

Town of Litchfield, NH
Board of Selectmen Meeting
July 26, 2021
Litchfield Town Hall

In Attendance:

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

Town Manager: Troy Brown

Absent: Steven J. Webber, Chairman

1. Call to Order:

- a. 5:30 pm - Paperwork Review
- b. 6:30 pm - Vice-Chairman Robert Leary called the meeting to order, followed by the Pledge of Allegiance.

2. Review and Approval of Consent Items:

- a. A/P Manifest: 7/20/21 - \$48,702.35 and 7/27/21 - \$99,380.59
- b. P/R Manifest: 7/22/21 - \$65,135.64 and 7/29/21 - \$56,176.95
- c. Tax Abatement, Map 20 - Lot 17 - (4,500.00)
- d. NH-DRA PA 28 Assessing Form
- e. Purchase Order M-21-23 - Plow Truck Lease Payment #4 \$28,564.06

Town Administrator Troy Brown mentioned that NH-DRA PA 28 Assessing Form is an older method of trying to pick up assessed value. The form is sent to homeowners, and the homeowners are asked to report any additions or subtractions that would affect their property value. The NH-DRA PA 28 Assessing Form is used in a lot of smaller communities.

Mr. Brown stated that the plow truck lease payment is for the Freightliner truck that was purchased a couple of years ago. The Town of Litchfield has one more payment on the 2019 Freightliner.

3. Additional Items or Other Business:

- a. No Items Added

4. Business:

a. Meeting Minutes:

- i. July 12, 2021, Minutes

Discussion: No Discussion

Motion: (Selectman R. Lascelles / Selectman K. Lynch) Motion to accept the minutes as written.

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

b. Recreation Commission Alternate Members (terms expire on 3-31-24):

Vice-Chair Robert Leary mentioned that the Rec Commission requested that Judy Brennen and Jeff Towne be approved as alternate members with their terms to expire on March 31, 2024.

1. Judy Brennen - alternate member - term expires on 3-31-24
2. Jeff Towne - alternate member - term expires on 3-31-24

Town Administrator Troy Brown stated that Judy Brennen and Jeff Towne have met and were interviewed by the members of the Rec Commission.

Discussion: No Discussion

Motion: (Selectman R. Lascelles / Selectman K. Queenan) I move to appoint Judy Brennen and Jeff Towne as alternate members of the Recreation Commission with their terms to end on March 31, 2024.

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

c. John Brunelle - Zoning Board of Adjustment Regular Member (term expires 3-31-24):

Town Administrator Troy Brown commented that John Brunelle was aware that the Zoning Board of Adjustment needed experienced leadership. Mr. Brown noted that Mr. Brunelle had previously served on the Zoning Board of Adjustment. Mr. Brunelle volunteered and requested to be a regular member of the ZBA.

Discussion: No Discussion

Motion: (Selectman R. Lascelles / Selectman K. Lynch) I move to appoint John Brunelle as a regular voting member of the Zoning Board of Adjustment with a term to end March 31, 2024.

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

Mr. Brown stated that Thomas Cooney and Kyle D'Urso are alternate members of the ZBA and do not wish to be made regular members.

Mr. Brown noted that the ZBA had some resignations and some non-participation from members. He mentioned that the resignations and non-participation have caused the ZBA to be unable to have meetings with a quorum. Currently, the ZBA does not have a Chairperson, and Vice-Chair Laura Gandia has been working with the current membership to get the members to participate.

Mr. Brown commented that Ms. Gandia had submitted a prioritized list of applicants. Once the applicants are approved, Mr. Brown will reach out to the NHMA to provide specialized training for the new members. Mr. Brown mentioned that the new members would help provide the needed quorum, and companies like Baron's Major Brands will feel more comfortable meeting with a full membership. Selectman Kevin Lynch stated that if the ZBA denies the applicant's request, the applicant has 30 days to file an appeal.

Selectman Rich Lascelles was not happy hearing about the lack of member's attendance at Board meetings. He added that the Selectmen should receive a copy of the meeting minutes. The meeting minutes would provide the Selectmen with information on who is attending and not attending the meetings. The Board agreed that knowing who was not attending the meetings is essential. Mr. Brown said he would look into finding a way to keep track of attendance at meetings.

d. Zoning Board of Adjustment Regular Member and Alternate Members (term expires 3-31-24):

The Board discussed whether to make separate motions for each name or make one motion for all the names. The Board agreed only to make one motion for the following names.

1. Kevin Cormier - regular member - term expires on 3-31-23
2. Mark Benoit - alternate member - term expires on 3-31-23
3. Mike Salvo - alternate member - term expires on 3-31-22
4. Jerry Sorensen - alternate member - term expires on 3-31-22

Discussion: None

Motion: (Selectman K. Lynch / Selectman S. Webber) I move to approve the names that ZBA Vice-Chair Laura Gandia has presented to the Board of Selectmen as regular and alternate members.

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

Vice-Chair Robert Leary reminded the new members of the Rec Commission and the Zoning Board of Adjustment to go to Town Hall and get sworn in.

5. **Public Input at 6:48 pm:**

a. **Andrew Mclavey, 20 Birch Street -**

Mr. Mclavey mentioned that he was at the Zoning Board of Adjustment meeting last week to receive approval to replace a failed septic system. He noted that he has been working since February 2021 to receive approval and felt that he has been 'kicked in the teeth' since day one. Mr. Mclavey acknowledged that the Town of Litchfield had an interim Building Inspector since Peter Dionne passed away. Mr. Mclavey added that he has set up meetings with the interim Building Inspector and has allegedly been told 'there is not much I can do for you' or 'you did not submit anything.'

Mr. Mclavey stated that he had spent thousands of dollars on wetland surveys, architectural plans, and project proposals. He noted that a month ago, the Conservation Commission voted to approve the plans with the stipulation that he does not place fertilizer in the backyard. Mr. Mclavey mentioned that he showed up to the ZBA meeting, and the majority of the members did not attend the meeting.

Town Administrator Troy Brown commented that he has worked with the Planning Board Chair since hearing about the lack of a quorum at the ZBA meeting. Mr. Brown has since posted meeting notices in the newspaper, and certified letters were sent out to the abutters. He added that the same was done for Mr. Ben Wood. Mr. Mclavey stated that Vice-Chair Laura Gandia contacted him about the Special Meeting. The Special Meeting of the Zoning Board of Adjustment will occur at 7 pm on August 2, to listen to requests from Andrew & Jessica Mclavey and Ben Wood from BTW Construction.

Mr. Brown stated that the Town of Litchfield would keep an eye on the participation within the other Committee Meetings to make sure that something similar to what happened with the ZBA does not happen again. He pointed out that no law permits a Selectman to be an ex-officio of the Zoning Board of Adjustment. The reason given was that the ZBA is considered a legal court, and there could be a conflict of interest with the Selectman.

Selectman Kim Queenan mentioned that most of the Committees are made up of volunteers and not elected officials. She suggested that the volunteer forms should have a question regarding the person attending most of the meetings. The Board discussed options, and one of the options was to require voting members to find a replacement if the member could not attend the meeting.

b. Ben T. Wood, BTW Construction -

Ben Wood mentioned that it was refreshing to come to the meeting and hear that the Board was already working on the issues with the ZBA. Mr. Wood added that he has a customer at 18 Greenwich Road, and the customer is asking for a simple variance from LZO Section 310 to allow the construction of a 24' x 24' garage and 10' x 16' breezeway, which will encroach eight feet into the side setback where a 20-foot setback is required.

Mr. Wood noted that he has other things to set up for the project, and the ZBA members not attending a meeting is making him wait and accrue more expenses. He mentioned that his clients are Ann Marie Reznik and Cory Gannon. Town Administrator Troy Brown commented that Mr. Wood and his clients are part of the August 2 Planning Board meeting. Mr. Wood or his clients will receive notice by certified mail, and the Chair of the Planning Board will contact them as well.

Mr. Wood added that he is interested in being part of the ZBA or another Committee that could use his experience and skills.

Public Input ended at 7:16 pm.

6. Business (Continued):

e. Impact Fees:

Town Administrator Troy Brown mentioned that the Board of Selectmen had received written correspondence from the Aaron Cutler Memorial Library and the School District requesting access to Impact Fees. The library requested the Impact Fees to build a pavilion and thought that would provide additional learning space. The School District requested the Impact Fees to help pay for some of their Capital Improvement Projects at LMS and CHS. Mr. Brown added that in the past, he had contacted Bruce Mayberry from BCM Planning, LLC. Mr. Mayberry is a consultant who had worked with the Planning Board to create the methodology used in charging Impact Fees and how the Impact Fees could be used.

Mr. Brown reached out to Bruce Mayberry, believing that Mr. Mayberry would tell him the Aaron Cutler Memorial Library could use the Impact Fees to build a pavilion, and the School District would not be able to use the fees because their request was for the maintenance of the heating and air conditioning. Instead, Mr. Mayberry informed Mr. Brown that the library could not use the Impact Fees because the pavilion would be seasonal and would not add square footage to the library. The School District could use the Impact Fees because the town had already made significant improvements to the School District buildings.

Mr. Brown commented that as long as the School District met the Town of Litchfield's Capital Improvement definition of five years or greater, the School District could use the Impact Fees. Mr. Brown spoke with Superintendent Michael Jette and Business Administrator Cory Izbicki today, and they talked about the significant improvement projects that were being done at LMS and later at CHS. The School District would be using ESSER (Elementary and Secondary School Emergency Relief) Funds and Impact Fees to pay for Capital Improvements to LMS and CHS. The School District requested \$188,118 for LMS, and \$279,800 for CHS.

Mr. Brown mentioned that he informed Mr. Mayberry about the Capital Improvement Plan that Litchfield has adopted, and Mr. Mayberry wrote back about the Library Impact Fees that have not been used for six years. Mr. Mayberry wrote ‘Six years is the statutory limitation on the retention of an impact fee from the date of collection to the time of appropriation in support of the associated capital project(s). The Town should consider whether, in the absence of actions to substantially expand the library, it needs to begin a process of refunding the library impact fees that have been held for six years.’

Mr. Brown stressed that the Capital improvements made to the heating and air conditioning systems are not considered maintenance. The project would be an improvement to the current system. He also stressed that most of the funds that the School District will use are part of the American Rescue Plan and are Federal Funds.

The Board mentioned that they were concerned that the Impact Fees would be made available to the School District, and the District would not use the funds on the HVAC improvements.

Discussion: None

Motion: (Selectman R. Leary / Selectman K. Lynch) I move to authorize the release of School Impact Fees for HVAC Capital Improvements at LMS in the amount of \$188,118 and CHS in the amount of \$279,800 to be used exclusively for the HVAC improvements as requested.

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

Selectman Rich Lascelles asked what bidding process the School District needs to go through before spending the money. Mr. Brown stated that the School District has a different Purchasing Policy than the Town of Litchfield does. He noted that the Board of Selectmen would need to approve any town purchase of capital items, goods, and services equal to or greater than \$12,000.

f. 2022 Budget Schedule Adoption:

Town Administrator Troy Brown commented that he had put together a schedule for the 2022 Budget. He noted that Finance Manager Karen White has already sent spreadsheets to all the Department Heads, and once the Budget Schedule is officially adopted, he will send out an official notice to Departments and Committees.

Mr. Brown stated that the Board of Selectmen would review the budget on the following dates:

1. August 9
2. August 23
3. September 13
4. September 23 - Budget provided to the Budget Committee (Thursday).
5. September 30 - Budget Committee will review the Budget for the first time.

Mr. Brown stated that he would ask the Department Heads and Committees to do a zero-based budget again, and he did not provide a specific percent increase to the departments. Mr. Brown wants the departments to put together a budget of needed things, then let the Selectmen and Budget Committee would review the requests.

Vice-Chair Robert Leary suggested that the Board invite Budget Committee Chairman Andrew Cutter to some of the Board meetings. Mr. Leary believed that Mr. Cutter coming to the meetings helped the Board with their budget.

g. Swap Table Hours:

Town Administrator Troy Brown mentioned that Dave Mellen requested that he be allowed to shut the Swap Table down 15 minutes before closing. The benefit of closing the table early is that the employees would be able to secure the area before the Transfer Station closes.

Vice-Chair Robert Leary suggested that the Board approve shutting the Swap Table down 30 minutes before closing. The Board discussed the difference between closing 15 minutes early compared to 30 minutes before closing, and the Board agreed that they should approve closing 30 minutes early, and if there are a lot of negative comments, then the Board could switch it to 15 minutes before closing.

Discussion: None

Motion: (Selectman R. Lascelles / Selectman K. Queenan) I move to authorize the Swap Table to close 30 minutes early to allow staff time to secure the area.

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

h. Administrator Report:

Town Administrator Troy Brown mentioned that he was able to participate in a webinar today. The webinar was an overview of the American Rescue Plan Act of 2021 (ARPA) with the State, Senator Shaheen's Office, and the NHMA. Mr. Brown mentioned that ARPA has already been approved, and there are general guidelines on how the municipalities may spend the money. He expects that six months from now; the guidelines will provide more definitive guidance.

Mr. Brown commented that the funds provide additional opportunities to expand on broadband, water, and sewer projects. He stated that the funds could also be used to make up for the town's lost revenue, with no strings attached. ARPA will also help to cover the premium pay for essential workers and public health issues.

Mr. Brown stated that the Town of Litchfield would receive \$904,623 over the next two years. The town will receive two payments. The first payment, just received today, was \$452,311.63, and that money will be placed in a separate account. He noted that the money will only be spent with Selectmen's approval. Mr. Brown added that the town would need to have a Public Hearing to accept the funds. The second payment, next year, will be in the approximate amount of \$452,311.37.

Mr. Brown requested that the Board motion to authorize him to submit an application for the Local Fiscal Recovery Funds from the State under the American Rescue Plan Act of 2021 (ARAP). He added that December 31, 2024, is the deadline for the Town of Litchfield to know what they will do with the funds, and December 31, 2026, is the deadline for the Town of Litchfield to have spent all the funds.

Discussion: None

Motion: (Selectman K. Lynch / Selectman R. Lascelles) I move to authorize the Town Administrator to submit an application for Local Fiscal Recovery Funds (LRF) from the State under the American Rescue Plan Act of 2021 (ARPA).

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

After the vote, the Board discussed the town's broadband, water, sewer, and PFAS.

i. Selectmen Reports:

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

Selectman S. Webber was absent.

ii. Selectman R. Leary – Budget Committee:

Selectman R. Leary commented that the Budget Committee would not meet until August 26 at 7 pm.

iii. Selectman R. Lascelles – Heritage Commission:

Selectman R, Lascelles had nothing to report with regards to the Heritage Commission. He added that Saint Gobain agreed to have a scrubber on one of their stacks, and Mr. Lascelles believes it is up and running.

iv. Selectman K. Lynch – Conservation Commission:

Selectman K. Lynch had nothing to report.

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

1. Planning Board-

Selectman K. Queenan mentioned that the Planning Board would have a special meeting on July 27 at 7 pm in the meeting room to help with Barons and the Mclavey family at 20 Birch Street. The next regular meeting will be on Tuesday, August 3 at 7 pm. She mentioned that the winery at 288 Charles Bancroft Highway received approval.

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.

Ms. Queenan provided the following URL for the next Hazardous Waste Pick Up.

<https://www.nashuarpc.org/about/calendar/event/760>

j. Other Business:

i. None

7. Items Removed From Consent:

a. None

8. Adjournment:

Discussion: None

Motion: (Selectman K. Lynch / Selectman K. Queenan) motioned to adjourn the public meeting at 8:12 pm.

Vote: 4-0-0) 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