

Town of Litchfield, New Hampshire

Board of Selectmen

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Meeting Date: 6/24/19

Call to Order: 6:03 pm

Meeting Location: Town Hall

Meeting Called By: Board of Selectmen
Type of Meeting: Selectmen's Meeting
Facilitator: Steven J. Webber

Note Taker: Matthew Sullivan
Minutes Approved: ___/___/_____

In Attendance: Troy Brown, Town Administrator
Memo: None

Five Selectmen were in attendance:
1. Steven J. Webber, Chairman
2. Kurt D. Schaefer, Vice Chairman
3. F. Robert Leary, Sr.
4. Brent T. Lemire
5. Kevin A. Lynch

No Selectmen were absent:

Agenda Topic: Non-Public Session | Presenter: Board of Selectmen

1. 5:00 pm - Paperwork Review
2. 5:45 pm - RSA 91-A:3, II(a) - The dismissal of an employee

Agenda Topic: Call to Order | Presenter: Selectman S. Webber

1. 6:00 pm - Call to Order
2. 6:00 pm - Pledge of Allegiance

Agenda Topic: Review and Approval of Consent Items | Presenter: Selectman S. Webber

1. Board of Selectmen Meeting Minutes from June 10 2019
2. Treasurer's Reconciliation - May
3. Purchase Order M-10-14, Fire Engine Pump Repair - \$17,048.59
4. Litchfield State Forest Tax Reimbursement - \$330.00
5. Accounts Payable Manifest from June 18, 2019, of \$108,658.580 and June 25, 2019, of \$35,247.71
6. Payroll Manifest from June 20, 2019, of \$62,806.39 and June 27, 2019, of \$55,663.56

Discussion: None

Motion (Selectman Lemire / Selectman Leary) To approve the Items of Consent.

Vote: (5-0-0) The motion carried.

Agenda Topic: Items Moved from Consent | Presenter: Selectman S. Webber

1. None

Agenda Topic: Items Added to Consent

Presenter: Selectman S. Webber

1. None

Agenda Topic: Business

Presenter: Selectman S. Webber

1. **ZBA Alternate Member - Mark H. Farlardeau (term expires 3/31/22):**

- a. Mark Farlardeau - 17 Blue Jay Lane
- b. The Zoning Board of Adjustments recommended that the Selectmen appoint Mr. Farlardeau as an alternate member of the ZBA.
- c. Mr. Farlardeau has lived in town for 20 years.
- d. Mr. Farlardeau believes his electrical expertise is beneficial to the Zoning Board.
- e. The Board of Selectmen did not have any questions for Mr. Farlardeau.

Discussion: None

Motion (Selectman Lemire / Selectman Schaefer) I move that the board approve Mr. Farlardeau for the ZBA - Alternate Member, term ending 3/31/22.

Vote: (5-0-0) The motion carried.

2. **Public Hearing - Emergency Management Performance Grant \$40,000:**

- a. The grant is in the amount of \$40,000 cash with an additional in-kind match of \$40,000 from the town.
- b. The \$40,000 in-kind match from the town was created under the construction of the new fire station.
- c. The space that will be used, within the fire station, for the Emergency Management Center, was leveraged to receive the \$40,000 grant.
- d. Chief Fraitzl put together the grant application for furniture, fixtures, computers, and phone systems.
- e. The Emergency Management Center has been advertised in the Hudson-Litchfield News (HLN), and the town website. The Town Administrator posted the advertisement because of the amount of the grant. (State Law)
- f. Chairman Webber opened the Public Hearing for a discussion about the grant.
 - i. No public input
 - ii. The Public Hearing closed at 6:10 pm.
- g. Selectman Lynch requested to know which line of the budget the \$40,000 in-kind match was taken.
- h. Town Administrator, Troy Brown reminded Selectman Lynch the residents of Litchfield paid the \$40,000 in-kind match by paying for the new fire station.
 - i. The town was able to show that a portion of the new fire station will be used for the Emergency Management Center.
 - ii. The space for the Emergency Management Center was used as the \$40,000 in-kind match.

Discussion: None

Motion (Selectman Leary / Selectman Schaefer) I move to accept the \$40,000 Emergency Management Performance Grant

Vote: (5-0-0) The motion carried.

3. **Earned Time Policy - Notice Requirement:**

- a. The subject of the Earned Time Policy came about because a recent employee resigned without giving a two-week notice.
- b. The town does not have a personnel policy requiring a two-week notice from non-union employees.
- c. The town does have a personnel policy requiring a two-week notice from union employees.
 - i. If a union employee gives less than a two-week notice, the employee will receive 50% of his/her Earned Time.
- d. Town Administrator Troy Brown recommended the Board of Selectmen consider adopting a policy similar to the union employee policy.

- e. Selectman Leary was concerned the non-union employees worked for the Earned-Time and should not lose the benefit based on when the employee quits, resigns, or retires.
- f. Troy Brown reminded the Selectmen that Earned-Time is an optional benefit the town of Litchfield offers. The town is not required to offer the benefit.
- g. Troy Brown offered to receive legal advice before the Selectmen take action.
- h. The Earned-Time Notice Requirement subject was meant to be a discussion. If the Selectmen liked the idea, the subject would have been re-visited at the next meeting.
- i. Selectman Lemire mentioned that he did not believe the board was ready for this subject.

Discussion: None

Motion (Selectman Lemire / Selectman Schaefer) I move to table the Earned-Time Policy for non-union employees.

Vote: (4-1-0) The motion carried. (Selectman Lynch voted 'No')

Agenda Topic: Public Input - started at 6:19 pm

Presenter: Selectman S. Webber

1. Pat Jewett (1) - 21 Jeff Lane
 - a. Ms. Jewett mentioned that she heard one Selectman was at work and another Selectman was on vacation during the June 10 meeting.
 - i. Selectman Lemire was on vacation.
 - ii. Selectman Schaefer was coaching his son's baseball game.
 - b. She informed the Selectmen, if they were dedicated, the Selectmen would attend every meeting.
2. Joe Cabral (1) - 7 Brickyard Drive
 - a. Mr. Cabral wanted to know why the town was charging Tracey Fauteux for print-outs of the RSA's 91-A (Right To Know)
 - i. Tracey is a resident of the town of Litchfield.
 - b. Mr. Cabral stated the residents pay taxes and should not be charged for print-outs.
 - c. Selectman Lemire tried to say something and Mr. Cabral stated: "Don't even go there, totally will kill you right now."
 - d. Chairman Webber assured Joe that he would look into how many print-outs one is allowed per RSA.
 - i. Chairman Webber said he would get back to Mr. Cabral.
 - e. Mr. Cabral informed Chairman Webber "You ain't going to get a penny."
3. Pat Jewett (2) - 21 Jeff Lane
 - a. Ms. Jewett wanted to know:
 - i. If the new Road-Agent was going to pick up dead animals from the road.
 - ii. If picking up dead animals was part of the Road-Agent's job description. Troy Brown mentioned picking up dead animals was part of the Highway Department's responsibility.
 - iii. Why the Selectmen were looking to promote a man with a business degree as a Road-Agent. The board was unable to respond on personnel matters.
 - iv. If the Board of Selectmen were looking to buy a lawnmower. The board informed her the current lawnmower is old and leaking oil.
 - v. How the Selectmen voted to discharge Jack Pinciario, on December 18, 2018. She wanted to know if the board voted by email or if the board voted in a non-public session.
 - vi. Why the Selectmen only meet twice a month, instead of once a week. The Selectmen stated the Town Administrator position enables the Selectmen to meet twice a month.
 - vii. What was the other side of the Jack Pinciario situation? The board could not comment on personnel issues.
 - viii. If the board was going to purchase a new truck. Troy Brown responded by saying the town had to hire a full-time employee, at the beginning of the year. He is confident the current budget will be able to cover the costs of the new position.

- b. The Selectmen reminded Ms. Jewett that the budget is based on the calendar year, and not the fiscal year.
4. Joe Cabral (2) - 7 Brickyard Drive
 - a. Mr. Cabral wanted to know if the Selectmen were going to look outside of Litchfield for a new Road Agent. The board has not decided whether to promote from within or look outside of Litchfield. In order to keep the Highway Department running, the Selectmen will hire an interim Road Agent.
5. Thomas Levesque (1) - 143 Hillcrest Road
 - a. Mr. Levesque was concerned the Selectmen were going to hire the first available person as a Road Agent. He hoped the Selectmen would advertise for the best-qualified person. Mr. Levesque believes the next Road Agent should be required to live in Litchfield.
6. John Latsha (1) - 10 McElwain Drive
 - a. Mr. Latsha represented Litchfield Community Television. Mr. Latsha thanked Selectmen Brent Lemire, Frank Byron, John Brunelle, Kevin Bourque, and Steve Perry for supporting LCTV.
 - b. Mr. Latsha came to the meeting to discuss the bathroom situation at the studio. John gave the example of telling the police chief to use his bathroom before coming to the studio.
 - c. John heard the Selectmen believed that LCTV personnel had keys to the old fire station, and could use the bathroom in the fire station. The LCTV personnel does not have keys to the old fire station.
 - d. The old fire station is almost empty, and Mr. Latsha wanted to know if the Selectmen would approve giving LCTV the keys to the fire station. The Town Administrator said he would speak to Chief Fraitzl about John's request.
 - e. Troy Brown stated the old fire station is still operational. The building still has water, heat, and electricity. Selectman Lynch stated that mechanics still enter the building. The heat will stay on as long, as water enters the building.
 - f. Mr. Latsha mentioned the bathroom situation is a touchy subject with the LCTV personnel. Asking people to come down to the station for an interview and not have access to a bathroom is embarrassing.
 - g. Mr. Latsha also mentioned that the fire station would be an excellent spot for a second studio.
7. Public Input initially closed at 6:45 pm
8. Pat Jewett (3) - 21 Jeff Lane
 - a. Ms. Jewett spoke up and mentioned that she did not know that the new fire station had an open-house. She believed the town should have advertised the open house in the Hudson-Litchfield News, and the town website.
 - b. Chairman Webber asked Troy Brown how Chief Fraitzl advertised the open house. Troy Brown said he believed the chief advertised in the newspaper.
 - c. The majority of residents, who attended the meeting, said there were no advertisements for the open house.
 - d. Town Administrator Troy Brown said the announcement was posted on:
 - i. The town website
 - ii. The bulletin board
 - iii. FaceBook
 - e. Selectman Lynch stated there are groups in Litchfield that still do not use social media.
 - f. Chairman Webber informed the residents the fire station is open to the public.
9. Thomas Levesque (2) - 143 Hillcrest Road
 - a. Mr. Levesque stated that Chief Fraitzl did not invite the former fire chiefs to the open house, and the non-invitation was an insult.
 - b. Chairman Webber stated the Selectmen would speak to Chief Fraitzl.
10. Joe Cabral (3) - 7 Brickyard Drive
 - a. Mr. Cabral wanted to know why the town has stopped sending the fire logs to the Hudson-Litchfield News.
 - b. Chairman Webber stated he knew for a fact the last fire log was sent to the Hudson-Litchfield News on

June 5.

11. Public Input Closed at 6:48 pm

Agenda Topic: Business (continued)

Presenter: Town Admin. Troy Brown

1. Selectmen Meeting Start Time:

- a. Town Administrator Troy Brown mentioned the meeting start time was a subject brought up at the last meeting.
 - i. A couple of Selectmen had mentioned they wanted to meet at 7 pm instead of 6 pm.
- b. Selectman Leary said he brought up the idea because a lot of residents and a few Selectmen work out of town.
- c. Selectman Lynch agreed with moving the meetings to 7 pm, and when the budget season comes the Selectmen should meet once a week.
 - i. Selectman Lynch believes employees get home around 6 pm, see their family, get something to eat, then try to make the Selectmen's meeting.
 - ii. Selectman Lynch believes town employees can leave work, go home, and come back later for the meeting.
- d. Selectman Lemire mentioned:
 - i. The meetings were originally 7 pm, but because of all the committee meetings, the Selectmen moved their meetings to 6 pm.
 - ii. People would stop off at the Town Clerk's Office, then drop in on a Selectmen's Meeting.
 - iii. Selectman Lemire empathizes with both sides of the argument.
- e. Selectman Lynch agreed with Selectman Lemire when he discussed the benefits of an earlier meeting earlier for the other committees. He mentioned that other towns meet at 7 pm.
- f. Selectman Schaefer stated that the Selectmen only meet twice a month, and the meetings are not a major inconvenience at 6 pm. Selectman Lynch is not a night-owl and prefers to meet at 6 pm.
- g. Chairman Webber believes the Board of Selectmen should split the difference and meet at 6:30 pm.
- h. Town Administrator, Troy Brown prefers meeting at 7 pm.

Discussion: None

Motion (Selectman Leary / Selectman Schaefer) I move to make a motion that we move the starting time for the Board of Selectmen meetings to 6:30 pm.

Vote: (5-0-0) The motion carried.

2. Mower Equipment Purchase:

- a. Troy Brown met with Kevin Brown to discuss his need for additional equipment.
 - i. The current mower is 10 to 11 years old.
 1. The only mower that mows town facilities, most of the work is done on Albuquerque.
 - ii. The Kubota tractor serves no purpose for mowing.
 1. Overheats after one to one and a half hours.
 2. The tractor does not snow blow well.
- b. Kevin Brown informed Troy Brown that he needs a new mower.
 - i. The current mower will become the backup.
- c. The Kubota tractor was brought to Chappel Tractor.
 - i. Chappel Tractor offered an \$8,000 trade-in value.
- d. Troy Brown is proposing to purchase two Ferris lawn mowers and authorization to trade in the Kubota tractor towards the purchase. Also close out the Stimulus Bike Path Fund in the amount of \$4,425.99, plus interest. \$2,500 would be charged to the Operating Budget for the two new mowers.
- e. Mowers:
 - i. One is a 22 Horse Power Mower
 - ii. One is a 24 Horse Power Mower

Discussion: Selectman Lynch wanted to know who was going to maintain the lawn, walkways, and parking lot at the new fire station. Troy Brown stated he is still in discussions with the fire department.

Motion (Selectman Schaefer / Selectman Leary)

I move to have the Town Administrator take the following actions:

1. Authorize the Highway Department to purchase two mowers with attachments at an estimated cost not to exceed \$15,000.
2. Waive the purchasing policy requirements for the purchase of said mowers.
3. Trade-in the Kubota tractor with attachments to Chappel Tractor in the amount of \$8,000.
4. Use the balance of the Stimulus Bike Path Fund in the amount of \$4,425.99, plus interest towards the purchase of said mowers and close the Stimulus Bike Path Fund Account.

Vote: (5-0-0) The motion carried.

3. Appointment of Interim Road Agent / Highway Manager:

- a. Troy Brown said he reached out to Kevin Brown after Jack Pinciario resigned. Troy asked Kevin if he would take charge of the department. Kevin Brown has agreed to become the interim Road Agent / Highway Manager.
- b. Troy Brown pointed out that it is a common procedure to pay the employee taking over the role the same hourly salary as the previous employee.
- c. Troy Brown stated he would like the board to approve Kevin Brown as the interim Road Agent / Highway Manager, and adjust Kevin's hourly rate from \$28.84 to \$34.97. This would be an interim action.
- d. Selectman Schaefer pointed out that Kevin Brown was brought on by Jack Pinciario.
 - i. Kevin has a lot of equipment experience and a degree in business.
 - ii. Kevin is able to multitask as a mechanic and run the Highway Department equipment at the same time.
- e. Kevin started working for the town in December 2018.
- f. Troy Brown believed that Jack Pinciario was grooming Kevin Brown to take over the Highway Department.
- g. Selectman Lynch stated "That answers the mystery question. Everyone asked me 'How did Kevin get on board?' I did not know Jack has recommended Kevin."
- h. Troy Brown informed the Selectmen that Kevin had worked as a contracted plow driver. Kevin had plowed one or two years for the town.
- i. Selectman Lemire confirmed that Jack Pinciario brought Kevin Brown on board.
- j. Selectman Lynch stated "I'm disputing how Kevin come on board. If he came on as a plow guy and Jack liked him, that is another story. I think we need to follow up on this a little bit more, I am not against it, okay."
- k. Selectman Lynch had reservations paying Kevin Brown the same salary as Jack Pinciario, even though Kevin would be the interim Road Agent / Highway Manager.
- l. Troy Brown mentioned the discussion was heading into a Non-Public Session situation.
- m. Chairman Webber agreed with Troy Brown, and the Selectmen will try to answer Selectman Lynch's question in Non-Public Session.
- n. Troy Brown mentioned he needed action on the Road Agent / Highway Manager situation tonight.
- o. Residents at the meeting wanted to speak. The residents claimed the board did not vote to close Public Input. Chairman Webber reminded the residents the board did not have to vote to close Public Input.

4. Police Captain - Contract Renewal Notice:

- a. Troy Brown mentioned the board is on public record that they are interested in sitting down with the police captain and discussing the opportunity of Captain Sargent becoming the next police chief.
- b. The contract with the police captain requires, if the board is interested in renewing the contract, that notice be given by July 1, 2019.
- c. Town Administrator Troy Brown would like the board to take action on:
 - i. Notifying the police captain that the town is interested in renewing his contract as the police captain.
 - ii. Formally notifying Captain Sargent that the Selectmen are interested in talking to him about the police chief position.

- d. Captain Sargent's contract is up on December 31, 2019.

Discussion: None

Motion (Selectman Leary / Selectman Lynch) I move to request the Town Administrator to provide the police Captain with a contract renewal, pursuant to Section 6.4 of the employment contract between the town of Litchfield and Captain Benjamin Sargent.

Vote: (5-0-0) The motion carried.

5. Street Light Request:

- a. Lionel Constant contacted Troy Brown about the need for a street light by Carlisle Drive.
- b. Mr. Constant was driving down Albuquerque and preparing to turn onto his street. People were walking by Carlisle Drive, a very dark portion of town, and he is concerned about the public safety issue without a street light.
- c. Troy Brown believes:
 - i. Eversource is getting out of the street light business.
 - 1. Eversource provides the power, not the maintenance.
 - ii. Previous years, Eversource would install and maintain the street lights.
 - iii. Litchfield will have to pay for the equipment, installation, and maintenance.
 - 1. Eversource only charges for the energy.
- d. Selectman Lemire requested the Town Administrator:
 - i. Get the policy and procedures from Eversource.
 - ii. Ask the Police Chief O'Brion for his input.
 - iii. Find out what the town's commitment would be.
- e. Selectman Lynch agreed that Police Chief O'Brion should have input.
 - i. Selectman Lynch wanted to know if the brush, the curve, or the signage were contributing to the safety issue.

6. Future Facility Tours:

- a. Monday, June 17, the Budget Committee and the Board of Selectmen took a tour of the Highway Department.
- b. The tour helped to give an idea of the equipment needed.
- c. Chairman Webber asked if the other Selectmen would like to take tours with the Budget Committee.
 - i. The Selectmen would go from department to department.
- d. Troy Brown will contact the department heads about scheduling tours.
 - i. Troy Brown will try and schedule the tours for July and August.

Agenda Topic: Other Business

Presenter: Town Admin. Troy Brown

- 1. None

Agenda Topic: Administrator Report

Presenter: Town Admin. Troy Brown

1. New Hampshire Municipal Association (NHMA):

- a. The NHMA will come to Litchfield Thursday, June 27
- b. NHMA Presentation:
 - i. The presentation will go over the Roles and Responsibilities of the Budget Committee
- c. Selectmen are invited to attend the meeting

Agenda topic: Selectman Reports

Presenter: Selectman S. Webber

Selectman B. Lemire - Heritage Commission:

1. The Heritage Commission completed the bylaws and the recommended updates by the town counsel. The commission will provide the Selectmen a copy of the bylaws for their review.

Selectman R. Leary - Budget Committee:

1. The Budget Committee will meet on June 27.

Selectman K. Lynch - Planning Board:

1. Selectman Lynch did not attend the last Planning Board meeting. Selectman Leary attended the meeting for Selectman Lynch.

Selectman K. Schaefer - Recreation Commission:

1. The Rec Commission did not meet on June 11. They will meet on June 25.

Selectman S. Webber - Conservation Commission:

1. Nothing to report

Agenda Topic: Adjourn the Public Portion of Meeting | **Presenter:** Selectman S. Webber

Selectman Lynch requested to be excused from the next meeting. He will miss the meeting for personal reasons.

Motion To Enter Non-Public Session (Roll Call Vote)

Selectman Lemire motioned and seconded by Selectman Lynch to enter non-public session per RSA cited below:

- A. RSA 91-A:3, II(a) - The dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a public meeting, and (2) requests that the meeting be open, in which case the request shall be granted.
- B. RSA 91-A:3 II(b) - The hiring of any person as a public employee.

Roll Call Vote:

- a. Selectman R. Leary - yes
- b. Selectman B. Lemire - yes
- c. Selectman K. Lynch - yes
- d. Selectman K. Schaefer - yes
- e. Selectman S. Webber - yes

(5-0-0) Motion passed

Entered Non-Public Session:

7:27 pm

Reconvene Public Session:

8:45 pm

Motion Made To Adjourn:

Discussion: None

Motion: (Selectman Lemire / Selectman Lynch) I motion to adjourn the meeting.

Vote: (5-0-0)

The meeting adjourned at 8:45pm

The next regular meeting will occur on July 8, 2019, at 6:30 pm.

Approved by the Board of Selectmen:

Steven J. Webber, Chairman

Kurt D. Schaefer, Vice Chairman

F. Robert Leary, Sr.

Brent T. Lemire

Kevin A. Lynch