

MINUTES OF HAVERHILL SELECTBOARD REGULAR MEETING
Monday, May 16, 2016
Draft Subject to Review, Correction and Approval at Following Meeting

Board Members Present: Wayne Fortier, Tom Friel, Darwin Clogston, Mike Bonanno and Chris Luurtsema

Interim Town Manager: Jo Lacaillade

Administrative Assistant/Finance Officer: Jo Lacaillade

Selectboard Clerk: Karen Hyde

Members of the Public Present: Robert Giuda, Howard Hatch, Ron Willoughby, Doug Henson and Ed Ballam – JO

Call Meeting to Order:

Chairman Fortier called the meeting to order at 6:00 pm.

Pledge of Allegiance

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

Approval of Consent Agenda: Tom Friel made a motion to accept the consent agenda; seconded by Mike Bonanno and carried unanimously.

Scheduled Public Appearance(s):

- **Robert Giuda-Candidate for Senator:** Mr. Giuda is running for State Senator and he is “not in it for the money”. The State is facing issues like all of the states are. He did a brief review of his past employment history and accomplishments. He spoke about Kelo v. City of New London, where Ms. Kelo took the city of New London to court because they had used eminent domain to take her private property and then gave it to another private entity, the developer, because it was going to be in the town’s best interest to have higher tax revenue from the developed property than from residential. Mr. Giuda was the main sponsor and writer of the constitutional amendment that changed New Hampshire’s Constitution. He commented that property rights are very important. He believes very strongly that there are threats that the State is facing and this is the primary reason he is running. As they watch laws evolve and individual freedoms begin to be given more emphasis, individual responsibility is beginning to be given less emphasis. The two things that concern him the most are the loss of the definition of what the American dream has been and the failure of people to believe in that dream. He thanked the Board for their time and would entertain any questions. Tom Friel asked Mr. Giuda if he was retired and Mr. Giuda commented that he would be retiring in February 2017.

Howard Hatch wished to address the Board. Howard commented that there was a word that many times he had gone home from Selectboard meetings and he pulled the dictionary out several times and the word “bias” keeps coming up. The definition of it has been used in explaining him. He read “highly personal, unreasonable, distorted judgment or selecting or encouraging one outcome over others”. If it is used as an adverb, it may be presented in a slanted manner. Used as an adjective, it means tending to yield one outcome more frequently than others. One of the things in Town that concerns him a lot is the Town roads. He commented that the Selectboard sets up goals each year and he saw those goals listed. One goal was “shot out of the water” quite early and that was privatizing the roads. He was wondering how a decision could be disregarded that quickly, without gathering information. Interim TM Lacaillade

stated that that goal was still on the goal list. Howard thought it had been voted down and was told again that it had not been. Darwin commented that it was questioned whether it was going to be a goal or not, but it was not voted down. Chris stated that it was amended to read that the Board would look into privatization. Howard commented that he had looked into a few towns that don't own any equipment. He went on to say that a town garage without the supplies in it is valued between \$250,000 and \$300,000. With trucks, sanders, plows, a new grader, a new loader coming up, the investment is \$1.4 million. There are things that can be privatized; a clerk of the works would be needed for Road Agent. Snowplowing, sanding, road grading and roadside mowing can be privatized. He would look at seriously privatizing portions. Chairman Fortier stated that the Board did not reject the goal of privatizing the highway department; they would be looking into it. Chairman Fortier also stated that since Howard had figures, he should submit his ideas in writing to the Board and the Board would take a look at them.

Ron Willoughby suggested combining the two Highway departments. Chairman Fortier commented that it was an idea. Ron asked about the repairs to the school roof and whether it was the School Board or the Selectboard that would get out the contracts. Chairman Fortier believed that it was the sole responsibility of the School Board. Ron commented that there was some discord at the last Selectboard meeting and some people weren't too happy about which roads were or weren't going to be repaired. Ron thought it would be prudent to pay attention to the Highway Advisory Committee as to what should or should not be repaired. Secondly, he had heard that Darwin wanted to repair Lily Pond Road and agreed that that road was horrendous. Chairman Fortier commented that the Board was aware of this and it wasn't a matter of not listening to the Highway Advisory Committee. He went on to say that at the second Highway Advisory Committee meeting, two projects were identified and there were no objections to those two projects. It was not the Board's intention to be against the Highway Advisory Committee. Lily Pond Road is definitely on the Board's radar screen. If they can get to Lily Pond Road sooner, they will. Chairman Fortier wanted to thank Ron for the effort that he put in for the School meeting.

Public Hearing: None

Interim Town Manager's Report: Interim TM Lacaillade handed out her biweekly report. She did a brief synopsis of the report. The paving and gravel crushing bids are out. She and Stuart are finishing up the specs for the Clark Pond Road job. They are waiting for the DES permit to release bids for Stonecrest Drive. The pool is being worked on with the help of Woodsville Fire District and Woodsville Water & Light to repair the leak. She also attended the Police award ceremony with Chairman Fortier and Darwin.

Pending (Old) Business:

- **Henson Deed:** Tom Friel wanted to go into Non-Public Session regarding this deed. He saw some potential litigation problems with it that he wanted to discuss with the Board and didn't think it should be in open session. Chairman Fortier asked if this qualified for Non-Public and Interim TM Lacaillade stated that it did. It would be RSA 91-A:3(d), consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community. Chairman Fortier asked Tom if, in his opinion, it qualified and Tom said that it did. Mike Bonanno made the motion to move the Non-Public session down on the agenda to the other Non-Public Session that they and continue with regular business until that point. Tom withdrew the motion.

New Business:

- **Eversource Pole License-French Pond Rd:** Interim TM Lacaillade stated that this is a replacement Eversource pole that was damaged due to a car accident on French Pond Road. The work has already been done and was approved by the Road Agent. Tom asked if the Board needed to approve the work before it was done and Interim TM Lacaillade stated that it was in the permit. Mike Bonanno made the motion to approve the pole license permit for Eversource; seconded by Tom Friel and all approved. The

Board members would go to the Town Clerk's office to sign the document as it needed to be signed in her presence.

- **Proposed Lease for SAU renewal:** Chairman Fortier commented that Interim TM Lacaillade had provided the proposed lease to the Board at the last meeting on May 2, 2016 and he asked that the Board look at it for their input. It is a three-year lease. Interim TM Lacaillade commented that the SAU has not seen the lease; she wanted the Board's input before presenting it to the SAU. Tom asked if this lease was the same as the last one and Interim TM Lacaillade said that it was. The rental fee was also the same. Tom Friel made the motion to present the lease as it currently is; seconded by Mike Bonanno. Chris asked about raising the rental fee as there were other towns involved and Interim TM Lacaillade commented that they tried to raise the rent last time and the current fee was a compromise. It was higher than the SAU wanted and lower than the Town was asking. She commented that there was a little room for capital improvements that are planned. Chairman Fortier commented that last time the SAU explored other locations and decided as a result of the compromise to stay here. The Board voted on the motion and all approved.

Commission/Committee Reports: Tom reported on the Rec Committee's Chili Contest/Concert that occurred over the weekend. There were approximately 119 people in attendance. He announced the chili winners and the proceeds were \$591.40. He commented that he enjoyed himself at the event.

Correspondence: Chairman Fortier reported that the Board had received the current Town & Country magazine and the latest Legislative Bulletin dated May 13, 2016.

Comments of the Public: None

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

Comments of Selectboard Members: Darwin asked about the town-owned property list that he had asked for a couple of meetings ago. Chairman Fortier commented that the list was on his radar list.

Non-Public Session Pursuant to RSA 91-A:3(d) -- Town property

Mike Bonanno made the motion to come out of regular session and go into non-public session at 6:49 pm; seconded by Tom Friel. The Board was polled and all agreed to go into non-public session.

Mike Bonanno made the motion to come out of non-public session at 7:23 pm; seconded by Chris Luurtsema and all agreed. No motions made; no action taken, and minutes are to be sealed. All approved.

The Board was back into regular session at 7:24 pm. Mr. Henson wished to address the Board concerning the deed for the property that he had bid on and won. He didn't appreciate the additional restriction concerning drainage that was in the deed. He commented that DES already had groundwater management requirements on the property. He wasn't concerned that the cistern was there. He was bothered by added restrictions after a bid package was handed out and in the bid package it states that he has to comply with the DES regulations. Mr. Henson commented that he didn't have a problem with the Town continuing to use the cistern but he didn't feel it was necessary to have that clause in the deed that the Town has the right to go in there and dig it out and use it. He has no problem with the Town leaving it as it is. He asked the Road Agent if it couldn't just be left as a "gentlemen's agreement" and leave the restriction out of the deed especially since it wasn't mentioned in the packet. Chairman Fortier asked Mr. Henson if he was opposed to keeping the cistern there and was he opposed to the Town cleaning it out. Mr. Henson said that he wasn't opposed to either. There was a brief discussion of the boundary issue which has been discussed at previous meetings. Mr. Henson stated that this had been going on for sixteen (16) years and he wanted to put it to rest so that his children wouldn't have to deal with a boundary issue. Mr. Henson said that his buying the dump property was a simple solution to the boundary issue. Chairman Fortier asked Mr. Henson that other than not having identified this restriction in the original advertisement, did he have any other objections to the Town putting the restriction in the deed for their

protection. Chairman Fortier is concerned that Mr. Henson, as a property owner, saying that he didn't want the Town using the cistern anymore and the Town having to go to the expense of doing something else. He asked what was preventing Mr. Henson from putting a restriction on the Town and not allowing the Town to use it anymore. Mr. Henson just thought it was real poor to add another restriction. He understood where the Town was coming from and he had no intention of moving or messing with the cistern at this point. Chairman Fortier asked if the water going into the cistern caused any damage to the dump property or Mr. Henson's property. Mr. Henson commented that they would have to go down to the bottom of the dump after a big rain to determine that. Mr. Henson stated that he was not asking the Town to remove the dump; he just didn't want any more restrictions on the property. Chairman Fortier stated that the Board was going to ask the current and former Road Agents some questions and would get back to Mr. Henson. The Board was not going to make a decision at this meeting.

Non-Public Session Pursuant to RSA 91-A:3(a) -- Personnel Matter

Mike Bonanno made the motion to come out of regular session and go into non-public session at 7:45 pm; seconded by Chris Luurtsema. The Board was polled and all agreed to go into non-public session.

Mike Bonanno made the motion to come out of non-public session at 8:29 pm; seconded by Chris Luurtsema and all agreed. Public session reconvened at 8:29 pm. No motions made; no action taken, and minutes are to be sealed. All approved.

Adjourn Meeting: The meeting adjourned at approximately 8:30 pm.

Minutes transcribed by Karen Hyde