

**TOWN OF DEERFIELD  
BOARD OF SELECTMEN  
April 15, 2019  
MINUTES**

**Call to Order**

Following the public hearing – Chairman Robertson called the meeting to order

**Present:** Andrew Robertson, Chairman; Richard Pitman, Vice Chairman. Fred McGarry, Jeff Shute and Cindy McHugh, Selectpersons.

**Pledge of Allegiance to the Flag**

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

**Kelly Roberts – Town Clerk/Tax Collector** – Index of Town Clerk Record Book - special project done by Joanna Waring

Ms. Roberts stated that she was at the meeting tonight with Joanna Waring to present and reveal a very special project that was happening in her department that everyone in the community will benefit from.

She stated that she gives complete and total credit to Joanna and is honored tonight to be there to share it with everyone and to appreciate Joanna for a job well done.

This is a town clerk record index project. Joanna has gone back through the records until 1989 and created a user-friendly index of warrant articles that is searchable, logical and easy to use. In a nutshell, Ms. Waring has made it easy to search warrant articles or other town information by looking up with key words for articles and other subject matter.

Ms. Roberts stated that there is a disclaimer, that the document is fluid. It is merely a tool to assist the researcher, whether it be the Board of Selectmen, a department head or a citizen in their research.

It is by nature, an ongoing draft that will be updated and added to as the data becomes available.

So far, Ms. Waring has gone back to 1989. The goal is to get them all indexed.

Ms. Roberts asked Ms. Waring if she would like to say anything about the project to which she agreed.

Ms. Waring stated that it got her attention about vague references to warrant articles in the 1990's and she stated that she had only been living here four years so she had absolutely no memory as to when things were done.

She did notice that she saw Selectman McGarry's name going back awhile so she thought that he had a pretty good memory of things.

Ms. Waring continued that what she did was keyworded the warrant articles and put them into a main index so if someone wanted to look up warrant articles regarding dog licensing, a person could use the index and go right to it instead of looking items up for hours.

She stated that she broke it up into warrant articles going back to 2000 in the main index. Prior to 2000, she stated that she split items out and didn't put items in that weren't relevant anymore such as funding for a copier for the police station which was put off into a separate list.

Ms. Waring also stated that she indexed items that were in the clerk's report such as Articles of Agreement, different non-profits in town, the perambulations for the different towns are now in a separate index so if someone needed to look one of these up, a person wouldn't have to guess what year.

She stated that she indexed items into three different indexes and it started with Ms. Waring trying to do some research to understand some things and asking Kelly who would state that it is in the books somewhere and if you didn't know approximately where it is, it is a lot of reading to do.

This is when Ms. Waring talked with Ms. Roberts about doing this project and she stated to just go for it. She stated that Ms. Roberts has had the project about a month or month and a half and thought that Ms. Roberts has had a couple of instances that saved her. She stated that a couple of people came in and asked a question and now she can go right to the answer.

Ms. Waring stated that she has now completed all but two years going back to 1968 and once finalized, she will give that the Ms. Roberts.

Chairman Robertson stated that this index is up and active because he used it late last week looking at some historic commission type things and he was envisioning thumbing through 20 years of town reports to find out where the warrant articles were and stumbled into Ms. Waring's index.

Ms. Waring explained that this is her, sitting down, reading documents, page by page, so it is quite possible that she missed something here or there with putting items on a spreadsheet and constantly sorting, she hoped she didn't flip a date somewhere.

This index is strictly informational and give a person somewhere to go to find things. Things that aren't relevant anymore like funding for something that was thirty years ago, people aren't going to care about that today. It was her choice as to what items went into what indexes.

Ms. Roberts stated that this project is a clerk's dream come true and something that is very near and dear to her heart. When you have one of those days when you put the sugar in the fridge and leave the creamer on the counter and come into work and only check off one thing on your list, having someone jump in and do this is a dream come true. People are going to use this and benefit from it forever.

Selectman McGarry if this index has the actual wording of the article to which it was determined it didn't.

Ms. Waring stated that it's like a brief description such as for instance, it talks about the historic commission, if the warrant article mentioned them, it will be historic commission and then a dash and in some instances it would say that this is what established the commission or this is when it went from five members to seven members. It's like a one, two-line description. Hopefully, there's enough there so that a person could determine that this is what they were looking for.

In the main index, some of the warrant articles are actually indexed, three, four or five times because maybe the Planning Board was mentioned, the Conservation Commission was mentioned as well as the selectmen were mentioned so she tried to make it in the index, if a person was only thinking the Planning Board, they would still find what they were looking for.

Some are only mentioned once, for instance, if you wanted to know when Bingo was approved in town, you could look under Bingo or look under games and it would be listed twice. She stated that she tried to put just enough without over cluttering to give a sense of what a person might be looking for.

Selectman McGarry stated that it would give you the year and the warrant article and a person would go back into the town report for that year and pull that out.

Ms. Waring stated that the index has the year, the article and she actually put down whether it was voted yes or no but a person would still have to read the warrant article to find out what they actually said yes to.

Some of them were done, year after year after year and a person would see, no, no, no and then you might see the yes. She tried to always key things to make sure everything stayed together.

The stuff that were not warrant articles such as Articles of Agreement, those are in a separate one and are only listed one time. It's not as long of a list so a person can scan down. If you are looking for firearms ordinances, or flashing beacons and when stop signs were put in, and she tried to put in just enough as to not to clutter it. It would say which volume and which page it was located as it wasn't a warrant article.

Chairman Robertson stated that he would note that the town clerk record books are on the new website as well and would say at least 25 years were there or more.

Ms. Waring stated that the books go back and that is where she started finding stuff. She stated that she was researching something from 1870.

Chairman Robertson stated that there are handwritten records and Ms. Waring stated that they are online also. Look under old and it is pretty interesting read for some people.

Ms. Roberts stated that since the new website launch, she has some work to do when she has time, is that she is going to consolidate some of those records so that it is easier. She stated that she just wanted to get the link out there so people could start using this.

Ms. Waring stated that she has a couple more years and she will be finished back to 1968 after she checks her work. She stated she will take a break and then go to the next volume and keep going back until Ms. Roberts states that there is enough.

It is very interesting but as the records go back, the handwriting gets harder to read and it slows her down.

Ms. Roberts stated that the last thing is that she would like to take this moment to acknowledge and appreciate Ms. Waring for a tremendous job. As a clerk, it is a dream come true. Thank you for your selfless service to our community and your willingness to do a difficult job. What she has done will not only help us in the present but will help generations to come. Both Ms. Roberts and the Board of Selectmen thank Ms. Waring very much.

Ms. Roberts presented Ms. Waring with a gift and a plaque to show her and the Board's appreciation.

#### **Regular Business:**

##### **Review of Outstanding Minutes of April 1, 2019**

**Motion:** Vice Chairman Pitman moves to approve the minutes of 4/1/2019

**Second:** Selectwoman McHugh

**Discussion:**

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

##### **Accounts Payable Manifest - \$33,976.17**

**Motion:** Vice Chairman Pitman moves to approve the accounts payable manifest

**Second:** Selectman McGarry

**Discussion:**

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

##### **Abatement request for Rob & Jeannette Wolfgram - \$1,000.00**

After meeting with Avitar, it was determined that the assessment would be dropped to \$80,000.00 and therefore an abatement of \$1,000.00 is requested on Map 414, Lot 106-8

**Motion:** Vice Chairman Pitman moves to approve the abatement request approved by Avitar

**Second:** Selectman McGarry

**Discussion:** Vice Chairman Pitman noted that he was glad that the homeowners took the Board's advice and met with Avitar.

Selectman McGarry asked if the Wolfgrams were aware of the abatement to which Mr. Harrington and the Chairman stated that they thought that he was.

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

##### **Elderly Exemption – David Gazzola – 31 Range Road**

**Motion:** Selectman McGarry moves to approve the elderly exemption

**Second:** Selectman Shute

**Discussion:**

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

**Notice of Intent to Cut Wood/Timber – Steven and Dorothy Anderson – 47 Nottingham Road**

**Notice of Intent to Cut Wood/Timber – Steven and Dorothy Anderson – 47 Nottingham Road**

**Notice of Intent to Cut Wood/Timber – Eric and Kathy Berglund – Nottingham Road**

Current Use/Land Use Tax Change - \$7,000.00 - Beno and Margam Itzma – Land that is coming out of current use

**Motion:** Vice Chairman Pitman moves to collect the land use tax penalty in the amount of \$7,000.00

**Second:** Selectman Shute

**Discussion:**

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

Current Use/Land Use Tax Change – Robert and Monica Heon – 3 Sandpit Avenue in the amount of \$5,500.00

**Motion:** Selectman Shute moves to collect the land use tax penalty in the amount of \$5,500.00

**Second:** Selectwoman McHugh

**Discussion:**

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

Current Use/Land Use Tax Change – Alan Cohen Development – McCarron Road - \$9,000.00

**Motion:** Selectman Shute moves to collect the land use tax penalty in the amount of \$9,000.00

**Second:** Selectwoman McHugh

**Discussion:**

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

**Cemetery Deed Application – Peter and Ruth McGaffern – Lot in Old Center Cemetery**

**Motion:** Vice Chairman Pitman moves to approve the purchase of the cemetery lot

**Second:** Selectman Shute

**Discussion:**

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

The town clerk, Ms. Roberts, had discovered a release of lien for a prior collector, which referred to the prior tax collector. The Board of Selectmen have to sign off on tax lien redemptions. This is from 2017 for Philip Jakes and Judith McLackey.

Chairman Robertson stated that he had two other items and normally they wouldn't require a motion but they only have one signature line so he will need a motion to have the chairman sign them.

**Motion:** Vice Chairman Pitman moves to allow the chairman to sign for three cases of blue bags for the town wide cleanup

**Second:** Selectman Shute

**Discussion:** Chairman Robertson stated that there is no cost for this but it needs to have the select board sign off on it.

It was asked where they come from to which the chairman stated that they come from "NH the Beautiful – Litter Free NH out of Epsom, NH"

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

The second item is an item that was previously acted on from Ed's Flooring America. There is a contract that needs a series of signatures.

**Motion:** Selectman Shute moves to authorize the Chairman to sign the contract from Ed's Flooring America

**Second:** Selectman McGarry

**Discussion:**

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

Chairman Robertson stated that they had a letter from NH Public Broadcasting attorneys listing the real estate which they are declaring exemptions on because they are public broadcast properties. It doesn't require any action but it is there for the Board to review.

Chairman Robertson thought that a large portion of it was the top of Saddleback Mountain.

**Town Administrator's Report:**

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

The first was to bring to the Board's attention, the town ordinances are not available online beneath the Zoning Board of Appeals. Andy Long has been working several months on ordinances going back until she could find the originals. They have all been made into a pdf and indexed so to make it easy to look them up.

In the next several weeks, the policies will be up online also.

He also wanted the Board and the public to be aware that there are several bids out for services and materials. The following are closing on April 24<sup>th</sup>. They are available on the town web page as well as the town's Facebook page. The physical postings are located at the G.B. White Building, post office and the library.

There are four highway department bids out which include paving, winter sand, road reconstruction materials and roadside mowing which closing April 24th.

For the town side, there are four separate requests for bids for town mowing which include the G.B. White Building, the transfer station, water holes and cisterns and athletic fields of Bicentennial and Hartford Brook which closes April 24th.

There is a bid out from the Cemetery Trustees for cemetery maintenance which closes on April 17<sup>th</sup>.

Vice Chairman Pitman asked if the cemetery bids would go to the trustees. Mr. Harrington stated that the bids will go to the trustees first and then come to the Board with their recommendation.

One other item, he would like the Board's approval to order one panic bar for the large rooms down in Parks and Rec Department. That was part of the fire inspection from last year that the town should put push bars but in order to find out if the one is the right fit by installing it, he would like to order just one. If that fits, he would order the rest.

All Board members agreed that would be a good idea.

Mr. Harrington stated that he had one other piece of good news. The librarian, Candace Yost, just had a baby girl, named Lucy. Ms. Yost will be out several weeks and her staff will cover the openings and maintenance of the library.

Chairman Robertson asked if any of the Board had questions for the town administrator. None heard.

**Unfinished Business:**

There was an appointment request with Rob and Jeannette Wolfgram regarding their abatement. He didn't see that they were in attendance this evening. If they show up, he would recognize them.

**New Business:**

Selectman McGarry stated that he had had some interaction with the Alton Board of Selectmen and saw their agenda to which they have a public policy with regard to public input in the meetings.

It was fairly well detailed the policy that they have.

He talked with Mr. Harrington as he could not recall whether or not Deerfield had a policy which Selectman McGarry thought that they didn't.

He thought their policy would be a good one to take a look at and decide whether or not what they use would be a good idea to use for Deerfield.

It specifically said that citizens could provide input and what the procedure is with giving their name and address and what they would like to address. It also gave guidelines if any attacks were made against town employees and such. That would be out of bounds for that type of input.

Similarly, if abusive or profane language was used while a member of the audience was giving input, they would be asked to refrain from that and if they chose not to, they would be asked to leave.

He thought that it would be good to have a policy in place in case someone was in violation of this.

Chairman Robertson stated that one thing that he would note, was when he saw Selectman McGarry's policy, he thought it recognized it as Alton's and confirmed it with Mr. Harrington.

He didn't disagree and there has been more formal policies in the past, and when he states past, he means the fairly distant past.

At one point, and not the present legal counsel, had advised the Board to get a little more nebulous with regard to their policy. He didn't recall the specifics as to why they did that.

His only concern, and he would like to adopt a policy, and it stuck out in particular in having two public comment periods, one at the beginning and one at the end so if someone had something that they wanted to comment quickly on the agenda, they would have the ability to do that without having to listen to the Board for two hours.

He was a little concerned because Alton is the fairly recent test case for what not to do with regard to public comments and the Board of Selectmen. They actually lost a Supreme court case in 2017 or 2016 – Alton vs Clay for expelling a man from their meeting and ended up paying close to \$50,000.00 in settlement after the Supreme Court case to get out of it.

He is suspecting that their rigorous policy may be after the Supreme Court hearing where they adjusted and augmented their policy but that he would want to make sure that that was the case and that the policy that Selectman McGarry had wasn't the policy in affect at the time of the lawsuit.

Selectman McGarry stated that this policy was the one attached to their agenda for the first meeting in March.

Chairman Robertson stated that he remembered talking not with Deerfield's town counsel but another town counsel about it at the time when it went to court and what he said was that they needed to be very careful. Public comment is a courtesy of the Board unless they are specifically spelled out to which it becomes an identified forum that has to be followed.

Selectman McGarry thought that it was addressed in the policy which it stated that public participation in the Board's regular meetings is a privilege that the Board has adopted to ensure that those that wish to appear before the Board to discuss agenda items or want to discuss with the Board to bring new matters to be heard.

Maybe it might be a good idea to have town counsel just take a quick look at it.

Chairman Robertson stated that he was going to suggest the same. He liked the idea of the policy and it looks good but he thought that they should run it by town counsel quickly and also find out what the date stamp on their policy is. If it's after 2017, it's probably good. If it's before 2017, he would have questions.

Vice Chairman Pitman stated that after looking at the policy, he didn't think that they needed to have a five minutes speaking period. He stated that for instance tonight, it seemed that people didn't take more than a minute to speak or make a comment.

Selectman McGarry stated that this is what their policy is and obviously the Board can take and customize it to whatever Deerfield would like to have.

Chairman Robertson stated that typically they have used three minutes with exceptions granted by the Board if someone was telling the public something critical, they wouldn't cut the speaker off after three minutes.

Chairman Robertson stated that he didn't have any specifics but he would like to talk to the road agent about and talk among their selves, is to get back to a highway five-year master plan.

In years past, they have done engineering reports on all town roads. Typically, either NHDOT or Southern NH Planning. He was talking to the folks in Nottingham who use Strafford County Planning who does pavement analysis and porous road surface analysis at little or no cost for every road in town and cross references it with the amount of traffic verses the condition of the road which gives the road agent and the select board an idea as to where they want to head in regards to road reconstruction.

He stated that he has complete faith in the present highway agent but that they may not always have the same highway agent forever and he thought it had been quite a while since the Board of Selectmen have identified what roads might need reconstruction sooner rather than later.

He stated that he would like to make some effort, what services are available to the Board, particularly services that will not cost the town anything from possibly DOT or SNHPC that they pay annual dues to.

Selectman McGarry stated that he would check with SNHPC to see what services that they could provide at what if any cost.

Chairman Robertson asked for a motion to go into non-public session.

**Motion:** Vice Chairman Pitman moves to go into non-public session under RSA 91-A:3, II(a) - The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted.

**Second:** Selectman McGarry

**Discussion:**

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

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

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

**Second:** Vice Chairman Pitman

**Discussion:**

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

Citizen's Comments

None heard

**Motion:** Selectman McGarry moves adjourn

**Second:** Vice Chairman Pitman

**Discussion:**

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

**Next Meeting: Monday, April 29 at 5:30 pm**

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