

**TOWN OF DEERFIELD  
BOARD OF SELECTMEN**

**July 18, 2011  
MINUTES**

**Call to Order**

5:30pm: Chairman, John Reagan called the meeting to order.

**Pledge of Allegiance to the Flag**

Chairman Reagan asked all to rise and pledge allegiance to the Flag.

**Present:** John Reagan, Chairman; Alan E. O'Neal, Vice Chairman; R. Andrew Robertson and Bill Perron, Selectmen

**Absent:** Stephen R. Barry

**Also Present:** Leslie A. Boswak, Town Administrator and Nese Farrell, Recording Secretary

**SNHPC/ Jack Munn, Shane Csiki/ Lamprey River Fluvial Geomorphic Assessment & Mapping Project**

Jack Munn came to give the Board an update regarding a project the New Hampshire Geological Survey will be doing in Deerfield; an assessment of the Lamprey River, in terms of the erosion hazards along the banks of the river. They are going to conduct the assessment using students from University of New Hampshire (UNH) this summer; these assessments will determine where the high risk locations are (for flooding & erosion), and that information will come back to the Department of Safety who will ask communities to incorporate it into their local Hazardous Conditions.

He presented a fact sheet to explain the project and they mailed out letters to all the abutter properties along the river banks on both sides, so that they would be notified that this assessment. He added that the assessment team may need to get out of the river and onto a property to get around an obstruction.

Vice Chairman O'Neal asked for a schedule, but they do not have one. He pointed out that the fact sheet shows that the Lamprey River includes towns in Durham, Newmarket, Epping, Lee & Newfields; he believes they will be working in those towns first and then work their way up (a little section in North Deerfield and the main stream of Lamprey River). He suspects that they will see the teams around mid August or September. He will update the Board of their schedule so that they can let the Police Department know when they are out incase residents call them.

Shane Csiki of the Geological Survey confirmed that the field work for the Geomorphic River Condition Assessment is already underway; they have teams from the UNH out at the Lamprey & Cachio Water Sheds in the Southeast part of the state. The UNH teams are presently further down stream in Raymond and Epping; working upstream. He brought information and maps about the river condition assessment and program. Staff members from the New Hampshire Geological Survey have finished up work in Farmington and are presently processing that data; then they will identify additional beaches in the Lamprey Water Shed that they have not assigned to UNH Assessment Teams. They may be picking up some these additions during the rest of the summer.

Chairman Reagan asked him to notify the Town Administrator on the days they expect to be in Town.

**Land Use Boards Quarterly Update/ Planning Board, ZBA & Conservation**

Fred McGarry of the Planning Board referred to the Work Force Housing in which they had three amendments for the Zoning Ordinance; one passed, but the two most important ones did not pass. He noted that they had Tierra Development power-line project that came in proposing to do work force housing north of the power-lines. He said they assumed they would make an attempt to do the housing at that site.

He added that if the Town has nothing in place with regards to Work Force Housing, they can come in to propose a project; if there are no regulations in place they can go to court and force it upon the Town. He said the Board has not discussed any details currently, with regards to proposing those two amendments again. They had a Ground Water Protection overlay district approved, so they will be considering their additional Work Force Housing Amendments in November.

Josh Freed said they did away with a lot the lake-front property variances, as the market is slow. He added that there is nothing they have seen on the Zoning Board of Appeals that would lead him to feel that their ordinance is not sound; he has had no complaints other than the complications of the law and its interpretation.

Mr. McGarry added that there have been some requests to establish a maximum height for towers; they have checked with several state agencies and there is really nothing the Town can do that will have an effect on Northern Pass, so it is not worth the effort because of lack of impact.

He said Keach & Nordstrom is working with Alex Cote on a Roadway Management Plan. He referred to the pedestrian plan for the center of Town (proposed paint markings) to potentially slow the traffic down. Town Administrator, Leslie Boswak said that money is still encumbered, but the current warrant article was defeated. Mr. McGarry referred to the Capital Improvement Plan and said Mr. Coogan will try to get that in place, as well as the Telecommunications Plan where he is working with Southern New Hampshire Planning.

Mr. Coogan said they are waiting for input from the Town as far as dead spots to identify where to put that in the plan for recommendations of improvement. Selectman Robertson said that both the Fire Rescue & Police Department are familiar of where cell phones and two-ways do not work in Deerfield and could pin point some locations, as far as public roadways go.

He said they are still working with the Rollins' on the Earth Excavation Opera operation, with regards to approvals from the State and on the placement of detention ponds, which should have been done prior to starting the operation. Mr. Freed said they have not had a meeting in months due to no cases being filed. He said the way things are going they may have no legal expenses.

Chairman Reagan referred to Haynes Road being subdivided and the two lots that were impacted by the power line transmission right of way; which is 150 feet wide, and 75 feet in either direction it becomes part of the frontage of the butting lines. He asked if that was an acceptable practice. Mr. McGarry said as long as there is a right of way it doesn't really affect the frontage of the property, as the homeowner still has the right to use that portion. Selectman Robertson said one of the easement sections has Christmas trees growing on it, but he thinks that is the developed use of it.

Mr. Coogan announced Lisa Wolford as a new member of the Planning Board, and she has been through OEP Training.

#### **Conservation Commission/ Herb McKinney**

Newest member of the Conservation Commission, Herb McKinney confirmed that they have been busy with several conservation easement projects, and he referred to the Williams Easement (off Route-107) where a logging operation is going on. They received several calls about the messy look to that operation. Several of members of the Commission toured the logging operation on June 25<sup>th</sup>; including himself, Serita Frey, Erick Berglund & former member, Frank Mitchell. He said most of the questions about the harvest had to do with the appearance of the hayfield that abuts the road (next to Rt-107) that is not included in the easement, as it is a mess. The plan is to restore it after the logging operation is completed, per the owner.

Mrs. Frey was in contact with a forester responsible for that operation, Patrick Kenney of Fort Mountain Company, and it appears they were doing a good job of conducting the logging operation within the area that was to be harvested; proper distances were maintained from the heron nesting area in the wetlands. The field will be returned to its former use as a hayfield, and the access roads blocked with logs to discourage motorized vehicles from using the property in conservation easement.

He referred to the Cottonwood Estate easement and said they have had several meetings with the residents of Cottonwood, and following several discussions, it was agreed a gate would be erected to keep motor vehicles out of the conservation easement area. The Deerfield Police & Fire Department will have keys to the gate for access in an emergency.

He noted that the Curry Easement is one that they just did a monitoring in the beginning of March; high water resulting from the period of rain limited access of some of the easement borders, but from what they could tell, there has no encroachments on the easements. There is one section yet to be looked at.

He said there is discussion with property owners about the gift of a conservation easement; it is a parcel they will call Property #25 until it becomes public. Property #25 is the possible purchase of a substantial property that will include a conservation easement. A summary appraisal has been completed and they will be talking with the owners.

The Strategic Planning meeting is set for July 25, 2011.

Chairman Reagan asked if they reported the mess on the road to the Building Inspector. Mr. McKinney did not know if they had, but will note to do so in the future.

#### **Michael Greene/ Energy Grant Building Update**

Michael Greene referred to the Green building at the School, as they subsequently resolved the budget problem, and they are on their way towards construction. They asked the people who gave them the grant and asked for more money; they now have enough money to meet the budget. They have their first set of four RFP's for construction; which includes site work,

concrete foundation, sealing the foundation and block work. The bids were closed on Friday and they will be back next Monday to open the bids. They have come up with a very aggressive construction schedule and they will be appearing to ask the Board to open bids or approve their contractors. They chose to put the jobs out to bid piece meal, rather than give the whole thing to a general contractor, in order to avoid some of the contractor's fees.

As far as the construction schedule, the School Board has decreed that all of the work that involves heavy equipment has to be done before school starts on August 30<sup>th</sup>. They have a construction schedule that can meet that deadline, as long as the weather cooperates and if the people they award the contract to keep their arrival date & completion date.

He noted that they got an additional \$18,955.00 (total of \$109,370.00 for the Green Building).

### Regular Business

1. Review of Outstanding Minutes:

**MOTION:** Selectman Robertson made a Motion to approve the Minutes of 7/5/11 & 7/11/11 as written.

**SECONDED:** Vice Chairman O'Neal **VOTE:** All in Favor

2. Vouchers/ Accounts Payable Manifest/ Total of \$42,959.89

**MOTION:** Vice Chairman O'Neal **moved to approve the Payroll Manifest in the amount of \$42,959.89.**

**SECONDED:** Selectman Robertson **VOTE:** All in Favor

3. Signatures:

A. Signatures Requiring a Vote

- 1) Fill Disposal Policy (produced during normal roadside maintenance); specifying the fill is generated from outside work may be dumped at private residences, according to laws pertaining to fill disposal in wetlands. The Town will not fill any questionable areas, will not push or spread fills, residence must be on the way to the Town dumping site, and if more than one resident is looking for fill it will be divided up evenly to those asking. The Town will not be held responsible for any damages that may occur.

**MOTION:** Selectman Robertson made a Motion to approve the Fill Disposal Policy as written.

Vice Chairman O'Neal does not support it currently the way it is written, as he feels they should have an approval form that would be signed off by the land owner, as directing the Town to the location it is being dumped; taking responsibility of what they are dumping and where they are filling. He feels that if they go with process there would need to be a schedule put together in the spring time, so that it can be made public the roads they will be trenching. He feels overall that they should be bringing back to the Town pit or across the street, as it is a commodity that the Town can continue reusing.

Selectman Perron said they have been doing this for a long time. Selectman Robertson is not so concerned with public notification of scheduling, but he feels there may be some merit to adding a "hold harmless" or a release of liability, as they do not really know what they are digging up and if someone's well gets contaminated the Town is not responsible.

**MOTION WITHDRAWN.**

- 2) Release of \$64,317.85 in Impact Fees to the School.

**MOTION:** Selectman Robertson made a Motion to approve the release of impact fees.

**SECONDED:** Vice Chairman O'Neal **VOTE:** All in Favor.

- 3) Timber Tax Levy/ Timberwolf Logging, LLC/ Map 404, Lot 004/ \$2,096.63

**MOTION:** Vice Chairman O'Neal made a Motion to approve the Timber Tax Levy.

**SECONDED:** Selectman Robertson **VOTE:** All in Favor.

- 4) Notice of Abatement/ Natalie Thibodeau/ \$856.00 plus \$18.00 fee

**MOTION:** Selectman Robertson made a Motion to approve the Abatement.

**SECONDED:** Vice Chairman O'Neal **VOTE:** All in Favor.

- 5) Notice of Abatement/ Penny Kinsman/ \$8.64 principle & \$9.45 costs  
**MOTION:** Vice Chairman O'Neal made a Motion to approve the Abatement.  
**SECONDED:** Selectman Robertson **VOTE:** All in Favor.
  - 6) Notice of Abatement/ Tilton Estate/ \$18.00 cost  
**MOTION:** Vice Chairman O'Neal made a Motion to approve the Abatement.  
**SECONDED:** Selectman Robertson **VOTE:** All in Favor.
  - 7) Refund/ Olde Patriot Title & Closing/ \$300.00  
**MOTION:** Vice Chairman O'Neal made a Motion to approve the refund.  
**SECONDED:** Selectman Robertson **VOTE:** All in Favor.
  - 8) Timber Tax Levy, Map/Lot 205-0247 Robert Casian, \$1,319.50. Map/Lot 405-068, David & Thelma Sidmore, \$420.89  
**MOTION:** Vice Chairman O'Neal made a Motion to approve the Timber Tax Levy.  
**SECONDED:** Selectman Robertson **VOTE:** All in Favor.
- B. Signatures Not Requiring a Vote
- 1) Notice of Intent to Cut Wood or Timber/ R.C. McLucas Trucking/ Map 413, Lot 059  
The Board signed.
  - 2) Notice of Intent to Cut Wood or Timber/ Tim Dimatteo/ Map 416, Lot 028  
The Board signed.
  - 3) Warranty Deed/Tin Pot Realty, LLC/ High Meadows Lane  
The Board signed.
- A. Review of Correspondence:
- 1) Notice of Retirement System Changes & Employee Contribution Rates
  - 2) Notice of Completion of the pavement of Rt-43 and Rt-107
  - 3) Draft of Financial Statements
- B. Unfinished Business:  
None
- C. Town Administrator's Report:
- 1) Three Educational Sessions: Emergency Management information for public information, media, and the Local Government Center has agreed to conduct one of their budget workshops in Deerfield (Saturday, October 22, 2011 from 9:00am to 11:00am at the Town Hall).
  - 2) Concrete Pad at the Transfer Station~ Rick Pelletier said they will need approximately 65 yards of concrete at \$100 per yard (more than his original estimate).
  - 3) Northern Pass Article: The difference in the tax dollars stated; when presentation was done on July 5<sup>th</sup>, she asked Penny Touchette to only use the numbers they had in writing (we were verbally given an estimated tax revenue of \$880,000 but did not have backup, so it was not presented). Northern Pass gave the Union Leader correspondent and estimated tax revenue of \$1.8 million, which is higher than what was given to the Town.
- D. Other Business:  
None
- E. New Business:  
None

**Citizen's Comments**

Harriet Cady referred to a newspaper article about Raymond, NH renewing their Comcast contract, which made her think

about the Board asking about a Cable Committee. She wondered if the people on the committee responded (the Chairman in particular). Selectman Robertson said he has seen nothing from the Cable Committee.

Kathy Shigo referred to the tax revenue from PSNH, asking when they will find out specifically; the bottom line even without the Northern Pass. Selectman Robertson does not think they will have a final number until they know what they are going to put for towers/ until the unit by her house is appraised.

**Nonpublic Session:**

**6:23pm** Vice Chairman Alan O'Neal made a motion to enter a Nonpublic Session under RSA 91-A:3,II(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant. Seconded by Selectman R. Andrew Robertson.

**Roll Call Vote:** Perron-Yes; Barry-Yes; Robertson-Yes; O'Neal-Yes; Reagan-Yes

**6:35pm** The Nonpublic Session ended.

**No Action/No Decisions:**

It was noted that no action was taken or decisions made within this Nonpublic Session.

**Minutes Sealed:**

**MOTION:** Vice Chairman Alan O'Neal made a motion to seal the Minutes of this Nonpublic Session as divulgence of information contained in those minutes would likely adversely affect the reputation of a person or persons not a member of this Board. Seconded by Selectman R. Andrew Robertson.

**Roll Call Vote:** Perron-Yes; Barry-Yes; Robertson-Yes; O'Neal-Yes; Reagan-Yes

**Adjourned**

6:37 pm

**MOTION:** Selectman R. Andrew Robertson made a Motion to adjourn. **SECONDED:** Vice Chairman Alan O'Neal **VOTE:** All in Favor

The July 18, 2011 meeting is adjourned.