

**Town of Haverhill  
Select Board Meeting  
MINUTES  
Tuesday, July 19, 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 6:00 PM by Fred Garofalo, Chair.

**Town Employees Present:**

**Town Manager:** Brigitte Codling

**Assistant Town Manager:** Jennifer Boucher

**Members of the Public Present:**

*In Person*

Alex Nuti-de Biasi

Marilyn Blaisdell

Darwin Clogston

Don and Kathleen Vaillancourt

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

Regis Roy

Adam Jones

Mark Labbett

Paul Sinner

Shawn Walsh

**ROLL CALL ATTENDANCE:** Matthew Bjelobrck (Here), Steve Robbins (Here), Howard Hatch (Here), Mike Graham (Here), Fred Garofalo (Here). A quorum was met.

**PLEDGE OF ALLEGIANCE**

**AGENDA APPROVAL**

**Agenda Modifications**

Garofalo asked for any changes to the Agenda.

- Garofalo added under Correspondence a resignation from the Airport Zoning Commission.
- Robbins asked the Board to table the SOP under Old Business until the next meeting. Bjelobrck stated that it has already been discussed, and Hatch noted that the vote on the SOP has been put off twice. The members decided to vote on the SOP.

**MOTION #1:** Garofalo made the motion and Bjelobrck seconded the motion to approve the Agenda as modified.

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

## CONSENT AGENDA

**MOTION #2:** Bjelobrk made the motion and Garofalo seconded the motion to approve Minutes from the **July 6, 2021**, Select Board meeting and minutes from the Special Joint Meeting on **July 8, 2021**, as written.

- Hatch made a statement at the Joint Meeting with the precinct commissioners noting that if they cannot do their jobs as commissioners, they should give up their jobs, and Hatch stated that he wanted that in the Minutes.
- Bjelobrk amended the motion to *exclude* the July 8 Special Joint Meeting Minutes.

**MOTION #2a:** Garofalo made the motion and Hatch seconded the motion to approve Minutes from the **July 6, 2021**, Select Board meeting as written and to amend the Special Joint Meeting Minutes for approval at the next meeting.

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

**TOWN EMPLOYEE APPEARANCES:** None

**SCHEDULED PUBLIC APPEARANCES:** None

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

**NEW BUSINESS:**

### **Nomination of Zach Henson to the Zoning Board of Adjustment**

Codling noted that Henson is not online yet. Garofalo stated that this will be on hold until later in the meeting.

### **Purchase of Fire Truck Using Fire Vehicle Capital Reserve Fund (CRF)**

**MOTION #3:** Bjelobrk made the motion and Garofalo seconded the motion to utilize the Capital Reserve Fund in the amount of \$92,463.55.

- Graham asked to see the full exchanges in email between the offices of the DRA and the Town employees. Graham asked to have something signed to show who at DRA approved this. Codling noted that the Select Board approves the use of the Capital Reserve Fund. Bjelobrk noted that the DRA gives an opinion. Codling continued that when the Town submits appropriations, that is when the DRA can say “No.” Graham asked to see the email exchanges in writing related to this particular transaction. Garofalo asked why the Board has to go through this exercise when we know it is correct. Graham asked to have any emails that are pertinent to this purchase.
- Public input: Haverhill Corner Precinct Commissioner requested clarification as to Haverhill Corner not North Haverhill’s purchase of the fire truck.
- Robbins discussed the past payments into the Capital Reserve Fund and that it was in his opinion to be a rotating fund. Robbins noted that North Haverhill and Haverhill Corner have or will be getting fire trucks, but this next round is supposed to go to Woodsville. Garofalo stated that the Town has to follow State law. Discussion continued. Bjelobrk

noted that giving money to the Districts violates the Municipal Finance Law—that is a law. Codling read:

“The newly discovered fact that the Town of Haverhill has been absorbing appropriations that should have been raised by the precinct, and therefore, part of the precinct’s tax rate and not the Town’s [tax rate].”

- Graham asked to see the full range of emails and the identity of the people the Town was communicating with.
- Hatch offered some history of the appropriations to Woodsville, which were illegal. Hatch continued describing how the formula for funds to each precinct was created.
- Public comment: There was a committee and now we are seeing that it is illegal, since the 1980s, and it was not vetted through lawyers then. Garofalo noted that boards in the past have moved forward without consulting municipal lawyers. Boucher stated that in the past documents, there was no legal opinions. Hatch noted that it relates to what has not been done in the Town administration in the past. Garofalo noted that this Board is trying to correct problems from the past. Codling stated that she and Boucher are checking with the legal firm and the DRA to make sure the processes are right because the DRA is monitoring all aspects of the Town, not just the Districts. She also stated that, as Town Manager, it is “my job to protect the financial and legal best interests of the Town”. Codling continued that the DRA is now looking at all of Haverhill to make sure financial matters are in order, which recently included payroll and safety audits by the State. Codling noted that the state agencies recently have requested minutes from the Select Board and other meetings.
- Graham asked about the Town purchasing the fire truck from Haverhill Corner, and that the payment would pay off their loan. Graham questioned Mike Lavoie and Doug Dutile (Commissioners) about the current value of the fire truck. The Commissioners responded that they forwarded to the Town Manager the payoff amount.

Codling explained that according to the Mitchell Group law firm, the warrant articles in 2020 stated that the assets would be transferred to the Town but did not say that the bond was transferable. The DRA notified the Town that revised purchase and sales agreement was the only way in 2021 to transfer the debt. The Commissioners were concerned about the slow process of the transfer of funds to the precinct.

Robbins summarized the last year of the fire department and the precinct votes, which approved the Haverhill Corner precinct joining the Town fire department. Dutile asked how Woodsville could receive fire department funding when they chose not to join the Town fire department. The answer was, they can’t.

Boucher explained that with a bond, there has to be a three-fifths vote. Robbins stated that this bond is from the past, but he continued that it is not fair that Woodsville does not get funds from the CRF because their residents paid taxes, too. Garofalo stated that an intended promise that is illegal is not a promise.

Bjelobrck asked the Board to return to the discussion of the fire truck purchase. Codling noted that the fire truck under discussion is the only fire truck in Haverhill that has money owed on it, and the Town can accept no debt on the vehicle. Boucher stated the Town can purchase, but not lease or take out a bond on this vehicle.

Graham noted that “his constituents” would question why they were not getting any money out of the Capital Reserve Fund for a new fire truck. Codling noted that it was in 2019 and 2020 when the Town received separate legal opinions about funding the precinct activities and services. Its been discussed for a long time now as to why. Codling stated that the Town will modify the purchase and sales agreement to transfer the asset and include a payment of \$92,000 to pay for the vehicle.

**Roll Call Vote:** Matthew Bjelobrck (Aye), Steve Robbins (No), Howard Hatch (Aye), Mike Graham (No), Fred Garofalo (Aye). The motion passed with three Ayes and two Nays.

Public comment: It was asked if Robbins, as Assistant Chief of Woodville Rescue, should be at the table voting. Garofalo stated that it was previously discussed, but the point is irreverent because they just voted 3 to 2 vote. Robbins noted that he had no vested interest in the funds, and he did not think it was not a conflict.

#### **Underhill Gravel Pit Agreement**

Garofalo read from the agreement to purchase gravel during the period from 2021 to 2023 at \$3.00 a cubic yard. Coding noted that this is an extension to the Underhill’s current contract for another 3 years at the same price.

**MOTION #4:** Bjelobrck made the motion to approve the Underhill Agreement for 2 years at \$3.00 per cubic yard of gravel. Graham seconded the motion.

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

#### **Corrected Payroll Authorization to Sign**

Boucher reported that there have been multiple emails in the last months for members to sign their payroll authorization forms. The treasurer will not sign checks unless there are three Select Board signatures. Boucher asked the Board to approve and sign a policy so that the treasurer can sign only emergency payroll checks without three signatures.

Bjelobrck asked how the new company is helping the Town’s payroll process. Boucher explained about employees who do not get their digital timesheets in on time. Bjelobrck suggested a solution and discussion continued. Codling noted that it may be a training issue. Codling explained the sequence of the approval process for the employees’ timesheets. Garofalo asked for an explanation of the check errors. Boucher stated that one employee who receives paper checks at home and, if the Town does not get the checks out by Thursday, the Town is out of compliance with the law. Boucher noted that now hardcopy payroll checks are overnighted to the Administration office for employees to pick up. Discussion continued among the members and Codling related to payroll processes.

Boucher requested from the Board a policy that would allow the treasurer or deputy treasurer to sign in the event of an emergency payroll—not accounts payable—but strictly a payroll issue. Boucher prepared a written policy:

“Due to time restrictions the Town is under when processing payroll-related checks and to stay in compliance with the Department of Labor regulations, we, the Haverhill Board of Selectmen by majority vote do authorize the Town of Haverhill treasurer or deputy treasurer to sign payroll checks prior to our signing of the payroll manifest. This policy will ensure that when the Finance Department finds it necessary to run a payroll check after the biweekly Select Board meeting, employees will be able to receive their pay according to the Department of Labor regulations. This authorization will remain in effect until rescinded by a majority vote by the Board of Selectmen at a subsequent Select Board meeting.”

Bjelobrk suggested an amendment to the policy statement to “within 24 hours of the deadline.” Robbins suggested authorization by email or text message. Bjelobrk stated that he does not like delegating fiduciary responsibilities. Boucher stated she will amend the policy statement.

**7:07 PM Zoom meeting was hacked, and the Select Board took a break**

**7:18 PM Meeting resumed**

Hatch brought up an issue about whistleblowers related to payroll. Hatch stated that if someone sees something that is not quite right, they should be able to say something. Hatch would like to make sure that the Treasurer can ask questions. Boucher stated that any questions the Treasurer might have should come to the Town Administration Office, as it is that office that is most equipped to be able to answer payroll and accounts payable questions. However, anyone can also reach out to the Select Board members.

Returning to the discussion about Payroll Authorization, Boucher stated that the sign-off would only be in emergency payroll with supporting documentation. Boucher will revise the statement and bring it back to the Board at the next meeting.

**7:26 PM Zoom meeting still being hacked. Garofalo suggested eliminating Zoom at this point of the meeting. There was a unanimous vote of the Select Board and the Zoom meeting was shut down.**

**PENDING / OLD BUSINESS:**

**PA-28**

Graham asked about the rate of return of these forms. Boucher stated about 80% when she worked at another town. Boucher stated that the penalty reads “shall be assessed,” so there is no way to avoid the penalty of 1% of the property tax--not less than \$10 and no more than \$50.

**MOTION #5:** Bjelobrk made the motion to not use this form PA-28. Graham seconded the motion.

- Bjelobrk spoke to the Town’s assessor, and Northcott stated that they are usually filled out incorrectly, and the form is of little to no value to him. Northcott also stated that there is a cost to the form with extra administrative hours.
- Hatch discussed the ease of signing the form if there are no changes, and he further discussed the lack of inventory of all residents and buildings in Haverhill. Hatch noted that the tax maps and the census rolls are incomplete. Hatch noted that the Town has the

obligation to inventory the Town's buildings, and Garofalo stated that there are not the resources to administer these forms.

**Roll Call Vote:** Matthew Bjelobrck (Aye), Steve Robbins (Nay), Howard Hatch (Nay), Mike Graham (Aye), Fred Garofalo (Aye). The motion passed with 3 votes "Aye" and 2 votes "Nay."

**MOTION #6:** Robbins made the motion shut down the Zoom audio and video at 7:30 PM (1:35:22). Bjelobrck seconded the motion.

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

**Audio only 7:35 PM**

## **Adopt Select Board Standard Operating Procedure (SOP) / Adopt Roles & Responsibilities**

### *Discussion: Obligations of Select Board Members*

- Codling stated that for #9, the goal is to work collaboratively and to have the Board support the efforts of the Administration even when there is no agreement. Bjelobrck stated, "to have Board support the efforts of the Town Manager to carry out the Select Board's agenda." Bjelobrck noted that the word "supervise" is not accurate.
- Public comment: Kathleen Vaillancourt suggested "collaborate with."
- Discussion continued with revisions for item #8. The Board agreed to wording "to recognize that the Select Board members cannot make decisions independently." Boucher reiterated "recognize and refuse to, in any way, attempt to make decision independently regarding Town affairs."

**MOTION #7:** Bjelobrck made the motion to change the wording on item #8: "to recognize that the Select Board members cannot make decisions independently" and #9 "to collaborate with the Town Manager and support the efforts of the Town Manager to carry out the Select Board's agenda." Garofalo seconded the motion.

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

### *Roles, Responsibilities, and Legal Authorities*

Garofalo noted that these documents list the RSAs and do not need to be adopted because they are the law.

Codling stated that these documents will be added to the Select Board files. Bjelobrck suggested adding hyperlinks to the RSAs. Robbins added a statement to the SOPs to state that the Select Board "complies with the applicable RSAs related to the roles and responsibilities of the Select Board and the Town Manager."

## **Blackmount Trail Status and Options**

Codling referred to the email with many attachments related to the Blackmount Trail. Garofalo stated that he recommends not buying the trail at \$173,000 and not opening the trail up to ATVs. The language in the state document identified foot traffic, bicycles, and snowmobiles. Hatch added horses to the list.

**MOTION #8:** Robbins made the motion to not take any further action on Blackmount Trail and not to include any signage of any type. Bjelobrk seconded the motion.

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

**TOWN MANAGER’S REPORT:**

Codling provided the following highlights from her report:

**Dean Memorial Airport Safety Study:**

The airport safety study is well underway with the third public meeting held on July 14, 2021, at the Clifford Memorial Building. Codling noted that the report will be finalized and brought to the FAA and the NH Bureau of Aviation, and these agencies will decide on which alternative to approve. Codling stated that the decision of the agencies will be incorporated into the final report to be brought to the Select Board during a public hearing. The Board will decide between the two fundable options: 1) shut down Airport Rd. so the road does not intersect with the runway in the airport safety zone or 2) purchase easements and not move the runway.

**Bath-Haverhill Covered Bridge:**

Hoyle, Tanner & Associates performed the structural evaluation, and the Town has the report. Codling will send the report to the Board members for discussion at the next meeting.

**Grafton County Broadband Committee:**

The Grafton County Broadband Committee’s next meeting is scheduled for Wednesday, July 28 at 10:00 AM.

**Public WiFi in Woodsville Project:**

The antenna equipment has been purchased and shipped, and the hosts know that installation will take place soon.

**Select Board Email Accounts:**

Codling noted that email accounts are for use by Board members only.

**MASTER PLAN Rewrite**

Codling stated that the first round of bids was rejected and from the second round of requests for proposals, one bid was received from June Garneau, Mapping and Planning Solutions, Whitefield, NH. The contract was executed, and her work will begin in late 2021 or early 2022.

**Highway Projects and Planning**

Codling discussed the 5-year Highway Department Capital Improvement Plan.

**Haverhill Crosswalks**

Codling has received comments from residents who requested crosswalks across Route 10, North Haverhill Village. Five locations have been tentatively identified: River Meadow Campground entrance, Aldrich’s Store, Town Administration Office, Fire Station, and the Post Office. Codling contacted the state to obtain information on getting crosswalks installed on the state highway.

Hatch stated that crosswalk signs are no longer in place, and painting the crosswalks has not been done for years. Codling reported that each crosswalk will cost \$5,000 to \$15,000 for ADA accessible plates, signage, and lighting. Codling noted that after the crosswalks are installed, the Town is responsible for maintenance. Hatch noted that he believed it would be a precinct debt not a Town debt. Codling noted that she needs approval from the state and then she can work on the local issues.

### **Right-of-Way Regulations**

Codling reported that the right-of-way regulation document will be coming back from the legal group and will soon come before the Board.

### **Roadside Mowing**

Hatch addressed the current roadside mowing, which he said looks good. Hatch said that Industrial Park Rd. looks nice, as well. Codling noted that the Town purchased mowing equipment with the money for contracting roadside mowing.

## **FINANCIAL REPORT / COMMENTS**

- Boucher discussed tax abatements and the updated information that is needed from the seniors and veterans.
- Boucher discussed the Special Joint Select Board Meeting with No. Haverhill precinct commissioners, and she stated that it went well. Boucher noted that at the meeting she underscored the urgency of the need to get their financials in order because eventually it would affect the Town. Boucher will follow up with Sarah Tucker, Precinct Administrator. Graham asked if the reconciliation process had begun, and Boucher replied that it had started up because of the good working relationship with Tucker and Tucker's ongoing communication with Jamie Dow at the DRA.
- Hatch stated that the fire stations in No. Haverhill and Haverhill Corner are going to pay rent, and that the expense of maintaining the buildings will be the responsibility of the precincts.

## **COMMISSION/COMMITTEE REPORTS:**

- **Conservation Commission** -- Garofalo commented that the Conservation Commission will have a meeting next week.
- **Planning and Zoning** –There has been no meeting.
- **Parks & Recreation** – Robbins stated that there was a meeting, HARP is going well, and there are upcoming events.
- **Airport Zoning Commission** – Bjelobrk stated that there was a contentious meeting last week, and Greg Mathieson resigned. Bjelobrk stated that an assertion was made that the airport is not in compliance with the DES, and that is incorrect. Graham asked if the Scholarships awarded by the Airport Commission is taxpayer money. Bjelobrk noted that it is from a fund that is set aside for careers in aviation. Bjelobrk noted that the award rules changed a few years ago, and now the candidate pays up front and is reimbursed by the fund and there is expanded the reach to surrounding towns.





