

**Town of Haverhill**  
**Select Board Meeting**  
**MINUTES**  
**Monday, April 12, 2021 6:00 PM**  
**R. E. Clifford Memorial Building**  
**65 South Court St. Woodsville, NH 03785**  
**Or on ZOOM**

The meeting was **CALLED TO ORDER** at 6:10 PM by Fred Garofalo, Chair.

**Town Employees Present:**

**Town Manager:** Brigitte Codling

**Assistant Town Manager:** Jennifer Boucher

**Select Board Members:** Fred Garofalo, Chair; Matthew Bjelobrk, Vice Chair; Mike Graham; Steve Robbins; Howard Hatch.

**Members of the Public Present:**

**Online** [Participants who do not use their full names online are not included on this list.]

Dorothy Long	Steve Robbins	Sara Lang
David Long	Cliff Batchelder	Angie Rossetto
Vickie Wyman	Joe McQueeny	Kevin VanNorden
Dawn Lavoie	Regis Roy	Alex Nuti-de Biasi
Guy Mitchell	Dave and Heather Long	Bart and Sandy Mann
Polly Bonanno	Libbie E.	Jim McKinnon
Doug Henson	Don Drew	Jodie Lang
Tammy Lee Fortier	Mary Patridge	Ali Nolan
Ed Ballam	Patricia Brady	Susie Tann
Joe Kennedy	Teighlar Hendrick	Sherri Sargent

**Bjelobrk, Vice Chair:** Per Gov. Sununu Meeting Compliance CHECKLIST to Ensure Meetings are Compliant with the Right to Know Law During the State of Emergency (abbreviated)

- **April 12, 2021**, Select Board Meeting
- **Executive Order**—This public body is authorized to meet electronically.
- Confirming a) providing public access by telephone, with additional access by video or other electronic means, ZOOM conferencing is being used. All members of the Select Board have the ability to communicate contemporaneously, the public has the ability to contemporaneously listen and, if necessary, participate in this meeting by dialing the following number: 1-929-436-2866 (US) or the website <https://ZOOM.US/meeting> (ID# 989 9882 9461; passcode: 398977); b) public notice has been provided of the necessary information for accessing the meeting though ZOOM or telephonically, instructions have also been provided on the website of the Town of Haverhill at [www.haverhill-nh.com](http://www.haverhill-nh.com), and c) providing a mechanism for the public to alert the public body if there a problems with access (call 802-793-0535 or email at [townmanager@haverhill-nh.com](mailto:townmanager@haverhill-nh.com)); d) adjourning if

the public is unable to access the meeting. In the event that the public is unable to access the meeting, the meeting will be adjourned and rescheduled. Please note that all votes taken during this meeting will be taken by ROLL CALL vote.

**ROLL CALL ATTENDANCE:** Matthew Bjelobrk (Here and alone). Fred Garofalo (Here and alone), Howard Hatch (Here and with my daughter); Steve Robbins (Here and my wife's here), Mike Graham (Here and by myself), A quorum was met.

### **PLEDGE OF ALLEGIANCE**

### **AGENDA APPROVAL**

**Agenda Modifications:** None.

**MOTION #1:** Robbins made a motion and Bjelobrk seconded the motion to approve the Agenda as written.

**Roll Call Vote:** Not done.

### **CONSENT AGENDA**

**MOTION #2:** Bjelobrk made the motion and Garofalo seconded the motion to approve Minutes from the **March 29, 2021**, Select Board meeting as written.

**Roll Call Vote:** Howard Hatch (Aye), Steve Robbins (Aye), Matthew Bjelobrk (Aye), Mike Graham (Aye), Fred Garofalo (Aye), The motion passed unanimously.

**TOWN EMPLOYEE APPEARANCES:** None.

### **Chief of Police: Dave Appleby**

Garofalo invited Chief Appleby to speak to the Board. Appleby thanked the Board and stated that he has spoken with his team and looking to serve the Town in the best possible way under these conditions.

### **Swearing In**

*David Appleby, Chief of Police*

Garofalo read: "To David Appleby of the Town of Haverhill and the County of Grafton, whereas there is a vacancy in the office of Haverhill's Police Chief in said town, whereas we, the subscribers, have confidence in your ability and integrity to perform the duties of said office, we do, hereby, appoint you David Appleby to be a member as Police Chief in said town and applying your taking the oath of office and having this appointment and a certificate of said recorded by the Town Clerk, you will have the powers, perform the duties, and be subject to the liabilities of said office until another person shall be chosen or elected and qualified in your stead."

Garofalo stated: "Raise your right hand and repeat after me: I, David Appleby, do solemnly swear that I will faithfully and impartially discharge and perform all the duties incumbent to me as the Haverhill Police Chief member according to the best of my abilities agreeably to the rules and regulations of the Constitution and laws of the State of New Hampshire, so help me God."

David Appleby repeated the Oath of Office.

***Phil Blanchard, Haverhill Fire Chief***

Garofalo read: “To Phil Blanchard of the Town of Haverhill and the County of Grafton, whereas there is a vacancy in the office of Haverhill’s Fire Chief in said town, whereas we, the subscribers, have confidence in your ability and integrity to perform the duties of said office, we do, hereby, appoint you Phil Blanchard to be the Fire Chief in said town and upon taking your oath of office and having this appointment and a certificate of said recorded by the Town Clerk, you will have the powers, perform the duties, and be subject to the liabilities of said office until another person shall be chosen or elected and qualified in your stead.”

Garofalo stated “Raise your right hand and repeat after me: I, Phil Blanchard, do solemnly swear that I will faithfully and impartially discharge and perform all the duties incumbent to me as the Haverhill Fire Chief member according to the best of my abilities agreeably to the rules and regulations of the Constitution and laws of the State of New Hampshire, so help me God.”

Phil Blanchard repeated the Oath of Office.

**SCHEDULED PUBLIC APPEARANCES:**

**Joseph D. Kenney, Executive Councilor, District 1**

Kenney welcomed everyone and thanked the participants for the public service that they do for the Town of Haverhill. As District 1 Councilor, Kenney stated that he represents all the towns from Claremont to Pittsburg and is the district’s voice in Concord on the Executive branch. The Executive Council votes on all State contracts of \$10,000 or more and on commissions and judicial appointments. Kenney stated that the Governor is focused on the pandemic and vaccinations. Kenney noted that the State is focusing on the 10-year Highway Improvement Plan, which Kenney will gladly talk about to the residents of Haverhill. Other topics the Council has discussed include childcare, hospitality sector, economic development funding, broadband, and more. The Council also votes on civic commissions.

**Q&A:**

**Q:** Bjelobrck asked about a telecom merger four or five years ago and part of the deal was improvement in telecommunications in the North Country, and Bjelobrck has not seen any appreciable improvement in broadband at all.

**A:** Kenney mentioned Fairpoint and Spectrum and other companies promised a lot and delivered little. Under the Office of Strategic Initiatives, the State is creating a Broadband Trust Fund to disperse funds to communities deprived of telecommunications. Kenney noted that with stimulus money of \$450,000 for Haverhill, there will be a strong emphasis on broadband.

**Q:** Bjelobrck responded that the students in Haverhill did not have the level of internet access for home schooling, and Bjelobrck stated that should be a priority for the State.

**A:** Kenney discussed the grant funding for broadband projects that require engineering, site work, and more and it all takes time. The grant timelines need a two-year window to project completion.

**Q:** Polly Bonanno asked about solar power for the Haverhill area.

**A:** Kenney stated that the legislature is looking at solar and net metering (selling power to the grid) has to be resolved. Kenney noted that there is a Renewable Portfolio grant for solar buildouts.

Codling noted that there was a solar project in North Haverhill that failed because Eversource did not want to invest in an upgrade of their grid to accept the power from a solar field.

Kenney concluded stating that the Council also works with individuals solving immediate problems and with municipalities. Kenney stated that he appreciates all the hard work the board members do and their community commitment. Additionally, Kenney can help with regulatory issues and grant writing for municipalities. Kenney will be doing a municipal airport tour this summer.

### **Haverhill Business Park**

Garofalo opened the Business Park discussion with Doug Henson.

Doug and Rick Henson met with Codling to discuss the industrial park, and Doug asked if Codling could reiterate her comments from that meeting about enforcing and maybe revising the covenants.

Codling and Boucher went to the Business Park to observe the lots, take pictures, and identify areas of concern. The past sales of the lots in the park cover three different sets of covenants. Codling is preparing a report on the covenants, which she will provide for the Select Board, to address how the covenants apply to each lot and to potential violations. As well, Codling will follow up with the lot owners. Codling noted that the Town does need to make updates to the covenants since they were last updated in 2019. When updating, Codling noted that the Town should be clear as to what the intent is for the entire park. There have been concerns expressed by adjacent landowners and from those advocating for the airport and school. Codling also noted that the current covenants have no clear path for enforcement.

**PUBLIC WANTING TO ADDRESS THE BOARD:** None.

### **NEW BUSINESS:**

#### **Commission and Board Appointments / Reappointments**

Garofalo noted that reappointments do not need to be addressed, but the new appointments of Marilyn Blaisdell for three years and Rick Henson for two years to the Zoning Board of Adjustment need to be approved.

#### **Marilyn Blaisdell (3 years) Zoning Board of Adjustment**

Blaisdell introduced herself as Marilyn Blaisdell from North Haverhill.

Garofalo asked:

1. What is your basic understanding of the purpose, duties, and responsibilities of the Commission, which you are volunteering for?

Blaisdell stated that the Zoning Board is a regulatory board that hears appeals from the Planning Board and approves or disapproves various property issues, aquifer protections, and similar issues.

2. Do you have any experience or training that would be useful?  
Blaisdell replied that she has no experience, just growing up in the area and is willing to learn.
3. Are you willing to attend training that may be provided by the State or the Town related to this?  
Blaisdell stated she is willing to learn.
4. What is your understanding of a conflict of interest?  
Blaisdell stated that when there is something that you would be ruling or deciding on you have a personal or business interest in and you would need to recuse yourself.
5. Are you willing to so state a conflict of interest if one should arise and remove yourself from the table?  
Blaisdell replied, "Yes."
6. What is your view on basing decisions solely on the facts alone prescribed by the NH statutes and local ordinances?  
Blaisdell stated that is how she would proceed.

**MOTION #3:** Bjelobrk made the motion to approve Marilyn Blaisdell's appointment to the Zoning Board of Adjustment, and Hatch seconded the motion.

**Roll Call Vote:** Matthew Bjelobrk (Yes), Fred Garofalo (Yes), Howard Hatch (Yes), Steve Robbins (Yes), Mike Graham (Yes). The motion passed unanimously.

Garofalo stated that Blaisdell's appointment is approved to the Zoning Board of Adjustment. Boucher notified Blaisdell of an upcoming planning and zoning conference in May for training.

#### **Rick Henson (2 year) Zoning Board of Adjustment**

Garofalo noted that Rick is not in attendance, but could be sworn in by visiting the Town Clerk.

#### **Cliff Batchelder (3 years) Airport Zoning Commission**

**MOTION #4:** Bjelobrk made the motion to approve Cliff Batchelder's appointment to the Airport Zoning Commission, and Hatch seconded the motion.

**Roll Call Vote:** Matthew Bjelobrk (Yes), Fred Garofalo (Yes), Howard Hatch (Yes), Steve Robbins (Aye), Mike Graham (Yes). The motion passed unanimously.

Garofalo stated that Batchelder's appointment is approved to the Airport Zoning Commission.

#### **Dawn Burleson (1 year) Parks & Recreation Commission**

**MOTION #5:** Robbins made the motion to approve Dawn Burleson's appointment to the Parks & Recreation Commission, and Bjelobrk seconded the motion.

**Roll Call Vote:** Matthew Bjelobrk (Aye), Fred Garofalo (Aye), Howard Hatch (Aye), Steve Robbins (Aye), Mike Graham (Aye). The motion passed unanimously.

Garofalo stated that Burleson's appointment is approved to the Parks & Recreation Commission.

### **Comment by the Chair**

Garofalo stated that any agenda item or issue to go in front of the Select Board has to be run by the Town Manager because she prepares the Agenda, and the Board works collaboratively with the Town Manager.

### **ATV / UTV Road Access**

Garofalo introduced Dave Long, resident of Mt. Lakes, he stated that Mr. Long had petitioned to have an article placed upon the Annual Warrant in Mt. Lakes for use of the district roads for ATV use, the article passed.

It is now before the Select Board to decide whether the use of the Mt. Lakes roads for ATV traffic will be approved. However, a public hearing is required.

Garofalo offered some history of Mt. Lakes and ATV use.

- Up until 2019, Select Boards were permitted to simply decide whether roads could be opened to ATV traffic.
- In 2019, the State of NH instituted a new RSA that requires a public hearing before a select board can decide to allow ATVs on town roads.
- In Mt. Lakes, according to statute, notification letters for the use of Town roads for ATVs in Mt. Lakes need to be sent by the petitioner (Mr. Long) to all abutters. All abutting lot owners in Mtn. Lakes have to be notified 14 days before a Public Meeting. Garofalo stated that no action can be taken until that happens.

Long agreed to take on the task of notifying every landowner in Mt. Lakes. Codling recommended a meeting date of May 10. Boucher read an NHMA publication, "...now governing bodies required to have a duly noticed public hearing advertised at least 14 days in advance in a public location in the city or town and notification to the abutters by verified mail pursuant to RSA 451-C:1§VII."

Long asked for up-to-date addresses for property owners. Codling agreed to send Mr. Long the list of property owners. The Public Hearing was agreed to be scheduled for **Monday, May 3**, at **6:00 PM** at the Clifford Building and over Zoom. Boucher noted that the in-person meeting may need to be canceled if COVID cases continue to rise in Haverhill, and the meeting would then be only on Zoom.

### **PENDING / OLD BUSINESS:**

#### **Sewer Connections and Payments**

Codling stated that this is for your information: Garofalo received a letter on April 1, 2021, from Woodsville Administrator Kevin Shelton regarding Eric's Auto Body sewer connection. In 2018, the auto body shop was hooked up to the out-of-district sewer system without the notification of the Town, and the owners have not paid the \$25,000 fee for sewer hookup to the Town until recently when the Town received less than half of the payment. Codling noted that the first half of the payment according to the agreement goes to the Town and the second half goes to the precinct. Codling met with Shelton in 202 and agreed that no additional hookup will be allow until the fees are paid.

## **HB129 and Town Meeting Follow Up from the Mitchell Group**

Garofalo read the latest email from the Mitchell Group, the Town's attorneys, as follows:

Hi Brigitte – Thank you for forwarding the materials you have received on this matter. Jim O'Shaughnessy is a respected attorney. I agree with him that there is confusion in the way that some of HB1129 is structured and worded. However, the core question at this point is whether, as Atty. O'Shaughnessy seems to believe, that statute and other related ones, would allow a town to conclude that the town meeting has not occurred after the defeat of Article #2.

While some parts of that statute are poorly worded and confusing, that doesn't mean the entire statute is unclear. In fact, HB1129 clearly states "If the optional provisions are not approved by a simple majority, all other warrant articles are disapproved." Once that clear language is given its effect, and Articles 3 through 33 have been "disapproved," I don't see any way that there is a logical leap to the conclusion that no town meeting has taken place. Further, in an apparent effort to support his conclusion, Atty. O'Shaughnessy describes a conversation with the AG's office. But that conversation seems to contain nothing more than:

1. The AG's office agrees this statute is poorly worded.
2. Because of the confusion caused by this statute, the AG's office isn't going to hassle anyone.

Of importance, these emails don't reflect any conversations with DRA, the people who are charged with responsibility for approving or disapproving what appropriations may be legally included when setting the town's tax rate. Based on my conversations with both the head of DRA's Municipal Division and its in-house attorney, they are not taking a position that once Article #2 was defeated, we can then declare that the town meeting never occurred, enabling us to start over.

Please let us know if there are further questions.  
Walter  
The Mitchell Group

Boucher wished to notify the Board that the Department of Revenue Administration has completed their review of Haverhill's budget information that was submitted to their office following the Select Board's approval of moving forward with the 2020 operating budget. Boucher stated that the Town has been approved by the DRA to operate with the amount of last year's budget and all other articles being disapproved.

Mike Graham spoke up noting that it does not explain anything because the law was so poorly worded, it led to confusion, and we should be able to have another Town Meeting. Graham continued stating that the decision has been made by the Board, and we need to drop the matter and move on.

Garofalo solicited comments from the online audience and there were none. Garofalo stated that the operating budget has been approved so we will move forward.

### **TOWN MANAGER'S REPORT:**

- **Covid Precautions**  
Codling announced that the Town Administration office is closed until April 19 because of Covid exposures, but does not include the Town Clerk's office, the Police Department, or the Welfare office.
- **Business Park**  
Codling is working on the Business Park report relating to covenants.

- **Haverhill Fire Department**

Codling stated that the Fire Department personnel are being processed and plugged into the payroll system. Codling has worked with the Haverhill Corner Commissioners to transfer the fire service assets to the Town, paid off the loan for the fire truck, and the air-pack loan. Chief Blanchard is finishing the inventory of fire-related assets for North Haverhill, and is meeting with the firefighters from both departments to start building a team.

- **Sewer System**

Codling noted that the feasibility study for the sewer system is next and working with Shelton to continue discussions.

## **FINANCIAL REPORT:**

- Boucher reported that Councilor Kenney mentioned stimulus money that is available, and the estimate for Haverhill is \$451,938.85, which came into law on March 11, and the Town is awaiting guidance from the US Department of Treasury. The Town has until December 2024 to make expenditures. There are qualifying uses of funds, including:
  - Public health emergencies related to households, businesses, and nonprofits.
  - Reduction in governmental services due to the public health emergency.
  - Infrastructure investments.
- The new payroll system PayData is in place and working remotely is difficult, but Diane Thompson and Karen Noyes worked in the office today to get the payroll out, and it is going well.
- For Select Board signatures in the office are:
  - Accounts payable.
  - Payroll manifest.

## **COMMISSION/COMMITTEE REPORTS:**

- Garofalo commented that the Conservation Commission has a potential new member who will attend the next meeting.
- Planning and Zoning – Hatch stated that the month meeting has not occurred.
- Parks & Recreation – Robbins stated he was on vacation, but Sherri Sargent may want to speak up: Sargent stated that things are steady with Parks & Rec, and she is finishing up a quarantine, so her programs were paused. Because of the uptick of cases in the community, Movie Night was postponed until May and Teen Nights have been on hold. HARP summer camp notifications have been posted. An Easter Egg Drop event with the help of the Woodsville ladder truck was held on April 3 at the Haverhill Corner Green that was well attended.
- Airport Zoning Commission – Bjelobrk noted that a meeting has not been held this month.
- Fire Department Committee – Graham asked about some logistics of the Fire Department Committee and had nothing to report.



## **CORRESPONDENCE:**

- National Grid Herbicide notification of spraying from June 1 throughout the summer.

## **COMMENTS BY BOARD MEMBERS:**

- Hatch stated that usually this time of year we have a request from the ATV club to use an alternate route. Mark Lang, president of the ATV club, stated that it does not open per State statute until May 23.
- Graham asked to have an item place on today's warrant relating to Select Board meeting procedures. Graham continued that signing documents first and then discussing expenditures was incongruous. Codling noted that the second item on the Agenda is approval of "Manifest, Forms, and other Warrants" is usually brought to the meeting room on the night of the meeting; however, now with virtual meetings, the target for signing is Friday at noontime before the meeting on Monday.
- Robbins asked if the approval of the manifests can be moved to the end of the meeting. Boucher responded that procedurally that can be done. Codling noted that every expenditure is reviewed by the department heads, sent to Diane Thompson for data entry, and then goes to Karen Noyes, Finance Administrator, for budget coding and any corrections are made. Then the package goes to Boucher for review and to the Town Manager for review and this occurs every other week. Discussion continued about manifests.

**NONPUBLIC SESSION:** None.

## **ADJOURN**

**MOTION #4:** Graham made a motion and Robbins seconded the motion to adjourn the meeting at 7:35 PM.

**Roll Call Vote:** Howard Hatch (Aye), Steve Robbins (Aye), Matthew Bjelobrk (Aye), Mike Graham (Yes), Fred Garofalo (Yes). The motion passed unanimously.

**The meeting ADJOURNED at 7:35 PM.**

*Transcribed by Joanna Bligh*