

# **TOWN OF DEERING**

762 Deering Center Road  
Deering, NH 03244

## **Board of Selectmen Final Meeting Minutes Thursday, August 3, 2023 6:30 P.M.**

Members Present: Chair Jill Smith, Selectman Roy Watson and Selectman Steve Diers  
Also Present: Town Administrator Peter Flynn

### **Opening of the Meeting by the Chair at 6:30pm**

#### **Item 1: Request for Non-Public Session Per RSA per 91-A:3 (I)**

**Chair Smith made a motion to go into Non-Public Session at 6:31pm per RSA 91 A-3, II, (I) Legal. Seconded by Selectman Watson.**

**Vote by Roll Call: Chair Smith – yes, Selectman Watson – yes and Selectman Diers – yes**

The Board of Selectman came out of Non-Public Session at 7:00pm

**Chair Smith made a motion to seal the minutes. Seconded by Selectman Diers, because it is determined that divulgence of this information likely would affect adversely the reputation of any person other than a member of this board.**

**Vote by Roll Call: Chair Smith – yes, Selectman Watson – yes and Selectman Diers – yes.**

### **Pledge of Allegiance**

#### **Item 1: Consent Agenda Acceptance including Manifest for Payroll (8/2/2023); AP (8/2/2023).**

**Chair Smith made a motion to approve the items in the Consent Agenda. Seconded by Selectman Watson. Motion Passed 3-0.**

Chair Smith made an announcement that the Board received a letter dated July 24<sup>th</sup> regarding the Town's Road Agent. A copy of this letter has been provided to each member of the Board as well as a copy shall be provided as an addendum to the Board's minutes of August 3<sup>rd</sup>. The Board wishes to thank those that took the time to draft this letter and provide the information to the Board. As the subject matter of this letter constitutes a potential personnel matter, the Board will not read the contents of the letter in public session, nor address the statements made within the course of the meeting tonight. The Board shall undertake a full review of all the claims made and address any concerns in a manner the Board deems appropriate.

### **APPOINTMENTS & NEW BUSINESS**

#### **Item 2: Highway Department (Road Agent Houghton)**

- **Zoski Road Culvert (Robert & Lillian Carter)**  
Robert and Lillian Carter approached the Board to discuss issues they have been having since 2019 regarding a culvert on Zoski Road that is effecting their road. Just beyond Lakeshore is

a culvert and before Zoski there is a 15" culvert that was installed 15 years ago. There has been land that has been logged and the water channels have changed.

Road Agent Houghton said that work needs to be done including making the berm bigger but it is in another resident's right-of way and we need their permission.

Chair Smith asked what Plan B would be?

Road Agent Houghton answered installing more culverts.

Selectman Watson said it sounds like we have limited options.

Chair Smith said she would feel more comfortable to have an engineer look at the situation.

The abutting resident came forward and said we can work something out and don't need an engineer.

Lori from Lakeshore asked if there is anything the Town can do to build up the road again.

Road Agent Houghton said if it is a private road the town could help but if it is a Class VI they cannot do anything on it.

It was suggested to inquire the opinion the NH Municipal Association.

- **Request from Comcast Re: Excavation (Bryan Christianson & Monica Thibault)**

Road Agent Houghton said they have had issues with telephone and cable lines being buried in the road. He said dig safe comes out and marks the road but we are still hitting lines that are in the road unmarked. He said that because of this we don't allow new underground lines being installed.

Bryan Christianson from Comcast said they are wanting have more redundancy on Dickey Hill Road with underground lines. He said in the franchise agreement with the Town he believes they have the right to do this.

Dave from Comcast said they will have an engineer that will show the conduit path and will provide an as-built plan to the Town showing exactly where the lines are.

Selectman Watson asked what do we gain or lose from this?

Chair Smith asked how many residential properties would it impact?

B. Christianson answered it would be on the unpaved portion of Tubbs Hill Road and then on Dickey Hill Road.

Chair Smith said we need to review the franchise agreement.

Selectman Diers asked how low in the ground do the wires go?

Dave answered about 30".

Chair Smith asked if they had any other information or plans that they could review with the Town Attorney?

Dave said they were hoping for an approval tonight to start the engineering.

Chair Smith said she was not comfortable giving a decision tonight and would like it to be reviewed by Town Counsel.

Selectman Diers asked the Road Agent if there is an acceptable depth.

Road Agent Houghton answered 2’.

Selectman Watson said he agrees with having Town Counsel review it first.

Selectman Diers agreed.

B. Christianson asked how long they would need for the review.

Chair Smith answered 30 days.

### **Item 3: Wolf Hill Road signage concern (David LeFevre)**

David LeFevre showed the Board where his home is on a map and told them that the height of his land is substantially higher in one area. He said people are parking in front of his driveway as well as other spots on the road creating very narrow passage way with bad site view. He said he is looking to get no parking signs installed.

Selectman Diers said he looked at the area and asked Road Agent Houghton’s thoughts on it.

Road Agent Houghton said it is a dangerous location.

Selectman Watson said he supports installing signs. He said it’s not clear where to park in this area and the signs can always be removed if it doesn’t work.

**Selectman Diers made a motion to place on the Westerly side of Wolfe Hill Road across from the entrance of the Wilkens Campbell Forest two “No Parking this side of street” signs and on the easterly side of Wolfe Hill Road, south of the entrance of Wilkens Campbell Forest two “No Parking between signs” signs. Seconded by Chair Smith. Motion Passed 3-0.**

### **OLD BUSINESS**

#### **Item 4: Highway Department (Road Agent Houghton)**

- **Bid updates – Road Construction, Salt, Garage Doors, Exhaust Kit & Hoses, e.g.**  
The Board discussed the three bids received for the garage doors.

Chair Smith asked if there are differences in quality?

Road Agent Houghton answered they are basically all the same.

The Board decided they needed more information from Crawford to make a decision and Chair Smith asked specifically for their warranty information.

Road Agent Houghton said he typically gets salt prices in September but previously the Granite State and Eastern came in at \$85.50 per ton and Mortons at \$85.55 per ton.

Road Agent Houghton said he is waiting for a call on the calcium pricing and for the exhaust kit and hoses he only has one quote.

Chair Smith asked if pricing for the exhaust was more than \$20,000?

Road Agent Houghton said no, it was just under.

Road Agent said for the signs and cones he has 3 quotes and is requesting 8 signs, eight bases and 25 cones.

Chair Smith asked if that would be enough cones with the recent storms?

Road Agent Houghton answered yes.

The Board decided they didn't have enough time to review the quotes and would bring it back at the next meeting for a decision.

The Board discussed road construction and the process.

Road Agent Houghton said he had pricing for everything but the top coat.

Selectman Diers asked which roads are scheduled to be done?

Road Agent Houghton answered Fisher Road.

Chair Smith asked if he would be able to get the road quotes to the Board by the 17<sup>th</sup> and be ready to pull the trigger right after to get things going?

Road Agent Houghton said he could commit to the 17<sup>th</sup>.

Selectman Diers asked how we are doing with Holton Crossing and getting gravel in the shoulders.

Road Agent Houghton said the company he usually hires to do that work is too busy and they just received parts in to fix their loader which they can rent the machine to go on the front to do that work. He said he will now need to call to get three bids for that.

Selectman Diers asked how long they will have the equipment for and can they utilize that to repair other roads while they have it.

Road Agent Houghton answered yes, for the smaller washouts.

Chair Smith asked if he would be able to take a ride around town and make a list of all of these roads that need work?

Road Agent Houghton answered yes and he could have it in 2 weeks.

- **Status update on weather event related road repairs**

Road Agent Houghton said the dirt part of Dickey Hill Road is fixed. Just below #75 they installed a 24" 8' long culvert.

Road Agent gave updates on more roads that were repaired.

Road Agent Houghton said they are currently doing grading and raking.

Selectman Diers said the work crew did a great job on Dickey Hill Road but it looks a little unfinished.

Road Agent Houghton said it still needs to pack down.

#### **Item 5: Review & adopt public and nonpublic minutes of 7/27/2023**

**Chair Smith made a motion to approve the July 27, 2023 public and non-public minutes as presented Seconded by Selectman Watson. Motion Passed 3-0.**

#### **Item 6: ARPA Funds Update**

TA Flynn said Captain Cavanaugh has 2 quotes for the Conex storage container he would like to purchase with ARPA funds and has another request.

Captain Cavanaugh said they would like to replace their 5 tasers and also purchase 5 body worn cameras.

Chair Smith asked if there were any grant opportunities?

Captain Cavanaugh answered no, not at the moment.

Chair Smith suggested purchasing the equipment for the current officers with ARPA and the rest through taxation

Selectman Watson said that we are looking at items that we currently need to replace and new equipment.

Selectman Diers said we should move on the tasers.

Chair Smith said she can create a spreadsheet to show all of the ARPA requests and where the balance is after that.

Selectman Diers said we should act on the Conex container.

**Selectman Diers made a motion to purchase from Brattleboro Portable Storage a new 20' Conex container using funds from ARPA. Seconded by Chair Smith. Motion Passed 3-0.**

Selectman Diers said we need a future agenda item to discuss the process of disposing of vehicles.

Chair Smith said the laptops for the Planning Board and the website admin were purchased from Lenovo for a total of \$1,470.

#### **OTHER BUSINESS**

#### **Item 7: Town Administrators Report**

1. Worked with Evan from Avitar to update records in Assessing Department.
2. Requested information from Atty. Tanguay Re: Codman Hill Road.
3. Received Request from DRA Re: PA 28 Inventory Form. TA Recommending a "NO".
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4. Completed all Performance Evaluations as required.
5. Continues dialogue with Asst. Chief Connors in recruitment for new Chief.
6. Visited Zoski Road and met with Mr. Carter and Road Agent to discuss plan to rectify drainage issue.
7. Fixed mail address for “selectmen” to include Steve Deering’s name on emails.
8. Tentatively set interview dates for Fire Chief and have reached 3 of the 5 candidates.
9. Discussed further details re: Police new ARPA requests.
10. Requested legal opinion on conducting meetings via a “buss” tour type meeting to view roads.

### **Item 8: Selectmen’s Reports**

Selectman Diers asked who would set the initial Solar Committee meeting?

TA Flynn answered he would set the meeting and notify everyone.

Selectman Watson said in light of the continuing elevator issues, he is doing research and learning what can be done if it fails in the future.

Chair Smith announced that unfortunately that the Board has decided against the idea of a bus road trip meeting to view the town roads because of legal advice received.

Chair Smith said from the recent conversation regarding Department Reports and what content is needed in them, Selectman Diers has provided his feedback as to what he would like to see and Selectman Watson’s feedback and her own are needed and then a form can be put together.

Chair Smith said at the last meeting they were anticipating a camper permit to review but the full fee has not been paid on that permit and therefore will not come before the Board until it is paid.

Chair Smith voiced a concern regarding the Building Inspector and his role in regards to planning and zoning. She said there was an application on Chipmunk Lane to enlarge a non-conforming structure that is on a non-conforming lot. She feels the enlargement should not be allowed and the permit should have been denied but instead it was approved. Should this have gone to the Zoning Board first? She asked if the Board would be ok for TA Flynn to ask the Building Inspector to come to a meeting and educate us on his role. She would like to hold the permit until they can understand it better. She asked for the resident to be called and told the permit isn’t issued yet. The Board agreed.

### **Item 9: Public Comment (MAXIMUM-3 Minutes)**

*The Board always welcomes public comment and feedback. This is the only opportunity for public comment. If there is any need for the board's response a request should include an appointment on a future agenda, to include supporting documentation. Forward your request to the Town Administrator at least five business days beforehand. When speaking please state your name and address.*

No Public Comment.

### **Item 10: If Needed-Non-Public per RSA 91-A:3, II, (a) & (c)**

**Chair Smith made a motion to go into Non-Public Session at 9:29pm per RSA 91 A-3, II, (a) & (c). Seconded by Selectman Watson.**

**Vote by Roll Call: Chair Smith – yes, Selectman Watson – yes and Selectman Diers – yes**

The Board of Selectman came out of Non-Public Session at 10:15pm.

**Chair Smith made a motion to seal the minutes. Seconded by Selectman Diers, because it is determined that divulgence of this information likely would affect adversely the reputation of any person other than a member of this board.**

**Vote by Roll Call: Chair Smith – yes, Selectman Watson – yes and Selectman Diers – yes.**

**Selectman Watson made a motion to increase, retroactive to August 1, 2023, Captain Cavanaugh's wage from \$26.25/hr to \$31.62/hr plus a one-time pay adjustment of \$4,800.00. Seconded by Selectman Diers. Motion Passed 3-0.**

**Selectman Watson made a motion to increase wages for Officer Parker Normand from \$20.80/hr to \$25.80/hr. Seconded by Selectman Diers. Motion Passed 3-0.**

**Chair Smith made a motion to adjourn the meeting at 10:18pm. Seconded by Selectman Watson. Motion Passed 3-0.**

Respectfully Submitted,

*Wendy Baker*

Wendy Baker  
Recording Secretary