

**TOWN OF DEERFIELD  
BOARD OF SELECTMEN  
January 22, 2018  
MINUTES**

**Call to Order**

5:30 pm – Chairman Barry called the meeting to order

**Present:** Stephen Barry, Chairman; Richard Pitman, Vice Chairman; Fred McGarry, Andrew Robertson and Jeff Shute, Selectmen.

**Pledge of Allegiance to the Flag**

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

Kelly Roberts presented the Board of Selectmen a contract with Sanders Searches, LLC, a mortgagee search provider for approval and signature. It is Ms. Roberts strong recommendation that the town clerk/tax collector's office use them to do our mortgagee searches for both liening and deeding. She stated that it will result in a significant cost savings compared to what we've been paying in the past.

Sanders Searches will only charge the town \$12.03 per search. The current provider will be charging \$60.00 per search in 2018.

Ms. Roberts asked the Board if they had any questions and other than when can they start a motion was called for.

**Motion:** Vice Chairman Pitman moves to sign the agreement with Sanders Searches, LLC

**Second:** Selectman McGarry

**Discussion:**

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

Selectman Robertson asked what the minimum dollar amount that we had to use and Ms. Roberts stated that there is a 40% deposit due upon contract signing which is \$307.97. Vice Chairman Pitman read from the contract which stated that there was a cap of \$769.92.

Chairman Barry asked if there was anything that the Board could do for Ms. Roberts.

Ms. Roberts stated that she would just like to make a small announcement. The clerk's office and the animal control officer will be hosting a rabies clinic and licensing event on Saturday, April 14<sup>th</sup> at the G.B.W. Building from 9:00 a.m. to 12:00 p.m. This will be for dogs and cats only. Shots will be \$20.00. Dr. Elliot Moore of Derry Animal Hospital, who is also a Deerfield resident, will be administrating the shots along with two of his vet techs. He will be set up in the A.D.A. bathroom and the town clerk's office will be open to license dogs and Cindy McHugh and three or four volunteers will be helping staff the event.

**Longevity – Gregg Burkland – 5 years.**

Chairman Barry had Mr. Burkland step up to the front of the room. He stated that Mr. Burkland has been a part-time employee of the after-school program for the last five years and on behalf of the Board of Selectmen, he would like to thank Mr. Berkland very much for his five years of service and please keep it up.

**Regular Business:**

Review of Outstanding Minutes – January 8, 2018

**Motion:** Selectman Robertson

**Second:** Selectman Shute

**Discussion:** Selectman McGarry had one correction on page 5, line 246, change "the" to "they".

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

**Account Payable Manifest - \$55,177.17**

**Motion:** Selectman Robertson moves to approve the Accounts Payable Manifest

**Second:** Selectman McGarry

**Discussion:**

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

**Timber Tax Levy - \$72.33 – Mike Gallo and NH Homes, LLC**

**Motion:** Vice Chairman Pitman moves to collect tax

**Second:** Selectman Robertson

**Discussion:**

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

**Timber Tax Levy - \$123.53 – Nicholas Shantray, 180 Griffin Road**

**Motion:** Selectman Robertson moves to levy said tax

**Second:** Selectman Shute

**Discussion:**

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

**Request to collect Land Use Change Tax - \$7,500.00 – Edward and Sandra Cross, Trustees of 4 Thurston Pond Road**

**Motion:** Vice Chairman Pitman moves to collect tax

**Second:** Selectman Robertson

**Discussion:**

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

Selectman Robertson commented that a point of order is that Mr. Barry should probably be taken off the timber tax levy paperwork. He stated that it lists Kevin Barry as the person that a person needs to pay the tax levy to for 2018. Chairman Barry asked Mr. Harrington if he would take care of that.

Chairman Barry stated that the Heritage Commission has asked that the Board appoint Debbie Boisvert as a member of the Heritage Commission with the term of office until April 30<sup>th</sup>, 2019.

**Motion:** Selectman Robertson moves to appoint Mrs. Deborah Boisvert to the Heritage Commission

**Second:** Selectman McGarry

**Discussion:**

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

Chairman Barry stated that previously, someone from the Southern New Hampshire Planning Commission had come to the Board and talk to the Board regarding being a pilot community in the "Becoming Age Friendly Community Page". Chairman Barry asked if everyone had read the letter that had been prepared to send to them and asked if everyone was okay with it. All agreed.

**Motion:** Selectman McGarry moves to have the Chairman sign the letter that was prepared

**Second:** Selectman Shute

**Discussion:**

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

Chairman Barry stated that because the Board has appointed Kelly (Roberts) as the acting town clerk/tax collector, the Board needs to have a recommitment warrant approved so that she can collect taxes.

**Motion:** Selectman Robertson moves to sign the recommitment warrant authorizing Kelly (Roberts) to act as town clerk on our behalf.

**Second:** Selectman McGarry

**Discussion:**

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

Chairman Barry stated that he had the MS-DTB, the default budget paperwork that needs to be filed with the Department of Revenue Administration and the number is \$3,947,590.00.

**Motion:** Selectman Robertson moves that the Board sign and approve the default budget as presented.

**Second:** Selectman Shute

**Discussion:**

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

Chairman Barry asked if everyone was aware that the Board needed to have another meeting next Monday to sign the warrants and whatever might come up.

Chairman Barry stated that he would like to read a letter from Richard and Karen Mailhot to the police chief.

“Dear Police Chief Duquette:

We wanted to take a minute to commend the police department and dispatchers on January 6<sup>th</sup>, 2018, at approximately 3:15 p.m., we were startled to hear someone speaking or yelling up to us from the downstairs family room of our home. It turned out it was your police officer, Officer Newell.

It seems someone driving past our home reported that the exterior door leading into our first-floor family room was wide open.

Being the temperature was in the single digits with the wind blowing, I’m sure that it seemed odd.

Our main living area is on the second story of the dwelling and we seldom use our family room in the colder months now that the children have grown and moved out. Officer Newell, I’m sure, was doing a well-being check with such an odd condition having been reported.

It’s comforting knowing that we reside in such a caring community as Deerfield by both its residents, police and dispatch departments.

Would you be so kind as to pass along our appreciation to both the dispatchers and police officers for their efforts and professionalism.

Signed, Richard and Karen Mailhot.”

Chairman Barry stated and the Board agreed that a copy of the letter should go into Officer Newell’s file.

Chairman Barry stated he also had a letter from Phil Bilodeau to the Board of Selection resigning from the Forestry Commission.

He stated that he had taken a position in Maine requiring more time and more travel and stated that he would transfer any documents and records to Alan Perkins and thanked the Board for the opportunity to serve and advance the management of Deerfield’s forests.

**Motion:** Vice Chairman Pitman moves to accept and send a thank you letter to Mr. Bilodeau for his service.

**Second:** Selectman McGarry

**Discussion:**

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

Selectman Robertson asked if it could be publicized that members are needed for the Forestry Commission on the town website.

#### **Town Administrator’s Report:**

Mr. Harrington stated that he had a couple of things to mention.

The first was that he wanted to publicly thank Mark Young. He offered a trailer to the new building supervisor, Ray Ellis, to use for materials and trips to the dump and to bring the snow blower around to the various buildings. Mr. Harrington wanted to extend his appreciation for doing that. It’s a big help and it saves the town some additional dollars.

The Select Board thanked Mr. Young.

Mr. Harrington stated that he was going to bring up with the Board to talk about additional cost of living adjustments this evening. He stated that he would like to postpone that in lieu of handing out some additional information.

Originally the discussion this evening was around some part-time rec staff that was left out of the initial recommendation. Mr. Harrington stated that he would also like the Board to consider that during a cost-of-living adjustment, that it is for all staff. If we are going to do it for one group, we need to do it for all. There were two groups of staff earlier in the year who had wage adjustments which was the police department and the highway department.

Mr. Harrington didn't believe that they should be left out of a cost-of-living adjustment just because the Board decided to adjust their wages so he included those folks long with the part-time rec staff and stated that he had some new numbers for the Board.

Mr. Harrington stated that he had new handouts that he could give the Board so that they could consider it.

Selectman Robertson asked if he could get general agreement regarding the COLA adjustments from the Board for the MBC. The MBC is going to have another meeting and he stated that he had presented as was initially discussed to the budget committee, that the select board was leaving very specific positions out of that COLA adjustment. If the board is in general agreement with what John (Harrington) is saying, he could take that back to the budget committee but he stated that he thought that he definitely needed to take it back to the MBC.

Chairman Barry asked if the Board was willing to talk about the COLA to which all agreed to do so at the next meeting.

Chairman Barry stated that Mr. Harrington had handouts to anyone that wanted one and the Board will talk about it next Monday.

Mr. Harrington stated that only the part-time rec staff information was in the Board's folders and that Mr. Harrington had added the highway and police staff and any of the new staff that were hired last year to the new handouts.

Selectman Robertson stated that he would give the MBC a heads up on Thursday and Mr. Harrington stated that he would have numbers in this handout for Mr. Robertson.

The third thing that Mr. Harrington wanted to mention is we've had some recent issues with the town hall heating system. We had to do a repair and replace for the blower system on one of the furnaces that operates the upstairs heating.

With the cold snap, we have had some significant cooling issues in the town hall which Ray (Ellis) has been watching closely.

One of the things that has come to Mr. Harrington and Mr. Ellis' attention is that because we have thermostats over at the town hall that are accessible to the public, whoever uses those buildings adjust them as they need for their uses and there has been times when he's gone over and the programming has been discontinued or it's been put on hold.

We have a programmable thermostat upstairs and a mercury switch downstairs and Mr. Harrington wanted to recommend to consider possibly putting lock boxes on those so that they can be set at certain times during the day for the heat to go up and down but where that building is so old and doesn't have great insulation anyway, Mr. Harrington's fear is if one of those (thermostats) gets turned off accidentally, we could have some major issues.

Mr. Harrington continued that apparently the upstairs thermostat did have a lockbox at one time. The remains of the back panel are still there but the front locking portion is gone.

Selectman Robertson stated that he is in general agreement but that the only concern that he would have is, he didn't know which groups were using, particularly the downstairs, but he thought that if there were groups that are heavy with elderly members that we want to make sure that there is the ability to adjust the heat.

Mr. Harrington stated that one thing he would do since we, control who's reserving (Pete Lemay) the town hall for what purposes, if Ray (Ellis) knows ahead of time, he can go over there to make sure that any individual needs are taken care of but as long as the programming is not fiddled with, my concern is that we might have a heating issue if someone turns it off accidentally.

Selectman Robertson stated that his only concern with people exercising upstairs, they are probably interested in a different temperature zone than ones having elderly luncheons.

Chairman Barry asked to come up with a way not only to lock them but a way to allow for changes based on the group.

Mr. Harrington stated that it was just a proposal at this time and that he wanted to look into it further but just wanted to bring it to the Board's attention that this is what he has found in the last couple of months.

The last thing that Mr. Harrington brought up is a statement that he would like to read concerning Board of Selectmen emails and communication amongst members.

"I was recently in touch with Bart Mayer, our town counsel, regarding a right-to-know request, asking about various documents, and which ones were confidential. As I described the documents, he stopped me when I asked about a couple of emails. The emails indicated that all the selectmen were receiving parties in the emails.

At that point, he admonished me stating that these communications were improper. He explained that under RSA 91: A-2a, Communications by a Quorum of the Board, including by emails, were meetings. They violate the Right-to-Know Law because the notice of the meeting was not posted, the public could not attend and no minutes were maintained.

These communications must stop immediately. Any communication regarding town business among three or more members of the Board, must take place in a public meeting with proper notice.

He also recommended that the Board release the offending emails. Mr. Harrington stated that he was unaware of this fact and will monitor email communications to ensure that this does not happen again.

He stated that he was sure that this was not an intentional act on the part of the Board members, but it must stop now."

Chairman Barry stated, so very simply, no "reply all". Reply email put out by the BOS or Mr. Harrington, just reply back to Mr. Harrington. The only questions that we can respond to would be "can you make a four o'clock meeting on such and such a day". That is the limit.

Chairman Barry asked if anyone had any questions for the town administrator.

Selectman Robertson asked if the Board actually had anything where the Board had made a decision to which it was answered no by Mr. Harrington, but more of a communication back and forth.

#### **Unfinished Business:**

#### **2018 Warrant Articles:**

Vice Chairman Pitman stated that he would like to bring up three warrant articles starting with Warrant Article 5.

Chairman Barry stated that it needed a language change. Mr. Harrington stated that this was correct.

Mr. Harrington stated that he was told by town counsel that Article 5 has a couple of different wording passages that are unnecessary. It is, in essence, the same as Article 6 where the town is raising and appropriating out of unassigned fund balances and his concern was that Article 5 said "up to \$25,000.00" and "in principle" so his recommendation was to take out those two sections of the warrant.

Chairman Barry stated "up to" and "in principle".

Mr. Harrington continued so that it would read essentially like Article 6 with a different amount.

Chairman Barry read the corrected warrant as follows:

"To see if the town will vote to raise and appropriate the sum of \$25,000.00 to be placed in the previously established Municipal Government Buildings Infrastructure Expendable Trust Fund. Said funds to come from unassigned balances. No amount to be raised from taxation."

Chairman Barry stated that it should read exactly that as stated above.

**Motion:** Vice Chairman Pitman moves to change the language of the warrant article to read

"To see if the town will vote to raise and appropriate the sum of \$25,000.00 to be placed in the previously established Municipal Government Buildings Infrastructure Expendable Trust Fund. Said funds to come from unassigned balances. No amount to be raised from taxation."

**Second:** Selectman Robertson

**Discussion:** Selectman Robertson stated that the MBC had some concerns about the language differences also and that was questioned at their last meeting so this should make them happier.

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

Chairman Barry stated that he would like to mention that the Board needs to look at Article 10. The Board has found out that the town clerk only needs a vote of the Board to authorize the use of electronic payments, credit and debit cards.

**Motion:** Vice Chairman Pitman moves to authorize the town clerk to allow the use of electronic payments, credit and debit cards pursuant to RSA 80:52-c and that this authorization should remain in effect until rescinded by a vote of the Board of Selectmen.

**Second:** Selectman Robertson

**Discussion:** Selectman Robertson stated that he would like to make a point, because there has been a little confusion about it. The cost of using your debit card or the cost of using your debit card will be borne by whoever is paying the fee. The town isn't losing any percentage of revenue by authorizing this.

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

This vote removes Article 10 and authorizes the town clerk to accept electronic payments.

Vice Chairman Pitman stated that the next one is Article 12. Speaking for the taxpayers of Deerfield from this past week, phone calls and meetings, I want to make a motion to remove Article 12 from the ballot.

**Motion:** Vice Chairman Pitman moves to remove Article 12 from the ballot.

**Second:** Selectman Robertson

**Discussion:** Selectman Robertson stated that one of the things that stood out to me, in fact my little brother who doesn't live in Deerfield but as a dairy farmer, called me last week and asked me what we thought we were up to as we don't have a clear-cut exclusion for agriculture and forestry and timber. I know when we had taken a stab at putting together a noise ordinance years ago, that we didn't do it correctly and we were never able to enforce. We had put a specific exception, particularly for agriculture in and I think that it is a big enough concern from the people that I heard from in the community and from outside the community. I also heard from some folks that are affiliated with the Farm Bureau Association and somebody else from the Timber Landowners that called me, not from Deerfield but from quite a way away to give me an earful about what he thought about noise ordinances that didn't have exceptions for timber and agriculture. It is something that we can look at if the community is interested, I think, but we need a clear-cut exclusion for agriculture.

Chairman Barry stated that he didn't think that we absolutely had to have one but I figured it was good to put one together and put it out there for opinion and boy we sure got some opinion. At the very least, we would take it off the ballot and if we want to reconsider it after a bunch of input and changes, we can talk about it again next year.

Selectman McGarry stated that is why we should have had a public hearing on it before we put it on the ballot. He stated that the Board will have to go back to the drawing boards.

Selectman Robertson stated that he was contacted by one person who was not necessarily in favor of including agriculture and her comment to him was that she also didn't want to include construction except for Northern Pass. He thought that there was some interest in people being able to control construction equipment such as helicopters and that sort of thing with Northern Pass but Selectman Robertson didn't see a real clear-cut way that we could carve out local folks that we want in town and pick and choose who we might not.

Vice Chairman Pitman stated that the motion tonight is to just remove it from the ballot and then just move forward another time.

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

Chairman Barry asked if there were any other questions for any other warrant articles.

Chairman Barry stated that they weren't going to talk about Parks and Rec and COLA's this week. Vice Chairman Pitman asked if the paperwork for the COLA's was available. Mr. Harrington stated that it would be forthcoming.

Selectman Robertson stated that the MBC had asked about the 2017 Default Budget figures and he thought that they might show on the actual state form that the town files. Selectman Robertson stated that they didn't have the figures on the worksheet. If they do show on the official form, even though it doesn't give as much detail, Selectman Robertson thought that the Board should give a copy of it to the MBC.

Mr. Harrington stated that the sheets that he has been passing out to the Budget Committee for the default budget does contain the 2017 budget figures.

Selectman Robertson stated that, at the last meeting, there was a column that was missing or blank. One member specifically asked about it. Selectman Robertson stated that he would talk to Mr. Harrington after the meeting about it.

**Other Business:**

Chairman Barry stated that he had the opportunity to attend the public hearing of the MBC. Chairman Barry remarked that he would like to really say to Andy (Robertson), thank you very much for taking on that job. The chair realizes that it's a lot of time and you still have your hair. On behalf of the Board, I'd like to give you a little something to make it easier. Selectman Robertson thanked everyone.

Selectman Robertson stated that he had apologized to some Budget Committee members prior to this meeting but having been on and off the budget committee in various capacities for close to 25 years, I'm probably not as exuberant or as outspoken as I may have been in years past.

Chairman Barry stated that he hadn't been to a MBC meeting in three, four or five years and he truly appreciates the time that Selectman Robertson has spent there. Thank you.

Chairman Barry asked everyone if they had any other kind of business at all.

Selectman Robertson stated that one thing that comes to mind is that the Board had gotten in the habit and we've gotten out of the habit a couple of times too, to hearing from department heads on a monthly basis. I don't know how the rest of the Board feels, but he thought that it is of value to hear from the police chief, even once a month as to what's on, the fire chief, rescue squad. The Board also had quarterly meetings set up with our land use boards where planning, zoning and conservation would come in and just tell the Board what was going on.

Chairman Barry stated that he liked the quarterly meeting and about every other month and actually the Board could do some each month.

Selectman Robertson stated that Parks and Rec comes to mind because for no other reason than we get to publicly talk about what they're doing. All thought it was a good idea.

Chairman Barry stated that we should work it out to stagger department heads and every quarter hearing from other boards.

Mr. Harrington asked the Board if they wanted to talk about the 15-year roof that we didn't put money in the budget for so the Board needs to decide whether or not we're going to do that, probably at deliberative session. A 45-year roof brings, sorry a 40-year warranty brings the cost up to \$45,690.00 from the original quote of \$31,600.00.

Chairman Barry asked members of the Board if they thought they needed to bring it up because it's at the point that the roof needs to be brought up at deliberative session. Vice Chairman Pitman stated that the Board needs to do some more homework regarding other options. He stated that if you talk with the road agent, he would like to stick with the rubber and not chance a metal roof with snow and ice sliding off and hitting people like it did the road agent.

Chairman Barry asked Mr. Young to come to the microphone.

Mr. Young asked the Board if the roof that was put on the last section of the G.B. White Building was a rubber membrane over foam to which the Board agreed it was.

Mr. Young stated that this is what he would like to see if they could do the same thing for the highway garage if possible.

Selectman Shute stated that is what the first proposal was that the Board received but it only had a 15-year warranty and the new roof on the G.B.W. is a 30-year warranty.

Vice Chairman Pitman asked Mr. Young what the cost was for the rubber roof and Mr. Young stated that Mark Tibbetts took care of that so he didn't talk to the company about the roof.

Mr. Harrington stated that the first quote that was gotten was for the rubber membrane roof.

Vice Chairman Pitman asked Selectman Shute if he knew someone that's got a better idea. It boils down to the thickness of the rubber and it's usually not that much more in cost.

Chairman Barry stated that they called Eastern Exterior who had given the town the quote and he said that in order to get a longer warranty, we'd have to get the manufacturer down to do an assessment of the building before they would guarantee it for more years.

Mr. Young asked what the warranty was on the roof at the town offices. Board members thought that it was a 30-year warranty. He stated that he didn't know why they wouldn't do the same.

Chairman Barry asked to find the contract for the town offices roof and see if a number can be gotten. The chair also stated that the Board is down to the wire and February 3<sup>rd</sup> is the last time any changes can be made. He also stated that anything that Mr. Young could do to assist Mr. Harrington or Selectman Shute to find the contractor and get a number for the budget, would be appreciated so they could try to get it into the deliberative session.

Selectman Shute asked Mr. Young if he knew what the pitch of the roof was at the highway shed. Mr. Young stated that it was less than 1%.

Chairman Barry asked if there was any other business to be brought up of which there was none.

**Citizen's Comments:**

Mr. Young came to the mike and wanted to thank the Board for the decision they made on the noise ordinance tonight and he just wanted to put out there, when the time comes, if and when the time comes, that an ordinance needs to be put together, that he would like to be a part of a committee in the future.

**Motion:** Vice Chairman Pitman moves to adjourn at 6:10 p.m.

**Second:** Selectman Shute

**Discussion:**

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

**Next Meeting: Monday, January 29, 2018 at 5:30 pm**

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