

**Town of Deerfield  
BOARD OF SELECTMEN  
January 23, 2017  
MINUTES**

**Call to Order**

5:30p - 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.

**Scheduled Appointments**

**Rescue & Emergency Management, Functional Needs Form - Denny Greig & Cindy McHugh**

Ms. Greig described the Functional Needs Form, a way for residents to identify special needs that they may have that would cause them to require extra help during an Emergency. The Form will allow the Rescue and Emergency Management teams to maintain a Special Needs Registry. Ms Greig encouraged everyone to visit the Emergency Management page of the Town's website for the Form and other valuable information. She reminded that residents should consider signing up for the NH Alerts system, an action especially important for those who may not have a landline telephone and are wanting to receive cell phone alerts. The Functional Needs Form will be going out by mail in the next two weeks and the groups asked everyone to spread the word.

**DCS PTO Board - Andrea Boulton & Dawn White**

Ms. Boulton updated the Board that the PTO is looking to coordinate a fundraising event to offset the 6th and 8th grade field trip costs. The group is working to host a Triathlon with a swim at Veasey Park, a bike course and a run on the DCS 5K course. The date for the event is July 29th and Ms. Boulton advised that they have already been in contact with the Veasey Park Commission, Police and Rescue departments. The Board was in support of the fundraiser and offered to help however necessary.

**Zach Langlois - South Rd**

Zach Langlois spoke that he wanted to follow up on a letter sent to the Board on January 12th regarding an illegal Supervisors of the Checklist Meeting that was held recently. He described that the posting was inaccurate and illegal as it did not contain a time. He was told by the Supervisors that a Work Session did not fall under the same posting requirements, however having reviewed the RSA he has found that to be untrue. He asked the Board to ensure that the Supervisors of the Checklist meetings are properly posted, that minutes are kept, and that any actions taken by the Supervisors on January 12th or January 13th be voided. He further suggested that any time cards submitted for time worked during the illegal meeting be voided. The Board agreed to send a letter to the Supervisors reminding them of posting requirements.

Mr. Langlois spoke that he would also look for acknowledgment from the Supervisors that the meeting was held in violation of the law. He feels open participation in meetings is important and advised the Board that he will be filing a Right to Know Request to the Supervisors asking for Petition Warrant Articles and the names that were excluded.

## **Regular Business**

### **Minutes - January 9, 2016**

**Motion:** Vice Chairman Pitman moves to approve the minutes

**Second:** Selectman Robertson

**Discussion:** Selectman McGarry noted that, on page 1, in the paragraph beginning "Ms. Hutchinson...", "Town's" should be plural possessive and changed to "Towns". In the following paragraph, line 2 a ",", should be placed after "recommendations". Finally, on the last page under Unfinished/Other/New Business, the "Tibbetts" should be possessive as "Tibbets".

**Vote to approve as amended: Yea 5, Nay 0, Abstained 0 - Motion Carries**

### **Accounts Payable - \$564,999.95 (\$500,000 transferred to DCS)**

**Motion:** Selectman Robertson moves to approve

**Second:** Selectman McGarry

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

### **Notice of Recommended Abatement (Hardship) - \$792.88 of the 2013 Tax Lien on Map 423, Lot 20**

**Motion:** Vice Chairman Pitman moves to approve

**Second:** Selectman Robertson

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

### **Request to Transfer \$2,825 from the Municipal Government Buildings Expendable Trust Fund for the installation of two 40 gal electric hot water heaters at the GBW Building**

**Motion:** Vice Chairman Pitman moves to approve the transfer

**Second:** Selectman Robertson

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

### **Timber Tax Levy - \$2,426.82 - Margaret M. Curry, Map 408, Lot 45**

**Motion:** Selectman Robertson moves to collect the tax

**Second:** Selectman Shute

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

### **Notice of Intent to Cut Wood or Timber - Sarah Sischo, 64 North Rd**

*Signatures Executed*

### **Notice of Intent to Cut Wood or Timber - Ron Lorich - 68 Reservation Rd**

*Signatures Executed*

## **Review of Correspondence**

The Town has received notice of the Supreme Court's decision to uphold the lower Court's finding in that the Town Moderator was correct in allowing the modification of Warrant Articles during the Deliberative Session.

Selectman Robertson spoke that he has received a couple of contacts asking whether the Town would be interested in pursuing Vexatious Litigation under RSA 507, this would require the claimant to have representation and/or be bonded. Chairman Barry noted that the cost of the suit to date is \$15,762.38, not including Employee time spent.

### **Town Administrator's Report**

J. Harrington has been approached by resident Wes Golomb regarding three framed panoramic photographs of Town Conservation Easements and maps. Mr. Golomb would like to donate the pieces to the Town, asking that they be displayed in a permanent place. The Board was in favor of the idea.

Chief Tibbetts has reported that Rescue 2 will be offline for repairs for approximately two weeks.

Lastly, J. Harrington notified the Board that it was recently uncovered that the Town was incorrectly handling the way in which withholding for the NH Retirement System payments were made. There was a change in 2012 that led to the misunderstanding around tax withholdings. \$19,374.95 was underreported/underpaid by the Town with the same amount underreported/underpaid by employees on personal returns. Melanson and Heath has advised that they have seen another Town in the same situation, the IRS precedent set was to do a three year look back with restitution. Melanson and Heath is able to assist with the Town's re-filing of returns at a projected cost of between \$5,000 and \$7,000. Using the three year look back the cost to affected employees totals \$12,002.31. The estimated cost to re-file three years of personal returns is \$375 per employee, totalling \$11,250 in fees. The Town Administrator recommends the Town cover these fees. The total estimated cost of the payment, re-filing, and employee re-filing reimbursement was estimated at \$30,041.99. J. Harrington asked that the Board amend the 2017 Town Operating Budget to include the unexpected costs.

Selectman Robertson spoke that he is uncomfortable in going to Employees for money owed due to the Town's error. Chairman Barry spoke that he would be in favor of paying the Employees' portion of the taxes, but leaving the re-filing costs and tax amendment fees up to the individuals.

**Motion:** Selectman Robertson moves to amend the 2017 Town Operating Budget with an increase of \$30,041.99

**Second:** Selectman Shute

**Discussion:** Selectman McGarry asked whether the Town would be providing the employees with a full description of the error and implications. J. Harrington confirmed yes.

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

### **Unfinished, Other or New Business**

Chairman Barry noted that, in reviewing the Petition Warrant Articles, he did not see one requesting funds for the Northern Pass Defense fund. He suggested the Town advise Attorney Whitely to stop all work immediately. Selectman Robertson spoke that he had been at a Technical Session that day where he was cross examined and used Attorney Whitley's counsel and he believes there will be two more technical sessions involving testimony by the Conservation Commission and Planning Board. He suggested that the Town should continue utilizing Attorney through the conclusion of the Technical Sessions. Chairman Barry spoke that the bills for \$648 and \$4,988 remain to be paid for Attorney Whitley and Mr. SanSoucy respectively. Chairman Barry continued that a quarter of the Town's Legal line is already spent.

**Motion:** Selectman Robertson moves to add an additional \$10,000 to the 2017 Legal Line

**Second:** Selectman McGarry

**Discussion:** Vice Chairman Pitman suggested that some funds would be appropriate in the Assessing line to cover the SanSoucy costs. Selectman Robertson agreed noting that Mr. SanSoucy has advised a revaluation of the utilities will be in order.

**Amended Motion:** Selectman Robertson moves to add an additional \$5,000 to the Legal line and \$5,000 to the Assessing line of the 2017 Town Operating Budget.

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

In other unfinished business, Selectman McGarry thanked J. Harrington for getting the information requested from Chief Tibbetts, he will revert with follow up comments. Selectman Shute asked when the Board would be sitting down to discuss replacing Chief Tibbetts, J. Harrington will place a time on the meeting schedule for February.

**Non Public Session**

**Motion:** Vice Chairman Pitman moves to enter into a Non Public Session under RSA 91A:3II(I)

**Second:** Selectman Robertson

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

**Reconvene**

Chairman Barry noted for the record that no action was taken during the Non-Public Session.

**Motion:** Vice Chairman Pitman moves to seal the minutes of the Non-Public Session

**Second:** Selectman Robertson

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

**Citizens Comments**

Ms. Harriet Cady asked why the Town's hired auditors had not picked up on the payroll error? The Board confirmed that it will be looking for an answer to the same question. Ms. Cady apologized to the Board on behalf of the Supervisor's for the incomplete posting. She spoke that she was told during a training session that Work Sessions did not require posting, she asked the Board to write a letter to HAVA advising it should adjust its training accordingly.

Ms. Cady suggested that, because the GBW Building is so large, that the Town take up some sort of numbering or designation of wings so that the location of meetings can be more easily identified.

Finally, Ms. Cady spoke that the Supervisors would be meeting the following night at 7p. She asked the Board to return all Petition Warrant Articles to the Supervisors so they might comply with Mr. Langlois' Right to Know request. Ms. Cady again apologized for the error and noted that in six years she has never had anyone attend a meeting.

**Adjourn**

**Motion:** Vice Chairman Pitman moves to adjourn the meeting of January 23, 2017

**Second:** Selectman Robertson

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

**Next Meeting Monday, January 30, 2017 @ 5:30p**

*The Minutes were transcribed and respectfully submitted by Katherine A. Libby, Recording Secretary.  
Pending approval by the Board of Selectmen.*