

# TOWN OF LITCHFIELD BOARD OF SELECTMEN

## October 24, 2016

### Selectmen's Meeting

Members Present: Frank A. Byron, Chairman  
Brent T. Lemire, Vice Chairman  
Steven D. Perry - Arrived late  
Kevin C. Bourque

Absent: John Brunelle - Excused

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. Approval of October 17, 2016 and October 19, 2016 BOS Meeting Minutes.
2. Approval of Account Payable Manifest for 10/25/2016 (\$85,526.73)
3. Approval of Payroll Manifest for 10/27/2016 (\$51,276.00)
4. 2016 Equalization Assessment Data Certificate

### **Approval of Consent Items**

Selectman F. Byron reads aloud the Items for Consent

Selectman F. Byron asks for the 2016 Equalization Assessment Data Certificate to be removed from 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. **Vote carries 3-0-0.**

### **Request for Additional Items/Other Business**

Selectman F. Byron states he would like to discuss the 2016 Equalization Assessment Data Certificate.

### **Business**

#### **Kurt Schaefer - Jeff Lane Recreation Field Update**

Kurt Schaefer, President of Litchfield Baseball is joined by Andrew Collins from the Recreation Commission to speak with the Board of Selectmen about the Jeff Lane Baseball fields.

Kurt tells the Board they have a contractor who stepped in after another contractor was unable to fulfill his obligations, he has brought his equipment on site and has been working on the project. Kurt states the contractor has given them a number (\$25,000) to complete his portions

of the project which exceeds the amount they are comfortable with without putting the job out for a bidding process.

Troy mentions this process got started with a bid for \$2,500 for the first contractor, but he was unable to complete the job. So Kurt was able to find another contractor who was willing to come do the project but he has given an estimate of \$25,000. This creates an issue for them with the Town's Purchasing Policy that requires the job to get three formal proposals for bids, because it is over the limits capped (\$12,000) by the Board of Selectmen on purchases. Due to time constraints with this project, they are trying to get the fields completed before Winter sets in, so they can be used in the Spring. They feel they do not have time to get the three required proposals, without risking delaying the project and not getting it completed in time before Winter arrives. So Troy is asking the Board if they would be willing to waive the bidding requirements in this case due to the time sensitivity, and having a contractor on site who is willing and able to complete the necessary work.

Troy mentions to Jeff upon reviewing the contract proposal he shared from the contractor, he noticed they are offering a discounted price for the exchange of permanent signage at *all* Town ball fields for TDD Earth Technologies and Ultimate Truck and Auto Repair. Troy asks if Andy or Kurt were aware of this request in the contract. He states he is not sure if the Town should be making perpetual commitments like this for an unknown length of time.

Kurt states that Andy was aware of this, they had mentioned it as a way negotiating a lower price. Kurt is not sure if it is worth it or not, and asks what the contractor listed as a discount? Selectman B. Lemire states he has an issue with any permanent signage and at *all* ball fields in Town.

Kurt agrees with the issue of permanent and for how long (permanent for a year) could be possible.

Troy states this issue would have to be resolved before anyone signs the contract proposal. Board discusses they have issues with the permanent language and the request for all ball fields (not just the one he helped with).

Selectman F. Byron mentions putting the issue of signage aside, and states why should the Board of Selectmen waive a requirement for a formal bid process that is Town policy. Also how do Kurt/Andy go from a \$2,500 dollar bid to a \$25,000 bid request from this contractor.

Kurt states it is two separate issues, the first \$2,500 was for stumping the property and bringing them to Continental and this has been completed. He mentions Phase I of this project was estimated to cost \$30,000 and 85% of this work will be completed by this one contractor for \$25,000. The site required far more excavation work in order to grade it to the necessary levels required. Kurt mentions they are still within the estimated budget, and states they were fortunate to find a contractor who was available and had the equipment to do the work needed, on such short notice.

They hoped and tried to do most of the work with volunteers, but the site work was too big for them to do on their own. So rather than piece meal parts of the project to save a few thousand dollars and not complete it on schedule, they found a contractor who could do most all of the work to complete Phase I within budget and complete it on schedule.

Selectman F. Byron states that they knew they were going to have to go out and have this job bid due to the excavation, but waited.

Andy states the project got delayed approximately a month due to the tree clearing, it took longer than anticipated. So they were unable to move forward with the removal of a hill and excavation work until now, and can get it completed with this one contractor on time before bad weather hits.

Selectman F. Byron states he is still not hearing they did not realize this was going to be needed awhile ago, and they are now asking the Board to waive their policy because they are under a time restraint. He feels Kurt and Andy entered into this knowingly.

Selectman B. Lemire and the Board ask questions regarding this contractor, and mention their concerned without comparable bids how do they know this is a good deal. They knew when they first approached the Board that a project of this size, work would be put out to bid. They told the Board they had all the estimates and quotes for the work to be completed by an assortment of individuals and volunteers, and all for much smaller individual prices.

Selectman K. Bourque mentions Winter is arriving and this project would be put on hold, no seed or turf could be put down so it would not be completed by Spring anyway. So there should not be an issue with getting the necessary bids. This could be a saving to the taxpayers of possibly a few thousand dollars, and that is the Boards responsibility and why a bid comparison policy is in place.

Kurt and Andy state last year the fields were seeded in November, and it grows over the Winter and would be ready for Spring baseball.

Selectman S. Perry states when Kurt and Andy first discussed this project with the Board, they stated it would be done piece meal and by volunteers as much as possible. They told the Board they did not want to put this out to bid because it would extend the project. So the Board knew when they said yes to this project what was going to happen and felt it was fine. But now because it is in one lump sum rather than in smaller billing amounts the Board has an issue.

Selectman B. Lemire states they did not know it was going to be this much money and in one lump sum, which would violate the Purchasing Policy. Otherwise they would have informed Kurt and Andy of the Town's policy at first meeting.

Board continues to discuss this matter and the signage request from the contractor.

Andy states they were lucky when the first contractor stepped away from the project that they were able to find a contractor of this company's size with the necessary equipment who was available to complete this phase of the project. They also discuss the site work, which ended up being much more than they anticipated, and could not of been done timely with the smaller equipment the original contractor or volunteers had. There was a lot of earth which was moved on site, they went from a 4ft pitch to an 18in pitch.

Board discusses concerns with drainage on the site due to the amount of earth what was moved.

Selectman S. Perry also mentions the contract has an additional \$7,500 amount as well as the \$25,000. Andy states he thought it was included in the \$25,000.

Selectman S. Perry tells him it is not how the contract is written. So the \$5,000 cap in the Purchasing Policy will be exceed twice.

Selectman S. Perry **motioned** for the Board of Selectmen to approve waiving the Town's Purchasing Policy for the Jeff Lane Baseball Field Project.

Selectman B. Lemire **seconds** the motion.

Selectman B. Lemire states he hates to hold up the project, and hopes they work with Troy and protect the best interests of the Town as best they can.

Selectman F. Byron states he will not vote in favor of this in order to expedite the project. He feels there was sufficient time to follow the Purchasing Policy. **Vote fails 2-2-0.**

Troy states they will need to move forward with the formal sealed bid process for the project. There is the possibility to get two extra written proposals and then possibly proceed with construction depending on the weather.

### **Full-Time Police Officer Proposal - Chief O’Brion**

Chief O’Brion reviews/reads a powerpoint presentation to the Board.

#### **LITCHFIELD POLICE DEPARTMENT STAFFING RECOMMENDATIONS**

##### **Overview**

- This presentation was prepared for review by the Board of Selectmen
- Designed to outline the 2008 Organizational Study
- Intended to demonstrate how additional staffing fulfills departmental needs while meeting the expectations of Litchfield citizens and their elected leadership

#### **AGENDA**

##### **Outline the 2008 Organizational Study of the Police Department as it reflects to staffing**

- Analysis
- Recommendations

##### **Outline current staffing of the Litchfield Police Department**

- Analysis
- Recommendations

#### **MRI’s ORGANIZATIONAL STUDY**

**In 2008 Municipal Resources, Inc. (MRI) was contracted to review “the manner in which police services are provided within the community and to make recommendations for improvement” (MRI, 2008, p.3).**

- Identified major issues and concerns of the community regarding Police operations
- Sought to understand the community’s “needs, wants, and desires with regard to Police services in the future” (MRI, 2008, p.1).
- Interviews with elected leaders, municipal employees, municipal officials, and townspeople

##### **In the context of Staffing and organizational structure**

##### **Questions posed:**

- Is the current level of staffing appropriate to conduct current and future department operations?
- What changes were necessary in order to get the Police Department organizationally “in line with comparable departments in similarly sized

communities” (MRI, 2008, p.3)?

-How to appropriately staff the Department’s Patrol Function and meet their patrol requirements?

**Patrol Function**

-Study determined that “the current goal, which is shared by police officers, the Chief of Police, the Board of Selectmen, and the citizens that MRI interviewed, is to always have two single officer cruiser patrols on duty” (MRI,2008, p.77).  
-Study “*coincidentally*” found that those interviewed felt that a minimum of 2 officers per shift “was necessary and needed to protect residents and to keep officers safe” (MRI, 2008, p.3).  
-Study also found one officer shifts were “*unacceptable* to and *unwanted* by residents” (MRI 2008, p.3).

**Determining a staffing level**

- No industry standard in determining the number of officers to staff a municipal police agency
- Dependent on financial conditions of the community
- Willingness of Residents to spend money on police services
- Level of police service desired by the community and its leadership
- Amount of overtime being spent to cover days off (ET, Sick, Admin Leaves)
- Efficiency of specific police functions

**Population Based Staffing**

- Number of officers per 1,000 population
- The Federal Bureau of Investigation (FBI) calculates this number regionally and is subsequently captured in the *Uniformed Crime Report (UCR)*
- Data should be used as a guideline as opposed to a recommendation or requirement
  - Differing service requirements and functions should really drive the desired staffing levels
  - Demographic traits and characteristics typically reflect requirements on police services
  - i.e. College Towns, Casino Towns, Military Bases, Urban Centers.

**Sampling of Officer Per Thousand Ratios**

<b>Community</b>	<b>Population</b>	<b>Full-Time Officers</b>	<b>Officers per 1,000</b>
Weare	8854	11	1.2
Franklin	8686	13	1.5
Hampstead	8642	7	0.8
Barrington	8175	10	1.2
Plaistow	7857	16	2.0
Bow	7805	14	1.7
Hollis	7626	14	1.8

Pembroke	7352	12	1.6
Average of above Comparables	8125	12	1.5
<b>Litchfield</b>	<b>8307</b>	<b>10</b>	<b>1.2</b>
Hillsborough County Average (All)			1.7
New Hampshire Average (All)			1.8
New England Average under 10,000			2.4

If Litchfield utilized the ratio generated by the eight comparable communities it would have 12.5 police officers in 2007

If Litchfield utilized the ratio generated by all the police departments in Hillsborough County it would have 14 police officers

Litchfield currently has 10 police officers. This translates to a police officer per thousand ratio of 1.2 in 2007.

### MRI'S ORGANIZATIONAL STUDY

#### The Assignment/Availability Factor

-Used to assist in determining how many officers are required to staff a shift for 24/7.

The number of officers it will take to staff a single position in Litchfield, 24 hours a day, 365 days a year, is calculated, *approximately*, as follows:

Description	Hours
365 days x 8.0 hours (needed)	2920
Days off, 2 per 7 day cycle (104 days)*	-832
Annual Leave, average 13 days*	-104
Sick Leave, average 5 days*	-40
Training days, 47 hours*	-47
Other, 1.5 days*	-12
<b>Net Hours Available</b>	<b>1,885</b>

\*Based on data provided by the Police Department

Dividing 2920 hours needed by the 1885 hours available equals an assignment/availability factor of 1.55. It therefore requires 1.55 x 3 (4.65) or five (5) officers to staff a single patrol

vehicle with one (1) officer twenty-four (24) hours a day, seven (7) days a week. This figure varies; however, in cases of unanticipated long-term injury leave and other staffing problems.

-2007 10 Sworn officers (Chief, 2 LT's, SRO, & 6 Patrol)

-Based on the 2007 data a staff of 10 *Patrol* Officers would meet the current staffing

requirement of two police officers per shift.

- $2920/1885=1.55$  (Hours needed/Net Hours

Available=Assign/Available Factor)

- $1.55 \times 3=4.65$  (5) (Assign/Available Factor x Shifts)

-5 officers to staff a single patrol vehicle 24/7

- $5 \times 2=10$  Patrol Officers

### **Staffing Recommendations**

-Eliminate one of the Lieutenants and create 2 Patrol Sergeants (this was done)

-Add one full time officer for Patrol in 2008

-Add one full time officer for Patrol in 2009

-Add one full time officer in 2010

Chief O'Brion states since 2007 there has only been 1 officer added to the department

**The Town and the Department should work toward a staffing plan that has two Officers always on duty**

**Thoughtful Consideration can be given to the position of detective after all the necessary manpower is in place to provide for 2 officer patrol coverage on all shifts.**

### **CURRENT POLICE STAFFING**

**11 Full Time Sworn**

**Chief, Captain (Vacant), 2 Sergeants, 7 Patrol Officers**

**-2 Administrative Positions**

**-9 Patrol Positions**

**-0 Investigation Positions**

**2 Officer Patrol Coverage for 2nd and 3rd Shifts**

**1 Officer Patrol Coverage for 1st Shift Mid Week**

### **STAFFING LEVELS**

**Addition of 1 Patrol Officer at this time brings our Patrol strength to 10 and our end strength to 12.**

-Facilitates the 10 needed officers for dedicated two man patrol

-Provides for end strength of 12 officers bringing it closer to the per thousand

ratio

average of similarly sized communities as of 2007 (12.5 Officers)

-Similar Sized Community Average 1.5

-Hillsborough County Average 1.7

-New Hampshire Average 1.8

-New England Average (Communities under 10,000) 2.4

Chief O'Brion asks the Board of Selectmen if they have any questions.

Selectman S. Perry states there is one shift midweek (first shift) that has only 1 Officer on patrol. But there is technically more than one Officer on duty, because there is himself (Chief) and a Sergeant on duty as well.

Chief O'Brion states no it is not a Sergeant it would be a Captain.

Selectman S. Perry just wanted everyone to be aware there is more than 1 Officer on duty, but the Chief needs 2 Patrolman on duty for each shift.

Selectman S. Perry asks how many part-time Officers does the Department have

Chief states there is 1 SRO, 1 Investigator, and one other part-time Officer who is very limited in what he can do. He mentions that part-time Officers have other jobs, they work M-F at their regular job and may come in to the Department for a shift on Saturday, but that is all they can work in that week. Then the following weekend would be skipped so the person could have a weekend off. He states the Department has not had that type of part-time staffing in a very long time. The MRI study wanted the Department to get away from that type of staffing, because of the training differences. The Chief mentions a part-time Officer has 100 hours of training, where a full-time Officer goes for 16 weeks 8 hours a day M-F, and has to learn all aspects of the law. Then that Officer has to go through a 12 week Field Training Program which is 40 hours a week. Most part-time Officers who have other jobs cannot give up the time to go through that type of training.

Selectman B. Lemire states all part-time Officers have to be certified, so they have to go through the same type of training program as a full-time Officer.

Chief O'Brion states no they only required 100 hours of training, and do not have to learn all aspects of the law. He mentions there are a lot of small Communities in NH and there is no way a part-time Officer could take that much time away from his/her full-time work, just to then come work only 2 shifts a month. He tells the Board if a Department wants a part-time Officer to work certain aspects of law enforcement, they have to have like training. Such as domestic violence they would need to take the 40hr course at the Academy, or accident investigations they would have to take that 16 hr course etc. Chief O'Brion mentions most part-timers do not want to work midnights or 3-11 shifts or weekends and holidays, rarely to they get applicants looking for part-time positions.

Selectman F. Byron mentions the Chief stated on the off shifts (2nd and 3rd) he had 2 Patrol Officers and a Sergeant staffing those shifts.

Chief states not, but there is an overlap. An Officer may work 7-5, another 3-1, another 9-7 so there may be 3 Officers overlapping shifts for a period of time during a day. Board discusses Sergeants and Captain positions and how their administrative duties affect their coverage.

Selectman F. Byron asks the Chief to discuss the slide showing the breakdown of hours needed to cover a shift. He states this does not show those hours when overlapping occurs as the Chief just discussed., it only show the number of hours.

Chief O'Brion states that is true it does not.

Selectman F. Byron mentions if the Chief is going to use this as an example in his future presentations he needs to address the issue that there is overlapping of coverage with Officers

during shifts. He also mentions the Officer he is identifying in the Warrant Article would be working 1st shift.

Chief O'Brion states it would cover part of the 1st shift, and the dynamics of the Departments scheduling would change.

Selectman F. Byron asks how would adding this individual effect overtime within the Department Chief O'Brion states he cannot say it would reduce overtime, but will provide the Department with the two man coverage at all times 24hrs a day.

Selectman F. Byron thanks the Chief for his presentation and states the Board will consider it when discussing the addition of Warrant Articles.

### **Second in Command Update**

Selectman F. Byron mentions the Board of Selectmen sent the Chief a letter stating they are willing to meet with the candidate he chooses in order to have a discussion and all come to an agreement. They would like to get this done as soon as possible, in order to get the Chief and Department the support they need for this Second in Command position.

Chief O'Brion states he will be bringing a name forward to the Board of Selectmen's before their next meeting in November.

Selectman F. Byron states he understands in the meantime he has assigned someone to perform the duties of this position.

Chief O'Brion states he has the former Captain, Captain Donnelly taking over the position. He already has the knowledge and can perform the duties necessary.

Selectman B. Lemire states Officer Donnelly retired and returned as a Patrol Officer not a Captain. How can he be promoted or assigned to this position without the Board of Selectmen's approval.

Chief O'Brion states his position is as "*acting captain*" not as a permanent position.

Selectman F. Byron states he fully understands why this was done, but his concern with this action is that now a union employee (bargaining employee) who is now filling a position that is exempt. So how are those benefits going to be managed, under the union contract?

Chief O'Brion states he is still a union employee, and is a Corporal with the Police Department and is filling in as an "*acting position*" however, his status as a Corporal does not change.

There are limitations on his job, he cannot do internal investigations or anything involving personnel records (Chief would be handling those actions) because he is a union person. He also mentions he has to work less hours only 32 because he is retired.

Selectman B. Lemire, asks if he received a pay increase with this position

Chief O'Brion states yes, he reverted back to his old pay.

Selectman F. Byron asks Town Administrator T. Brown if he approve this.

Troy tells the Board yes, because in the union contract there is a provision which states if someone is assigned on a temporary basis the wage adjustment can be made for that assignment.

Selectman B. Lemire states this just does not look good.

Selectman F. Byron asks if the Union is aware and agreed with this "*acting position*". Explains it as going from a bargaining position to a non-bargaining position.

Chief O'Brion states this is out of the union, but they did not have an issue with it.

Selectman F. Byron mentions he understands why the Chief made the decision he did and why he chose the individual he did, but feels the Board should of been made aware of this matter and had input. Board thanks the Chief

## **Public Input - None**

### **2016 Tax Rate and Warrant Status - Approval**

Troy tells the Board late friday afternoon he did receive notification from DRA the 2016 tax rate had been set. He states the Town "only" tax rate changed from \$3.86 to \$4.04 an increase of 0.18 which is a 5% increase. He shared a spreadsheet with the Board showing the total tax rate breakdown:

Municipal - 2015 \$3.86 increased to \$4.04 for 2016 a 5% increase

County - 2015 \$1.24 reduced to \$1.23 for 2016 a -1% decrease

Local Education - 2015 \$13.05 increased to \$13.98 for 2016 a 7% increase

State Education - 2015 \$2.23 increased to \$2.35 in 2016 a 5% increase

**Total - 2015 \$20.38 increased to \$21.60 in 2016 a total tax rate increase of \$1.22 which is a 6% increase over last year.**

Selectman F. Byron states the County will be increasing.

Troy mentions the Town has always budgeted \$50,000 for overlay. But there was an error made earlier in the year regarding the assessment value of Pennichuck Water Works. Troy states to date \$101,000 has been used in overlay, so he has used his discretion and has chosen \$150,964 for a total. The extra \$50,000 is due to the issues with Fairpoint and Pennichuck regarding their assessment values. There is a settlement agreement coming from Fairpoint which they will try and spread out over the next few years.

Board discusses in cases of lawsuit settlements the money usually comes out of Fund Balance and not Overlay. Troy states the Assessor told him to take it out of Overlay, because it was an agreement that was reached not a court settlement.

Troy mentions they will be having a discussion later in the meeting regarding the tax cap. But tells the Board to look at the spreadsheet under the Net Town Appropriation which for 2016 totals \$3,570,207 an increase of \$176,468 (5%) over last year 2015. Which shows how the tax cap works, which would of been set at \$175,000.

Selectman S. Perry states a home valued at \$350,000 will show an increase of \$427.00 on their December tax bill a 6% increase.

### **Fire Impact Fee Encumbrance**

Town Administrator T. Brown tells the Board on August 24, 2015 the Board of Selectmen encumbered \$26,000 from the Fire Impact Fee Account. To date the Town has spent \$7,803.44, which leaves an unencumbered balance of \$10,000 that remains in the Fire Impact Fee Account which can be used for the design of the new station.

Selectman S. Perry states the funds were already encumbered and they are not set to expire so there is no action that is required by the Board. He states his question at the last meeting was regarding the Municipal Impact Fees which he wants to secure and encumber to use towards the new fire station.

Selectman F. Byron states if they are going to be used as part of the Warrant Article for engineering fees for the new station, the breakdown of funding needs to be shown on the Warrant and have to be available come March.

Troy states it would be a new encumbrance. He has asked the Architect to submit a proposal showing the revisions to the building plans and update the engineering and site plan work, and attach a cost to the project. So when he gets this proposal from them he will come back before the Board and have them vote on a new encumbrance of funds using the new figures.

Board discusses this issue and the use of the Municipal Impact Fees.

Troy states he will research the use of the Municipal Impact Fees and get a formal proposal from the Architect and bring all the information to the Board at a future meeting.

### **Account Receivable Write Off**

T. Brown states a former employee was overpaid in the amount of \$2,020.84 by the Town. He mentions an agreement was reached to reimburse the Town and he did make some payments. Then left employment with the Town and stopped making payments, leaving an uncollected balance of \$1,272. Troy states the invoices were returned undeliverable, and there is no forwarding address. Upon reviewing the Town's write-off procedure he noticed there are still a few action items he can do before he brings it back to ask the Board to formally write this off.

### **Debt Collection Agency Contract**

Troy tells the Board First Financial Resources is a debt collection agency that works directly with several private ambulance services in Massachusetts and Comstar (the 3rd party billing agency for the Town of Hudson) to collect overdue amounts from customers for ambulance services. He has shared a copy of their contract with the Board, there are no fees they keep 33% of what they collect and the contract renews on an annual basis. Troy has discussed with them the Town's situation and that there are several aging accounts not collected for ambulance services which total over \$50,000. They mentioned they would like to take a look at all of them and see what they feel they could collect and what is just too old. Troy would like to recommend the Town try their services for a one year period and then evaluate their effectiveness and if they should continue.

Selectman S. Perry asks when would the Town turn these cases over to the collection agency. Troy states the Town attempts two billings, and if unable to collect they would then turn it over to the collection agency.

Selectman F. Byron asks if legal counsel has reviewed the contract.

Troy states no, it is the agency's standard contract.

Board agrees they have nothing to lose in giving the agency a try.

Selectman B. Lemire **motioned** for the Board of Selectmen to approve the Town Administrator's request to try First Financial Resources as a debt collection agency for a period of one year, with the review and approval of the contract with Town Counsel.

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

### **2017 Budget Update**

#### **Review Town Administrator's Recommended Adjustments**

Troy has the Board look up **4130.30-Town Meeting**, and states upon review with the Budget Committee the Board of Selectmen had calculated 4 elections for 2017 (only 1) and the numbers should be \$1,380. So he is asking the Board if they would like to revise their numbers to reflect the Budget Committee's changes.

Selectman F. Byron states this issue comes up every year, and he always explains his argument with it. He tells Troy as a Board they made decisions on what they felt the Budget should be. Right or wrong so be it, decisions were made voted on and forwarded to the Budget Committee. If they make a decision to change the Boards numbers (which he is assuming they have) that is their right and the change has been already been made or in this case a mistake was corrected.

Troy mentions the Boards data can be preserved and shown in the Selectmen's Proposed Budget column, but if the Board shows the corrected amount within the Budget it will not appear as if the Budget Committee made the correction.

Selectman F. Byron states it will appear that way anyway because the Budget Committee is responsible for putting together the MS-7 Report which reflects what the Board of Selectmen submitted verses what the Budget Committee cuts or changes and submits. So the Board does not need to go and readjust it, mistakes are sometimes made.

Troy states he wanted the Boards Budget to reflect their true reductions and not a calculation error due to misinformation given to them. Board agrees and leaves things as they are.

**4155.10-Personnel Administration** Troy tells the Board he has made these changes because it is new information they were waiting on before voting on this budget. He states the Board had projected the Unemployment Tax to be \$10,500 (he thinks this was confused with the holiday premium) but the cost for 2017 will be \$2,020. For Workers Compensation the Board projected \$72,000 but the cost for 2017 will be \$69,159.

Selectman F. Byron states he has no issue with making these changes, because this was information they did not have and were waiting for so the Board could vote on this Budget and forward it to the Budget Committee.

Selectman B. Lemire **motioned** for the Board of Selectmen to approve and forward to the Budget Committee a bottom line budget for **Personnel Administration-4155.10** in the amount of \$608,081.

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

**4196-Town Insurance** Troy states this is the Town's property liability insurance and it increased slightly. Board budgeted \$60,000 but with the new information the cost for 2017 is \$61,650.

Selectman B. Lemire **motioned** for the Board of Selectmen to approve and forward to the Budget Committee a bottom line budget for **Town Insurance-4196** in the amount of \$61,650.

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

**4215.10-Ambulance** Troy is recommending an increase to this budget bringing it to \$52,000. This is for the service from Hudson for the ambulance. He has shared the quarterly billing with the Board which is based on the percentage of calls. The Town of Hudson's Operating Budget increased as did the percentage of calls to Litchfield, so Litchfield's payment portion to the Town of Hudson has increased. Troy went back and reviewed the run rates, 1st quarter was 11.4%, 2nd was 18.5%, 3rd was 20.11% and 4th was 15.5% on average about 16% of total calls are to Litchfield. So

when you apply this to the budget now it brings you to about \$52,000.

Selectman K. Bourque states the Budget Committee discussed this issue and felt Litchfield is at the mercy of Hudson, because there is nothing in our contract protecting Litchfield if they decide to increase the amount. He states he agrees and thinks there should be a clause added when the contract is negotiated.

Selectman S. Perry mentions the Town of Hudson will not allow it, it was discussed at the last contract negotiations and this was the best they would do for the Town of Litchfield and base it on the number of calls. He also states if you take the largest quarter and the Town receives four of those bills Troy has not projected enough money set aside.

Selectman B. Lemire **motioned** for the Board of Selectmen to approve the Town Administrator's recommendation as an adjustment to **Ambulance-4215.10** budget in the amount of \$52,000.

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

Selectman S. Perry **amends** the motion to \$57,500

Selectman F. Byron **seconds** the amended motion.

Selectman F. Byron asks the Board to vote on the motion **Vote carries 4-0-0.**

Selectman F. Byron asks the Board to vote on the amended motion. **Vote carries 4-0-0.**

Troy mentions there was some discussion with the Budget Committee regarding the \$10,000 the Board was raising for the Revolving Fund, and it is possible they may be looking at reducing this.

**4312.10-Road Maintenance** Troy mentions with the Tax Rate set it has changed the Block Grant funding from \$193,000 to \$201,000, he states he always budgets what was received from the prior year.

Selectman B. Lemire **motioned** for the Board of Selectmen to adjust the Highway Block Grant line from \$193,000 to \$201,000 in **Road Maintenance-4312.10.**

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

## **Outstanding Items**

### **Revenue Estimates**

Troy discusses Revenues next with the Board, he mentions they proposed \$15,000 for Building Permits, but due to the approval of a subdivision, and estimated projections he is recommending changing the amount to \$25,000.

Selectman F. Byron asks if he has submitted this to the Budget Committee

Selectman B. Lemire states they do not take action on Revenues.

Selectman F. Byron states they do, their budget is composed of Revenues and Expenditures

Selectman B. Lemire states they do not prepare the whole MS-7 Report.

Troy and the Board discuss this matter.

Other Revenues Troy is recommending changes to are the Rooms & Meals from \$402,000 to \$434,101 and Highway Block Grant from \$198,000 to \$201,000.

Selectman B. Lemire **motioned** for the Board of Selectmen to approve the Revenue changes Town Administrator T. Brown has recommended and discussed with the Board.

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

## **Health Insurance**

T. Brown tells the Board he just received notice today regarding the Health Insurance rates for the Town from InterLocal Trust, and they are going to be increasing by 20.79%.

Selectman F. Byron recommends that Troy ask them to come in front of the Board and explain this increase and bring with them other alternatives for the Board to review.

Troy states he is sure they will be willing to come in and discuss this matter. But the problem would be they will have to take a look at the Union Contract and review the language about the types of plans the Town has.

Selectman F. Byron states he knows there is some language to review, but they will cross that bridge when they get to it. He also asks Troy if he has backfilled the new numbers with this increase back into the Budget.

T. Brown states no he has not yet, he just received the information today.

Selectman B. Lemire **motioned** for the Board of Selectmen to approve allowing the Town Administrator to reflect this increase of 20.79% to the Town Health Insurance by adjusting the Budget accordingly.

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

### **Draft Warrant Articles**

Troy states this is a review of Warrant and placeholders, and none of the Warrant Articles have been reviewed by Legal Counsel as of yet.

Selectman S. Perry states the Planning Board is planning on coming forward with Warrant Articles.

Selectman F. Byron states **Article 3 - 2017 Operating Budget** will be filled in by the Budget Committee. He also mentions at some point the Board has to agree on what will become the Default Budget. Troy states Karen and he have started working on that matter, and should have it completed by the end of this week.

Troy mentions **Article 4 - Full Time Police Officer** he is using the same language previously used, and is just disclosing the full cost of the Officer showing salary and wage benefits. The proposed article is to raise and appropriate half the salary/benefit costs anticipating having someone in the position by July 1, 2017 to December 31, 2017.

Selectman F. Byron states he recollects the cost of \$101,929.78 being shown as a breakdown of salary, wages, and benefits. Board agrees.

Board discusses not having all the figures in place in order for the Board to vote on all of the Warrant Articles this evening. They decide to submit to the Budget Committee some with X's in place of amounts so they can review what is planned for Articles. Board has time to include the updated dollar amounts at a future meeting when they make a final vote on all the Warrant Articles.

**Article 5 - Road Improvement Projects** Troy mentions this Warrant is asking for the \$200,000 they have previously requested for road repair/improvement projects.

**Article 6 - Second Year of Library Non Union Wage Plan Implementation** This is for the Library to handle. But Troy mentions they are asking to raise and appropriate \$10,186. He also tells the Board there was some discussion with the Budget Committee they felt this should possibly be put in the Library's Operating Budget.

**Article 7 - Library Earned Time Accrual Expendable Trust Fund** Troy states the Library

Trustees are looking for \$5,000.

**Article 8 - Town Earned Time Accrual Expendable Trust Fund** Troy is recommending to raise and appropriate a sum of \$60,000 as previously asked for and would be the same as last year and used from the Unassigned Fund Balance.

Selectman F. Byron asks what is in the Earned Time Expendable Trust Fund currently.

Troy states about \$30,000, but in November they will be doing a buyout of approximately \$20,000-\$30,000 so the Fund will be zero going into 2017.

**Article 9 - Human Services and Health Agencies** Troy states they are looking to raise and appropriate \$23,050. He has broken out all the Agencies and their dollar amounts as the Board requested.

**Article 10 - Fire Vehicle and Equipment Repair Expendable Trust Fund** Troy mentions they are asking for \$50,000 from the Unassigned Fund Balance to be placed in this Fund. To be used on unanticipated repairs greater than \$5,000.

**Article 11 - Fire Vehicle and Equipment Capital Reserve Fund** Troy states this Warrant is to raise and appropriate \$50,000 for the future purchase of Fire Vehicles and Equipment.

Board discusses the option of taking this money from Undesignated Fund Balance. Troy will review all the fund balances and report back to the Board, but sees no issues with the requests right now.

**Article 12 - Architectural and Engineering Fees for New Fire Station** Troy mentions this Warrant is all new language, it states To see if the Town will vote to raise and appropriate the sum of \$XXXXX for the purpose of funding architectural and engineering services to revise and update existing building and site plans for a new fire station to be located at Liberty Way. Troy mentions he put the location in as Liberty Way for full disclosure, but if for any reason whatsoever something happens and you could not build at Liberty Way you would have to wait another whole year.

Board discusses leaving out Liberty Way in the Article

Selectman F. Byron also mentions they discussed using Impact Fees to offset some costs.

Troy state he is looking for the proposal from the Architect so they know exactly what he is looking for as payment, then look at what's available for Impact Fees and the difference will be what they put in the Warrant Article to raise and appropriate from taxes. Board discusses the language to be used regarding the Impact Fees within the Article, some think it would be to confusing to break it all down and the Board is the Agent to expend and can use those fees. Board feels they should be clear and show the breakdown of the monies uses. Troy feels it opens up the area of "no mean no" and the possibility of this becoming an issue for the use of these funds. Board agrees with Troy's point.

Selectman S. Perry also mentions he sees no issue with stipulating Liberty Way, because you are raising funds to update the existing plans for this site and according to the site plans they researched Liberty Way and it could be used. Board agrees with this point also.

Board would like Troy to ask Counsel for their opinion.

**Article 13A - PFOA Water Contamination Expenses** Troy reads To see if the Town will vote to raise and appropriate the sum of \$XXXX to provide the Board of Selectmen with consultants and legal counsel and any other expenses related to protecting the Town's interests regarding the recent discovery of PFOA groundwater contamination.

**Article 13B - Environmental Legal Defense Fund** Troy states the purpose for this Article is because environmental issues continue to be a problem and the Town should have funding available for legal representation and technical experts.

Selectman F. Byron states a contract was signed by the Town with Legal Counsel PertiFlaherty that mentioned if the Town exceed \$10,000 (dont quote him on the amount) it could be carried over into next year's budget. But by putting in a Warrant Article like this and it fails you will not be able to pay off bills to PertiFlaherty under a contract that the Board has already signed.

Troy states he was going with on or the other, he did not think of moving forward with both 13A & 13B. Board discusses not including both Articles, and decide to remove Article 13B until a future time. They also discuss the payment of the PertiFlaherty bills all this year and not carrying them over into 2017.

**Article 14 - Tax Cap** Even though voters overwhelmingly voted in favor of this Article last year, there were errors made regarding the implementation of this Warrant. So the Board will be asking the voters to vote on this issue again.

**Article 15 - Reserved for Petition Articles**

### **Tax Cap Calculations**

Troy has shared a spreadsheet with the Board and tells them based on the Warrant Articles discussed his review will give them a sense as to where they are, and how the Tax Cap is calculated. He mentions in 2016 \$3,570,207 was the Net Amount raised. So he then takes this number and brings it over to 2017, and the way State law is written if they used Unassigned Fund Balance to reduce taxes this would get added back (but Town has not used Fund Balance in the past two years). You then apply/add the \$3,570,207 to the \$175,000 tax cap amount and this total of \$3,745,207 it the tax cap amount for this year. Troy states then you have to look at all you are proposing to do, and add up all the Gross Appropriations which includes the Operating Budget and all Warrant Article which raise money (\$6,059,738), less Revenues (\$2,483,193) then you add Veterans Credit (\$114,752) and add Overlay (\$100,000) back in and this gives you the Current Years Tax \$3,959,297. This total puts the Town over the tax cap by \$214,000.

Selectman S. Perry states they just changed the Revenue amounts have those amounts been adjusted in Troy's figures.

Troy states no and adjusts the figures to show the Town is now over the tax cap by \$146,000 Board discusses this.

Selectman F. Byron states what is driving this is because there are several significant overages in certain Departments from last year. For example the Police Department is over \$148,000 from last year's budget, over \$79,000 in Personnel, \$73,000 in Fire and \$57,000 in Highway, the impact of the Health Insurance increase has not been calculated in as of yet.

Troy mentions the Budget Committee will be reviewing the Operating Budget and the Warrant Articles. They have discussed the possibility of having to take a negative stand on some of the Special Warrant Articles. But the Board of Selectmen at the Deliberative Session can still ask the voters to override the Budget Committee and vote on certain Articles.

### **Administrator Report**

Troy wanted to make the Board aware that when Chairman F. Byron arrived back in town he received on his door a copy of the tax filing Pennichuck Water Works has filed. This has been submitted to legal counsel, she has reviewed this information. Avitar has provided some backup material in a letter, and counsel has also reviewed this. Troy states he has scheduled a meeting with Pennichuck to come in to meet with the Board next month. However, upon legal counsel's review she has asked that the Troy and the Board postpone this meeting with Pennichuck until she has had more time to meet and discuss issues with Gary Roberge from Avitar.

Board agrees, but Selectman F. Byron states Pennichuck should be updated as to why the meeting is postponed.

Troy states he met with School personnel last week to go over the preparation for the Presidential Election. He mentions everyone is on board with the scheduling and set up, but when polls close they would like help breaking down all the polling booths. The only concern they had was with having the front doors of the High School open/unlocked, they would like just the entrance to the gym open/unlocked.

Troy mentions the Police Union has been notified the Grievance has been suspended, and a meeting is agreeable with the Board of Selectmen. Troy is awaiting a response.

Troy states he also received a request from Mr. Raccio he would like to have a meeting with two Selectmen and himself to discuss an issue he has. Board has no problem and Selectman S. Perry and Selectman B. Lemire are willing to attend a meeting. Troy will coordinate this with Mr. Raccio.

Selectman F. Byron states after the discussion with Chief O'Brion regarding the second in command position, he understands he will be presenting this candidate to the Board for a meeting. F. Byron wants to make sure this goes through the Board so they are involved in any decision making in terms of salary or contracts. He also mentions to Troy he would like to make sure there is a system in place regarding any salaries changes going through the financial organization. He wants to make sure adjustments have some sort of review with the Board or with Troy, especially in this case with the Police Department's second in command he feels the Board should of been included in the decisions made regarding this position and salary/benefits. Troy states all final salary changes are processed through him, and it would of been at his discretion to bring it to the Board for approval or not. The Finance Director Karen does not make any decisions or would process and salary changes without his approval. Troy states in the case of the Police Captain he thought it was a temporary measure, and was comfortable they were following Union Contracts passed practices. He understands this wa a unique situation now, and should have brought the issue to the Board of Selectmen.

### **Selectman Reports**

Selectman K. Bourque states there is a Budget Committee meeting Thursday evening Troy mentions they will be finishing the Town's budget review and moving on to the School. He states they mentioned the possibility of a bottom line budget cut, but have not done so as of yet. Selectman F. Byron states he does not believe they can, they have to report itemized figures on the MS-7 Report not show a bottom line cut. Troy and Selectman K. Bourque state they will have this conversation if they decide to take this type of action.

Selectman F. Byron states there is a PFOA meeting being held at Campbell High School at 7:00pm.

He representing the Board of Selectmen and Legal Counsel (PertiFlaherty) will be presenting information and updates to the Community as to what Litchfield is doing to protect the Town. The Department of Environmental Services (DES), St. Gobain and Pennichuck will be there to update citizens as well, and will have forms to sign if you wish to accept Town water hookup.

Troy mentions the Road Agent and Lou Carron the Town's contracted Engineer attended a preconstruction meeting last Friday. He understands it went extremely well and it is possible that dig safe work, and saw cutting of pavement could start this week.

Selectman F. Byron asks if they have trench permits and does the Town have a bond.

Troy states one contractor has submitted a trench permit, he paid for it today. Also he has a copy of the performance bond. But he is sending all this to legal counsel for them to review.

#### **Items moved from consent**

Selectman F. Byron asked for the 2016 Equalization Assessment Data Certificate be removed from the Items for Consent. This is because the document states there is certain information the Board should of reviewed that he has not been supplied with. So he will not sign something stating the information is accurate when he has not seen any material or documents to know if they are accurate. Troy will supply the Board with the necessary information for their review.

Board discusses coverage by the Board of Selectmen for the election.

#### **Other Business - None**

Selectman S. Perry **motioned** for the Board of Selectmen to adjourn.

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

The next Board of Selectmen's meeting will be on November 14, 2016 at 6:00pm at Town Hall

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Frank A. Byron, Chairman

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Brent T. Lemire, Vice Chairman

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John R. Brunelle

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Steven D. Perry

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Kevin C. Bourque