

**TOWN OF DEERFIELD
BOARD OF SELECTMEN
June 4, 2018
MINUTES**

Call to Order

5:30 pm – Chairman Pitman called the meeting to order

Present: Richard Pitman, Chairman; Andrew Robertson, Vice Chairman. Fred McGarry, Jeff Shute and Cindy Wyman, Selectpersons.

Pledge of Allegiance to the Flag

Chairman Pitman asks all to rise and pledge allegiance to the Flag

Motion: Vice Chairman Robertson moves to approve the minutes as presented

Second: Selectman Shute

Discussion: Selectman McGarry had multiple corrections to the minutes which were presented to Mr. Harrington.

Vote: Yea 5, Nay 0, Abstained 0 – Motion Carries

Accounts Payable Manifest - \$64,132.22

Motion: Vice Chairman Robertson moves to approve the Accounts Payable Manifest.

Second: Selectman McGarry

Discussion:

Vote: Yea 5, Nay 0, Abstained 0 – Motion Carries

Payroll Manifest - \$59,235.44 (Gross), \$46,330.24 (Net)

Motion: Selectman McGarry moves to approve the Payroll Manifest

Second: Vice Chairman Robertson

Discussion:

Vote: Yea 5, Nay 0, Abstained 0 – Motion Carries

Cemetery Plot – Timothy C. and Brenda J. Griffin, Joint Irrevocable Trust – Old Centre Cemetery - \$800.00

Motion: Vice Chairman Robertson moves to approve the sale of the plot

Second: Selectman McGarry

Discussion:

Vote: Yea 5, Nay 0, Abstained 0 – Motion Carries

Cemetery Plot – James and Jacqueline Spence – 240 Middle Road, Deerfield – Old Centre Cemetery -

Motion: Vice Chairman Robertson moves to approve the sale of the plot

Second: Selectman Shute

Discussion: Vice Chairman Robertson stated that he would note that \$1,200.00 is listed as the price and it has been crossed out and \$800.00 has been written in so there is a \$400.00 discrepancy.

Mr. Harrington stated that he would have the paperwork redone and present it at the next meeting.

No vote was taken on this matter and new paperwork will be presented to the Board for approval once the correction is made.

Intent to Cut Wood/Timber – Roscoe and Katherine Blaisdell – Lang Road, Map 414, Lot 106-9 and Map 414, Lot 106-10.

Intent to Cut Wood/Timber – George and Debra Kelley – 126 South Road, Map 419-15

Timber Tax Levy – Antonio Palazzo – 151 Mountain Road, Map 415-84 - \$128.79

Motion: Vice Chairman Robertson moves to levy the timber tax on the aforementioned party

Second: Selectman McGarry

Discussion:

Vote: Yea 5, Nay 0, Abstained 0 – Motion Carries

Intent to Cut – Benno and Mirjam Ijtsma – South and Nichols Road, Map 419-10 - \$63.68 (I believe it should be a Timber Tax Levy but it was stated in the meeting as an Intent to Cut for the next two)

Motion: Vice Chairman Robertson moves to levy the timber tax on the aforementioned party

Second: Selectman McGarry

Discussion:

Vote: Yea 5, Nay 0, Abstained 0 – Motion Carries

Intent to Cut – Roscoe Blaisdell – Lang Road – Map 414, Lot 106-1, 106-9 and 106-10 - \$182.20

Motion: Vice Chairman Robertson moves to levy the timber tax on the aforementioned party

Second: Selectman McGarry

Discussion:

Vote: Yea 5, Nay 0, Abstained 0 – Motion Carries

Timber Tax Levy – Levi St. Germaine – 28 Lang Road, Map 414, Lot 104 - \$104.00

Motion: Vice Chairman Robertson moves to levy the timber tax on the aforementioned party

Second: Selectman McGarry

Discussion:

Vote: Yea 5, Nay 0, Abstained 0 – Motion Carries

Motion: Vice Chairman Robertson moves to appoint Fred McGarry to the Southern NH Planning Board from July 1, 2018 to June 30, 2022.

Second: Selectman Shute

Discussion:

Vote: Yea 5, Nay 0, Abstained 0 – Motion Carries

Motion: Vice Chairman Robertson moves to appoint Fran Menard to the Southern NH Planning Board from July 1, 2018 to June 30, 2022.

Second: Selectman McGarry

Discussion:

Vote: Yea 5, Nay 0, Abstained 0 – Motion Carries

Town Administrator's Report

Mr. Harrington stated that he had a follow up on a subject from the last meeting. He stated that he did do some research on the amount that was in the Building Maintenance Trust Fund with regard to the Highway Shed. He stated that there appears to be, and it is only an approximate balance because the last statement that that was received was December, 2017 and with that balance and the additional \$25,000.00 that was approved by the 2018 town warrant, there appears to be a balance of \$104,239.87 which will cover the highway shed's roof.

Chairman Pitman asked what the amount of the roof was without the gutters to which Selectman Shute stated that it was \$28,156.00.

Chairman Pitman asked what everyone's thoughts were about trying to go without the gutters and see how the new roof will work.

Motion: Selectman Shute moves to approve the new roof proposal from Therrien and Company for the town shed in the amount of \$28,156.00 and at this time will not accept the snow guard system or the gutters.

Second: Selectman McGarry

Discussion:

Vote: Yea 5, Nay 0, Abstained 0 – Motion Carries

Chairman Pitman asked if there was any other unfinished business to which Selectman McGarry stated that he had received a plan from the Epsom Town Administrator which shows the bounds that were set a few Monday's ago. She is going to take care of sending a letter to the State notifying them that the plan had been prepared.

Apparently, he stated, that we have to notify each county. She stated that she would notify Merrimack County and we will have to notify Rockingham County and the plan will have to be recorded at the Registry of Deeds.

The two stones that were set are on the east side of Griffin Road. One stone bound was set right on the right-of-way and the other one is 5.4 feet to the east is the old bound that had been moved. The picture of the bound stone that was shown at a previous meeting had a line on it which has now been set on the actual town line.

Chairman Pitman asked if they pulled the stone bound that was 5.4 feet away.

Selectman McGarry stated that the one that was 5.4 feet away was the one that was kicked out of the ground and moved down approximately 20 feet. It was recovered and reset.

Chairman Pitman asked if Jane should record this and it was decided that she should.

Vice Chairman Robertson wondered if this movement happened in 2007 with the floods because the bridge was actually lost during that flood as well as both sides of the road.

Selectman McGarry stated that it was up much higher on the hill.

Motion: Selectman McGarry moves to have the Epsom/Deerfield town boundaries marked plan on Griffin Road recorded with the Registry of Deeds for Rockingham County

Second: Vice Chairman Robertson

Discussion:

Vote: Yea 5, Nay 0, Abstained 0 – Motion Carries

Selectman McGarry stated that Mr. Harrington had done some work with the maintenance supervisor, Ray Ellis, regarding the septic tank at the fire station and found that the top of the septic tank serving the fire station is roughly six feet under the floor of the addition.

Similarly, the leech field is also six feet under the fill that is out in back of the fire station. Since the addition was put on in the late 70's, we are talking at least 40 years since the septic tank has been pumped.

Nothing is showing failure at this time but Selectman McGarry stated that he was sure that the septic tank was full of solids and probably the leech field is also full of solids and we are lucky that it hasn't shown failure.

Chairman Pitman stated at according to Mark Young who was there when they were trying to locate the system, as a licensed installer, he checked to see what was coming out of the system and that there was no issue at all as far as the gray water that was flowing.

Selectman McGarry asked if they could get into the tank itself to which Chairman Pitman stated that they could and stated that it wasn't bad so the impression that he was under was whether or not the Board wanted to put something in for next year as a warrant or wait until there is an addition put on and hope that it doesn't fail before then.

Chairman Pitman asked that if or when there was an addition put on the station, would a new septic need to be installed to which Selectman McGarry stated, not necessarily but based on the situation with the water, that he would say that yes there would need to be a new septic installed.

Vice Chairman Robertson stated that he assumed that the tank has seen, even though it has been there for 40 years, relatively low use given the minimal amount of people that have stayed at the fire department over the years.

Chairman Pitman stated that while they had it dug out, he took the time to research the issue so that the Board would know but he didn't see any problem so didn't come to the Board with a new septic design for approval.

Selectman McGarry stated that since there hasn't been any type of failure at the surface that screams at the Board to do something, it certainly can wait until next year.

Kelly Roberts – Town Clerk/Tax Collector – Tax Waivers

Ms. Roberts stated that she was before the Board to discuss tax deeding and deed waivers. She requested from the Board, for the dignity and respect of the tax payers involved, that we only refer to properties using their map and lot numbers. If that becomes difficult, then she will ask that the Board enter into a non-public session but she stated that she thought that it could be done publicly as long as the Board stays within the parameters.

She stated that she delivered to the Board a list of properties that are up for potential deed. Out of the 33 parcels up for deed, she has only recommended deeding three for this year and is requesting waivers be signed for the remaining 30 parcels.

The deed list that she had inherited as the new tax collector is mammoth and she stated that the Board and the tax department need to work together to get this under control. It is not going to be fixed in one year and will probably take several years to get it to a manageable level.

The list that was presented to the Board that had interest calculated through May 14th, totaled a staggering \$418,782.42 which was all back taxes.

Dates of Potential Deed by year

2009 taxes on July 27, 2012
2010 taxes on August 15, 2013
2011 taxes on August 20, 2014
2012 taxes on July 15, 2015
2013 taxes on July 4, 2016
2014 taxes on August 17, 2017
2015 taxes on July 26, 2018

This is a very extensive and exhausting list. Ms. Kelly's projected lien and deed execution date for 2018 is August 16th, 2018.

The deed waivers that she is asking the Board to sign are for this calendar year of 2018. We will have an opportunity to pursue this list in 2019.

Ms. Kelly stated that to let the Board know, she is going to be recommending parcels to pursue in 2019 so this is going to be something that she would be working on.

If the Board is interested in taking additional properties this year, realistically, she would need the information now or by the end of the week at the latest. The reason is that she needs to get the information to Sanders Searches who does our searches so that she has the time to research to prepare these for the potential deed date of August 16th.

She stated that she wanted to point out to the Board, that the deed process in New Hampshire is cyclical similar to property tax warrants and the liening process. The deed cycle needs to be completed every year like clockwork whether properties are absorbed by deed or they are waived.

One of Ms. Kelly's goals is to bring the cycle back to our yearly routine. It is a requirement that the tax collector submit a complete list of potential deeds to the Board of Selectmen every year. It is the Board of Selectmen's responsibility to decide to deed or waive.

When it comes to deeding or potential deeding, there has to be action. Either it has to be deeded or the Board waives. There is no waiting, there is no in between. We'll have a chance next year to pursue more. We want, for the protection of the tax collector's office, herself, her deputy, the Town Administrator and all of the Board of Selectmen and most importantly, the property owner, so this will protect them until the office pursues a deed down the road.

A very important concept that everyone needs to understand and this is something that she is still getting her head around is that technically it is the Board of Selectmen that are the ones that take the property for deed. The tax collector is just the messenger. All the office does is follow a statutory process. She continued that she didn't want the Board to misconstrue her statement as avoidance or negativity on her part. She is a new collector and no offense, but the Board seems a little out of practice in the deeding realm so she is really recommending that they take this slow and very cautiously. One of the biggest or common types of municipal lawsuits in the court system is because of deeded properties and something technical which occurred in the process. We want to make sure that we are doing everything correctly.

It is important that we will be doing this every year but this year we need to take the time and learn the process with the ones that Ms. Roberts has recommended so that this becomes less and less of a burden, year to year.

The taking of a property is not something that Ms. Roberts takes lightly at all. This is a very heavy burden for herself and all involved.

Chairman Pitman stated that again, Ms. Roberts is only the messenger.

Ms. Roberts stated that she wanted to explain where they were in the process in the law where they were right now as far as the deeding. The law states that the collector, after two years from the execution of a real estate tax lien, shall execute to the lien holder a deed of the land subject to the real estate tax lien. So, to be at this point where we are right now, all these parcels have been through the notices of arrearage and the lien process for several years. The next step for them is now is to start the deeding process or the waiver process.

Under RSA 80:76, the Board or governing body has the power to refuse a deed for undesirable obligations or risk. She would recommend the Board waive the remaining 30 parcels for the year 2018 for the simple fact that until we know for certain what all the risks are and have prepared a budget that will identify and address the issues that may be discovered on these parcels, asbestos, lead paint, environmental issues, landlord/tenant scenarios which we don't want to be in, it would be too risky of an undertaking if the Board went after this whole list right now because we need to know what is on each parcel.

Ms. Roberts continued that she is asking the Board to seriously work out their upcoming budget for 2019 keeping in mind any monies that may need to be raised to deal with the parcels that the Board might be interested in taking but may require some money or work before the parcels could be sold down the road.

The money that the Board would want to be looking for in their budget is the types of issues that might be found such as if there is asbestos, if the issues are environmental, is there garbage cleanup needed. They would want to prepare for this so that they aren't looking for additional monies in the budget.

Ms. Roberts stated that for the waived parcels, the liens would remain in effect indefinitely until such time that the Board decides to pursue a deed. Because the liens remain in effect, so does the taxpayers right of redemption provided under NH RSA 69. While the interest accrues at 18 percent per annum on a lien in New Hampshire, this still allows the property owner another opportunity to pay on back taxes.

The right of redemption is a concept that Ms. Roberts wanted everyone to understand. This is a very serious concept and it has to be treated with the utmost respect when the Board is considering these parcels. The property owner is still the owner of their subject parcel and has the right to redeem the property right up until the deed is filed at the registry.

Even after a property is lost to tax deed, the previous owner has the right of first refusal if the town decides to sell the property which is covered under RSA 80:89 if you're interested.

Ms. Roberts stated that she is recommending the waivers of the following 30 parcels for this calendar. She is still determined to collect on these parcels. She will be recommending to the waived remaining tax payers to take advantage of the partial payment option that is allowed through New Hampshire RSA 80:71.

Ms. Roberts plan is to write each one a letter stating that the potential deed on their property has been waived this year but that it will be up again next year if the delinquent taxes are not satisfied.

Some of the taxpayers have fallen on hard times but are able to make small, partial payments. There are some that simply just stopped paying their taxes and don't know the reason why.

Between herself and the Board, they need to decipher between the two as they whittle down the list over the next few years.

Ms. Roberts asked if the Board had any questions for her.

Chairman Pitman stated that they did.

Chairman Pitman stated that what he would like to run by the Board and ask Ms. Roberts to do is since she has run this list without mentioning names if you want to write these numbers down, it's an estimate but if we take out what we've negotiated with some of these parcels which you know about without mentioning names, it cuts the list from \$247,209.00 down to \$129,740.00 and take \$96,000.00 off of the interest. It brings it down to \$58,000.00 for a total of \$188,271.00. He stated that these figures are very round calculated numbers down from \$402,000.00. What he stated that he would like Ms. Roberts to do is to run a new list including 2014 and back as ones that the Board would consider.

Ms. Roberts stated that if the Board is considering 2014 and back, she is going to need an answer this week.

Chairman Pitman stated that you would as the Board is discussing it.

Vice Chairman Robertson stated that he thought that they could go through the list by number. He thought to his mind, speaking as a visible selectman, clearly there are people on the list that are a year or two behind that may well be able to make arrangements and that sort of thing but we also have some people that are eight years behind. We are going back to 2010, 2009. It is not a large number of parcels and he thinks that the Board should act on some of the ones that are approaching 10 years.

Ms. Roberts stated that what she would ask, as she stated, she has presented the Board with the list of all of the parcels and what she would need from the Board at this point is that the Board literally has to make a list for Ms. Roberts stating this is what was presented to the Board and here is what the Board wants Ms. Roberts to take. She would need this in writing in order to pursue and give notice to these property owners that they are being noticed of potential tax deed. They will still have the right to redeem their taxes if they choose to.

Chairman Pitman stated that he hoped that they would come forward and pay the amount owed and Vice Chairman Robertson added that he hoped at least the affected property owners would come and talk with them.

Chairman Pitman continued that If this is what it is going to take to get them to come and talk with them, to get them in and Ms. Roberts agreed that this might be the way for this to happen.

Vice Chairman Robertson stated that he could go down through the list and highlight map and lot numbers that stand out to him.

Map 209, Lot 40
Map 415, Lot 48
Map 405, Lot 76
Map 413, Lot 63
Map 405, Lot 19
Map 208, Lot 3

The owner unknowns are going to take a little bit of research according to Ms. Roberts because with deeding, unlike a property tax warrant or liening, there is a much heavier burden of trying to locate the actual owners. She stated that she would start researching but that one is a question mark in her head.

Chairman Pitman stated that there are only five counting the unknowns that will need to be worked on.

Ms. Roberts asked about the initial three that she recommended to which to Board agreed were okay.

Ms. Roberts asked if she had the properties correct which she named as well as the three parcels she had recommended off of Reservation Road.

Chairman Pitman stated that she could get a list from Mr. Harrington on the ones that the Town has already negotiated with so that they will come of the list.

Ms. Roberts stated to the Board that all she needs tonight is all for all of the remaining parcels she will need the waivers signed. They will need to pull those out.

Motion: Vice Chairman Robertson moves to look into deeding the following:

Map 209, Lot 40
Map 415, Lot 48
Map 405, Lot 76
Map 413, Lot 63
Map 405, Lot 19
Map 208, Lot 3

Second: Selectman McGarry

Discussion:

Vote: Yea 5, Nay 0, Abstained 0 – Motion Carries

Chairman Pitman stated that there is still a pile in front of him.

Ms. Roberts stated that she couldn't stress enough how important it is to sign those. It should not be an annoyance where we're protecting ourselves and the property owners.

She went on to say that she would like to put out there for communication purposes that she has given the Board a list back in February of potential deeding and this is the first time that she is hearing from any of the Board regarding these five parcels and to be completely frank, she didn't appreciate it.

In the future, if you could give her a heads up, she'll have all the files ready, she'll have all the lien notices prepared but now the Board has created a lot of work for her which she is happy to do but in the spirit of openness and communication, the Board needs to give her a heads up on this stuff.

Chairman Pitman stated that the Board's problem is that they can't talk about it unless they are at a meeting which makes it very awkward but, in our defense, we couldn't discuss it before.

Ms. Roberts stated that not to make this moment any more awkward than it already is, she wanted the Board to think about how come none of the Board members had spoken to her about this. She stated that it feels like the Board made their decision and then came to a meeting without discussing anything of their decision with her. She stated that she didn't work well under these parameters. She stated that she needs communication.

Chairman Pitman stated that it was not intended to do anything against Ms. Roberts.

Ms. Roberts stated that she understands that.

Chairman Pitman stated that he had a copy and the Board has had it to review. Without being able to discuss names or anything like that, we were told to come with their ideas this evening.

Ms. Roberts stated that for their information, for the Board to have these six parcels that you're presenting me without even calling her up or talking about it.

Vice Chairman Robertson stated to Ms. Roberts that they don't have the ability to individually or as a small subset, call you and tell you what the Board is thinking before a meeting. It was talked about in our last meeting.

Ms. Roberts stated that it was the specific parcels that were brought up this evening to which Vice Chairman Robertson stated no but that they couldn't get together and give her a heads up about what the Board was thinking of doing. He stated that they just can't. They actually have to sit down at a meeting and make a decision.

Ms. Roberts stated that deeding needs to be a priority at meetings and the Board needs to make this a priority.

Chairman Pitman stated that he thought that it will with Ms. Roberts as the tax collector. He continued that she would bring it to their attention. He didn't think that they had ever been brought up to date in the past.

Ms. Roberts stated that this isn't a personal attack on any but collectively as a Board so she didn't want any of the Board to feel personally that she is angry at you personally, she is angry at the way that it was presented.

Chairman Pitman stated that they didn't want Ms. Roberts to be angry. The biggest one was already in her file that was discussed.

Selectman McGarry stated that Ms. Roberts had mentioned doing an inspection on some of these properties before there is any actual taking. What rights does the statute give the Board as far as authority to do inspections?

Ms. Roberts stated that if the Board wants to do more discussion, the reason that she had recommended the three parcels this year off of Reservation Road because it is basically acreage. It's pristine land and she knew that there wasn't a lot of liability or risk.

When you are talking about someone's home, you're talking about a lot of potential risk and yes you do, as a Board, need to investigate what those potential risks are. You're going to have to add this to your work list just as I am going to have to add it to my work list. The Board is going to have to investigate each parcel as well as take pictures, figure out if there are environmental, garbage, asbestos, or whatever.

Selectman McGarry stated that this is the question that he needs answered, does authority does the statute give the Board to set foot on somebody else's property to do the inspection.

Ms. Roberts stated that she didn't know off the top of her head but that she thought that would be one that Mr. Harrington contact the town attorney tomorrow for because you're going to need some kind of proof and whether you're standing outside the lot and taking pictures or you are going with a police officer which has been done sometimes or you are going with the code enforcement officer who has the ability to inspect.

At this point, any of the parcels that you are interested in, you want to schedule all of these things immediately.

Selectman McGarry stated that his question that he ends up having is does the Board need a search warrant in order to be able to do it.

Ms. Roberts stated that she didn't believe that it would be a search warrant.

Vice Chairman Robertson stated that in the past, they have used the code enforcement officer for concerns that the town has had about properties in this situation.

Chairman Pitman stated that the other thing is, like was stated earlier to Ms. Roberts, hopefully this will get people to get in touch with you and we won't be having to visit any of them.

Ms. Roberts stated that she hoped that it works because ...

Chairman Pitman stated that there is a couple of names on the list that have come before the Board before in the past and everyone has gotten along really well when push came to shove so let's hope that it works.

Selectman McGarry asked if there were any agreements to pay in installments that are currently on the list that have negated.

Vice Chairman Robertson believes that there is one and he didn't know how to what degree that they have gone back on the agreed plan that they had.

Ms. Roberts stated that one thing that she would caution is, and this is her personal recommendation as a tax collector, is I would not enter into any legal agreement or payment plan with a person until they've reached that deeding status there they're receiving notice of potential deed. Before that, we've now within the law. Once they start the deed process, that's when the Board, she believed, should start the payment plan process. She stated that she would keep the lawyers and the payment agreements out of it until you get to that point.

Chairman Pitman stated that the Town Administrator would have everything ready for tomorrow.

Chairman Pitman asked if anyone else had any new business.

Vice Chairman Robertson stated that he was going to offer a motion to extend the acceptance period for letters of interest for the police department building committee. He stated that they had gotten a number of seemingly interested and qualified applicants but he would like to see if they could get a couple more. He thought that some members had heard from people that were interested.

Chairman Pitman asked if they wanted to extend it till the Friday before the next meeting which would be Friday, June 15th.

Motion: Vice Chairman Robertson moves to extend the application period for the police department building committee to June 15th, 2018

Second: Selectman McGarry

Discussion:

Vote: Yea 5, Nay 0, Abstained 0 – Motion Carries

Selectman Shute stated that he thought they had five letters of interest so far for the police department building committee.

Citizen's Comments

Mrs. Cady – Old Centre Road

She stated that she would say that under the Right to Know Law, there is no exemption for the names of taxpayers. It's written in the tax law in order for people to know that they are being fairly taxed and they may review any tax records. It's in the law. Not that I want the Board to name them here. I don't think it should be done but when Ms. Roberts made the suggestion to go into non-public, I would have objected strongly.

She also believed, and she hadn't reviewed it in a while, that the law says the Select Board have the right to sell or give a waiver to the taxes or a waiver to a certain amount of the taxes or to waive all of the interest. You probably already know this and since the interest is usury to this point, she stated they can get a mortgage for 4% and the town charges 18%, she thought it was fair to give a waiver on interest just to be able to let them keep their homes.

Motion: Vice Chairman Robertson moves to adjourn at 6:25 p.m.

Second: Selectman McGarry

Discussion:

Vote: Yea 5, Nay 0, Abstained 0 – Motion Carries

Next Meeting: Monday, June 18, 2018 at 5:30 pm

*The Minutes were transcribed and respectfully submitted by Dianne L. Kimball, Recording Secretary
Pending approval by the Board of Selectmen*