

**TOWN OF DEERFIELD  
BOARD OF SELECTMEN  
August 27, 2018  
MINUTES**

**Call to Order**

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

**Present:** Richard Pitman, Chairman; Andrew Robertson, Vice Chairman. Fred McGarry, Jeff Shute and Cindy McHugh, Selectpersons.

**Pledge of Allegiance to the Flag**

Chairman Pitman asks all to rise and pledge Allegiance to the Flag

**John Duffy – President, Pleasant Lake Preservation Association along with Anne Shoals, member**

Mr. Duffy stated that he was present at this meeting to solicit the Board for a letter of support for a project they are filing paperwork for a 319 grant. The preapplication is due towards the end of September and it would be for 2019 funds. He stated that he was there to answer any questions or go over any details that the Board may have.

Chairman Pitman stated that the information that the Association sent along with the pictures and everything was well done. He stated that he uses that road all the time and the project definitely does need to be done.

The Chairman asked if any of the members of the Board had any comments or questions.

Vice Chairman Robertson stated that he thought that the materials that the Association provided the Board with ahead of time was more than explanatory and he thought that there was a sample letter of support he thought was one that the Board had used previously.

He didn't see any reason why we wouldn't make a motion to have the chair sign the letter and move forward to which members of the Board agreed.

**Motion:** Vice Chairman moves to have the Chairman sign the letter of support requested by the Pleasant Lake Association

**Second:** Selectman Shute

**Discussion:**

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

Chairman Pitman stated that the Board would get the letter out to them as soon as possible.

**Review of Outstanding Minutes of August 13, 2018:**

**Motion:** Vice Chairman Robertson moves the minutes of August 13, 2018 as written

**Second:** Selectman McGarry

**Discussion:**

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

**Payroll Manifest - \$71,333.81 (gross), \$56,456.79 (net)**

**Motion:** Vice Chairman Robertson moves to approve the Payroll Manifest

**Second:** Selectman McGarry

**Discussion:**

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

**Account Payable Manifest - \$263,510.78**

**Motion:** Vice Chairman Robertson moves to approve the Accounts Payable Manifest

**Second:** Selectman McGarry

**Discussion:** Vice Chairman Robertson stated that he had a quick comment regarding the manifest in which there was a check payable back to himself for expenses associated with Old Home Day. He stated that he typically donates those and he didn't want it taken off the report but he wanted to return the check.

Chairman Pitman thanked Vice Chairman Robertson very much.

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

Chairman Pitman again thanked Vice Chairman Robertson for the chicken that was prepared to which the Vice Chairman stated that he had lots of help.

**Appointment request – James Sullivan – Alternate member of the Trustee of the Trust Fund through April, 2019**

**Motion:** Vice Chairman moves to reappoint James Sullivan as an alternate member of the Trustee of the Trust Fund

**Second:** Selectman Shute

**Discussion:**

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

Chairman Pitman stated that there is an updated quote from the Road Agent for the Gulf Road project. The project includes reclamation, grinding, and applying water. The town will fine grade and the total price of these items \$3,000.00.

The paving cost will be \$90.20 per ton. Cape Cod berm is \$6.80 per ton and the top coat will be \$90.20 a ton.

**Motion:** Vice Chairman Robertson moves to authorize the Chairman to sign on behalf of the Board and move forward with the rest of the Gulf Road project

**Second:** Selectman McGarry

**Discussion:**

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

Chairman Pitman read a Forest Fire Warden appointment form for Matt Fisher. Chairman Pitman stated that he would need three signatures and a vote from the Board to approve the application for appointment.

**Motion:** Selectman McGarry moves to approve Matt Fisher as the Forest Fire warden

**Second:** Selectman Shute

**Discussion:**

**Vote: Yea 4, Nay 0, Abstained 1 – Motion Carries**

**Deed waiver – Map 209, Lot 40** is due to be deeded to the Town of Deerfield for non-payment of taxes.

The Town of Deerfield hereby notifies the tax collector that they would not accept the tax collection deed because in its judgment, acceptance and ownership of the real estate, would subject the Town to misuse and undesirable obligations and liability risk.

**Motion:** Vice Chairman Robertson moves to waive the deeding of Map 209, Lot 40

**Second:** Selectman McGarry

**Discussion:**

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

On Map 209, Lot 40, the town has entered into an agreement for a payment plan of an initial payment of \$650.00 on the date the agreement is signed and the owner will pay \$650.00 on or after the 26<sup>th</sup> of every month until such time as the town taxes are paid.

**Motion:** Vice Chairman Robertson moves to accept the recommended payment plan for the taxpayer in the amount of \$650.00 per month with an initial \$650.00 upon signed of the agreement.

**Second:** Selectman McGarry

**Discussion:**

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

**Serita Frey – Chair, Conservation Commission – Marston Farm Easement along with Dan Kerr of Bearpaw Regional Greenways**

Ms. Frey stated that she thought that at the last meeting of the select board, they had made the final approval of the Marston Farm project and now she thought the last step was for the select board to sign the easement document which was forwarded to the Board to review earlier.

The Chairman asked Ms. Frey if she had the document with her that the Board needed to sign.

Ms. Frey stated that it is the same version that was sent to the Board via email.

Chairman Pitman stated that the Board had already approved the easement so they would just need to sign the document.

Ms. Frey stated while they were finishing up with signing the document that she would like to thank the Board for supporting this project. With the Board's support and collaboration between Bear Paw and the Conservation Commission, an anonymous donor and LCHIP, they were able to conserve this historic farm which she thought was one of the oldest in the town. It is over 220 acres or so that will be under conservation and 128 of that will be donated to the town as a town forest.

Chairman Pitman thanked Ms. Frey for what she has done as a volunteer regarding this project.

**Town Administrator's Report:**

The town administrator stated that he had several items for this meeting.

The first is a recommendation from the town clerk/tax collector. Mr. Harrington stated that he is asking for some direction from the Board concerning one of the properties listed on her report. It is the small strip of land on Route 107 by Freese's Pond which after her research, she believes it belongs to another larger parcel which is adjoining to it. He is looking for some direction to possibly reach out to the current landowner to see if they are interested in obtaining that property from the town before they get into possibly deeding or what other action that the Board would like to take.

Chairman Pitman asked if that was something that Mr. Harrington could do (reach out) and get back to the Board to which he agreed that he could get a letter together in order to have the Board sign it.

Selectman McGarry stated that if the current owner decides that he doesn't want it which when you look at it, it has little value to him, then what would transpire?

Mr. Harrington stated should that be the case, he would bring it back to the Board and let the Board decide how they would like to proceed.

Chairman Pitman asked if this was strictly an attempt to reach out and get a level of interest as to whether or not the owner is interested in the property.

Vice Chairman Robertson stated that if the owner is not interested, then the Board should look into how to ascertain and make it a town property because it is a popular recreational spot.

Mr. Harrington stated that it is currently listed on the tax cards as "Owner Unknown, care of Town of Deerfield".

The next item Mr. Harrington stated is that he is getting a request from the town clerk to continue her research on the number of deeded properties in her report to unseal two sets of non-public meeting minutes; one from 9/12/18 and one from 9/19/18.

**Motion:** Vice Chairman Robertson moves to unseal the minutes requested and to reseal the minutes once the town clerk/tax collector has reviewed such minutes.

**Second:** Selectman McGarry

**Discussion:** Selectwoman McHugh asked why the minutes needed to be unsealed. Mr. Harrington stated that a particular property owner has brought a question to the tax collector and recalls meeting with the Board in a non-public session and the only way to get the information that was shared is to find out what was discussed.

Mr. Harrington stated that the only information that he will be sharing with the tax collector is anything pertaining to that issue. If there is any other information or subjects, that won't be disclosed.

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

Another item that Mr. Harrington wanted to bring to the Board's attention is the item of considering changing the current practice with healthcare deductibles as it pertains to former employees.

**Motion:** Vice Chairman Robertson moves to amend the language with regard to the deductible offset that is offered employees to make sure that only includes active employees so that once you leave employment and are on COBRA, the town doesn't continue to reimburse the employee for the deductible offset.

**Second:** Selectman McGarry

**Discussion:**

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

Mr. Harrington stated with this motion approved, he will draft some language and bring it back to the Board so that the Board can actually sign it and approve it as a policy.

As they are making these decisions, they are trying to keep the policy and procedure book up to date and it's helpful to have a hard copy with the date and signatures in order to keep this information available to the public.

Mr. Harrington stated that he would bring it forward for the next meeting.

#### **New/Other Business:**

Selectman McGarry stated that a point of information with regard to what the Planning Board had voted to do regarding some problems that have occurred on McCarron Drive. The problem with a particular contractor, Cole Excavating, he believed to be the contractor, has gone in and stripped pretty much almost the entire site and with the rain that we have had, it has resulted in significant amounts of erosion that has taken place and siltation into the brook that flows through there.

It has carried sediment off the property downstream. He didn't know how far that sediment has been carried so the Planning Board had voted to send a letter to NHDES requesting that they investigate and take whatever action is necessary to get the situation corrected.

No one else had any other New or Other Business

**Motion:** Vice Chairman Robertson moves to go into a non-public session under RSA 91-A:3, II (I) Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.

**Second:** Selectman Shute

**Discussion:**

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

**Motion:** Vice Chairman Robertson moves to seal the minutes of the non-public session

**Second:** Selectman McGarry

**Discussion:**

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

Vice Chairman Robertson stated that he had one more piece of business that should have been brought up under other business.

He stopped to tell Mr. Tibbetts that he thought the fire holes that he was mowing looked good and he asked him if the Board would consider not making him wait 30 days to submit bills for the mowing which Vice Chairman Robertson was surprised that we were having him do that and maybe it was part of the bid because typically contractors are submitting bills every two weeks. He stated that he would bring it before the Board.

Mr. Tibbetts stated that he is buying gas for the truck, the mowers and it would be better for him if he could submit bills on a two-week basis as opposed to a four week.

Vice Chairman Robertson stated that the plowing contractors and such are usually doing submitting on a two-week basis and the bids that were originally accepted were thrown out so any language from the bid would not be applicable.

All members of the Board were okay with allowing Mr. Tibbetts to submit bills for mowing on a two-week basis.

Chairman Pitman asked if there were any other New/Old or Other Business. None were heard.

#### **Citizen's Comments:**

##### **Harriet Cady – Old Centre Road**

She asked if the Board was aware of how much lobbying the New Hampshire Municipal Association is doing and not always to the benefit to this town?

A ten-page legislative bulletin came through with line, bill number, action taken on what was done on every one of these bills.

In 1960, they tried to get the right to charge town dues. From 1941 to 1960, they had not been allowed to charge dues.

The legislature voted to allow them to charge dues and by the way, there has never been a vote for school board's to be allowed to charge dues.

At that time, Senator Nate Barrels had told the legislature that this group would become a third branch of government.

In the ruling by the Supreme Court, three or four years ago, the Supreme Court ruled that they were quasi-governmental because of all the actions that they had done and they were ordered to pay back, as almost everyone of you understand, the excess money they had charged under Health Trust.

Ms. Cady continued If you read the court documents, they were trying to keep Primax from being able to do business with towns. They did not want any competition.

Ms. Cady stated that she was at a Health Trust meeting and this is what she was getting to. They're supposed to have a member of the elected body on their Board of Directors as is the School Board's Association.

She continued that at the Health Trust meeting, Blue Cross/Blue Shield came in and told the board that they could reduce the charges if they could raise the deductible to \$300.00 on certain things.

One of the people sent to the meeting immediately objected saying that she wouldn't be able to pay \$300.00 because her son had to use these services monthly. Everyone else at the meeting went along with this person and the reduction of Blue Cross/Blue Shield did not happen.

She stated that she knew that the town didn't use Blue Cross/Blue Shield, but on the other hand, the fact that non-elected member and she thought that two members of the New Hampshire Municipal Association were on the Executive Board, deciding what they will lobby for bills.

On the Health Trust Board, there were none that introduced themselves as either select men, school board or whatever. It was treasurer of the town or planning board member or fireman and this person, an employee, kept the rates higher to the towns because it might affect what she personally would have to pay and nobody spoke and said but that's not fair to all the towns or schools that buy their insurance from them.

What Ms. Cady stated she was getting at is that she wants the elected board to think about writing a letter and saying that they are upset with not having the proper number of elected officials representing the Executive Board and deciding what bills will be lobbied.

Cordell Johnson, their main lobbyist earns over \$150,000.00 a year. This year, their budget is \$1,798,000.00. That money is dues collected from us, the people.

Plus, the building they bought with 17 acres on Triangle Drive, was bought with the illegal funds they collected under Health Trust and the Secretary of State stated to Ms. Cady that they are trying to figure out how to divide that building's value amongst all the towns that paid to Health Trust to get that money back to the towns and cities which

the Supreme Court ordered four or five years ago. The case is available to read on the Secretary of State's website as well as the Supreme Court website.

In David Lang's Firefighting Association versus the New Hampshire Health Trust and New Hampshire Municipal, the Supreme Court ruled that they were quasi-governmental.

What really is upsetting to Ms. Cady is that they are lobbying what employees will be voting when they lobby, where they are supposed to be representing the citizen's best interest and she stated that she sat there and listened to them lobby for something that is not in the citizen's best interest.

She stated that if you want to verify this, take a look at your legislative book that is sent out 10 times a year and read. Deerfield's dues are over \$4,000.00. At no time were they ever given permission to charge dues based on value of the town and the population of the town.

The only law that gave that breakdown was for supervised reunions and yet they now charge their dues based on that, thus get more money because Deerfield is one of the richer towns.

**Motion:** Vice Chairman Robertson moves to adjourn at 6:07 pm

**Second:** Selectman Shute

**Discussion:**

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

**Next Meeting: Monday, September 10, 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*