

TOWN OF LITCHFIELD BOARD OF SELECTMEN

February 13, 2017

Selectmen's Meeting

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

Absent: Kevin C. Bourque - Excused

Also Present: Troy Brown, Town Administrator

5:00 p.m. Paperwork review

6:00 p.m. Call to Order

Pledge of Allegiance

Selectman F. Byron announces they will hold the oath of office/swearing in of two members of the Police Department by Police Chief O'Brion, then continue with the scheduled Board of Selectmen's agenda.

Appointment /Oath of Office

Police Chief O'Brion appoints and swears in Officer Heath Savage as the new Police Sergeant. Chief O'Brion hands a badge to a family member to pin on the new Police Sergeant for the Town of Litchfield. He is congratulated by the Board of Selectmen and all in the room.

Police Chief O'Brion appoints and swears in Officer Benjamin Sargent as the new Police Captain.

Chief O'Brion hands a badge to a family member to pin on the new Police Captain for the Town of Litchfield. He is congratulated by the Board of Selectmen and all in the room.

Chief O'Brion invites all to enjoy some refreshments to celebrate with the Department.

Review of Items for Consent:

1. Approval of January 23, 2017 Board of Selectmen's Meeting Minutes
2. Approval of Payroll Manifest for 2/09/2017 (\$93,294.20)
3. Approval of Account Payable Manifest 2/07/17 (\$1,935,185.59) & 2/14/17 (\$44,717.99)
4. Veterans Tax Credit (2)

Approval of Consent Items

Selectman F. Byron reads aloud the Items for Consent

Selectman B. Lemire **motioned** for the Board of Selectmen to approve the Items For Consent
Selectman J. Brunelle **seconds** the motion. **Vote carries 4-0-0.**

Request for Additional Items/Other Business - None

Business

Memorandum of Understanding

Selectman F. Bryon states the Litchfield Board of Selectmen and the Litchfield School Board have come to an agreement on how the School facility will be used for Town Elections. It is an agreement on the setup and breakdown of the polling equipment and the responsibilities of the Town and School. Selectman F. Bryon reads the Memorandum of Understanding aloud:

Memorandum of Understanding

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;

This document was signed by four members of the School Board and four members of the Board of Selectmen.

Selectman B. Lemire **motioned** for the Board of Selectmen to approve and accept the Memorandum of Understanding between the Litchfield Board of Selectmen and the Litchfield School Board.

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

Selectman F. Byron requested Town Administrator T. Brown forward copies of this memorandum to members of the School Board, the Board of Selectmen, Town Clerk and Town Moderator.

Town Administrator T. Brown tells the Board the two upcoming special elections that will be held on April 4, 2017 (Primary) and May 23, 2017 (General Election) for a State Representative for Ward 8 have been coordinated with the Litchfield School Board.

Selectman F. Byron states he has found out there are two people from the same party running for the Representative position, so both elections need to be held.

Selectman B. Lemire mentions he read an interesting article, that stated Bedford will be conducting an experiment with electronic registration. He asks if Selectman F. Byron has heard if there are any thoughts that other Town such as Litchfield may be able to take part in this experiment as well.

Selectman F. Byron states the discussions he has had with the Chairman of the Committee for Municipal and County Affairs, as well as the Election Law Committee have indicated they are only experimenting on a small scale with selected Towns (only one or two). He also mentions there has been a lot of concern over these systems not being entirely secure, so computer security is still a big issue. So he mentions the Town would have to ask the Secretary of States Office if they could be considered being a part of this experiment.

Selectman B. Lemire states it was just something he had read about and was just curious if it could be done in Litchfield.

Selectman F. Byron discusses the dates for the special elections, as well as under State law the Town is required to set up a certain number of election booths and hold the elections at Campbell High School during the normal hours for voting 7am-7pm.

However, due to the very low expected turnout for these elections he wonders if the Town should petition the Secretary of State for an exception in order to be able to hold the election at the Town Hall with less voting booths than normally required.

Board discusses this option and agree to have Troy write a letter to the Secretary of State requesting a change of venue and the reduction of voting booths for these two special elections, due to the low expected voter turnout.

Selectman B. Lemire **motioned** for the Board of Selectmen to give permission for the Town Administrator T. Brown to petition the Secretary of State regarding the possibility of altering the voting procedures on the basis of attendance and venue location for the special elections being held for the Office of State Representative for Ward 8.

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

Selectman F. Byron tells Troy to contact the Secretary of States Office and speak directly to the Secretary of State himself or to David Scanlan, Deputy Secretary of State.

Administrator Report

T. Brown mentions the Town Attorney drafted a letter on the Boards behalf to St. Gobain. It has been reviewed by the Board of Selectmen and was put on hold to mail while the Town learned of other PFOA events taking place in other Communities. Since hearing of these other Communities the Town Attorney's have been in contact with the NH Attorney General's Office and have communicated with Vermont and New York regarding their PFOA issues. After

discussion with the Town Counsel they feel it is an appropriate time to forward the letter on to St. Gobain. So Troy is looking for the Boards approval to do so.

Selectman F. Byron **motioned** for the Board of Selectmen to authorize Town Administrator T. Brown when available from Counsel to forward this letter on to St. Gobain.

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

Selectmen Reports

Selectman B. Lemire mentions he attended the Conservation Commission meeting on February 2nd. Where they were suppose to have a Representative discuss the watermain crossing from Merrimack but that individual did not attend, so it will be discussed at a future meeting. He mentions Attorney Perlman informed the Conservation Commission a client of his is looking to construct a 15,000 sq/ft building on a site north of Mel's Fun Park with an option to add an additional

15,000 sq/ft. B. Lemire states this will be given to the Planning Board sometime next week.

Selectman F. Byron asks if what the building will be used for was mentioned.

Selectman B. Lemire thought it was for some type of electronic/technology usage.

He adds there were several volunteers who showed up to take part in the River Access Subcommittee, and were appointed by the Conservation Commission. They were to meet on February 9, 2017 to organize and put together a contact list, and to report back to the Conservation Committee in a 60-90 day time frame on river access.

Selectman B. Lemire tells the Board the Moores Falls timber harvest has netted the Town \$1,270 to date, there should be more funds coming. He mentions they also announced the weather report for January, rain 2.57 inches and 9.25 inches of snow with the lowest temperature being -4 degrees and the highest 44 degrees.

Selectman B. Lemire mentions he Troy, and Fire Chief Fraitzl also attended the Budget Committee meeting which was held after the Deliberative Session. He reminds the Board they had voted not to recommend **ARTICLE 13 - ARCHITECTURAL AND ENGINEERING FEES FOR NEW FIRE STATION** and **ARTICLE 14 - NON-LAPSING APPROPRIATION**. He states after a lengthy discussion between all. They were able to answer and address a lot of questions the Budget Committee had and were unable to get answers on. The meeting ended with the Budget Committee unanimously voting to recommend and support both articles.

Troy mentions they felt in the future they all need to better communicate with each other, and the Budget Committee requested the Town furnish them with the Warrant Articles as soon as possible in order to have time to get answers to questions that might arise.

Selectman B. Lemire mentions they had discussions regarding the Tax Cap. The Budget Committee was not aware that the Tax Cap was all encompassing, they felt it only affected the Operating Budget. They were not happy when they learned the Tax Cap was reflective of all expenses and warrant articles, it truly hinders them in their Budget process.

Board discusses this issue.

Selectman F. Byron states he received a letter from the Chairman of the Budget Committee, who is under the impression from these discussion that he will be submitting changes regarding the Tax Cap to the Legislature.

Troy states he mentioned at the meeting that he would like to work with the Board of Selectmen

and the Budget Committee to make sure all are in agreement on identifying ways the law should/could be amended, to state a Tax Cap should only include the Operating Budget and not individual warrant articles. Board welcomes discussions with all in order to see if they should try and change the laws regarding this issue.

Selectman S. Perry states due to weather the Planning Board meeting was cancelled.

Public Input - None

Public Hearings

Selectman F. Byron opens the Public Hearings at 6:33pm and reads aloud the Notice which was posted for the Public Hearings.

Town of Litchfield NOTICE of PUBLIC HEARINGS

The Litchfield Board of Selectmen will conduct public hearings on Monday, February 13, 2017 at 6:30pm at the Town Office Meeting Room, 2 Liberty Way, Litchfield, NH to discuss acceptance of NH Department of Safety Grant funds pursuant to RSA 31:95-b, in the amount of \$3,600.00 for Police Department E-Ticket Equipment and, pursuant to RSA 41:9-a, to change the cost of a single grave site from \$400 to \$600 and to change the perpetual care fee from \$100 to \$150. Residents wishing to speak on this matter are invited to attend or residents may send comments by email to: Tbrown@Litchfieldnh.gov or mail to Town of Litchfield, Troy Brown, Town Administrator, 2 Liberty Way, Litchfield, NH 03052.

Selectman F. Byron asks Town Administrator T. Brown if he received and comments by email or mail regarding these posted hearings. Troy states he did not.

Selectman F. Byron opens the first Public Hearing on **Highway Safety Grant - RSA 31:95-b \$3,600 for Police E-Ticket Equipment**. He asks if there are any members of the public wishing to comment on this matter, there are no members of the public present so he closes the public comment portion of the hearing. Selectman F. Byron asks if any member of the Board of Selectmen wish to comment, no members wished to comment.

Selectman S Perry **motioned** for the Board of Selectmen to accept the Highway Safety Grant - RSA 31:95-b in the amount of \$3,600 for Police E-Ticket Equipment.

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

Troy mentions this Grant of \$3,600 is funding 100% of the Police E-Ticket Equipment, there is no matching requirement by the Town.

Selectman J. Brunelle states he wants the Board to understand this Grant does not fund enough equipment to be in every police vehicle, it is enough to purchase 2-3. They will have to request more funds at some future date for the other vehicles to be equipped. He mentions the State is mandating Departments to have E-Ticket Equipment in all Police vehicles in the near future.

Selectman F. Byron mentions the reason the Town is receiving this Grant is under the State

Constitution this is a 28A issue.

Board discusses the equipment and how it will be used and installed in the vehicles.

Selectman F. Byron asks Troy if the Chief requested in the Grant the number of machines needed in order for all vehicles to be equipped, and why only \$3,600 if more funds will be needed. He tells the Board that the State is mandating this they need to be paying for all, and not have it be paid for by the Town.

Troy states these types of Grants most times have a maximum award given, and in this case it was probably the \$3,600 dollar amount.

Upon reading the application the Board states the Grant is for up to the maximum amount of \$3,600 awarded.

Police Chief O'Brion was in the building so they asked him to come in and explain this application to the Board of Selectmen. He states the \$3,600 was the maximum amount awarded for the Grant, and he understood the Grant amount would cover the Departments 4 vehicles according to the prices they had given him. Selectman J. Brunelle mentions the prices he has received and researched will not equip 4 vehicles. But will contact the Company to price out the equipment and installation for him again in order to be clear.

Selectman F. Byron states this is a 28A matter and is being mandated by the State (use of E-Ticket Equipment) and under the Constitution, they cannot mandate anything without paying for it. He wants to make it clear that the Town should not be on the hook to pay more for this if the \$3,600 from the Grant is not enough. If it's mandated by the State they have to pay for all of it.

Board continues to discuss this issue and that it is currently held up in the courts, there has not been a date mandated for this to go into effect for the Police Departments in the State.

Selectman F. Byron discusses postponing the vote and rescheduling the hearing in order to get answers to some of these questions.

Troy and the Board discuss the process of how the Grant funds are applied for and issued to the Town. Chief O'Brion states the funds are already allocated for the Town of Litchfield for this specific use by the Police Department.

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

Selectman F. Byron closes the Public Hearing on the Highway Safety Grant.

Selectman F. Byron opens the Public Hearing on **Cemetery Fees - RSA 41:9-a which will increase a Single Grave from \$400 to \$600 and Perpetual Care from \$100 to \$150.**

He asks if there are any members of the public wishing to comment on this matter, there are no members of the public present so he closes the public comment portion of the hearing.

Selectman F. Byron asks if any member of the Board of Selectmen wish to comment, no members wished to comment.

Selectman S. Perry mentions the Cemetery Trustees set these fees.

Selectman F. Byron states no the Board of Selectmen set the fees and the Cemetery Trustees implement them.

Troy tells the Board the Trustees sent a letter asking for these changes.

Selectman S. Perry discusses how these fees make no sense to him, because they are so low.

Selectman B. Lemire **motioned** for the Board of Selectmen to approve the Cemetery Fees - RSA 41:9-a which will increase a Single Grave from \$400 to \$600 and Perpetual Care from \$100 to \$150.

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

Items moved from consent - None

Other Business

Selectman S. Perry asks the Board why a street sign on Hillcrest going towards Recycled Way has been installed showing Incinerator Road. He states it has not been Incinerator Road for years.

Board discusses and will have Troy check into the matter and report back to the Board at a future meeting.

The next Board of Selectmen's meeting will be on February 27, 2017 at 6:00pm at Town Hall

Frank A. Byron, Chairman

Brent T. Lemire, Vice Chairman

John R. Brunelle

Steven D. Perry

Kevin C. Bourque