officer. Chief O'Brion states Lonnie's resume said it all "he was going to wreak havoc with Defense Counselor's across the State", and seven short years later he has. Chief O'Brion mentions he has seen Lonnie McCaffrey do his first motion, his first DWI case to winning his first case. The Chief tells the Board Lonnie has accepted a position with the Raymond Police Department, and will be missed. He states he has been a great Prosecutor for the Town and thanks him for his services.

Lonnie McCaffrey thanks the Chief and the Board of Selectmen and states it has been a pleasure for him to serve the Town of Litchfield.

Selectman F. Byron on behalf of the Board of Selectmen tells Lonnie they enjoyed working with him, he always has a smile and something positive to say. He mentions the Board will miss him, and wish him good luck in his new endeavor. Lonnie thanks the Board.

Selectman B. Lemire **motioned** for the Board of Selectmen to approve the appointment of Mr. Brad Coates to replace Mr. McCaffrey as the new Prosecutor for the Town of Litchfield. And to have Police Chief O'Brion and the Town Administrator T. Brown work together to come up with an appropriate compensatory agreement.

Selectman J. Brunelle **seconds** the motion. **Vote carries 5-0-0.**

Chief O'Brion introduces Mr. Coates to the Board of Selectmen and the public. He states when Lonnie turned in his resignation, he reached out to some Attorney's and to UNH Law School to fill the position. The Chief received a number of applications and he handled the first round of interviews and narrowed it down to two candidates. Then he and Attorney McCaffrey with his expertise in law helped conduct the interviews with the final two. They both felt Mr. Coates did an outstanding job during his interview, and had experience working in the Hillsborough County Attorney's Office.

Attorney Brad Coates introduces himself to the Board of Selectmen. He states he is originally from just outside of Nashua, New Hampshire and graduated from University of Massachusetts Amherst. He attended Law School at University of Wyoming College of Law, and passed the bar exam over the summer. He mentions during law school he prosecuted cases at the District Court as well as Superior Court, and worked at the Attorney General's Office arguing before the Wyoming Supreme Court. He recently worked at the Hillsborough County Attorney's Office while he studied for the bar.

Board of Selectmen welcome Mr. Coates to the Town and thank him for considering Litchfield and look forward to working with him.

Mr. Coates thanks the Board and states he is looking forward to the opportunity.

Recreation Commission Alternate Member Appointment - Kurt Schaefer

Selectman F. Byron mentions Kurt Schaefer is looking to be appointed to the Recreation

Commission as an alternate member to a vacancy on their Board. He asks Mr. Schaefer why he is seeking this appointment with the Recreation Commission.

Kurt states he currently is the President of Baseball, he has a son who is 8 years old and figures he has approximately 8 years to volunteer his time. He states he already attends the Recreation Commission meetings so figures he might as well volunteer his assistance.

Selectman F. Byron believes there are two alternate openings on the RC and asks Kurt if he feels there will be any issues for him to attend meetings. Kurt states there would be no issues he attends the meeting now.

Selectman F. Byron mentions Kurt has focused on baseball, but are there any other aspects of the Recreation Commission's work he would like to get into.

Kurt states he owns a landscaping business so he has experience with ground maintenance and fields. He played a variety of sports and coached football, so has a diverse background with sports. He has a degree in business.

Selectman J. Brunelle mentions Kurt and Andrew Collins are heading up the Jeff Lane Baseball Field project.

Selectman F. Byron **motioned** for the Board of Selectmen to appoint Kurt Schaefer as an alternate member to the Recreation Commission with a term to expire on March 31, 2019.

Selectman B. Lemire **seconds** the motion. **Vote carries 5-0-0.**

Selectman F. Byron tells Kurt he will need to see Town Clerk Terri Briand to be sworn in, before attending the next Recreation Commission meeting. Board welcomes Kurt and he thanks the Board for their time.

Acceptance of Unanticipated Funds

a. NH Division of Forests & Lands (\$920.99)

b. Interlocal Health Trust Holiday Premium (\$7,653.05)

Town Administrator T. Brown tells the Board he recently learned the Board of Selectmen voted on September 8, 2014 to amend the notice requirement and increased it from \$5,000 to \$10,000 for acceptance of Unanticipated Funds. Therefore, there is no need to hold a public hearing for the acceptance of the following Unanticipated Funds.

Selectman F. Byron states this was done due to a change in State law. In order to accept these funds it had to appear on the Boards agenda, and it has. The funds will be accepted and placed in the Town's General Fund.

T. Brown states the Fire Department recently was awarded a grant from the NH Department of Resources and Economic Development, Division of Forests and Lands in the amount of \$920.99 for the purchase of tools and equipment. In order to be eligible to receive the funds the Town must sign a Memorandum of Understanding and it requires a 50% match with local funding. The Chief has funding available to match this grant. Troy states when the grant is received there will be a credit to whatever account the Chief uses when he purchases the equipment and tools. The equipment has to be purchased first, the Town will submit the necessary paperwork and is then reimbursed.

Troy also mentions the Town has received a \$7,653.05 Holiday Premium credit from NH Interlocal Trust Health Insurance for the Town's pro-rata share of surplus for the plan year ended June 30, 2016. The Town will enter a credit to all the accounts throughout the Budget for

health insurance.

Troy mentions the funds will not be brought in as Revenue they will be brought to the Budget as a credit and applied accordingly throughout the Budget to offset what has been spent.

Selectman F. Byron **motioned** for the Board of Selectmen to accept the Unanticipated Funds from the NH Division of Forests & Lands in the amount of \$920.99, and Interlocal Health Trust Holiday Premium in the amount of \$7,653.05.

Selectman J. Brunelle **seconds** the motion. **Vote carries 5-0-0.**

Accounts Receivable Write-Off

Town Administrator T. Brown tells the Board there was a discussion at a previous Board meeting regarding a Mr. LaPorte who was a former Police Officer that was overpaid by the Town in the amount of \$2,020.84 (Town did not deduct the proper amount from his Medicare/Medicaid). He agreed to reimburse the Town on weekly basis until paid off. He did make some payments and then resigned and the Town has lost contact with him. Troy states a balance of \$1,272. 83 remains that has been uncollected. He has consulted with the Town's legal counsel to see if the Town can still pursue collection of the remaining funds, but was told it is over the 3 year statute to collect in her opinion.

So at this time Troy is recommending the Board write this amount off.

Selectman F. Byron states he would like a document stating this with the dollar amounts for the Board to sign, so for accounting purposes the Auditors can clearly see what has been written off.

Board agrees they can vote on this matter and Troy can modify the form for them to all sign at their next meeting. They also discuss that there is no interest accruing on this money.

Selectman F. Byron **motioned** for the Board of Selectmen to approve as bad debt the amount of \$1,272.83 for the account receivable attributed from Officer LaPorte

Selectman J. Brunelle **seconds** the motion. **Vote carries 5-0-0.**

SAU/Town Memorandum of Understanding

Selectman F. Byron mentions with the last General Election there was a problem that developed over who was responsible for setting up the election equipment/booths. People in the School Administration were under the impression the Board of Selectmen were going to help with the setup, and there was a lack of bodies to help with this issue. He mentions the Moderator and the Town Clerk went over to the School to make sure things were being set-up as they wished and required by the State, but the issue escalated. So based upon these issues Selectman F. Byron took it upon himself on behalf of the Board to come up with a document which can be used by the Moderator which lists what is required by the Town and School for future election set-up. What he recollects as an agreement between the School and Town is what he has included in this document which he reads to the Board

This memorandum of understanding between the Litchfield Board of Selectmen and the Litchfield School Board represents the agreement on the setup and breakdown of the election polling area and associated equipment at the gymnasium of Campbell High School. This agreement covers all elections; town, state and federal.

It is agreed that:

1. The School staff shall, under the direction of the Town's Moderator and Town Clerk be responsible for the setup of the polling area and associated equipment;
2. The Board of Selectmen shall assist in the breakdown of all the booths and equipment at the end of the election;
3. The School will ensure that, if the school is in session, that employees and students shall not park in the rear parking area to allow for voters parking;
4. The School will ensure security by closing doors in the main hallway between the gymnasium and the school proper;
5. The School shall not charge the town for any labor expense involved in the setup and breakdown of the voting facility nor shall the Town charge the School for any expenses involving police details, video recording, Fire coverage, etc. of School sponsored functions that may occur throughout the year at any of the three school facilities;

Signed by the Board of Selectmen:

Signed by the School Board

Selectman F. Byron tells the Board he sent this to Town Administrator T. Brown , Moderator J. Reagan, Town Clerk/Tax Collector Terri Briand and Selectman B. Lemire for their review. He mentions T. Brown was ok with the document, B. Lemire felt the Board should not be involved with the set-up or breakdown of any of the equipment, and he has not heard from Terri or John to date.

Board discusses this issue and the possibility of a little kickback from the School. They agree there was a change in Administration and Staff and things were not made clear to those involved and that is how the misunderstanding occurred.

Selectman B. Lemire **motioned** for the Board of Selectmen to accept this Memorandum of Understanding between the Litchfield Board of Selectmen and the Litchfield School Board. Selectman J. Brunelle **seconds** the motion.

Troy mentions he has a meeting with the School Superintendent tomorrow to review this matter. He will take this document with the Board of Selectmen's approval for the Superintendent to review and take it to his staff and the School Board for discussion.

Selectman F. Byron states he would like the Moderators and Terri Briand's input on the document as soon as possible. **Vote carries 5-0-0.**

Darlene DeBlois - DarCol Stables

Darlene DeBlois and David True, 540 Charles Bancroft Highway own and operate DarCol Stables in Litchfield. They are here to speak with the Board of Selectmen about serious concerns the water situation is having on their property and business. She tells the Board she was never notified by the State or Pennichuck Water Works that they would be just taking the frontage of her property, they just showed up one morning last week and said they were starting construction of the water line. Their intention was to take down her fencing for the horses along CBH, and making her move it back 10 feet and reinstalling it at her expense, also the brick wall in front of her home they were taking it in 2 feet and just grading the small area (not replacing

the wall). Darlene also had no notice to prepare her horses or riding students for the noise and banging that is taking place. Horses are sensitive to all this noise and have to be medicated/tranquilized, she also can not have a child riding one of these horses and have it spooked. So all this deeply impacts her business and the safety of her customers. Darlene and Dave tell the Board the lack of communication between the State and Pennichuck to the residences of this Town, they felt the Board needs to be aware of.

Darlene states everyone is in a hurry to get clean drinking water to those affected, but it can't be at the expense of property owners. Pennichuck Water Works and the State did no research regarding the laws pertaining to their property lines and the rights for them to just take this frontage of land. Darlene states it was only by chance while speaking with Lea Ann Atwell from DES who was calling her about the results of the soil samples taken earlier, that she asked her about why they were dropping all this equipment and material next door to her property this was when they were made aware of the situation and everyone intentions. Lea Ann was shocked that no one had been to discuss anything with her regarding her property. Darlene states she was appointed a liaison Fred Atwell from DES who came to her farm and presented them with plans showing what was going to happen with her land. She discusses these plans with the Board stating what the State and Pennichuck felt they had a right to take according to frontage laws. Darlene had issues with this and requested a preconstruction meeting with the parties involved and it was to be held here at Town Hall last Wednesday at 1:00, much to her surprise when on the Monday morning before the meeting they equipment was in her yard and ready to start construction. After a lot of yelling and screaming on her part, she was able to shut down the construction for a time, in order to try and get some answers. She feels this is not acceptable and the Town should be made aware of what is happening to its Citizens. Darlene tells the Board while they were doing research they did find out the State did not have the right of way onto their property. There was a recorded document from the 1800's showing the road was a 3 rod road and not a 4 rod road which changed the front footage the State could take. But the fact the State felt they could take this property without researching any of this is amazing to Darlene and Dave.

Darlene also discusses the issue of paying for the water. She has no issues as a homeowner paying \$40-\$60 dollars a month. But as a business owner she has an issue, they currently have two wells on the property because they use a huge amount of water, one horse drinks 15-20 gallons of water a day (just drinks). So she is asking the Town to keep pursuing the issue of St. Gobain paying for the water for a number of years for the citizens impacted by this PFOA water contamination. She states they will be pursuing it from their end.

Board discusses some of these issues raised, and that due to it being a State road and the laws are different, the Town of Litchfield does not have say with most of these issues. It becomes an issue with the property owner and their land and the State and their land.

Selectman F. Byron believes the State does not play a role in this other than to say they are not allowing the road to be impacted and tore up. So Pennichuck in turn feels they can put the pipe off to the side of the road and have a right a way to do so.

Debra Hogencamp 579 Charles Bancroft Highway, states she has also been trying to get answers from the State or Pennichuck Water Works as to how it will impact her business and property also. She mentions she has been told it is a State issue and the State says it is

Pennichuck Water Works issue, neither company is taking ownership of the issues. She has also not been able to get any answers from anyone involved.

Board discusses this and Selectman F. Byron states the Town Attorney's cannot represent individual homeowners/business owners in this matter. But they state they will have discussions going forward with those companies involved to have better communication with property owners.

Troy mentioned he attended the preconstruction meeting on that Wednesday at 1:00, and he was not aware of Darlene's issues with her property. He states St. Gobain had representatives on the phone, NH DES Officials and NH DOT Officials as well as Litchfields Road Agent were all present for this meeting. Troy discusses the design of the project and states the only reason NH DOT is involved is because they had to give permission for the water line to be installed. It is a state standard that they do not allow water lines to be buried underneath their pavement, but do allow utilities to install outside of the pavement within the State's right of way. So when Pennichuck was designing this project and consulting with NH DOT there was a mistake made with Darlene's property. The State thought the right of way was larger than it really was, and due to Darlene flagging this issue they did research and found an old monument marker from 1836 and linked it back to documents they found which had the road classified differently in front of her property. Troy mentions everyone at the table now is working together to change the location of the waterline to impact this property as little as possible. He tells Darlene NH DES was very much involved to try and resolve this matter, and reached out to her in order to do so. Troy also mentions it is concerning to hear that one of the few businesses in Town was not involved in a discussion about their property especially due to the special needs of the property, animals, and children.

Selectman F. Byron mentions the State can give permission for Pennichuck to work within the right of way, what or where that right of way is unfortunately is between a property owner and the contractor (Pennichuck). Board discusses this issue and agrees there is a communication problem. Selectman F. Byron agrees and will contact the CEO of Pennichuck and discuss this matter to see what can be done in order to have better communication between the citizens and companies involved. They also mention Troy has numbers of individuals to contact to possibly help get answers resolved. The Board thanks Darlene and Dave for coming in and bringing this issue to them.

Review of Municipal Office Impact Fee

T. Brown mentions the Board has been discussing the possible use of Municipal Office Impact Fee Funds for some of the Warrant Articles, and to help reduce site improvement costs and other related costs for the future construction of a new Fire Station. He researched this issue and contacted Bruce Mayberry who updated the Impact Fee Plan a few years ago for the Town. He shared with the Board a document Bruce gave him showing what the fees can be used on. The fees were collected solely for the expansion of existing Town Office space. Troy in his research found there is a 450 sq.ft deficiency that exists with the Town Office, so the first 450 sq. ft. would need to be paid for from General Fund Revenue. So the Impact Fee funds can be used for designing/expanding new space for the Town Office or within the Police Department. But if the Town was able to demonstrate that the design of the new Fire Station facility had a

space which will be used for Town Office space needs, such as a room for the IT equipment needed for the Town and the Fire/Police Departments he believes the funds could be used for this (remembering the first 450 sq. ft. needs to come from the GF). Or if they were to move the Building Department and build an office in the new facility.

Troy states there is not a lot of Municipal Impact Fees available, only about \$4,000.

Board discusses this matter and the use of the fees.

Selectman B. Lemire **motioned** for the Board of Selectmen to encumber the Municipal Impact Fees Funds to be used towards the Warrant Article for the new Fire Station Facility.

Selectman S. Perry **seconds. Vote carries 5-0-0.**

Capital Improvement Plan

Troy mentions everyone is aware the Town's Capital Improvement Plan (CIP) expired back in 2014. He states the Board and he have discussed updating the plan, but to date he has been unable to find the time to work on this effort. So in speaking with the National Regional Planning Commission (NRPC) Town Planner Jennifer Czynsz, she mentioned she works with other Towns assisting them with updating their CIP plans. She feels this could work out well for Litchfield.

Troy asked her to write up a proposal he could submit to the Board. Jennifer is proposing for a cost of \$2,500 she will work with Troy to review and update the CIP document for the Town of Litchfield, he has shared her detailed letter outlining her full proposal. Troy mentions he feels the Town has the funds available to get this plan up and going again.

Selectman S. Perry states this was taken away from the Planning Board.

Selectman F. Byron states it was voted on to be a function to be run through the Board of Selectmen's Office.

Troy states the Warrant Article stated it was taken from the Planning Board and given to the Board of Selectmen.

Selectman S. Perry was on the Planning Board from 2009-2014 and states this was never used except to calculate Impact Fees. He feels there is no use for a CIP Plan.

Troy feels it is important to have a current and up to date CIP Plan to provide support and justification to charge for Impact Fees.

Selectman S. Perry agrees, but states the real reason for a CIP is for capital improvements in the future (a 6 year plan). He mentions it took forever to chase down people's wish lists for this plan update the last time and it has never been used.

Troy tells the Board it has been used by the Highway Department, Recreation Commission and Fire Departments they all have been active.

Board discussed that Jason was the one who updated this plan in the past, even before it was turned over to the Board of Selectmen.

Selectman B. Lemire mentions the Budget Committee has referred to this plan in the past for budgets, and he feels it is \$2,500 well spent.

Troy states this will be support for the upcoming discussion regarding the need for the new Fire Facility/Safety Complex and large equipment purchases the Town will be needing in the near future for the Fire Department and Highway Department. As well as roads that need paving, Recreation Facilities. He understands a lot of time and effort goes into the makeup of this CIP Plan, but it will prioritise all the needs the Town has for the next 6 years, and show the

Community what is needed immediately and what can wait.

Selectman B. Lemire **motioned** for the Board of Selectmen to approve the proposal in the amount of \$2,500 from Town Planner Jennifer Czysz to work with Troy in updating the CIP Plan projecting the Town's needs for 6 years.

Selectman K. Bourque **seconds** the motion. **Vote carries 4-0-1.**

2017 Draft Warrant Articles

Town Administrator T. Brown tells the Board the current Warrant Articles have been reviewed and approved by legal counsel and are ready to be voted on by the Board of Selectmen.

Troy discusses Article #4, Full Time Police Officer and states the numbers have been updated for this six month position in 2017, and a full year in 2018. Selectman K. Bourque states the health/dental coverage is based on a 2 person plan, if the person hired has a family will this increase. Troy tells the Board yes.

ARTICLE 4 - FULL TIME POLICE OFFICER To see if the town will vote to hire a full time police officer effective July 1, 2017 at an annual salary and related costs of \$86,047 and further vote to raise and appropriate the sum of \$39,055 for wages and benefits for the period of July 1, 2017 to December 31, 2017. Estimated 2017 tax rate impact: \$0.00.

FT Officer	2017	2018
Wages	\$24,440.00	\$51,927.70
Health (2 person)	\$ 6,869.00	\$16,487.04
Dental (2 person)	\$ 340.60	\$ 817.44
NHRS	\$ 7,192.69	\$15,282.17
Workers Comp	\$ 366.68	\$ 778.91
Medicare	\$ 354.38	\$ 752.94
Total	\$39,054.47	\$86,046.20

Selectman J. Brunelle **motioned** for the Board of Selectmen to approve Article #4 as written

Selectman S. Perry **seconds** the motion. Selectman S. Perry asks if the Board is voting on just the approval of the Articles or on the Board's support of the Articles also

Selectman F. Byron states both. **Vote carries 5-0-0.**

Troy states Article #5 is ready for the Boards approval, it is the same as years past, asking the citizens to appropriate the sum of \$200,000 for repairs on the roads listed.

ARTICLE 5 - ROAD IMPROVEMENT PROJECTS

To see if the Town will vote to raise and appropriate the sum of \$200,000 for the purpose of road improvement projects. It is anticipated that these funds will be used toward the cost of repairs to Roberts Way, Underwood Drive, Hildreth Drive, Whittemore Drive, Nathan Drive, Gibson Drive, McQuesten Circle, Parker Circle and other roads as necessary. Estimated 2017 tax rate impact: \$0.00.

Selectman B. Lemire **motioned** for the Board of Selectmen to approve Article #5 as written
Selectman K. Bourque **seconds** the motion.

Selectman F. Byron mentions to the Board that he feels the Board should not approve this Warrant Article. He believes the Town should be doing road repairs/work, but feels there are a

lot of Articles the Board is asking its citizens to support. So he feels they need to cut back somewhere and this should be put aside for this year, or another Article will have to be eliminated.

Selectman S. Perry states he was going to abstain from the vote because he has family members who live on some of the streets listed.

Selectman J. Brunelle feels it should still be included and it is up to the voters to decide.

Selectman B. Lemire agrees the program needs to continue

Selectman S. Perry states he feels the Boards vote for approval on the Articles and the vote for the Boards recommendations that is added to the ballot should be two separate votes.

Selectman F. Byron states this Board was given authority to do what they feel is in the best interest of the Town. So they are looking for the Board to make their best judgement as to what those needs are and to weight the financial responsibilities that come along with taking necessary actions. He feels the position that the Board should just move stuff onto the ballot is telling the voters the Board does not want the responsibility of making a decision on their behalf. He feels it is the job of the Board to make those tough decisions on behalf of the citizens.

Board discusses this issue, and decides to have Troy ask the Road Agent if he can cut back the amount asked for this year but still continue with the program.

Selectman B. Lemire **withdraws** his motion to approve.

Selectman K. Bourque **withdraws** his second to the motion.

Troy will discuss this with the Road Agent and report back to the Board

Selectman F. Byron states Article #6 and #7 are for the Library and the Board does not vote.

ARTICLE 6 - SECOND YEAR OF LIBRARY NON UNION WAGE PLAN IMPLEMENTATION

ARTICLE 7 - LIBRARY EARNED TIME ACCRUAL EXPENDABLE TRUST FUND

ARTICLE 8 - TOWN EARNED TIME ACCRUAL EXPENDABLE TRUST FUND

To see if the Town will vote to raise and appropriate the sum of \$60,000 to be placed in the Earned Time Accrual Expendable Trust Fund as previously established. This sum to come from the unassigned fund balance and no amount to be raised from taxation. Estimated 2017 tax rate impact: \$0.00.

Selectman B. Lemire **motioned** for the Board of Selectmen to approve Article #8 as written

Selectman S. Perry **seconds** the motion. **Vote carries 5-0-0.**

Selectman F. Byron states this article is for \$23,050 to support all the Agencies who have requested funding, and listed separately with a dollar amount as the Board had requested. He states the tax impact is more than zero, but rate is not known yet.

ARTICLE 9 - HUMAN SERVICES AND HEALTH AGENCIES

To see if the Town will vote to raise and appropriate the sum of \$2,400.00 to support the requests of Human Services and Health Agencies including but not limited to:

- Big Brothers/Big Sisters - \$500
- Home Health & Hospice Care - \$0,000
- St Joseph's Community Services (Meals on Wheels) - \$
- Bridges (domestic violence) - \$300

- Greater Nashua Mental Health Center - \$
- Lamprey Health Care - \$
- Court Appointed Special Advocates - \$
- American Red Cross - \$

Estimated 2017 tax rate impact: \$0.00.

Selectman B. Lemire **motioned** for the Board of Selectmen to approve Article #9 as written Due to a lack of a **second** to the motion. **Vote Fails.**

Selectman S. Perry **motioned** for the Board of Selectmen to approve Article #9 in the amount of \$2,400. This would include Big Brothers/Big Sisters in the amount of \$500, Bridges (domestic violence) in the amount of \$300 and St. Joseph's Community Services (Meals on Wheels) in the amount of \$1,600 and all other Agencies to be struck from Article.

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

Selectman F. Byron states he feels the Agencies should still be listed in the Article with a zero dollar shown. Board discusses this issue. **Vote carries 3-2-0.**

Board mentions at Deliberative Session voters can add dollar amounts to Agencies if they wish. Board discusses if the Article fails, does "no mean no" even with a zero dollar amount attached could they still contribute. Troy will ask legal counsel.

Selectman F. Byron states this would set up the Expendable Trust and fund it with \$50,000 from Unassigned Fund Balance.

ARTICLE 10 - FIRE VEHICLE AND EQUIPMENT REPAIR EXPENDABLE TRUST FUND

To see if the Town will vote to establish a Fire Vehicle and Equipment Repair Expendable Trust Fund pursuant to RSA 31:19-a for unanticipated repairs greater than \$5,000 for fire vehicles and equipment and to raise and appropriate the sum of \$50,000.00 from the unassigned fund balance to be placed in said fund. Further, to name the Board of Selectmen as agents to expend from said fund. No amount to be raised from taxation. Estimated 2017 tax rate impact: \$0.00.

Selectman B. Lemire **motioned** for the Board of Selectmen to approve Article #10 as written Selectman S. Perry **seconds** the motion. **Vote carries 4-0-1.**

Troy mentions the Fire Chief is still working on some cost estimates for replacement of equipment and the Tankard Truck which is estimated to be replaced in 2020-2021, and that would be followed by an Engine Vehicle. Troy states as he has mentioned before all these Articles will be adding a lot to the Budget.

Selectman F. Byron asks if there is a way to fund this Capital Reserve Fund without funding it now, or funding it for a \$1. Troy states you could fund it for \$1.

Board discusses this matter and decides to defer this Article this year.

ARTICLE 11- FIRE VEHICLE AND EQUIPMENT CAPITAL RESERVE FUND

To see if the Town will vote to establish a Fire Vehicle and Equipment Capital Reserve Fund pursuant to RSA 35:1 for the future purchase of Fire Vehicles and Equipment and to raise and appropriate the sum of \$00,000 to be placed in said fund. Estimated 2017 tax rate impact: \$0.00.

Selectman B. Lemire **motioned** for the Board of Selectmen to defer Article #11 to another budget year.

Selectman F. Byron **seconds** the motion. **Vote carries 4-0-1.**

Selectman F. Byron states this Article is to raise the sum of \$70,000 for the purpose of funding architectural and engineering services to revise and update existing building and site plans. And to use an additional \$30,000 from the Fire Impact Fee Fund. Selectman F. Byron states this amount should be changed to \$34,000 due to the acceptance by motion earlier of the funds from Municipal Impact Fees. This will also reduce the sum of \$70,000 to \$66,000.

Troy tells the Board Legal Counsel came up with this language due to the "no means no" law. Troy also informs the Board about the link he highlighted for A & E Budget Estimate this give the Board a breakdown of his proposal including documents and recommendations.

ARTICLE 12 - ARCHITECTURAL AND ENGINEERING FEES FOR NEW FIRE STATION

To see if the Town will vote to raise and appropriate the sum of \$66,000.00 for the purpose of funding architectural and engineering services to revise and update existing building and site plans for the future construction of a new fire station at Liberty Way. This amount shall be raised from taxation. It is anticipated that an additional \$34,000.00 shall be spent from the Fire Station Impact Fee Account for this purpose. Estimated 2017 tax rate impact: \$0.00. [A & E Budget Estimate](#)

Selectman B. Lemire **motioned** for the Board of Selectmen to approve Article #12 as written Selectman J. Brunelle **seconds** the motion. **Vote carries 4-0-1.**

Troy states there is no dollar amount attached to this Article yet, and he states he is comfortable deferring this until a future meeting. The Board needs to have a discussion regarding this matter to see if the Board will wish to pay all current bills this year as has been discussed, or carry some into 2017 which was discussed with PetiFlaherty. Board agrees to defer till a later meeting

ARTICLE 13 - PFOA WATER CONTAMINATION EXPENSES

To see if the Town will vote to raise and appropriate the sum of \$XX,XXX to provide the Board of Selectmen with consultants and legal counsel and any other expenses related protecting the Town's interests regarding the recent discovery of PFOA groundwater contamination. Estimated 2017 tax rate impact: \$0.00.

Selectman F. Byron states the Town moved forward with this Article last year, but due to a technical problem last year with the Hudson Litchfield News legally it could not happen. So the Board is moving forward with this Article again this year. Board discussed this matter and stated the number can be debated or changed at the Deliberative Session if the citizens or Budget Committee wishes to do so.

ARTICLE 14 - TAX CAP

Shall we adopt the provisions of RSA 32:5-b, and implement a tax cap whereby the Budget Committee shall not submit a recommended budget that increases the amount to be raised by local taxes, based on the prior fiscal year's actual amount of local taxes raised, by more that \$175,000. (3/5 vote required.)

Selectman S. Perry **motioned** for the Board of Selectmen to approve Article #14 as written

Selectman K. Bourque **seconds** the motion. **Vote carries 4-1-0.**

Selectman F. Byron mentions the Petition Articles do not open until January of 2017

ARTICLE 15 - RESERVED FOR PETITION ARTICLES

Selectman S. Perry wanted to discuss Article 13 the PFOA Water Contamination issue. He states the Town has already signed a contract with PetiFlaherty to work on this issue on behalf of the Town. So what happens if this Article get defeated/fails.

Selectman F. Byron states if the Article fails by the voters, all legal defense by the Firm regarding the PFOA issues stops.

Selectman S. Perry asks what happens from January to March before the vote if money is spent on legal issues. Board states they will have to pay for it out of the Budget somehow.

Selectman F. Byron states that is why he has been saying all bills have to be paid in this 2016 calendar year, in case the Article does not pass. Or another option is the Board puts money in the Budget for this expense. Board discusses how they would move forward to help the citizens affected by the PFOA issues if this fails. Which is a possibility considering it only affects a small percentage of the Town.

Board asks Troy to find out an answer from Town counsel to the question if the Article does not pass what happens, and if the money is put in the Budget what should that figure be. They also feel this should be put in writing so it can be shown to the Budget Committee.

2017 Draft Default Budget

Town Administrator T. Brown states he shared the updated information with the Board, but this is still a work in progress and the Board does not need to vote on this tonight. But he would like them to review it and give any feedback they feel is necessary.

2016 Financial Report

Troy mentions a change since the last time the Board met is they are wrapping up the Cutler Road Project, and it appears they will have some funding available from that line item. With these available funds and a decrease in fuel expenses along with some savings in other areas, the Highway Department is projecting to have approximately \$57,000 left in their budget. He tells the Board this has helped increase the estimated Unexpended Fund Balance to \$85,014.

The Police Contract was approved so there is an additional \$8,329 coming in.

Selectman F. Byron states if the Police Contract is a Special Warrant Article it cannot be added to the Unexpended Fund, it has to go to the General Fund.

Troy states the Funds have been being expended out of the Operating Budget (salary lines) and yes it will go into the General Fund, because the Operating Budget was never credited for the \$18,329.

Board discusses this breakdown of these funds into the budget.

Selectman B. Lemire would like to know why the Police Department is over budget by \$30,000

Troy states it is primarily due to the staffing issues within the Department.

Selectman B. Lemire states the Board was told by Chief O'Brion that from July to the end of the year everything (all the staffing he requested) was calculated and covered in his budget and it

would not be overspent, he knew how to manage his Department's budget.

Board states this is a projection.

Selectman F. Byron states even though the Board was told the Police Budget was going to be fine, apparently that is not the case. The Board will have to wait and see where they end up by the end of the year, right now there is nothing that can be done about it. He will advise the Board that the next time they wish to look into how expenses are running with particular Departments, it would be well advised for the Board to look into it themselves and not rely on just the Department Heads. If there are questions about expenditures within a Department look into it in the future.

Selectman S. Perry states the Board can put a freeze on discretionary spending

Selectman F. Byron mentions this has been discussed before, but felt Department Heads could manage things.

Troy continues and tells the Board the bottom line is things are looking very healthy with the Budget and the total for Estimated Unexpended Funds is approximately \$106,617. However, there is the PFOA legal expense which he has estimated at \$35,000 which the contract states does not have to be paid this year.

Selectman F. Byron strongly advises the Board they pay the full amount that will be owed by the end of this year to PetiFlaherty. Because there may be a chance depending on what happens with the budget that there will be a bill outstanding they will not be able to pay. He disagrees with Counsel that these bills can be carried over into the next year in terms of payment.

Board and Troy discuss the bills and Troy mentions he needs to reach out to Town Counsel for updated invoicing from PetiFlaherty he feels he is missing about two months worth of bills.

Troy goes back to discussing the budget, he mentions once the PFOA legal expenses and the Police Earned Time Buyout is complete he is estimating a balance of approximately \$71,617.

As he mentioned to the Board before he would like them to seriously consider the purchasing of a salt/sander for the Highway Department with some of the remaining balance in the budget.

Also the Fire Chief is not seeing any issues with his budget and is looking at the possibility of purchasing the base radio needed for Litchfield that is placed at the Hudson station.

Selectman F. Byron states the Board made a motion earlier this year to defer until a November Board meeting to discuss the Earned Time Buyout for Police Chief O'Brion.

Troy states the motion was made for the November 28th meeting, and he will have the information available for the Board.

Public Input - None

Administrator Reports

Troy mentions there are request for Holiday Collections at the Town Office, and they include one from Pat Jewett to collect Holiday Gifts for Servicemen/women.

Selectman F. Byron **motioned** for the Board of Selectmen to approve and allow Pat Jewett to collect Holiday Gifts for the Servicemen overseas and away from home.

Selectman S. Perry **seconds** the motion. **Vote carries 5-0-0.**

Troy states a request was made by Jessica Morrison to collect duffle bags and backpacks for the Department of Health and Human Services to transport children's belongings when place in

homes.

Selectman F. Byron **motioned** for the Board of Selectmen to approve and allow Jessica Morrison to collect backpacks and duffle bags for the Department of Health and Human Services.

Selectman S. Perry **seconds** the motion. **Vote carries 5-0-0**

Troy mentions Debra Hogencamp would like to place a collection box in the lobby of Town Hall to collect toys this Christmas that will be given to local children in conjunction with the Recycled Percussion Foundation. Debra Hogencamp from 579 Charles Bancroft Highway explains a little bit about the Foundation and how the toys are collected and will be distributed.

Selectman F. Byron **motioned** for the Board of Selectmen to approve and allow Debra Hogencamp to collect toys for the Recycled Percussion Foundation.

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

T. Brown tells the Board he met Kurt Schaefer, Andrew Collins, Rick Charbonneau from Continental Paving, as well as the Road Agent out at Jeff Lane to discuss the baseball field project. They were looking to see how they could all work together on this project. He states it was very productive and Rick Charbonneau had a lot of suggestions of how they could go about the project, and he offered to donate some material and time for the project also. So they will be developing a plan to wrap up for the season due to weather and then to restart again come Spring.

Troy mentions the Conservation Commission has coordinated a light forest management harvest at the Moores Falls property. Work is to begin in the Fall or early Winter. Public notice will be given before work starts, and the park will be closed for 3-4 days when the cutting takes place.

Selectman F. Byron states he believes this property is owned by the State but managed by the Town, he asks B. Lemire if he is incorrect on this.

Selectman B. Lemire and the Board mention there are 8 acres the Town bought and now owns.

Selectman F. Byron would like to know where the Revenue from the harvesting be going.

Troy states it comes to the Town and will be put in the General Fund.

Board discusses where the money is to go, there was some confusion in the past and they wanted to be clear the funds go to the General Fund and not the Conservation Fund.

Troy also informs the Board of Selectmen that NH Interlocal Trust will be attending the November 28, 2016 Board of Selectmen's meeting to explain the health insurance rate increase.

T. Brown states he met with Liberty Utility Natural Gas on November 7, 2016 to continue to discuss the possible expansion of Natural Gas service lines to residential property owners impacted by the PFOA issue while the roads are being dug up. He states they are showing some interest and are working with their staff to see if they can make the finances work. They admit this would be the perfect opportunity to install their lines, but there is still a lot more they feel is involved in order to move forward with the installation.

Troy and the Board discuss that the School decided not to move forward with changing over to gas at this time. This was due to the School currently undergoing a facility analysis. They have hired an Engineer to go through all their buildings, and come up with a report with recommendations which will include energy conservation. Also because the cost of fuel is at a low the savings was not there to justify changing at this time.

Selectman F. Byron states there has been a history with Liberty Utilities, the Town has tried to work with them to run their lines before during other road projects, and they have flat out decided not to do it. He mentions they could of double capped the line on Albuquerque so it was installed for future use while the road was torn up, but chose not to. They also tried to discuss installing lines while all this road work for the PFOA water installation is being done in Town, but they chose not to follow up on this either. F. Byron states they have tried 3-4 times to get them to work with the Town with no success.

Troy tells the Board he worked with NH-DES and Pennichuck about a week and a half ago to coordinate another meeting at Campbell High School. This meeting will be geared to the homeowners who will not be connected to the Town water system this year. They have identified about 45 residence who will eligible for a Point of Use Treatment System (POU). They have done a direct mailing to these homeowners notifying them of the meeting on Wednesday November 16th at 7pm at Campbell High School to inform and discuss this matter.

Selectman Reports

Selectman J. Brunelle was unable to attend the last Recreation meeting.

Selectman S. Perry states there is a Planning Board Meeting tomorrow, which he notified everyone he will not be able to attend. He mentions Gene Porter the Chairman of Lower Merrimack River Local Advisory doing a slide presentation, if anyone would like to attend. They will also be doing some Master Plan updating after the presentation.

Selectman F. Byron attended the Budget Committee meeting for Selectman K. Bourque and he mentions they went over the School's Budget. There were presentations made for different areas of the budget, and they did make some cuts. They used some spreadsheets showing three year calculations and adjustments. He has shared all this information with Selectmen K. Bourque.

Selectman F. Byron also mentions tomorrow he and Selectman B. Lemire have a meeting from 12-4 with the Union Grievance Representatives to formally discuss the issues and concerns to see if they all can come up with and resolution. He will update the Board.

He also will check his schedule to see if he can cover for Selectman S. Perry tomorrow at the Planning Board meeting.

Items moved from consent

Selectman J. Brunelle mentioned he was not in attendance for the October 24th Board meeting.

Selectman F. Byron **motioned** for the Board of Selectmen to approve the Boards Meeting Minutes from October 24, 2016

Selectman K. Bourque **seconds** the motion. **Vote carries 4-0-1.**

Other Business - None

Selectman F. Byron **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(a) - Promotion & Compensation
Selectman K. Bourque **seconds** the motion.

Roll call vote - Selectman K. Bourque (yes), Selectman J. Brunelle (yes), Selectman S. Perry (yes), Selectman B. Lemire (yes) and Selectman F. Byron (yes).

Board of Selectmen will only come out of non-public to adjourn.

The next Board of Selectmen's meeting will be on November 28, 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