

TOWN OF LITCHFIELD BOARD OF SELECTMEN

March 13, 2017

Selectmen's Meeting

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

Absent: Frank A. Byron, Chairman - Excused

Also Present: Troy Brown, Town Administrator

5:00 p.m. Paperwork review

6:00 p.m. Call to Order

Pledge of Allegiance

Selectman B. Lemire reads to the Board and Public the official statement that was released to the press and on social media announcing the changes made to our Town Election that was to be held tomorrow. *“With the pending winter storm at our doorstep, the safety of our residence is of utmost importance. That said, as a result of a roll call vote taken at an emergency meeting today and given the authority that I have as Moderator for the Town and School in Litchfield via RSA 40:4, we will defer the 2017 TOWN Election Day event until Tuesday March 21, 2017 from 7am to 7pm at Campbell High School.” Signed by John Regan, Town Moderator.*

Selectman B. Lemire mentions absentee ballots will be made available at the Town Clerk's Office between now and Monday evening at 5:00pm. If there are any questions please feel free to call the Town Office or any member of the Board of Selectmen. He states this decision was done after consultation and a conference call meeting with the State's Emergency Management, Governor's Office, Town Administrator, Town Moderator, Town Clerk and Board of Selectmen's Representative.

It was stated this pending storm may be one for the record books, and Mr. Regan considered the safety of all the Citizens of Litchfield in making this decision to move the Elections to next Tuesday March 21, 2017 from 7:00am to 7:00pm at Campbell High School.

Review of Items for Consent:

1. Approval of February 27, 2017 Board of Selectmen Meeting Minutes
2. Approval of Payroll Manifests for 3/9/2017 (\$49,921.33) & 3/16/2017 (\$50,984.85)
3. Approval of Account Payable Manifest for 3/7/2017 (\$1,718,097.20) & 3/14/2017 (\$56,802.76)
4. Tax Collector - February Reconciliation
5. Treasurer - February Reconciliation

6. Town Clerk - February Reconciliation
7. Veterans' Tax Credit (\$300)

Approval of Consent Items

Selectman B. Lemire reads aloud the Items for Consent

Selectman S. Perry **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

Appointment of Alternate Member to the Recreation Commission- Peter Ames (term to expire 3/31/20)

Mr. Ames takes a moment to thank the Board of Selectmen for their service to the Community.

Selectman S. Perry asks him to tell everyone a little about himself.

Peter states service to the Community is why he wishes to volunteer and become involved with the Recreation Commission. He has lived in Litchfield for over 10 years, and just recently sold and purchased another home in Town. Peter states during his time here he and his family have benefited greatly from the Recreation Commission, and has time to dedicate and give back to the Town and the Commission. Professionally he works in Public Health, so he has a deep appreciation for what active recreation can mean to an individual and healthy lifestyle choices for kids and adults. He is hoping to share some of his expertise and experiences with the Recreation Commission. Peter asks what advice would the Board members give to someone looking to serve in this role and support the Town.

Selectman S. Perry states be willing to sit back listen and be willing to help. He feels the Recreation Commission is one of the Boards where individuals are more actively involved on a regular basis. When the Commission starts a project such as the WinterFest, they are planning for months and meeting 2 or more nights a week, (unlike other Boards who may meet once or twice a month). So anything you as an individual can do to help would be greatly appreciated by all. It just takes a willingness and volunteering for projects you feel you can help and contribute to .

Selectman J. Brunelle agrees with Steve, he mentions the meetings are 10% of the job, it's everything outside of that and what you may volunteer for that is rewarding to you the Commission and Town.

Selectman B. Lemire states this Town does not have a Recreational Director, so everything is handled by volunteers, and appreciates all who volunteer their time.

Selectman K. Bourque mentions it is always great to see new faces step up and volunteer, and thanks Peter and wishes him well.

Selectman S. Perry **motioned** for the Board of Selectmen approve the appointment of Peter Ames as an Alternate Member to the Recreation Commission for a term to expire on March 31, 2020.

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

They tell Peter he can stop by the Town Clerk's office and be sworn in any time during business

hours.

Write-Off of Ambulance Uncollectible Accounts

Town Administrator T. Brown tells the Board of Selectmen back in the Fall of 2016 the Town entered into a contract with a Collection Agency to start addressing some of the uncollected ambulance invoices that were outstanding for services. He shared with the Board a spreadsheet which the Finance Director has prepared showing the outstanding totals for invoices at \$60,413.71. Out of that total \$36,691.00 has been sent to the Collection Agency. Which due to time constraints and New Hampshire State laws (not allowed to go back more than 3 years) they are unable to collect certain funds and are asking the Town to write-off \$22,325.10 as uncollectible.

Selectman S. Perry **motioned** for the Board of Selectmen to approve the write-off amount of Uncollectible Ambulance Funds in the amount of \$22,325.10.

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

Primex Contribution Assurance Program (CAP)

Town Administrator T. Brown mentions he has shared correspondence with the Board, and tells them Primex is offering an opportunity to the Town of Litchfield to participate in the Contribution Assurance Program (CAP) for Workers' Compensation and Property Liability Insurance policies. The purpose of the program is to guarantee a maximum annual rate increase of no more than 8%. However, eligibility for the program requires a 3 year commitment until December 31, 2020. He mentions that currently, there are no other public risk pool providers in the State of New Hampshire since the Property Liability Trust dissolved last year.

Troy does mention that he had become aware of a private group is trying to create a new public risk pool but this could take 1 to 3 years. He has participated in this program in other Communities and saw it successfully stabilized rates. He would recommend the Town participate in the program, and if another group created a new public risk pool, it would not be within the next year or two. So they can take a look at the end of this agreement and see what others might have to offer.

Selectman J. Brunelle and the Board discuss that Litchfield participated in a pool such as this with Property Liability Trust before they dissolved.

Selectman J. Brunelle **motioned** for the Board of Selectmen to approve the Town of Litchfield participate in the Contribution Assurance Program (CAP) for Worker's Compensation and Property Liability Insurance Policies.

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

Selectman S. Perry questions locking into a 3 year contract, especially if there may be a new group that might offer a competitive rate.

Troy mentions he does not see anything happening for at least a year or two, and he would like to see what that product would look like, and what type of training they will offer. Because Primex is the only facility now that can provide the Town with the Risk Management training they currently receive.

Vote carries 3-1-0.

Union Grievance - Police Special Detail

T. Brown mentions to the Board that the Union submitted a grievance on July 27, 2016 regarding a violation of Article #13, section 6 of the Collective Bargaining Agreement, as well as a violation of the 2007 Warrant Article #12. In summary, he mentions the Union feels that the second 457 match is to be given top priority over all other Operating Costs and Expenses in the Special Detail Revolving Fund. So in accordance with the grievance procedure, Chief O'Brion held a hearing on August 16, 2016 with the Union to try to resolve the grievance but due to the nature of the grievance he felt it was something he was unable to make a decision on, and forwarded it to the Board of Selectmen on August 16, 2016.

Troy mentions on September 6, 2016, the Board of Selectmen determined that they wanted to hold a hearing to collect information from the Union before making a decision. A hearing was scheduled for October 19, 2016 but was later tabled because the Board of Selectmen and the Union decided to try to resolve the issue informally themselves. Troy states he Selectman Byron and Selectman Lemire held 3 meetings with the Union Membership to try and resolve this issue. And although they believed they were close to a resolution on the grievance, unfortunately in the end the Union decided not to accept their proposal and has decided to move forward with a formal grievance.

Troy mentions the Board now has 10 days to schedule a hearing or issue a decision. The Union has agreed that the "clock" would start on March 13th. If the Board issues a decision and the Union disagrees with it or the Board issues a written decision denying the grievance then it moves forward to binding arbitration.

Troy feels holding a hearing will not result in a resolution, due to the fact they have met several times and discussed every option possible to try and come to an agreement with no success. He mentions in moving forward both parties will have to agree to an Arbitrator, and split the costs incurred. The Arbitrator will do his fact finding and render a decision which will be binding, and neither party can appeal his/her decision.

Selectman B. Lemire states at the last meeting they came to an impasse.

Selectman J. Brunelle asks what that impasse was. He is understanding the Union feels there should be no costs associated to the Town when the Department is on a Special Detail, and they should be paid first. He asks if there is more to it than that.

Troy states no, it comes down to the cost of the cruisers (even though the Town already decreased those costs to a minimum). Board continued to discuss this matter and decided despite everyone's best efforts to resolve this issue, they would move forward with arbitration.

Selectman J. Brunelle **motioned** for the Board of Selectmen to move forward with Binding Arbitration regarding the Union grievance.

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

Public Input

Tim Kearns, 1 Brickyard Drive states he received an automated call (code red from the Town) stating the Town Elections are cancelled and he is confused and hopes the Board can clarify things for him.

Selectman B. Lemire states they are not cancelled, but due to the pending storm and the safety of the residents the elections have been postponed until next Tuesday March 21, 2017.

Tim mentions he looked on the internet and noticed it stated this was decided by a roll call vote and the Town Moderator. His concern is according to State Officials and Attorneys on Channel 9 News it is recommended Towns do not cancel their Elections, because they do not have the authority to cancel the voting only the town meeting. He states many people die for the opportunity to vote and feels the weather will not be coming until later and there will be plenty of time to vote.

Selectman B. Lemire states the latest information at 2:00pm with Homeland Security, Emergency Management, the Governor is that the storm will be here by 7:00am just as voting is to get underway and by 9:00am it would be snowing 1-3 inches an hour. He mentions everyone throughout the Town and State received calls from people worried they would not be able to get to the polls due to the weather. All was taken into much consideration and the decision was made to postpone the Election by a week.

Tim questions the role call vote

Selectman B. Lemire states the Moderator does not need to have a role call vote. The people who participated in the conference call where Department Heads, himself as a representative from the Board of Selectmen, Town Administrator T. Brown, Fire Chief, Police Chief, Road Agent, Town Clerk and the School.

Tim questions that some who were involved with this call and took part in the making of this decision were also people on the ballot

Selectman B. Lemire states no, no one had an actual vote. The Moderator took everyone's advice and made a decision based on the information he received from all concerned.

Tim states again some who appear on the ballot took part in those conversations.

Selectman B. Lemire states yes statutorily, by their statutory responsibilities they were present.

He mentions there are two conflicting laws that add to this confusion. But legal counsel and many other advising on this matter interpret the law as the Town Moderator makes the call.

Tim Kearns again asks who put the roll call comment in the press release.

Selectman B. Lemire states the Moderator did, but there was no roll call vote.

Troy mentions there was not a formal public meeting but notes were taken, and they will be published

Tim states so there was no real meeting and there was no roll call vote, no one from the public was present, he states he got his answers and thanks the Board.

Selectman B. Lemire states it was a conference call with all those representatives as stated, to answer questions for everyone one in Town who was confused and for the Town Moderator to make an informed decision.

Tim states he has a problem with this and tomorrow morning he will show up at 7:00 and would appreciate the right to vote. He thanks the Board.

Selectman B. Lemire states he can get an absentee ballot when the Town Clerk's office opens tomorrow.

Tim asks if someone will be at Campbell High School at 7:00am with absentee ballots in order for people to vote.

Board states no they will not be jeopardizing anyone's safety tomorrow, there will be an

electronic sign at the School informing anyone of the change to the Election.

Selectman J. Brunelle states this has been announced on the news, posted on all social media for the Town of Litchfield. Litchfield is one of 31 Towns who have postponed elections due to this storm.

Board continued to discuss the confusion regarding this matter.

PFOA Update

Town Administrator T. Brown states he attended a pre-construction meeting last week regarding the upcoming work regarding the water line installation by Pennichuck Water Works. It will be the same three Contractors finishing up the work. He mentions the Contractor doing the work on 3A will be starting sooner, he has been out saw cutting some pavement already. All are trying to mobilize as quickly as possible to get work underway, though this storm was not expected and will set them back a little bit. Troy mentions they asked what to expect with the traffic situation on 3A, and they were informed they do not anticipate the traffic impact to be as bad as last fall due to the work not being at the busy intersections.

He informs the Board the Attorney has sent correspondence to St. Gobain, officially submitting the Town's demands for compensation for what has happened to our Community.

Troy also mentions there is a meeting scheduled with NH-DES, the Attorney General's Office, Town Legal Counsel, Selectman B. Lemire and he will be attending and states anyone else who's schedule is free is welcome to attend. It will be held in Concord on March 23, 2017 @ 9:30am.

This is just to update and speak with the Officials to see where they are at in this process and with their investigation and enforcement, as well as informing them where the Town is at in the process.

T. Brown also mentions there will be a Public Informational Meeting on March 30, 2017 at 7:00pm with NH-DES and Pennichuck Water Works, this meeting will be for the State to update the Residents as to where they are at with the investigation and update discussions with St. Gobain. As well as for Pennichuck to update everyone on the construction coming in the Spring and when they anticipate completion of the project.

Administrator Report

Troy states he has been asked by the staff at Town Hall what the plans are for operation tomorrow due to the pending storm.

Selectman S. Perry states it is a regular work day

Selectman K. Bourque states he understands the storm may be bad, but feels everyone should show up to work and if the weather gets bad and there is a need to close they will make that decision to release employees.

Selectman S. Perry agrees and states everyone shows up and if the Town decides to close due to the weather they will let the employees go home with pay. If they did not show up for work they will not be paid unless they take a personal paid day.

Board discussed this matter and agreed that the Employees come in and open and if the Board makes a decision to close early due to weather they will notify everyone and close.

Selectman Reports - None

Items moved from consent - None

Other Business - None

Selectman K. Bourque **motioned** for the Board of Selectmen to adjourn.

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

The next Board of Selectmen's meeting will be on March 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