

TOWN OF LITCHFIELD BOARD OF SELECTMEN

July 23, 2018

Selectmen's Meeting

Members Present: Brent T. Lemire, Chairman
John R. Brunelle, Vice Chairman
Kevin C. Bourque
Kurt D. Schaefer
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 July 9, 2018
2. Approval of Account Payable Manifest 7/17/18 \$153,434.29 & 7/24/18 \$166,192.46
3. Approval of Payroll Manifest 7/19/18 \$66,162.66 & 7/26/18 \$50,503.62
4. Tax Collector Reconciliation - June 2018
5. Town Clerk Reconciliation - June 2018
6. NH DRA MS-535 Financial Report
7. NH PA-28 Inventory of Taxable Property
8. Gravel Tax Abatement - \$270.00

Approval of Consent Items

Chairman B. Lemire reads aloud the Consent Items

Selectman K. Bourque **motioned** for the Board of Selectmen to approve the Items of Consent
Selectman J. Brunelle **seconds** the motion. **Vote carries 5-0-0.**

Request for Additional Items/Other Business - None

Business

8 Bixby Road Hazardous Building - Update

Town Administrator T. Brown mentions the Board of Selectmen are familiar with this property as it has been under discussion for the past two years. He states the property is still in violation of State laws for junkyards and Litchfield Zoning Ordinances, for an unsafe buildings and junkyards. Troy states the Town finally sent a violation notice to the owner of the property on March 30, 2018. The property owner indicated to the Building Inspector he would be moving towards compliance. However, the contractor who was hired to do some demolition work, and

clean up the junkyard told the Inspector the owner terminated his contract and no work had commenced. Which two years later still leaves the town sitting here with these violations still in place, with no improvements done to the property. Troy recommends the Board of Selectmen involve legal counsel to pursue this to the next step legally, which is to have them move forward with court proceedings. He states the property owner will be responsible for any costs that may occur in order to get this property compliant. Troy does mention by trying to rectify the unsafe building aspect, the official process may require the Board/Town to hire a contractor to make the building safe again and incur that cost and have to place liens on the property.

Selectman J. Brunelle states in May of 2017 he remembers the Board being told by the Inspector this was under control and was being addressed.

Troy mentions this started approximately two years ago, when snow collapsed the roof. Over time other residents and neighbors starting complaining to the town, as nothing seemed to be improving and the property continued to deteriorate last year a couple of neighbors came before the Board demanding they take action. Unfortunately everyone is sitting here with nothing still being done. But now a process has begun with a formal letter of notification being sent to the property owner, and he recommends the Board continue with legal action.

Selectman J. Brunelle understood this action was taken in May of last year (2017). He states the Board was told official notification and agreements were made, and action was being taken to address the matter.

Troy mentions he believes the Board did direct town staff, but feels this individual was still trying to work with the property owner to no avail and never formally/legally notified the property owner of any further legal proceeding. However, the town now has as of March 2018. He wanted to update the Board of this matter because neighbors could approach any one of them asking questions, or come to a meeting to ask what is being done regarding this property. Troy mentions this will not be a quick resolution and will take some time to move through a legal process.

Selectman K. Schaefer asks if the town has good notes on all the communications that have gone on between the Building Inspector and the property owner.

Troy states no the best and only thing in the file worth mentioning at this time is the letter dated March 30, 2018.

Selectman K. Schaefer states there are no emails or other correspondence in the file.

Troy mentions there is nothing in the file, there may be some emails on the server but as of today he has found nothing for correspondence in the file.

Roy Memorial Park Water Meter - Update

Town Administrator T. Brown tells the Board it has been over two years since the Town and School agreed to monitor its water usage for irrigation of School and Darrah Pond (Roy Memorial Park) athletic fields. This was after Mr. Husband wrote a letter to the State and the Board of Selectmen concerning Pennichuck Water and the Town lowering the water levels at Darrah Pond, which has lowered his property values. Troy mentions Pennichuck Water agreed to not withdraw as much water as they were. However DES was concerned that the School/Town did not know how much water they were withdrawing from Darrah Pond and violations could be taking place. So Pennichuck Water agreed to take monthly readings if the

town/school purchased and installed a meter. However apparently water reports were sent to the previous Inspector but no usage was recorded for the Town. Troy states it was discovered that the meter was not working. A new meter was supposed to be installed this Spring but for whatever reason it didn't happen. So he decided to take the project over and meet with Pennichuck, because the town has an agreement with DES. So Troy is hoping the meter will be installed and working this week and they will start recording data. Troy tells the Board the data is very important to document annual withdrawal of groundwater for compliance with NHDES Regulations and to show the impact, if any, to Darrah Pond.

Page Road Paving Project

Troy tells the Board there are sections of Page Road the Road Agent has concerns about. He states the knows they have been trying to get all of Page Road paved for some time. So due to the current condition of Page Road, the Road Agent is recommending that the final section (about 1 mile) from Albuquerque to the 102 Hudson Town Line be spot milled and filled with a 2 inch binder. Then next year the catch basins will be adjusted and a 1 inch overlay would be applied over the entire section of roadway. This plan was developed because the town had limited funds, It is estimated to cost \$60k to \$65k for the work this year. Troy tells the Board the Road Impact Fee balance is \$55,652.03 and the remaining balance of the costs can come from the Highway Budget. He also mentions he spoke with the Road Agent and there may be a good chance they will have the funds to do the 1 inch overlay this year as well, but do not want to commit to that as of yet (possibly in the Fall).

Selectman S. Webber **motioned** for the Board of Selectmen to approve the expenditure of up to \$65,000 for the Page Road mill and fill Road Improvement Project and encumber \$55,652.03 from Road Impact Fees for said purpose.

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

Purchase and Sale Agreement - 155 Hillcrest Road

Town Administrator T. Brown mentions the Board of Selectmen have meet with the owners of 155 Hillcrest Road and have come to an agreement on the purchase price of \$90,000, they were asking \$120,000. The property consists of 2.515 acres of undeveloped land and the Town has it assessed at \$108,800. Troy states it is vacant property but is an approved lot with a driveway permit for a duplex dwelling. He mentions the town is interested in purchasing the property for the purpose of improving the safety for vehicles leaving the Transfer Facility and Highway Garage, and for the possibility of expansion in the future. Troy states this is supported by the Road Agent, Solid Waste / Recycling Director and himself. The current owner is VAB Properties (Dana and Ellen Boucher/DLP Paving)

Troy tells the Board the Purchase and Sales agreement has been drafted by the Attorneys and needs approval from the Board. He states there is no need for a down payment the sellers will hold the property until Town Meeting and no funds need to be passed before and no funds will be lost if it is not approved in March by the voters.

Selectman J. Brunelle **motioned** for the Board of Selectmen to approve the Purchase and Sales agreement in the amount of \$90,000 to be used for the purchase of 155 Hillcrest Road in the Town of Litchfield.

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

Public Input

Tim Hebert 21 Century Lane, tells the Board he placed a petition on facebook and currently has 221 signatures. He would like to submit this information to the Board of Selectmen, for reconsideration of the Building Department being placed under the jurisdiction of the Fire Department. He would like the position be put back as it was before the Board took any action.

Tim reads aloud his petition:

Litchfield New Hampshire Citizen Petition

By petition of the below town residences it is requested that:

The town Selectmen reinstate the position and title of Head Of Code Enforcement as it originally was, removing the position from under the Fire Department. Upon doing so the Board of Selectmen will reinstate the former head of the department with no change in salary, benefits or tenure for the purpose of vacation time accrual or any other time based benefits.

Tim states he wants to keep this positive with no attacks and will give up the seat so others can speak this evening. He mentions he has another separate issue which is not as positive to discuss with the Board. But will reserve this discussion until others have had a chance to speak on this matter. He asks the Board if they will accept his petition with signatures, and hopefully open up a conversation about rethinking their decision. Tim states his online poll on social media was mostly positive. His opinion is that the Board did not do anything wrong, they were trying to help the Town. This petition is the residents saying thank you but we like the way it was, and want it put back to how it was before the Board took any action.

Chairman B. Lemire states the Board will accept the petition and mentions they will discuss the matter with Town Counsel. He mentions this is how good government works and is happy to accept it.

Joe Cabral 7 Brickyard Drive, Mr. Cabral states he has questions he would like to address to the Board of Selectmen.

Chairman B. Lemire states as mentioned before the Board can not answer any questions regarding Mr. Lynch.

Mr. Cabral states these are not about that.

Chairman B. Lemire also mentions some questions they may not have an answer to this evening, but will get an answer if they can.

Mr. Cabral tells the Board he knows he is limited with time, and if he cannot finish he would like to be put on the agenda for the next Board of Selectmen's meeting. He is also requesting the Fire Chief be present because he has questions he would like to address to him at this meeting.

Chairman B. Lemire asks Mr. Cabral to start with his questions this evening, or it would be better if he could submit them and have the Board and anyone else involved review them, get answers which they can address at the next BOS meeting or by email.

Mr. Cabral told the Board he has not completed all his questions.

But he starts with his first question to Chairman Lemire

1.) What does MRI stand for?

Chairman Lemire states it stands for Municipal Resources Incorporated, which is a Company out of Meredith NH that does Municipal research and surveys on all functions and facets of Town Government. They do studies for Schools, Highway, Police, Fire etc. They also supply temporary services to Towns until they are able to get full-time employees to fill certain job positions, such as a Town Administrator or Town Manager. Mr. Cabral asks is all towns use this Company.

Chairman B. Lemire states all Towns have the ability to use this service.

2.) What is the Chairman's affiliation with this organization?

Chairman Lemire states he did one survey for them about 15 years ago.

3.) Is there a cost to belong to this Association?

Chairman Lemire states it is not an Association it is a Company. He states a Town or Municipality hires this company at a cost depending on what service they are looking to have done.

Selectman J. Brunelle states the Town has hired MRI to complete a survey for the Police Department in the past, and currently they have been hired to complete a survey for the Town on the Highway Department, and yes there is a cost associated with this work. Mr. Cabral asks if it a one time fee or an annual fee. Selectman J. Brunelle states it a one time fee. Chairman Lemire states it is a one time fee per service or per contract. He states there services are not used every year. Mr. Cabral asks how much is the cost. Chairman Lemire states it depends on what service you are looking for them to do, prices vary per contract depending on how many hours or people it takes to complete a project. Mr. Cabral asks if we used them last year. The Board states no.

Troy mentions the last time the Board used their services was about 2 years ago when the Town had a vacancy for a Bookkeeping position. MRI provided an Accountant for 2 days a week until the Town interviewed and hired a person to fill this position.

Board mentions the Town has currently hired MRI to conduct a survey on the Highway Department.

4.) Is this something the taxpayers vote on, or can initiate if they want or do not want the Board to hire MRI for services.

Chairman Lemire states they can, but it's in the normal course of business the Board of Selectmen do in order to manage the Town. Mr. Cabral asks if the voters do not want this, is it a petition they would need to do or a warrant article. Chairman B. Lemire states they can or they can come in front of the Board and ask or petition the Board.

Town Administrator T. Brown tells Mr. Cabral if he would like to read his questions for the record (into the minutes), then the Board can respond to them in writing with more complete answers.

Mr. Cabral states they like him to come at night to ask questions.

5.) Who on the Board voted in favor of the current Fire Chief?

Chairman Lemire states he and Selectman J. Brunelle are the only two currently left on the Board who voted in favor of the current Fire Chief.

6.) How many candidates were interviewed for the Fire Chief's position?

Chairman Lemire does not remember. Selectman J. Brunelle thinks the number was maybe 12. He states the Town hired an outside Board/Company who interviewed the candidates and brought the number down to 4-5 that the Board interviewed and chose from. Mr.

Cabral asks if any of the candidates were from town. Board does not recall (it was 4 years ago), they would have to go back and look into it. Mr. Cabral asks them to do so, and when they see him next just let him know.

7.) What was the reason for not hiring from within?

Chairman Lemire states it depends on who applied and responded. Selectman J. Brunelle states he thinks the Board at the time decided to hire outside and open up the job posting to anyone who wanted to apply. Selectman K. Bourque states there also were certain qualifications that who ever applied had to meet. Chairman Lemire states the outside Board of Fire Professionals who handled the interviews and screenings and narrowed it down to 4-5 and gave the information and files to the Board of Selectmen who then interviewed the candidates who met their qualifications.

8.) Who on the Board voted in favor of the \$5,000 bonus given to the Fire Chief upon completion of the new Fire Station.

Chairman Lemire states if it was part of his contract then the whole Board voted for it. Selectman K. Bourque states he abstained from the contract vote. So the vote would of been 4-0-1.

Board mentions all the votes are public.

9.) Give your reason for giving the Fire Chief a \$5,000 bonus.

Chairman Lemire states when they read and reviewed the Chief's contract, they substituted this bonus for other benefits that cost more. Selectman J. Brunelle also mentions that not every Fire Chief is building a new Fire Station that has to be completed within budget. Selectman K. Schaefer states due to the construction of this new station he is working more than his 24 hours and normal expected duties. The bonus was fixed in as compensation for all this extra work.

10.) Brent you and the Fire Chief were on the same Committee's, Associations and Boards

etc. and wants to know which ones.

Chairman Lemire states he is the Executive Director of the NH Fire Chiefs Association, and has been on this Board since 1985. Mr. Cabral asks how long has he known Fire Chief Fraitzl. Chairman Lemire states he did not know him until they hired him in 1987 to be one of the two first full time Firefighters. Once Frank left the Department he did not have any professional contact with him until he was hired in Town. Mr. Cabral states he is speaking for himself, stating this makes since to him all these changes over the past 4-5 years. He mentions he is a country boy who does not like changes. He states this good ole boy considers they have a good buddy system of scratch my back and I'll scratch yours, and feels it has to stop because it is affecting the taxpayers. Chairman Lemire states he can accept Mr. Cabral's opinion, and would like to say everyone has an opportunity to vote at Town Meeting. Mr. Cabral states that was a problem because the Town held it during a snowstorm. The Board states that even though there was a storm this past Town Meeting had the largest turnout of voters ever during good or bad weather, so the weather was not an issue. Mr. Cabral asked for the count of voters. Chairman B. Lemire states he would have to look up the exact number and get back to him. Town Administrator T. Brown states the Board nor the Town Moderator could cancel the Town Meeting because of the weather, due to a State ruling not allowing individual towns to make their own decision to close

the voting polls if the weather was to severe. Chairman Lemire states he is on two Boards working to try and get this ruling/law overturned for the past year. He has been addressing and fighting Bills which have been presented in the Senate and House allowing the Secretary of State to make these decision and not the individual towns within the State. He is asking the Board of Selectmen this evening to approve a motion to encourage the NH Municipal Association to sponsor a Bill that would allow our Town Moderator to shut a Town Meeting down due to dangerous or bad weather.

11.) Brent how long were you Fire Chief in Town?

Chairman Lemire from 1985 to 2001, 16 years.

12.) What will happen to the old Fire Station, will it be up to the voters what happens to it.

They are looking to use it for a Senior Center or something and not for a storage unit.

Chairman Lemire states it does not meet current Fire or Building codes and cannot be used for any residential type of building for the public. The only function the building can be used for would be for storage and vehicles. Mr. Cabral thinks that is all the questions he has for now. Chairman Lemire felt the questions were valid and appreciates the fact he came in, and would like to keep a positive dialog back and forth. Mr. Cabral would like to be placed on the agenda for the next meeting on August 13th and he would like the Fire Chief present.

Tim Hebert 21 Century Lane, Tim tells the Board this is not a positive discussion and he is dreading this discussion with the Board. He states he has had a conversation with the the Town Administrator and he is aware of what he would like to discuss this evening. So where this could potentially be a personnel issue, and he does not wish to tarnish a potential Department, he would like to know if the Board would like to have this conversation in a non-public session. Town Administrator T. Brown mentions he spoke to the Fire Chief on Friday, because the individual Tim had discussed his concerns about to him last week in his office, reports to the Fire Chief. The Fire Chief has asked that Tim meet with him or put together his concerns in writing, so they have documentation of how he has been affected and impacted. The Chief will then conduct an investigation to see if there were any violations made to town policies.

Chairman B. Lemire asks if Tim is familiar with the chain of command.

Mr. Hebert states he is, but is worried about the retaliation if he does this in writing, because his complaint is about retaliation and threatening.

Chairman B. Lemire asks if he can have a talk with the Fire Chief instead, this is his jurisdiction. He states if Tim does not get satisfaction from the Chief, then it will come to the Board of Selectmen for them to hear and discuss.

Petition for Pole License - Louise Drive

Town Administrator T. Brown states the pole license permit is for the installation of utility poles, they are not replacements they are a new install. He mentions this pole license has been received by the Town Clerk's Office and approved by the Road Agent he has inspected to make sure it does not interfere with the Town's right-of-way.

Selectman J. Brunelle **motioned** for the Board of Selectmen to approve the Louise Drive Pole License Permit as received by the Town Clerk's Office and reviewed by the Road Agent.

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

Ambulance Debt Write-Off

Town Administrator T. Brown tells the Board of Selectmen the Auditors recently completed the 2017 Financial Audit. They recommended that the Board of Selectmen write-off uncollected ambulance fees that are at least 3 years old representing a total amount of \$16,980.03. Although removed from the town's financial statements, the amount still remains with our collection agency, First Financial Resources, Inc.

Selectman K. Schaefer **motioned** for the Board of Selectmen to write-off uncollected ambulance fees for years 2012, 2013 and 2014 in the amount of \$16,980.03 as recommended by the Town's Auditors.

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

2019 Budget Schedule

T. Brown states he put together the Budget Schedule for 2019 which has not changed much since last year. August 27, 2018 will be the first meeting. He mentions all the Committees and Department Heads will be notified their budgets have to be in by August 17, 2018. Troy states the Boards first meeting will be about the smaller budgets, the second meeting will have the Road Agent, Fire and Police Departments this is so if there are questions they will be able to be addressed in the third Board meeting on September 24, 2018. Troy mentions every year he makes this statement, and is doing so again, and that is to jump out ahead on any Warrant Articles. The Budget Committee always wants to know what the Town is proposing in Articles. He knows there was some discussion last year at the polls and since regarding Keno, so he will be placing a Warrant on this topic as well as, the land purchase discussed this evening, a possible Police contract and the Operating Budget just for starters. If anyone has any thoughts on any Warrant Article please send him an email and he will place it on the warrant as a placeholder.

Appointments

Town Administrator T. Brown states the Board has two appointments this evening. Marion Godzik will be an Alternate to the Conservation Commission with a term to expire 2021. Matt Lepore will be a Full-time Member to the Conservation Commission with a term to expire 2021

Selectman K. Schaefer **motioned** for the Board of Selectmen to approve the appointment of Matt Lepore as a Full-time Member to the Conservation Commission with a term to expire 2021. Selectman J. Brunelle **seconds** the motion. **Vote carries 5-0-0.**

Selectman J. Brunelle **motioned** for the Board of Selectmen to approve the appointment of Marion Godzik as an Alternate Member to the Conservation Commission with a ter to expire 2021.

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

Administrator Report

Town Administrator T. Brown mentions he wanted to update the Board on the Fire Station Project. He states Continental Paving who is doing the site work informed him today that in a day and a half they will be moving off site. There is now some framing timbers that have been delivered and the framing crew will be on site. They had a job get pushed out and were able to come sooner than expected, so they will be starting assembly of some of the walls for the administrative office area.

Troy states they are ahead of schedule and there have been no issues whatsoever. He will be meeting with Eckman Construction and Warrenstreet Architects to review the project.

Selectman Reports

Selectman S. Webber mentions the Planning Board granted a continuance on the application for Mel's Fun Park, LLC while they consolidate their parcels of land into one parcel. This is to help them make getting funding easier. They will be meeting with the Board again at the end of August.

Selectman J. Brunelle states he has nothing to report from Budget Committee due to vacations. Selectman B. Lemire states he has nothing to report

Selectman K. Bourque states he has nothing to report from the Conservation Commission.

Selectman K. Schaefer states he has nothing to report from the Recreation Commission and their next meeting will be the second week in August.

Town Administrator T. Brown states the Bergeron family contacted him and has written a letter to the Board of Selectmen with concerns regarding the construction activity of the new Fire Station going on around the Roland Bergeron Memorial site. He wanted to make the Board aware of this and to notify them he will be contacting the family to assure them there will be no disturbance to the Memorial site. He mentions he spoke with the Fire Chief and they definitely want to tie the memorial into the whole landscaping area out front and make it stand out and look great.

Items moved from consent - None

Other Business - None

Selectman J. Brunelle **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(c) - Reputation of any person and RSA 91-A:3,II(a) - Compensation of a public employee.

Selectman K. Schaefer **seconds** the motion.

Roll call vote - Selectman K. Bourque (yes), Selectman J. Brunelle (yes),

Selectman B. Lemire (yes), Selectman S. Webber (yes) and Selectman K. Schaefer (yes).

Vote carries 5-0-0.

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

The next Board of Selectmen's meeting will be on August 13, 2018 at 6:00pm at Town Hall

Brent T. Lemire, Chairman

John R. Brunelle, Vice Chairman

Kevin C. Bourque

Kurt D. Schaefer

Steven J. Webber