

# TOWN OF LITCHFIELD BOARD OF SELECTMEN

## January 23, 2017

### Selectmen's Meeting

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

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 January 9, 2017 Board of Selectmen's Meeting Minutes
2. Approval of Payroll Manifests for 1/19/2017 (\$47,975.39) & 1/26/2017 (\$46,058.38)
3. Approval of Account Payable Manifests for 1/17/17 (\$19,339.21) & 1/17/17 (\$20,179.07)
4. Approval of Account Payable Manifest for 1/24/17 (\$17,173.44) & 1/24/17 (\$11,024.56)
5. Town Treasurer Reconciliation for December 2016
6. 2017 Default Budget

### 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 3-0-0.**

Selectman S. Perry arrives 6:02pm

### Request for Additional Items/Other Business - None

### Business

#### **Confirmation of Employment Offers - Joshua Flynn - Part-Time Police Officer**

Police Chief O'Brion introduces Joshua Flynn to the Board of Selectmen. Chief O'Brion states Joshua is a candidate for a part-time Police Officer position for the Town of Litchfield. He is currently attending St. Anselm College where he will be receiving his Bachelor Degree of Arts in Criminal Justice in May 2017. Joshua grew up in Litchfield, where he graduated from Campbell High School in 2013. He is currently employed part-time with the NH Marine Patrol. Upon graduation in May Joshua would like to fill a full-time Police Officer position for the Town. Chief

O'Brion states the Department completed an extensive background check, as well as a physical agility, medical physical and psychological exams.

Selectman F. Byron welcomes Joshua Flynn to the Litchfield Police Department. He mentions the Board of Selectmen will interview him in a nonpublic session at the point when he becomes a candidate for a full-time Officer position in May, upon the recommendation of Chief O'Brion. For now the Board welcomes Joshua to the Department and wishes him the best. Selectman F. Byron asks Joshua if he has any question for the Board. Joshua states he does not at this time. Selectman B. Lemire **motioned** for the Board of Selectmen to approve the employment of Joshua Flynn as a part-time Police Officer for the Town of Litchfield.

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

### **Police Captain - Employment Agreement & Oath of Office**

Chief O'Brion states Police Sergeant Ben Sargent could not attend this evening due to a family emergency. Chief O'Brion will conduct the ceremony following the approval and execution of the Employment Agreement from the Board of Selectmen.

Selectman F. Byron mentions the swearing in ceremony for Officer Ben Sargent will not occur this evening due to a family emergency. He asks Troy if the Employment Agreement which was agreed upon by the Board of Selectman for Ben has been reviewed and approved by Town Counsel.

Troy states it has, and Ben has confirmed today in writing that he finds the the terms and conditions stated in the Employment Agreement acceptable.

Selectman B. Lemire **motioned** for the Board of Selectmen to promote Police Sergeant Ben Sargent to Police Captain for the Town of Litchfield, effective January 23, 2017.

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

Selectman F. Byron states Fire Chief Fraitzl recommends the following individuals to fill the three call Firefighter positions within the Fire Department. All come to the Department with EMT Certifications and two are Certified Firefighters. Chief Fraitzl completed all the necessary paperwork for hiring, and they passed all the necessary background checks, their official start date will be on January 23, 2017. They are:

**Marcus Cartier - Call Firefighter**

**Matt Tropiano - Call Firefighter**

**Rachel Lowney - Call Firefighter**

Selectman B. Lemire **motioned** for the Board of Selectmen to approve with the recommendation by Chief Fraitzl the appointment of Marcus Cartier, Matt Tropiano and Rachel Lowney as call Firefighters to the Litchfield Fire Department. Effective as of January 23, 2017.

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

### **2017 Town Warrant**

#### **Approval**

Town Administrator T. Brown mentions after holding their Public Hearing the Budget Committee stated they had an issue with the wording in

**Article 14 - NON-LAPSING APPROPRIATION - To see if the Town will vote to revoke the**

*non-lapsing provisions of Article 8 from the 2016 town meeting, which raised and appropriated \$37,600 for expenses associated with training one full time firefighter as a paramedic, as the funds are no longer needed for this purpose. This will allow the funds to lapse into the general fund, where they will be available for for tax relief by the selectmen in 2017. Estimated 2017 tax rate impact: \$0.00.*

and voted not to recommend this Article and suggested the wording be changed. The Committee sent an email to Troy and the Board stating they felt the wording did not commit these funds to go toward tax relief. So they requested the Board consider striking the term “where they will be available for tax relief” and change it to use the word “used for tax relief”. Selectman S. Perry asks if the Board changes the wording will the Budget Committee change their vote and recommend the Article, and also vote on the two other Articles they did not vote on because they ran out of time.

Troy states he cannot confirm this, but feels the intent of the Committee was if the wording was changed they would reconsider their vote. He cannot speak for the Budget Committee regarding the other Articles which were not voted on.

Selectman F. Byron asks if the Board would like to make a recommendation at this time.

Selectman B. Lemire states he has no issue making a motion to see to this request, but also ask them to reconsider their votes.

Selectman F. Byron states he does not believe the Board can make such a request, once the Warrant is signed (which the Board has done) this is how the Articles will be posted for the votes at the Deliberative Session. Since there are no other meeting beings held by the Budget Committee the only action the Budget Committee could take would be to change their vote and state it at the Deliberative Session.

Selectman B. Lemire states there is a meeting on January 26th that Selectman K. Bourque is attending, so Selectman B. Lemire **motioned** for the Board of Selectmen to approve the change to Article 14 as requested by the Budget Committee and discussed by the Board of Selectmen. And ask the Boards Representative Selectman K. Bourque to ask the Committee to reconsider their vote on the Article. **Article fails due to lack of a second.**

Town Administrator T. Brown mentions he just learned today from the Road Agent, that he and the Town Engineer have been working on putting road projects out for bid. And due to the condition of Page Road he has changed some of the road work proposed for next year in Article 7. He has added a section of Page Road, High Plain Avenue and Molsom Circle to the list of road to be repaired. Troy believes they are covered by the language used in the Article for these changes, because it states “other roads as necessary”. But he wanted to bring it to the Boards attention.

Board has a discussion on this issue and decide not to add these specific roads, they used the wording “other roads as necessary” because the work is always subject to change.

Selectman F. Byron states all the Warrant Articles have been approved and signed by the Board.

### **Town Moderator Review**

John Regan, Town Moderator would like to discuss who will be speaking to each Warrant Article at the Town’s Deliberative Session on February 11, 2017 so he can add it to his notes.

**Article 2 - Accessory Dwelling Units** Planning Board will speak to this Article

**Article 3 - Telecommunications Facilities** Planning Board will speak to this Article

**Article 4 - Dimensional Requirements** Planning Board will speak to this Article

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

**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

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

**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  
Mr. Regan mentioned each year he does a 5-10 minute reading of the Moderator Rules. He is proposing this year to do what other Towns do and just had out the rules to voters as they come into the School. He will then ask those present if they wish to have him read aloud the Rules, and if not he will refer them to the handout with the Rules listed. He felt this would save some time.

Board agrees and has no issues.

### **Replacement Election for State Representative**

John Reagan, Town Moderator and Theresa Briand, Town Clerk/Tax Collector are here this evening to discuss this matter with the Board of Selectmen.

Selectman F. Byron mentions he was walking the hallways of the State Capital and was approached by a Litchfield resident. He ask if Frank would know why he was there, to which he said no. The resident stated he was there to find out information about an election to replace our State Representative Andy Martel, who had recently passed away and represented Litchfield and Ward 8 in Manchester. So Selectman F. Byron went to speak with the Secretary of State regarding this matter. He found out the Town had to apply to have a State Representative replaced. He also was told Litchfield may need to hold two additional elections (a Primary and General Election) in 2017 in order to fill this vacant position. Frank also asked if this election could be combined with the March Town Meeting and was told no it could not. He then

contacted Town Administrator T. Brown to have this added to the Boards agenda so they could discuss what needed to be done.

Troy asked Terri to contact the State to see what Litchfield needs to do.

Theresa Briand tells the Board she was informed when a State Representative passes the Town or City would hold a Board of Selectmen's or City Council meeting and vote to hold a special election to replace this individual. She states she contacted Manchester and last Tuesday they held a meeting and voted to hold a special election, they completed all the necessary paperwork and forwarded it to the Secretary of States office. The Secretary of State sends it to the governing Council which meets on February 1, 2017, which is just a formality for approval. They then contact the City/Town of the election and provide a paper ballot (not a computer generated ballot like Litchfield uses in its machines). If Litchfield would like to have this type of ballot it would be at the Town's expense for the printing and would be roughly an addition \$519 for the programming of the machines.

Selectman F. Byron mentions if the ballots are just paper copies what would prevent someone from just making copies and voting with them. Terri tells the Board the State will boxe and seal the ballots and send them with all the same protections and precautions as all ballots. There will also be Ballot Clerks that check Litchfield voters in and out of the voting polls and a locked wooden box (the old way) for the ballots to be placed into and counted by the Town/Clerk and Moderator.

Troy mentions printing them is the problem, voting with the ballots is not an issue.

Board discusses can Litchfield and Manchester combine their elections where the State Representative represents both.

Terri states no each is required to hold their own elections a Primary then a General Election at the same polling place and times as registered with the State. She tells the Board the State picks the dates for Manchester and Litchfield and they have already done so, the Primary will be held on April 4th the General Election on May 23rd at Campbell High School from 7am to 7pm. She also mentions they have to set up the polling area as normally required by the State with 1 booth for every 150 registered voters and have the Checklist Supervisors, Ballot Clerks, and staff as any normal election. Terri anticipates the expense to be roughly \$850 for each election for a total of \$1,800. Terri states there will be a 10 day sign up period for anyone wishing to run for the State Representative position. Then on the April 4th election there will be a ballot with a collection of individuals running as either a Democratic or Republican position. Then in May the election will be to decide a candidate from one of each party.

Selectman F. Byron mentions the Warrant has already been signed by the Board, so he asks if the Moderator will be asking for an amendment to be made from the floor at the Deliberative Session for the funds (\$1,800) to be added back into the Budget to cover these two unexpected special election.

Selectman B. Lemire states the Budget Committee could amend the Budget on Thursday evening the 26th when they meet.

Board discusses this and will wait to see what the BC decides and move forward to the Deliberative Session and see if any action needs to take place then.

Board discusses possible options and Terri states they are governed by the State to handle these two elections as they would any other, and the dates, times and location are all mandated

for the Town by the State.

Selectman F. Byron mentions to Troy about reserving the High School for these dates and there will be no cost from the School.

Troy mentions he would not be sure, this is an unexpected and added expense for the School also, they were not planning on two extra election's in their Budget either.

Board agrees to factor this into the Town Budget just in case, and they agree to use the paper ballots supplied by the State.

### **Litchfield Pickleball Association Donation**

Selectman F. Byron mentions the Litchfield Pickleball Association has donated \$500 to the Litchfield Recreation Commission for the Justin Bissett Memorial Baseball Complex. He states the Board of Selectmen are required to accept the funds.

Selectman B. Lemire **motioned** for the Board of Selectmen to accept the donation of \$500 from the Litchfield Pickleball Association for the Justin Bissett Memorial Baseball Complex.

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

Board thanks the Pickleball Association for their donation.

### **Public Input - None**

### **Public Hearings**

#### **Charles River Laboratories Donation to the Justin Memorial Baseball Complex**

Selectman F. Byron opens the Public Hearing for the acceptance and discussion on an Appropriation of Unanticipated Funds from a donation that was made by the Charles River Laboratories in the amount of \$10,000 to be used for the construction of the Justin Memorial Baseball Complex.

Town Administrator T. Brown states he was contacted by a representative from Charles River Laboratories in Massachusetts. They indicated a parent of the child (Justin Bissett) who the park will be named after works for the Company, and they wished to make a contribution to the complex being constructed on Jeff Lane in Justin's memory. Troy states he provided the Company with the necessary information they requested, and to his surprise he received a generous contribution in the amount of \$10,000 to be used for the construction of the Baseball Complex on Jeff Lane in Litchfield.

Selectman F. Byron opens the hearing for public input, there is none. He closes public input.

Selectman S. Perry **motioned** for the Board of Selectmen to accept the donation of \$10,000 from Charles River Laboratories to be used for the construction of the Justin Memorial Baseball Complex.

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

Selectman F. Byron mentions to Troy he would like a letter constructed and sent to Charles River Laboratories thanking them for their generous donation on behalf of the Board of Selectmen. **Vote carries 5-0-0.**

Selectman F. Byron closes the Public Hearing.

### **Tax Cap Adoption Pursuant to RSA 32:5b**

Selectman F. Byron opens the Public Hearing to adopt the provisions of RSA 32:5-b, to implement a Tax Cap in the Town of Litchfield. Where 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 than \$175,000 (% vote required to pass).

Selectman F. Byron states this appeared last year as a Warrant Article and was passed by the voters. However, unfortunately it was noticed improperly in the newspaper (not by any fault of the Town) but by the Hudson Litchfield News. They forgot to publish the notice, and apologized profusely for their error. So the Board is doing everything to correct this mistake by having it reappear as a Warrant Article again this year for the Citizens to vote.

Selectman F. Byron opens up the hearing for public input, there is none. He closes public input. Selectman F. Byron **motioned** the Board of Selectmen to adopt the Tax Cap pursuant to RSA 32:5-b.

Selectman S. Perry **seconds** the motion.

Selectman J. Brunelle states he has seen the effects of the Tax Cap this budget season. Board discusses this matter and state they held the required Public Hearing and it will appear as a Warrant Article without the Board taking any action. They agree to take no action.

Selectman F. Byron **withdraws** his motion.

Selectman S. Perry **withdraws** his second to the motion.

Selectman F. Byron closed the Public Hearing

### **Chief O'Brion Earned Time Agreement**

Selectman S. Perry updates the Board of Selectmen about his meeting with Troy and Police Chief O'Brion. He states they discussed moving forward and used the same format as the last agreement structure. They told the Chief the Board did Encumber the funds for his agreed upon payment this year, but explained why the Board could not guarantee the future payments. So they were able to make changes and restructure the agreement, to clarify how he will receive his earned time moving forward, that he is no longer eligible for floating holidays, and will now be subject to the Personnel Policy. They agreement stated he will receive his additional agreed upon payments when and if the funds are available. Steve mentions the Chief also agreed to a reduced payment on some of his (bankable) hours as they had previously discussed restructuring, so he will be taking his time at a vested rate of \$48.13 (this is the current rate he was making last year). This arrangement will save the Town approximately \$8,000-\$9,000.

Selectman F. Byron asks Troy if this agreement was reviewed by Counsel. Troy states is has.

Selectman S. Perry **motioned** for the Board of Selectmen to approve and accept the Earned Time Agreement as discussed for Police Chief O'Brion.

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

### **Resignation - Mike Croteau - NRPC Member**

Selectman F. Byron **motioned** with regret for the Board of Selectmen to accept the resignation of Mike Croteau as NRPC Commissioner for the Town of Litchfield.

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

Selectman F. Byron would like Troy to compose a letter from the Board of Selectmen thanking

Mr. Croteau for his service to the Town, and wishing him the best moving forward.

### **Appointment - Dr. Kim Queenan - NRPC Alternate Member**

Selectman F. Byron **motioned** for the Board of Selectmen to approve the appointment of Dr. Kim Queenan as an Alternate NRPC Commission Member.

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

### **Health Insurance Plan Changes Update**

Town Administrator T. Brown states he and a representative from InterLocal Trust (Health Insurance provider) met with Non-Union Town Employees for an informational meeting to discuss the possible changes the Board of Selectmen were considering to the Town's Health Insurance Plan. Troy states the biggest comment mentioned was that the Town non-union employees were not receiving the same benefits as the union employees for the Town/School, they felt they should be receiving the same benefit package. He mentions a few employees were very concerned that the co-pay increase would be a very large monthly increase for them (up to \$200) due to some of their families health issues. Another comment was the Board should take a comprehensive look and update the Personnel Policy to reflect union benefits to non-union employees, such as offering life insurance and long-term disability insurance. Others commented they would like the Board to look at other providers and plans, and also to give notice in advance of "open enrollment" and not implement a new policy change inbetween. Some felt the change was minor and had no issues.

Troy states he feels making any change to the policy now is to short of a notice, and that he and the Board should look into what other providers could offer for options and plans. Then present them to the employees prior to the next "open enrollment". He mentions the Union should be a part of this discussion as well, they may be able to reduce their premiums also and there are provisions made within their contract for doing so.

Board discusses these comments.

Selectman S. Perry does not see how this sight increase could cost someone an additional \$200 a month.

Selectman J. Brunelle agrees with Troy's recommendation of looking into other plans and implementing any changes during "open enrollment". Also agrees an effort should be made to possibly offer the same benefits to non-union employees as the union employees.

Selectman S. Perry states they are bringing up an issue from back in 1989. No one is complaining about \$5-\$7 dollar raises over the past 2 years because the Board has been trying to bring its employees up to a level they belong. And people are going to bring up 1989 and the Union, and argue over a increase from \$5 to \$15 for a co-pay with a zero deductible medical insurance plan. Most people outside the Town pay double that for a co-pay with a deductible to their plan.

Selectman K. Bourque agrees with Selectman S. Perry.

Troy mentions "open enrollment" was on January 1, and they need to start looking into comparing plans now so by Fall they will be ready to implement changes for the next "open enrollment" session.

Selectman F. Byron mentions this was for Troy to have a discussion with the employees and the



Board has not adopted any changes to the current Health Insurance Plan for the Town. He states it will be a topic for the next Board to take action on come March.

Selectman F. Byron mentions the 2017 Budget amounts presented to the Budget Committee were for the Health Insurance premiums based on the current plans figures for employees. He also wanted to make the Board aware of the reduction of approximately \$11,000 the Budget Committee made to the Town's Health Insurance lines in the 2017 Budget.

Board discussed the possibility of making an amendment at the Town Deliberative asking the voters for the \$11,000 to be added back into the Budget, which would override the tax cap.

### **Administrator Report**

Troy Brown states he wanted to make the Board aware of House Bill 324 which will be discussed in Concord on Wednesday January 25th. It proposes to strip Towns and Cities the ability to assess Utility Companies, and delegate that authority to the New Hampshire Department of Revenue Administration (NH-DRA). He mentions the concern is State wide because most authorities do not agree with the methodology NH-DRA uses to assess Utility Companies, it differs greatly from how most Towns and Cities calculate their assessments. This would have a very negative impact and could cost the State and Towns collectively billions of dollars in Revenue.

Selectman F. Byron states the argument being put forward is that there is a disconnect amongst Municipalities as to what is the true price of a pole, it ranges from approximately \$1,200 to \$150. This Bill would eliminate the Assessing Standards Board which is a Board put in place (it is part of DRA) and was formed so all assessments done across the State of NH would be uniform and conform to a standard that could be compared from one Town to another. This would then allow DRA to implement/adopt the DRA Estimated Value, which the Board and Litchfield have always struggled with, because their calculation gives such low assessments on utilities. This has always been an issue and contrary to Litchfields Assessor and most other Town Assessor's viewpoints.

Selectman F. Byron states DRA does not believe they need to change, and are not accountable to make any change. He strongly encourages any members of the Board or Troy go to Concord and testify against this Bill.

Selectman B. Lemire **motioned** for the Town of Litchfield to go on record as opposing HB-324, and for Town Administrator T. Brown to forward this information on the Town's behalf to Concord.

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

Selectman F. Byron suggests a memo/letter be put together and presented to the Science, Technology and Energy Committee and all State Representatives who represent Litchfield. Troy mentions the public hearing is tomorrow January 25th at 9:00am.

### **Selectman Reports**

Budget Committee meets Thursday January 26th and Selectman K. Bourque will be attending. No other reports at this time.

### **Items moved from consent - None**

**Other Business - None**

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

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

The next Board of Selectmen's meeting will be on February 13, 2017 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