

**Town of Litchfield, NH**  
**Board of Selectmen Meeting**  
**January 11, 2021**  
**Litchfield Town Hall**  
**6:30 pm**

**In Attendance:**

**Selectmen:** Steven J. Webber, Chairman, F. Robert Leary, Sr., Vice Chairman, Richard W. Lascelles, and John E. Pinciario (virtual)

**Town Administrator:** Troy Brown (virtual)

**Town Clerk /**

**Tax Collector:** Terri Briand

**Also in Attendance:** Amanda Mulrooney

**Absent:** Kevin A. Lynch

**Memo:** None

**1. Call to Order:**

- a. 5:30 pm - Paperwork Review
- b. 6:32 pm - Chairman Steven Webber called the meeting to order, followed by the Pledge of Allegiance.

**2. Review and Approval of Consent Items:**

- a. A/P Manifest: 01/05/2021 - \$1,742,260.48, and 01/12/2021 - \$167,591.90
- b. P/R Manifest: 01/07/2021 - \$57,012.10, and 01/14/2021 - \$58,400.28
- c. Timber Tax - \$3,814.80
- d. Land Use Change Taxes (14) - \$236,390.00

**3. Items Added to Consent:**

- a. None

**Discussion:** None

**Motion:** ( Selectman R. Leary / Selectman R. Lascelles ) Motion to accept the Review and Approval of Consent Items.

**Vote:** ( 3-0-0 ) The motion carried ( Selectman J. Pinciario did not vote )

**4. Approval of Meeting Minutes:**

- a. December 28, 2020, Meeting Minutes

**Discussion:** None

**Motion:** ( Selectman R. Leary / Selectman R. Lascelles ) Motion to approve the Meeting Minutes from December 28, 2020.

**Vote:** ( 4-0-0 ) The motion carried

**5. Business:**

**a. Town Clerk / Tax Collector Part-Time Position:**

Town Administrator Troy Brown mentioned that Town Clerk / Tax Collector Terri Briand had approached him about the Town Clerk / Tax Collector's Office's future staffing. Mr. Brown said that Ms. Briand and Ms. Mulrooney wished to speak to the Board of Selectmen about the office's staffing and the Warrant Article regarding a full-time employee.

Ms. Briand acknowledged that the town had a Warrant Article for a full-time employee within the Town Clerk's Office. She commented that she did not believe that the position would benefit the town. She provided the Selectmen with a

document showing what each of the employees does. Ms. Mulrooney is interested in being more involved with the town elections and training.

Ms. Briand stated that she did not believe the town should close the office every time there is an election. Ms. Mulrooney will be involved in the liening process. She will be responsible for sending out the 30-day reminder letters, 60-day delinquent letters, intent to lien notices, mortgagee searches, and set up payment plans. Ms. Briand then notified the Board of her responsibilities within the office. Ms. Briand said that the Town Clerk's Office is looking for an additional part-time employee to help out for 20 hours a week. The part-time employee would enable an employee to go on vacation, and the office would still have a full staff.

Ms. Mulrooney presented the numbers to the Board. Ms. Mulrooney mentioned that they went back to 2010, 2012, and 2013 to have numbers to compare against 2020. The significant increases occurred with the Land Use Change Tax, Hunting/Fishing/OHRV, and Absentee Ballots in a General Election. The Land Use Change Tax increased by 222.79% from 2010. The Hunting/Fishing/OHRV increased by 252.35%, and the Absentee Ballot - General Election increased by 395.45%.

Chairman Steve Webber said that he supported changing the full-time employee Warrant Article to an additional part-time employee. Before making a decision, Selectman Robert Leary commented that he wanted to bring the proposal to the Budget Committee. Mr. Brown pointed out that if the Selectman changes the Warrant Article to a part-time employee, and the resident's vote 'no,' the Selectmen need to wait a year before presenting the proposal. He added that the Selectmen have always hired employees from the budget. The Selectmen have not created Warrant Articles for part-time employees. Mr. Brown suggested that the Board consider increasing the proposed Operating Budget to fund the additional part-time position. He recommended the Board wait until after the March election and see if there is a way to fund the position.

**Discussion:** None

**Motion:** ( Selectman S. Webber / Selectman J. Pinciario ) I move to pull Warrant Article 6, as written.

**Vote:** ( 4-0-0 ) The motion carried.

Nikki Fordey called into the meeting and commented that she agreed with the motion to pull Warrant Article 6. Ms. Fordey believed that the Board of Selectmen needs to have the authority to change personnel to fit the needs of the residents. She added that the town could not afford to have a part-time position be voted down by the residents and not hire a part-time employee for a year.

**Discussion:** None

**Motion:** ( Selectman R. Leary / Selectman R. Lascelles ) I move to postpone our action until June 2021, when we have figured things out a bit more. We can move forward with it at that point.

**Vote:** ( 4-0-0 ) The motion carried.

b. **Public Input @ 7:10 pm:**

1. Nikki Fordey - 85 Page Road

Ms. Fordey stated that she has been working with the PFAS Commission. She mentioned that the NH-DES had increased the geographical area that they will test for PFAS and other chemicals. Because of the increased geographical testing area, she said that more houses could be affected. Ms. Fordey mentioned that residents in town might receive letters from a company requesting access to the homeowner's well.

Ms. Fordey has been talking to employees in Merrimack, Bedford, and Londonderry about the benefits of receiving the data from the testing. One of the PFAS Commission's suggestions was to contact the local Board of Selectmen and communicate with the residents about the letter. Ms. Fordey reminded the Board that St. Gobain signed an agreement that they would only take responsibility if the amount, outside of the 65-mile radius, were in excess of 70 parts per trillion. She added that it is unclear what homeowners should do if the PFOA is greater than 12 parts per trillion, the State standard.

Public Input ended at 7:16 pm.

c. **Garden Drive Right-of-Way Name - Hale Way:**

Town Administrator Troy Brown mentioned that the town has been working with Mr. Miller to improve the right-of-way at the end of Garden Drive. Mr. Brown stated the work had been concluded, and Mr. Miller thought of a name for the private access way. The Litchfield Fire Department agreed to the name of 'Hale Way.'

**Discussion:** None

**Motion:** ( Selectman R. Leary / Selectman J. Pinciario ) I move to name Garden Drive Right-of-Way "Hale Way" as recommended by the Fire Department.

**Vote:** ( 3-0-0 ) The motion carried. ( Selectman R. Lascelles did not vote )

d. **2021 Budget:**

Town Administrator Troy Brown commented that Selectman Leary, Ms. White, and he attended the Budget Committee meeting. At the meeting, the subject of health insurance was discussed for Library personnel. The result was that the Operating Budget was increased by \$7,905. The Budget Committee voted to increase the Operating Budget; the Budget Committee then requested that the proposal be presented to the Board of Selectmen before the Budget Committee approves the increase.

Mr. Brown mentioned that if the Operating Budget were increased by \$7,905, the Revenue would need to be raised by \$7,905. After amending both the Operating Budget and the Revenue by \$7,905, the Default Budget would be increased from \$7,346,362 to \$7,356,332.

**Amend Operating Budget**

From \$7,195,888 to \$7,203,793 which represents a \$7,905 increase for the Library operating budget.

**Amend Revenues**

From \$2,718,160 to \$2,726,065 which represents a total use of unassigned fund balance of \$65,776

**Amend Default Budget**

From \$7,346,362 to \$7,356,332

**Discussion:** None

**Motion:** ( Selectman R. Lascelles / Selectman R. Leary ) So moved.

**Vote:** ( 4-0-0 ) The motion carried.

e. **2021 Warrant:**

**ARTICLE 1 - ELECTION OF OFFICERS**

a. Selectmen	1 Position	Three (3) Year Term
b. Selectmen	1 Position	Two (2) Year Term
c. Budget Committee	3 Positions	Three (3) Year Term
d. Cemetery Trustee	1 Position	Three (3) Year Term
e. Library Trustee	2 Positions	Three (3) Year Term
f. Town Moderator	1 Position	Three (3) Year Term
g. Trustees of Trust Fund	1 Position	Three (3) Year Term

**ARTICLE 2 - PLANNING BOARD**

**ARTICLE 3 - PLANNING BOARD**

**ARTICLE 4 - OPERATING BUDGET**

Shall the Town vote to raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth in the budget posted with the warrant or as amended by the vote of the first session, for the purposes set forth therein, totaling \$7,195,888. Should this article be defeated, the default budget shall be \$7,356,332 which is the same as last year with certain adjustments required by the previous action of the Town of Litchfield or by Law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only. Estimated 2021 tax rate impact: \$0.09.

Recommended by Board of Selectmen (4-0-0)  
Recommended by Budget Committee (0-0-0) (Pending)

**ARTICLE 5 - POLICE CONTRACT**

Shall the Town vote to approve the cost items for wage and related costs that have been included in the collective bargaining agreement reached between the Town of Litchfield and Council 93 of the American Federation of State, County and Municipal Employees, which provides for the following increases in wages and benefits at the current staffing level and further to raise and appropriate the sum of \$11,803 for the current fiscal year, such sum representing the additional costs attributable to the increase in salaries and benefits required by the new agreement over those that would be paid at current staffing levels. Estimated 2021 tax rate impact: \$0.01.

2021 - \$11,803  
2022 - \$59,799  
2023 - \$56,163

Recommended by Board of Selectmen (4-0-0)  
Recommended by Budget Committee (8-1-0)

**ARTICLE 6 - TOWN CLERK FULL-TIME POSITION**

To see if the Town will vote to change the part-time town clerk position to a full-time town clerk position effective April 1, 2021, at an estimated annual increase in salary and related costs of \$12,005 and further vote to raise and appropriate the sum of \$8,921 for wages and benefits for the period of April 1, 2021, to December 31, 2021. Estimated 2021 tax rate impact: \$0.01.

<b>Wage &amp; Benefits</b>	<b>2021</b>	<b>2022</b>
Wages	\$4,795	\$6,393
Health	\$2,957	\$3,943
Dental	\$127	\$281
NHRS	\$675	\$899
SSI	\$297	\$396
Medicare	\$70	\$93
<b>Total</b>	<b>\$8,921</b>	<b>\$12,005</b>

Pulled by Board of Selectmen (4-0-0)  
Not Recommended by Budget Committee (4-5-0)

**ARTICLE 7 - HUMAN SERVICES AND HEALTH AGENCIES**

Shall the Town vote to raise and appropriate the sum of \$21,255 to support Human Services and Health Agencies providing services to the Town of Litchfield. Estimated 2021 tax rate impact: \$0.02.

Recommended by Board of Selectmen (4-0-0)

Recommended by Budget Committee (8-1-0)

#### **ARTICLE 8 - ROAD IMPROVEMENTS**

Shall the Town vote to raise and appropriate the sum of \$100,000 for the purpose of road improvement projects. This sum to come from the unassigned fund balance and no amount to be raised from new taxation. Estimated 2021 tax rate impact: \$0.00.

Recommended by Board of Selectmen (4-0-0)

Recommended by Budget Committee (8-1-0)

#### **ARTICLE 9 - PLOW TRUCK PURCHASE**

To see if the Town will vote to raise and appropriate \$100,000 to purchase a plow truck with equipment for the Highway Department. This sum to come from the unassigned fund balance and no amount to be raised from new taxation. Estimated 2021 tax rate impact: \$0.00.

Recommended by Board of Selectmen (4-0-0)

Recommended by Budget Committee (7-2-0)

#### **ARTICLE 10 - PROPERTY REVALUATION EXPENDABLE TRUST FUND**

Shall the Town vote to establish a Property Revaluation Expendable Trust Fund per RSA 31:19-a for the purpose of funding future property revaluations and to raise and appropriate \$25,000 to put in the fund; further to name the Board of Selectmen as agents to expend from said fund. This sum to come from the unassigned fund balance and no amount to be raised from new taxation. Estimated 2021 tax rate impact: \$0.00

Recommended by Board of Selectmen (4-0-0)

Recommended by Budget Committee (8-1-0)

#### **ARTICLE 11 - HEALTH AND DENTAL CARE EXPENDABLE TRUST FUND**

Shall the Town vote to establish a Health and Dental Care Expendable Trust Fund per RSA 31:19-a for the purpose of funding the town and library's portion of unanticipated health and dental insurance-related costs which arise during the year and to raise and appropriate \$25,000 to put in the fund; further to name the Board of Selectmen as agents to expend from said fund. This sum to come from the unassigned fund balance and no amount to be raised from new taxation. Estimated 2021 tax rate impact: \$0.00

Recommended by Board of Selectmen (4-0-0)

Not Recommended by Budget Committee (4-5-0)

**Discussion:** None

**Motion:** ( Selectman R. Lascelles / Selectman J. Pinciario ) I move to pull Warrant Article 11.

**Vote:** ( 4-0-0 ) The motion carried.

#### **ARTICLE 12 - FIRE STATION BOND PROCEEDS**

Shall the Town vote to raise and appropriate the sum of \$23,582 for the purpose of paying a portion of the 2021 Fire Station Bond payment and to authorize the withdrawal of that amount from the December 31, 2020 fund balance for this purpose. (This amount will represent the interest earned on bond proceeds that was transferred to the general fund on or before December 31, 2020).

Recommended by Board of Selectmen (4-0-0)

Recommended by Budget Committee (9-0-0)

### **ARTICLE 13 – FIRE FACILITIES FUND**

Shall the Town vote to discontinue the Fire Facilities Capital Reserve Fund created in 2000. Said funds and accumulated interest to the date of withdrawal shall be transferred to the Building Systems Expendable Trust Fund. The estimated balance is \$622.

Recommended by Board of Selectmen (4-0-0)

### **ARTICLE 14 – SOLAR EXEMPTION**

Shall the Town adopt the provisions of RSA 72:61-64 inclusively, which provide for an optional property tax exemption from the property's assessed value for persons owning real property, which is equipped with solar energy systems intended for use at the immediate site? Such property tax exemption shall be in the amount of the assessed value of qualifying solar energy system equipment, up to a maximum of \$27,000. This exemption shall only be available to property owners who expend funds for the installation of such systems. Therefore, if the property is sold, the new owner shall not be eligible for the exemption.

Recommended by Board of Selectmen (3-1-0)

#### **f. Deliberative Session – Date and Location:**

Town Administrator Troy Brown mentioned that last week there was a meeting with the Town Moderator, Town Clerk, Chairman Webber, some Department Heads, School Officials, Chairman Cutter, and himself. The purpose of the meeting was how the town was going to coordinate the Public Hearings with Litchfield Community Television and the I.T. staff. The Public Hearing is occurring this Thursday, the upcoming Deliberative Session, then having discussions about the election in March.

The group agreed that the Public Hearing would be 100% virtual. The meeting starts at 7 pm this Thursday. The recommendation was made that the town look into having the two Deliberative Sessions consolidated into one meeting. The Board of Selectmen previously voted to have the Deliberative Session on January 30, but the only date that will work with the School Board is February 6. Laura Spector-Morgan would not be available, but another attorney from Mitchell Municipal Group, P.A., would attend.

Mr. Brown mentioned that the Board of Selectmen typically starts Deliberative Sessions at 10 am. He asked the Board if they were interested in beginning the Deliberation Session at 9 am. The extra hour would allow the Board to end the meeting an hour earlier and transition to the School Board meeting. The spare time would allow for the area to be disinfected. Because of the setup time needed for LCTV, the Board agreed to keep the start time of the meeting at 10 am. This year the Deliberative Session will be held in the high school gymnasium.

The Board discussed when the March election might take place.

#### **g. COVID-19 Paid Leave Status:**

Town Administrator Troy Brown commented that the Families First Coronavirus Response Act (FFCRA) provided employees with paid sick leave and expanded family and medical leave for COVID-related reasons until December 31, 2020. Mr. Brown stated that the town needs to know what the Board of Selectmen's approach will be if employees test positive for COVID-19 or come in contact with someone who has a positive test result.

Mr. Brown recommended that the Board take this in small steps. He stated that he wants the town employees to believe that they can be honest about how they feel or if they came in contact with someone who has a positive case of COVID-19. Mr. Brown commented that he was not looking for what was offered under the FFCRA, but seeing if the Board would approve 80 hours of paid leave for full-time employees required to quarantine. The part-time employees would be provided the same benefit, but the benefit would be prorated. The 80 hours would cover the months of January, February, and March.

Mr. Pinciario asked why the employees have not been required to provide a doctor's note informing the town that the employee has a positive case of COVID-19 or has been in close contact with someone who has COVID-19. Mr. Brown said that the Board could add the requirement of a doctor's note.

The Board discussed the possibility of a town employee having COVID-19 in 2020 and using the 80 hours of paid sick time. The same employee has COVID-19 in 2021, would that employee receive another 80 hours of paid sick time? For the safety of the town employees, the Board agreed that an employee diagnosed with a positive case of COVID-19 or in close contact should be eligible for the 80 hours.

The Board requested that Mr. Brown re-write the motion and bring the subject up at the next Board of Selectmen's meeting on January 25.

g. **Pennichuck Water Rate Increase:**

Town Administrator Troy Brown mentioned that he had been in touch with the Town of Londonderry about sharing legal counsel. Londonderry has taken the lead role and has reached out to the towns affected by Pennichuck East. Londonderry will proceed with legal action and is working with the law firm Sheehan, Phinney, Bass & Green PA.

Mr. Brown informed the Town of Londonderry that the Town of Litchfield is interested in joining the Town of Londonderry. The Town of Pelham is also interested in joining, but the Town Administrator has to speak to the Board of Selectmen to see if they are interested in joining Londonderry.

Mr. Brown reviewed the following dates with the Board of Selectmen:

December 17, 2020 - The PUC issued the attached Order regarding Pennichuck East's ("PEU") request for rate increases.

January 22, 2021 - Deadline for filing the petition to intervene, which shall state "the facts demonstrating how its rights, duties, privileges, immunities, or other substantial interests may be affected by the proceeding, consistent with N.H. Admin. R., Puc 203.17."

January 27, 2021 - The PUC will hold a pre-hearing conference at 10 am with PEU and other interested parties, "at which each party will provide a preliminary statement of its position concerning the petition and any of the issues outlined in N.H. Admin. R., Puc 203.15."

January 27, 2021 - After the pre-hearing conference, the PUC will hold a remote technical session to review PEU's petition.

According to the PUC Order, the impacted municipalities are Atkinson, Bow, Center Barnstead, Chester, Derry, Exeter, Hooksett, Lee, Litchfield, Londonderry, Middleton, North Conway, Pelham, Plaistow, Raymond, Sandown, Tilton, Weare, and Windham.

The Board supported Mr. Brown's decision to join the Town of Londonderry in their legal action against the PEU.

h. **Snowdrop Lane & Lilac Court Limbs:**

Town Administrator Troy Brown commented that before Christmas, the Board had discussed sending a letter to Snowdrop Lane and Lilac Court residents. The letter informed the residents that they needed to cut down the dangerous tree limbs in the town's right-of-way. The Highway Department personnel and the Post Office have complained about the limbs.

Most of the residents chose to ignore the letter, and Mr. Brown believes this is the time of year to prune the tree limbs. He believes there will be about three feet of trimming back of the limbs. Mr. Pinciario added that the builder of the homes was informed that the trees were going to be a problem. According to Mr. Pinciario, the builder agreed to have tree limbs pruned if they became a problem.

Mr. Brown was asked to investigate whether the builder could be held responsible for pruning the trees he planted.

**6. Items Removed From Consent:**

None

**7. Administrator's Report:**

Town Administrator Troy Brown stated that the town placed the advertisement for the Building Inspector position. The advertisement read that all resumes should be in by this Friday, but the position would be open until filled.

The new plow truck arrived just in time for one of the other plow trucks to have an issue with its hydraulic pump. The town dropped off the plow truck with a broken hydraulic pump and picked up the new plow truck during the season's first snowstorm.

Mr. Brown received a certified letter requesting access to the town property. Nikki Fordey mentioned that a company working with the NH-DES is looking to research the town wells. The company has asked for access to the wells, and the Board agreed.

The Board asked questions about CDL licenses and the plowing of cul-de-sacs.

**8. Selectmen's Report:**

**a. Selectman Richard W. Lascelles - Heritage Commission:**

Selectman Lascelles mentioned that he has a Heritage Commission meeting scheduled.

**b. Selectman Robert Leary Jr. - Budget Committee:**

Selectman Leary mentioned that the Budget Committee has a Public Hearing this Thursday. He added that he has been in contact with the EPA regarding the old Town Hall painting.

**c. Selectman Kevin A. Lynch - Planning Board:**

Absent

**d. Selectman John E. Pinciario - Conservation Commission:**

Nothing to report

**e. Selectman Steve J. Webber - Rec Commission & CIP Committee:**

Nothing to report.

**9. Other Business:**

None

**10. Meeting with Legal Counsel:**

Chairman Steve Webber announced, at 8:18 pm, that the Board of Selectmen would have a non-meeting with legal counsel. Selectman Jack Pinciario stated that he would not attend the meeting.

**11. Adjournment:**

**Discussion:** None

**Motion:** Selectman Leary / Selectman Lascelles moved to adjourn the public meeting at 9:18pm.

**Vote:** ( 3-0-0 ) The motion carried

Respectfully Submitted,  
Matthew Sullivan  
BOS Recording Secretary

Approved by the Board of Selectmen:

-----  
Steven J. Webber, Chairman

-----  
F. Robert Leary, Sr., Vice Chairman

-----  
Richard W. Lascelles

-----  
Kevin A. Lynch

-----  
John E. Pinciario

January 11, 2021