

Town of Litchfield, NH
Board of Selectmen Meeting
September 27, 2021

In Attendance:

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

Town Administrator: Troy Brown

In Attendance: Cassidy Brennen (Affinity) (Virtual); Steve Lieber, President (Affinity) (Virtual); Mike Wimsatt (NHDES) (Virtual); Jeffrey Marts (NHDES) (Virtual); Curtis Sampson (Cubmaster); and Karen White, Finance Manager

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: 9/21/21 - \$52,754.94 and 9/28/21 - \$1,165,265.85
- b. P/R Manifest: 9/23/21 - \$59,492.50 and 9/30/21 - \$58,593.84
- c. Treasurer, Tax Collector, and Town Clerk Reconciliations
- d. Transfer Funds to Revaluation Fund (Warrant Article #9)
- e. Pole Permits

Discussion: Town Administrator Troy Brown mentioned that Warrant Article #9 established an Unassigned Fund Balance of \$25,000.

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

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

3. Request for Additional Items / Other Business:

- a. None

4. Business:

a. Meeting Minutes:

- i. September 13, 2021, Meeting Minutes

Discussion: No Discussion

Motion: (Selectman R. Leary / Selectman K. Queenan) Motion to accept the September 13 Meeting Minutes.

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

b. LED Street Light Proposal

Steve Lieber and Cassidy Brennan presented the LED street light proposal to the Select Board. Mr. Lieber informed the Board that the company was started in 2012 and is located in Dover, NH. His intention when he helped to start the company was to bring manufacturing back to the United States. He commented that the

September 27, 2021

company hires Veterans to assemble the LED light and mentioned that the LED lights are American-built but are not 100% 'Made in the USA' products.

Mr. Lieber stated that Affinity provides a 'turn-key service.' The service includes end-to-end project management, comprehensive energy, and costing model, utility incentive paperwork and inventory reconciliation, investment-grade audit and real-time GIS installation tracker, complete installation services, safe disposal of all legacy lighting, solid waste elimination, and 10-year equipment, and one year of labor warranty.

He summarized the type of product Affinity would use for this project and the type of products that the company could provide for municipal and school buildings.

Ms. Cassidy reviewed the total project cost for converting 46 of the Town of Litchfield's street lights, and the total cost is \$21,802.59. She noted that the estimated Eversource Energy Efficiency incentive would be \$4,150. This amount would be paid to the Town of Litchfield after the installation is complete. The difference between the total project cost and the incentive is \$17,653, and the annual savings is estimated at \$7,574.

Ms. Cassidy stated that the annual Energy Savings is estimated to be 34,490 kWh. The annual CO₂ abatement per year is expected to be approximately 21.3 tons. She commented that the total project could be completely paid off in a little more than two years. The simple payback is $(\$17,574 \text{ Net Cost} / \$7,574 \text{ Annual Savings}) = 2.33 \text{ years}$.

Selectman Rich Lascelles asked what the source country of the component was? Mr. Lieber mentioned that it depended on the item and noted that 43% of products come from the United States. He added that the LED lights come from Seoul Semiconductor in Korea. Town Administrator Troy Brown asked who would be the owner of the entire fixture after the conversion? Mr. Lieber stated that Eversource would still be responsible, under the tariff, for everything except the lights. Mr. Lieber described how Affinity installed 1,100 LED street lights, and of the 1,100 lights, three lights would not turn on. Affinity had to contact Eversource to turn the power on to the three light poles.

Mr. Brown then asked what the Town of Litchfield should do if a pole needs to be moved or an accident requires a pole to be removed or replaced? Mr. Lieber mentioned that Eversource is very cooperative with replacing poles after an accident, and the Town would be responsible for providing a new LED light if the current light breaks. Mr. Lieber added that the Town would be responsible for paying Eversource for the maintenance to replace a light.

Chairman Steven Webber asked what maintenance would be required for the LED lights? Mr. Lieber commented that there would be little to no maintenance required. He noted that the lifetime of the LED lights is estimated at 28 years.

Mr. Lieber described situations in which the Town could decide to have more or fewer street lights. One of the scenarios that he provided was Private Area Lights (PALs). These are lights that are owned by a private customer and not the Town of Litchfield.

Vice-Chairman Robert Leary asked Mr. Lieber to describe the difference between the LED lights versus the blue lights? Mr. Lieber went into detail about the warmer lights versus brighter lights and how the Town would use

3,000K warmer LED lights. Mr. Lieber commented that the lights have to be certified, and part of the certification requires that the lights meet specific criteria regarding glare.

Mr. Brown asked what the next step would be if the Town wanted to go forward with the LED conversion? Mr. Lieber stated that the next step would be an acknowledgment, and Affinity would then draw up a contract for the Town of Litchfield. Affinity asks for a 50% deposit upfront, and as soon as the contract is signed, the order goes directly to their assembly team. Affinity will also contract with a GIS company to begin the work in Litchfield.

Mr. Lieber said that the estimated timeframe for the completion of the project would be a couple of months, even though the contract would read, 'the end of March 2022.' He noted that when the LED lights, not considered RoHS (Restriction of Hazardous Substances), need to be replaced, the lights will either be recycled or thrown in the garbage. Affinity will need to contact a company that will remove the mercury safely and properly disposes of the current lights. A certificate will be provided to the Town to show that the lights were disposed of correctly.

Selectman Kim Queenan asked when Affinity should review the Town of Litchfield's ordinances? Ms. Queenan stated that she should provide the information to Affinity during the audit.

Mr. Brown stated that he was comfortable with using their existing budget to fund the 50% deposit. Mr. Brown added that the other 50% would come from the realized savings and noted that he was hopeful that they could pay for the project with this year's budget. Mr. Brown acknowledged that some funds could come from the American Recovery Plan Act (ARPA) Funds, Unanticipated Funds, or the 2021 Operating Budget encumbrance.

Mr. Brown commented that he had spoken with the Litchfield School District, and they are interested in the LED lighting, but their involvement would be with PALs.

Mr. Webber requested a motion to approve.

Discussion: None

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

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

c. NHDES PFOA Update

Town Administrator Troy Brown introduced Mike Wimsatt, Waste Management Division Director, and Jeffrey Marts, Senior Hydrogeologist from the NHDES. Mr. Brown reminded the Select Board that Selectman Rich Lascelles was approached by a resident still receiving bottled water. He added that the purpose of the evening is to receive an update on how many residents are still receiving bottled water and where the State is at with providing the residents with safe drinking water.

Mr. Wimsatt mentioned that Mr. Marts has been working as the Project Manager for the St. Gobain site for the last couple of years. Mr. Wimsatt stated that he would present four slides, and Mr. Marts would present the remaining slides.

Mr. Wimsatt provided an introduction to PFAS. PFAS are synthetic organic compounds that contain multiple Flourine (F) atoms. The two most studied PFAS are:

- i. Perfluorooctanoic Acid (PFOA) is the primary contaminate released from the St. Gobain facility that has impacted drinking water and groundwater in Litchfield and other surrounding areas.
- ii. Perfluorooctane Sulfonate (PFOS)

The PFAS family has thousands of diverse compounds.

Mr. Wimsatt described how the St. Gobain manufacturing facility is located on the west side of the Merrimack River, and Litchfield is located on the east side of the Merrimack River. He described how the emissions left St. Gobain, and the wind transported the emissions across the Merrimack River. Once across the Merrimack, emissions entered the soil by precipitation, migrated by groundwater flow, and entered private wells.

Mr. Wimsatt then reviewed the 2018 St. Gobain Consent Decree.

- i. The Consent Decree established requirements for St. Gobain to provide alternate drinking water within the 'Pre-GMZ.'
- ii. Limited St. Gobain's responsibilities out the 'Outer Boundary' to impacts over 70 PPT.
- iii. State retains all authorities between the Pre-GMZ (Groundwater Management Zone) and Outer Boundary.
- iv. All areas of Litchfield are within the CD Outer Boundary.

Mr. Wimsatt showed a map of the Merrimack River and the surrounding towns. The map showed the impacted areas of Litchfield.

Mr. Marts took the presentation over and presented the Drinking Water / Groundwater Standards Timeline.

- i. April 2016 - Emergency Rulemaking for AGQS (70 PTT for PFOA and PFOS, Separate or Combined)
- ii. September 30, 2019 -
 1. NHDES Rulemaking - Established MCL/AGQS (Ambient Groundwater Quality Standard)
 2. 3M/Plymouth Village District Lawsuit
- iii. December 31, 2019 - Preliminary Injunction
- iv. July 2020 - HB1264 established PFAS MCLS /AGQS in State Law

MCLs (Maximum Contaminant Limits) and AGQS (Ambient Groundwater Quality Standard) for four PFAS compounds:

- i. PFOA - 12 ng/1 (parts per trillion)
- ii. PFOS - 15 ng/1 (parts per trillion)
- iii. PFHxS - 18 ng/1 (parts per trillion)
- iv. PFNA - 11 ng/1 (parts per trillion)

MCLs apply to regulated public water systems, and AGQS apply to contaminated sites and permitted discharges to groundwater.

Vice-Chairman Robert Leary asked what a discreet site was? Mr. Marts stated that a discreet site is a site that falls under a hazardous site for remediation. A discreet site is a landfill or tanker spill.

Water Supply Well Sampling

- i. St. Gobain (Inside Consent Decree)
 1. Responsibilities for evaluating the extent of AGQS violations inside Consent Decree due to discharges from its Merrimack facility.
 - a. Work Plan Submitted – September 2019
 - b. 11 Addenda Submitted to NHDES
 - c. Bi-Weekly Updates and Bi-Monthly Reports Submitted to NHDES (available on OneStop)
- ii. Residents – (Who Self Sample and Provide Results to NHDES)
- iii. Public Water Supplies – (Public Water Operations)

Groundwater Sampling in Litchfield as of September 2021

- i. Over 500 wells sampled
- ii. Approximately 378 samples exceeded AGQS for one or more PFAS
- iii. Approximately 61 properties have been offered bottled water as part of the ongoing St. Gobain Sampling.

Mr. Marts showed the Select Board a map that showed a majority of the land in Litchfield has an alternate source of water confirmed by the Consent Decree, and another significant source of land is connected to a Public Water Source (PWS). He added that a small number of properties in the southern portion of Litchfield are thought to be connected to PWS, but St. Gobain has not confirmed this.

Selectman Rich Lascelles asked if they had a map that showed where bottled water was being provided? Mr. Wimsatt opened up a map, and Mr. Marts described that the identified areas had been offered bottled water. Rocky Hill Road and Shirley Way are part of this area.

Mr. Brown asked how far away the NHDES was from extending the water line to areas like Shirley Way and Rocky Hill Road? Mr. Wimsatt mentioned that because the NHDES is involved in a legal dispute, they can not talk in-depth about certain subjects, but he is hoping for a resolution to occur soon.

The Select Board, Mr. Marts, and Mr. Wimsatt discussed the residents' best and most reasonable options.

Selectman Robert Leary mentioned that his neighbor decided not to wait and had a water filtration system installed, and St. Gobain has refused to pay for the filtration system. He wanted to know what options his neighbor had regarding St. Gobain paying for the filtration system. Mr. Wimsatt stated that the resident should contact him and see if he could answer them.

Chairman Steven Webber thanked Mr. Wimsatt and Mr. Marts for providing a PFOA update to the Select Board.

d. Cub / Boy Scouts Storage at Old Fire Station

Town Administrator Troy Brown mentioned that he received an email from Keri Douglas requesting to use an office for storage in the old Fire Station. Curtis Sampson, Cubmaster, explained that the Scouts had had a different den leader over time; cub scout and troop leaders were responsible for storing information, binders, flags, books, and bags. He noted that currently, ten families are storing the supplies, making it tricky to get all the information together if one of the families is away.

The members of the Board did not have a problem with the Scouts using one of the three offices in the old Fire Station. Selectman Kim Queenan commented that there should be a stipulation that the kids do not have access to the second floor, and Mr. Sampson agreed. He added that older Scouts might need access to the second-floor office, but the Cub Scouts would not need to use the second floor.

Mr. Brown commented that he would write up a Memorandum of Understanding (MOU) and layout the agreement between the Town of Litchfield and the Litchfield Scouts. The MOU would be for using an office in the old Fire Station for the Scouts to use for storage.

Mr. Brown mentioned that the area outside the old Town Hall and the old Fire Station could always use a cleanup in the fall and the spring.

e. Public Input @ 8:10 pm

i. None

Public Input ended at 8:11 pm.

f. EMS Warm Zone Grant Acceptance - \$6,000

Town Administrator Troy Brown commented that last year, at this time, the Select Board accepted the same grant. Captain Thomas Scotti applied for the grant, and it was awarded to help assist with group training with the Police Department and the Fire Department. The grant also provided equipment used when the Police Department entered a 'warm zone' or 'active shooter' situation.

This year, Captain Scotti applied for a similar grant for the Fire Department. The grant was awarded for \$6,000. The grant does not require a match, and the training has already been completed. Mr. Brown requested that the Board authorize the acceptance of the funds.

Mr. Brown provided a motion for the Board that read, "I move to accept the grant and authorize the Town Administrator, Finance Director, and Fire Chief to sign up and submit all required documents."

Discussion: Chairman Steven Webber asked that Mr. Brown send a thank you letter to Captain Scotti.

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

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

g. Parking Lot Contract

Town Administrator Troy Brown stated that Road Agent Kevin Brown provided him with the proposals from Dalton Farm to plow the Town Office, Police Station, and Fire Station. Two proposals were submitted were:

- i. One Year Contract - \$23,000
- ii. Multi-Year Contract -
 - a. 2021 - \$23,000
 - b. 2022 - \$23,920 (4% increase from 2021)
 - c. 2023 - \$24,877 (4% increase from 2022)

Mr. Brown commented that this would be the third year having Dalton Farm plow the parking lots of the Town buildings. He noted that the contract would increase from \$19,000 to \$23,000, which is a \$4,000 (21%) increase.

Mr. Brown added that Dalton Farm also plows all the school parking lots, and the District has signed him to a multi-year contract in the past.

The Select Board discussed the benefits of a one-year contract versus a three-year contract.

Discussion: No Discussion

Motion: (Selectman R. Lascelles / Selectman R. Leary) I move to accept the 2021/2022 Municipal Parking Lot Snow Contract for \$23,000.

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

h. Budget Update. Review of Preliminary Adoption

Town Administrator Troy Brown commented that he was going to be meeting with the Budget Committee on Thursday. He noted that he shared the budget document with the Budget Committee members on Wednesday, September 22.

At the last Select Board meeting, September 13, the Tax Cap was exceeded by approximately \$80,000. As of the last two weeks, a couple of events have increased the exceedance to over \$136,775. The first main driver was the increase in the cost of rock salt. The rock salt increased from \$49.50/ton to \$72.00/ton, an increase of 45%. If the Town budgets 1,800 tons of rock salt a year at \$72,00/ton would be \$129,600. This is an increase of \$45,500.

The second main driver was the increase in the cost of propane. The propane increased from \$1.33/gallon to \$1.75/gallon. This is an increase of \$10,606, an increase of 32%. The School District did go out and find a vendor for the propane. The District is switching vendors.

Mr. Brown noted that the Town of Litchfield is still waiting for the utility rates and the insurance policies.

Options:

Mr. Brown stated that the Fire Department and the Police Department are both looking healthy. The Police Department had staff changes and vacancies that still have not been filled. The Fire Department has been impacted by the pandemic and has not been able to do their training.

Chief Frank Fraitzl and Chief Ben Sargent have worked together, and they informed Mr. Brown that they are comfortable trying to purchase the police cruiser and the fire command vehicle in the 2022 budget. The Police and Fire Chiefs requested that the Board provide them authority to purchase the two vehicles now. Mr. Brown mentioned that both Chiefs are confident that they can absorb the cost in their budgets.

If the Chiefs purchased their vehicles now and absorbed the cost in the budget, the tax cap issue would be lessened by \$72,498 (Police Cruiser (\$28,999) and Fire Command Vehicle (\$43,499)). Mr. Brown asked Chief Sargent to forgo the trade-in that he was looking at for the 2018 Tahoe. Instead, the Town would retrofit the Tahoe and convert it into the Building Inspector's vehicle. The current Building Inspector's vehicle is a 2007 Ford Explorer.

The Board discussed the problems with current vehicles and how the vehicles are allowed to go home with the person the vehicle is assigned to but are not to be used for personal use. Mr. Brown stated that the Town assigns vehicles to the Police Chief, Police Captain, Police Detective, and Fire Chief. The Road Agent and the Building

Inspector do not take vehicles home. Mr. Brown stressed that finding vehicles in this economy is complex, and if the Fire Chief and Police Chief start now, finding a vehicle will be a little easier.

The Select Board reviewed the Fire Chief's contract regarding the use of a Fire Command Vehicle.

The new tax cap overage is \$64,277.

Discussion: No Discussion

Motion: (Selectman R. Leary / Selectman K. Queenan) I move to authorize the Police Chief and Fire Chief to purchase a police cruiser and fire command vehicle, as proposed in the 2022 budget, and transfer the Police Chief's 2007 Chevrolet Tahoe to the Building Department.

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

i. Other Business

i. None

j. Administrator Report:

Town Administrator Troy Brown mentioned that he provided the Select Board with copies of the financial statements. The auditors said the Town had another good year. This means there were no findings or comments. The Board thanked Finance Manager Karen White for her hard work. Mr. Brown commented that the auditors would review the audit on October 25.

Town Administrator Troy Brown commented that the next meeting is Monday, October 11 (Columbus Day). Town Hall will be closed on Columbus / Indigenous Peoples' Day.

Mr. Brown mentioned that the CIP, hopefully, will meet on October 4. He would like the CIP Committee to receive requests from Boards and Committees on using the ARPA funds.

The Select Board discussed their concerns regarding the American Recovery Plan Act of 2021 (ARPA). The two points made were that the money is not free and will be paid back somehow. The other concern is that the Federal Government will change its mind on approved reasons for spending the funds.

k. Selectmen Reports:

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

1. EMT -

Chairman Steve Webber said the Emergency Management Team has not met in several weeks.

2. Rec Commission -

There is a Rec Commission meeting tomorrow at 7:30 pm in the Town Hall meeting room. The Commission will review their budget and put together an RFP for field maintenance.

3. School Facilities Improvement Committee -

The last meeting was canceled because of attendance.

4. CIP Committee -

The CIP Committee is looking to meet on October 4.

ii. **Selectman R. Leary - Budget Committee:**

Selectman R. Leary commented that the Budget Committee would meet on September 30 at 7 pm.

iii. **Selectman R. Lascelles - Heritage Commission:**

Selectman R. Lascelles commented on the Air National Guard's great work with Talent Hall, and he also thanked Jim Sparks. Mr. Lascelles mentioned that the Heritage Commission met outside in the gazebo.

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 meet on Tuesday, October 5, at 7 pm. The Planning Board will continue to work on their Land-Use Laws and permitted uses in the current regions.

She noted that workshops are being planned during the second Planning Board meeting on October 19.

2. **NRPC-**

Ms. Queenan stated that Merrimac might approach the NRPC to do a study on the 100-year flood. Merrimac would like to have a traffic diversion study done.

The Board discussed what has been occurring at the firing range in Londonderry, NH. The Board agreed to let the Litchfield and Londonderry police do their job.

5. **Items Removed From Consent:**

- a. None

6. **Adjournment:**

Discussion: None

Motion: (Selectman K. Lynch / Selectman R. Leary) motioned to adjourn the public meeting at 9:22 pm.

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