

TOWN OF LITCHFIELD BOARD OF SELECTMEN

November 27, 2017

Selectmen's Meeting

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

Absent: Kurt D. Schaefer - Excused

Also Present: Troy Brown, Town Administrator

5:00 p.m. Paperwork review
6:00 p.m. (1) Non-Public Session - RSA 91-A:3,II(a) - Hiring/Compensation
(2) Non-Public Session - RSA 91-A:3,II(a) - Hiring/Compensation
6:40 p.m. Call to Order

Pledge of Allegiance

Swearing In of Full-Time Probationary Police Officer

Selectman B. Lemire mentions he is changing the agenda this evening slightly, due to the Police Chief presenting a candidate for employment. This candidate has been interviewed by the Board of Selectmen, and extensively interviewed by the Litchfield Police Department. Selectman B. Lemire introduces Slade Rasmussen, and asks the Board for a motion to approve his hiring for the Police Department.

Selectman J. Brunelle **motioned** for the Board of Selectmen to approve the hiring of Officer Slade Rasmussen as the newest full-time Police Officer for the Town of Litchfield.

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

Police Chief O'Brion and the Litchfield Police Department introduce the newest full-time probationary Police Officer Slade Rasmussen. Chief O'Brion proceeds to swear in the new Officer to the Litchfield Police Department, and hands a badge to his father to pin on Officer Slade Rasmussen. The Board of Selectmen welcome Officer Rasmussen to the Town and the Litchfield Police Department.

Review and Approval of Consent Items:

1. Approval of Board of Selectmen Meeting Minutes from November 13, 2017
2. Approval of Account Payable Manifest 11/21/17 (\$1,100.00) & 11/21/17 (\$134,626.00)
3. Approval of Payroll Manifest 11/22/17 (\$49,149.75) & 11/30/17 (\$47,787.69)
4. Town Clerk Reconciliation - October 2017
5. Tax Collector Reconciliation - October 2017
6. Earned Time Accrual Expendable Trust Fund Transfer Authorization

Approval of Consent Items

Selectman B. Lemire reads aloud the Consent Items

Selectman S. Perry **motioned** for the Board of Selectmen to approve the Items of Consent

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

Request for Additional Items/Other Business

Selectman J. Brunelle would like to discuss Selectman coverage for Budget Committee meetings.

Public Input

Mr. Cook 18 Cutler Road, states he is here to express his concerns regarding the property at 8 Bixby Lane with the Board of Selectmen. He states he owns property next to this address, and has complained numerous times over the past four years to the Building Inspector Kevin Lynch, previous Town Administrator about the abandoned vehicles, but no action has ever been taken. Back in April he spoke with the current Town Administrator T. Brown regarding this matter. Troy added it to the Board of Selectmen's agenda for discussion and understood the Board was going to draft an order to have the property and vehicles taken care of. But feels no action is being taken regarding the hazards on the property, such as the building being caved in, the seven abandoned vehicles as well as the kids who are coming onto the property. He states Kevin has been promising him for four years this property was going to be cleaned up and it has not been. He is here to find out why.

Board of Selectmen B. Lemire states they directed the Building Inspector Kevin Lynch to take action in regards to this property, and was understanding he was doing so. He states the Fire Chief is now the new supervisor of all the inspections in Town, and the Fire Department is now handling both Life Safety and Building Codes as well as Health Inspections. Chief Fraitzl is here this evening to update the Board regarding this property. So if Mr. Cook would like to stay he will be speaking to the Board next.

Mr. Leon Barry 17 Cutler Road, mentions the property in question abuts his land. He states his biggest concern is with the vehicles abandoned, which have been sitting for years. They have just eroded and where has that gas and oil gone, because behind this property and his it is all wetlands. He states this property is not doing anything for the Town and is a safety hazard and would like it to be cleaned up.

Selectman B. Lemire states he and the Board understand and share in their frustration regarding this property and the condition it is in. He mentions to the extent under law they will move forward to have this matter resolved. He also asks Mr. Barry to stay to listen to the Chief's update.

Business

8 Bixby Lane Update - Kevin Lynch, Building Inspector

Chief Fraitzl mentions Kevin Lynch is not feeling well and will not be here this evening. He

states he was just given some information on this situation, and went and drove by to look and take some pictures from the road of the condition of the property. He will try to update the Board and public in order to accomplish as much as he can this evening. Chief Fraitzl mentions power/water to the home has been turned off for almost 3 years. When the most recent section of roof collapsed due to heavy snow in 2015 the Fire Department became involved and did a search of the residence to insure no one was trapped inside. He mentions under section 155 of the New Hampshire statutes, the governing body of any city or town may order the owner of a hazardous building to correct the hazards or to raise same if they deem appropriate. This is what Kevin Lynch was going to be coming to the Board for their approval and authorization on. He has been working with the property owner, and his recommendation at this time is to fence in the area of the building that is unsecured and to remove some vehicles. So this evening the Chief is looking for the Board of Selectmen to authorize him to move on this directive under RSA 155-B:2.

Selectman J. Brunelle states he thought the Board authorized Kevin to do this months ago, and he was lead to believe this was what was being done.

Selectman B. Lemire states the Board directed Kevin Lynch to take this action with this property. They were lead to believe actions were being taken to clear up this property and building and Kevin was directly working with the property owner.

Chief Fraitzl asks the Board if it was specific to RSA 155-B:2, because that is what is necessary for the Board to take action on in order to move forward under the law.

Board does not believe a specific motion was made to the RSA, but they will take the appropriate action necessary this evening.

Selectmen J. Brunelle **motioned** for the Board of Selectmen to authorize Fire Chief Fraitzl under RSA 155-B:2 to handle and do what it takes to get this hazardous property up to the appropriate condition under his direction as stipulated within this RSA, including the raising of the building if necessary.

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

Chief Fraitzl states he will move forward and continue to update the Board.

Mr. L. Barry mentions the property owner is a veteran and is disabled and questions if this will make any difference to the Boards ruling.

Selectman B. Lemire states he does not have an answer for this questions this evening. But the Board will consult with the Town's Legal Counsel regarding this issue and do whatever it takes under the law to clear this property from any hazardous issues and bring it up to codes the Town is allowed to by law.

Heritage Commission - Kimberly Queenan

Selectman B. Lemire introduces Kim Queenan and Dr. Steven Calawa.

He mention they will be discussing with the Board of Selectmen the possibility of the Town establishing a Heritage Commission.

Kim Queenan from 2 Newstead Street and is here today for a proposal to establish a Heritage Commission here in Litchfield. She mentions for transparency she is a member of the Town's Planning Board and recently voted in as the Vice Chairman. Kim is a member of the NRPC Commission, as well as a member of the Litchfield Historical Society. She will be presenting

information to the Board of Selectmen for them to consider sponsoring a warrant article to establish a Heritage Commission. She will also provide information on a proposed Demolition Review Ordinance that the Planning Board has recommended in 2018. She mentions they are proposing the Commission be Advisory only with non-regulatory responsibilities at this time, the Board can expand on this later if they wish. Kim has shared documents with the Board of Selectmen, and the outlined information below she reads aloud to the Board and the listening public.

ESTABLISHMENT OF A HERITAGE COMMISSION: NOVEMBER 27, 2017

HERITAGE COMMISSION PURPOSE:

- A Heritage Commission does for historical resources much what a conservation commission does for natural resources.

They give local governments in New Hampshire new abilities to recognize and protect historical and cultural resources.

A Heritage Commission may be established for the proper recognition, use, and protection of resources, tangible or intangible, primarily man-made, that are valued for their historic, cultural, aesthetic, or community significance within their natural, built, or cultural contexts (RSA 674:44-a).

- The establishment of a Heritage Commission at all is purely optional. Some communities choose to have a heritage commission that is only advisory, while others want their commission to take a much more active role with educational and technical responsibilities.
- **Proposing for Litchfield:** The Heritage Commission shall have an Advisory and Review Authority only (RSA 674:44-b) with non-regulatory responsibilities.

HERITAGE COMMISSION BENEFITS:

- Would fulfill a town entity currently missing, which can identify and discuss Historic, Cultural and Architectural resources that exist in Litchfield.
- Would have access to grant money to research and create an Inventory of Historically, Culturally or Architecturally significant resources (RSA 674:44-b(a)).
- Can serve to advise other local boards or other local agencies in their review of requests on matters affecting or potentially affecting cultural and historic resources (RSA 674:44-b(d)).
- **For the Planning Board:**
 1. Assist as requested, in the development and review of those sections of the Master Plan which address cultural and historic resources (RSA 674:44-b(c)).
 2. Be utilized for future Zoning Ordinances and Land Use Regulations that best serve the interest of the Town
 3. Is needed for the Planning Board's proposed Demolition Ordinance.
- Would provide transparency to the Town since its meetings are public record.
Would coordinate activities with appropriate service organizations and nonprofit groups (RSA 674:44-b(e)) and publicize its activities (RSA 674:44-b(f)).

HERITAGE COMMISSION MEMBERS:

- **Selectmen make the Appointments.**

- The Heritage Commission shall consist of not less than 3 members and no more than 7 members who shall be appointed in a manner as prescribed by the local legislative body (RSA 673:4-a I). Terms are for three years.
- Each Heritage Commission member shall be a resident of the city or town which establishes the commission (RSA 673:4-a II).
- One Commission member shall be a member of the local governing body (RSA 673:4-a II).
- One Commission member may be a member of the Planning Board (RSA 673:4-a II). While not required, it is recommended

- Litchfield Citizens have already expressed an interest to serve on this Commission.

- Heritage Commission members are allowed to serve contemporaneously (occurring in the same period of time) on other municipal boards and commissions, a useful option in communities with few available volunteers.

HERITAGE COMMISSION & DEMOLITION ORDINANCE WARRANT ARTICLES:

- Jen Czysz (Assistant Director at Nashua Regional Planning Commission) drafted the Warrant Article Language for both the Heritage Commission and Demolition Ordinance with the Litchfield Town Council. Town Council reviewed the concept and provided template sentences to handle the dependency between both Articles and potential voter outcomes.
- Demolition Ordinance language states the Ordinance is valid only if a Heritage Commission is established and then there is a 60-to-90 day delay to allow a Heritage Commission to be staffed and trained.

HERITAGE COMMISSION START-UP COST: MINIMAL

- Meetings would need to be recorded. Staff or a volunteer will be needed for meeting minutes.
- May require training classes.
- If the Demolition Ordinance passes, will need signs for properties.
- If there is an interest later, the Selectmen could add a budget to expand the role of the Heritage Commission.

ADOPTION PROCESS:

- November 7, 2017, the Planning Board approved (6,0,0) to send the Demolition Ordinance to Public Hearing on Dec 5, 2017.
- If BOS approves formation of a Heritage Commission, would like to send both Warrant Articles to Deliberative Session / Town Meeting in early 2018.

GROUNDWORK:

- Establishing a Heritage Commission is a public process. It is vital that the public understands what a Heritage Commission is - and is not - before it is brought to a vote. Consider: Public informational meeting, presentation to other boards, available fact sheets of powers/duties/contact info,...

Kim also shared a packet of information with the Board showing what other Heritage Commissions have done for projects in their Towns throughout New Hampshire. She states there are 55 other Communities with Heritage Commissions in NH. She interviewed many to see what they felt worked well and what maybe did not in their Communities. Some of the projects have been making up brochures showing what a Heritage Commission is and what they

do, making a list of historical sites and landmarks within the Town, work with the Historical Society to establish cemeteries signs and mark graves are just a few duties she listed. Kim and the Board also discussed the Demolition Ordinance and how that works within the Heritage Commission. Which is to try and bring everyone involved together to see if they can come up with a solution suitable to everyone. A Demolition Ordinance cannot prevent a building from being taken down. If no solution is meet the owner can still take the building down. However, the Heritage Commission would ask to take pictures before it comes down. Selectman B. Lemire asks Dr. Steven Calawa how the Historical Society feels about this Commission.

Dr. Steven Calawa states the Historical Society fully supports this effort and the forming of a Heritage Commission. He and the Board discuss the lose of historical homes in Litchfield over the past few years, and that three along 3A were lost just this year.

Board of Selectmen agree on establishing a Heritage Commission, and moving forward with a Warrant Article.

Selectman S. Perry **motioned** for the Board of Selectmen to move forward with a Warrant Article to establish a Heritage Commission for the Town of Litchfield.

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

Selectman B. Lemire states this Warrant Article will appear on the 2018 ballot at the Town Deliberative Session.

PROPOSED HERITAGE COMMISSION WARRANT ARTICLE FOR ENDORSEMENT BY THE BOARD OF SELECTMEN

Article XX. Are you in favor of the establishment of a Heritage Commission?

Shall the Town establish a Heritage Commission in accordance with the provisions of RSA 673 and RSA 674 with members of the Commission to be appointed by the Board of Selectmen. The Commission shall be comprised of five citizens with up to five additional citizens appointed as alternate members. The purpose of such a Commission is to advise and assist other local boards and commissions; conduct inventories; educate the public on matters relating to historic preservation; provide information on historical resources; and serve as a resource for revitalization efforts. A heritage commission can also accept and expend funds for a non-lapsing heritage fund, acquire and manage property, and hold preservation easements

Contract Renewal - Information Technology Services

Town Administrator T. Brown tells the Board the contract renewal for Information Technology Services will be for 3 years with the current IT provider, this will be for a fixed amount of \$18,000 per year. This money has been placed in the Operating Budget, it had been proposed and discussed but the contract had not been finalized so it was in the Default Budget as well.

Selectman B. Lemire asks Selectman J. Brunelle if he was comfortable being present for this discussion.

Selectman J. Brunelle states he has no issues with being here, but will not be adding to the Boards discussion or vote. He mentions the contract has not changed the terms and conditions are still the same, but the Board did change the salary. He has no issues with the contract as stated.

Selectman S. Perry states this is a hardy bargain for the Town.

Selectman S. Perry **motioned** for the Board of Selectmen to approve and accept the contract

renewal for Information Technology Services in the amount of \$18,000 a year.
Selectman K. Bourque **seconds** the motion. **Vote carries 3-0-1.**

Acceptance of Unanticipated Funds \$1,345.00

Town Administrator T. Brown tells the Board the Litchfield Pickleball Association donated \$1,345.00 to the Recreation Commission for the purchase of tables and chairs at Talent Hall. He mentions this will help the Recreation Commission to be able to purchase more modern plastic tables and more much needed chairs.

Selectman S. Perry states the Pickleball Association is appreciative of what the Town does for them and is always giving back to the Town.

Selectman K. Bourque **motioned** for the Board of Selectmen to accept the Unanticipated Funds donated by the Pickleball Association in the amount of \$1,345.00, for the Recreation Commission to purchase table and chairs for Talent Hall.

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

Earned Time Policy Update

Town Administrator T. Brown mentions a few months ago the Board had a discussion about reviewing the Non-Union Earned Time Policy for the Town. Specifically a way for the Town to reduce the annual buy-back amounts with earned time that has been carried over. So he is suggesting a few changes in order to clarify this policy and has shared them with the Board. He states on page 17 of the Policy Manual it was not clear if things were referring to full-time or part-time employees. So he has changed the wording to make it clear this is for regular full-time employees who work 40 hours a week. Earned time is now clearly shown at specific rates for regular full-time employees, and below that chart it shows the rates for part-time employees hired before January 1, 2013 (these are grandfathered employees who still accrue earned time). Troy mentions currently if you are a new part-time hire you do not receive any earned time benefits. Troy has the Board look at page 18 paragraph 2 where it mentions the maximum number of days that may be accrued and carried from year to year. This was the terminology in his interpretation that allowed for folks to exceed the maximum accrual of hours or days throughout the year. But at the end of the year before the Town moves the balances forward is when they would have to meet the maximum amounts or lose their time. He thinks the Board wanted to make it clear that the maximum accrual amount is the maximum amount any time of the year. So he believes this language clarifies this.

Troy points out to the Board (again speaking about non-union employees) that his feedback from Department Heads and the Middle Management Staff are the caps the Town has in place for maximum accruals range from 180, 240 up to 320 hours and this benefit it not as rich as the union employees receive. Which depending on when you were hired they (union employees) have a maximum accrual of up to 660 hours or 920 hours, so the non-union employees are held to a more restrictive accrual amount. This being said they feel it is difficult in some cases where there may be a one person or small staffed Department, for them to plan and schedule vacations every day of the month. So there are times when they may exceed the annual maximum accrual amount, knowing they may be taking their time off in July/August when their schedules are not so busy. So by having this cap in place every day of the year it puts an

employee in a position where they would have to take time off in January/February or forfeit their time earned. Troy states he feels this language accomplishes what the Board and he discussed, and clarifies any confusion.

Troy mentions one problem he see is not exceeding the cap, but enforcing the minimum usage policy. The Town's current policy has a which requires employees to use a minimum amount of accrued time each year. But he feels it is not clear in the policy how the Town/Board is to enforce this, there is a mechanism in there if an employee comes forward and tries to sell back time (which they are allowed to do). So the language he is proposing here is to remove the word "will" with "shall". He also added the language "in the event an employee does not comply with the minimum usage requirements stated unused days shall be forfeited without compensation and the employee shall not be eligible to request the buyback of any earned time at the end of the year". So by enforcing the minimum usage requirements this should clarify the earned time policy and make it clear you have earned time and are to use it. It is not there to increase your annual salary.

Selectman S. Perry states he is the one who pointed this out and asked Troy and the Board to correct this matter so they could control and enforce the accrued earned time employees have been collecting. Because they have run into to many issue of hitting the ceiling with employees having too much time accrued and the Town having too many \$30,000 dollar buyouts when someone leaves employment. The Town has not enforced the matter, and the employees have not been called out on the minimum usage of earned time. He believes they way Troy has now written the earned time policy is how it should be. Holding to a daily cap and a minimum usage and making employees accountable, it has to be done.

Selectman J. Brunelle states the main concern he has is the Union has 660 hours, and the Board has always stated they wanted to try and keep things close with both groups and benefits as much as possible. This is a large difference in the cap between Union and Non-Union. Also there are Departments that cannot let their employees take time off during busy times during the year, and they will be penalized for this by having days taken away. He asks if it would be a better idea to allow them to deposit them into their sick bank, they would not lose the time, but cannot cash in those days for money compensation when and if they leave employment with the Town.

Troy state employees have the option now of adding days to their sick bank for usage, but they are never given back if not used as a cash payout.

Board discusses this idea and agree this was something no one had thought of and they were not trying to penalize anyone, but just hold control of the Town's finances. They also agree if a Department for some reason finds themselves not being able to take time off due to extenuating circumstances, and come the end of the year they are looking at the possibility of an employee losing their earned time, the Board is not opposed to having individuals ask for an extension to carry it over for a limited time. Board agrees on both these ideas and decide to have Troy work on the wording and come back to the Board at the next meeting.

Administrator Report

Town Administrator T. Brown wanted to make the Board aware they had the first Hazardous Mitigation Plan meeting. This included himself the National Regional Planning Commission

(NRPC), Fire Chief Fraitzl, Police Chief O'Brion, Building Inspector, Road Agent and the Business Administrator from the School. These plans are required to be updated every 5 years by FEMA. If a current plan is not in place when a natural disaster happens a Town is not eligible for FEMA assistance. They just started the process today. He also mentions there was a Grant the Fire Department received which covers NRPC's time, then hour matches the amount of time the Town puts into it. The process appears it will continue for about 3-4 months, and at some point towards the end the Board of Selectmen will need to be involved to review. He thinks he will have more to report to the Board sometime in March.

Troy wanted to update the Board about the Fire Station Building cost estimates. He mentions in working with the Construction Manager and Architect they are very concerned about putting the project out to bid in today's environment. This is due to recent natural disasters that have occurred such as the fires and flooding, the pricing for materials is all over the place. So right now the Construction Manager and Architect due to time restraints are trying to put together their best cost estimates, but it appears they will not have a final bid in hand prior to the March vote. He tells the Board it is not a good time to be bidding a project for a guaranteed maximum price at this point and time. If the funding is approved they will be looking a bidding the project after the March.

The Board asks what are they going to base the price on to present a figure to the voters. Troy states the Construction Manager and Architect will be working on getting some quotes from vendors and will be doing their in-house cost modeling to determine what some costs will be.

Selectman S. Perry states this makes no sense to him. If this is put out to bid now and they got prices, and feel the price has dropped after the vote all you have to do it put it back out for bid again after the Warrant Article passes.

Troy thinks a project this size, is not like just throwing an RFP out there like you do for mowing at the athletic fields. This is a much larger project and so much more involved.

Selectman K. Bourque states if they are talking like this now, with all the natural disasters it could take many years for areas of the country to bounce back. So they feel no one is going to bid or build large scale projects.

Selectman S. Perry states when Mr. Theroux from Optimum Building was before the Planning Board he stated his company was straight out now, for 2018 and were told next year should be even stronger. So if this is the case there will be no deals, if a deal was what they are looking this should of been bid out years ago.

Troy states they do not have a number for the building as of now and probably will not int time, and they need to start working on the Warrant Article, the Bond Article and scheduling a public hearing.

Board feels without a figure it will be tough to ask the voters to approve anything.

Troy states he will bring their feedback back to the team and see if they are prepared to get this bid out before March.

Selectman S. Perry states this makes no sense, all of this was suppose to of been done. This is what they are paying for and they are not getting it.

Troy states they have been working hard and have done a lot since getting everyone on board.

Selectman J. Brunelle pulls up a website that describes all the details of the project and he states they have been working really hard at trying to help the Town educate the Community at what they are trying to do with this new Fire Station.

Selectman K. Bourque states they can work hard, but if there is no number to attach what good is it.

Troy tells the Board he will be meeting with the Construction Manager and Architect and will ask them to come before the Board to update everyone on the project status. Board agrees and would like Troy to set that up for the 12/11 meeting. Troy mentions he is hoping to piggyback the Town's Deliberative Session with the Bond Hearing.

Troy tells the Board he will be reaching out to Attorneys for proposals to underwrite the Bond for the Fire Station, and at the December 11th BOS meeting he is hoping to have information for the Board to make a selection. He understands they do the work for free and when the Bond passes they expect to underwrite the Bond.

Selectman Reports

Selectmen had nothing to report this evening

Items moved from consent - None

Other Business

Selectman J. Brunelle tells the Board due to a scheduling conflict with work and vacation he can not attend this Thursday's Budget Committee meeting, or the meeting being held on December 7th. So he is asking if a Board Member would be able to cover those meetings for him.

Selectman K. Bourque will check his schedule for this Thursday, and let John know if he can cover.

Selectman B. Lemire states he will adjust his schedule in order to attend the meetings.

Selectman S. Perry **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) - Hiring/Compensation

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

Roll call vote - Selectman K. Bourque (yes), Selectman J. Brunelle (yes), Selectman S. Perry (yes), and Selectman B. Lemire (yes). **Vote carries 4-0-0.**

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

The next Board of Selectmen's meeting will be on December 11, 2017 at 6:00pm at Town Hall

Brent T. Lemire, Chairman

Steven D. Perry, Vice Chairman

John R. Brunelle

Kevin C. Bourque

Kurt D. Schaefer