

TOWN OF LITCHFIELD BOARD OF SELECTMEN

July 09, 2018

Selectmen's Meeting

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

Absent: Steven J. Webber

Also Present: Troy Brown, Town Administrator

5:00 p.m. Paperwork review

6:00 p.m. Call to Order

Pledge of Allegiance

Review and Approval of Consent Items:

1. Approval of Board of Selectmen Meeting Minutes from June 25, 2018
2. Approval of Account Payable Manifest 7/3/18 \$1,686,274.58 & 7/10/18 \$8,842.93
3. Approval of Payroll Manifest 7/5/18 \$56,450.79 & 7/12/18 \$48,658.97
4. Approval of Payroll Manifest 7/3/18 \$10,069.49

Approval of Consent Items

Chairman B. Lemire reads aloud the Consent Items

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

Request for Additional Items/Other Business

Selectman J. Brunelle would like to discuss the Wage Plan review. Also have an update regarding the planning of the Police Chief's contract, he mentions the Budget Committee is interested in information and a timeline.

Business

Matt Lepore - Town Flag Design

Matt mentions after the last Board meeting he posted a poll with picture of flag designs on the Town's Facebook page asking residents to vote for their favorite. He states the most popular by far was #9 with 112 votes, he shows a sample of a 3X5 flag he created to the Board (Town seal will be added). Matt discussed the next step in this process with the Town Administrator T. Brown, who informed him it would be to have the Board of Selectmen draft a Warrant Article to present to the voters in March. So he is here this evening to see if the Board would be

interested in doing so.

Chairman B. Lemire thanks Matt for all his hard work regarding this project. He asks if the Board has any suggestions of if they wish to proceed with a Warrant Article.

Selectman J. Brunelle asks if the Warrant Article is just to seek approval from the voters to have this design as the Town's official flag, or is Matt looking for funding.

Matt states it would be the approval of an official flag for the Town of Litchfield. He mentions while #9 has been the most popular so far, some residents have suggested other ideas and colors. So he is designing some other options for voters to choose from when they vote in March.

Chairman B. Lemire mentions at Town meeting the voters will not be able to choose a design, it would be a yes or no vote only. He suggests Matt continue to create some other designs and his polling on Facebook, in order to narrow it down to one design. He states there is plenty of time, Matt could come back at the beginning of December with a final design and the Board can draft a Warrant Article for the ballot in March.

Heritage Commission Appointment - Selectmen's Representative

Town Administrator T. Brown mentions he asked for some legal clarification regarding a Planning Board member serving on the newly formed Heritage Commission, just to make sure there was no conflict of interest. He tells the Board that legal counsel had no concerns and there was no conflict of interest. However, they did point out that it is required a member of the Board of Selectmen be on the Heritage Commission per RSA 673:4-a,II. So he is asking if a member would like to volunteer to sit on the Heritage Commission. Troy mentions there are currently 3 members on the Commission.

Chairman B. Lemire states he would volunteer to be the Board of Selectmen's Representative to the newly formed Heritage Commission.

2018/2019 Snow Plow Contracts

Town Administrator T. Brown states at the last Board of Selectmen's meeting he had shared comments from legal counsel regarding questions the Board had over the 2018/2019 Snow Plow Contracts with the private individuals who run the town's equipment or their own equipment. Troy states there are 2 individuals who are not coming back this coming season, leaving opening the Town needs to fill. He mentions there has been discussion from the Board as well as the public regarding interest from individuals/companies in town to be able to apply for these positions. Legal Counsel reviewed the Boards questions and concerns regarding the Purchasing Policy and Town's Bidding Process. Troy mentions this does not fit into a bidding process to get proposals, because it is a set fee with set terms and conditions agreed upon by each individual. He mentions the problem at the last meeting was they could not find copies of the previous signed contracts. So the question and problem became that they could not just renew the existing contracts from last year, but would have to place a public notice out for all. But Troy states they have found Diggers Landscaping and Dalmation Landscapings contracts, but do not have KD Weldings (but they have worked for the Town for the past 4 years). He discusses the responsibilities of these contracted individuals with the Board. He mentions legal counsel stated the existing contracts could just be renewed if the Board is in agreement, and is

looking for a waiver from the BOS for KD Welding in order to get this contract in place. He will then proceed with posting publicly for the 2 possibly 3 private positions.

Board of Selectmen state they have no issues and agree Troy can proceed with contracts for these individuals/companies and post for the other positions.

Administrator Report

Town Administrator T. Brown states he was away last week so there is not a lot for him to report.

But he has visited the Fire Station construction site, and tells the Board there has been much progress on the site. There has been significant underground work done, the electric conduits are in, lamp post cement structures are in place, the concrete has been poured and catch basins are in they have made quite a bit of progress in the past few weeks. Troy states the way the project is scheduled Continental Paving is doing all their foundation and site work, then Eckman Construction will come in and do their framing work and the actual construction of the building. He states there may be a delay while the two companies transition and Continental Paving clears the site of their equipment and Eckman prepares for their work to begin.

Continental will then be back in the Spring to complete all the paving work. Troy tells the Board they did not think they would even break ground till September, so the project is ahead of schedule. But would like to remind everyone if there is a period of 3-4 weeks where there is little progress it will be due to this transition period.

Selectman Reports

Selectman J. Brunelle states he attended the Budget Committee meeting where they discussed and updated their bylaws, this included their social media communications which they approved. Discussions also included how the Committee would be planning for the upcoming budget season.

Selectman K. Schaefer states there was no Recreation Commission update

Selectman K. Bourque states there was no Conservation Commission update

Items removed from consent - None

Public Input

Joe Cabral, 7 Brickyard Drive. Mr. Cabral states what he will be reading is not just his comments/questions but those of some of his neighbors as well. He mentions first and most important who do you work for, and who pays your salary and we feel you are not supporting us. Chairman B. Lemire asks if he is asking the Board a question, and states this is the public's time and opportunity to make comments.

Mr. Cabral mentions this is all part of what he has to say.

Chairman B. Lemire asks why he feels the Board is not supporting him.

Mr. Cabral states he will move on and discusses in 2010 the public voted for a Town Administrator with the understanding he would take on town functions, such as Solid Waste, Police, Code Enforcement and Building Inspector. So he would like to know why and who decided to place him under the Fire Chief knowing they were placing Kevin in front of a firing

squad, because they knew the two did not get along due to their past history in Milford. He says the Board and especially Brent knew this was a hot item, and he is disappointed and frankly “he” is pissed. He also would like to know who for town employees get a GPS placed on their phone, and who decides to do this.

Selectman J. Brunelle states no one does.

Mr. Cabral states that is not what he heard. He continues to ask why is written permission needed in order to perform a job, do all Department Heads need to speak to Doug or the Fire Chief to get things done.

Chairman B. Lemire states he does not know what Mr. Cabral is getting at.

Mr. Cabral states hold on he is getting to it. He mentions Kevin stated there was enough full-time work for him, why was he not offered to do part-time and who decided not to let him stay on.

Chairman B. Lemire states knowing now they are asking about Mr. Lynch, he states legally he nor the Board of Selectmen can comment or discuss a personnel issue. He states Mr. Lynch resigned and the Fire Chief accepted that resignation, they cannot discuss this matter with the public.

Mr. Cabral states you won’t discuss it.

Chairman B. Lemire states no, it is not that they do not want to, it is that they legally cannot discuss it.

Mr. Cabral asks if the position has been filled, there is no one in the position not even a temp.

Chairman B. Lemire states no the position has not been filled.

Selectman J. Brunelle states there is a temporary person filling in, and it is the same person who has been backing up Kevin for the past two years.

Town Administrator T. Brown states John Gilcreast has been the back up Building Inspector for many years. He is a retired Building Inspector from the Town of Londonderry.

Mr. Cabral mentions the SUV Mr. Lynch was driving was bought for him as Building Inspector, so why was it given to the Fire Department (it was not a fire vehicle).

Chairman B. Lemire states it was not given to anyone, it was at the Fire Station because it and Kevin were assigned there. Again he reminds Mr. Cabral that the Board cannot discuss the specifics of a personnel issue.

Selectman J. Brunelle mentions he feels the Board can discuss this topic because it does not deal with Kevin, but a town vehicle. He states the vehicle was never taken away from Kevin it was repositioned as far as storage to the Fire Departments parking lot because that is where Kevins position was reassigned to last year and where he starts his day.

Town Administrator T. Brown mentions that recently Kevin was reassigned to another vehicle within the Fire Department, because the Chief’s vehicle needed repair work. So the Department was deploying the vehicles they had to the best use they felt necessary or that made sense. So since Kevin’s position as Building Inspector did not require him to leave town they supplied him with another vehicle and others were using the SUV that was assigned to him.

Selectman J. Brunelle states Kevin’s vehicle was a “town vehicle” and was parked at the Town Hall when not used by Kevin and it was used by multiple employees/officials who may of needed it. But when Kevin’s position moved to the Fire Department the vehicle was stored there.

Mr. Cabral moves on to ask since when can a town employee not swing by their home to grab lunch or to check on a sick family member. Others do during their 15 minute break, why was Kevin “nailed for this” He states people feel like the Town is running a State Prison especially at the Fire Station.

Town Administrator T. Brown mentions the Town Policy states an employee does not get a paid lunch break. However, after 5 hours of work the town is required by State Law to give a 15 minute paid break to an employee. Employees can then use this time however they choose. Most take a break in the summer out at the picnic table, go for a walk, eat something at their desk. Troy states if someone has the time during their 15 minute break to get in their car and drive home to have a sandwich or check on family and drive back to work there is no issue. Mr. Cabral asks why then was Kevin “docked”.

T. Brown states he is just informing them of the Town’s Policy for lunch/breaks, he cannot comment on Kevin Lynch, again it is a private personnel matter. He also mentions if an employee has any personal issues, they do have earned time or vacation time they can use if necessary.

People in the room keep asking questions of the Board regarding Mr. Lynch.

The Board of Selectmen in turn keep repeating they legally cannot answer due to it being a personnel matter.

Mr. Cabral then asks who on the Board voted no for Kevin to become part-time or was the Fire Chief making that decision.

Chairman B. Lemire mentions there is misinformation out there and once again unfortunately the Board of Selectmen cannot comment.

Mr. Cabral then asks how many times was Kevin written up in the past year by the Fire Chief. Board of Selectmen again cannot comment.

He then asks who on the Board voted to place the Building Inspectors position under the Fire Station/ Fire Chief’s supervision.

Chairman B. Lemire states it is public record and was a different Board. But it was the Board’s decision at the time to place the position under the Fire Department to consolidate in order to be more efficient for the residents of this Town. He also states he voted yes for change, for those reasons. He mentions the Board studied and researched this matter for 4 years before taking action. They looked at models from other towns such as Bedford and Hudson, and felt as a Board it made absolute sense for the Town of Litchfield.

Selectman K. Bourque mentions he also voted yes to the consolidation of the Building Inspector with the Fire Department because he feels the Building Codes/Fire Codes should go hand in hand, and this made the most sense to him. Both Departments have to work together.

There were many comments randomly made by people throughout the room, unfortunately they did not approach the microphone or tell the forum who they were or ask questions directly to the Board. Most were comments or questions the Board of Selectmen could not legally answer.

Chairman B. Lemire again states he and the Board are doing their best, but cannot by law legally answer questions being asked.

Mr. Cabral stated the size of the Towns of Hudson and Bedford are much larger and cannot be compared to Litchfield in making this kind of decision.

Selectman J. Brunelle states it is not the size of the towns, it is about the function and

consolidation of these two departments and how they should be working together side by side in order to be more efficient.

Everyone continued to ask how the town expected these two departments to work together and if there was a State law mandating them to (no there is not).

Board continued to try and clarify that the Fire and Building Code Officers have to sign off on every building constructed and work together in the process. Also that this occurs in towns everywhere no matter the size. The Boards intention was to streamline the permitting/code process making it more of a one stop department making it easier for the residents of Litchfield. Town Administrator T. Brown state (though he was not here) in 2013 when the Board of Selectmen were preparing a budget this discussion about merging the departments started then. There were discussions about the possibility of making the Building Inspector position part-time

Chairman B. Lemire states he was against this at the time.

But Troy continues to mention they also discussed instead of making the position part-time was there a way to better utilize the position, by merging Building Code Inspector with Fire Code under the Fire Department. He states the goal at that time was that it would take time to implement and needed to possibly be done in steps. But the ultimate goal was always to have these two positions together housed under the Fire Departments direction. They felt this would stabilize costs or possibly reduce costs and have both departments function more efficiently. Troy states there was even discussions for the possibility of this position acquiring a Firefighter I or II certification, in order to provide backup to the full-time firefighters in the Department (in case of illness, vacations etc).

Board of Selectmen, the Town Administrator and residents in the room continued to ask questions regarding Kevins duties and what he knew or did not know, the Board and the Town Administrator continued stating they could not discuss or answer their questions because it was a personnel matter.

Troy was asked who is the acting Health Officer for the Town as of now. Troy stated by State law the Board of Selectmen are currently the acting Health Officer, Code Enforcement Officer and handle Zoning. They are to serve these roles until such time as they appoint someone to the positions. Troy tells everyone this retirement issue just occurred over the July 4th holiday, so everyone is just getting back and an interim Building Inspector is in place. Litchfield has great relationships with the Towns of Hudson and Londonderry so if a certified Building Inspector is needed they will have coverage and resources.

Member of the audience asks if he might have the floor, he would like to speak and hear from the Board. He asks Mr. Cabral to yield the floor so other may speak.

Ray Peeples 205 Charles Bancroft Highway, Mr. Peeples states he does not expect the Board of Selectmen to say one word, due to this being a personnel issue. He is merely here to make a statement. He tells the Board he is known as a troublemaker or a rabble rouser sometimes, but he feels he is a purveyor of what it wrong. And feels this Board is wrong. Mr. Peeples states Kevin is a great guy, who is at the end of his career. He tells Chairman B. Lemire he holds him responsible for this and hopes every citizen of this town does as well. He states Chairman B. Lemire knows the history between Fire Chief Fraitzel and Kevin from when they worked together in Milford. This is not just the Board engineering Kevin out of his job, in order to get an extra

firefighter. He states he has never seen anything like this, and never thought he would in Litchfield. Everyone can see what is going on, they have been papering Kevin for awhile. They all know he has been getting written up, this is no secret to any of them. Mr. Peeples states you put Kevin on Administrative leave for a week and you give the guy a choice of getting fired or taking retirement. That's his choice, that is what he came in with when the Board called him in after their meeting. He hopes the Board knows how uncharitable they truly are. He mentions the Town had Chaos and Kindness here the other night, and spoke about the love in Litchfield, well get out it's not even close. He tells the Board his phone has not stopped ringing, people have stopped at his home, he has people who have text him wanting to start a legal fund for Kevin to take the Board/Town to court. Mr. Peeples states he hope he lawyers up with Joe O'Brion's lawyer and makes them all miserable for the next 5 years. He tells the Board to look at what they have done, wanting Kevin at his age to be a firefighter. He asks Chairman B. Lemire why he is not pulling a hose, and states its because anyone over 40 years old has a hard time doing that. He mentions Kevin was a firefighter, and was under B. Lemire and they did not get along. Mr. Peeples states they stuck it to him. He feels he is proud enough to stand up for what he feels is right and speak what is on his mind. Because if you don't stand up for anything, then you stand up for nothing. So he is standing up for the little guy again. He mentions no one gets up here and speaks, no one brings these issue to the Boards doorstep. He states he is disappointed and feels the Board could of road it out for a few more years if this was truly their plan. It would allowed him to retire, but you all stuck him instead.

Tim Hebert 21 Century Lane, He mentions he will not get the Board involved in the whole personnel issue, because he knows they cannot talk about it. Tim would like to know why the Head of the Building Department was placed under the Head of the Fire Department in the first place.

Chairman B. Lemire states the whole operation of the Building Department was placed within the Fire Department, and would of been done no matter who was within the Building Department.

Mr. Hebert asks if Kevin reported to the Fire Chief as his superior.

Chairman B. Lemire states yes that is correct, he reported to the Fire Chief.

Tims states he felt the town hired an Administrator to handle all Department Heads, and does not understand why Kevin's responsibilities moved under the Fire Chiefs direction.

Chairman B. Lemire states the responsibility of the Board of Selectmen is to handle personnel, it is a State law. The Board decided to take this action to consolidate and move the Building Inspector/Department to the Fire Department under the Chief's direction.

Town Administrator T. Brown states the Building Department (Kevin's) position was changed from a Department Head salaried position to an Inspector position and assigned to the Fire Department. So the direct report was now to the Fire Chief.

Tim Hebert states so he was demoted and placed under the Fire Chief.

T. Brown states the only thing Kevin lost was the Department Head status.

Tim mentions this is a fair and reasonable answer. So the intent for this change was to make this position a firefighter and response individual.

Chairman B. Lemire states it was a thought in order to provide better service to the people during the day when the call men are out of town.

Selectman J. Brunelle states this was a long term discussion and idea. The only current requirement the Board was looking at for this position, was to get fire code certifications. This process started with the Board taking a look at combining these services back in 2013. Troy also mentions when this position changed back in September of 2017, the goal of achieving the fire code certifications was over a time period of 2 years. This was not going to be an immediate requirement.

Tim states he did some research and the Board did start talks of this back in 2013.

Tim Hebert tells the Board they should help the Building Inspector, doesn't matter if he is full-time or part-time. And if the Board wants another firefighter they should come to the voters and ask for another position. He states he has been a full-time firefighter for 18 years and is all for more firefighters on the Department. He feels the town does an injustice to their 2 full-time firefighters and their safety, there should be more. But he does not agree with taking the Building Inspector and placing him in the Fire Department in order to transition him into this type of role as a firefighter is the thing to do. He does agree with Selectmen K. Bourque that the Building Codes and Fire Codes do go hand in hand. However, they work in parallel with each other not together, here should be some separation of the two. He feels by adding this to the Building Inspector job on top of the other fire inspections required on existing buildings in order to make sure they are in compliance, when will he have time to do all these job requirements. Chairman B. Lemire states the Board did their research and felt this would be very good for the Town.

Tim states there is currently a firefighter on the Department who is a certified firefighter I and II who has done inspections. He asks what has changed, the call volume has not increased significantly enough to warrant the Building Inspector needing to cover this area within the Department.

Chairman B. Lemire states it was intended as a back up and for cross training, and this was only as a long term goal.

Tim states his last questions is that everyone know the Fire Chief is part-time and the Building Department is full-time, so why would you not put the Fire Department under the Building Department.

Chairman B. Lemire tells Tim State law prohibits this.

Selectman K. Schaefer reminds Chairman B. Lemire he needs to leave by 6:50pm, he does not want anyone to think he is rude by leaving.

Kerri Douglas 9 Pheasant Street, she mentions she is very much in favor of consolidation. She feels it is a great idea driving down the costs. She also agrees in her experience you would like to have the Building Inspector and Fire work together. But when she has ever pulled a permit in any other town she has never gone to a Fire Station to do so, it has always been at a Town Hall and you spoke to the Building Inspectors. If the Board wants the Fire Chief to be responsible for building inspections, you can separate out the job requirements and put it under the Building Inspector and keep them separate. Kerri states working together mean side by side, but the way the Board has restructured this now makes one subordinate to the other, and are now saying Fire is more than Building. She states this is not true because a certificate of occupancy is typically signed by the Building Inspector, there is a spot for the Fire Chief to sign off but is done by the Building Inspector.

Kerri tells the Board she appreciates what the Board attempted to do, but feels it was not fully thought out and they did not consider the personalities involved. So now unfortunately moving forward there are going to be a lot of hard feelings, making future work in this town a little more difficult to come by. She would really encourage the Board to talk to each other to figure out what the heck is going on, some improvement needs to be made. Because the next building they try and ask for people in this town are going to tell them to go screw. So she suggests figuring out how to rebuild the trust and build up moral and to refocus, because she has heard there is a Department in town who has an issue with this. Kerri states because all the hard work and good will so many put in to get this new Fire Station built will be gone. So she really wants to encourage the Board to figure out what is going on and try to make improvements. She tells the Board she worked her butt off and she will be really ticked off if all this hard work is gone. John Bryant 16 Arcadian Lane, he mentions he has two things he would like to mention, and knows the Board cannot personally comment. He come as a citizens wondering has a mistake been made that might cost this Town thousands if not millions of dollars in a lawsuit. Has this been clearly looked at by all from a personnel standpoint of conflict. Has anyone gone back and said we set ourselves up for failure here as a Town, and will it cost the town taxpayers dollars because someone has been forced into retirement. Secondly Mr. Bryant states everything Kevin brings to town with him as a Department Head for the Recreation Commission has been tremendous. He tells the Board Kevin has been there Saturdays, Sundays and nights not on the clock just been there always available no matter when. He has always been a source for John's Commission continuously for every year he has been involved with the Recreation Commission. Kevin has been immense for him, and he will be sorely missed and he does not know how the town will replace him. John states he is very disappointed in how this has been handled in this Town. We treat each other better than this, and that did not happen here.

Selectman K. Schaefer leaves meeting at 6:50pm

Other Business

Chairman B. Lemire states Selectmen J. Brunelle wanted to discuss the Non-Union Wage update.

Town Administrator T. Brown tells the Board he has reached out to the Communities and do the survey work. However the information posted on the NH Municipal Associations website is no longer active. So this is very labor intensive to reach out to the Communities to have them provide you with the necessary data. He will make it a priority this month and report back to the Board.

Selectman J. Brunelle mentions he only asked because he knows collecting the information is difficult and when the Warrant was passed they were looking at a September time frame, so he was just asking to see where Troy was at. He states he is aware it is a lot of work.

Selectman J. Brunelle mentions when the Police Chief normally speaks to the Board about renewing his contract which expires at the end of December. It is going to be a factor in the Budget and the Budget Committee will want to know what direction the Board will be going with it. So he wants the Board and Troy to be thinking about it as they prepare for the start of the budget season sometime around the end of August so they can get it out of the way and dealt

with.

The next Board of Selectmen's meeting will be on July 23, 2018 at 6:00pm at Town Hall

Selectman K. Bourque **motioned** for the Board of Selectmen to adjourn the public portion of the meeting to go into a Non-Public Session - RSA 91-A:3,II(a) - Compensation and a Non-Meeting - Collective Bargaining Selectman J. Brunelle **seconds** the motion. Roll call vote - Selectman K. Bourque (yes), Selectman J. Brunelle (yes), Selectman B. Lemire (yes). **Vote carries 3-0-0.** Board of Selectmen will only come out of non-public to adjourn.

Selectman Brunelle motioned to adjourn the meeting at 7:08pm and Selectman Bourque seconds the motion. **Vote carries.**

Brent T. Lemire, Chairman

John R. Brunelle, Vice Chairman

Kevin C. Bourque

Kurt D. Schaefer

Steven J. Webber