

TOWN OF LITCHFIELD BOARD OF SELECTMEN

January 9, 2017

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
6:00 p.m. Call to Order

Pledge of Allegiance

Review of Items for Consent:

1. Approval of December 28, 2016 Board of Selectmen Meeting Minutes
2. Approval of Payroll Manifests 1/05/17 (\$33,945.97) & 1/12/17 (\$47,555.37)
3. Approval of Account Payable Manifests 1/03/17 (\$1,757,146.84) 1/10/17 (\$67,855.68) & 1/10/17 (\$67,855.68)
4. Land Use Change Tax (1)
5. Veterans' Credit (1)
6. Abatement (1)
7. Tax Collector/Town Clerk Financial Reconciliation for December 2016

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 5-0-0.**

Request for Additional Items/Other Business - None

Business

Water Main Extension Project Update - Larry Goodhue & Mark Filion

Selectman F. Byron states Mr. Goodhue, CEO and Mr. Filion, Construction Manager for Pennichuck Water Works are here this evening to update the Board of Selectmen on the status of the water extension project taking place in Litchfield.

Larry Goodhue states Mark Filion is the Construction Manager and has been overseeing the current work taking place in Litchfield, so he will allow Mark to update the Board this evening.

Mark mentions Pennichuck started construction of the water main project in late October. They

broke the project down into three areas, Charles Bancroft Highway, Corning Road and Roberts Road. Combined they have completed the installation of 20,600 feet of water main, which has been tested and has active water. He states the entire project includes 53,000 feet of water main pipe installation, so they have completed approximately 40%. He states there are two parts to this project and they include the water main pipe installation, then pipe installed from the main to the individual property owners homes. Mark tells the Board in addition to the 20,000 feet of water main pipe installation they have completed 128 water main to stops (in the right of way) and to date have hooked up 61 individual homeowners to water which are now active. He states in all three areas they have stopped installation of the main water pipe until the Spring, but are hoping to continue to install and hook up an additional 40 individual homeowners by the end of January as long as weather permits. He also mentions in the areas where the new water main is located they have installed 20 fire hydrants of which 19 are active active, he has been in communication with the Litchfield Fire Department keeping them updated on all the active hydrants. Mr. Fillion mentions there are 360 potential new services contracts coming from this project, to date they have received approximately 294 contracts back. Leaving 60 applications not received but they feel it is homeowners that are in the second phase of construction (Spring) and felt they had time to return their paperwork.

They are planning on resuming work on the main pipe installation (in the three areas discussed) in late March depending on the weather. They have scheduled a tentative meeting to discuss the progress for the next phase for March 11, 2017. Everyone know the project needs to resume as soon as possible, and have plans ready to go. Mark states they are hoping to have the pipe installation to all homeowners completed sometime late July early August. There will be a lot of surface reclaiming and paving of the roadways that will continue to be worked on after all the pipeline has been completed.

Mark, John and the Board discuss some water main work which needs to be completed on the Darrah Pond station, which include upgrades to the pump.

Mr. Goodhue states even though this water main project got a late start, the progress made has been significant. This has been a concerted effort between the residents of Litchfield responding so quickly and the Contractors working very diligently all with the same goal in mind.

Selectman B. Lemire states as a resident who is affected by this water issue, he feels Pennichuck and all involved have done a great job with keeping everyone informed, and is very pleased with how it has all been going.

Selectman F. Byron mentions at the last meeting they had a discussion with Don Ware and signed paperwork giving permission for three houses at the end of Litchfield on Charles Bancroft Highway near the Manchester line to be hooked into the Manchester Water System. He is wondering when this part of the project might take place. Mr. Fillion believes there will be two water main crews working on this part of the project, one on the Manchester side and one on the Litchfield side.

Mr. Goodhue states the paperwork which was signed by the Board has been filed with the PUC and they are waiting on a response, they anticipate in 2-3 months they will have final approval and can then resume construction.

Selectman F. Byron states he attended a meeting where it was stated the PUC has been put on notice to expedite any requests for this project, in order to get the Citizens safe water as soon

as possible.

John Goodhue also mentions he has received information he will be having an update meeting with DES possibly on the 17th, in order to keep all parties up to date and informed.

Town Administrator T. Brown thanks John and Mark and the Pennichuck Staff for all their communications throughout this project so far, any issues have been resolved quickly and efficiently. The Board thanks John and Mark for their update this evening.

Pat Jewett Volunteer Appreciation Award

Town Administrator T. Brown tells the Board he wanted to make them aware he and Laura have been working on the Pat Jewett Volunteer Appreciation Award, and would like to know if they would like them to follow the same agenda and plans as were done last year. He mentions they can form a small Committee like last year who will pick the recipient of this years award. The forms for nominations have been posted, and are circulating around Town. But they need the Board to pick a date for the award to be presented.

Laura Ganda 3 Chamberlain Drive, states the official date is March 1st (Pat's Birthday) so they would like to present the award as close to this date as possible.

Board discusses dates and if they wish to do the presentation after a BOS meeting (which would be on 2/27) or hold a separate date for the presentation.

Selectman S. Perry states last year it was a special Board meeting that was held, so if it is to be presented at a regular Board meeting such as on the 27th the Board cannot join in on the festivities, they have to stay and continue with business.

Board decides to hold a special meeting on Wednesday March 1st at 7:00pm, which is Pat Jewett's Birthday. They agree to have Troy and Laura follow the same guidelines as they did last year.

Laura reminds everyone the nomination forms are available at the Town Hall and on various social media websites such as Facebook, and the Town's site and are due in by February 10, 2017.

PFOA Update Bennington VT and Hoosick, NY

T. Brown tells the Board he had a chance to speak with the Town Manager of North Bennington, Vermont and the Mayor of Hoosick Falls, New York, regarding PFOA water contamination issues in their States. He updated the Board on their situations with Saint-Gobain

North Bennington, VT

I spoke with Stuart Hurd, Town Manager on Thursday, January 5, 2017. He informed me that discussions have been ongoing between the Town and Saint-Gobain since April 2016. Saint Gobain paid \$114,000 to design a water main extension to connect 11 homes but has not paid the Village of North Bennington for the construction costs (\$105,000). The State of Vermont is paying for design and construction cost to extend public water to the rest of the residences impacted by PFOA. The State plans to construct the water main extension in spring 2017 and seek reimbursement from Saint Gobain. Saint-Gobain recently sent a letter to the State of Vermont basically stating that they believe there are other Potentially Responsible Parties (PRP) and the State is premature in its investigations.

Hoosick Falls, NY

I spoke with Dave Borge, Mayor on Friday, January 6, 2017. He informed me that Saint Gobain paid for a temporary water filtration system for Hoosick Falls, NY water treatment facility, bottled water for residents and they will pay for a permanent water treatment filtration system, to include all future maintenance and operational costs. The State of New York Environmental Services Department entered into a consent agreement which stipulates that Saint Gobain is required to reimburse Hoosick Falls for all costs incurred. Saint Gobain and Hoosick Falls are 99.9% in agreement and the settlement agreement should be public in January/February this year. The Mayor indicated that Saint Gobain has been honest and followed through on everything they committed to.

Selectman F. Byron asks Troy if these Municipalities are requesting the same demands from Saint-Gobain as Litchfield has, or are there differences Litchfield should know of.

Troy states we are heading down the same paths, we are looking for out of pocket reimbursements and have been receiving them from Saint-Gobain, legal costs along with Consultant and Engineering fees. They did request a filtration system (which is rather expensive) and Saint-Gobain has agreed to cover the added future maintenance costs of this system. He states one difference is both these Communities do own their water treatment facilities, where Litchfield has a private water company.

Phil Reed Forrest Lane, asks the Board who makes contact with the Insurance Company's regarding the rating service which is provided to Homeowners who now live close (within 500ft.) of a fire hydrant, and now have the benefit of a possible decrease to their insurance rates. He believes there is still a rating discount provided to Towns and Homeowners who have water/hydrants within a close proximity to one's home or business.

Selectman F. Byron believes it is handled by the Fire Department.

Selectman B. Lemire mentions the Board and Troy can ask the Fire Chief to submit a letter updating the Insurance Services Office (ISO) of the installation of the new fire hydrants within the Town. Then he believes it is up to individual Homeowners and Businesses to contact their insurers to see if they offer any discounts. Board asks Troy to check into this and inform the Board at a future meeting.

Public Input

Phil Reed also would like to discuss with the Board of Selectmen an article he has shared with them which was printed in the Union Leader on January 5, 2017. It states that all Veterans may be eligible for a property tax credit for their military service regardless of when or where they served, under new legislation recently signed into law by the Governor. Mr. Reed states under the current law

RSA 72:28, the standard Veterans tax credit is awarded to anyone who served a minimum of 90 days on active duty, was honorably discharged, and served during certain specified "wartime" periods. The newly enacted law RSA 72:28b is exactly the same as the old one, but without the specific time period or "wartime" restrictions.

Board discusses that the new law states a Municipality in the State of NH must formally adopt

the All Veterans Tax Credit by a vote of Town Meeting or its equivalent in order for it to take effect in that Town.

Mr. Reed feels strongly anyone who has served in the Military regardless of where or when should be able to receive a tax credit. He states currently there are 361 Veterans in Litchfield who receive a tax credit, totaling \$115,000 of tax base impact to the Town. Currently under RSA 72:28 Litchfield gives a \$300 tax credit to those who qualify.

He would like the Board of Selectmen to add this as a Warrant Article for the upcoming Town Meeting. He is unable at this time to add it as a Petition Warrant Article, because the deadline was today January 9th.

Board discusses this issue.

Selectman F. Byron mentions there is no way of knowing the exact number of Veterans who would be coming forward and adding to the tax credit, and they would not be able to tell the Voters if they were to ask.

Board continues to discuss this issue. They do agree it is not expected the number of Veterans coming forward would be large.

Selectman B. Lemire proposes waiting a year, in order to research it more. He supports the issue, but feels they need more information to be able to inform the voters, and suggests possibly sending out a questionnaire.

Selectman K. Bourque and Selectmen S. Perry agree there is no way of knowing the numbers, but agree with Mr. Reed that any Veteran should be able to receive a tax credit for any time served over 90 days in the military. S. Perry mentions the window of Veterans who are currently not eligible (like Mr. Reed) looks to be small compared to the window of Veterans who are currently eligible. They will support this Warrant Article and Selectman S. Perry states he will speak to the Warrant Article at Town Meeting. Board is in agreement with this issue. However, Selectman F. Byron states they are under Public Input and cannot make any motions at this time.

Mr. Phil Reed just wanted to also mention he has been impressed at how this water issue has been handled and the progress that has been made by NHDES, the Town of Litchfield, Pennichuck and Saint-Gobain. He feels it has been addressed and handled wonderfully.

Jeff Lane Donation

Troy mentions he shared some correspondence with the Board, but wants to make sure they all were aware that a company Charles River Laboratories from Wilmington MA, contacted the Town wishing to make a donation towards the Justin Memorial Baseball Complex which is currently under construction on Jeff Lane in Town. So he composed a letter which he sent to the company, and last week he received a check payable to the Town of Litchfield to be used for the Justin Memorial Baseball Complex in the amount of \$10,000. He tells the Board he will be scheduling a Public Hearing for the Board of Selectmen to formally accept this donation and it will be held in trust until expended. There has to be a 7 day notice of the Public Hearing so Troy is hoping to have the Board accept the funds at the next BOS meeting.

NHDOT Route 102 Resurfacing Project

Selectman F. Byron mentions there was information shared with the Board stating NHDOT is

planning to resurface 8.5 miles along NH Route 102 from Hudson to Londonderry.

T. Brown tells the Board the letter states NHDOT will be doing a lot of the work during the evening due to traffic concerns. They are requesting the Board of Selectmen sign a Municipal Work Zone Agreement, which outlines the authority for traffic control throughout the duration of the project be under their (NHDOT) jurisdiction. Troy mentions Police Chief O'Brion has no concerns, this is standard policy procedure.

Selectman B.Lemire **motioned** for the Board of Selectmen to approve the Municipal Work Zone Agreement between the Town and the State of NH for the Route 102 Resurfacing Project which goes through a section of Litchfield.

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

Veterans Property Tax Credit RSA 72:28b

Selectman F. Byron states this was discussed with Mr. Reed earlier, and would like to know if the Board wished to make a motion on the matter.

Selectman S. Perry **motioned** the Board of Selectmen draw up a Warrant Article to enact the Veterans Property Tax Credit RSA 72:28b.

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

Troy tells the Board he will contact Legal Counsel to review the wording for the Warrant Article and any procedures they may need to follow.

2017 Warrant Article Assignments

Selectman J. Brunelle reminds the Board he will not be able to attend the Town Deliberative, as he will be out of Town.

Selectman F. Byron states the Board will appoint and discuss who will be speaking to Warrant Articles at the Town Deliberative Session on February 11, 2017.

Article 5 - 2017 Operating Budget The Budget Committee will speak to this Article, along with Selectman K. Bourque is needed.

Article 6 - Full Time Police Officer Police Chief O'Brion will speak to this Article

Article 7 - Road Improvement Projects Selectman B. Lemire will speak to this Article

Article 8 - Second Year of Library Non Union Wage Plan Implementation &

Article 9 - Library Earned Time Accrual Expendable Trust Fund The Library Trustees will speak to these two Articles.

Selectman F. Byron tells Troy the Board will need to know the names of the individuals who will be speaking to these Articles, along with a rough draft of their presentation no later than January 27th.

Article 10 - Town Earned Time Accrual Expendable Trust Fund Town Administrator T. Brown will speak to this Article

Article 11 - Human Services and Health Agencies Selectman F. Byron will speak to this Article

Selectman F. Byron updates Selectman K. Bourque who was absent at the last meeting about the changes the Board made to Articles 12 & 13. He states the Budget Committee will have to reconsider their votes, they voted in favor of Article 12 and against Article 13,

due to tax cap concerns. But the Board changed Article 12 to be funded by taxation and Article 13 to be funded by the General Fund. Troy mentions this changed the tax cap issues

the Budget Committee was concerned about, so they will need to review this and see if they wish to change their votes. Selectman J. Brunelle hopes the Budget Committee would speak to the voters about how the tax cap impacted some of their decisions.

Article 12 - Fire Vehicle and Equipment Repair Expendable Trust Fund Selectman B. Lemire and Fire Chief Fraitzl will speak to this Article

Article 13 - Architectural and Engineering Fees for New Fire Station Town Administrator T. Brown and Fire Chief Fraitzl will speak to this Article

Article 14 - Non-Lapsing Appropriation Town Administrator T. Brown will speak to this Article.

Article 15 - Tax Cap Selectman F. Byron will speak to this Article

Article 16 - All Veterans Tax Credit Selectman S. Perry will speak to this new Article
Selectman B. Lemire mentions he remembers last year legal counsel indicated the wording on the recommendations was up to the Board of Selectmen. He asks this because if the Budget Committee votes a Warrant Article as "not recommended" due to a tax cap, shouldn't this be listed under the Warrant Article so the people (voters) know it was not necessarily because they were against it, but because they could not exceed the tax cap imposed on them. He feels this would make for a better understanding for all to see that the Budget Committee was not necessarily against something, they were just mandated by the tax cap.

Troy and the Board discuss this matter, and how the Budget Committee had to prioritize expenditures to stay within the imposed tax cap.

Selectman F. Byron agrees with B. Lemire and believes there may be a change to the State law regarding this in order to try and clarify matters.

2016 4th Quarter Financial Report

Town Administrator T. Brown tells the Board the reports printed by Karen today show 3% remaining to the Budget, but he states this is due to Encumbrances and money that has been moved around. He has calculated 1.81% remaining, or an estimated Unexpended amount of \$31,168.79

Administrator Report

T. Brown wanted to clarify with the Board the dates for the upcoming meetings and who is available and can attend which meetings.

Selectman F. Byron states he sent out an email to all the Selectmen to confirm this as well and has the following confirmed

January 12th Budget presentation by the Budget Committee held at 7:00pm at Campbell High School will have Troy Brown, Selectman F. Byron, Selectman J. Brunelle and Selectman K. Bourque in attendance.

January 26th Budget Committee Meeting held at 7:00pm at Campbell High School with Selectman K. Bourque in attendance.

February 4th School Deliberative Session held at 10:00am at Campbell High School with Selectman K. Bourque and Selectman F. Byron in attendance.

February 11th Town Deliberative Session held at 10:00am at Campbell High School with Selectmen K. Bourque, Selectman J. Brunelle, Selectman B. Lemire, Selectman S. Perry and Town Administrator T. Brown all in attendance. Selectman F. Byron will be in attendance and on hand if needed. He would also like Troy to schedule a Board of Selectmen's meeting to be held that afternoon, in case the Board needs to take any action regarding what took place during the Deliberative Session. Selectman F. Byron also mentions he sent this information to Budget Committee Chairman Couture who confirmed there are no additional meetings other than these which she has planned.

T. Brown mentions they already discussed the Tax Cap Public Hearing which will be held at the next Board of Selectmen's meeting on January 23, 2017 at 6:45pm. He will also post a Public Hearing notice for the acceptance of the donation funds for the Justin Memorial Baseball Project.

He has also scheduled an informational Health Insurance Meeting with Non-Union Employees and Interlocal Trust (Health Care Provider) to discuss possible changes to the co-pay amounts. Selectman F. Byron states this is just an informational meeting the Board has not voted on any changes to the Town's Health Insurance Policies as of yet.

Selectman Reports

Selectman J. Brunelle no meetings have been held since the Holiday break. Recreation meeting will be held tomorrow (Tuesday) evening.

Selectman S. Perry states the Planning Board held a meeting last week, where they denied a Home Occupation for a doggie day care. They continued work on the Town's Master Plan.

Selectman F. Byron asked if the Planning Board will be submitting any Warrant Articles.

Troy states he has received three and is working on the wording with Legal Counsel.

Selectman B. Lemire states he was unable to attend the last Conservation Commission Meeting.

Selectman J. Brunelle mentions the guys from Litchfield's What's up have mentioned they are creating a subcommittee and are looking for property to build a boat access ramp. He is confused by this because the Conservation Commission purchased a large parcel of land next to Kevin Lynch's house for this sole purpose of having it accessible for small boats. He would like to know if something has changed.

Selectman B. Lemire will check into it and report back to the Board.

Troy mentions Joan approached him and asked if the Conservation Commission had authority to create a subcommittee, which he told her they do.

Selectman K. Bourque states the next Budget Committee Meeting is this Thursday.

Selectman S. Perry adds he and Troy meet with Police Chief O'Brion regarding the buyout agreement and it was very successful and they are moving forward and waiting on some Legal clarification from Counsel.

Items moved from consent - None

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 S. Perry **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). **Vote carries 5-0-0.**

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

The next Board of Selectmen's meeting will be on January 23, 2017 at 6:00pm at Town Hall
There will also be a Budget Committee Hearing on January 12, 2017 at 7:00pm at Campbell High School to present the Budget, and are encouraged to attend both meetings.

Frank A. Byron, Chairman

Brent T. Lemire, Vice Chairman

John R. Brunelle

Steven D. Perry

Kevin C. Bourque