

**TOWN OF DEERFIELD
BOARD OF SELECTMEN
May 1, 2017
MINUTES**

Call to Order

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

Present: Stephen Barry, Chairman; Richard Pitman, Vice Chairman; Fred McGarry, Andrew Robertson and Jeff Shute, Selectmen.

Pledge of Allegiance to the Flag

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

Scheduled Appointments

Mark Young – Highway Department - Bid awards

Paving – R & D Paving

Motion: Vice Chairman Pitman moves to accept the road agent's recommendation

Second: Selectman McGarry

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

Winter Sand – Merrill Construction

Motion: Vice Chairman Pitman moves to accept the road agent's recommendation.

Second: Selectman Robertson

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

Reconstruction Materials:

Split between Deerfield Sand and Gravel and Ploude's like last year.

Ploude had better stone price and Deerfield has better sand and is local.

Motion: Selectman Robertson moves to accept the road agent's recommendation.

Second: Selectman McGarry

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

Mowing - Sanborn Industries

Motion: Vice Chairman Pitman moves to accept the road agent's recommendation

Second: Selectman Robertson

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

Chairman Barry asked if everything was going well and Mr. Young stated that they had starting crushing in the pit today.

Fred McGarry stated that he went up to Tandy Road to look at a project that was coming before the Planning Board and there is a stone culvert that runs across Tandy Road that the cover pieces on top of the culvert, at least one of them which is used so that traffic could go across it, has been slid off or moved and couldn't be located. Selectman McGarry stated that Kate Hartnett thought that it might have been the loggers that could have done that. Mr. Young stated that Kevin Cole when he was clearing his lot, he took his excavator out that way and when he walked his excavator over the bridge he rolled the top off it. He was asked when he was going to fix it and Mr. Cole stated that when he came back to do test pits that he would fix it then but it has been a few years and we are still waiting.

Selectman Pitman asked if was told not to and Mr. Young stated that Mr. Cole was told to go out Mountain Road but Mr. Cole said that since the roads were posted that he thought it would be better to go out Reservation Road. Mr. Young stated that he told him that Reservation Road was posted too. Selectman Pitman stated that Mr. Cole has known about this for a few years but seems to have fallen on deaf ears. They have not been back up there to work but Mr. Young believed that Mr. Cole had been up to do test pits. Mr. Young stated that it does need to be fixed.

Selectman McGarry asked if a letter from the Town Administrator to Mr. Cole to fix it per order of the Town Selectmen. Mr. Young stated that if Mr. Cole had any questions he could talk with him. The letter should contain a date that the repair should be completed.

Regular Business

Minutes – April 17, 2017

Motion: Selectman Robertson moved to approve the minutes as written

Seconded: Selectman Shute

Discussion: Selectman McGarry noted that he had a couple of changes First paragraph, Page 2, second line...result of the report” **for**” the DES not **“by**”. The DES actually had a separate consultant that prepared the report.

Next line down at the end of the line, Mr. Duffy described **that that**. Strike one of the **“that”**.

Next line. Pleasant Lake has a surface area of 500 acres and the watershed area covers 3.6 **square miles**.

Next line. Turnover rate of water **“in the lake”** added for clarification, can be problematic.

Page 5 in the town administrator’s report, third paragraph, second line, described that the town is paying \$499.00 a month to rent a **“mixed”** and two more paragraphs down talking about the LED message boards, second line will be mounted at the GB White and the **“DCS”** not **“DES”**.

Vote to approve as amended: Yea 5, Nay 0, Abstained 0 – Motion Carries

Accounts Payable Manifest – \$66,235.50

Motion: Vice Chairman Pitman moves to approve

Second: Selectman Robertson

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

Review of Correspondence:

A request from Paul Beauchamp of Deerfield to purchase a deed in the Old Center Cemetery in the amount of \$800.00.

Motion: Selectman Robertson moves to approve

Second: Selectman McGarry

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

Application for Property Tax Credit: Benton White for a regular veteran’s credit for \$500.00 for 46 Perry Road.

Motion: Vice Chairman Pitman moves to approve

Second: Selectman Robertson

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

Timber Tax Levy - \$19.55 to Charles and Cheri Sanborn.

Motion: Selectman Robertson moves to collect the money for the timber tax levy

Second: Selectman McGarry

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

Request to Collect Land Use Change Tax - \$7,650.00 - Jacob and Kate O’Dougherty of Griffin Road.

Motion: Selectman Robertson moves to collect the LUCT.

Second: Selectman Shute

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

Appointments - Chairman Barry asked to read all and do one motion.

Judith Marshall, Deputy Town Treasurer

Mitchell Newell, Full time police officer

George H. Thompson, Jr., Board of Adjustment member

Ernie Robert, member of the Parks and Recreation Commission

Motion: Selectman Robertson moves to approve the appointments as read by the Chairman

Second: Selectman McGarry

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

Abatement:

It been requested by the assessor that we grant an abatement to Nextel Communications/Sprint. The reason being that equipment was removed from the cell tower several years ago and we were not notified. Abatements to address

and clean up tax records for Map 406 Lot 3600NEXT located at Saddleback Road, Deerfield for the following years. 2011, 2012, 2013, 2014, 2015 and 2016 for a total of \$43,250.61.

Motion: Selectman Robertson moves to grant the abatement

Second: Selectman Shute

Discussion: It was asked by Vice Chairman Pitman how this could not have come before them as not being paid as there was a tax lien. It was recommended by Selectman Robertson to investigate further. Chairman Barry asked if they wanted to investigate this further and if so to have the motion withdrawn. Selectman Robertson and Selectman Shute withdrew their motions and tabled the request for further information.

Timber Tax Levy \$2,740.20 for Jay McGrath and Donna Loveshorn of Ridge Road

Motion: Selectman Robertson moves to levy tax

Second: Selectman McGarry

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

Chairman Barry stated that on September 19, 2016, the Board of Selectmen asked town residents to conserve water because of the extreme drought conditions. On October 3, 2016 with no improvement of the drought, the Board of Selectmen issued a lawn watering ban. Denny Grieg requested that because of the improving conditions and after talking with NHDES, that the residential watering ban be lifted as of May 6, 2017 using continued efforts to conserve going forward. Outreach regarding water conversation via the town website and message boards will continue.

Motion: Vice Chairman Pitman moves to lift the residential watering ban effective May 6, 2017

Second: Selectman Robertson

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

A letter and contract from James R. St. Jean, auctioneer for three properties that were voted on in March to auction – stating the date of auction as Saturday, June 17th at 10:00 am. There will be no fees or expenses to the town. Chairman Barry is looking for a motion to be able to sign the contract with Mr. St. Jean.

Motion: Selectman Robertson moves to authorize the Chairman to sign the contract on behalf of the Board.

Second: Selectman McGarry

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

Chairman Barry asked if all have reviewed the letter drafted by the town administrator regarding unpaid taxes. He asked if it was okay for the town clerk/tax collector to send them out. No one commented.

Chairman Barry asked if everyone had read the new and updated personnel policies and are ready to vote on them which include the sexual harassment supplemental, new social media, new confidentiality, new domestic violence in the workplace, revised holidays and personal leave policies.

Motion: Selectman Robertson moves to approve the revised personnel policies as presented by the Town Administrator.

Second: Selectman McGarry

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

Chairman Barry looked for the approval of the Board to sign the approval of a Contract of Agreement for the Rescue Squad to be the EMT service for the NH Arabian Summer Jubilee Horseshow at the Deerfield Fairgrounds on June 10th and 11th for a fee of \$150.00 per day.

Motion: Vice Chairman Pitman moves to approve

Second: Selectman Robertson

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

Chairman Barry looking for the approval of the Board to sign the approval of a Contract of Agreement for the Rescue Squad to be the EMT service for the Northern Friesian Classic Horseshow at the Deerfield Fairgrounds on June 23rd through the 25th at the Deerfield Fairgrounds for a fee of \$150.00 per day.

Motion: Vice Chairman Pitman moves to approve

Second: Selectman Robertson

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

Notice of Intent to Cut Wood or Timber – Steven E. Sanborn, Middle Road, Deerfield

Notice of Intent to Cut Wood or Timber – Cheri Sanborn, 135 Middle Road, Deerfield

Notice of Intent to Cut Wood or Timber – Cheri and Charles Sanborn, 135 Middle Road, Deerfield for property on Birch and Middle Roads

Notice of Intent to Cut Wood or Timber – Mike Gallow, Mt. Delight Road

Selectman Robertson spoke of talking with the Town Administrator that from time to time we look at the values by species on timber taxes and don't know if we have reviewed this in a while. Typically we use the middle level but we may want to review to make sure that we are at an appropriate place with market pricing. Chairman Barry concurred and thanked for the reminder.

Got a request from Scott Shepherd regarding the use of the town hall. He thanked the Board for use of the Deerfield Town Hall on Sunday afternoons for religious bible talks. Sessions open to everyone. He is looking to see if the Board could reduce or waive the \$50.00 rental fee as they are a non-profit. Selectman Robertson stated that typically they have waived the fee for non-profits.

Motion: Selectman Robertson moves that the \$50.00 fee be waived and keep the cleaning deposit.

Second: Selectman McGarry

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

Payroll Manifest - \$52,114.80 - On April 21st was approved by three members of the Board of Selectman.

Payroll Manifest of \$1,757.82 also approved by same three members of the Board of Selectmen on April 21st.

Account Payable - \$534,773.76 (\$500.00 was for the food) was approved by same three members of the Board of Selectmen on April 21st.

Joe Manzi had been before the Board in regards to irrigating Bicentennial Field and Hartford Brook. A question from Selectmen McGarry in regarding well capacity was answered by Rick Pelletier and Paul Smith who installed the well stated that it is estimated that the well capacity is 100 gallons per minute and could easily provide irrigation needs. We currently provide water to the building when necessary and outside hoses with no issues. In response to Chairman Barry's request to contact other for estimates Mr. Manzi has contacted Averill Landscaping and Rainmaker Irrigation of Hooksett for prices and will get back to the Board.

Received \$1,345.90 from State regarding forest land

Received highway block grant of \$28,923.23

Town Administrator's Report

Couple of items – Wheelabrator Technologies has a community partnership program which will award up to \$2,000 per year per community for any program, project or initiative in the community that the municipality would like use. There are no restrictions so the Town Administrator would like the Board to suggest ways to use these dollars. Once this is decided the Town Administrator will contact the company and will they will come and present the award.

Chairman Barry stated that one use would be the flagpole out front of the GB White Building. The town administrator had an update on this. The flagpole was assessed by a welder and was determined that it could be and has been re-welded and painted.

Chairman Barry asked other members of the Board for any ideas but was decided to come back to the table with some ideas later on.

The Town Administrator and Chief Duquette discussed the triangle median at the intersection of Route 107 and Church Street. The number of signs that end up there especially during voting season has him concerns with motorists not being able to see coming up to the corner. The Town Administrator has asked that the police department pull down any signs that are there and to let the owner of the signs know that they can pick them up at the town offices. The Town Administrator was also going to talk to the management team tomorrow so they can let all their community contacts know as well.

Chairman Barry talked about the fact that that intersection should be redesigned and should probably get the road agent, fire chief and police chief together. Selectman Robertson talked about the fact that the state has come back at the town to provide substantial financial contributory requirements to redesign the intersection at Church Street as well as the intersection of Route 43 and Route 107 below the fairgrounds by the Lamprey River.

Selectmen McGarry stated that the Garden Club will probably be happy that the signs will be gone. He also stated that Keech and Norstrom drew up a preliminary design for that intersection and that we should try to locate it. They had made recommendation that we could set it up with highway barrels to see if it would work out and it did work out well, the town could move onto the next step of possibility constructing something.

The Town Administrator had the Internet Director put a town drought monitor on the front webpage which will change throughout the year. It will also link to pages regarding water conservation and how everyone can help.

The Town Administrator also received a letter from Attorney Whitley concerning the Board's decision last meeting about additional funding being found and if there was none that came forward, the Board would consider whether or not to cease involvement with their agreement in representation for the town. The proposal submitted by Attorney Whitley is as follows. "A potential source of funding was brought forward and there will be a proposed payment mechanism that doesn't involve the town. The donors would like to remain anonymous and no funding would flow through the town. Instead the donors would enter into an escrow agreement with the firm which would state that the donors are paying for legal representation to the town and which representation will continue to be directed by the town. The donors would cut a check to the firm for his purposes. The funds would be placed into an "IOLTA Trust Account" which basically is an account which the firm does not get the interest for those funds. The donors have stated that they will place \$10,000.00 in this trust. More funding may be possible if needed but it would be evaluated in the future. Once each month the bill for his services would be generated and his firm would deduct his amount from the trust and would send the bill to the town stating that it had been paid in full."

The Board discussed the letter and stated that it would be impossible to do as stated in the letter from different standpoints such as trying to audit anonymous donations. It was also discussed that the Town Administrator should draw up the Letter of Termination which would allow the people that wanted to donate money anonymously to contract directly with Attorney Whitley. Selectman Robertson stated that he still has no issue with accepting donations into some public trust fund as they did previously but would have serious concerns of accepting monies from a private ghost fund to pay town bills.

Also the Town Administrator is in receipt of a confirmation letter from George Sansoucy in response to the Town's letter indicating that if no funding came forward that we would be terminating his contract as well. He understood that and that the town would be liable for the termination fees stated in the original contract.

Selectman Robertson asked J. Harrington what the status of the paddleboat launch and how close we might be to approval. How soon and what needs to be done to open. He stated he would look into it.

Unfinished Business:

Selectman McGarry asked if anyone else had comments on the policies that were submitted by Chief Tibbetts. No one responded so Chairman Barry stated that Selectman McGarry could pass them onto the Town Administrator.

Other Business: None

New Business: None

Motion: Vice Chairman Pitman made a motion to go into Non-public session RSA 91-A:3, II (C)

Second: Selectman McGarry.

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

Returned to Public Session - 6:35 pm

Chairman Barry stated that no action taken in the non-public session

Motion: Chairman Barry moves to seal minutes

Second: Selectman Robertson

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

Citizen's Comments:

Suzanne Steele asked for clarification of statements regarding Attorney Whitley and Sansoucy. With donations totaling \$43,000 there is only \$5,000 is left. At the last Board meeting it was decided that if no funds were received by the end of the month, the contract would be terminated. It's the Board's understanding from the letter received from Attorney Whitley that a fund is being set up to pay these costs. It was explained that the town could not accept the plan that Attorney Whitley is recommending with a private trust. If the town should receive \$10,000.00 to be deposited within the next week, the Board would be happy to continue as they did in 2016. Ms. Steele said that it would be enough time to get that done.

Adjourn

Motion: Vice Chairman Pitman moves to adjourn the meeting of May 1, 2017

Second: Selectman Robertson

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

Next Meeting: Monday, May 15, 2017, at 5:30 p.m.

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