

**TOWN OF DEERFIELD
BOARD OF SELECTMEN
January 28, 2019
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 Wyman, Selectpersons.

Pledge of Allegiance to the Flag

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

Dan Holdridge, Town Moderator – Town Warrant review

Mr. Holdridge stated that his purpose this evening was to go over the warrant articles that will be discussed at the town deliberative session on Saturday at 9:00 am at the town hall.

He stated that he should be able to go through them pretty quickly as he didn't need to go into great detail on any of them. His goal for each of them is to find out which select board member would be discussing the article.

He stated that they would be doing things a little bit differently this year where they will start off reading the warrant article since all SB2 warrant articles automatically go onto the ballot. They don't need to ask for a motion to place them on the ballot unless they are amended so they will bypass this step and go right into having a person from the Board of Selectmen discuss each of the warrant articles and answer any questions.

The first warrant article is the operating budget and Mr. Holdridge asked for a select person to be the key point.

Vice Chairman Robertson stated that it would be him and one of the things that he would probably do before discussing this warrant article is to amend the bottom line as there are a few numbers that they wanted to take out. They are fairly minor.

Mr. Holdridge stated that the vice chairman would start and then make the motion to amend the article.

Vice Chairman Robertson stated that typically it would be the Chairman of the Budget Committee offer the number and the explanation as it is technically the budget committee's number.

Mr. Holdridge confirmed that it would be Angela Hotaling to which it was confirmed that it would be.

Vice Chairman Robertson stated that he didn't know if the number was large enough to amend or not but there is a likelihood that he would offer an amendment to that bottom line number.

Chairman Pitman stated that there might be changes from the floor also.

Mr. Holdridge stated that he has the operating budget number as \$4,220,967.00 as proposed by the budget committee and the default was \$3,918,588.00.

Vice Chairman Robertson stated that he was the select board representative to the budget committee so Mr. Holdridge could certainly turn to him for any questions or answers.

Mr. Holdridge stated that he would ask for Ms. Hotaling first to which it was confirmed as yes and then he would follow up with any changes that may be brought forward.

He also asked if there were any other thing, he should know about Warrant Article 1 to which it was stated that they would see what happens that day.

Warrant Article 2 is the elevator in the town hall. Mr. Holdridge asked if it would be one of the committee members or select persons?

Vice Chairman Robertson stated that probably neither the committee nor the select board would be talking about the warrant article. The folks that put it on the warrant on the ballot should be and other than Fran Menard, he didn't know any other person on that committee.

Mr. Holdridge stated that he would reach out to Ms. Menard and ask if she is going to speak on it and then they could go from there. He also stated that they were asking for \$300,000.00.

Warrant Article 3 is for the police department expendable trust fund of \$50,000.00 and Mr. Holdridge asked as to who would be speaking in regards to this.

Vice Chairman Robertson stated that he would be speaking on this article.

Mr. Holdridge asked if there would be any budget committee person that might be speaking to which Vice Chairman Robertson stated that unless they had something to add, he doubted that they would be speaking regarding this.

He also asked if there were any concerns regarding this warrant to which members of the board stated that they didn't at this time.

Warrant Article 4 – funds for the fire apparatus and equipment capital reserve fund in the amount of \$50,000.00 and asked who would be speaking regarding this article.

Vice Chairman Robertson stated that he could turn to them but typically on these types of warrants, they would defer to the fire chief or the rescue captain.

Mr. Holdridge asked if he should ask for the fire chief or ask for a member of the select board to which Vice Chairman Robertson stated that he should ask for the fire chief.

Warrant Article 5 is regarding the town employee two percent raises which amounts to approximately ~~\$132,000.00~~ \$37,132.00 and asked who would speak on this.

Chairman Pitman stated that it would probably be the vice chairman or the town administrator.

Mr. Holdridge asked who he should invite first to which the vice chairman stated that it would be him and if anyone wants to jump in after that they could.

Warrant Article 6 which is to establish a fire emergency water supply expendable trust fund for \$32,000.00 and asked if it would be the vice chairman and was told it would be the fire chief.

Vice Chairman Robertson added that for Mr. Holdridge, this article is a repeat from last year that's been downsized from the amount that was proposed last year.

Mr. Holdridge continued that Warrant Article 7 is the additional funds to the government buildings infrastructure expendable trust fund of \$25,000.00 and Vice Chairman Robertson stated that either he or Mr. Harrington could speak on this warrant. Mr. Holdridge stated that he would invite the vice chairman to speak.

Mr. Holdridge stated that Warrant Article 8 is the Chevy Tahoe lease for the fire department and asked if it would be the fire chief for this one to which the vice chairman stated yes.

Vice Chairman Robertson stated that just for the moderator to be aware, he didn't know what they could offer as an amendment but that he knew that the fire chief was going to speak regarding a lower number. He continued that he found a lot of more favorable lease conditions than they originally thought.

Mr. Holdridge stated that he would invite the fire chief to start and they can make an amendment to that.

Warrant Article 9 which is to add to the fire department vehicle expendable trust fund of \$20,000.00 and asked if it would be the fire chief to talk regarding this to which it was stated it was.

Warrant Article 10 is adding funds to the rescue vehicles capital reserve fund for \$10,000.00 and asked if it would be the fire chief and Vice Chairman Robertson added that it would be either the fire chief or the rescue captain.

Select woman McHugh stated that she could take it and the chairman stated that between the two of them, they could explain it.

Mr. Holdridge stated that she could start with it and if the fire chief wanted to add to it, he could.

Warrant Article 11 which is to appropriate funds to the Northwood Lake Association of \$8,000.00 and it was asked who was to speak on this which it was stated that it would be the vice chairman.

Warrant Article 12 which is to appropriate funds to the Pleasant Lake Preservation Association of \$2,500.00 to which Mr. Holdridge asked if it would be the vice chairman again to speak on this and he stated yes.

Vice Chairman Robertson stated that the board's explanation would be that it would help with property value preservation.

Warrant Article 13 is regarding if Keno would be allowed in Deerfield as prescribed by law so the wording can't be changed and asked if anyone would be speaking on this.

Chairman Pitman stated that maybe someone on the floor might want to speak regarding this issue and Vice Chairman Robertson stated that maybe someone from the family which make up the petitioners from "The Lion". Chairman Pitman stated that he thought that the family members would be ready.

Mr. Holdridge stated that this is it regarding warrant articles and asked the Board if there was anything that he could do for the Board prior to Saturday. It is going to be an expeditious meeting during the day and move it along and get the warrant articles discussed and handled as a business meeting. They are going to hear the town's words, make decisions and move them on.

Chairman Pitman thanked Mr. Holdridge regarding what he had done up to this point.

Mr. Holdridge stated that it has been an interesting road to get to this point and have been learning a lot and appreciate the Board's support.

Regular Business:

Review of Outstanding Minutes of January 14, 2019

Motion: Vice Chairman Robertson moves to approve the minutes of January 14, 2019 as presented

Second: Selectman Shute

Discussion:

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

Payroll Manifest - \$61,183.55 (gross), \$47,357.41 (net)

Motion: Vice Chairman Robertson moves the payroll manifest

Second: Selectman McGarry

Discussion:

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

Accounts Payable Manifest - \$40,047.96

Motion: Vice Chairman Robertson moves the accounts payable manifest

Second: Selectman McGarry

Discussion:

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

Selling of Cemetery Lot to Iris Ieba

Motion: Vice Chairman Robertson moves approve selling a cemetery plot lot to Iris Ieba

Second: Selectman McGarry

Discussion: Chairman Pitman stated for the record, it is P-20 at the Old Centre Cemetery

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

Timber Tax Levy - \$2,555.71 which is a balance from a previous amount of \$7,796.88 which was already paid.

Motion: Vice Chairman Robertson moves to levy the timber tax levy for Robert Hoitt

Second: Selectman Shute

Discussion:

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

Blind Tax Exemption – Jacqueline Spence - 240 Middle Road for \$15,000.00

Motion: Vice Chairman Robertson moves to grant the tax exemption

Second: Selectman Shute

Discussion:

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

Veteran's Credit - \$500.00 – Christopher Mosgrober, Hartford Brook Road, Map 419-27-1.

Motion: Vice Chairman Robertson moves to grant Mr. Mosgrober's request for the Veteran's exemption

Second: Selectman McGarry

Discussion:

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

Veteran's Credit - \$500.00 – Steven Michael Robert, 110 Mt. Delight Road

Motion: Vice Chairman Robertson moves to grant Mr. Roberts' request for the Veteran's credit as requested

Second: Selectman McGarry

Discussion:

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

Refund Request – Corey Sorenson for \$2,050.00 for overpayment of taxes regarding 24 Brown Road and would like the refund mailed to his place in Auburn.

Motion: Vice Chairman Robertson moves to grant the town clerk the authority to process the refund

Second: Selectman McGarry

Discussion:

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

Appointment of Conservation Commission Member – Hailey Androzzi, expiring after April 30, 2022.

Motion: Vice Chairman Robertson moves to appoint Ms. Androzzi to the Conservation Commission

Second: Selectman Shute

Discussion:

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

Appointment of Conservation Commission Member – Brian Adams, expiring after April 30, 2020.

Motion: Vice Chairman Robertson moves to appoint Mr. Adams to the Conservation Commission as requested

Second: Selectman McGarry

Discussion:

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

Chairman Pitman stated that at the last meeting, they had a number of appointments for town positions. He stated that he would read them all and get one motion from the Board.

Co-director of Emergency Management – Kevin Barry

Animal Control Officer – Cynthia McHugh
Deputy Health Officer – Denise Greig
Welfare Administrator – Denise Greig
Co-director, Emergency Management – Denise Greig
Office of Building Inspector – Richard Pelletier
Health Officer – Richard Pelletier

Motion: Vice Chairman Robertson moves to appoint the names read by the Chairman to the positions associated with those names as read by the Chairman

Second: Selectman McGarry

Discussion:

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

Chairman Pitman presented a letter for the board members from Avatar regarding complaints from citizens stating that Avatar has been going on their property without notice. He added that the only way that Avatar is going onto people's property is if the town sends a letter to citizens which will result in additional costs.

Vice Chairman Robertson asked if there was an estimate of the costs to which the Chairman asked the town administrator to get that number for them and get back to the Board. Vice Chairman Robertson added that they needed to continue to keep up with the evaluations.

Town Administrator's Report:

Mr. Harrington stated that he had a couple of items for this evening.

The first is something that he would like to revisit.

The issue at 141 South Road. The town clerk/tax collector was unable to be at the meeting to speak regarding this.

She is again, asking the Board to reconsider their previous decision to deed the property. She is recommending that the Board wait until the schedule she had recommended earlier in the fall to pursue possible action against that property.

Vice Chairman Robertson stated that he would like to discuss it but to discuss it with the town clerk/tax collector as a group.

He stated that he would throw out there a couple of concerns. His understanding is that there has been nothing paid on that property to which the town administrator agreed.

The other concern that he has is that he knows that the town clerk has concerns of some potential liability from potential existing liens. He also has some concern about some potential liability for the town having an unoccupied, half functional property that now has gas and electric hooked up to it and for all intent and purposes, vacate.

The town has some liability there if kids or anyone else finds it an attractive nuisance, wanders in, is one of his concerns. He stated that he is a little concerned about sitting on it for ten or eleven months in the state that it is in.

Chairman Pitman asked if they could plan on having the town clerk at the next meeting and also get notes to the Board ahead of time of her thoughts.

The road agent approached him in regards to the ongoing damage and stolen signs on private roads especially near the lake and he would like the Board's decision as to whether or not the Board feels that he should continue paying for replacement signs or turn it back to the private road owners and property owners on that road.

Chairman Pitman asked how they could enforce the replacement of the signs on those roads?

Vice Chairman Robertson stated that he thought that there was nothing else they could do to enforce this other than to put police on those roads but that the town runs the risk of a 911 response liability if they don't replace them. He didn't know how the rest of the Board felt.

Chairman Pitman thought the same in regards to emergency services not being able to find a road.

Selectman McGarry asked if there were some way to secure the signs to the posts more effectively than they are currently to which Mr. Harrington stated that he would check with the road agent.

Chairman Pitman stated that the town administrator will ask if they had the bolts with the special tool to get them off.

Unfinished Business:

None from the Board

Rainbow Bridge Composting Proposal

Elizabeth Kerr, Jennifer Hayes and Aaron Kerr

Ms. Kerr stated that she left in their proposal a little map out of the property. They walked it and it is very desirable for them. They thought that it would be a very good location for their business. She continued that she would like the Board's thoughts on the proposal, the location and any good or bad comments in regard to it.

Chairman Pitman stated that it looks like it has been moved from the first time that they had appeared in front of the Board. He stated that he was under the impression that it was going to be more on the 55-acres behind the transfer station.

Ms. Kerr stated that at the last meeting, that had been discussed and someone had mentioned, that because the transfer station is on 30-33 acres and there was plenty of land to do it on the property as a transfer station and she stated that someone had also mentioned it would be nice to use the 55-acres as a buffer for the testing that the town continual does.

Ms. Kerr stated that it is confirmed that they are not interested in the 55-acres. They are interested in the parcel that is on the actual transfer station.

Chairman Pitman asked if they actually went out on that property and put pins in. Ms. Kerr stated that they had but it is hard to highlight because she couldn't see the stonewall on the GPS photo. She couldn't get a good enough GPS photo.

Ms. Kerr stated that they could definitely get it more precise if the Board is interested in pursuing this with them. They would be happy to do that and a get more precise layout. If a survey is necessary, they could definitely look into that and specifically map out to the corner where they would be located.

Vice Chairman Robertson stated that he is generally in support of the project but his concern is that the actual pad is further back from the road than closer to the road and had no particular dimensions in mind but thought that the further back it is, the better.

He continued that in his mind, if they were to continue, it would be an annual, renewable permit/lease and thought probably for the sake of public semination, that they would want to have a public hearing on the project. The Board has the authority to lease town property but in his mind, he would want to have a public hearing before they moved forward with this.

He thought that the concern with this is not the actual operation of this with the animals on premise but concerns from Brown Road residents with the amount of expected traffic with regard to large trucks, etc.

Ms. Kerr stated that they would be ready to have very specific answers to their questions.

Selectman McGarry stated that he would want to see, and he stated that he thought that it would come before the planning board, that they had at least 100-foot vegetative buffer coming off of the road to any clearing that has taken place.

Ms. Kerr stated that when they walked the property, them seems to be plenty of room for that requirement.

Selectman McGarry stated that it would have to go before the Planning Board for a site planning review and they would have to defer to the building inspector and see if Board of Adjustment approval would be required as well. He stated that they should check with the building inspector to see what his opinion was on this.

Ms. Kerr asked if it needed to go before the ZBA because it was an adjustment of what was allowed on the property and Selectman McGarry explained that it is not in the zoning regulations so it might be something that they would need to get involved with.

The building inspector would be the determining party on whether or not he feels that it would be necessary.

Chairman Pitman stated that he thought that it wouldn't be an issue because there wouldn't be a structure to which Ms. Kerr stated that there wouldn't be any permanent structures but just a procedure that would be followed. He stated he just wanted to make sure that they included everyone that needs to be.

Ms. Kerr stated that they would like a container dropped off so that a machine they would use would be parked in the container so that it is secure. They don't want to leave anything out in the open.

Chairman Pitman stated that are the kinds of things that they would present.

Selectman McGarry stated that he thought that they would have some kind of fencing or gate or whatever at the entrance to which Ms. Kerr stated that there would be just to keep other vehicles from entering.

Selectman McGarry also stated that they thought that they would be looking towards Avatar or someone to value what this type of a lease would be. He has no experience and Chairman Pitman added that this is all new to them.

Ms. Kerr stated that she was happy that the Board was at least entertaining the idea.

Selectman McGarry stated that likely when they go to the Planning Board, he thought the idea of having the selectmen have a public hearing is a good idea to get a general feeling as to how the abutters feel. He expected that they would need a survey of the property, topography and where everything is going to be laying out their activities on the property itself.

Selectman McGarry continued that on the ZBA, although they may not have any structures at all, the fact that it would be a use that is not listing in the zoning ordinance, would be grounds for going before the ZBA, presuming the building inspector states this.

Ms. Kerr asked what the next step would be for them, the building inspector or the Planning Board?

Selectman McGarry stated that they could have an informal consultation with the Planning Board to have discussions with them but certainly going to the building inspector but the Planning Board, he thought, would be the ones to allow this or not and then go to the building inspector from there.

Chairman Pitman stated that they didn't need a motion but would like a consensus to which there were no concerns other than they should have a public hearing.

Vice Chairman Robertson stated that while the parties were talking to the Planning Board/and or Rick, it would give the Board the time to get an idea what a reasonable amount for a lease would be for that sort of acreage.

Ms. Kerr asked if the Board was going to discuss among themselves a lease amount or were, they going to get Avatar involved and the Chairman stated that it is something that they would do.

Chairman Pitman stated that they should talk with the building inspector and that the Board would try to keep it moving for them.

Ms. Kerr stated that they wanted to keep the location aesthetically pleasing to the residents so when they drive by to the dump, they don't know what is located there and what is happening. There is a lot of evergreen at that location now and they could also put in more should they need to, in order to make a thicker screen.

Serita Frey – Conservation Commission Chair – Boisvert Property as well as Dan Kerr from Bear Paw

She stated that they seem to be making this a habit but they have another easement that they are hoping that the Board will approve and sign.

This is for the Boisvert Town Forest and just for a quick reminder, in 2014, the town voted to put a town forest destination on the Boisvert property and at that time, they indicated that they would be putting a conservation easement on the property as with all the other town forests. It has just taken them awhile to make that happen.

She stated that she sent a copy of the easement to the town administrator and Mr. Kerr has a formal copy there if the Board decides to sign.

Motion: Vice Chairman Robertson moves to sign the conservation easement on the Boisvert Town Forest

Second: Selectman Shute

Discussion: Chairman Pitman asked which road it is on and how many acres to which Ms. Frey stated that it was located on the old Dab Road which is a discontinued road.

Vice Chairman Robertson stated that the easiest way to get to the property is to go the Epsom/Deerfield line on Swamp Road and take a right onto the dirt road which is the easiest way to get to it via a vehicle. He continued that he didn't know if access has been an issue this year. He knew a couple of years ago, the gate was locked and someone erected a small billboard stating that it was private property.

Ms. Frey stated that she thought that it was an ongoing issue that they will need to resolve at some point. She continued that the acreage was 178 acres.

Vice Chairman Robertson stated that it abuts another town-owned parcel if he remembers to which Mr. Kerr stated that it actually doesn't. It is separated from the Wells Town Forest by one property but it does abut another conservation easement in Epsom which also connects to the Epsom Town Forest.

Vice Chairman Robertson stated that it wraps around the state's Fish and Game property and he thought that there were over 1,100 acres unposted which is a nice parcel of land to have in the community.

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

Mr. Kerr stated that he had another item to drop off and apologized for not doing it sooner.

The Gile Bye project that they were working on in November, where she gifted the property to the town, their closing attorney has some documents for the town to sign and could probably leave them with Mr. Harrington. They are compliance agreements related to the closing.

New Business:

Eversource settlement proposal – BTLA 2014 - 2016

Motion: Vice Chairman Robertson moves to go into non-public session under RSA 91-A:3, II(e) - Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed by or against the public body or any subdivision thereof, or by or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled. Any application filed for tax abatement, pursuant to law, with any body or board shall not constitute a threatened or filed litigation against any public body for the purposes of this subparagraph.

Second: Selectman Shute

Discussion:

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

Chairman Pitman stated that no action was taken in the non-public session and would entertain a motion to seal the minutes.

Motion: Vice Chairman Robertson moves to seal the minutes

Second: Selectman McGarry

Discussion:

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

Motion: Vice Chairman Robertson moves to agree not accept an offer from Public Service of New Hampshire now known as Eversource regarding land and tax appeal for the years 2014 and 2016 and would note that they are not reaching agreement with them based on advice from town counsel.

Second: Selectman McGarry

Discussion:

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

Chairman Pitman asked if everyone had read the new town hall rental agreement and stated that he thought that the new locks were in place to which Mr. Harrington agreed that they were.

Vice Chairman Robertson stated that he was in agreement with the updates.

Selectman McGarry stated that he had a couple of updates which he gave to Mr. Harrington. One was with regard to putting a clause in the agreement, that if the fee for cleaning of \$50.00 is insufficient to cover the costs, the leasee would be subject to any additional costs that might be involved.

Most people would tend to do a good job cleaning up but that he could envision somebody thinking that they paid the \$50.00 and was going to make a mess and get my \$50.00 worth. If it takes more than \$50.00, they should be responsible for the additional costs.

Vice Chairman stated that he would agree that that would not be a bad idea to include.

Mr. Harrington stated that he would add Selectman McGarry's comments and send out a new working draft and if that is acceptable, they could go from there.

Mr. Harrington stated that he also got some comments from Selectman Shute and they were already included.

Chairman Pitman asked if anyone else had any other business to which Selectman McGarry asked if anyone had a chance to look at the fireworks ordinance that he pulled out.

Mr. Harrington stated that he has been asked by that community member that brought it to the Board's attention is still interested where the Board is going to come out with this ordinance.

Citizen's Comments:

Ms. Cady – Old Centre Road

In the leasing of the land for the disposal of the dead animals, would there be a clause, for example, she didn't know if "Mad Cow Disease" could be spread once an animal is buried, that the town get a certificate of what the disease was because no one knows when the water goes through the ground. She stated that they had a suit from the person that their land became contaminated from the dump and that is why the town bought her land so she thought that they should have some kind of certificate that says what the diseased animal died from.

Chairman Pitman stated that it was something that could come up at the public hearing.

She continued that there was a policy long ago in Raymond that if people were to use the school gym or the town hall, they would be charged less if they were a town resident than someone from out of town.

Motion: Vice Chairman moves to adjourn at 6:26 p.m.

Second: Selectman McGarry

Discussion:

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

Next Meeting: Monday, February 4, 2019 at 5:30 pm

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