

MINUTES OF HAVERHILL SELECTBOARD REGULAR MEETING

Monday, August 24, 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: Dick Guy, Darwin Clogston, Jeff Page, Jasper Page, Chief Byron Charles, Senator Jeanie Forrester, Barb Dutile, Road Agent Stuart McDanolds, Paul Kidder, Jeff Robbins, Paul Ingbretson 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): Chairman Fortier stated that TM English was requesting a non-public session for a legal issue per RSA 91-A:3(e) after comments of the Town Manager/Administrative Assistant-Finance Officer. Rick Ladd asked to have a REC Committee membership item added under Committee Reports. Robert Roudebush made a motion to accept the amended agenda; seconded by Lynn Wheeler and carried unanimously.

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

Scheduled Public Appearance(s):

- **Senator Jeanie Forrester:** Senator Forrester was in attendance to give the Board an update on the status of the State of New Hampshire. Senator Forrester spoke about the 2016 budget that was passed by the House and Senate, but was vetoed by Governor Hassan. Rick Ladd asked what the “hang up” was with the budget that was presented. Senator Forrester believes there were 4 issues behind the veto, which were Medicaid expansion, business tax cuts, State employee pay raises and carryforward. She commented that September 16, 2015 was “veto day”. Robert Roudebush commented that Senator Forrester makes an effort to visit all the towns in her district and he didn’t know of anyone else that did that and he thanked her. Senator Forrester said that was an important part of what she does. Chairman Fortier thanked Senator Forrester for her time.
- **Paul Kidder-Woodsville Fire District-Fire Inspections:** Paul Kidder stated that the first thing he wanted to do was review everyone’s recollection of the Fire District and the Selectboard’s agreement of fire inspections. It was Mr. Kidder’s recollection that the members of the Woodsville Fire Department would be doing fire inspections. Chairman Fortier commented, temporarily. Mr. Kidder asked if the Woodsville District would be reimbursed for fire inspections and Chairman Fortier stated that was correct. Chairman Fortier stated that at the first meeting of the Board and the Woodsville Precinct Commissioners, Mr. Kidder was not there. At that meeting, which was an important meeting as it was the first with Woodsville Precinct Commissioners, the Board had formulated the inspector for quite some time. They tried it a while; it didn’t work. It was suspended for a while and the Board then saw a need to bring it back. At that meeting, there was one candidate for inspector that wasn’t qualified. Dick Guy acknowledged that he was no longer a Precinct Commissioner. He said in the interim period, Woodsville was going to go ahead with the inspections and would use their Fire Chief. If Haverhill or North Haverhill wanted to have an inspection done by Woodsville fire personnel, it was okay with Woodsville. Given the fact that there wasn’t an inspector on board at the time, the Board agreed that that

would happen on a temporary basis until there was an inspector. At the last meeting, there was a lot of discussion about forms. The State Fire Marshal helped draft the form that was created and recommended by the Board. The Board did say that if the form was filled out, there would be reimbursement to whoever did the inspection. In between the meetings, there had been a gentleman who had applied for the position but did not work out. Chairman Fortier stated that because of this, at the last Selectboard meeting on August 10, they had authorized the readvertising for the position of third-party inspector. He also stated that the Fire Chief had submitted some invoices and those were basically okay, but as of yet, had not been reimbursed. TM English stated that, as a contractor, the Town needed a W-9 from the Chief. Chairman Fortier stated that there were other invoices submitted by Steve Robbins because he had done some work. Those invoices did not contain the minimal information of what he did. It was a decision by the Board to not reimburse until they knew exactly what the labor was for. It was Chairman Fortier's understanding that if the W-9 was filled out, Fire Chief Jeff Robbins would be reimbursed. Mr. Kidder asked if the North Haverhill and Haverhill Corner Fire Chiefs had filled out a W-9. Chairman Fortier stated to his knowledge, North Haverhill and Haverhill Corner were not doing any inspections. Mr. Guy stated that it was his understanding that if the inspections were done, the District would be reimbursed for them and then the District would pay the Fire Chief through their payroll. Chairman Fortier stated that the inspector was always advertised as a subcontractor position and not an employee. Mr. Guy stated that it was his understanding that the District would be willing to offer their employee to do the job as their employee. If the Board wanted to hire an independent, that had nothing to do with the District. The Fire Chief was already their employee and did not need to fill out the W-9 or carry his own insurance to do inspections. Mr. Kidder commented that at a Woodsville Precinct meeting, Rick Ladd had said to pay the invoices. Mr. Kidder also asked if Don Hammond and Richard Morris had to carry insurance to do inspections and Chairman Fortier stated that he did not know that. Mr. Guy stated that the Board had come to the Fire District to make arrangements for their employee to do inspections. Chairman Fortier stated that the Board did not go to the Fire District to make arrangements; the Board had gone to see if the Fire District would support the third-party inspector and in the interim, the Fire District would go ahead with their inspections and they would take care of it. There was an agreement that the District would be reimbursed and Chairman Fortier stated that was correct. TM English stated that this was all about procedure. The Town can only pay someone as an employee or a contractor with a W-9. He also stated that if the District is willing to pay their employee and then bill the Town, the Town can legally do that. Rick Ladd stated that he was concerned about accountability to the taxpayers within the community. When this issue goes to the Annual Budget Meeting and they are requesting X number of dollars for the purpose of inspections, the Town has never been able to identify what form has been used for inspections and this is what the Board is trying to address. The Town knows there are many buildings that need to be inspected for Life Safety issues and fire. More money is needed to cover those inspections, but how can that happen when there is no accountability. Rick also commented that TM English was correct in saying that the Town has no jurisdiction over the Fire Chiefs, but the Precinct Commissioners do have the oversight of the Chiefs. TM English stated that if a third-party inspector is ever hired, the Chiefs need to use him or her as a contractor. Fire Chief Jeff Robbins asked what he was owed for the inspections that he has done and AA Lacaillade stated that it was \$1975. Jeff commented that when both he and Steve are working together, Jeff usually fills out the report. Jeff also commented that he can't afford the insurance to be a contractor. Robert Roudebush commented that TM English has offered a simple way to solve the issue of payment methodology. The Board and the Chief agree that they do want to get a contracted employee to do the Life Safety/Fire Code inspections. There was some further discussion of how important the forms being filled out were. TM English also commented again that the Fire Chiefs work for the Precincts, not the Town. It is up to the Precincts to make sure their Chiefs are following proper procedure. Robert Roudebush made the motion to authorize TM English to use the forms to tally the cost for reimbursement to the Woodsville Fire District for fire inspections; seconded by Rick Ladd and carried unanimously. Robert commented that he thought Jeff was doing a good job with the inspections. Dick Guy mentioned that the Zoning Board needed members. The ZBA was supposed to have five members; there were only 3 members, which made it difficult to make

quorum. At the last meeting in June, there were only 2 members. Robert Roudebush had attended and stepped in. Tom Friel mentioned that the Planning Board also needed members.

- **Jeff Page:** Mr. Page is a dairy farmer from Briar Hill Road and he was attending the meeting because of a lot at the end of his road, which is now called Tewksbury Road, which is being logged off by Mountain Lakes. He believes the lot is not owned by Mountain Lakes but is owned by the Town of Haverhill. He didn't say anything when Mountain Lakes was surveying and working on the lot because "you can't prove the neighbor". He can't prove Mountain Lakes owns the lot; the Town can't prove he owns his farm. The reason he is coming to the Board now is that Harry Burgess, the logger, stopped and told Mr. Page that he hadn't got on the other side of his fence and marked trees. It became an issue with Mr. Page in terms of boundaries and abutters. Mr. Page said he asked Dan Brady of Mountain Lakes how Mountain Lakes acquired the land. Mr. Brady told him that Mountain Lakes had received it from the Town of Haverhill. Mr. Page said he asked Mr. Brady how he knew Mountain Lakes owned the land and Mr. Brady responded that Harry Burgess assured them that they owned the land. Mr. Page then asked if Mr. Brady had seen any kind of deed or court order and Mr. Brady said no. Mr. Page responded that Mountain Lakes needed to prove that they were an abutter. Mr. Page has been researching this issue for quite a few years, since Norma Lavoie was tax collector, and he has sought legal counsel for some interactions between the previous owner and what he owns. His research indicates that some of the green space in Mountain Lakes was transferred from the Town, but not the particular piece of property that abuts his property that is currently being logged. Robert Roudebush commented that he lives in Mountain Lakes and has not heard about any of this. Mr. Roudebush commented that the logger, Harry Burgess, had a very good reputation and a lot of integrity and that was why Mountain Lakes had hired him. He then asked Mr. Page if he had sat down and talked with the Mountain Lakes people about this issue or just the one man, Dan Brady. Mr. Page said he had spoken with Don Drew and Dan Brady. Mr. Roudebush commented that the first thing Mr. Page should do is get together with the Mountain Lakes people, who should have all the answers that Mr. Page is looking for. TM English commented that no one has checked the Town's records. They were all at the meeting and didn't have any records in front of them. He commented that the thing to do would be to look at what the Town has on file. Mr. Page commented that he had all that. AA Lacaillade commented that the issue would not be solved at the meeting and Mr. Page said that he didn't expect it to be. The Town tax maps should reflect what is recorded at the Registry of Deeds. Robert Roudebush asked Mr. Page what kind of relief he was looking for. Mr. Page asked "You don't have a concern that you're taking timber off property that belongs to the Town". Mr. Roudebush commented that if that was the case, there was certainly a decision to be made. Mr. Page then asked if Mountain Lakes was an abutter or not. TM English again commented that there was no information in front of them to make any kind of determination of who owns what. Lynn Wheeler asked if the Town needed a "cease and desist" order and TM English said no. TM English also said that Mr. Page needed to come into the Selectboard Office to look at the Town's records and the Town needed to see what information Mr. Page had. TM English also commented that when the land was conveyed from Town & Country, the green space went to the District and the lots went to the Town, but there could have been errors. Mr. Page said he was only concerned with this one lot. Chairman Fortier commented that the Town needed to see what Mr. Page had for information. AA Lacaillade commented that when Mr. Page had come into the office and asked to be put on the agenda, she asked him what the issue was so that she could be more prepared for the meeting. Mr. Page commented that he knew the issue wouldn't be solved at the meeting. Lynn commented that they needed to see what Mr. Page had and her and AA Lacaillade would start sorting through some of the information and see where to go from there. Chairman Fortier stated that someone would give Mr. Page a call on Tuesday, August 25 to set up a time to look at Mr. Page's information.
- **Rec Commission Membership:** Chairman Fortier asked to have this item moved ahead as Barb Dutile was in attendance for this issue. Rick Ladd commented that he had been approached regarding the individual who has been allowed to continue with the Recreation Commission as a Friend, without the right to vote. The Board was aware of this individual's history with the Commission, as a founding member and very involved with the Commission. There are some powers of a Recreation Commission

stated in RSA 35-B:3 that our Recreation Commission does not do. The Commission is advising and making budget recommendations. If, in fact, there is a member who has given so much to this Commission, he would like to see such a person allowed to continue on the Commission, even if they are a non-resident. Robert Roudebush stated that he remembered from previous discussions about this issue, that it was simply a matter of state law because this was a Commission and not a Committee. Chairman Fortier stated that that was right. Robert asked if this person was unhappy about the current status as a non-voting member and was told that she was. Barb Dutile commented that this person has asked the New Hampshire Municipal Association about the situation and they don't see it as an issue. Barb commented further that there were three (3) others that wanted to be at the meeting, but had previous commitments and couldn't make it. Robert asked what the Board could do to make this right legally. Rick commented that he didn't think the Board was doing anything illegal. Lynn asked if Rick wanted the Board to "bend" what the law states every time they sit down at the table. Tom Friel asked if the Municipal Association stated that residency was not an issue and Barb stated that it was not an issue. Tom wanted to see a brief, in writing, from the NH Municipal Association as to why it is not an issue. Barb then went on to say that Lynn Wheeler was going to take the issue to the Town Attorney and Lynn stated that she didn't remember saying she would take it to the Town Attorney; she brought it to the Committee for them to decide. Tom said he would like to get a definitive answer whether it's the Town Attorney or the Municipal Association as to why it is not an issue. Barb commented that she doesn't understand why this individual can't be "grandfathered" as she was a founding member of the Commission. She also commented that earlier in the meeting it was discussed that there were not enough Zoning or Planning Board members, and here was someone who wanted to serve on the Recreation Commission, but they may very well lose her. Tom stated that there was no argument on what Dianne has contributed, but he wanted a clarification. Chairman Fortier commented that Dianne has never been domiciled in Haverhill and Barb agreed, but Dianne has always said she was a resident of Bath. Chairman Fortier read off the powers of a Recreation Commission, which are:

- I. To acquire, hold and dispose of real and personal property; provided, however, the disposal of any real property shall have prior approval of the appropriate legislative body.
- II. To make contracts;
- III. To grant concessions;
- IV. To make charges for the use of facilities or for participation;
- V. To make and enforce rules and regulations governing the use of property, facilities or equipment and the conduct of persons thereon;
- VI. To contract with any municipal corporation, governmental or private agencies for the conduct of park and recreation programs;
- VII. To operate jointly with other governmental units any facilities or property including participation in the acquisition; and
- VIII. To hold trust or manage public property useful to the accomplishment of its objectives.

He commented that he does not dispute Dianne Rappa's contributions to the Commission. He went on to say that the good stuff couldn't be taken away, but there was some conduct that he was concerned about, mostly about the Pool. He commented that in Sherri Sargent's absence, he was advised that Dianne went in and took over the show. In some instances, she went against specific instructions left by Sherri. Sherri is the Town's Recreation Director; she doesn't need to be undercut by Dianne. Barb commented that she was only recently made aware of Sherri's vacation and it was her understanding that Sherri wasn't entitled to take vacation in the summer. Lynn commented that e-mails were sent out regarding Sherri's vacation. It was mentioned that there are now adults running the Pool and HARP. Chairman Fortier asked if Dianne, since she is not a resident, have a right to vote on taxpayer money. He has been asked that question several times. Chairman Fortier stated that he didn't see how the Board could break the law. Rick Ladd made the motion to seek legal counsel to determine if Dianne Rappa was able to remain as a voting member on the Haverhill REC Commission; seconded by Tom Friel and carried unanimously.

Public Hearing: None

Town Manager's Report: TM English presented a draft of a ten-year Capital Improvement Plan. He commented that it was pretty self-explanatory and the only thing he wasn't able to do was prioritize. He was presenting it for the Board to study and discuss at a later meeting. Rick asked if this was all of the capital improvement projects and TM English said it was all that came to mind. Rick asked about the sewer line and TM English recommended that they continue to repair it. Lynn spoke about a product that would bind to a culvert to make quick repairs. Road Agent Stuart McDanolds stated that it was blown through the pipe. TM English commented that there have been two (2) breaks and that was due to outside deterioration of the pipe. Rick commented that he appreciated the draft, but more information was needed, such as the department head input or whether the project was urgent. He would like to see further description as it was set up and a priority scale. Robert thought that the draft was a good start. TM English wanted Selectboard input on the Plan. Lynn asked what a mini-split was and TM English explained that it was basically a heat-pump air conditioner, which would be much more efficient than window air conditioners. It would handle all the cooling needs and some heating needs when it wasn't real cold. Chairman Fortier commented that the spreadsheet was helpful, but it did not adhere to the policy. Rick also thought the spreadsheet was helpful, but he wanted to see more description on the items and prioritization. Chairman Fortier stated that there would be more discussion on this at the next Selectboard meeting on September 8, 2015.

Pending (Old) Business:

- **Health Insurance/Benefit Survey:** Chairman Fortier stated that Chief Charles was in attendance to talk about health insurance. TM English commented that the Board wanted input from the department heads. Chief Charles stated that his employees know they have a good health insurance policy. They also understand that with some of the changes in the Government, there is only so much that can be done with the health insurance as far as what employees are charged. He just wanted to say that, anything over and above what the Government allows, that should be something the Town should look at before the employees. He briefly discussed the differences from town to town on the spreadsheet that was given to the Board at the last meeting. He would like to see the health insurance costs to employees flat-lined as much as possible. RA McDanolds' concern was what was going to happen to the employees' deductibles and if it would be more money out of their pockets on top of the percentage they pay on their health insurance and would it be a \$500 cut in pay. TM English commented that one of the alternatives would be to raise the deductible, which would transfer the burden to the people who actually use the health insurance. A higher deductible and elimination of a co-pay puts the burden more on people who use it. Lynn's concern was the people that really need health care is a family. It's a struggle for the guy on the bottom who doesn't get paid much because he hasn't been there long and who's got two kids. She really doesn't know what the answer is; she just has a compassion for the guy at the bottom and has two kids. Rick commented that salary doesn't increase at all, but the cost of insurance is definitely increasing. Chief Charles commented that if an employee receives a 2% pay increase and then has to pay a 5% increase in insurance, the employee is losing 3% pay. No one knows what's going to happen with the changes in Government. TM English commented that every budget season, he gets beat up about the cost of health insurance. The only things that he can recommend to alleviate that would be to cut pay raises and/or benefits. Darwin Clogston commented that he attended Advisory Budget meetings earlier in the year and he heard that the Police Department had a 24% retirement package. He read the other day that the average American has about \$10,000 in the bank for retirement. He commented that 24% of \$60,000 or \$80,000 was a ton of money. He thought that the Police Department could pay a little more for their health insurance. TM English explained that Group 2, which is law enforcement, had a better retirement package than Group 1. Tom Friel commented that the Town wanted to retain their police officers. The Board had worked hard to bring up pay scales in order to retain their officers because replacing a police officer costs more than maintaining the officers that the Town has. Chief Charles commented that police officers are out there facing danger every day, not taking holidays, and not spending time with their families. Robert Roudebush commented that the Board had taken input

from two department heads and was there anything further they needed. Chairman Fortier stated that the Board was not going to solve this at the meeting. AA Lacaillade stated that if the Board needed it for next year's budget, it would need to be resolved by September or October. Rick asked if the Town was tied in with any other agency and TM English said they were tied in with the school system. Chairman Fortier thanked Chief Charles and RA McDanolds for their time and input.

New Business: None

Commission/Committee Reports: Rick reported that the first organizational meeting of the Highway Advisory group would be on September 2, 2015 at 7 pm at the Municipal Building. It was a public meeting and anyone could attend. Lynn commented that HARP and the Town Pool wrapped up and they had a pretty good year and the REC Committee would have numbers at their next meeting. Robert reported that Airport Awareness Day was coming up and a Black Hawk helicopter was scheduled to be there for that.

Correspondence: Chairman Fortier reported that there were a couple of events coming up for September 11. They had also received a letter from the DRA.

Comments of the Public: Mr. Clogston asked about the next Selectboard meeting, which will be held on Tuesday, September 8, because of the Labor Day holiday.

Comments of the Town Manager/Administrative Assistant-Finance Officer: TM English reported that out of the operating budget, the new Highway truck had been ordered and it was in stock so it will be delivered soon. He also reported that the crack-sealing was on schedule. TM English also reported that bids had gone out for an shim-and-overlay job on French Pond Road.

Non-Public Session to Discuss a Legal Issue per RSA 91-A:3(e):

Tom Friel made the motion to go into non-public session to discuss a legal issue at 8:37; seconded by Lynn Wheeler. The Board was polled and all agreed to go into non-public session.

Tom Friel made the motion to come out of non-public session at 8:45 pm; seconded by Lynn Wheeler and all agreed. No motions made; no action taken, and minutes are to be sealed. All approved. Public session reconvened at 8:45 pm. Tom Friel made the motion to accept the settlement agreement with NEHT recommended by our Attorney; seconded by Robert Roudebush and carried unanimously.

Comments of Selectboard Members: There was a brief discussion on Northern Pass and an upcoming Scenic By-Way meeting.

Adjourn Meeting: Lynn Wheeler made a motion to adjourn; seconded by Robert Roudebush and all approved. Chairman Fortier adjourned at 8:50 pm.

Minutes transcribed by Karen Hyde