

## TOWN OF LITCHFIELD

Selectmen's Meeting

June 14, 2010

The Board of Selectmen held a meeting at 5:00 p.m. in the Town Hall Conference Room.

Members present: Frank A. Byron, Chairman  
Steven D. Perry, Vice Chairman  
M. Patricia Jewett  
George A. Lambert  
John R. Brunelle

5:00 p.m. Correspondence Review

5:30 p.m. Site Walk at Warren's

### PLEDGE OF ALLEGIANCE

All rose for the Pledge of Allegiance.

### CONSENT ITEMS/ANY OTHER BUSINESS

**Consent:** 1. Minutes of meetings. **Any Other Business:** 1. Hiring Police Officers. 2. Recreation Chairman's resignation. 3. 2008 Audit. 4. Cable - CHS. 5. Police storage unit. 6. Date for nonpublic with Town Counsel. 7. Highway Block Grant funds.

### PUBLIC INPUT

Messrs. Dennis Aussant and Brian Tracey came before the Board regarding property owned by Continental paving adjacent to their property. Mr. Aussant told the Board there is an issue with a gravel operation at the end of the street and it is believed there is no permit. Trees are being cut down in the buffer area between Continental and the street. He showed the Board a map how the property in question looked like when they moved in and then maps how the pit progressed over the years. He said "Continental dug it all out and put a road to cross his pit and now he has cut trees". Mr. Aussant said that he did speak with Continental of which he was told they are planning on cutting all the trees in the buffer and placing waste product from his crushing operation. "As it is, there is a lot of noise from the pit, machinery but he has opened up a section - it is a nightmare and he is excavating about 20 feet deep to remove the gravel and putting the slurry sludge from his crushing operation. He has it stacked up 30 feet high to the top of the trees".

Mr. Aussant said he spoke with the Building Department and there is no permit for the operation in Litchfield. He does have a permit for an operation in Londonderry. He told the Board that the Code Enforcement Officer did all the research he could and could not find any permitting. Talk

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ensued. Mr. Aussant: Continental purchased the lots on Truax Court but that does not give him permission to go in there and excavate without a permit.

Chairman Byron said the Board would refer this to the Building Department and that the people who regulate under State Law gravel operation, etc. is the Planning Board. He will bring this up at the Planning Board meeting tomorrow night. They also mentioned the mess behind the Hudson dump which borders Litchfield. Chairman Byron told the gentlemen that he would check into it. Mr. Aussant asked that Continental hold off on cutting the trees. Mr. Lambert asked if he had a reasonable dialogue with Continental. Mr. Aussant: Oh yea, he told me last fall that he would not go farther, that he was capping it off and that would be it. He started again. I spoke to Mark Charbonneau again and he said he has no place to put his waste product so he plans on cutting all the trees...I work in that quarry all the time. I work for the State. I test products. He has opened up the hole so that it is fence to fence and he has not given himself room to work around it. The footprint is too small to run a quarry operation...that stuff comes from Londonderry”.

Mr. Aussant said there is a 600 foot buffer and he feels that Continental should have a permit to do what he is doing in a residential area.

**Interview** - Elizabeth (Betty) Darling came forward. Mrs. Jewett reminded the Board that Ms. Darling was asked to come here by the Selectmen to be interviewed for a position on the Recreation Commission. She went on to talk about her desire to serve the community. She had worked with the Recreation Commission in Nashua and she has been involved with other groups in Town. A background check would have to be done prior to her appointment. She told the Board that she had attended Recreation Commission meetings.

### PLANNING BOARD

The Board interviewed Joel Kapelson for a position on the Planning Board as an alternate. Mr. Kapelson had served on the Planning Board for four years back in the 90's. He has also applied to serve on the Recreation Commission as an alternate. Mr. Byron **MOTIONED** that the Board of Selectmen hereby appoints Joel Kapelson to the position of alternate to the Litchfield Planning Board whose term shall expire 2013. Mr. Perry seconded. Motion carried 5-0-0.

### CEMETERY TRUSTEES

Mr. Warren Adams, Cemetery Trustee, asked about \$800 for the Center Cemetery for maintenance and mowing. The money was put into the government building line and then transferred the money to the Library's budget. It was said that the money in the government building line was for the cemetery. Talk went on as to mowing and maintenance of the cemeteries. It was asked whether or not Primex insurance covers damages to the grave stones.

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This will have to be researched. Then Mr. Adams asked if money can be moved from the Trustees' checking account into the budget to use for mowing, etc. He was told that the Trustees can run their own checking. All in all, the Trustees have to have a meeting and determine a Chairman and who will take care of the funds.

Mr. Adams asked after the \$800 is depleted, the budget for the cemeteries will go in the red, what happens. He was told to "continue running the bills through the Selectmen's office and when the account is depleted, then you run into a negative balance...and it would have to be made up somewhere else in the budget". Mr. Adams told the Board that contracts were signed for Pinecrest and Hillcrest cemeteries and the cost is about \$125 per cemetery per mow. Mr. Adams suggested using the Trust money for repairs to the stones and such, and uses the budget money for mowing. The Trustees have money in a checking account and a CD and asked what happens to the money. Mr. Byron said all the money collected should be managed and controlled by the Trustees with a vote by the Trustees.

### TRANSFER OF FUNDS

Mr. Perry talked about the transfer of \$800 from the government building line to the Library's budget. It is not reflected in the budget yet. Mr. Perry **MOTIONED** to transfer \$600 from the highway workmen wages 4312.20-125 and put it into the Center Cemetery maintenance line 4195.20-650. Mr. Lambert seconded. Motion carried 5-0-0. There will be a total of \$650 in the Center Cemetery's line.

### JUNK YARD PERMIT

Mr. Warren Adams was present. Chairman Byron **MOTIONED** that the Board of Selectmen approves for renewal the application of Mr. Adams for a junk yard permit with three stipulations: 1. That he continues to work on the State audit results and completes those prior to next year's renewal. 2. That he constructs a metal flooring as well as a metal roof over the parts storage area as requested by the State during the walkthrough today. 3. That he continues to work upon the old area and continues to getting that cleaned up as well for the next renewal. Mr. Brunelle seconded. Mr. Adams said that he plans to get rid of the transmissions that are there. Motion carried 5-0-0.

### TAX RATE LETTER

Mr. Lambert said that he is not complete and he will attempt to have something prepared for the next meeting.

### PERAMBULATION

Mr. John Brunelle said that he did contact Londonderry and there is a site walk scheduled for

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June 23, 2010. He has not yet been able to contact Manchester for a site walk.

### PSNH ENERGY AUDIT

Mr. Lambert talked about the report on the energy audit and it appears that if the Town did everything recommended it would lose money for years. The biggest savings would be converting gym lights at Talent Hall (Darrah) which could save about \$3,000 a year. It would cost \$3,000 for installation fee and PSNH would refund us \$1,781 but it would take two years to recoup the money. Talk ensued. Mr. Lambert said that he would contact PSNH to see if they had any more suggestions and then he would make a recommendation to the Board approving replacing the lights at Darrah with approval from Recreation Commission.

### DETAIL/ACCOUNTING CONTROL

Police Chief Joseph O'Brion was present. The detail rates had been reviewed in accordance with the union contract. Talk went on as to overtime on a detail. If it is three different details, it is \$55.00 an hour; if a detail is over eight hours then the overtime rate kicks in. Mr. Byron asked about whether or not there was a penalty for bills not paid over 30 days. At the moment there is not. Mr. Brunelle asked who would do the invoicing. Mr. Lambert said the policy to be is the Town would invoice and collect the fees. This was discussed.

Mr. Brunelle **MOTIONED** to accept the detail rate for 2010 as set by this document effective immediately. Mrs. Jewett seconded. The rate is \$55.00 an hour. Mr. Perry **AMENDED MOTION** that the overtime rate will be \$81.00 for the detail. Mr. Brunelle seconded. Vote on amendment. This only applies to the police detail. Mr. Perry said that Chief Schofield told him that he felt the rates were adequate level for the Fire Department. Motion carried 5-0-0. Main motion: Motion carried 5-0-0.

Mr. Brunelle **MOTIONED** that we institute a late fee charge based on balance of 1.5% after thirty days per month (compounded monthly). Mr. Byron seconded. Mr. Perry said he does not know what is appropriate and feels it is too low and so he would like to research this. Mr. Lambert **AMENDED MOTION** that anyone who is over 60 days has to have approval of the Board of Selectmen before we can have any more details for them. Mr. Byron seconded. Again, Mr. Perry suggested to research this further. Vote on amendment: Messrs. Byron and Lambert voted yes. Motion failed 2-3-0. Mrs. Jewett also indicated that there should be research on this. Mr. Perry added that this should be checked by the attorneys. Main motion: Mr. Perry and Mrs. Jewett voted no. Motion carried 3-2-0.

Mr. Lambert **MOTIONED** that all of the bills from all of our departments submitting details be submitted to the Selectmen's Office and the Selectmen's Office invoice on behalf of the Town so

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they can keep track of the invoices and the agent. Mr. Byron seconded. It was said that the Office Manager has bought the software. Mr. Perry voted no. Mrs. Jewett abstained. Motion carried 3-1-1.

### POLICE DEPARTMENT

**Hiring** - Police Chief was present. Chairman Byron **MOTIONED** that the Board of Selectmen request that Officers Timothy O'Donaghue and Dennis Tessier be brought in for interviews in front of the Board for appointments. Mrs. Jewett seconded. Chairman Byron said that he would like to interview the officers and hear from the Chief as to the performance of the officers and full time testing. Talk ensued. Most members felt that they are already officers and there is no need to interview them. Chairman Byron said the Board has always interviewed officers for full-time position. One officer has been employed for two years and the other for four years. Mr. Byron felt that these are critical positions that the Board is putting these officers in for the Town. Mr. Brunelle: You have already done it; they are already police officers. Mr. Byron **MOTIONED** to call the question. No second. Talk continued. Mr. Lambert: Do you think we should bring the officers in for an interview and do you believe that will help the Board in the assessment conversion of part-time to full-time officer? Chief: My opinion - no. They have already been through everything that the full time officer goes through. It is the exact same process...and all the same testing. Vote: Chairman Byron voted yes. Motion failed 1-4-0.

Mr. Lambert **MOTIONED** that we approve the conversion of two officers from part-time to full-time Officer Timothy O'Donaghue and Officer Dennis Tessier. Mrs. Jewett seconded. Mr. Byron stated that he would be voting against the motion not the officers because of the lack of the Board to interview those officers. Mr. Lambert stated he would be voting for the motion because the Board had previously interviewed both officers. Mr. Byron voted no. Motion carried 4-1-0.

### 2011 BUDGET

Mr. Perry asked that this be put on the agenda because he has had questions from department heads that the Board did not set any guidelines to department heads. This was discussed. It was suggested that the department heads provide a list of things that they would like to purchase, etc.

Chairman Byron **MOTIONED** that the Board of Selectmen hereby gives guidance to department heads to use the Default budget for 2010 as the base line for 2011 budget. Mr. Lambert seconded. Mrs. Jewett suggested meeting with the department heads. It was said the liaisons could discuss it with the department heads and that they relate their wants and needs and also propose cuts. Mr. Brunelle talked about pooling vacations, overtime, etc. as one basic coverage pool/bucket based on liability you know you have, you know what your vacation hours are, and base it on an average and that is what goes in that bucket. Mr. Perry **AMENDED MOTION** to

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hold to the default budget as a guideline minus 5%. Mr. Lambert seconded. Vote on amendment: Mrs. Jewett voted no. Motion carried 4-1-0. Main motion: Motion carried 5-0-0.

### JOINT MEETING/BUDGET COMMITTEE

The Board discussed a request for a joint meeting with the Budget Committee and School Board to discuss what cost savings could be taken in preparation and consideration of the money that would be lost from the State to the Town. In the meantime, the Board would come up with ideas to be presented at that meeting. The liaisons will converse with the department heads to get ideas and suggestions to bring forward to the meeting. The tentative joint meeting is to be held on or about July 19<sup>th</sup>. This item will be discussed at the next scheduled meeting June 28, 2010 to discuss cost savings, etc.

### TRANSFER OF MONEY

In regards to Warrant Article 10, collective bargaining, money needs to be transferred to the police budget from Line 01-4800.90-194 in the amount of \$24,312.28. Mr. Byron **MOTIONED** that the Board of Selectmen hereby transfers (from 01-4800.90-194) into Account 01-4210.20-110 Sergeants salaries \$4,212.00; into Account 01-4210.30-110 Master Patrolmen salaries \$4,848.00; into Account 01-4210.30-111 Patrolmen salaries \$7,116.40; into Account 01-4210.50-110 Dispatchers salaries \$2,732.80; into Account 01-4210.30-111 Shift differential \$1,560.00; into Account 01-4210.30-141 Holiday Pay \$670.08; and into Account 01-4155.40-232 Police Retirement \$3,173.00. Mr. Perry seconded. Motion carried 5-0-0.

### TIMBER WARRANT

Mr. Byron **MOTIONED** that the Board of Selectmen hereby directs Theresa Briand, collector of taxes in the Town of Litchfield, in said county in the name of the State, you are hereby directed to collect on or before thirty days from the date of bill from the person named herewith committed to you Timer Yield Taxes set against their name money to the sum of \$4,200.60 with interest at 18% per annum from the due date and on all sums not paid on or before that day. Mr. Perry seconded. Motion carried 5-0-0.

### FRAUD POLICY

Town Counsel has reviewed the policy and the only change was to Article 4 regarding applicability. This has been rewritten to say that *this document may be used as a means of reporting of fraud to the town by any business or individual doing business with or for the town*. The lawyer approved the wording. Mr. Byron **MOTIONED** that the Board of Selectmen finalizes the Fraud Policy for the Town of Litchfield effective July 1, 2010. Mrs. Jewett seconded. Motion carried 5-0-0.

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### CRIMINAL RECORD CHECK POLICY

At the last meeting, there was a change noted to the policy. It has been changed and approved by Town Counsel. Mr. Byron **MOTIONED** that the Board of Selectmen hereby adopts as final the policy covering Criminal Record Check for the Town of Litchfield effective July 1, 2010. Mr. Perry seconded. Motion carried 5-0-0.

### COMMITTEE/DISTRICT REPORTS

**Court House Dedication** - Mrs. Jewett attended the dedication of the new court house in Merrimack on June 3, 2010.

**Awards CHS** - Mrs. Jewett attended Awards Night at Campbell High School, a spring concert, and graduation.

**Community Council** - Mrs. Jewett attended a meeting last week and another meeting will be held tomorrow night. There is a meeting on Thursday morning with volunteer groups in Town to determine if there are services overlapping amongst the groups.

**PTO** - Mrs. Jewett also attended the PTO's Spaghetti Supper.

**Planning Board** - There will be a meeting tomorrow night at 7:00 p.m. in the Town Hall.

**Selectmen** - The Selectmen will hold a meeting on Wednesday night at 6:30 p.m. regarding hiring of a Town Administrator. Most of the meeting may be conducted in nonpublic session.

### COMMUNITY BULLETINS

**Strawberry Festival** - The Litchfield Presbyterian Church on Charles Bancroft will hold a Strawberry Festival on Saturday from 11:00 a.m. to 3:00 p.m.

**THANK YOU** - Mrs. Jewett "**Thanked**" McQuesten Farms for the flowers planted at the corner of Hillcrest and Charles Bancroft Highway.

### PUBLIC INPUT

There was no public input.

### APPROVAL WITH CONSENT

**Minutes** - Mrs. Jewett **MOTIONED** that the minutes be accepted as printed (May 24, 2010 and June 2, 2010). Mr. Perry seconded. Motion carried 5-0-0.

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### ANY OTHER BUSINESS

**1. Cable TV** - Mr. Lambert reported that he did speak with the Cable Committee Chairman and they are researching the issue at CHS regarding the poor picture quality of the recording of meetings. Mr. Pentheny to relate back to Mr. Lambert as to the problem and whether or not there is a cost related to getting the matter taken care of.

**2. 2008 Audit Report** - Chairman Byron has updated the audit responses but he did not receive a response from the Treasurer, Office Manager and Trustee of Trust Funds. The report will be sent to the auditor. Mr. Byron **MOTIONED** that the Board accepts the audit response that has been drafted by various individuals and submit to Melanson/Heath (Certified Public Accountants). Mrs. Jewett seconded. Motion carried 5-0-0.

**3. Board Appointments** - It was noted that the appointment papers for two members to the Conservation Commission were typed as Recreation Commission in error. These will have to be retyped. On another matter, the Board is in receipt of a letter from Anthony Schaeffer informing that he does not wish to be reappointed to the Recreation Commission.

Mr. Byron **MOTIONED** that the Board of Selectmen hereby accepts with regret and **“thanks for a job very well done”** the resignation of Anthony Schaeffer from the position of Recreation Commission. Mrs. Jewett seconded. Mrs. Jewett said she has worked with many Chairman's but never worked with one that put as much work and effort into it as Tony has...there has been a lot of activities and problems with the building, etc. **“I say hats off to Tony and Thank You for all you have done.”** Vote: Motion carried 5-0-0.

Mr. Byron **MOTIONED** that the Board of Selectmen hereby appoints Jason Allen to a full member of the Recreation Commission whose term shall expire March 2013 and shall replace Anthony Schaeffer. Mrs. Jewett seconded. Motion carried 5-0-0.

The Board has not heard from Maurissa Fluet as to being reappointed to the Recreation Commission. Mr. Byron **MOTIONED** that the Board of Selectmen appoints Andrew Collins to a full member of the Recreation Commission whose term shall expire March 2013 and shall replace Maurissa Fluet whose term expired in 2010. Mr. Perry seconded. Mrs. Jewett said she has been trying to get in touch with her. It was said that if she wishes to reapply she could do so. Mrs. Jewett voted no. Motion carried 4-1-0.

**4. Police storage unit** - Chairman Byron asked Pat Jewett and George Lambert to check with the Police Chief regarding the storage unit. It is costing \$90 a month. It was rented to store evidence and it is believed that after a year you can petition the courts to dispose of the property; so it was suggested maybe having the prosecutor motion the court to dispose of the contents.

**5. Highway Block Grant money** - Chairman Byron talked about the school payment schedule.

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The School District is requesting 1.7 million to be distributed July 6 and 19<sup>th</sup>. This is being mentioned because the Road Agent is looking for money to do Albuquerque repaving and the concern is the cash flow; making sure there is money in the accounts. This was discussed. Mr. Brunelle talked about the request from the Road Agent who is looking for \$240,000 to fix Albuquerque Avenue south end and the concern is if it is put on hold until next year, it will cost more money. Mr. Perry suggested that the Board meet with the Road Agent to discuss his plans but it was pointed out that first the Board needs to tell him an amount to work with.

Talk ensued as to whether or not to do an overlay of Albuquerque Avenue at the south end or reclamation. This will have to be discussed with the Road Agent. Chairman Byron **MOTIONED** that we provide the Road Agent with a planning number of \$240,000. Mrs. Jewett seconded. Chairman Byron: By planning number it does not mean he is authorized to do the work; it just means that he can use that for planning purposes. Mr. Brunelle will contact the Road Agent to meet with the Board in two weeks and provide a time line. Motion carried 5-0-0.

**Meeting/Town Counsel** - The meeting will be held on Monday, June 21, 2010, at 7:30 p.m.

**Town Administrator** - Mr. Lambert mentioned having town staff and or members of the public be involved in the interviewing process. It was pointed out that this was discussed at a meeting and it was not approved. Chairman Byron said that once it gets down to three interviews that he would bring it back up for discussion.

There being no further business, Mrs. Jewett **MOTIONED** to adjourn the meeting. Mr. Brunelle seconded. Motion carried 5-0-0. The meeting adjourned at 10:06 p.m.

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Frank A. Byron, Chairman

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Steven D. Perry, V. Chairman

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M. Patricia Jewett

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George A. Lambert

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John R. Brunelle

Lorraine Dogopoulos  
Selectmen’s Secretary

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