

**Town of Haverhill
Select Board
MEETING MINUTES
Monday, August 3, 2020, at 6:00 PM
R. E. Clifford Memorial Building
65 South Court St.
Woodsville, NH 03785**

DRAFT subject to review by the Board

Board Members Present: Darwin Clogston, Chair; Matthew Bjelobrck, Vice Chair; Howard Hatch; Fred Garofalo; Steve Robbins

Town Employees Present:

Town Manager: Brigitte Codling

Financial Officer: Jennifer Boucher

Summer Temp: Alexis Collins

Members of the Public Present: Sandi Pierce (remote), Mellissa Walker (on site), Evelyn Elms (remote), Lynne Maco (remote), Dawn Lavoie (remote), Kevin VanNorden (remote), Gary Hebert (remote), Tom Friel (on-site), Steve Wheeler (on-site)

The meeting was **Called to Order** at 6:00 PM by Darwin Clogston. A quorum was met.

Pledge of Allegiance

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

- **August 3, 2020**, 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# 969 1565 7604; password: 698387); 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 (Members attending onsite meeting):

Fred Garofalo, Steve Robbins, Matthew Bjelobrck, Howard Hatch, Darwin Clogston. All present.

Agenda Approval:

MOTION #1: Hatch made a motion and Bjelobrk seconded the motion to approve the Agenda for the August 3, 2020, meeting as written.

Roll Call Vote: Garofalo (Aye), Robbins (Aye), Bjelobrk (Aye), Hatch (Aye), Clogston (Aye). The vote was unanimous. The Motion passes.

Consent Agenda

MOTION #2: Clogston requested a motion to approve the minutes of the previous Select Board meeting of July 20, 2020, also, to sign manifests, forms, and other warrants. Bjelobrk made a motion and Garofalo seconded the motion.

Roll Call Vote: Garofalo (Aye), Robbins (Aye), Bjelobrk (Aye), Hatch (Aye), Clogston (Aye). The vote was unanimous. The Motion passes.

Scheduled Public Appearances:

Appointment to the Heritage Commission

Clogston stated that the Heritage Commission has an appointment to be voted on. Sandi Pierce requests appointment as an interim member of the Heritage Commission.

Pierce introduced herself and noted that she is a resident of the Town of Haverhill and a current member of the Parks & Recreation Commission.

Clogston asked Pierce:

- *What is your basic understanding of the purpose, duties, and responsibilities of the board or commission which you volunteer for?* Pierce stated that Commission has to spend funds and at the next Town Meeting will be dissolved.
- *Do you have any experience or training?* Pierce responded that she has no experience with the Heritage Commission, but will learn quickly.
- *Are you willing to attend training, which may be provided by the state and/or Town related to the commission on which you will sit?* Pierce responded, "Yes."
- *What is your understanding of a conflict of interest? Are you willing to state your conflict should one arise and remove yourself from the table and become part of the audience if that issue was being discussed and voted on?* Pierce replied, "Yes."
- *What is your view on basing your decisions based solely on the facts alone as prescribed by the New Hampshire statutes and ordinances?* Pierce stated that you make your decisions off of the RSA, which are factual.

MOTION #3: Clogston asked for a motion to approve the appointment of Sandi Pierce to the Heritage Commission. Bjelobrk made a motion and Robbins seconded the motion.

Garofalo stated that to dissolve the Heritage Commission, the petition must have 100 signatures. Codling stated that the Parks & Recreation Commission are going to take up the projects of the Heritage Commission, such as the parks cleanup and caboos repairs.

Roll Call Vote: Garofalo (Aye), Robbins (Aye), Bjelobrk (Aye), Hatch (Aye), Clogston (Aye). The vote was unanimous. The Motion passes.

Clogston welcomed Pierce to the Heritage Commission.

Public Wanting to Address the Board:

Gibson House Bed & Breakfast Abatement Discussion

Codling stated that they are not present, on the phone, or logged into Zoom.

Mellissa Walker, Power Road, Noise Concern

Clogston's email stated that there is excessive shooting near her property, and the issue is how the disturbance of shooting affects her horse. She would like the Select Board to consider a noise ordinance. Walker stated a problem with a high percentage of shooting, and she has lived at the property on Powers Road for 20 years. Walker stated that the shooting caused an outburst when working her horse resulting in serious injuries to her requiring an ambulance call. Garofalo stated that as long as the shooting is at least 300 feet from Walker's property, they have the right to shoot. Walker is concerned about shooting going on in a residential area. Brigitte stated that she spoke to the Chief of Police about this situation, and they determined that the shooting range is safe, but would support a noise ordinance that would be enforceable. Codling noted that RSA statutes in the State of New Hampshire allow you to shoot on your property. Clogston stated that the Board can bring this topic to Town Meeting, and, in the meantime, Walker can attend the Precinct meeting in her area.

PENDING OLD BUSINESS

County Road Property Cleanup

Codling research quotes for property cleanup from five vendors, and Clogston noted that proposals / quotes will be coming in by August 14.

Blackmount Rail Trail Appraisal

Codling stated that an appraisal is pending.

PA-28 Inventory Form

The Board discussed the use of the Department of Revenue Administration's form PA-28. Boucher stated advantages: getting a better sense of the Town's property, capture the number of renters in Town, any changes to the property, and allows penalties for not filling out form. The down side is that it is a time consuming process, but can be done once every five years rather than on an annual basis. Hatch noted that it would bring the Town records of inventory up to date. Discussion ensued.

MOTION #4: Clogston asked for a motion to approve the use of PA-28 Taxable Property Inventory form for the 2021 tax year. No second to the motion.

Woodsville Ambulance

MOTION #5: Garofalo made a motion to make full payments per the contract to the Woodsville Rescue and Ambulance Service. Clogston seconded the motion.

Roll Call Vote: Garofalo (Aye), Robbins (Abstain), Bjelobrk (Aye), Hatch (Aye), Clogston (Aye). The vote was four Ayes and one Abstention. The Motion passes.

Boucher provided a manifest to approve payment to the Ambulance service.

NEW BUSINESS

Bjelobrk application to improve Class VI highway (Sinclair Road Bridge)

Marie Bjelobrk application to improve Class IV highway (Sinclair Road Paving)

Bjelobrk stated that has made improvements to the Class VI road bridge. Previously, he submitted plans to the Town for rebuilding the bridge, but with the collapse in November, the bridge was rebuilt right away.

Bjelobrk stated that he will be having the driveway paved and requests being able to pave 500 feet of Sinclair Road from the bridge to the driveway at his property. A civil engineer has signed off on the project, however; the paving has not been signed off by the Town's Road Agent. Codling asked if the proposed paved section would be wide enough for fire service access. Discussion ensued. Boucher stated that a Class VI road is owned by the town but not maintained by the Town.

MOTION #6: Clogston made a motion to approve the rebuilding of the collapsed bridge on the Class VI Sinclair Road. Robbins seconded the motion.

Roll Call Vote: Garofalo (Aye), Robbins (Aye), Bjelobrk (Abstain), Hatch (Aye), Clogston (Aye). The vote was four Ayes and one Abstention. The Motion passes.

MOTION #7: Clogston made a motion to approve the paving of a 500 foot section of the Class VI Sinclair Road pending a sight visit. Garofalo seconded the motion.

Hatch stated that the Town cannot be asked to take over the road. Garofalo revoked his second to the motion.

MOTION #7 REVISED: Clogston made a motion to approve the paving of a 500 foot section of the Class VI Sinclair Road pending a site visit and to include wording in the permit stating that the Town will not take over the paved 500 foot section of Sinclair Rd. Garofalo seconded the motion.

Roll Call Vote: Garofalo (Aye), Robbins (Aye), Bjelobrk (Abstain), Hatch (Aye), Clogston (Aye). The vote was four Ayes and one Abstention. The Motion passes.

Clogston and Codling left the meeting at 7:05 PM.

Bjelobrk, Vice Chair, took over as moderator and resumed the meeting.

FINANCE OFFICER'S REPORT

Boucher reported that tax season is upcoming, and the tax collector has a list of all the properties that will be going up for tax deeding. Letters will be going out in September.

Commission and Committee Reports:

Conservation Commission: Hatch stated that the committee meeting was canceled last week.

Planning & Zoning Board: Boucher reported that regarding the gravel pits, she will be sending a follow-up letter to FHL The Blasdell pit owner will be sending a bond check for reclamation.

Parks & Recreation: Robbins stated the meeting is tomorrow night.

Airport Zoning: Bjelobrk stated that the meeting was rescheduled from July to August. Hatch expressed how good the airport area looks with the new picnic tables on the paving stones and the lawns being mowed.

Fire Department Committee: Clogston not present.

Correspondence:

Ed Ballam on Behalf of the Food Pantry

Bjelobrk read the letter from Ballam to the Town Manager, “I was at the Select Board meeting this morning and I heard a member of the public ask a question about the Food Pantry. I couldn’t understand what was being said, but I wanted to check to see what the issue was. And, if there were any questions, I can answer them. I appreciate the Town making these meetings available online and understand the challenges that come with the endeavor. Thank you for trying. Let me know what I can do to respond to the Food Pantry questions and if needed, I will reach out to the individual. I am involved with food pantries...and thank you for being part of the mission”

Letter to Governor Sununu Regarding HB1234

Bjelobrk read the letter dated July 27, 2020, “Dear Governor Sununu: I’m writing on behalf of the Town of Haverhill in relation to HB1234 specifically SB414 (now §51 and §52) relative to the highways in the Woodsville Fire District. On February 25, 2020, SB414 passed the Senate unanimously with a great deal of testimony for the Senate Transportation Committee, including opposition by the three Woodsville Commissioners followed by tremendous support on behalf of the Town by the Select Board Chair and the Town Manager and other concerned citizens. There have been numerous public discussions including an Open Public meeting held on March 8, 2020, with hundreds of residents in attendance and the Town Meeting on March 10. There were nearly 500 residents present and over two-thirds of the residents supported the passage of HB1234. With over 45 years of collective experience, our Town Highway Department possesses the skills, knowledge, and experience to maintain the eight miles of roads within the Woodsville Fire District. I personally have 20 years working for the Vermont Agency of Transportation and have extensive experience in highway design, materials, contracting, and construction. Currently, the Town of Haverhill has 70 miles of roads both paved and gravel with a budget of \$740,000, which equates to \$9,400/mile. In comparison, Woodville Precinct maintains eight miles of roads and their budget is on average \$450,000, which equates to \$56,000/mile. The Town of Haverhill already maintains the gravel roads because they lack the equipment, skills, and knowledge to do so. The passage of HB1234 will effectively change the organization, management, and maintenance reports by uniting the two departments into one section, which will eliminate administrative and operational redundancy and will save taxpayers money. Passing this legislation will benefit the residents of Haverhill, as well as, the residents of Woodsville Precinct. If not more important, this bill will require that Woodsville undergo a complete financial audit of its enterprise fund, which has never been done despite a decade of requests by the DRA. Shortly after the DRA advocated for this legislation, the Woodville Precinct merged all its funds into one account. Thank you for your time and attention to this matter. Respectfully, Brigitte Codling, Town Manager, Haverhill, NH.”

Bjelobrk read the response from Governor Sununu’s office: “Thank you for contacting my office during the last several months. Our state has been going through unprecedented hotel prices and I’m glad to say we’re not taking steps to open our economy and get back to enjoying the many opportunities our state has to offer. [COVID-19 guidance followed]. I am incredibly proud of our citizen remaining steadfast in these challenging times as we will continue to navigate these times together. Stay safe and stay healthy. Chis Sununu, Governor.”

Robbins stated that a section of Codling’s letter reads that the finances were merged to make an audit more difficult, but that is not exactly accurate. Bjelobrk stated, “So noted.”

Key Issues: Update

- **HB1234 (formerly SB414)**

This bill, if enacted into law, would “*remove the authority of the Woodsville Fire District over highways within the district; and requires the Town of Haverhill to assume responsibility for the care and maintenance of roads within the Woodsville Fire District; and requires the Woodsville Fire District to provide a financial audit of all funds received from the Town of Haverhill.*” This bill was introduced originally as SB414, to change the formula used to calculate funds to be transferred from the Town to the Fire District for highways. However, after Senate Transportation Committee hearings, it was modified by the Senate to read as outlined above. SB414 passed unanimously by the Senate. Later it was incorporated into omnibus bill HB1234, which passed with a majority vote by the House of Representatives. Rep. Ladd voted against this bill and Rep. Ruprecht voted in favor. Last week the Governor vetoed HB1234, the bill will now go back to the House and then the Senate for them to vote again to overturn the Governor’s veto.

- **Woodsville DRA Audit**

The DRA is overseeing the Woodsville Fire District audit, which will include all the Fire District’s enterprises. The audit is being performed by Plodzick & Sanderson Certified Public Accountants. From what the Town has been told, the collection of data necessary to begin the audit has begun. The DRA has moved \$75,000 from the Water & Light budget and \$75,000 from the Fire Districts executive line and put them into the Fire Districts Financial Line in the budget, to ensure the money can be expended for the audit. This is a multi-year audit and will hopefully clear-up concerns related to how the Fire District has managed its finances.

- **Woodsville Lawsuit:**

The Town of Haverhill sent a Demand Letter on February 11, 2020 to the Woodsville Fire District asking for the return of lapsed highway funds totally over \$655,000. In response, the Fire District sent a letter to the Town on February 21, 2020 denouncing the demand for payment. Months later, on June 15, 2020 the Town of Haverhill received notice that the Fire District had filed a lawsuit in Grafton County Superior Court. The Town had 30 days to respond to claims made by the Fire District, also filed were counter claims, included for the lapsed funds. The Town’s response was filed by the court on July 23, 2020. The Fire District has 30 days to respond to the Town’s counter claims, after which the court should set a date for hearing the case. The Town of Haverhill has asked for quick resolution by the court on all counts, citing that this is causing a significant hardship to the people of Haverhill who want to see the controversy resolved.

Codling will answer any questions from Town residents and offer any information she can legally provide.

Nonpublic Session: None

Adjourn Meeting

MOTION #8: Robbins made a motion and Garofalo seconded the motion to adjourn the meeting at 7:22 PM.

Roll Call Vote: Garofalo (Aye), Robbins (Aye), Bjelobrck (Aye), Hatch (Aye). The vote was unanimous. The Motion passes.

Adjourned: 7:22 PM

Transcribed by Joanna Bligh

DRAFT