

**TOWN OF DEERFIELD  
BOARD OF SELECTMEN**

January 26, 2015  
MINUTES

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**Call to Order**

5:30pm: Chairman, Steve Barry called the meeting to order.

**Present:** Steve Barry, Chairman; Richard Pitman, Vice Chairman; Rebecca Hutchinson, R Andrew Robertson and Jeff Shute  
Selectmen

**Also Present:** Jan Foisy, Town Finance Director/Interim Town Administrator, Penny Touchette, Bookkeeper/Assessing Supervisor

**Pledge of Allegiance to the Flag**

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

**Regular Business & Signatures**

- **Minutes of January 12, 2015**

**Motion:** Vice Chairman Pitman moves to approve

**Second:** Selectman Robertson

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

- **Minutes of January 16, 2015**

**Motion:** Vice Chairman Pitman moves to approve

**Second:** Selectman Robertson

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

- **Accounts Payable - \$40,603.45 & \$321.48 totaling \$40,924.93**

**Motion** – Selectman Robertson moves to approve

**Second** – Selectman Shute

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

- **Request to Abate – Gina White**

The property owner applied for and was denied abatement in 2011. AVATAR has since conducted a review and in September 2014 revised the assessed value of the lots from \$65,100 to \$22,900. The parcels in question are un-built lots with no road access. Given the change in assessment the resultant tax abatements would be \$976.26 (2011), \$5,877.86 (2012) and \$1,049.67 (2013).

**Motion** – Selectman Robertson moves to approve the change in assessed value and resultant abatement for 2014

**Second** – Vice Chairman Pitman

**Discussion** – P. Touchette clarified that the request is for abatement of the 2011, 2012 and 2013 tax years.

**Second Withdrawn** – Vice Chairman Pitman

**Motion Withdrawn** – Selectman Robertson

**Motion** – Selectman Robertson moves to grant the abatement for the 2011, 2012 and 2013 taxes as presented

**Second** – Vice Chairman Pitman

**Discussion** – Selectwoman Hutchinson asked which deadline was missed for the original filing of the request. P. Touchette answered that the owner filed past the 2014 deadline to request abatement of the 2013 taxes. The expectation is that, once the adjustments are made, the tax bill will be brought current.

**Vote to approve** – Yea 5, Nay 0, Abstained 0 – Motion Carries

- **Application for Property Tax Credit – Donald & Eleanor Averill, 68 Raymond Rd - \$500 Veteran Exemption**

**Motion** – Vice Chairman Pitman moves to approve

**Second** – Selectman Shute

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

- **Application for Property Tax Credit – Paul & Phyllis Hussey, 18 Raymond Rd - \$500 Veteran Exemption**

**Motion** – Vice Chairman Pitman moves to approve

**Second** – Selectwoman Hutchinson

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

- **Application for Property Tax Credit Peter & Lucille Nault - \$500 Veteran Exemption**  
**Motion** – Selectman Robertson moves to approve  
**Second** – Vice Chairman Pitman  
**Vote** – Yea 5, Nay 0, Abstained 0 – Motion Carries
- **Application for Property Tax Credit – Gardner – Veteran & Elderly Exemptions**  
**Motion** – Vice Chairman Pitman moves to approve  
**Second** – Selectman Robertson  
**Vote** – Yea 5, Nay 0, Abstained 0 – Motion Carries
- **Application for Property Tax Credit – Dean & Pamela Jarry, Middle Rd - \$500 Veteran Exemption**  
**Motion** – Vice Chairman Pitman moves to approve  
**Second** – Selectwoman Hutchinson  
**Vote** – Yea 5, Nay 0, Abstained 0 – Motion Carries
- **Notice of Intent to Cut Wood or Timber – Danny Hurdle Sr – Babb Rd**  
Signatures Executed

### Scheduled Appointments

#### **Babb Road – Letter from Steve Keach, Keach Nordstrom, Aaron Cady, Tom Bibeau, Wayne Burgess**

Chairman Barry opened discussion by reading the letter from Steve Keach, engineer with Keach Nordstrom and Associates describing his review of Babb Road as pertains to the planned timber harvest. The harvest would be to take place during the present winter months on a frozen road, would last approximately four weeks and would involve 7-8 trucks daily with weights of up to 100,000 lbs. Some 12-15 trucks might be expected at the height of the operation. Mr. Keach described his review of approximately 0.8 miles of Babb Road and found that the harvest of modest intensity and limited duration would raise little concern for the road. He recommended that the right of way be for a specified duration of time, running no later than April 1<sup>st</sup>, that Granite State Procurement (the harvester) prepare a video documenting the conditions of the road immediately preceding work, that vehicle weight be limited to not more than 100,000lbs and that the harvester provide a performance guarantee in the form of a bond. A reasonable surety sum of \$10,000 was given based on the estimated cost to procure, place and grade gravel for the stretch of road. Chairman Barry opened the floor to the impacted land owners to voice questions or concerns.

Aaron Cady, 28 Old Centre Rd, asked what damages the Town would assess to each land owner as is required by law. He spoke that there will be a substantial impact to the Bibeau and Green properties with the right of way and that, similar to paying to rent equipment, the harvester is required to pay to rent use of the land. He asked whether the Town would be responsible for any damages beyond the scope of the surety bond and urged caution. Mr. Cady asked whether the written agreements between the land owners and Mr. Burgess had been provided to the Board and Chairman Barry answered no, they had not. Mr. Cady asked the Board to consider carefully the hours of operation, the ongoing monitoring of the road condition, and any penalties for violations when laying out the right of way. Selectwoman Hutchinson asked whether Mr. Cady had an opinion on the appropriate hours of operation and Mr. Cady felt that 7a – 5p would be sufficient. He noted that he is not opposed to the logging, but is opposed to the damage of the road on private property.

Tom Bibeau, 50 Babb Rd, asked whether this would be a deeded right of way, to which Board responded no, that the right of way would be a temporary access with a clear expiration date. He expressed concern that the amount of the bond would only cover the cost of materials. Vice Chairman Pitman noted that the language was to “...purchase, place and grade up to 200 yards...” Mr. Bibeau shared Mr. Cady’s concerns for the daily monitoring of the operation and stressed that he does not want to see any tax ramifications should the quality road be enhanced and assessed value of the land increase. Chairman Barry stated that the official classification of Babb Road will remain as is.

Chairman Barry asked Mr. Wayne Burgess whether the land owners would be compensated and Mr. Burgess confirmed that written agreements are in place to compensate some of the impacted land owners. Generally, Mr. Burgess was OK with the engineer’s comments. He noted that with a 7a start time, loggers would begin arriving and equipment would be started as early as 6:30a. He spoke that, due to delays in this process, the opportunity to work with Granite State Procurement may have been missed. If he secures an alternate contractor the work may not be done as quickly as the stated 4 weeks.

Michael Greene, 53 Babb Rd, expressed that, while he appreciates the questions raised by his neighbors, he has been comfortable with the deal proposed by Mr. Burgess. He suggested that a stop date of March 15<sup>th</sup> should be used as was in the original agreement with Mr. Purtell. He encouraged the Board to make its decision promptly, sharing concern that the project will not be able to be completed this winter. He echoed previous remarks about the ongoing monitoring of the condition of the road and any post-logging property valuation changes. Mr. Greene currently has 22 acres in current use and wanted to be sure the road would not impact that status. P. Touchette confirmed that logging roads are allowed on current use properties.

Vice Chairman Barry thanked the residents for their input and the Board summarized the following conditions:

- Hours of operation limited to 7a – 6p, allowing for arrival at 6:30a
- March 15<sup>th</sup> cut off
- \$10,000 bond stating that the contracted logger is responsible for all costs, up to and including the cost of the Keach engineering report
- Travel of the road only when frozen conditions exist
- Daily monitoring of conditions – Residents to report concerns to the Town Administrator who will relay to a member of the Board and/or the Road Agent for immediate action
- Video Tape of the area transferred to DVD and presented to the Select Board
- Truck weight of not more than 100,000 lbs

**Motion** – Selectman Robertson moves to approve the temporary layout of a right of way on Babb Rd with the conditions as described

**Second** – Selectman Shute

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

Following the vote Mr. Cady asked how the Town has assigned damages to each property owner as is required by law. Chairman Barry responded that, based on precedent the Board did not feel it needed to assign damages.

#### **Tax Abatement – Marie Bolster**

**Motion** – Selectman Robertson moves to abate \$1,874.84 in interest

**Second** – Vice Chairman Pitman

**Discussion** – Chairman Barry and the Board offered sincere thanks to Ms. Bolster for doing exactly what she said she would.

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

#### **Mark Tibbetts – Department Updates**

M. Tibbetts updated the Board on the various projects underway. At the Town Hall the shutters on the front of the building have been repaired, inside the floors and benches have been painted and the moderator's desk will be moved in place for the Deliberative Session. The electrical panel on the 2<sup>nd</sup> floor of the George B. White Building has been rewired and downstairs 2 of the 3 panels have been completed. Carpets and painting is complete and the office switch of the Parks & Recreation Department and Supervisors of the Checklist has been done. New blinds have been placed in the Town Clerk/Tax Collector and Supervisors of the Checklist offices. Work to the women's and small restroom has begun and expected to be finished by next Friday. He asked the Board's permission to go right into the men's restroom work and there were no objections.

#### **Regular Business & Signatures Continued**

- **Notice of Abatement/Refund - \$33 of the 2014 Property Tax – Joseph & Carol Maynard, 73 Raymond Rd**  
**Motion** – Selectman Robertson moves to approve  
**Second** – Selectwoman Hutchinson  
**Vote** – Yea 5, Nay 0, Abstained 0 – Motion Carries
- **Notice of Abatement/Refund - \$172 of the 2013 Property Tax – William Rudd & Ekaterina Balandina, 9 Blakes Hill Rd**  
**Motion** – Vice Chairman Pitman moves to approve  
**Second** – Selectman Robertson  
**Vote** – Yea 5, Nay 0, Abstained 0 – Motion Carries
- **Notice of Abatement/Refund - \$225 of the 2014 Property Tax – William Rudd & Ekaterina Balandina, 9 Blakes Hill Rd**  
**Motion** – Vice Chairman Pitman moves to approve  
**Second** – Selectman Robertson  
**Vote** – Yea 5, Nay 0, Abstained 0 – Motion Carries
- **Revised Tax Collector Supplement Filing – Re: Outbuildings at 9 Blakes Hill Rd**  
**Motion** – Selectman Robertson moves to correct and sign  
**Second** – Vice Chairman Pitman  
**Vote** – Yea 5, Nay 0, Abstained 0 – Motion Carries
- **Addition of Kevin Young as approved contractor for the Highway Department**  
**Motion** – Vice Chairman Pitman moves to approve  
**Second** – Selectman Robertson  
**Vote** – Yea 5, Nay 0, Abstained 0 – Motion Carries

- **Warrants & MS 737**

**Motion** – Selectman Robertson moves to sign

**Second** – Vice Chairman Pitman

**Discussion** – Copies will be posted tonight at the Town Hall, George B. White Bulletin Board and Town Clerk/Tax Collectors Office.

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

- **Letter to the Deerfield Fair Association – Proposing Fire Coverage for the 2015 Fair at a cost of \$8,000. Time slips to be submitted to the Fair Association, minimum of 4 certified individuals on the grounds during the day and 2 overnight**

**Motion** – Selectman Robertson moves to approve and sign

**Second** – Selectman Shute

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

**Correspondence**

The Board has received a letter from the DRA indicating that Deerfield's median ratio is at 104.8% and equalization assessment ratio is 104.4%.

The Parks and Recreation Department has received a \$1,000 grant from Walmart

**Motion** – Selectman Robertson moves to accept the grant

**Second** – Vice Chairman Pitman

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

The resident of 41 Nottingham Rd has written to request that the Town postpone the deeding process on this property. The owner expresses that he plans to be more aggressive with the sale of the property. Selectman Robertson asked that a time frame be specified, Chairman Barry suggested 6 months.

**Motion** – Selectman Robertson moves to postpone the deeding of 41 Nottingham Rd until June 26, 2015

**Second** – Vice Chairman Pitman

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

Resident Zach Langlois wrote to the Board to share that he was turned away from the Transfer Station recently at 3:53p. He was told that he must arrive no later than 3:45p to dispose of garbage and expressed frustration, especially given the limited operating hours of the Station. The Board agreed that the policy and signage asking residents to arrive by 3:45p should stand, but asked that J. Foisy communicate to the Transfer Station Employees, by way of Rick Pelletier, that 4:00p is the closing time, not 3:53p.

John Duffy, President of the Pleasant Lake Preservation Association, has written to ask that a link to the group's website be posted on the Town's website. Vice Chairman Pitman noted that the request is related to the new Planning Board Ordinance being proposed on the upcoming ballot and a push to get information out to the public. The Board had no objections.

Welfare Director Denny Greig has asked that the Board oppose House Bill 269 allowing landlords to ask for a security deposit of first and last month rent. She asks that the Board contact the House Judiciary Committee and the Town's Legislative Representatives to urge for the Bill's defeat.

**Motion** – Vice Chairman Pitman moves to support Ms. Greig's request and to compose a letter urging the Bill's defeat to be sent to the Judiciary Committee and Town's Representatives

**Second** – Selectman Robertson

**Discussion** – Selectwoman Hutchinson noted that she may be in attendance at the hearing for this Bill on Wednesday and, if so, would the Board be OK with her testifying to indicate the Town's position. There were no objections.

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

The Town is in receipt of \$175 for the damage to the batting cages and \$1,093.17 for the damage to the Fire Command Vehicle from Primex.

Notice was received from the Rockingham County Commissioner's Office that the 2015 Proposed Budget is \$79,811,912, an increase of \$1,274,288 (1.6%) over the prior year.

The request for a Special Election to replace Representative Dobson has been submitted to the Governor and Executive Council. If approved, the election will be held on May 19<sup>th</sup>, with a primary on March 31<sup>st</sup> and a filing period of February 2 – 6.

The Board had received notice from MetroCast that, effective March 20, 2015 the Lakes Region Public Programming on channels 25 and 26 will cease transmission. Customers will be notified of the change on their next billing statement.

A copy of the PSNH post card mailed to abutters of the line upgrade project was received by the Board.

### **Town Administrator's Report**

The Town will be closed tomorrow due to the expected winter storm and J. Foisy has publicized that information will be in the local media. Mark Young has reported that the highway crew is well prepared to handle the event.

Chief Duquette has ordered the 2015 Police Cruiser as the deadline for submitting orders was the end of February. The Department expects to receive \$3,500 in trade in for the Crown Victoria.

### **Unfinished Business**

Selectman Robertson asked that the Board begin to move forward with the Town Administrator hiring process, specifically by posting the position internally and externally. The Board agreed and J. Foisy will work to post the opening with the local papers and online listing services.

### **New Business**

Selectwoman Hutchinson asked whether legal opinion has been sought on the Northern Pass Warrant Article. Some question was raised at the MBC's Public Hearing about the legality of using public monies to advocate for a non-unanimous position and she felt it would be useful to have the Town Attorney provide, in writing, a position on the topic for the Deliberative Session. J. Foisy will look into getting an opinion ahead of Saturday's meeting.

### **Other Business**

Chairman Barry reminded Members that the Deliberative Session will be held Saturday at 9a. Selectman Robertson noted that the MBC Chair will not be in attendance and that the Vice Chair will be providing representation for that group. Selectman Shute recommended supporting the Budget Committees recommendation, a bottom line that is \$7,000 lower than that proposed by the Select Board. The Board agreed.

Selectwoman Hutchinson asked whether Petitioners who have submitted a Warrant Article might be allowed to provide a more thorough description of what the intent of the Article is, similar to the way the Town provides additional information. Selectman Robertson and Chairman Barry voiced discomfort with allowing individuals to advocate for their Article. There was some question about how the content and length of any descriptions would be managed.

### **Citizens Comments**

Regarding the Transfer Station, John Dubiansky encouraged the Town Employees to use an "educate and accommodate" approach for Residents, adding that a little Customer Service can go a long way.

### **Adjournment – 7:13p**

**Motion:** Vice Chairman Pitman moves to adjourn the meeting of January 26th

**Second:** Selectman Robertson

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

**Next Meeting Monday, February 9<sup>th</sup> @ 5:30p**

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