

TOWN OF LITCHFIELD BOARD OF SELECTMEN  
December 17, 2018

Selectmen's Meeting

Members Present: Brent T. Lemire, Chairman  
John R. Brunelle, Vice Chairman  
Kurt D. Schaefer  
Steven J. Webber

Absent: Kevin C. Bourque

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 December 10, 2018
2. Approval of Account Payable Manifest 12/18/18 \$64,035.68
3. Approval of Payroll Manifest 12/20/18 \$51,557.58
4. Approval of Payroll Manifest 12/20/18 \$2,843.38
5. November Reconciliation - Tax Collector
6. Land Use Change Tax - Map 2, Lot 88-11
7. Earned Time Expendable Trust Fund Request
8. Deputy Health Officer Nomination Form - Steve Dube
9. 155 B Order - 8 Bixby Road

Chairman B. Lemire reads aloud the Consent Items

**Removal of Consent Item**

Selectman K. Schaefer would like to discuss an invoice from AI's Automotive Services within Item 2 of the Consent Items.

Chairman B. Lemire removes Item 2 - Approval of Account Payable Manifest 12/18/18 \$64,035.68 for a later discussion.

**Approval of Consent Items**

Chairman B. Lemire asks for the Board of Selectmen's approval on the remaining Items of Consent

Selectman K. Schaefer **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 - None**

### **Business**

#### **Litchfield Pickleball Association Donation - \$2,000**

Town Administrator T. Brown states the Litchfield Pickleball Association is a very active group who use Talent Hall frequently, their members are from Litchfield and surrounding towns. They have been working with the Recreation Commission and mentioned they would like to make a donation to be used on the facility. A discussion was had about doing a really deep clean of the hardwood floors then have them sealed with a polyurethane product. So the Association has donated \$2,000 for this to be done to update Talent Hall.

#### **Marilyn Patricia Jewett Flag Donation - \$750**

Town Administrator T. Brown mentions Pat Jewett contacted him last week and would like to donate more money for the purchase of additional American Flags. Her goal is to complete the flag display from Pinecrest to Hillcrest. Troy thinks this donation might complete this wish. He also mentions Pat stated this was her Christmas present to her late husband Will Jewett.

The Board thinks these are wonderful donations, and asks Troy to please send a letter to Mrs. Jewett and the Pickleball Association thanking them for their contributions.

Selectman J. Brunelle **motioned** for the Board of Selectmen to accept the donation from the Litchfield Pickleball Association in the amount of \$2,000 to clean and seal the hardwood floors at Talent Hall.

To also accept the donation from Marilyn Patricia Jewett in the amount of \$750 for the purchase of American Flags to place along Charles Bancroft Highway

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

#### **Collective Bargaining Agreement Ratification**

Town Administrator T. Brown tells the Board they received good news last week, which was the Police Union ratified the Collective Bargaining Agreement. He mentions the agreement has been negotiated and represents a period of approximately 2½ years. The Town was able to negotiate a Cost of Living Adjustment (COLA) at 2.5%. They got the Union to agree to move the adjustment to wages from April 1st to July 1st, which now brings them in line with all the Non-Union Employees. So now all wage increases will be based on performance and all wages can be adjusted on July 1st.

Troy mentions there was some give on the Town's part where it was agreed upon to a minor but higher adjustment for uniform allowances/cleaning, this was driven by facts given and that an adjustment had not been given in years. The Town was also able to change the current agreement that has been in place regarding Special Detail assignments, where the Town would match certain earnings towards their individual private 457 Retirement Funds. Troy states the Town has now been able to move away from having to match these funds. He mentions they increased the hourly rate for when the Officers are on Special Detail assignments, these rates are paid for by the Company or Private Contractor (this is at no expense/cost to the town). Troy states this was a main goal for the Town to accomplish, and they are very pleased the Union was able to come to an agreement with them. He mentions another area of concern where he feels they made great progress was addressing the Earned Time limits. They were able to take

the group based on their date of hire (which includes some senior employees) and they have agreed to cap off their Earned Time Accrual Limits from 960 hours down to 660 hours, and for all the employees who are currently under a cap of 660 hours they agreed to 500 hours. Troy states these are big movements on the Unions part, you will not see it as an immediate savings instead it will be a long term savings.

Troy states they have cost out the agreement and the first year of the new contract is estimated at

\$37,909, and the year 2020 is estimated at \$24,942, there will be no COLA's granted in 2021, but will still be granting step increase that the Town has agreed to so there will be a small adjustment of \$4,764.

Chairman B. Lemire would like to express appreciation to the Union for their collegial way of negotiating this contract. And to Selectmen J. Brunelle and Town Administrator T. Brown for all their hours of work put into these negotiations. He believes the Town and the Union received consideration for a very fair and equitable contract. So he will accept a motion for approval.

Selectman J. Brunelle **motioned** for the Board of Selectmen to authorize and approve the ratification of the agreement between the Town and the Police Union.

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

#### **Emergency Management Performance Grant - \$8,000**

Troy reminds the Board that about 8 months ago the Fire Department received a Grant to update the Towns Hazard Mitigation Plan, this plan has been completed and the Grant funding has been received by the Town/Department.

This now allows the Town to continue onto the next level to update the Towns Emergency Operation Plan. Troy mentions once this Plan is updated the Town can then apply for additional Grant Funding, and they are looking for Grants for equipment for the New Fire Station. He tells the Board the Emergency Operations Plan has to be updated with or without any Grant Funding. He states this Grant totals \$8,000, and \$4,000 will come from the State in cash. But the Town has to match this \$4,000 in kind (not in cash), so they will track all the staffs time spent working on updating the Plan and attending meetings etc. So if the Board of Selectmen are in favor of accepting this Grant they would need to make a motion, so they can proceed forward with the application. He states the Town has been selected pre-qualified so once the application is submitted they will then learn if the Town is awarded the Grant Funding.

Selectman J. Brunelle **motioned** for the Board of Selectmen to accept the terms of the Emergency Management Performance Grant as presented in the amount of \$4,000, for the update of the Local Emergency Operations Plan. Furthermore, the Board acknowledges that the total cost of this project will be \$8,000, in which the Town will be responsible for a 50% match of \$4,000

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

#### **Human Services and Health Agencies Funding Requests**

Town Administrator T. Brown mentions he and Selectman J. Brunelle attended the Budget Committee meeting last Thursday evening. He mentions the Budget Committee was reviewing their recommendations for the Towns Operating Budget and Special Warrant Articles. One topic

discussed was (Article 6) donations requested by the Town in the amount of \$39,037 for Human Services and Health Agencies Funding Requests. He states the Budget Committee had a discussion and felt if the Committee supported this Article they would need to go back and change other Warrant Article funding or go back to the Operating Budget and make a reduction of \$10,010. This is because the request exceeds the tax cap of \$175,000 by \$10,010.

Troy states he and John had a discussion with the Committee telling them they could bring this Article back to the Board and see if the Board could take a different approach. They thought maybe if the Board identifies a certain dollar amount say \$25,000 which maintains the tax cap, and ask the Citizens if they are willing to appropriate this amount towards these funding request efforts, Then if the funding is secured by vote either this Board meets with these agencies and makes a determination of how much to grant them. Or a small Subcommittee could be formed of residents and department heads to meet and work with these groups to make their determinations as to how they would like to have the funds disbursed to these organizations based on their contributions to the Community.

Troy felt this was a great idea, he states these Agencies come forward with a standard form asking for funding and he does not believe they would be opposed to receiving less, or may receive more. But feels as a Town they should meet with the groups to have a good discussion and learn about what services they provide to the residents of Litchfield. He states he has seen this approach in other Towns and feels it would be good for Litchfield. He states if the Board is interested in doing this they could reduce the funding of \$39,037 by \$10,010 which would be \$29, 027 (and maintains the tax cap). Or go with a round figure that would be more acceptable such as \$25,000.

Selectman J. Brunelle states the Budget Committee does not have to approve this Article, and the Board wanted it to go to the voters to decide what their wishes were. He believes \$25,000 makes sense if the voters agree, then appoint a Subcommittee to meet with these Agencies and see what services are provided that are a benefit to the residents of Litchfield. Then come back with their recommendations for the Board to support. Board is in agreement.

Selectman J. Brunelle **motioned** for the Board of Selectmen to approve the sum of \$25,000 be appropriated for Article 6 - Human Services and Health Agencies and a Subcommittee be appointed to research the suggested Agencies and report back to the Board their findings in order for funds to be disbursed/allocated.

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

### **Public Input**

Joe Cabral 7 Brickyard Drive, he asks the Board about the Emergency Fund and the discussion regarding a generator. He thought the Town always had an emergency generator at the Fire Station.

Chairman B. Lemire tells Mr. Cabral he misunderstood the conversation regarding the Fire Station. He mentions it was regarding an Emergency Operations Plan for when emergencies happen, and they discussed if some of the grants are approved for Litchfield by the State this could possibly generate funds for the purchase of some equipment for the Fire Station. B. Lemire states the Emergency Operations Plan is required by FEMA, and these plans have to be

updated and in place before you can apply for any Grant funding.

Joe Cabral mentions he heard there was \$200,000 removed from the Budget for road repair. He feels this is excessive, and states his road is a mess as well as many others.

Chairman B. Lemire states he agrees with Mr. Cabral.

Selectman J. Brunelle states the Board agreed to remove the money when they proposed the building of the New Fire Station, this was due to the tax impact of the new station. They felt for one year they could remove the funds due to extra State Block Grant Funds that were received and used to repair roads last year. Also with the road work Pennichuck did when putting in the water lines, helped the Town immensely. So the Board felt they were ahead of schedule with some of the road repairs. He states it's for just one year and they still have some funds in the Budget for road repairs this coming year, just not the extra \$200,000 they have asked for over the past 4-5 years.

Chairman B. Lemire assures Joe is was for just one year, and was to help minimize the tax impact due to the building of the Fire Station.

Joe Cabral mentions 2 weeks ago he was in front of the Board and discussed his concerns with the Fire Chief leaving town with the command vehicle. He knows the Chief is part-time and does not live in this town. He feels if he wants to take a vehicle home it should be another one, and the command vehicle should be left here in town in case it is needed.

Chairman B. Lemire started to respond.

However, Joe stated Chairman B. Lemire could wait and speak when he was done. He said Chairman B. Lemire has a great habit of doing this and he wanted to get this off his chest straight through, when he is done Brent could have it. He continues and states he feels the command vehicle should stay in town, like Chairman B. Lemire stated before they are used by someone on duty and does not leave town. He asks the Chairman if this is true, it's what he said 2 weeks ago.

Joe goes on to say it has been now a couple of weeks and he is home all day and drives around town and he tells the Chairman the command vehicle is not in town. He will not call Chairman B. Lemire a liar, because it will be on the thumbs up page. He knows the vehicle is leaving town, and wants the Board to be honest and just say ok it is, and they will talk to the Chief. He wants the command vehicle left in town and for the Chief to use another vehicle.

Joe mentions there was an ad regarding the previous Fire Chief was taking the command vehicle to his work and people complained and it was taken care of. He feels this is the same thing and people do not want that vehicle leaving town.

He tells Chairman B. Lemire he can speak now and would like him to comment if the vehicle is leaving the town.

Chairman B. Lemire states this is Mr. Cabral's time to speak and he is not saying a word. He understands his concerns.

Robbin Kpoczynski states she would like to know why the decals were removed from the Fire Departments command vehicle and have not been replaced as of yet.

Chairman B. Lemire states this is Robbin's time to comment.

Robbin states she is commenting and asking a question.

Chairman B. Lemire states is she would like a question answered the Board will research it and get back to her, this is public comment.

Joe Cabral is in the meeting room and mentions he can answer the question because he asked it a few weeks ago. He states he was told they have not had the time to put them on.

Robbin states that it will happen though.

Joe mentions they were removed 3-4 months ago and have not been put on since, and he feels they are not going to be put on.

Chairman B. Lemire closes public input at 6:26pm

### **2018 Encumbrances**

Town Administrator T. Brown tells the Board the list of Encumbrances has been updated and is a little different from what he shared last meeting. He states there are a few new Encumbrances and he has included the 2018 Re-Encumbrances, these are items encumbered in 2017 and have not been used in 2018 so the Board needs to re-encumber so the funds do not lapse.

Troy reviews the list

<b>2018 New Encumbrances</b>		<b>Purpose</b>	
<b>Amount</b>			
01-4150.20-740	Information Technology	Miscellaneous IT Equipment	\$75,000.00
01-4152.10-312	Assessing Reval Property	2020 Update	\$50,000.00
01-4194.10-750	General Gov't Building	Furniture, TA, Finance, Selectmen Office	\$ 5,000.00
01-4210.10-740	Police Department	Speed and Traffic Enforcement Equipment	\$15,000.00
01-4155.10-915	Personnel Administration	Earned Time Buyout	\$36,000.00
01-4220.10-760	Fire Department	Fire Utility Truck	\$16,000.00
01-4220.10-660	Fire Department	Repair Engine Pump motor	\$10,000.00
	Fire Department	Purchase Order M-18-13	\$40,894.96
01-4520.10-430	Recreation Department	Paint Courts/Talent Hall & Court Guardrails	\$ 8,000.00
01-4520.10-740	Recreation Department	<u>Equipment Purchase</u>	<u>\$ 7,500.00</u>
		<b>Total Encumbrances</b>	<b>\$263,394.96</b>
<b>2018 Re-Encumbrances</b>			
01-9551.17-001	Fire Department	Software Contract to Bridge Hudson & Litch	\$ 3,500.00
01-9551.17-002	Recreation	River Access Project	\$ 5,000.00
01-9551.17.005	General Gov't Building	<u>Meeting Room Conference Table</u>	<u>\$ 5,000.00</u>
		<b>Total Re-Encumbrances</b>	<b>\$13,500.00</b>

Town Administrator T. Brown states all these 2018 Encumbrances (not the Re-Encumbrances) are contingent upon availability of funds. He mentions and this will not be know until possible January 31, 2019 after everything has been paid.

Selectman J. Brunelle **motioned** for the Board of Selectmen to authorize and accept the 2018 Encumbrances and the 2018 Re-Encumbrances as discussed.

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

### **2019 Default Budget**

Town Administrator T. Brown states the weather did cause some expenditures, but the good weather has helped. He tells the Board they are still in good shape with the budget. He

mentions the Page Road Project which they did not expect to happen this year, Continental Paving completed last week. Troy is estimating the bill for this will be approximately \$69,000 - \$70,000, it is billed based on the tonnage used. He states other bills will be the last ambulance bill of the year from the Town of Hudson. Troy mentions the Police Department Administration has a turnback of about \$60,000, this is due to 2 vacancies throughout the year. However, due to weather, vacations this number may end up being lower. Troy states it is anticipating the number to be about \$210,000.00

Selectman J. Brunelle asks if the Default Budget is ready to be shown to the Budget Committee, if so can it be shared with them at Thursday's meeting. Troy states sure.

Selectman J. Brunelle mentions the Default Budget will not be voted on this evening, it will not be till the end of the year.

### **Administrator Report**

Town Administrator T. Brown tells the Board of Selectmen he has ordered the Welcome to Litchfield Sign and it is being made. He still does not have approval for placement, but is 95% sure he has an area and property owner who is willing to work with the Town that is very close to the current location. He is not sure what the State will require for setbacks, and there may be a cost to the Town for the removal of a large pine tree if this location is approved.

Troy mentions he has worked with Legal Counsel regarding the Warrant Article for the Town Flag. Counsel reviewed State laws and could not find any reference in State law regarding how a Town Flag is adopted. He mentions Matt Lepore has supplied him and Chairman B. Lemire with information where other Towns have chosen through either their Town Charter or Town Counsel who have authority to adopt a Town Flag. Or the Town granted authority to their Board of Selectmen to do so through an ordinance. Troy states Legal Counsel has mentioned they could ask the Town to grant permission for the Board of Selectmen to adopt the flag.

Troy tells the Board he came up with his version and language for an article to present to the voters, because he feels it is important before the BOS adopts a flag for the Town of Litchfield that they hold at least 2 public hearings. So he is asking the Board for their input about placing this as a Warrant Article first. This will allow the Board to work with concerned groups and and take into consideration everyone's interest. The article is as follows

#### **ARTICLE 10 - TOWN FLAG**

To see if the Town will vote to authorize the Board of Selectmen, upon conducting at least two (2) public hearings, to adopt the Official Town Flag.

Selectman J. Brunelle states this gives everyone options. Board agrees.

Town Administrator T. Brown tells the Board he received correspondence from the Town's current Law Firm Michel and Bates who has been handling the PSNH Abatement, mentioning they have some current staffing shortages that were unplanned. Due to this issue they have reached out to another Law Firm Donahue Tucker & Ciandella (DTC) they handle Municipal Law and specialize in Utilities. Michel and Bates feel due to these issues it is in the best interest of the Town of Litchfield to assign the PSNH Abatement case to DTC Law Firm. Troy states they just need the Board of Selectmen's blessing to do so, he mentions there is no need to take any

action unless there are any concerns. He will inform Michel and Baltes of the agreed change. Troy states DTC Law Firm is already representing other Communities in the PSNH Abatement Lawsuit, so Litchfield will be joining in with these Towns at a cost saving to us. Board is in agreement.

### **Selectman Reports**

Selectman S. Webber states he has nothing to report the next Planning Board meeting is tomorrow evening.

Selectman J. Brunelle states the Budget Committee is on Thursday and believes they will be voting on all the Warrant Article and Final Budget. He mentions Troy did a great job at the last meeting discussing all the Warrant Articles. There were a lot of good questions, such as the Health and Human Services contributions which was discussed by the Board earlier in the meeting tonight.

Selectman B. Lemire states he attended the first Heritage Commission meeting and it was very productive, and they will be meeting next on January 10, 2019. They will be putting together their rules and regulations for the charge of the Commission. He states they did approve 3 Demolition Permits.

Selectman K. Schaefer states the Recreation Commission did not have a quorum last Tuesday, but they did accept the \$2,000 donation from Pickleball.

### **Items moved from consent**

Selectman K. Schaefer mentions there was an invoice from Al's Automotive Services. This was for towing services due to a plow truck going off the road during a storm. He was under the impression the Contractor was going to pay for this, they provide their own liability insurance for this reason. He thought their auto insurance covers these types of accidents, not the Town. Town Administrator T. Brown states the accident will be reported to our insurance company, then it will be up to the insurance company after that. They will be made aware it was a contracted driver.

Chairman B. Lemire asks the Board for a motion to approve Item 2 of the Consent Items:

Approval of Account Payable Manifest 12/18/18 \$64,035.68

Selectman J. Brunelle **motioned** for the Board of Selectmen to approve Item 2 of the Consent Items: Approval of Account Payable Manifest 12/18/18 \$64,035.68

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

Town Administrator T. Brown mentions Selectman J. Brunelle reminded him he did have the Default Budget on the agenda this evening for the Board to approve.

Selectman K. Schaefer **motioned** for the Board of Selectmen to authorize and approve the 2019 Default Budget.

Selectman S. Webber **seconds** the motion.

Selectman J. Brunelle states the Default Budget is \$6,713,245.00, which is difference of \$44,708 of the Operating Budget of \$6,757,953.00. **Vote carries 4-0-0.**

**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

RSA 91-A:3,II(a) - Compensation

RSA 91-A:3,II(b) - Hiring

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

Roll call vote - Selectman J. Brunelle (yes), Selectman B. Lemire (yes), Selectman S. Webber (yes) and Selectman K. Schaefer (yes).

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

The next Board of Selectmen's meeting will be on January 14, 2019 at 6:00pm at Town Hall

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Brent T. Lemire, Chairman

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John R. Brunelle, Vice Chairman

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Kevin C. Bourque

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Kurt D. Schaefer

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Steven J. Webber