

MINUTES OF HAVERHILL SELECTBOARD REGULAR MEETING

MONDAY OCTOBER 31, 2016

6:00 PM

DRAFT SUBJECT TO REVIEW, CORRECTION AND APPROVAL AT THE NEXT MEETING

Board Members Present: Chairman Wayne Chairman Fortier, Mike Bonanno, Tom Friel, Chris Luurtsema, Darwin Clogston

Town Manager: Jo Lacaille

Members of the Public Present: Howard Hatch, Stuart McDanolds, Lisa Woodbeck, Attorney Curtis Payne, Wayne Terrio, Everett Sawyer III, Michael Bruce

Call Meeting To Order: Chairman Fortier called the meeting to order at 6:00 PM

Pledge of Allegiance

A moment of silence was observed for the victims of the earthquake in Italy

Agenda Approval (additions\deletions completed by Board consent): Mike Bonanno made a motion to approve the agenda, seconded by Chris Luurtsema. With no opposed votes, the motion passed to approve the agenda. Darwin Clogston asked that a correction be made to the minutes of the October 17th meeting. Darwin Clogston had mentioned at the previous meeting that the Airport Commission was entering into an agreement with the NH DOT, which is the same agency that the Rail Trail had entered into an agreement with 22 years ago. Darwin Clogston went onto say that it was the same agency and the same squabbles. The airport commission is looking to get money from that same agency. A motion was made by Darwin Clogston to amend the minutes on page 3 to include that explanation. Motion was seconded by Mike Bonanno. With no oppositions the motion passed

Scheduled Public Appearances: Attorney Payne and Lisa Woodbeck regarding a reduction in taxes on a mobile home belonging to her mother. Chairman Fortier asked Ms. Woodbeck what sort of relief she was after, if there was a set amount. Ms. Woodbeck answered that she was hoping for \$1800, and that she believed around \$3000 was due. Chairman Fortier asked Attorney Payne to refresh the Board on the agreement from approximately 18 months ago. Attorney Payne indicated that the agreement was between the Town and Larry Boyce. The agreement was allowing for a partial abatement, and Mr. Boyce was to make payments. Chairman Fortier asked if Mr. Boyce had made any payments. Attorney Payne commented that Boyce had not, because the property was never transferred to him. Chairman Fortier then asked if the property was to transfer to Ms. Woodbeck. Attorney Payne indicated that it was, and that Ms. Woodbeck was to become the administrator for the sole purpose of transferring the property to Mr. Terrio. Chairman Fortier asked Ms. Woodbeck if there were any means to pay the taxes. Ms. Woodbeck answered no. Chairman Fortier went onto ask if Ms. Woodbeck was employed or unemployed, and if there were any immediate family members, employed or unemployed. Ms. Woodbeck answered that she was unemployed, but that her sister was probably employed. Chairman Fortier commented that all of the Board members were new, and not part of the original agreement. He asked that the Board take a few minutes to examine the original agreement and see what their thoughts would be. Town Manager Lacaille commented that the current taxes due were \$3,673.14, with interest and penalties. Chris Luurtsema asked that since originally the property was to transfer to Mr. Boyce, and it did not, was Mr.

Boyce still interested. Ms. Woodbeck answered that he may be, but that she has someone else in mind to give the property to. Chairman Fortier asked if the other person is in a position to pay the taxes. Ms. Woodbeck indicated no, that he is a veteran on social security, but that he would be willing to pay the \$1800 should the Board agree to that. Chairman Fortier asked who would continue to pay the yearly taxes if the home were to remain on the property. Ms. Woodbeck answered that Mr. Terrio would. Chairman Fortier asked Mr. Terrio if he was currently a resident here in Haverhill. Mr. Terrio indicated no, but that he does plan to move here. Chairman Fortier went on to ask Mr. Terrio if he had had a chance to review the previous agreement with Mr. Boyce. Mr. Terrio indicated no, but reviewed the agreement and indicated that he understood it. Chairman Fortier asked if he would be able to comply with the agreement originally agreed, upon. Mr. Terrio answered yes. Chris Luurtsema asked for clarification- Chairman Fortier indicated that previously the back taxes were \$1830, and the Board agreed that Mr. Boyce was to pay \$1200. Chairman Fortier then asked Mr. Terrio if he were able to pay those back taxes. Terrio indicated yes. Chairman Fortier went on to clarify that it was \$1200 that was agreed upon 18 months ago, plus any further taxes incurred while residing there. Chairman Fortier then asked Town Manager Lacaillade for a total due. Lacaillade answered \$3,673.14, and that that was with interest. Chairman Fortier asked Payne if the agreement was for \$1200 even, Payne indicated yes, that it was, and that it was to be payments of \$100 until paid. Chris Luurtsema commented that he had a concern of a payment arrangement of \$100 a month for someone on a fixed income, that in 6 months we will be back in the same situation. Chairman Fortier commented that the previous agreement called for \$100 a month, and that the Board is looking to gain that \$1200 plus what is currently due. Chairman Fortier asked Terrio how he intends to pay the back taxes. Terrio indicated that he could pay \$1200 in full. Chairman Fortier asked about the remaining taxes, and Terrio asked for a total. The conversation was suspended while TM Lacaillade figured the total of taxes only due.

- **Appointments to Haverhill Heritage Commission-** Chairman Fortier commented that there were 2 anticipated new members, Michael Bruce and Everett Sawyer III. The two candidates were interviewed. Mike Bonanno made a motion to appoint both Mr. Bruce and Mr. Sawyer to the commission seconded by Tom. With no further discussion and no oppositions the motion passed. The members will need to see the Town Clerk to finish their appointments.

Town Manager Lacaillade then returned with the figure regarding the Woodbeck\Terrio issue. She indicated the total was \$2090 and that was taxes only through the first billing of 2016. Chairman Fortier asked if that included the previous \$1200; she answered yes. Chris Luurtsema asked historically how interest and fees are handled. TM Lacaillade answered that it is rare that they are abated but the Selectboard has that option at any time. Chairman Fortier asked for the total amount with interest and fees. TM Lacaillade answered \$3,673.14. Chris Luurtsema asked how many years in arrears this was. TM Lacaillade believed the oldest lien was 2009. There was discussion about what the annual taxes are on the property. Chairman Fortier asked if the interest and fees is \$1,500. Attorney Payne commented that the Board was abating the fees and interest for Mr. Boyce looking for a total of \$2090.09 for taxes only. Chris Luurtsema clarified they were proposing to waive the penalty and fees of approximately \$1,600 and that Mr. Terrio will make payments of \$1200 help catch up. Going forward it would be \$100 a month or has that not been decided yet? Chairman Fortier commented that he understood it will be the total bill paid upfront. Terrio indicated yes he plans to, and it would be done before the end of November. Chairman Fortier asked Ms. Woodbeck how long the property had been abandoned. She answered five years. Mike Bonanno made a motion to go ahead with the agreement on the table seconded by Chris Luurtsema. Chairman Fortier asked Attorney Payne if the title would be transferred. Attorney Payne indicated he would draft and record the title. Chairman Fortier reiterated taxes were to be paid in full by the end of November Terrio indicated he should be able to. Attorney Payne noted he would add to the title that the

taxes would be paid. Tom commented normally property is not transferred until all liens are taken care of. Attorney Payne indicated yes that was correct. Chairman Fortier asked if there were any other liens. Attorney Payne indicated he was not aware of any other than the tax lien. Tom commented this could encumber passage of title. Attorney Payne indicated he could draft the document but it cannot be recorded until taxes were paid in full. Darwin Clogston asked wasn't it just recently that there was a request for abatement of penalties and interest that came to the Board and the Board denied it. Town Manager Lacaillade and Chairman Fortier both commented that they could not think of any offhand. Chris Luurtsema believed it was a request to lower fees in lieu of certain documentation proving vacant status. The gentleman cannot produce the documentation. Tom commented situations need to be handled on a case-by-case basis. With no problem discussion the matter at hand was voted in with no opposition motion passed. Mr. Chairman Fortier thanked Mr. Terrio and wished him well. Attorney Payne thanked the Board for their patience.

Comments of the public: None

Town Manager's Report- Town Manager Lacaillade indicated there will be a local meeting after elections regarding the ATV trail and crossing of the trail with easement. Benoit Lamontagne will be setting up the meeting and is insisting that the meeting be held at the Haverhill Town office and they will be asking businesses who are being affected to attend. They want to wait until after election so it's known who to get involved from the federal level. There has been lots of discussion with the State on this issue. She met with Bernie Marvin regarding recycling. Bernie is going to be meeting with Neil Robie again and possibly speaking with Darwin Clogston. Jo indicated she attended Lights On at the middle school, and also attended the Hazardous Mitigation plan first meeting. She also met with Attorney Morgan from Attorney Mitchell's office regarding the tax collector deeds Sandy has been given some work to do on some of the files so she can come to the Board with them. She also met with Laurie Melanson regarding school facilities and sharing of school facilities. The SAU has approached the Town to consider leasing space in the Clifford Memorial building for classrooms. Lori is just now presenting this to her Board so this is in the very initial stages. The SAU is looking to perhaps relocate French Pond School and the King Street School. Lori has blueprints of the Armory and what spaces are there. The SAU Board is considering leasing the space as an alternative to building new facilities. They feel the cost of renovating would be much less. Chris Luurtsema asked if it would impede the use of the building now. Town Manager Lacaillade indicated that has been part of the discussion. Students would be there during the school year so it should not interfere with HARP. She does not think they will have use for the great room so it should also not interfere with renting of the facility for receptions and/or auctions. Town Manager Lacaillade added that if it does turn out they need more space than anticipated the Board will have to weigh the option of that revenue versus other revenue to see what makes sense for the Town. There will definitely need to be some renovations to accommodate bathrooms and egress if it goes further. They will start by meeting with the Fire Marshal and the Life Safety Inspectors. Chris Luurtsema commented that the Board needs to keep in mind if it becomes a school facility it may fall under different jurisdiction for legalities i.e. whether parties etc. involving alcohol can continue. Chris Luurtsema suggested they take that into consideration. Tom commented if a lease was worded for different periods of time in the course of a day it is school grounds after that it is Town property. Chris Luurtsema continued to comment that guns and other issues should be considered before going forward. Town Manager Lacaillade commented that the Board should decide whether this is something they want to look into. Board members indicated interest in continuing the discussion and exploring the possibility. She went on to indicate she has received information from New Hampshire HEAL, which was a study on recreation in the North Country. Results of the first stage were handed out. Notice was also received from the health insurance company indicating that rates could possibly go up 22.5%. She has reached out to Harvard Pilgrim and they

indicated their GMR is only 10%; it does not mean that Harvard Pilgrim rates are lower it just means there increased potential is lower. December 1 is when we can start finding out rates. She also commented that retirement rates are going up 4% as of July 1st. She then indicated this was for the Police Department. Chris Luurtsema commented that mandates are coming down and the rates of raises are not following in the general public he expressed concern about this. Town Manager Lacaillade said that last year the Town switched to a lower plan where there were deductibles, but it was still a very reasonable plan The decision was made not to switch carriers last year because changes were already being made with having deductibles and the Board didn't want to throw changing insurance companies at the employees too. Chairman Fortier asked if adjustments can be made to the health insurance; TM Lacaillade indicated yes. Chairman Fortier went on to ask but there is no way to combat retirement for police. TM Lacaillade responded that that was correct retirement was set by forces outside of the Board. There was more discussion about the retirement rates going up in July.

Pending Old Business- Chairman Fortier brought up 79E which is stimulation for economic growth, consideration for methodology for reduced taxes for perspective businesses. Town Manager Lacaillade has reached out to other Towns with one thing coming through pretty clear-to be sure; have clear instructions on what qualifies, read applications thoroughly and to be sure qualifications are met. Make sure the Board can defend the public good and always have an attorney involved. Chairman Fortier indicated he is hopeful the Board can present something on the Town Warrant. Town Manager Lacaillade agreed she hoped it was possible.

New Business-Highway Privatization Survey Overview-Chris Luurtsema handed out highway survey responses. He indicated the responses were not apples to apples and were subject to interpretation. This was a comparison of other Towns. In total 21 Towns responded including Haverhill. Chris Luurtsema indicated he tried to point out different ratios for more clarity. He included the cost per mile, the ratio paved to gravel roads and the cost per citizen. He found there is a wide range of what Towns budget for. Haverhill's \$1.5 million budget included \$300,000 of capital improvement funds; less miles does not mean less cost per mile. Haverhill falls in the upper to mid pack, they are not the most expensive but not the cheapest either. They are # 15 in the # cost per mile. \$20,954 per mile includes paved and dirt miles. Stuart commented that this was including Woodsville's budget, but not Woodsville's miles. Chris Luurtsema added that if Woodsville was taken out of the scenario it would bring our cost per mile down and put us in between Danville and Fairlee. Darwin Clogston commented that Woodsville should be included in this cost figuring. Chairman Fortier commented that if we budget anything for Woodsville, they become part of it, as they take a percentage. Chris Luurtsema went onto say that the responses indicated that not many Towns have 10 wheelers, and most places are using privatized. Chris Luurtsema was thanked for compiling the information, and the Board members indicated it was a good start to generate what type of variables the Board has. Tom commented if we were to consider privatization we should ask some of these companies were current costs we would be looking at. Howard commented that some construction companies offer plowing in the winter roadside mowing etc. in summer. For example Morrill Construction used to contact at the hospital for plowing.

Howard also commented that shopping for insurance companies was time-consuming and for a small fees there people that you can hire to look into all options, taking it out of the Town Manager's hands. Chris Luurtsema asked if Primex had this available. Town Manager Lacaillade indicated no but she would look into options. She also commented that the Town is with the SAU for health insurance, because we are such a small employer. The Town rates would be much higher over the years if we separated because of the size of our group but we can look at that also.

Mill Street Bridge Project: In 2013 the Department of Historical Resources came to the Heritage Commission about the Mill Street Bridge. There are plans to reconstruct a concrete bridge. There are a number of blocks that support the existing bridge and they want to know what the Board like to do with the blocks. Thoughts were to place them around Railroad Park. Chris Luurtsema asked if maintenance will be ours or Woodsville's. Town Manager Lacaillade indicated the contract states the Woodsville will provide regular maintenance and the Town will own the bridge. DOT is willing to come and talk to the Board. Chris Luurtsema asked if a concrete bridge can be salted. Stuart indicated they are salted every day but it does become a maintenance issue. The bridge would be treated first before salt was applied. Chris Luurtsema asked how long a bridge like this with last. Chairman Fortier commented that's a question that should be asked. Darwin Clogston asked if this was a done deal. Town Manager Lacaillade indicated no, that this is why there is a contract that is a proposal. Darwin Clogston asked if deadheading was an option. Chairman Fortier indicated we do have that option but we have to consider that this bridge does serve Mill Street. Chairman Fortier went on to say he feels there is a need for it and that the school is an advocate for it. Chairman Fortier recommended due to safety reasons the Board have DOT come and talk to them. He also feels because of the railroad it does have historical value. Chris Luurtsema asked if another wooden bridge could be constructed. Stuart indicated he thinks safety equipment across the bridge is an issue. Town Manager Lacaillade indicated the States goal is for construction bids starting in 2018 with 2019 being construction start date. Tom brought Bruce Labs comments up that the bridge was another escape for the school. Howard asked what happens if the Town drags their heels and says they don't want to take it over. Chairman Fortier added this was a question that could be asked.

- **Drug and Alcohol Policy-** Mike Bonanno commented that the Town does have a drug and alcohol policy in place, but that drug testing is not within that policy. Chairman Chairman Fortier asked Mike Bonanno if he felt drug testing of employees should be in place. Mike Bonanno indicated yes, to protect the Town. Mike Bonanno handed out information from the federal DOT. Town Manager Lacaillade indicated she had spoken with someone from Cottage Hospital and there is a proposed contract that could start January 1st for screening. Mike Bonanno explained different tiers for testing. Each tier tests for different drugs. He also stated the federal government recommends that employers test 25% of their employees each year, when they are CDL employees. Chris Luurtsema asked if the Town is prepared for consequences should an employee fail a test. Town Manager Lacaillade indicated this would need to be written in the policy and that she believes counseling would need to be offered. Mike Bonanno added if we don't do it the repercussions are worse. If there's no policy in place the Town is responsible for the death should an employee involved accident occur? Chairman Fortier mentioned that the Board should review in depth the current policy that's in place. Will it be restricted to just CDL drivers? Town manager Lacaillade will check with Chief Charles regarding what with the police force policy is and if it's different. Chairman Fortier commented that all employees should be included as they work for the Town and it should not matter if they drive a Town vehicle or not. He asked for this to be included on the end of November meeting agenda.
- **Local River Sub Committee Appointment-** Dale Lewis has asked to be re-appointed to the committee, and there is an opening. Mike Bonanno made a motion to appoint Dale Lewis to the committee and Tom Friel seconded the motion. With no further discussion the item on the table was voted. Vote was 3 to 2. Both Darwin Clogston and Chris Luurtsema opposed. Tom asked for a better understanding of the rationale behind Darwin Clogston and Chris Luurtsema opposing their vote on Dale Lewis and the subcommittee appointment. Tom commented that Mr. Lewis

had been involved with the sludge issue when Tom was on the Planning Board. Chris Luurtsema commented that he prefers human waste not being spread on soil that's why he felt he wanted to vote no. Howard commented this commission is important for the community. Chairman Fortier suggested reaching out to the member who has been inactive to find out if they are still interested. If they are not interested the Board should look to find another person to appoint. Town Manager Lacaillade indicated she would draft a letter to her.

- **Grafton County-Request for Emergency Evacuation-** TM Lacaillade received a letter dated October 26th concerning should there be an evacuation of the Department of Corrections. The County has indicated their first choice for relocation of the inmates and employees would be the Clifford building, second choice being the Morrill building gymnasium. Town Manager Lacaillade commented this could change if the Board decides to lease to the SAU. Mike Bonanno commented he felt a plan is needed. Town Manager Lacaillade commented that Grafton has asked for suggestions of other areas. Darwin Clogston indicated he has an issue with the use of the Clifford building and asked if Horse Meadow Senior Center had been considered. Chairman Fortier commented there are about 100 inmates not including staff. Darwin Clogston asked if there has ever been an evacuation. Mike Bonanno commented there is a very very slight chance. Town Manager Lacaillade commented she felt this was mostly because a plan is required. Chairman Fortier commented the gym was currently an evacuation spot for the school. Darwin Clogston asked if the old armory was an option. Town Manager Lacaillade indicated there is no heat or bathrooms so that building is out of the question. Darwin Clogston made a motion to approve the Clifford building as the first option with the Morrill building gymnasium being the second option. With five yes votes and no abstentions, the motion passed. Howard commented that a plan before indicated that if the dam broke in an emergency, open the gates and let the cows go. He would like to see this happen again versus people trying to herd cattle into trailers. Chairman Fortier asked Howard if he meant in the Hazard Mitigation Plan. Howard indicated yes. Chairman Fortier commented this would be noted in the meetings about the plan.

Commission Committee Reports- Tom reported that the Recreation Department held their Haunted Happenings event and raised \$1399.00, The next committee meeting will be Wednesday November 1st. Mike Bonanno commented on behalf of the Planning Board that the old master plan has been handed out to Board members and will be discussed at the next meeting. He went onto say that Mountain Lakes has paid \$10,000 for the North Country Council to be involved with their plan, and there are no grants available for that. Mike Bonanno is confident the Board can handle updating their master plan with two years to complete it. Chairman Fortier commented he'd like to see a few more members of the Heritage Commission.

Correspondence- A letter was received from the chairman of the Franklin Northfield Board of Selectmen regarding an informational meeting on November 14th. The meeting will be held at the Franklin Opera House regarding rising taxes and the Board is invited to attend the forum. Chairman Chairman Fortier commented he feels it's important at least one Board member attend. Tom will consider attending the forum but with no commitment yet to go. Chris Luurtsema brought up an email received by Dick Guy from Rick Ladd regarding the impact of stabilization grants going away. It looks like about \$16,000 a year in reduction of stabilization grants. An invitation was received regarding the Pearson Hall and its 200th Bicentennial being held Sunday, November 6th from 2 to 4pm at Alumni Hall in Haverhill. Darwin Clogston brought up the Page Road/River Watershed Council he was curious about the cost figure.

Darwin Clogston thought there was \$95,000 in grant money and \$55,000 from taxation. Town Manager Lacaillade indicated other monies have been included and she would find out more.

Comments of the Town Manager- N/A

Comments of the Selectboard- Mike Bonanno commented that he will be unable to attend the next meeting. Darwin Clogston asked if Tom was able to attend the Franklin information forum could the Selectboard meeting be re-scheduled so that all 5 Board members could be present. Chris Luurtsema suggested keeping the meeting scheduled for its regular night for now as the agenda appears light, and if that changes to reconsider changing the meeting. Darwin Clogston asked if there was overtime included in the highway budget manifest. Town Manager Lacaillade answered that there was, that she knew of a call out for a tree down. Stuart added there was one on paving day and 2 on follow up day with the shouldering of County Road. They also addressed the Brushwood Road issues. Darwin Clogston questioned the Chief Bogie sand, gravel and machinery charges and asked for a breakdown. Stuart indicated each invoice from Bogie notes where the material goes, and went onto say some of the material went to the Page Road project, 40,000 of gravel for crushed product to add to the roads, and that the machines are included for that use because of excess. Stuart also noted we utilized Chiefs grader. Town Manager offered copies of Bogie's bills. Darwin Clogston indicated he would like to see those. Darwin Clogston commented that Charlie Pickering came to see him and Darwin Clogston asked what is happening with that culvert. Chairman Fortier asked if that was the culvert on Back Bay Road. Town Manager indicated it was Back Bay Road, and went onto say that the way that Mr. Pickering would like to do the culvert is not workable because of the length of culvert that would be needed, so the Town is trying to advise better. The Town's attorney and Mr. Pickering's attorney have had discussion about the length of the culvert and how it would cause issues of freezing. TM Lacaillade said that it was discovered last week that the culvert had been plugged by pieces of sod but they do not know who did it. The same thing happened last spring, and TM Lacaillade commented that Mr. Pickering did admit to plugging the Stuart commented that material was dug out of the embankment and placed in the culvert. Chris Luurtsema asked what the benefit of someone doing that. Town Manager Lacaillade responded that it keeps the water from flowing onto Pickering's property. She also said the culvert was there prior to Mr. Pickering purchasing the property. Stuart added that the culvert used to flow to the Mill Pond, and when the Mill Pond was still there it wasn't an issue. Now that it is gone, it's become an issue. Stuart also said that Pickering purchased the property this spring, and came to the Town in an attempt to mitigate the issue of the water running onto his property. At that time the Town's attorney drew up paperwork to obtain an easement to flow water across Pickering's property on another ditch location, but Pickering did not sign the easement. Stuart indicated that he informed Mr. Pickering that he would not move the pipe until an easement was in place. Town Manager Lacaillade commented that a police report has been filed regarding the recent issue with the culvert, but she has not heard from the department yet. She added that if the culvert continues to plug there will be more issues than just water running onto Pickering's property, like the need to rebuild the road. Darwin Clogston commented that his concerns were that Mr. Pickering is trying to clean up the property, and the Board has been discussing RSA 79. We've got someone coming into Pike wanting to clean up the land and it seems the Board should do what we can to work with him. Darwin Clogston went onto say he feels Mr. Pickering is trying to do a good thing. Town Manager Lacaillade commented that the Town had a very workable plan, went out and met with Mr. Pickering, worked up the plan based on what he wanted, and then he changed what he wanted, and he changed what he wanted to something that doesn't work for keeping the culvert unthawed and cleaned out. The distance would be 60-80' long and that cannot be maintained or thawed in the winter should it freeze. Darwin Clogston asked if the culvert would ever freeze. Stuart responded that if there was nothing in it, No. Stuart went onto say that Mr. Pickering's proposal was to change the angle of the pipe

so that it picks up water in the same place, but then flows diagonally under the road for 60-80'. Stuart indicated to Pickering that a 60-80' culvert could not be maintained, and that he could not guarantee that it would stay open. Darwin Clogston asked if the culvert has enough elevation, which he feels it does, how is it possible to have enough water in it to ever freeze. Stuart commented that it's not about an amount of water. Certain times of the year there is so little flow, that what it will do is creep up on top and freeze, plugging the culvert. Town Manager Lacaillade commented that she went with Stuart and met with Mr. Pickering. They understood what Mr. Pickering was asking for, came up with a workable situation to resolve the issue and Pickering was fine with it. The Town has not heard from Mr. Pickering or his attorney recently. Darwin Clogston asked if the culvert currently there doesn't freeze. Stuart indicated that he would not say it doesn't freeze, but that it is a manageable length. Stuart went onto say that he cannot put water from the first culvert to the second culvert without an easement because if he washes out Mr. Pickering's property, it is the Town's fault. He added that water cannot be moved until Mr. Pickering grants an easement giving the Town a place to put it, and he has not given us permission to dump excess water involved with moving the pipes to a different location. Stuart went onto say that we offered that if Mr. Pickering holds us harmless, we will move the water to where he would like it. Darwin Clogston asked if we could reach out to Mr. Pickering. Town Manager Lacaillade indicated that she had sent a message to our attorney today regarding the blocked culvert. Tom asked how many houses are up the road from the culvert. Stuart answered he believed 6, maybe 5. Darwin Clogston commented that he feels if we all could step back away from the lawyers and sit down with Mr. Pickering that would be good. Town Manager Lacaillade commented that they did meet with him before the lawyers got involved. She added that when we wouldn't change the original agreement put in place that is when Mr. Pickering got his lawyer involved. The easement had already been drawn up at that point, and Mr. Pickering had agreed. Darwin Clogston commented that it would behoove us all if it can be straightened out. Stuart commented that the only reason our attorney was involved was to draw up the easement paperwork. Tom commented that once attorneys are involved the Town should not interject, and Mike Bonanno agreed. Chairman Fortier asked Town Manager Lacaillade if we could contact the attorney and ask if any forward movement can be made. Chairman Fortier went onto say that we had an agreement in place once and Mr. Pickering didn't want to sign it. If he has plugged the culvert once, how trustworthy is he? Howard asked what the difference is between Town rules and citizen rules. He commented that if this was his situation and he had a lawyer involved he has the ability to go to the other person and talk it out and call both lawyers off. Chairman Fortier asked what the Boards' desire was on the issue. Darwin Clogston commented that he would like to see the lawyers called off, that it appears Mr. Pickering is attempting to step back, and Darwin Clogston would like to see the same from the Board. Mike Bonanno commented that he'd like us to call the attorney and ask him to step it up. Chris Luurtsema commented that he does not feel the Board should back down or call the attorneys off yet. Chris Luurtsema added that he felt it wouldn't hurt to have Stuart or Jo call and try to discuss with Mr. Pickering and find out what happened. Chris Luurtsema feels that opens up a line of communication and shows the Board is not shutting Mr. Pickering down. Tom would like to have the Town attorney call and set up a meeting with the Board, Mr. Pickering and the attorneys. Chris Luurtsema feels this is too expensive. Chris Luurtsema made a motion for a non-Board member to reach out to Mr. Pickering and revisit the issue. Mike Bonanno seconded the motion. Darwin Clogston asked if the only option is an easement. Stuart commented that dumping water on one's property nowadays does require an easement. He added that laws have changed and become more advanced. In order to protect the Town and not have to rebuild anything, there must be an easement that states the property owner holds the Town harmless. Stuart went onto say that if Mr. Pickering wants to take the water and flow it down a stone lined ditch after it comes out of the culvert, he doesn't have a problem with that, but Pickering doesn't want to incur the expense of changing anything. Darwin Clogston asked if Mr. Pickering was aware that he could run the water down a stone lined ditch. Stuart

indicated yes. A vote was made for the motion of a non-Board member to reach out to Mr. Pickering- with no abstentions the motion passed. Darwin Clogston asked where we were at with Stonecrest. Stuart commented that 40' of new pipe has been re-routed as of this afternoon, and traffic into the development will go over the new culvert. There is a meeting at 8:15 Tuesday morning between Mr. Bogie, Dan Boutin and Bob Fagnant. Stuart went onto say that water should be rerouted and the temporary access in place in a couple of days. Then they can proceed to rip out the other section of pipe and continue with that. Darwin Clogston questioned the rerouting of pipe. He added that we were told pipe wasn't going to be touched. Darwin Clogston expressed concern with the compaction machine being used up there. Town Manager Lacaillade asked Stuart to bring Darwin Clogston's concern of the compaction to Chief's attention. Stuart indicated he would, and that from what he could see they are being diligent about the compacting. Darwin Clogston asked what we've heard from Ron Rhodes. Town Manager Lacaillade indicated to her knowledge he had not been to the site as of yet. Darwin Clogston asked if the Town can get daily reports from the clerk of the works. Lacaillade indicated that he is not there daily. She went onto say that when the Town had a clerk of the works before he was a Town employee, and we told him when we wanted him there. This time he is not our employee. She also mentioned that he was clerk of the works for the Page Road project, but that he was not there every day. Chris Luurtsema asked if notification needed to go to the residents regarding the rerouting of the waterline. Stuart indicated that Dan Boutin is taking care of that. Stuart also commented that he understand the bill from Woodsville Water and Light will go to Mr. Bogie. Mike Bonanno commented that he is not happy with Mr. Bogie. Bogie has been asked for an emergency contingency plan on 2 or more occasions and has yet to provide that. Mike Bonanno asked it be on record that he is not happy with Bogie. Howard commented that it's not easy, as there are so many things that could go wrong. He asked if Bogie was supposed to spell it all out. Mike Bonanno indicated yes, that we asked for it. Chairman Fortier asked TM Lacaillade to remind Bogie again for the need to hand in the contingency plan. Chairman Fortier indicated there was a need for non-public session. Mike Bonanno made a motion per RSA 91A-3 (a), seconded by Tom Friel to enter into non-public session. The Board was polled and all agreed. The Board went into non-public session at 8:50pm.

The Board came out of non-public session at 9:31. No motions were made and no action was taken.

Mike Bonanno made a motion to adjourn; seconded by Chris Luurtsema. Chairman Fortier adjourned the meeting at 9:35 PM.

Minutes transcribed by Sarah Leete.