

**TOWN OF DEERFIELD
BOARD OF SELECTMEN
August 23, 2021
MINUTES**

Call to Order

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

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

Excused Absence: Fred McGarry, Selectman

Pledge of Allegiance to the Flag

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

Chairman Robertson: Looking at our agenda, our first item this evening is, um, Mr. Cross. You are listed as the first matter of business.

Ed Cross: Ridge Road Extension

Mr. Cross: So, I, just basically, uh, Ed Cross, Thurston Pond Road.

Have some questions that I would like to ask in regards to the last meeting.

In your intentions of that last meeting and the motion you made in the public hearing that you've called for.

Chairman Robertson: Yup.

Mr. Cross: So, I know that I've been here several weeks waiting to be able to talk to you specifically in waiting for your response. So, you gave your response after my time of talking so I didn't feel it proper to talk to in citizen's comments when I have questions to ask.

So, for that, I would like to ask a few questions.

First question is what does the Board or how does the Board see that road that they're calling a road; do they see that as they own it. Who owns the road?

Chairman Robertson: At this point, I don't know who actually owns the road. You have a plan that says about 215 yards of it, at least half of it, belongs to you. There's no further hard evidence that the road belongs to the abutters. It's quite possible that the road was a fee simple land purchase when it was originally laid out although the Board of Selectmen has not done a title search at this point to verify that.

Mr. Cross: Do you intend to do a title search to verify that?

Chairman Robertson: Uh, our attorney has not advised us whether that's necessary at this point or not.

Mr. Cross: So, I guess, what are your intentions?

Chairman Robertson: I think um, the Board's intentions are to look at laying the road as a Class VI highway or essentially, relaying it out as a Class VI highway which there are two statutes. There are a couple of ways to proceed. Both of them involve holding a public hearing, notifying abutters and that's something that will be coming up a little later this evening under the town administrator's report, too.

We are going to need to repost the public hearing in order to give abutters the legally required notice of thirty days.

Mr. Cross: In, who are the abutters are you talking? All the abutters up and down the complete roadway?

Chairman Robertson: We would because that was what the Board made the motion to consider relaying out so we would notify all abutters on that road.

Mr. Cross: What documents do you actually have that's caused you to change your position from one, from not looking at the road as town owned to now looking at the potential for town, that the town owns it?

Chairman Robertson: I think the primary documents that we had were the actual plot plans um, that had been done. There's the one that George Thompson had done under Am and Margeo, LLC, that you have a copy of, I'm sure, that related to your piece of property and the piece of property on the other side of Ridge Road from you and then there were two additional ones that you referenced previously speaking to us and those are what we're looking at.

And, essentially, I think why the Board made the motion it did was there were two RSA's that enable the Board of Selectmen to lay out any road that was previously discontinued irregardless of whether they can prove that it was a fee simple land purchase or not.

Mr. Cross: But there are two different processes to follow depending on what that status of that roadway is so somewhere along the way, in order for you to move forward, it seems logical to me that you have to determine the ownership of what that road is by using a title search.

Chairman Robertson: That, that may well be the case but I have been advised that the Board of Selectmen does not need to prove ownership of the road to relay it out as a Class VI road if they choose to because it was previously a Class VI road.

Mr. Cross: And, I understand what you're basing that on but I also understand that there's two directions you have to head depending on what that road is and who belongs, whether it's reverted back to abutters or not.

So, I guess what I would really like to know is a couple things. Um, do you have any other intentions of reclassifying any of the other Class VI roads that reverts to abutters within the town itself?

Chairman Robertson: Uh, not at this time. I'm not aware of any other roads that the Board is interested in reclassifying.

Mr. Cross: So, if in fact, it's not very clear who owns these roads by way of the documents that are in the town office versus what has been stated at this meet..., at the Board level, when is it going to be clarified so that the townspeople can actually have accurate documents in the town office?

Chairman Robertson: Well, we will certainly do our best to make sure we've got that. I will say that the history of, of certainly the road in question has been murky over the years and there may never be conclusive, solid information readily available on every Class VI discontinued road in the Town of Deerfield.

Mr. Cross: So then, the last question that I'd have is that I would like to request all the documents that you have for all of Thurston Pond Road; all of Ridge Road up to Middle Road from Range Road, documents that you've had in the past that you used to come to your conclusions in any previous, I mean, any other documents that you've recovered since the time of our last meetings or the most current documents that you have.

Chairman Robertson: Yeah, I think, I, I do have and I can put that together for you. I know John probably has most of it but I, I have a complete set of what I've used, just about all of which is public document and you know, it's dug up from old minutes of prior public hearings, prior meetings, that sort of thing. I'll be happy to get that to you.

Mr. Cross: Has there been any other new information that's been discovered since the old documents that you have?

Chairman Robertson: Not that I'm aware of, no.

Mr. Cross: So, there's been no additional information that you've recovered that's caused you to stand on your, um, on your decision of what to do?

Chairman Robertson: No, I think the Board's decision is based pretty specifically on the Board's ability to lay out a Class VI road if, even if it had been discontinued in the past. They can choose to lay that out as a Class VI or a Class V. Obviously, we're not interested in laying it out as a Class V.

Mr. Cross: When do you think I'd be able to get those documents?

Chairman Robertson: Um, I should be able to give you what I've got within 48 hours. Hopefully tomorrow.

I know you had given me your email so if that's an acceptable way to get that to you, I could email or I've got the ability to copy that as well and get it to you.

Mr. Cross: Um, email would be great. Hard copies fine as well. If I could get both, that would be great.

Chairman Robertson: Okay. I should be able to do that.

Mr. Cross: Thank you.

Chairman Robertson: Thank you.

Okay. Moving to regular business.

Regular Business:

Review of Outstanding Minutes of August 16, 2021

Motion: Vice Chairman Pitman moves to approve the minutes of August 16, 2021

Second: Selectman Dill

Discussion:

Vice Chairman Pitman: Line 36, it's a type. Cindy showed up at 6:32 instead of 5:32 and Alden announced when he came through the door but I didn't see it in there.

Selectman Dill: Yeah, it's on the second page.

Vice Chairman Pitman: Second page.

It has me arriving and me announcing a page later which was about how it worked.

Vice Chairman Pitman: I'm all good.

Chairman Robertson: Any other corrections, updates?

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

Chairman Robertson: And I would note for the record too that Mr. McGarry is uh, not here this evening and this is an excused absence and he is away on vacation.

Vouchers/Payroll Manifest/Accounts Payable Manifest:

Accounts Payable Manifest - \$33,496.82

Motion: Vice Chairman Pitman moves to approve the Accounts Payable Manifest in the amount stated

Second: Selectman Dill

Discussion:

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

Payroll Manifest - \$85,535.92 (gross); \$56,688.34 (net)

Motion: Selectman Dill moves to approve the payroll manifest as stated

Second: Selectwoman McHugh

Discussion:

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

Signatures/Correspondence:

Chairman Robertson: Okay, we've got a couple of things in the signature file that require action.

The first is a Personnel Action Request and this is from the library. It's for a part-time employee and I believe this is to cover for somebody, John?

Mr. Harrington: Some that left, yes.

Chairman Robertson: Yes, and the temporary employee is uh, Helen, aka Holly Tomilson and I would need a motion to sign it.

Motion: Selectman Dill moves to sign the Personnel Action Request as presented

Second: Selectwoman McHugh

Discussion:

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

Chairman Robertson: And, we have the 2021 MS-535. This is the financial report of the budget for the year ending December 31st, 2020 which we need to make a motion to sign and return to the New Hampshire Department of Revenue Administration.

Motion: Vice Chairman Pitman moves to sign the 2021 MS-535 for the year ending December 31st, 2020

Second: Selectman Dill

Discussion:

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

Chairman Robertson: And, the third thing that's in here, um Groen Construction in Rochester, following our meeting with them regarding potential police department building plans sent us a sample pre-construction contract agreement and put it in here just for our review at this time.

Not going to take action on it, particularly until we talk to Fred as he was at the meeting and he has considerably more contractual experience regarding construction than I do um, but I'll leave that in there for Board members to take a look at.

Selectwoman McHugh: Andy, the police committee hasn't met since, right?

Chairman Robertson: No, it hasn't.

Selectman Dill: How long have they been inactive?

Mr. Harrington: Dick, you'll need to sign the 535.

Chairman Robertson: Yeah, the, the 535, we all need to sign.

Selectman Dill: Do we know how long that committee's been inactive?

Chairman Robertson: Probably a year and a half.

Selectman Dill: Do we want to fire it back up if we're, do we want to move ahead with them?

Chairman Robertson: We can but the primary um, uh, role of the committee was to locate a site.

Selectman Dill: Okay.

Chairman Robertson: And, we certainly can do that because we may well find that the site that we located is not suitable. I know the construction engineers that we spoke with wanted to know what we had done for test boring and we haven't actually done any test boring which may change the picture considerably.

Selectman Dill: I was just thinking maybe we'd have John just reach out and see if any of them were interested in meeting again.

Chairman Robertson: Yeah, and I, I certainly have the names and uh, emails for everyone that was on the committee so I'll get that to John.

There is nothing that requires action in the Correspondence file.

There is a report from Ted Gatsas from the Executive Council and there was another fax that was sent regarding an employee matter and there was the, I think all of us got the emails regarding logging operations on Mountain Road

and as near as I can tell, the complaints may well be well-founded but they're well within the scope of operations for logging and there's not much the Board of Selectmen can do to alleviate their concerns.

So, that brings us to the town administrator's report.

Town Administrator's Report:

Mr. Harrington: Update on the ventilation system in the George B. White Building. The installation of the actual ventilation unit began today. Arrived early and it should be completed by Wednesday.

Once it's installed, the electrician is due to come in, uh, that Wednesday and have it operational by 2:00 if everything works right.

I did send out a public notice that was posted on the uh, town webpage today about the shoulder gravel being started.

They will begin on Griffin Road, moving to Nottingham then Parage and finally finish on Middle. Uh, hopefully will be completed within two weeks.

Selectman Dill: I, looked like they were still hauling up Griffin when I came down here so I think they're trying to push and finish Griffin tonight.

Mr. Harrington: Okay.

The heating oil tank over at the highway garage was replaced today by Rick and Ray and that is complete so, just to let you know that, that project is done.

And, as Andy pointed out earlier, I did find statute language that indicated that we do need to give the abutters 30 days' notice before we can post the public hearing so the Board will need to choose a new date once I get the letters out.

And, if the Board would agree, I'd like to ask for a non-public.

Chairman Robertson: Yeah, I, I would like a brief non-public um, under L and I'm not sure what you need to be in under.

Mr. Harrington: C.

Chairman Robertson: Okay, so if we could make a motion to go into non, well, I'll, really want to wait, I'll wait a bit um, unfinished business, new business or other business?

Unfinished/New/Other Business:

Vice Chairman Pitman: Are you done, John, with your report?

Mr. Harrington: Yes, I am.

Vice Chairman Pitman: Is there any way those letters can go out so that we could have that hearing by October, first Monday there?

Mr. Harrington: I'll make every attempt to get the letters out tomorrow.

Vice Chairman Pitman: To be fair to them, to those involved.

Chairman Robertson: Other new business or other business?

Okay, hearing none, uh, I would entertain a motion to enter a non-public session under RSA 91-A3, II (c) and (I).

Motion: Vice Chairman Pitman moves to go into non-public session under RSA 91-A3, II (c) and (I).

Second: Selectwoman McHugh

Discussion:

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

Chairman Robertson: So, we will be headed upstairs for a brief, non-public session.

Okay, I would note for the record that no action was taken in the non-public session and would look for a motion to seal the minutes.

Motion: Vice Chairman Pitman moves to seal the minutes of the non-public session

Second: Selectwoman McHugh

Discussion:

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

Chairman Robertson: The minutes will remain sealed.

Um, at this point, I would look ...

Selectman Dill: Do you mind if I throw one new business out there real quick? Cindy just reminded me.

Um, I think we've got to take a look at the parking lot between the fire department and the library. I think we're losing a culvert in there because I parked in there Friday and it um, there was a hole under my truck tire so I had sent John a picture but it was kind of nondescript but I thought I'd bring that up.

Mr. Harrington: I did let the road agent know. He was going to go take a look at it.

Selectman Dill: All of a sudden, it's growing big time.

Chairman Robertson: Okay. Good. Thanks.

Selectwoman McHugh: Maybe we should not drive down through there.

Selectman Dill: Well, this was the parking space right next to the reserve spot; the first one over. I think it's, yeah ...

Chairman Robertson: All right. If there is nothing else under new or other business, at this point, I would look to citizen's comments.

Citizen's Comments:

Hearing none, I would entertain a motion to adjourn.

Motion: Vice Chairman Pitman moves to adjourn at 5:55 pm

Second: Selectwoman McHugh

Discussion:

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

Chairman Robertson: Thank you for your attendance.

Next Meeting: Monday, August 30, 2021 at 5:30 pm

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