

Town of Litchfield, NH
Board of Selectmen Meeting
July 12, 2021
Litchfield Town Hall

In Attendance:

Selectmen: Steven J. Webber, Chairman; F. Robert Leary, Sr., Vice Chairman; Richard W. Lascelles; Kevin A. Lynch; and Kimberly M. Queenan

Town Manager: Troy Brown

Also in Attendance: Attorney Andrew A. Prolmanthe and Chairman Matt Lepore

1. Call to Order:

- a. 5:30 pm - Paperwork Review
- b. 6:30 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: 7/6/21 - \$209,041.10 and 7/13/21 - \$10,642.97
- b. P/R Manifest: 7/8/21 - \$55,597.97 and 7/15/21 - \$57,861.91
- c. Tax Abatement, Map 15 - Lot 28 - (533.65)
- d. Purchase Order M-21-20 - Mobile Radios \$23,147.23

Discussion: No Discussion

Motion: (Selectman R. Leary / Selectman K. Queenan) So moved.

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

3. Additional Items or Other Business:

- a. No Items Added

4. Business:

a. Meeting Minutes:

- i. June 28, 2021, Minutes

Discussion: No Discussion

Motion: (Selectman R. Leary / Selectman K. Queenan) Motion to accept the minutes as written.

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

b. Baron's Warehouse Update - Attorney Andrew Prolman:

Town Administrator Troy Brown introduced Attorney Andrew Prolman from Prunier & Prolman, P.A. Mr. Prolman stated that he wanted to update the Board about the possible Baron's Major Brands Appliances warehouse.

Mr. Prolman requested the Board's support as he will meet with the Zoning Board next week. Mr. Prolman provided the Board with three separate documents that included the plan update, potential mitigation, and estimated revenue analysis. The estimated local revenue was calculated by Mark J. Fougere of Fougere Planning & Development, Inc.

Mr. Prolman commented on the proposed construction of a 132,000 square foot warehouse on a 29.19-acre property. He noted that the size of the warehouse would remain the same, but the building was moved upward on the lot. Mr. Prolman stated that approximately 29,000 square feet of wetland would be impacted. The Conservation Commission was informed of the impact on the wetland, and the Commission provided a positive recommendation for the wetland special exception.

Mr. Prolman mentioned that the significant change to the plan was the traffic impact to the area due to their meeting with the Department of Transportation (DOT). He noted that the DOT did not like the potential conflict of tractor-trailers using Saint Francis Way because of the wide nature of the turn. The DOT and Baron' Major Brands agreed that the truck entrance would occur at 494 and 496 Charles Bancroft Highway. The entrance will be used only by tractor-trailer trucks and box trucks. The trucks will use Saint Francis Way as an exit, and the employee cars will enter and exit through Saint Francis Way.

Mr. Prolman informed the Board that because Baron's would be impacting 29,000 square feet of wetland, in addition to the buffer impact, Baron's has to offer up some mitigation measures. NH-DES requires that whenever there are over 10,000 square feet of wetland impacted, mitigation is required. The first option is for Baron's to donate to the State's Mitigation Fund, the second option is to help the Town acquire property that it may have its eyes on, and the third option is a donation of land.

Baron's and the Conservation Commission are looking at a donation of land, approximately 6.5 acres, along the Merrimack River. The benefits are that this would allow the Conservation Commission to conserve riverfront property, and the property ties in with the Moore's Falls Conservation Area.

Mr. Prolman asked Mr. Fougere to look at what the tax impact would be to the Town of Litchfield. Mr. Prolman did not review the entire document but pointed out that the Town would receive a positive property tax impact of \$238,674 or more. Mr. Prolman mentioned that LKQ was used as a comparison.

Mr. Prolman commented that he would make his presentation to the Zoning Board on Monday, July 19, for two things. The first request will be for the Board to provide a use-variance to build the warehouse and wetland special exception because of the wetland impact. He noted that the Town of Litchfield is an abutter to the property and has the right to weigh in, and he requested the Board's support. Mr. Prolman requested that the Board either provide a letter of support or a member from the Board attend the meeting.

The Board requested that Mr. Brown write a letter of support for the Baron's plan to the Zoning Board of Adjustment. Chairman Steve Webber asked if there was a motion to put forth the Board's support of the project.

Discussion: No Discussion

Motion: (Selectman R. Leary / Selectman K. Queenan) So moved.

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

c. Conservation Commission Updates - Matt Lepore:

Chairman Matt Lepore mentioned that the initial plan was to speak with the Board regarding the easement discussion with Stage Crossing. Stage Crossing has since communicated with the Conservation Commission and

informed the Commission that they would come back with a proposal to move the easement. Mr. Lepore added that the tax impact on the Conservation Commission has been in contact with the Attorney General's Office, and they have supported the Commission.

Mr. Lepore commented that the Conservation Commission had approved a weather program. The Commission has worked with the National Weather Service, and the purpose of the weather program is to allow the Commission to study the local weather. Mr. Lepore stated that the Conservation Commission might replace the weather system at the fire station with a new, more advanced weather system. He added that the information on the weather system would be featured in next month's news bulletin from the NH Association of Conservation Commissions.

Mr. Lepore informed the Board that the Conservation Commission has begun doing site walks. The Commission intends to inspect every Conservation Commission property in Litchfield by the end of the year. The first site walk was at the Muster Field, and the next site walk will be at Moore's Falls.

The Conservation Commission is currently working on a Land Management Policy. The policy will cover how the Commission will manage the Conservation Commission's property within the Town of Litchfield. The Commission is also working on a Communication Policy. The policy will be similar to the surrounding town's Social Media Policy. The Conservation Commission is working on a Landowner's Outreach Program. The program would include advertising that landowners can talk to the Conservation Commission, letters sent out to landowners, or events that landowners would be invited to attend. The Commission is working on a wildlife program and is working on the Fishing Derby. The Conservation Commission will work with the Recreation Commission to bring the Fishing Derby back in 2022. Finally, the Conservation Commission is looking into possibly getting a piece of equipment to assist with land management. The Commission is looking at either a tractor or a zero-turn mower.

The Board discussed what maintenance could be done at the Muster Field across from the old Town Hall. Mr. Lepore mentioned that he, Jayson Brennen, and the Highway Department have mowed the Muster Field but have stayed away from the foundations per Steve Calawa's request. The Board suggested that the Conservation Commission purchase a weed wacker.

d. Davis Property Deed Acceptance:

Town Administrator Troy Brown commented that a couple of months ago, the Davis' had reached out to the Conservation Commission and the Board of Selectmen. Mr. and Ms. Davis own 2.9 acres of wetland at the backlot of 24 Cardinal Lane. The property has a 50-foot right-of-way, is not landlocked, but the property is undevelopable. The family is not interested in paying the property taxes and believes the Conservation Commission could benefit by managing the property. The Board of Selectmen and Conservation Commission agreed to take ownership of the property.

The Town of Litchfield has been working with legal counsel and the Davis' and has a Warranty Deed for Mr. Webber and Mr. Lepore to sign. Legal counsel will take the signed Warranty Deed and register the document at the Registry of Deeds. Mr. Brown added that the Selectmen would vote to approve an abatement to calculate the property taxes at the next board meeting.

Discussion: No Discussion

Motion: (Selectman R. Lascelles / Selectman K. Lynch) I move to accept the Warranty Deed.

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

e. COVID-19 Restrictions for Town Hall Conference Room:

Town Administrator Troy Brown mentioned that the Board had been going through several steps on how the Board conducted their meetings. Mr. Brown discussed how the meetings went from completely virtual to a hybrid virtual/physical attendance. He added that in the last couple of months the Town was allowing up to 17 people to attend a meeting at one time.

Mr. Brown commented that the Town is currently not seeing the 'Level of Community Transmission' within Litchfield and the State of New Hampshire compared to what was reported during the pandemic's peak. He noted that he was very comfortable recommending to the Board that all regulations and procedures for the meetings within the conference room. Mr. Brown added that he did not see a need for the dividers and could see the space being set up the same as pre-pandemic. The room capacity would return to approximately 40 people.

Mr. Brown acknowledged that the Emergency Management Team (EMT) did not have a chance to discuss the plan, but he spoke with Chief Frank Fraitzl, and he did not have an objection. The consensus of the Board was that it is about time to lift the regulations with regards to the meeting room. Mr. Lascelles questioned what was going to happen to the other Town buildings. The only two places that Mr. Brown knew that still had regulations were Talent Hall and the Community Room within the fire station. Mr. Webber stated that the Rec Commission was going to discuss lifting the restrictions at Talent Hall on Tuesday, July 13.

Discussion: No Discussion

Motion: (Selectman R. Lascelles / Selectman K. Lynch) I move to eliminate all COVID 19 restrictions imposed on the Town Office Conference Room effective Tuesday, July 13, 2021.

Vote: (0-0-0) No vote

Discussion: Mr. Leary suggested amending the motion to include all Town buildings.

Motion: (Selectman R. Leary / Selectman S. Webber) I move to eliminate all COVID 19 restrictions imposed on the Town Office Conference Room and all Town buildings effective Tuesday, July 13, 2021.

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

f. Swap Table Update:

Town Administrator Troy Brown mentioned that at the last Board meeting, during Public Input, a resident made a recommendation. The recommendation was that the Town looks into purchasing or renting a steel cargo container and place it in the area that was just recently cleared. The idea was that by placing the steel cargo container in the area that was just cleared, the Transfer Station would then move a lot of the activity away from where people park. The Board requested that Mr. Brown speak with Director Dave Mellen and receive his input. Mr. Mellen came up with twelve questions and thoughts regarding the suggestion.

Mr. Mellen created a job requirement list if a container was placed in the recently cleared area. His primary concern was that the container would be outside the facility, and no one would be around the container overseeing the area.

Selectman Lynch agreed with Mr. Mellen and added that he has seen other communities start having unfamiliar objects dropped off because there is no security to stop it. The Board appreciated the resident's suggestion.

Selectman Leary suggested that the Transfer Station have a time limit. The other members noted that the employees at the Transfer Station do a good job policing residents who are socializing.

5. Public Input at 7:15 pm:

No one came for Public Input.

Public Input ended at 7:16 pm.

6. Business (Continued):

g. KBT Realty Trust Tax Abatement Settlement:

Town Administrator Troy Brown commented that in July 2020, KBT Realty filed a petition for an abatement with the Superior Court. The Town of Litchfield had issued a Land Use Change Tax (LUCT) because KBT Realty had disturbed about 2.2 acres of land. The tax on the LUCT was \$20,000, and the LUCT is calculated at 10% of the fair market value of the property at the time of the disturbance.

Mr. Brown noted that the Town has been going back and forth between the Assessors. The last act by the Board of Selectmen was to authorize legal counsel to negotiate and reach a settlement with KBT Realty. Both parties have agreed, and the agreement is to have KBT Realty pay \$12,500 as a Land Use Change Tax. The value of the land was assessed at \$125,000 for 2.2 acres. The settlement also includes that KBT Realty is responsible for the interest for non-payment estimated at \$3,250. The settlement does not have any other fees or penalties.

The final calculation for the settlement will be done when the agreement is official. Mr. Brown added that the cost for legal fees was approximately \$1,000.

Discussion: No Discussion

Motion: (Selectman R. Leary / Selectman K. Queenan) I move to authorize the Town Administrator to execute the KBT Tax Abatement Settlement Agreement as presented.

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

h. 2022 Budget – Preliminary Discussion/Guidance:

Town Administrator Troy Brown mentioned that it was that time of year that the Board needs to start talking about the Town budgets. The Budget Committee has already approved their schedule and will meet with the Board of Selectmen, for the first time, on September 30. The Budget Committee will spend the month of October with the Department Heads. The Budget Committee will then move to the School District, and in December, the Selectmen will work on the Warrant Articles.

Mr. Brown, in the next couple of weeks, will reach out to the Boards, Committees, and Department Heads. He pointed out that last year the Town had a zero-based budget, and he wanted to receive input from the Board members. Mr. Brown added that the Budget Committee appreciated the zero-based budget, and the Department Heads learned from it. Mr. Brown stated that he believes the Town should still keep a zero-based budget as the directive.

Mr. Brown discussed how last year the Selectmen decided to take items off the Warrant. One of the items taken off the Warrant in the last couple of years was the need for a new fire engine. Each year, the Selectmen have promised to put it back on the Warrant at the next Budget. The Town Clerk's Office has informed the Board of a need for part-time help. Road Agent Kevin Brown has asked for a full-time person at the Highway Department, and that Warrant Article did not pass. The Town's population is increasing, and the Highway Department still only has two full-time employees. Selectman Lynch pointed out that work was not getting completed because there is more work than two full-time employees can finish. Chairman Webber added that the Aaron Cutler Memorial Library has more employees than the Highway Department has.

Mr. Brown mentioned that one of the proposed projects this year was reclaiming the driveway to the Transfer Station and Highway Department. He would like to get a solid estimate for the Transfer Station and Highway Department driveway work.

Mr. Brown commented that another project that has been proposed is the Darrah Pond Clean-up of the milfoil. He pointed out that because of the pandemic, the Warrant Article for the milfoil treatment was removed. Mr. Webber pointed out that the survey sent by the Facilities Improvement Committee showed that residents want the milfoil in Darrah Pond treated.

Mr. Brown mentioned that a Warrant Article passed that capped the Conservation Fund not exceed \$1,000,000. Any funds above \$1,000,000 would be placed in a temporary holding fund until the voters approve a designated appropriation; if not, those funds would lapse to the General Fund. Mr. Brown has heard two options:

- i. Increase the cap to more than \$1,000,000.
- ii. Eliminate the cap.

Mr. Brown then stated that a Warrant Article should be created to transfer the funds from the temporary holding fund to the Conservation Fund. Finance Manager Karen White has set up the temporary holding fund for the excess funds, and Mr. Brown informed the Board that the excess money would stay in the temporary holding fund until the next Town Meeting. Mr. Lepore stated that the Conservation Commission would talk about this issue at their next meeting.

i. Administrator Report:

Town Administrator Troy Brown mentioned that he wanted to cover three topics in his report. The first topic was the Fire Chief Contract. The current contract was extended until the end of December 2021. Mr. Brown noted that it is about time that Chairman Webber, Selectman Leary, Town Administrator Brown (negotiating team) sit down with Chief Fraitzl.

The second topic was about adopting an Ethics Policy. Selectman Queenan has offered to work with Mr. Brown to research what the Town currently has and bring forth an updated policy for the Board or Town to adopt.

The third topic was about the Heritage Commission needing space to store their records. Mr. Brown stated that he has a drawer in the Town Office that the Heritage Commission could use. The old fire station still has room, but the belief was that the drawer in the Town Office would suffice.

j. Selectmen Reports:

i. Selectman S. Webber - EMT, Rec Commission, School Facilities Improvement Comm. & CIP Comm.:

1. EMT -

Chairman Webber mentioned that the Emergency Management Team has not met in a few weeks.

2. Rec Commission -

Mr. Webber mentioned that the Rec Commission meets tomorrow at 7:30 pm.

3. School Facilities Improvement Committee -

Mr. Webber mentioned that he missed the last School Facilities Improvement Committee.

ii. Selectman R. Leary - Budget Committee:

Selectman R. Leary commented that the Budget Committee would not meet until August.

iii. Selectman R. Lascelles - Heritage Commission:

Selectman Lascelles mentioned that the Heritage Commission meets tomorrow night.

iv. Selectman K. Lynch - Conservation Commission:

Nothing to report.

v. Selectman K. Queenan - Planning Board & NRPC:

1. Planning Board-

Selectman K. Queenan mentioned that the Planning Board meets again on July 20 at 7 pm in the meeting room. She commented that at the last meeting, the Planning Board continued their discussion about the land use laws for the commercial zones in the northern, the southern, and the southern-industrial part of Town.

2. NRPC-

Ms. Queenan stated that the next NRPC meeting is Wednesday, September 15, at 7 pm. Information about the meeting can be found on their website.

k. Other Business:

i. None

7. Items Removed From Consent:

a. None

8. Adjournment:

Discussion: None

Motion: (Selectman Leary / Selectman Queenan) motioned to adjourn the public meeting at 7:44 pm.

Roll-Call:

- a. Selectman S. Webber - Yes
- b. Selectman R. Leary - Yes
- c. Selectman R. Lascelles - Yes
- d. Selectman K. Lynch - Yes
- e. Selectman K. Queenan - Yes

Vote: (5-0-0) 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

Kimberly M. Queenan