

**TOWN OF DEERFIELD
BOARD OF SELECTMEN
May 17, 2010
MINUTES**

Call to Order

5:30pm: Chairman, Steve Barry called the meeting to order.

Pledge of Allegiance to the Flag

Chairman Barry asked all to rise and pledge allegiance to the Flag.

Present: Stephen R. Barry, Chairman; Alan E. O'Neal, Vice Chairman; John Reagan and Bill Perron, Selectmen

Absent: R. Andrew Robertson, Selectman

Also Present: Cynthia Heon, Town Administrator and Nese Farrell, Recording Secretary

Citizen's Comments

Library Trustee Representative, Kathy Berglund stated that the Library Trustees are inquiring of an update regarding the traffic calming project, if there are any plans being made for the center (such as the walkway) and if they are going to lose their parking spaces.

Chairman Barry stated that the Board has not taken any action on this as of yet. Selectman Perron confirmed that the Planning Board was trying to add some sort of walkway to help calm the traffic, but that there is nothing being done at this time.

Mrs. Berglund stated that the Library Trustees would like to be included if any meetings on this issue are to happen in the future, so that they may plan to attend.

Announcement:

Chairman Barry stated that the Board would be going into a Nonpublic Session under RSA 91-A:3,II (a)(c) at the end of this meeting and they may or may not take action when they come out.

Property Tax Warrant \$5,705,082.00/ Town Clerk /Tax Collector

MOTION: Vice Chairman O'Neal moved the Property Tax Warrant.

SECONDED: Selectman Reagan seconded the Motion.

VOTE: Chairman Barry took a Vote to approve the Property Tax Warrant.

It was a Unanimous Vote in Favor.

Opening of Bids

1. **Heating Oil:** The Town of Deerfield, New Hampshire is accepting bids for heating oil for the 2010 to 2011 Season, for approximately 23,000 gallons of heating oil; for the town buildings and the 12,000 gallons that the Deerfield School District requests.

Request for Bids were sent to Irving Oil, Palmer Gas, Difeo Oil, Absco Heating & Home Services, Viking Oil, Ameri-Gas, Eastern Propane, Dead River, Fred Fuller, Captain Bill's Fuel Service, Buxton Oil, City Fuel, Rymes Propane, DF Richards, Energy North Propane and it was published in the Union Leader. It was also posted at the Town Clerk/ Tax Collector's office, the Assessing Office, Town Offices, CITGO Penguin, the Post Office, published on the Concord Monitor, on the Forum and on the Town website.

A. Buxton Oil~

- 1) Option-1; A fixed price of \$2.519 (gallon need not be prepaid, as it is a locked in price and it is not subject to change. Payment of terms are net 30-days).
- 2) Option-2; A variable price of .19 cents over the Sprague energy price delivered to Buxton Oil in Epping, New Hampshire (this price changes with the daily market & it is not locked in. Payment terms are net 30-days).
- 3)

B. Fred Fuller Oil~ A fixed price of \$2.3850 a gallon.

C. Rymes Propane Company~

- 1) Option-1; A fixed price of \$2.699 a gallon.
- 2) Option-2; A price of .25 cents over the Sprague energy Portsmouth, New Hampshire on day of delivery.

Vice Chairman O'Neal suggested getting clarification on Fred Fuller's bid first. The Board decided to pass copies of them on to School Board for their review.

2. **Diesel:** The Town of Deerfield, New Hampshire is accepting bids for approximately 8,000 gallons annually of Diesel fuel and deliveries to be made. The Highway Department and Maintenance Facility located behind the Town Hall on Church Street in Deerfield; storage tank holds 1,000 gallons.

Request for Bids were sent to Irving Oil, Palmer Gas, Difeo Oil, Absco Heating & Home Services, Viking Oil, Ameri-Gas, Eastern Propane, Dead River, Fred Fuller, Captain Bill's Fuel Service, Buxton Oil, City Fuel, Rymes Propane, DF Richards, Energy North Propane and it was published in the Union Leader. It was also posted at the Town Clerk/ Tax Collector's office, the Assessing Office, Town Offices, CITGO Penguin, and the Post Office, published on the Concord Monitor, on the Forum and on the Town website.

No bids were received.

3. **Propane:** The Town of Deerfield, New Hampshire is seeking bids for propane gas for the 2010 to 2011 Season for approximately 4,000 gallons.

Request for Bids were sent to Irving Oil, Palmer Gas, Difeo Oil, Absco Heating & Home Services, Viking Oil, Ameri-Gas, Eastern Propane, Dead River, Fred Fuller, Captain Bill's Fuel Service, Buxton Oil, City Fuel, Rhymes Propane, DF Richards, Energy North Propane and it was published in the Union Leader. It was also posted at the Town Clerk/ Tax Collector's office, the Assessing Office, Town Offices, CITGO Penguin, the Post Office, published on the Concord Monitor, on the Forum and on the Town website.

A. Viking Propane~

- 1) Option-1; To provide propane for .57 cents over our current cost of propane, to hook up at their storage facility in Raymond, New Hampshire. The Town's current cost is \$1.41 per gallon, which would be \$ 1.98 a gallon. Of course that price will rise and fall with my cost over the next twelve months, but the market book cost will remain constant at .57 cents a gallon.
- 2) Option-2; Viking Propane will sell and install a new 500-gallon Above Ground storage tank with the appropriate regulators to match the current setup for a one-time cost of \$2,075.00. The cost will include the safety check detail. This tank would remain the property of the Town of Deerfield going forward and there would be guaranteed lowered propane rates for every year to come, because the chosen supplier would not be investing labor every year to install and possibly remove the tank with each subsequent annual bid.

With this delivery situation, Viking Propane Company would provide propane to the Town of Deerfield for a fixed markup of .35 cents per gallon over their cost of the propane delivered to their storage facility in Raymond, New Hampshire.

As a reference point, that delivery cost would be \$1.76 per gallon. The price will rise or fall with their cost, but the markup would remain constant for twelve months.

- B. Rymes Propane & Oil~
- 1) Option-1; A fixed price of \$ 1.759 per gallon for propane from September 1, 2010 through May 31, 2011.
 - 2) Option-2; A price of .40 cents over Rymes Heating Oil's incorporated daily cost of propane on the day they deliver.
- C. Energy North Propane~ to deliver and set a 500-gallon Above Ground propane tank behind the Town Fire Station. Energy North will perform the gas safety check, testing and documenting the tie ends. They will provide the first delivery of 400-gallons at \$ 1.979 per gallon.

The price of propane is subject to market fluctuation; fixed pricing will be available at a later date if you are interested.

MOTION: Vice Chairman O'Neal moved to remain with the Town's current company and award the propane bid to Rymes at a fixed price of \$1.759 per gallon.

SECONDED: Selectman Reagan seconded the Motion.

VOTE: Chairman Barry took a Vote to accept the propane bid from Rymes.
It was a Unanimous Vote in Favor.

Officers of the Deerfield Volunteer Fire Department/ Appointment of Fire Chief

Fire Chief, Mark Tibbetts confirmed that the Board has received everything requested, the 60-days is almost up and inquired about the result.

Vice Chairman O'Neal said now that they have the recommendations they need to put together their job description, based upon the recommendations from the department. He referred to the Rescue Squad and asked for some clarification. He was under the impression that the Rescue Squad was coming to the Board.

Chairman Barry stated that Chris Gamache said they are working towards that. Vice Chairman O'Neal said the structure they see there is the Fire Chief is over Rescue and the first person in line would be their Captain, Chris Gamache.

The Board has not put everything together and need more time to build the job description and put together a policy on how it would be handled in the future. Vice Chairman O'Neal asked if the job description needs to go to legal being that it is a volunteer/ free appointed position. Town Administrator, Cindy Heon said they have outlines from LGC and it is pretty close.

Chairman Barry confirmed that the Board does not mean this (in any way, shape or form) as a personal reflection on Mr. Tibbetts' abilities to do the Fire Chief job. He confirmed that four Board Members sat in an officer's meeting and heard clearly the support Mr. Tibbetts has for the job. He confirmed that he also has the support of the Board, but the Board just needs the time to put together the policy correctly and get it in place.

Vice Chairman O'Neal agrees that they need to make sure they have the document in place. Selectman Reagan doesn't feel it is a problem approving him as the Fire Chief, as the Board can change job descriptions or job requirements on any job. He suggested that the Board could approve this a month from now, and 90-days from now change it. He feels they should appoint him the Chief and then put together the job description.

MOTION: Selectman Reagan moved to appoint Mark Tibbetts the Chief of the Fire Department

SECONDED: Selectman Perron seconded the Motion.

Vice Chairman O'Neal asked what the term of the appointment would be. He recalled the five or six year appointment discussion. He suggested at the two year mark having the vote of confidence or a sit down with the Officers and the Association, and at the four year mark to do it again. He feels that at the four year mark they'd know where they are at and by the time the fifth year rolls around it could be a reappointment of the same individual.

Chairman Barry said this is the discussion they need to have when making the policy and the very reason of the temporary appointment in the first place.

VOTE: Chairman Barry called for the Vote. The Vote was 3-Favor, 1-Opposed

Vice Chairman O'Neal clarified that he is opposed to the way it is done, not for Mark Tibbetts being the Fire Chief.

Regular Business

1. Review of Outstanding Minutes:

MOTION: Selectman Reagan made a Motion to approve the Minutes of May 3, 2010.

SECONDED: Selectman Perron seconded the Motion.

VOTE: Chairman Barry took a Vote to approve the May 3, 2010 Minutes as written.

The Vote was 3-Favor, 1-Abstention

The Board received an email from the Treasurer of the Deerfield Conservation Commission (DCC), Erick Berglund, requesting some clarification on the Minutes of May 3, 2010 be made to be sure the minutes are an accurate record of his presentation and discussion:

- A. *In my remarks about the vote for this project on the March 2010 Ballot, I noted that over 75% of Deerfield Voters supported this project to permanently protect Deerfield's Town Forests & Conservation Areas.*
- B. *Regarding the presentation/ discussion of the draft project budget: (copy given to BOS members):*
 - 1) *This was prepared in the Fall of 2009 by Bear-Paw, upon the request of the DCC.*
 - 2) *Its purpose was to use when the DCC presented this project originally to the BOS in October 2009.*
 - 3) *Highlighted for discussion were three figures in that budget. They were:*
 - a. *Total estimated cost of \$68,250.00*
 - b. *Total estimated survey cost of \$30,000.00*
 - c. *Total estimated Stewardship/ Monitoring cost of \$21,000.00*
- C. *Noted were other potential Land Trusts for DCC to consider for this project besides Bear-Paw and they were:*
 - 1) *Society for Protection of New Hampshire Forests (SPNHF)*
 - 2) *Southeast Land Trust*
 - 3) *Rockingham County Conservation District (RCCD)*
- D. *Noted were the costs for Survey and for Stewardship/ Monitoring for this project; significant relative to the total cost.*
 - 1) *The survey cost will be bid out.*
 - 2) *The Stewardship/ Monitoring cost is a function of which Land Trust is selected;*
 - a. *Bear-Paw has estimated this at \$3,000.00 per property.*
 - b. *Estimated SPNHF charge is \$10,000.00 + per property.*
 - c. *Estimate Southeast Land Trust charge is \$5,000.00 + per property.*
 - d. *Estimated RCCD charge not available.*

Chairman Barry confirmed that this will not be added to the minutes of May 3rd, but will be added to tonight's minutes as a matter of record that Mr. Berglund has submitted his opinions on what he said.

2. Vouchers/ Payroll Manifest/ Accounts Payable Manifest

Vouchers:

Payroll Manifest/ \$43,147.47 (netting at \$ 37,385.49)

Accounts Payable Manifest/ Total of \$ 316,181.80

Payroll Manifest/ \$43,147.47

MOTION: Vice Chairman O'Neal moved to approve the Payroll Manifest in the amount of \$43,147.47.

SECONDED: Selectman Reagan seconded the Motion.

VOTE: Chairman Barry took a Vote to approve the Payroll Manifest.

It was a Unanimous Vote in Favor.

Accounts Payable Manifest/ Total \$ 316,181.80

MOTION: Vice Chairman O'Neal moved to approve the Accounts Payable Manifest in the total amount of \$316,181.80.

SECONDED: Selectman Reagan seconded the Motion.

VOTE: Chairman Barry took a Vote to approve the Accounts Payable Manifest.

It was a Unanimous Vote in Favor.

3. Signatures

A. Signatures Requiring a Vote:

- 1) Notice of Refund Request/ Everett J. Amor/ \$10.00 Motor Vehicle Transaction Overpaid

MOTION: Vice Chairman O'Neal made a Motion to approve the Refund Request of \$10.00.

SECONDED: Selectman Reagan seconded the Motion.

VOTE: Chairman Barry called for the Vote. It was a Unanimous Vote in Favor.

- 2) Notice of Amendment Transfer Station/ TS-01A-2010 (\$3.00 per tire)

MOTION: Vice Chairman O'Neal made a Motion to approve the Transfer Station Amendment.

SECONDED: Selectman Reagan seconded the Motion.

VOTE: Chairman Barry called for the Vote. It was a Unanimous Vote in Favor.

B. Signatures Not Requiring a Vote:

- 1) Cemetery Deed/ Henry & Sharron Deamon
The Board signed.
- 2) Notice of Intent to Cut Wood or Timber/ Kevin & Kelley Hall/ Map 413, Lot 85; Map 205, Lot 024; Map 409, Lots 60 & 61; Map 415, Lots 50 & 51
The Board signed.
- 3) Notice of Intent to Cut Wood or Timber/ Robert Casian/ Map 205 Lot 24.
- 4) Land Use Change Tax/ Walter & Janet Read / Map 201, Lot 009
The Board signed.
- 5) Warrant for Timber Tax Levy/ Richard & Nancy Potavin / Map 413, Lot 075
The Board signed.
- 6) Warrant for Timber Tax Levy/ John & Lisa Andrikowich/ Map 419, Lot 008
The Board signed.
- 7) Letter/ Kenneth Peterson/ Abatement Denial
The Board signed.

4. Review of Correspondence:

A. Letter/ Joanne Wasson/ Town Lands-Forests

Chairman Barry referred to the letter regarding the DCC's approach on Easements. He said it seems as if there may be some valid points here. He stated that when they were presented with this Article, he did not think it would be this complicated.

Vice Chairman O'Neal agreed. Selectman Perron asked if they could have their attorney look at it. Chairman Barry said the Board needs a clear interpretation on what was voted on at the Town meeting.

The Board will notify Mrs. Wasson on how they will proceed.

B. E-Mail/ Harriet Cady (2)/Conservation Easements/Town Lands

C. Letter/ Re: Alvah Chase Forest/ Upton-Hatfield

Chairman Barry referred to a bill from the Town's attorney and he would like to forward it to the DCC, as it is regarding the Alvah Chase Forest. The Board will pass it over to the Conservation Commission and ask them to pay for it out of the Conservation Fund.

D. Fred McGarry/ Planning Board Representative

MOTION: Vice Chairman O'Neal made a Motion for Fred McGarry to be the Representative of the Southern New Hampshire Planning Commission.

SECONDED: Selectman Reagan seconded the Motion.

VOTE: Chairman Barry called for the Vote. It was a Unanimous Vote in Favor.

E. Impact Fees/ March 31st Report

Note: To be released to the School only and to retain 5%/ School Portion \$34,169.69 retaining 5% and there are no appeals.

MOTION: Vice Chairman O'Neal moved to release the School Portion retaining 5%.

SECONDED: Selectman Perron seconded the Motion.

VOTE: Chairman Barry called for the Vote. It was a Unanimous Vote in Favor

5. Unfinished Business:

None

6. Town Administrator's Report:

A. Transfer Station Updates

- 1) Hazardous Waste Day~ the date for Hazardous Waste Day is set for Saturday, June 12th. The time will be announced and educational material forwarded to us for publication. As soon as it is received, it will be posted and published, as well as copies made for handouts. The contract has been signed by Clean Harbors.

Chairman Barry said that he had a discussion with Mr. Pelletier, who had a discussion with Mrs. Heon with regards to how far she can go on the first day. It's \$2,500.00 to set up. The price of each barrel averages to about \$500.00.

Vice Chairman O'Neal expressed his concerned for the businesses in Town and asked if they were going to get dumped on. Selectman Reagan said there is a policy that they don't take commercial waste.

- 2) Container Purchase~ The original amount appropriated for containers, repairs to the loader and compactor was \$10,000.00. For the short term, Rick Pelletier will purchase one container, because loader repairs are imminent.

Chairman Barry said that Rick Pelletier said the open container that we presently have holds glass in and is falling apart has been given permission (by Casella) to be scrapped. They have allowed the Town to put it into our scrap pile.

The original amount appropriated with containers, repairs and the loader / compactor was \$10,000.00. For the short-term, Mr. Pelletier will purchase one container. Mr. Pelletier also feels if they are going to move into that area, they should move up one size.

- 3) Refrigerators/ Freezers~ Mr. Pelletier is looking for a way to dispose of refrigerators and freezers within environmental guidelines. He will provide more information as soon as it is available.
- 4) Amendment to the Transfer Station Policy~ The formal document for the adjustment to the Transfer Station Fees will be posted on the Website, at the Transfer Station, placed on The Forum, posted around Town and copies made for handouts.
- 5) Electronics~ twelve pallets of electronics have left the Transfer Station along with fifteen cases of fluorescent light bulbs.
- 6) Recycling Copper~ Mr. Pelletier and assistants are going to start recycling copper this week.
- 7) Solid Waste Committee~ Mr. Pelletier has heard from several residents that there is interest in revitalizing the Solid Waste Committee.

Chairman Barry feels they are at the point now where it would make sense to reorganize the Solid Waste Committee; let them look at the way the Transfer Station operates and the things that they make recommendations on in the future.

Vice Chairman O'Neal thinks the sooner the better, especially when they will be building the structure. Chairman Barry stated that Mr. Pelletier mentioned that the steel structure roof needs painting as it rusted badly. Due to being so high, there is no company in New Hampshire to take care of that. The Board will send out a general call to the members of the Solid Waste Committee.

B. Generator/ DCS

Rick Pelletier reports that a fire pump that will successfully run the sprinkler system has been estimated to cost \$17,000.00. The cost of trenching and wiring combined is estimated at \$25,000.00. Mr. Pelletier has given this information to Kevin Barry to present to the School Board.

C. Revaluation Update

Avitar Associates of N.E., Inc. is in the process of inspecting properties of those who made appointments for interior inspections. That process should be complete this week. The next step will be work on finalizing numbers to achieve preliminary values. Values are anticipated to be available by the end of July.

D. Law Book Update

All resources were exhausted as to where the law books could be that have been missing from some time. The following books have been replaced:

Titles 2, 3	Chapters 22-40-A	Counties to Towns & Cities
		County Commissioners, Treasurers & Taxes

Titles 3-5

Chapters 41-90

Towns & Cities to Taxation
Towns, Cities, Unincorporated Places
Taxation

E. Website Postings

During the past year, there have been occasions where the issue was raised about information not being put up on the Website quickly. The Town Administrator thought it might be helpful for the Board to know how the process currently works, so that if changes were to be made, adjustments could be considered in the 2011 Budget cycle.

Everyone feeds information to Steve Jamele, IT Administrator. Once he receives the information, it is posted as quickly as possible. While he is a part-time employee, he will often check in evenings and early mornings to see if there is anything to be added or deleted from the Website. In the case of the recent weather events, he has made himself available to assist with getting the word out.

In all cases, everyone works their web updates in between their other duties.

Twitter and Nixel were mentioned and Mr. Jamele looked at both of those options. They could be added to updating the Website, but like the Website, would also require someone to physically prepare and send the information.

If there is something else the Selectmen would like to consider in terms of this process or if one way of communicating is favored over another, please let Mrs. Heon know and she will work with Mr. Jamele to enhance what we currently have to keep the residents better informed.

F. First Half Tax Bill

The property value for the Town prior to exemptions for 2010 is \$598,954,615.00, which compares to the value in 2009, prior to exemptions of \$594,961,565.00. The increase in value is \$3,993,050.00.

The Town Administrator, Cindy Heon referred to the job description for the Fire Chief and said if anyone would like to start feeding what it is that they want to see in that job description, she would be happy to start building it.

She said the information on the Wage Scale is coming together fairly well and hopes to have it next week for their review.

G. Letter of Resignation/ Town Administrator

MOTION: Selectman Reagan moved to accept the Retirement Resignation, effective July 7, 2010.

SECONDED: Vice Chairman O'Neal seconded the Motion.

VOTE: Chairman Barry called for the Vote. It was a Unanimous Vote in Favor

Chairman Barry stated that he couldn't think of anyone that deserves retirement more than her and wishes her well. Mrs. Heon will start putting together advertisement for the position.

7. Other Business:

Vice Chairman O'Neal would like to request the April report from the Police Department and he pointed out that the budget prints do not include the FEMA expenditures.

Vice Chairman O'Neal said the Town has five post office boxes currently and he is curious why there are so many P.O. boxes and if they are all necessary. The Board will ask the department heads to give a justification for their separate boxes.

8. New Business:
None

Citizen's Comments:

Harriet Cady heard that the 10-year Highway Plan for our area is going to be at the Southern NH Planning Commission and she asked if the Board had received it and looked at it before the project at Rt-43 and Rt-107. Mrs. Heon will double check.

Mrs. Cady said that Article-17 voted on clearly stated that it was an Advisory Article and it was not mandated. She believes it is not something they had to do. She thinks she provided RSA-36(a):4-a, and she is sure they have read the provisions of this section. She doesn't believe the BOS can hand over Conservation Easements to Bear Paw or any other organization. The Town did not vote to give that land away.

Fran Menard referred to the Conservation Easements and said that she would be very interested in reading the two letters received (from Joanne Wasson & Harriet Cady). The Board advised she see the Town Administrator for a copy.

Resident, Dale Purdy referred to Coffeetown Road (switch back off Rt-43) and asked if it is to be repaved any time soon. The Board confirmed it is not listed to be done this year. Mrs. Purdy said she travels that road a couple times a week and the pot holes get very bad. Chairman Barry suggested she speak to the Town Road Agent and the Board will relay her concern to him as well.

Mrs. Cady referred to the post office boxes and believes it would cost the Town nothing to have the items delivered directly here.

*The Section of the Minutes was Recorded, Transcribed and Respectfully Submitted by Nese Farrell, Recording Secretary.
Pending Approval by the Board of Selectmen*

Nonpublic Session:

Chairman Barry stated the Board would be entering a Nonpublic Session under RSA 91-A:3,II(a)(c) and he further stated the Board would likely take action after the Nonpublic Session.

6:43pm Vice Chairman Alan O'Neal made a motion to enter a Nonpublic Session under RSA 91-A:3,II(a) the dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) request that the meeting be open, in which case the request shall be granted and under RSA 91-A:3,II(c) matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant. Seconded by Selectman John Reagan.

Roll Call Vote: Perron-Yes; Reagan-Yes; O'Neal-Yes; Barry-Yes

6:48pm The Nonpublic Session ended.

No Action/No Decisions:

Selectman John Reagan stated there was no action taken within the Nonpublic Session.

Minutes Sealed:

MOTION: Vice Chairman Alan O'Neal made a motion the minutes of this Nonpublic Session be sealed as divulgence of information contained in those minutes would likely adversely affect the reputation of a person or persons not a member of this Board. Seconded by Selectman John Reagan.

Roll Call Vote: Perron-Yes; Reagan-Yes; O'Neal-Yes; Barry-Yes

MOTION: Selectman John Reagan made motion the Board accepts the resignations of Leonard Mandigo and Kyle Mandigo. Seconded by Vice Chairman Alan O'Neal.

VOTE: Chairman Barry called for the Vote. It was a Unanimous Vote in Favor.

Adjournment:

6:50pm Selectman John Reagan made a motion to Adjourn. Seconded by Vice Chairman Alan O'Neal. Chairman Barry called for the Vote. It was a Unanimous Vote in Favor. The May 17, 2010 meeting of the Board of Selectmen is adjourned.