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I N D E X

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.**

**CONNELLY REPORTING AND VIDEO SERVICES**  
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Witness:

Glenn English

EXAMINATION

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NH LCR No. 60

**In Attendance:** Brigitte Codling  
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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.

Notice, filing, caption and all other formalities are waived. All objections except as to form are reserved and may be taken in court at time of trial.

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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1                   **GLENN ENGLISH,**  
 2                   Having first been duly sworn, was  
 3                   deposed and testified as follows:  
 4                   **EXAMINATION**  
 5 BY MR. HAWKINS:  
 6           Q.    Can you please state your name, for the  
 7 record?  
 8           **A.   Glenn Edward English.**  
 9           Q.    And the Glenn is with two Ns; correct?  
 10          **A.   Correct.**  
 11          Q.    Mr. English, are you currently employed?  
 12          **A.   No.**  
 13          Q.    Can you give us an idea of your -- well, first  
 14 of all, did you -- let me back up right from the  
 15 beginning.  
 16                Have you ever been deposed before?  
 17          **A.   No.**  
 18          Q.    So I'm just going to go over a few ground  
 19 rules about the process.  
 20                MR. HAWKINS: First of all, Demetrio, the  
 21 usual stipulations okay with you?  
 22                MR. ASPIRAS: Yes, that's fine.  
 23                MR. HAWKINS: Okay.

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**

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.**

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?

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**

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**

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?

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.**

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.**

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**

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**

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**

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?

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

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?

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

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

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

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

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

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.

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

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.

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

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

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**

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.

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,**



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**

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

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

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.**

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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?

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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.

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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

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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**

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**

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**

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

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

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?

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

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 theyears 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 --"

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?

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**

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

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.**

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?

- 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

- 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?**

- 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**

- 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?

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?**

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.**

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

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**

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**

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.

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**

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?



1 **A. I would have talked to them on a regular**  
 2 **basis, and I believe what was generally the reason was**  
 3 **this issue of the highway reimbursement.**  
 4 Q. At this time did they have any specific  
 5 proposals or things that they wanted to see changed?  
 6 **A. I don't recall it.**  
 7 Q. Do you know if --  
 8 **A. I think they may have had some pressure from**  
 9 **constituents.**  
 10 Q. "They" being the commissioners?  
 11 **A. Yes, to look at the issue as well.**  
 12 Q. And what makes you say that?  
 13 **A. Well, there was always discussions in town**  
 14 **about the whole process of reimbursing this money to the**  
 15 **Woodsville taxpayers. The general comment from the town**  
 16 **person who didn't live in the district was, We give**  
 17 **Woodsville this or, We give them that. Not really an**  
 18 **understanding of why, just that we do it. Why do we do**  
 19 **it. Despite attempts to explain the formula, the**  
 20 **distribution and reasons for it, your average person who**  
 21 **takes little interest in government and doesn't follow**  
 22 **what's going on would question it.**  
 23 **So, again -- and then there was always a**

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**

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**

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.**

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.**

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

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?

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

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**

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,

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?

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.

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**

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**

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

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

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

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

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.**

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.**

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**

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?

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 --

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?

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**

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.**

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

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

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

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?

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

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 --



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.**

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?

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**

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.**

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.**

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

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?

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;

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**

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.

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

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

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 --

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

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.

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

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

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?

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.**

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.**

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.**

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?

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?

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"

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

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.

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

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?

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**

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

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.)

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.



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.**

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.**

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 **servicing 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,

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.**

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**

1 (Recess.)

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

#### EXAMINATION

4 BY MR. ASPIRAS:

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

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

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

11 **A. Yes, I can now. Yes.**

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

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

19 **A. Yes.**

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

22 **A. Correct.**

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. If that's okay.

23 (Discussion off the record.)

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.**

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

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**

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**

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.**

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**

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"?

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?

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

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

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

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

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?

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

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

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

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

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.

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

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.**

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

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 world "shall" as relating back to an obligation to

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

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**

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**



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?

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**

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

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**

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.

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?

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.

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.

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**

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

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.**

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

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

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**

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**

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

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: Objection -- 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?

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

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.  
(Witness reviewed document.)

9 **A. Well, I don't see anything directly, but I**  
10 **would point you to letter b. under 2, which says, "The**  
11 **Board of Selectmen and Board of Commissioners have**  
12 **determined that the following formula represents their**  
13 **best adjustment and agreement as to the proper**  
14 **implementation of said Special Act."**

15 **So that's probably the only reference, if any,**  
16 **to fairness.**

17 Q. Right. And you understood that to mean, at  
18 the time, that neither the board of selectmen nor the  
19 board of commissioners thought that the Special Act was  
20 clear; right?

21 MR. HAWKINS: Objection.

22 **A. Well, I -- they state that the act is in need**  
23

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.**

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**

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.**

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.**

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?

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**

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?

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

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**

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?

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 --

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**

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



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,

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

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**

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

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**

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**

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**

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**

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

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.**

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**

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

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**

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

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?

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)  
 17  
 18  
 19 \*\*\*\*\*  
 20  
 21  
 22  
 23

C E R T I F I C A T E

1  
2 I, Cheryl B. Palanchian, a Licensed Court  
3 Reporter of the State of New Hampshire, do hereby  
4 certify that the foregoing is a true and accurate  
5 transcript of the testimony of Glenn English, who was  
6 duly sworn, taken remotely via the Zoom  
7 videoconference platform.

8 I further certify that I am neither attorney  
9 or counsel for, nor related to or employed by any of  
10 the parties to the action in which this deposition was  
11 taken, and further that I am not a relative or  
12 employee of any attorney or counsel employed in this  
13 case, nor am I financially interested in this action.

14  
15 THE FOREGOING CERTIFICATION OF THIS TRANSCRIPT  
16 DOES NOT APPLY TO ANY REPRODUCTION OF THE SAME BY ANY  
17 MEANS UNLESS UNDER THE DIRECT CONTROL AND/OR DIRECTION  
18 OF THE CERTIFYING COURT REPORTER.

19 \_\_\_\_\_  
20 Cheryl B. Palanchian  
21 Certified Shorthand Reporter  
22 Registered Professional Reporter  
23 Registered Merit Reporter  
Certified Realtime Reporter  
NH LCR No. 60

E R R A T A S H E E T

1  
2 IN RE: Woodsville Fire District v. Town of Haverhill  
3 COURT REPORTER: Cheryl B. Palanchian  
4 DEPOSITION OF: Glenn English  
5 TAKEN: 11/20/2020

6 PLEASE DO NOT WRITE ON TRANSCRIPT - ENTER CHANGES HERE

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15  
16 \_\_\_\_\_  
Deponent  
17 THE STATE OF \_\_\_\_\_  
18 COUNTY OF \_\_\_\_\_, SS.

19 \_\_\_\_\_ Subscribed and sworn to before me this  
20 day of \_\_\_\_\_, 20\_\_.

21 \_\_\_\_\_  
22 Justice of the Peace/Notary Public  
23 My Commission expires: \_\_\_\_\_

<p><b>COURT REPORTER:</b> [2] 59/3 97/8 <b>MR. ASPIRAS: [19]</b> 5/22 31/11 44/8 44/10 80/18 107/17 108/4 108/8 108/15 150/20 151/6 155/22 164/13 165/13 166/21 182/10 187/17 206/10 208/11 <b>MR. HAWKINS: [83]</b> 5/20 5/23 27/14 31/8 35/7 38/20 42/19 55/17 59/1 61/8 63/21 66/11 70/3 75/8 80/16 80/19 80/22 81/4 97/7 97/9 107/21 108/7 108/12 108/16 108/21 109/3 110/20 113/11 116/6 118/3 120/22 127/12 134/19 135/2 135/8 148/17 150/18 150/22 151/5 153/15 155/20 156/16 158/16 162/23 163/18 164/12 164/17 165/3 165/11 166/12 166/19 168/23 170/20 171/9 171/19 172/2 172/12 172/17 173/2 173/16 177/15 178/8 179/5 179/8 179/22 180/5 180/14 181/14 182/8 182/13 183/18 184/14 185/19 186/7 186/15 186/20 187/14 187/18 193/5 193/13 202/13 206/13 208/10 <b>THE WITNESS: [4]</b> 44/14 80/12 108/3 187/21</p>	<p>122/14 <b>\$707,000 [1]</b> 93/1 <b>\$714,774 [1]</b> 100/22 <b>\$830,013 [3]</b> 122/6 122/14 122/23 <b>\$830,013 and [1]</b> 122/14 <b>\$830,013 plus [1]</b> 122/23 <b>\$883,974 [2]</b> 122/23 123/3 <b>\$883,974 reflected [1]</b> 123/3 * <b>'18 [1]</b> 125/21 <b>'73 [1]</b> 7/4 <b>'75 [1]</b> 7/6 <b>'90 [1]</b> 165/11 <b>'94 [1]</b> 44/2 <b>'95 [9]</b> 9/7 35/2 40/6 43/22 164/15 164/21 165/11 165/13 165/15 - <b>.2 [1]</b> 56/7 <b>0</b> <b>00128 [1]</b> 1/7 <b>03101 [1]</b> 2/4 <b>03101-1845 [1]</b> 2/8 <b>03110 [1]</b> 1/21 <b>08 [8]</b> 3/17 3/18 3/19 3/23 4/2 4/3 4/4 81/5 <b>1</b> <b>1-210 [1]</b> 1/1 <b>1/9/1995 [1]</b> 3/13 <b>10 [3]</b> 72/13 72/21 72/22 <b>10/14/08 [1]</b> 4/2 <b>10/27/08 [1]</b> 4/3 <b>100 percent [2]</b> 196/4 196/6 <b>1000 [1]</b> 2/4 <b>1001 [1]</b> 2/8 <b>103 [1]</b> 55/20 <b>10:05 [1]</b> 1/14 <b>11 [2]</b> 75/7 75/12 <b>11/20/2020 [1]</b> 210/3 <b>11/4/08 [1]</b> 4/4 <b>111 [1]</b> 2/3 <b>1138 [1]</b> 84/18 <b>11th [1]</b> 66/12 <b>12 [7]</b> 6/20 80/21 81/3 82/13 84/5 150/12 150/19 <b>12:30 [1]</b> 108/19 <b>12th [1]</b> 70/5 <b>13 [11]</b> 97/8 97/9 97/14 98/2 100/20 101/22 102/21 109/20 182/4 184/5 186/16 <b>14 [4]</b> 97/7 108/20</p>	<p>109/1 110/22 <b>14th [1]</b> 113/6 <b>15 [3]</b> 110/18 110/19 110/21 <b>16 [5]</b> 113/11 113/12 113/15 127/18 186/18 <b>163 [1]</b> 70/5 <b>17 [3]</b> 116/4 116/5 116/9 <b>18 [5]</b> 118/2 118/3 118/6 128/10 183/16 <b>1845 [1]</b> 2/8 <b>1887 [1]</b> 175/22 <b>189 [1]</b> 73/2 <b>1899 [1]</b> 175/22 <b>18th [1]</b> 75/10 <b>19 [6]</b> 120/18 120/19 120/21 120/22 130/12 130/13 <b>196:2 [1]</b> 175/22 <b>1990 [11]</b> 3/11 3/12 3/13 34/9 39/18 39/21 118/23 164/14 164/14 165/3 165/5 <b>1994 [1]</b> 53/14 <b>1995 [32]</b> 3/13 3/14 9/6 28/1 29/15 30/17 37/21 43/17 49/22 52/11 53/16 54/18 55/5 57/18 57/19 58/1 71/22 86/13 118/19 135/19 136/18 155/7 155/10 156/1 164/7 165/15 166/4 168/7 169/14 174/1 179/1 200/2 <b>1996 [2]</b> 52/16 53/18 <b>1:04 [1]</b> 108/19 <b>1st [3]</b> 22/14 43/16 61/9 <b>2</b> <b>20 [7]</b> 1/14 127/9 127/10 127/11 127/13 132/12 210/19 <b>20 percent [63]</b> 30/3 35/21 36/5 36/12 36/14 36/15 37/11 51/8 51/13 51/19 51/20 52/5 58/1 62/4 71/19 74/2 85/13 85/14 85/19 88/19 89/18 90/5 90/16 90/22 102/23 104/2 104/8 104/10 127/6 156/21 157/15 157/19 160/1 161/3 161/14 161/15 163/8 167/12 167/23 168/1 168/3 168/8 168/13 174/19 175/9 184/21 189/18 190/2 190/4 190/20 191/9 192/9 192/13 192/22 193/16 194/1 194/10 194/11 194/17 194/21</p>	<p>195/12 195/18 201/1 <b>200 [1]</b> 75/11 <b>2007 [2]</b> 85/22 88/9 <b>2008 [41]</b> 3/15 3/16 3/20 3/22 56/21 61/9 61/17 62/9 63/23 64/9 66/13 71/9 73/1 73/15 75/10 80/4 86/13 93/22 97/11 102/9 102/17 109/5 110/22 113/14 115/21 116/7 117/5 126/23 162/17 169/12 173/23 174/1 174/4 182/3 182/12 182/15 184/6 187/6 190/8 195/6 200/2 <b>2008/2009 [2]</b> 119/3 169/15 <b>2009 [5]</b> 119/3 128/17 162/17 169/15 199/16 <b>2010 [5]</b> 136/15 136/17 136/18 136/20 136/22 <b>2016 [5]</b> 49/23 125/12 125/17 135/19 199/16 <b>2017 [6]</b> 4/6 120/23 122/1 123/9 126/7 126/17 <b>2018 [2]</b> 50/4 125/20 <b>2018/2019 [1]</b> 135/22 <b>2019 [2]</b> 50/4 135/22 <b>2020 [2]</b> 1/14 210/3 <b>204:3 as [1]</b> 175/22 <b>21 [1]</b> 189/23 <b>210 [1]</b> 1/1 <b>215-2020-CV-00128 [1]</b> 1/7 <b>216 [1]</b> 109/6 <b>21st [1]</b> 73/1 <b>221 [1]</b> 110/23 <b>228 [1]</b> 113/14 <b>22nd [3]</b> 39/18 67/4 68/6 <b>25 [2]</b> 188/6 189/23 <b>25,000 gallons [1]</b> 94/18 <b>26 [2]</b> 52/11 52/21 <b>26 percent [2]</b> 85/23 88/11 <b>26.6 percent [1]</b> 57/22 <b>27 [3]</b> 52/11 55/4 115/21 <b>27.7 percent [1]</b> 102/22 <b>27th [1]</b> 113/13 <b>28 [2]</b> 93/10 93/20 <b>2895 [1]</b> 2/9 <b>29 [4]</b> 64/9 127/17 127/18 127/22 <b>29th [2]</b> 63/23 109/5 <b>2A [1]</b> 46/8 <b>2B [2]</b> 47/17 99/22</p>	<p><b>3</b> <b>30 [1]</b> 2/22 <b>31st [1]</b> 22/14 <b>32 [2]</b> 1/20 131/13 <b>37 [21]</b> 9/10 18/3 18/6 35/18 39/5 155/18 162/11 165/18 167/16 171/2 171/16 172/9 173/14 174/11 174/11 175/21 181/10 182/17 199/23 200/23 201/11 <b>37.1 [1]</b> 3/11 <b>37:1 and [1]</b> 164/9 <b>387 [1]</b> 121/1 <b>393 [4]</b> 121/17 121/18 123/7 125/11 <b>3:30 [1]</b> 208/16 <b>3:71 that's [1]</b> 158/19 <b>4</b> <b>4/1/2008 [1]</b> 3/15 <b>4/19/89 [1]</b> 3/10 <b>4/29/2008 [1]</b> 3/16 <b>44 [2]</b> 128/8 128/14 <b>45 [2]</b> 128/8 128/12 <b>472-5745 [1]</b> 1/21 <b>48 [3]</b> 128/20 128/22 129/3 <b>4th [1]</b> 116/7 <b>5</b> <b>5/11/08 [1]</b> 3/17 <b>5/12/08 [1]</b> 3/18 <b>53 [1]</b> 56/23 <b>53 from [1]</b> 52/11 <b>543 [3]</b> 123/8 123/8 123/10 <b>5745 [1]</b> 1/21 <b>6</b> <b>6/1990 [1]</b> 3/12 <b>60 [2]</b> 2/12 209/21 <b>60 percent [2]</b> 92/11 92/13 <b>603 [3]</b> 1/21 2/4 2/9 <b>669 [2]</b> 93/3 93/8 <b>669-1000 [1]</b> 2/4 <b>7</b> <b>7/21/08 [1]</b> 3/19 <b>707,000 [1]</b> 93/7 <b>716-2895 [1]</b> 2/9 <b>730 [1]</b> 54/11 <b>75 [3]</b> 146/16 192/6 198/19 <b>8</b> <b>8/18/2008 [1]</b> 3/20 <b>80 [1]</b> 56/7 <b>80 percent [7]</b> 48/3 56/6 86/6 86/11 167/6 167/19 167/20 <b>830 [1]</b> 122/12</p>
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<p><b>8</b></p> <p><b>89 [1]</b> 3/10</p> <p><b>9</b></p> <p><b>9/16 [1]</b> 186/18</p> <p><b>9/16/2008 [2]</b> 3/22 97/11</p> <p><b>9/2/08 [1]</b> 81/5</p> <p><b>9/29/08 [1]</b> 3/23</p> <p><b>A</b></p> <p><b>a.m [1]</b> 1/14</p> <p><b>abandoning [1]</b> 127/5</p> <p><b>abide [2]</b> 38/11 159/6</p> <p><b>ability [4]</b> 76/13 119/20 154/20 177/20</p> <p><b>able [3]</b> 12/22 207/19 208/1</p> <p><b>about [122]</b> 5/19 6/17 8/1 8/10 12/17 28/1 29/15 44/4 44/6 44/11 45/1 45/1 45/22 46/2 49/13 51/15 54/10 57/23 63/5 65/14 67/11 67/14 67/21 68/11 68/11 70/11 71/16 72/8 73/12 73/14 73/22 74/17 75/23 76/7 77/1 77/11 80/7 82/21 83/12 84/10 86/2 86/5 87/4 87/16 92/5 92/14 92/15 92/18 93/20 96/9 96/18 101/17 102/17 104/17 111/12 112/18 134/21 135/15 135/16 136/1 138/10 139/6 140/8 141/15 142/23 143/5 143/6 143/7 143/12 144/6 145/13 146/6 147/23 149/4 149/23 150/13 150/23 151/2 151/9 151/12 152/1 152/2 153/22 155/6 158/18 161/23 162/1 162/22 163/6 163/15 164/19 164/20 164/21 170/18 171/1 173/5 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39/7 39/8 66/14 74/7 180/21</p> <p><b>addresses [1]</b> 159/6</p> <p><b>adjusted [1]</b> 125/12</p> <p><b>adjustment [1]</b> 179/14</p> <p><b>administer [1]</b> 25/15</p> <p><b>administered [1]</b> 10/16</p> <p><b>administration [13]</b> 7/2 12/19 19/17 49/10 49/13 49/14 49/19 49/20 56/20 102/19 131/20 199/12 202/4</p> <p><b>administrations [1]</b> 49/22</p> <p><b>administrative [2]</b> 8/20 14/5</p> <p><b>administrator [1]</b> 131/22</p> <p><b>adopt [1]</b> 170/1</p> <p><b>adopted [1]</b> 165/2</p> <p><b>advantage [1]</b> 93/4</p> <p><b>advice [2]</b> 129/21 130/3</p> <p><b>advise [3]</b> 14/2 19/21 116/16</p> <p><b>advised [2]</b> 111/19 112/14</p> <p><b>advising [1]</b> 50/10</p> <p><b>advisory [5]</b> 14/13 14/14 15/5 15/13 16/23</p> <p><b>affairs [1]</b> 202/7</p> <p><b>affect [2]</b> 93/12 93/15</p> <p><b>affected [3]</b> 76/18 92/8 92/23</p> <p><b>affecting [1]</b> 106/2</p> <p><b>affiliated [2]</b> 204/16 204/22</p> <p><b>after [16]</b> 2/22 7/13 16/11 17/4 19/14 43/22 44/2 70/17 71/6 72/9 84/7 108/5 169/12 195/3 200/8 205/22</p> <p><b>again [34]</b> 6/12 11/16 15/2 30/18 34/8 36/17 42/14 50/12 50/15 60/17 65/23 74/16 75/3 79/16 85/12 92/12 96/14 102/21 112/20 127/21 136/22 142/5 143/7 169/18 171/20 172/7 175/11 176/7 184/10 187/1 194/8 195/10 199/20 205/17</p> <p><b>against [2]</b> 15/2 120/3</p> <p><b>agencies [4]</b> 13/9 15/8</p>	<p>21/6 21/20</p> <p><b>agency [1]</b> 20/4</p> <p><b>agenda [2]</b> 80/5 110/3</p> <p><b>agent [1]</b> 205/11</p> <p><b>ago [2]</b> 67/12 203/16</p> <p><b>agree [13]</b> 59/7 103/22 128/1 128/3 160/11 161/16 161/18 168/6 168/21 176/14 181/12 195/4 198/3</p> <p><b>Agreeable [1]</b> 80/17</p> <p><b>agreed [15]</b> 2/16 2/21 30/7 59/8 112/2 112/6 114/6 114/7 116/12 118/13 125/8 127/1 163/8 169/21 181/21</p> <p><b>agreed-upon [1]</b> 30/7</p> <p><b>agreeing [2]</b> 27/8 103/18</p> <p><b>agreement [19]</b> 1/13 38/1 87/2 90/5 94/14 96/22 103/6 116/16 117/9 117/10 122/14 128/16 161/21 174/9 179/14 183/3 186/10 195/2 195/15</p> <p><b>agreements [5]</b> 130/1 153/19 163/15 163/16 163/21</p> <p><b>ahead [6]</b> 69/9 127/19 131/15 153/16 163/1 170/21</p> <p><b>air [1]</b> 90/16</p> <p><b>all [113]</b> 2/17 2/19 2/19 5/14 5/20 10/22 12/10 12/11 13/8 14/5 14/6 17/12 21/4 21/17 21/19 21/20 22/6 23/11 24/13 24/20 26/2 26/7 26/10 26/17 30/14 33/11 34/6 35/17 38/1 41/17 42/2 42/14 44/18 47/8 54/5 69/10 69/11 71/11 72/3 72/18 74/15 74/22 76/1 77/9 77/12 77/13 78/7 79/18 79/21 80/3 87/22 88/13 89/11 90/13 94/23 97/22 104/12 104/15 105/2 105/12 107/3 114/6 114/7 121/8 125/16 138/13 138/20 138/21 139/7 140/12 140/21 141/1 145/8 145/23 147/1 147/4 148/7 148/10 151/10 151/23 154/9 155/15 155/17 158/21 159/12 161/16 162/1 163/6 163/8 166/22 170/3 170/17 170/18 171/17 171/21 177/22 179/7 183/16 185/13 188/10 195/22 197/17</p>	<p>197/17 198/13 199/4 199/10 199/13 199/14 203/23 204/11 204/14 208/8 208/9</p> <p><b>allocate [1]</b> 117/21</p> <p><b>allocated [3]</b> 46/5 55/11 106/16</p> <p><b>allocation [4]</b> 94/15 95/4 106/12 185/3</p> <p><b>allocations [1]</b> 112/15</p> <p><b>allow [1]</b> 9/22</p> <p><b>allowed [1]</b> 158/8</p> <p><b>alluded [1]</b> 184/10</p> <p><b>alluding [1]</b> 140/16</p> <p><b>almost [2]</b> 18/10 19/18</p> <p><b>alone [1]</b> 139/21</p> <p><b>along [2]</b> 14/18 87/22</p> <p><b>already [7]</b> 37/12 55/10 86/15 94/19 111/19 135/14 173/18</p> <p><b>also [45]</b> 9/17 11/8 19/4 19/16 19/19 21/3 23/2 26/2 28/7 39/11 41/11 42/3 43/23 45/14 59/4 60/7 91/4 107/17 114/21 125/20 134/8 138/11 138/15 139/13 140/17 144/14 147/23 149/22 155/1 155/4 156/6 157/20 163/13 163/23 164/9 165/6 165/6 169/18 169/21 170/8 183/8 185/1 186/11 188/22 207/23</p> <p><b>although [3]</b> 64/21 67/13 68/2</p> <p><b>always [14]</b> 12/22 22/4 25/9 27/7 42/5 47/15 65/13 65/23 66/5 72/19 75/5 102/5 112/14 190/14</p> <p><b>am [7]</b> 7/1 10/13 16/17 20/8 209/8 209/11 209/13</p> <p><b>ambulance [2]</b> 28/7 28/8</p> <p><b>Amend [1]</b> 175/22</p> <p><b>amended [8]</b> 30/6 30/18 39/22 117/18 169/16 175/22 189/15 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<p><b>W</b></p> <p><b>who [49]</b> 7/10 7/21 10/13 11/2 11/3 11/5 11/6 12/17 13/8 15/14 19/17 19/23 21/9 26/18 29/18 40/4 40/4 51/14 60/2 65/16 65/20 76/14 76/17 78/2 79/10 79/23 87/18 91/5 94/23 98/1 98/6 98/12 101/14 102/6 111/20 112/18 120/13 120/14 120/15 136/8 137/3 138/4 162/2 170/8 205/15 205/19 205/21 207/15 209/5</p> <p><b>who's [2]</b> 181/7 194/3</p> <p><b>whole [12]</b> 40/2 65/14 70/8 73/4 90/10 95/19 106/17 127/16 165/8 176/1 201/2 208/3</p> <p><b>whom [1]</b> 177/19</p> <p><b>whose [1]</b> 177/1</p> <p><b>why [26]</b> 40/8 40/10 41/6 44/4 47/10 64/23 65/18 65/18 78/22 79/23 80/1 89/21 90/4 90/16 91/8 132/22 141/7 148/21 151/7 161/8 161/18 161/20 164/18 195/19 197/22 200/7</p> <p><b>wide [4]</b> 78/7 78/9 149/16 197/21</p> <p><b>will [5]</b> 108/8 116/16 163/6 165/8 168/8</p> <p><b>winter [1]</b> 42/7</p> <p><b>wishes [5]</b> 151/21 153/6 153/9 153/12 153/17</p> <p><b>within [17]</b> 2/22 12/3 27/21 36/21 37/2 41/16 62/22 88/10 140/15 147/2 147/6 148/7 148/10 149/10 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177/16 192/22</p> <p><b>working [10]</b> 7/20 8/12 12/13 13/20 15/4 17/10 31/20 35/1 62/5 174/19</p> <p><b>works [4]</b> 8/6 13/4 158/4 168/5</p> <p><b>world [1]</b> 157/23</p> <p><b>would [147]</b> 10/19 12/19 12/21 13/14 17/10 20/14 21/15 21/16 22/8 24/13 24/15 24/17 25/12 25/15 25/19 26/12 29/8 29/20 34/1 36/12 36/21 37/1 37/4 40/10 40/23 41/15 41/17 41/21 41/23 42/3 42/7 42/9 42/12 45/14 48/17 50/22 51/23 52/1 52/15 52/22 52/23 53/19 55/3 55/9 57/17 57/18 57/20 63/1 63/7 65/1 65/22 69/6 73/11 75/3 76/18 77/13 78/14 79/14 81/11 83/7 84/20 88/17 89/12 89/12 89/13 89/18 89/23 90/7 90/23 92/20 93/3 93/12 93/15 93/22 93/22 94/7 95/5 95/21 101/7 101/16 102/7 102/18 103/5 103/9 103/21 104/2 104/9 104/9 104/15 106/1 111/18 114/2 114/4 115/8 115/18 117/1 117/17 120/9 122/3 122/5 122/18 122/20 123/20 125/13 125/16 125/20 125/22 127/2 127/5</p>	<p>133/2 138/17 138/19 139/1 142/5 142/8 143/2 143/3 143/4 144/5 144/5 147/20 150/20 155/18 157/4 161/18 163/5 163/16 164/14 164/15 165/7 165/16 169/18 171/7 171/13 171/17 176/14 179/11 187/22 191/9 191/20 194/4 195/6 195/8 196/13 197/12 199/7 202/20</p> <p><b>wouldn't [7]</b> 103/13 133/4 140/14 143/2 161/20 180/4 197/10</p> <p><b>wrapping [1]</b> 134/21</p> <p><b>WRITE [1]</b> 210/5</p> <p><b>written [2]</b> 43/12 153/18</p> <p><b>wrong [6]</b> 40/20 68/2 91/15 119/17 166/22 196/20</p> <p><b>wrote [2]</b> 21/18 21/19</p> <p><b>www.nhdepositions.com [1]</b> 1/22</p> <hr/> <p><b>Y</b></p> <p><b>yeah [41]</b> 18/9 19/11 22/13 35/13 41/8 42/14 44/6 46/17 50/17 64/5 66/8 68/10 79/2 79/20 88/15 89/1 89/21 93/21 95/7 96/10 98/17 101/18 105/2 107/2 112/4 112/10 113/10 120/2 123/2 123/11 130/5 137/2 164/16 166/14 166/21 169/11 169/13 171/12 182/10 201/4 202/14</p> <p><b>year [43]</b> 7/3 7/5 9/5 14/4 15/18 16/1 20/14 22/10 22/11 22/12 29/9 43/7 43/20 50/9 50/11 54/2 56/20 57/8 57/8 74/5 74/5 92/19 105/3 113/4 122/8 122/12 125/21 133/12 133/15 136/9 138/5 145/8 151/12 164/20 167/10 169/8 174/2 174/2 174/14 178/16 191/8 196/23 200/3</p> <p><b>year -- strike [1]</b> 133/12</p> <p><b>year's [1]</b> 189/20</p> <p><b>yearly [5]</b> 128/5 129/6 174/1 199/18 200/6</p> <p><b>years [22]</b> 7/1 7/23 8/10 8/23 22/9 23/11 25/1 33/8 47/7 66/4 86/1 93/23 125/17</p>	<p>132/5 136/10 137/11 137/14 152/4 169/12 189/4 190/23 203/15</p> <p><b>years' [1]</b> 74/3</p> <p><b>Yep [9]</b> 22/15 70/19 73/3 80/18 81/17 99/20 107/9 109/16 166/17</p> <p><b>yes [229]</b></p> <p><b>yet [2]</b> 135/17 169/10</p> <p><b>you [627]</b></p> <p><b>You'd [1]</b> 161/10</p> <p><b>you'll [4]</b> 35/7 52/12 190/1 198/3</p> <p><b>you're [34]</b> 19/12 61/2 70/8 88/8 89/9 108/5 124/22 135/8 140/16 149/8 149/17 150/6 150/23 151/7 151/16 162/19 162/21 164/19 172/1 172/23 173/7 173/8 175/11 176/3 177/1 177/11 178/12 180/15 189/22 192/4 193/2 193/2 201/4 202/6</p> <p><b>you've [16]</b> 35/10 37/12 42/22 43/1 58/15 64/3 81/6 86/15 97/16 118/7 121/3 121/5 127/20 128/23 128/23 131/16</p> <p><b>your [132]</b> 5/6 5/13 6/2 6/3 6/3 6/12 6/17 7/5 7/7 9/8 12/4 12/5 13/18 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