

MINUTES OF HAVERHILL SELECTBOARD REGULAR MEETING
Monday, February 10, 2014
Draft Subject to Review, Correction and Approval at Following Meeting

Board Members Present: Wayne Fortier, Tom Friel, Lynn Wheeler, Roderick Ladd and Robert Roudebush

Town Manager: Glenn English

Administrative Assistant/Finance Officer: Jo Lacaillade

Selectboard Clerk: Karen Hyde

Members of the Public Present: Darwin Clogston, Dennis Ruprecht, Wendy Ruprecht, Scott Nichols, Susie Tann, Shirley Grilli, Justin Woods, Joseph Mitchell, Beth Mitchell and Ed Ballam – Journal Opinion

Call Meeting to Order:

Chairman Wayne Fortier called the meeting to order at 6:03 pm

Pledge of Allegiance

Agenda Approval (additions/deletions completed by Board consent): Robert Roudebush made a motion to accept the Agenda; seconded by Tom Friel and carried unanimously.

Approval of Consent Agenda: Rick Ladd made a motion to accept the consent agenda; seconded by Lynn Wheeler and carried unanimously.

Scheduled Public Appearance(s):

- **FBLA Proclamation Presentation:** Chairman Fortier presented a proclamation of presentation to the Future Business Leaders of America (FBLA) of Woodsville High School, which includes Justin Woods, president of the FBLA in Woodsville, freshman Dennis Ruprecht and freshman Joseph Mitchell. Chairman Fortier stated that the FBLA had helped the Selectboard and the Town in a variety of ways, such as Justin helping with the computers at the American Traveling Tribute at the Fairgrounds last summer. The group also participated in helping ship memorabilia through PayPal. The week of February 9-15, 2014 was proclaimed as FBLA-PBL Week in the Town of Haverhill, NH. There were pictures taken by Mr. Nichols of the Selectboard and the FBLA members.
- **Shirley Grilli and Susie Tann-Sludge Ordinance:** Susie Tann and Shirley Grilli presented a letter that they had written to the Selectboard members in regard to the Citizen's Petition Article for the 2014 Town Meeting Warrant regarding the adoption of a new Septage, Sludge and Biosolids Ordinance. Ms. Tann proceeded to read the letter, which is attached to the end of these Minutes. Ms. Tann and Ms. Grilli were asking the Board to look over the letter and consider the requirements that are stated in the RSAs. Chairman Fortier asked if any of the other Board members had any questions. TM English stated that petitions do not normally come before the Board. Lynn Wheeler stated that the Town Attorney should review and verify the material and Chairman Fortier stated that that would be done and the Board would get back in touch with Ms. Tann and Ms. Grilli.

Public Hearing: None

Town Manager's Report: TM English passed.

Pending (Old) Business:

- **Town Report Delivery:** Chairman Fortier stated that this had been advertised for volunteers and there was no response. The Board had discussed a plan of action in this case, which was to place copies of the Town Report at the Libraries, Precinct offices, Woodsville Water & Light and at the JRM building. Lynn Wheeler asked about putting out a sign-up sheet asking for the name and date the report was taken. She was concerned about the Report going to other towns' citizens. AA Lacaillade stated that there would be an ad run in the paper. If there were residents who had difficulty picking up their Town Report, there were a couple of people who said that they would deliver if they were in that area.
- **Discussion of budget:** Chairman Fortier stated that the Board had received updated material that was dated that day. This meeting was an opportunity for the Board to discuss how they feel about the budget and if there was an area or areas where they needed to be more cautious. He wanted to get their opinions and wanted them to feel comfortable with the material. Tom Friel stated that he would answer questions on the Planning Board budget (Page 5 of the Expenditures). Robert Roudebush stated that he would answer questions on the Airport Commission budget (Page 10). Rick Ladd stated that he would like to answer questions on the Fire Department budget (Page 9), if he was back from Concord in time. Lynn Wheeler stated that she would answer questions on the Recreation budget (Page 14). Chairman Fortier then asked if the Board was satisfied with the budget. Robert Roudebush stated that he didn't feel there was any need to change anything. Tom Friel complimented the Advisory Budget Committee; they hashed through everything and asked many questions before coming to a conclusion. Rick Ladd stated that he would like to present this the way they had received it from the Budget Committee at the hearing and see what they got for input. TM English stated that during the Budget Committee meetings, they had discussed the parking lot job at the JRM Building. Howard Hatch had come up with the good idea of paving the front area where there is a driveway and create some employee parking. He would like to suggest, with no tax impact, moving \$10,000 more from the Buildings Reserve account and putting it into the JRM Repairs & Maintenance account in order to do this additional work. There is enough money in the Reserve to do this. Rick Ladd asked how much additional parking that would allow and TM English stated that it would probably be 8-10 more spaces for employees, which would free up space in the other lot. Lynn Wheeler had some questions about the REC telephone account and why it was more. She asked TM English if he intended to move Sherri Sargent to the RECM Building and he stated that he would like to. Chairman Fortier had concerns about the increased costs of heating the building with Sherri there. He asked TM English what his rationale was for moving Sherri to the RECM Building. TM English responded that (1) there would be a presence at that building and (2) a lot of the REC programs are based in that building during the summer. Sherri handles the rentals of the building and it would be advantageous to have her there. TM English also stated that it would free up some space in the JRM Building. There are conflicts with meetings and no place to hold them; whereas, the REC Office would be an ideal meeting room. Again, Chairman Fortier remarked on heating the building for the winter. TM English stated that where he was planning on putting Sherri had its own thermostat and heating zone. Chairman Fortier asked what the winter activities were at the RECM Building. TM English stated that there was a twice-a-month Acoustic Music Jam and some of the activities at the JRM Building could be moved there, freeing up gym use at JRM. Rick Ladd stated that he wasn't present for the meeting at which the move was discussed, so this was the first he had heard about an office move to the RECM Building. He was under the impression that some of the rooms were going to be rented or leased out. TM English stated that the space that was going to be used for that will not be used by REC. There was a brief discussion about the phone at the Pool. It used to be disconnected in the winter, but then the phone number would be lost. They are keeping it hooked up all year now at a minimal cost. TM English was asked if the Advisory Budget Committee or the REC Commission had been advised of the move. TM English stated that the Advisory Budget Committee had not been advised as the move was not a budget issue. He did not know if the REC Commission had discussed it. Chairman Fortier stated that if the move hadn't gone through the REC Commission for their input, he didn't know why the Board would jump into that. TM English stated that Sherri was his employee and it was his responsibility to assign staff to buildings and to decide where and how the buildings are used. He felt

that was within his statutory authority. He would certainly want the Board's approval, but he felt that he had the right to do the move. Rick Ladd stated that he would like to see an economic analysis, with questions such as where Sherri is spending most of her time and are there going to be increases in cost, such as heating. He is more concerned with the fiscal costs associated with the move. Tom Friel asked what the environment would be for the back-up computer that may go to the RECM Building. TM English stated that it would require the same environment that is in the JRM Building, which is a reasonable temperature, dust-proof and secure. Chairman Fortier asked what the tax impact of the budget would be without the Warrant Articles. TM English stated that the recommended budget before the Warrant Articles was \$3,795,343. The projected year-end budget expended in 2013 is slightly under what was budgeted, unaudited. Chairman Fortier stated that since the Warrant Articles will probably pass, what would the tax per \$1,000 be for the proposed budget of \$3,795,343? TM English stated you would bump up the current tax rate by 2.25% and that would be a rough figure. Tom Friel stated that the increase would be approximately \$30 per \$100,000. TM English stated that some big expenditures could be cut, which he was not recommending, were the Page Road culvert job and the \$20,000 fire inspections. The increases in the Warrant Articles that the Advisory Budget Committee recommended could be cut back some. TM English stated that the Board should bring their budget to the Public Hearing, take public input and change what needs to be changed. It was the consensus that the Board would present the recommended budget at the Public Hearing.

New Business: None

Commission/Committee Reports: None

Correspondence: Chairman Fortier stated that the Board had received an informational sheet from Lynn concerning the community profile process. The sheet was an intro for when the Board discusses the community profile in April. Rick Ladd commented on the NH Bureau of Securities Motion to Enforce LGC Order. The Bureau of Securities Regulation filed a motion to enforce the Order issued by Hearing Officer Donald Mitchell on August 16, 2012 in regard to the Local Government Center. When the Mitchell Order was given in 2012, the Order had stated that the risk pools should have independent boards, be separate from each other and have separate by-laws. What LGC has done in a secret transaction; they have merged the two together under the Health Trust. The Property-Liability Trust has been moved over and as a result, there is now an Order being issued. There is a situation occurring where the Property-Liability Trust, which owed the Health Trust \$17.1 million, which they didn't have. They only have about \$12 million; so to come up with the additional \$5.1 million, anything owned by that Trust, was moved over under the umbrella of the one board, the Health Trust. They may end up having to pay state taxes. The bottom line is that, being members of the Health Trust, the Town needs to be very careful. Every small town is at risk right now with this transaction and what is going on with the Bureau. He received this report from an attorney who is trying to keep him in the link. It is a real concern that the Town needs to keep a real close eye on. TM English stated that if LGC went out of business or are hurt badly because of this, it limits the Town's choices on health insurance. Rick then stated that he's worried about what the next step is going to be when this drops; there could be employees hurt. AA Lacaille stated that employees would be hurt if they lose this insurance. Rick then again stated that the Town needs to stay on top of this and not listen to the one organization. TM English stated that right now, the Town has a contract with Health Trust and Health Trust is abiding by it and so is the Town.

Comments of the Public: Darwin Clogston stated that the last time he was at a meeting, they had talked about Moody and Lily Pond Road's traffic count. TM English stated that the count had been done, but the information couldn't be downloaded from the machine. Chairman Fortier reminded Mr. Clogston that the traffic count was only one criteria for the determination of what the Town was going to do with Lily Pond Road. The Board voted that they would seriously entertain the thought of floating a bond to address all the Town's roads to some degree and there were priorities. Lily Pond was one of those priorities. At the last meeting, the Board decided that because they didn't feel comfortable without having a specific plan for those roads, that they would not

entertain floating a bond in 2014. They had talked for months about floating a bond for a million dollars; they then decided that they were going to be cautious and wait and come up with a capital improvement plan to address the roads. By next year at this time, the Board wants to come to the voters after several hearings about their strategic plans for roads and other capital improvement that need to be made within the Town. Mr. Clogston then asked if in the proposed Highway budget, was there money to repair Lily Pond Road. Chairman Fortier stated that there wasn't. Lynn Wheeler stated that, at the last meeting, TM English had said that the entire Highway budget would be used on Brushwood. TM English stated that it was originally going to be Brushwood, but French Pond Road needs a top coat. He then stated that asphalt was not the answer for Lily Pond Road; it needed a total reconstruction. Mr. Clogston stated that instead of doing a top coat on French Pond and Brushwood, wouldn't it be wiser to spend money on a road that needs repair a lot more. TM English stated that if they don't address the roads with heavy traffic, they would be in the same condition that Lily Pond is in now and they didn't want any more roads in that condition. He sympathized with Mr. Clogston, but there was no comparison, as far as traffic, between French Pond and Lily Pond Roads. He was not saying that Lily Pond Road was not an important road, but he was looking at the one criteria of traffic.

Ed Ballam stated that going back to the Town Report delivery. He thought that the Board needed to check on whether they could put up sign-up sheets as the Town Report is a public document.

Comments of the Town Manager/Administrative Assistant-Finance Officer: TM English stated that there are enough Town Reports and if a few are lost to non-residents, it would not hurt anything and when the reports are gone, they are gone. AA Lacaillade stated that the Town Report would also be on the website. AA Lacaillade also presented to the Board the renewal internet contract for the mapping program from Cartographics that the Selectboard office and the Planning Board use. Tom Friel made the motion to renew the contract; seconded by Robert Roudebush and carried unanimously.

Comments of Selectboard Members: Rick Ladd wanted to bring up the point that the 3- or 4-page policy that he had handed out was being read so that in March, the Board could start working on the Capital Improvement Plan to ensure that all questions on roads could be answered. TM English stated that the first thing the Board would receive from him would be a list of each of the roads. Chairman Fortier asked if the work that had been done this year on Briar Hill Road was holding up and TM English said there was a minor dip due to settlement which was expected.

Adjourn Meeting: Rick Ladd made a motion to adjourn; seconded by Robert Roudebush and all approved. Chairman Fortier adjourned at 7:30 pm.

Minutes transcribed by Karen Hyde

February 10, 2014

Dear Selectboard Members,

This letter is in regard to the Citizen's Petition Article for the 2014 Town Meeting Warrant regarding the adoption of a new Septage, Sludge and Biosolids Ordinance. We bring the following points to your attention:

It does not appear that the petition came before the Selectboard.

According to RSA 675:4 a Citizen's Petition shall be submitted to the board of selectman during the period between 120 and 90 days prior to the annual town meeting. The petition shall be in correct warrant article form as determined by the selectman.

- The petition was stamped as received by the Town on December 9, 2013. No one's initials verify the date or who stamped it. December 9th is 92 days prior to the annual town meeting.
- The Selectboard minutes of December 16, December 30, 2013 or January 13, 2014 do not mention the petition.

It does not appear that the petition came before the Planning Board.

According to RSA 675:4 the selectman shall submit the petition to the planning board in a timely manner. The planning board at its first regular meeting following the petition period shall set the date of the public hearing for each petitioned amendment which is received.

- The Planning Board minutes of December 17, 2013 mention that a petition related to sludge is circulating in the town. The minutes go on to say if the petition is completed, turned in and verified, it will have to come before the Planning Board because it will be up to the Planning Board to hold the hearing. The minutes spell out the sequence: the Selectboard's office, verification, and then the Planning Board.
- The next meeting of the Planning Board on January 28, 2014 included the Public Hearing.

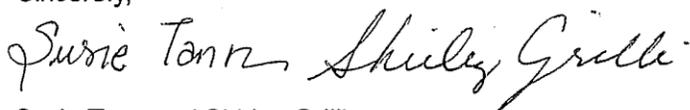
The petition is noticed in the Valley News on 1-18-14: 9 calendar days before the Public Hearing on 1-28-14.

According to RSA 675:7 notice shall be given for the time and place of each public hearing held under RSA 675:2-4 and RSA 675:6 at least 10 calendar days before the hearing. The notice required under this section shall not include the day notice is posted or the day of the public hearing. Notice of each public hearing shall be published in a paper of general circulation in the municipality. The full text of the proposed ordinance need not be included in the notice if an adequate statement describing the proposal and designating the place where the proposal is on file for public inspection is stated in the notice.

- The petition is noticed 6 weeks after the Town received it on December 9, 2013.
- No one at the Public hearing indicated that they had seen the notice in the newspaper and several people questioned if it was a newspaper of general circulation.
- The notice appears in the Classified Section of the newspaper under Announcements. According to the Valley News Public Hearings are generally listed under Legals.
- The full text of the proposed ordinance is not included in the notice: the subject of the last sentence is omitted. Please review the notice; the omission of the last subject is significant as it identifies what the Town's responsibility is, as well as relating to septage/sludge/biosolids.
- The place where the proposal is on file for public inspection is not stated in the notice.

With all due respect to the Planning Board many of these issues were discussed at the Public Hearing on January 28, 2014. Please consider that the legal requirements of the sited RSAs should be met in order for the petition to be placed on the warrant.

Sincerely,



Susie Tann and Shirley Grilli