

**Town of Haverhill
Select Board Meeting
MINUTES
Monday, September 26, 2022, at 6:00 PM
R. E. Clifford Memorial Building
65 South Court St.
Woodsville, NH 03785
Or on ZOOM**

CALL TO ORDER: Chair Fred Garofalo called the meeting to order at 6:00 PM.

Select Board Attendance: Kevin Knapp (Here), Katie Williams (Here), Mike Graham (Here), Vice Chair Steve Robbins (Here), Chair Fred Garofalo (Here). A quorum was met.

Town Employees Present:

Town Manager (TM): Brigitte Codling

Assistant Town Manager (ATM): Jennifer Boucher

Members of the Public Present

In Person:

Joanna Bligh
Darwin Clogston
Joe and Margo Longacre
Linda Buermeyer (*Journal Opinion*)
Carolyn Hofmann
Kevin Shelton
Thomas Mayo
Ed Ballam

Ron Willoughby
Paul Kidder
Howard Hatch
Lorraine Prescott
Matthew Bjelobrk
Steve Wheeler
Don Vaillancourt
Kathleen Vaillancourt

Online:

Vickie Wyman
Tom Mangels
Jim McKinnon
Joanne Young
Evelyn Elms
Mike Bonanno
Robert Maccini

Regis Roy
Bob Long
Mike Lavoie
Ron DeRosia
Kyle Belyea
Jim Connolly
Jacob Cochran
Delcia Vinnacombe

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

MOTION #1: Williams made the motion and Chair Garofalo seconded the motion to approve the Agenda as amended.

- Chair Garofalo stated he has an employee letter to be read under Correspondence.
- Vice Chair Robbins added under Old Business Woodsville and the DRA.

Voice Vote: All approved, none opposed, none abstained. The motion passed unanimously.

CONSENT AGENDA

Approve minutes from the previous meetings

MOTION #2: Chair Garofalo made the motion to approve the Minutes from August 29 meeting as amended. Vice Chair Robbins seconded the motion.

- Minutes from **August 29, 2022**, Select Board meeting (reconsideration).
 - Williams stated that she emailed Transcriptionist Bligh about changes to the **September 12** meeting minutes, p. 2, bullet 2, and asked to change the section stating that “Williams rescinded the change.” In the **August 29** minutes, p. 3, bullet 3, Carolyn Hofmann’s name was used three times in error as “Hartman.”
 - Graham noted on p. 5, Motion #6, bullet 3, change “Governor in Council” to “Governor and Council.”

MOTION #3: Williams made the motion to approve the Minutes of the August 29 as amended. Chair Garofalo seconded the motion.

Voice Vote: All approved, none opposed, none abstained. The motion passed unanimously.

- Minutes from **September 12, 2022**, Select Board meeting.
 - TM Codling noted that the discussion at the last meeting was about word-for-word versus summary transcription of the minutes, and the Board asked about how the transcriptionist chooses.
 - Transcriptionist Bligh noted that at the September 12 meeting for Motion #3, there was no vote, so the motion died, and that included the changes relating to the DRA/tax rate statement by ATM Boucher from the minutes of August 29.

MOTION #4: Williams made the motion to reapprove the Minutes of **August 29**, which included the new wording by ATM Boucher and other amendments as noted. Chair Garofalo seconded the motion.

Voice Vote: All approved, none opposed, none abstained. The motion passed unanimously.

MOTION #5: Williams made the motion to approve the Minutes of the **September 12** meeting as amended. Chair Garofalo seconded the motion.

Voice Vote: All approved, none opposed, none abstained. The motion passed unanimously.

SCHEDULED PUBLIC APPEARANCES: None.

TOWN EMPLOYEE APPEARANCES:

Joanna Bligh, Planning and Zoning Clerk and Transcriptionist

- TM Codling introduced Bligh to address any of the Board’s concerns relating to the minutes.
- Williams stated that her opinion was that a summary of discussion at a meeting was appropriate. Graham stated that the minutes can be a summary. Chair Garofalo encouraged all members to speak loud enough for the microphone to pick up their statements.
- TM Codling noted that if there is a statement that leads to a decision, it should be included.
- Transcription Bligh noted two points: If a speaker has a written, prepared statement then the entire statement is included, and the RSAs specifically state that if a member of the public speaks, they have to be identified.

PUBLIC WANTING TO ADDRESS THE BOARD:

- **Howard Hatch** discussed Town’s history of appraisals and stated that everyone should be paying their fair share. TM Codling replied that currently the Town has cyclical assessing services, and a request for proposal has been distributed for assessing services.

PENDING (OLD) BUSINESS:

Outline for Short-Term Rental Ordinance

- Chair Garofalo asked how a Short-Term Rental Ordinance would be enforced. Graham asked if the legislature has addressed the issue of short-term rentals not paying meals and room taxes. TM Codling noted that for Airbnb, Verbo, and others, the state does collect Rooms and Meals tax. TM Codling noted that SB249 (an Act prohibiting planning and zoning ordinances to prohibit short-term rentals) did not pass last year. TM Codling showed the Board a map of the numerous short-term rental establishments in Haverhill. Some issues are excess noise and septic concerns, and TM Codling noted that an ordinance would establish control over the rentals.
- TM Codling outlined the ordinance process – creating a draft ordinance, Planning Board approval with Public Hearing, Select Board approval, and a vote by the Town. The discussion continued addressing licensing of commercial rentals. Graham asked how to make a request to the Planning Board to address this short-term rental issue, and TM Codling replied she will pass along the information; however, the Select Board does have the authority to draft an ordinance.
- Joe Longacre, former Planning Board member and current alternate, stated that this seems on the verge of zoning, and this issue has many grey areas. Graham replied that this is a specific issue that creates problems for many residents.
- Vice Chair Robbins recommended contacting Mt. Lakes commissioners to discuss the short-term rental issues in their district.
- Steve Wheeler noted that short-term rentals are a serious problem.

MOTION #6: Graham made the motion to formally request the Planning Board to look into the oversight of short-term rentals in Haverhill. Williams seconded the motion.

Voice Vote: Four approved, none opposed, one abstained (Knapp). The motion passed unanimously.

DRA and Woodsville Discussion

- Vice Chair Robbins discussed the Town vote for the highway and fire funds for Woodsville, and he felt that the DRA was not addressing the District's needs. Graham advocated going to court. Vice Chair Robbins noted two steps: 1) The issue can go to Tax and Lands appeals or 2) to Superior Court.
- TM Codling noted that the final letter stated that the next step is to file in Superior Court.
- Kevin Shelton stated that two items are in the letters. One addresses the DRA's decision and how legislation preserves the funding of districts to take place and, secondly, the article can be reconsidered if the founding of the Woodsville Fire Department can be proven. Shelton asked the Town of Haverhill to provide a letter of response to the DRA to reconsider their decision. Shelton asked if the reconsideration is denied having the Town of Haverhill appeal their tax rate.
- Lorraine Prescott asked what the benefit to the taxpayers would be in doing this. Vice Chair Robbins noted that the issue on the table is that the voters at Town Meeting voted to fund Woodsville fire and highways.
- Chair Garofalo read the authority of the Select Board in NH towns is given by the state of NH, and the state controls all towns and municipalities in the state, so if the DRA, a state agency, has the authority to make decisions for the municipalities. Discussion continued.
- Ed Ballam (Haverhill Corner) stated that when Haverhill Corner was merging fire departments, the residents were told that the Town could not fund the separate fire department and asked the Board to look into the Town and district funding.
- Kevin Shelton (Woodsville) asked "What are you afraid of? Just drafting a letter."
- Chair Garofalo asked the Board if they wanted a letter to be sent to the DRA. TM Codling noted the Town's attorneys have already stated they will not represent the Town in any legalities related to this issue. ATM Boucher noted that the DRA will not address any appeal until the tax rate is set in early November.
- Bob Clegg addressed the bill supported by state Senator Giuda and noted that attempting to bring forward this DRA reconsideration affects the Woodville members of the Board directly. Discussion continued.
- ATM Boucher noted that the vote on the articles goes against that fact that funding of a district is illegal.
- Darwin Clogston asked what the difference between a home in Woodsville and a home in Pike tax rate would be. Williams replied from an email from TM Codling stating the tax rate would add \$1.0 or \$216 on a \$200,00 house outside of Woodsville, and a decrease in Woodsville tax of 4.7816/\$1000 or a decrease of \$956 on a \$200,000 house.
- Ron Willoughby commented that the issue is money, and it seems like the Town is doing the same thing over and over. TM Codling noted that the DRA disallowed the articles and moving forward this is over. Graham stated that current legislation enables the funding, and the DRA disallows it, so the judicial system needs to decide it. ATM Boucher stated

that the intent of the law was an important facet of the court decision in former state Senator Giuda's law.

- Shelton noted that the change in the legislation took out the funding formula.
- Vickie Wyman commented that the Town of Haverhill voters approved the articles and taking that approval away is wrong, and she asked where the RSA statutes are.
- Mike Lavoie commented about why Woodsville residents have to pay for two fire departments, and if Woodsville joined the Town and had one fire department and one highway department, the issues would be resolved.
- Williams noted that not having a Town attorney look at the letter is a problem.

MOTION #7: Knapp made the motion to write a draft letter to the DRA requesting a reconsideration of the Woodsville Fire District funding. Williams seconded the motion.

Roll Call Vote: Knapp (Aye), Williams (Nay), Graham (Aye), Vice Chair Robbins (Aye), Chair Garofalo (Nay). With three Ayes and two Nays, the Motion passed.

NEW BUSINESS

Third Quarter Haverhill Newsletter

TM Codling stated that the Newsletter is ready to be mailed. Brittany Grant took charge of the fall edition of the Newsletter, which includes articles from employees. TM Codling invited anyone to make suggestions of what they want to see in the winter Newsletter.

MOTION #8: Graham made the motion to approve the fall Newsletter. Knapp seconded the motion.

Voice Vote: All approved, none opposed, none abstained. The motion passed unanimously.

PRIMEX Worker's Compensation Contribution Assurance Program (FY 2024 though FY 2026) and the Property and Liability Contribution Assurance Program

The members discussed the Contribution Assurance Program (CAP), and the percentage increases over the next 3 years.

MOTION #9: Vice Chair Robbins made the motion to approve and sign the PRIMEX CAP programs for Worker's Compensation and Property and Liability Contribution Assurance Program. Graham seconded the motion.

Voice Vote: All approved, none opposed, none abstained. The motion passed unanimously.

Revised Town Office Closing Policy

TM Codling introduced the policy originally approved in 2007 and revised this year, which formalizes the various situations requiring Town Office closings.

MOTION #9: Vice Chair Robbins made the motion to approve and sign the Town Office Closing Policy 2022. Chair Garofalo seconded the motion.

- Knapp questioned the driving conditions causing office closings and if they were considered snow days.

Voice Vote: All approved, none opposed, none abstained. The motion passed unanimously.

TOWN MANAGER'S REPORT: None.

ASSISTANT TOWN MANAGER'S REPORT:

Finance Department

The 2020 audit is nearing completion in the next few weeks, and the auditors will move on to the 2021 audit.

SB401

The governor signed this bill that gives towns additional road and bridge funds. The Town will receive \$148,580.03 in highway funding, which has been received, and \$99,241.00 for bridge aid, which has not been received yet.

HB1221

Funds will be received in October for the NH Retirement System (NHRS) equal to 7.5% of the NHRS employer contributions for FY 2023 for police and firefighters (Group II) and teachers (Group I).

FAA Airport Improvement Program (AIP) Grant

The grant submission written by the Town will be on the Governor's Council agenda on Tuesday, October 4.

The New England States Government Finance Officers Association (NESGFOA) Annual Conference

ATM Boucher attended this conference from September 11 to 14, and recently attended the Annual NHMA Budget and Finance Workshop.

Northern Borders Grant

The Town's grant application was approved for \$1M, and grantees will attend a webinar to learn more about next steps.

Assessing Department

A request for proposals has been distributed for assessing services, and proposals are due on October 13 at 2:00 PM.

Planning Board

The next meeting is Tuesday, September 27, 2022. The Master Plan Community Survey results were presented by consultant June Garneau on Thursday, September 15 at the Clifford Building. The Town's website has the slide presentation in full. ATM Boucher noted that the townspeople

want recycling. TM Codling commented that will be discussed during budget season. Discussion continued.

Zoning Board of Adjustment

There are no active applications.

Tax Department

Collections for 2022 first issue tax bills: \$5,480,946.55 with a balance of \$317,333.81. The Tax Collector and Deputy Tax Collector attended an annual conference on Tuesday, September 6 to Thursday, September 8 in North Conway, NH.

ATM Boucher commented that she attended the **Legislative Policy Commission Conference**. ATM Boucher discussed some of the issues brought up at the conference.

NHMA Right-to-Know Law and Public Meeting and Records virtual workshop on October 13 from 9:00 AM to 1:00 PM. To register, go to:

<https://www.nhmunicipal.org/event/registration-open-2022-right-know-hybrid-workshop-meetings-and-records>

Public Discussion:

- Joe Longacre asked for an update on Vertex Towers relating to the tower approval by the Planning and Zoning Boards. ATM Boucher replied that Vertex Towers is in the process of filing a building permit and seeking permits related to federal and state regulations.

COMMISSION AND COMMITTEE REPORTS:

Chair Garofalo (Conservation Commission): Chair Garofalo announced the Paddle the Border event October 2 starting in Newbury, VT. Volunteers are needed. On September 10, the group visited Howard Island. The Conservation Commission will be joining the NH Association of Conservation Commissions. The commissioners are considering working on improvements to the trails in Kinder Forest. The Conservation Commission wishes to work with the Parks & Recreation Commission to engage in community events.

Kevin Knapp (Planning Board): Knapp had no report.

Steve Robbins (Parks & Recreation Commission): Vice Chair Robbins had no report.

Michael Graham (Airport Zoning Commission): Graham announced the Commission meets on the second Tuesday of the month.

Katie Williams (Zoning Board; Woodsville Advisory Committee): Williams noted that the Zoning Board has not met, and she was unable to attend the first meeting of the Advisory Committee.

CORRESPONDENCE:

Chair Garofalo received a letter from three Town employees and read the letter, as follows:

September 2022

Haverhill Select Board,

This letter has been co-authored by those of us who participated on election day to cover for elected officials who needed assistance with coverage in the election room. As employees, but more so, as tax paying residents, we have some concerns, which we feel should be expressed.

As Town employees, we get to see some of the inside workings of the town that other residents don't necessarily get to see, and we hear things others don't get to hear. In the days leading up to, and on election day, the attitudes of a few of our elected officials related to having to be present on election day was, in our opinion, inappropriate. Comments were derogatory and callous.

You, Haverhill selectmen, were elected to serve ALL residents in the Town of Haverhill, and though we understand that you all have your own jobs and had personal issues to tend to, you also have a responsibility to the people of Haverhill as our elected officials. We have watched as Fred Garofalo has attended every election, dressed professionally, since he was elected. Fred takes his responsibility as a selectman very seriously; others should look to him as an example of good government.

We want everyone to know that it was us, town employees, who willingly and proudly stepped up to fill in for selectmen who couldn't, or just didn't want to, be present on election day. We volunteered, even though we had been hearing the unnecessary comments by selectmen about needing to be there on election day. We, Town employees, are proud of our service to the people of Haverhill on election day, even though we received little appreciation from selectmen for which we served in place of.

We believe the selectboard members who came to cast their votes late in the day would not have even stayed had they not been approached and asked why they were not attending, as is required by law. One selectman was heard saying they would not be present on election day because, "What are they going to do, fire me?"

Selectboard members have their own jobs yes, but the town employees who filled in for the ones who were absent were not able to perform their regular duties on election day. This means the taxpayers paid us our hourly wage and the selectboard their stipends. Stipends intended to compensate them for the duties expected of them. When you choose to run for office you should be prepared to serve in whatever capacity is required of an elected official and if someone covers for you, in any capacity, you should appreciate it.

We want to say thank you to Fred for doing his part serving the Town of Haverhill and for his respectful treatment of Town employees.

Sincerely,

*Brittany Grant
Mark Locke
Valerie Morse*

Discussion:

- Williams stated that at the Select Board meeting, the members were deciding on shifts, and then later we were told we had to be at the election center all day.
- TM Codling noted that the employees were concerned that they were not appreciated.
- Prescott commented on the funding of candidates from Woodsville.

MOTION #10: Graham made the motion to prepare a letter from the Chair of the Board in support of the Town employees with gratitude for those who took the places of the Select Board members on Election Day. Seconded by [not stated].

No vote. The motion died.

