

**MINUTES OF HAVERHILL SELECTBOARD REGULAR MEETING**  
**Monday August 2, 2010**  
**Draft Subject to Review, Correction and Approval at Following Meeting**

**Board Members Present:** Roderick Ladd, Lynn Wheeler, Wayne Fortier, David Joslin and Peter Heilemann.

**Town Manager:** Glenn English

**Administrative Assistant/Finance Officer:** Jo Lacaillade

**Members of the Public Present:** Annemarie Godston, Joel Godston, George Cook, Tara Krause, Heath Bunnell, Walter Young, Carole Young, Rocky Bunnell, Sandy Martinage, Ed Ballam from the Journal Opinion ETAL.

**Call Meeting to Order:**

Chairman Ladd called the meeting to order at 6:05 pm

**Approval of Agenda:** Lynn Wheeler made a motion to approve the agenda as presented; the motion was seconded by David Joslin and carried unanimously.

**Approval of Consent Agenda:**

David Joslin made a motion to approve the consent agenda as presented with a note that the minutes have been amended since first printing to include some wording changes needed by AHEAD for the grant application; the motion was seconded by Lynn Wheeler and carried unanimously.

**Public Hearings: None**

**Scheduled Public Appearance(s):**

- **Tara Krause-Appointment to Planning Board:** The Board interviewed Tara. David Joslin made a motion to appoint Tara Krause as an alternate to the Planning Board; the motion was seconded by Lynn Wheeler and carried unanimously.
- **Walter Young-Access to lot on So. Court Street:** Mr. Young is selling the property on South Court Street and during that process it became apparent that the access to the property is over the rail trail owned by the Town and the new owner wants a guarantee that access will always be allowed through the current entrance. After a brief discussion and review of the property maps Lynn Wheeler made a motion that both parties agree to direct the Town Attorney work with Mr. Young to grant a right-of-way for access to that property that respects the needs and future uses of the Town while providing that lot owner access to his property; the motion was seconded by Wayne Fortier and carried unanimously.
- **George Cook-Country Land Drive:** George Cook gave the Board an overview of some issues regarding the private dam located on Country Land Drive that the Town has a road over the top of to service the residents beyond the dam. TM English gave the Board a handout that explains what a “public easement” is and the land under the road belongs to the abutting property owners. There was discussion about why the school buses will not travel beyond the dam and there is a turn around for them. TM English said that is a decision of the School District not the

Town. George explained that James Gallagher, the NH DES engineer has said that the pond is a problem. He is suggesting to the Town that if a repair is done, that the homeowners association be able to get the materials at cost from the Town. No resolution to this issue has been decided on and then how to pay for any repairs is still in question. The pond area and the dam are owned privately by the homeowners association. There is a \$400 per year fee paid to the DES for a permit for the annual dam inspection and he does not know what happens if that association cannot pay for that. There are 48 lots in the development but only about 12 are in the association. At one point the pond was part of the discussion of the wildfire mitigation plan but Town Manager has not been able to locate it in the final printing but has only quickly reviewed it as it has just been received in draft form. The Fire Chief for Haverhill Corner has stated to Mr. Cook and to Chairman Ladd that it is not a necessary pond for fire suppression even though all 3 Fire Chiefs had written a letter previously that it was. TM English said that the NH DES has come up with a pretty significant list of deficiencies. David Joslin thought that an incentive for the residents of that subdivision to contribute to the \$400 annual fee would be the benefit of that pond for the insurance companies insuring the homes against fires. Sandy Martinage, also an owner of property in the development, said that she is considering becoming an officer of the association and is trying to get some understanding of the association and what power it does have and whether the covenants are still in force. There was a discussion about the property not being considered conservation land. Ms. Martinage said that the officers that were in charge previously did not pay the \$400 assessment from the DES and now there is a \$500 penalty that is supposed to be paid. She asked if they dissolved the association there is language in the agreement that says that the Town would get the property. Attorney Wood said that the article may say that but the Town is not required to accept the property. George stated that the property owners are reluctant to pay the fees and join the association because they do not know where the litigation with the DES is going and they do not want to be responsible for the high costs that might be associated with the fix of the dam. Attorney Wood said that since the dam lot and the spillway are deeded to the homeowner association he did not feel that the individual property owners cant be held liable for the repairs. The only assets that the association has are the dam property and the spillway. He further stated that there are 2 things facing these folks; do you want the pond and the area around it maintained; and if you do how are you going to fund it? If you don't then don't answer the door to the DES. There was further discussion that the value of that common land is apportioned out to the each of the lots within the subdivision; Attorney Wood said that is still not a factor on who owns the property where the dam and spillway are. He said that subdivision could ask the Town to form a taxing district that would then, in turn, assess fees necessary to cover the costs of those facilities. There was discussion as to whether the pond being gone changes the value of the properties in that area. George said he is concerned about fire suppression for that area; that is his primary concern. There is a hearing with the DES on the 13<sup>th</sup> of September regarding the fine. George said that they are going to ask for a year's extension to solve the issue. He said that he had asked Paul Ingretson and Rick Ladd to help with the issue and Paul Ingretson has been working with him at the State level to resolve the problems. Chairman Ladd asked if the Town should support the benefit of this fire pond. Attorney Wood cautioned the Board to not get involved with a private landowner issue and even more so since the Fire Chiefs are not in total support of the need for the pond. TM English said that when everyone was working on the wild fire mitigation plan there was lots of discussion regarding the need to protect rural areas that do not have a public water supply to fight fires. The need generally is there and the plan supports that. Chairman Ladd said that verbally the fire chiefs are saying that pond is not necessary and they have told the State Fire Marshall that so that office is deeming it as not important. TM English will make a copy of the draft Wild Fire Mitigation Plan for Mr. Cook.

## **Town Manager's Report:**

TM English gave an overview of some funding issues that the Regional Planning Commissions are facing and those groups have formed together to apply for a HUD grant to obtain some additional funding and are asking their member Towns to write letters of support of their grant application. Rick agreed with the transportation issues cited in the information provided. He was concerned about the housing sprawl noted and TM English gave an overview of what the new thoughts are regarding housing and how the trend is looking at bringing growth back to community centers. Chairman Ladd feels that "smart growth" is really limiting where new schools can be built so he agrees with the concept but not having it be a determining factor for school locations. TM English said that "smart growth" has to be adopted locally. Lynn Wheeler said that the matter at hand is whether this Board supports North Country Councils grant application. TM English said that the bigger issue are capital projects that are funded by Federal money need to come out of a regional plan and if you don't have inclusion in the regional plan it is much harder to get funding for local projects; this will help write regional plans. After a brief discussion Wayne Fortier made a motion to approve that the chairman sign a letter of support of sustainable communities in this initial grant; the motion was seconded by Lynn and carried unanimously.

TM English said that he has received a letter of resignation from the Recreation Director who has accepted a new position in the Randolph, Vermont area. Joel Godston said that it will be a big hole to try to fill. Chairman Ladd asked that the Town Manager convey the Selectboard's sincere regrets; they appreciate everything he has done to get their program up to speed and helping so many of the kids and adults within the community. He will be missed.

## **Pending (Old) Business:**

- **Report from Town Manager-Health Officer's visit as directed at last Selectboard meeting:** TM English said that he had personally visited the area where the smell had been reported and there was none noticeable at the time; he spoke with the owner of the campground and they did not report any problems with their system. He felt the issue could be in the Town sewer line and it will be looked at. There is one shut off that has been damaged by a farm tractor and that is going to be fixed, that could be a contributing factor. It was further discussed that some of the smell could have been from fertilizing some of the farm fields in the area. TM English said he will keep an eye on it.

## **New Business:**

- **NHMA Floor Policies review:** This item was tabled until the August 16, 2010 meeting.
- **Selectboard Plan in support of the Planning Board:** Chairman Ladd was concerned about the ex-officio having to be the one to do the agenda and minutes for the last meeting. He said that if it comes to the point where a Selectboard member had to do that he would want to see it fall to someone in the office. TM English said that he agrees with Chairman Ladd, it was not up to Lynn to do that it was up to the Chairman of the Planning Board; our staff cannot do it. Lynn felt that if she had not done it they would have had another Planning Board meeting with no action. TM English said that it is the chair of that boards responsibility. Lynn said that it reflects on the whole Town. TM

English said that Jo cannot do it, if you ask her to do this you are putting another burden on somebody who can't do anymore. There was a long discussion about the functioning of the Planning Board and its leadership. It was decided that a meeting should be scheduled with Chairman Ladd, Planning Board Chair Hammond and TM English to strategize about how to move forward.

- **Cleaning/maintenance needs for School District Lease area:** TM English said that carpets will be cleaned later in the year after the humidity has lessened which was recommended by a professional; the gym floor has been done and the bathroom stalls should be done in this years' budget. He provided the Board with the job description that will be used to fill the position left open with the death of Bob Clifford. There was discussion regarding the custodial/maintenance needs for the building and future needs for all Town owned facilities.

Lynn Wheeler made a motion to recess for conference with attorney; the motion was seconded by Peter Heilemann. The motion was carried unanimously and the meeting recessed at 8:07 pm.

Lynn Wheeler made a motion to go back into public meeting; the motion was seconded by Peter Heilemann. The meeting reconvened at 8:38 pm.

### **Pending (Old) Business:**

- **Responses from Fire Chiefs regarding 3<sup>rd</sup> Party Inspector. Assess program/fee schedule:** After a lengthy discussion regarding the 3<sup>rd</sup> Party Inspector Peter Heilemann made a motion to send notification to the Precinct Commissioners and Fire Chiefs stating that the Selectboard has concluded that inspection of buildings for Life Safety Codes will revert to the Fire Chiefs and the fee schedule will be discontinued and the Board will take action to that effect at their August 30, 2010 meeting if they do not hear from the Precincts and Fire Chiefs of all districts that a 3<sup>rd</sup> Party Life Safety Inspector will be utilized, without interference. The motion was seconded by David Joslin and carried unanimously.

**Commission/Committee Reports: None**

**Correspondence: None**

**Comments of the Public: None**

**Comments of the Town Manager/Administrative Assistant-Finance Officer: None**

**Comments of Selectboard Members: None**

**Adjourn Meeting:** Peter Heilemann made a motion to adjourn, seconded by David Joslin and carried unanimously. Chairman Ladd adjourned the meeting at 9:03 pm.

Minutes transcribed by Jo Lacaillade