

**TOWN OF DEERFIELD
BOARD OF SELECTMEN
June 19, 2023
MINUTES**

Call to Order

5:30 – Chairman Pitman called the meeting to order

Present: Chairman Richard Pitman, Vice Chairman Fred McGarry, Selectwoman Cynthia McHugh, Selectman Will Huebner, and Selectman Steve Barry.

Pledge of Allegiance to the Flag.

Eric Gross and Kevin Webber, Boy Scouts tax Exemption for Building at the Fairgrounds:

Eric Gross introduces himself and many others involved and at the meeting representing the Boy Scouts troop and then hands it over to Kevin Webber. Mr. Webber states they are they to talk about the denial of the property tax exemption for their building at the Deerfield Fairgrounds. Mr. Webber goes on speak to the letter from Avatar Associates and the denial for the tax exemption. Avatar denied the exemption stating the booth is not used for charity. Mr. Webber feels that since the booth is used to fund the charitable program of the Boy Scouts for the year the exemption should be approved. In the end he would like the Board to reconsider their decision of denial. Mr. Gross then goes on to explain why this issue has arisen and if it had been handled correctly prior to himself and others this would not be an issue today and the taxes he paid for 2022 do not reflect that they believe that taxing these buildings is justified and he feels avatar is fundamentally wrong in their analysis. Chairman Pitman asks how they would like the motion to made and Mr. Gross states that they ask the Board of Selectmen to vacate the Mat 22nd decision to deny the Boy Scouts tax abatement application and by extension they should vacate the parallel 4-H building decision. Also, to administratively correct the previous clerical error regarding the two Boy Scouts parcels without the requirement to refile an application or to go through appeals process and to refund the erroneously charged 2022 taxes on the two parcels they he paid in April of 2023. Vice Chairman McGarry states that no one can deny that the Boy Scouts do a great service to the town and the explains why they denied it and reads the specifics from Avatar that the buildings aren't being used for charity and Mr. Gross disagrees with avatars specifics and asks the Board to remember everything himself and Mr. Webber just spoke about. Selectman Huebner then stands up and agrees with Mr. Gross and Mr. Webber and believes the decision should be reversed. Selectman Barry then asks if it is correct to say that without the fundraising at the Deerfield Fair the Boy Scouts wouldn't be able to operate completely and it is agreed that they wouldn't be able to. They would have to find a new way to fundraise as these funds most of the program. Selectwoman McHugh states that she called the state after BOS's last meeting, she acknowledges that she may not have explained it correctly and she never got through to the main person who could actually confirm it, but everyone she did speak to didn't agree with the denial because the Boy Scouts are a charitable trust and they shouldn't be taxed.

Motion: Selectman Barry makes a motion to reconsider the Boy Scout Vote.

Second: Chairman Pitman

Discussion:

Selectwoman McHugh asks if this will be for both organizations, Boy Scouts and 4-H and Selectman Barry states, yes. Selectman Huebner then asks about the part of the letter from Avatar stating that if they didn't for the denial it would cause trouble and asks John Harrington about it and Mr. Harrington doesn't recall the letter. Selectman Barry recalls it saying they couldn't go against and Selectman Huebner states he rather take the heat from the state. Selectman Barry reminds them that the motion right now is to reconsider and he'll make another motion after this that he'll use some of Mr. Gross's language in.

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

Selectman explains why he voted with Avatar and then asks if anyone feels the Boys Scouts Fundraiser at the Deerfield Fair booth is the reason they can operate during the year and states he feels this is how

they do what they do. Selectman Huebner explains why he feels they aren't voting to reverse this because this is their only means for fundraising but they are doing this because they are recognizing it's fundamentally wrong.

Vice Chairman McGarry then reads another statement from Avatar that states Avatar agrees that the Boy Scouts themselves are a charitable organization that they also agree that the Boy Scouts own the building but it does not meet the requirements in the section of the statute that states it must be used and occupied by them directly for the purposes for which they are established. They are selling food and fundraising in which they then use the money that is raised for something that is directly for the purpose for which they are established but in Avatar's opinion, while the building is owned by them is not being used or occupied on those few days a few directly for charitable purposes for which they are established. He then reads the statute itself, RSA 72:23, Real Estate and Personal Property Tax Exemption (roman numeral v), and states he thinks Avatar is reading into it as the Boy Scouts are not using the building for anything else other raising funds. Mr. Gross states he feels this is partly correct because they don't use the building any other time of the year but it is a month's long process and it's integrated into the program for the purpose for which they are established.

Selectman Barry confirms that they are also speaking to the 4-H as well with all this.

Motion: Selectman Barry makes a motion to grant the tax exemption waiver and to administratively correct the previous clerical error regarding the two Boy Scouts parcels without the requirement to re-file an application and to refund the erroneously charged 2022 taxes on the two parcels paid April 2023 and this is to include the 4-H as well.

Second: Chairman Pitman

Discussion:

Vice Chairman McGarry asks if there are any other organizations this should pertain to. It is agreed that there is not but Mr. Gross does comment saying the Community Church has a booth but it's probably filed under religious status. It is then mutually agreed that the Board all agrees that they believe in the Boy Scouts and they should get a tax exemption even though Avatar does not feel they should.

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

Regular Business

Review of Outstanding Minutes 6/5/2023:

Motion: Selectman Barry makes a motion to approve the minutes as written.

Second: Selectwoman McHugh

Discussion:

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

Vouchers/Payroll Manifest/Accounts Payable Manifest:

- Payroll Manifest – No payroll this week
- Accounts Payable – \$11,497.22

Motion: Selectman Barry makes a motion to approve accounts payable manifest in the amount of \$11,497.22.

Second: Vice Chairman McGarry

Discussion:

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

Signatures/Correspondence:

- Signatures
 - New Hampshire Electric abatement recommendation. Avatar states they reviewed with NHEC to determine what the issue was with the Town's 2022 NHEC assessment and why they felt there

was a \$134,200.00 over assessment. They had edited the 2018 base data changing one value from \$210,592.00 to \$316,559. As 2018 is the base year that data should not be changed and Avatar has notified them that increasing the 2018 base data would result in improvements and or new construction going assessed and as such Avatar recommends this abatement be denied.

Motion: Selectman Barry makes a motion to deny the abatement.

Second: Vice Chairman McGarry

Discussion:

Selectman Huebner states he's not sure he understands it and explains how he interpreted it. Vice Chairman McGarry re-reads the letter and Selectman Barry asks if they are saying they made a clerical mistake and Vice Chairman McGarry agrees with this. Selectman Huebner then asks what the motion is and Selectman Barry states the motion is to deny the abatement. Selectman Huebner asks if there is a rule about the base being set and then it not changing and then states that's what he's not understanding. Selectman Barry states that from what he's understanding is that they put the wrong numbers in for the base and then changed them or didn't change them but they are saying that the values are correct, that the 2018 base should not change and Vice Chairman McGarry agrees. Selectwoman McHugh asks who changed it and Vice Chairman McGarry states the electric company per the letter. Mr. Harrington states that from what he read in the letter it appears that when NH electric Co-op was filling out their assessment appeal, they had changed the base data and they weren't supposed to change it by putting in a higher number and that is what Avatar is pointing out and it's not supposed to change. This results in the taxes and the assessment that they were given is correct when Avatar first assessed them. Selectman Huebner then asks, so Avatar is correct in not changing the base and Mr. Harrington states that is correct and that is why Avatar is recommending denying the appeal.

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

-Personnel Action Requests:

Lily Bolton. Veasey Park. Head Lifeguard. \$17.00 an hour.

Lily Fifield. Veasey Park. Lifeguard/Park Manager. \$17.00 an hour.

Jessica White. Veasey Park. Lifeguard. \$13.00 an hour.

All three recommended by Travis McCoy.

Motion: Selectman Barry makes a motion to approve all three personnel action requests.

Second: Selectwoman McHugh

Discussion:

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

-Personnel Action Request. Elayna George. Summer Library Page. \$13.00 an hour.

Motion: Selectman Barry makes a motion to approve Ms. George's personnel action request.

Second: Vice Chairman McGarry

Discussion:

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

-Personnel Action Request. Kevin Lemieux. Change from 25 hours to 30 hours week at \$36.75 an hour.

Motion: Selectman Barry makes a motion to approve the change in hours for Kevin Lemieux.

Second: Vice Chairman McGarry

Discussion:

Selectwoman McHugh states she thought he wasn't going to have time to do that many hours.

Mr. Harrington states that it will not happen every week. Only when he has time to do it and has

there is a need for the additional time. He's finding that the amount of field time he's needing to do is making it hard to keep up the office work so this is more administrative time outside of his regular posted hours. Selectman Huebner then asks how it will affect the budget. Mr. Harrington states that by adding five hours a week to the schedule will increase the budget by \$9,555.00 a year and the budget allocation is \$47,327.00 so it would over expend that line. Selectman Huebner then states that he's heard from some people about having a hard time getting in touch with the building inspector because he's so busy right now and Mr. Harrington agrees that Mr. Lemieux very busy.

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

Animal Control Ordinance – Dog Addendum. Mr. Harrington explains that this ordinance has been on the books since 2008 and Hartford Brook needed to be added to the ordinance so this is the updated version for the Board to sign. Selectwoman McHugh states that the ordinance states any Town property and activates so why do they have to list specific areas. Mr. Harrington points out that it does list some specifics and exceptions and Selectman Huebner then states some of the exceptions. Chairman Pitman reads the list of parks that were on it and points out that Hartford Brook is now added and Mr. Harrington agrees and states that they can change the ordinance to read however they would like it to read. Selectwoman McHugh states that she just doesn't want to specify. Selectman Barry asks that since they can't make ordinance themselves, are they able to amend them and Mr. Harrington states that the BOS approved the original.

Motion: Selectman Barry makes a motion to approve the update to the Animal Control Ordinance – Dog Addendum.

Second: Vice Chairman McGarry

Discussion:

Selectman Huebner states he is concerned about listing three specific places because it could imply that the rest of the Town properties are not restricted. Mr. Harrington states that at the beginning it does say all Town properties and then it lists three exceptions that you can have dogs on those Town grounds. Selectman Huebner then clarifies that the three they are talking about are no dogs and he's still concerned of misinterpretation. Mr. Harrington then reads the Ordinance and explains it. Selectman Huebner brings up Old Home Day at Gazebo field and dogs on leashes at the event and it's been tolerated.

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

-ZBA (Zoning Board of Appeals). George Thompson. Term ending April 30, 2026.

Motion: Selectman Barry makes a motion to approve George Thompson joining the ZBA.

Second: Selectwoman McHugh

Discussion:

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

- Correspondence -No Correspondence.

Town Administrator's Report

Mr. Harrington announces the community power survey, which is a result from the community power committee, is now available, in hard copy, at the Town Clerk's office and the library. It was recently included by every residence in the Dooryard Gazette. There is also an electronic version if you do not want to fill out a hard copy. All the hard copies that are filled out can be returned to the Town Clerk's office.

Policy Changes. Mr. Harrington states that over weekend he sent out a recommended amendment to the Personnel Handbook Health Benefit Policy. He then explains what the policy currently states about

deductibles and what it needs to say per current practice. He would like a vote from the Board to amend it.

Motion: Selectman Barry makes a motion to approve the amended handbook health benefit policy.

Second: Vice Chairman McGarry

Discussion:

Selectman Huebner asks if this is a change from the past and Mr. Harrington states that this is current practice and has been going on since before he became town administrator and he is now catching the policy up to what is actually happening.

Selectwoman McHugh asks if he just adding the family and Mr. Harrington states, he's adding two person and family with a thousand dollar maximum.

Selectman Huebner states, so nothing is changing it's just that the policy will now be complete and Mr. Harrington agrees.

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

Two invoices for work done on the grounds at the location of the spreader hanger have come in. Mr. Harrington asks the Board for approval to charge impact fees to pay for the invoices.

Motion: Selectman Barry makes a motion to approve the use of impact fees to pay the two invoices in the amount of \$2,700.00.

Second: Vice Chairman McGarry

Discussion:

Chairman Pitman asks if this is above and beyond what was approved and Mr. Harrington states, yes, because this is for site work, stump removal, and topsoil removal.

Selectwoman McHugh asks how much it and Mr. Harrington states, \$2,700.00 and that the current highway impact fee balance is \$15,580.00.

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

Unfinished Business

Dog License Fee Increase:

Chairman Pitman reminds everyone that Kelly, The Town Clerk, had been at a meeting 2 weeks ago and she had requested approval to raise the dog licensing fee by \$1.00 to cover costs and the Board asks if she could raise it more than that because it seemed the \$1.00 wouldn't cover all the costs. She said she would look into it and get back to the Board. She has sent a correspondence to this meeting requesting the Board to make a motion effective 1/1/2024, \$10.00 for male and female unfixed dogs. \$7.50 for spayed and neutered dogs. \$3.00 for senior citizens.

Motion: Selectman Barry makes a motion that effective 1/1/2024, it will be \$10.00 for male and female unfixed dogs. \$7.50 for spayed and neutered dogs. \$3.00 for senior citizens.

Second: Selectwoman McHugh

Discussion:

Selectman Huebner states that he's under the impression that these are the previous rates and they were going to be raised by one dollar. Chairman Pitman reiterates that the fees will be as follows and Selectman Huebner asks, so the current fee is not \$10.00 and Mr. Harrington states that is correct, it's \$9.00 and she can only raise it one dollar to \$10.00. Selectman Huebner than says that this is still not bringing them up to cost but because of the RSA they cannot raise it more than a dollar and the Town is maxed out until the State raises it again. Chairman Pitman reads a portion of the RSA hat states the Board can only raise it by a dollar.

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

New Business/Other Business

Vice Chairman McGarry brings up the wage and salary survey materials as other business. Mr. Harrington explains that the material he provided is based on a data survey from the New Hampshire Municipal Association. This is all voluntary info submitted by towns and it does not cover every town in the state and it does not cover every position in every town. He looked into the publication that was mentioned at the last meeting and states it has not been published in 15 years. Mr. Harrington states he provided data from a town that is closest to Deerfield's population. Vice Chairman McGarry points out that they only have information from one town and he feels they should have info from more than one town and other Board members agree. Selectman Barry feels that since NHMA isn't producing enough information they will need to go to an outside firm for a complete analysis that does not only include every town in NH but the positions as well. MR. Harrington states he was able to find that MRI (Municipal Resources Incorporated), whom the town is already associated with, does wage studies and he has been playing phone tag with the person that handles this at MRI but hopes to have more information at the next meeting on this. The Board agrees that would be good. Selectman Huebner states that he spoke with John and the info they have is just with towns that have between 4,800 and 5,000 in population so it limits the towns and amount of data they can get and further they get away from towns with this population the less applicable the data could be but he did ask John for the database so they could look at everything and Mr. Harrington will do this. Selectman Barry points out the info from MRI could be years old and feels they need a real-time, real-world data. They all agree this is just informational and guidance and they are not bound to the data that is found and they ask Mr. Harrington to look into it with MRI and Mr. Harrington agrees to.

Non-Public is brought up but it's agreed that since the person is not an employee of the town a non-public is not necessary and Selectman Barry states, they need to be very judicious about non-publics.

Selectwoman McHugh asks about the Firetruck, the command vehicle, and where it is. Mr. Harrington states he does not know and she asks how long it's been away and it's agreed since November last year and Selectwoman asks and it's not on the road for our use yet. Mr. Harrington states he would not know that and he would have to check with the fire chief. Selectwoman McHugh then brings up her concern about the Fire Chief not answering calls or returning emails and asks if Mr. Harrington could try getting a hold of him again. She also states that a vehicle received an unnecessary paint job and it was never brought to the Board's attention but she does point out that it was under the minimum so it didn't need Board approval but feels its money that could have been used somewhere else. Selectman Barry states that from his understanding black was being added to all the vehicles to make them all match. Selectwoman McHugh brings up that the Fire chief does not communicate with her as the EMS captain or as a member of the Board or citizen so she does not know any of the details behind anything going on. She feels that the assistant chief is doing more communication wise than the chief and she feels this is a serious problem. She is concerned that the whole Board didn't know the striping was going to occur and she is concerned about the cost doing all the trucks since just one pick-up was around \$2,000.00 and she does not see how this helps with safety. She feels the Board should know about unnecessary spending. Chairman Pitman asks they could address the lack of communication. Selectwoman McHugh states she has tried to talk to the chief in the past about it but it has not helped and from what she's aware of, it's not just her he's doing this too. Citizens are having to reach out to the assistant chief for answers since the chief is not answering them and she provides more examples of the chief not responding. Selectman Barry suggests they ask the fire chief to come in and talk to the Board. Selectwoman reiterates issues she's been having and Selectman Barry reiterates that they should have him come in and talk to them. Selectman Huebner states it should be a non-public when he comes in and Selectman Barry explains why it cannot be a non-public and Selectman Huebner feels it could be because it could affect the reputation of a Town employee. Chairman Pitman asks if next Monday works for everyone. They decide they'll figure out dates after the meeting and once they do, they will send out an agenda. Selectman Huebner reiterates they should give the fire chief an option of public or non-public and Selectman Barry

reiterates it cannot be non-public and the Vice Chairman and Chairman agree and then Chairman Pitman states they are on it. They will work on having the fire chief come in.

Non-Public Session

No non-public

Citizen's Comments

- Pete Schibbelhute. Mr. Schibbelhute speaks to the public hearing the Planning Board held last Wednesday about tree cutting on scenic roads. He explains that the planning board voted to bring it to the BOS and ask them to do a walk through with the planning board on Candia Road to show them what they need to do. He would like to know if the Board is available to meet this week to do the walk through. They decide the Board does not need to do a walk through. Mr. Schibbelhute lets them know he'll be getting quotes for the tree cutting because there are too many for his two guys at the highway department to do it. Selectwoman McHugh asks Mr. Schibbelhute about Harvey Road and he states they've been up there once already. She explains an issue she's found on the road and Mr. Schibbelhute explains what it will take to fix the issue and says he's working on it. They then go over the culverts for South Road before the paving can be done.
- Harriet Cady. Ms. Cady goes over her previous appraising licensing and the laws set up around taxing back then. She feels the BOS always had the authority to make the Boy Scouts booth at the fairgrounds tax exempt. She then goes into her opinion as a tax payer about how the fire chief is handling his position. She ends with telling the Board they should come up with a policy about Town vehicles being kept on Town properties when not in use.

Adjournment

Motion: Selectman Barry make a motion to adjourn.

Second: Vice Chairman McGarry

Discussion:

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

Next Meeting: July 3, 2023 at 5:30 pm

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