

**Town of Haverhill
Select Board
MEETING MINUTES
Monday, March 1, 2021
6:00 PM
R. E. Clifford Memorial Building
65 South Court St.
Woodsville, NH 03785**

The meeting was **CALLED TO ORDER** at 6:00 PM by Darwin Clogston, Chair.

Pledge of Allegiance

Town Employees Present:

Town Manager: Brigitte Codling

Assistant Town Manager: Jennifer Boucher

Members of the Public Present:

In Person

Joe Longacre
Michael Graham
Bob Clegg

Susie Tann
Glenn English
Valarie Morse

Online

Dawn Lavoie
Kaylee Heathe
Alex Nuti-de Biasi
Sandy and Bart Mann
Paul Hayes
Morton Bailey
Dave Long
Bob Long
Vickie Wyman
Carol Norcross

Mark
Charlie
Michael Bjelobrk
Regis Roy
David Robinson
Angie Rossetto
Sandy Fortier
Tammy
Corey

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

- **March 1, 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# 96791212055; passcode: 192163); 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, 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); 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 (Present), Howard Hatch (Here), Fred Garofalo (Present), Steve Robbins (Present), Darwin Clogston (Present). A quorum was met.

AGENDA APPROVAL

Agenda Modifications:

MOTION #1: Bjelobrk made the motion to approve the Agenda as written, and Garofalo seconded the motion.

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

CONSENT AGENDA

MOTION #2: Bjelobrk made the motion to approve Minutes from **February 8, 2021**, (Budget Hearing) and **February 16, 2021**, (Select Board meeting) as written. Garofalo seconded the motion.

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

TOWN EMPLOYEE APPEARANCES: Valerie Morse, Welfare Department.

Morse stated that she has been hired as the Welfare Administrator (pat time) a few weeks ago has worked in human services for 15 years. Morse stated her open office hours for clients are 8:00 AM to 12:00 PM on Tuesdays and Thursdays, and the remainder of the hours are for administrative work.

Garofalo asked about Morse's background. Morse stated that she worked in human services in Vermont, then moved to New Hampshire where she does human services consulting part time. Codling noted that one goal for Morse is to help work though the welfare guidelines. Morse stated that there are many resources that the Welfare Department can access other than tax dollars.

Clogston thanked Morse for attending the meeting.

SCHEDULED PUBLIC APPEARANCES: Carol Norcross

PUBLIC WANTING TO ADDRESS THE BOARD

Topic: Industrial Park

Doug Henson asked if the Board would have a moratorium on the sale of any more lots in the Industrial Park until we have enforcement in place. Henson referenced the Planning Board annual report in the Town Report relating to enforcement and the hiring of a land-use specialist, which would need to be addressed by the legislative body. Henson asked, “What progress has been made with enforcement in the Park?”

Clogston started that the Town has hired an Agent to field complaints and to date no complaints have been made. Henson stated that according to Article 1, Section 2, the Board should review and consider any submission related to business prior to 30 days. Codling stated that she and Boucher will be doing an evaluation of the Industrial Park on March 15 to identify any possible violations. Codling continued that the NH DES has an upcoming meeting, which we asked to be in person here in Haverhill.

Henson stated that he has a list of violations and things that have not been followed through. Codling asked to have that list before March 15th site visit. Codling stated that the DES will publish the meeting notice sometime in April in the local newspapers.

Susie Tann expressed support of what Henson said and that the Town needs to pause and revise the Industrial Park covenants to consider the impact of health and the environment, specifically noise. Tann stated that having a biodiesel plant between a school and the airport is a “grievous occurrence.” Tann requested an insertion in the purchase/sales agreement that no noise related to a plant operation or transportation be louder than 80 decibels. Regarding the airport, Tann requested another requirement in the purchase/sales agreement that purchasers consult with the Airport Zoning Commission to ensure that buildings and equipment do not penetrate the navigable air space. Tann continued that there is a three-acre lot only 125 feet from the runway. Clogston asked about the FAA regulations and Tann responded that they may not look at the local aspects, which have to be taken into consideration.

Topic: Warrant Articles

Treasurer position. Mike Graham asked the Board about some articles on the warrant (Article 4 [Advisory Budget Committee], Article 6 [Treasurer]) and when they were discussed in an open meeting. Codling stated these articles were put on the warrant for Select Board consideration. Graham stated that in the Budget Hearing nowhere were those two articles discussed. Bjelobrck noted that the treasurer right now is vital, and if there is no one running for that position, it will be vacant and will be an issue for the Town. Graham stated that this is viewed as another way to take away the people’s voice by voting. Bjelobrck disagreed stating that the voters speak through the five Select Board members who are voted in. Graham stated that an appointed treasurer will support the Board spending decisions. Codling explained the process of how the Town treasurer came to be and how, once elected, the treasurer will appoint a deputy.

Advisory Budget Committee. [Unknown speaker] asked if the Committee also came from meetings not open to the public. Clogston noted that at the meetings Committee members, who are appointed by the Moderator, discussed the lack of volunteers and members not attending the meetings. [Unknown speaker] stated that this is being seen as a “power grab.” Hatch discussed the past in which the Road Agent was an elected position. Garofalo asked where the other

residents are who are concerned about this topic. Discussion continued. Bjelobrk noted that the Town is putting this forward for a vote, and there is nothing more transparent. Codling noted that the Advisory Budget Committee is really a review of the Town Manager's and department heads' budget and it is another way for the Select Board to oversee my work. Codling also explained the process of the upcoming virtual Informational Meeting, the comment period following the meeting, and the Board's open virtual meeting to review the comments. [Unknown speaker] asked about the "Advisory" warrant articles. Codling stated that that advisory tag was the result of extensive legal review. Codling noted that the binding and advisory warrant articles were determined by the DRA. A discussion of the Town's Fire Department article ensued.

Robbins stated that at the Budget Hearing and Select Board meetings the Board should one-by-one go through the budget and warrant rather than jumping around.

Clogston stepped away from the Board and spoke as a member of the public. At 6:55 PM, Bjelobrk, Vice Chair, moderated the meeting.

Topic: Covid-19 Vaccination

Clogston discussed the feedback from an article he wrote discussing some of the misinformation circulating in Town, and he believes that his reputation is on the line. Clogston read a letter written by Clogston's lawyer to Dr. Paul Forcier, as follows:

"Dear Dr. Forcier:

I have been retained by Darwin Clogston to represent him relative to statements you have made concerning his receipt of the Covid-19 vaccine on Wednesday, February 24, at Horse Meadow. We are aware that you discussed Mr. Clogston's receipt of medical care provided by Cottage Hospital, the healthcare provider that you associate with at the Senior Center and that you falsely alleged that Mr. Clogston used his position of authority within the Town to obtain preferential treatment.

I am writing that you cease and desist make a statement for two independent reasons. 1) Your statement is false, and it is made with actual malice despite the fact that you know it to be untrue. 2) Your statement is made in violation of HIPAA as it includes protected health information the release of which violates your obligations as a health care provider.

In order to set the record straight, I will recount the underlying facts despite the fact that you are already aware of them. ON February 24, my client received a telephone call from one of the volunteers at the Senior Center informing him that Cottage Hospital was in possession of more doses of vaccine than there were recipients who were signed up. The caller advised Mr. Clogston that if he went to the Senior Center, he will be able to obtain a dose of the vaccine as there is an excess of doses.

Mr. Clogston stopped what he was doing and went to the Senior Center. Upon his arrival, Mr. Clogston was met by Mr. Richard Guy who told him he was not qualified to receive the vaccine. Mr. Clogston told Mr. Guy that he had received a telephone call to come to the Senior Center to receive the vaccine. Mr. Guy went away briefly to discuss the question with someone and returned to tell Mr. Clogston that he could indeed receive the vaccination. Mr. Clogston then

received the shot and returned to work. At no point did Mr. Clogston engage in any form of intimidation, pressure, or improper conduct. When Mr. Clogston returned to his shop, Mr. Clogston mentioned to a customer that he had received the vaccine and the customer immediately went to the Senior Center and also received the vaccine.

The fact that this customer was actually a walk-in at the Senior Center who like Mr. Clogston is less than 65 years of age, was able to simply appear and receive the vaccine belies your claim that Mr. Clogston used his status to receive the vaccine. Further it is our understanding that numerous other people who are not 65 or older have also received the vaccine. It is quite disgusting that you would choose to make a political hay out of what appears to have been a highly successful vaccination drive. When Cottage Hospital realized that they had more doses of vaccine than patients receiving doses, the hospital acted in the best interest of the community it serves rather than let the precious and perishable doses be wasted.

My client accept gladly that public service often comes with imminent and sometimes caustic attacks: however, your decision to turn the successful community event into your own political axe grinding went too far. You have engaged in slander by lying about Mr. Clogston's conduct at the Senior Center in ways that you know to be untrue. You have further violated your obligations under federal law not to disclose information about medical patient privacy under HIPAA."

Clogston stated that he hopes that sets the record straight. Bjelobrk noted that the letter will be part of the record.

Clogston returned to the meeting as Chair and moderator at 7:05 PM.

Regis Roy stated that she thought that letter was not appropriate for a Town meeting and that there were people who could have gotten the shot but were unable. Roy noted that she is a concerned citizen. Roy asked why the budget report from the Advisory Committee report not in the Town Report and what good is the Advisory Committee if you do not follow their advice. Roy stated that people will read Article 4 and not realize that it is the Town Moderator that usually appoints and that needs to be clarified. Roy expressed that she did not understand what was happening at the Budget Hearing and she asked why concerned citizens not listened to.

Clogston responded that the Advisory Budget Committee made 10 recommendations to the Board and the Board followed six of the recommendations. Clogston stated that the budget came from the Advisory Budget Committee \$44,000.00 higher than the Town Manager's budget. Clogston noted that the police cruiser was asked for by the Police Department last year and was added to the budget this year. Roy discussed the staff raises in the Town and expressed opposition.

Topic: Advisory Budget Committee

David Robinson stated that he wished to review the items that the Committee recommended and the Board either approved or rejected. Robinson stated that the AP pool recommendation from the Committee differed in that the Committee recommended keeping the pool viable and allowed \$1000.00 for its budget.

NEW BUSINESS:

NCC Hazardous Waste Collection Day 2021

Garofalo asked what is in the budget to pay for disposal of hazardous waste. Codling stated that in the budget there is \$3,000.00 to work with North Country Council.

PENDING / OLD BUSINESS: None.

Lyme Green Heat / Morton Bailey

Bailey spoke about the next step for the pellet mill, which would be an air permitting scope study by an independent firm to review the plans, site layout, permitting, and FAA requirements.

Bailey stated that he can work within all the existing covenants and assess the air quality of the plant with this study. Bailey asked about the Board's stance on the project.

Clogston addressed the sewer and water hook-ups and if he was in agreement. Bailey stated that it sounded like the Board accepted the offer of two lots with the contingency that there would be payments for sewer/water hook-ups on both lots, which I found acceptable. Clogston noted that there was no acceptance.

Questions from the Board:

- Hatch asked for the pictures of a similar plant in the southern part of the state, if they were planning to do chipping onsite, and how much would be enclosed or outside. Bailey stated that the Durgin and Crowell site in Springfield is neat with some equipment outside. The chips would be stored in a covered building. Considering the concerns that were brought up tonight, Bailey agreed to a decibel rating test, and 80 decibels is in the range. Bailey stated that he will be trucking in mill chips and not processing chips onsite. Hatch asked about the hammer mill, which is noisy, especially for four days a week 24 hours a day.
- Garofalo noted that he has a problem with the operation in that we need plans, specifications, 3D drawings of structures, emissions, and noise levels. Bailey suggested a general acceptance from the Board would result in the next steps of engineering designs and he can meet the covenants. Bjelobrk noted that the Board needs some more information to decide if this industry is a good fit for the business park.

Questions from the Public:

- Tann stated that she urged the Board to address the noise, fumes, and fire management. Tann also asked about enlarging the plant and what that means for the same parameters. Tann watched a video of the Jaffrey plant and it appeared to be fully automated. Bailey stated that there will be two shifts with three employees on each. Bailey stated that increasing production means that the plant will be running more days a year. Tann suggested that the owner make a presentation.
- Glenn English stated that the purpose of building the Park to begin with was to increase jobs and have a tax base, and he asked how many buildings and how much equipment is in the project. English asked for a proposal as well.
- Bart Mann stated that the output from these plants is not noise by volatile organic chemicals, and it is the responsibility of the company and the DES to mitigate the

chemicals. Mann was concerned about the proximity of the school and the residential neighborhoods.

- Hatch (speaking as a Town resident, not as Board member) stated that the company is coming to Haverhill because he could not get approval in Lyme. Bailey noted that the site seems set up for just this type of company.

Next Steps

Bailey stated that he would go tot the air permitting company and get a study done to see if the state permit this site. Codling noted that air and water quality, noise, and volatile chemicals from the plant are of concern to the residents. Bailey stated there are no water run-off issue and the air emissions are from the stack and those emission have to be approved and permitted. Codling stated that the Boards needs to know what the plant is going to look like.

Clogston noted that this project will be put on the agenda and both the owner and the Board will do some research for the next meeting.

TOWN MANAGER’S REPORT

Fire Department Presentation

Codling stated that the presentation was presented on February 11th and is on the Town’s website under Town Fire Department.

Annual Report

Codling stated the Town Report has arrived and is located on a table at the front door.

2021 Virtual Town Meeting Schedule

Tuesday, March 9, is the Information Meeting with comment period in the days following the meeting and Thursday, March 11, is the Select Board review public comments. Two ballots will be issued at the Saturday, March 13 walk-through voting at the Haverhill Cooperative Middle School. One is the Official Ballot for election of officers, and the Alternate Ballot is for the rest of the Warrant. Also, there is a drive-up option for those who cannot walk through.

Article 2, Optional Meeting Procedure

Codling stated that Article 2 is a requirement of HB1129 to have public voting on optional meeting procedures. “No” on Article 2 means that you are voting “No” on everything else on the Warrant, except the Operating Budget. Saying “No” to everything on the Warrant means “No” to the nonprofits, to the lease payments, and it would be catastrophic on how the Town operates. We are asking people to vote “Yes” on Article 2 and vote however they wish on the other articles.

Seven Fire Department Articles

Codling stated that she is putting out some clarifying information about these warrants to be published in the local newspapers.

Airport Safety Study

Codling stated that the Safety Study is underway and going well. The Town is planning public events with the consultant to present the findings.

Central and Forest Street Intersection

Codling stated that the Town has to submit to the DOT an updated schedule and estimate for the project to be completed in 2021.

Woodsville Public Wi-Fi

Codling noted that the hosts have not come forward, but Andy and Brigitte will be making site visits to generate more interest.

Grafton County Broadband Committee

Codling stated that the Committee has been meeting monthly and now have a budget from the Commissioners. The Committee will be sending out RFIs to providers in Grafton County to identify a map of underserved areas.

Woodsville Lawsuit

Codling reported that the hearing is tentatively scheduled for September.

Blackmount Trail

Codling noted that the appraisal is ongoing.

Wastewater Treatment and Collection Study

Codling reported that the Feasibility Study is to determine if the Town could create a wastewater treatment facility in North Haverhill to promote economic development. Boucher attended a Woodville Precinct Public Hearing, and the precinct is pursuing a sewer ordinance.

Police Department

Codling announced that the recruitment for the police chief is going well with a few applicants.

Bath-Haverhill Covered Bridge

Codling noted that the engineers are waiting until spring to do the structural evaluation.

Tax Collector: Nothing new.

Town Clerk: Their office is planning for the March 13th voting

Highway Department: The department is working on culverts and frozen and icy roads.

Maintenance Department: The department is working with Alliance troubleshooting the lingering issues with the heating system.

Animal Control: The Town is working to create a temporary shelter for animals.

Tree Removal: A tree was causing problems at 42 Ammonoosuc St. and was taken down.

Police Department: Estimates for the bathroom replacement will be in next week. The department has returned to 24/7 coverage.

Welfare Department: The department is working on new guidelines.

Emergency Management: March 6 and 7 is a vaccination event at the speedway with 500 vaccinations/hour.

Parks & Recreation Department: Movie night was held at the Clifford Building last Saturday night. They are also having teen night with specific grades only.

ASSISTANT TOWN MANAGER'S REPORT

Woodville Precinct Meeting

Boucher reported about the Woodsville Precinct meeting and discussed their new sewer ordinance, which previously applied to everybody, but now there are in-district and out-of-district users. Out-of-district users would need to go to the Town for allocation and then to Woodsville for permitting.

Boucher suggested including definitions of in-district vs. out-of-district users. Boucher recommended that it is a good policy, and the Town has to create one of its own.

PayData Payroll System

Boucher stated that PayData system began and has gone through 2 cycles of the first phase of the rollout. The time reporting piece is the next step.

Planning Board

There was a meeting on the 23rd, which was mainly focused on the Blaisdell gravel pit compliance and there are a few other pits we are working on. Depending on the vote at the Town Meeting, the Board may be resuming work on the Master Plan.

COMMISSION/COMMITTEE REPORTS:

- Hatch: None.
- Bjelobrk stated that the Airport Zoning Commission (AZC) had a meeting that end with technical difficulties and a few days later we reconvened. The Commission is hashing out ordinances and making them in compliance with the FAA.
 - Tann added regarding the AZC that once we finish with the present zoning regulations, I would like to focus on comprehensive zoning. Tann solicited information about recreation or activities that could be offered on airport land to let the Commission know.

CORRESPONDENCE: None.

COMMENTS BY BOARD MEMBERS:

- Hatch commented about the lots in the Industrial Park, which the Town has given away. He continued that the Airport Road is all broken up from heavy trucks, and the chip traffic to the pellet plant will be 30 trailers a week.

Hatch complimented the Town sign with the time and temperature.

Hatch noted that he was glad to see the Town on a payroll system.

- Glenn English referred to the article in the newspaper written by Bjelobrk and asked for the statutory reference for illegal funding of the precinct fire departments.

Clogston reiterated the minutes statement from 2012 in which former Town Manager Glenn English stated that there is no provision for this type of authority. English stated that he never said that. Bjelobrk stated that the Board was given a legal opinion, which is privileged. English asked for the statute reference.

- Tann asked to Codling to add an exhaust plume analysis to the list of Industrial Park compliance concerns regarding safety of the airport.

MOTION #3: Bjelobrk made the motion and Robbins seconded the motion at 8:26 PM to go into NONPUBLIC SESSION according to RSA 91-A:3, II(e) after a five-minute recess.

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

The Board came out of NONPUBLIC SESSION at 8:40 PM.

MOTION #4: Bjelobrk made the motion and Clogston seconded the motion to go into NONPUBLIC SESSION at 8:42 PM according to RSA 91-A:3, II(c).

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

The Board came out of NONPUBLIC SESSION at 9:08 PM.

ADJOURN

MOTION #5: Robbins made a motion and Bjelobrk seconded the motion to adjourn the meeting at 9:09 PM.

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

The meeting was ADJOURNED at 9:09 PM.

Transcribed by Joanna Bligh