

**MINUTES OF HAVERHILL SELECTBOARD REGULAR MEETING**

**Monday, September 8, 2015**

**Draft Subject to Review, Correction and Approval at Following Meeting**

**Board Members Present:** 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, Jeff Page, Jasper Page, Mike Roberts, Bob Long, Dottie Long, David Long, Tom Harris, Chris Demers, Dan Brady and Ed Ballam – Journal Opinion

**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):**

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

**Scheduled Public Appearance(s):** None

**Public Hearing:** None

**Town Manager's Report:** TM English disclosed that he is a member of the Cohase Lions Club, but he has not taken part in any of the discussions concerning the pool repairs. The Lions Club has offered to replace and repair part of the pool house ceiling at the A.P. Hill Community Pool. The issues of insurance and indemnification have been taken care of. The Lions Club is proposing to purchase all the materials and provide all the labor. The Town's insurance carrier recommended that the Town obtain a certificate of insurance and there is also a written agreement, which TM English has drafted for the Board. Rick Ladd made the motion to approve the agreement for the repairs at the A.P. Hill Pool; seconded by Tom Friel and carried unanimously. The agreement was signed by Chairman Fortier and TM English would get the copies to the other parties.

**Pending (Old) Business:**

- **Mountain Lakes-Town of Haverhill Lot:** Chairman Fortier noted that there was a large contingent of Mountain Lakes' people attending the meeting. TM English stated that the lot in question known as the land behind Crestfield, Lot 01, was deeded to the Town Selectmen by the Tax Collector by Tax Collector deed in 1986. For some reason, around 1999 that designation was changed on the tax maps. The tax records from Town of Haverhill to Mountain Lakes District were possibly changed during the conversion of the old aerial photograph mylars to the digitized tax maps done by Cartographics in 1999-2000. Jeff Page commented that whenever there are land transactions, as far as he knew, there is someone to do a title search. He again commented that "you can't prove the negative". It can be proved that the Town took it in 1986 but how has Mountain Lakes gotten ownership. He was told that the Forestry Committee had hired Harry Burgess to do the research on this issue and Harry had assured the Committee that they owned the lot. When Mr. Page actually saw Harry, Harry pulled out a handwritten note and Mr. Page told Harry that the note didn't mean anything to him as it wasn't legal ownership. Harry then pulled out where the Town took it in 1986 and Mr. Page told Harry that he had that. What Mr. Page wanted to know was how Mountain Lakes got the lot. Harry then gave Mr. Page a batch list of transferred land to Mountain Lakes; there is a list of tax assignments by tax deed. He was interested in

Lot 01 and Lot 01 has never been on any list. Robert Long from Mountain Lakes stated that Harry did tell them his understanding was that Mountain Lakes did own the lot. In 1986, the greenbelt property was transferred back to Mountain Lakes and there was an agreement between the Town and Mountain Lakes, which he was not able to get his hands on. TM English stated that there was evidence of action where the Selectmen assigned their rights to accept the tax deeds of certain parcels to the District, which was done in 1989. He could not find this particular lot identified on a map. There was a list of lots that were transferred by Town Meeting vote, to allow the Selectmen to assign their right to accept the tax deeds from the District for those lots. Mr. Long commented that a portion of the lot in question was referenced as the area split between Lot 1 and Lot 2 behind Crestfield. TM English said he knew that but it was not definitive and was not worded properly in terms of those lots. Chairman Fortier asked what the true intent of the assignment was. TM English stated that it was to convey the greenbelt properties to Mountain Lakes District.

Mr. Page had some handouts for the Board members and TM English. The first handout was the actual assignment that was posted and presented at Town Meeting. The next handout was the Town tax deeds where Norma Lavoie took Mountain Lakes' parcels for the Town. The next handout was where Norma turned over certain parcels to Mountain Lakes. The first paragraph in the actual assignment distinguishes the Town and Mountain Lakes District. The next paragraph talks about the Town taking certain house lots and undivided parcels located in the development known as Mountain Lakes. In the next paragraph, Mr. Page spoke about a separate petition which had taken place to abandon the common land and greenbelt areas. The next handout he spoke about was that the Town of Haverhill assigned to the Mountain Lakes District whatever rights it has from past tax collector deeds of years 1975-1982 to the following parcels located in the Mountain Lakes development. It then goes on to list all of the parcels. The Town did transfer 90% of the land to Mountain Lakes District but he takes issue with that because it looks like to him that it is just the opposite. They kept 90% and transferred just the common land. Mr. Page said that it looks to him like those Selectboard members did a very good job of making sure that what was supposed to be transferred was done in a very transparent way. Mr. Long stated that the list does reference the Crestfield greenbelt between Lots 1 and 2. Mr. Page presented a sketch that matched up with a survey that had been done. Mr. Page then went back to the assignments and pointed out that the Town of Haverhill had taken over these lots "whereas the Tax Collector for said Town of Haverhill conveys to the Town by Tax Collector deed building lots and undivided parcels". It separates from undivided parcels and house lots the common and greenbelt areas. From the information that he has, it looks to him like the Town owns this particular lot. Chairman Fortier commented for the Mountain Lakes people that were not at the last meeting, there was a logging operation in progress on this particular lot and was contracted out by the Mountain Lakes District. Mr. Long commented that in all of the documentation that he has read, the lot was owned by Mountain Lakes District. He also stated that there was no "mal-intent" on their part because they clearly thought they owned the land. Mr. Page commented that he was asking for proof that Mountain Lakes owned the lot.

TM English stated that the transfer of the greenbelt areas happened on his watch. Somehow, he thinks, it got into Mountain Lakes' ownership with some other lots in terms of that list. He took responsibility and commented that someone made a decision somewhere to say that all of the lots in the District that were not buildable lots will be made greenbelt and all ownership will transfer from the Town of Haverhill to the District. He didn't know if it was an actual decision or it just happened. He thinks that information is incorrect; there are no legal documents to be found. He then went on to say that this particular lot is legally owned by the Town of Haverhill. Chris Demers commented that no one has questioned Mountain Lakes' ownership in 30 years, so they are asking the Town to give them a corrected deed or a deed itself and that will produce a legal document. Mr. Page took "claim" to that and further stated that it would be doing an injustice to the Selectboard members that set that up. To him, it looked very clear and well done. He never believed it belonged to Mountain Lakes. TM English commented that the Board has the authority to transfer the land to Mountain Lakes District and the Board needed to make a decision as to what is in the best interest of the Town. Mr. Page still objected to this. Rick Ladd commented that the assignment was conditioned upon approval of the Town Meeting in

1987 and asked AA Lacaillade if she had found those Minutes. She had found them and read from those Minutes: "To see if the Town will authorize the Selectmen to assign to Mountain Lakes District any rights the Town may have to receive a collector's deed for the tax years 1975, 1976, 1977, 1978, 1979 or 1980 to certain 'common lands' and 'greenbelts' in the development known as Mountain Lakes, more specifically described in a proposed assignment agreement between the Town of Haverhill and Mountain Lakes District for consideration paid less than one dollar. Ezra Mann moved the Article, Robert Rutherford seconded by motion. Passed by a voice vote. Robert Rutherford, who was a Selectboard member at the time, explained that these 'common lands' and 'greenbelt areas' in the Mt. Lakes area have no intrinsic value to the town as a whole and tax revenue is acquired through values assigned to Mt. Lakes' lots." Rick Ladd stated, "Doesn't that show intent?" Robert Roudebush commented that he thought so. Lynn Wheeler asked if the Board had received information from counsel regarding this issue and AA Lacaillade said that they hadn't. Robert Roudebush stated that Mountain Lakes legitimately believed that the land belonged to them for many, many years. There may have been some areas of confusion; no one seems to be able to pin down what and why it happened. Mountain Lakes is trying to continue a reasonable forestry program to serve the needs of Mountain Lakes. It doesn't hurt the Town at all because there are timber taxes being paid to the Town as part of the effort. There has been a method suggested to solve the issue and he proposes that they move ahead with that. Mr. Page thought that the value was significant and it belonged to the Town as a whole. He was not bringing up any malice intent but he is bringing up who owns it. Rick Ladd asked TM English if there had been a precedent where the Town has done this before on a different lot in a different precinct. TM English stated that a lot that was taken by tax deed in the same manner as this one was deeded to the Woodsville Fire District. Mr. Page commented that Mr. Roudebush should recuse himself from any vote as Mr. Roudebush is a resident of Mountain Lakes and is on the budget committee of Mountain Lakes. Robert responded that he is not a member of the governing body of Mountain Lakes. He is not on the Forestry Committee and he will not benefit in any specific, personal way whichever way the decision went. Robert felt that his vote would be legitimate and called for if it came to a vote. Tom Friel asked if the timber tax funds were going to Mountain Lakes how were they going to be used. David Long, chairman of the Forestry Committee, explained how the Committee came about. He explained that he walked this particular lot with his dog and kids and there was a lot of blow-down and a lot of wasted space. They wanted a way to get in there and be able to access the land. He then went on to explain that the money goes into a fund for a trail maintenance program. Tom and Lynn asked how much money was in the fund and Bob Long stated that it would be around \$75,000 and would be established from this cut. Robert Roudebush commented that as soon as the Mountain Lakes Commissioners and the Forestry Committee found out about this issue, steps were taken to stop all logging operations. Chairman Fortier asked if the lot in question was 178 acres and was told that it was 174. David Long stated that there is an old fence line that goes down through the lot in question that Mr. Page has portrayed to Mountain Lakes that he maintains this section of fence that is on the lot in question. The argument is whether Mountain Lakes District owns it or the Town of Haverhill owns it and Mr. Page is using that land. Mr. Page's argument to David seems that he wants to continue to use the land to his benefit and they want to use the land to benefit a greater use. Mr. Page stated that he didn't deny a boundary dispute was the reason this all came up, because Mountain Lakes came to him and he wanted Mountain Lakes to prove that they owned the lot. Lynn asked if there was a survey of the lot and Mr. Page said that they didn't match. Chairman Fortier commented that the public voted at Town Meeting on this issue in 1987. Mr. Page stated there isn't a legal document and Chairman Fortier stated that there was a vote conducted by the people of the Town. The intent was given to the people; they considered it and voted on it. Robert Roudebush made the motion that the Selectboard convey this piece of property to Mountain Lakes through a quit claim deed. Lynn Wheeler asked to be totally removed from the conversation as she was in this business and saw flaws on both sides. She was also privy to a conversation with one of Mountain Lakes' hired people and doesn't believe that she can act fairly. Chairman Fortier asked for a second on the motion made by Robert and Tom Friel seconded but wanted a discussion about boundary lines. Rick Ladd believes that based on the minutes that were read, there was intent on the part of the Town that

they didn't want any of the greenbelt areas. He would like to know what some of those flaws are on both sides before he takes any action. Tom Friel commented that he would like more evidence of the survey. Mr. Page stated that he had a copy of the survey at home. Lynn asked what survey he had and Mr. Page said it was the original survey. Tom said his understanding of the Town Meeting vote was that the Town of Haverhill was to give it to Mountain Lakes District. TM English commented that the voters who voted on this assignment probably had no idea what lots were involved. He also mentioned that two of the Selectboard members in 1987 were still around, Gary Wood and Robert Rutherford, and they may have more specific information on this particular lot. AA Lacaillade asked Mr. Page if there was a survey on this lot because the Town was showing that it was an unsurveyed lot on the map. Mr. Page had a copy of a survey for the lot. TM English commented that the Town's practice was if someone could produce a licensed survey for a parcel, the survey would go to the cartographer. Rick Ladd stated that, based on their discussion, he would like to defer this decision until there is more information. Robert stated that he would not withdraw his motion, but Tom Friel withdrew his second as he needed more time to review documents. Therefore, the motion failed with no second. This issue would continue at the next meeting on September 21, 2015.

- **Health Insurance/Benefit Survey:** Chairman Fortier commented that the Board had discussed health insurance at the last meeting. He asked if the Board had given any further thought about what option they might choose. There was further discussion on the different options available to the Town. Chairman Fortier commented that the Board had talked about the upcoming Presidential primary and also had talked about not doing anything until 2018 when the "Cadillac" tax would kick in. AA Lacaillade explained that once the Board makes their decision to change, there are only so many days, by law, to notify employees before they can make the change. If the Board is going to change the plan, it will tie in with the 2016 budget process. TM English explained the difference between a deductible plan and a co-pay plan, which is what the Town has now. A deductible plan is one where the employee only pays when they use the plan; there is no premium charge. A co-pay plan is one where an employee pays a portion of the premium plus they pay a co pay every time they use the plan. Rick asked about the plan with the \$250 deductible and AA Lacaillade explained that it was \$250 for a single person, \$500 for a two person, and \$750 for a family plan. She also explained that that particular plan would not keep the Town away from the "Cadillac" tax. Tom asked AA Lacaillade how much the "Cadillac" tax was and she told him that it was quite significant. AA Lacaillade commented that every year both her and TM English are asked to cut the budget and there are no other places to cut the personnel budget other than health insurance. Lynn commented that \$30,000 could be saved by changing health insurance plans. TM English commented that he would personally prefer a deductible rather than a co-pay plan. A deductible is paid by people who use the plan whereas a co-pay is paid by everyone who has a plan; therefore, shifting the burden to the ones who use the services. Chairman Fortier commented that at the last meeting, Chief Charles stated that he would like to see health care costs flat-lined as much as possible. Mr. McDanolds was concerned with what would happen to the employee's deductible and if it would be a cut in pay. The possible change in plans would make the employees more responsible for their health care. Rick asked if there was an additional cost to an employee to add their spouse or their family. On the current plan, AA Lacaillade explained, a single person pays 10%, a two-person plan is 15% and a family plan is 20%. Lynn stated that the bottom line is "Do you want to save \$30,000 or just go with what you got?" and the Board needs to start with that. Tom stated that it looked like the Board needed to cut \$30,000. Tom also commented that he personally liked the idea of a deductible for reasons already discussed. Rick stated that he also thought a deductible plan would be the best course of action. The Board then discussed one of the Anthem deductible plans. AA Lacaillade explained that this plan would get them out of the "Cadillac" taxes and the deductibles would be \$1,000 for a single person, \$2,000 for a two-person policy and \$3,000 for a family. AA Lacaillade explained about the FSA plans, which are pre-tax dollars, which the Town offers to employees that would help with the deductibles. Rick asked about new employees coming onboard and how this affects a plan. AA Lacaillade commented that the only department that has expanded at all is the Police Department. The rest of the positions hired were part-time, staying away from a benefit package. TM English explained that the only places that the

Board could cut the personnel budget were employee benefits and raises. Retirement and Social Security cannot be cut as they are mandated by law. Chairman Fortier asked if the Board could make a decision in order that AA Lacaillade and TM English could contact the insurance people. Robert Roudebush made the motion to accept the Anthem \$1,000/\$3,000 deductible plan where the annual employee co-pay portion is zero; seconded by Lynn Wheeler and carried unanimously. Lynn wanted to make sure that the employees understood about the Flex Spending at the same time as well as the other education.

- **Capital Improvement Plan:** The Board decided to pass on this as TM English did not have anything prepared for the Board. He would try to have something ready for a future meeting.
- **Junk Cars:** TM English stated that he had checked on the two (2) properties that day and reported that the Corzilius property had not changed at all. As far as he could see, Mr. Wright still had four (4) unregistered vehicles on his property; two vehicles were also in the travel way and two were off the travel way. It was the consensus of the Board to go to the next step which was to go to court with these two issues.
- **Reconsideration of Rec Committee Appointment:** Chairman Fortier stated that the Board had received an e-mail concerning this issue. It was attorney-privileged information but he wanted to know what the Board's decision was. Robert Roudebush stated that the Board had no choice. Rick Ladd stated that RSA 35-B:3 lists the functions and duties of the Rec Committee and 35-B:4 states that "the above powers shall be exercised" and he asks "Are the above powers exercised?". Lynn thought that Rick was misreading the statute and she stated that the statute says "may" and does not say that it has to be. Chairman Fortier stated that there was no need for a vote because it had already been voted on.

**New Business:** None

**Commission/Committee Reports:** Rick handed out copies of the Minutes of the Highway Advisory Committee, which met on September 2, 2015. He stated that he met with Joe Maccini and Howard Hatch; Darwin Clogston as a member of the public was also in attendance. The Committee reviewed the purpose and statements of what the group was tasked to do. The prioritization scale or rationale is that there are some roads in the community that need to be totally redone. One of the roads that was addressed was Lily Pond Road and then parts of County Road. He asked the question: "Shall we be fixing those roads, repairing those roads, if parts are trashed? Right now, we got to fix the worst." The Committee then got into how to do that. One hundred and fifty thousand dollars (\$150,000) was set aside this year in the budget and if there is another appropriation of \$150,000 in the forthcoming year, there will be \$300,000 for roads. Some of the criteria which was used by North Country Council dealt with safety, condition of the road, the amount of use, connectivity and those types of issues that were used in the discussions when the report was provided to them. There were questions about what was underneath the surface of the worst roads. The question was then how to determine an estimate of what that job might cost if they don't know what is underneath. Mr. Maccini said there was a way to get that from a potential business that works in that field of road construction by doing core samples with assurances that if it went out to bid, they would get the opportunity to bid and they would probably do the boring for free. It was not a company that Mr. Maccini worked for. It was a practice that was done widely and so the recommendation was to address the issue of Lily Pond Road. Rick felt the meeting was constructive. Lynn asked if there was any reason why the other two individuals that should have been a part of the Committee were not at the meeting. Rick stated that it was advertised and they could have attended if they so desired. There were the two appointed members and the Board member. Lynn stated that they were contacted. Lynn then went on to say that the whole process that the Board went through to change how they were going to fund projects like this and presented it to the public and now the Committee is ignoring that and saying "we're going to do it like this". Rick stated that he was asked to narrow the prioritization down and that is what the group did. Chairman Fortier stated that at the last meeting, Mr. Ladd indicated when the Highway Advisory Committee was going to get together. Lynn stated that she felt there is some manipulation going on. She wasn't a huge fan of even doing that committee because it's a quasi-committee. It doesn't really stand. Chairman Fortier stated that the committee was approved by the Board. They had put out advertisements and two people applied for it. Rick stated that it was a recommendation to the Board for their consideration. He feels that the Committee was

asked to look at the spreadsheet and prioritize so they could get on with the business of fixing the roads in Town. It was their recommendation to do the worst roads first. TM English stated that that was the worst way to take care of paved roads. By doing the worst roads first, the other roads that are not too bad will deteriorate and end up being the worst roads. Rick stated that the Committee was made up of people who had familiarity with roads and their recommendation was worst roads first.

**Correspondence:** Chairman Fortier reported that there was correspondence from North Country Council concerning a 10-year transportation improvement plan. There was a letter from Randall and Amy McLellan concerning Conway Lane and TM English had responded to that letter.

**Comments of the Public:** David Long asked if the Mountain Lakes' logger could continue the work on the trails that are looped. It was the consensus of the Board that the logger could continue working on the loop trails. Ed Ballam had a question about the Highway Advisory Committee. It was his understanding that meetings of the Committee would be called by the Town Manager or by the Road Agent as needed. Chairman Fortier commented that the meeting Mr. Ladd had called for was an organizational meeting. Mr. Ballam commented that the Committee had spoken about road boring on a particular road; it seemed like the meeting went into decisionmaking and way beyond advisory. Rick Ladd commented that it was a clear recommendation to the Board trying to gather information in order to come up with an explanation of what the cost might be. Robert Roudebush asked Rick if the Committee was still an Advisory Committee. Rick stated that it was and he was clearly given direction to try to come up with some prioritization and that particular group has a different philosophy from what they have heard from the Town Manager. Robert commented that there was a question of whether the meeting was entirely organization or whether it went into coming up with a recommendation. Ed commented that he didn't remember the Board ever charging the Committee to come up with a list of priorities. Chairman Fortier stated that the Board had created a Mission Statement. Lynn didn't think that language was in the Mission Statement. Rick stated that when the meeting was posted and it was announced in a Selectboard meeting, he wasn't going to go around and knock on everybody's door and say there is a meeting coming up. Rick stated that he was told by the Chair to prioritize. Chairman Fortier stated that that went along with the Mission Statement.

**Comments of the Town Manager/Administrative Assistant-Finance Officer:** AA Lacaillade reported that the MS-1 had gone in to the State to set the tax rate and she needed their signatures. She also reported that the Board had received a first-time request from the American Red Cross for an appropriation from the Town of Haverhill. She wanted to know if she was to send them the Appropriation Request Form or if they needed to get a petition of 25 registered voters' signatures to go to Town Meeting. In keeping with policy, the Board advised that the American Red Cross needed to obtain a petition of 25 registered voters' signatures. AA Lacaillade also had an Eversource pole license that had just come in that day. Lynn Wheeler made the motion to accept the pole license; seconded by Tom Friel and carried unanimously.

**Comments of Selectboard Members:** None

**Non-Public Session Pursuant to RSA 91-A:3(e) negotiation of pending claim:**

Robert Roudebush made the motion to go into non-public session to discuss negotiation of a pending claim at 8:23; seconded by Tom Friel. The Board was polled and all agreed to go into non-public session.

Robert Roudebush made the motion to come out of non-public session at 8:25 pm; seconded by Tom Friel and all agreed. Public session reconvened at 8:25 pm. No motions made; no action taken, and minutes are to be sealed. All approved. Robert Roudebush made the motion to accept the corrected settlement agreement with NEHT recommended by the Town's Attorney; seconded by Tom Friel and carried unanimously.

**Adjourn Meeting:** Robert Roudebush made a motion to adjourn; seconded by Rick Ladd and all approved. Chairman Fortier adjourned at 8:26 pm.

Minutes transcribed by Karen Hyde