

**Town of Litchfield, NH**  
**Board of Selectmen Meeting**  
**April 11, 2022**

**In Attendance:**

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

**Town Administrator:** Troy Brown

**In Attendance:** Laura E. Mills, Deputy Town Clerk/Tax Collector; Judy Brennen, Recreation Commission

**Absent:** None

**A. Call to Order:**

1. 6:30 pm - Chairman Steven Webber called the meeting to order, followed by the Pledge of Allegiance.

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

1. A/P Manifest: 04/05/22 - \$1,225,191.68; 04/12/22 - \$202,701.41
2. P/R Manifest: 04/07/22 - \$54,935.99; 04/14/22 - \$58,099.49
3. Purchase Order 22-08 - Mosquito Contract - (\$28,500)
4. Purchase Order 22-09 - Communication Equipment Lease - (\$150,889.74)
5. Purchase Order 22-10 - Legal Services - (\$19,820)
6. Purchase Order 22-11 - Fire Protection Clothing - (\$15,350.87)
7. Purchase Order 22-12 - Live Scan System - (\$19,825)
8. Transfer Funds to Farmland Capital Reserve Fund - (\$35,408)
9. Tax Collector's Final Tax Bill Certification Notice
10. Town Clerk / Tax Reconciliation for March 2022
11. Veterans All Credit - (\$3,000)

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

**Discussion:** None

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

**C. Request for Additional Items / Other Business:**

1. None

**D. Business:**

**1. Meeting Minutes:**

- i. March 28, 2022, Meeting Minutes
- ii. April 1, 2022, Meeting Minutes
- iii. April 4, 2022, Meeting Minutes
- iv. April 6, 2022, Meeting Minutes

Chairman Webber asked for a motion to approve the minutes, as amended.

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

**Discussion:** None

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

**2. Laura E. Mills, Deputy Town Clerk / Tax Collector Introduction:**

Town Clerk / Tax Collector Theresa Briand introduced the new Deputy Town Clerk / Tax Collector Laura E. Mills to the Select Board. The Board welcomed Ms. Mills to Town Hall.

Town Administrator Troy Brown stated that Ms. Mills previously worked for the City of Manchester and is a resident of Litchfield. Ms. Mills mentioned that she was excited to be working for the Town of Litchfield, and she has been a resident for over one year. Ms. Mills noted that she was initially from Sandwich, MA.

**3. Judy Brennen, Recreation Commission - Liveable Communities:**

Ms. Brennen informed the Select Board about Liveable Communities and how AARP sponsored them. She noted that a Liveable Community supports all ages and abilities. Ms. Brennen mentioned how the Town of Litchfield has already surpassed the national average for residents who are age 50 plus, and the data showed that the town needs to create more activities for the older generation.

Ms. Brennen commented that if the Select Board were interested, then they would need to apply to have the town become a Liveable Community. The application would ask the Select Board to answer questions about what events occur in Litchfield and how the town includes everyone in its activities. She noted that there was no fee to apply, and if the town were accepted, it would have access to grants. Ms. Brennen added that she would be willing to be the contact for the Select Board.

Ms. Brennen pointed out that the Conservation Commission would benefit from creating a Liveable Community. She stated that the Conservation Commission comprises members from their mid-twenties to seventies. Ms. Brennen listed the activities that the Conservation Commission has created for all ages. Ms. Brennen commented that she thought the Select Board could create a sub-committee for the Liveable Community. The sub-committee would then report to the Select Board, and she added that the sub-committee should be made up of members from the Rec Commission, Conservation Commission, Heritage Committee, Planning Board, and the Select Board.

The Board thanked Ms. Brennen for talking to them regarding the Living Community.

**4. Public Input @ 6:57 pm**

**i. Jason Hubbard, 29 Woodhawk Way**

Mr. Hubbard mentioned that he is a taxpayer in the Town of Litchfield and a Lieutenant for the Litchfield Fire Department. Mr. Hubbard stated that he wanted to comment on some of the remarks made at the March 14 Board of Selectmen meeting.

Mr. Hubbard said that he heard comments made like, “they sat on our duffs and did nothing,” “they should have been out at the polls,” and “should we reward them for doing nothing.” He mentioned that the comments made by elected officials were very disturbing. Mr. Hubbard stated that the idea that the Select Board discussed rewarding the Fire Department with a fire truck was insane. The fire truck is for the Town of Litchfield and not for the firefighters to use personally.

Mr. Hubbard acknowledged that the taxpayers of Litchfield chose to vote the warrant article for a new fire truck down, and he respected their decision. He noted that if the firefighters were out providing information about why they need a new fire truck, it might have helped. Mr. Hubbard added that no one on the Select Board, who voted to support the warrant article, was campaigning for a new fire truck.

Mr. Hubbard commented that what the firefighters do for the Town of Litchfield goes unnoticed. He noted that the Department is dedicated; they sacrifice their safety and personal time. Mr. Hubbard mentioned that if the Select Board chose not to use the ARPA funds to purchase a new fire truck, he would respect their decision.

Mr. Hubbard noted that comments were made about “Mutual Aid Agreements.” He pointed out that “Mutual Aid” goes both ways, and the Town of Litchfield has to be willing and able to provide working equipment to surrounding towns that need help. MR. Hubbard commented that ARPA funds are Federal funds, and taxpayers will have to pay this money back. He asked that the decisions be made objectively and what is in the community’s best interest.

The Board thanked Mr. Hubbard for his input and service.

ii. **Paul Kelley**

Mr. Kelley stated that he is a firefighter/paramedic and also represents the Litchfield Firefighter Association as its president. Mr. Kelley noted that he also wanted to respond to some comments made and update the Select Board on the status of the Department.

Mr. Kelley mentioned that the Department had 30 plus members with various backgrounds. He commented that some of the members work full-time jobs with other Fire Departments, and some members work white or blue-collar jobs. He stated how the members work 40 plus hours a week at their full-time job and then answer the emergency call when needed. Mr. Kelley described how new employees are trained if they do not have enough certifications. The training can take around 200 hours to complete, and this time is spent away from their families. He added that the Department pays for the classes, but the members are not paid for attending or studying for the classes.

Mr. Kelley pointed out that comments made by the Select Board have taken their toll on the Department. He pointed out that comments like “they sat on our duffs” and “should we reward them for doing nothing” have not gone unnoticed. Mr. Kelley commented that people need to be educated regarding what the Fire Department is looking for, and if they have questions, they can stop by the fire station.

Mr. Kelley reviewed the history of the Fire Department and its need for new fire trucks. He mentioned that over the years, the Fire Department had agreed to withhold their request for a new fire truck, whether it be because of funding or because of the pandemic. He pointed out that two weeks ago, a Selectman commented that the Fire Department never told the Select Board what was wrong with the fire trucks, just that they were old.

Mr. Kelley stated that the Department feels that the warrant article never received the heartfelt support from the Select Board. He pointed out that a Selectman stated, “I will support putting the article on the ballot to let the voters decide” and “I made a promise to the Chief to put this article on the ballot.”

Mr. Kelley mentioned that suggestions were made to purchase used fire trucks at the last meeting. He stated that when Fire Departments purchase used fire trucks, they buy a fire truck that another Department does not want. He listed a few towns and cities that purchased used fire trucks, and they wound up with a lemon fire truck.

Mr. Kelley said that he would welcome the Select Board to come over to the fire station and ask questions about the Fire Department's needs. He noted that the average age of the Litchfield Fire Department fleet is 23 ½ years old. The average age for Hudson's fleet is 6 years old, Londonderry is 9 years old, Merrimack is 13 years old, Derry is 12 ½ years old, Bedford is 12 years old, and Auburn is 11 ½ years old.

Mr. Kelley thanked the Select Board for allowing him to speak. The Board thanked Mr. Kelley for his input and service.

iii. **Selectman Robert Leary**

Selectman Robert Leary stated that nobody questions what the Litchfield Fire Department did and added that the firefighter's job ranks up there with the police. Mr. Leary mentioned that the members of the Select Board did not personally support the article, but they voted to put the article on the warrant. He added that they voted to put it on the warrant to give the taxpayers the final say.

Mr. Leary commented that the Select Board did discuss the warrant article for a new fire truck, even though some of the members did not support the warrant article. Mr. Leary added that he genuinely believed that the warrant article would have passed if the firefighters went to the polling station on election day.

Mr. Leary said that the biggest fear the Select Board had regarding the ARPA funds was using them to purchase a fire truck and later finding out the funds could not be used for that reason. If that happened, the town would have had to pay the Federal government back the money used to purchase the fire truck. He added that the number one priority of the Select Board is the roads in Litchfield.

Mr. Leary pointed out that Talent Hall has a floor that needs to be replaced. He noted that people are using the building all the time, and his concern is that someone will fall through the floor someday.

iv. **Selectman Rich Lascelles**

Selectman Rich Lascelles commented that he could not emphasize enough that the Budget Committee did not vote to support the warrant article. The Budget Committee was not allowed to support the warrant article because supporting the article would have put the town over the tax cap. Mr. Lascelles noted that many taxpayers only look at whether the Budget Committee supports a warrant article, and the taxpayers make their decision based on the vote of the Budget Committee.

Mr. Lascelles stated that the majority of the Budget Committee was not really against the warrant article. He added that if the town could have informed the taxpayers that the Budget Committee had to vote that way, the residents might have supported the warrant article.

iv. **Town Administrator Troy Brown**

Town Administrator Troy Brown stated that summer comes quick, and the Select Board will start working on the warrant articles again. Mr. Brown mentioned that if the Board puts forward an article to purchase a new fire engine, the fire engine would never be able to meet the tax cap requirements. Mr. Brown commented that he

only saw three options:

- a. Using a portion of the ARPA funds and funds from unassigned fund balances.
- b. Using 100% purchase from the ARPA funds.
- c. Using unassigned fund balance and a lease-purchase agreement.

Mr. Brown commented that the best outcome would have been for the warrant article to pass this year. The plan was to align the five-year lease-purchase agreement because another fire engine would need to be replaced after the fire truck was paid off.

Public Input closed at 7:25 pm.

5. **Abatement Application:**

i. **Consolidated**

Mr. Brown stated that Avitar received an abatement request from Consolidated Telephone. He noted that Avitar came back with some guidance regarding the request. Mr. Brown commented that the issue is that the Right of Way value is over-assessed at \$90,000, which is about \$1,660 in taxes. He noted that it is typical for the Selectmen to grant Avitar authority to handle these matters at their discretion while keeping the Select Board informed.

Mr. Brown commented that Consolidated Telephone has its equipment, poles, and conduits on a Right of Way. He noted that there is an assessment for having their equipment on the Right of Way because there is a value for having the equipment there.

ii. **American Towers**

Mr. Brown commented that American Towers is appealing the value of the leased site with the cell tower at 242B Derry Road. He noted that American Towers is not appealing the value of the cell tower, The assessed value of the leased site is \$521,600, and American believes the value is \$161,400.

Avitar recommended denying the request from American Towers because American Towers did not bring forth any market evidence.

Mr. Lynch mentioned that the cell tower was located at the Tabernacle Church, and Mr. Brown noted that American Towers was being assessed because they were leasing the Tabernacle Church property for private purposes.

Mr. Webber asked for a motion to allow Avitar to negotiate with Consolidated.

**Motion:** (Selectman R. Lascelles / Selectman K. Lynch) So Moved

**Discussion:** None

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

Mr. Webber asked for a motion to deny American Tower's abatement application.

**Motion:** (Selectman K. Lynch / Selectman K. Queenan) So Moved

**Discussion:** The Board discussed whether American Towers would sue or if they would come back with a market analysis.

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

## **6. Investment Policy Review:**

Mr. Brown mentioned that the Board started to review Town Policies a couple of months ago but stopped when their agenda began to load up.

Mr. Brown commented that state law requires the Select Board to annually adopt and review a policy for the investment of public funds that provides a framework for the Town Treasurer to follow. In addition to compliance with state law, the primary purpose is to preserve the safety of principal and liquidity of cash to support operational needs.

Mr. Brown said that the policy requires the Town to maintain Public Officials' bond coverage limits of employees with its property liability insurance carrier. The policy allows the Treasurer to delegate deposit authority to ensure that deposits are conducted at least on a weekly basis and daily if cash exceeds \$1,500. Mr. Brown noted that the Trustee of the Trust Funds adopts their own policy.

No changes were recommended this year.

**Motion:** (Selectman K. Lynch / Selectman K. Queenan) Motion to approve the Investment Policy.

**Discussion:** None

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

## **7. Town Administrator Report:**

### **i. Legal Counsel and Police Departments - Tanager Way Safety Issues:**

Mr. Brown commented that Chairman Webber, Captain Scotti, and a representative from the Londonderry Police Department met and discussed the shootings at Tanager Way last year. A resident reached out to the Select Board and asked that they do some follow-up because they had heard that both Police Departments had closed the case.

Mr. Brown stated that the residents of Tanager Way want to come in and speak with the Select Board. Mr. Brown noted that the Londonderry Police Department provided him with the case reports, and he forwarded the reports to the Select Board. He also shared the reports with legal counsel to see if she had any input.

Mr. Brown said that by the next Select Board meeting, they will have coordinated with the Police Departments, legal counsel, and the Tanager Way residents. Mr. Webber stated that the Police Departments did not have any criminal findings, and there was nothing they could do.

Mr. Brown mentioned that they are looking into possible regulatory processes that would allow the town to do something based on public safety.

ii. **Pennichuck Water Rates Response:**

Mr. Brown commented that he is working with special legal counsel regarding the water rate case. Legal counsel has started to put together responses to the letter received by a resident. Mr. Brown noted that he expects to have the responses wrapped up by the next meeting.

iii. **Vacation School Vacation Week:**

Mr. Brown informed the Board that he is taking a vacation during April vacation week. He informed Ms. White a couple of months ago, and she will attend the April 25 Select Board meeting.

8. **Selectmen Reports:**

i. **Selectman S. Webber:**

a. **Recreation Commission:**

The Rec Commission has a meeting on April 12.

b. **School Facilities Improvement Committee:**

The School Facilities Improvement Committee has a meeting on April 13.

ii. **Selectman R. Leary:**

a. **Budget Committee:**

The Budget Committee has a meeting on April 21. The Veteran's Group has a golf tournament on May 25 at Passaconaway. Mr. Leary added that the painting of the Old Town Hall would be restarted in May.

iii. **Selectman R. Lascelles:**

a. **Heritage Commission:**

Selectman Rich Lascelles commented that the Veteran's Group put up 16 new United States flags and the new flagpoles at the cemeteries.

The Heritage Commission was supposed to meet in April.

b. **Emergency Management Team:**

Nothing to Report

iv. **Selectman K. Lynch:**

a. **Conservation Commission:**

Selectman Lynch stated that he did not attend the Conservation Commission meeting. He talked to Ms. McKibben, and she said that things went well.

v. **Selectman K. Queenan:**

a. **Planning Board:**

Selectman K. Queenan mentioned that the Planning Board met on April 5 at 7 pm, and the next meeting is on April 19 at 7 pm. Ms. Queenan reviewed the following subjects:

1. The 64 townhomes across from Corning Road and the Planning Board is focusing on possible traffic issues.
2. Continuing to make improvements for abutters on Temple Drive.

3. The Department of Transportation has given the 3A/Corning Road intersection a grade of “D” and said it would continue to be a “D” after the units go in. Ms. Queenan added that the DOT expects it would likely worsen in the next 15 years and that in the future, this intersection might have to be improved. The developer is exploring ways to leave room for future road turning lanes or road expansion at that intersection.
4. The Planning Board will have a workshop regarding Albuquerque Avenue on May 3 or May 17.
5. There are reports of speeding, tailgating, and driving through stop signs on Albuquerque Avenue.
6. The Planning Board is looking into painted crosswalks around Campbell High School, and possibly at the intersection of Pinecrest and Talent. Ms. Queenan mentioned that she has a friend that was part of a court case where a child was hit and killed while trying to cross the road by a driver who was texting. Ms. Queenan pointed out that the case came down to the child not crossing the street using the crosswalk.

**b. NRPC:**

Ms. Queenan stated that the last NRPC meeting was on March 16, at 7 pm. The next NRPC meeting will be on June 15 at 30 Temple Street, Nashua. At the last meeting, the NRPC discussed:

1. Expect a fee increase of approximately 5% for their dues. This increase will cost Litchfield about \$310 to \$320, and the increase will start in 2024. NRPC has not had a fee increase in 11 or 12 years. The NRPC uses these fees from the towns for grant matching.
2. When COVID-19 was at its peak, not much traveling was happening, and the tolls were not being paid. The NRPC receives some of its monies from the State collected tolls. The good news is that the NRPC had established a 501(c) to start getting money through different grants that were unavailable from the State or Federal government level.
3. President Biden’s Bipartisan Infrastructure Law was passed. Ms. Queenan stated that New Hampshire should receive 1.4 billion dollars over a five-year time frame for highways and bridges. Ms. Queenan mentioned that the Select Board should stay tuned for further information.
4. Governor Sununu is working on a Regional Housing Assessment. Ms. Queenan pointed out that this time each of the Regional Planning Commissions will ask the same questions and each will report the data findings to the Governor in the same way.
5. Based on a news article, the State may be voting down the Capitol Corridor Rail and Transit Study funding, because it is tied to the results of NH House Bill 1432. The Capitol Corridor Project was for a proposed extension of the commuter from Boston into Southern NH, with two stops in Nashua and one in Manchester.  
(Note: HB 1432 Title: Prohibiting the use of State funds for new passenger rail projects.)
6. Based on a news article, Amazon might have backed out of Hudson.
7. The Town of Hudson is doing a traffic study for their entire town.

**c. Capital Improvement Planning Commission:**

Ms. Queenan stated that the CIP Committee met on April 4, and the meetings will be held on the first Monday of every month. The next CIPC meeting will be on May 2, at 6 pm. The CIP Committee discussed the following topics at the April 4 meeting:

1. Jay Minkarah will create a CIP report that shows all the backup data that went into creating the CIP Schedule spreadsheet.

2. The members will add any new items to the CIP Plan that were not added to the plan in the past. The projects needed to meet the \$50,000 threshold, and with the current inflation, the projects that did not meet the threshold might make it this time.
3. The members will prioritize the items on the updated CIP, then present them to the Board of Selectmen. They will be able to see what items the ARPA funds will pay for and what items it will not.
4. Jay Minkarah will start looking at Impact Fees.

**9. Items Removed From Consent:**

- i. None

**10. Non-Public:**

Chairman Steven Webber mentioned that the Board would be entering Non-Public Session under RSA §91-A:3. II(a) - Employee Dismissal, Discipline, or Investigation, and a second RSA §91-A:3 II(a) - Employee Compensation. He asked for a motion to enter Non-Public at 8:08 pm.

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

**Discussion:** None

**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.

**11. Reconvene:**

**Motion:** (Selectman Lynch / Selectman Lascelles) motioned to adjourn the Non-Public Session at 8:32 pm.

**Discussion:** None

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

**12. Adjournment:**

**Motion:** (Selectman Lynch / Selectman3) motioned to adjourn the Public Session and seal the Non-Public minutes indefinitely because it was determined that divulgence of the information likely would adversely affect the reputation of any person other than a member of the Board at 8:33 pm.

**Discussion:** None

**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