

**TOWN OF DEERFIELD**  
**BOARD OF SELECTMEN**  
**September 26, 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; Stephen R. Barry and R. Andrew Robertson, Selectmen  
**Also Present:** Leslie A. Boswak, Town Administrator, Jan Foisy, Finance Director, Katie Libby, On Call Recording Secretary, and Penny Touchette, Accounting  
**Absent:** Bill Perron, Selectman

**- Town Vision and Mission – Pastor Chris Tidwell, Deerfield Bible Church**

Pastor Tidwell asked the Board on behalf of the Church what they are working on? How are they doing? Are there items or areas where the Church can be more supportive of the community? Suggested that the conversation may not be necessary for the open forum of the meeting, but just wanted to check in with the Board. Chairman Reagan indicated he would be in favor of taking these questions/survey by email so that he might have an opportunity to think it over and respond. All Board members agreed they would be open to that. Pastor Tidwell thanked them for their time.

**2012 Budget Presentations**

- **Cemeteries** – Level Funded from 2011 at \$16,452.00. Selectman Robertson questioned whether this was enough money as he was aware of some concerns about the condition of cemeteries prior to Memorial Day last year. Selectman Barry thought that was more a contractor issue than a question of funds. Suggested the problem area may want to be put to bid. Committee Chair noted there is an ongoing struggle to find consistently engaged volunteers, but anticipate no changes to the budget at this time.
- **Zoning Board** – Down \$1,700 from 2011 to \$3,037 – Legal line item was cut in half. Chairman Reagan asked if the Committee was ok with this reduced amount and Town Administrator Boswak indicated that they were.
- **Planning Board** - \$1,335 reduction from 2011. Chairman Reagan indicated that the Board would like to see the Planner line reduced as there does not seem to be activity. Committee representative Fred McGarry indicated that they are using those funds to update site plan review recommendations and the Capital Improvement Plan (CIP) – would ask the Board what direction to take with regards to the CIP, last updated in 2005, needs to stay current in order to be in compliance. The Board agreed that, especially with the reduced year over year case load that the \$24,000 line for a Planner is hard to justify. Would like to look to department heads during 2012, asking them to put together thoughts on how to maintain the Impact Fee System and CIP. Goal would be to have new CIP in 2013 with emphasis for department heads to prepare clear plan in 2012. L. Boswak requested that the process begin early in 2012 as it will likely take a few months to look into. Vice Chairman O'Neal commented that if time permits the process could begin as soon as the coming fall/winter.
- **Conservation Commission** - \$2,077.00 – down \$324 from 2011. No discussion, all are OK with figures.
- **Municipal Budget Committee** – Committee Chair Don Daley commented that these figures were submitted in June 2011 and that the committee is not scheduled to reconvene until October. Selectman Barry suggested review be held off until after the committee has had a chance to meet – OK.
- **Veasey Park** – Up \$6,726 from 2011 budget for a 2012 projection of \$31,184. Increase is primarily from the payroll line where a new position of Park Guard has been added. Vice Chairman O'Neal asked for an explanation of this position and what the committee is envisioning – no representative was present. Selectman Robertson indicated he believes this Park Guard would be an effort to return to checking stickers and monitoring park usage to prevent abuse. L. Boswak will attempt to contact the committee again for an explanation to justify the increase.
- **Parks & Recreation** – Down \$200 from 2011 to \$46,513.00. Selectman O'Neal commented that he would like to see the Department begin to pull some of the Parks & Rec Director's salary from the revolving account line. Currently that line has \$78,000 year to date and has grown by a sizeable amount year over year. Joe Manzi indicated that he fears doing that as moving the funds could then make it difficult to support programs that are running in the red i.e. Old Home Days, Senior Programs etc. Additionally he would like to see the Department purchase a passenger van and noted that there are some significant costs that have not yet been pulled from that pool of monies including the Red Sox Trip Tickets. Finally he noted that they anticipate a number of expenditures with regard to the new fields, including signage, a toilet facility, etc.

Selectman Barry suggested that the Board wait one more year prior to touching the Revolving Fund with the expectation that in 2013, once the new field costs have been recognized, Joe will identify an amount to be used to offset the salary.

### Regular Business

#### **- Outstanding Minutes – September 12<sup>th</sup> and 19<sup>th</sup> 2011**

**Motion to approve the minutes as written** – Selectman Robertson

**Second** – Selectman Barry

No Discussion – All in Favor – Motion Carries

#### **- Accounts Payable - \$534,693.02, of which \$500,000 is transferred to the school**

**Motion** – Vice Chairman O’Neal moved to approve the Accounts Payable as stated

**Seconded** – Selectman Robertson

No Discussion – All in Favor – Motion Carries

### For Signatures

#### **- Notice of Computer Adjustment Tax Reduction in the Amount of \$314.07 for John and Alberta Cole, 143Raymond Road**

**Motion** – Vice Chairman O’Neal

**Second** - Selectman Barry

No Discussion – All in Favor – Motion Carries

#### **- Notice of Intent to Cut Wood or Timber – 223 Middle Road & 16 Raymond Road**

No Motion Required – Authorized with Signatures from the Board

#### **- Thank You Letters to Business Sponsorship of the Annual Town Employee Appreciation BBQ**

No Motion Required – Authorized with Signatures from the Board

#### **- Letter of Resignation – Patrolman Douglas Trottier - Effective October 26, 2011**

No Motion Required – Authorized with Signatures from the Board

#### **- Board Approved Appointment of Fran Menard to the Southern NH Planning Commission**

**Motion** – Selectman Robertson

**Second** – Selectman Barry

No Discussion – All in Favor – Motion Carries

### Other Business

Selectman Barry asked, what is the final cost to the town was for the pending court case? Chairman Reagan read the Court Order decision from the March 4<sup>th</sup> case of Harriet E. Cady vs. the Town of Deerfield. The petition was filed alleging violation of RSA 91A, the Right to Know Law. The three themes of the petition were that various municipal boards in town are not properly posting meetings, that the Town’s Open Space Plan was improperly enacted and that the Police Department is not properly disposing of confiscated property. A hearing was held August 29, 2011 where the defense for the town presented rebuttal. The town will remind boards of their responsibility of posting under law, the Open Space Plan was adopted by the Planning Board at a posted meeting, and a redacted list of Police inventory was made available to the plaintiff for review and/or copy at the Town Hall. Given all evidence the Judge Kenneth McHugh could not find that the town committed a willful violation of RSA 91A. At the request of the Board, L. Boswak presented that the cost of the defense to date, excluding the cost of town employee time used or the expected appeal was \$6,069.90.

### Town Administrator’s Report - None

### New Business

#### **Highway Agent Alex Cote**

Board was made aware of an instance where an expenditure exceeding the \$1,000 limit was made where 3 quotes were not first obtained as policy dictates. Vice Chairman O’Neal commented that the explanation from Mr. Cote was well done and it was the right decision, but noted the Board would like to see these instances communicated in a timelier manner.

### Citizens Comments

- Ms. Harriet Cady raised the following points:
  - Regarding the decision Chairman Reagan read – it is under appeal. She is more than willing to work with the board regarding the Right To Know laws and would suggest a mandatory work shop for volunteers serving on boards or

- committees so that they be properly educated
- Would like to see a Survey of the Town included in the Tax Bill regarding their wishes on the Capital Improvement Plan
- Would suggest that an “Adopt-a-Cemetery” request be put on the town website
- Would suggest that the Southern NH Planning Commission be used as a contract consultant to work with the planning board
- Would like to see speed limits for all town roads posted
- Is upset the contract with Kids Around the Clock was cancelled – now used for a daycare and feels that the taxpayers are subsidizing a daycare
- Would like to see Selectman adopt an accommodation program, i.e. Travis McCoy fixing Veasey Park, would like to see Board send something to people who have gone above and beyond as a volunteer
- Ms. Kathy Shigo commented that she would like to see the Parks and Recreation budget identify programs where the level of town participation may be small and consider cancelling for lack of interest. Noted that Candia Old Home Days were cancelled this year for lack of interest and we might think about this when preparing the budget.

**Nonpublic Session:**

**5:50 pm** Vice Chairman O’Neal made a motion to enter a Nonpublic Session under RSA 91-A:3,II(a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted. Seconded by Selectman Barry.

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

**6:03 pm** The Nonpublic Session ended.

**No Action/No Decisions:**

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

**Minutes Sealed:**

**MOTION:** Selectman Robertson made a motion to seal the Minutes of the 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 Barry.

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

**MOTION:** Selectman Barry made a motion to uphold Denise Farrell’s termination of employment. Seconded by Selectman Robertson.

No Discussion – All in Favor – Motion Carries

**Nonpublic Session:**

**6:08 pm** Selectman Robertson 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 Barry.

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

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

**No Action/No Decisions:**

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

**Minutes Sealed:**

**MOTION:** Selectman Robertson made a motion to seal the Minutes of the 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 Barry.

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

**Nonpublic Session:**

**6:40 pm** Selectman Robertson 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 Barry.

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

**6:48 pm** The Nonpublic Session ended.

**No Action/No Decisions:**

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

**Minutes Sealed:**

**MOTION:** Selectman Robertson made a motion to seal the Minutes of the 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 Barry.

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

**Adjourned**

6:50 pm

**MOTION:** Selectman Robertson made a Motion to adjourn. **SECONDED:** Selectman Barry **VOTE:** All in Favor  
The September 26, 2011 meeting is adjourned.

**Next Meeting Monday, October 3<sup>rd</sup> at 5:30 pm**

*The Minutes were Transcribed and Respectfully Submitted by Katherine A. Libby, Recording Secretary.  
Pending Approval by the Board of Selectmen*