

**Revised Draft Minutes of the
Litchfield Budget Committee Meeting
Held on April 22, 2021**

The Litchfield Budget Committee held a meeting on Thursday, April 22, 2021, at Litchfield Town Hall, Two Liberty Way, Litchfield, NH 03052 and remote locations.

In response to COVID- 19 and the resulting need to practice social distancing, the meeting will be held remotely via Webex and be broadcast live via LCTV

PRESENT: A Cutter (Chair), J Son (Vice Chair), K Douglas, W Hayes, D Barka, K Stevens, C Harrison (School Board Representative), R Leary (Selectmen Representative)

1. CALL TO ORDER

Mr. Cutter called the meeting to order at 7:00 p.m.

• PLEDGE OF ALLEGIANCE

2. PUBLIC INPUT

Residents were encouraged to submit comments via email to Andrew Cutter, Budget Committee Chair, acutter@litchfieldnh.gov. Messages must include commenter's first and last name & address.

Mr. Cutter indicated that there were individuals that sent emails to the Chair regarding disagreement with offering the position to Mr. Taylor.

Jen Bourque, 1 Westview Drive, commented regarding the vacancy on the Budget Committee. She indicated that her disagreement is not with Mr. Taylor, but with the process to fill the vacancy. She indicated that past practice has been to offer a vacant position to individuals who express interest. She does not believe the position should have been offered to Mr. Taylor who was not running against Mrs. Fordey. She noted that the Committee at the March meeting decided to post the position to those interested and wanted to know why the position was not posted. She wanted to know why the Town was involved and what has changed. She commented that she understands that the Committee has bylaws, but even with those bylaws, a vacant position was always posted to the public. She asked the other Committee members to ask these questions. She requested the vacant position be posted and then the Committee can vote at the next meeting to fill the position.

Mr. Cutter asked Mrs. Flynn if she would like to read her letter to the Committee.

Mrs. Flynn indicated that it was not necessary to read the entire email. She requested the record be clarified to reflect that she did not disagree with the appointment of Mr. Taylor to the Committee, but with the process, or lack thereof, that was being followed.

Mr. Cutter asked Mr, Taylor, who was in attendance, if he would like to provide input.

Mr. Taylor commented that when he filled the vacancy last year he was in perfect attendance at the meetings, provided professional input and was professional in his demeanor when asking questions. He indicated he has the real world knowledge to bring to the committee and would like to be considered to fill the position.

3. REVIEW / REVISION OF AGENDA

Mr. Cutter indicated that the Committee would go into non-public session under RSA 91-A:3,II a-c. He also mentioned that the Committee will discuss if the School Board and Select Board representatives should be voting members.

Mr. Cutter indicated that he intended to present correspondence at the March meeting, but did not. He noted that a list of correspondence was available.

4. CORRESPONDENCE

Mr. Son presented a list of correspondence received by the Committee:

Correspondence Summary

1/19: Edits to 1/7/21 Minutes
1/20: Review of town warrant articles
1/21-1/22: School & Town MS 7 forms for review & signature
1/22: Town Budget Report
1/25: 1/19 Meeting Minutes circulated to BC
1/27: School deliberative planning from the moderator
1/29: Deliberative preparation with the SAU
1/29: Town Budget Report
1/30: Edits to 1/14/21 Minutes
2/5: Updated materials for deliberative presentation circulated.
2/5: Town Budget Report
2/12: Town Budget Report
2/19: Town Budget Report
2/19: Email exchange on combined deliberative sessions going forward (pros/cons shared)
2/26: Town Budget Report
3/5: Town Budget Report
3/10: Email from Mrs. Jenn Bourque expressing interest in open BC position given resignation.

3/12: Town Budget Report
 3/19: Town Budget Report
 3/22: BC request for BA report and expense report from SAU
 3/25: BA report sent from SAU
 3/26: Distribution of draft BC meeting calendar for 2021-2022
 3/26: Minutes from 3/25 BC Meeting circulated
 3/26: Coordination of CIPC meeting planned for 4/5
 3/29: Confirmation from Town Administrator Brown on meeting planned Town budget meeting dates
 4/1: Coordination with SAU on meeting date to talk through draft budget calendar. Planned for 4/13
 4/2: Town Budget Report
 4/6: Open Committee Seat Update to BC
 4/6: Email by Chairman Cutter to Mrs. Bourque thanking Mrs. Bourque for interest in BC seat and that the seat 'will be offered to Scott Taylor as the next highest vote receiver at town election'.
 4/8: Mrs. Harrison disagreement with the seemingly automatic appointment of Mr. Taylor
 4/8: Mrs. Flynn email on Committee vacancy and disagreement with appointment of Mr Taylor. Additional point made on not being a Committee '...I want to be associated with'.
 4/8: Legal request to review RSA 32:15 and specific BC bylaws in place for vacancies
 4/8: Mrs. Flynn email on Committee vacancy and disagreement with appointment of Mr Taylor. Additional point made on not being a Committee '...I want to be associated with'.
 4/8: Legal request to review RSA 32:15 and specific BC bylaws in place for vacancies
 4/8: Mr. Leary email on thoughts about specific Bylaw language on vacancies
 4/8: Mr. Leary concern on Mrs. Flynn not being a resident of Litchfield.
 4/9: Town Budget Report
 4/13: Town Administrator Brown email on 2021 Paving Program that was approved
 4/16: Mrs. Bourque follow-up emails on open seat vacancy and request for reconsideration
 4/16: Town Budget Report
 4/18: Email from Mrs. Couture former Litchfield resident and BC member on vacancy
 4/18: Email from Mrs. Couture with links to former meeting and minutes from 8/25/16 where vacancy
 4/19: Email from Mrs. Flynn with additional thoughts on vacant seat
 4/19: Email from Mr. Son on not being appropriate venue to discuss. Acknowledgement by Mr. Leary.
 4/19: Email from Chairman Cutter to all BC members and others a part of email chain to refrain from additional emails as this is a standing agenda item on 4/22.
 4/19: Email from Mrs. Douglas on legality of removing select board and school board members as voting members on the BC.
 4/19: NHMA response to Mrs. Douglas request where it is against RSA 32:15 to remove voting rights to select board and school board members.

5. REVIEW / ACCEPTANCE OF MINUTES • March 25, 2021

Mrs. Douglas made a motion to approve the minutes of March 25, 2021. Mr. Son seconded. The motion carried by roll call vote: Mr. Cutter, yes; Mr. Son, yes; Mrs. Douglas, yes; Mr. Hayes, yes; Mrs. Stevens, yes; Mr. Barka, yes; Mr. Leary, yes; Mrs. Harrison, yes.

6. OPEN POSITION APPOINTMENT

Mr. Cutter spoke to Mrs. Bourque's comments. He indicated that she was correct in her statement that the Chair stated he would work with the Town to get the vacant position posted to the public. He commented that he spoke to Mr. Taylor about his interest in the position and was approached by another member suggesting the seat should be offered to Mr. Taylor. He reached out to the Town regarding the bylaws, which are specific regarding vacancies. He noted that he followed that process. Mr. Cutter indicated he never stated the position would be given to Mr. Taylor and that it is the will of the Committee.

Mrs. Douglas commented that there is an indication there were only two people on the ballot and only two people received votes, Mr. Taylor and Mrs. Stevens. She indicated the statement he is not the next highest vote getter is false and she believes that he should be offered the position. She noted that she researched the March 2016 Budget Committee meeting when a vacancy was filled and there was some question on how to fill that vacancy. She commented the Committee discussed the timing of the vacancy, in that if a resignation of a position closely followed the election the position should be offered to the person who received the next highest amount of votes. She indicated the intention of the 1% of the vote was so that there would be no question in the event of a write in candidate.

Mr. Son commented Section IV, A and B state: *A) A vacancy of an elected position occurring during the year shall be filled by appointment by majority vote of the Budget Committee members as provided by RSA 32:15. B) The Chair of the Committee shall notify the next highest vote receiver for the Budget Committee that sought election to the Committee and who received at least 1% of the vote at that year's Annual Town Meeting of the vacancy and invite them to seek appointment until a member is appointed.* He indicated when the word appointment was used it was a confirmation without a vote. He commented there has been allusion that there is a two year and a three year position, but the bylaws does not mention that. Mr. Son noted he was not a member of the Committee five years ago, but did express interest in a vacancy on the Committee in the past. He indicated he was not a member of the Committee when the bylaws were established, but reading the bylaws as they are currently is how he interprets them. He believes that Mr. Taylor should be considered for the vacancy.

Mrs. Harrison commented that she was on the Committee last October when a vacancy was filled and in that process the vacancy was posted and the Committee voted on the candidates. She indicated that she went back and watched meetings from the last year the process was outlined in the bylaws. She believes that not involving the Committee in the process is an exception to the process.

Mr. Cutter commented that many people are passionate about this issue.

Mr. Son believes that the Committee's due diligence is to make sure we are following the interpretation of the bylaws.

Mrs. Stevens commented she was not a part of the original conversation regarding the bylaws or the filling of vacancies. She also indicated that she watched the March 2016 Committee meeting and it appears that everything aligns with the bylaws. She suggested if there is that much disagreement with the bylaws the Committee can change them if it is their will. She indicated she was not thrilled that Mr. Cutter said he would post the position and then did not.

Mr. Cutter commented if it is the will of the Committee to post the vacancy we will do that. He believes it was worth a conversation of the Committee.

Mrs. Stevens commented that it is interesting the former Chair of the Committee at the time the

bylaws were written felt that the position should be posted as well.

Mr. Barka believes the Committee is well within their purview to appoint someone tonight. He indicated that the bylaws are clear. He commented that there is history in Litchfield and he has learned through serving on many committees/boards that perception is reality, even when members are doing everything “on the up and up”. He believes the position should be posted and give others a chance to express their interest and what they can bring to the Committee. Mr. Barka commented that it is an interesting situation. He indicated if Mrs. Bourque resigned her seat last year for which Mr. Taylor was appointed, resulting in a 2 year position, and she is willing to go forward to fill the seat, why would we not listen to her?

Mr. Hayes believes that Mr. Taylor should be appointed according to the bylaws. Mr. Leary believes that the Chair has done everything legally. He commented the Board of Selectmen made a similar decision to fill a vacancy.

Mr. Cutter indicated the Committee will vote and if the vote fails, we will post the position.

Mrs. Douglas made a motion to appoint Scott Taylor to fill the vacant Committee position. Mr. Son seconded. The motion carried by roll call vote: Mr. Cutter, yes; Mr. Son, yes; Mrs. Douglas, yes; Mr. Hayes, yes; Mr. Barka, no; Mrs. Stevens, yes; Mr. Leary, yes; Mrs. Harrison, yes.

Mr. Taylor was appointed to the Budget Committee by a vote of 7-1-0.

7. REPORTS

• Town Reports

o General Updates

Mr. Leary reported paving projects in town have begun and the Town is putting out the roof being replaced at the Historical building.

Mr. Hayes commented that trees were taken down near the dump exit and asked if the shrubbery will be removed to increase visibility.

Mr. Leary indicated that is the thought process to improve the visibility at the dump exit.

o RSA 32:22; Review of Expenditures

There were no questions on expenditures.

• School Business

o General Updates

Mrs. Harrison reported the ventilation project is ongoing and the School Board discussed the removal of the portables at LMS. She spoke to the food service deficit and reported that the federal government extended the reimbursement of meals until next year.

○ **RSA 32:22; Review of Expenditures**

There were no questions on expenditures.

8. MEMBER INPUT / NEW BUSINESS

● **Budget Calendar 2021-2022**

Mr. Cutter reported that he and Mr. Son met with the Superintendent, the Chair and Vice Chair of the School Board to review the Budget Committee calendar. The schedule for the school budget includes the delivery of the budget in paper form November 2, joint School Board/Budget Committee budget sessions November 4 and 9, Budget Committee review of the school budget November 18, voting December 2 with top level voting December 9. Town and school articles will be reviewed December 16 and voted on January 6.

Mr. Son believes that we walked away with a collaborative attitude. He noted that November 4 and 9 are budget sessions for the Committee to observe and listen and on November 18, during the Budget Committee review administrators will be texted to join the meeting if there are any questions for them, which is respect for their time.

Mr. Cutter directed the Committee to submit questions prior to the November 18 meeting and not hold them until that meeting.

Mr. Son made a motion to accept the 2021-2022 Budget Committee calendar. Mrs. Harrison seconded. The motion carried by roll call vote: Mr. Cutter, yes; Mr. Son, yes; Mrs. Douglas, yes; Mr. Hayes, yes; Mrs. Stevens, yes; Mr. Barka, yes; Mr. Leary, yes; Mrs. Harrison, yes.

● **Bylaws Review**

Mr. Cutter commented that the Committee can vote on the bylaws or discuss the language regarding vacancies.

Mrs. Stevens asked if it was only last year the Committee followed the historical way of filling the vacancy, what has changed.

Mr. Cutter indicated last year the appointment was the will of the Committee and they felt it was appropriate to post the position. He noted this year because the resignation of the position was so close to the election date, it was believed there would be more of a discussion among the Committee and then make an appointment.

Mrs. Douglas asked if it is worth having a timeline for filling a vacancy.

Mr. Son indicated the bylaws were written in a way as to avoid a situation such as occurred in 2016.

Mrs. Harrison commented that she voted the way she did because of the bylaws.

Mr. Cutter asked if the Committee would like to clarify Section IV, B.

Mr. Son commented the question is, was a vacancy posted in the past because no one ran or because of what had occurred.

Mr. Barka asked why was the vacancy posted last year and not just

offered. Mr. Cutter indicated it was the will of the Committee.

Mrs. Stevens commented there is a question about social media in the bylaws. She asked if someone posts something and has a clarification question, can a Committee member respond to it if not speaking for the Committee?

Mr. Cutter indicated that the reason that is stated in the bylaws is because responses are subject to RSA 91-A and a quorum of the Committee.

● CIPC Update

Mr. Cutter reported that the Town Capital Improvement Committee met and discussed the use of funds coming from the American Rescue Plan; the elementary school and performing repairs as needed; commencement of the district to put out a bid for an architect for the elementary school; the renovations for LMS and HVAC; Chief Sargent presented an update on a grant for the police department.

● Facilities Improvement Update

Mr. Son reported the Committee met and reviewed a thermal imaging report that highlighted inefficiencies in the school buildings; discussed enrollment projections; LMS HVAC work and the next steps with the architect for GMS.

9. PUBLIC INPUT

Jen Bourque, 1 Westview Drive, thanked the Committee for taking the time to have a discussion about the vacant position and providing an opportunity for her to speak. She indicated, for the record, that her comments were not reflective of negativity toward Mr. Taylor, but very much about the process. She commented she finds it ironic listening to the discussion and majority of the Committee that the bylaws were clear, and then listening to the conversation about whether they are following the bylaws. Mrs. Bourque noted that Mrs. Stevens asked great questions and encourage her to keep asking questions. She indicated that she did not create a public statement during her research and that every Committee vacancy since 2016 has been posted to the public. She commented perhaps the way we look at the bylaws should be considered (can we do this vs should we do this) going forward. She wished the Committee good luck.

Mr. Cutter indicated the Committee will enter into non-public session at 8:15 pm under RSA 91-A:3,II a) *(a) The dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted.*

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Mr. Cutter made a motion to enter into non-public session. Mr. Son seconded. The motion carried by roll call vote: Mr. Cutter, yes; Mr. Son, yes; Mrs. Douglas, yes; Mr. Hayes, yes; Mrs. Stevens, yes; Mr. Barka, yes; Mr. Leary, yes; Mrs. Harrison, yes.

Next meeting: May 27, 2021

Recorded by: Michele E. Flynn, Recording Secretary

Approved: