

**TOWN OF DEERFIELD
BOARD OF SELECTMEN
September 25, 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.

Mark Tibbets – Deerfield Fire Association

Mr. Tibbets speaks about the history of the glass cases that hold past chief's dress hats. He goes onto explain that they were stored away and before he retires, he would like to see the dress hats put back on display but instead of at the fire house he would like to put them on display in the BOS meeting room for the public to see.

Vice Chairman McGarry agrees it would more available to the public by having them in the BOS meeting room.

Selectman Huebner asks about possibly using the town hall to display them and Mr. Tibbets feels the BOS meeting room is a better option.

The BOS agrees it's a great idea to set the displays up in the BOS room and Mr. Tibbets states he'll work on getting them set up prior to his stepping down as president of the Deerfield Fire Association.

Ray Ellis – Town Building Furnaces

Mr. Ellis explains it's time to have all the furnaces prepped for the winter and he explains who he reached out to pricing and who he was able to receive pricing from.

Pro HVAC – quarterly maintenance - \$8,200.00 for the year – Includes all filters, inspections, belts, general lubrication, parts

Thayer – This contract was provided last year - \$6,162.00 – This price did not provide all the services that Pro HVAC – Mr. Ellis provided this for a comparison

They go on to discuss the pros of doing this contract and how each building would pay a portion out of their budget toward the contract price. Mr. Ellis agrees to provide a breakdown of how much money will come out of each budget to pay for this.

Motion: Selectman Barry makes a motion to approve the Pro HVAC contract for quarterly maintenance in the amount of \$8,200.00.

Second: Vice Chairman McGarry

Discussion:

Selectman Huebner asks Mr. Harrington if he knows how this would compare to past costs and Mr. Harrington states he looked in to it but it was hard to compare because there has never been regular maintenance like this done but feels this is more effective.

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

2024 Budget Review:

Town Admin – John Harrington

Motion: Selectman Barry makes a motion to approve the Town Admin budget in the amount of \$282,403.00.

Second: Vice Chairman McGarry

Discussion:

Selectman Huebner and Selectwoman McHugh asks clarifying questions about the budget and Mr. Harrington provides the answers.

Selectman Huebner suggests reducing the mileage budget from \$8,500.00 to \$2,000.00. Vice Chairman McGarry asks if it would cause any issues to reduce this line and Mr. Harrington feels it will not.

Motion: Selectman Huebner makes a motion to amend the motion of the original total budget amount of \$282,403.00 to \$275,903.00.

Second: Selectwoman McHugh

Vote: Yea 3, Nay 2, Abstained 0 - Motion Carries

Selectmen Barry notes that the original motion has been amended to \$275,903.00 for the Town Admin budget.

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

Town Clerk/Tax – Kelly Roberts

Motion: Selectman Barry makes a motion to approve the Town Clerk/Tax Collector's budget in the amount of \$145,140.00.

Second: Vice Chairman McGarry

Discussion:

Ms. Roberts explains the Town Clerk/Tax Collector's budget and why it's set to where it's at.

Vice Chairman McGarry asks about the large reduction in the full-time employee line and Mr.

Roberts explains why this has been reduced so much.

Selectman Huebner makes the suggestion of changing the milage line to \$3,000.00 instead of \$3,500.00 reducing the total budget by \$500.00 and Ms. Roberts agrees with this reduction.

Vice Chairman McGarry asks about the line for tax search being reduced below the default and Ms. Roberts explains why.

Final decision – Line 291, decrease \$3,500.00 to \$3,000.00 – Line 394, increase \$1,000.00 to \$1,500.00 = No Net Change

Motion: Selectman Huebner makes a motion to change Line 291 by decreasing it from \$3,500.00 to \$3,000.00 and Line 394 by increasing it from \$1,000.00 to \$1,500.00 with the total budget still being \$145,140.00.

Second: Vice Chairman McGarry

Discussion:

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

Chairman Pitman states they now need to vote on the \$145,140.00.

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

Town Meeting/Election – Kelley Roberts

Motion: Selectman Barry makes a motion to approve the Town Meeting/Election budget in the amount of \$35,406.00.

Second: Selectwoman McHugh

Discussion:

Ms. Roberts goes over an email she received from the state about the Ballot Law Commission Decision on Electronic Ballot Counting Devices. (Email is attached at the end of the minutes) The current machines are being phased out the new machines cost around \$10,000.00 and Deerfield

needs 2. Ms. Roberts goes onto to explain the rest of the budget and why it's set to where it's at.

They BOS and Ms. Roberts discuss the cost of the new machines and where the funds could possibly come from.

Motion: Selectman Huebner makes a motion to remove the \$20,000.00 for the ballot counting machines from the budget and have it put in a warrant article.
Second: No second made

Chairman Pitman then brings it back to the original budget of \$35,406.00 for the vote.

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

Information Tech – Steve Jamele

Motion: Selectman Barry makes a motion to approve the IT budget in the amount of \$69,440.00.
Second: Vice Chairman McGarry
Discussion:
Selectman Hubener questions the salary line and Mr. Harrington explains it.
Selectwoman McHugh asks about Line 130 going up and Mr. Jamele reminds the Board they have his back up and he explains the prices are going up. Mr. Harrington provides more details on costs rising significantly.

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

MBC – Terry Roy

Motion: Selectman Barry makes a motion to approve the MBC budget in the amount of \$2,402.00.
Second: Vice Chairman McGarry
Discussion:
Selectman Huebner questions Line 811 and why it's going up. Mr. Roy is not present so Mr., Harrington agrees to reach out to him and find out why it's going up.

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

Legal – Mr. Harrington

Motion: Selectman Barry makes a motion to approve the Legal budget in the amount of \$44,000.00.
Second: Vice Chairman McGarry
Discussion:

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

Don Wyman – Deerfield Fair

Mr. Wyman goes over the what the Fair, the Fire Chief and the Fire Marshall have gone over for the fair. He then asks about the 15% discount the BOS provided last year and if it will be there for them this year. He has a staffing question that Chief Fisher answers.
Chairman Pitman goes over the addendum provided stating the fair will pay Candia their current billable rate for fire detail. Chief Fisher goes over why he has to use Candia.

Motion: Selectman Barry makes a motion that the Vice Chairman signs the addendum.
Second: Vice Chairman McGarry
Discussion:

Vote: Yea 3, Nay 0, Abstained 2 - Motion Carries

Chairman Pitman states they can discuss the 15% discount now. Selectman Barry gives opinion on the pay difference between Candia and Deerfield. Mr. Wyman explains the Fair's insurance when it comes to fire coverage which is why he disagrees with needing coverage from Candia.

Motion: Selectman Huebner makes a motion that the town pays 15% of the fire pay, paid by the tax payers, for fire coverage at the Fair.

Second: Vice Chairman McGarry

Discussion:

Selectman Barry feels this should not be done and Selectwoman McHugh and Selectman Huebner explain why this was done last year. Discussion continues and, in the end, the whole Board agrees it is a good idea.

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

Regular Business

Review of Outstanding Minutes 9/18/2023:

Motion: Selectman Barry makes a motion to the minutes from 9/18/2023 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 – \$258,590.32

Motion: Selectman Barry makes a motion to the accounts payable manifest in the amount of \$258,590.32.

Second: Vice Chairman McGarry

Discussion:

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

Signatures/Correspondence:

- Signatures
 - Final version of the MS-434 - revised revenue estimates. Needs one signature.

Motion: Selectman Barry makes a motion to approve the revised MS-434 and for the Chair to sign.

Second: Vice Chairman McGarry

Discussion:

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

-Personnel action request. Kristine Robert. Going from 25 hrs. a week to 30 hrs. a week. Pay will remain the same.

Motion: Selectman Barry makes a motion to approve the increase of hours worker per week from 25 to 30 for Kristone Robert.

Second: Vice Chairman McGarry

Discussion:

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

-Eversource. 41 Haynes Road. This letter is to inform the town that there are stone boulders that may have to be moved on this property while they are doing some work and then they will replace

or move them back once completed. The property owner and town are both required to sign the agreement.

Motion: Selectman Barry makes a motion to agree to the agreement and sign it.

Second: Selectman Huebner

Discussion:

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

- Correspondence – No correspondence

Town Administrator's Report

John Harrington states there are several items.

1. Flooded meeting room after the previous BOS meeting. The meeting room floods quite often. A claim has been filed with the town insurance company and they will be in to assess the floors. Mr. Harrington goes on to speak about having a possible water censor installed so if this starts to happen again it will be caught before major flooding occurs. He has an estimate of \$1,825.00 to have the censor installed.

Motion: Selectman Barry makes a motion to approve the purchase and installation of the water censor for \$1,825.00.

Second: Vice Chairman McGarry

Discussion:

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

2. Waste oil at the transfer station is now a critical issue. Permitted maximum amount allowed to be collected at the transfer is 300 gallons and maximum length of storage is 2 months. Currently the transfer station is storing 1515 gallons and no longer has the capacity to store it. The highway department has no room or capacity to store it. Mr. Harrington asked Pete Schibbelhute to start a waste oil burner at the highway garage to start reducing the amount and he has also contacted the state to see about changing the town's permitted amount. He also contacted a vendor that estimated it would cost between \$3,000.00 and \$4,000.00 to remove it. He would also like to suggest getting a second waste oil burner at the transfer station so they do not have to move all of it to the highway garage. An estimated cost the second burner is around \$19,000.00. There is about \$3,900.00 in impact fees that could be used and then the funds would have to come from elsewhere. They will discuss further and make a decision once Mr. Harrington has all necessary information.
3. He lets the Board know that the updated Rec budget was provided in their packets this evening and a copy of the completed 2022 audit.

Unfinished Business

New Business/Other Business

Letter from Gary O'Connell to Craig Stevens and Travis McCoy. Dated 9/19/2023.

"Dear fellow Commissioners, I am writing to notify you both that I am resigning from my position on the Veasey Park Commission effective immediately. As you know my personal life has changed drastically in the last 6 months and I haven't had much participation in the affairs and meetings of the commission. I'd like to step aside and make a spot for another fellow volunteer that can spend more time and attention to the efforts of the commission. I am happy to see you've been able to open the grove this spring without my assistance and I commend your hard work in doing so. It has been a pleasure working with you both over the past 5 or 6 years to keep the grove the

treasure that truly is. Thank you for your opportunity to help in the effort. All the best, Gary O'Connell"

Motion: Selectman Barry makes a motion to accept Gary O'Connell's resignation effective immediately.

Second: Selectwoman McHugh

Discussion:

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

Selectman Barry. The Heritage Commission would like permission to have someone come in and move the sashes at the Town Hall moved back up and they will also pay for this to be done. They would like to do it before snow falls. The Board agrees to this if the contractor has insurance to cover any damages that could occur then they will agree to it. A member of the Heritage Commission will find out and get back to them,

Selectman Barry bring up the Library MOU. Vice Chairman McGarry stated they were waiting to hear back from library.

Motion: Selectman Barry makes a motion to turn over all custody and management of the P.J.L building to the library trustees effective January 1, 2024. He also recommends they budget carefully for the upcoming building needs for 2024 and also to plan for any capital improvements by securing additional funding through other means as required by RSA 202-a 11.

Vice Chairman McGarry states he does not have a problem with it right now but would like to hear feedback from the library first.

The BOS agrees to hold off until the library can be there.

Selectman Barry withdraws his motion and they agree that they will have the library come in to discuss is further before voting on it.

Chairman Pitman brings back up the motion made that the town pays 15% of the fire pay, paid by the tax payers, for fire coverage at the Fair. He acknowledges he should have abstained as he's a member of the Fair Board. Mr. Harrington explains that Selectwoman McHugh and Selectman Huebner were the original abstainers and this needs to be brought back onto the table a new motion made to rectify the issue.

Motion: Vice Chairman McGarry makes a motion to bring the addendum back on the table and that the Vice Chairman signs the addendum.

Second: Selectman Barry

Discussion:

Vote: Yea 3, Nay 0, Abstained 2 - Motion Carries

The 2 members that abstained were Selectwoman McHugh and Chairman Pitman.

Non-Public Session

Citizen's Comments

- Harriet Cady. Ms. Cady comments on the Library MOU and the research she did about the library.
- Kathy Shigo. Cate Road. Ms. Shigo gives her opinion on how the town should pay for the ballot counting machines. She then provides her opinion on the fire coverage for the fair. Lastly, she speaks about the Town Hall and the insurance.

- Erroll Rhodes. Church Street. Mr. Rhodes speaks about the Town Hall and what he's working on for the Town Hall and the fire insurance.

Adjournment

Motion: Selectman Barry makes a motion to adjourn.

Second: Vice Chairman McGarry

Discussion:

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

Next Meeting: October 2, 2023 at 5:30 pm

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

Kelly Roberts

From: Patricia D. Piecuch <patricia.piecuch@SOS.NH.GOV> on behalf of NHVotes <NHVotes@SOS.NH.GOV>
Sent: Tuesday, September 19, 2023 3:15 PM
To: NHVotes
Subject: Ballot Law Commission Decision on Electronic Ballot Counting Devices
Attachments: BLC Decision 2023-3 Electronic Ballot Counting Devices 2023-09-15.pdf

Good Afternoon Clerks and Moderators:

Please see below a communication from Secretary of State David M. Scanlan relative to the Ballot Law Commission decision on electronic ballot counting devices, which is attached.

Dear Clerk/Moderator:

*The Secretary of State's Office is pleased to announce that the Ballot Law Commission has **conditionally** certified both the VotingWorks and Dominion ImageCast Precinct electronic ballot counting devices for use in New Hampshire elections. However, both vendors must meet certain conditions in the attached Ballot Law Commission order before their devices can be used in a New Hampshire election. Additionally, the attached order notes that the effective date of the conditional approval is March 1, 2024. This is the earliest either device can be used provided the other conditions are met. Finally, as the attached order states, the AccuVote device remains certified for use in New Hampshire elections.*

Please be advised that New Hampshire law requires the governing body to vote to adopt a new device in a properly noticed public meeting and to send the Secretary of State a notice of that decision, clearly specifying which make and model of ballot counting device will be used in that town/city. Please see RSA 656:40, which is copied below.

RSA 656:40 Adoption. — The mayor and aldermen of any city or the selectmen of any town, subject to the approval of the ballot law commission, may authorize the use of one or more electronic ballot counting devices for the counting of ballots in such city or town on a trial basis for any regular or special election and pay the expense of such trial from any available funds. The use of such devices so authorized shall be valid for all purposes. Any town, or the mayor and aldermen of any city, may vote to lease or purchase electronic ballot counting devices for the elections held in said town or city. Any town, or the mayor and aldermen of any city, so acting shall notify the secretary of state of the action taken in regard to electronic ballot counting devices; and, after said action, electronic ballot counting devices shall be used in said town or city in accordance with said vote or authorization. If a special state election involving a state representative district occurs in a city or town that has adopted the provisions of RSA 656:40, the secretary of state may prepare and issue paper ballots which shall be used.

Please let us know if you have any questions. Thank you for all the work you do to help our elections run smoothly!

*David M. Scanlan
Secretary of State*

Tricia
Patricia D. Piecuch
Elections Director
NH State Archives - Room 210

9 Ratification Way, Concord, NH 03301

Phone: 603.271.8241 Fax: 603.271.8242



STATEMENT OF CONFIDENTIALITY:

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**STATE OF NEW HAMPSHIRE
BALLOT LAW COMMISSION**

Decision BLC 2023-3

Certification of Electronic Ballot-Counting Devices for Use in New Hampshire Elections

BACKGROUND

The Ballot Law Commission is vested with the authority to examine and approve devices for the electronic counting of ballots. N.H. REV. STAT. § 656:41. At present, only the AccuVote device is certified by the Ballot Law Commission for the electronic counting of ballots in New Hampshire elections. Between November 2022 and August 2023, electronic ballot-counting device vendors engaged in the certification process, including pilots in state and local elections with post-election audits, responses to inquiries about the vendors' company and its proposed electronic ballot-counting device, and a demonstration of the proposed electronic ballot-counting devices before State Representatives, State Senators, local election officials, and interested voters.

On August 31, 2023, the Ballot Law Commission narrowed the field of electronic ballot-counting devices under consideration, voting to move forward with its consideration of only the electronic ballot-counting devices proposed by VotingWorks and Dominion/LHS.

DECISION

The Ballot Law Commission, based on the background above, voted on September 15, 2023 to certify the VotingWorks electronic ballot-counting device and the Dominion ImageCast Precinct electronic ballot-counting device for use in New Hampshire elections. Certification of the VotingWorks and Dominion ImageCast Precinct electronic ballot-counting device is effective March 1, 2024.

Certification of the VotingWorks and the Dominion ImageCast Precinct electronic ballot-counting device is subject to the following conditions:

1. Electronic ballot-counting devices certified for use in New Hampshire elections must receive U.S. Election Assistance Commission ("EAC") certification under Voluntary Voting System Guidelines ("VVSG") 2.0 standards by December 31, 2026.
 - a. An extension, as requested by the electronic ballot-counting device's vendor, to receive EAC certification under VVSG 2.0 standards may be granted at the Ballot Law Commission's sole discretion.
 - b. Failure to receive EAC certification under VVSG 2.0 standards by December 31, 2026, without a granted extension, shall cause a review of the noncompliant

electronic ballot-counting device's certification status for use in New Hampshire elections.

2. The vendor from whom a certified electronic ballot-counting device is purchased must upgrade its electronic ballot-counting device to be compliant with VVSG 2.0 standards at the expense of the vendor from whom a certified electronic ballot-counting device was purchased within six months of the date the device is EAC certified to VVSG 2.0 standards, or replace the device at its expense with a device which is compliant with VVSG 2.0 standards.
3. Electronic ballot-counting devices certified for use in New Hampshire must comply with the Ballot Law Commission's December 14, 2021 standards for approval of additional ballot-counting devices, as stated below:

"Standards for selection of ballot counting devices in addition to that one already approved for use in New Hampshire, which is not subject to all such standards, include but may not be limited to:

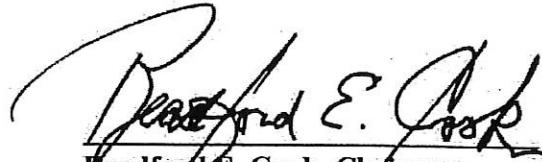
- i. Individual paper ballot for each voter.
 - ii. Ability to read New Hampshire ballots as prepared by the Secretary of State in accordance with state law.
 - iii. Verifiable chain of custody for each ballot once introduced into the machine.
 - iv. Preservation and security of paper ballot for hand recounts.
 - v. No networking capacity, including but not limited to the ability to being connected to the internet or other networks or vote counting devices, or utilizing a technology which can be compromised. (NOTE: this standard to be reviewed by technical specialists to determine if there is better technical wording).
 - vi. Protection of voter privacy.
 - vii. Verifiable security of each machine before, during and after voting, including security locks, key or seals.
 - viii. Redundancy capacity for recording votes (dual records of votes in addition to retention of original paper ballots).
 - ix. Adequate battery back-up capability.
 - x. Availability of service and parts.
 - xi. Independent verification of accuracy by appropriate laboratory acceptable to the Ballot Law Commission.
 - xii. Compliance with all requirements for devices found in NHRSA 656:42 or elsewhere in state law.
 - xiii. Capacity to physically separate or otherwise identify ballots with write-in votes.
 - xiv. Adequate physical capacity to store large numbers of ballots."
4. Electronic ballot-counting devices certified for use in New Hampshire shall submit for testing to an EAC accredited Voting System Test Laboratory ("VSTL") prior to use in a New Hampshire election. The vendor from whom a certified electronic ballot-counting device is purchased shall present a testing plan to, and get approval from, the Ballot Law Commission and the Secretary of State for testing up to VVSG 2.0 standards in areas

identified by the Secretary of State. Any future changes have to come before the Ballot Law Commission for approval in accordance with N.H. REV. STAT. § 656:41.

5. The vendor from whom a certified electronic ballot-counting device is purchased shall present its plan for election day support, including personnel response time, minimum staffing in New Hampshire on election day, spare device parts, and spare devices, shall present a plan to, and get approval from, the Secretary of State. The aforementioned plan shall be presented and approved prior to the device's first use in an election in New Hampshire.
6. Electronic ballot-counting devices certified for use in New Hampshire elections must comply with N.H. REV. STAT. § 656:43: "Any town or city authorizing the use of an electronic ballot counting device for the counting of ballots shall pay the cost of lease or purchase. When such a device is purchased by a town or city, the person from who such device is purchase shall give to the secretary of state a suitable bond with sufficient sureties to keep such device in good working order for not less than 2 years at the seller's own expense."
7. The vendor from whom a certified electronic ballot-counting device is purchased shall maintain a surety bond for each purchaser of its electronic ballot-counting device in the total dollar amount of the purchased electronic ballot-counting device(s). The vendor shall maintain such surety bond until it receives full EAC certification under VVSG 2.0 standards. All such surety bonds shall be filed with the Secretary of State. N.H. REV. STAT. § 656:43.
8. The Secretary of State, at his own discretion, shall conduct post-election audits of the electronic tabulation of ballots by the VotingWorks and Dominion ImageCast Precinct electronic ballot-counting device after each state primary, general election, and presidential primary.
9. Certifications are subject to receipt of sufficient financial information.

This order shall not be construed to decertify any current electronic ballot-counting devices certified for use in New Hampshire, which will be done by vote of the Ballot Law Commission for the decertification. Failure to comply with any of the above conditions shall cause a review of the noncompliant electronic ballot-counting device's certification status for use in New Hampshire elections.

So ordered.



Bradford E. Cook, Chairman

David B. Campbell

Robert LeTourneau

Michael Eaton

Kathleen Sullivan