

**TOWN OF DEERFIELD
BOARD OF SELECTMEN
July 18, 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: Alright, we have Bear Paw for Kaitlin Deyo for the Bradbury Conservation Easement. Kaitlin.

Katrina Amaral: Hi, I'm Katrina Amaral, I am the Executive Director from Bear Paw and this is Kaitlin Deyo our Land Protection Project Manager. So, we are here to discuss the Bradbury conservation easement which maybe you've seen from the conservation commission minutes. The spectacular property off of Thurston Pond Road and you know it's forest, managed forest land and it's fifty-four acres. It's got some lovely fresh water wetlands, there's moose that's been seen there on many occasions, it's got conservation lands adjacent to it. It's near the Freese Town Forest, no, that might not be right, sorry. It's near a town forest and Deerfield has a lovely number of town forests and sometimes I get them mixed up. But it also has, you know, two thousand feet of stream frontage and it's actually got a lovely distinction of being within the originally identified Bear Paw corridors that the organization was founded on. So, we are here for you today to request the twenty-two thousand dollars to fund the transaction costs to conserve this property. The landowners are donating the development value of the land and it fits very well within both Bear Paws and Deerfield's Conservation Commissions subjectives. So, we are happy to answer any questions you might have.

Chairman McGarry: So that twenty-two thousand dollars in funding, where would that come from, out of the conservation fund?

Katrina Amaral: Yes.

Chairman McGarry: Okay.

Selectman Dill: Do we have any matching out of the State at all or is that all from us on this one?

Katrina Amaral: It's all from you on this one. This was a condensed time line. The landowners very generously pushed out the time line (inaudible). So, ordinarily we do try to find match funding for these projects but this a unique, well relatively unique situation.

Selectman Dill: The only question I had, cause I was just briefing through it before the meeting, the granite bridge, which one are we talking about? It kept referencing the granite bridge.

Jo Anne Bradbury: Is this on?

Selectman Dill: You guys can sit. You don't have to stand.

Jo Anne Bradbury: Yeah, the granite bridge is one that Denis Louis made for us on our woods road and it is on the property and Denis Louis built quite a while ago. Two large granite slabs he had, Denis was always gathering granite slabs and using them as needed through his work and yeah, those are the two he... He created the abutments and the placed the slabs that used to be, prior to the granite slabs being placed it was a, what do you call it, a stone ford and now it's a nice bridge but it's on the private property. It's not on the (inaudible, talking over).

Selectman Dill: That's all I wanted on clarification since we've dealt with a lot of bridges on that road lately.

Jo Anne Bradbury: Different bridge.

Selectman Dill: Perfect.

Chairman McGarry: Cindy?

Selectwoman McHugh: The twenty-two thousand dollars, we have that in the conservation, what is our balance after using that up?

Inaudible talking.

Selectwoman McHugh: No pressure. I was just curious.

Selectman Dill: I believe they are donating the easement as well, correct?

Katrina Amaral: They are donating the (inaudible) of the easement as well, yes.

Erroll Rhodes: This is an estimate from... (inaudible) conservation commission. The balance at the end of June was three hundred and forty-one thousand dollars. There is land use change tax coming during July of twenty-five thousand and change and so this would, three forty-one plus three would three forty-three or three forty-four after the land use change tax and this expense. That's a rough estimate and if you have any problems, talk to Serita Frey.

Motion: Vice Chairman Pitman, I'll make a motion that we go along with Bradbury conservation easement for a total cost of twenty-two thousand dollars ~~twenty thousand~~ coming from the conservation commission.

Second: Selectman Dill

Discussion:

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

Chair McGarry: Thank you.

Selectman Dill: Thank you guys.

Katrina Amaral: We have a document for you too. Do you want to have them sign it now?

John Harrington: There is one in their folder. They can sign that one and then I'll... (inaudible, talking over). Yep.

Katrina Amaral: Thank you.

Selectman Dill: Thanks for the quick work on that, guys. That was fast.

Chair McGarry: Alright, next is review of outstanding minutes.

Motion: Selectman Dill

Second: Selectwoman McHugh

Chairman McGarry: Movement seconded to approve the minutes of July fifth as written. Any discussion?

Discussion:

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

Chairman McGarry: Okay, vouchers and payroll. The accounts payroll manifest for July eighteenth.

Selectman Dill: And there goes our audience.

Chairman McGarry: In the amount of eight hundred and eighty-three thousand four hundred and seventy-six dollars and fourteen cents (\$883,476.14). Eight hundred thousand of which is going to the school.

Motion: Selectman Dill

Second: Selectwoman McHugh

Discussion:

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

Chairman McGarry: Alright, land use tax for property on Middle Road and tax would be collecting is two hundred and ninety-nine dollars and forty-eight cents (\$299.48).

John Harrington: I think that might a yield tax for timber.

Chairman McGarry: Yield tax. Okay, yes, Yield tax. Yield tax in the amount of two hundred and ninety-nine dollars and forty-eight cents (\$299.48).

Motion: Vice Chairman Pitman motions to collect the tax.

Second: Selectman Dill

Discussion:

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

Chairman McGarry: Land use change tax for nineteen McCarron Road in the amount of fifteen thousand four hundred and ninety dollars (\$15,490.00).

Motion: Selectman Dill

Second: Selectwoman McHugh

Discussion:

Selectman Huebner: Wait, no discussion?

Chairman McGarry: Whoop, sorry.

Selectman Huebner: I wanted to ask a question about, I didn't understand what it's for.

Chairman McGarry: Oh, it's the, they had the property in current use and the property got sold for a hundred and fifty-four thousand nine hundred (\$154,900.00) and the land use tax we collect is ten percent of that sell price.

Selectman Huebner: Okay.

Chairman McGarry: So, that...

Selectman Huebner: To take it out of current use.

Selectman Dill: To take it out of current use, yes.

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

Chairman McGarry: Alright, land use change tax for property on, it's another one on McCarron Road. This is seventeen McCarron Road. The property sold for a hundred and thirty-five thousand (\$135,000.00) and to take it out of the current use the tax is thirteen thousand five hundred (\$13,500.00). That is the amount we'd be collecting.

Motion: Selectman Dill

Second: Selectwoman McHugh

Discussion:

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

Selectman Huebner: By doing this do we actually recover the tax that wasn't paid or is it only a portion of the tax.

Chairman McGarry: It depends on how many years.

Selectman Huebner: So, if it's there long enough we probably don't recover the amount.

Chairman McGarry: Right.

Selectman Huebner: it only takes a short time...

A few people saying correct and right (cannot decipher who).

Selectman Dill: Fifteen years is a break even I believe. Don't quote me on that but I think it's fifteen.

Chairman McGarry: Another land use change tax. Another property on McCarron Road. The sell price was a hundred and thirty-five thousand (\$135,000) and ten percent of that would be thirteen thousand five hundred (\$13,500.00). That would be the amount of money to be paid to take it out of current use.

Motion: Selectman Dill

Second: Selectwoman McHugh

Discussion:

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

Selectman Dill: Somewhat related to that. That road is in really rough shape already.

Chairman McGarry: Already?

Selectman Dill: It's gonna be in, that was one of the highest, one of the worst condition roads when we did the road survey but it's not used much. It's...

Selectwoman McHugh: McCarron?

Selectman Dill: Yeah, McCarron. Unless I'm confusing it with a different one. I could have sworn it was McCarron.

Selectwoman McHugh: Must be.

Chairman McGarry: Maple is one...

Selectwoman McHugh: Maple...

Selectman Dill: Maybe it was Maple. Okay.

Vice Chairman Pitman: Maple's the one.

Selectman Dill: I apologize to the good road builders of the town. I was just worried if we're building a bunch of houses back there it could be rough on already a rough road.

Selectman Huebner: My brother in-law lost a hub cap on the way to my house. I said, just go up to Haynes Road and look just past the cemetery and he found it right there.

Selectman Dill: That is a bad spot.

Chairman McGarry: Submission of application. This is Co-op exemption, Rockingham County 4-H Foundation, What's this?

John Harrington: That is seeking a tax exemption and the Avitar letter is on the second page. Last paragraph if he gives his recommendation.

Chairman McGarry: In my opinion the building located in the Deerfield Fair is not a school building and is further not owned, used, or occupied by them directly for the purpose for which they are established. While they may use the profits from their operation at the Deerfield Fair directly for the purpose for which they were established it would appear this building itself is not being used for education purposes but used to raise money for their education services and would not qualify under the educational exemption as such I recommend this application be denied.

Selectman Dill: Is that for the fair? 4-H building?

Chairman McGarry: Yeah.

Selectwoman McHugh: What do they make money at?

Selectman Dill: They take donations for 4-H but that's it.

Selectwoman McHugh: Right, and they have all their exhibits and everything in there. Right?

Vice Chairman Pitman: I think they are talking about the food (inaudible).

Selectwoman McHugh: I didn't think had a food booth anymore.

Selectman Dill: Yeah, they did the last few years.

Vice Chairman Pitman: Maybe we should clarify that.

Selectman Dill: Yeah.

(Inaudible talking)

Selectwoman McHugh: What's the size of it?

John Harrington: The application is just beneath all of that documentation. It might give you more information.

Chairman McGarry: 4-H foundation through their president and secretary has filed an application for an educational property tax exemption. (Inaudible word) a four hundred forty-eight square foot building with three hundred and seventy square feet of porches located in the fairgrounds. Current assessment of twelve thousand nine hundred dollars.

Selectman Dill: That's a food booth you think, Dick?

Vice Chairman Pitman: Yeah. There's no porches on their education one.

(Inaudible talking)

Chairman McGarry: Recommendation is to deny.

Selectman Huebner: And who's making that recommendation?

Chairman McGarry: Avitar.

Selectman Dill: Yeah, cause that's run by the 4-H foundation and not the county foundation. I wonder if this is a new change and I wonder if this is why Hopkinton just sold all of them back. (Inaudible talking in the background). I would if you don't mind or Cindy would before me....

Selectman Huebner: How does this compare the precedence for other food groups? Have they applied for educational exemptions for other organizations?

(Inaudible, multiple people talking)

Selectman Dill: The 4-H foundation funds a lot of 4-H programming in the county.

Selectwoman McHugh: It says (inaudible). Yeah, that's the booth. It's not the display area.

Selectman Dill: Yeah.

Selectman Huebner: Well, the 4-H foundation undoubtedly is a non-profit organization, right? So, it's not really making money in the sense it's going into somebody's pocket as profit.

Chairman McGarry: I think the, Avitar is looking at it from the standpoint of whether it meets the, meets the requirement of being an educational purpose and if they're educating them how to cook hamburgers or whatever but apparently, it's just selling food.

Selectman Dill: Yeah. They're putting down that the service of public good or welfare is to provide educational services and scholarships to Rockingham County youth which I do think they do. They fund that through sales there and they sell food cheap to 4-H'ers.

Chairman McGarry: But the Avitar is, provided, I think it came, coming out of the statute, like italicized section on their letter.

Selectman Huebner: What if Deerfield Community School had a booth at the fair and sold food to raise funds?

Selectwoman McHugh: Well, there's other organizations that sell food and make money.

Selectman Huebner: Could they be deemed an educational institution and therefor be tax exempt.

Selectman Dill: Well, I know the school has done it for eighth grade trip and stuff. I was...

Chairman McGarry: If you read that paragraph...

Motion: Selectman Dill, I was going to make a motion to table to investigate further because this is a little bit more of an involved one.

Second: Selectman Huebner, I would second that motion.

Discussion:

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

Selectman Huebner: So, our action then to, in the meantime, do we need John to do anything to help ferret out any of these questions or do we need our fair folks to maybe look at this?

Vice Chairman Pitman: Avitar's already spoken (inaudible)

Selectman Huebner: Avitar's already given their opinion on it.

Chairman McGarry: Right.

Selectman Huebner: I think what we want to do it just investigate a little bit. How do we do that?

Chairman McGarry: what do we want to do?

Selectman Huebner: Right.

Vice Chairman Pitman: Ask the motion maker.

Selectman Dill: I think it. I think Avitar has gotta take a second look at it, myself. But that's me. I don't know how the other non-profits at the fair that run food booths are taxed or not.

Selectwoman McHugh: That's I'd want to see too.

Selectman Dill: Obviously I'm little bit more involved in this than, than some of the stuff at the fair cause I participate in the foundation and stuff like that but...

Selectwoman McHugh: There are other non-profits there.

Selectman Dill: There's, I feel like there's more to it than just a quick boom on this one and even if it doesn't come down as an educational building, I can see other avenues this can go down.

Selectwoman McHugh: Does it just say educational...?

Selectman Dill: Pretty much, yeah, it says they're selling food and they're not they're not educational there. So, I just hate to see the foundation lose that the way some other it has at some other fairs.

Selectman Huebner: So, can somebody do like a little summary of the other non-profit groups at the fair and their...?

Selectwoman McHugh: I can do that.

Chairman McGarry: Okay. Cindy is going to check on that.

John Harrington: I'll send the entire thing out to the board tomorrow.

Chairman McGarry: Okay.

Selectman Dill: I just didn't want, I wanted to table because I didn't want to make a quick move, yes or no, and the wrong move.

Selectman Huebner: Right, I wasn't sure how to vote.

Chairman McGarry: All right, this is one of more the larger financial documents we have here tonight. This is for earth excavation tax assessment for Paul and Martha Smith. For property on, I guess it's on Blakes Hill Road.

Vice Chairman Pitman: Yes.

Chairman McGarry: Total tax is six dollars (\$6.00).

Selectman Dill: I was gonna guess about six bucks.

Motion: Vice Chairman Pitman
Second: Selectwoman McHugh
Discussion:

Selectman Dill: I think it was five dollars last year.

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

Selectman Dill: Makes you wonder if some of these fees are even worth the time it takes to figure out.

Selectman Huebner: You can't even buy a McDonald's hamburger for that.

Chairman McGarry: The notice of intent to cut timber dropping on Range Road and this is something we don't take a vote on, right?

Selectman Dill: Mm-hmm. Tax per cubic yard is two cents.

Chairman McGarry: Alright, we have a personal action request. Sydney?

John Harrington: Sydney Weir.

Chairman McGarry: Weir, a lifeguard and this would be, what, would be a new, going from part-time to. It's a new hire.

John Harrington: A new hire, yes.

Chairman McGarry: Okay. And that's twelve bucks an hour. Is that what it is?

John Harrington: Yes.

Chairman McGarry: Okay.

Motion: Selectman Dill
Second: Selectwoman McHugh
Discussion:

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

Selectman Huebner: There have been a lot of people at the park the last couple weeks.

Selectman Dill: I bet here have been.

Chairman McGarry: The forecast over the next four or five days, in the nineties.

Selectwoman McHugh: Some of the swim lessons started.

Selectman Dill: Which is good cause they haven't done, been able to do those in the last few years. It's nice to see them offered again.

Chairman McGarry: All right, here we have a list of appointments, these are all...

John Harrington: they are all for the DP.

Chairman McGarry: Parks and rec...

John Harrington: Parks and Rec Commission.

Chairman McGarry: Yep.

Motion: Selectman Dill makes a motion that we accept those in mass.

Chairman McGarry: Let me read off the names. We have Jeffery D'Agostino, Erica Minard, Sean Morrissey, Katherine Libby. All the appointments to the Parks and Recreation Commission with all appointments expiring April 30th, 2025.

Selectwoman McHugh: These are all the same people that have been on the commission or new people.

Selectman Dill: I think they're o.

John Harrington: I believe the only new person is Sean Morrissey. Everybody else has been on.

Selectman Dill: Make a motion to approve them as a group.

Second: Selectwoman McHugh

Discussion:

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

Chairman McGarry: We have another personal action request, Kristine Robert, from, is, she's the assessing clerk, which, she's also going to be working with the new building inspector and she would be going from twenty hours at eight hours per week at eighteen sixty-three (\$18.63) to twenty-five hours per week at twenty-one dollars (\$21.00) per hour.

Motion: Selectman Dill

Second: Selectwoman McHugh seconded to start discussion.

Discussion:

Selectwoman McHugh: Do we need her? Is she needed?

John Harrington: Do we need Kristine?

Selectwoman McHugh: Yeah, as a full-timer?

Chairman McGarry: She's not full-time.

John Harrington: She's still part-time.

Vice Chairman Pitman: It's four more hours a week.

Chairman McGarry: She's just getting five more hours a week.

John Harrington: So, she's up to twenty-five.

Chairman McGarry: twenty-five hours and...

Selectman Huebner: So, the office will be open longer hours too...

John Harrington: She'll be working eight to one Monday thru Friday which is one day longer than, that assessing has been available.

Selectman Huebner: Right.

John Harrington: And then the building inspector is forty hours.

Selectman Huebner: Right.

Selectwoman McHugh: That's why I'm wondering, do we need her if he's going to be here the whole time? Do we need to give her the extra hours?

John Harrington: I believe it will help. Paul would like her be there. He's training her to hand out permits and make sure that people can get their questions answered.

Selectman Dill: Remember, it wasn't just the building these forty hours but it's split and...

Chairman McGarry: Welfare.

Selectman Dill: With welfare.

Chairman McGarry: Any further discussion?

Someone asks, how much? (can't tell who's asking as the voice is distorted by the computer it sounds like)

Chairman McGarry: Twenty-One. It goes from eighteen sixty-three (\$18.63) to, per hour, to twenty-one (\$21.00).

Selectman Huebner: So, the alternative to approving this would be to just say, stay at the current hours and it would be less opportunity to answer questions, I suppose.

Chairman McGarry: Right.

Selectwoman McHugh: Well, I don't, we giving her a raise because she's taking on more...

Chairman McGarry: More responsibility.

Selectwoman McHugh: Responsibility or, I mean, we're giving her extra hours?

John Harrington: It's the extra responsibility otherwise she'd just be concerned with assessing and the board approved going forward with this plan to have her also assist with the building inspector when he's not there.

Chairman McGarry: Correct. Any further discussion?

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

Chairman McGarry: So, it's four yes, one no. All right, now we have the conservation easement for the Bradbury property. Requires all the board to sign. And the final item in this is the, is a proposed, proposed contract from Pike Industries. Now we've, we put out the bid package and the bid package included stan..., our contract and I've already signed the contract for the town. Did we get the document back from Pike?

John Harrington: Yes.

Chairman McGarry: and Pike has proposed an additional contract, which I don't see any reason to, to sign this, but included in their contract is five, four, five additional notes. One saying the asphalt, asphalt concrete price adjustment is seven dollars, seven hundred thirty-five dollars (\$735.00) and what this is, and, everybody get a copy of that?

Selectman Dill: I was wondering when we were gonna figure that one out.

Chairman McGarry: What that is, is there are some contracts that I'm familiar with, have includes this, this quotation. So, DOT puts out this number on a monthly basis and if the price, price goes up then the contract is adjusted upwards in the favor of the contractor and if the price goes down the, the price is adjusted downward in favor of the town and the value, what would represent a couple of bucks...?

John Harrington: When we met, the price quoted there is seven thirty-nine (\$739.00), seven thirty-five (\$735.00)?

Chairman McGarry: Yes.

John Harrington: That is what the bid was calculated on. So, the bid from Pike was four hundred and sixty-two thousand seven hundred forty-five (\$462,745.00), they used that price of seven thirty-five (\$735.00). that represents the emulsion part of the asphalt. That's very volatile right now. The day that we met, last Tuesday, as you can see, it's gone up to eight hundred (\$800.00) which would represent two dollars and some change on every ton that we were buying at that time. If they were mixing it that day, they would charge us the higher price and we would have to pay the difference which would represent a change order in the contract.

Selectman Dill: How many tons are we talking?

Chairman McGarry: three thousand six hundred tons for...

Selectman Dill: a fare bit.

John Harrington: Top coat.

Chairman McGarry: Right, and then seventeen hundred tons for...

Selectman Dill: So, ten grand.

Chairman McGarry: So, a total of fifty, fifty-three hundred tons, will be about...

Selectman Dill: Ten six

Chairman McGarry: ...ten thousand bucks.

Selectman Dill: Yeah, which is sizable.

Chairman McGarry: Right.

Selectman Dill: Based on this and they haven't started yet.

Selectwoman McHugh: This could go up again in August whenever they decide to start.

Selectman Huebner: So, I thought we had a firm fixed price bid from them at a certain scope of work with a validity date probably of a week or two weeks or something for us to accept that, right?

Chairman McGarry: The only that this number could be incorporated is if agree to a change order in the contract and there's nothing that says we have to.

Selectman Huebner: So, we basically bought it at a fixed price with them taking the risk on up or down?

Chairman McGarry: Right.

Selectman Huebner: And they're asking us not to, us to take both the risk on up but also the benefit of down.

Chairman McGarry: Right. Exactly.

Selectman Dill: And I'm just looking, this is at four ninety-four for diesel and we're coming down some but it's still not, it's gonna higher than that.

Chairman McGarry: Yeah, well, we're not including diesel prices.

Selectman Dill: I know, but I was just looking at that and using that to figure out that, was at eight hundred for the asphalt.

Chairman McGarry: Yeah.

Selectman Huebner: But we're going to buy this just in the next month, let's say, right, when they start to work?

Selectwoman McHugh: When are they gonna to start the work?

Selectman Dill: They have ninety days, right?

John Harrington: They don't have a scheduled in yet. I'm waiting for that so I can send out the notice to proceed.

Chairman McGarry: Right, and once the notice to proceed goes out that starts the clock for them to do the work in ninety days which brings us to another point.

Selectman Huebner: So, it hasn't gone down, but when was the last time it went down? It's been like a year, right? So, I don't we should gamble that it's going to suddenly go down and we're going to benefit. We should...

Chairman McGarry: All right, so that's the point number one in this proposed contract that they have. Second one is they, the, they reserve the, as they're saying here, they reserve the right to adjust unit prices based on total revenues awarded. Now with the, with our contract, general condition number, number thirty-six, which says that twenty-five, with the change in the quantities of twenty-five percent either up or down there is no adjustment allowed in the contract. If the quantities go higher than twenty-five percent of bid amount then that's grounds for either adjusting the price up or down but that's, you can enter into negotiations with a contractor. So, in this instance we have two hundred and twenty gallons of asphalt emulsion. If we use twenty-five percent, or twenty percent say, of that num, twenty percent higher on that number, which be like forty-four gallons, if we use forty-four gallons more than the contractor cannot come back to us and ask for more money because we are still within the terms of the general conditions. If the price or if the quantity increased to, by say fifty galloons then yes you could come back in and say I want more money or whatever but, in this condition, they have on here, they're saying that they, they reserve the right to adjust the prices, period. Without looking at the general conditions of our contract. So, my recommendation on that is telling them, no, you would follow our contract.

Selectwoman McHugh: For both.

Chairman McGarry: Right. Next one it, they're not responsible for liquidated damages. Our advertisement for bid specifically has liquidated damages of two hundred dollars a day if they exceed ninety days in the, in the, from this notice to proceed. So, in that regard, we would say no, we're not going to agree to that.

Vice Chairman Pitman: Now you know why we want to go with R&D.

Chairman McGarry: And then finally they're saying payment term of net thirty days. John said that they are saying net thirty days after the work is completed. Contract specifically allows for monthly payments based on the amount of work they do during the month and the implication here is, conceivably, that one we sign this they want payment of 30 days from when we sign it, which they're saying that's really not the case but they don't clarify that in here. So, my recommendation on this is we tell Pike no. You, you bid on a contract based on our contract itself. You will follow that contract or we will award it to the next bidder.

Selectwoman McHugh: well, we kind of have to because, I mean, it sounds like it's going to be close to the next bidder anyway, that we could have gone with.

Chairman McGarry: Well, it depends upon the quantities.

Selectwoman McHugh: And who controls that quantity, them right?

Chairman McGarry: No, well, if...

Selectwoman McHugh: Whatever the need is but they need another fifty gallons, well...

Chairman McGarry: We'll have Fred out there to, to, watching them as well.

Selectman Dill: So, they signed our contract though?

Chairman McGarry: They signed our contract.

Selectman Dill: Yeah. I'm with everybody else on this one

Vice Chairman Pitman: Do we even need a motion?

Chairman McGarry: We don't need a motion. We'll just, John will tell them we're not going to sign this and you just proceed with the work based on, based on our contract.

Selectwoman McHugh: And they want it, and they don't have to start until ninety days but yet they want to be paid in thirty days, is that what...?

Chairman McGarry: That's what, that's what this says but John said they're saying no it's thirty days after they complete the work.

John Harrington: Right, once they finish the job, they would like to be paid within thirty days...

Selectwoman McHugh: Yeah, but that's not what that says.

John Harrington: ...which is standard business. It doesn't go into that detail but I asked him...

Selectwoman McHugh: Okay.

John Harrington: ...that they weren't going to be paid until they finished. He understood.

Selectman Dill: Did you ask him what would happen if we didn't sign this?

John Harrington: I said that they may not.

Selectman Dill: Okay.

John Harrington: I couldn't answer definitively if you whether you would sign it or not.

Selectman Dill: And the answer from them was?

John Harrington: Well, we would hope that you would.

Selectman Dill: Okay.

Vice Chairman Pitman: I think we should have a motion so it comes from the board that we declined to see...

Motion: Selectman Dill makes a motion that we do not sign this additional contract.

Selectman Huebner: That we decline their proposal.

Selectman Dill: Or decline, that sounds better, Will.

Chairman McGarry: Decline to sign this additional contract from Pike.

Selectman Dill: That motion's from Will. Sounded much better.

Vice Chairman Pitman: Well, I said it before him.

John Harrington: Who made the motion, Will?

Chairman McGarry: Yep.

Second: Selectwoman McHugh
Discussion:

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

Selectman Huebner: So, does this mean they have to start the work within days to they're going to finish?

John Harrington: Ninety days to complete the work once we issue a notice to proceed.

Selectman Dill: Which I assume we're going to do real quick here.

John Harrington: As soon as I get a date they can start because if we issue it, I could issue it today but if they can't get it in their schedule for another two weeks it doesn't make any sense so...

Selectman Dill: Okay.

John Harrington: They know when the first day of school is starting. The hope is to be completed with all the projects before the buses hit the road and they're towards getting us on their schedule.

Chairman McGarry: I would say that any, any more than, any more than a couple of weeks we just would, just end up singing, give them the notice to proceed.

John Harrington: Okay.

Chairman McGarry: I don't see any reason to hold it.

John Harrington: Okay.

Selectman Huebner: I don't have any experience on the board to know if this is true or not, but my impression is that it's been a protracted effort to get this thing going, you know, to get the town roads paved and I know the citizens are probably waiting to see something happen. So...

Selectman Dill: This is longer than usual.

Chairman McGarry: Yeah, so, probably, yeah, no, give him no more than two weeks and then send out...

John Harrington: I'll be calling him tomorrow to let him know your decision.

Chairman McGarry: Okay. And in the future, I was mentioning this John, under normal municipal contracts that I've dealt with, we normally end up having a bid bond. What the bid bond is, is typically five percent of the total bid. So, what the bid bond does is they post the bid bond and if start playing around games, it's kinda like this, and don't want to end up signing the contract we keep the bid bond in whatever amount it is and then award the contract to the next bidder.

Selectman Huebner: But in this case we can't do that because we've already signed a contract without it.

Chairman McGarry: Right. And, and we didn't have that in the advertisement for bid. It would, it would increase the total cost to cover this additional cost of posting a bond, not significantly, but it would no doubt increase it some but this would give us protection for somebody who's just not...

Selectman Dill: And I'm sure these guys, the, the larger guys are bidding on these anyways are going to be doing those on a regular basis, So, it's not an undue burden putting it on the bid.

Chairman McGarry: Right. Okay. So, that takes care of that, I guess. And everyone got a copy, the letter from the lottery commission and basically it says that any place in town that sells lottery tickets can also do Keno and so, any place, I guess it's Mr. Mike's, can now do Keno as well. All right...

Selectman Huebner: But I have one question on that, does that mean you sell Keno ticket cards or you, that means that you have the video, live game, in Mr. Mike's for instance?

Chairman McGarry: I don't how it works. John are you familiar with it?

John Harrington: That's the only letter I've gotten as well.

Selectwoman McHugh: I've never seen the video, you're right, it does a video thing, it's at the Legion and Ma's and the Lion.

Selectman Huebner: It's a live thing.

Selectwoman McHugh: I haven't seen the live at Mr. Mike's.

Selectman Dill: This is a new change within the, an expansion.

Vice Chairman Pitman: This means they can sell it doesn't mean there's a video.

Chairman McGarry: Right.

Selectwoman McHugh: (Inaudible, being talked over)

Selectman Huebner: The lottery commission has maybe scratch off Keno, I guess. I think.

Selectman Dill: Yeah, I don't know. More things to slow down the line at the gas stations.

Chairman McGarry: Okay, so, just let me read this paragraph. Each retail location wishing to offer the game, Keno, it must meet specific licensing requirements, pay annual licensing fees, and pass a background check. They'll be trained in selling the game. Sales will only be conducted at a lottery vending machine or clerk assisted sale from the counter. Finally, no video monitors will be installed at stores for the purpose of showing live drawings which help keep customer traffic flowing.

Selectwoman McHugh: They were ready for you Alden.

Chairman McGarry: Okay. And correspondence. We have accounts payable manifest which for July eleventh which we, was already signed and in the amount of forty-four thousand four hundred seventy-four dollars and fourteen cents (\$44,474.14). And we also have a payroll manifest and the gross of payroll for ninety-three thousand three eighty-one fourteen (\$93,381.14) with a net payroll of sixty thousand nine O Seven fifty-four (\$60,907.54). Both of these have been approved by the board.

Selectwoman McHugh: Wait, I have a question on that though. The, on, on the accounts payable there was the highway and fire department purchased diesel at the Irving. Is that just the was we, the fuel down here? Is that the was we calculated out or did we actually purchase fuel from a store?

John Harrington: I believe Irving is, is delivering our diesel.

Selectwoman McHugh: So, is that the way we track what we've used here? Okay.

Chairman McGarry: And we have a memo from the building inspector who, Paul Smith was doing some work at the Legion and uncovered an underground storage tank. Which he remembers that, and this is coming from the building inspector, and Paul Smith remembers the, the gas station being there between 1940 and to early 1950s. So, it's, and they wanted to check and see what the width of the right-of-way is there and, but it doesn't involve the town. It's between the Legion and basically comes to DES with what they should end up doing, I don't know if they're familiar with it or not, but they should end up getting the tank, tank registered and by doing so that would then allow them access to the petroleum cleanup fund if there's any contaminated soil that's present there. It doesn't help them with the cost of removing the tank but if there's any contaminated soil that's there then that fund would end up helping to pay for that cost. Then we have a letter from the class of 2022 at Deerfield Community School thanking the board of selectman and Ray Ellis for the opportunity to borrow the café tables and chairs for the semiformal event held on June 10th. And then finally we have a, the Rockingham delegation approved budget for 2023, anybody wants to take a look at that. And we also have a statement from Mr. Gatsas on his activity in the executive council and a notice for the ZBA for a case on Cotton Road. That's all we got. All right, town administrators report.

John Harrington: A few things for you this evening. First would be, I would need a vote from the board to utilize a recreational facility maintenance extendable, expendable trust fund that was just put in this year to pay for the stairway repairs going down to Bicentennial field. The amount was four thousand nine hundred eighty-nine dollars and seventy-five cents (\$4,989.75) done by Fox Construction. I would encourage you, if you have some time, to go down and look at it. It came out very nicely but I would need a vote of the board to utilize those funds.

Motion: Selectman Dill

Second: Selectwoman McHugh

Discussion:

Selectwoman McHugh: I thought we have paid that already from there.

John Harrington: You did. I just need it in the minutes now that it's done.

Selectwoman McHugh: Okay.

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

John Harrington: Thank you. Back on the paving project for a moment, I know we just had a lengthy discussion, last week the representative from Pike and Fred Wallace went out to look at all the different projects. South Road, Middle

Road and Birch Road. When they got to the small section of Middle Road, after examining the pavement, the recommendation from the Pike representative was, it would not be cost effective to grind that part of the road. There's only an inch and a half of pavement on there and there's ledge showing on both sides throughout that whole section. He said if you were to grind it, and they would if we wanted them to, they would have to bring in additional material in order to improve the drainage on top of the ledge and he estimates that the reason the condition of that road is so poor is because of the ledge is so close to the surface. There's not enough pavement. His recommendation would be, it'd be more cost effective to shim and overlay that section which would substantially reduce the entire cost of the contract and allow us to shim and overlay more of Middle Road for the same price and get higher up the hill which would help us out. There are some bad sections but we would need the board to make that as a change order if that's what we wanted to do.

Motion: Vice Chairman Pitman

Second: Selectwoman McHugh

Discussion:

John Harrington: Fred agrees as well. He was unable to make it. He was sick today.

Chairman McGarry: Movement seconded to...

John Harrington: Who seconded? I'm Sorry. Cindy? Okay. Thank you.

Chairman McGarry: ...to make that as a change order to the contract. All those in favor signify by saying Aye.

Selectman Huebner: Wait, some discussion. So, I'm in favor of what you're talking about but I also am in favor of, we said that at the, what, anything that was left over we were going to use to cold patch, cold patch Haynes Road, right?

Chairman McGarry: You mean an overlay.

Selectman Dill: Overlay, not cold patch but...

John Harrington: Cold patch is very temporary and it can easily get plowed up.

Selectman Huebner: But you keep talking about three roads but...

Selectman Dill: Yeah.

John Harrington: There's South Road which is going to be ground and then a winter base course put down of asphalt. Birch Road will be shimmed and overlaid and Middle Road was initially going to be ground but after examining it he felt it was not a good use of the town's money but to shim and overlay that which is less costly without the grinding to the same amount of the current contact, contract price. That still leaves additional funds in the budget between the warrant article and the budget to fix Haynes Road so that the signs can be removed and opened up to traffic again.

Selectman Dill: But that wasn't part of the original bid so that'll be an extra project after.

Selectman Huebner: So, my question was not, was only about, should we pave further up the hill of middle road with the extra money, with the savings, or should we put that towards Haynes Road to do a better job on Haynes Road.

Chairman McGarry: Guess we could get a recommendation from Fred.

John Harrington: I will do that.

Chairman McGarry: Giving you an idea of what the cost savings would be with the dollar, their bid price for the reclamation is a dollar fifty-five (\$1.55) per square yard.

John Harrington: He, when I was talking to him today, he did a very quick calculation somewhere in the order of thirty-eight thousand dollars (\$38,000.00) would be saved by shimming and overlaying Middle Road rather than...

Selectman Dill: Grinding.

John Harrington: ...grinding.

Chairman McGarry: Grinding.

John Harrington: I'll have a discussion with Fred.

Selectman Dill: So, we gotta table our motion or pajar our motion.

Chairman McGarry: Yeah.

Selectman Dill: Based on the road agents.

John Harrington: Well, you don't have to table the motion not to grind.

Chairman McGarry: Right.

Selectman Dill: Oh, Okay.

Selectman Huebner: So, we should vote on the motion to not grind and save money.

John Harrington: We have a motion and a second on the table.

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

John Harrington: And one final item, just circling back to a comment made at the last meeting during citizens comments regarding posting job openings. I checked with both New Hampshire Municipal Association Legal Services and our own town council. Neither could recall any state or federal law which requires an employer to post a job. The Town of Deerfield does adhere to posting all positions just to make it very transparent and clear but there are no laws requiring us to do so.

Chairman McGarry: Thank you. Do you want to do non-public now or...?

John Harrington: Its up the board. It's going under d and I.

Selectwoman McHugh: I could I just say something real quick.

Chairman McGarry: Cindy.

Selectwoman McHugh: I wanted to say the rabies clinic went very well Sunday. We got some more dogs registered and some more cats got their vaccines and to thank Kelly. She did an awesome job.

Selectman Dill: You have good turnout?

Selectwoman McHugh: Yeah, it was pretty steady.

Motion: Vice Chairman Pitman makes a motion to go into non-public. RSA 91-A:3 II. Only the following matters shall be considered or acted upon in nonpublic session: (d) Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.

(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 Dill.

Chairman McGarry: Will?

Selectman Huebner: Aye.

Chairman McGarry: Alden?

Selectman Dill: Aye.

Chairman McGarry: Cindy?

Selectwoman McHugh: Yes.

Chairman McGarry: Dick?

Vice Chairman Pitman: Yes.

Chairman McGarry: and McGarry, yes.

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

Chairman McGarry: No decisions were made in the non-public session. No votes were taken.

Motion: Chairman McGarry makes a motion to seal the minutes.

Chairman McGarry: Will?

Selectman Huebner: Aye.

Chairman McGarry: Alden?

Chairman McGarry: Alden?

Selectman Dill: Aye.

Chairman McGarry: Cindy?

Selectwoman McHugh: Yes.

Chairman McGarry: Dick?

Vice Chairman Pitman: Yes.

Chairman McGarry: and McGarry, yes.

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

John Harrington: I need a motion from the board to respond to an settlement offer from attorney Alfano regarding the Cross versus Deerfield case.

Motion: Selectwoman McHugh

Second: Vice Chairman Pitman

Discussion:

Chairman McGarry: movement seconded to deny the proposal from Alfano?

John Harrington: Right, motion would be to deny the settlement offer.

Chairman McGarry: Right. Any further discussion?

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

John Harrington: And the second on that was?

Selectwoman McHugh: Dick.

John Harrington: I would also need a motion from the board regarding the offer to buy the town property parcel and to reach out to the abutters and notify them of the potential sale of this.

Motion: Selectman Huebner makes a motion that we go for competitive bidding from the abutters.

Second: Selectwoman McHugh.

Discussion:

John Harrington: And I can site the actual map and lot. It's map four eighteen (418) lot zero zero six (006).

Selectman Huebner: Would we entertain offers from somebody who was not an abutter?

Vice Chairman Pitman: No.

Selectman Dill: No.

Vice Chairman Pitman: Makes no sense.

Selectman Huebner: But from the town's perspective if somebody would pay more wouldn't we...

Inaudible talking.

Selectman Dill: Yeah, it's completely land locked.

Chairman McGarry: Right.

Selectman Huebner: I mean I wouldn't think they would want to offer anything but. Okay.

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

Chairman McGarry: All right, any other unfinished business? We've already covered the Pike paving agreement. Dick?

Vice Chairman Pitman: Yes, I got a call yesterday morning, Sunday morning, from Mark Young and he will donate his time and his excavator to fix the culverts on Haynes Road so we can get that road going again. All he wants is the fuel.

Selectman Dill: And the culvert.

Chairman McGarry: Okay. Good.

Vice Chairman Pitman: He will do that and he said that John could get a permit within the week. He can tell you who to contact if you don't know. While we are in a drought, we need to do it. He did it originally back in the eighties when he worked for Bar Excavation.

Selectman Huebner: Is he an insured contractor?

Selectman Dill: mm-hmm.

Selectwoman McHugh: Yes, he is.

John Harrington: So, what was he asking of me, Dick, I'm sorry?

Vice Chairman Pitman: Get he permit cause it's a, involves a brook.

Selectman Dill: Coordinate with the road agent I'm guessing.

John Harrington: And was the board proposing to do this this year?

Vice Chairman Pitman: Yeah.

Selectwoman McHugh: Yes. ASAP.

Vice Chairman Pitman: We told him we'd get Haynes Road open again to trucks.

Selectwoman McHugh: As soon as you can get the permits.

John Harrington: Well, the reason Haynes Road was closed was the condition of the pavement not the culvert.

Selectman Dill: Yeah, but we want to do the culvert.

Selectwoman: I thought it was culvit.

Selectman Dill: It's both but we can't pave it before we fix the culvert so we might as well fix the culvert especially if somebody's offering to help us with it.

John Harrington: Does the board have...

Selectwoman McHugh: Does that no open the road?

John Harrington: Does the board have an idea of what department or what budget line you would be charging for this?

Chairman McGarry: For the uh...

John Harrington: Culvert work.

Selectman Huebner: Well, he's only charging for fuel, right?

Chairman McGarry: well, plus (inaudible, to many people talking at once)

Selectman Dill: Right, yeah, it would come out of the...

Chairman McGarry: Come out of the highway.

Selectman Dill: out of the highway.

Selectwoman McHugh: Is this going to open the road or is he going to do this and the road's still going to be closed because I was under the impression that we closed that because we didn't want somebody going through the culvit not because of the asphalt.

Vice Chairman Pitman: We knew it was rough but Cindy's right and that's what the truckers believe is the reason.

Selectman Dill: I would personally say we've got to fix the whole thing first.

Selectman Huebner: Right. We said that it was also we didn't want to further damage the road with a heavy truck traffic until it was repaved, right? I was saying right because Cindy's asking the question.

Selectman Dill: That was my understanding as well.

Selectman Huebner: I mean I wouldn't think we would open it to heavy truck traffic with the pavement being in the condition it's in, just completely carried out, until it was paved but that should be happening very soon, right? Both of those things.

Selectman Dill: I would that, I mean, my understanding would be that if we can get Pike in to do this that we could use them to help us shim at the end and overlay Haynes Road is my, that's the assumption I've been running under.

Selectman Huebner: With in ninety days.

Chairman McGarry: Yeah, that would be a change order to increase the quantities on paving.

Selectman Dill: That was, that was how I was envisioning it happening. I mean...

Vice Chairman Pitman: In the meantime, we can get the culvert done.

Selectman Dill: We get the culvert done but we wouldn't be open right off after we do the culvert but it would still be moving in the right direction is my take.

Chairman McGarry: So, what John you'd have to do would be to contact wetlands to see if a permit is required to simply replace that culvert.

Selectman Dill: An existing one.

Chairman McGarry: If there's something more than that is required, you'd could be talking months.

Vice Chairman Pitman: Mark talked to somebody he said we could have it within a week.

John Harrington: Okay. I'll make a call tomorrow.

Chairman McGarry: Okay.

Vice Chairman Pitman: You can call Mark and ask him.

John Harrington: Okay.

Chairman McGarry: All right.

Selectman Huebner: I have one item of old business which is, we had asked Matt Fischer about the committee that's trying to decide about the ambulance.

Chairman McGarry: Oh, Yeah, that's right.

Selectman Huebner: And I had pressed him to do it sooner than later but I haven't heard anything. John, maybe you can follow up with...

Selectwoman McHugh: I'm on that committee. We just got an email from deputy chief John. We wanted to get the PowerPoint so he can come in and present it to the board. So, it's coming shortly.

Selectman Huebner: All right.

Selectman Dill: Related. Do we have the, is the new truck in service, the pickup, command vehicle?

Selectwoman McHugh: Not that I know of.

Vice Chairman Pitman: I asked at the last meeting two weeks ago.

John Harrington: He's still waiting for the top and some of the electronic components.

Selectman Dill: And, were you able to get anybody at the state about trimming North Road back.

John Harrington: The question was asked and it wasn't that responsive.

Selectman Dill: Okay.

Chairman McGarry: All right. Any new business? Any other business? Citizens comments? I believe we have Mrs. Cady making a citizen's comment.

Harriet Cady: First of all, I apologize that I thought it was law because under Cindy and the previous town administrators they always in-house posted. Jan, you would see the posting for a job and then they would advertise it so it isn't a state law except for state employees and I think that the town of Deerfield should post the job in-house and then should advertise it outside the building. If you don't want to do it then I'll circulate a petition and see if the people want it because I feel when people ask me, how should I know about this, where do I find it, and I said Well it was advertised in town and city and they said it was on the web. Well, I don't know that, that's not where I would look for it. I would look for it in the newspapers. So, I'm asking you to do what was formally done and you could look at the old records and it was in the minutes that Cindy and the, Jan and so forth would post the job in-house and then they would advertise in the newspaper of general circulation. So, I apologize that I was wrong but it wasn't in what I knew had been happening in the past.

Motion: Vice Chairman Pitman makes a motion to adjourn.

Second: Selectman Dill

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

Next Meeting: August 1, 2022 at 5:30 pm

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

Corrected minutes submitted by John Harrington, approved by Board of Selectmen at the August 1, 2022 meeting.