

# AMENDED MINUTES OF HAVERHILL SELECTBOARD REGULAR MEETING

Monday, August 8, 2016

Draft Subject to Review, Correction and Approval at Following Meeting

**Board Members Present:** Vice Chairman Tom Friel, Mike Bonanno, Darwin Clogston and Chris Luurtsema

**Board Member Excused:** Chairman Wayne Fortier

**Town Manager:** Jo Lacaillade

**Selectboard Clerk:** Karen Hyde

**Members of the Public Present:** Steve Robbins, Amy Moore, Bill Clark, Bob Long, Dan Brady, Ron Derosia, John Bauer, Judy Bauer, Jack Brill, Jeff Page, Attorney Arend Tensen, Alvin Fadden and Ed Ballam – JO

## Call Meeting to Order:

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

## Pledge of Allegiance

**Agenda Approval (additions/deletions completed by Board consent):** Darwin Clogston requested that Clark Pond Road reconstruction project be added to Old Business. He also requested adding the possibility of changing the Selectboard meetings to more than every other week to New Business. Mike Bonanno made a motion to accept the amended agenda; seconded by Chris Luurtsema and carried unanimously.

## Approval of Consent Agenda:

- **Sign Manifest, Forms and Other Warrants:** Mike Bonanno made a motion to sign the manifest, forms and other warrants; seconded by Chris Luurtsema; Darwin Clogston abstained as he wasn't at the last meeting. The motion passed.
- **Approve Minutes of Previous Meeting: July 25, 2016:** Chris Luurtsema made the motion to approve the Minutes of July 25, 2016; seconded by Mike Bonanno and carried unanimously. Mike wanted it to go on record that he was not nor has ever been a Commissioner of Mountain Lakes. Vice Chairman Friel thought the Minutes should stand as they were and the Board would discuss Mike's issues under Comments of Selectboard Members.

## Scheduled Public Appearance(s):

- **Jack Brill-WWII project:** Vice Chairman Friel commented that he thought the WWII project was an excellent project. Mr. Brill wanted to present the Board with a check from donations taken at the North Haverhill Fair. Mr. Brill was disappointed about the Board's decision of the VFW field as the site for the Memorial. He would personally not support that. Mr. Brill was directed to the VFW as this was their project and not the Town's project. Mr. Brill's check was returned to him to be redirected to the VFW.

**Comments of the Public:** Amy Moore of 18 Dartmouth College Highway was in attendance with an update on the rat problem at 6 Dartmouth College Highway. She commented that they may have located where the rats are coming from. It's possible that they are coming from a property north of her. TM Lacaillade has sent letters to both Mr. Daly and the Cotes about rat remediation. Steve Robbins, Health Officer, had done an inspection of 6 Dartmouth College Highway and he did not see any garbage in the house. He commented that the rats may be using it as a hang-out, but he didn't find any when he was there. Ms. Moore stated that she had spoken with the liaison at the Public Health Department and was told that unless there is an ordinance, they really can't do anything. She did find that Haverhill Corner had a zoning ordinance and she was going to try to speak with the Precinct Commissioners. She was feeling okay right now as far as the rats were concerned. Her second issue on this property is the back taxes. Vice Chairman Friel commented that he was ready to address that. Ms. Moore spoke with TM Lacaillade and the year-to-date

uncollected tax report was around \$715,000 for the Town. She commented that was a lot of money. Vice Chairman Friel's thought was to take that particular property (6 Dartmouth College Highway) for taxes, wait the required amount of time and then burning it as a training exercise, and then selling the land. TM Lacaillade commented that she was working with Mr. Daly to try and figure out who actually owns the property in order to give sufficient notice. Ms. Moore commented that a tax-deed report hadn't been seen by the Selectboard in some time. TM Lacaillade commented that it was 2014, 2015, and 2016. Ms. Moore commented that New Hampshire had a Tax Kiosk that towns can join so people can go and see the status of taxes. She also wanted to mention that she didn't know if the current Tax Collector was fully doing her job. If the current Tax Collector wanted to stay appointed in that position, the Town should consider actually certifying the Tax Collector of the Town, which is not a requirement by the State of New Hampshire. But it is a good system for Tax Collectors to stay up to date with the tax laws, procedures and networks of different towns and issues that they might have. This was just a suggestion for the Board. Ms. Moore commented that if things continued the way they were, the Board would be finding more dilapidated housing. Vice Chairman Friel commented that the Board knew this and had been working on it for several years now.

**Public Hearing:** None

**Town Manager's Report:** TM Lacaillade did a brief synopsis of her two-week Town Manager Report. Mike Bonanno asked who appointed the Tax Collector and TM Lacaillade believed that it was the Selectboard.

**Pending (Old) Business:**

- **Highway Survey Approval:** TM Lacaillade handed out the questionnaire for the Highway Survey that Darwin has requested to see which towns privatize. Vice Chairman Friel commented that they should select towns that are the same socioeconomic situation as Haverhill. The questions to the Board are do they want to do the survey at all and who it should be disbursed to. Darwin is all in favor of sending the survey to towns in Vermont. Mike and Vice Chairman Friel were also in favor of sending it to Vermont. Chris thought that a few of the questions needed to be more descriptive. Darwin Clogston made the motion to approve the Highway Survey; seconded by Mike Bonanno and carried unanimously.
- **Sewer Grant Application:** TM Lacaillade stated that the Town needed to reapply for the Sewer Grant because the Town didn't comply with the request for information last year. The funds can be carried over to do the study next year. Chris Luurtsema made the motion to go ahead with the Sewer Grant application; seconded by Darwin Clogston and carried unanimously.
- **18 Dartmouth College Highway status:** This was already discussed in Comments of the Public.
- **Town-owned lot off Tewksbury Road:** Chris wanted more information on this lot, specifically, on who owns what and where and what's left. There is some dispute of the boundary line by Mountain Lakes. Vice Chairman Friel stated that as far as he was concerned, this property was taken for taxes, which needs to be double-checked. If the property was not taken for taxes, the Board would have to go to Town Meeting to sell it. The next issue is to sell it with a quitclaim deed and to sell it for whatever interest the Town has in this property. He wanted to make it very clear that by doing a quitclaim deed, whoever buys the property has to deal with any claims against the property. Attorney Tensen commented that there was a pretty good trail identifying this piece of property. Mr. Page and he wanted to see the lot go back up for bid with a lower minimum. Attorney Tensen went on to say that the quitclaim deed could state that there are 22 acres that are in dispute. Mike asked how the Town could sell land that was in dispute. Attorney Tensen stated that it happens all the time. Mountain Lakes may have a valid claim but it is up to them to prove it. Bob Long commented that Mountain Lakes has produced information on the 22 acres to the Board. Vice Chairman Friel asked what Book and Page they were on. He went on to say that it was Mountain Lakes' responsibility to produce the Book and Page for the 22 acres; it wasn't the Town's responsibility. Mike commented that it wouldn't be a clean deed if the Town sold the lot. Chris commented that it would "be passing the buck to the new owner". TM Lacaillade understood; that if the Town put it in the ad and the deed that there are 22 acres in dispute then the Town would be absolved of it? She would want to check with the Town's attorney on this. Chris commented that the Board had the opinion of Mr. Page and his attorney, but that was one person in the Town. He didn't feel comfortable, as a Selectboard member, doing anything with a piece of property that was in dispute. Vice Chairman Friel stated that they are quitclaiming their interest in it. If somebody

shows up with proof, then they have it. Chris feels that it will come back to “bite” the Town if the issue isn’t resolved. Vice Chairman Friel commented that they are passing on full disclosure about the whole situation to anyone who wants to buy the property. Mr. Long commented that the Town is selling a piece of property that is in dispute. His view was that this was unethical. Darwin did not feel that anything was unethical. What he would question as unethical would be the administrative costs that were submitted by Mountain Lakes. Darwin Clogston made the motion to put this piece of property up for bid; seconded by Tom Friel. There was some discussion about adding a minimum bid to the motion. Darwin withdrew his motion. Darwin Clogston made the motion to put this piece of property up for sale with a \$70,000 minimum bid with full disclosure that there are 22 acres in dispute; seconded by Mike Bonanno; Chris Luurtsema opposed. The motion passed.

### **New Business:**

- **Rail Trail-ATV issue:** TM Lacaillade stated that there has been an ongoing lawsuit that ended up with a decision by the Federal Government regarding Claremont, NH, that has the same rail trail type that Haverhill (North Haverhill to Woodsville) has that was funded by federal highway incentives funds, which is different than the rail trail that goes from Woodsville to Littleton, which was State money. The restrictions on federal highway incentive funds states that no ATVs will be used on the trail. The funding came through 22 years ago and as long as TM Lacaillade remembers ATVs have used the trail, but it has become an issue statewide. She has spoken with several people about the impact on businesses around this area, but the State has given the Town four (4) options. The options are to prohibit ATVs from the corridor, request a waiver for an exception, repay the funds of \$170,000 or the Town can provide an alternate corridor for the ATVs to use. Vice Chairman Friel asked the ATV people if there were any grants that they know of to possibly provide an alternate corridor or repay the \$170,000. Darwin asked if the Town originally took this grant with these restrictions and TM Lacaillade stated that she couldn’t find any information on the grant. Darwin then commented that the Board really doesn’t know if what the State is saying is accurate and TM Lacaillade stated that they don’t. Vice Chairman Friel asked if Claremont could be contacted and TM Lacaillade stated that they could. Chris and Mike thought the issue was “crap” but didn’t want to put the taxpayers in jeopardy of having to pay the \$170,000 back. Chris asked Alvin Fadden if posting no ATV signs would affect his business (River Meadow Campground) and he stated that it would. TM Lacaillade would work with the ATV people and the businesses that are affected by this issue to come up with a resolution, but in the meantime, the rail trail would have to be closed to ATVs. Darwin Clogston made the motion to post the trail for no ATVs; seconded by Mike Bonanno. Darwin commented that they should post it, but he didn’t want to leave it there. Darwin Clogston amended the motion to post the rail trail for allowed uses according to the Federal Government; seconded by Mike Bonanno and carried unanimously. TM Lacaillade would again reach out to the Federal delegation, the locals and anyone that may help on this issue.
- **Ambulance Service Agreement:** TM Lacaillade presented the Ambulance Service Agreement to the Board. There was a slight increase of approximately \$700 from the previous year due to an increase in per capita numbers from DRED. Mike Bonanno made the motion to approve the Ambulance Service Agreement; seconded by Darwin Clogston; there was no vote. Chris Luurtsema made the motion to approve the Ambulance Service Agreement; seconded by Mike Bonanno and carried unanimously.
- **Firewood Permits on Town Land:** This was an issue that Chris had brought to the Board and it was entirely up to the Board what they choose to do. Vice Chairman Friel’s opinion was to not do it. It was the consensus of the Board to not allow firewood permits on Town land.
- **Dog Logs to Selectboard:** It was the Board’s decision that Darwin would get a hard copy of the dog logs and the rest of the Board would get theirs e-mailed to them.
- **Request for abatement of penalties and fees-Brown:** TM Lacaillade had sent the Board information about this property in Haverhill Corner with a very complex family involved in it. One member was getting notices while another wasn’t. She doesn’t feel that the Board should abate the penalties and interest because if it’s done for one, then it will have to be done for many. Darwin Clogston made the motion to deny the abatement of the penalties and fees; seconded by Mike Bonanno and carried unanimously.
- **Weekly Selectboard Meetings:** Darwin asked for this to be put on the Agenda because it seemed like things had been shuffled to this meeting and the next meeting on August 22, 2016. He was suggesting maybe three (3) meetings a month. TM Lacaillade explained to Darwin that she had purposely moved things to this meeting because Darwin wasn’t at the last meeting. A couple of meetings may be loaded, but it is not an

ordinary circumstance. Mike stated that he was comfortable with the way the meetings are now, but if the Board sees a trend that calls for more meetings, then they can revisit it. Chris suggested taking action a little quicker on items and decisions, which would make the meetings a little more efficient.

**Pending (Old) Business:**

- **Clark Pond Road Reconstruction:** Darwin had visited the Clark Pond Road reconstruction a couple of times and it seemed to him that there was a change that doesn't meet the bid. He talked with the clerk of the works and then he spoke with the contractor and they are not excavating 18 inches. TM Lacaillade explained that there was one (1) section at the bottom that was changed per Joe Maccini and Road Agent McDanolds so that the dip wouldn't be so much of a dip. She commented that this was also talked about at the bid opening by the Highway Committee. Vice Chairman Friel asked if this was discussed with the Highway Committee and TM Lacaillade stated that it was discussed. Darwin commented that it was his understanding that the road was to be brought back to the original elevation. TM Lacaillade stated that it was at the top, but not in this dip. In road construction, they have to expect something to be changed due to unforeseen circumstances. She didn't feel that repairing the dip was a bid violation.

**Commission/Committee Reports:** Mike commented that the Planning Board was asked by the Selectboard a couple of months back to take a look at zoning. At this time, the Planning Board has decided that it is not the right time to look at zoning. Chris asked what was meant by that comment and Mike stated that the Planning Board decided to not move forward with zoning at this time. Mike further stated that zoning was in the Planning Board's hands and not the Selectboard. Both Vice Chairman Friel and TM Lacaillade stated that that was correct. Vice Chairman Friel reported that there would be a Rec concert at Railroad Park on August 13, 2016 at 6:00 PM. He also reported that Rick Alpers from Primex had looked at the rope in the tree at Railroad Park and will be coming back to the Town with recommendations on how to cure this liability issue. TM Lacaillade commented that they have taken the rope down several times and it keeps being put back up. The recommendation would be to cut the tree.

**Correspondence:** None

**Comments of the Public:** Steve Robbins stated that he would be administering a search of the Chapel Street property. It would be Steve, TM Lacaillade and a photographer doing the search. Steve also mentioned that this was getting expensive and Vice Chairman Friel stated that the Board was aware of this.

**Comments of the Town Manager/Administrative Assistant-Finance Officer:** TM Lacaillade stated that she had a Pole License for Eversource to install a new pole on Court Street in Haverhill. Road Agent McDanolds had signed off on the license. Chris Luurtsema made the motion to approve the Pole License and authorize Vice Chairman Friel to sign it; seconded by Mike Bonanno and carried unanimously.

**Comments of Selectboard Members:** Mike Bonanno wanted it to go on record that he was not and never has been a Mountain Lakes Commissioner as was stated in the July 25, 2016 Selectboard Minutes on Page 2 by Howard Hatch. Vice Chairman Friel commented "duly noted". Chris wanted to make sure that they were going to confer with the Town's Attorney regarding the Tewksbury Road property. TM Lacaillade stated "absolutely".

**Adjourn Meeting:** Mike Bonanno made a motion to adjourn; seconded by Chris Luurtsema and all approved. Vice Chairman Friel adjourned at 8:34 pm.

Minutes transcribed by Karen Hyde