

MINUTES OF HAVERHILL SELECTBOARD REGULAR MEETING
Monday, August 25, 2014
Draft Subject to Review, Correction and Approval at Following Meeting

Board Members Present: Chairman Wayne Fortier, Tom Friel, Lynn Wheeler, Rick 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, Steve Robbins, Mary Ruggles and Ed Ballam – Journal Opinion

Call Meeting to Order:

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

Pledge of Allegiance

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

Approval of Consent Agenda: Chairman Fortier stated that in the 8/11/14 minutes the name George Jellison had been used instead of Gregory Jellison in the Comments of Selectboard Members section. Lynn Wheeler made a motion to accept the consent agenda; seconded by Robert Roudebush and carried unanimously.

Scheduled Public Appearance(s): None

Town Manager's Report: TM English stated that he had heard from the NH Department of Safety on the Mitigation Grant for \$3,000. It had been turned down due to lack of funding. He was bringing it back to the Board as he thinks that the project should be Town-funded. Robert Roudebush asked where the property was located and TM English stated that it was the Foote property on Lime Kiln Road in East Haverhill. Lynn Wheeler was concerned about setting a precedent for others that have similar issues. TM English feels that it is better to treat problems before there is further damage. Rick Ladd would like to see this project added to the Capital Project. The Board agreed to entertain this project as a budget proposal for next year. TM English then discussed the parking lot project. The low bid for the dirt work was \$10,700, which was over budget. The paving bid came in quite a bit higher as well. TM English asked Road Agent Stuart McDanolds about doing the dirt work. Stuart proposed Wednesday-Saturday, 8/27-8/30, to get the dirt work done in order that paving could be done the following week. The striping would be done by Woodsville Fire District and the Town would only have to pay for the paint. Lynn Wheeler was concerned about how much over budget the dirt work and paving bids were. She could understand the paving as asphalt prices are very volatile. Chairman Fortier asked if Stuart had the expertise to do the dirt work and TM English assured him that he was. Lynn Wheeler asked how much more work the Highway Department had to do before winter. TM English stated that they were wrapping up the ditching in Mountain Lakes and had a little more throughout Town. They also had the Lime Kiln Road reconstruction project and then back to ditching and fall grading. TM English then stated that the paving would be done some time in the week after Labor Day – two, maybe three, days. The consensus of the Board was to move ahead with the project.

Public Hearing:

- **6:15 Health Regulation Public Hearing:** Chairman Fortier suspended the regular meeting at 6:21 and commenced the Public Hearing on the Proposed Health Regulation. Chairman Fortier stated the public was well-informed about the hearing as it was in the newspapers, posted at the post offices and on the radio. He then gave a history of the regulation. He then introduced Steve Robbins, Health Officer and TM English, Deputy Health Officer. In addition to Mr. Robbins and TM English, there were 2 residents and 1 media reporter attending the hearing. Section 1 and 2 of the Proposed Health Regulation explains the administrative procedure of these positions. He proceeded to read the remainder of the Proposed Health Regulation section by section to the audience. The Proposed Health Regulation is attached to these Minutes. He stated that this Regulation was brought about by excessive trash outside of homes and refrigerators with their doors open with food spoiling in them. The Selectboard has a right to adopt this regulation without prior approval of the citizens. The Board did not feel that would be wise to do without some public thoughts on this issue. If the Board adopts this regulation and commences to enforce it, there will be a cost to the Town, a cost that they normally don't spend a lot of money on. There are mechanisms in place per RSA 147 where the Town can recoup some money for these costs but the violators are usually not in a financial position to first, clean up their own mess and second, to pay fines. The Town can then go to court and place a lien on that person's property. Mary Ruggles stated that she had problems with trash, particularly smell, near her home. She and her husband put up a fence to help hide the problem, but it doesn't hide the smell. Darwin Clogston stated that just because the Board had a right to do this doesn't make it right. He felt that this was zoning and it should be called such. He stated that he pays to clean up his garbage and he doesn't want to pay through his taxes, to clean up someone else's garbage. Chairman Fortier stated that he understood how Mr. Clogston felt, but there were occasions when someone's garbage posed a health hazard and this regulation was a mechanism to clean that up. Ms. Ruggles stated that the Town shouldn't have to pay to clean up these health hazards. It doesn't cost that much to do trash every week. Mr. Clogston wondered if the Town wasn't promoting bad behavior. TM English spoke as Deputy Health Officer and stated that it wasn't just a money issue. The remedy was long and dragged out. The other issue is the health issue. Steve Robbins stated that whether the Town adopts this regulation or not, the garbage still has to be dealt with. He also stated that the regulation was pretty much a duplicate of RSA 147. What he initially asked for was a quicker means than the State allows for dealing with these issues and the regulation does not do that. Rick Ladd commented that one difference between the regulation and RSA 147 is the establishment of specific penalties, which, by statute, are not there. He also wanted to know what the fiscal impact of the regulation would be on the Town on an annual basis. There was a question as to whether the Health Officer could go onto someone's property the next day after the complaint and have the trash removed. Steve Robbins stated that he could not. Rick Ladd stated that the regulation gives the Town those little specifics that they need to act. He agrees with Steve and the bottom line is the money it will take to do this. The regulation doesn't hurt the Town and gives the Health Officer the ability to set some fines and time limits. Chairman Fortier ended the Public Hearing at 7:05 and went back into regular session. Rick Ladd stated that he felt this was an important topic and would like to see a thorough fiscal impact statement. He would then like to go to Town Meeting with this issue after getting these facts. Lynn Wheeler stated that the Board has spent a lot of time on this and they were no better than when they started. Chairman Fortier stated that he felt the same way, but the Board needed to have more intimate discussions with the Health Officer to come up with a document that is more understandable by all. Rick Ladd stated that the Board still had a lot of unanswered questions. Robert Roudebush asked Steve what the Board could give him in order to expedite these problems. Steve has talked with others and no one that he has talked with has ever done this. Chairman Fortier stated that the Board needed numbers in terms of nuisances – how many and where – from Steve. He also stated that the Board wasn't giving up on this. They would continue to work with TM English and Steve to come up with something that is more definitive.

Pending (Old) Business:

- **Personnel Policy Manual:** This was the second reading of the Personnel Policy Manual. Rick Ladd had several specific questions for TM English and AA Lacaillade. (1) On page 17, employees can take their vacation in hourly increments. AA Lacaillade stated that the new payroll system accrues time in hourly increments, so for an employee to take hourly increments is not a significant impact. (2) On page 18, sick leave accrues to a maximum of 40 days, to be changed to 60 days. He asked about the increased cost upon retirement and also mentioned that the sick bank could be used. AA Lacaillade stated that a few managers were concerned about a catastrophic illness that would take more than 40 days of sick leave. Rick asked how the increase of 20 days would impact the payout at the end of an employee's employment and was told that it would be an extra 5 days of payout. (3) On page 29, notice of leave requests by employees should notify their supervisor or manager and then the Administrative Assistant. Rick received clarification of this. (4) On page 32, Rick needed clarity on how the insurance stipend worked and AA Lacaillade explained that it was in lieu of insurance from the Town. He also had a question on COBRA and the age limit of a dependent child. He wanted it made clear that this would be at the employee's own expense. (5) On page 36, both Rick and Chairman Fortier asked about the weight limits of light duty for Recreation compared to the Highway Department. TM English explained that they had to go by the Workers' Compensation classifications. (6) On page 43, Rick was questioning the amount of gifts received by vendors, etc. He feels that the gift amount limit should be \$25. (7) On page 58, there was discussion about prescription/non-prescription drugs and whether the employee needed to let their employer know what drugs they were taking. The current clause was clearly discriminating and the new wording would put the liability on the doctor. Rick Ladd feels that there needs to be a statement about public safety and employees reporting what medications they are taking. AA Lacaillade would put together another paragraph incorporating what she had received from Primex and what Rick had received for another reading. Chairman Fortier then asked about the personal dress code wording that was being taken out of the policy manual. TM English explained that the current wording was outdated and demeaning to women. If someone came in dressed inappropriately for work, the employee could be sent home to change. Lynn Wheeler then had some questions. The first question was about sexual harassment and whether non-employees should be included. TM English stated that if a vendor came into the office and harassed an employee, that vendor could be held liable. She then asked if the Town had always had Floating Days and was told that when the Town added Civil Rights Day, the Board had voted to keep the Floating Day also. On page 17, she wanted to discuss vacation and how an employee submits dates for vacation and how it is tracked. TM English stated that there was a form that the employee filled out. AA Lacaillade stated that both she and Selectboard Clerk Hyde noted on their desktop calendars who was out on what days. On page 61, which is the Application for Employment, Lynn asked if the words "Can you perform the essential functions of the job with or without reasonable accommodations?" were trying to eliminate someone with a disability that you may have to accommodate and TM English explained that those words needed to be there by law. It was the consensus of the Board to change the sick leave accrual to 60 days; a change which AA Lacaillade would make to the policy manual, along with the other changes and bring back for a third reading. Lynn commented that "anybody who works for the Town of Haverhill shouldn't complain about anything. It is far better than I've seen in a lot of other places. There should be no complaints about working for us."

New Business:

- **Land Bids Review for Acceptance:** AA Lacaillade provided the Board with the results of the August 25, 2014 Land Bid opening. She did have several people in attendance at the opening. A motion to accept the bid of Map 202/Lot 099, assessed value \$7,600, to Ryan Borkowski, in the amount of \$1185 was made by Robert Roudebush; seconded by Lynn Wheeler with the amendment to accept the next bidder if the first bidder does not close within 90 days; 4 votes yes with 1 vote opposed, motion passed with the amendment. The bid of Map 203/Lot 180, assessed value \$6,200, with a high bid of \$695 was rejected. A motion to accept the bid of Map 203/Lot 241, assessed value \$3,400, to Ryan Borkowski in the amount of \$600 was made by Lynn Wheeler; seconded by Tom Friel with the condition to accept the

next bidder if the first bidder does not close within 90 days; 3 votes yes, with 2 nays; the motion passed. A motion to accept the bid of Map 204/Lot 139, assessed value \$6,800, to Brian Sager in the amount of \$2,000 was made by Lynn Wheeler; seconded by Tom Friel with the condition to accept the next bidder if the first bidder does not close within 90 days; no further discussion, carried with the condition. The bid of Map 204/Lot 289, assessed value \$5,600, with a high bid of \$790 by Ryan Borkowski was rejected. The bid of Map 204/Lot 290, assessed value \$6,800, with a high bid of \$690 by Ryan Borkowski was rejected.

Commission/Committee Reports: None

Correspondence: Chairman Fortier stated that the Board had received a voting delegate authorization from NHMA for their Friday, September 26 legislative policy conference. Chairman Fortier stated that he would like to attend this and if anyone else wished to attend to let him know as soon as possible in order to return the authorization form.

Comments of the Public: None

Comments of the Town Manager/Administrative Assistant-Finance Officer: AA Lacaillade presented the MS1, which is due September 1. The utility assessors are not ready with their values and have asked that she ask for an extension until October 15. Lynn Wheeler made the motion to grant permission for an extension until October 15; seconded by Rick Ladd and carried unanimously. AA Lacaillade then stated that the Selectboard Office had an ongoing problem with the VISA account in that VISA was not posting payments until after the due date, which incurred late charges that had to be credited back to the Town each month as the payments were sent on time. She had spoken with the Town Treasurer and wanted to ask the Board their opinion on doing a manifest when the VISA bill was received. The VISA bill would be attached to the manifest, which would authorize the Treasurer to do an online payment directly from the Town's account. Robert Roudebush made the motion to grant permission to do a manifest for the VISA bill; seconded by Lynn Wheeler and carried unanimously.

Comments of Selectboard Members: Robert Roudebush stated that at the last meeting, the Board had received from the Mountain Lakes Commissioners a packet of information about road conditions in Mountain Lakes. The Commissioners would contact the Board when they were ready to have this discussion.

Adjourn Meeting: Robert Roudebush made a motion to adjourn; seconded by Lynn Wheeler and all approved. Chairman Fortier adjourned at 8:14 pm.

Minutes transcribed by Karen Hyde

**PROPOSED
TOWN OF HAVERHILL HEALTH REGULATION**

Section 1 Appointment of Health Officer. Pursuant to NH RSA 128:1, The Commissioner of the Department of Health and Human Services shall appoint as Health Officer for each town such person as the Selectmen of the Town recommend, and the Commissioner of the Department of Health and Human Services shall issue to the Health Officer a certificate of appointment; but, if no recommendation is made within 15 days after notice, the Commissioner may appoint a Health Officer without such recommendation.

Section 2 Deputy Health Officer. Pursuant to RSA 128:1 the Health Officer may, subject to the approval of the Selectmen and the Commissioner of the Department of Health and Human Services, appoint a Deputy Health Officer or officers who shall be empowered to enforce public health laws and regulations and make such sanitation investigations as the Health Officer may direct or as may be required by the Department of Health and Human Services. The Deputy Health Officer shall receive such compensation from the Town as the Selectmen of the Town shall fix.

Section 3 Duties of Appointed Health Officer and Deputy Health Officer. The appointed Health Officer and Deputy Health Officer shall be responsible for investigating and maintaining all records and reports pertaining to any and all complaints regarding violations of NH RSA 147 *Public Health* and the provisions of this Town of Haverhill Health Regulation.

Section 4 Definitions. Any term used in this section shall have the express intent and meaning as defined by the Revised Statutes of New Hampshire unless otherwise herein stated.

Section 5 Penalties. All reports of Health Violations pursuant to Chapter 147 of the Revised Statutes of New Hampshire and adopted The Town of Haverhill Health Regulation shall be investigated and upon completion shall have a finding of “Unfounded” meaning no violation of the above listed law or regulation was found or “founded” indicating that a violation of the above listed RSA and/or Town Health Regulation was sustained. First offense for a founded complaint may be subject to a civil penalty not to exceed \$100.00, if the violation is not corrected within 72 hours. The violator may be subject to an additional \$150.00 fine every 24 hours. With the total fine for any single violation or single course of conduct for any violation of this chapter shall not exceed \$1000.00, unless otherwise restricted by Statute. A second offense and any other subsequent violations of this chapter shall start with a \$200.00 civil penalty, with the total violation and/or single course of conduct not to exceed \$1000.00.

Section 6 Household Waste/Trash. All household waste/trash stored outside of an enclosed structure shall be contained by bag or container.

Section 7 Trash/Waste Receptacles. All trash contained in bags shall not be permitted to be left outside of a container designed for the holding of trash for more than 1 week or a reasonable time as determined by the Health Officer or Deputy Health Officer. Bags of trash shall not be permitted to overflow from a container designed for the holding of trash for more than 7 days. Weekends and holidays excluded.

Section 8 Discarded Refrigerators/Freezers. All refrigerators and freezers that are no longer in use and have been removed from the residence for disposal, shall have the door, doors or lid removed.

Section 9 Offensive Matter. If a person shall place, leave or cause to be placed or left, in or near a highway, street, alley, public place, or wharf or on a private disposal site or shall allow to be exposed unburied, any animal or other substance liable to become putrid or offensive, or injurious to the public health or deposits garbage or refuse on premises not designated for waste disposal in accordance with RSA 149-M or other provisions of law, such person shall be guilty of a violation, and the health officer shall remove or cause to have removed the same. Nothing in this section shall be construed as affecting authorized collections of rubbish or trash for public dumping locations or collections of rubbish, trash or garbage removal by licensed operators.

Section 10 Enforcement. The provisions of this regulation may be enforced by the Appointed Health Officer or Deputy Health Officer.

Section 11 Precedence/Conflicting Provisions. Whenever the regulations differ from any statute or other regulations, the provision which imposes the higher standard shall be controlling.

Recommended by Health Officer on _____, 2014

Approved by Board of Selectmen on _____, 2014

Recorded in Town Clerk's Office on _____, 2014

Publication Date _____, 2014

EFFECTIVE ON THE LAST DATE ABOVE