

Town of Haverhill
SELECT BOARD MEETING MINUTES
Monday, July 29, 2024, 6:00 p.m.
Robert E. Clifford Memorial Building

Zoom link to the recording:

<https://us06web.zoom.us/rec/share/zfv3q9aWxyoSry8lsmCrM2oglJIV11XWioHocmgNWkUk19Ao34Q8zigPcBjfxXD4.oduPp7mBbDnOrFUT>

Passcode: 6N@L1+eL

Select Board Present:

Chair Rod O’Shana, Joe Longacre, Kevin Knapp, Ron Hurlburt, and Theresa Paige. A quorum was met.

Attendees In Person:

Kevin Shelton, Marilyn Blaisdell, Norman Darby, Regis Roy, Sylvia Holden, Fred White Darlene White, Judy Harris, Gordy Harris, Vickie Wyman, Darwin Clogston, Alex Nuti-de Biasi (Journal Opinion), Harv Keyes, Tuesday Griffin, Joanne Young, Margo Longacre, Carolyn Hofmann, Paul Kidder, Ellen Hurlburt, Howard Hatch, Ron Willoughby, Alan Wheeler, Erin Atkinson, Don Kimball, Evelyn Elms, Matthew Bjelobrk, Marie Bjelobrk, Dottie Long

Attendees Online:

Lorraine Prescott, Guy Mitchell, Polly Marvin, Mike Bonanno, Michael Mateja, Bridget Lanctot, Andrea Vient, Delcia Vinnacombe, Aaron Palm, Melin Boutin, Mary Houde, Rich Bergeron, Skip Gadwah, Jessica Young,

CALL TO ORDER

Chair O’Shana called the meeting to order at 6:01 p.m.

ATTENDANCE/ROLL CALL

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

Chair O’Shana added a scheduled appearance by Kevin Shelton and under New Business, readdressing the Parks & Rec credit card limit.

MOTION #1: J. Longacre moved to approve the Agenda as amended. K. Knapp seconded the motion.

Voice Vote: A roll call vote was taken. O'Shana – aye, Knapp – aye, Paige – aye, Longacre – aye, Hurlburt – aye. The motion carried unanimously.

CONSENT AGENDA APPROVAL

MOTION #2: J. Longacre made a motion to approve the Consent Agenda as presented. K. Knapp seconded the motion.

Voice Vote: A roll call vote was taken. O'Shana – aye, Knapp – aye, Paige – aye, Longacre – aye, Hurlburt – aye. The motion carried unanimously.

APPROVAL OF MINUTES

July 15, 2024

Change that in Motion #6, R. Hurlburt abstained.

MOTION #3: K. Knapp made a motion to approve the Selectboard meeting minutes of July 15, 2024, as amended. R. Hurlburt seconded the motion.

Voice Vote: A roll call vote was taken. O'Shana – aye, Knapp – aye, Paige – aye, Longacre – aye, Hurlburt – aye. The motion carried unanimously.

SCHEDULED APPEARANCES

Kevin Shelton

Kevin Shelton appeared before the Board and read the following statement:

1. I appreciate the opportunity to speak to you tonight. I am here tonight to follow up on the letter from the Woodsville Fire District's attorney, Lynnette Legra, sent to all of you on July 24th, the day the Supreme Court ruling came out. I would like to clarify the Supreme Court's decision and to ask the Selectboard to release the \$445,604 of funds from 2022 articles 27 & 28 to Woodsville immediately as well as the money due Woodsville for Highway Block grant portion for 2023 & 2024.
2. The appeal was filed because the DRA refused to allow Articles 27 and 28 even though they were lawfully approved by Haverhill voters. Woodsville attempted to appeal directly to the DRA, but the DRA said Woodsville lacked standing to appeal Haverhill's warrant articles. Woodsville had no choice but to appeal that to the NH Supreme Court because otherwise Woodsville would not be able to appeal warrant article decisions in the future.
3. After Woodsville filed its appeal in August of 2022 with both the Superior Court and the Supreme Court, the DRA ultimately allowed the appropriations contained in articles 27 & 28 when it set the tax rates for Haverhill and Woodsville on January 20, 2023. The DRA's approval of the articles in setting the 2022 tax rate means that the articles remain valid as a matter of law and the funds must be turned over to Woodsville immediately. The Supreme Court did not act on these articles as they viewed the issue moot. These articles are not illegal or unlawful. This has been incorrect messaging by the former management who believed that

one municipality cannot fund another, but was untrue due to the Woodsville / Haverhill special legislation that has always allowed it dating back to early 1900s.

4. It is very important to note that the funds were never the Town of Haverhill's to spend. These funds were appropriated for the funding of the two articles, and had the articles been found to be invalid, the funds raised would need to have been returned to the taxpayers. These funds should not have been comingled and should have been held in a separate escrow account pending the outcome.
5. Pursuant to NH Laws 2021, 124:1 Highway block grant funds shall be distributed to Woodsville in accordance with the Department of Transportation formula. To date, Woodsville has requested these funds numerous times from the former Town Manager and Select Board for both 2023 and 2024 and they now remain unanswered and unpaid. I do not know the exact total for 2024, but 2023 funds due total \$30,898.61. I am assuming 2024 would be quite similar. These funds are overdue to be paid to Woodsville and I ask for the status of payment and when it can be expected to be received.
6. When I addressed the Select Board earlier this month on July 1st, you told me, although not clearly, that the funds exist to pay Woodsville the monies due. If this was true then, and NOW, then I request that payments be released immediately. If they do not exist, or are not available, then I ask you to explain to the public, NOW, why they are not and what the next steps are.
7. I ask for your explanation to my funding questions so that we can bring these issues to an end and move forward.

In response to this statement, Chair O'Shana said he will verify the receipt of the 2024 block grant funds. He has not seen the documents for the two requests, but will do his best to track them down. He has sent an email to the DRA to find out about disbursement of the other funds. The Board is aware these funds are the taxpayers' money or Woodsville's money; they were never treated as a slush fund. As the Board investigates this issue, they will copy K. Shelton on all emails.

K. Shelton noted a check is due to be hand delivered to Woodsville on August 6th and asked if the Town has the funds. Chair O'Shana said that dollar amount is in the account, but the Board needs to determine that everything is right before making the payment. When K. Shelton questioned this, Chair O'Shana explained that the Board is working to understand the issue, without the help of the former Town Manager and former Finance Director.

K. Shelton asked about the Town's plan of action, if the funds are not available by August 6th. Chair O'Shana said they are working on this. R. Hurlburt added that the Board was given two different explanations of the situation. He noted there are funds in the unassigned fund balance; however, there are not funds specifically earmarked for Woodsville. K. Shelton said it had been a month since his last appearance and that the Board should know their financial situation. R. Hurlburt noted the Board was working without the assistance of a financial administrator, since one was just brought on last week.

K. Shelton asked if the Board notified the DRA that the Town was having trouble paying their bills, and that it was important for the DRA to know this. Chair O'Shana said he reached out to the DRA for the first time today.

K. Shelton said he has reached out to the Board but not received a response. Chair O'Shana said he has been unable to access the information necessary to respond and will share those email chains with K. Shelton.

K. Shelton asked when he will hear from the Board definitively on payment. Chair O'Shana said he will stay in touch with K. Shelton moving forward.

NEW BUSINESS

AP Hill Pool

Kevin Shelton reported he was approached by the citizens of Haverhill and Recreation Director Sherri Sargent about fundraising or working towards opening the AP Hill Pool. It cannot be opened in its current state and needs to be replaced. He does not know what it would cost to replace the pool, but believes if there was a fundraising group in the Town, they could be very successful. He noted the infrastructure for the pool still exists. He asked the Board if they want to work with the Woodsville Fire District on this. The Board asked if K. Shelton had shared the prior agreement and he said he had.

COMMISSION / COMMITTEE EX-OFFICIO REPORTS:

Theresa Paige – Conservation Commission

There was no Conservation Commission meeting.

Joe Longacre – Planning Board

J. Longacre and a member of the public gave an update on the projects reviewed by the Planning Board.

Kevin Knapp – Parks & Recreation Commission

K. Knapp reported on upcoming recreation events.

Rod O'Shana – Airport Zoning Commission

The Commission will meet on August 14, 2024.

PUBLIC WANTING TO ADDRESS THE SELECT BOARD REGARDING ITEMS ON THE AGENDA (3 minutes maximum)

Vickie Wyman said she appreciates the Board's desire to be transparent regarding the financial matters under discussion. She asked why the Board has not decided to do a forensic audit to see where everything has gone in the last five years. Chair O'Shana explained a forensic audit costs approximately \$80,000 and a reason is needed to justify spending this much of the taxpayers'

money. This type of expense would also need to be budgeted. The Board is aware the residents are asking this question and have discussed it.

V. Wyman asked why the former Town Administrator only gave five days' notice, when her contract required two weeks' notice, yet she still received her severance package. Chair O'Shana said the former Town Administrator gave two weeks' notice. He noted he wished a longer time had been required in the contract, as it is difficult to hand over management of a town in such a short period of time.

V. Wyman asked about the status of forming a committee to select a new Town Administrator. Chair O'Shana said the Board will be discussing this in a non-public session after this meeting.

Regis Roy said the former Town Administrator said in several meetings that there was a separate account for the Woodsville funds. She asked if the Board could ask her about this. Chair O'Shana said the money was never earmarked; it was just noted as being in the unassigned fund balance.

R. Roy asked about Hub66. She said towns like Wentworth are getting connected to services for free and asked if connection is included in the price of service. Chair O'Shana said he cannot speak to what happens in Wentworth.

Darwin Clogston asked who developed the purpose, mission, goals, and objectives of the Woodsville Highway Study Committee. Chair O'Shana said he thought Kevin Shelton did. D. Clogston asked if the Select Board had any say in what the committee hoped to accomplish. Chair O'Shana explained it is an exploratory committee with representatives from both sides and the first meeting will be held on August 1st; it is not under the purview of the Select Board. R. Hurlburt clarified the goals were created as a draft to get the ball rolling; they are not set bylaws. D. Clogston asked if the public could add to the goals and Chair O'Shana said the meetings will be open to the public. It will be up to the chair of the committee if the public will be invited to speak at these meetings. D. Clogston asked how he could share his recommendations and Chair O'Shana said he would email him a list of the committee members. T. Paige offered to share his recommendations with the committee and D. Clogston agreed to send them to her.

Marilyn Blaisdell asked if the Board had consulted counsel about the Supreme Court's decision regarding the highway funds. Chair O'Shana said he has reached out to the DRA, and the Town attorney for guidance. M. Blaisdell asked how the flow of information from K. Knapp to K. Shelton that is supposed to stay within the Select Board can be stopped. She said this sharing of information is very disturbing and asked if this has been addressed, or if it will continue to be allowed to happen as it has for the last four years. Chair O'Shana said if it is information from a public hearing, they have the right to speak about it. M. Blaisdell said there is proof that information from non-public meetings has been shared and asked if this has been addressed. Chair O'Shana said he did not know what she was referring to. M. Blaisdell said it had been admitted and it was obvious there is no recourse. She said nothing honest can be accomplished with this sharing of confidential information occurring.

SELECT BOARD MEMBER FINAL COMMENTS

T. Paige explained that the funds in question are in the unassigned fund balance with the DRA, but were never put into a separate account. The DRA approved how this was handled. She said the funds were never thrown around, as has been accused. She said there has been a lack of ensuring tasks were appropriately accomplished. She said the Board is not trying to avoid the situation.

J. Longacre said he will wait to comment until the Board has advice from counsel, as Woodsville does need to be paid.

NEW BUSINESS (cont.)

MOTION #4: R. O'Shana moved to raise the Parks & Rec credit card limit to \$4,500 between April and October each year. J. Longacre seconded the motion.

Voice Vote: A roll call vote was taken. O'Shana – aye, Knapp – aye, Paige – aye, Longacre – aye, Hurlburt – aye. The motion carried unanimously.

NON-PUBLIC MEETING

The Board entered non-public session per RSA 91-A:3, II (a, e): (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a public meeting, and (2) requests that the meeting be open, in which case the request shall be granted; and (e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed by or against this board or any subdivision thereof, or by or against any member thereof because of his or her membership therein, until the claim or litigation has been fully adjudicated or otherwise settled.

MOTION #5: A motion was made and seconded to close the public meeting and enter into a non-public session under RSA 91-A:3, II (a,e).

Voice Vote: A roll call vote was taken. O'Shana – aye, Knapp – aye, Paige – aye, Longacre – aye, Hurlburt – aye. The motion carried unanimously.

The public meeting was closed at 6:44 p.m.

The Board returned to public meeting.

ADJOURN MEETING

The meeting was adjourned.

Respectfully submitted,
Beth Hanggeli