

TOWN OF DEERING

762 Deering Center Road
Deering, NH 03244

Board of Selectmen Final Special Meeting Minutes

Thursday, November 9, 2023

7:00 P.M.

Members Present: Chair Jill Smith, Selectman Roy Watson and Selectman Steve Diers

Opening of the Meeting by the Chair at 7:00pm

Pledge of Allegiance

Item 1: Consent Agenda – None provided.

NEW BUSINESS

Item 2: *Public Comment Requested for this topic* – Police Department request for purchase & use of Police Body-Worn Cameras (Grant funding of up to 50% of cost may be available)

Acting Chief Cavanaugh reminded the Board that the reason he was requesting body worn cameras is because it is becoming the standard with all Police Departments and the benefit of the camera is two-fold, one for the defendant as well as the officer. There are certain regulations according to State Statute that apply to the use of body worn cameras. Any questions of what transpired will be caught by the body camera. The request is the purchase of 5 body cameras anticipating two full-time officers and three part-time officers. The quote received from Axon, which is the supplier used by most and the Town has an account with them was for \$22,650. Currently there is a grant application pending where the State will fund 50% of the cost of body worn cameras for agencies that do not have any which brings the Town's cost to \$11,325. He thinks he can fund that amount from his current budget. There is a State RSA, Section 105 that deals with the requirements on the Police Department of the use of body cameras. Regarding concerns of the public feeling it is a violation of privacy, a person that is a witness will be advised they are being recorded and they can request that the cameras be turned off and the officer will. Body worn cameras will not be worn for the following reasons, communications between other Police personnel, encounters with Police personnel undercover, during any type of an intimate search, and the interview of a crime witness that asks not to be recorded. With arrest and search warrants the cameras will be on until the activity has concluded. If the camera fails to record or has a malfunction, it is required to be documented in a subsequent report and no person is allowed to edit, delete, alter or duplicate any information that is captured. Recordings made by the cameras will be permanently destroyed and over written, no sooner than 30 days and no longer than 180 days. Acting Chair Cavanaugh also talked about some of his own personal experiences.

Chair Smith opened the discussion up to the Board for questions.

Selectman Diers wanted clarity that the Officer would have to turn on the camera.

Acting Chief Cavanaugh answered yes.

Selectman Diers said he has a concern but understands in our current climate it is important to protect the Officers, the Town and the residents. He said he also understand that we have a time limited grant to cover half the cost. His concern is that we don't have a police force currently and we'd be purchasing something in anticipation of building the staff back up.

Selectman Watson said Acting Chief Cavanaugh has come before us a number of times requesting this and he has the funds to pay for it out of his department budget. He said many towns are using them now and asked what the nearest towns are that would be wearing them?

Acting Chief Cavanaugh answered Hillsborough, Henniker, Antrim, New Boston and Weare have them.

Selectman Diers asked who does the training?

Acting Chief Cavanaugh said Hillsborough has several officers that are certified to do the training as well as Officer Davy.

Elizabeth Kirby asked why the Board is making this decision when the department has the money in their budget?

Chair Smith answered that it is because of the cost and our procurement policy.

Michelle Dutton asked if this would be part of the kit given to an officer, part of what they normally wear?

Acting Chief Cavanaugh answered yes.

Michelle Dutton asked if there would be a policy created for the use of them?

Acting Chief Cavanaugh answered that he would anticipate that they would follow the same type of procedures that they use with all other items they utilize and initiate a policy that would be consistent with the RSA and the use of the cameras according to State Law.

LouEllen Beard commented that whether we pay for the cameras or pay for legal fees, we pay. This is all a waste of time and should have been done two months ago.

Chair Smith said her concern was the timing of when we would get the grant and asked if it is anticipated to hear that we got the grant by the end of the year?

Acting Chief Cavanaugh said he anticipated we'd be notified in 2024.

Discussion continued regarding the timing of everything.

Acting Chief Cavanaugh said he doesn't anticipate getting denied for the grant but if they did, he still has the full cost for them in his budget.

Pauline said she trusts Acting Chief Cavanaugh and would support him moving forward as he sees fit.

Many more residents gave support to purchase the cameras.

Chair Smith made a motion to approve the purchase of 5 body worn cameras in the 5 year amount of \$22,650.75 to be paid out of the Police Department's current budget new equipment line. Seconded by Selectman Diers. Motion Passed 3-0.

Item 3: Preliminary Tax Rate Discussion & Review

Chair Smith said they received the preliminary tax breakdown from the Department of Revenue Administration and it does include a significant increase, the majority of it from the County, Local Education and State Education side. This preliminary draft will be attached to these minutes.

Chair Smith said the Board needs to decide if they want to use any of the undesignated fund balance. She said her suggestion is to utilize undesignated fund balance to offset the difference in the tax rate amount so that we keep the municipal amount exactly the same as last year, which would be an amount of \$132,225.50 and would reduce the municipal tax rate from \$6.69 to \$6.15 per thousand. Currently the Town is at 13.37% over one million dollars and 43 thousand and the recommended minimum is 5% and the maximum is 17%. Also the Town's Auditors are anticipating in the next undesignated fund total that it will be at 21% and recommend that we use funds and spend down.

Selectman Watson said in years past the town has been conservative and feels in this instance given the numbers, anything that we can do to offset the residents burden that is not being put to otherwise good use makes sense and is inclined to support the suggestion.

Chair Smith made a motion to approve using the undesignated fund balance to maintain the tax rate of 2022 at \$6.15 per thousand at an estimated amount of \$132,225.50. Seconded by Selectman Watson. Motion Passed 3-0.

Item 4: Petition for Special Meeting – Status update

Chair Smith said we have received a petition for a Special Meeting and the Board should discuss if they should approve Interim Town Administrator Kerris to connect with Town Counsel to find out what the schedule should be and also to verify the validity of the language. It is also the request from the petition that this question be answered prior to the March election.

Chair Smith made a motion to delegate to Interim Town Administrator Kerris the task of contacting Town Counsel to inquire what the schedule of the petitioned Special Meeting should be as well as the validity of the language. Seconded by Selectman Watson. Motion Passed 3-0.

OLD BUSINESS

Item 5: Second Reading – Snow Plow Contract

Chair Smith asked Interim Road Agent Martin if there have been any changes or amendments that he wants to make to this contract?

Interim Road Agent Martin said on he back Attachment C, there are some items that need to be removed: the 5th item down 6-wheel truck with town wing.

Chair Smith asked about cutting edges and not wanting to be responsible?

Interim Road Agent Martin answered yes he believes if a contractor wants to provide a service to the town then they should be responsible for their own equipment and the town shouldn't cover the cost of their consumables.

Selectman Diers asked if we are requiring them to have chains?

Interim Road Agent Martin answered no we are not requiring chains.

Selectman Diers asked about item 1 wording and asked about the wording that they must supply all materials, does that mean salt and sand?

Interim Road Agent Martin answered no, it refers to consumables and further in the contract it references salt and sand.

Discussion ensued regarding the requirement for the vehicle to remain at the Highway Department yard when not out working for us.

After discussion the consensus was to add language that allows the contractor to take the truck off site as long as the Road Agent is made aware and abides by the stipulation to have it back in the yard within a reasonable amount of time before a storm.

Chair Smith asked if Primex gave any feedback on if a vehicle was required to stay in our yard and something happened to it.

Interim Road Agent Martin said he has not asked Primex about that.

Selectman Diers said things are different than they used to be which means we need to be more flexible. He said Attachment A item 1, 3rd line down, there is a misspelling.

Chair Smith made a motion to move the Snow Plow Contract to a third reading after amendments are made. Seconded by Selectman Watson. Motion Passed 3-0.

Selectman Diers asked Interim Road Agent Martin to run through the vehicles and explain what their status is.

Chair Smith suggested allowing Interim Road Agent Martin to put the information together for the next meeting.

Selectman Diers asked Road Agent Marting to clarify the current staffing of the Highway Department.

Interim Road Agent Martin answered the new hire starts on the 27th, which leaves himself, 2 current employees and a part-time employee. The new truck is here, it needs to go to Reeds International on Monday.

Item 6: *Quote Review* – Town Hall Exterior Railing Repair & Painting Project

Chair Smith said there are 2 quotes currently for the Town Hall railing repair and painting project, one from David Noonan Wrought Iron LLC and another from Eddie's Ironworks.

Selectman Diers recused himself from the discussion.

Selectman Watson said the price difference stands out to him. David Noonan's price is from \$6,300 - \$7,100 and he prefers this one because it is sandblasted down to the metal versus wire brushing and can be done onsite.

Chair Smith was not clear if the whole cost for sandblasting was included.

Selectman Watson suggested to reach out to David Noonan for clarification on the sandblasting.

By consensus they will delegate to Interim Town Administrator Kerris to reach out to David Noonan for clarification on sandblasting and retrieve more information for a complete project and price.

OTHER BUSINESS

Item 7: Selectmen's Reports

Selectman Watson said he has only had a BAC Meeting recently and feels the preliminary meeting went very well compared to years past. One feedback from a member on the BAC was the need for the spreadsheets and the numbers be sent to the BAC in enough of a timeframe to digest it, preferable 1 week.

Selectman Diers said he went by Murdough and McAllister Stations and the new garage doors have been installed and look great. The oil tank was also moved and is hooked up.

Chair Smith said we received a request from Matt Monahan from Central NH Regional Planning Commission and the Planning Board Chair regarding the communication they received back from Town Counsel regarding questions and they are now seeking permission to speak to Town Counsel.

Chair Smith made a motion to allow Matt Monahan and the Planning Board Chair to speak to Town Counsel. Seconded by Selectman Watson. Motion Passed 3-0.

Chair Smith reminded everyone one of the Veteran's Day observance at the Memorial Wall by the flag pole on 11/11 at 11:00am. She said the flags look great and thanked the Patriotic Committee for their work.

Chair Smith made a motion to adjourn the meeting at 8:12pm. Seconded by Selectman Watson. Motion passed 3-0.

Respectfully Submitted,

Wendy Baker

Wendy Baker
Recording Secretary



Tax Rate Breakdown Deering

Municipal Tax Rate Calculation			
Jurisdiction	Tax Effort	Valuation	Tax Rate
Municipal	\$1,639,581	\$244,862,022	\$6.69
County	\$323,716	\$244,862,022	\$1.32
Local Education	\$4,095,636	\$244,862,022	\$16.73
State Education	\$415,791	\$234,178,022	\$1.78
Total	\$6,474,724		\$26.52

Village Tax Rate Calculation			
Jurisdiction	Tax Effort	Valuation	Tax Rate
Total	\$0		\$0.00

Tax Commitment Calculation	
Total Municipal Tax Effort	\$6,474,724
War Service Credits	(\$49,400)
Village District Tax Effort	\$0
Total Property Tax Commitment	\$6,425,324

Appropriations and Revenues

Municipal Accounting Overview

Description	Appropriation	Revenue
Total Appropriation	\$3,193,096	
Net Revenues (Not Including Fund Balance)		(\$1,071,660)
Fund Balance Voted Surplus		(\$536,400)
Fund Balance to Reduce Taxes		\$0
War Service Credits	\$49,400	
Special Adjustment	\$0	
Actual Overlay Used	\$5,145	
Net Required Local Tax Effort	\$1,639,581	

County Apportionment

Description	Appropriation	Revenue
Net County Apportionment	\$323,716	
Net Required County Tax Effort	\$323,716	

Education

Description	Appropriation	Revenue
Net Local School Appropriations	\$0	
Net Cooperative School Appropriations	\$5,401,062	
Net Education Grant		(\$889,635)
Locally Retained State Education Tax		(\$415,791)
Net Required Local Education Tax Effort	\$4,095,636	
State Education Tax	\$415,791	
State Education Tax Not Retained	\$0	
Net Required State Education Tax Effort	\$415,791	

Valuation

Municipal (MS-1)

Description	Current Year	Prior Year
Total Assessment Valuation with Utilities	\$244,862,022	\$244,189,091
Total Assessment Valuation without Utilities	\$234,178,022	\$231,647,491
Commercial/Industrial Construction Exemption	\$0	\$0
Total Assessment Valuation with Utilities, Less Commercial/Industrial Construction Exemption	\$244,862,022	\$244,189,091

Village (MS-1V)

Description	Current Year
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Deering

Tax Commitment Verification

2023 Tax Commitment Verification - RSA 76:10 II

Description	Amount
Total Property Tax Commitment	\$6,425,324
1/2% Amount	\$32,127
Acceptable High	\$6,457,451
Acceptable Low	\$6,393,197

If the amount of your total warrant varies by more than 1/2%, the MS-1 form used to calculate the tax rate might not be correct. The tax rate will need to be recalculated. Contact your assessors immediately and call us at 603.230.5090 before you issue the bills. See RSA 76:10, II

Commitment Amount	
Less amount for any applicable Tax Increment Financing Districts (TIF)	
Net amount after TIF adjustment	

Under penalties of perjury, I verify the amount above was the 2023 commitment amount on the property tax warrant.

Tax Collector/Deputy Signature:	Date:
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Requirements for Semi-Annual Billing

Pursuant to RSA 76:15-a

76:15-a Semi-Annual Collection of Taxes in Certain Towns and Cities - I. Taxes shall be collected in the following manner in towns and cities which adopt the provisions of this section in the manner set out in RSA 76:15-b. A partial payment of the taxes assessed on April 1 in any tax year shall be computed by taking the prior year's assessed valuation times 1/2 of the previous year's tax rate; provided, however, that whenever it shall appear to the selectmen or assessors that certain individual properties have physically changed in valuation, they may use the current year's appraisal times 1/2 the previous year's tax rate to compute the partial payment.

Deering	Total Tax Rate	Semi-Annual Tax Rate
Total 2023 Tax Rate	\$26.52	\$13.26

Associated Villages

Fund Balance Retention

Enterprise Funds and Current Year Bonds	\$225,000
General Fund Operating Expenses	\$7,803,239
Final Overlay	\$5,145

DRA has provided a reference range of fund balance retention amounts below. Please utilize these ranges in the determination of the adequacy of your municipality's unrestricted fund balance, as currently defined in GASB Statement 54. Retention amounts, as part of the municipality's stabilization fund policy [1], should be assessed dependent upon your governments own long-term forecasts and special circumstances. Please note that current best practices published by GFOA recommend, at a minimum, that "...general purpose governments, regardless of size, maintain unrestricted fund balance in their general fund of no less than two months of regular general fund operating revenues or regular general fund operating expenditures." [2],[3]

[1] The National Advisory Council on State and Local Budgeting (NACSLB), (1998), *Framework for Improved State and Local Government Budgeting: Recommended Budget Practices (4.1)*, pg. 17.

[2] Government Finance Officers Association (GFOA), (2009), *Best Practice: Determining the Appropriate Level of Unrestricted Fund Balance in the General Fund*.

[3] Government Finance Officers Association (GFOA), (2011), *Best Practice: Replenishing General Fund Balance*.

2023 Fund Balance Retention Guidelines: Deering

Description	Amount
Current Amount Retained (13.37%)	\$1,043,329
17% Retained <i>(Maximum Recommended)</i>	\$1,326,551
10% Retained	\$780,324
8% Retained	\$624,259
5% Retained <i>(Minimum Recommended)</i>	\$390,162