

MINUTES OF HAVERHILL SELECTBOARD REGULAR MEETING
Monday, March 21, 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: James Hobbs, Doug Henson, Howard Hatch, Leslie Waterman 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): Tom Friel made a motion to accept the agenda; seconded by Mike Bonanno 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):

- **Heritage Commission Appt: James Hobbs:** James Hobbs was chairman of the Heritage Commission for over 4 years and resigned that position in June 2015. He would like to be reappointed to the Heritage Commission as a regular member to continue some of the work that he had started. Chairman Fortier commented that Mr. Hobbs was the author of 223 books and these books consisted of history of the local region. Mr. Hobbs was also the creator of Hazen Park. Chris Luurtsema made the motion to appoint Mr. James Hobbs to the Heritage Commission; seconded by Tom Friel and carried unanimously. Mr. Hobbs was sworn in by Vice Chairman Friel.

Public Hearing: Chairman Fortier commented that Leslie Waterman had been before the Board before concerning the property next door to her house. Leslie went on to say that it has been approximately a year and a half since the last time she was there and she doesn't feel like anything has been done about the property. She stated that Mr. Patton definitely owes taxes on the property and he owes money to the Water & Light department as well because there is a lien on the property. She stated that they have contacted Mr. Patton and told him that they were willing to offer him \$10,000 for the property so that they can have it and tear it down. There is also a large tree leaning across the street towards the property there. Mr. Patton talked with Mr. Waterman for about a half an hour saying that he was going to fix it up. They told Mr. Patton that they have been living there for over ten years and they haven't seen it being fixed up. Leslie wanted to know if there was anything else that the Town

could do. She was a little discouraged because they pay their bills and they pay their taxes and to find out that Mr. Patton is not doing that. Chairman Fortier asked Leslie when the last time was that she had spoken with Mr. Patton and Leslie said it was about a month. Mr. Patton told her that he needed to talk with his wife and the Watermans were giving him time to do that. They are feeling like Mr. Patton is giving them the “run around”. Chairman Fortier told Leslie that the Board had taken legal action. The Town’s attorney sent Mr. Patton some letters asking for some compliance and he didn’t know what the status was of those letters. He hasn’t heard in quite a while about that. Interim TM Lacaillade stated that Glenn and Mr. Patton had some “heated” discussion right before Glenn left about the property. Interim TM Lacaillade would reach out to the attorney. Chairman Fortier asked Leslie to let the Board reach out to their attorney to find out what their next step would be because they didn’t want the property to just sit there. Chris Luurtsema asked what property they were discussing and Leslie told them it was 42 Ammonoosuc Street in Woodsville. Mike Bonanno asked if it was boarded up at all and Leslie stated that it was not. Chris commented that there was no zoning in the Town of Haverhill and Chairman Fortier commented that there was zoning in Haverhill Corner and Mountain Lakes. He went on to say that the Woodsville Fire Chief had direct responsibility for fire and life safety codes. Chris asked if nobody was living at the property, did they have to comply. Chairman Fortier stated that there are statutes that fall under the direction of life safety, but also health inspector. They have addressed a number of health issues in the past where they have actually cleaned up the site. This may fall into that. Chairman Fortier stated that there are separate statutes that deal with such buildings. He also commented that Mr. Patton is delinquent in paying his taxes on a timely basis. Leslie commented that they have done a lot to their property to make it nicer and it would be nice to have something done with the Patton house. Chairman Fortier again stated to Leslie that the Board would check with their attorney for a status update. Mr. Hobbs wanted to interject that the day Mr. Patton had a “go-to” with Glenn, Mr. Patton had also called Mr. Hobbs and they also had a heated discussion. Mr. Hobbs told Mr. Patton that it was his feeling that Mr. Patton owed the people next door the property. He told Mr. Patton to pay off the debt and sell them the property for \$100 and Mr. Patton said that he couldn’t do that. Jim then asked him how much he would sell it for and Mr. Patton said “\$10,000” and that verifies the Waterman’s offer. Chairman Fortier again stated that they would find out the status of this and advise Leslie of what they find.

Howard Hatch commented that it was a joy to come into the Selectboard Office and thanked the office. Mike Bonanno asked if Howard was interested in joining the Planning Board. Howard commented that if there weren’t a lot of hoops to jump through, he could add to the Planning Board.

Interim Town Manager’s Report: Interim TM Lacaillade reported that a vehicle had taken out the guard rail on the bridge on French Pond Road just before getting to Benton Road. It was the fault of the driver and his insurance has been contacted and there will be a claim reimbursed to the Town after getting all of the bills to them. She went on to say that it was suggested by Barb Dutile, a member of the Advisory Budget Committee, that perhaps next year, it could be considered moving some of the non-profits back into the regular budget; the community service appropriations that have little conflict. It would help with the time it takes for Town Meeting.

Interim TM Lacaillade and Road Agent Stuart McDanolds discussed a possible culvert inventory. A few weeks ago, there was a possible culvert washout and Stuart thought he might not have that size in stock. She has asked Stuart, as he works on roads, to start showing on a book of 911 street addresses where the culverts are, length and diameter, approximate age if it can be determined and an inspection of current condition. She believes this will help keep the inventory stocked with sizes that may be needed quickly and plan for projects down the road. The project will take time as they work on each road, but believed it will be an invaluable tool.

Eversource – It has been rumored that Eversource is closing their office here and moving the staff to Lancaster. Haverhill would be covered by Lancaster, Ashland or Lebanon and Haverhill would then

be looking at 2+ hours' response time. Interim TM Lacaillade has had discussions with Roy Duddy, who was Glenn's contact for this region, and it is in the plan to close the office here. This would not be a good thing for the Town because the Town would be relying on a 2+-hour response time for any outage and North Haverhill goes out frequently. She is going to meet with Mr. Duddy on March 25, 2016 to talk about what the plan is and how the Town can address this to the powers-that-be to try to keep this station open. She went on to say that a huge issue for the Town would be the pump station because it does not have a back-up generator. They will have to look into that if the station is moved. The pump station cannot go for hours with no power without having a septic company come in and clean it out. Interim TM Lacaillade would let the Board know more after her meeting on March 25 with Mr. Duddy.

The last thing Interim TM Lacaillade had was Recycling. She is working with Regan Pride from North Country Council to look at options of where the site might be located, the cost if it is a zero-sort site for glass/plastic/aluminum and also the possibility of having a sort facility that may bring some revenue back to offset some of the costs. She has received some very good information from Howard about soil types in the different areas. There are three (3) possible locations she is looking at: the Center Haverhill Armory, which there is some concern about it being over the aquifer; the Highway Garage, which is also over the aquifer but it is a different soil type; and the storage sheds behind the Robert E. Clifford Memorial Building. The issue with this site is that it is close to the river. Howard went on to say that the Center Haverhill Armory was right in the center of Town. Howard has spoken about a Town recycle center for businesses for many years during the budget process because businesses cannot use the Newbury center. Interim TM Lacaillade would like to have Austin Albro put a poll on the website to see if people would like a sorted or zero-sort facility. It was the consensus of the Board for Austin to submit a draft to the Board by the next meeting on April 4 for their approval. She also needed to find out from the businesses what their needs would be for recycling.

Chairman Fortier asked what Eversource's proposed date of closing was. Interim TM Lacaillade stated that Eversource was not giving her much but Eversource's employees are looking for places. She believed it was within the next six (6) months. Chris commented that he had texted a friend of his who works at Eversource to pick his brain a little bit. Chairman Fortier commented that any Board member who wished to participate in the meeting with Mr. Duddy, should make themselves available. Ed Ballam suggested having other towns, such as Piermont and Orford, also attend because they would also be affected by the longer response time.

Pending (Old) Business: None

New Business:

- **Reorganization of Board:** The meeting was turned over to the Interim TM. She was accepting nominations for Chairman. Mike Bonanno made a motion to appoint Wayne Fortier as chair of the board; Chris Luurtsema seconded the motion and carried; Wayne Fortier abstained. Chairman Fortier thanked the Board and welcomed them aboard. There was a lot to do and they had many challenges. It was not his goal to be Chairman for long periods of time, but this one he thinks will get them started and see what develops in the future. Chris Luurtsema made a motion to appoint Tom Friel as vice chair; seconded by Mike Bonanno and carried; Tom Friel abstained.

Interim TM Lacaillade stated that the Committees that needed new Selectboard representation were Recreation, Planning Board, ZBA, Airport and Heritage. The Selectboard rep for Recreation will be Tom Friel. The Selectboard rep for the Planning Board will be Mike Bonanno. The Selectboard rep for ZBA will be Chris Luurtsema. The Selectboard rep for the Airport will be Darwin Clogston. The Selectboard rep for the Heritage Commission will be Wayne Fortier. Chris Luurtsema will be the Selectboard rep for the Fire Committee. Tom and

Chris will be alternates to the Planning Board. Darwin Clogston will be the Selectboard rep for the Highway Committee. Chairman Fortier will attend the meetings but sit in the audience.

Darwin wanted to suggest another committee. He thinks that the Police Department needs an ex officio but didn't know how that would work with all of the official things that go on there. He went on to say that he read quite an article in the Town Report and wondered if the Police Department, with the budget that they have might not need a little more oversight than what the Town Manager is giving it. Chairman Fortier stated that the Police Chief has statutory authority and normally, the Town Manager can't usurp that authority. The only real authority the Town has is over financial matters. The running of the actual operation of police procedures is all set up by statute. He asked Darwin if he was looking for more financial oversight. Darwin stated that he was looking for more accountability. Interim TM Lacaillade asked if it was how they spent their money or how they do their shifts because the Town does not control that. Darwin was not interested in how they do their shifts. Chairman Fortier thought it was possible to obtain the information that Darwin was looking for as to out-of-Town and out-of-State responses. He urged the new Board members to look closely at the manifest that they receive. Every quarter, the Board will receive a big stack of papers from Interim TM Lacaillade indicating what the results are for the quarter. He went on to say that if there was anything in the manifest that they question, to just circle it and ask about it. Chairman Fortier commented that some towns have police commissions. His experience with commissions is very limited. People who sit on those commissions tend to want to run the Police Department. The real authority and power that a Board has is in the manifest as to whether they are staying within their budget. Interim TM Lacaillade wanted to point out that once a budget is approved at Town Meeting and the department doesn't overspend their budget, they really have the right to do what they need to do. She believes that a Police Commission can only happen with a city form of government. Darwin thought a Board member could meet with the Chief once a month. Interim TM Lacaillade stated that that could happen. The Chief has an open-door policy. Darwin wanted to advocate something more scheduled. Interim TM Lacaillade stated that the Board could request the Chief to attend a Selectboard meeting once a quarter or something like that.

- **Airport Road Property:** Chairman Fortier stated that there was a Warrant Article. Darwin Clogston recused himself from this discussion and joined the audience. Chris asked why Darwin recused and Tom explained that Darwin is a partner of Doug Henson and Doug is an abutter to the property. Tom explained that this property was the old dump and it was 3.07 acres. It was part of a larger tract of property that was taken as a tax sale and the Town bought back the 3.07 acres from Charlie White for \$1. The Selectboard had to go before the Town to sell this property because they had purchased it. If the Town had taken it strictly for tax sale, they could have just sold it without going to the Town. The old markers have disappeared so Doug had Harry Burgess do a survey of it. The survey is, basically, a guess based on information best available and there would have to be some kind of agreement between Mr. Henson and whoever purchased that property. Mr. Henson has an interest in the property because it abuts his property. Tom had a report from the DES that the Town of Haverhill took care of this property and did everything proper as far as the State of New Hampshire was concerned, as far as sealing off to prevent any leakage. He continued that the Town was not in the real estate business, so they want to sell this property. His understanding was that the only way to put it up for sale was through sealed bids. Everything that Tom spoke about would be disclosed in the bids. Tom thought that the bidding should start at \$1,000. Chris asked what the minimum length of time it had to be open for. Interim TM Lacaillade stated that it was usually 3-5 weeks depending on when it could be put in the paper. She commented that she would run the ad by the Town's attorney before placing the ad to make sure that they were doing what

they needed to do. Mike Bonanno asked how old the survey was and Tom replied that it was done in 2001 and there were no others done since then. Mike's other concern was that when Harry Burgess puts his stamp on a survey there is no expiration or renewal date. Tom thought the property would need to be resurveyed and Mr. Henson and the purchaser would have to agree on the present map. Mr. Henson commented that the Charlie White deed lists the amount as 3 acres and with wanting to settle boundaries he gave another ½ acre just to come up with boundaries. Chairman Fortier wanted to make the Board aware of a letter from the DES dated 2002 concerning this issue. The letter noted that the property had not operated as a landfill since July 10, 1981. The Department recommended that the registration form be kept on file. The Department also recommended that the landfill either be properly managed, that is continued to be covered with soil to eliminate any potential threat to human health or excavated and disposed of at a permit solid-waste facility. In the event that the landfill or any portion thereof is excavated, the landowner will be responsible for complying with RSA 149. The landfill will not become an active waste disposal area. Chairman Fortier continued that John Rutherford, Chairman of the Strategic Facilities Committee, had spoken with him about the issue of this 3-acre parcel and wanted to know why Chairman Fortier had not made the Facilities Committee aware of the Town-owned land. Chairman Fortier's thinking was that even though this landfill had been properly covered over, there is a liability perhaps at some future date that any type of environmental seepage might show up in Cold Brook. He went on to say that the Board has considered it a liability and he knows Mr. Henson has negotiated with Tom and Boards of the past. The letter clearly states that whoever buys the parcel is responsible for the groundwater management of it. As far as the Board is aware of, there has been no seepage into the groundwater from that dump. Howard commented that there had been seepage before the DES started monitoring it and closed it. Chairman Fortier asked Interim TM Lacaillade if she was going to do some research on the deed and she replied that they had the deed. She was going to have the ad run by the Town's attorney to make sure they were covering the bases for what they needed to do for liability. The deeds that are produced will have to have that in there. She asked if the Board was going to have the property resurveyed and Tom thought that would be a discussion between whoever purchases it and Mr. Henson. Howard thought that the survey should be in North Haverhill Precinct's Water Department records of 1973. Tom commented that the Board would run a minimum bid of \$1,000 and fully disclose everything. If no bids come in, there are no bids and they are still in the same situation as they are now. If there are bids, that's okay. Chris commented that if there is a contested bid and another person wants to buy it and that person doesn't happen to be Mr. Henson, they would have to purchase the survey, not the Town. Interim TM Lacaillade would check for the survey at the North Haverhill Precinct. Darwin Clogston returned to the table at 7:25 pm.

Commission/Committee Reports: Chairman Fortier reported that with the addition of the new members to the Heritage Commission, the Commission is now at their minimum requirement of members. They will continue to look for other members.

Correspondence: Chairman Fortier reported that there was a North Country Council meeting on March 30, 2016 from 4-6 pm at the Mt. Eustis Commons in Littleton. Glenn English was very active in North Country Council and he commented that if any Board member wanted to attend the meeting to please do so. In addition, there are local workshops coming up for both Senior and new Board members. Interim TM Lacaillade commented that several months ago, Attorney Walter Mitchell had stated that with the new Board coming on, he would come up and go over right-to-know with them. Tom had a letter from Jack Brill to Lynn Wheeler, concerning the Town Manager search. He read the letter to the Board, which is attached to these Minutes. Chairman Fortier reported that there was

correspondence from Kathleen Lindsey of the Good Shepherd Ecumenical Food Pantry. The Food Pantry has been open for one year and they are going to celebrate their first anniversary on Saturday, April 2, 2016 from 10-12 at the Clifford Building. The Board has been invited to participate in that endeavor. If any Board member is going to attend, to please RSVP Linda Brake at the number on the letter. There was correspondence from the Division of Fire Safety concerning inflatable “bounce houses”, which now have to be registered if used by the public. Chairman Fortier also mentioned to the new Board members that in addition to the Legislative Bulletin, they will also get the Town & City Magazine.

Comments of the Public: None

Comments of the Interim Town Manager/Administrative Assistant-Finance Officer: Interim TM Lacaillade reported that Sam Greene was the new DRA representative and the Town is in a reval year. Mr. Greene would like to come out and have a workshop with the Board to have them understand how the contracts work for revaluation, what the law requires for the five-year revaluation cycles and what the process is this year. Every piece of property is going to have a new value set and letters are going to be sent out based on a long study of sales. Mr. Greene wants to come out to explain how assessing works, what the law means and what the Town and assessors are required to do. The training will take about an hour and she doesn't think they should try to schedule it during a regular Selectboard meeting. She was asking what days of the week and what hours of the day were best for the Board. Mike stated any day after 3:00 pm. Chris commented that Interim TM Lacaillade could just let him know the date and time and he would try to accommodate it. Chairman Fortier commented that the Town Clerk had mentioned to him that there were about 8 applications for Town Manager. The application period closes on April 4, 2016. They have scheduled April 5-6, 2016 for reviewing those applications, to score them and rank them. On April 11, 2016, they were going to conduct their first round of interviews. In the week of April 18, 2016, they were going to have a second round of interviews and whittle the 7 or 8 down to possibly 3. They were going to re-interview those 3 in the same week. Darwin corrected that April 18 was all day interviews starting at 8:30 am and then the second batch was April 24 or May 4 or 5. April 11 was to pick candidates from 9-11 am. Chairman Fortier commented that they could do it at night and he would let Rick Alpers know about the change. They are to screen the applicants on April 5 and 6. On April 11, they were going to figure out who they were going to call in for interviews. On April 18, they were going to start interviews at 8:30 am. Interim TM Lacaillade stated that she could put off the DRA until May. They wanted to come in April, but April is also “audit” month. Mike Bonanno commented that April seemed to be a pretty full month and Interim TM Lacaillade stated that she would ask Mr. Greene about May dates and to also make it a non-Selectboard Monday.

The other thing that Interim TM Lacaillade had was that at the last meeting, the Board voted to make some amendments to the settlement agreement with Brushwood Realty. They voted to amend it to who could enter the property to do the final inspection and that is now in the agreement. Darwin asked if they had a copy of the RSA listed in the agreement. Interim TM Lacaillade asked what RSA was it and Darwin said it was RSA 236:18. Interim TM Lacaillade said that she could get him a copy or he could look at the General Court online. It was discovered that the RSA listed in the agreement was the wrong RSA. Darwin stated that he would not sign the agreement without the proper RSA on it. Interim TM Lacaillade stated that the agreement was drafted by the other party's attorney and she would have the Town's attorney check into the correct RSA. She would speak with the Town's attorney and have him look at the statute number and then have the Board members stop in and sign the agreement because it needed to be filed with the court.

Comments of Selectboard Members: Mike Bonanno mentioned that he wanted to give a “shout out” to all of the volunteers on the Commissions and Boards for doing such a great job. He also wanted to give the ladies downstairs a pat on the back. Tom wanted to backtrack to make sure “they dotted their i’s and crossed their t’s” about an actual vote on putting the parcel out to bid. Chairman Fortier stated that they did not vote. Mike Bonanno made the motion to put the parcel up for sale with a minimum bid of \$1,000; seconded by Chris Luurtsema; Darwin Clogston abstained and all others approved. Darwin reported that at the last Airport meeting there was some discussion about insurance at the Airport house. He commented that there was an insurance claim and the Town picked up the deductible. There was a discussion at the Committee level and things got pretty muddled up as to who pays what, why and how. Interim TM Lacaillade explained how the insurance deductible worked and she was fairly certain that the Town was going to get the deductible back from the tenant that did the damage. She also explained that this was really the first Airport claim that there has been with a deductible. If the deductible is not paid by the tenant, the Airport Commission would have to pay it out of their budget. Mike asked about renter’s insurance and Interim TM Lacaillade explained that renter’s insurance doesn’t cover the Town, only the renter’s belongings. Howard asked if this was negligence and was told that it was. He commented that he had a house that he rented and there was approximately \$100,000 worth of damage and his insurance would not cover the costs. Interim TM Lacaillade stated that the Town’s insurance covered all of the repairs, which was approximately \$11,000. Our insurance company went to the renter’s insurance company and they have refused to pay because they don’t cover the Town’s portion. Chris asked why the Town owned this property in the first place and Interim TM Lacaillade explained that it was part of the Airport property. Chris asked Tom if he had any knowledge of this and Tom said he would have to look at the deed.

Adjourn Meeting: Tom Friel made a motion to adjourn; seconded by Mike Bonanno and all approved. Chairman Fortier adjourned at 8:00 pm.

Minutes transcribed by Karen Hyde

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March 13, 2016
Lynn Wheeler
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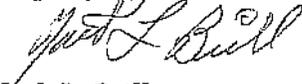
Dear Lynn:

I'm writing about the town manager position. I understand the select board is going to have a manager search (I hope so). We need a person to have a good relationship with the NH powers to be and excellent PR, with a general interest in whom ever he/she deals with. As a business person we need all this and more to build up the business in Haverhill. It should be almost a full time job to attract business to Haverhill to help with the tax base, make the town more interesting and to have good jobs. A Manager in my opinion should spend the first 2 years and meet every business person in Haverhill and gather ideas, plus their concerns to make a stronger town (ideas don 't always come from local organizations or communities). We cannot become a bedroom community and survive. We need an aggressive person, forceful, respectful, but also a people person.

I can go into a number of details over the years that has put Haverhill at a disadvantage, but instead I'll only show concern on one. When the state was told that Haverhill would not police the Mobile Home pad law. I'm sure that didn't set well with NH but as a park owner it butts me in a position of whether to sue any person or park that allows a mobile home to be placed without a pad. Don't get me wrong I hate the law and it shouldn't have been past (especially since there not used in places like Florida, with hurricanes & tornadoes). Yet I have to obey the law as written.

Well I guess you get my concern and interest that this position is fill with an knowledgeable, qualified and likable person, that's excellent with the public and government officials alike. Plus without saying it should be an open ended contract like it was originally set up to be (I was on the community).

Respectfully



Jack L. Brill