

**Town of Haverhill
Dean Memorial Airport Zoning Commission
MEETING MINUTES
J.R. Morrill Building
2975 Dartmouth College Hwy.
No. Haverhill, NH 03774
And on ZOOM
Wednesday, June 12, 2024
5:00 PM**

CALL TO ORDER: The meeting was called to order at 5:17 PM by Susie Tann, Chair.

Members of the Airport Zoning Commission (AZC):

Chair: Susie Tann

Vice Chair: Matthew Bjelobrck

Member: Zach Henson

Member: Mark Maholchic

Ex officio: Rod O'Shana

Airport Manager: Dennis Cunningham

Airport Technician: Dan Freeto

In-Person Visitors: None.

Online Visitors: None.

Roll Call Attendance: Vice Chair Bjelobrck (Present), Maholchic (Present), O'Shana (Absent), Cunningham (Absent), Henson (Absent), and Chair Tann (Present). A quorum was met.

AGENDA APPROVAL

Chair Tann asked for a motion to accept the Agenda as written.

MOTION #1: Vice Chair Bjelobrck made the motion and seconded by Maholchic.

Voice Vote: All in favor, none opposed, none abstained. The motion passed unanimously.

MINUTES REVIEW

Chair Tann asked for a motion to approve the Minutes.

MOTION #2: Vice Chair Bjelobrck made a motion to approve the Minutes from the **May 8, 2024**, meeting, as written, seconded by Maholchic.

Voice Vote: All in favor, none opposed, none abstained. The motion passed unanimously.

AIRPORT MANAGER'S REPORT

Chair Tann noted that Cunningham is not at the meeting, but his report was sent in, as follows:

- Cunningham donated a lawnmower to the airport because most of the mowing does not need a large tractor.
- Cunningham installed a video camera on hangar A.
- Cliff Batchelder is selling his airplane.

NEW BUSINESS: None.

OLD BUSINESS:

Aviation Scholarship Update

Aviation Scholarship Income Balance

Chair Tann reported that currently the Scholarship balance is \$11,846.98; the fees were \$132; and the gross income was \$493.50.

Chair Tann asked the members if they would be interested in approaching Annemarie Godson to make more funds available for scholarship awards. Bjelobrck advised that the Commission should continue with the present trust language.

Aviation Scholarship Program Status

- **Melissa Ulery**

Chair Tann stated that the last letter to Melissa was dated December 22, 2023, which asked for optional monthly updates and a final check-in during the August 23, 2024, meeting. Chair Tann noted that Ulery did not communicate with her to update the members at the June AZC meeting.

- **Aviation Scholarship Program Legal Review**

Chair Tann introduced the email related to the Aviation Scholarship Program from Laura Spector, attorney from the Mitchell Group, for members' review.

Chair Tann addressed p. 3 of the email in which Attorney Spector stated that “the application, description, and interview questions do not coincide with the purposes of the trust, as set forth in the Trust Agreement.” Chair Tann provided the members with the Trust Agreement and continued Attorney Spector’s email in which the attorney stated, “For example, the Trust Agreement says that the scholarships are to be awarded to graduating high school seniors, homeschoolers, or other students to be used at a vocational/technical school or college to study or train in an aviation-related field, and are to be awarded based on scholastic achievements and/or financial need.”

Chair Tann noted that the AZC Scholarship Committee interpreted the Trust requirements somewhat differently. The Trust states that, “At the sole discretion of the Dean Memorial Airport Scholarship Fund Committee the Committee may identify any other appropriate sources for potential recipients.”

Chair Tann read a letter from 2014 from the founding member of the Scholarship Trust Annemarie Godson stating, “I hope the original intent for this Scholarship has not been forgotten. I assume and hope that local high schools are made aware of the existence of this scholarship before it is offered to adults. And, that anyone who partakes of the

Scholarship realizes that it should be utilized in a way that shares their knowledge and skill in aviation.”

Chair Tann noted that she believes that Attorney Spector did not have all the information when she wrote her opinion. Chair Tann addressed the three trust agreements (February 8, 2001; April 13, 2001; and May 21, 2014) and the letter from AnnMarie, which Attorney Spector possibly did not have.

Chair Tann and Vice Chair Bjelobrck discussed the future of the airport, which is not in the Trust Agreement. Vice Chair Bjelobrck noted that it is implied. Chair Tann noted also that she discussed with AnnMarie transferring the management of the Trust to her son or grandson; however, they do not have the funds for the legal fees to execute the transfer. Vice Chair Bjelobrck recommended making no changes at this time and proceeding with the status quo. Chair Tann noted that the intent is shown in the document the Committee revised. Maholchic ~~noted~~ suggested that an email with a request for suggested changes to the Committee’s document ~~is what he would recommend.~~ be sent to Attorney Spector.

Chair Tann read more of the email from Attorney Spector, “I would revise the application materials to be more in line with the trust agreement. Awarding scholarships for purposes or to individuals beyond the trust agreement could result in issues with the AG’s office, which oversees charitable trusts such as these.” The members discussed that the scholarship document is in fact aligned with the Trust Agreement.

Chair Tann quoted the section of the email from TA Codling, “The biggest concern the Airport Commission had years ago was that the money was going unspent because the cost of pursuing aviation is too expensive and time consuming for a high school or college student.”

It was discussed that a return ~~an~~ email to Attorney Spector with all the documents was not necessary because the Commission’s Program description is in line with the intent of the Trust Agreement.

MOTION #3: Chair Tann made a motion, seconded by Maholchic, to approve the Committee-revised scholarship document and that it is in line with the intent of the Trust Agreement and associated documents.

Voice Vote: All in favor, none opposed, none abstained. The motion passed unanimously.

AZC Rules of Procedure

Chair Tann provided a DRAFT Rules of Procedure for the AZC. Chair Tann went through section by section of the Rules.

[Resumed discussion of Scholarship program.]

Bjelobrck initiated a conversation about the Scholarship Committee membership term. The members discussed the Scholarship requirements of members on the Committee. The Trust

Agreement states that members “serve for a minimum of 3 years but not exceed 5 years in succession.”

MOTION #4: Bjelobrk made a motion, seconded by Chair Tann, to approve a 30-day hiatus in serving on the Scholarship Committee according to the Aviation Trust Agreement ~~Committee~~ terms of membership.

Voice Vote: All in favor, none opposed, none abstained. The motion passed unanimously.

MOTION #5: M

Chair Tann made a motion, seconded by Vice Chair Bjelobrk, to approve a 30-day hiatus in serving on the Scholarship Committee according to the Aviation Trust Agreement terms of membership.

Voice Vote: All in favor, none opposed, none abstained. The motion passed unanimously.

[Ended discussion of Scholarship program.]

[Rules of Procedure discussion continued.]

The members discussed section by section of the Rules of Procedure document and included items as follows:

- Add steps for appointment of new members.
- Include statement “in accordance with Town policies.”
- Remove IV, A, 2.
- “Impartial presence” from V. D. 5. Discussion continued. Vice Chair Bjelobrk suggested striking that wording from the document.
- V. E. Regarding members of the public: the Commission agreed that members of the public should be allowed to speak when their comments are relevant to the issue being discussed. Members of the public wishing to address an issue may do so at the discretion of the Chairperson.
- Under F. 2. a. Meeting Minutes, Bjelobrk added that the record of those present should include audience members.
- Chair Tann recommended adding that the public can speak when it is relevant to the topic being addressed.
- The Commissioners discussed the term Public Hearing and what it applies to. Vice Chair Bjelobrk added wording, as follows: Members of the public shall address the Commission Chairperson and no other members of the audience. Chair Tann agreed that the Chair has the option to shut down comments from the public.
- Chair Tann noted that she accepts the changes offered by the Commissioners. Maholchic agreed with the changes.

MOTION #6: Bjelobrk made the motion to accept the Rules of Procedure with the changes made, seconded by Maholchic.

Voice Vote: All in favor, none opposed, none abstained. The motion passed unanimously.

ADJOURN

