

**TOWN OF DEERFIELD  
BOARD OF SELECTMEN  
July 5, 2022  
MINUTES**

**Call to Order**

5:30 – Chairman McGarry called the meeting to order

**Present:** Fred McGarry, Chairman, Richard Pitman, Vice Chairman, Alden Dill, Cynthia McHugh and Will Huebner, Selectmen.

**Pledge of Allegiance to the Flag.**

Chairman McGarry: All right, our new building inspector is here, Paul.

Paul Colby: Yes sir.

Chairman McGarry: If you'd just like to introduce yourself.

Selectman Dill: He's more than just a building inspector.

Chairman McGarry: Oh yes, and welfare officer as well.

Paul Colby: Yes, so my name is Paul Colby. I am your new building inspector and welfare officer. I'm looking forward to this. I look forward to serving the Town of Deerfield and their citizens and we're out there already doing stuff so it's good.

Chairman McGarry: Very good.

Vice Chairman Pitman: Great.

Chairman McGarry: Did we have the pick-up go through...

John Harrington: Working on it.

Chairman McGarry: Okay, yeah. Thank you.

Selectman Dill: He did open shades down in the office. It's a whole bright new office now.

Chairman McGarry: Oh, okay. Very good. All right. Thank you very much.

Selectwoman McHugh: Your hours and days change?

Paul Colby: Yes, so I'm here Monday through Friday. My hours will be Monday, Tuesday, Thursday, and Friday from eight in the morning until four thirty in the afternoon and on Wednesdays I will start my day at eleven in the morning and work until seven so I'll be open late for the citizens to come in like you are for town clerk, tax collector's office.

Selectwoman McHugh: Thank you.

Chairman McGarry: Very good.

Someone from the Crowd asking to hear a little bit about Paul's background.

Paul Colby: My background is, I've been in municipal government for over forty years. I live in the town of Pittsfield. I served for a number of years as their building inspector, welfare director like I am here. I was both on the Concord fire department as well as in their code enforcement office. My last stint as a code enforcement officer was a few years ago with the Town of Nottingham. I spent thirteen years there and recently I came from the assistant director facilities for Concord Hospital at their Laconia and Franklin locations.

Chairman McGarry: Wow.

Vice Chairman Pitman: Quality.

Selectwoman McHugh: Yeah.

Chairman McGarry: Good. Thank you, Paul.

Lots of people saying Thank you, Paul at the same time and a Happy Birthday was shouted out as well.

Chairman McGarry: All right, we have a longevity award for Officer Lucas Bernier but he's not here so, uh, how many years was this, John?

John Harrington: Five years I believe.

Chairman McGarry: Okay. Yes, five years.

John Harrington: I'll make sure he gets it.

Chairman McGarry: Very good. All right, paving award recommendation, Fred Wallace.

Selectwoman McHugh: Yep, that's you.

Selectman Dill: I was looking at Fred.

Fred Wallace: Good evening. Good evening.

Selectwoman McHugh: Hello.

Fred Wallace: So, the numbers have been gone over and the numbers appear to be correct so it appears as if Pike is low bidder.

Chairman McGarry: Did you check any of the current projects that they have and any?

Fred Wallace: I did not.

Chairman McGarry: You weren't able to. Okay.

Fred Wallace: I didn't, I've been pretty busy.

Chairman McGarry: Okay.

Fred Wallace: It just appears that they are the low bidder so I just don't know which direction we want to head.

Chairman McGarry: All right.

**Motion:** Selectman Dill makes a motion to award the bid to Pike for \$462,745.00.

Selectman Huebner: I'm just concerned about reputation and you know, references or anything but I guess since we haven't had a chance to do any of that we have to vote without that. I mean, do we know if Pike, maybe, overextends themselves, you know, some of these guys overextend themselves. They get started and then they take a long time to get it done and I just don't know if anybody knows anything about Pike.

Fred Wallace: I don't. Very, very little.

**Second:** Chairman McGarry seconds the motion so they can officially discuss.

**Discussion:**

Chairman McGarry: All right, So, Will, do you want us to hold off on awarding this until we have further check references.

Selectman Huebner: I guess not in the interest in getting started but I just hate to, nobody knows anything about whether Pike, you know, has any reputation but I suppose if they did, we might know that by now.

Selectman Dill: I know they do a lot of state contracts. I mean, they are one of the, I'd say, big three that we have in the state. Them and Brox and Continental.

Selectman Huebner: So, I suppose if they weren't doing a good job, we'd probably know that.

Selectman Dill: Probably. Also, they own the asphalt plant which is interesting because when you read down through that's where it's cheaper, is on the asphalt per ton. If you own the product, you can sell it to yourself a lot cheaper than you're selling it to other folks. I think that's where they've got the savings.

Fred Wallace: Yeah, correct it's like two dollars cheaper.

Selectman Huebner: Have we ever worked with the other two, Brox and R&D before.

Fred Wallace: R&D, I believe the Town of Deerfield has a five, six-year history.

Selectman Dill: Right.

Selectwoman McHugh: Yeah, that's why I kinda like R&D. I mean, I know they're three percent more but we work with them. We have a relationship with them.

Fred Wallace: They do good work from what I've seen.

Selectwoman McHugh: Yeah, from what I know, their history, I'm just a little concerned that we might be...

Selectman Dill: My concern is it's...

Selectwoman McHugh: [inaudible, being spoken over]

Selectman Dill: Well, that is one. You know of how quick they could start but, I don't know, for fourteen thousand I'm kind of hoping we could use some of that extra money to fix Haynes Road, was my hope.

Chairman McGarry: The concern I have is that if we don't have a good reason to, to not award to Pike there's a potential of legal action against the town for not awarding it.

Vice Chairman Pitman: Especially where we went out to bid a second time.

Chairman McGarry: Correct.

Vice Chairman Pitman: I don't who made the comment but it's true, if we put that fourteen thousand towards Haynes.

Selectman Dill: Yeah, I, and I'm kinda thinking if they own the asphalt plant and they're giving us, they're the lowest per ton on asphalt we could probably get a pretty good rate on shim coat out of them while they are down here. Just speculation. I mean we'd have to set that up later but fourteen would extend our road budget which is quite stretched right now.

Chairman McGarry: Yeah, and conceivably if we, project does come out within the budget we have here that would be just a matter of change order to this contract to do the work on Haynes.

Selectwoman McHugh: Do we know when they can start?

Fred Wallace: No, we don't know anything yet.

Selectwoman McHugh. Okay.

Selectman Dill: That would be my concern on this as well but we don't have a start date for any of them.

Chairman McGarry: Right.

Vice Chairman Pitman: Should the motion be subject to that?

Chairman McGarry: Procedurally what we'd end up doing would be, we would issue an intent to award and that would go out to Pike and then following that we would then issue a notice to proceed which basically starts the clock for Pike to do the work within the prescribed time frame.

Selectman Dill: Do we have a prescribed time frame in the bid?

Chairman McGarry: Yes, we do.

Selectman Dill: Okay.

Chairman McGarry: I forget what it is.

Selectman Dill: It's probably a ninety.

John Harrington: It's in the bid somewhere.

Selectman Dill: Okay, so we have something to back ourselves up there. Okay.

Chairman McGarry: There's a penalty clause to liquidated damages if they don't complete the project within the allotted time frame.

Selectman Dill: All right. So, good job covering our base there.

Chairman McGarry: Any further discussion? Hearing none, all those in favor of the motion to award the project to Pike signify by saying Aye.

**Vote: Yea 4, Nay 1, Abstained 0 – Motion Carries**

Chairman McGarry: All right.

Selectman Dill: Well, we got Freddy here. Anything else going on in town?

Fred Wallace: No.

[Laughter]

Fred Wallace: I've looked at the trees. With the money that's there, there isn't much that's gonna go on there. Fourteen hundred dollars a day for a bucket truck and we're three thousand in the budget. They are what they are.

Selectman Dill: What are you guys working on now?

Fred Wallace: We just straightened out the parking lot across the street a little bit today and for two guys on vacation so we're just doing the littler stuff. Trying to button everything up in the open ends until the other guys get back and then we're going to be cutting shoulders.

Selectman Dill: I noticed when you guys did the ditching the other day on Griffin Road there's a lot of oil spots left. Guessing from one of our trucks has got to be leaking pretty good.

Fred Wallace: Yeah, we got a front piston on of them yeah, we just figured that out. Is there a lot of them Alden?

Selectman Dill: For how long you were there it left quite a bit of oil. For a one day in and out, yeah.

Fred Wallace: Yeah, I think it just got worse while we were there. But yeah, we've got a front piston, that's the other thing, the budget with repairs I think I've already, I'm not in good shape on that either.

Selectman Dill: Just speaking for myself, I'd rather have you fix them now than have it go down in the winter.

Fred Wallace: The five fifties' going into, for a recall tomorrow. I don't know what's going to come out of that. Anytime they go to the dealer it's usually not good. We all know that. But other than that, no. Plus the oil leaks in the grader Alden, we can't chase them and chase them.

Selectman Dill: Yeah. I just thought I'd let you know that I was driving, hauling hay over it this weekend, I'm like that's a lot of oil for an eight-hour job.

Fred Wallace: Is it periodic?

Selectman Dill: No, it's pretty good splotch.

Fred Wallace: Yeah.

Selectman Dill: You could tell where you were backing in and parking every time to load out.

Fred Wallace: Really?

Selectman Dill: Yeah.

Fred Wallace: Well, we'll have to get that fixed.

Chairman McGarry: Okay, thank you, Fred.

Selectman Dill: Thanks Freddy.

Fred Wallace: Thanks guys, have a good night.

Chairman McGarry: All right, review of outstanding minutes for June twentieth and June twenty-seventh.

**Motion:** Selectman Dill

**Second:** Selectwoman McHugh.

**Discussion:**

Chairman McGarry: Movement seconded to approve the minutes for June twentieth and June twenty-seventh.

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

Chairman McGarry: Okay, vouchers and manifest. A special payroll manifest for gross payroll was seven thousand four hundred sixty-three dollars and two cents (\$7,463.02) and with a net payroll of four thousand three hundred and sixteen dollars and thirty-two cents (\$4,316.32) for Mr. Pelletier.

**Motion:** Selectman Dill

**Second:** Selectwoman McHugh.

**Discussion:**

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

Chairman McGarry: And I have accounts payable manifest for sixteen thousand six hundred and eighty-nine dollars and twenty-six cents (\$16,689.26).

**Motion:** Selectman Dill

**Second:** Selectwoman McHugh.

**Discussion:**

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

Chairman McGarry: Several personal action requests. First one is for Lilly Boulton, life guard, to go from twelve dollars an hour up to fourteen dollars an hour.

**Motion:** Selectman Dill

**Second:** Selectwoman McHugh.

**Discussion:**

Selectwoman McHugh: Is this all in his budget?

John Harrington: Yes.

Selectman Huebner: Is this Veasey Park...

Selectman Dill: Yeah.

Selectwoman McHugh: Yes.

Selectman Huebner: and you said it's within budget that they already have to make this, right?

Chairman McGarry: She would be going this swimming from, uh, lifeguard to swim instructor.

Selectman Dill: Which is good cause we haven't had one of those in a while.

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

Chairman McGarry: We have another one for Irene Gonzalez from, as summer, summer camp staff from twelve fifty an hour to...

Vice Chairman Pitman: To what?

Chairman McGarry: Oh, she's...

John Harrington: She's a new hire.

Chairman McGarry: A new hire, okay.

John Harrington: She's seasonal for the summer camp.

Chairman McGarry: Okay.

**Motion:** Selectman Dill

**Second:** Selectwoman McHugh.

**Discussion:**

Chairman McGarry: Approval pending successful background check and she has her application here too. Any other board members want to take a peek?

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

Selectman Huebner: So, is twelve fifty kind of our default starting wage.

John Harrington: Yes.

Chairman McGarry: Finally, we have Paul Colby as our new building inspector and welfare officer for a salary of sixty thousand per year.

**Motion:** Vice Chairman Pitman

**Second:** Selectwoman McHugh.

**Discussion:**

Chairman McGarry: Sounds like we are very fortunate to have Paul with certainly the background he's described. So, it's really good for the town.

**Vote: Yea 4, Nay 0, Abstained 1 – Motion Carries**

Selectman Huebner: (inaudible)

Selectman Dill: Uncle, wife's uncle.

Selectwoman McHugh: I've got a question, is he going to take on the 911 stuff?

John Harrington: Yes. We've already got the paperwork going.

Chairman McGarry: All right. Correspondence. (inaudible) with regards to the cell tower. Yes, yes cell tower. We also have board adjustment minutes. We have a report from executive council of Gatsas and we also have an agenda for the planning board and planning board minutes. All right, town administrators report.

John Harrington: I have two items. One is just a reminder that we have a rabies clinic coming up on July seventeenth here at the George B. White building. It will be from nine o'clock to twelve o'clock. Twenty dollars per shot for cats and dogs only. I'm just reminding everyone and to get back to a question that the board had at our last meeting about the new seasonal hire at the library, I got some more information. Her name is Rachel Shepard and she's going to be a temporary summer substitute to help with the summer programming before the new children's librarian begins at the end of July and after that they'll look to fill in where needed if they can find hours. And she'll also be filling in temporarily for a planned short-term medical leave in September if she's available.

Chairman McGarry: Okay.

John Harrington: And that's all I had this evening.

Chairman McGarry: Thank you, John. All right, unfinished business.

Vice Chairman Pitman: (inaudible)

John Harrington: Last I knew they were putting the bed liner in and I believe that's finished. After that I haven't gotten any updates.

Vice Chairman Pitman: Okay, thanks.

Selectman Dill: We were just trying to figure out we're going to abutter to the Goffstown cell tower.

John Harrington: It's in a radius they use. They said a ten-town radius, something like that.

Selectman Dill: Okay.

Chairman McGarry: Yeah, it's fairly extensive.

Selectman Dill: Because I was pretty sure we didn't abut Goffstown but I was running through my brain just in case we did.

Chairman McGarry: The geography is correct.

Selectman Dill: I had a heritage commission meeting the other day and one thing they are focusing on is, they want to know if the board would be in agreement for them to go out and start soliciting grants for town hall. I was talking to Ray before the meeting and on thing that he's very concerned about and the energy, I mean the heritage commission was as well is the windows. We are going to have a major repair coming up on windows soon. It sounds like they have some grants lined up but before they went whole hog looking for them, they kind of wanted our blessing as the, as the board. My is, we're going to have to fix these windows either way, if we pay for them or if we find grants so if we find grants, I think we're better off. There's other things to be fixed but the windows I think are kind of the first big priority.

Vice Chairman Pitman: Definitely. Why wouldn't we?

Selectman Dill: Yeah.

Selectwoman McHugh: Why wouldn't we get some grants?

Selectman Dill: That was how I felt about it too. So, I'll report back after the next meeting on that and the energy committee is also piggybacking on the same issue with their, Ray said there's some other issues up there but this was kind of the first good one to hit.

Chairman McGarry: Okay, very good, hopefully we can get some grants.

Selectman Dill: Hopefully.

Chairman McGarry: And, just want to give the board a report with regard to the ZBA meeting, the, Mr. Cross has withdrawn his request for variants so that issue is gone and the board of adjustment denied the request for re-hearing on the property off of 107 in the Pleasant Lake watershed so any issues will have to be addressed by the planning board under the Pleasant Lake ordinance so, and, that pretty much takes care of that.

Selectman Dill: I guess I'm a bit confused on that one. I know the two of you know a lot more about it than I do but that falls under planning board but they've already got the variance to put it closer?

Chairman McGarry: Yeah, there's...

Selectman Dill: I guess I'm confused under whose jurisdiction actually takes care of it.

Chairman McGarry: It falls, interestingly enough, we have a wetlands overlay district which covers the entire town and they granted a variance with regard to distance to the wetland under that section of the ordinance. They did not address and there was on request for a variance under the Pleasant Lake watershed ordinance or that portion of the ordinance. Under that one they're supposed to provide a one-hundred-foot setback from tributaries or wetlands and the planning board can reduce the setback to fifty feet but they can't go any lower than fifty feet and so when he comes into the planning board, we're going to have to tell him, no, that you can't go to the thirty feet that he's requested.

Vice Chairman Pitman: Right.

Selectman Dill: But if the planning board came back and said it, a hundred feet it would fall under the planning board not under the zone.

Selectman Huebner: The planning board owns the Pleasant Lake protection ordinance. They're the ones that devised it and shepherded it and had jurisdiction on that part so ZBA actually said, we're not going to address anything about the impact on the lake because that should be done by the planning board under that ordinance. So, they ignored the lake part of it and it just.

Selectman Dill: It just seems weird because I thought the zoning board would vary, whatever, we'll see how it comes out.

Chairman McGarry: The applicant did not file an appeal to the Pleasant Lake portion of the ordinance. All they did was the overall wetlands ordinance.

Selectman Huebner: So that also caused confusion because it actually wasn't a request for a waiver of the Pleasant Lake thing, he just ignored it.

Chairman McGarry: Right. Exactly.

Selectman Huebner: So now the planning board is considering what could be done. Fred's been very instrumental in working out a solution, I think.

Vice Chairman Pitman: Maintaining that fifty feet (inaudible)

Selectman Dill: Yeah. What's the point of us having a law if it doesn't, I mean, or an ordinance if it's not followed by it?

Selectman Huebner: Right. That was the point we made. If they're not going to enforce this at this, you know, this is the most obvious thing enforce and if they're not going to force this one will we ever enforce anything? (inaudible)

Selectwoman McHugh: So, they have to come back now?

Chairman McGarry: Yeah, they are going to be coming into the planning board and we're going to be telling him that unless he changes the configuration of his house that and then meets that fifty-foot setback he, we have to tell him no.

Selectman Huebner: And that's fifty-foot from both the wetland and the center of the stream, right?

Chairman McGarry: Right. Correct.



Selectman Huebner: Which is according to the ordinance. He kept trying to get Fred to say something different and Fred wouldn't let him.

Vice Chairman Pitman: Good job Fred.

Selectman Dill: One other quick new business, I was talking to Freddie before the meeting and if we can talk to anybody at the state, they gotta trim back 107. We're losing sight lines pretty fast. It's growing over, I mean, there's bushes now in front of street signs and coming up here on Mr. Mike's you can't see anything turning left because there's a tree in front of the speed limit sign when you look up the road, so. Freddie said he'd try but I figured I'd throw it out to the rest of us too.

Selectwoman McHugh: So, who does that. Do they do that or Fred or the police chief?

Selectman Dill: Oh, to get after the state? Oh, I thought you meant mow it. I was going to say, that's them.

Selectwoman McHugh: I know its them.

John Harrington: Fred has contacts within the state. I'm sure he'll call some folks and I can call and let them know.

Chairman McGarry: Yeah, the best would be the, calling district engineer.

John Harrington: Correct.

Chairman McGarry: All right, any other business? We don't have any non-publics. Citizens comments.

Vice Chairman Pitman: Somebody has their hand up.

Chairman McGarry: Yes. All right.

Jim Page: Jim Page from sixty-seven South Road. The last couple weeks, I think it must be the town crews have been working the sides of the road, grading them out so on and so forth and a couple things I wanted to point out, in the air in the front of my house the shoulders have been widened out significantly and I don't what they were working the side of the road with but there's a lot of big boulders that have come out of there and I don't understand. I own to the front face of a stone wall that abuts a town road or a state road and the rocks the large rocks, looks like the small stuff was bundled up and hauled away. The large rocks are rolled up on the wall and about, it was eight to ten years ago somebody came through and took a lot of the large rocks and rolled them up so I've got those, now I've got a bunch more. If I wanted to rebuild that wall myself, I've gotta have somebody come in with a backhoe and probably cost several thousand bucks to have them picked up and hauled away. So, I don't know how they look at that and then from a safety standpoint, whatever machine was out there working, cut within about a foot of my main wires coming in. Everything comes off the pole one, you, underground and if somebody moves a boulder the wrong way, they're going to be in the live side of that circuit out there. I think the work is finished up but I only throw that out as a safety thing. They should be watching that. When I see something that close to a main feed and my lines go under the, woven through, they were buried there years ago. That direct burials are not in conduit, they're not overhead. So, but I've got boulders the size of this table rolled up on my wall. I've got some eight years ago that were pushed in on my property so it's just something. Look at the walls, drive down South Road, you'll see stuff that's man-sized rocks that the walls are built out of things that people handled by hand not yard, two-yard boulders rolled up on top of the properties.

Selectman Dill: Where on South Road are you?

Jim Page: I'm at sixty-seven and one side, my driveway goes into my house. I don't have much of an entrance there but, it would be towards the forty-three side, there was work done there some rocks were moved around I know there was a lot in there, I think probably eight years, I think plows would come by, maybe they were getting in tight and hitting some of these rocks with their wings so somebody came through, shoved some of them onto the property. Now this time around from driveway to the end of my property, that's been opened up and graded off almost to the wall, which is probably ten feet or more and anything that's any large size is just shoved up on top. I would think, you know, why should that be my cost or my cost down the road plus I don't know what they did with other people's property but you got a rock wall and you got somebody rolling boulders on it, you know, it tears the hell out of everything. You can see them down; you can drive along and every large rock going down South Road has been rolled in. For some reason there was a lot of rock along that ditch line. Over the years some of it went almost right up to the shoulder road. I don't know how it got, that's probably been there for two hundred years so I don't know what they were encountering in other areas and then, I only mentioned, is that going from area to area around town. They

get into somebody's underground somebody can get killed if you're walking next to a piece of equipment, you'd be electrocuted probably before the can popped off so that needs to be passed on but whoever is doing the work out there and supervising I would think if they wanted to leave, you know, a dozen rocks, you know, two-yards in size on somebody's wall that they'd not, at least come and knock on the door and say, hey we're doing this out here, you know, can I do that? So, I pass that along to you, so.

Chairman McGarry: John, can you check with Fred to have him remove those if we've been picked and... (inaudible, talking over)

Jim Page: I didn't pay much attention, but I was out cutting trees, I try to maintain that wall line I have with the power companies over the years and I was dropping some big stuff on my property and started looking around and said whoa, what's all this stuff, you know.

Chairman McGarry: We'll have the road agent take a look at that. Remove those if that's, if they can.

Jim Page: They should be careful. I drove a mile down South Road, headed towards Bear Brook and there's very few of them, there's a few here and there too rolled up but not many and not the number that's rolled up on my wall and like I said it happened again about eight years ago. It's like if they had a, if they had a two-yard load to they couldn't get it in the bucket so what are we going to do with, we just...

Chairman McGarry: It's probably to late to handle stiff from eight years ago but we'll take care of the stuff that's been kicked up now.

Jim Page: You can see all the way from the corner down but it's, just makes quite a mess.

Chairman McGarry: Okay, thank you. Anything else? Dick?

Vice Chairman Pitman: Harriet is going to speak.

Harriet Cady: I received call today that we had hired the person to replace the building inspector who will also be the person replacing the welfare but I don't think the town realizes under employment law, if you're not hiring from within, you post within first and offer it to present employees then you must advertise for ten days. I read the Union Leader, I read the Concord monitor, I never saw it advertised in either of a public publication. The jobs weren't advertised. They may have been put on the New Hampshire Municipal Associations but that doesn't count as a public posting. That's twice now this has happened and I would say we are presently are in a position of violating employment law. It needs to be followed and I want an answer as to why it wasn't advertised for the ten days required by law in a public publication. I don't care if they advertised it in the web, but that's not a public publication. You've got to follow employment law, even more so when you're a public entity.

Vice Chairman Pitman: Motion to adjourn.

**Motion:** Vice Chairman Pitman

**Second:** Selectman Dill

**Discussion:**

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

**Next Meeting: July 18, 2022 at 5:30 pm**

*The Minutes were transcribed and respectfully submitted by Randi Long, Recording Secretary  
Pending approval by the Board of Selectmen*