

Village District of North Haverhill Water & Light New Hampshire 2021 Warrant and Budget

To the inhabitants of the North Haverhill Water & Light District in the Town of Haverhill, County of Grafton in the State of New Hampshire qualified to vote in District affairs. You are hereby warned and notified to meet at the North Haverhill fire station on Tuesday, March 16, 2021 at 5:30 in the evening to act on the following articles.

Moderator Robert Rutherford called the meeting to order at 5:30PM and led everyone in the Pledge of Allegiance to the flag. Present were Chairman Dennis Fournier, commissioners Cheryl Marchetti and Richard Clifford, Treasurer Pam Kinder, Clerk John Page, water department Superintendent Robert Fagnant, bookkeeper Althea Page, interim bookkeeper Cara Kimball and members of the public Shawn Bigelow, Lorie-Ann Noyes, Carol Norcross, Jim Kinder, Don Kimball, Carolyn Kimball, Sherry Fullerton, Charlene Aldrich, Ed Ballam and Clifton Aldrich.

Article 01: Choose a Moderator

To choose a Moderator for the following year.

Rich Clifford nominated James Kinder. Dennis Fournier seconded the motion. There were no other nominations and James Kinder was elected.

Article 02: Choose a Clerk

To choose a Clerk for the ensuing year.

Rich Clifford nominated John Page. Dennis Fournier seconded the motion. There were no other nominations and John Page was elected.

Article 03: Choose a Treasurer

To choose a Treasurer for the ensuing year.

Cara Kimball nominated Pam Kinder. Dennis Fournier seconded the motion. There were no other nominations and Pam Kinder was elected.

Article 04: Choose a Commissioner

To choose a Commissioner for a term of Three (3) years.

Dennis Fournier nominated Cheryl Marchetti. Rich Clifford seconded the motion. There were no other nominations and Cheryl Marchetti was elected

Article 05: End of year reports

To hear the reports of the officers heretofore chosen and to pass any vote relating thereto.

Moderator Robert Rutherford stated that, due to time constraints, the only information published in this year's town report was the minutes of the 2020 meeting. Rich Clifford made a motion to accept as printed the 2020 annual meeting minutes, the 2021 proposed warrant articles to be voted on tonight as well as the budget, all as provided as handouts at the meeting. Jim Kinder seconded the motion. There was no further discussion and the motion passed. (Note: Article 10 of the 2020 annual meeting as published in the 2020 town report was entered incorrectly from a draft copy of the warrants. It was actually worded to ask voters if they would relinquish the fire department to the town.)

Article 06: Operating budget - Water Department

To see if the District will raise and appropriate the sum of \$160,032.00 (one hundred sixty thousand thirty-two dollars) which includes all monies deemed necessary for the self-sufficient water department. This article does not include appropriations that might be contained in special or individual articles addressed separately. (Majority vote required)

Richard Clifford moved the article, which Cheryl Marchetti seconded. Carol Norcross asked how the fire department would work this year and Moderator Robert Rutherford told her it is fully funded by the Town of Haverhill. There was no further discussion and the article passed.

Article 07: Operating Budget – Village District

To see if the District will raise and appropriate the sum of \$46,476.00 (forty-six thousand four hundred seventy-six dollars) for general municipal operations, which includes all monies deemed necessary for maintenance of streetlights, and sidewalks of the District. This article does not include appropriations that might be contained in special or individual articles addressed separately. (Majority vote required)

Commissioner Richard Clifford moved the article, which was seconded by Jim Kinder. Carol Norcross noted that a portion of the sidewalk was paved last year and asked if the commissioners had plans to do more this year. Rich Clifford told her that paving would continue this year. Dennis Fournier commented that there were a couple of driveways that did not have aprons repaved because there were no aprons there. That will be addressed this year as well. Carolyn Kimball asked about installing crosswalks at the post office and at Aldrich General Store. Rich said he would check with the state to see if they can take care of that. Lori-Ann Noyes asked what section of the sidewalk would be resurfaced next and Rich said the commissioners had not decided yet. Carol Norcross mentioned a broken shutoff cover at Forest Lane but the commissioners were already aware of it. Rich asked that anyone having any suggestions or comments about the sidewalks to please contact one of the commissioners. Carol Norcross asked about an audit for 2020 and Rich Clifford said the commissioners had budgeted for one. There

was no discussion and the article passed.

Article 08: Noise Ordinance Petition

To see if the District will vote to adopt the following noise ordinance.

- No group, firm or corporation shall make or cause to make any noise that will create a public nuisance.
- Noise that be deemed a nuisance shall be defined for all practical purposes as such: any unreasonable volume of sound which may be heard in continuance from the immediate or surrounding area with no indication of relief.
- Noise generated by recreational detonation of explosive devices shall be prohibited at all times. This shall not apply to the blasting, fireworks or controlled demolition by licensed contractors.
- Public works and public safety equipment required for effective delivery of public services shall be exempt from the provisions of this section.
- Upon involvement of the Haverhill police department, the responding officer will have the right to use his/her discretion to determine whether the noise was or is a nuisance under the provisions of this ordinance. Upon his/her assessment, a written warning may be issued. Subsequent violations of this ordinance shall result in a graduated fine of \$25.00, \$500.00 and then \$1000.00 per violation. (By petition)

Moderator Robert Rutherford said that article 8 would be passed over because a legal opinion from Stephen Buckley, a lawyer at the New Hampshire Municipal Association said that, because the village district of North Haverhill was created only for the purpose of providing water and lights to its residents, creating a noise ordinance would be outside its authority. He went on to say that even though the North Haverhill Water & Light District cannot legally enact a noise ordinance, the petitioned article should still go to the annual district meeting with the appropriate explanation that the ordinance is ultra vires (beyond one's legal power or authority) and therefore unenforceable.

Article 09: Take any other action

Richard Clifford moved he article, which Cheryl Marchetti seconded. Don Kimball asked why there was no 2021 budget in this year's town report and Clerk John Page explained that the town requested input for the town report before the end of December and since the end of year accounting couldn't be done until early January at the earliest, there was no way to get the information to them. The same reason would hold true as to why the 2021 warrant articles were not in the town report. Don then asked what amount of money was left over in the fire department budget for the year. Interim bookkeeper Cara Kimball told him she didn't have the figures in front of her but would get them to him. He insisted he wanted to know right then but there was no way the information could be accessed. Rich Clifford did tell him that, in past years, any funds left over in the fire department budget were used to pay down the fire truck loan.

Carol Norcross expressed her opinion that the whole fire department issue

is very sad. She said she watched the town manager's presentation on the town fire department, but it had no detail. She thought the plan should be better thought out. She commented that the people spoke loud and clear when they noted 'no' on article 2 at the town meeting. The Moderator said that there probably would not be a 'live' town meeting because there is no place large enough to accommodate 50% of registered voters and be able to practice safe distancing.

Don Kimball asked if the precinct paid anything to fund the fire department last year. Rich Clifford told him that the town has been funding the fire departments since 2012, so the answer was no. Rich also expressed his confidence that everything would work out fine. Charlene Aldrich thought that precinct taxes would go down, but the Moderator said they would not, simply for the fact that the town has been funding the fire departments since 2012.

Carol Norcross asked if there are any funds left in the Sanborn/Merrill account and the simple answer is yes.

Charlene Aldrich brought up the subject of funding for the fire departments and wanted to know if anyone knew the RSA that the town manager keeps talking about that says that the town can't legally fund the precinct fire departments. She made a motion to allow Ed Ballam from Haverhill Corner to speak. The motion was seconded by Rich Clifford and the voters approved it. Ed said he received information from the town manager that there are two RSAs that govern this situation – RSA 31:3 and RSA 31:4. There is a bit of case law that can also be looked at – Klapp vs. The Town of Jaffrey (NH) from 1952. Basically, what it says is that precincts are separate entities from the town. Each has a separate governing body, and each has the power to raise and appropriate monies for whatever purpose they need, including funding a fire department. Mr. Ballam, however, felt strongly that this is just the town manager's opinion and that he considers it illegal. Don Kimball said that we currently have four precincts, but nobody knows how long ago they were established. He questioned whether it might be fine to eliminate them and just become part of the town. Charlene Aldrich said that the law is vague. The Town of Haverhill is one of only one or two towns left in the state that have precincts. Carol Norcross wondered what the process would be to do away with precincts. The Moderator thought it might have to go to the state for approval. He did comment that the only way to have a say with issues like upkeep of the sidewalks would be to keep the precincts.

Don Kimball said that he served in the North Haverhill fire department for 25 years. He felt strongly that the building housing this meeting should not be called a fire department but a fire station.

There was no further discussion, and the Moderator declared the motion passed.

Moderator Robert Rutherford swore in all of the newly elected officials.

Richard Clifford made a motion to adjourn, which Don Kimball seconded and the voters approved. The meeting was adjourned at 6:10 PM.

The Commissioners thanked Robert Rutherford for serving 25 years as precinct moderator.

Respectfully submitted,

John E. Page, Clerk

Dennis R. Fournier, Chairman

Cheryl J. Marchetti., Commissioner

Richard L. Clifford, Commissioner