

**TOWN OF DEERFIELD
BOARD OF SELECTMEN
January 19, 2010
MINUTES**

Call to Order:

6:56pm Chairman of the Board of Selectmen, Stephen R. Barry called the Meeting to Order.

Roll Call:

Present: Stephen R. Barry, Chairman; John Reagan, Walter C. Hooker and Alan E. O'Neal, Selectmen
Absent: R. Andrew Robertson, Vice Chairman
Also Present: Cynthia Heon, Town Administrator

Pledge of Allegiance to the Flag:

Chairman Barry asked all to rise for the pledge of allegiance to the Flag.

Chairman Barry explained to those present that Article 1, Land Purchase, 8 Church Street, had been removed by the Board of Selectmen at the January 11, 2010 meeting but was put back on at the advice of Town Counsel. The Chairman conducting a telephone poll of the members of the Board of Selectmen. Chairman Barry read the telephone poll to return Article 1 to the Warrant: Selectman Walter Hooker Yes; Vice Chairman R. Andrew Robertson Yes; Selectman Alan O'Neal Yes; Selectman John Reagan, a phone message was left, returned two days later with a vote of Yes; Chairman Barry Yes. The telephone poll concluded on January 12, 2010 and Article 1 was returned to the Warrant.

6:58pm Chairman Barry recessed the Selectmen's Meeting for the purpose of holding a Public Hearing on Article 1, Land Purchase, 8 Church Street, concerning repayment to the Deerfield Volunteer Fire Department and the Deerfield Rescue Squad.

7:26pm Chairman Barry reconvened the Selectmen's Meeting.

Chairman Barry asked if there was any action the Board wished to take on Article 1.

MOTION: Selectman Alan O'Neal made a motion that the Board place a recommendation on Article 1, as being in favor of the Article. Seconded by Selectman John Reagan.

VOTE: Chairman Barry called for the Vote. It was a Vote in Favor Yes-3 No-1.
Article 1 will go forward with the notation recommended by the Selectmen 3-1.

Chairman Barry advised everyone present the 2010 Budgets for the Town and School were being reviewed at a Municipal Budget Committee Public Hearing currently underway at the Town Hall.

Other Business:

Revaluation -- Selectman Hooker reported having met with Gary Roberge and Loren Martin, of Avitar Associates of N. E., Inc., reviewed the contract and that all requested edits were completed. The Avitar Contract will be presented on January 25th for the Selectmen's signature and field work is anticipated to begin the next day, January 26th. There was the question of whether or not having snow on the ground would be an issue to which Selectman Hooker replied no.

With this in mind, Selectman Hooker drew the Board's attention to a copy of a Newsletter article he provided to everyone. The Newsletter will go out this week if the article is approved by the Selectmen. It was the consensus of the Board the article on the Revaluation could be published.

The Department of Revenue Administration completed a favorable review of the Avitar Contract and the only recommendation was to obtain a bond although the Town was not required to. Board members commented they knew where to find Mr. Roberge should there be any questions.

Adjournment:

7:30pm Selectman Walter Hooker made a motion to Adjourn. Seconded by Selectman Alan O'Neal.
Chairman Barry called for the Vote. It was a Unanimous Vote in Favor. The January 19, 2010 Selectmen's Meeting is adjourned.

Recorded, Transcribed and Respectfully Submitted by Cynthia Heon/Pending Approval by the Board of Selectmen

**TOWN OF DEERFIELD
PUBLIC HEARING
LAND PURCHASE/8 CHURCH STREET
January 19, 2010
MINUTES**

6:58pm Chairman Barry convened the Public Hearing and read the Public Notice and Warrant Article pertaining to this Public Hearing:

Present: Stephen R. Barry, Chairman; John Reagan, Walter C. Hooker and Alan E. O'Neal, Selectmen

Absent: R. Andrew Robertson, Vice Chairman

Also Present: Mark Tibbetts, Fire Chief; George Clark, Gary Clark, John Dubiansky, Dave Farrar, Matt Fisher, Laura Hall, Charlie Sanborn, Cindy McHugh; members of either the Deerfield Volunteer Fire Department, Deerfield Rescue Squad or both.

Public Hearing Notice

The Board of Selectmen will hold a Public Hearing, under RSA 40:13, to take input concerning the proposed Warrant Article regarding the purchase of property located at 8 Church Street, adjacent to the Deerfield Volunteer Fire Department. The Public Hearing is scheduled for Tuesday, January 19, 2010, at 7pm, at the G. B. White Building, 8 Raymond Road, Selectmen's Conference Room.

Warrant Article 1

To see if the Town of Deerfield will authorize the purchase of property located at 8 Church Street from the Deerfield Volunteer Fire Association and the Deerfield Rescue Squad, over a four-year period, at a total cost of One Hundred Fourteen Thousand Five Hundred Forty Dollars (\$114,540) and to raise and appropriate Twenty Eight Thousand Six Hundred Thirty Five Dollars (\$28,635) for the first year's installment. The purpose of the purchase is for future expansion of the Deerfield Volunteer Fire Department, and Deerfield Rescue Squad, and parking space for general use during Town functions. This Article requires a 3/5's Vote to pass.

Chairman Barry turned the meeting over to those present for comment.

Maureen Mann mentioned that at the last Selectmen's Meeting there were questions raised about the deed and the title to the property. She asked if those issues were resolved. Chairman Barry stated the deed restrictions do not exist at this time but when the property transfers, restrictions would be put in place which limits the use of the property to the Deerfield Volunteer Fire Department, Deerfield Rescue Squad and parking for Town events. The concept of the restrictions is to assure there is a place for the Fire Department or Rescue Squad to expand their operations in the future.

Maureen Mann looked to the future questioning what would happen 20 years from now if a fire station was built somewhere else or the Fire Department was no longer comprised of volunteers. Chairman Barry deferred this question to Fire Chief, Mark Tibbetts. Chief Tibbetts explained that the deed restrictions would be automatically lifted if a fire station was built somewhere else and the land would be the Towns' to do with what they want. Whether the Fire Department has become a professional department versus a volunteer department is not an issue as the land will still be there.

A resident questioned why deed restrictions were necessary at all. The Selectmen explained that if Article 1 passed, and the Town entered into negotiations, there would be a Purchase and Sales Agreement created and all the details would be worked out.

Jim Deely questioned the 3/5 vote and the purchase price as to whether or not it fully reimbursed the original costs and included costs to the Associations. The reason Article 1 is treated like a bond issue, while not bonding the project, is there will be payments spread out over a number of years.

Chief Tibbetts described the expenditures associated with the original land purchase; \$4,000 was for insurance, checking for asbestos and legal fees for the closing. Jim Deely questioned if the grant the Town applied for was awarded to the Town. Chief Tibbetts replied no only one town in New Hampshire won and that was Londonderry because of the airport.

Given the current market, Jim Deely did not see much happening with the land and asked, through the Chair to Chief Tibbetts, what the Associations would do with the land if it took 10 years to get a project moving. Chief Tibbetts thoughts were to clean the land up and make it more presentable. It could also be an active parking lot.

What rights the Town may have to the property early on was questioned. Chairman Barry believed the land would not completely become the Towns' until the fourth payment.

The resident thought that if the land was used for a parking lot it would be an expensive parking lot. He did not like the idea of the Town having restrictions even though the Town paid full price. Chairman Barry reiterated that the restrictions did not exist today but would be placed on the deed. Chief Tibbetts added that the Deerfield Volunteer Fire Department and the Deerfield Rescue Squad wanted to make sure that the time, effort and resources, that went into this purchase provided a place to build a facility should one never be built anywhere else.

The resident pointed out that the restrictions would mean the sole use for the Town of Deerfield would mean only the Fire Department, Rescue Squad and parking. He did not see the purpose of buying something the Town could do nothing with. Chief Tibbetts provided further explanation saying that the Fire Department desperately needed a new truck which probably would not fit in the current fire station as it is too narrow and has height limitations. Other than an addition on the current building, something new would have to be built. The resident offered the suggestion of looking for a less congested area if a new station was built.

The resident continued asking what had changed since last year's Warrant Article, for the same purpose, was defeated. Chairman Barry remarked that the Selectmen have learned a lot more about the process and the proposal. The resident noted that, in the past, all of the Selectmen apparently didn't support the Warrant Article and asked to hear from each Selectman as to where they stood on the subject.

Selectman O'Neal began stating that last year the deed restrictions were never spelled out like they were today. He is more comfortable that there is a written mechanism by which the deed restrictions can be removed and pointed out that everything would have to go through a legal process. Selectman O'Neal spoke to Maureen Mann's point of volunteers not existing in 20 years which would perhaps lift the deed restrictions. Another point is the current fire house, and equipment, is owned by the Town so it would make sense for the Town to own the land next to it.

Selectman Hooker could not support the Warrant Article even with the new information that was presented today. His reason for not supporting the purchase was that he could not see the Town buying any property, for Town use, with restrictions and using Town money to make the purchase. Without knowing exactly what would happen, it was Selectman Hooker's belief the Town would have 99% use of the property which would include the Fire Department and Rescue Squad.

Selectman Reagan preferred no restrictions but both Associations did front the money to purchase the property which makes it a wise idea to pursue owning the property. He favored the purchase and taking however long it would take to work through the details of the purchase. The resident stated that a vacant property, for 10 years, was of no immediate benefit to the Town. Selectman Reagan disagreed and

mentioned the enjoyment residents were already receiving if they recalled what the property looked like prior to the purchase by the Associations. He would encourage filling the land in and being able to park there.

The resident questioned if there had been incidents that created problems which would make parking space needed. The Selectmen responded indicating that parking is a perpetual problem with functions held at the local churches, Town Hall and Gazebo.

Chairman Barry favored trying to purchase the one last piece of property for the Town if for no other use than parking. His discomfort was with the way it is being presented and equated it to almost like someone holding a gun to your head and stating you can only use the land for this or that. On the other hand, he couldn't think of what else the land would be used for. The Selectmen did try to pursue the purchase of the property but because of calendar restraints the Town could not move forward with the purchase. Chairman Barry approved of Article 1 going forward to the townspeople to make a decision.

The resident still did not see any benefit to the Town with the restrictions placed on the land. He thought the land could be used for parking for the events at the Gazebo since it abuts that area and then the entire Town would benefit rather than a select group or organization. Chairman Barry pointed out the Deerfield Volunteer Fire Department and Deerfield Rescue Squad operates out of that area 24 hours a day which affects the entire Town. Chief Tibbetts added that the Fire Department and Rescue Squad operate out of that area under extreme conditions and do the best with what they have. Even if the land is just filled in, grass planted and extra parking is available, it would not be a bad thing. The resident remained uncomfortable with the proposal.

George Clark, former Fire Chief, looked at all aspects of this proposal and did not see where the taxpayers are going to be able to build a new Safety Services Complex costing in the vicinity of \$5,000,000 to \$6,000,000. The minimum needs, at present, are three bays, space for the Rescue Squad and office space which if attached to the present building, would be at a third of the cost. If the Associations had not purchased the property, it would have gone to foreclosure and someone could have put up a high-rise there. This purchase was made for the sake of the Town. The current building is not large enough for modern equipment, which within four years will become obvious, as the new truck will not fit in the building. The new vehicle will be required or insurance rates will go sky high. Chairman Barry interjected that the new truck would be ordered in three years. George Clark saw it as common sense to add on as it is less expensive than building something new somewhere else.

Jim Deely requested more information on the deed restrictions. Chief Tibbetts explained that the Deerfield Volunteer Fire Department was led to believe that the land out back was bought for a new fire station or to build onto the existing fire station but it didn't happen. Instead a park was created and a Gazebo built. The Fire Department and Rescue Squad are protecting what they paid for through donations and so that they would not lose the opportunity again.

The resident returned to the subject of the deed restrictions and that it seemed to him it was like buying a car and then handing the keys to someone else.

George Clark reminded everyone that within the Fire Department there are two different entities; The Deerfield Volunteer Fire Department and the Deerfield Volunteer Fire Association which has been in existence since 1932. Until this year, when it will change, the two entities provided protection to the taxpayers. The townspeople do not seem to want to buy into a big complex which is all well and good but if the Town refuses to buy the land then a "For Sale" sign will go on the land and it will be sold.

Chairman Barry summed it up by saying the two Associates bought the property with the purpose of achieving a specific outcome. To him, there was little chance of anything else happening. The restrictions, as proposed, stick in some people's craws.

The resident remarked that to him it seemed like a serious case of mutual mistrust. Selectman O'Neal agreed.

Maureen Mann asked about being able to maneuver trucks in and out of the fire station, at the current location, and couldn't there be an addition off the back, or side, of the fire station. Chief Tibbetts stated the area is congested. As to additions, the back was not an option as the septic system is out there; there is no room on the Library side leaving the only option the side next to the vacant land.

George Clark recalled the reason for purchasing the Baker property was to provide space for a Safety Service Complex which would house Police, Fire and Rescue. Then a Gazebo was built, the park established and the Safety Services Complex went down the drain. Chairman Barry didn't remember it being as clear as all that but found the level distrust understandable.

John Dubiansky commented that the Fire Department and Rescue Squad have been honest and upfront and would not make a profit from this. He agreed with the restrictions to provide a viable solution for the space problems of both Associations.

The resident wondered why it would be sold to the Town instead of keeping it to build a Safety Services Complex. Selectman O'Neal said the Town owns Town buildings which would mean the Fire Department and Rescue Squad would have to lease it back to the Town.

Jim Deely was concerned that if a deed transfer did not occur until the last payment was made that would mean no expansion could occur prior to then and then the Town would have to add on or build there.

If the Warrant Article passed and a new fire station not be built, Maureen Mann wanted to know if that area would be paved. Chairman Barry pointed out that first the Warrant Article would have to pass and then there would be negotiations between the Town and the Associations.

Frances Menard offered a Point of Information that the Baker property was purchased around the Year 2000 because that is when the PLAN NH Charrette was completed. The PLAN NH Charrette outlined many proposals. Subsequently, there has been at least two Safety Services Complexes proposed to the voters on the Town owned land across the street, from the G. B. White Building, because the PLAN NH Charrette recommended that is where the complex should go.

Chairman Barry asked if there were any new points to come forward as the Municipal Budget Committee was waiting for the Town to come to the Town Hall for the Public Hearing on the Town Budget. There was no new information offered.

7:25pm The Public Hearing was closed.

Attendance: 18 Residents