

MINUTES OF HAVERHILL SELECTBOARD REGULAR MEETING
Monday, April 6, 2015
Draft Subject to Review, Correction and Approval at Following Meeting

Board Members Present: Tom Friel, Lynn Wheeler, Rick Ladd and Robert Roudebush

Board Member Excused: Wayne Fortier

Town Manager: Glenn English

Administrative Assistant/Finance Officer: Jo Lacaillade

Selectboard Clerk: Karen Hyde

Members of the Public Present: Darwin Clogston, Barb Dutile, Rec Director Sherri Sargent and Ed Ballam – Journal Opinion

Call Meeting to Order:

Vice Chairman Tom Friel called the meeting to order at 6:00 pm and took attendance.

Pledge of Allegiance

Agenda Approval (additions/deletions completed by Board consent): There were no additions or deletions to the Agenda.

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

Scheduled Public Appearance(s):

- **Sherri Sargent-HCMS Memorandum of Understanding:** Recreation Director Sherri Sargent presented a Memorandum of Understanding (MOU), which is similar to the one she has presented to the Board for the last three years. The Memorandum is a partnership between Haverhill Area Recreation Program (HARP) and the Haverhill Extended Learning Program (HELP) of Haverhill Cooperative Middle School. There is only one difference between this year's MOU and last year's MOU. They are asking that Sherri participate on their HELP Advisory Council. The Memorandum allows \$1,000 toward busing for the HARP summer camp kids, which is the same as last year. Rick Ladd asked Sherri what grades this includes and she responded that it was 4th-8th grades. Rick Ladd made the motion to authorize Chairman Fortier to sign the Memorandum of Understanding when he returns; seconded by Robert Roudebush and carried unanimously.

Public Hearing: None

Town Manager's Report: TM English presented a list of possible candidates from Howard Hatch for the Advisory Highway Committee. Howard also mentioned that he would be willing to serve as well.

Pending (Old) Business:

- **Highway Advisory Committee:** Vice Chairman Friel commented that the Board now had 5 interested people for the Committee. The Board was still unsure whether to have a committee of 3 or 5 members. AA Lacaillade commented that Chairman Fortier was working on an ad for the papers. Robert Roudebush asked if the names on the list were ones Howard came up with on his own or were they

people that expressed interest. TM English stated that Howard had spoken with them and they were interested. TM English also passed out to the Board initial thoughts on qualifications. Lynn Wheeler commented that there was one thing they tend to get overwhelmed with and that is estimating the number of man hours needed for a project. The Board thought this was a good suggestion and would add it to the list. Rick Ladd also thought that an understanding and history of the roads in Haverhill should be added to the list.

- **Reconsideration of Rec Committee Appointment:** Rick Ladd commented that he was the one that submitted this. He handed out the statute on Parks & Recreation. He made the motion that the Board reconsider the vote on the prior appointment of the individual who will now be a Friend rather than a full-blown member; seconded by Robert Roudebush. Vice Chairman Friel asked if they needed two readings on this. Rick stated that no, it was just statute interpretation. Lynn Wheeler commented that if Rick wanted a discussion on the issue, they didn't need to vote on it; just have a discussion. Rick commented that Section 35-B:4 reads: "If any town, city, county, or village district decides that the above powers shall be exercised by a recreation or park commission, it shall consist of citizens of such town." He then talked about I-VIII of Section 35-B:3. He asked himself: "Does this recreation commission of this Town do these?" and he would like to read them. "I. To acquire, hold and dispose of real and personal property – does our Commission do that?, no. – provided, however, the disposal; of any real property shall have prior approval of the appropriate legislative body." He thought this has always been done by Town Meeting or by management. Rick commented that he voted "no" at the last meeting as he understood that the person had to be a resident, but now he didn't think that that was so. Vice Chairman Friel asked if Section 35-B:4 applied and Rick stated "no" if it wasn't done through statutes. Lynn Wheeler asked Rick if the Rec Commission was an established commission. TM English commented that it had not been authorized by Town Meeting; it had been authorized by the Selectboard, which they could do. Lynn asked if the Commission could oversee an employee and TM English stated that it couldn't. Lynn then commented that the Committee has no authority to do anything. Rick stated that he was just looking at and seeing a person that is valued, a person that has contributed and done a great job. He was coming forward in saying that even if this was applicable, that this person would continue, but no future Commission members would be put on a Commission unless they were a resident. Vice Chairman Friel commented that, at this point, a legal opinion was necessary. Robert Roudebush commented that he saw two (2) things that were clear and quite simple: (1) there was a way to get a good member back as an official member and (2) they have identified a need at some future time to have the Town bring the Rec Commission into proper status, which can be done. TM English then read: "RSA 35-B:1 may be exercised by a recreation or park commission or any other board or commission as authorized by the governing body". Robert commented that the Selectboard was the governing body. Lynn is concerned about some of the responsibilities that the Committee has been undergoing, such as review of the Director. Rick commented that the main issue was the individual they were talking about. Vice Chairman Friel commented that the main issue was to straighten out the Commission and find out what can and can't be done. There were questions as to whether decisions made by the Commission were okay. Vice Chairman Friel asked what the general consensus was. Rick stated that there was a motion on the table for reconsideration; there was a vote with two "ayes" and two "nos". TM English asked if the Board wanted a legal opinion and Vice Chairman Friel stated that that would be his reaction. Barb Dutile, a member of the Rec Commission, commented that her history with the Commission goes back a long way and the other person goes back even more. This person is a very, very committed person and to "pull the rug out" and just let her be a Friend. She is involved in many activities throughout the Town. Barb couldn't say enough about this person and Barb was very upset for this person and her feelings. Barb wondered about "grandfathering" in this person. Lynn stated that the Board needed to find this out. Vice Chairman Friel commented that the Board had a "mess" and it needed to be straightened up. The Board needed to know what they could and couldn't do legally. AA Lacaille commented that, as Rec Commission Chairman, she had spoken with this individual the day after the last Selectboard meeting and the individual seemed okay with the Board's decision. Since that particular meeting, the individual has had time to think about the decision and is hurt. Robert asked if

there was any reason why the Board couldn't revoke to put the individual on the Committee as they currently understand its functioning and then seek a legal opinion. Vice Chairman Friel felt that was "putting the cart before the horse". The Board needs to find out what they can or can't do. Lynn's thought was to find out the answers to their questions before the next Rec Commission meeting in May. Rick asked if it was a Commission and with the understanding of statutory law, would that Commission have to be established by the legislative body of the Town. TM English stated that he was reading the statute two ways. If Section 35-B:4 is read, the powers are conferred by a town, city, county or village district. When that language is used in statute that means the legislative body. But in Section 35-B:3, it says that the governing body, which is the Selectboard, can authorize such a Commission. Vice Chairman Friel stated that between this meeting and the next Rec Commission meeting, the Board needed to get some information so they will know where they stand and get a definitive answer so there will be no legal entanglements.

New Business:

- **Review of 2014 Goals:** Vice Chairman Friel did an overview of the 2014 Selectboard goals. Some of the goals had been accomplished, but most had not been. Security and safety issues at the JRM Building had not been done due to budget cuts. To procure more members for the Planning and Zoning Boards as well as the Heritage Commission had not been accomplished. A Community Profile had not been done due to a change at the County level. There has been a policy adopted for the Capital Improvement Project. Engaging the Health Officer in groundwater training had not been done due to his being incapacitated. Mental health issues were ongoing and substance abuse needed to also be taken into account. Fire Department inspection fiscal accountability had been accomplished somewhat, but further work needed to be done. Rick wanted to work on this. Lynn, Robert and Vice Chairman Friel had accomplished many business visitations. Lynn commented that many businesses liked being visited. She also commented that a very positive person to talk with is Jason at Bond Auto. Vice Chairman Friel commented that the businesses he spoke with are very pleased with what the Town has done. Many of the unaccomplished 2014 goals would be added to the 2015 Selectboard goals.
- **Goals 2015:** Rick commented that the Fire Equipment Committee may need to get together to discuss the possibility of purchasing a fire truck for Haverhill Corner. Lynn asked to have more members for Committees added to the goals again. Robert would like to continue the business visitations. Establishment of the Advisory Highway Committee, which is in the process. Creating a better town manager evaluation process and revision of current evaluation form. Robert, Rick and TM English would work on this. Create a comprehensive plan on how to address sub-standard housing issues that pose life safety and health risks throughout the Town as presented by Chairman Fortier. Vice Chairman Friel wanted to add Henson/Town boundaries to the list of goals. He also wanted to add the empty Business Park lots to the list. The community profile and mental health and substance abuse issues were also added to the goals. There would be more discussion on these goals at the next Selectboard meeting on April 20, 2015.
- **Request for Use of Clifford Building:** AA Lacaillade presented a request for use of the Robert E. Clifford Memorial Building. The request was for a fundraiser put on by Jamie Riley of North Haverhill for a friend who had breast cancer. Rick Ladd made the motion to grant the use of the building for no fee; seconded by Robert Roudebush and carried unanimously.
- **Town Prosecutor Contract:** AA Lacaillade stated that Steven Carroll's contract was up for renewal beginning April 1, 2015. The contract is the same as last year with a 2% pay increase. Lynn commented that she is often at the Court House and hears what is going on. What Mr. Carroll does is amazing; he puts in a tremendous number of hours. Robert also spoke very highly of Mr. Carroll. Lynn Wheeler made the motion to accept the Prosecutor Contract; seconded by Robert Roudebush and carried unanimously.

Commission/Committee Reports: Lynn Wheeler reported on the Easter Egg Hunt, which was very well attended and was a great success. There were 138 children and as many adults at the event.

Correspondence: None

Comments of the Public: Darwin Clogston asked when the last ZBA meeting was. TM English told Mr. Clogston that the ZBA only meets when they get an application. They had recently met on the Ocean State Job Lots application. Mr. Clogston asked if there would be Minutes available and was told the Minutes would be available and on the website when they were received. AA Lacaillade would send Mr. Clogston the Minutes.

Comments of the Town Manager/Administrative Assistant-Finance Officer: AA Lacaillade presented some Commission or Committee members whose appointments have expired. She had the forms available for the Airport, Planning Board, Zoning Board of Adjustment and Heritage Commissions. Lynn asked whether the Commissions approved the reappointments first and then the reappointments came to the Selectboard. AA Lacaillade stated not on reappointments. Rick asked if all members wanted to be reappointed and AA Lacaillade stated that they did. TM English stated that an important power of the Selectboard is the appointment of members and if there are issues, those issues need to be addressed. He thinks that automatic approval is a bad idea. Vice Chairman Friel commented that the Board needs to come up with a policy on reappointments. AA Lacaillade asked what the Board wanted her to do with the reappointments and Lynn responded that the various Commissions should approve or disapprove the reappointments and then present them to the Selectboard.

Comments of Selectboard Members: Lynn Wheeler and AA Lacaillade attended a meeting at Woodsville Guaranty Savings Bank in regard to the changes in the rules concerning the way Tax Anticipation Notes (TANs) work. AA Lacaillade ran into some issues with the TAN and sought out information from the DRA, the auditors, and two attorneys at NH Local Government and found that the way the Town has been handling the TAN is perfectly legal. The meeting allowed the Town a little bit of time and they will probably come back to the Board with a resolution at the next meeting on April 20. Lynn and AA Lacaillade put the bank on notice that they will do whatever they have to do right now to get through the crunch, but when it comes to time to re-bid, they may seek other banks for a bid. Robert Roudebush asked about the Board reappointments and Rick stated that the various Commissions would give their recommendations to the Selectboard and then the appointees would get re-sworn in by the Town Clerk. Rick Ladd did a brief overview of the State school aid stabilization program, which means a loss of \$210,000 to the schools in 2016-2017. TM English commended Rick on the work he has done, but the legislature has been ignoring the Claremont decision ever since it was rendered. This is not an issue of the Town; it is an issue of the schools.

Adjourn Meeting: Lynn Wheeler made a motion to adjourn; seconded by Robert Roudebush and all approved. Vice Chairman Friel adjourned at 7:55 pm.

Minutes transcribed by Karen Hyde