



TOWN OF DEERING

Board of Selectmen

762 Deering Center Road
Deering, NH 03244

Meeting Minutes September 16, 2021

Selectmen's Meeting

Selectmen present: Rebecca Mitchell, Bill Whisman, Roy Watson

Ms. Mitchell made a motion to open the meeting at 1900. Mr. Whisman seconded the motion. The vote was unanimous and so approved.

Ms. Mitchell was asked before the meeting if the BoS would allow the Pledge of Allegiance to be recited, Ms. Mitchell brought it up and BoS agreed, so the Pledge of Allegiance was done.

Mr. Whisman made a motion to do the Pledge of Allegiance at the beginning of all future BoS meetings. Mr. Watson seconded the motion. The vote was unanimous and so moved.

Ms. Mitchell made the motion to approve the consent agenda. Mr. Whisman seconded the motion. The vote was unanimous and so moved.

Motion to approve the Consent Agenda:

- | | | |
|----------------------|---------|-----------------------|
| a. Minutes | | |
| b. Employee Payroll | Sept 8 | \$10,675.36 |
| c. Employee Payroll | Sept 15 | \$11,826.09 |
| d. Fire Dept Payroll | Sept 8 | \$2,821.35 |
| e. AP Manifest | Sept 16 | \$9164.93 / \$4557.30 |

NEW BUSINESS:

Mr. Watson brought forward continued business from the previous BoS meeting dealing with letters from community members and wanted to discuss them. Ms. Mitchell stated they will be addressed later in the meeting as it is on the agenda for Trustees of Trust Funds.

Public Hearing—Hazard Mitigation Plan Adoption

Due to questions on posting and that the Road Agent was on emergency leave, the BoS moved the public hearing to 7 October BoS meeting.

CNHRPC Planner Matt Manahan—Septic Tank Ordinance for the Watershed Protection District

Mr. Manahan discussed the watershed septic ordinance, that it was the same verbiage as before, just placed in the health ordinance instead of land usage. Mr. Manahan recommended that the ordinance be sent to the attorney to be checked and the BoS agreed.

Gale Lalmond—Budget Committee

Mrs. Lalmond talked about the BAC and the hard work that is put into the budget, but felt that the work that was done by community volunteers was for nothing due to the vote to cut the budget at the town meeting. She also mentioned that the BAC needed things from the TA and have not received anything as of yet. She said this is important because it helps the BAC to start putting recommendations for the budget. She stated that there needed to be a change now.

Fire Department—Reports

The Fire Chief, Jeff LeBlanc, discussed recommended rate changes based on Comstar 2021 Medicare fee schedule. He gave current and recommended rates. Mr. Whisman made the motion to approve the recommended rate changes with an effective date of 1 October 2021. Mr. Watson seconded the motion. The vote was unanimous and so moved.

The rate changes are as follows:

BLS Emergency base rate:	\$791.50
ALS1 Emergency base rate:	\$1270.87
ALS2 Emergency base rate:	\$1912.56
Mileage:	\$18.75

The Chief discussed the current statuses of all fire apparatuses, specifically the ambulance and his concern on the age of it, also the possibility of co-locating the ambulance and pumper to the main fire station; possibly looking at building on to the station to house them. Mr. Whisman asked the Chief if he knew that the new firetruck was used for a rally on 1 September and he stated that he did.

Trustee of Trust Funds

Ms. Mitchell made a motion to approve Aaron Gill's resignation from the Board of Trustee of Trust Funds effective 1 October 2021. Mr. Whisman seconded the motion. The vote was unanimous and so moved. Ms. Mitchell stated that the opening would have to be filled by appointment from the BoS and would be good until after the election and the swearing in of an elected person at Town Meeting. Mr. Watson then brought up a request from Jill Smith to be appointed to the board. Ms. Mitchell stated that there were two others that were suggested for the position as well and brought up that it could be a conflict of interest for Mrs. Smith due to her already being on the Budget Advisory Committee. Mrs. Smith stated that she didn't think that it was so the BoS were going to inquire to make sure that it wasn't.

Katie Lavoie—Creating Recreation Committee—HD Coop Warrant Article

Mrs. Lavoie talked about starting a recreation committee to decorate the gazebo or town sign and to do holiday related activities for the community. The committee would be for anyone that wanted to help and that there would be no request for money; everything would be done by donations and volunteers. The BoS wanted to check to make sure there were no legal steps to take to form and continue the committee. BoS thought it a great idea, but stated that the committee should have another name due to the town already having a recreation fund that is utilized to pay the Town of Hillsborough for use of Manahan Lake, Grimes Field, etc. She said that she would do that. The BoS will make a decision on the committee at the next meeting so that they have time to research the regulations for the forming of the committee. Mrs. Lavoie then asked the BoS if she could decorate with a fall theme and the BoS agreed. Mrs. Lavoie discussed the HD Coop Warrant Article and the forming of its committee and wanted everyone to know that Mr. Whisman had scheduled the first meeting for 21 September at 1900 at the town hall.

Other Business

Mr. Whisman addressed the community that was present in reference to the 2 September BoS meeting. He stated that those who are former or current military and those who have held government offices, had sworn an oath to uphold the laws, rules, and regulations of the town, state, and nation; just as the current BoS has done. Mr. Whisman said that the BoS would never be against a rally for the military or flags placed for military personnel who were KIA. What was being questioned was the use of the new firetruck at the rally without any of the BoS knowing it was going to be used. Mr. Whisman then read from the Deering Personnel Policy about utilizing town property without written authorization of the BoS. Mr. Whisman apologized on behalf of the BoS if it was implied, in any way, that the BoS was against the rally for the military or the placement of flags for the 13 Marines KIA in Afghanistan.

The floor was then opened up and there was much discussion about firetruck usage and policy change and charging for parking at the Deering Reservoir. Mr. Watson inquired about key usage at town hall—key usage. Jill Smith brought up a letter she sent to the BoS in reference to there being a conflict of interest for the TA hiring committee. Mr. Whisman stated he did not feel this was a conflict as the BoS is the hiring authority and though the hiring committee gives the BoS their recommendation, the BoS can go against their recommendation as has been done in the past. Some items will be added to and discussed at future BoS meetings so that all of the town community members have a chance to hear about these items.

Ms. Mitchell stated that due to threats made and the stress of it all, she made a motion to appoint Mr. Whisman the Chair. Mr. Watson seconded the motion. The vote was unanimous and so moved.

Ms. Mitchell made a motion to adjourn the meeting at 2050. Mr. Watson seconded the motion. The vote was unanimous and so moved.

Respectfully submitted

\s\ William Whisman
Board of Selectmen

Title XII
Public Safety and Welfare
Chapter 154

Submitted by Sharon Simpson

Organization of fire department

- section 154:l
 - I (b)
 - Fire chief appointed by the governing body; firefighters appointed by the governing body, upon recommendation of the fire chief
 - VI
 - Subject to statute, charter or local ordinance, and subject to such written formal policies or guidelines as may be adopted or approved by the appointing authority, the fire chief shall have the organizational and administrative control of the fire department

Finances and Property

- Section 154:1-a
 - In municipal fire departments organized under 154:1, all fire department real estate or equipment purchased with funds appropriated by the municipality *shall be the property of the municipality*
- Section 154:1-b Firefighter Associations

Fire Department Liability; Public Duty Rule; Status of Firefighters

- Section 154:1-d
 - II
 - Any firefighter, paid or volunteer, acting in official capacity under the direction or supervision of the fire chief, or participating in a fire department activity *sanctioned by the governing body*, is an agent of the municipality and enjoy the same privileges and immunities as the municipality or employees of the municipality, including indemnification for any other accidental damages as set forth in RSA 31:105

Powers

- Section 154:2
 - I
 - Except as provided in RSA 227-L (statewide forest protection) and this chapter, fire chiefs *shall have the authority and control of all firefighters and officers and all fire apparatus and other equipment designed or used for the extinguishment of fire or control of other emergencies in the town and of all person whose duty it is to aid in extinguishing fires*

- Section 154:4
 - Firefighters shall be organized in such companies, under supervision of duly selected officers, and shall be subject to such duties in relation to the care, preservation and use of the public property entrusted to them
- Section 154:5
 - Paragraph II
 - Subject to written formal policies adopted by the appointing authority, appointed fire chiefs shall have authority to direct and control all employees of his or her department *in their normal course of duty and shall be responsible for the efficient and economical use of all department equipment.*
- Section 154:6
 - The fire chief shall keep, or cause to be kept, in order all apparatus provided by the town for the extinguishment of fires and the mitigation of other emergencies

Personnel Manual

- Page 13, section 2.10
 - Town property of any type or value shall not be used or removed from Town premises without written authorization of the Board of Selectman

Welcome to Deering Handbook

- Page 8, 'Deering's Code of Ethics'
 - We expect that public office or a volunteer position in our town not be used for personal gain
- Page 8m 'THE CODE'
 - No unfair personal use of town property
- Page 10, D
 - No official, board member or employee of the Town of Deering shall use town property, services or labor personally, or make the same available to others unless such use is available to other residents upon request on equal terms.

Jill Smith
25 Locke Farm Rd
Deering, NH 03244

September 16, 2021

Town of Deering
Board of Selectmen
762 Deering Center Rd
Deering, NH 03244

Honorable Board of Members,

Regarding the appointment of Sharon Simpson to the Town Administrator Hiring Committee:

- It is understood that Sharon Simpson is in a domestic relationship with Russell McAllister, the former & now interim Town Administrator.
- Per the 6/3/2021 minutes, the Board of Selectmen accepted McAllister "for the Town Administrator position starting effectively upon his resignation and up until replacement is hired."
- Simpson's personal and financial interest in McAllister's continued employment could impair her objectivity when interviewing and assessing candidates.
- Simpson could promote ideas or actions to delay the hiring process, or otherwise find issue with candidates, to extend McAllister's tenure for financial benefit.
- This situation meets the definition of "conflict of interest" and, while not a legal issue, it is an ethical one.

Due to Simpson's clear financial conflict of interest, and in order for the Board to avoid the appearance of impropriety, I request that Sharon Simpson be removed from the Town Administrator Hiring Committee effective immediately.

Respectfully,



Jill Smith

To: The Deering Board of Selectmen

September 16, 2021R

Re: Issues with the board

There have been many notable issues over the years with the Board of Selectmen's conduct. I am hoping this letter will help highlight some of the issues we, as tax payers and voters face and deal with.

For too long, the board has looked at the general tax payer pool as less than. Or at the very least it is how we are treated. From my first town meeting to many of the board of selectmen meetings I've attended, the voters have been attacked or talked to like they are stupid.

From Aaron Gill attacking people that questioned the feasibility and profitability of the solar panels to Allen telling people at a meeting they wouldn't get plowed out if funds weren't there. I was attacked by Allen at a board meeting for questioning the tax break for the solar panel company. Allen blew up at another meeting not long before election. Needless to say we saw how that turned out for him.

Recently there have been times where the board has talked over and shut down people at meetings by talking over them and going off on rants. Things like the kiosk being pulled from the ballot to the chairwoman telling us we are wrong about the letter from the state about charging for parking and that "Russ is handling it."

We now have a committee for the TA hiring that has a clear conflict of interest. The reason it is a conflict of interest is a person on that board lives with our current TA. So this person has motivations to stall the hiring of a new TA to ensure money keeps coming into the house. That's as clear as it can get.

This same person is the person that came to a board meeting and complained about the 13 flags being placed on town property without permission. Those 13 flags are in memory of service members that died. Instead of the chair dismissing this the chair opened the floor which then lead the conversations regarding the fire truck being at a flags across New Hampshire event. An event I organized. I had less than 24 hours. I posted a Facebook event and asked the assistant fire chief if the truck could be there and he said the officers had a meeting and would vote on it.

So more to my point about conduct, the chair addressing and opening the floor for this conversation with the same person that has a conflict of interest to be on the committee leaves one path for voters to think. That there is some sort of shady back room stuff going on with the chair and the other woman on the committee and that complained. This may not be true but this is the projection the voters are seeing.

This isn't a large town. These actions and conduct must be addressed by the board. Here are my personal recommendations for the board to consider:

- 1: remove Russ from the TA position and hire a temp. (If there are no payments due to Russ based on the contractual agreement.) We would like to see that contract.
- 2: Remove Sharon Simpson from the TA hiring committee.
- 3: Add public comment to all agendas moving forward.
- 4: Have a public coffee time once a month so the voters can get their concerns out.
- 5: Provide the towns people with a written apology for the political mess that ensued after the Flags across New Hampshire event.
- 6: Rebecca Mitchell step down as chair.
- 7: Rebecca Mitchell resign as a board member based on ethical violations and conduct.

These are recommendations based on facts I have seen play out. When a team starts to fail the leader of that team takes the hit. The chair is the leader of the board. The board has an obligation and duty to carry out the towns business. They are carrying out

the towns business by power given by the voters to do so. That power is transferred to the board by the voters on good faith they will do the best they can do conduct themselves and their business in a way the represents the majority of the town. It has become clear the board is not doing this and is looking to please a small base of voters. Remember a selectmen position is a job and the voters are your bosses. We vote you in and we can vote you out. This is business and nothing personal. I hope this letter brings light to the issues we have been seeing for a while and I look forward to see changes happen.

Respectfully,

Donn Mann III

To: The Deering NH Board of Selectmen

September 12, 2021

Re: BOS chairman, Rebecca Mitchell

Dear Board of Selectman,

I'm writing to you regarding the selection of Town Administrator candidate search committee. The BOS have put together a team that is not in the best interest of Deering taxpayers. The board has appointed Sharon Simpson, a past selectman to the board that resigned when her significant other was hired as TA. It was considered a conflict of interest. Sharon Simpson should not be on the committee to vet applicants for the TA while Russ McAllister is contracted as the temporary TA. Where is the incentive to replace the TA if Sharon's cohabitant is being paid \$75 per hour and working 2 hours a day? Noted below are the minutes of the meetings showing the timeline of how the committee selection has been delayed. The TA resigned in May and the Board didn't put together a committee until August 5, 2021. Delays on creating the hiring committee and extended hiring deadlines are very concerning. We are now in mid-September and we are still without a Town Administrator.

Board of Selectman minutes – May 25, 2021

Acceptance of Resignation Letters from the Town Administrator and Town Administrative Assistant Mr. Whisman made the motion to accept the resignation letter from the Town Administrator. Mr. Watson seconded the motion. The vote was unanimous and so moved. The Board thank the TA for his many years of great service to the town and wished him well in his future endeavours. Mr Whisman made the motion to accept the resignation letter from the Town Administrative Assistant. Mr Watson seconded the motion. The vote was unanimous and so moved. The Board thanked the Administrative Assistant for her time she served in Deering and wished her well in her future plans. Mr Whisman stated that he will instruct the TA to contact MRI to set up the interview process for a new TA and to inquire with a previous temp hire to see if she would be available to do payroll. Mr. Whisman also commented on hiring the current TA in a P/T capacity until a new TA could be hired, 1-2 days a week to deal with email and other items that are required to be accomplished (checks and balances and other administrative duties). Mr. Watson and Ms. Mitchell said that would be a good idea and asked Mr. Whisman if he would inquire about it.

According to the minutes for the BOS meeting June 3, 2021.

Ms. Mitchell made a motion to accept Russell McAllister for the Town Administrator position starting effectively upon his resignation and up until replacement is hired. Mr. Whisman seconded the motion, the vote was unanimous and so moved.

Why would we keep someone in a position they resigned from? McAllister was incompetent as TA. The board keeps saying it's more cost effective but McAllister isn't doing a good job. The town would be better off without his incompetence.

July 15, 2021 Board Of Selectman meeting – minutes

Town Administrator Hiring Committee BOS discussed forming a hiring committee. Ms. Mitchell made the motion to extend the deadline for applications through MRI to 8/23/21. Mr. Whisman seconded the motion. The vote was unanimous and so moved.

August 5, 2021 Board of Selectman meeting minutes

Town Administrator Hiring Committee Ms. Mitchell made the motion to establish a hiring committee for a new Town Administrator (TA). Mr. Watson BOS Meeting Minutes Page: 2 seconded the motion. The vote was unanimous and so moved. Discussion then followed on who would sit on the committee. Mr. Whisman stated that there should be no more than five people; Ms. Mitchell and Mr. Watson agreed. Mr. Whisman stated that it should be made up of previous Select Board members as they have working knowledge of the TA position. Mr. Watson said that it should be opened up to community members who might want to sit on the committee. Ms. Mitchell stated that she has reached out to a few former Select Board members—Aaron Gill, **Sharon Simpson**, and Beth Kelly. Ms. Baker asked if she could be on the committee as she is an elected official. Ms. Mitchell agreed and added her to the list. There was further discussion on who the fifth spot would be opened to, but the BOS could not agree. Sharon Simpson stated that the BOS should reach out to other community TAs to see if they would be willing to sit on the committee. The BOS agreed and moved the decision to the 19 August BOS meeting.

Sharon Simpson has made it clear she wants to be in charge of this committee by adding her inner circle and controlling this committee discussion. Sharon Simpson is currently involved with McAllister and should not be involved in any part of the selection of the new TA. This is the same group that brought McAllister into the TA position in the first place. McAllister has made continuous errors and has no regard for the Deering taxpayers. From errors posting the agenda and minutes to reducing budgets for Police and Fire. I implore you to remove Sharon Simpson from the committee effective immediately and I ask that Rebecca resign from her position as Town Selectman as she has neglected to listen to the Deering taxpayers on multiple occasions. At the BOS meeting on August 19, 2021 when more than one taxpayer made statements regarding the conflict of interest of appointing Sharon Simpson to the hiring committee Ms. Mitchell was unable to see the obvious conflict and proceeded with Ms Simpson's appointment anyway. Then when I was attacked by a selectman at the BOS meeting September 2, 2021, for the Support our Soldiers gathering on the town hall parking lot and memorial area. Ms. Mitchell, as chairperson should have asked the selectman to refrain from screaming at me. She did not. Ms. Mitchell is no longer capable of chairing the meeting along with her complete ignorance of the town's resident taxpayers and their concerns.

I respectfully request Ms. Mitchell resign her position on the board of selectman effective immediately.

Thank you,

Elizabeth Kirby

1405 Deering Center Road

Foot note: Spelling errors are taken directly from the minutes posted on the Deering NH website.

Town of Deering Selectmen Meeting

Please Sign In

Date: 16 Sept

PRINT NAME	PRINT NAME
Jill Smith	NICHOLAS FOWLER
Jeannette Anderson	Kate Lavie
Paul Anderson	Betty Macduff
John Kennebec	Donna Mann III
Ruth Reynolds	Holly Towne
Jeremiah Smith	Lisa Mullen
Michael Hurlbut	Mike Miller
James I. Hurlbut 49 Clewett Hill	Matt Monahan - CVHR PC
LAURAY RAY COUTERMARSH	Barbara Lermann
Pete Beard	Donna Marzullo
Gwen VanderLinde	JP Marzullo
Denise Hanscom	Robert P. Dineen
Dennis Prime	Tiffany Duvall
Krustle Gould	Ryan Anet
Patrick Monloye	Susan Gould
Gail Lalmon	Barbara Boudrot
Doug Lalmon	Amanda Morris
Cynthia Gidley	Brandon Cluche
Wendy Chou Beard	EMILY VANPATEN
Laura Martinaga	Patsy Hersey (Cleroux)
Trisha Whisman	Stephen Hersey
Kay Hartnett	Kris Parece
Herbert Felson	Chou C
Elizabeth Kerry	DEWIS CADSWAR
Jeremiah Leisrandt	Sara Meinson
Corey Sullivan	Lidice Watson
EL FENEUS	GEORGE CARPENTER
Priscilla Gladu	
Nancy Cannon	
Maren K...	
John L...	
James Patterson	

James Peters