

TOWN OF LITCHFIELD

Selectmen's Meeting

December 21, 2009

The Board of Selectmen held a meeting at 5:30 p.m. in the Town Hall Conference Room.

Members present: Frank A. Byron, Chairman
Andrew M. Santom, Vice Chairman
M. Patricia Jewett
George A. Lambert
Steven D. Perry

5:30 p.m. correspondence review.

7:00 p.m. Also present for public session: Linda Langille, Office Manager

PLEDGE OF ALLEGIANCE

All rose for the Pledge of Allegiance.

CONSENT ITEMS/ANY OTHER BUSINESS

Consent: Abatements and Blackbird bonding. **Any Other business:** Credit cards.

PUBLIC INPUT

Mr. Thomas Levesque, Sr. came forward to inquire about the status of the warrant article for fire protection surcharge. Mr. Levesque asked what the dollar amount would be to the taxpayers. It was said about \$270,000. Mr. Levesque: It is an awful big impact for the Town to pick up that tab as far as I am concerned. Mr. Levesque further stated that there were some misstatements by the Hydrant Committee. Mr. Levesque said that the insurance companies actually do charge more money if there is no hydrant and the Committee said that was not true but Mr. Levesque said it is true and he has done research. Also, Mr. Levesque pointed out that the Town had paid for hydrant usage in the past.

CONSERVATION LAND FUND

Present: Joan McKibben (Chairman), Richard Husband, Karen Jones (Secretary), Thomas Levesque, Sr. (Vice Chairman) and Michael Croteau. The Conservation Commission is looking to purchase 27 and 31 Cutler Road for \$100,000. Mr. Husband presented the proposal to those present. The Conservation Commission believes that the properties should be protected for several reasons. It is part of a wetlands system and one of the highest ranked in N.H. and it also has vernal pools on the property and wildlife habitats that the Commission and the State would like to see protected. The most important reason for the protection of the parcels is water as Mr. Husband stated, "water is the next oil". The two parcels fall within the Weinstein Well area.

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This was explained by Mr. Husband. The parcels are currently assessed at \$240,000.

Mr. Byron: We, as a community, investigated this parcel and the money was made available to the Commission and it was noted that there are two vernal pools. So, it is basically a nonbuildable lot, so, why do we want to preserve a nonbuildable lot? He was told no one has made a determination that it is not a buildable lot. This was discussed as to needing variances and court decisions. Mr. Byron still feels that it is not a buildable lot because they would have to shift the house to meet the vernal pool requirement for one thing. Mr. Perry pointed out vernal pool setbacks have been waived in the past so it can be done. Mr. Byron: It is not a buildable lot as it stands because they need a variance(s).

Mr. Perry **MOTIONED** to approve the purchase of land the Conservation Commission has brought before us for \$100,000. Mr. Lambert seconded. Mrs. McKibben said the Commission would make sure there is no hazardous waste or contaminated materials on the properties before purchasing it. Mr. Byron and Mrs. Jewett voted no. Motion carried 3-2-0.

HIGHWAY MATTERS

Fueling Station - Road Agent Jack Pinciario and Officer Russell Hartley came forward to talk about the installation of a fuel station at the highway department to be utilized by the highway, police and building departments. The plan is to install a 500 gallon tank with approximately two deliveries per month. They want to use police and highway impact fees to pay for the cost of installation including electrical and a roof over the tank for a total amount of \$6,000. Extensive research has been done by the Police Department in particular Officer Hartley who provided a handout. Originally, the plan was to install a 1,000 gallon tank but it was found not to be feasible due to containment requirements, etc. Talk went on as to the cost savings to the Town.

Mr. Santom **MOTIONED** to approve the use of \$6,000 of impact fees to buy the fuel pumps and put the roof over it. Mr. Perry seconded. Motion carried 5-0-0.

DEFAULT BUDGET

Alison Douglas (Planning Board Chairman) and Joan McKibben (Administrative Assistant) came forward to discuss a special project, an aerial pictometry. commitment made in 2009 with the NH DOT and looking to encumber the money for 2010. It is a nonbinding intent until they have an actual figure. Mrs. McKibben spoke with a representative at the State working with USGS and the figures are higher than what was quoted to the Town, so he is trying to get grants and the legislature to get the money back to the original quote. They had no precise number this evening and there is no legal commitment the way Mrs. Douglas understands it. She hopes until they get the final figure, that the money would not be removed from the budget.

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Talk went on as to the Default budget procedure and if it is considered as a onetime expense, the Board has to abide by the Statute. It was pointed out that if it is a contract, it would go into the Default, but if it is not, it is only a one time appropriation then it should come out of the Default budget. Mr. Lambert felt to put in another one time project in the Default budget is not the way the law reads. It was pointed out for future reference that the Selectmen can shift money within the budgets even if the line was zeroed out. All in all, Mrs. Douglas will check to see if there is an obligation although she believes there isn't.

DEFAULT FINALIZATION

Mr. Santom **MOTIONED** to set 01-4324.60 to \$0 (conversion section of the Solid Waste budget). No second. Mr. Santom stated it is an unfunded mandate. Motion failed.

Mr. Lynch entered the meeting to talk about mowing. Mrs. Jewett **MOTIONED** to reduce line 4194.10-650 lawn maintenance to \$1,200 from \$3,600. Mr. Santom seconded. Mrs. Jewett voted yes. Motion failed 1-4-0.

Mr. Byron **MOTIONED** to reduce line 4210.10-143 Police Lt. Training from \$4,604 to \$1,500. Mr. Santom seconded. Messrs. Byron and Santom voted yes. Motion failed 2-3-0.

Mr. Byron **MOTIONED** to reduce the default budget (4210.10-811 seminars and conventions) from \$3,500 to \$1,500. Mr. Santom seconded. Motion carried 3-2-0.

Mr. Lambert **MOTIONED** to reduce to \$25,000 but then he could not continue because he did not want to reduce it just to make the default budget lower. Mr. Santom **MOTIONED** to reduce line 4312.20-575 to \$25,000. Mr. Byron seconded. Talk continued regarding highway block grant funds. Mr. Byron: One of the things told to the Budget Committee at a meeting with Selectmen was that highway block grant money goes into the General Fund and thus displaces unreserved fund balance from the General Fund making it reserve fund balance. Problem is that the amount of money in the block grant is the majority of our fund balance and is reserved and is not usable for any other purposes so when the Budget Committee voted to decrease the road maintenance to \$25,000, their intention was to force the Selectmen to use highway block grant money but this point in time if the Selectmen chose to use it to do road maintenance to a large extent we would be faced with the fact that we do not have enough funds in the fund balance to insure the cash flow of the community. Mr. Lambert: This would mean we would have to get a tax anticipation note to cover the difference and it will cost money. Talk ensued. Mr. Byron suggested taking the 2010 anticipated block grant distribution totaling \$186,917.47, and appropriate and place into the Default Budget that amount of money plus an additional amount to cover the \$221,000 (the difference is \$34,184) and appropriate that out of the block grant fund so we stop the accumulation of the highway block grant money going into the General Fund and being displaced. I would recommend to the Budget Committee they do the same thing. The impact to the taxpayers is 0 because we are appropriating and spending a revenue so it is a net

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wash. The \$34,184 is already accounted for in the highway block grant funds and is a 0 wash to the tax rate. This was discussed. Mr. Perry asked about the Albuquerque culvert which is supposed to come out of highway block grant money, you would still recommend to do that? He was told yes. The Board will be meeting with the engineer on January 4, 2010, and the Road Agent to present a final quote. It was said that the default budget can be changed up to January 15, 2010, at the hearing and if there needs to be an adjustment to the budget, the Budget Committee can make that adjustment at the hearing. There are two projects the Road Agent wants to do - to overlay Acorn Way for \$3,846 and Oak Drive reclamation at \$17,256. Albuquerque is about \$200,000 for a total of \$221,101.

Mr. Byron **AMENDED MOTION** to set the Default Budget at \$221,101 to be taken from Highway Block Grant money in the amount of \$186,917 from the 2010 revenues of highway block grant money with an amount of \$34,184 to be appropriated from existing highway block grant funds. Mrs. Jewett seconded. Talk ensued. There is a concern with relying on State money. To this, Mr. Byron said the biannual State budget does not cut the highway block grant funds. Vote on amendment: Motion carried 5-0-0. Vote on amended main motion: Mr. Perry **AMENDED MAIN MOTION** to add the \$25,000 through taxation as recommended by the Budget Committee. Mrs. Jewett seconded. Vote: Motion carried 5-0-0. Vote on amended main motion: Motion carried 5-0-0.

Mr. Byron **MOTIONED** that the Board of Selectmen hereby recommends that the Budget Committee utilizes the same numbers as just voted by the Selectmen for the budget of 2010 road maintenance, line item 01-4312.20-575. Mr. Santom seconded. Total \$221,101 of highway block grant and \$25,000 of appropriation. Motion carried 5-0-0.

Mr. Byron **MOTIONED** to reduce line item 4324.30-637 to \$42,000. Mr. Santom seconded. Mr. Perry voted no. Motion carried 4-1-0.

Mr. Santom **MOTIONED** to set specimen testing line 4411.20-374 to \$14,270. Mr. Byron seconded. Mr. Perry voted no. Motion carried 4-1-0.

DELIBERATIVE SESSION

Mr. Byron **MOTIONED** that the Deliberative Session for the Town Government will be held on Saturday, January 30, 2010, at 2:00 p.m. at Campbell High School. Mr. Lambert seconded. Mr. Santom **AMENDED MOTION** the same date but 1:00 p.m. Mrs. Jewett seconded. Vote on amendment: Motion carried 5-0-0. Vote on amended main motion. Motion carried 5-0-0.

WARRANT ARTICLES

Town Administrator - Mr. Santom **MOTIONED** that the Board recommends Town

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Administrator warrant article. Mr. Lambert seconded. Motion carried 5-0-0. Selectmen Recommends.

Welfare Administrator - Mr. Santom **MOTIONED** to recommend the Welfare Administrator warrant article. Mr. Lambert seconded. Mr. Byron voted no. Motion carried 4-1-0. Selectmen Recommends.

Ethics Policy - Mr. Santom **MOTIONED** to recommend the Ethics Policy. Mr. Byron seconded. Messrs. Byron and Perry voted yes. Motion failed 2-3-0. Selectmen Not Recommends.

Police Officer - Mr. Santom **MOTIONED** to recommend the Police Officer warrant article. Mrs. Jewett seconded. Motion carried 5-0-0. Selectmen Recommends.

Fire Rescue Vehicle - Mr. Santom **MOTIONED** to recommend the Fire Rescue Vehicle warrant article. Mr. Perry seconded. Mrs. Jewett voted no. Motion carried 4-1-0. Selectmen Recommends.

Elderly Exemption - Mr. Santom **MOTIONED** to recommend the elderly exemption warrant article. Mr. Lambert seconded. Motion carried 5-0-0. Selectmen Recommends.

Hydrant Surcharge - Mr. Santom **MOTIONED** to accept the hydrant surcharge warrant article. Mr. Perry seconded. Mr. Santom voted no. Mrs. Jewett abstained. Motion carried 3-1-1. Selectmen Recommends.

Police Union Contract - Mr. Santom **MOTIONED** to accept the police union contract. Mr. Perry seconded. Motion carried 5-0-0. Selectmen Recommends.

2009 YEAR-TO-DATE SPENDING

The remainder of the money in the budget as of 12/18/09 is \$423,295.84. It is estimated \$120,000 to be paid out in accounts payable, and \$80,000 in payroll. So, there is \$200,000 committed and also encumbrances to be considered. The Board went over the following items requested from department heads if there is money left to spend in 2009 budget:

Police - Requesting \$29,000 for a cruiser.

Fire - Requesting wiring \$3,100 for trailer hitch for generator.

Solid Waste - Requesting \$6,500 for electricity work and \$3,000 for a door replacement.

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It was pointed out that in the past, the Town has a history of spending \$200,000 in January and February on bills. Mr. Santom **MOTIONED** to continue to uphold the spending freeze. Mr. Byron seconded. Motion carried 5-0-0.

PD LIFE INSURANCE PROVIDER

Mrs. Langille said that she spoke with the provider and the Town can cancel any time; however, we would have to pay for a full month. Mr. Byron explained that the insurance provider is not able to provide full coverage for the officers as the Town is committed to do so we need to go with the LCG. Mrs. Langille is working on a contract with LCG.

YEAR-END SPENDING

The Board agreed to let the year end and not do anything unless it is an emergency.

ZONING BOARD APPOINTMENTS

The Board is in receipt of a letter of resignation from Thomas Cooney as a full member. The ZBA is looking to appoint him as an alternate and requesting that John Brunelle be appointed as a full member. The Board did not have confirmation as to the expiration dates therefore no appointments were made. Mr. Santom **MOTIONED** to send it back to the Chairman of Zoning Board of Adjustment to clarify the dates. Mr. Perry seconded. Motion carried 5-0-0.

ABATEMENT

The Board is in receipt of a letter from Avitar regarding an appeal to the State for an abatement for BTLA at 450 Charles Bancroft Highway. This was discussed. Mr. Santom **MOTIONED** to issue the abatement. Mr. Lambert seconded. Mrs. Jewett felt it was a large abatement and the Board would be setting a precedent. Mr. Byron: My concern is you are issuing an abatement based on the sale of the property. Talk continued. It was pointed out that this property is a commercial property and the State decides the outcome. Mr. Lambert withdrew his second. Motion failed due to lack of a second.

COMMITTEE/DISTRICT REPORTS

Budget Committee - The Budget Committee has completed the School budget.

Donations Soldiers - Mrs. Jewett talked about the donated items to the soldiers and thanked all those who donated.

Christmas Program - The program will be held at Campbell High on Wednesday at 9:00 a.m.

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School Board - A meeting was held last Wednesday at Campbell High School.

Recreation - A meeting was held last Tuesday.

Safety Committee - Mrs. Jewett attended a Safety meeting last Tuesday at Campbell High School.

COMMUNITY BULLETINS

The Women's Club held a Pancake Breakfast last Saturday morning.

PUBLIC INPUT

Mr. John Brunelle came forward to discuss the funding for wiring the truck for the generator. He recommended not having the generator sit on a trailer but have it positioned at Campbell High School which is the only facility that could be an emergency location. He was told that the generator is at Campbell High as reported to the Chairman. Talk ensued. Mr. Byron pointed out that the generator can be used to power up other buildings adding heat to prevent the loss of food, pipes from freezing, etc. so it is a benefit having it mobile.

ANY OTHER BUSINESS

Police Union Contract - Mr. Byron **MOTIONED** that the Litchfield Board of Selectmen hereby adopts and agrees to the contract between the Municipal Employees Union AFLCIO Police and the Town of Litchfield as of this day December 21, 2009, and authorizes the Chairman to sign the contracts. Mr. Santom seconded. Motion carried 5-0-0.

Credit Card Policy & Purchases - Mrs. Langille talked about a credit card for Town Clerk. She then suggested the Selectmen's office order all of the supplies under one credit card and keep all the supplies in one place. This was discussed. A letter will be drafted to department heads.

2009 Annual Report - A copy of a draft Selectmen's report was provided to each member.

Warrant Articles - Mr. Santom asked if the Board wants him to put in the information in the HLN as he did last year. Mr. Santom will check the cost.

Waste Management Agreement - Mr. John Brunelle came forward to talk about the agreement with Waste Management and locking a price for hauling. Mr. Lambert **MOTIONED** that on behalf of the Town of Litchfield Dave Mellen extends our agreement with Waste Management. Mr. Santom seconded. Mr. Perry said it is not necessary to make that motion because Dave has the freedom to do what he has to do. Mr. Lambert commented he should have the Board's

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support when he asks for it. Mr. Santom withdrew his motion because D. Mellen already has this authority given to him previously by the Board.

There being no further business, Mr. Santom **MOTIONED** to adjourn the meeting. Mr. Lambert seconded. Motion carried 5-0-0. The meeting adjourned at 10:05 p.m.

Frank A. Byron, Chairman

Andrew M. Santom, V.Chairman

M. Patricia Jewett

George A. Lambert

Steven D. Perry

Lorraine Dogopoulos
Selectmen's Secretary
(transcribed from tapes)