

STATE OF NEW HAMPSHIRE

GRAFTON, SS.

SUPERIOR COURT

* * * * *

WOODSVILLE FIRE DISTRICT

Civil Action No.
215-2020-CV-00128

v.

TOWN OF HAVERHILL

* * * * *

GLENN ENGLISH

Remote Videoconference Deposition via Zoom
taken by agreement of counsel on Friday,
November 20, 2020, commencing at 10:05 a.m.

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STIPULATIONS

It is agreed that the deposition shall be taken in the first instance in stenotype and when transcribed may be used for all purposes for which depositions are competent under New Hampshire practice.

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It is agreed that if the deposition is not signed within thirty (30) days after submission to counsel, the signature of the deponent is waived.

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I N D E X

Witness:

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1 Q. The first thing is, I'm going to ask you to
2 verbalize your responses. So say, "yes," or "no," or
3 whatever your answer is. Because if you just nod your
4 head or say "uhm-hmm" or "uh-uh," the stenographer has a
5 hard time taking that down. Okay?

6 A. Okay.

7 Q. And if I ask you a question you don't
8 understand, just let me know and I'll try to rephrase
9 the question in a way that you understand it.

10 A. Okay.

11 Q. And I'm going to do my best to let you
12 complete your answer before I start talking again, and
13 I'm going to ask you to please let me finish my question
14 before you start talking because if we talk over each
15 other it makes it difficult.

16 A. Okay.

17 Q. Okay? So can you tell us about your
18 educational background, please?

19 A. Yes. I went to public school system, K
20 through 12. Graduated high school. Went to college at
21 Western Maryland College, Westminster, Maryland, got a
22 bachelor -- liberal arts degree there, Whittier College.
23 Then I went to the University of Maryland for a

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1 two-years master's program. So I am a Master in Public
2 Administration.

3 Q. Okay. And what year did you graduate college?

4 A. '73.

5 Q. And you got your master's degree in what year?

6 A. '75.

7 Q. And did you go to work when you finished your
8 master's degree?

9 A. Yes, I did. I worked -- well, I actually
10 worked through graduate school for a friend of mine who
11 owned a string of restaurants.

12 Q. Uhm-hmm.

13 A. And I worked for him. And then after that I
14 bounced around a little bit. I got a job in Maryland in
15 sales, and then actually migrated to Atlantic City, New
16 Jersey, where I got a job at the local county
17 government.

18 Q. Okay. And what did you do at the county
19 government in Atlantic City?

20 A. I started working for the county executive,
21 who is the chief elected official. I worked on his
22 staff. And then moved through the ranks over fifteen
23 years, primarily dealing with budgets, county budgets.

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1 So I learned a lot about budgeting and finance.

2 And then I became a department head in several
3 of the outlying departments, starting with the health
4 department, which ran the nursing home, food service
5 business, and other things, public health division. And
6 then I went to public works, which is my experience with
7 construction and roads. And then I went to public
8 safety, and one of my responsibilities was the county
9 jail. And that was a pretty good career. That was
10 about fifteen years.

11 Q. What kind of responsibilities did you
12 undertake working for Atlantic City in the various roles
13 you described?

14 A. With Atlantic County, when I got out into the
15 line department, it was part of the chain of command,
16 deputy department head level, then department level. So
17 I was operationally in control of those departments;
18 responsible for departmental budget, for hiring and
19 firing, for running the operation. Operationally. It
20 was the full administrative and operational control of
21 those various departments.

22 Q. You said you were with Atlantic County for
23 fifteen years?

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1 A. Yes.

2 Q. What did you do when you left Atlantic County?

3 A. That's when I came up here and took the job as
4 town manager of Haverhill.

5 Q. And what year was that?

6 A. That was in 1995. I believe I started in
7 early September of '95.

8 Q. And what were your responsibilities as the
9 town manager in Haverhill?

10 A. My responsibilities were in line with RSA 37,
11 which clearly lays out the functions of the town
12 manager, generally. But in our community, which is
13 village-oriented, there's a lot of communication with
14 other levels of government, special-purpose districts,
15 primarily, and a lot of coordination. There's a lot of
16 coordination with county government. So it was internal
17 to a large extent for the RSA, but also external in
18 dealing with outside interests.

19 Q. When you say "special-purpose district," can
20 you explain what that means?

21 A. Yes. Special-purpose districts are a creation
22 of the legislature and allow certain services, public
23 services, traditional public services such as water and

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1 sewer and lights to be done at the village level rather
2 than at the town level. And Haverhill has a number of
3 special districts, I believe five, which is a little bit
4 unusual. But many towns have at least, say, water and
5 sewer department, which is usually a special-purpose
6 village district.

7 Q. What were the five special-purpose districts
8 in Haverhill?

9 A. Well, at the time, Woodsville Water and Light,
10 and the Woodsville Fire District, which were in the same
11 district, but two separate governing bodies, the North
12 Haverhill Water and Light precinct, Haverhill Corner
13 Precinct, Mountain Lakes district. Who am I leaving
14 out? I think that's it. Mountain Lakes district was
15 primarily a recreational district, a lot of recreational
16 homes, and the district administered a recreational
17 program primarily.

18 Q. Okay. So these special-purpose districts,
19 they would have responsibilities assigned to them by
20 state law at some level; is that right?

21 A. Yes, and/or by their voters.

22 Q. All right. So did they have their own
23 governing bodies?

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1 A. Yes. The Woodsville Fire District, there were
2 a set of three fire district commissioners who were
3 elected by their annual meeting who were responsible for
4 the highway department and the fire department. Then
5 there were three other commissioners who were elected by
6 the same voters who were responsible for the water and
7 light operation. And, I'm sorry, the sewer treatment
8 plant was also under the fire district commissioners.
9 Since that time they have been combined, I believe at
10 their last annual meeting, and now there are five
11 commissioners in charge of both functions. That's the
12 most complicated of the district arrangements.

13 The North Haverhill precinct is responsible
14 for their fire department, and the sidewalks in the
15 district, and streetlights. Haverhill Corner is
16 responsible, again, for a fire department. We have
17 three. Haverhill Corner is responsible for a fire
18 department, water and light operation, and that's it.
19 Those are their only functions.

20 And Mountain Lakes district -- well, each of
21 these commissions has three commissioners that are
22 elected at their annual meeting, same with North
23 Haverhill and Haverhill Corner. Mountain Lakes

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1 district, same thing, three commissioners elected at
2 their annual meeting, primarily responsible for running
3 a recreational program within their district.

4 Q. Okay. And in your capacity as the town
5 manager in Haverhill, what was your role with respect to
6 these various special-purpose districts?

7 A. Well, my role was to cooperate wherever we
8 could, to partner wherever we could. In most cases our
9 interests were the same, to serve the taxpayers. And of
10 course all of the taxpayers in the special districts are
11 taxpayers in Haverhill, so they're all the town's
12 constituents and the constituents of these separate
13 districts. There was much in common, much working
14 together.

15 My philosophy, in addition to the formal
16 relationships, my philosophy was partnering with help,
17 especially with people who knew more about the subject
18 matter than I did, which was the case with a lot of the
19 districts. So I would say in my administration it was a
20 cooperative. Not that we didn't have times when on a
21 particular issue their interest would be different from
22 the town's. But that was always able to be resolved
23 between the parties.

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1 Q. Okay. And did the various departments of the
2 town of Haverhill report up through you?

3 A. Yes.

4 Q. Public works, highway department?

5 A. Yes.

6 Q. Police?

7 A. With the exception of the town clerk,
8 obviously, who was directly elected and independent, all
9 other agencies of the town government reported to me.

10 Q. Okay. And then you reported to the board of
11 selectmen?

12 A. Correct.

13 Q. Did you have a contract?

14 A. I did. I had a -- I would call it an
15 open-ended contract. Never had to be renewed. It
16 basically served both entities for the term of my
17 employment.

18 Q. Okay. And what was your role with respect to
19 your relations with the board of selectmen?

20 A. My role was that I was an employee working for
21 them. They are the elected officials of the town. They
22 make policy and, broadly speaking, it was my job to
23 carry out policy.

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1 Q. Uhm-hmm.

2 A. As well as to advise them in their making of
3 policy. So those were the general requirements. The
4 main duties, doing the county budget every year,
5 administrative control of all the departments, and
6 day-to-day operational control of all the departments as
7 well.

8 Q. And the budget-creation process, can you
9 describe to me how the budget-creation process worked
10 for you?

11 A. Yes. Traditionally, the town -- I'll give you
12 a little background. Traditionally, the town used an
13 advisory budget committee. This was not an elected
14 budget committee, it was advisory only. They basically
15 prepared the budget and submitted it to the selectmen.
16 And then the selectmen took it to public hearing and
17 town meeting.

18 When I came along, that had to change. And
19 that took -- that was a little difficult transition. I
20 made it pretty clear -- I made it clear that I intended
21 to follow RSA 37 to the letter. And it's pretty clear
22 in there that the town manager is responsible for
23 proposing a budget, an annual budget of revenues and

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1 expenditures.

2 So, again, that kind of ran against some of
3 the budget committee members. But we worked it out. So
4 what we ended up working out, since the voters voted
5 annually to have the advisory budget committee, that was
6 still an entity, even with the town manager, so
7 basically I sat down with my department heads and
8 others, nonprofit agencies that we gave money to, and
9 various other groups, I prepared a full budget on a
10 format that was acceptable to everybody of revenues and
11 expenditures. That was usually completed by Christmas,
12 right around Christmas.

13 It then went to the advisory budget committee,
14 who met with me and various staff. For instance, when
15 we did the police budget, the police chief was there.
16 And we basically went through that budget document that
17 I proposed in a series of meetings, usually running five
18 or six meetings a year. They were open meetings,
19 obviously, public meetings. The selectmen sat in at
20 times. And then we came up with a -- with a joint
21 budget usually. It usually ended up that we ended up
22 supporting each other. So there were minor changes made
23 on my side, on their side. We usually came out of

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1 that -- I can't remember any year really where we
2 weren't united at the end of the process.

3 And then the budget went to the board of
4 selectmen. Usually by early February we submitted it to
5 the board of selectmen. They discussed it and made
6 changes that they saw fit. We normally voted to support
7 the budget committee and the town manager's
8 recommendations and then that budget went to public
9 hearing. As required by law, the selectmen took public
10 comment at a meeting on that budget, and then the budget
11 went to public hearing after further changes desired by
12 the public and the selectmen, that was the budget that
13 went to town meeting.

14 Q. And how did the various special districts set
15 their budgets?

16 A. Their process, I believe -- and, of course, I
17 am not a direct witness to their proceedings.

18 Q. Your best understanding.

19 A. My best understanding was that they, the three
20 commissioners of each district, put their budget
21 together in cooperation with their departments and
22 entities. They were required as well to go to public
23 hearing. There were no advisory committees to any of

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1 the districts that I'm aware of. So it was basically
2 the commissioners put the budget together, took it to
3 public hearing, and then their annual meeting
4 traditionally was later in March, after town meeting.

5 Q. Okay. So did you have any input into the
6 creation of the various special district budgets?

7 A. If they asked me. If there was information,
8 obviously, that, for instance, a particular district had
9 a revenue line from the town or had an expenditure
10 obligation to the town, I would be working with them to
11 establish those numbers. And if they had any issues,
12 any questions, anything at all I could help them with,
13 in addition to me my financial officer was available for
14 assistance to help them in any way they deemed
15 appropriate. But we weren't really intimately involved
16 in their processes.

17 Q. Okay. Were you the first town manager --

18 A. Yes.

19 Q. -- of Haverhill? Let me just finish my
20 question.

21 A. Yes.

22 Q. Okay. You didn't have a predecessor as town
23 manager?

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1 A. No.

2 Q. And then the -- did you, in your role as town
3 manager, you referred several times to RSA 37. Did you
4 have occasion in your role as town manager to interpret
5 state statutes and regulations?

6 A. In reference to RSA 37 or in general?

7 Q. Anything. Did you have to know statutes in
8 order to do your job?

9 A. Oh, yeah. We were members of the Municipal
10 Association and had almost daily contact with them. If
11 there was an issue that came up, of course in New
12 Hampshire the legislature controls. So local government
13 cannot do anything that is not preauthorized by state
14 legislation.

15 So whenever we proposed, or the board of
16 selectmen proposed a new policy or a change in policy,
17 we cleared it usually through the Municipal Association,
18 and in some cases with our own attorney to make sure it
19 was consistent with state statute.

20 So, yes, I had a lot of involvement with state
21 statutes.

22 Q. Okay. And I heard you say -- I'm sorry. Were
23 you finished?

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1 A. Well, in addition, I was a member of the North
2 Country Council, which is our regional planning
3 commission, in terms of planning and economic
4 development issues. In that role I also had a lot of
5 exposure to legislation. And actually our organization
6 proposed legislation on occasion. So that was a very
7 key component of the job.

8 Q. Okay. And I think you said from time to time
9 you might consult an attorney if you felt like that was
10 necessary?

11 A. Yeah. We had a town attorney on retainer. My
12 philosophy was if you're going to do something
13 questionable, clear it with your attorney first. Don't
14 come to your attorney after you do something and create
15 a problem.

16 Also our liability insurance company, as many
17 of you know who are in administration, they want you to
18 clear almost every decision and every new policy with
19 them, which we did also. We had a very good
20 relationship with our carrier and they had a staff of
21 attorneys to advise us too. So I never felt that I had
22 a problem getting legal help if I really needed it.

23 Q. And who were the town attorneys during the

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1 time you were the town manager?

2 A. For most of the time our attorney was Gary
3 Wood, an independent attorney in Woodsville. We then
4 went to the Thompson agency, I believe.

5 Q. Okay.

6 A. And we were with them when I left.

7 Q. Okay.

8 A. Am I right? Thompson? Walter -- my memory is
9 not great. Walter.

10 Q. Mitchell?

11 A. Mitchell. I'm sorry. Walter Mitchell and
12 company.

13 Q. Okay. Now, in terms of the town reports,
14 every year the town would generate an annual report?

15 A. Uhm-hmm.

16 Q. Is that correct? Were you involved in
17 assembling the town report?

18 A. I was involved in overall direction. That
19 became less and less as my financial officer took more
20 and more responsibility for the report itself. So I was
21 responsible for content, particularly the budget, and my
22 own message, and other contents in the report. But in
23 terms of putting it together, compiling it, getting it

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1 printed, that was primarily my financial officer.

2 And our town report is huge because the
3 precincts and districts also use our report to do their
4 annual reporting. So we had the town's information, all
5 of the districts in town, as well as the nonprofit
6 agencies that we gave money to. So it's a big report.
7 And it's a difficult job to coordinate it and put it
8 together.

9 Q. Who was your financial officer?

10 A. My financial officer for most of my term was
11 Joseph -- Jo Lacillade.

12 Q. That's -- is that a she?

13 A. Female. I'm sorry. Jo Lacillade.

14 Q. So in terms of the mechanics of assembling the
15 document, Jo would take the lead on that, but the
16 content you would be involved in --

17 A. I was a contributor. I mean, we all basically
18 were contributors. The selectmen wrote a letter, I
19 wrote a letter, town clerk. All the departments and
20 agencies and elected officials. So we were all
21 contributors to the report. But I cleared it, the final
22 document, and then Jo took care of putting it together.

23 Q. And when was the annual report generally

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1 published?

2 A. Normally we got it back from the printer in
3 late February, early March. So usually a week or two
4 weeks before town meeting. It was always a squeeze,
5 primarily because of the budget and the date of the
6 budget hearing. The town report could be all ready to
7 go, but if the budget wasn't finalized by the selectmen,
8 that would usually be the holdup. So there were a
9 couple of years where it was tight.

10 Q. What was the town's fiscal year?

11 A. Calendar year.

12 Q. So it's calendar year.

13 A. Yeah.

14 Q. January 1st to December 31st?

15 A. Yep.

16 Q. Now, you mentioned, obviously, now looking
17 back, you had a lot of familiarity with the
18 special-purpose districts of the town, but at the time
19 you first arrived, what did you do to educate yourself
20 as to the various districts and what their
21 responsibilities were?

22 A. I started meeting with them, meeting with the
23 folks. I went to meetings, their meetings, tried to

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1 educate myself quickly. In preparation for applying for
2 the job, I also did a lot of research on the town. I
3 looked at town reports, and I thought this district
4 government was crazy. I said, What is this? It's a
5 town, right? I didn't realize that was a New England
6 tradition when I first applied. So it's true of many
7 other towns. So it took a while to get used to that.

8 But basically my own research, either reading
9 their material in published reports or meeting with the
10 particular commissioners. And I developed relationships
11 with all the commissioners over the years. Some of them
12 developed into friendships as well.

13 Q. Did you go back and read what I'll call the
14 enabling statutes for each of the districts?

15 A. Not thoroughly. I was generally familiar.

16 Q. Okay. And how were the -- strike that.

17 The various special-purpose districts, you
18 said, had their own budgets and things. How was tax
19 money assessed and then paid over to the various
20 districts?

21 A. Well, basically the same as the school
22 district and the county. The tax collector got the
23 information from the various entities, the town ran the

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1 warrant under the signature of the selectmen, which
2 established the tax rate for the town, the county, the
3 school district. Each of the districts. And then we
4 were responsible for compiling that into tax bills and
5 billing it.

6 So the bill you got as a taxpayer is broken
7 down into categories: town, school, county. School is a
8 special district. Then each -- if you live in a
9 particular district you get a district appropriation.
10 So it was clear to the taxpayer through one bill what
11 the various entities were taxing.

12 Q. When the taxpayer paid the bill, even if they
13 were in a special-purpose district, all that money would
14 come through the town of Haverhill?

15 A. Correct. It would come to the tax collector
16 for the town, and then through our books, through the
17 financial operation, we would cut checks to the
18 particular districts, to the school system. And we
19 worked out payment schedules. I think by law the school
20 district can actually ask for it all up front. And it's
21 such a huge amount of money. For cash flow purposes,
22 and to prevent the town from having to borrow to pay
23 over the tax, we worked out a schedule of payments

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1 through the years to the school district and those
2 districts to make sure everybody's tax flow was
3 protected. Ideally, none of us wanted to be borrowing
4 money to cover operations.

5 So we worked out a very good system, a very
6 good system with the school system. Took the pain out
7 of paying over the money. Because, of course, we bill
8 semiannually. So there were periods when we were really
9 tight on cash. People didn't always pay on time. So
10 the burden was on the town to make those payments
11 whether they had the cash on hand or not. So the town
12 would have to borrow money to make those payments. But
13 very rarely did we have large interest expenditures for
14 borrowing money.

15 Q. So the town would basically administer the
16 assessment and collection of taxes for the various
17 districts?

18 A. Yes.

19 Q. And then that money would be sorted into
20 various buckets, I'll call them, and then back to the
21 districts that they belong to?

22 A. Right. And in addition, of course, you know
23 there are several components to setting the tax rate.

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1 Number one is the value of property. The selectmen were
2 also responsible for assessing the value of all property
3 in the town. And so they assess property values. And
4 then, of course, what drove the tax rate was those
5 values and the budget expenditures. That drove the
6 individual tax rates.

7 So that was all decided through DRA. Each
8 district met with DRA, had to comply with DRA's
9 requirements in terms of paperwork and procedures, as we
10 did. We were all separately involved with DRA and
11 meeting their requirements.

12 Q. So DRA would set the final tax rate for each?

13 A. Yes.

14 Q. For the town and each district?

15 A. Correct.

16 Q. And the assessment of property, the assessment
17 of the value of all the property in a given district,
18 who was responsible for that?

19 A. The selectmen were legally responsible, but we
20 obviously had a company that worked for us,
21 professionals that actually did that.

22 Q. And that's a number set by the town or is that
23 set by DRA, the final number for the total valuation

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1 of --

2 A. That's set by the town and cleared through
3 DRA. They have to sign off on it. So the assessed
4 value is a value that is signed off on by DRA. And
5 actually, DRA has investigators that they send out in
6 the towns and they spot-check individual assessments of
7 properties. And we were always in good shape in terms
8 of our professional assessor agreeing with the DRA. We
9 had a really good relationship with DRA.

10 Q. Okay.

11 A. Can I possibly get a drink of water somehow?

12 Q. Yes.

13 A. I'm getting very dry.

14 MR. HAWKINS: We're going to take a brief
15 break. The witness just asked for some water. So can
16 we take two minutes?

17 (Recess.)

18 BY MR. HAWKINS:

19 Q. Okay. So the Woodsville Fire District in
20 particular, what were their -- what was their authority
21 as a district? What was within the scope of their
22 authority?

23 A. As I mentioned, it's different now.

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1 Q. I'm talking about in 1995?

2 A. But at the time, there were two sets of
3 commissioners, the water and light commissioners and
4 fire district commissioners. The fire district
5 commissioners were responsible for the sewer treatment
6 plant, the fire department, and the highway department.
7 They also operated an ambulance service, which is a
8 regional ambulance service that serves towns on both
9 sides of the river, and other functions, minor
10 functions.

11 The water and light department was responsible
12 for the water system and the lighting system.
13 Woodsville is one of the last -- I think there are maybe
14 six left in the state -- municipal light companies that
15 provide streetlights and electricity for the district.
16 So those were the functions of the two entities,
17 political entities.

18 They attended the same annual meeting, which
19 were kind of two sections to the annual meeting, the
20 water and light section and the fire district section.
21 I believe they each had a separate warrant they went
22 through. They elected their commissioners, usually at
23 their annual meeting. One water and light commissioner

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1 and one fire district commissioner were up for election,
2 because they were on a rotating schedule.

3 Q. Okay. And what we're going to focus on is the
4 highway function of the fire district.

5 A. Okay.

6 Q. Okay? So how were the assessments for --
7 strike that question.

8 The town would return a certain amount of
9 money to the fire district every year for highway
10 purposes, is that correct, when you arrived?

11 A. Correct.

12 Q. And how was that amount calculated?

13 A. That amount evolved through a process of the
14 original legislation, state legislation authorizing it.

15 Q. Right now I'm talking about 1995.

16 A. Well, I was going to give you history but I
17 won't do that. In general, it was to return to the
18 Haverhill taxpayers who live in Woodsville a portion of
19 the tax money they paid for highways. Because, in
20 essence, they were paying -- without that, they would be
21 paying for two highway departments, their own and the
22 town highway department.

23 So that relieved the commission -- the

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1 Haverhill taxpayers in Woodsville of paying for the town
2 highway department. And that amount was calculated
3 based on a formula that was roughly 20 percent of the
4 tax value of Woodsville as compared to the town. And
5 there was a formula designed to come up with that
6 calculation, that was since amended by legislation. And
7 that's what we went by. That was the agreed-upon
8 formula.

9 The formula, quote/unquote, was interpreted by
10 a series of memos of understanding between the selectmen
11 representing the town and fire district commissioners
12 representing the fire district. So that's what I went
13 by. That was as clear as it could be, in terms of
14 guidance, that all should function and those numbers
15 should be developed for the budget.

16 Q. Okay. And that system that you just described
17 was in place when you arrived in 1995?

18 A. In essence, yes. Again, it was amended
19 somewhat by legislation introduced by Representative
20 Ladd, which clarified the portion of the money received
21 from the state for highways, to be distributed in the
22 district as well.

23 Q. Right.

Glenn English, 11/20/2020

1 A. So other than that amendment of legislation, I
2 followed the same formula that was basically -- the
3 formula was negotiated in 1990.

4 (English Exhibit 1 marked for identification.)

5 Q. Okay. I'm going to show you what we're going
6 to mark as Exhibit 1. I'm going to put this up on the
7 screen, if I can figure out how to do that.

8 MR. HAWKINS: And I've got a hard copy
9 for the witness. But it's the same document that you
10 have on the screen. Is everybody seeing the document?

11 MR. ASPIRAS: Yes.

12 Q. Take a minute and read through that. There's
13 two pages to it.

14 (Witness reviewed document.)

15 Q. Have you had a chance to read that?

16 A. Yes.

17 Q. And I know this predates your arrival, but
18 have you seen this document before?

19 A. Not specifically, no.

20 Q. I'm just wondering, in your time working for
21 the town, if you had come across this document?

22 A. I may have, but I don't recall seeing it
23 specifically. I know that the district, fire district

Glenn English, 11/20/2020

1 was expanded, the boundaries were expanded, and that
2 there was memoranda of understanding between
3 commissioners and selectmen, which this, I guess, asked
4 the question of the town's attorney at the time, Steve
5 Samaha. But I've not specifically seen this document.

6 Q. Okay. Have you ever spoken with Attorney
7 Samaha?

8 A. I don't think so. He was long gone. The town
9 did retain him, either for this specific or in general
10 but, no, I had no dealings with Samaha.

11 Q. Okay. And in the middle paragraph of the
12 first page there there's a sentence that says, "In the
13 past it's been limited to just the proportionate share
14 of the highway department operating budget."

15 Do you see that? Is that consistent with your
16 understanding of how the formula worked, as you just
17 described it to us?

18 A. Well, I think by the time I came on the scene,
19 the issue was resolved beyond the operating budget to
20 include the capital expenditures.

21 Q. Okay. So it included the operating budget,
22 and then in addition to that --

23 A. Some capital expenditures. For instance,

Glenn English, 11/20/2020

1 other than the grader. The grader was a town grader,
2 but it was used in Woodsville. So the grader was not
3 subject to the highway money calculation. But any other
4 capital equipment, whether you want to call it as part
5 of the operation or not, I think they identify capital
6 as something separate here.

7 Apparently the selectmen had made
8 interpretations over the years that capital equipment
9 was not included, and this was hopefully going to be
10 resolved. The loaders, the trucks, road construction
11 projects, all of that was included in the formulas that
12 I executed.

13 Q. Okay.

14 A. So this was obviously resolved at some point
15 in favor of district, Woodsville district commissioners.

16 Q. In terms of the use of capital expenditures.
17 But the starting point to the proportionate share was
18 the highway department operating budget?

19 A. Right. What happened was capital expenditures
20 were part of our operating budget.

21 Q. Uhm-hmm.

22 A. To the extent that they came from reserve
23 funds or trusts or specific investment vehicles, there

Glenn English, 11/20/2020

1 would be a warranty article authorizing the selectmen to
2 take so much money out of a particular reserve to apply
3 it to purchase of a piece of equipment. So the
4 operating budget is one warrant article, and usually
5 capital purchases were a separate warrant article.

6 So all that was combined to come up with the
7 town highway budget. And then from that, the formula
8 was run. And, again, the only exception that I remember
9 in the 1990 memo of understanding was specifically that
10 the grader and police vehicles were specifically
11 excepted from the formula.

12 Q. Okay. On the second page there's a paragraph
13 that says, "Explanation."

14 A. Uhm-hmm.

15 Q. And then it says, "In other words, the
16 proportion of tax money raised in Woodsville for the
17 maintenance of roads is expended in Woodsville."

18 Is that your understanding of the intent of
19 the formula?

20 A. Correct. The money raised in Woodsville,
21 spent in Woodsville to maintain their system.

22 Q. So this, what we've marked as Exhibit 1, is
23 consistent with your understanding of the way the

Glenn English, 11/20/2020

1 formula worked at the time you started working for the
2 town in '95?

3 A. Yes.

4 Q. I'm going to show you what we're going to mark
5 as Exhibit 2.

6 (English Exhibit 2 marked for identification.)

7 MR. HAWKINS: And if you'll bear with me
8 for a second. Is everybody seeing HB1138?

9 Q. I handed you what we've marked as Exhibit
10 Number 2. Look that over and let me know if you've seen
11 that document before.

12 (Witness reviewed document.)

13 A. Uhm-hmm. Yeah, I'm generally familiar with
14 this.

15 Q. Okay.

16 A. I've seen it before.

17 Q. All right. And this is, it says that it is
18 Chapter 37, HB1138 at the top; correct?

19 A. Yes.

20 Q. Does this reflect the -- the final sentence of
21 it refers to a 20 percent formula?

22 A. Right.

23 Q. Is that the formula that was used to calculate

Glenn English, 11/20/2020

1 the highway funds?

2 A. Yes.

3 Q. Paid over to Woodsville?

4 A. Yes.

5 Q. And to what figure was the 20 percent applied
6 in the budget to arrive at the payment?

7 A. It was applied to the total expenditure of
8 highways, which includes Woodsville, my district highway
9 budget and the town highway budget. And that sounds a
10 little odd. So what it required was the -- of the total
11 monies appropriated for highways, two entities,
12 Woodsville would receive 20 percent of that.

13 Q. Okay.

14 A. Not 20 percent of just the town highway
15 budget, 20 percent of the total budget.

16 Q. Okay. And the purpose of the calculation,
17 again, as you understand it, was to return to Woodsville
18 the money raised for highway purposes?

19 A. Outside of the district.

20 Q. Outside of the district. So that Woodsville
21 would have the money to maintain their highways within
22 Woodsville?

23 A. Correct.

Glenn English, 11/20/2020

1 Q. And the taxpayers outside of Woodsville would
2 not be paying to maintain roads within Woodsville?

3 A. Correct.

4 Q. And Woodsville would not be paying to maintain
5 the highways outside of Woodsville?

6 A. Correct.

7 Q. And that was the purpose, the intent at this
8 time, as you understood it?

9 A. As I understood it, yes.

10 Q. Did anybody ever suggest to you that the
11 20 percent should be applied to a different figure than
12 what you've already described to us?

13 A. Suggested? No. With the exception of another
14 amendment to the legislation, which was introduced by
15 Representative Ladd, which came later, which further
16 defined. This is not the last interpretation on the
17 subject matter.

18 Q. Understood. We're going to get there.

19 A. Okay.

20 Q. We're going to get there. But as of the
21 time -- as of 1995, did anybody suggest to you the way
22 you were -- the way the calculations were being
23 performed was incorrect?

Glenn English, 11/20/2020

1 A. No. There was general agreement on all sides
2 that we're doing it according to the law.

3 Q. Did anybody suggest to you that the payment of
4 the highway funds to Woodsville was voluntary on the
5 part of the town?

6 A. No.

7 Q. Did you consider that it was voluntary on the
8 part of the town?

9 A. No. Required by law.

10 Q. And how did you reach that conclusion?

11 A. My job, and I took an oath, was to abide by
12 the law, state legislation, and state constitution, and
13 as this entire calculation and formula was based on
14 state law, I had no option not to regard it as anything
15 but a mandatory thing.

16 Q. I'm going to show you what we're going to mark
17 as Exhibit Number 3. And before I do, I'll get it on
18 the screen, if I can.

19 (English Exhibit 3 marked for identification.)

20 MR. HAWKINS: Everybody should be seeing
21 the document Bates number WFP000008.

22 A. That looks familiar.

23 Q. And for the record, can you tell us what

Glenn English, 11/20/2020

1 Exhibit 3 is?

2 A. This is what I refer to as one of the memos of
3 understanding between the district commissioners and the
4 selectmen. I believe it has some relationship to that
5 last amendment to Chapter 37. But this is what we went
6 by. I mentioned earlier that the vehicle capital
7 reserve fund is addressed in there. Special projects
8 are addressed in here in keeping with the amendment to
9 the legislation. So I believe this was an
10 interpretation of the -- not only the expansion of the
11 district boundaries, but also the amendment to the
12 legislation.

13 Q. If I can refer you back to Exhibit 2 for just
14 a second. If you look at the bottom, do you see the
15 effective date?

16 A. Right.

17 Q. And what's the effective date?

18 A. May 22nd, 1990.

19 Q. And the Exhibit 3, it doesn't have a specific
20 date but --

21 A. It looks like June of 1990. So that makes
22 sense to follow the amended legislation.

23 Q. Okay.

Glenn English, 11/20/2020

1 A. But this document is what I used in my
2 calculations as well to explain how this whole formula
3 worked, you know, to members of the budget committee or
4 others who were interested who were not completely --

5 Q. So this is a document -- when you were hired
6 in '95, you became familiar with this document?

7 A. Yes.

8 Q. Did you ask anybody why it was necessary to --
9 for the Exhibit 3 to be created or be executed?

10 A. Why would you have a memo of understanding if
11 the legislation was absolutely clear? And I don't know
12 whether -- I don't know the motivation of the entities,
13 whether they didn't trust that the legislation itself
14 was clear enough and they wanted to codify that on their
15 own understanding. I don't see anything in here that
16 differs with the amendment. So I really don't know the
17 motivation.

18 Q. There's a reference in this document, it's in
19 this paragraph number 2 -- strike that.

20 I'm looking at the wrong place. Number 4. It
21 refers to special highway projects. Do you have an
22 understanding of what that means?

23 A. That would be capital projects, road

Glenn English, 11/20/2020

1 reconstruction, probably drainage. Woodsville has a
2 closed drainage system, primarily, so there's a lot of
3 drainage infrastructure. So special projects generally
4 meant paving.

5 Q. And that might be outside the regular
6 operating budget is why it's called special highway
7 projects? I'm just trying to understand.

8 A. Yeah. It wasn't part of the regular capital
9 project in the sense that it was a one-time
10 appropriation, not a regular expense.

11 I see also in here, I want to draw your
12 attention to number 2. This specifically identified, as
13 I said earlier, the grader was not part of the road
14 formula because it was used in the district as well as
15 the town. Annually the town would send the grader up.
16 There were a couple of roads within the fire district
17 that were gravel, weren't all paved, so we would come up
18 and grade them for the district.

19 Q. And when the grader was, I guess, shared
20 between Woodsville and the town, if it had to be used in
21 Woodsville, for example, would it be run by the town's
22 road crew?

23 A. Yes. We would come up and provide the

Glenn English, 11/20/2020

1 equipment, machine, and the man.

2 Q. All right.

3 A. I also would add, just in the interest of
4 clarity, in addition to that formal arrangement there
5 were always cooperation between the district and the
6 town highway departments. For example, at no charge to
7 us, the district would supply trucks to run our winter
8 sand for us. When we set up our sand pile, the town
9 sand, the district would provide drivers and trucks to
10 help us do the sand. So it was a pretty cooperative
11 relationship that way.

12 Q. If it made sense operationally, they would
13 share resources?

14 A. Yeah. Again, in the interest for all the
15 taxpayers in the town. Okay.

16 Q. I'm going to show you what I'm going to mark
17 as Exhibit Number 4. First I'll get it on the screen.

18 (English Exhibit 4 marked for identification.)

19 MR. HAWKINS: Everybody should be seeing
20 the first amendment to the memo of understanding.

21 Q. I'm showing you what we've marked as Exhibit
22 Number 4. Please take a look at that and once you've
23 had a chance to look at it, I'm going to ask you if

Glenn English, 11/20/2020

1 you've seen that document before.

2 (Witness reviewed document.)

3 A. Yes. This is actually the specific document
4 that defined mathematically the formula and how it was
5 to be arrived at. Apparently, there may have been some
6 misconceptions or issues with the amount of money being
7 correct in each year. I don't have direct evidence of
8 that, but I suspect that there was some need for clarity
9 in terms of the actual mathematical formula itself.

10 So this basically -- and it clarified some
11 other things on the previous memorandum, but this really
12 was the first time the formula, per se, was written down
13 and set out. And we used this specifically to calculate
14 the amount of money to be returned to the Woodsville
15 taxpayers.

16 Q. Okay. This document is dated January 1st,
17 [sic] 1995; right?

18 A. Uhm-hmm.

19 Q. Had you been hired at that time or did you
20 come later in the year?

21 A. No, I was hired in December -- I'm sorry -- in
22 August of '95. So this came after I was -- or before I
23 was hired. And also it predates the town manager -- I'm

Glenn English, 11/20/2020

1 sorry. The town manager position was created at the
2 March '94 town meeting. So actually this came after the
3 position was created but before I was hired.

4 Q. Okay. And did you talk to anybody about why
5 this document was created when you were hired?

6 A. Yeah, I talked to the town attorney about it,
7 and basically was told --

8 MR. ASPIRAS: Objection.

9 A. I just said --

10 MR. ASPIRAS: Glenn, stop. Objection to
11 the extent he's going to testify about conversations
12 with legal counsel. That's a privilege held by the
13 municipal corporation.

14 THE WITNESS: Okay.

15 Q. So you can't refer to discussions that you had
16 with the town's attorney.

17 A. Okay.

18 Q. All right?

19 A. Okay.

20 Q. But you had a discussion with the town
21 attorney at some point?

22 A. Yes.

23 Q. Did you talk to anybody other than the town

Glenn English, 11/20/2020

1 attorney about how this document came about?

2 A. The --

3 Q. Referring to Exhibit 4?

4 A. I specifically don't recall, but I may have
5 discussed this document with any of the signatories over
6 time. But I don't remember a specific incident.

7 Q. Okay.

8 A. And this was a document -- this was around.
9 People had it. It was no big secret. I know I
10 discussed it with the budget committee members whenever
11 the budget came up, when we were reviewing the annual
12 budget, because this was integral to justifying the
13 amount of money in the town budget to -- for their own
14 highway department, and also what they would pay back to
15 the Woodsville taxpayers. So I know we discussed it.
16 It was evidentiary material at every budget submission
17 and through the budget process.

18 Q. And did you discuss it with the board of
19 selectmen as well?

20 A. Yes.

21 Q. Now, in the second paragraph of this, it talks
22 about the calculation of tax money to be returned by the
23 Town of Haverhill; right?

Glenn English, 11/20/2020

1 A. Uhm-hmm.

2 Q. And that -- we've talked about this with
3 reference to the previous exhibits. The idea was to
4 return to Woodsville highway department money that was
5 essentially raised on -- assessed on property allocated
6 in Woodsville; correct?

7 A. Yes.

8 Q. And then in paragraph 2A, it refers to a
9 special act. Do you see that?

10 A. Yes.

11 Q. Do you know what that refers to?

12 A. I believe it refers to state legislation.

13 Q. To what --

14 A. The last amendment that we referred to,
15 Exhibit --

16 Q. 2?

17 A. Yeah.

18 Q. And then it says a "special act authorizing
19 and mandating" the payments; correct?

20 A. Uhm-hmm. Yes.

21 Q. And what does mandating mean?

22 A. Mandating means you must do. It must be done.

23 Q. Did anybody on the board of selectmen or the

Glenn English, 11/20/2020

1 budget committee suggest that the payments to
2 Woodsville -- payments of highway funds to Woodsville,
3 according to the formula, was a voluntary act of the
4 town?

5 A. I can't speak for the budget committee. I
6 know the selectmen didn't believe that. There may have
7 been members on the budget committee over the years that
8 did not thoroughly understand all of this background
9 that may have felt that it was voluntary. I know there
10 were a lot of questions. Why did we do it?

11 I went to great pains every budget cycle to
12 explain the legislation and the memos of understanding
13 to the extent that I could. But these are townspeople,
14 you know, that don't have a lot of experience, in some
15 cases, with government. So it was always a tough sell
16 being it's a little bit complicated.

17 Q. Under paragraph 2B there's a long paragraph
18 there.

19 A. Uhm-hmm.

20 Q. I'm just kind of directing you to it.

21 A. Yes.

22 Q. It begins, "The net operating budget of the
23 Town of Haverhill Highway Department --"

Glenn English, 11/20/2020

1 A. Yes.

2 Q. "-- including the budget for the town highway
3 garage, shall be divided by a factor of 80 percent."

4 What does the "net operating budget" refer to?

5 A. The way we applied this was it was the total
6 town highway expenditure taken from the budget. So
7 total expenditures for the town highway department.

8 Q. So the same factor as had been applied
9 previously in calculating the percentage to be returned;
10 correct?

11 A. Yes.

12 Q. And then the next paragraph it gives an
13 example to show, I presume, exactly how the formula is
14 supposed to work; right?

15 A. Right.

16 Q. So in this example the figure of
17 \$359,436 would be the net operating budget that's
18 referenced? That's the basis for the calculation;
19 correct?

20 A. Correct.

21 Q. On the second page it kind of lays the formula
22 out in a little more mathematical type of fashion, but
23 it's the same factor?

Glenn English, 11/20/2020

1 A. Correct.

2 Q. The town highway budget being \$359,436,
3 representing the net operating budget for the Town of
4 Haverhill Highway Department; correct?

5 A. Yes.

6 Q. Did anybody ever suggest to you that the net
7 operating budget meant something different than the
8 budget -- highway budget of the Town of Haverhill as you
9 have described it?

10 A. Well, not under my administration.

11 Q. Okay.

12 A. But I know --

13 Q. I'm talking about under your administration.

14 A. No, not under my administration.

15 Q. So the board of selectmen never said it should
16 be based on a different figure than --

17 A. No, they did not. Not as a board or as
18 individual selectmen.

19 Q. During your administration?

20 A. During my administration. And I must mention
21 the fact, if you do not know, I had two basic
22 administrations. I served as town manager from 1995 to
23 town meeting in March of 2016. I then was asked to come

Glenn English, 11/20/2020

1 back when my predecessor -- my successor quit. So the
2 board of selectmen at the time brought me back as
3 interim town manager for a short period of time, I
4 believe November 2018 to May 2019. And then I was
5 succeeded in that position by the current town manager.

6 Q. Okay. Thank you. That's helpful. I forgot
7 to ask you when you left the position.

8 A. During that interim time I did prepare a
9 budget. It was that cycle of the year. So the major
10 thing I did, in addition to advising the selectmen, was
11 to prepare the budget for that particular year, which I
12 used this, again, I used this formula in terms of
13 highway calculations.

14 Q. Right. And the intent of the calculation,
15 again, is to return to Woodsville the money raised in
16 Woodsville for highway purposes?

17 A. Yeah. And it's important to make the
18 distinction, this is political as well as legal. We
19 were returning money to the Haverhill taxpayers that
20 live in Woodsville because they're Haverhill taxpayers,
21 like any other Haverhill taxpayer, and they were being,
22 without this formula, they would be double-charged for
23 highway expenditures.

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1 So I constantly had to focus people on the
2 fact that these Woodsville taxpayers were not some
3 entity out in the middle of space somewhere, they are
4 Haverhill taxpayers that just happened to live in
5 Woodsville, that own property in Woodsville.

6 So they were our constituents, my
7 constituents, I felt, as well as other town taxpayers.

8 Q. The figure of 20 percent, do you know how that
9 figure was arrived at?

10 A. I believe it comes right from the legislation
11 and it's based on assessed valuation.

12 Q. So if the -- if the assessed value of
13 Haverhill is 20 percent of the total assessed value of
14 the town, then the Haverhill taxpayers who live in
15 Woodsville are just about breaking even in terms of the
16 money they're getting back?

17 A. Correct.

18 Q. And if Woodsville contributes more than
19 20 percent of the total tax revenue, property tax
20 assessed, then 20 percent is not such a great deal for
21 Woodsville, is it?

22 A. That's correct.

23 Q. Because they would be underwriting the highway

Glenn English, 11/20/2020

1 budget for the highway -- they would be underwriting the
2 highway budget for the roads outside of Woodsville --

3 A. That's correct.

4 Q. -- to the extent they exceed -- their property
5 tax contribution exceeds 20 percent?

6 A. Yes.

7 Q. I show you what we're going to mark as
8 Exhibit 5. I'll get it on the screen first.

9 (English Exhibit 5 marked for identification.)

10 Q. Exhibit 5, I'll tell you, I'll represent to
11 you, is pages 7, 26, 27 and 53 from the 1995 town
12 report. If you look at the first page, I think you'll
13 see your name on there.

14 A. Yes.

15 Q. And this would have been published sometime in
16 February or March of 1996 actually; right?

17 A. Yes.

18 Q. I just want to walk through how to read the
19 various accounts, if you turn over to the next page.

20 A. Okay.

21 Q. And does page 26 appear to be what the budget
22 would look like, the kind of form and format that the
23 budget would be presented in?

Glenn English, 11/20/2020

1 A. Yes, exactly. Yes.

2 Q. And then if we look down, we see the highways
3 and streets sort of towards the left-hand side? I'm
4 just pointing it out.

5 A. Right.

6 Q. Right. So we have account numbers associated
7 with highways and streets or road maintenance?

8 A. Yes. And those chart of accounts are
9 consistent with DRA's recommendations.

10 Q. Right. And then it gives you a brief
11 description of what each account is, right, salaries, et
12 cetera?

13 A. Yes.

14 Q. And it shows you the 1994 budget and actual?

15 A. Yes.

16 Q. And then 1995 budget and actual?

17 A. Yes.

18 Q. And then recommended for 1996?

19 A. Right. And I would just note that the
20 recommended figure is the budget that the selectmen were
21 taking to town meeting. So this may not have been the
22 final document.

23 Q. Right. Because town meeting decides what the

Glenn English, 11/20/2020

1 final number is going to be?

2 A. Correct. But I believe in that year, if my
3 memory is right -- that was my first time -- I know the
4 operating budget passed without change. I can't speak
5 for all the separate things.

6 Q. So if we wanted to figure out how -- strike
7 that.

8 In the -- going back to that second page --

9 A. Uhm-hmm, yes.

10 Q. -- you should read about -- I don't know,
11 there's an account 01-4312.20-730.

12 A. Yes.

13 Q. Highway -- "HW" is highway; correct?

14 A. Correct.

15 Q. Road reconstruction, Woodsville?

16 A. Correct.

17 Q. There's a figure of \$103,719.25. Do you see
18 that, for 1995 budget?

19 A. Yes.

20 Q. Can you explain to us how that number was
21 calculated?

22 A. That number was calculated based on the
23 documentation provided in the previous exhibit, the

Glenn English, 11/20/2020

1 first amendment to the memo of understanding, which
2 includes language as well as a mathematical formula.

3 Q. Okay. So you would take the -- turn over to
4 the third page, page 27, there's a total highways and
5 streets number for the budget in 1995?

6 A. Right.

7 Q. \$518,596.25?

8 A. Yes.

9 Q. And so in order to do this right, we would
10 have to back out the number that's been already
11 allocated to Woodsville?

12 A. Correct.

13 Q. Because it's folded in there?

14 A. Correct.

15 Q. And if we do that, we come up with a number.
16 If we take -- I'm going to --

17 MR. HAWKINS: I'm handing the witness a
18 calculator.

19 Q. If we take \$518,596.25, and then back out or
20 subtract 103 --

21 A. Do the minus first?

22 Q. That's what I did.

23 A. What's the number?

Glenn English, 11/20/2020

1 Q. \$103,719.25.

2 A. Equals?

3 Q. Equals.

4 A. \$414,877.

5 Q. And then looking back at Exhibit 4, if you
6 take that number and divide it by 80 percent?

7 A. Divide by 80, and then times .2, that should
8 give us the highway figure. \$103,719 and change.

9 Q. And that's how -- what we just walked through,
10 that shows how the Woodsville highway money was
11 calculated; correct?

12 A. That's correct.

13 Q. And the starting point was the total highways
14 and streets budget, obviously with the Woodsville number
15 backed out of it?

16 A. Correct.

17 Q. And that's how the formula was applied?

18 A. Correct.

19 Q. And that's how the formula was applied for
20 each year during your administration as town manager up
21 until 2008 when the formula changed?

22 A. Yes, that is correct.

23 Q. And if you turn to the last page, page 53?

Glenn English, 11/20/2020

1 A. Uhm-hmm.

2 Q. There's a table at the top of that page. Do
3 you see that?

4 A. Yes.

5 Q. And what information does that table reflect?

6 A. That reflects the assessed value of the town,
7 each district, and the total. And it looks at the
8 previous year and the current year and makes a
9 comparison of any differences. And then below that is
10 the tax rates that were set and projected -- I don't
11 know if there's a projection in here or not, I think
12 it's just the ones that were actually set -- for the
13 town, the school, the county and the various precincts.

14 Q. Okay. And can you determine the percentage of
15 Woodsville, of property located in Woodsville versus the
16 assessed value of the entire town?

17 A. Well, you would divide the value of
18 Woodsville -- I would assume you mean 1995?

19 Q. 1995.

20 A. You would take Woodsville value, \$28,101 --
21 I'm going to leave the cents off to make it easier --
22 divided by the total of \$105,167. Oh, 26.6 percent.
23 How about that number?

Glenn English, 11/20/2020

1 Q. So in 1995 anyway it looks like the 20 percent
2 capped was -- worked to the disadvantage of Woodsville;
3 is that fair to say?

4 A. Correct, that is fair to say.

5 Q. Because it was contributing essentially more
6 money in highway funds than it was getting back?

7 A. Correct.

8 Q. And to that extent it was underwriting the
9 maintenance of highways located outside the Woodsville
10 Fire District?

11 A. That's correct.

12 Q. Turn back for a second to the first amendment
13 to the memorandum of understanding.

14 A. Yes.

15 Q. Which I think we have -- you've got it.

16 The board of selectmen, do you recall which,
17 if any, of these selectmen lived in Woodsville?

18 A. At the time this was signed Mr. Towne --

19 (Court reporter interrupted.)

20 Q. I'm sorry.

21 A. At the time this was signed, Ernest Towne and
22 Michael Graham were the two selectmen that lived in the
23 Woodsville Fire District.

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1 MR. HAWKINS: The gentleman's name is
2 Towne, T-O-W-N-E.

3 COURT REPORTER: Thank you.

4 A. They were also the three selectmen that hired
5 me originally.

6 Q. And did anybody suggest that Mr. Towne and
7 Mr. Graham shouldn't sign or agree to the or should not
8 have signed or agreed to the first amendment because
9 they lived in Woodsville?

10 A. No. I never heard such a concern.

11 Q. Was there a -- did the town have a
12 conflict-of-interest policy when you arrived?

13 A. Oh, boy. You know, to be honest, I don't
14 remember.

15 Q. Okay.

16 A. We generally had -- I know we had a policy and
17 procedure manual. That's a document, and it may have
18 been in reference to conflict of interest. I can't
19 quote you chapter and verse of what it said. That
20 policy and procedure manual was pretty big. But I know
21 there was a policy manual.

22 Q. Leaving aside Woodsville highway money or
23 anything like that, was it -- during the time you were

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1 the town manager, did members of the board of selectmen
2 who were from Woodsville typically recuse themselves
3 from votes that involved Woodsville?

4 A. I can't recall any particular vote of that
5 nature unless it involved expenditure of funds. The
6 only one I can remember that recused themselves, I
7 believe Rick Ladd, when he was a selectman he was also a
8 commissioner in Haverhill Corner, and he may have
9 recused himself on occasion. The two -- none of the
10 selectmen that I served with from Woodsville were
11 commissioners in Woodsville at the time they were
12 selectmen.

13 So I think our general policy that the
14 selectmen went by is if they were wearing another
15 elected hat in the town business, town selectmen, and a
16 district commissioner, that there was a clear conflict
17 of interest on those votes. But, again, Mr. Towne and
18 Mr. Graham did not serve in any political office in
19 Woodsville district.

20 Q. And a selectman might recuse themselves if
21 they had a personal interest of some kind?

22 A. A pecuniary interest as defined in the
23 statute, yes. In terms -- if I may add, in terms of

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1 this document, none of the signatories --

2 Q. You're referring to Exhibit 4?

3 A. Yes. None of the signatories served in a dual
4 capacity, that I recall, ever.

5 Q. Okay. I'm going to show you what we're going
6 to mark as Exhibit Number 6, I believe we're on.

7 (Court reporter interrupted.)

8 MR. HAWKINS: I'm sorry. This document
9 is Bates number WFD20, and it's dated April 1st, 2008.

10 (English Exhibit 6 marked for identification.)

11 Q. So I'm going to represent to you this is a
12 meeting minute of the Woodsville Fire District
13 commissioners. Right down at the bottom there's a
14 reference to a town formation committee.

15 Do you see that?

16 A. Yes.

17 Q. Were you aware in April 2008 that there was a
18 town formation committee?

19 A. I wasn't aware specifically of these
20 individuals on a committee, but I know the district was
21 considering the options of seceding from the plan.

22 Q. Do you know what triggered that discussion?

23 A. I believe it had to do with the inequities in

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1 the road calculation.

2 Q. And what -- what inequities in the road
3 calculation?

4 A. I think the fact that the 20 percent was not
5 working anymore in terms of the actual value of the
6 Woodsville assessed property in comparison to the town.
7 And that needed to be corrected.

8 Q. And was that an issue that had been discussed
9 prior to April 2008, to your knowledge?

10 A. No, not really. I can't remember any specific
11 instances.

12 Q. Okay. Were you concerned that Woodsville was
13 considering --

14 A. Yes.

15 Q. -- forming its own town?

16 A. Yes. Because I, even though I didn't run a
17 strict analysis of the ramifications to the town and the
18 district should that happen, I felt that most of the
19 revenue or an increasing amount of the revenue generated
20 particularly by businesses to support the tax base was
21 occurring in Woodsville. And I felt that it was in the
22 town's interest to retain Woodsville within the town.
23 Even though I didn't run the numbers soup to nuts, I

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1 felt that it would not benefit them to leave either.

2 Q. And did you discuss your concerns with the
3 board of selectmen?

4 A. Yes. I think I sent them something, an
5 analysis of sorts, that I was concerned about it, that
6 we should do an analysis. But even a cursory analysis,
7 that would be bad for the town and the district if this
8 happened. And that we should do something to correct
9 any issues that may be between us.

10 Q. And did you think it was a realistic
11 possibility of Woodsville forming its own town?

12 A. I really didn't know. I didn't know how
13 popular it was with the constituents of the
14 commissioners. I really couldn't gauge that. But I
15 took it seriously.

16 Q. Did the board of selectmen take it seriously,
17 to your understanding?

18 A. I believe they did, yes.

19 Q. I'm going to show you what we're going to mark
20 as Exhibit 7.

21 MR. HAWKINS: And for the record,
22 Exhibit 7, I'll get it on the screen, is Bates number
23 WFD22, dated April 29th, 2008.

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1 (English Exhibit 7 marked for identification.)

2 Q. Take a second and look at that. Just let me
3 know when you've had a chance to read through it.

4 (Witness reviewed document.)

5 A. Yeah. It's the first time I've seen this
6 particular document.

7 Q. Okay. What I was going to ask you is -- and
8 for the record, it says, "Woodsville Town Study Group,
9 First Meeting April 29, 2008." Correct?

10 A. Yes.

11 Q. I was going to ask you, understanding that
12 this is not a Town of Haverhill document, but was the --
13 were you aware that these -- the town study group had
14 actually been formed?

15 A. I was generally aware that the commissioners
16 were looking at the issue of separation.

17 Q. Did any of the commissioners come to you and
18 say, This is our concern and we've decided to pursue
19 this option of forming a new town?

20 A. I can't recall any particular incident,
21 although probably Dick Guy did or maybe Larry Corey.

22 Q. Did you reach out to the commissioners and
23 say, Why are you doing this?

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1 feeling -- and this goes back to the school system as
2 well. At one point the town had two separate school
3 systems, a Woodsville system and a Haverhill system.
4 And over the years, of course, rivalries existed and
5 persisted. So there was always this
6 Woodsville/Haverhill competition.

7 Q. Tension?

8 A. Tension, yeah.

9 Q. Okay. Let me show you what we're marking as
10 Exhibit Number 8, if I can find it. There it is.

11 MR. HAWKINS: For the record,
12 Exhibit 8 is Bates number WFD23. It is dated May 11th,
13 2008. It's a letter from Roderick Ladd, L-A-D-D,
14 addressed to the Board of Commissioners of the
15 Woodsville Fire District.

16 (English Exhibit 8 marked for identification.)

17 Q. Is that correct?

18 A. Yes.

19 Q. And have you seen this document before?

20 A. Yes.

21 Q. And did you play a role in creating this
22 document?

23 A. I probably did. I may have drafted it. Rick

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1 and I worked pretty closely together. I'm sure he
2 discussed it with me.

3 Q. There's a reference in the very first
4 paragraph to a meeting held on April 22nd, with the
5 commissioners and the selectboard.

6 Do you see that?

7 A. Uhm-hmm.

8 Q. Did you, yourself, attend a meeting on that
9 date?

10 A. I'm sure I was there if I was in town.

11 Q. Do you remember anything about the meeting?

12 A. I don't. I'm sorry. It was a long time ago.
13 I can't remember specifics. Although I do remember
14 having a meeting about that subject and I'm assuming it
15 was on that date.

16 Q. And it looks like in the first paragraph a
17 topic of discussion was the appropriate level of funding
18 for roads and streets in Woodsville; correct?

19 A. Uhm-hmm.

20 Q. Was that the only issue that the commissioners
21 were concerned about at this time, to your best memory?

22 A. To the best of my knowledge, yes, but it
23 refers to a fact-finding committee, which I assume is

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1 congruous with this Woodsville Town Study Group,
2 although I may be wrong. I'm assuming that they're the
3 same group. And the subject is part of this analysis
4 that they were doing, which included welfare
5 expenditures.

6 Q. So if there was a meeting on April 22nd
7 between the commissioners and selectboard, it suggests
8 there had been some communication between the town and
9 the district prior to that point --

10 A. Yes. Yeah.

11 Q. -- about the highway, about the road-funding
12 issues?

13 A. Yes.

14 Q. In the last paragraph there's a reference to
15 the selectboard directing the town manager, which was
16 you, to develop an in-depth financial report?

17 A. Right.

18 Q. And did you prepare a financial report in
19 connection with this?

20 A. I'm sure I did, yes.

21 Q. Did you prepare more than one?

22 A. I may have. But this was consistent with the
23 way we did business.

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1 Q. Can you explain what you mean by that?

2 A. That -- selectmen relied on me for information
3 and were hesitant to fact-find during a meeting. They
4 liked to be fully briefed by myself in a public setting
5 or with a memorandum identifying the key facts before
6 making a decision. So this would be consistent.

7 Q. To your best memory, was the sense of the
8 board of selectmen at this point to just let Woodsville
9 go ahead and try to form its own town?

10 A. No, not at all. I don't think that was their
11 view at all. It certainly wasn't my view.

12 Q. So what was their view, the board of
13 selectmen's view?

14 A. I think their view was, in light of this
15 evidence, if there were issues that could resolve, let's
16 resolve, talk to each other and do some common
17 fact-finding and see what we could do to resolve
18 people's concerns. Which was consistent with the way we
19 did business. And Rick being an elected official
20 understood constituent obligations and certainly
21 realized, as did the others, that folks that lived in
22 Woodsville were their constituents as well as people in
23 the rest of the town.

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1 Q. I show you what we're going to mark as Exhibit
2 Number 9.

3 MR. HAWKINS: For the record, these are
4 minutes of Haverhill selectboard regular meeting dated
5 May 12th, and Bates numbered Town of Haverhill 163.

6 (English Exhibit 9 marked for identification.)

7 Q. I'm showing you what we've marked as
8 Exhibit 9. You're free to read the whole thing if you
9 want to, but I want to ask you --

10 A. It looks like a standard copy of minutes.

11 Q. What I'm going to ask you about is at the
12 bottom of the second page.

13 (Witness reviewed document.)

14 Q. Where it discusses selectboard goals, do you
15 see that?

16 A. Uhm-hmm.

17 Q. And these minutes are from the day after the
18 letter that is Exhibit 8; correct?

19 A. Yep.

20 Q. And did these minutes appear to reflect that
21 Chairman Ladd gave a copy of the letter, and is it fair
22 to say it's the same letter that we have marked as
23 Exhibit 8 that he's referencing?

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1 A. Yes.

2 Q. And the board appears to have unanimously
3 approved sending that letter to the commissioners?

4 A. Yes.

5 Q. The chronology is a little bit off because
6 they approved sending a letter the day after it was
7 dated, but that's what they did. So dealing with the
8 possible secession of Woodsville was a goal of the board
9 of selectmen as of May of 2008?

10 A. Yes.

11 Q. All right. And you testified that they were
12 generally looking for ways to see if they could resolve
13 the issue with Woodsville?

14 A. Yes.

15 Q. They were interested in having discussions
16 about trying to resolve the issues?

17 A. Yes.

18 Q. And the issues being what Woodsville perceived
19 as the inequities or fairness of the way the 20 percent
20 formula was being applied to them?

21 A. Yes.

22 Q. Because, as we saw in the 1995, for example,
23 town report, Woodsville was contributing more highway

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1 funds than it was getting back?

2 A. Yes.

3 Q. We can go through all the town reports and
4 confirm that, but that's generally your understanding of
5 what was happening; is that correct?

6 A. Correct.

7 Q. From your memory, were there further informal
8 communications between you and the commissioners about
9 this issue after May?

10 A. I'm sure there were, but I can't recall any
11 specifics.

12 Q. Okay. That's fair. I think we're on
13 Exhibit 10.

14 A. I mean, I communicated with the district
15 commissioners on a regular basis.

16 Q. Right.

17 A. And I assume the subject came up in those
18 regular communications. And I did that with all the
19 districts, so I was always talking to them.

20 Q. Okay. Let me show you what we're going to
21 mark as Exhibit 10.

22 (English Exhibit 10 marked for identification.)

23 Q. These are Haverhill selectboard meeting

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1 minutes, July 21st, 2008, Bates number Town of Haverhill
2 189. Correct?

3 A. Yep. Yes.

4 Q. I'm just trying to build the whole chronology
5 here. If you turn over to the second page under "New
6 Business," there's an item to set a date to meet with
7 the Woodsville commissioners?

8 A. Yes.

9 Q. And what was the purpose of that meeting?

10 A. Well, based on the date and the timing, I
11 would assume it was to follow up further discussions
12 about the possible separation of Woodsville from the
13 town.

14 Q. Was there any specific proposals about how to
15 change the formula in this July 2008 time frame, any
16 specific approvals been developed by either the
17 commissioners or the board of selectmen?

18 A. I don't recall.

19 Q. I'm just wondering if you have any
20 recollection that there was some kind of specific ideas
21 flowing around at that time or was it just, Let's sit
22 down and talk about this?

23 A. I think, if I recall, the only thing that was

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1 discussed or the only specific I can recall was the
2 formula, and the 20 percent figure just didn't work over
3 the past couple of years' analysis. And it seemed that
4 the Woodsville portion of the tax base was growing,
5 basically, year to year in relation to the rest of the
6 town. And this was an issue that needed to be
7 addressed.

8 Q. Do you know if the district was continuing to
9 pursue -- continuing to investigate separating off as a
10 separate town from the town of Haverhill in this July
11 time frame?

12 A. Whether they were still considering?

13 Q. Yes.

14 A. I don't recall. They may have.

15 Q. All right.

16 A. Again, I didn't participate with them directly
17 in any of their meetings about secession other than
18 occasional conversation. So I can't tell you what they
19 thought and when.

20 Q. Okay. That's fair.

21 I just wasn't sure -- were you following that
22 discussion at all? Were you making efforts to find out
23 what the status of their investigation was?

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1 A. I don't think actively. I think I recognized
2 it as a legitimate exercise that they were going
3 through. Again, I would be available -- my general
4 policy was if people wanted information or my opinion I
5 was always available.

6 Q. Let me show you what we're going to mark as
7 Exhibit 11.

8 MR. HAWKINS: And for the record,
9 Exhibit 11 is Haverhill Selectboard Meeting Minutes
10 dated August 18th, 2008, Bates number Town of Haverhill
11 200.

12 (English Exhibit 11 marked for identification.)

13 Q. Turn to the second page. There's a reference
14 to, "Woodsville Information for meeting with Precinct
15 Commissioners."

16 Do you see that?

17 A. Yes.

18 Q. Take a minute and read through that paragraph.

19 (Witness reviewed document.)

20 A. Well, it seems to confirm what we just
21 discussed.

22 Q. Okay. In the middle of the paragraph it talks
23 about current use and property value determination,

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1 expense distribution for all areas of the town and the
2 road money distribution. Do you see what I'm referring
3 to?

4 A. Yes.

5 Q. What is the significance of the current use
6 and property value determination in the context of this
7 discussion about the Woodsville road money?

8 A. Well, I believe most of the current-use
9 properties were outside of the Woodsville Fire District.
10 So their tax burden was discounted for that purpose,
11 which kind of stuck in the craw of the people that lived
12 in Woodsville, that they were bearing -- that the
13 ability of the legislature to enact current use didn't
14 particularly help those taxpayers who didn't have land
15 in current use.

16 They, in essence, were subsidizing this tax
17 break for property owners who had land in current use.
18 That would have affected Woodsville more than any other
19 district in the town because, just from my memory, I
20 can't think of many properties in the Woodsville Fire
21 District that qualified for current use. That's a
22 documented fact, so it can be determined. But I don't
23 recall many or any.

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1 Q. And how was this, the concern about the
2 current use that you just described, how was that
3 introduced into the discussion? Is that an issue --

4 A. I don't remember whether it was something else
5 that was thrown in or --

6 Q. I was going to ask if that was a concern that
7 the commissioners raised?

8 A. I assume it was.

9 Q. Okay. And then "expense distribution for all
10 areas of the town," what's the significance of that to
11 this discussion about the Woodsville road money?

12 A. Well, expense distribution for all areas of
13 the town would relate to what I just said, that all
14 areas of the town contributed to the tax base. And to
15 the extent this was part of the current-use discussion,
16 the current use created a new measure of that value, and
17 what different parts of the town brought to the table in
18 terms of tax revenue.

19 Obviously, the more rural parts of the town
20 with the largest parcels contributed less to the tax
21 base. Those property owners contributed less,
22 relatively, to the tax base than those living on
23 residential properties, primarily residential and

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1 business properties.

2 Q. On the other hand, somebody who lives on a
3 large rural parcel may have very little municipal
4 expense expended on them, make a lesser demand on
5 services?

6 A. Not necessarily. I mean, we provided police
7 service town-wide. Crime happened on all types of
8 properties. We provided fire protection with the three
9 fire departments town-wide. The threat of fire is as
10 serious to a farm as any other structure. We provided
11 highway services. Most of those farms, current-use
12 properties, were off of town roads which were dirt roads
13 that had to be maintained.

14 So I would argue that those people received
15 town services in proportion to their need, which was
16 considerable.

17 Q. Okay. And, of course, the road money
18 distribution was the entire topic of the discussion,
19 looking back at the third item here?

20 A. Yes.

21 Q. And then it says that you gave an overview of
22 when and why the separate road department in Woodsville
23 was started and the funding for that department. Can

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1 you describe for us what that overview was?

2 A. Yeah. I mean, I probably went back to the
3 beginning. Of course, it wasn't anything I developed,
4 it was what I'd been told and what I read, that over the
5 evolution of time the Village of Woodsville developed
6 from a rural part of town into a more developed part of
7 town with paved streets and sidewalks, and a lot of that
8 infrastructure was probably built by the railroad,
9 because it was a railroad town.

10 And that the people who lived in the
11 Woodsville district wanted more from their highway
12 department than a dirt road and see a grader every once
13 in a while. So they decided at some point to form their
14 own highway department so they would get more direct
15 services to their particular needs for highways. Which,
16 again, is a rambling recollection of my interpretation
17 of history which has no legal basis.

18 Q. Well, all we can ask for is your best
19 understanding.

20 A. Yeah.

21 Q. So that's all we're asking for.

22 A. Because I was asked the question many times by
23 people who lived outside of the district, Why are we

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1 doing this? Why are we giving them money? So I'm sure
2 I recited and recalled that history many times.

3 Q. Okay. All right. And then the conclusion of
4 this discussion, it appears from this August 2008
5 meeting, is placing the item on the agenda for further
6 discussion? You were going to come back and keep
7 talking about it; right?

8 A. Yes.

9 Q. And it looks like there's a plan to have
10 another meeting with the precinct commissioners?

11 A. Yes.

12 THE WITNESS: At your convenience, I
13 don't want to interrupt your train of thought, whenever
14 you can break, I need a bathroom break and water. But
15 it doesn't have to be right now.

16 MR. HAWKINS: Let's do it now. Can we
17 take five minutes for a bathroom break? Agreeable?

18 MR. ASPIRAS: Yep.

19 MR. HAWKINS: Okay. Thank you.

20 (Recess.)

21 (English Exhibit 12 marked for identification.)

22 MR. HAWKINS: Back on the record.

23

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1 BY MR. HAWKINS:

2 Q. Mr. English, I'm showing you what we've marked
3 as Exhibit 12.

4 MR. HAWKINS: And for the record, it
5 says, "Revised 9/2/08," and it's Bates number WFD25.

6 Q. Take a look at that, and when you've had a
7 chance to look at it, my question is going to be do you
8 recognize that document?

9 (Witness reviewed document.)

10 A. This looks like my work.

11 Q. Would you turn to the very last page, and
12 right down at the very bottom of the last page?

13 A. I do have a concern though. On the second
14 page --

15 Q. Yes, sir?

16 A. I see a line drawn.

17 Q. Yep.

18 A. Is that part of the original document or has
19 something been substituted in here and photocopied?

20 Q. This is the document as I received it.

21 A. Okay. So the line was there.

22 Q. As I received it the line was there. Whether
23 it's in the original, what you call the original, I do

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1 not know.

2 A. Okay. I'm just curious.

3 Q. Okay.

4 A. Okay. Third page, you said?

5 Q. The final page.

6 A. Final page, yes.

7 Q. Way down at the bottom.

8 A. Yes.

9 Q. It says "GE."

10 A. Yes.

11 Q. Is that you?

12 A. That's me.

13 Q. Okay. And is Exhibit 12 a document that you
14 prepared?

15 A. Yes.

16 Q. Can you tell us what the purpose of this
17 document was?

18 A. I think it was prepared in preparation of the
19 meeting between the selectmen and the fire district
20 commissioners, and the subject of what we've been
21 talking about in terms of separation of the village of
22 Woodsville from the town and, more specifically, the
23 distribution of highway funds.

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1 Q. Okay.

2 A. It looks like a very well done document, if I
3 may brag a little bit. But I did this on a regular
4 basis. I mean, my job -- a lot of my job involved
5 gathering information, analyzing information, providing
6 it to the selectmen in a report or a memo or some
7 document. So this is exactly what I would have done and
8 should have done in this situation.

9 Q. You remember one of our exhibits was a letter,
10 Exhibit 8, was Rick Ladd's letter?

11 A. Yes.

12 Q. And that talked about directing you to do an
13 in-depth financial report?

14 A. Yes.

15 Q. Is that what this document is?

16 A. Well, I mean, "in-depth" is subjective. I
17 don't know how in-depth it is. I don't know how
18 thorough it is. I'm sure more work could have been
19 done. But I think it's probably the best I did at the
20 time based on the information that I had.

21 Q. I'm really just saying this is --

22 A. That's what he referred to.

23 Q. This is what he was referring to. And was

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1 there any other analysis done aside from what's
2 reflected by you?

3 A. According to this --

4 Q. Let me just finish the question. Other than
5 what's reflected in Exhibit 12?

6 A. Could have been subsequent to this. I don't
7 know. There might have been something done after the
8 meeting between the board and the selectmen. I don't
9 know.

10 Q. Right on the first page it talks about
11 "Sources"?

12 A. Yes.

13 Q. And is that information that you reviewed in
14 order to prepare this document?

15 A. Yes.

16 Q. And then under "Authority" you quote what
17 appears to be the -- we can look at it. It appears to
18 be the last sentence of House Bill 1138. I'm putting
19 Exhibit 2 -- taking my sticky notes off it?

20 A. It would have been the last amendment or the
21 original?

22 Q. This is the statute.

23 A. Okay. Yes.

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1 Q. The law.

2 A. Yes.

3 Q. So you referenced that when you were preparing
4 this memo?

5 A. Yes.

6 Q. That being what we marked as Exhibit 2?

7 A. Yes. A direct quote out of the legislature.

8 Q. The next paragraph says "Interpretation"?

9 A. Yes.

10 Q. And that is -- explain what that
11 interpretation is based on?

12 A. Again, it's based on a reading of the statute
13 that the 20 percent so-called figure was in need of
14 interpretation, and that the 20 percent figure was the
15 best number that could be -- that the legislature could
16 come up with at the time to attribute to the Woodsville
17 tax base.

18 Q. Okay.

19 A. It wasn't a very clear answer, but 20 percent
20 was the issue. And the fact that -- and my analysis
21 showed, I believe, that the actual amount attributable
22 to the district's percentage of assessed value in 2007
23 was 26 percent, and I don't know that I looked at any

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1 other years. I may have, but I don't see it here.

2 Q. Okay. And then the next paragraph talks about
3 "Implementation." Do you see that?

4 A. Yes.

5 Q. And it talks about the formula that was in
6 place at that time for the 80 percent share of the town,
7 and it says, "Town Highway Budget"?

8 A. Right.

9 Q. And "Town Highway Budget" is the figure that
10 you described previously that was used as the basis for
11 the 80 percent calculation?

12 A. Yes.

13 Q. It hadn't changed between 1995 and 2008; it
14 wasn't calculated on any other basis than the basis
15 you've already described to us as being the town -- the
16 town highway budget?

17 A. Right. But I think the town highway budget
18 was clarified to include road projects and capital
19 equipment.

20 Q. Right. In the --

21 A. An amendment to the legislation.

22 Q. To the legislation or to the first amendment
23 to the --

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1 A. Well, there was the legislation issue that
2 guided it, and then there was another agreement between
3 the district and the town.

4 Q. And we've talked about that. That's the first
5 amendment to the MOU?

6 A. Right.

7 Q. The first memorandum of understanding, and
8 then the amendment to the memorandum of understanding?

9 A. That had nothing to do with the formula. That
10 just identified more clearly --

11 Q. The basis?

12 A. -- what the basis of the formula was,
13 operational as well as capital.

14 Q. Right. Thank you.

15 And the last sentence of the "Implementation"
16 paragraph expresses, and we've talked about this a few
17 times, the intent was to reimburse a portion of the
18 taxes paid by the town taxpayers who live in Woodsville,
19 thereby relieving them from paying for two highway
20 departments; correct?

21 A. Yes.

22 Q. And that was the intent all along of the
23 formula?

Glenn English, 11/20/2020

1 A. Yes. As best I can say now.

2 Q. If we turn the page over there's a calculation
3 of the amount which essentially reflects the calculation
4 that was part of the first amendment to the MOU; right?

5 A. Yes.

6 Q. And then there's a paragraph there that --
7 called "Analysis." Can you explain what information
8 you're trying to push across in the Analysis paragraph?

9 A. Well, I think I'm saying that in 2007 the
10 actual value of property attributable within the
11 Woodsville Fire District was 26 percent. This was
12 documented by the town MS1 which is the standard
13 document that all towns use to report such information
14 to the DRA.

15 Yeah. And I'm saying that if the percentage
16 amount was updated, based on changes in valuation, that
17 that would be a more accurate portrayal of what was due
18 to the Haverhill taxpayers that live in Woodsville
19 rather than the static 20 percent.

20 So that's a kind of a nudge that we need to
21 look at this, guys, and maybe make some changes.

22 Q. You use the word "congruent." Right? Do you
23 see the word "congruent" there?

Glenn English, 11/20/2020

1 A. Yeah.

2 Q. Can you explain what you --

3 A. I was trying to impress the selectmen that I
4 was a brilliant person. I think that if you look at
5 balance, the amount reimbursed and the value brought to
6 the table, we're out of whack and it may become
7 congruent, require a change.

8 Q. So "congruent" meaning more consistent with --

9 A. I used congruent, but I understand what you're
10 saying.

11 Q. Okay. All right.

12 A. Yes. It would be a better -- it just would be
13 a more accurate formula that would accomplish the goal
14 of the idea. Do you follow me?

15 Q. Yes. And if the -- based on the valuations of
16 Woodsville relative to the value of the rest of the
17 town, the assessed value, as it was at the time, in
18 excess of 20 percent, the net result would be more money
19 going to Woodsville than had been going under the
20 previous formula; is that fair to say?

21 A. Yeah. And I -- I don't know why they settled
22 on a static number at the time. It was not very smart.
23 You define smart. I would have based it, and I think

Glenn English, 11/20/2020

1 subsequent revision --

2 (Court reporter interrupted.)

3 A. I'm rambling. I'm sorry. My main point was I
4 don't know why the original participants in this
5 agreement settled on a static value of 20 percent.

6 Q. And your thought in the Analysis section here
7 would be to have the value -- have the percentage
8 updated annually, based on calculation of Woodsville's
9 assessed value relative to the tax-assessed value of the
10 town as a whole; correct?

11 A. Yes. Two reasons. Number 1, it should float
12 with change in values and change in numbers. And,
13 number 2, these are all documented. This information
14 comes from official documents that can be supported
15 legally. So it was very important to me to not just
16 pull some 20 percent number out of the air. And why
17 they did that, I don't know. But we're now relying on
18 documented independent information that is valid and
19 that changes over time.

20 Q. Right. And if Woodsville's -- if the taxable
21 value of property of Woodsville remains above
22 20 percent, then the net impact of letting the
23 percentage float, as you say, would be an increase in

Glenn English, 11/20/2020

1 the amount of money going to Woodsville; is that fair to
2 say?

3 A. Right.

4 Q. That's also what Woodsville was looking for?

5 A. And there's a related issue of who assesses
6 the value of property. That is and was and remains a
7 town function, not a district function.

8 Q. And the district's concern, and the reason why
9 they were exploring forming a new town was because they
10 wanted to have more money coming back to them; correct?

11 A. Uhm-hmm, yes, based on documented information.

12 Q. That's what they were looking for; correct?

13 A. Yes.

14 Q. And then if I understand it right, and you
15 correct me if I'm wrong, this sort of balance of the
16 memo is discussing what are the potential impacts?

17 A. Right.

18 Q. If Woodsville goes its own way, where does
19 that leave us? Is that a fair --

20 A. Yes.

21 Q. -- of what they're trying to do here?

22 A. You know, to me, it's a fairly cursory review.
23 I mean, it's not an exhaustive study.

Glenn English, 11/20/2020

1 Q. Uhm-hmm.

2 A. I think time was of the essence at the time,
3 so I did the best I could with what I had.

4 Q. Okay. And what conclusions did you reach
5 about the potential impact if Woodsville formed its own
6 town?

7 A. Well, I think what I came up with was that it
8 affected different departments in different ways. I
9 looked at police. I projected a decrease in police cost
10 to the town should there be a split based on case
11 activity in Woodsville of 60 percent of the total. And
12 again, that's another number that varies. That
13 60 percent is not a solid number.

14 I talked about animal control being a
15 significant service and a savings there. I talked about
16 welfare, and that was brought up by others as a large
17 cost attributed to the Woodsville section of town.

18 We could argue about the numbers. They're
19 only one particular year. They change. The town
20 manager, what would happen to the town manager, if
21 anything.

22 So I raised as many issues I could think of at
23 the time that could be affected by this split. I guess

Glenn English, 11/20/2020

1 I came up with a number of \$707,000 of expenditure
2 reduction for the town. And then I projected a revenue
3 loss of 669. So it would have been to the town's
4 advantage to split, taking a quick and dirty look at it.

5 Q. Uhm-hmm.

6 A. Not by much though. Pretty even. You know, I
7 think I came up with a savings of 707,000, and a
8 reduction in revenue from Woodsville of 669.

9 Q. And then I'm pointing you to the paragraph at
10 the top of the page Bates numbered 28?

11 A. Well, that's a number that we didn't have at
12 the time, and I don't know whether it would affect
13 education. It is a cooperative school district,
14 including the former Haverhill and Woodsville districts.
15 So whether this split would affect the taxpayers in
16 either portion of the town, that analysis has not been
17 done.

18 Q. Right. And then there's a discussion in the
19 first big paragraph at the top of the page there,
20 page 28, about future trends.

21 A. Yeah, like development based on my -- at the
22 time, I would have been -- what, this was 2008. I would
23 have been thirteen years into the job, had some

Glenn English, 11/20/2020

1 experience. It looks like the numbers were running in
2 that direction, that Woodsville was increasing faster
3 than the rest of the town.

4 Q. In terms of taxable value, you mean?

5 A. Yes, yes. Primarily because that's where the
6 commercial growth was occurring. And this was before
7 Wal-Mart. So there would have been a huge jump with the
8 addition of Wal-Mart.

9 Q. Right. And then there's a discussion under
10 the paragraph called, "Haverhill Business Park"?

11 A. Yes.

12 Q. What's the significance of the Haverhill
13 Business Park to this analysis?

14 A. Well, I think that related to the agreement --
15 allocation of sewerage. Of course, Woodsville Fire
16 District operates a sewer plant. We were sending
17 additional service to them. We were limited to
18 25,000 gallons per day based on the load that they
19 already had and their capacity to handle additional
20 flow.

21 And the commissioners felt, as did the
22 selectmen, that increasing the tax base in the business
23 park helped all the town, including those who lived in

Glenn English, 11/20/2020

1 Woodsville. An increase in value generally in the town
2 helped everybody else. That argument evaporates if
3 Woodsville becomes a separate town. I believe that if
4 we tried to negotiate more sewer allocation with a
5 separate town of Woodsville, it would cost the town
6 significant money.

7 So, yeah, I think even though the fire
8 district was separate from the town in terms of
9 sewerage, they were treating us not just like another
10 town. They were treating us as our town and that we had
11 common interests. And this is an example of common
12 interests in the town and the district, to build this
13 business park.

14 Now, the idea of the business park predates
15 me. It started with discussions between the North
16 Haverhill precinct and the Woodsville precinct, and the
17 selectmen. When I was hired, part of my job was to get
18 it done, actually build the park. But the idea of the
19 value of the park to the whole town predates me.

20 Q. Okay. So if I understand it, the concern was
21 if Woodsville became a separate town, the town would
22 have less leverage to negotiate sewer contracts with
23 Woodsville?

Glenn English, 11/20/2020

1 A. Yes.

2 Q. And then the paragraph beneath that is -- is
3 that your sort of bottom-line recommendation to the
4 selectmen? "It seems that logic, fairness," that
5 paragraph?

6 A. That's like a "doh." That's a genius
7 interpretation of where we are and where we should go.

8 Q. So your recommendation was let's continue to
9 try to talk about this and try to work something out?

10 A. Well, yeah. In light of the way I did
11 business, and the board did business with the districts,
12 you know, let's work this out. Let's go equals, see if
13 we can figure this out. We've done it before, let's do
14 it again.

15 Q. Did you give this memo to the selectmen?

16 A. Yes.

17 Q. And was there discussion between you --
18 discussion about this memo between you and the
19 selectmen?

20 A. I'm sure there was.

21 Q. And do you remember what their reaction was?

22 A. I -- general agreement. The board at the
23 time -- let's see, a --

Glenn English, 11/20/2020

1 (Court reporter interrupted.)

2 A. I'm musing as to the makeup of the board at
3 the time, if that's relevant. So I'll just shut up and
4 answer questions.

5 Q. I can help you with that, I think. I'm going
6 to show you --

7 MR. HAWKINS: Are we on 14?

8 COURT REPORTER: 13.

9 MR. HAWKINS: Okay. 13, for the record,
10 is Haverhill Selectboard Addendum Proposal, dated
11 9/16/2008, to First Amendment of Memorandum of
12 Understanding, Bates number WFD29. I'm handing that to
13 the witness.

14 (English Exhibit 13 marked for identification.)

15 Q. So, Mr. English, if you could take a look at
16 that and let me know when you've had a chance to review
17 it.

18 (Witness reviewed document.)

19 A. This looks familiar.

20 Q. I've added a couple of pages to it that were
21 not attached to the original, but we're going to
22 consider them all together.

23 A. They look like budget documents.

Glenn English, 11/20/2020

1 Q. Right. Do you know who prepared the document
2 that we've marked as Exhibit 13?

3 A. Oh, boy. Probably our attorney. And I
4 believe at the time the town and the district shared the
5 same attorney.

6 Q. Do you remember who that was?

7 A. Gary Wood.

8 Q. Okay. And is this a document that was put
9 together by the selectmen or by the commissioners?

10 A. You know, I can't recall. It looks like their
11 typeset and it looks like it matches the other memos of
12 understanding. I don't know who drafted them either.
13 So it could have been either side.

14 Q. Okay. It does say, "Haverhill Selectboard
15 Addendum Proposal." Does that suggest to you that this
16 originated from the Haverhill Selectboard?

17 A. Yeah, it does. The date looks right.

18 Q. And what is this document intended to
19 accomplish?

20 A. I think it clarifies a number of outstanding
21 issues of the enabling legislation and previous memos of
22 understanding, and bring us up-to-date in terms of
23 resolving the fairness issue, how much money should be

Glenn English, 11/20/2020

1 reimbursed back to the Haverhill taxpayers that reside
2 in Woodsville.

3 Q. Okay. And is it consistent with -- the
4 formula that's proposed, is it consistent with what was
5 suggested in your September 2nd memo?

6 A. Yes.

7 Q. And that the percentage of highway funds
8 calculated is based on a -- a floating number based on
9 the taxable property located in Woodsville versus
10 taxable property in the entire town?

11 A. Correct.

12 Q. Towards the top there, it uses the phrase,
13 "Net operating budget of the Town of Haverhill Highway
14 Department."

15 Do you see that?

16 A. Yes.

17 Q. Give me just a second. If you look back at
18 Exhibit 4, which I think is in your stack, that's the
19 first amendment to the MOU?

20 A. I think I kept them in order. Yep. Okay.

21 Q. And I'm directing you to the paragraph, the
22 first full paragraph under Section 2B. If you compare
23 the first line and a half or so of these two documents?

Glenn English, 11/20/2020

1 A. Word for word. They're congruent, to use that
2 term.

3 Q. Right up until the point where it says
4 "divided by"?

5 A. Correct.

6 Q. Right. So the phrase, "Net operating budget"
7 as it's used in the addendum proposal, is it the same,
8 in your mind, as the basis of the calculation used in
9 the first amendment?

10 A. Yes, same in my mind. And I can't speak for
11 everybody else but I think it was the same in everybody
12 else's mind.

13 Q. Meaning it's based on the budget -- the Town
14 of Haverhill highway budget?

15 A. Right.

16 Q. As proposed; right?

17 A. Excluding the Woodsville reimbursement.

18 Q. Excluding the Woodsville reimbursement. And
19 if we look down, there's a box, and I'm directing you to
20 the middle of the page in Exhibit 13.

21 A. Yes.

22 Q. There's a figure there of \$714,774?

23 A. Yes.

Glenn English, 11/20/2020

1 Q. As an example.

2 A. Yes.

3 Q. And does that figure represent what the net
4 operating budget is supposed to refer to?

5 A. Yes.

6 Q. Reading through this document, do you see
7 anything in it where the money paid to Woodsville would
8 be determined based on the district's need for highway
9 money?

10 A. No. It was not based on needs of the
11 district.

12 Q. Was it ever discussed that it should be?

13 A. Yes. It was discussed in budget committee
14 meetings by people who -- and usually on the budget
15 committee we had people from Woodsville and people not
16 from Woodsville, and it would be a continuing argument
17 between the two about how much should be reimbursed and
18 what it was based on. So, yeah, it was a point of
19 contention.

20 Q. Was it a point of contention between the
21 selectmen and the commissioners in the discussions that
22 led up to Exhibit 13?

23 A. No.

Glenn English, 11/20/2020

1 Q. So did the board of selectmen ever raise with
2 the commissioners that the formula should be based on
3 need, to some extent?

4 A. No, it wasn't really tied to need in terms of
5 their budget. It was always left to them -- and by
6 "them," I mean the commissioners and the people who
7 lived in Woodsville -- how much they would spend on
8 highways.

9 Q. Did anybody in this 2008 time frame, when
10 there were discussions of revising the highway funding
11 formula, suggest that the payment of highway money by
12 the town of Woodsville was strictly voluntary?

13 A. No.

14 Q. Was that ever raised by any member of the
15 board of selectmen, that the payments were voluntary?

16 A. No.

17 Q. Talking about this 2008 time frame.

18 A. Right. Well, I would extend that to ever
19 during my administration.

20 Q. Okay. And the -- obviously, if we look at the
21 example again in that center square in Exhibit 13, if a
22 factor of 27.7 percent is applied, that's going to be
23 more money going to Woodsville than if a 20 percent

Glenn English, 11/20/2020

1 factor applied?

2 A. Correct.

3 Q. And it was understood that under this formula,
4 at least based on the valuations as they existed at the
5 time, that Woodsville would be getting more money as a
6 result of this agreement?

7 A. Yes.

8 Q. And that was the purpose of Woodsville wanting
9 to discuss the issue -- it would make sense that
10 Woodsville wanted to discuss the issue because they felt
11 they should be getting a bigger share of the highway
12 money?

13 A. It wouldn't have taken an exhaustive analysis
14 to look at the town's annual report and look at the
15 assessed valuation of the two entities and do a
16 percentage comparison.

17 Q. So you couldn't read this proposal as
18 Woodsville agreeing to accept less money or a lower
19 percentage than it had previously received?

20 A. That's correct.

21 Q. It's just not reasonable to expect they would
22 agree to accept less money than they were reasonably
23 entitled to?

Glenn English, 11/20/2020

1 A. Well, it was proposed that it float, and if
2 the number went under 20 percent, the same formula would
3 apply. So it was based on facts.

4 Q. Right.

5 A. Assessed value. Which the selectmen
6 ultimately control, the assessed value of property.

7 Q. Right. And that's the risk Woodsville ran, is
8 that its value may drop below 20 percent and at that
9 point they would have gotten less than they would have
10 gotten under the 20 percent formula?

11 A. Well, to the extent that the Woodsville folks
12 could count on the town selectmen being fair to all
13 taxpayers in the town. It was a calculation, and they
14 assumed that based on past experience, past documented
15 history, that all the taxpayers of the town would be
16 treated fairly.

17 Q. The bottom half of Exhibit 13 is talking about
18 highway block grant --

19 A. Uhm-hmm.

20 Q. -- money?

21 A. Yes.

22 Q. How did that come into the discussion?
23 Because that was not part of the previous formulas;

Glenn English, 11/20/2020

1 correct?

2 A. Yeah, that's true. The town retained all of
3 the highway block grant money, and each year I had to
4 prepare, obviously, an accounting of road mileage, which
5 the formula was based partly on road mileage owned by
6 the town and partly on the population. So we updated
7 that listing. And that included the roads in
8 Woodsville.

9 So the town took credit for the roads in
10 Woodsville, as well as the rest of the town, by
11 calculating the highway block grant. And the town got
12 all of the revenue from the state, the highway block
13 grant money.

14 Q. And how did the concept of bringing in the
15 highway block grant money, was that something raised by
16 the selectmen, by the commissioners? How did that come
17 up in the discussion?

18 A. I think it came from the commissioners, as
19 they felt that this was another portion of revenue that
20 they should receive primarily because they were
21 responsible for those roads and shouldn't those roads be
22 broken out as a separate calculation in terms of the
23 highway block grant money. So, in essence, the state

Glenn English, 11/20/2020

1 would be providing revenue to each entity based on the
2 road miles affecting it.

3 And in addition, Woodsville Fire District,
4 being a statistical area in terms of the census, there
5 was a population compilation that is outside of the
6 town's control that identified not only the town
7 population but the separate population of the Woodsville
8 Fire District. So those two components, road mileage
9 and population, are the components of the highway block
10 grant formula. So it was logical that since we had
11 numbers for both we could separate the block grant
12 allocation between the town and the fire district. It
13 could be done by documented numbers from an outside
14 source.

15 Q. Okay. If I understand you, the way highway
16 block grant money is calculated or is allocated as a
17 whole is based on population and road mileage in a given
18 area in a given town?

19 A. Right, right.

20 Q. And so this formula just kind of carries that
21 forward --

22 A. Right.

23 Q. -- on a smaller scale between Woodsville and

Glenn English, 11/20/2020

1 the town of Haverhill?

2 A. Yeah. And the point was that it could be
3 brought into the discussion because these were all
4 documented numbers.

5 Q. So it's objective to that extent?

6 A. Yes.

7 Q. It's just numbers anybody can look up and
8 apply?

9 A. Yep.

10 Q. And the overall purpose of the entire proposal
11 was to -- was for Woodsville to get its -- essentially,
12 its fair share of highway money coming in; right?

13 A. Right.

14 (Pause in proceedings.)

15 Q. Excuse me just a moment.

16 A. Sure.

17 MR. ASPIRAS: Chris, also, based on your
18 exhibit list, I assume you have a bit more. I don't
19 know whether we should plan to break for a lunch anytime
20 soon?

21 MR. HAWKINS: I'm actually skipping a few
22 things. My guess is that I have half hour to forty
23 minutes.

Glenn English, 11/20/2020

1 Let me just ask the witness, are you good to
2 go?

3 THE WITNESS: I'm good.

4 MR. ASPIRAS: Okay. That's fine. I'll
5 need a break for lunch after you're done though before I
6 start.

7 MR. HAWKINS: Well, how long do you need?

8 MR. ASPIRAS: I mean, twenty minutes will
9 be plenty. I don't want to interrupt your questioning.
10 So if you want to finish, that's fine by me. It's up to
11 you.

12 MR. HAWKINS: Well, how long are you
13 going -- how many questions -- how long are you going to
14 be?

15 MR. ASPIRAS: Oh, for my questioning?

16 MR. HAWKINS: Excuse me. Cheri, this is
17 off the record.

18 (Discussion off the record.)

19 (Luncheon recess, 12:30 p.m. to 1:04 p.m.)

20 (English Exhibit 14 marked for identification.)

21 MR. HAWKINS: We're back on the record.

22 BY MR. HAWKINS:

23 Q. Mr. English, I'm showing you what we've marked

Glenn English, 11/20/2020

1 as Exhibit 14. Let me get that on my screen and then
2 share the screen.

3 MR. HAWKINS: And for the record,
4 Exhibit 14 is selectboard meeting minutes from
5 September 29th, 2008, Bates number Town of Haverhill
6 216.

7 Q. And, Mr. English, I'm directing your attention
8 to the second page.

9 A. Uhm-hmm.

10 Q. Under "New Business." It says, "Introduction
11 of Woodsville road funding." And it looks like Bob
12 Maccini made a motion to introduce the concept that is
13 being recommended regarding the Woodsville road funding
14 formula.

15 Do you see that?

16 A. Yep.

17 Q. And is that referring to the addendum proposal
18 document that was Exhibit --

19 A. I believe so, yes.

20 Q. That was Exhibit 13?

21 A. I believe so.

22 Q. And this is a new one on me. What's the
23 significance of a motion to introduce? What is it --

Glenn English, 11/20/2020

1 A. Well, I think the board developed a practice
2 of introducing a subject and then dealing with it at a
3 later meeting. So introducing it to the agenda, to the
4 discussion, but not taking action.

5 Q. Okay.

6 A. Which I -- that was -- I think that's
7 something that Rick Ladd started.

8 Q. Okay. So the idea is they're going to go
9 forward with discussion of the addendum proposal,
10 basically?

11 A. Right.

12 Q. At some future meeting; right?

13 A. Right.

14 Q. And it looks like that idea was voted
15 unanimously by the board at the time?

16 A. Yes.

17 Q. I'm going to show you what we're going to mark
18 as Exhibit 15.

19 (English Exhibit 15 marked for identification.)

20 MR. HAWKINS: I'm handing the witness
21 Exhibit 15, which is on the screen. For the record,
22 it's selectboard meeting minutes October 14, 2008, Bates
23 number Town of Haverhill 221.

Glenn English, 11/20/2020

1 Q. And if you turn down to page 4, at the top.

2 A. Yes.

3 Q. There's a discussion there, the Woodsville
4 road funding. Do you see that?

5 A. Yes.

6 Q. And this suggests or reports anyway that
7 Chairman Ladd had met with the commissioners, the
8 precinct commissioners, to discuss the reallocation of
9 funds?

10 A. Right.

11 Q. Highway funds.

12 Do you remember anything about what he
13 reported, what Mr. Ladd reported?

14 A. Yes.

15 Q. On that issue?

16 A. That generally fits with my recollection. I
17 remember he -- I believe he was a representative at the
18 time, and he proposed legislation. He would govern the
19 house side, and he had already advised Senator Reynolds,
20 who was our senator at the time, to sponsor something at
21 the next session.

22 Q. So it seemed like there was enough confidence
23 that the formula was going to be -- that the addendum

Glenn English, 11/20/2020

1 proposal was going to carry forward and eventually be
2 agreed on by the commissioners and the selectboard at
3 this time; is that fair to say?

4 A. Yeah. I think definitely it was a matter of
5 signing the documents at this point. I think the
6 concept had been agreed to.

7 Q. There's a reference to more information being
8 needed to finalize the highway block grant formula. Do
9 you see that?

10 A. Yeah.

11 Q. Do you know what more information was being --

12 A. I think specifically how the state calculated
13 the amounts for each town, what criteria they used
14 and -- I had always thought, I advised at the time there
15 were two allocations, one based on population and one
16 based on road mileage. So I don't remember specifically
17 what additional information they wanted, but I know
18 there was some discussion about who calculates the
19 population figures. Is it census figures or is there
20 another means of determining population? But, again,
21 that's just supposition on my part.

22 Q. Your best memory is fine.

23 Do you know the population factor that was

Glenn English, 11/20/2020

1 utilized for the highway block grant money? Do you know
2 where the population figure came from?

3 A. I believe it came from the state based on
4 census data. In between censuses, ten-year censuses,
5 they estimated a number, and that was a state number.

6 Q. Right. So as of October 14th, the addendum
7 proposal, the idea of reallocating the highway money to
8 be more favorable to Woodsville generally was going
9 forward?

10 A. Yeah. Everybody was on board.

11 MR. HAWKINS: Exhibit 16. Handing the
12 witness what we've marked as Exhibit 16, which is on the
13 screen, selectboard meeting minutes of October 27th,
14 2008, Bates number Town of Haverhill 228.

15 (English Exhibit 16 marked for identification.)

16 Q. Turn over to the second page of that document,
17 towards the top there's a paragraph called, "Woodsville
18 Road Funding." Do you see that?

19 A. Yes. Okay. So there was a review --

20 Q. Let me ask a question first.

21 A. I'm sorry.

22 Q. So the proposal that -- there's a reference to
23 a document being attached. I don't have the attachment

Glenn English, 11/20/2020

1 with it, but it -- was it the addendum proposal that we
2 marked previously as an exhibit that would have been the
3 attachment?

4 A. That would make sense.

5 Q. We can dig out the original meeting minutes if
6 we need to check it. And it says here that all agreed.
7 Is that all members of the board of selectmen agreed?

8 A. Yes.

9 Q. That the changes were more fair, basically,
10 more fairly reimbursed the residents of the district for
11 their share of road costs; correct?

12 A. Yes.

13 Q. Then it goes through to describe, in general
14 terms, how the formula worked; right?

15 A. Right.

16 Q. And then it looks like you had been in touch
17 with Senator Reynolds to discuss what was going on in
18 Concord, or what she was proposing to do?

19 A. Yes.

20 Q. And then the board of selectmen approved the
21 amendment. Is the amendment being referred to also the
22 addendum proposal?

23 A. Yes.

Glenn English, 11/20/2020

1 Q. So the formula as outlined in the addendum
2 proposal was being approved by the board of selectmen at
3 this time; right?

4 A. Right.

5 Q. And it was past -- it was approved unanimously
6 by the board of selectmen; correct?

7 A. Yes.

8 Q. And then it looks like Rick said he would
9 present the amendment to the commissioners for their
10 review and approval; is that right?

11 A. Right.

12 Q. Was there any discussion during this meeting
13 of any member of the board of selectmen having a
14 conflict of interest with respect to --

15 A. I do not recall any.

16 Q. -- with respect to acting on this Woodsville
17 road funding issue?

18 A. I don't recall. And to add, it would be
19 reflected in the minutes.

20 Q. So the bottom line is as reflected in this
21 October 27, 2008, meeting minutes; the board of
22 selectmen was prepared to approve the addendum proposal
23 as presented? Right?

Glenn English, 11/20/2020

1 A. Right.

2 Q. And they did approve it?

3 A. Correct.

4 Q. Showing you what was marked as Exhibit 17 --
5 what we're going to mark as Exhibit 17.

6 MR. HAWKINS: For the record, this is a
7 handwritten document dated November 4th, 2008, Bates
8 number WFD33.

9 (English Exhibit 17 marked for identification.)

10 Q. I'm going to represent to you that this is
11 Woodsville Fire District commissioners meeting minutes,
12 and at the top it reflects, "Discussed and agreed to
13 accept Town of Haverhill's highway funding proposal."

14 Do you see that?

15 A. Yes.

16 Q. And, "We will advise them of agreement." It
17 says that as well; right?

18 A. Yes.

19 Q. Do you remember receiving communication from
20 the commissioners that they had approved the proposal?

21 A. I don't remember a specific document or
22 letter, whether it was by phone. Probably a phone
23 conversation, but I don't recall.

Glenn English, 11/20/2020

1 Q. Would that have been communicated to you or
2 Rick Ladd?

3 A. Probably Rick, because I believe he was
4 dealing on that specifically with them.

5 Q. Was it your understanding in November 2008
6 that the commissioners had approved the new road funding
7 formula?

8 A. Yes.

9 Q. So there was an agreement reached and that
10 agreement is reflected in the addendum proposal that we
11 marked as an exhibit earlier; correct?

12 A. Yes.

13 Q. And that's how the Woodsville road money
14 calculation was going to be performed going forward,
15 based on what's in the addendum proposal?

16 A. Yes, if it passed the legislature, which we
17 were pretty confident it would be.

18 Q. And to your knowledge, was the statute amended
19 to reflect the new funding proposal?

20 A. Yes.

21 Q. Meaning the new formula to allocate highway
22 funds to Woodsville?

23 A. Yes.

Glenn English, 11/20/2020

1 Q. I'm handing you what we've marked as
2 Exhibit 18.

3 MR. HAWKINS: For the record, Exhibit 18
4 is, at the top it says, "SB75 - Final Version." It's
5 not Bates numbered.

6 (English Exhibit 18 marked for identification.)

7 Q. Let me know when you've had a chance to read
8 through that.

9 (Witness reviewed document.)

10 A. Yes. It's consistent with my understanding of
11 the legislation.

12 Q. And is this legislative change intended to, to
13 your best understanding, reflect what was agreed to
14 between the town and the fire district with respect to
15 the calculation of Woodsville road money?

16 A. Yes.

17 Q. And the calculation was based upon the Town of
18 Haverhill highway budget as it had been since you
19 arrived in town in 1995; correct?

20 A. Yes.

21 Q. And to your best understanding, as it had been
22 calculated -- the basis on which the road money had been
23 calculated since at least 1990; is that correct?

Glenn English, 11/20/2020

1 A. Correct. Looks like a pretty concise
2 document, concise recitation.

3 Q. Did anybody in the 2008/2009 time frame
4 suggest that the road-money payments made by Haverhill
5 to Woodsville were strictly voluntary?

6 A. No.

7 Q. Did you consider that they were voluntary?

8 A. No.

9 Q. From the time this legislation came into
10 effect until the time you left your position as the town
11 manager in Haverhill, did anybody suggest that you were
12 calculating the Haverhill road payment -- excuse me --
13 the Woodsville road payments incorrectly?

14 A. No.

15 Q. Did anybody suggest that the basis of the
16 calculation, meaning the Town of Haverhill highway
17 operating budget, was the wrong figure to use?

18 A. No.

19 Q. And did you apply the formula accurately to
20 the best of your ability?

21 A. Yes.

22 Q. To your knowledge, did anybody from the Town
23 of Haverhill object to the legislation that became SB75?

Glenn English, 11/20/2020

1 A. You mean any citizen or --

2 Q. Yeah. Did anybody go down to Concord and
3 object to it, testimony against it, to the best of your
4 knowledge?

5 A. I don't think so.

6 Q. And was the board of selectmen, to your
7 understanding, generally satisfied with the way the
8 Woodsville road-money issue had been resolved?

9 A. Yes. And I would note that it's a five-member
10 board. It was very representative of the makeup of the
11 town.

12 Q. Can you explain what you mean by that?

13 A. I mean, there were two board members who
14 resided in Woodsville, one who resided in the town
15 generally, and one who resided in Haverhill Corner. It
16 was a pretty good distribution geographically.

17 Q. I'm going to show you what we're going to mark
18 as Exhibit 19.

19 (English Exhibit 19 marked for identification.)

20 Q. I'm going to show you what we've marked as
21 Exhibit 19.

22 MR. HAWKINS: For the record, Exhibit 19
23 is captioned, "Woodsville Road Money Calculation, 2017

Glenn English, 11/20/2020

1 Budget," Bates number Town of Haverhill 387.

2 Q. Take a minute and just review this exhibit and
3 let me know when you've had a chance to look through it.

4 A. Well, the calculation --

5 Q. Well, just let me know when you've had a
6 chance to look through it.

7 A. I've had a chance.

8 Q. All right. To your best understanding, does
9 the calculation -- is the calculation reflected in this
10 document consistent with the way you calculated the
11 Woodsville road payments during your tenure as town
12 manager?

13 A. Appears to be, yes.

14 Q. If we take a look at the -- at the --
15 actually, hang on a second. I'm going to refer you
16 to -- take a look down at the page that is Bates
17 numbered 393. Do you see that on the -- the number
18 there. Turn down to the page that says 393. And do you
19 see that that appears to be a budget page reflecting the
20 highways and streets budget?

21 A. Appears to be, yes.

22 Q. And in order to implement the Woodsville road
23 money calculation as you applied it, which figure -- for

Glenn English, 11/20/2020

1 2017, let's say, which is the last column?

2 A. Yes.

3 Q. Which number would you start with? And feel
4 free to look at the --

5 A. Well, I would look at the total road
6 maintenance, which looks like a figure of \$830,013.

7 Q. Uhm-hmm.

8 A. By that time, back previous to this year, I
9 think we had broken out the highway reimbursement from
10 the regular budget, just to make that easier to start
11 the process. So we had a good solid number to start
12 with of 830. There were vehicles budgeted that year of
13 \$53,961. They should have been subject to the
14 agreement. So the \$830,013 and the \$53,961 should have
15 been added together to come up with the net town
16 appropriation.

17 Q. Right. And that --

18 A. And then the formula would be applied to that.

19 Q. Right. So if you turn back to the first page,
20 do you see the figure that would have been, what -- I
21 forgot my calculator.

22 A. I'll just do it in my head.

23 Q. \$883,974? If we combine \$830,013 plus

Glenn English, 11/20/2020

1 \$53,961?

2 A. Yeah.

3 Q. And do you see \$883,974 reflected anywhere on
4 the first page?

5 A. Nope.

6 Q. Taking a look through the highway budget
7 numbers, turning back to the page Bates number 393, do
8 you see the figure 543, 543 reflected anywhere for the
9 2017 operating budget?

10 A. 543?

11 Q. Yeah, that's this number on the first page.
12 (Indicating.)

13 A. No.

14 Q. And then the next number, that is the net --
15 that says on the first page that that number represents
16 the net highway operating budget?

17 A. Uhm-hmm.

18 Q. If I understand you, the way the net highway
19 operating budget, as it was interpreted in the previous
20 documents we've looked at, would be the total road
21 maintenance budget plus any highway vehicles; correct?

22 A. Right. Except the grader.

23 Q. Except the grader.

Glenn English, 11/20/2020

1 So can you ascertain how this net highway
2 operating budget on the first page was arrived at?

3 A. No, because I was not town manager at that
4 time.

5 Q. So wherever those numbers came from, it's not
6 consistent with the way you derived the --

7 A. Doesn't appear to be.

8 Q. -- the calculations to calculate that
9 Woodsville roads money; correct?

10 A. Doesn't appear to be.

11 Q. And does the way the calculation reflected on
12 that first page is performed, is that consistent with
13 your understanding of the way the formula was supposed
14 to be applied?

15 A. With regard to the --

16 Q. Right now I'm just looking at the operating.

17 A. -- the block grant?

18 Q. Leaving aside the highway block grant.

19 A. No, it doesn't seem to -- I do notice that --
20 the top figures, I assume, are right because they came
21 from assessed valuation.

22 Q. You're referring to the assessed values, the
23 population and the percentage of class V roads?

Glenn English, 11/20/2020

1 A. Yes. But I can't personally attest to any of
2 this.

3 Q. But it's not consistent with the way that you
4 calculated the Woodsville -- let me just finish the
5 question, please.

6 A. I'm sorry.

7 Q. It's not consistent with the way you applied
8 the road money formula that had been agreed and then
9 imposed in the legislation SB75; correct?

10 A. That's correct. What was that reference?

11 Q. 393.

12 A. The figure that says 2016 adjusted budget
13 would have been the last budget that I calculated those
14 numbers.

15 Q. Uhm-hmm.

16 A. And that would be consistent with all the
17 other years previous to 2016 that I applied whatever was
18 the calculation at the time, based on legislation.

19 Q. Right.

20 A. I would also note that the 2018 budget, I
21 believe it was '18, was the year that I came back as
22 interim town manager. And I would have calculated
23 the -- I know I calculated that number, and it's based

Glenn English, 11/20/2020

1 on the same formula that I used. So that number is
2 accurate.

3 Q. Okay.

4 A. One of the issues -- well, I won't -- I'll
5 answer your questions.

6 Q. Exhibit -- page 393 reflects that the
7 Woodsville reimbursement for 2017 was proposed to be
8 \$306,772; right?

9 A. Yes.

10 Q. And the first page appears, to my best
11 understanding, to reflect that that number should have
12 been \$128,765.37, leaving aside the highway block grant
13 money. And then if you add the highway block grant
14 money in, you get total money due Woodsville highway
15 funding -- I'm just pointing it out to you -- \$157,451.
16 This document is suggesting there was an overpayment of
17 \$149,321 to Woodsville in 2017?

18 A. Looks like it.

19 Q. Is that consistent with your understanding of
20 how -- how the formula should have been applied?

21 A. No. This calculation is not consistent with
22 my understanding.

23 Q. In 2008, when the town and the fire district

Glenn English, 11/20/2020

1 agreed on the addendum proposal, was it their -- was it
2 the town's understanding that Woodsville would be
3 receiving less money than it had previously received?

4 A. No. It was generally perceived that the
5 amount would go up based on abandoning the static number
6 of 20 percent, plus the addition of the highway block
7 grant.

8 Q. I'm going to show you what we're going to mark
9 as Exhibit 20. Oh, there it is. Sorry.

10 (English Exhibit 20 marked for identification.)

11 Q. I'm handing you Exhibit 20.

12 MR. HAWKINS: And for the record,
13 Exhibit 20 is the Town's answer and counterclaims in the
14 lawsuit that is the subject of this deposition.

15 Q. I'm not going to ask you to read through the
16 whole thing, I'm going to refer you to some specific
17 portions of it. If you turn over to paragraph 29, which
18 is on page 16. This is paragraph 29 of the Town's
19 counterclaim. Go ahead and read that paragraph and let
20 me know when you've had a chance to read it.

21 A. Which one again?

22 Q. 29.

23 (Witness reviewed document.)

Glenn English, 11/20/2020

1 A. No, it's -- I don't agree with that statement.

2 Q. That's what I was going to ask you, is whether
3 you agree with that statement?

4 A. It could be true that there was a resultant
5 yearly increase at the time, but certainly not without
6 explanation or reason or legitimate basis. That's just
7 an asinine statement.

8 Q. Going over to paragraphs 44 and 45, I think
9 it's helpful if you read them together. It's on
10 page 18.

11 (Witness reviewed document.)

12 Q. I'm going to ask you if paragraph 45 is
13 accurate?

14 A. Read this carefully. 44 is true.

15 (Witness mumbling.)

16 A. Incorrect. They did reach an agreement. It
17 was the basis of 2009 Act.

18 Q. Give me just a second.

19 (Pause in proceedings.)

20 Q. Take a look at paragraph 48.

21 A. Yes.

22 Q. Read through paragraph 48, let me know when
23 you've had a chance to do so, when you've done so.

Glenn English, 11/20/2020

1 (Witness reviewed document.)

2 A. Okay.

3 Q. The last sentence of paragraph 48 says, "The
4 Town was still operating under the mistaken belief that
5 the Enabling Statute imposed a legal obligation to raise
6 and transfer the Yearly Appropriation to Woodsville"?

7 A. Right.

8 Q. And you reviewed the relevant statutes
9 yourself. Do you believe -- and you believe that -- you
10 understood that they imposed a legal obligation on the
11 town to transfer money over to Woodsville; right?

12 A. Yes.

13 Q. Do you believe -- and do you think your belief
14 was mistaken?

15 A. No.

16 Q. Did anybody ever suggest to you during the
17 time you were the town manager that your belief was
18 mistaken?

19 A. No.

20 Q. Without telling me what you heard, did you --
21 did you, on behalf of the town, seek legal advice
22 regarding the --

23 A. No.

Glenn English, 11/20/2020

1 Q. -- various of statutes and agreements between
2 the parties, between the district?

3 A. Did I seek legal advice at any time during
4 that process?

5 Q. Yeah.

6 A. Oh, I probably did. Sure. I'm pretty sure
7 the documents themselves were drafted by our attorneys.

8 Q. Just a minute.

9 A. Uhm-hmm.

10 (Pause in proceedings.)

11 Q. Take a look -- turn to page 5. Please read
12 paragraph 19.

13 A. Paragraph 19?

14 Q. Yes.

15 A. "Denied" --

16 Q. You don't have to read it out loud. Read it
17 to yourself and let us know when you --

18 A. Oh, okay.

19 (Witness reviewed document.)

20 A. Okay.

21 Q. And in the middle of that paragraph there's a
22 sentence that begins "Instead."

23 A. Uhm-hmm.

Glenn English, 11/20/2020

1 Q. Do you believe that sentence that begins with
2 the word "instead" is accurate?

3 A. Well --

4 Q. Let me ask it a different way.

5 A. No, we did not err.

6 Q. In any of the memorandum of understanding, the
7 first amendment to the memorandum of understanding, the
8 addendum proposal, SB75, did you see any reference to
9 the phrase "gross operating budget"? Is that a
10 phrase --

11 A. That's a made-up phrase subsequent to my
12 serving as town manager.

13 Q. Looking at paragraph 32.

14 A. Yes.

15 Q. Go ahead and read through that and let me know
16 when you've read it.

17 (Witness reviewed document.)

18 A. Okay.

19 Q. You worked -- you have a master's degree in
20 public administration?

21 A. Yes.

22 Q. And you worked as a public administrator of
23 many entities you described to us in Atlantic County,

Glenn English, 11/20/2020

1 New Jersey?

2 A. Yes.

3 Q. And you were the town manager in Woodsville
4 for how long -- in Haverhill for how long?

5 A. Twenty-one years.

6 Q. And do you consider yourself familiar with
7 basic principles of municipal budget and accounting?

8 A. Yes.

9 Q. Are you aware of any principles of municipal
10 budget and accounting that require the calculation of
11 the Woodsville highway money consistent with the manner
12 reflected in what we marked as Exhibit 20, which is this
13 document here?

14 (Indicating.)

15 Q. Do you understand my question?

16 A. No. I'm sorry.

17 Q. Okay. Let me ask it this way: The way that
18 you interpreted and applied the formula to calculate the
19 Woodsville road money, do you believe that was
20 consistent with basic principles of municipal
21 accounting?

22 A. I suppose so. I don't see any reason why it
23 was not.

Glenn English, 11/20/2020

1 Q. Are you aware of any basic principles of
2 municipal budgeting and accounting that would call for a
3 different calculation than the one you performed?

4 A. No. And even if it did, wouldn't state law
5 supersede a -- I mean, I took an oath to uphold state
6 law.

7 Q. I'm just asking your best knowledge and
8 understanding.

9 A. As far as I know, everything we did was
10 consistent with state law and generally accepted
11 principles of budget and accounting.

12 Q. And every year -- strike that.

13 Did the town's budget, financial records, get
14 audited periodically?

15 A. Yes. We were audited every year by Vachon
16 Clukay and Company. It was an extensive audit. In
17 addition to the auditing services, the town manager and
18 the selectmen took great pains to implement any
19 suggestions and any letters where there were issues.

20 In addition, our financial officer regularly
21 consulted our auditors whenever there was a change to
22 the chart of accounts, or whenever there was an
23 expenditure or revenue that was out of the ordinary, to

Glenn English, 11/20/2020

1 make sure it was consistent with state law. We had a
2 regular relationship with our auditors.

3 Q. And did the auditors, during the time you were
4 the town manager, raise any concerns with the
5 calculation of the Woodsville highway money?

6 A. No.

7 Q. And were the town's financial -- was the
8 town's financial information also reported to DRA?

9 A. Yes.

10 Q. Did DRA audit you as well or no during the
11 time you were the town manager? Did they audit the town
12 as well? I'm just curious.

13 A. Not beyond normal review of documents. There
14 was no special audit.

15 Q. Did anyone from DRA ever raise any concerns
16 with the way the Woodsville highway money was
17 calculated?

18 A. No.

19 MR. HAWKINS: If you just give me a
20 couple minutes off the record, I'm just going to take a
21 quick look through everything. I'm just about wrapping
22 up. It if that's okay.

23 (Discussion off the record.)

Glenn English, 11/20/2020

1 (Recess.)

2 MR. HAWKINS: I have no further questions
3 for the witness.

4 **EXAMINATION**

5 BY MR. ASPIRAS:

6 Q. Mr. English, I do have some questions for you.
7 My name is Demetrio Aspiras. I represent --

8 MR. HAWKINS: You're going to have to
9 pick up your voice a little bit.

10 Q. Okay. My name is Demetrio Aspiras. I
11 represent the town. Can you hear me?

12 A. Yes, I can now. Yes.

13 Q. Great. So I just want to start, and I
14 apologize, I may go over a few things that you already
15 spoke about with Attorney Hawkins because it's sometimes
16 hard to sort out what has and has not been talked about
17 yet.

18 You were the town manager for the town from
19 1995 to 2016; is that correct?

20 A. Yes.

21 Q. And then you served in a brief interim
22 capacity in 2018/2019?

23 A. Correct.

Glenn English, 11/20/2020

1 Q. And you understand that this case is about
2 essentially the Woodsville highway funding formula?

3 A. Yes.

4 Q. And during your tenure as town manager, the
5 town raised and appropriated money for transfer to
6 Woodsville; is that correct?

7 A. That's correct.

8 Q. Now, were you the one who personally performed
9 the calculations each year?

10 A. I did for the -- for several years, and then
11 actually the financial officer figured out a way to
12 automate that when the budget was put on computer. So
13 it was calculated by the computer as part of the budget
14 package, we didn't have to do it manually. And I think
15 that started, oh, late -- probably in 2010 or so. I
16 can't remember exactly.

17 Q. Okay. So using 2010 as a rough estimate, from
18 1995 to 2010 you personally performed the calculations?

19 A. I did, yes.

20 Q. And then from 2010 forward you used some sort
21 of automated software?

22 A. Well, again, don't quote me to 2010. I'm just
23 guesstimating that.

Glenn English, 11/20/2020

1 Q. Around that time frame?

2 A. Yeah. Later in my career the financial
3 officer, who at the time was Jo Lacillade, figured out a
4 way. As I said, she automated the budget. We used to
5 do the budget the old way with a calculator. She
6 automated the budget, revenues and expenditures and
7 automated the formula as well.

8 Q. How did she automate it?

9 A. I can't answer that. I'm not a financial
10 officer.

11 Q. During the years in which the calculations
12 were automated, did you ever verify them?

13 A. I did on occasion, yes. I can't remember
14 exactly what years. Jo was my financial officer, was
15 pretty consistent in asking me to double-check final
16 figures, especially in terms of the budget. She wanted
17 to make sure that another pair of eyes pretty much
18 checked everything.

19 Q. Okay. But it's --

20 A. That's the way we did business.

21 Q. But it's fair to say that at whatever point
22 you switched to an automated system, that's the system
23 you used moving forward? You didn't do it by hand

Glenn English, 11/20/2020

1 anymore?

2 A. Right.

3 Q. And in your capacity as the town manager, were
4 you the one who authorized the transfers to Woodsville
5 each year? And to be clear, when I say the "transfers,"
6 I mean the actual transfer of money from the town to the
7 district?

8 A. Well, I mean, we cut a check to the district
9 like we cut a check to any other vendor. There was
10 nothing unusual or extraordinary about the process. I
11 believe we made time payments, which also included a
12 separate check for the payments for the fire department.
13 We paid all three fire departments with donations. And
14 I believe Woodsville got a quarterly check which
15 included the fire department payment and also the
16 portion of the highway reimbursement.

17 Q. Would those checks cross your desk or come to
18 your attention as they went out?

19 A. No. But a manifest would. The selectboard
20 operated with a manifest system where all expenditures
21 were printed out, including all information, except the
22 actual checks themselves. And that was signed by myself
23 personally, and then given to the board for their

Glenn English, 11/20/2020

1 signature. So I certainly would have known in that
2 particular -- or at that particular meeting that there
3 was a payment going to the Woodsville Fire District for
4 those amounts.

5 Q. Okay. So I want to take a few minutes just to
6 talk about some general terms that may have come up
7 during our discussion to make sure we're all on the same
8 page.

9 During your testimony earlier, you kept on
10 referring to, I think, a special-purpose district. Do
11 you recall that?

12 A. Yes.

13 Q. Is that what we also call a "village district"
14 or a "precinct"?

15 A. Yes.

16 Q. And is it your understanding that village
17 districts are separate municipal entities from the towns
18 in which they may overlap?

19 A. It's my understanding that they're separate
20 entities in terms of the purpose for which they were
21 created alone.

22 Q. What do you mean by "the purpose"?

23 A. Well, many people are under the misconception

Glenn English, 11/20/2020

1 that these are towns. They're not towns. Because
2 Haverhill has four ZIP codes and four Post Offices,
3 people think that they live in the town of Woodsville,
4 or the town of North Haverhill or town of Haverhill
5 Corner. So village districts are still part of the town
6 in every respect other than the special purpose for
7 which they are created.

8 Q. Well, let's talk about that for a second.
9 Because the village district itself is a separate legal
10 entity; correct?

11 A. It is a legal entity, yes.

12 Q. All right. And it's separate from the town?

13 A. It's legally separate as an entity from the
14 town. I wouldn't say it's separate from the town, it's
15 within the town.

16 Q. I think what you're alluding to is that a
17 resident of a village district is also a resident of
18 some town; correct?

19 A. Right. Yes.

20 Q. And so is it fair to say, for example, with
21 Woodsville, all residents of Woodsville are residents of
22 the town of Haverhill?

23 A. Yes.

Glenn English, 11/20/2020

1 Q. But the converse is not true; right? Not all
2 residents of the town are residents of Woodsville?

3 A. Right.

4 Q. So there's some overlap there; right?

5 A. Yes.

6 Q. Okay. And because they're separate municipal
7 entities, that's part of why you have to transfer, via
8 check, payment funds to the district; right?

9 A. Well, I don't know that that's the factor. I
10 think they were treated as a vendor, and it was a vendor
11 payment like any other.

12 Q. Well, they don't share the same bank accounts?

13 A. No.

14 Q. Right? Okay.

15 So earlier there was some discussion about
16 some finance terms, and just for my own education I'm
17 wondering if I can get from you what your understanding
18 is of "net operating budget." What does that mean?

19 A. It depends on what context it's being used.

20 Q. Well, let's use it in the municipal budgeting
21 context.

22 A. It means nothing unless it's more specific as
23 to what the term "net" means, what is excluded from the

Glenn English, 11/20/2020

1 net.

2 Q. Okay. So as we sit here today, you can't come
3 up with any sort of definition, just generally speaking,
4 for net operating budget?

5 A. Again, it depends. I would say a net
6 operating budget, in normal circumstances, means the
7 operating budget.

8 Q. Okay. So then what would a gross operating
9 budget be?

10 A. It -- they're the same term in terms of that
11 definition.

12 Q. So is it your testimony today that a net
13 operating budget is the same thing as a gross operating
14 budget?

15 A. I don't think you can apply the term "net" to
16 operating budget. I think that is an issue of
17 expenditures. You could say "net expenditures," and you
18 could say "net expenditures of tax money." You can
19 separate and you can look at a total operating budget
20 and deduct out the -- I'm confusing you. To me, "net"
21 is a relative term, and you must define what is not part
22 of the net.

23 Q. Okay. What about "total highway budget"?

Glenn English, 11/20/2020

1 Does that have any meaning to you?

2 A. I wouldn't -- see, I would never use the term
3 "budget." I would use the term "expenditures" or
4 "revenue." I would say a "total highway expenditure,"
5 and make it clear that when I was talking about a
6 highway budget I was talking about a expenditure or I
7 could be talking about an appropriation which, again,
8 are two different terms.

9 An appropriation implies or says that money
10 has been appropriated in this total for this purpose by
11 the appropriating body.

12 Q. Right. So let's talk about that. An
13 appropriation under New Hampshire budgeting law is when
14 a municipality sets aside funds, right, for a certain
15 expenditure? Is that a fair characterization?

16 A. Well, when the authority sets aside funds at a
17 meeting, normally in town meeting, the town meeting
18 appropriates money.

19 Q. Right. And the actual --

20 A. The source of the budget.

21 Q. And I think you just said earlier the act of
22 appropriation is setting aside that money for an
23 expenditure; is that fair?

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1 A. It's making available money to be raised for a
2 public expenditure.

3 Q. Okay. Well, what does it mean to raise money
4 under municipal budget law?

5 A. My understanding would be it would be
6 consistent with what we just talked about. Raising
7 money is the function of the legislative body in New
8 Hampshire in terms of, you know, taxing authority to
9 raise money.

10 Q. Right. So raising money is the way that
11 municipalities generate revenue; is that a fair
12 characterization?

13 A. Yes. The way they generate revenue from their
14 own resources. You can also make an appropriation from
15 another source as part of the budget process. For
16 instance, most town budgets are made up of tax revenue
17 which is raised locally. And other sources of revenue,
18 fees and whatnot, and rent money. Because of gross
19 budgeting the entire amount in that budget, no matter
20 what the source, must be appropriated by the legislative
21 body.

22 Q. Right. So put another way, the legislative
23 body could appropriate money that it receives from

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1 another source other than taxation?

2 A. Yes.

3 Q. And that could be state funds?

4 A. Yes.

5 Q. It could be revenues generated from, like,
6 user fees or registration fees?

7 A. Yes. I mean, any -- on the revenue side of
8 the budget, all those items in a proposed budget year
9 are separated out and explained. And part of the
10 appropriation process is accepting those revenues to
11 offset the amount of the budget appropriation.

12 Q. So I want to talk briefly just specifically
13 about raising money through taxation. You understand
14 that a village district has authority to raise money
15 through taxation separate from any money raised by a
16 town; right?

17 A. Right.

18 Q. And so is it fair to say that if a village
19 district raises money through taxation, that tax burden
20 lands only on the taxpayers of that village district?

21 A. Yes.

22 Q. And, conversely, if a town raises money by
23 taxation, a tax burden falls on all the taxpayers of the

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1 town, including any village districts that may overlap;
2 is that correct?

3 A. Right. Yes.

4 Q. And I believe in your earlier testimony there
5 was some reference to tax burdens and relative tax
6 burdens. So I want to talk about that briefly.

7 At some point you were discussing with
8 Attorney Hawkins assessed values of property. Do you
9 remember that?

10 A. Yes.

11 Q. And I believe you testified something to the
12 effect of the selectmen set the values. Do you recall
13 that?

14 A. Yes. By law they do, yes.

15 Q. And when you say "by law," are you referring
16 to RSA 75?

17 A. I don't remember the exact citation, but I'm
18 saying as per law, even if the selectmen don't
19 physically themselves assess property, they hire a
20 competent firm to do that for them and they certify
21 those values.

22 Q. Right. And so the selectmen are the body
23 charged with making sure that there are essentially

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1 appraised or assessed values for all the real property
2 within the boundaries; right?

3 A. Right.

4 Q. And is it your understanding that all those
5 assessments are required by law to be proportional
6 within a municipality?

7 A. Proportional in terms of what?

8 Q. Relative to the other properties?

9 A. Well, yes. The same methodology needs to be
10 used.

11 Q. So when you were testifying that the selectmen
12 can set the values, you weren't suggesting that they
13 could arbitrarily set them for some taxpayers and not
14 others?

15 A. Arbitrarily assess properties?

16 Q. Correct.

17 A. Well, that's not how it was done in Haverhill.
18 I can't guarantee that that's not done in other
19 locations.

20 Q. As a former town manager, would that be
21 lawful?

22 A. I don't believe so.

23 Q. There was also some discussion about the tax

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1 burden specifically on Woodsville. Generally speaking,
2 in your experience in municipal government, is it fair
3 to say that some tax burdens benefit certain residents
4 more than others?

5 A. I don't understand what you mean by that.

6 Q. Well, let's use an easy example. Right? So
7 all residents within a school district are assessed a
8 tax for that school district; correct?

9 A. Right.

10 Q. But not all residents within a school district
11 may actually send students to that school district;
12 right?

13 A. Right.

14 Q. So there may be people that are bearing the
15 tax burden that don't receive a direct benefit; is that
16 correct?

17 MR. HAWKINS: Objection. You can answer.

18 A. Well, I think it's established that there is a
19 net benefit to society and the country in general for
20 good education of students. So everybody supports that.

21 Q. Right. So that's why I use the term "direct
22 benefit," because they're not sending a kid to that
23 school; right?

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1 A. Well, I don't know. I don't know if I'd
2 comment on that, defining what's direct and what's not
3 direct.

4 Q. Okay. Well, we talked about it earlier in the
5 context of the tax burden on Woodsville for its highway
6 department. So let's focus on Woodsville.

7 A. Okay.

8 Q. In your time as town manager, you're aware
9 that the town expended more money for police resources
10 in Woodsville than any other geographic area within the
11 town; right?

12 A. That may have been the net result, but the --
13 what drives that is the town provides for police
14 services everywhere in town. That is generated by calls
15 and by patrols and by the need. So we provide police
16 services town-wide.

17 Q. Right. And likewise, with welfare, you're
18 aware from your time as town manager that the town
19 expended more funds for welfare services in Woodsville
20 than any other geographic area within the town?

21 A. Well, that could have been true for any given
22 period of time, but it might also change.

23 Q. So I want to talk specifically now about this

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1 road funding formula. Throughout your testimony
2 earlier, you kept on referencing goals. Do you recall
3 that?

4 A. Referencing what?

5 Q. Goals. Like having a goal for the formula.

6 A. I don't understand what you're saying.

7 Q. Goals, G-O-A-L-S.

8 A. Well, I never testified that there were any
9 goals in terms of the formula.

10 Q. I mean, we could have the steno read back the
11 numerous times you referred to goals, but I can point
12 you to Exhibit 12, when you were discussing that with
13 Attorney Hawkins. I believe you were questioned about
14 whether or not the purpose of Exhibit 12 was to obtain a
15 more accurate formula to accomplish the goal of the
16 idea?

17 A. Oh, okay. I may have said that.

18 MR. HAWKINS: Can you just refresh us on
19 which one was Exhibit 12? I stuck mine away.

20 MR. ASPIRAS: Exhibit 12 would have
21 been -- I believe that was the confidential memo.

22 MR. HAWKINS: I'm just going to -- if
23 you're going to ask him about it, I'll put it in front

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1 of him for you.

2 Q. Let me talk to you about it this way because
3 you seem to have potentially forgot some of your earlier
4 testimony.

5 MR. HAWKINS: Objection.

6 MR. ASPIRAS: Okay.

7 A. No. I just don't understand why you're
8 concentrating on the word "goal." I don't get it.

9 Q. Okay. Well, do you remember talking about
10 goals at all?

11 A. I remember specifically the selectmen talking
12 about goals for the coming year in terms of one of the
13 meeting minutes that we read. But I may have used the
14 word "goal" as a general term. But I don't remember a
15 lot of specific references to goals. I just don't
16 understand what you're saying.

17 Q. Okay. So in your time as town manager, what
18 was your understanding of the source of the formula that
19 you used to calculate the highway road funding?

20 A. The source of the formula was based on
21 history, wishes of the governing bodies, the
22 legislature.

23 Q. All right. So what history are you talking

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1 about?

2 A. I'm talking about the history of how the town
3 evolved to handle highways. Primarily, the -- going
4 back at least one hundred years, most of the roads
5 within what is now the Woodsville Fire District were
6 more urban paved streets, sidewalks, curbing, et cetera,
7 and most of the rest of the roads in town were dirt
8 roads feeding farms.

9 So my recollection -- my study of town history
10 says that the -- actually, and I think it's been proven
11 true, the Woodsville Highway Department predates the
12 town highway department. The people in Woodsville
13 decided early on that they wanted to have a highway
14 department to maintain and build a more urban road
15 structure. At the same time, the people in the rest of
16 the town were satisfied with dirt roads. And at that
17 time actual property owners performed the maintenance
18 work on those dirt roads and assessed the town for that.

19 So the town -- Woodsville Fire District had a
20 fire department -- a highway department before the town
21 did.

22 Q. Okay. But I want you to specifically focus on
23 your time as town manager in calculating these

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1 appropriations. Did you rely on history when you
2 performed those calculations?

3 A. No. I relied on state law, which I took an
4 oath to do.

5 Q. And I believe you just referenced something to
6 the effect of the wishes of the governing body. What
7 did you mean by that?

8 A. In most of the cases we looked at today, the
9 exhibits, the wishes of the governing bodies, be it the
10 town governing body or the Woodsville governing body,
11 was what drove the legislation.

12 Q. Okay. So did you rely on their wishes when
13 you performed the calculations?

14 A. I didn't rely.

15 MR. HAWKINS: Objection to the form of
16 the question. You can go ahead and answer.

17 A. I didn't rely on anybody's wishes. I relied
18 on state law, memos of understanding, and other written
19 legal agreements that were in effect at the time.

20 Q. Okay. So we'll get to the state law and the
21 MOUs in a second. I do want to briefly just talk to you
22 about some testimony you gave regarding, I think, the
23 intent of this formula.

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1 I believe you repeatedly testified something
2 to the effect of the formula was calculated or designed
3 to return a portion of the tax money that the Woodsville
4 taxpayers paid towards the highway department. Is that
5 a accurate characterization?

6 A. Well, it's a bit loose. The purpose was to
7 protect the Woodsville taxpayers from paying for two
8 highway departments.

9 Q. All right.

10 A. Their own and the town highway department.
11 Because the theory was that the Woodsville -- that the
12 Woodsville highway department benefited the residents
13 and property owners in Woodsville, and the town highway
14 department benefited only the residents in the rest of
15 the town.

16 Q. So was your understanding, when you were town
17 manager, that Woodsville taxpayers were not required to
18 contribute to the town highway department?

19 A. I believe that the legislation and the memos
20 of understanding, to the best of the ability of
21 everybody involved, protected the Woodsville -- the
22 Haverhill taxpayers that live in Woodsville from paying
23 for two highway departments.

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1 Q. Okay. But the Woodsville residents were also
2 residents of the town; right?

3 A. Yes.

4 Q. And they also benefited from the town roads?

5 A. Yes.

6 Q. And so let's talk about the actual formula you
7 used. You started in 1995; right?

8 A. Right.

9 Q. So tell me the formula you used to calculate
10 the annual appropriation starting in 1995?

11 A. I used the formula that was lawful at the time
12 based on state legislation and the memorandums of
13 understanding in effect at that time.

14 Q. Okay. So what was it?

15 A. Well, you have them. They're all part of the
16 exhibits.

17 Q. All right. So let's take a look at, I believe
18 it would be Exhibit 2, Chapter 37.

19 A. Okay.

20 MR. HAWKINS: He's got it in front of
21 him.

22 MR. ASPIRAS: Thank you.

23 Q. So is this the state law that was in effect

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1 when you started in 1995?

2 A. Yes.

3 Q. And it's your testimony that you applied the
4 formula contained in this law?

5 A. I believe it was this law, and I believe there
6 also was at least memo of understanding on file, and
7 maybe two that were executed by the two governing
8 bodies.

9 So I had that material as well as state law to
10 go by.

11 Q. Just a second.

12 So let's start with Chapter 37 here. So can
13 you identify the language in this statute that obligates
14 the town to raise and appropriate money for transfer to
15 Woodsville?

16 MR. HAWKINS: Objection. You can answer.

17 (Witness reviewed document.)

18 A. The last sentence, "The money appropriated for
19 the distribution of highway funds in the district which
20 is attributable to the town of Haverhill shall not
21 exceed 20 percent total amount of expenditures
22 authorized at the town meeting."

23 Q. Okay. So is it your testimony today that

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1 during your tenure you interpreted that as an
2 obligation?

3 A. Well, to the extent that state law is an
4 obligation, I would say, yes.

5 Q. So let's walk through that language. Anywhere
6 in that sentence does it say the town must appropriate?

7 A. Well, the word "shall" is used, and "shall" is
8 generally meant to be an absolute demand.

9 Q. Okay. And where is the word "shall" used in
10 reference to?

11 A. It's used in the sentence.

12 Q. Well, can you read it to me?

13 A. "The money appropriated for the distribution
14 of highway funds in the district which is attributable
15 to the town of Haverhill shall not exceed 20 percent of
16 the total amount of expenditures authorized at the town
17 meeting."

18 Q. So it's fair to say that the "shall" is in
19 reference to the not exceeding 20 percent; correct?

20 A. Yes. And it also presupposes that the entire
21 sentence is required.

22 Q. So you are interpreting the presence of the
23 word "shall" as relating back to an obligation to

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1 appropriate money in the first place?

2 A. Well, let me ask you a question. Do you see
3 the word "may" in there, in that sentence?

4 Q. The way the deposition works, Mr. English, is
5 that I ask the questions and you answer them. So --

6 A. My answer back to you is in the form of a
7 question.

8 Q. Well, that's not allowed. So my question to
9 you is are you suggesting that the use of the word
10 "shall" in the sentence relates back to the
11 appropriation earlier?

12 A. Yes.

13 Q. Is there any other language in this statute
14 that leads you to believe there was a legal obligation
15 to raise and appropriate money?

16 MR. HAWKINS: Objection. You can answer.

17 A. Okay. I'm further back up. It may help you a
18 bit in terms of the word "shall." I'm about the
19 third sentence into 3:71 that's referring to
20 commissioners of the district. "They shall control and
21 direct the expenditure of all monies raised under
22 authority of the district and by the town of Haverhill
23 for expenditure in the district." Pretty strong

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1 statement right there in terms of force of this
2 legislation.

3 Q. So what did that mean to you at the time you
4 were town manager?

5 A. That means to me that this is a state law that
6 addresses a specific purpose that I must abide by as
7 town manager.

8 Q. And you interpreted it at the time meaning you
9 were obligated to cause the town to raise and
10 appropriate money for transfer to Woodsville?

11 A. No. I can't cause the town to raise and
12 appropriate any money. All I can do is propose a budget
13 of revenue expenditures that I submit to the board of
14 selectmen and that they submit to the town meeting for
15 approval.

16 Q. Fair enough. So you interpreted the town's
17 obligation as, at least in the first instance, requiring
18 the preparation of a proposed operating budget that
19 included a mandatory appropriation under this law?

20 A. Right.

21 Q. I want to focus on the language you pointed
22 out earlier at the very bottom, the last sentence that
23 says, "The money appropriated," where it says "shall not

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1 exceed 20 percent of the total amount of expenditures
2 authorized at the town meeting."

3 A. Yes.

4 Q. I want to focus on the last clause of that
5 sentence. Starting with "total amount of expenditures
6 authorized at the town meeting," what was your
7 understanding of what that phrase referenced?

8 A. That includes the highway budget for the town,
9 including the amount of money to be reimbursed to
10 Woodsville.

11 Q. So we can both agree, it's clearly not
12 intended to refer to the town's total operating budget;
13 correct?

14 A. Yes. It's the total -- if you accept that
15 Woodsville is part of the town, it's the total amount of
16 money the town, meaning town meeting, is appropriating
17 for the two highway departments.

18 Q. Where does it say two highway departments?

19 A. It's appropriating funding for -- directly for
20 Woodsville highway department and for the town highway
21 department.

22 Q. Where does it say that?

23 A. Because that money that is reimbursed by the

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1 town to Woodsville is appropriated at town meeting.

2 Q. Okay. So I want to focus on the "shall not
3 exceed 20 percent." Did you understand at the time that
4 that was a cap on the amount of money that the town
5 could appropriate for transfer to Woodsville?

6 A. My understanding is that was the amount of
7 money percentagewise that the town should appropriate.

8 Q. So why does it say "not exceed"? What did
9 that mean?

10 A. You'd have to ask the legislature.

11 Q. As the town manager, what did that mean to
12 you?

13 A. It means that it cannot be higher than the
14 amount of 20 percent.

15 Q. So it could be less than 20 percent?

16 A. I guess if all parties agree, I guess so, in
17 terms of state legislation.

18 Q. Why would parties need to agree if this is a
19 state law?

20 A. Why wouldn't they?

21 Q. So explain to me where the parties' agreement
22 comes into play with this state law? What are you
23 talking about?

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1 A. I'm talking about fairness to all the
2 taxpayers in the town of Haverhill, including those who
3 reside in Woodsville. And this is not a zero-sum game
4 between competing entities in terms of these
5 appropriations.

6 Q. Right. But I'm trying to understand because
7 you repeatedly testified today that you took an oath to
8 uphold the law and that you were simply carrying out a
9 legal obligation of the town; correct?

10 A. Right.

11 Q. And right now we're looking at Chapter 37,
12 which you have testified was the source of that
13 obligation?

14 A. It was a source of that obligation at that
15 time.

16 Q. Right. For the period of time, I think, until
17 2008; right? Or 2009?

18 A. Right.

19 Q. And so I'm trying to figure out where you're
20 reading in some of the additional phrases and
21 obligations you're testifying to. So where in the
22 statute did it talk about fairness to Woodsville?

23 MR. HAWKINS: Objection to the form of

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1 the question. Go ahead.

2 A. I'm not going to answer that, because it has
3 nothing to do with the document.

4 Q. Okay.

5 A. And I would add in support of what I said
6 earlier about being fair to all entities, you will note
7 that the record shows that subsequent changes to that
8 20 percent formula were agreed to by all participants,
9 Woodsville commissioners, the selectmen --

10 Q. Right now --

11 A. This is in the form of an answer to your
12 question.

13 And also the state legislature. So there was
14 no built-in -- well, I'll just end it there.

15 Q. So we'll talk about the agreements, but the
16 agreements would be separate from the law. You
17 understand that?

18 MR. HAWKINS: Objection to the form.

19 A. Separate in what sense?

20 Q. Well, in your capacity as town manager, did
21 you view compliance with the agreements as a matter of
22 state law?

23 A. Yes. And I also viewed the various amendments

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1 as binding upon me too, as well, because they were
2 accepted by the governing body of the town.

3 Q. So earlier you testified that -- when I asked
4 you to give me the formula you used, that you used the
5 formula in the state law. Can you explain to me now,
6 looking at this, what the formula was that was in effect
7 in 1995 when you started?

8 A. As I said earlier, I think it was reflected by
9 37:1 and also the memos of understanding that were in
10 effect at that time.

11 Q. Okay. So let's look at the memo.

12 MR. HAWKINS: Which memo?

13 MR. ASPIRAS: That's a good question. I
14 think at this time it would be the 1990, the June 1990
15 memorandum of understanding. No, it would be the '95;
16 right? Yeah.

17 MR. HAWKINS: You tell me.

18 Q. Well, actually, Mr. English, why don't you
19 tell me what memo you're talking about?

20 A. I believe I'm talking about -- what year did
21 you ask me about? '95?

22 Q. Yes, when you first joined the town?

23 A. I'm trying to remember and I can't remember

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1 when the amendment to the memorandum of understanding
2 was adopted. The memo of understanding, the original --

3 MR. HAWKINS: He has the 1990 version in
4 front of him right now.

5 A. 1990, that was in force when I was hired. And
6 I believe also the amendment to that was also in effect
7 when I was hired. So that would have been the latest
8 interpretation, if you will, of the whole process.

9 Q. I'm sorry. It's right there.

10 A. Right in front of me.

11 MR. HAWKINS: He's got the '90 and '95 in
12 front of him.

13 MR. ASPIRAS: I think the '95 was Exhibit
14 4.

15 A. '95 was effective in January of 1995. So the
16 first amendment to the memo of understanding would have
17 been the last official guidance I had at the time. So
18 when I was hired, I had Chapter 37, I had the original
19 memo of understanding, and I had the first amendment to
20 the memorandum of understanding. And those were my
21 guiding documents.

22 Q. Okay. So you should have those three
23 documents in front of you.

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1 A. Yes, I do.

2 Q. Okay. With those three documents in front of
3 you, take a look and then explain to me what formula you
4 used when you first joined the town in 1995?

5 A. I used the formula that is page 2 of the first
6 amendment to the memorandum of understanding, which
7 gives a mathematical calculation of the formula
8 so-called.

9 Q. Page 2 of which memo? Do you want to hold it
10 up to the screen?

11 A. This is a second page of the --

12 MR. HAWKINS: Not that close.

13 A. Can you see it?

14 Q. Yeah. I'm not sure if that came through on my
15 electronic copy. Okay.

16 So can you look at page 1 of that memo?

17 A. Yep.

18 Q. Let me pull --

19 MR. HAWKINS: For the record, it is in
20 the electronic version of which you have.

21 MR. ASPIRAS: Yeah, let me pull -- I may
22 have the wrong -- there it is. All right. Now I'm
23 looking at the same document.

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1 Q. Your testimony is that you applied the formula
2 that is on page 2 of, I believe, Exhibit 4?

3 A. Right.

4 Q. Okay. And so if we're looking at the same
5 document, that is showing that you take the town highway
6 budget and you divide it by 80 percent; correct?

7 A. Yes.

8 Q. And then you come up with a figure, and that's
9 the \$449,295 reflected on that sheet; right?

10 A. For that year, yes.

11 Q. And then you multiple that figure by
12 20 percent to get what the town is transferring to
13 Woodsville?

14 A. Right.

15 Q. Okay. So I want you to turn back to your copy
16 of the statute, Chapter 37.

17 A. Right.

18 Q. Where in the statute does it reference
19 80 percent?

20 A. I don't read any 80 percent figure in the
21 statute.

22 Q. And where in this statute does it instruct you
23 to multiply the town's budget by 20 percent?

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1 A. Well, if you accept the 20 percent figure, the
2 formula is merely a mathematical expression of how to
3 get 20 percent of the total highway appropriation.

4 Q. Right. So --

5 A. It works.

6 Q. I think we can agree on that.

7 So page 2 of the 1995 memo is a formula that
8 will effectively grant Woodsville 20 percent of the
9 total highway budget raised for the town; correct?

10 A. Yes.

11 Q. And it was your understanding at the time that
12 this statute required the town to give Woodsville
13 20 percent?

14 A. That was the way I read it. And I'm not the
15 final authority. That was the opinion of the board of
16 selectmen and town meeting. We never, in my tenure, had
17 an objection at town meeting of any of the
18 interpretations that the selectmen and I made in terms
19 of these various statutes and understanding -- memos of
20 understanding.

21 Q. Okay. So you agree that you were interpreting
22 the statute at that time?

23 MR. HAWKINS: Objection.

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1 A. I think I was using the statute and the
2 memoranda of understanding to guide me in coming up with
3 a proposed figure of highway reimbursement back to the
4 Woodsville district.

5 Q. Is there any other source of authority other
6 than the statute and the two memorandums of
7 understanding that you relied upon in calculating that
8 each year?

9 A. Well, yes. There's an additional revision to
10 the statute we haven't gotten to yet.

11 Q. Yeah. Sorry. I should have --

12 A. It applied to years after, I believe, 2008.

13 Q. Yeah, I should have been more clear. Sorry.

14 From the period of time of 1995, when you
15 first started, to 2008/2009 when the statute was
16 ultimately amended, is this the universe of documents
17 that you relied upon?

18 A. Again, I would state yes, but it's also the
19 information of the governing bodies of both entities,
20 and the town meeting legislative body for the entire
21 town also agreed.

22 Q. What do you mean by that?

23 A. The town manager does not appropriate, does

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1 not adopt any budget. The town manager proposes
2 revenues and expenditures.

3 Q. Okay. So we all understand that ultimately
4 the legislative body has to approve a proposed budget;
5 right?

6 A. Yes.

7 Q. And between you and the legislative body is
8 the governing body who also has authority to modify
9 whatever budget you came up with; right?

10 A. Yes.

11 Q. Okay. What I'm focusing on is your
12 understanding of what the town was obligated to raise.
13 Not what was ultimately raised, but what the legal
14 obligation was. Do you understand that?

15 A. Well, sir, I'm not a lawyer and I think
16 interpreting a legal obligation may be beyond my scope.

17 Q. All right. But it's fair to say that's what
18 we've been talking about all day, interpreting this
19 legal obligation?

20 MR. HAWKINS: Objection to the form. Go
21 ahead.

22 A. I believe I complied with my oath of office as
23 town manager fully, and in addition to this matter.

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1 Q. Let me ask you one final question about -- I
2 want to make sure I've got the number right, Chapter 37,
3 the statute that was in effect when you first started,
4 and the two MOUs that were in effect.

5 A. Yes.

6 Q. Hold on. If you did not have the MOUs at the
7 time you joined, would you have been capable of making a
8 calculation?

9 MR. HAWKINS: Objection.

10 A. That's a hypothetical which I'm not going to
11 answer.

12 Q. Yeah, so I'm asking you to hypothesize.

13 A. I would do the best I could based on the
14 information available to me at the time I put the budget
15 together.

16 Q. So I want you to look at Chapter 37. And if
17 that's all you had to rely on, what formula would you
18 use?

19 MR. HAWKINS: Objection.

20 A. Again, that's a hypothetical and that wasn't
21 all that I had to rely on and I'm not going to answer a
22 hypothetical.

23 Q. I'm asking you a hypothetical. So are you

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1 telling me you're unable to come up with a formula?

2 MR. HAWKINS: Objection.

3 A. Well, I don't know if it's the obligation of
4 the town manager to come up with a formula or whether
5 it's up to higher authorities such as the governing
6 bodies or town meeting.

7 Q. Okay. So let me ask it again, since you
8 aren't answering the question.

9 Looking at Chapter 37, are you capable of
10 coming up with a formula to use just based on this
11 statute?

12 MR. HAWKINS: Objection. I object to the
13 badgering.

14 A. I think I've answered the question, counselor.

15 Q. You haven't. That's a "yes" or "no" question.
16 Are you capable of coming up with a formula?

17 MR. HAWKINS: Objection.

18 A. I've answered the question. You may not like
19 the answer, but I've answered it.

20 Q. What's the answer?

21 A. I just told you, it's a hypothetical I'm not
22 going to make a judgment on.

23 Q. Okay. So you're refusing to answer that

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1 question?

2 MR. HAWKINS: Objection.

3 A. I'm not refusing anything. I'm just saying
4 it's a hypothetical. It's irrelevant to anything we're
5 talking about.

6 Q. Mr. English, it's not your role to determine
7 what is or isn't relevant. So right now you're in a
8 deposition. You're under oath. I'm asking you a simple
9 "yes" or "no" question. I expect a "yes" or "no"
10 answer. Now, if you want to refuse to answer, that's
11 fine, we can note that for the record and move on. But
12 I want to give you an opportunity to answer.

13 So my question is simple. Looking simply at
14 Chapter 37, are you capable of coming up with a formula
15 to use?

16 MR. HAWKINS: Objection.

17 Q. Are you refusing to answer?

18 A. I'm not refusing anything. I've already
19 answered your question. You don't like my answer, but
20 that's your problem.

21 Q. Okay. We'll move on and take it up later, if
22 necessary.

23 So let's move on to 2008. So is it fair to

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1 say from 1995 to 2008 you calculated the yearly
2 appropriation the same way consistently year to year?

3 A. Yes.

4 Q. And then in 2008 you testified a lot earlier
5 about some discussions between the town and Woodsville
6 about modifying their understanding; is that correct?

7 A. I don't know that it was modifying their
8 understanding. I think it was possibly modifying the
9 agreement and the statute to reflect the reality.

10 Q. So what reality was it going to reflect?

11 A. Well, I think through RSA 37, Chapter 37, they
12 had tied themselves to a fixed amount of the
13 reimbursement percentage. And over time, since that
14 time, I don't know if it was true every year, but
15 generally there have been increases in the valuation of
16 the Woodsville Fire District in relation to the town.

17 So it came to light, I believe, among the
18 three commissioners from Woodsville, Hey, this
19 20 percent isn't working anymore in terms of calculating
20 the proper reimbursement and we need to revisit it.

21 Q. And you were part of those conversations and
22 negotiations?

23 A. No, I was not part of the original

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1 conversations among the commissioners. I was part of
2 the eventual fuller discussion between the selectmen,
3 the commissioners. And I represented the selectmen in
4 those discussions and basically provided information to
5 them of the facts.

6 Q. And what was your recommendation?

7 A. Well, I don't know that I made a specific
8 recommendation. I think I made a general observation
9 that the fixed formula, 20 percent, did not accomplish
10 the objective of the legislation.

11 Q. So you're using the word "objective" again.
12 What was your understanding of the objective of the
13 legislation at the time?

14 A. Was to fairly reimburse the Haverhill
15 taxpayers that lived in Woodsville, prevent them from
16 paying for two highway departments.

17 Q. What is the basis for that belief?

18 A. Well, I can't tell you, and I don't know that
19 anybody knows the impetus for the passage of the
20 original legislation, which I think actually predates
21 Chapter 37. I believe it goes back to -- well, here it
22 is. Amend 1887, 204:3 as amended by 1899, 196:2.
23 Unless somebody digs those up -- and there's a

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1 recitation of the purpose that started the whole
2 thing -- I can't answer the question.

3 Q. But you are. I mean, you're testifying about
4 your belief as to the objective of the legislation;
5 correct?

6 A. I'm testifying that based on the history that
7 I'm aware of, and again it's anecdotal, there was an
8 impetus to protect the Haverhill taxpayers that lived in
9 Woodsville from paying for two highway departments that
10 they weren't benefiting from.

11 Q. So in your capacity as town manager you did
12 not believe that Woodsville residents benefited from the
13 town highway department?

14 A. I didn't say that. I would agree with you
15 that residents of the entire town of Haverhill benefit
16 from both highway departments, generally speaking. I
17 mean, I drive on the roads in Woodsville. The condition
18 they're in is important to me. To your average person,
19 a road is a road and they like it to be as good as
20 possible.

21 Q. So I guess -- I'm still confused, Mr. English,
22 about your repeated references to intent, objectives,
23 and goals and things like that. Because I'm just trying

Glenn English, 11/20/2020

1 to figure out whose objective you're really talking
2 about here.

3 A. I'm talking about the objectives of my
4 constituents, the taxpayers, and the board of selectmen.
5 They're not my objectives and my intentions. I'm merely
6 an employee of the town, responsible to the selectmen,
7 carrying out my duties based on the oath I took as town
8 manager and based on the statute that governs the office
9 of town manager.

10 Q. So you mentioned constituents. Is it fair to
11 say that a lot of what you're discussing in terms of
12 objective is sort of the political climate in the town
13 and the district?

14 A. No.

15 MR. HAWKINS: Objective -- objection.

16 A. No. I work for the -- I worked for the
17 selectmen and my constituents, divorced from the
18 political meaning of the word. The people I was
19 responsible for, to, and whom I owed the best of my
20 ability, were the taxpayers of the town that paid my
21 salary.

22 Q. Right. So that's all the taxpayers of the
23 town; right?

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1 A. Right.

2 Q. Not just Woodsville?

3 A. Right.

4 Q. So how is it fair to the rest of the taxpayers
5 of the town for them to shoulder the entire burden for
6 the town's highway department and for the objective, as
7 you say, be for Woodsville to not have to pay?

8 MR. HAWKINS: Objection.

9 A. I can't make a judgment as to what's fair or
10 what isn't fair. I'm just going by the statute and the
11 local authorizations through the memos of understanding.
12 You're getting into areas that have nothing to do with
13 what --

14 Q. So let me ask you this. You keep talking
15 about objectives and fairness. How does that impact
16 your calculation of the appropriation every year?

17 A. I don't keep talking about objectives and
18 fairness. I keep talking about the documents that we're
19 looking at that guided me in my decisions as town
20 manager in terms of the total budget, the highway
21 budget, and the Woodsville reimbursement formula.

22 Q. Okay. Let's look at -- it should be
23 Exhibit 4, I think. You should still have it in front

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1 of you. The first amendment from 1995.

2 A. Yes.

3 Q. Where in that memo does it talk about
4 fairness?

5 MR. HAWKINS: Objection.

6 Q. Strike that.

7 Does this memo reference fairness at all?

8 MR. HAWKINS: Objection.

9 (Witness reviewed document.)

10 A. Well, I don't see anything directly, but I
11 would point you to letter b. under 2, which says, "The
12 Board of Selectmen and Board of Commissioners have
13 determined that the following formula represents their
14 best adjustment and agreement as to the proper
15 implementation of said Special Act."

16 So that's probably the only reference, if any,
17 to fairness.

18 Q. Right. And you understood that to mean, at
19 the time, that neither the board of selectmen nor the
20 board of commissioners thought that the Special Act was
21 clear; right?

22 MR. HAWKINS: Objection.

23 A. Well, I -- they state that the act is in need

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1 of interpretation. I'll let the statement speak for
2 itself.

3 Q. And it's fair to say if the act was clear, it
4 wouldn't need to be in need of interpretation?

5 MR. HAWKINS: Objection.

6 A. That's supposition on your part.

7 Q. Well, you testified earlier that you,
8 throughout your time in Haverhill, you interpreted
9 statutes as part of your job; right?

10 A. Yes.

11 Q. And it's fair to say, in your experience, that
12 when a statute is clear and unequivocal you don't need
13 to interpret it; it says what it says?

14 MR. HAWKINS: Objection.

15 A. Well, Attorney, you're going to have to search
16 long and hard to find any state statute that's clear, in
17 my opinion. I've looked at a lot of state statutes and
18 a lot of them are very confusing and unclear.

19 Q. So did you find Chapter 37 confusing in any
20 way?

21 A. I think it was fine as to what it addressed.
22 If anything, it may have been silent in some areas that
23 needed interpretation.

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1 Q. What areas was it silent?

2 A. Well, I think one of them is the
3 interpretation of how the payment is to be -- payment is
4 to be calculated.

5 Q. So let's talk about --

6 A. I mean, they came up with the formula.

7 Q. Who's "they"?

8 A. The boards of -- the governing bodies of both
9 entities.

10 Q. Right. Because it wasn't in Chapter 37?

11 A. It wasn't stated as a mathematical formula.

12 Q. Well, we can agree that's what a formula is;
13 right?

14 MR. HAWKINS: Objection.

15 A. No, it doesn't have to be. Use of the word
16 "formula" doesn't have to be mathematical.

17 Q. What does "formula" mean?

18 A. Formula could be a prescription of anything.
19 The word "formula" is used very loosely. I'm just
20 saying in this instance there had to be a way to come up
21 with an agreed upon way to calculate the number. I
22 don't know how they did it before. I can't testify as
23 to how they did it in terms of the budget calculation

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1 before my time.

2 Q. So you can put those three exhibits aside if
3 you want. Let's move on to the 2008 MOU which, I
4 believe, is Exhibit 13.

5 Do you have that in front of you?

6 A. I do.

7 Q. Okay.

8 MR. HAWKINS: This is just to clarify,
9 this is the addendum proposal?

10 MR. ASPIRAS: The -- yeah, it's the one
11 labeled, "Addendum Proposal to the First Amendment,"
12 yes, in 2008.

13 MR. HAWKINS: Right. Okay. He's got it.

14 Q. Now, this document appears to be dated
15 September 2008. That's right?

16 A. That's what it says.

17 Q. And at the time Chapter 37 was still in
18 effect?

19 A. As far as I know.

20 Q. And if you look at what appears to be label
21 b., the second paragraph, starting with, "The Board of
22 Selectmen," do you see that paragraph?

23 A. Yes.

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1 Q. And it references, quote, "the following
2 formula represents their best judgment." Correct?

3 A. "Best judgment and agreement."

4 Q. Okay. And I believe you testified earlier
5 that this document was approved by the board of
6 selectmen; is that correct?

7 A. Yes.

8 Q. And I think you also testified that it was
9 approved by the commissioners?

10 A. I can't directly testify to that but
11 apparently that was so.

12 Q. And it's fair to say that at the time this was
13 drafted SB75 was not in effect; right?

14 A. Oh, boy. I can't recall when that went into
15 effect.

16 Q. All right. So let's turn to Exhibit 18, which
17 is SB75.

18 MR. HAWKINS: He's got it in front of
19 him. I was ready for you that time.

20 Q. So I believe this one, if you look at the
21 upper left --

22 A. Oh, I'm sorry. I misunderstood what you said.
23 This is the first time I've heard the connotation SB75.

Glenn English, 11/20/2020

1 So that's the senate bill that implemented this
2 memorandum of understanding. I thought you meant SB, SB
3 legislation generally.

4 Q. Okay. So let's start with the -- I want to
5 make sure I get the exhibits right. Exhibit 13, the
6 2008, I'll call it the addendum, predates SB75's
7 enactment; correct?

8 A. Yes.

9 Q. And I believe you testified earlier and you
10 just, I think, alluded to it again, that it's your
11 belief that SB75 implemented the addendum; is that fair?

12 A. I believe that was its intent.

13 Q. So let's look at the addendum.

14 MR. HAWKINS: He's got it.

15 Q. So is it fair to say that this addendum
16 contained at least a few changes to the parties'
17 understanding of the formula they were going to use?

18 A. I don't know that it changed the formula as
19 much as it changed information that was used in the
20 formula. You know what I'm saying? I think it changed
21 the fixed percentage of 20 percent to a floating number
22 based on assessed value at the time.

23 Q. Okay. What else did it change?

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1 A. It also generally incorporated highway block
2 grant money. Instead of the town receiving the entire
3 allocation from the state, it split it up between the
4 town and Woodsville precinct based on separate
5 population and road mileage figures.

6 Q. Is there anything in this addendum that
7 doesn't appear in SB75?

8 A. Without thoroughly studying both documents,
9 which I don't have time to do, I can't answer. Is this
10 copy of SB75 a complete copy of the legislation?

11 Q. I did not prepare the exhibit, but I believe
12 it's the final version. That's what it says.

13 A. All I can tell you is I don't see anything in
14 the memorandum of understanding that it is in conflict
15 with SB75. I think that's a lawyer question. I'm not a
16 lawyer.

17 Q. Well, so let's look at SB75. You testified
18 that this implemented the addendum; right?

19 MR. HAWKINS: Objection.

20 A. Well, I don't know that it implemented the
21 addendum. I think it changed state law to be in accord
22 with what the addendum seeks to accomplish. I don't
23 think current state law was compatible with the new

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1 first amendment of understanding.

2 Q. Okay. Can you explain what you mean by that?

3 A. I think the memorandum of understanding
4 between both boards, and it was acknowledged by both
5 boards, required state legislation.

6 Q. Is that -- is that -- sorry.

7 MR. HAWKINS: I was going to say --

8 A. The last sentence on the first page says, "To
9 become effective, the Haverhill Selectboard and
10 Woodsville Commissioners must approve this agreement.
11 The proposed change also required statutory approval by
12 the New Hampshire Legislature." Following -- these are
13 my words -- the towns can't do anything unless the state
14 authorizes it.

15 MR. HAWKINS: I was just going to clarify
16 that he's referring to Exhibit 13, because "memorandum
17 of understanding" applies to three different documents.

18 A. That's the one we were talking about, the 9/16
19 document.

20 MR. HAWKINS: I just want us to be clear.

21 Q. Right. And so is it your understanding that
22 the statutory approval by the New Hampshire legislature
23 was the enactment of SB75?

Glenn English, 11/20/2020

1 A. Well, again, I haven't compared them word for
2 word. I'm just relying on these two documents. I
3 didn't execute either of them.

4 Q. In your capacity as town manager, were you
5 aware of any other act by the legislature relative to
6 the 2008 addendum?

7 A. No.

8 Q. And looking at the language of SB75, can you
9 point to language that obligates the town to raise and
10 appropriate money for distribution to Woodsville?

11 A. Can you give me a minute?

12 Q. Sure.

13 (Witness reviewed document.)

14 MR. HAWKINS: Can we go off the record
15 for a second while he's doing that so I can use the
16 restroom?

17 MR. ASPIRAS: Of course.

18 MR. HAWKINS: I'm just going to mute this
19 until I get back. I'm just handing the witness a pen.

20 (Discussion off the record.)

21 THE WITNESS: Was there a pending
22 question? And if there was, would you please repeat it?

23

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1 BY MR. ASPIRAS:

2 Q. So I believe my pending question -- and I'll
3 just strike the prior one and reask it -- is looking at
4 SB75, is there an obligation to raise and appropriate
5 money for the transfer of funds to Woodsville?

6 A. I'm looking at line 25, "The town of Haverhill
7 shall appropriate the percentage represented by such
8 fraction for distribution to the highway fund in care of
9 the Woodsville fire district commissioners."

10 Q. All right. So can you explain to me how you
11 applied that language when you were town manager?

12 A. I didn't apply that language. You asked me if
13 there was an obligation on the town to provide that
14 funding and it so states in the state statute.

15 Q. Well, this statute?

16 A. "The town of Haverhill shall appropriate the
17 percentage represented by such fraction" -- referring to
18 the mathematical calculation -- "for distribution to the
19 highway fund in care of the Woodsville fire district
20 commissioners."

21 Q. Right. And this statute --

22 A. If you go further, the district shall also
23 receive a proportionate share of the block grant money

Glenn English, 11/20/2020

1 based on population and road mileage. It seems pretty
2 clear to me.

3 Q. Okay. And so we're clear, this statute was in
4 effect for some years while you were town manager;
5 correct?

6 A. Yes.

7 Q. And during that time period you were
8 responsible for calculating or overseeing calculations
9 of the amount of money raised for transfer to
10 Woodsville; correct?

11 A. Right.

12 Q. So how did you interpret and carry out that
13 language you just cited?

14 A. Well, that language cited the prior formula
15 and amended that to be determined by a fraction of the
16 assessed values for the time period under consideration.
17 So the only change in terms of the formula that was made
18 was to take out the static 20 percent and apply an
19 annual amount or an annual calculation based on the, I
20 believe, previous year's published assessed valuation of
21 the town and the fire district.

22 Q. So I believe you're talking about the change
23 beginning on line 21 through 25?

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1 A. Yes. You'll see the static figure, the former
2 static figure of 20 percent is crossed out.

3 Q. And so it's fair to say the legislature
4 replaced the "not to exceed 20 percent" with a specified
5 fraction; right?

6 A. Yes.

7 Q. And it was your understanding that this was
8 consistent with the addendum from 2008?

9 A. Yes.

10 Q. And I believe you testified earlier that the
11 purpose of this was to more accurately track the
12 valuation of Woodsville property relative to the town;
13 is that fair to say?

14 A. No, that was always being tracked. The
15 application was to be fair in the amount of money to be
16 reimbursed to the Woodsville taxpayers.

17 Q. So where does it talk about fairness in this
18 statute?

19 A. It doesn't. I'm telling you that the reason
20 it was done was to be fair, that the 20 percent fixed
21 amount didn't work in terms of fairness.

22 Q. And what was --

23 A. And that for many years under that formula the

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1 Woodsville -- the Haverhill taxpayers in Woodsville were
2 being cheated -- I shouldn't use the word "cheated" --
3 were being shorted the amount of money that should come
4 to them based on the intent of the statute.

5 Q. Well, how were they being shorted? Explain
6 that to me.

7 A. To the extent that the assessed valuation
8 figures were higher in a particular year than money
9 would be provided based on a static 20 percent figure,
10 that amount of money was shorted to Woodsville and
11 they --

12 Q. But the law --

13 A. Wait a minute. Can I finish? And they
14 received less than they should have in terms of their
15 highway budget. And at the same time, the Woodsville
16 taxpayers as town taxpayers were subject to the same
17 law.

18 So I'm really not being clear on that. But, I
19 mean, the basic premise is that the Woodsville taxpayers
20 would be more fairly reimbursed for the real value of
21 their contribution to the tax base.

22 Q. So you just said that they were reimbursed
23 less than, quote, they should have. Should have --

Glenn English, 11/20/2020

1 A. That's a subjective statement of me just
2 interpreting what's in front of me in terms of the
3 statute.

4 Q. But you're talking about the prior statute or
5 this statute?

6 A. I'm talking about this current statute, 75,
7 which further defines the percentage amount to bring it
8 into line with the assessed valuation of both entities.

9 Q. And that changed it from a 20 percent cap to a
10 cap that floated with the valuation?

11 A. Yes.

12 Q. And it's your testimony today that the
13 20 percent cap was not fair to Woodsville?

14 A. No, I didn't say that. I said that the change
15 made by the legislature was to correct a perceived
16 unfairness to Woodsville. It wasn't my idea. That was
17 an idea that came from the selectmen and the district
18 commissioners.

19 Q. Okay.

20 A. The district commissioners first brought it to
21 the attention of the town selectmen that the fixed
22 20 percent formula had not worked well for some time.

23 Q. Okay. I think you just answered this

Glenn English, 11/20/2020

1 question, but I want to make sure I'm clear. So when
2 you're talking about the perceived unfairness, you're
3 referring to the subjective belief of the then-current
4 board of selectmen?

5 MR. HAWKINS: Objection.

6 A. No. I think it's based on the facts and on
7 published figures which the assessed valuations are a
8 function of. There are published statistical figures
9 that are provided for the information of the town
10 taxpayers and they speak for themselves.

11 Q. Right. But you just said that you didn't
12 personally believe it was unfair?

13 MR. HAWKINS: Objection.

14 A. I didn't say that.

15 Q. Right. Well I asked you, was it your belief
16 that it was -- the 20 percent cap was unfair to
17 Woodsville?

18 A. I don't think what my view is, was or is,
19 matters in this discussion.

20 Q. Well, I do.

21 A. I'm just an implementer of established law and
22 policy.

23 Q. Right. So let's start with the question,

Glenn English, 11/20/2020

1 which is did you believe at the time the 20 percent cap
2 was unfair to Woodsville?

3 A. No rational person, in reviewing this, who's
4 totally objective, would come to any other conclusion
5 than doing the --

6 Q. So was that a "yes"?

7 A. It is what it is.

8 Q. I'm going to ask you the question again then.

9 Did you believe at the time that the
10 20 percent cap was unfair to Woodsville?

11 A. I believe the 20 percent cap was what we were
12 mandated to work with at the time.

13 Q. That doesn't answer my question.

14 A. Sure it does.

15 Q. My question is --

16 A. Up until the time -- I didn't bring up the
17 difference between the 20 percent fixed amount and the
18 new figures. That came from the Woodsville Fire
19 District commissioners.

20 Q. Right. But my question is simple. At the
21 time did you believe that the 20 percent cap was unfair
22 to Woodsville?

23 A. I think I grew to believe that based on the

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1 information provided by the Woodsville Fire District
2 commissioners and the agreement of the board of
3 selectmen. After hearing their discussion of that at
4 their joint meeting, I came to agree with that
5 conclusion.

6 Q. And so that would have been in or around 2008
7 when these discussions were occurring?

8 A. It would be sometime in that general area.

9 Q. Okay. Thank you.

10 A. I mean, again, if I can put it into context, I
11 know it's not a direct answer to your question, the
12 20 percent number was what we had at the time. It was
13 my job to apply what we had at the time, until that was
14 changed subsequently by either state statute or an
15 agreement between the two governing bodies.

16 (Pause in proceedings.)

17 Q. So when you came to the conclusion that the
18 20 percent cap was not fair to Woodsville, can you
19 explain to me why you came to that conclusion?

20 A. Well, it wasn't an epiphany. You know, I came
21 to that conclusion based on a discussion of the facts
22 among all the parties.

23 Q. Was it primarily based on the valuation of the

Glenn English, 11/20/2020

1 property within Woodsville?

2 A. Well, that was certainly an important factor.

3 Q. Because you believed that Woodsville should
4 get back 100 percent of its relative valuation from the
5 highway department?

6 A. 100 percent of its valuation from the highway
7 department? What do you mean by that?

8 Q. Of its relative valuation?

9 A. Well, I believe that, as you stated earlier,
10 the former legislation specified an amount up to,
11 whereas SB75 set the amount, set the formula. So there
12 was no "up to" in that language. It was what it is,
13 which would have been the full amount due based on that
14 new fraction. And the word "shall" was liberally used
15 throughout so it was pretty clear that the command of
16 the legislature was to do it.

17 Q. So let me talk about this generally because I
18 think it might ease our conversation. I think at some
19 point you talked about how the general intent or how you
20 interpreted the statute, and correct me if I'm wrong,
21 was to essentially ensure that Woodsville taxpayers got
22 back what they put in, relatively, to the highway
23 department budget each year. Is that a fair

Glenn English, 11/20/2020

1 characterization of your understanding?

2 A. Got back what they put in. I don't understand
3 what that means. I think the intent was to -- is to
4 protect the Woodsville taxpayers from paying for the
5 town highway budget.

6 Q. But Woodsville could have just raised and
7 appropriated its own money directly for its highway
8 department; right?

9 A. Right.

10 Q. And then there wouldn't need to be any
11 discussion or debate about what formula to use; right?

12 A. Right. And the taxpayers in Woodsville would
13 be paying for two highway departments, one of which they
14 didn't use. So how is that fair?

15 Q. So you did not believe that residents of
16 Woodsville used town roads as town residents?

17 A. I didn't say that. We all use all the roads.
18 We use state roads, too.

19 Q. So explain to me how it's not fair for a
20 village district resident to pay taxes to the town for
21 the maintenance of a town-wide highway department?

22 A. Why should there be an extra burden on a
23 particular resident of the town that's above and beyond

Glenn English, 11/20/2020

1 the burden to another resident? Tax is supposed to be
2 fair and equitable, isn't it?

3 Q. Right. But you'll agree with me that the net
4 effect, as you have described it, is for the residents
5 of Woodsville not to pay into the town highway budget;
6 right?

7 A. No. The effect is that each resident pays
8 their share of a highway department that meets their
9 needs.

10 Q. Okay. And that's your understanding based on
11 your time as town manager of the town of Haverhill?

12 A. Well, that's my understanding of the intent of
13 all of this.

14 Q. At the very beginning of your testimony, you
15 talked a little bit about special-use districts. I just
16 had a question, if you know. Are you aware of any other
17 village district or precinct in New Hampshire that
18 receives money from a town in this manner?

19 A. Did I see a reference to that in 75? No, it
20 talked about West Ossipee as a fire precinct.

21 No, I know of no other in New Hampshire.
22 Maybe in Conway, but I'm just supposing. I know in
23 Vermont in the town of Newbury, the village of Wells

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1 River, I believe, has their own highway department in
2 addition to the town highway department.

3 Q. Right. But I'm specifically talking about
4 this arrangement whereby the town raises money from all
5 its taxpayers, right, and then appropriates a portion of
6 that for transfer to a village district?

7 A. Well, I would say in the past that was done
8 with the fire departments. The fire departments, each
9 raised their own tax money to support their operations,
10 and the town gave money to all three fire departments,
11 primarily for capital purchases of equipment. Changed
12 that by town meeting vote, by administration, to
13 equalize the funding so that all the taxpayers, through
14 the town budget, paid for all the fire departments. So
15 it made it fair and equitable.

16 Q. From 2009 until, I guess, 2016, and then for
17 that interim period, what documents did you rely on in
18 calculating the yearly highway appropriation for
19 transfer to Woodsville?

20 A. I think I relied on our exhibits. Again, I
21 forget the numbers, but we referred to them in detail
22 here. Namely, the original -- I say original
23 legislation. It's not original. Chapter 37, SB75 as

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1 amended, the first memorandum of understanding dated in
2 1995, and its amendment, subsequent amendment in 2008.
3 And, of course, I had to rely each year on the actual
4 town highway budget to start the process.

5 Q. Right. That's a good point. I assume that
6 you were looking at the yearly -- the budgeting
7 documents for the town. Can you explain to me why,
8 after SB75 was passed, you were still referring back to
9 earlier memos of understanding and earlier copies of the
10 statute?

11 A. Well, I think some of the points in those
12 documents were still relevant unless changed
13 specifically by the latest legislation.

14 Q. Okay. So was it your understanding that they
15 remained into effect unless they were specifically
16 contradicted by the new legislation?

17 A. Well, whatever was not changed in the new
18 legislation. For instance, SB75 under its purpose says
19 "changing the formula for distribution of highway funds
20 in the Woodsville fire district."

21 Q. Right.

22 A. They didn't say repeal the entire legislation
23 labeled Chapter 37. It merely crossed out the

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1 20 percent fixed amount designation and it recited -- in
2 fact, the whole first part of the SB75 is a recitation
3 of the existing statute with some added language.

4 So, yeah, I guess you could say, if you're
5 splitting hairs, that you really didn't need to look at
6 Chapter 37 anymore because most of it was re-recited in
7 SB75, as well as the new formula. So I'll grant you
8 that.

9 Q. Well, did you understand at the time SB75 was
10 passed that it was amending the statute that was
11 represented in Chapter 37?

12 A. Well, I didn't make the sausage, sir, a
13 representative and senator did. But I think the net
14 effect in what was passed by the legislature is pretty
15 clearly an amendment to the existing chapter. I guess
16 it depends on how you look at it.

17 I mean, generally speaking, when the
18 legislature recites a good portion of the existing
19 statute, is it doing that to do away with the former
20 statute or is it doing that just to restate facts? I
21 don't know. I can't answer that question.

22 Q. Fair enough. So let me just ask you some more
23 general questions that should be easier for us to get

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1 through and then I'll be done.

2 You understood, as town manager, that under
3 the statute you were responsible for the efficient
4 administration of the town; right?

5 A. Yes.

6 Q. And you're granted statutory authority over
7 the property and business affairs of the town?

8 A. Yes. I believe that's right in the statute.

9 Q. And as you understand it, the town manager
10 position is a unique construct in New Hampshire that
11 essentially shifts some of the authority from the board
12 of selectmen to the town manager; is that fair to say?

13 MR. HAWKINS: Objection.

14 A. Yeah, I'll let the legislation speak for
15 itself.

16 Q. Okay.

17 A. And I can't attest to what happens in other
18 states. I've never served as a town manager in another
19 state.

20 Q. As a town manager, would you ever have
21 authorized a transfer that you did not believe was an
22 actual obligation of the town?

23 A. What do you mean by "transfer"? Do you mean a

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1 payment outside of the town?

2 Q. Correct.

3 A. I signed every manifest that was forwarded to
4 the selectboard during my tenure. Every signature of
5 each manifest was a certification that those funds were
6 legal and should be expended by the town. I'll just
7 stick by that. That's documented evidence that each
8 expenditure and every check was preauthorized by me.

9 Q. So before I end, I just want to ask a few
10 questions that I don't think Attorney Hawkins asked when
11 he first started the deposition.

12 Did you review any documents in preparation
13 for this deposition?

14 A. No. I basically relied on them being accurate
15 and to help -- my memory is not what it was ten years
16 ago, so I'm really relying on that though, and what I'm
17 seeing now put in front of me to answer your questions.

18 Q. Right. Sorry. I should have been more clear.

19 A. It's kind of a roundabout answer.

20 Q. Other than the exhibits that you were shown
21 today, prior to the deposition did you review any
22 documents?

23 A. No. I didn't study for this procedure at all.

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1 I didn't review anything. I didn't look at anything.

2 Q. That's what I thought.

3 Did you speak with Attorney Hawkins prior to
4 the deposition?

5 A. Yes, I did.

6 Q. When did you speak to him?

7 A. I believe I spoke to him on one occasion here.
8 I had several communications via e-mail in terms of
9 scheduling meetings and whatnot.

10 Q. Other than scheduling matters, did you discuss
11 your memories or anticipated testimony at all?

12 A. Yes. He asked me many of the questions he
13 asked me today and that you asked, and most of them or
14 all of them were attributable to the exhibits that are
15 in front of us.

16 Q. And did you speak with anybody else affiliated
17 with Woodsville prior to this deposition? And
18 specifically in regards to your anticipated deposition?

19 A. I'm sorry. That last part fell away. I
20 didn't hear it.

21 Q. I just want to be clear. Did you speak to
22 anybody else affiliated with Woodsville prior to your
23 deposition? And I'm limiting that to conversations or

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1 discussions specifically about this deposition.

2 A. No. And what time period are you talking
3 about?

4 Q. Just --

5 A. From the time I knew there was to be a
6 deposition?

7 Q. Correct.

8 A. Okay. No. The answer is no, I had no
9 discussions.

10 Q. Since you left your employment with the town,
11 have you had any conversations with any agent of
12 Woodsville regarding the dispute regarding highway
13 funding?

14 A. Oh, yes.

15 Q. Who have you spoken to?

16 A. I believe I spoke to Commissioner Guy, and
17 again this was in context between friends and we were
18 discussing many other matters and the business with the
19 town came up. I had discussions with Doug Dutile, who
20 is a former commissioner. I had discussions with Steve
21 Robbins, who is -- both before he became a selectman and
22 after he became a selectman.

23 They were just general conversations with

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1 people telling me stuff that was going on. I basically
2 didn't even want to hear it, and it was just brought up
3 usually by them in conversation.

4 Q. I probably asked this early on in the
5 deposition. Where do you currently live? Do you still
6 live in the community?

7 A. Yes, I do. I bought property when I was hired
8 in what I consider to be center Haverhill, Benton Road
9 near the Benton line.

10 MR. ASPIRAS: Okay. I don't have any
11 further questions. Attorney Hawkins may have some
12 follow-up.

13 MR. HAWKINS: A couple of brief follow-up
14 questions.

15 **EXAMINATION**

16 BY MR. HAWKINS:

17 Q. When you were the town manager in Haverhill,
18 did you consider Woodsville to be a hostile foreign
19 power?

20 A. No.

21 Q. Did you see any benefit to anyone in the town
22 of Haverhill to treating Woodsville as a hostile foreign
23 power?

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1 A. No.

2 Q. Was it ever the objective of the board of
3 selectmen during the time you were the town manager to
4 think of ways to try to -- I don't know how to put
5 this -- to shortchange the Woodsville Fire District in
6 any way, shape or form?

7 A. No.

8 Q. And was it your objective to try to treat
9 every -- going about your job as town manager, to try to
10 treat every resident of the town of Haverhill, at large
11 now, fairly?

12 A. Yes.

13 Q. And do you believe that was the objective of
14 the board of selectmen during the time that you were
15 acting a town manager, regardless of who was on the
16 board?

17 A. Yes.

18 Q. Now, Attorney Aspiras asked you whether
19 Woodsville residents don't benefit from being able to
20 drive on town roads. And you said yes, of course they
21 do; right?

22 A. Uhm-hmm, yes.

23 Q. And town residents also benefit from being

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1 able to drive on Woodsville roads; isn't that right?

2 A. Yes. Well, I can put that in easier terms. I
3 mean, if you look at the town of Haverhill as a whole,
4 Woodsville is the downtown business district. And to
5 the extent that Woodsville thrives as the downtown
6 business district, that helps everybody. And road and
7 sidewalks and curb conditions in the downtown business
8 district being in good condition benefits all.

9 Q. So -- all right.

10 MR. HAWKINS: I have nothing further.

11 MR. ASPIRAS: No further follow-up. I
12 think we can go off the record.

13 (Discussion off the record.)

14

15 (Thereupon, the deposition was concluded at
16 3:30 PM)

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1 C E R T I F I C A T E

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E R R A T A S H E E T

IN RE: Woodsville Fire District v. Town of Haverhill
COURT REPORTER: Cheryl B. Palanchian
DEPOSITION OF: Glenn English
TAKEN: 11/20/2020

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