

**TOWN OF DEERFIELD
BOARD OF SELECTMEN
October 30, 2017
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

Tax Rate Setting:

Chairman Barry had the tax rate Form 434 in front of him and Mr. Harrington has printed out various recommendations. Currently the unassigned fund balance is \$1,536,142.00 and the school returned \$478,000.00.

Chairman Barry asked what the current tax rate was which Mr. Harrington stated that it was \$22.20. All of the suggestions of how to use the unassigned funds will mean an increase in the tax rate. Chairman Barry stated that he would recommend that the town use \$500,000.00 to reduce taxes retaining \$976,142.00 plus an overlay \$245,074.00 to bring the tax rate to \$23.30.

Vice Chairman Pitman stated that he would like to lower it. He stated that he didn't think that the town needs it. Selectman Robertson stated that in years past the town has gone lower than the DRA recommendations but not by much.

Chairman Barry stated that he was with Vice Chairman Pitman that he would like to lower the tax-rate more but some balances, \$1,536,000.00, that we need to be at least at \$570,000.00 to bring that tax rate down \$1.00 and Chairman Barry was not comfortable with leaving us with....

Vice Chairman Pitman stated that it was crazy that the town got \$500,000.00 back from the school and he didn't know why it would be any different this year.

Chairman Barry asked him what he meant by that.

Vice Chairman Pitman continued If they could save enough to return that kind of money.... They were hitting the town for \$500,000.00 every month.

Chairman Barry stated that after spending a whole lot of time down at the school on the other side of the budget thing, he can understand how based in September on a budget that doesn't start until the following July that they have to take the best guess that they possibly can and he thought that it's normal.

Selectman Robertson stated that he wanted to follow up and specifically a big chunk of the surplus which is more than we have seen in years past, that a big chunk of the surplus of which Selectman Robertson couldn't remember the exact amount was for a hand full of out of district placements that the town didn't have to make. One was for someone that wasn't in the district anymore and at least two students they were able to be handled in district. It made a six-digit difference in what they budgeted for out of district which is Section 1300 Special Ed costs and as always there was at least six figures for high school tuition, of which part of that is that Concord gave the higher rate as their estimate for tuition going into last year's budget and it actually came back when the dust settled and it was firm and solid tuition rate, it was less than they initially floated. Those two items, the out of district placements that the town didn't have to make and the better than anticipated high school tuition, Selection

Robertson stated that drove that \$486,00.00 return as opposed to the \$200,000.00 to \$300,000.00 that the town usually sees.

Chairman Barry stated that he didn't really feel comfortable using any more than that. Usually the town tries to stay at an eight to twelve ratio.

Motion: Selectman Robertson moves to make a motion to back the Chairman to use the \$500,000.00 of the fund balance to reduce taxes which will leave the town with a tax rate of \$23.30.

Second: Selectman McGarry

Discussion: Chairman Barry stated that it would be an increase of \$1.10 to the tax rate and in previous years, the Board has been lucky enough to moderate it or to keep it close to the same but based on the figures that Chairman Barry sees, there is not a choice.

Selectman Robertson stated the Board has seen this coming because the tax rate has been kept flat, particularly the town end for quite some time now. Chairman Barry stated that he thought that the town rate was reduced a \$1.00 two years ago to which Selectman McGarry agreed.

Mrs. Cady asked the Board what the tax rate would be with the reduction as she couldn't hear. Chairman Barry stated that it would be \$23.30 per \$1,000.00.

Chairman Barry stated that there was a motion on the floor. Selectman McGarry stated that he thought that someone should ask Vice Chairman Pitman what the rate should be.

Vice Chairman Pitman just thought that holding back \$1,000,000.00 was a lot after what the school returned. Just seems like a big increase to go up \$1.10 with nothing new in the budget, no police station.

Chairman Barry stated that the cost of maintaining what the town has is just going up. If the town wanted to maintain the current tax rate, the only way that they could come close is to use...

Vice Chairman Pitman stated that he didn't think that the tax rate should stay the same but to split the difference even though it is not recommended by the DRA. \$634,000.00 is quite a chunk to hold back.

Chairman Barry stated that he didn't think that the Board has ever gone that low. He thought that one year they went to \$800,000.00.

Vice Chairman Pitman asked why they did such small increments from 976 to 941 but then on ...

Chairman Barry stated that they were just using it as their options. Chairman Barry asked Mr. Harrington if the form in front of them was what he had done. Mr. Harrington stated that he had talked to the town's DRA representative and after discussing all the variations and all the different formulas and hold overs, she strongly recommended the \$500,000.00, it's even less than the towns that she is responsible for, that she likes to recommend to them, but trying to meet the requirements of the town and a good percentage to hold back. The \$800,000.00 that Vice Chairman Pitman sees at the bottom illustrates that to get it even close to where we are now, it would require that amount of hold over. Mr. Harrington stated that that is why he put that in there so that it would illustrate how far down it would have to go to get there.

Selectman Shute asked if anyone knew how much it would be to if you would go to say \$650 and split the \$500 to \$800. Would anyone know what the tax rate would be on that one?

Chairman Barry asked Selectman Shute if \$650 was left, it would be about \$820 something and would bring it down to around \$22.70 to \$22.80 but he wouldn't recommend it. He didn't think that we have ever gone below \$800,000.00.

Mr. Harrington asked what the number was again. It was stated \$650. Mr. Harrington asked to clarify that it was to leave \$650. Selectman Shute stated to clarify to use \$650 of the fund balance.

Mr. Harrington stated that it would leave \$826 which is a \$23.03 tax rate.

Selectman McGarry asked if it would be an 83-cent tax increase? Chairman Barry stated yes. Mr. Harrington stated that it would leave \$556,000.

Vice Chairman Pitman stated that there is a motion on the floor so that you can't make another one.

Selectman McGarry stated that the motion could be amended.

Motion: Vice Chairman Pitman stated that he would like to amend the motion so that the tax rate would be \$23.03 instead of the \$23.30.

Second: Selectman Shute

Discussion: Chairman Barry asked \$650 was used to reduce taxes, what would be left in the fund balance? Mr. Harrington stated there would be \$826,142.00.

Selectman Robertson asked if that would get them to the \$23.00 that was looked for. Chairman Barry stated that it would get them to \$23.03.

Selectman Shute asked if Vice Chairman Pitman wanted to amend the motion to get the tax rate to \$23.00. Vice Chairman Pitman stated that he was good with the \$23.03.

Selectman McGarry stated that it was basically splitting it in half.

Vice Chairman Pitman stated that it was still leaving \$850 instead of \$976.

Selectman McGarry asked if it were greater than or equal to what was held in the past.

Selectman Robertson stated that it was quite a bit lower than the town has held in the past. The town has typically looked for at least eight percent.

Chairman Barry stated that during pretty much his time on the Board, it has used eight percent.

Vice Chairman Pitman stated that if eight percent was held back that would be over \$1.2 million. All selectmen agreed.

Chairman Barry asked Vice Chairman Pitman to state again what he had said. Vice Chairman Pitman stated that if they used eight percent that they would hold back \$1.2 million.

Chairman Barry stated that five percent is \$743,000.00 that would be retained. Mr. Harrington stated that if you were to put \$400,000.00 of fund balance to reduce taxes it would be at 7.2 percent and you would retain \$1.076 million. You would be putting \$400,000.00 towards the fund balance.

Selectman Robertson asked if that if the goal is to have the tax rate at \$23.03?

Chairman Barry stated use \$650,000.00 of the unretained fund balance. That would put the town at the 5.56 percent, stated Selectman McGarry. Selectman Robertson stated that there is also the option of saying that you were right.

Chairman Barry stated that he is really concerned about going that low. He didn't think that they shouldn't go past \$500,000.00. The budgets went up and the tax rate should go up accordingly. He is not comfortable with leaving...

Vice Chairman Pitman asked if that it would be a five percent increase if the Board went with the \$23.30? Chairman Barry stated yes. It is an increase of \$1.10 per thousand. Going any lower than that puts the town in a situation where something could happen. It has been a practice as long as he has been on the Board that we don't leave ourselves short. We are talking about 27 cents to use another \$150,000.00. When put like this it doesn't sound terrible but.....

Selectman Shute stated that the other side of the fund balance includes the money from the school.

Chairman Barry stated that is where the surplus went. So, basically this is our bank account right now, to which Vice Chairman Pitman stated the \$1,536,000.00. Chairman Barry replied yes and we are in the middle of the year and money coming in from tax bills and revenue and other assorted things, that this money is not technically assigned right now and Selectman Robertson added, not technically available for whatever it is wanted for.

Chairman Barry continued, in the past, that is the reason that DRA is recommending 8 to 12 percent of the total budget which is \$14,000,000.00 be kept aside just in case, for instance if we had a short flow, a shortage of tax bills coming in at the next tax bill or say for some reason we only start collecting 85% of the taxes, the bank balance could go down.

Selectman Robertson added or say for instance we had an unexpected natural event, we know how much those cost.

Chairman Barry went on to say, basically, the unreserved fund balances are the town's insurance cushion. We might get away with it but we also could have a shortfall of money.

The motion on the floor is to amend the number to \$650,000.00 used to reduce taxes.

Vote: Yea 2, Nay 3, Abstained 0 – Motion Fails

Chairman Barry stated that the original motion is to use \$500,000.00 leaving \$976,142.00.00

Vote: Yea 3, Nay 2, Abstained 0 – Motion Passes

Chairman Barry stated that the Board is setting the tax rate at \$23.30 and using \$500,000.00.

Trustees of the Trust Funds – Jim Sullivan

He stated that he is one of the three trustees of the trust funds. Two things were raised from their October 11th trustee meeting. They asked the investment firm, Cambridge Bank, to suggest a third category investment for the cemeteries that would be turned, as far as possible, to income. The cemetery's membership in the current common fund has grown well but some of it has, a reasonable chunk of it has been in principal which doesn't help the management costs reimbursement to the town because the money that goes to the principal side stays on the principal side so they are considering several options and come to our next meeting to see if they can generate a boosted income for the cemetery funds. He further stated that he would let the Board know what they came up with.

The second recommendation was to put the money into an income generating fund. They are available and have a very low interest fee and would induce a change to their agreement with Cambridge Bank but they are open to doing that so they are going to discuss that at the next board meeting.

The other thing on their agenda was a house keeping item that the Board is allowed two alternate trustees which helps them when they get into a bind with attendance and don't have a quorum. Glenn Myers has been the Board's alternate trustee for the last year and we should have asked the Board of Selectmen to name him to the 2017 term. We are here asking the Board to do that now. Glenn G. Myers. There is a quirk in the regulation that the alternate positions survive the election for, Mr. Sullivan thought, three months which if the Board doesn't have a candidate then that alternate carry over becomes important in April, May and June and the Board has had that problem in the years past. Mr. Sullivan stated that he gave the Board of Selectmen a copy of the paperwork for Glenn G. Myers.

Chairman Barry asked if Mr. Sullivan had a copy of the paperwork. He did not. Chairman Barry asked for a motion to reelect Glenn G. Myers as an alternate trustee to the Trust Fund for the 2017 term.

Motion: Vice Chairman Pitman moves to reelect Glenn G. Myers as an alternate trustee to the Trust Fund for the 2017 term.

Second: Selectman Robertson

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

Chairman Barry stated that it wouldn't be official until the Board signs it which won't be until next meeting.

Mr. Sullivan stated that is okay.

GBW Lease – Claire Parrino

Ms. Parrino stated that the terms of my lease are that they are asking for a five-year renewal to end September 30th, 2022. At this point there is no recourse for Ms. Parrino to stay with the lease and she was not sure that she could do this at this time being her age and being a one-man show. She is asking for a year to year lease instead of the five years.

Vice Chairman Pitman asked Ms. Parrino how much time could she give the Board if she were to shut down, hopefully you don't but....

Ms. Parrino stated that at 62 years old, she would be 67 when the lease ended and she stated that she is alone so that if she was unable to do it she stated she would.

Vice Chairman Pitman asked if Ms. Parrino could give a 30, 60 or 90 day notice.

Ms. Parrino stated that she thought that she could do that.

Vice Chairman Pitman stated that at least that would help.

Selectman Robertson stated that there must be some kind of bailout condition.

Chairman Barry stated that he was looking through and was trying to find it.

Ms. Parrino stated that the town has no recourse if they wanted to terminate the lease.

Selectman McGarry stated that he didn't see anything and Chairman Barry stated he was looking to see if there were something in the lease.

It talks about if Ms. Parrino didn't pay the lease but it doesn't have anything to cover if you were closing down and get out of it.

Vice Chairman Pitman asked Ms. Parrino if she would like it yearly. She stated at this point, yes.

Chairman Barry added, or a five year with an alternate clause, and added would 30 days be enough for you? Does that make sense.

Selectman Robertson stated that he thought that the Board should revisit this as there should be the ability to get out of the lease with some notice and if there is not, then the Board needs to revisit it.

Chairman Barry stated that if the Board put a clause in the lease for either side, are you comfortable with that.

There is a clause that the town can, stated Ms. Parrino.

Chairman Barry stated that he wanted to also add it so that Ms. Parrino could also.

The only problem with this is that it is going to take us into November. This won't go into effect until the Board actually signs it probably at, Chairman Barry asks if the Board has a meeting next week which Mr. Harrington stated yes.

Chairman Barry went on to say that the Board could probably get this together and Ms. Parrino could come in next Monday night and sign it if it is agreeable to you and then it would go into effect but right now we are at the end of the month.

Selectman Robertson said that he thought that the Board wouldn't need her presence at the next meeting to sign it.

Mr. Harrington stated no.

Selectman Robertson went on to say that the Board could sign it but Ms. Parrino could sign it anytime.

Vice Chairman Pitman asked if Ms. Parrino could sign it ahead of time. Chairman Barry answered yes.

Mr. Harrington stated that that is typically how it is done.

Vice Chairman Pitman stated that if Ms. Parrino could sign it during the day on Monday.

Chairman Barry stated that he just wanted to be clear, there will be included an option for Ms. Parrino or the town to end the lease with 30-day notice.

"Termination for Convenience" is what Selectman McGarry called it.

Mr. Harrington will deal with talking to the lawyer and getting the actual language in there, putting it together, showing it to Ms. Parrino and if Ms. Parrino signs the agreement, the Board will sign the agreement.

Ms. Parrino also brought up, under repairs, that she was not quite sure when it says that the landlord shall not be liable for any damages to the tenant's property or business resulting from the landlord's failure to make those repairs. She stated she realized that they were talking about the foundation or such so that if something goes wrong for something that the town is responsible for and they won't let me fix it, how that going to work.

Selectman Robertson stated that that is a fairly standard part of the lease and it is anticipated that you will have a business owner's policy or some sort of commercial business package which would indeed provide loss of income for some event that was unforeseeable to Ms. Parrino but the town is not going to be responsible. For example, if the building were to lose water service or electrical service and don't know when that could be repaired, the town would not be responsible for the loss for that type of service. And typically, a business owner's package would provide for loss of business or income coverage for a loss such as that.

Chairman Barry stated that basically Ms. Parrino, the language of the lease is as recommended by the town's attorney and it is pretty much the same lease that Yanni's is having. It has been recommended that the Town not change anything in the lease and to use the wording that is in the document.

Chairman Barry went on to say that the other item that you mentioned was not in the lease that by all means that should be something that be added in but at this point we, under the advice of the attorney, not change anything in the lease.

Ms. Parrino stated that under Number 14 she has always had personal liability insurance and now it is stating that it needs to be a public liability insurance to the premises and all parking area on the premises. Ms. Parrino asked what that meant as she had no parking under her square footage.

Selectman Robertson stated that again this would be not, hopefully you don't have personal liability right now. Hopefully you have business liability or commercial liability right now. Ms. Parrino apologized for the confusion, yes, she has business liability.

Selectman Robertson stated that "public" is an encompassing term for that. What it means is clearly that if someone slips and falls in the parking lot that the town has mismanaged, miss maintained, plowed incorrectly that sort of thing, that is going to fall back on the town. What it is saying is that you need to carry liability insurance that you are carrying for the premises, that you are using and would extend to parking spaces, that sort of thing, if they are specifically because they are seeing Ms. Parrino, they get out of their car and they fall and break their leg, quite frankly they are more than likely going to name the town, yourself, whoever was sanding or plowing or doing whatever to our parking area and it is just requirement that you have general commercial or business liability.

Ms. Parrino asked if she would be responsible for someone in the parking lot.

Selectman Robertson stated that quite possibly not but you might well get named and any sort of legal action as they were customers coming to see Ms. Parrino.

Ms. Parrino stated that she doesn't contract with anyone maintaining the parking lot and she thought that that wouldn't be her responsibility.

Selectman Robertson stated that Ms. Parrino was probably right, it probably wouldn't be.

Ms. Parrino stated that she just didn't want it to come back to her when it says that about parking.

Selectman Robertson stated that it's basically saying that you are agreeing to provide the appropriate business or commercial liability coverage and they name any potential exposure that might involve Ms. Parrino as a business on this premise.

Ms. Parrino stated that she just didn't understand. She stated that if someone walked out of her shop and fell down in front because there is ice and Ms. Parrino had nothing to do with maintaining that, she didn't see how it could come back to her.

Selectman Shute asked in her description of premises, her 800 square feet, and reading the description it states that it is the square footage in the building and not the parking lot.

Selectman Robertson stated that it is but the attorney has included the language requiring that you need public liability coverage is just a verbose way of saying that you need to have all-inclusive business or commercial general liability coverage. It is not singling out any specific incident that might happen.

Vice Chairman Pitman asked if Ms. Parrino needed to talk with Mr. Harrington during the week.

Chairman Barry asked about what.

Vice Chairman Pitman stated just so the Board isn't putting the stress on her right here.

Chairman Barry apologized for that but this has gone back and forth with the attorney and he recommends that the Board not change anything else in this lease so the purpose here is to ask Ms. Parrino what problems she has with the existing lease and make decisions from there.

Selectman Robertson stated that other than giving Ms. Parrino the option-out option of the new lease which he thought was completely reasonable, he didn't see the Board making any other changes to the lease as presented.

Chairman Barry asked Ms. Parrino if she had another specific problem with the lease.

Ms. Parrino stated that no she didn't but she didn't want to sign something that she felt that it can come back to haunt her at some point because of the way it is written. She stated that when it states premises under the description of her premises, and it states her premise and all the parking on the premises, that leaves her wide open.

Vice Chairman Pitman asked Ms. Parrino if she had a parking sign specially for her. She stated no, she had asked for one.

Chairman Barry stated that from Selectman Robertson's explanation, this is protecting Ms. Parrino against any and all possibilities of being sued.

Selectman Robertson stated that actually it is requiring her to have insurance to protect her against the prospect of that. The lease isn't providing her any protection.

Chairman Barry asked if Ms. Parrino had business liability insurance. Ms. Parrino stated that yes, she has had it since day one but it never included parking, only her premises, her 800 square feet. She was never held responsible for anything else after that.

Mrs. Cady spoke from the floor stating that the easiest thing to say is that is that lawyers can sue anybody and try to get money from them and consequently as long as Ms. Parrino has the business, they may put her name on the lawsuit.

Chairman Barry agreed with Mrs. Cady. Selectman Robertson stated that the requirement in the lease is not that you protect us or your parking space but that you provide adequate commercial liability insurance which you do.

Chairman Barry stated that Ms. Parrino is already doing it. Ms. Parrino stated yes but that she didn't want to be responsible for anyone outside at this point. She stated if she were shoveling or plowing then yes, she would think that could be her responsibility to keep it clean.

Chairman Barry stated that he thinks that because of the current environment if someone were to either be heading towards your shop or heading away from it, whether or not you were in charge of the upkeep of the walkway or the parking lot, they are going to name Ms. Parrino in any type of suit that they put up. They are going to sue the town for not maintaining the property and they are going to try to find a way to include your name in it. This is just a way that basically is a protection for you.

Selectman McGarry stated that for him, he has a problem with regard to premises because premises are defined in description of premises, Item Number 1 as her 800 square feet. Now, he understood that with regard to parking on the property but we are using the term premises which has been defined as her 800 square feet. We say that applicable to the premises and all parking on the premises. She is not allowing parking in her 800 square feet which we have already defined as her premises. So, there is a definite use of terms in the lease which needs to be

cleared up or changed as we have all parking areas on the property of the landlord, that is basically what it comes down to but the way it is written with premises with a capital p, premises defined in Item Number 1 as her 800 square feet so the Town needs to check with the town attorney to clarify that in the use of the term "Premises".

Chairman Barry asked Ms. Parrino if she had anything else to which she replied she did not. Chairman Barry stated that he wished that they didn't have to get lawyers involved at all and just rent you the space but we have an obligation to try and protect everybody's best interest in this.

Chairman Barry stated that they will add the escape clause. Chairman Barry asked Selectman McGarry what it was called which is the "Termination for Convenience" and then the Board is going to go back and ask about the insurance and the description of "the premises". And ask to see if the attorney could recommend if the Town could remove "all parking areas". He may have a reason for wanting to keep it and Mr. Harrington will get back to Ms. Parrino.

Jim Sullivan wished to comment.

When he first moved to Deerfield he wanted to get involved in the town. There was a vacancy in the MBC so he asked that his name be put forward and because I was the freshman in the group he got assigned to a committee that was to speak to or make recommendations for the rental of public spaces for private business. At the time, there was a little machine shop in one of the offices and he believed that there was one other business besides Claire's and Yanni's. One of the things that Mr. Sullivan did not get an answer for was "are we the only town in New Hampshire that rents public space to private business"? There wasn't an answer to it but that was his proposition because it seemed to Mr. Sullivan that Deerfield didn't want to pioneer the contract if there were other people that do this kind of business.

The other part of his question was, isn't there ordinary language in the uniform commercial code that deals with the rental of square footage and the common parking area and a common roof, etc. and a way to have the town protect itself from a wrong done by a business as well as to have the business being protected from wrong done at the hand of the town and there wasn't an answer for that either so it seems to Mr. Sullivan that the Town is still in the position to pioneering this agreement. Mr. Sullivan asked to anyone's knowledge if there is any other municipality that rents public space to private business.

Selectman Robertson stated that he couldn't tell Mr. Sullivan about other municipalities but he told Mr. Sullivan that the lease contains fairly standard, boilerplate commercial code language and that the town is not pioneering a lease with regards to this particular occupant.

Selectman Robertson stated just as a historical comment, he has been on the Board for a long time and the Board of Selectmen, for quite a number of years at the onset of this arrangement, did not want to become a landlord and renting out public space to private parties. Selectman Robertson recalled that it was a vote at a town meeting that we would become landlords and maintain the property as such.

Mr. Sullivan stated that at a selectmen's meeting, the late Joe Stone voiced his opinion as to dearness to him of his source of pizza.

Budget Review:

Chairman Barry stated that they would not be doing the budget review tonight because the library has been out of power all day and the highway people have been running around all day so it will be rescheduled to next week.

Regular Business:

Review of Outstanding Minutes of 10/16/2017

Motion: Vice Chairman Pitman moves to approve

Second: Selectman Robertson

Discussion: Selectman McGarry stated that he took between two and three hours going through these and that he had corrections or changes on every page. He would suggest that the corrections be given to the town administrator and let him take a look at them and make the corrections so that the Board doesn't take up time doing them.

Chairman Barry asked that Vice Chairman Pitman withdraw his motion and Selectman Robertson withdraw his second. Both agreed. Motion was withdrawn.

Outstanding Minutes of 10/23/2017

Chairman Barry asked if the Board wanted to do the same with the minutes of October 23rd. Selectman McGarry stated that he hadn't had a chance to review those minutes. Chairman Barry stated that they would hold the minutes of the 23rd until next week. Selectman McGarry stated that he was going to review them but he doesn't have telephone.

Accounts Payable - \$37,149.39

Motion: Selectman Robertson

Second: Selectman McGarry

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

Chairman Barry asked Mr. Harrington to explain about the Local Government program -- MuniSmart. Mr. Harrington stated that it has been recommended by the town's contract finance person that there is a module with the current municipal software that the town uses to assist with bank reconciliation. Most municipalities already use this function. Deerfield, however, has been using excel spreadsheets for many, many years and it's not as accurate or effective. This module will take information from all the accounting -- payables and receivables, general ledger work and be able to reconcile in a much more effective and accurate way. It is Mr. Harrington's recommendation that we purchase the module as part of our whole software package.

Chairman Barry stated that would be for a total cost of \$3,250.00 with an annual maintenance support cost of \$520.00

Selectman Robertson asked if this would standardize, streamline the process a little bit more. Mr. Harrington stated, absolutely.

Vice Chairman Pitman asked if the \$520.00 was for first year. Mr. Harrington stated that the \$3,250 was for the installation of the software and the first year and then every year after that it would be \$520.00 maintenance.

Vice Chairman Pitman asked if the town gets one year at the \$3,250.00. Mr. Harrington stated that was just for buying the software. It is only purchased once. The rest is maintenance which would start next year.

Chairman Barry asked if the Board would make a motion to have the Chairman sign the agreement with Harris Local Government.

Motion: Selectman Robertson made the motion to have the Chairman sign the agreement for the Board

Second: Selectman Shute

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

Chairman Barry stated that it has been requested by the Municipal Budget Committee that the Board appoint Benjamin Menerd to a one-year term expiring March, 2018.

Motion: Vice Chairman Pitman
Second: Selectman Robertson
Vote: Yea 5, Nay 0, Abstained 0 – Motion Carries

Selectman Robertson would like to add that there is one more seat on the budget committee that the MBC would like to fill at their meeting on November 24th.

Application for Current Use – Dean and Donna Wolf – Hartford Brook Road, .12 acres.

Selectman Robertson was trying to envision how this could be done. Vice Chairman Pitman as well as the Chairman also voiced concern about how this could be done on Hartford Brook Road

You have a 1.82 or 1.52-acre parcel of land of which 0.12 is being requested to be put into current use. Selectman Robertson asked if the Town had a recommendation from Avitar for this. Chairman Barry stated that they did.

“The area appears to be what typically would be poorly drained soils, meaning it is saturated periodically from rainstorms, etc. due to slow, poor drainage. But the .12 acres was not inundated with water and is capable of growth therefore does not meet the requirements. It has been advised that the Board deny the request.”

Selectman Robertson stated that given the acreage he didn't think that the Board could even consider it. Chairman Barry agreed with Selectman Robertson.

Motion: Selectman Robertson moves to deny the request for current use.
Second: Vice Chairman Pitman
Vote: Yea 5, Nay 0, Abstained 0 – Motion Carries

Selectman McGarry thought that current use had to be over ten acres. All agreed.

Notice of Intent to Cut Wood or Timber – Alan and Kathy Shigo, Cate Road

Notice of Intent to Cut Wood or Timber – Anne Marie Lawrence, South Road

Notice of Intent to Cut Wood or Timber – Anne Marggio, LLC., Range Road

Notice of Intent to Cut wood or Timber – Anne Marggio, LLC., Middle Road

Chairman Barry stated that there is a letter from Deerfield Women's Club to the Board of Selectmen of which he read as follows:

On behalf of the Deerfield Women's Club, I want to bring before you for consideration on having voted on donating \$250.00 to the Town for the purchase of padded chairs for the town hall.

We are asking that you vote to accept these monies.

Selectman Robertson would make a motion to accept the monies although he didn't know how the Town would hold it. He would hope that the town administration has looked into it. Mr. Harrington stated that the plan was that the town, with their buying power, could purchase the chairs and then give them back to the Women's Club to present as a donation, a physical donation.

Motion: Selectman Robertson moves to accept their gift and thank them.
Second: Selectman Shute
Vote: Yea 5, Nay 0, Abstained 0 – Motion Carries

Chairman Barry stated that he had a letter from Paul L. Spidel to the Supervisors of the Checklist. It is addressed to Mrs. Cady.

Chairman Barry read the letter as follows:

I am pleased to make the donation of a used executive desk valued at \$100.00 to the Town of Deerfield. My prayer is that it will serve you and your successors well in performing your duties as Supervisor of the Checklist.

Chairman Barry asked Mrs. Cady if they had the desk yet. It was answered yes.

Motion: Vice Chairman Pitman moves to accept the desk and thank Mr. Spidel

Second: Selectman Robertson

Discussion: Selectman Robertson added as long as the Supervisors of the Checklist want the desk. Mr. Harrington stated that he believed that it was already being used.

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

The Rockingham County Treasurer has sent the Town a bill for \$554,695.00 and it is payable by December 8th so that is when it is going to be given stated Chairman Barry.

Town Administrator's Report:

Mr. Harrington stated that he has two items. One is to announce at the meeting that the Deerfield Swap Shop will be closing this Saturday, October 28th. That was last Saturday.

The other item is that Mr. Harrington had an estimated cost from Attorney Stephen Whitley which the Board had asked Mr. Harrington get a cost for legal services. Those are estimated for 2018 to be between \$8,000.00 and \$12,000.00.

Vice Chairman Pitman stated that then we do nothing. Selectman Robertson stated that when the Board looks at the Legal Budget, it can be amended at that time.

Chairman Barry asked if the Board had any questions for the Town Administrator.

None were heard.

Selectman Robertson asked If the Board was going into non-public. Chairman Barry stated that the Board would be at the end of business. Selectman Robertson stated then that he didn't have any questions for the Town Administrator.

Unfinished Business:

Chairman Barry asked if everyone got a copy of the letter to the community from the Board of Selectmen.

Chairman Barry would like to be able to get the Board's approval and start sending it out. Chairman Barry asked for any suggestions.

Vice Chairman Pitman asked if it were to be mailed. Chairman Barry stated that no, they were going to submit it to all forms of media, sending it to the Union Leader as they printed an article about it, maybe send it to The Forum, but basically put it on the Town's website and Facebook site and Twitter. Chairman Barry asked if there were any other ones.

Chairman Barry stated that it will basically get out the Town's side of the story.

Selectman Robertson stated that he didn't think that it was the Town's side of the story but just an explanation of the way that things are evolving. Chairman Barry stated that this was a better way to put it.

Motion: Selectman Robertson moves to sign the letter

Second: Selectman McGarry

Discussion: Chairman Barry asked if he should read it into the record. It was decided that it would be seen soon enough and it was very lengthy.

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

A member of the audience asked to speak of which he was denied at this time as it was almost time for Citizen's Comments, and it would have to be a comment.

This person went on to say that it would be nice to have provided a copy of the letter.

Selectman Robertson stated that until now, the letter hadn't been approved or signed.

Chairman Barry asked if anyone else had any unfinished business.

Selectman McGarry stated he guessed that this would be unfinished business but that he had just saw the notice for the next meeting of the Municipal Association. He asked if anyone was planning on attending. Chairman Barry stated that Selectman McGarry would be attending. He asked Selectman McGarry if he would like to attend as a representative of the Board. Selectman McGarry stated that he would.

Chairman Barry asked for any other unfinished business or new business.

Selectman Shute stated as a follow up to the letter, wondered if the Board would consider doing a couple town hall meetings or something as a follow up for people to talk with the Board.

Chairman Barry asked when Selectman Shute would like to schedule these. Selectman Shute stated between now and Christmas. Mr. Harrington stated that if he could make a suggestion that he work with Selectman Shute to come up with some dates and then send them out to everybody to react to. Chairman Barry stated that that would be fine.

Vice Chairman Pitman asked if he was thinking on a Monday night that the Board doesn't meet. Selectman Shute stated that either that or a Saturday morning or maybe one of each to maybe get a couple out there.

Chairman Barry stated that he had one item.

Chairman Barry was thinking of a way to finance either the police station or part of the safety complex. There is a 75-acre lot that the Town bought back in 2002 for the school. It is assessed currently at \$880,000.00 and it is not paying a dime in taxes. It is not on the tax rolls. Chairman Barry's personal opinion that it will never have a school on it. In talking with some members of the school board, they are looking for land for fields, they are looking at a possible addition to the school. Having been on the school board, Chairman Barry didn't think that there was anything that they could do to expand the existing school.

The bottom line is that the school owns a piece of land that is not paying taxes. It is not paying any. Conservatively, the Town has lost about \$180,000.00 in revenue over the last seventeen years that the town or the school has owned it. The school cannot dispose of the property. The only ones that can do that is the Board. They are looking for land. The town happens to have three parcels of land of which one is directly attached to the school up and beyond the soccer field. Second, on the other side of Freese's Pond Road where the Town has a property that was being reserved for the safety complex.

Chairman Barry would like the authority to go talk to the school board and do some horse trading and see if the Board can't offer some properties to them and to get their agreement to put a warrant article to give the 75 acres down by the fairgrounds to the town to dispose of. The town has the authority to sell the land. The Board would have to put a warrant article on to use the proceeds of the sale of the land for a safety complex.

Vice Chairman Pitman asked if it were the complete safety complex or just the police station.

Chairman Barry stated that he would word it, any part of the whole thing starting with the police station.

Selectman Robertson added to make it as generic as possible.

Chairman Barry continued to build the police station and to retain the rest of the money for the future use of continuing on with the fire complex. Then if the town had a fund, then the Board could say every year to put \$100,000.00 into the fund to get towards the complex.

Selectman Shute stated just to clarify, he thought he had heard Chairman Barry state that a piece of that is where the Board looked for a safety complex before. Selectman Robertson stated that in conjunction with this, the Town owns four parcels of land....

Chairman Barry interjected that the Town owns almost 11.5 acres parcel that fronts on North Road. Selectman Shute agreed.

Chairman Barry stated that the piece he is talking about and perhaps he should hand out the maps so that the Board can actually see.

Selectman Shute stated that he doesn't want people to think that it is the parcel for the safety complex as he did.

Chairman Barry stated that if you look at the map, and you go to page 2, the front page is the land that the school owns, if you go to page 2 and you look down at the bottom it says Deerfield School District. Go up to the left. There is a 7.2 acre lot that the town owns that immediately abuts the school land. If you look over to the top right part there is an 11.5-acre Town of Deerfield on North Road. This is the proposed site for the safety complex but if you look along Freese's Pond Road on top there is 5.1-acre lot on North Road on the other side of Freese's Pond Road that the town owns and a 3.91 on the other side of Freese's Pond Road. Those are the three parcels that Chairman Barry is looking at.

Selectman Shute asked what was the 1.5-acre lot in between. Chairman Barry stated that that is a private lot. Selectman McGarry stated that there was a house on it and both lots have houses on them. He had gone in to check. Lot 33 and Lot 31 both have houses.

Chairman Barry continued that he thought that the Town had something to offer to the school, specifically the one that is directly connected to the school property.

Vice Chairman Pitman stated the 7.2-acre lot for the record. Chairman Barry agreed. The 5.0 acres on North Road and Freese's Pond Road would make a great soccer field. Chairman Barry stated that Selectman McGarry has walked it and that it would probably work out rather well. The bottom line is that he would like to offer and talk with them. It will take a bit of doing to get it and to actually be able to use the money towards a safety complex but it seems to Chairman Barry that it is a possibility, that we have had a piece of land sitting there not paying taxes. At the very least, let's get it back on the tax roll.

Vice Chairman Pitman asked if anyone remembered when the school bought the land and everyone was happy that it saved twenty-two houses from going on that lot. Chairman Barry stated that is the only reason that the town bought it. He didn't think that anyone on the school board thought that the town was ever going to put a school on it.

The bottom line is that Chairman Barry would like the Board's permission to go talk with the school board Wednesday night to feel them out.

Chairman Barry stated that the bottom line is to have an idea to come up with a way to raise funding for our needs for the police department and a safety complex.

Vice Chairman Pitman stated that using the tax rate that was just set, that would be a \$20,000.00 tax bill right there.

Chairman Barry explained that if the tax rate was to be set at \$23.30, this piece of property would have a yearly tax bill, if it were on the tax rolls, would be over \$20,000.00. Selectman Robertson stated that if it were developed, it would be considerably more.

Non-public session:

Motion: Vice Chairman Pitman move to go into Non-Public session under RSA 91-A:3 II (B)

Second: Selectman Robertson

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

Note that there was no action was taken in the non-public session. Chairman Barry requested a motion to seal the minutes.

Motion: Vice Chairman Pitman moves to seal the minutes from the non-public session.

Second: Selectman Robertson

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

Citizen's Comments:

Jim Sullivan – Wild Turkey Road

He asked if the Board didn't mind he would like to go back and elaborate on the cemeteries. Because the Board moved and agreed to forego asking for cemetery expense reimbursement, they were able to advance that idea to Cambridge Bank and asked them based on that, could they identify an investment opportunity for them that could ride on top of that five years not having to worry about taking any money out of the fund. Chairman Barry agreed.

Mr. Sullivan continued and stated that the Bank asked him which spending or reimbursement year is the Board talking about.

Chairman Barry asked how does it work?

Mr. Sullivan continued that the expenses for 2017 will be totaled up and passed over to the cemetery trustees sometime in March or April of 2018. They will make a decision as to how they want to draw down the trust funds after they used the \$10,000.00 set aside that the Board previously agreed to. It's like a disconnect. If you are now drawing on the 2018 budget and Mr. Sullivan didn't know how to answer Cambridge Bank.

Chairman Barry's intention was to make a suggestion would be to make it so that no monies needed to be taken out for five years. He thought that that would include the 2017 year expenses. He was looking and he thinks that the Board would support him with this was from the point that we talked, the trust fund should not have to make any payments for five years.

Mr. Sullivan stated that beginning in 2018 for five years, there will be no ask from the town for expenses. The 2016 expenses are still before the trustees. They have not been laid out in the year 2017. Taking from what you said, the 2017 expenses that are now incurring will not be asked for reimbursement in the year 2018.

Chairman Barry and Selectman Robertson stated that that would be their understanding.

Mr. Sullivan stated that they would notify Cambridge Bank to stated that they are working with the years 2018, 2019, 2020, 2021 and 2022 which is the five-year period which they can try to buy a deep municipal bond or a series of bonds.

Chairman Barry stated that if the situation should change in 2022, you can always go and talk to the Board again.

Mr. Sullivan stated that he thought that he understood that but wanted to set the point as to when the funds would be, for the lack of a better word, frozen.

Chairman Barry thanked Mr. Sullivan.

Mr. Sullivan asked if the Board minded, that he had a comment, actually two.

Mr. Sullivan stated that he doesn't use Facebook, subscribe to Concord Monitor or the Union Leader to see the letter.

Chairman Barry asked if he had ever been on the town's website to which he stated yes. That is one of the places that it will be. Mr. Sullivan asked if it would be there as a .pdf file to which Chairman Barry stated yes.

Mr. Sullivan had three comments. He stated that he started drawing his pension at age 62. So, for nine years he has not had any increase in my pension income. He just asks the Board to keep that in mind when you talk and banter back and forth about setting the tax rate as for a sizable population in Deerfield, if he were to gauge it based on his hair color compared to others, many, many, many of us are in that position where we are working on getting an increase but it gets gobbled up by an increase in Medicare costs. That means that we are managing our other expenses by drawing down our savings. It is a reaction that he has when listening to the conversation of the Board. He is going to have to eat that, it is not going to come out of angled increase I would have.

Chairman Barry thanks Mr. Sullivan

Kathy Shigo – 16 Cate Road

She just wanted to express her thanks to Mr. Sullivan for mentioning this issue as she has been an advocate for elderly people and she has always had a real heart for people that really are struggling and she just wanted to let the Board know that, and Ms. Shigo thinks that Chairman Barry mentioned it, that it is a valid point that when the budget goes up, the tax rate goes up. She went on to state that her suggestion and it would take a lot of dedication but for next year, for everyone that presents a budget which she has heard so many through the years, if you could just see if those budgets didn't need to go up, that someone could sacrifice something and not to accept what everyone says for their budget. She stated that she felt that we are really good people that have really good hearts and all that but sometimes someone has to say no. Maybe then the budget wouldn't go up so that the tax rate doesn't go up. Her suggestion would be to look at the budget and look at it closely. There are some things that maybe that we don't absolutely need or that the Board doesn't have to say yes to. There always are the necessary things such as repairs and such but maybe just take a good hard look at the budget and say that the Board is not going to do this this year because the tax rate will go up. Just think about the people that can't afford it and it will still be tough on a lot of people. She stated that she hoped that the Board would look at the budget a little closer next year so that it doesn't go up.

Mrs. Cady – Old Centre Road

She has a real concern with the Selectmen sending out an informational letter on two full-time firemen and the joining of the fire and rescue departments. She stated that she cautions the Board that the First Federal District Court has already found that taxpayers money cannot be used when the town or school sends out persuasive language in order to get a budget passed or warrant articles passed. Should you letter contain persuasive information, she would suggest that you have both sides of the viewpoint. Otherwise it's very easy to bring a civil rights suit such as the have Derry Taxpayers v Town of Derry School District or Bonna-Lyons v Boston City Schools.

Mrs. Cady's second point, and she stated she strongly feels this way, is that we start raising the elderly exemption for the poor. When you have, as Joanne Wasson says, elderly widows, typically widows but sometimes widowers, who have to spend four to five months of their social security payment to pay their tax bill, what are you doing to those people who founded this community, who set up a community that apparently a lot of people like to live in. So, look at that when you're thinking of adding to that tax bill. Mrs. Cady stated that she understood that what got voted last year is going to be paid for with this tax bill and that it is why we are going pay \$1.10 more per \$1,000.00 of assessed value. People need to realize what goes into the tax bill this coming March will set the tax rate for the following December. She is just thinking of the widows and widowers that are paying four to five months of social security for taxes.

Chairman Barry asked if anyone else would like to comment.

None heard

Motion to Adjourn:

Motion: Vice Chairman Pitman moves to adjourn

Second: Selectman Robertson

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

Next Meeting: Monday, November 6, 2017 at 5:30 pm

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