

**TOWN OF DEERFIELD
BOARD OF SELECTMEN
December 14, 2020
MINUTES**

Call to Order

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

Present: Andrew Robertson, Chairman; Richard Pitman, Vice Chairman, Fred McGarry, Alden Dill, and Cynthia McHugh, Selectmen.

Pledge of Allegiance to the Flag

Chairman Robertson stated that he would forego the pledge due to ZOOM meeting.

The chairman stated that the first order of business this evening is to discuss a zoning board decision with the building inspector, Rick Pelletier. He didn't know if Rick was with them or not.

Mr. Pelletier was on the line.

Rick Pelletier – Building Inspector

The chairman stated that the Board was interested in talking with him because they noticed that the ZBA had reversed the decision that he had made with regard to Horsepower Farm off of Route 107 by Pleasant Lake and they wanted to follow up with him to see if he was comfortable with that or he wanted the Board to intercede in any manner and basically look for his response, he guessed.

Mr. Pelletier stated that he is actually not comfortable with it. They reversed his decision solely based on evidence dug up on Facebook. They had volumes of it.

No one ever visited the site other than himself. He visited the site a few times unannounced, spoke with the gentleman that owns the site and as far as he was convinced, he wasn't doing anything that was problematic. He was confined basically to his garage.

He builds hotrod frames. He does not service automobiles which is what they were claiming. He doesn't dispense fuels and so forth. He found no storage tanks, no underground fuel tanks, no pumping stations, nothing.

He does own a number of vehicles himself. He also owns three hotrods. He does race hotrods and belongs to a club and a number of his friends often meet with him or come to his property on weekends.

The only hard evidence they presented was a car peeling out on Route 107, basically before the Pleasant Hill Road but based on Facebook, they decided that this evidence was more compelling than his physical visiting the site and speaking with the owner.

At the time of the meeting, the owner was quite irate and had contacted him a couple of weeks before and had decided to move what he did to, and he didn't know what the gentleman's name was, but an autobody shop that had space in Northwood up on Blake's Hill Road.

He did go up there and one other gentleman that works there for him part time was there at the time and there were some vehicles there.

So that was it.

So, they basically based on every thing on Facebook, they overturned the decision.

The gentleman, Rick Serino, did indicate that yes, he posts a lot of things on Facebook to generate interest in what he does and so forth but it was basically marketing.

He is full time employed by Verizon so that's it.

Mr. Pelletier stated that he has spoken to counsel. He asked him if the ZBA offered them any direction other than reversing his decision. If the Board reads their letter, they have offered no guidance, no input, nothing than they don't agree with Mr. Pelletier's decision.

They did at the meeting discuss that maybe the owner should pursue licensing or permitting. At this point, he didn't know where he was going to pursue licensing or permitting since the town has no such item in the current zoning.

There is no licensing procedure for businesses and there is not permitting process. The only thing that they had is industrial/commercial overlay which could potentially require a site plan review if it was deemed to be necessary.

As of the meeting, as Mr. Pelletier had stated, he has appeared to have moved his operation. He has completely fenced in the property with stockade fencing and even if he wanted him or suggested that he go to the Planning Board for review, he wasn't sure what the Planning Board would hear since he is currently not there.

As of today, Mr. Pelletier has spoken with the owner's lawyer, as his lawyer contacted him. He is not sure what he is going to do but Mr. Pelletier suggested if he wanted some piece of mind, he could possibly go to the Planning Board and pursue a site plan review even though he was not sure exactly at this point of time, what he would be presenting other than a picture of his property and his garages and maybe pictures of the hotrod frames that he builds in his garage.

There is basically nothing outdoors. A few times this summer, there was a little scrap metal on the property but that was about it. He had a trailer, a box trailer, a flatbed trailer. He has a tractor and other small farm implements there. He has a shed which they were concerned about but he has goats in that so he wasn't sure if that was related to autobody or auto repairs.

So, that is where it stands right now. His lawyer indicated to him that they are debating on what they should do as to whether they are considering counter suing. He feels the neighbors are spelling him out and don't like what he does there and therefore don't think that he should be there.

He may counter sue but he didn't know at this point. He would say that the ball is in their court and Jim Raymond kind of agrees with Mr. Pelletier. He asked if he would change his position and asked based on what? There is no evidence to base him rendering a different decision other than he is not doing anything that is in violation and Jim said that he was fine with that and that is where we stand.

Chairman Robertson stated that he appreciated the synopsis and asked if the Board members had questions for Rick about this?

The chairman stated that he wasn't hearing any. He continued that the Board has the ability to get involved if that is something that they wanted to do but they wanted to hear from Rick first before they made any decisions about which avenue they were going to take.

Selectman Dill asked the chairman to run him through how that it would work as he wasn't up on that.

Chairman Robertson thought that essentially, and it isn't pretty, the Board of Selectmen, for the lack of a better word, sue the ZBA over their decision was his understanding of it or as Rick had said, they could wait and see what the aggrieved party decides to do on their own before the Board takes any action.

Mr. Harrington stated that Vice Chairman Pitman had a question.

He asked if he thought that they should wait to see what Horsepower's lawyer says to the other people's lawyer?

Chairman Robertson stated that he thought that this was a good idea, particularly now that Mr. Pelletier has indicated that it sounds like the strategy that Jim Raymond, who works as town counsel, is recommending as well or at least going along with as well.

Vice Chairman Robertson stated that if Serino hasn't gone that legal route, he should be talking to people to reverse the decision.

Mr. Pelletier stated that at this point in time, he wasn't sure way it is going to go as far as he could tell. There are only two current residences there at this point in time. There is the fisher who did not entertain or enter into the complaint and there was the gentleman that bought the old Hotaling place who stood step from the ZBA. He also lives down there and again, he did not, even though he was the first gentleman to approach Rick in the beginning of the summer,

it not appear that he was in the suit or in the complaint even though he was unhappy and didn't feel, he made a complaint at the beginning of the summer and were concerned as to what it might become.

Rick stated that he couldn't deal in "what it might become". He can only deal in what it is already. What it becomes, it could become something else than what is currently happening.

The alleged violations were service station, hazardous waste in proximity to Pleasant Lake and so forth.

Well again, he saw no evidence of him doing service station type work where he would generate waste and so forth other than he probably does his own oil changes and so forth on his own vehicles since he plays with cars but hell, half the people in Deerfield do that on their own property based on the amount of waste oil that they take in at the transfer station. It is not confined to that particular property and last he knew, that wasn't outlawed here in town.

Chairman Robertson asked if the Board was in general agreement that they should wait and see how it progresses before they make any decisions or take any action?

Chairman Robertson stated that he wasn't hearing any further questions and thanked Mr. Pelletier for his time and for bringing them up to speed.

Regular Business:

Review of Outstanding Minutes of December 7, 2020 and December 10, 2020.

Motion: Vice Chairman Pitman moves to approve the minutes of December 7, 2020

Second: Selectman Dill

Discussion:

Vote: Yea 4, Nay 0, Abstained 0 – Motion Carries

Motion: Vice Chairman Pitman moves to approve the minutes of December 10, 2020

Second: Selectman Dill

Discussion:

Vote: Yea 3, Nay 0, Abstained 2 – Motion Carries

Vouchers/Payroll Manifest/Accounts Payable

Accounts Payable ending December 14, 2020 - \$1,734,013.30

Chairman Robertson stated that obviously a large chunk of that, he believed a cool million, went to the school.

Mr. Harrington stated that also, the Rockingham County warrant came in as well.

Vice Chairman Pitman asked if that was up from last year and Mr. Harrington stated that maybe slightly.

Motion: Vice Chairman Pitman moves to approve the Payroll Manifest in the amount of \$1,734,013.30

Second: Selectman McGarry

Discussion:

Vote: Yea 4, Nay 0, Abstained 0 – Motion Carries

Payroll Manifest for the week ending December 10, 2020 - \$82,893.09 (gross), \$54,330.37

Motion: Selectman McGarry moves to approve the payroll manifest in the amounts given

Second: Selectman Dill

Discussion:

Vote: Yea 4, Nay 0, Abstained 0 – Motion Carries

Signatures/Correspondence:

Chairman Robertson stated that they had a couple of things in correspondence and he may well take them up under unfinished business or other business and move along to the town administrator's report at this time.

Town Administrator's Report:

Mr. Harrington stated that he had several items for them this evening.

He stated that he spoke to some of them who were on earlier but the Board had asked him to look into a request from some community members about getting email notifications of any board postings such as agendas, minutes, so on and so forth.

Working with Steve Jamele, he thought that they had come to a solution and solved that concern. He stated that he had tested it himself, Steve has and he believed a community member or two has begun to receive notifications so he thought that they had that resolved.

If anyone has any questions in the community, they can always contact him and he could give them simple directions as to how to get on that notification system.

Mr. Harrington continued that he has sent out the 2021 Town Holidays for next year and a draft 2021 BOS schedule. If anyone has any questions or concerns about any one of those dates, please let him know, otherwise he will finalize it and post it by the end of the year.

Also, there were two items that the Board wanted him to report back on. One was moving offices for the building inspector and assessing to another part in the building and also the possibility of opening town hall.

He would take the first on one on the moving of the building inspector and assessing. He spoke to both staff members. They did not think that this was a good idea at this time to relocating out of their office. They seemed to be very comfortable working with the walk-up window at this time and as always since the beginning of the pandemic, if someone should need to talk to them for any length of time or sit down and discuss plans or review a file, they can always make an appointment, find a secure, safe location within the building and then anyone could come in and talk to either one of them.

They haven't had to utilize that yet but that is still an option for folks.

On the opening of town hall, he discussed that with Denny Greig and given the current increase of numbers in the state right now and actually nationally, and in Deerfield, both of them would not recommend opening that building at this time.

It can always be revisited as things improve but from what he was seeing and reading, they were in for a couple of very tough months if not longer until things start to turn around so it would be his recommendation as well as Denny to stay the course, keep the building configuration as is and reassess as they go along.

Mr. Harrington asked if there were any questions on that.

Vice Chairman Pitman asked if he could make sure that they were on that list of meetings and minutes and John asked if they wanted to sign up all of them and the vice chairman stated yes. He definitely wanted to be on them.

Mr. Harrington stated that there was quite an extensive list. He didn't know what they wanted to be on to which the vice chairman stated that he wanted to be on the ZBA and Planning lists.

Mr. Harrington asked if they could each send him the lists that they wanted to be on, he could sign them up rather than take time right now. Either email him or give him a call tomorrow and he would be glad to get them on it.

Mr. Harrington stated that the last item he had for them is that he had sent the Board two documents from Kyle Barker. He thought that the chairman would take that up later in the agenda to which the chairman stated that this was his plan.

He just wanted to mention it as it was on his list and that is all that he had for them tonight unless any of them had questions for him.

Chairman Robertson asked the Board if they had questions for the town administrator to which there were none and then stated that he was going to move to unfinished/new/other business.

Unfinished/New/Other Business:

Chairman Robertson stated that he was going to start with unfinished business and that he was going to include Fred in the discussion of the Sharon Home and parking but he was going to start with the information that they received

from Kyle Barker regarding the police department and he thought that he would probably have to talk to Kyle. He was a little bit surprised at the estimate that he forwarded.

Two years ago, when they were talking about this project, his recollection and notes indicate that they were talking about around 1.4 million dollars should handle site work and the building and somehow the estimate that they now received is around 2.4 million dollars and he thought that this was going to be really tough sledding, particularly this year and this is going to have to be revisited by them. He wanted to start by speaking with Kyle about it and probably Steve Keech as well because he knew that construction costs rise from year to year and this year is a little unique but he wasn't expecting it to rise 100 percent or close to 100 percent in sixteen months or so.

He didn't know what the rest of the Board thinks of those two documents.

Selectman McGarry stated that he was a little surprised to see the price tag as well based on what they had previously received for an estimate but he thought that it would probably be worthwhile to talk to Kyle and see.

Chairman Robertson stated that he would certainly do that. He will do it this week. He is hoping that he made a typographical error but given his numbers that he attached, he was not sure that this was the case.

He continued to state that he thought that they were going to have a difficulty presenting a 2 and a half million-dollar police department from this Board. They wouldn't have any difficulty presenting it but they would have difficulty implementing it.

Selectman McGarry stated that he noticed a big item on that was in regard to a cistern for the fire protection and what did they have now for the G.B. White Building? Do they have some type of storage tank to provide fire protection?

Mr. Harrington stated that not to his knowledge.

Vice Chairman Pitman stated that they put \$100,000.00 for that and he believed that they put the one down behind the town hall was \$40,000.00. The guy is crazy with these prices. He would let the chairman take it from there.

Chairman Robertson stated that he would definitely talk with Kyle as well as Steve Keech as Steve may have some more insight or other suggestions for them.

Selectman Dill stated that if they were going to bond this, what is the time frame in order to set all that up? It is going to take quite a bit of paperwork.

Mr. Harrington stated that if they were planning on doing a bond this year, January 8th is the deadline for a bond petition and Selectman Dill stated that they didn't have a huge amount of time to think about this.

It was remarked by many that they didn't.

Vice Chairman Pitman stated that somehow, he needs to find a million dollars that is inflated in there that needs to go away so that they can make it a \$1.3 million or \$1.4 million in order to bond it and he thought that might have a chance to which the chairman agreed.

The chairman continued to stated that basically, that was what they were running with for the last eighteen months or so with Kyle and Steve.

Vice Chairman Pitman stated that when they went through the original list, they didn't have \$3,000.00 for a flagpole. There is a lot of fluff in there. He stated that he skimmed it quick after he got over the shock.

Chairman Robertson stated that he will speak with Kyle and as he said, he wanted to talk to Steve Keech in regard to this because he was pretty confident and comfortable with the \$1.4 million number to which the vice chairman stated that it would be great.

Chairman Robertson continued that the next unfinished business they had which was really in correspondence and that was the email that Mr. Harrington sent them which was forwarded from Steve Schultz from Northwood and this is in regard to Tony Pascale and Allison Gomes property off of Old Woods Road.

Old Woods Road, if anyone wasn't familiar, is a dirt road that connects between Lynn Grove Road and Fiore Road in Northwood betwixt and between Northwood Lake and Gulf Road and Steve has some concern because apparently there has been a fair amount of tree removal/timber cutting in there. An "intent to cut" hasn't been filed yet.

It is a 35-acre parcel which has very limited frontage on Gulf Road or Fiore Road but the parcel, the owners own both sides of Old Woods Road for its entirety with 35-acres of open land off of their residence and he thought that the concern obviously is that they would be looking at maybe or possibly at a subdivision proposal in there that would feed onto Gulf Road.

He thought at this point, it would be premature to take much action on that. They were well within their rights to harvest timber on your own property and at this point, as near as he could tell, that is all that is going on. There is a timber harvest on 35-acres of property very near Gulf Road.

Steve had mentioned that he couldn't find an intent to cut and if there is a problem with the intent to cut, that would be Northwood's problem at this point, not theirs but it is certainly something that the Planning Board should be aware of.

Selectman Dill stated that the problem out there isn't that they have had large subdivisions. The problem out there is that a couple of land owners have added two houses a year for over fifteen years and have snuck around the subdivision requirements. He completed agreed with him that they have to do something about that because there is no way that one road can service the amounts of houses out there at this point. It is crazy but it is also Northwood's issue.

Vice Chairman Pitman stated that he was glad that he brought it up. He was confronted by a Northwood resident who had done some homework on it and met the people and said that it is going to be one house. He was just passing that along.

Selectman McGarry remarked that they were only going to have one house on the 35-acres and the chairman stated that he believed that there was already one house either there now or possibly under construction and he believed that was the residence of Mr. Pascale and Ms. Gomes.

The vice chairman stated that he didn't get into it and the chairman added that it was something to keep on the radar but at this point, essentially as he could tell, a private landowner harvesting timber on their property in another town so there is not really much that they have to say about it.

Vice Chairman Pitman asked Selectman McGarry about six months ago, when someone else came to them and tried to stop them and it was compromised at two or something.

Selectman McGarry stated yes, that was what occurred as they had received a notice from the planner from Northwood with regard to these subdivisions which prompted the letter from both the Planning Board and the Selectmen to Northwood saying that Deerfield would oppose any subdivision taking place in Northwood that has access only from Gulf Road and the vice chairman stated that this was correct.

Chairman Robertson stated that he would leave that where it is for the time being.

At this point Fred, he knew that they had a plan from the original Sharon Home parking set up as related to the frontage on Church Street and Route 107 and this is an apartment building now owned by Robert Sullivan and his wife and asked if Fred was going to address this to which he stated that he was.

Selectman McGarry stated that it had come up at their past meeting. The Planning Board had approved the site plans for that building because it is a multi-family and plan that had been approved by the Planning Board is shown in what was provided by Mr. Harrington, and that shows head in parking, basically, up against the building and that there would be no parking, basically abutting 107 and of course now they are not parking in the way that had been approved by the Board and in fact, based on what they had received from the surveyor, you can see the edge of the right-of-way before 107 being well behind the utility poles that are there.

So consequently, they are parking right now on 107 itself or at least a portion of that parking is occurring within the 107 right-of-way.

Chairman Robertson stated that he thought that the concern was the fact that you can't see, now because of the parking change, traffic on 107. He thought that the Board may want to address this by sending a letter to Bob indicating that the parking there is not compliant with the Planning Board approved parking plan and they had some concerns about safety and traffic visibility at that place, sight line and such.

He asked if the Board was in general agreement to proceed in that manner to which they stated yes and thanked Selectman McGarry.

Selectman Dill asked Selectman McGarry that when he was in there, did he look at the parking for the Lion to which he stated that this could be another plan that they could have Jane Boucher pull up. He knew that they definitely had a site plan for that and from what he could remember, they did not approve any parking on 107 for the Lion but it would be best to pull that plan up just to confirm that.

Chairman Robertson stated that he appreciated that and if he could do that, that would be great. Obviously, both of those are, to this layman, some sort of parking hazards.

Chairman Robertson asked if there was other business or new business from other members of the Board?

Selectman Dill stated that since they have John and Denny, are they talking about the deliberative session tonight?

The chairman stated that he wasn't aware of that.

Mr. Harrington stated that the election committee has a meeting tomorrow night and he believed that is going to be the topic of the meeting which will be the plan to move forward with the deliberative session and what that is going to look like and the location, so on and so forth.

Chairman Robertson stated that there was a ZOOM meeting and most of them, if not all of them were sent a ZOOM invite on that. He stated that his ZOOM invite was not, and was basically missing so he got back to Dan and didn't know if anyone else had opened that file and looked at it. He is assuming that they will get new invites by tomorrow.

Selectman Dill stated that the meeting was tomorrow at 5:00 pm.

Chairman Robertson stated that at this point, he would note for folks in the audience, he would like to go into non-public session under "I" if possible.

Motion: Vice Chairman Pitman moves to go into non-public session under RSA 91-A3, II(I): Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.

Second: Selectman McGarry

Discussion:

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

Chairman Robertson stated that for the record, no action was taken during the non-public session and would entertain a motion to seal the minutes of the non-public session.

Motion: Selectman Dill moves to seal the minutes of the non-public session

Second: Selectwoman McHugh

Discussion:

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

Citizen's Comments:

Errol Rhodes – Church Street

Mr. Rhodes stated that he wanted to thank Mr. Harrington for his mastery of the technology and putting the notification system into the town website. It is terrific. Thank you very much.

The chairman thanked Mr. Rhodes for his comments.

Harriet Cady – Old Centre Road

She stated that she was listening to their discussion of the police station and costs and he didn't know who Kyle is it, to which the chairman added that it was Kyle Barker. She asked what was he to which it was answered by the chairman is an architect.

She asked did they at all solicit the design build from Farmington or other towns and the chairman stated that he could tell her that they had looked at those plans as well, yes.

He would also comment that at this stage of the game, if she heard the conversation, they are clearly going to go back and take a look at numbers and that sort of thing and will not be charging ahead with the numbers that were presented.

She stated that she thought that the study committee was to look at the various builders or architects and not just take one and look at their various suggestions.

The chairman agreed.

Ms. Cady stated that it doesn't seem like that happened.

Chairman Robertson stated that they are no where near a finalization of the process yet. They had given them a general estimate but have no obligation to Mr. Barker but they had been willing to give them some general scope of the project.

Ms. Cady continued that it has been two years of a committee studying and if they had gotten several coming in and talking to them, they would be closer to being able to present something it would seem.

The second thing that she wanted to say is that the Planning Board meeting last week was completely unsatisfactory. The ZOOM is not being worked as well as John does it and she didn't understand why. Other committees are having ZOOM meetings and not having the troubles that the Planning Board are having.

She asked two of her IT people and they said that the instance that happened, somebody had to invite them into the meeting by sending them an email or a connection so she wondered if it had been reported to the attorney general's office as pornographic material and requesting that they hunt down the IP address and do something about this.

Chairman Robertson stated that he didn't know the status of the reporting on that. He agreed that it was a gregarious situation that clearly should be investigated and he will certainly carry this forward. He intends to talk to Chairman Schibbelhute and also take this up with Steve Jamele.

Ms. Cady stated that it seems that, and she wasn't positive, that they are using Sylvia's access to ZOOM rather than the town's access to ZOOM and if they went with the town, they certainly have other committees meeting via ZOOM that haven't had the situation and if they went with instead someone from the town, she didn't think that they would get into this situation at least that is what her IT people told her.

Chairman Robertson stated that he thought that it was a legitimate thing to look into and thanked her for her comments.

Motion: Vice Chairman Pitman moves to adjourn at 6:17 pm

Second: Selectman McGarry

Discussion:

Vote: Yea 4, Nay 0, Abstained 0 – Motion Carries

Next Meeting: Monday, December 21, 2020 at 5:30 pm

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