

**TOWN OF DEERFIELD
BOARD OF SELECTMEN**

**May 24, 2010
MINUTES**

Call to Order

5:30pm: Chairman, Stephen 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, R. Andrew Robertson and Bill Perron, Selectmen

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

Absent: John Reagan, Selectman

Citizen's Comments:

Paul Asselin heard a rumor they were going to put cameras at the Transfer Station. Chairman Barry confirmed they have not discussed this at all. If so, Mr. Asselin would like to be included in the bidding process.

Walt Hooker informed the Board that the Governor signed Senate Bill 426 last Tuesday, which now makes Pleasant Lake a Class-A lake. He added that a Class-A is primarily for drinking water. He believes that the basic difference in the classes is if it is lower or higher on the limits for ECOLI and other pollutants. He said that there are only two areas that he could think of that might have that kind of a problem; down by the dam (where people swim even though they are not supposed to) and Veasey Park. He doesn't know who would sample the water and doesn't think that Department of Environmental Services (DES) has the staff to do it. He thinks if they were sampling the water and the ECOLI is higher than the limit, then the no swimming rule would apply.

Selectman Robertson was not sure who does the testing, but he believes the public beaches on Pleasant Lake and Bow Lake are monitored bi-weekly. He said they do actually post limits and have closed one of the beaches on Bow Lake for ECOLI bacteria.

Chairman Barry asked what changed on this bill to put Pleasant Lake on it. Mr. Hooker replied that it comes from RSA 45a:8 (the last lake added to the list was in 1985). The bill was sponsored by all the Senators in the District, including Jack Barnes and Jacalyn Cilley.

Selectman Robertson asked if there was any change in the mooring regulations. Mr. Hooker was not really sure, but he thinks it's the six largest lakes in New Hampshire.

Mr. Hooker referred to the minutes of last week and that he had heard that Kathy Berglund was asking about the status on the sidewalk/ traffic calming project, and he was looking for that status as well. Selectman Perron confirmed there is nothing going on with that project at this time.

Mr. Hooker said that the minutes showed three options for Buxton Oil, but one was left out. Chairman Barry confirmed that there were only two options. Mr. Hooker said he was surprised that they didn't get any diesel fuel bids. The Board agreed.

Mr. Hooker referred to the Fire Chief and stated that he was surprised the Board appointed Mr. Tibbetts without a job description yet. Chairman Barry confirmed that they are working on a policy where they can come up with times of assessment and review. He said that technically the Fire Chief is an "at will" employee, so at any time that the Selectmen may decide to make a change, they can.

Mr. Hooker referred to the impact fees for the School and stated that he thought they were for capital projects (like bonds). He said he didn't think the School had any, and if they do not, then they would not be getting any impact fees.

Mr. Hooker also noticed that the Transfer Station is going to start to recycle copper and asked if that has started already. Chairman Barry informed him that Rick Pelletier will be in this evening to speak to the Board and he believes this question may be answered then.

Mr. Hooker asked how many interior inspections were done by Avitar last week. Town Administrator, Cindy Heon said she does not have a number to that as of yet and confirmed that it has been requested.

Mr. Hooker expressed his surprise that Mrs. Heon is retiring the 7th of July and stated that those are very big shoes to fill and wishes the Board luck in getting someone to do that.

Chairman Barry referred to the shiny new truck outside and Road Agent, Alex Cote confirmed it was out in front of the building for display, as well as being available for the Board to look it over. Mr. Cote pointed out that between the seat it's orange, as it had a bench seat in it that didn't work well with the control setup and they changed the seat to a second bucket seat (at no cost to the Town); they didn't have the back-trim panel (it is on order).

Vice Chairman O'Neal felt it was a great idea to put the truck out front for the citizen's to see or stop by to look at it. Chairman Barry asked if it has an hour meter in it (which he believes is the clearest way to track the actual use of the vehicle). Mr. Cote did not know at the time.

Emergency Management/ Hazard Mitigation Project

Jim Cannon, EMD and Alex Cote, Highway Agent

Mr. Jim Cannon stated that there may be an opportunity to get some mitigation money from the Federal Government. He said a grant program had been recently announced and there was discussion about seeing if the State would go after the intersection of Rt-107 and Rt-43. He first wanted input from the Board on whether it was a good idea and if so, to get support to go to Mike Pillsbury. He said that is a major intersection and part of the emergency vehicles access. He thinks some of the Town may think it's a waste of money, but if there is federal money available it would be worth it.

Chairman Barry feels it is a good idea to apply for the project or at least to get the study done. Mr. Cannon said they can't get money for just the study; the study could be part of the complete mitigation, but they have to go for the whole thing.

The Board agreed to draft a letter for the Board and Mr. Cannon to have a meeting with Mr. Pillsbury. Chairman Barry advised him to give Mrs. Heon the outline of the letter. The Board agreed it was a great idea and advised him to proceed.

Vice Chairman O'Neal asked if the emergency management vehicle was functional. Mr. Cote said the frame is rotten and it's still around, as there are things stored in it. He added that Mark Tibbetts is in the process of cleaning it out and get it set up to be surplus. Mr. Cannon said they looked at the mobile unit as an alternative unit to the G. B. White Building but when they saw the condition of the truck they decided it was not a good idea. Vice Chairman O'Neal added that there was a letter from the Chief to surplus the truck. Mrs. Heon confirmed it has not been surplus and does have some things stored in it.

Mr. Cote added that the State gets "x" number of dollars anyway for mitigation projects and if we don't use it, it goes to another state. Chairman Barry said to ask the State to ask for it. Mr. Cote said that Mike Pillsbury was in agreement that it was a worthwhile project.

Awarding of Bids/ Heating Oil:

Present: Mark Tibbetts, Building Maintenance Supervisor and Kevin Barry, Deerfield School Board Member

Mark Tibbetts, Building Maintenance and Kevin Barry, School Board member recommended to award Fred Fuller & Company (\$2.3850) the heating oil contract for both the Town and the Deerfield Community School.

MOTION: Vice Chairman O'Neal moved to award the oil contract to Fred Fuller for both the Town and the School.

SECONDED: Selectman Robertson seconded the Motion.

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

Mr. Barry confirmed that the School Board will do a formal vote at their next meeting.

Highway Department/ Alex Cote, Highway Agent

A. Wage Scale:

He mentioned the Job Description and Pay Scale requested by the Board; he confirmed that he included towns the size of Deerfield. Vice Chairman O'Neal asked for some clarification on the document he provided the Board. Mr. Cote confronted the Board and there was discussion on the document.

Chairman Barry referred to Northwood only being able to do one mile of road the last few years. Mr. Cote said that's what he told him and that when they do their budgets they create warrant articles for road construction (they don't include it in their budget like Deerfield does). Selectman Robertson said Northwood relies on Rt-4 and Rt-43.

Chairman Barry asked about these wages being paid and asked if Deerfield stands in the middle or not. Mr. Cote said it would be about in the middle. The Board will review his paperwork and thanked him for his input.

B. Road Weight Limits:

Alex Cote referred to the weight limits posted on most of the Deerfield roads that are posted at 20-tons. He supplied a copy of the RSA that says that the Board can set the weight limits and that he'd like to recommend that they remove those weight limits, as he feels 20-tons is nothing. He stated that the he was told the reason that limit was put in place back in the mid sixties was because there were a number of operating gravel pits in the Town and they didn't want them taking shortcuts over the town roads. He said this is no longer an issue and the roads can handle tractor trailers and trailer dumps.

Chairman Barry asked if there are any specific roads that are weight limited. Mr. Cote said most of the roads are and said it would not exempt them from being able to post the roads in the spring. He said the only road he'd like to leave posted is Blake's Hill; they already have a six ton limit on the bridge.

Mr. Cote said he gets calls frequently from someone wanting to take a cement truck over a 20-ton road (those trucks are normally over 20-tons). For the benefit of the guys that work in the Town, he said they either need to remove the postings or enforce them.

Chairman Barry suggested he monitor the conditions of the road if they were to remove the limits. Mr. Cote said they monitor the roads anyways and it certainly won't open the door to anything that they don't already have. Vice Chairman O'Neal asked if he'd considered a situation that the road is destroyed in the future and the Town not having a limit on the road. Mr. Cote sees no reason to have a limit; they can have a temporary one in the spring. Mr. Cote said that the damage they've had from trucks so far has been so minimal, that the expense for replacing the signs would not be worth it.

Chairman Barry has no problem with going with the Road Agents recommendation.

MOTION: Vice Chairman O'Neal made a Motion, based on the Road Agent's recommendation, to remove the 20-ton weight limit on all roads except for Blake's Hill Road.

SECONDED: Selectman Robertson seconded the Motion.

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

C. General Updates:

Mr. Cote said he was not sure where the question lies, but he understood that there was potentially a question with the Cole Road contract prices. Vice Chairman O'Neal said they are all set as they have received two bids.

Selectman Robertson said some have asked him about the narrowing of the asphalt topping on the roads and asked if he had any input to relay to them. Mr. Cote said that Meetinghouse Hill Road was 21 feet and is now 20 feet, which is the standard. He confirmed that the only thing he's done is change Roger Kings Hill (Ridge Road), which was 26-feet and has changed to 24-feet. He stated that the standard for rural back roads is 20-feet.

Mr. Cote said they rerouted traffic over Steven's Hill down through Bean Hill, onto Cate Road; which has created several near misses by residents on Bean Hill. He said he spoke to the Chief Greeley and he is in favor of him erecting temporary stop signs at Bean Hill, Cate Road & Coffeetown Road. Chairman Barry said if he thinks it's a safety issue to go and do it.

Mr. Cote confirmed that the truck is going in for repairs from the windstorm in which a tree hit it and he will be using his own pickup in the interim.

Mr. Cote referred to the FEMA update on Cole Road and that the State is satisfied with what has been done there. He said that the guardrails will be going in on Friday, which will hopefully end the project.

Transfer Station/Rick Pelletier, Manager

A. Staffing:

Rick Pelletier said everything seems to be operating fairly smoothly now that the employment situation has been solved. He said he would like to be able to hire some permanent part-timers. Chairman Barry said last week the Board talked about using On-Call employees.

Selectman Robertson asked if they get more on call employees, would the scheduling be a nightmare. He referred to it being closed on Sunday as the employees didn't want to work every Sunday. Chairman Barry said the residents on Brown Road showed up asking for a break on the traffic on the weekend. He said he wouldn't be opposed to future expansion of the hours that included some time on Sunday.

Vice Chairman O'Neal said that open discussion would be on whether to hire employees or continuing with more "on-call" employees. Mr. Pelletier said it's been good for now as some people he has now are unemployed and do not have other responsibilities that cause conflicts. Chairman Barry asked what would occur if they were to offer permanent positions. Mr. Pelletier said that Al Studley would be very interested in a permanent position, even at the given number of hours that is currently available.

Chairman Barry believes that putting out an advertisement for a permanent Transfer Station Attendant may bring in someone with higher qualifications. Mr. Pelletier said that all of these people are supposed to be certified and sent to Concord to train; whether it be apprentice training (Level-1 or Level-2) under the jurisdiction. He said he would be in favor of hiring permanent people, working in that route and still use some on-call employees as backup.

Vice Chairman O'Neal asked if there were other hours for hauling in and out. Mr. Pelletier thinks there were 4-hours per week additionally for that; he has been handling most of that and accumulating those hours so that at about every two weeks he can have them in there for a full day. He said he could keep someone there and busy for a 40-hour week. He is hoping (by the increase in revenue, turning over product and recyclables) he can justify that position in the future.

Selectman Robertson said he's interested in Mr. Pelletier's recommendation to hire two permanent part-timers and feels they should look into that and advertise for this position to try and get some qualified applicants. Vice Chairman O'Neal agrees, as there are some extra hours in the budget.

B. General Updates:

Mr. Pelletier said tires have decreased substantially this week. He believes that the people bringing in the large amounts were bringing them in for other people (seem to have a regular clientele bringing tires on a regular basis).

Chairman Barry mentioned he talked about switching contractors, where previously they had someone picking it up for \$10.00 apiece; this contractor who was here for the grant would be able to take all their problem items. Mr. Pelletier said his normal rate is between 8 and 12 cents a pound (depending on what type of product it is). He said he appears to be better able to handle the product; how it should be done and what meets regulations of the Department of Transportation (DOT). He thinks in the long run it is important that they follow all the required regulations that go along with this. This guy takes everything, where the other guy was just taking the TVs.

Mr. Pelletier said they are still working on cleaning up and hopes to start some painting next week. He said they are going to do some more signage.

Mr. Pelletier said he brought forward numbers on equipment. Chairman Barry asked if the price for fixing the Transfer Station's loader was from CAT. Mr. Pelletier said it was not. Chairman Barry asked if the price will handle the possible internal problem with the coolant in the engine. Mr. Pelletier said that it would include a complete engine rebuild. He said he just got a second bid offering them some for the trade in (as it sits).

Mr. Pelletier confirmed they are getting a check from Casella and are waiting for a final number of what it will be.

He feels a slightly larger machine would give them the ability to handle a larger container. He will ask Casella for a specific weight on that container. He confirmed he has not gotten any numbers on rentals as of yet.

Vice Chairman O'Neal referred to the talk about purchasing a container. Mr. Pelletier said he will probably only purchase one right now. Chairman Barry agreed they need to purchase one at least.

Vice Chairman O'Neal asked for an update on the Single Stream. Chairman Barry said in the discussion with Mr. Pelletier, he feels it may be possible for the Town to make more money doing it themselves; if the Town does enough research and enough background work they can possibly bring in more money as Candia does.

Vice Chairman O'Neal asked how often the Highway Agent uses the loader. Mr. Cote said it depends; they have used it during the floods a lot and when the backhoe has been down. He said he is worried about some safety concerns and would hate to see something happen to the loader. Mr. Pelletier hopes next year that they can increase recyclable revenue enough to cover a lease agreement.

Vice Chairman O'Neal referred to the Hazardous Waste Day to be held on June 12th and asked if there is any necessary training required. Mr. Pelletier said they are going to have an onsite meeting. Chairman Barry & Vice Chairman O'Neal requested to be at that meeting. Mr. Cote said he could remove some of the oil drums in the near future, as long as there is some help (he will take some tires and oil).

Vice Chairman O'Neal referred to the copper recycling and asked if there is a location for it. Mr. Pelletier said they are pulling copper out as they see it and putting it in five gallon drums. He said there is not a lot that comes in; they are picking out anything that has any value.

He confirmed there has been no discussion on cameras being put in at the Transfer Station.

Mr. Cote asked if Chief Greeley talked to the Board about surplus the cruiser and said he would also like to surplus the 1996 Ford out back at the same time. He said it was nice to have with the one-ton; the steering box needs to be replaced and it needs body work, but he doesn't see the worth in putting another \$600.00 or so into it. He will submit a letter to the Board asking for it to be surplus.

Regular Business:

A. Approval of Minutes/ May 17, 2010:

MOTION: Selectman Perron made a Motion to approve the Minutes of May 17, 2010.

SECONDED: Vice Chairman O'Neal seconded the Motion.

VOTE: Chairman Barry took a Vote to approve the May 17, 2010 Minutes as written.
It was a Vote of 3- In Favor, 1-Abstention

B. Vouchers/Accounts Payable Manifest:

1. **Vouchers:**

Accounts Payable Manifest/ Total \$468,171.31

MOTION: Vice Chairman O'Neal moved to approve the Accounts Payable Manifest in the amount of \$468,171.31.

SECONDED: Selectman Robertson seconded the Motion.

VOTE: Chairman Barry took a Vote to approve the Accounts Payable Manifest.
It was a Unanimous Vote in Favor.

C. Signatures

1. **Signatures Requiring a Vote:**

Veterans Credit/ Sandra Yacopucci/ Map 420, Lot 049

To update paperwork; they have transferred the property to just her name.
The Board signed without a Vote.

2. **Signatures Not Requiring a Vote:**

a. Appointment Form/ Mark Tibbetts, Fire Chief
The Board signed.

b. Intent to Cut/ Rene Darling/ Map 413, Lot 64
The Board signed.

c. Intent to Cut/ Scott Ross & Robin Ross/ Map 419, Lot 025
The Board signed.

d. Intent to Cut/ David W. Sidmore/ Map 405, Lot 68
The Board signed.

e. Letter/ Joanne Wasson
The Board signed the thank you letter.

f. Letter/ Southern NH Planning Commission
The Board signed the letter asking them to appoint Fred McGarry as the representative.

Review of Correspondence:

- A. Memo/ Chief Greeley/ Computer Technology Line:
\$3,132 to purchase software and server for the Police Department
- The Chief has contacted three companies and spoke to Steve Jamele who and has come up with a price of \$2,838.94. Chairman Barry stated that the server is failing and the money is in the budget.
- B. Memo/ Chief Greeley/ Surplus the 2004 Crown Victoria:
The Board agreed to hold off and see more about his emergency truck and do all three vehicles at once.
- C. Memo/ Change in Policy/ Bereavement Days/ Increase in the number:
Chairman Barry said there are three sides to this story; there are extreme situations, such as travel time and such. Mrs. Heon confirmed that the Board has the ability to make an exception to the rule. The Board decided to tell the Chief that any situation can be asked for a waiver and they are to come to the Board to make a request.
- D. Memo/ Chief Greeley/ Highway Safety/ Purchase of Traffic Counter:
Chairman Barry confirmed that the money is in the budget.
The Board agreed.
- E. Memo/ Chief Greeley/ Wage Scale Information:
Chairman Barry said he completed a high and low wage scale of each of the 17 towns he contacted that have approximately the same population as Deerfield. Chairman Barry would like to see the backup from the actual towns. Vice Chairman O'Neal agrees to have support documentation to arrive at those numbers.
- F. Letter/ Erick Berglund/ Response to Harriet Cady E-Mail:
Chairman Barry referred to the e-mail sent in by Mrs. Cady regarding the Town properties and the situation with the Conservation Commission. He acknowledged Erick Berglund's response letter. Selectman Robertson said he seems to think that the general understandings of the Conservation Easements have been misunderstood.

Chairman Barry said they have this problem whenever they try to do a Conservation Easement; there is an argument of who should hold the primary or secondary interest (why letting someone else get involved). He said he thinks it is clear on the ballot what was said and Mr. Berglund brought out specifics on how it was going to be done and how much it was going to cost. He said it is clear that the BOS has final authority, but they also have the mandate from the Voters to do this. The Selectmen will continue to protect the rights of the people of the Town and make sure they do everything as immediately as possible.

Unfinished Business:

None

Town Administrator's Report:

1. Town Lands/ Conservation Easements
Following up from last week, attached is a copy of Warrant Article-17, as it appeared on the Ballot, Deliberative Session Minutes and a record of the Vote on Article-17.

Vice Chairman O'Neal said that it is on the ballot that the warrant articles are binding and they don't need to move forward at this point. Chairman Barry said they can either agree or disagree to do it. Selectman Robertson would like to get away from any excess legal fees. He said it is Conservation Fund money that was set aside specifically for this purpose that will not affect the tax rate going forward. The Board will take it as it comes.

2. Approval of Manifests

The Town Administrator provided research that she and Cindy Kelley have been working on concerning the approval of manifests (accounts payable & payroll). On June 7th, Cindy Kelley will also be available to answer questions specific to the timing of the release of manifests. A Board decision will be required as to how the Selectmen want the Office Staff to proceed.

Information included with this report is:

- A. Notes taken by Cindy Kelley from a conversation with LGC Attorney, David Connell
- B. Copy of case law provided by LGC Attorney, David Connell
- C. Copy of the RSA 41:29
- D. Copy of Selectmen's Internal Policy for Release of Payroll and Accounts Payable
- E. Copy of RSA 197:23-a
- F. Copy of the Deerfield School District Manifest Policy

Chairman Barry said some of the policies are outdated for the world we live in right now and they will do more research; on June 7th they will discuss it and make a decision. He doesn't see any reason to come in just because there is paperwork to be signed.

3. Wage Scale

Copies of the 2007 Wage Scale and 2009 Wage Scale are attached to this report. As Department Heads present their information for the 2010 Wage Scale, this information may be helpful in adjusting the wage ranges for each employee.

4. Employment Ad/ Town Administrator

If the Board is in agreement with the attached employment ad, the Town Administrator will place it in the newspapers, on the website and send it to the LGC and The Forum, as well as post it around Town.

Mrs. Heon included an advertisement to find her replacement. The Board agreed to run it.

5. Work still in progress:

- A. Revitalization of the Solid Waste Committee
- B. Obtaining Information on Town Post Office Boxes
- C. Job Description for Fire Chief
- D. Policy for Appointment of the Fire Chief

Chairman Barry confirmed that the offices will be closed on Monday, May 31st.

Other Business:

None

New Business:

None

Citizen's Comments:

Kevin Chalbeck referred to the rundown of the loader and asked if the department heads are currently keeping track of the maintenance schedules of all their equipment. Chairman Barry said that the equipment they are running in the Highway, Building Inspector & Police Department are currently maintained and documented.

Chairman Barry said the loader was at the Transfer Station and occasionally at the Highway Department and he heard that they had to put four tires on the loader. He admitted that the Board dropped the ball on that one. He said it's at the Transfer Station and it's worn out (no general maintenance is being done on it at this time). Selectman Robertson believes that even if they had done a better job of maintenance it would still be near the end of its use. Chairman Barry said should they go get another one and it will be put on a regular maintenance schedule.

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

Nonpublic Session:

6:52pm Selectman R. Andrew Robertson made a motion to enter a Nonpublic Session under RSA 91-A:3,II(e) consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the public body or any subdivision thereof, or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled. Any application filed for tax abatement, pursuant to law, with any body or board shall not constitute a threatened or filed litigation against any public body for the purposes of this subparagraph. Seconded by Vice Chairman Alan O'Neal.

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

6:57pm The Nonpublic Session ended.

No Action/No Decisions:

There was no action taken within this 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 render ineffective the proposed action described therein. Seconded by Selectman R. Andrew Robertson.

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

Adjournment:

6:58 pm On the motion of Vice Chairman Alan O'Neal to Adjourn, seconded by Selectman R. Andrew Robertson, Chairman Barry called for the Vote. It was a Unanimous Vote in Favor. The Selectmen's Meeting of May 24, 2010 is adjourned.

*This Portion of the Minutes was Recorded, Transcribed and Respectfully Submitted by Cynthia Heon, Town Administrator.
Pending Approval by the Board of Selectmen*