

Town of Haverhill
Select Board Work Session
MINUTES
Thursday, August 3, 2023, at 6:00 PM
J.R. Morrill Building
2975 Dartmouth College Hwy.
No. Haverhill, NH 03774
Or on ZOOM

CALL TO ORDER: Chair Blanchard called the meeting to order at 6:03 PM.

Select Board Attendance: Rod O’Shana (Here), Carolyn Hofmann (Here), Kevin Knapp (Here), Vice Chair Joe Longacre (Here), Chair Phil Blanchard (Here). A quorum was met.

Town Employees Present:

Town Manager: Brigitte Codling (Present)

Assistant Town Manager (ATM): Jennifer Boucher (Present)

Recording Clerk: Joanna Bligh (Absent)

Members of the Public Present

In Person:

Dawn Lavoie

Mike Lavoie

Harv Keyes

Margo Longacre

Matthew Bjelobrk

Online:

Regis Roy

Marilyn Blaisdell

Mike Bonanno

Vickie Wyman

Joanne Young

Alex Nuti-de-Biasi (*Journal Opinion*)

PLEDGE OF ALLEGIANCE

INTRODUCTION

Chair Blanchard asked if all members read through the materials, and there was consensus that the materials were reviewed.

Chair Blanchard noted that this Work Session will begin where the Non-Public Session with Derek Kline, attorney at law, left off on Monday night discussing the Donahue, Tucker & Ciandella, PLLC (DTC; Meredith, NH) invoices from September 1, 2022, to May 30, 2023.

WAIVING OF ATTORNEY-CLIENT PRIVILEGE

MOTION #1: Chair Blanchard made the motion and Hofmann seconded the motion to waive the attorney-client privilege between Donahue, Tucker & Ciandella, PLLC and the Town of

Haverhill between the dates of September 1, 2022, to May 30, 2023, and the communications DTC made available during that time.

- Chair Blanchard noted that the utility abatement issues, for which DTC represented the Town, are separate legal matters.
- TM Codling noted that DTC is no longer representing the Town, but they do have information in their files.
- Knapp asked if the reputation was an issue, and Chair Blanchard stated that the issue is related to privacy.
- Chair Blanchard noted that the risk is low, and the past Board members are not indemnified because they are no longer Board members.

Roll Call Vote: Vice Chair Longacre (Aye), Knapp (Nay), Hofmann (Aye), O’Shana (Aye), Chair Blanchard (Aye). The motion passed.

TIMELINE OF EVENTS BETWEEN DTC AND THE TOWN OF HAVERHILL

Chair Blanchard introduced TM Codling to go through the events’ timeline (27 pages) related to the DTC invoices, and requested the shortened version. TM Codling stated that she wants the Board to be prepared if they meet with DTC.

TM Codling provided the following document of events and read through the highlights:

1. 1887 – (Chapter 204) Special legislation regarding the Woodsville Fire District “sole power to appoint a surveyor of highways and the surveyor must give bond to the town and be an officer of the town” AND “nothing in this act shall be construed to impose any distinct or special liability upon the district respecting highways within its limits” AND “all highway taxes levied within the district shall be collected by the collector of other taxes and accounted separate from other monies and can only be expended by approval of the commissioners” AND “the taxes levied cannot exceed 1/10 of 1% annually of the assessed valuation in the district.”
2. 1891 – Henry vs. Haverhill lawsuit regarding Woodsville’s roads and Town liability for roads.
 - TM Codling stated that the outcome was that the Town of Haverhill had authority over roads and any liability related to roads; however, maintenance of the roads was the responsibility of Woodsville.
3. 1899 – (Chapter 196) special legislation regarding the Woodsville Fire District repealed section four “the taxes levied cannot exceed 1/10 of 1% annually of the assessed valuation in the district.” AND added “the district at its annual meeting shall determine what amount of money, in addition to the Highway taxes to be levied by the town, shall be raised in the district and what amount shall be raised for sewers, but this shall not derogate from (impede) the right of the Town to raise the highway taxes for the maintenance of highways in labor outside the limits of the district. All taxes for repairing highways, building, and repairing sidewalks, and sewers in the district shall be raised in money whether by authority of the town or district,” AND “Nothing in this act however, shall be construed to impede from the power and duty of the Town and Selectmen to provide for ordinary and extraordinary repairs of bridges, culverts, highways, and embankments and for the construction of new highways that may be laid out in Town.”
4. March 1990 – (HB1138) amends the 1899 special legislation regarding the Woodsville Fire District to add: “The money appropriated for the distribution of highway funds in the district which is attributable to the town of Haverhill shall not exceed 20 percent of the total amount of expenditures authorized at the town meeting.”
 - TM Codling noted that 1887 was the first time taxes for highways was collected from the District and the entity to do the taxing was the Town and distributed to the

- District. TM Codling stated that in 1990, the process changed from District tax to a Town tax and giving the money to Woodsville.
5. April 1990 – Memorandum of Understanding (MOU) drafted by the Board of Selectmen (BOS) and Woodsville Commissioners regarding expansion of the Fire District and highway funding.
 6. January 1995 – First Amendment to MOU drafted by BOS and Woodsville Commissioners to “interpret” the calculation of highway funding was executed.
 - TM Codling stated that at that time they modified the funding formula.
 7. October 27, 2008 – Second Amendment to MOU to “modify” the calculation of highway funding was executed.
 - TM Codling stated that with each amendment the formula increased the amount given to Woodsville for their roads.
 8. June 3, 2009 – (SB75) amends the 1899 special legislation regarding the Woodsville Fire District to modify the distribution of highway funds as follows: “[~~not exceed 20 percent of the total amount of expenditures authorized at the town meeting~~] be determined by a fraction, the numerator of which shall be the assessed valuation of the properties in the district, and the denominator of which shall be the assessed valuation of the properties in the entire town of Haverhill as determined annually from the town MS-1 form. The town of Haverhill shall appropriate the percentage represented by such fraction for distribution to the highway fund in care of the Woodsville fire district commissioners. The district shall also receive a proportionate share of the state highway block grant funds received by the town in the previous year based on the population and road mileage of the district compared to the population and road mileage of the entire town of Haverhill.”
 - TM Codling noted that the language was removed stating “not to exceed 20%” and attempt to return to the language in the original MOU, which was more detailed, but was not made into law.
 9. December 2017 – While preparing the budget for 2018 it was decided the Town needed to merge healthcare for all employees into one funding category rather than having them broken out individually within departmental budgets to meet HIPAA regulations, as is recommended practice by the Government Finance Officers Association.
 - TM Codling noted that these changes were made to be in compliance with HIPAA.
 10. December 2017 – Woodsville Commissioners voiced to the Town that removing healthcare from the Highway budget would reduce the funds they were to be allocated via the Highway Funding arrangement and they wanted the Town to keep the healthcare costs for the Town’s highway staff in the Highway budget. TM Lacaillade said, “No.”
 11. November 2018 – TM Lacaillade resigned as Town Manager.
 12. November 2018 – Glenn English (past Town Manager) was brought in to serve as Interim Town Manager (ITM) on a part-time basis.
 13. January 2019 – Commissioner Dick Guy reached out to ITM English about the healthcare costs being removed from the highway budget in 2019. ITM English told Jennifer to add to the highway budget an amount representative of what Woodsville would have gotten in 2019 if the health insurance costs had not been removed. Jennifer did as she was instructed by ITM English, and the extra funds were transferred to the Woodsville Fire District.
 14. January 2019 – ITM English sent an email to Guy saying that he had added money for 2019 and did Commissioner Guy want ITM English to go back and have 2018 adjusted as well so they could get that money now as well. Commissioner Guy said, “No,” so as to not “rattle the cage on highway funding.”
 - [TM Codling noted that retroactively, money had been distributed to cover 2019.
 15. April 2019 – TM Codling was hired.

16. May 2019 – TM Codling informed the Select Board that she had met with Alex Belenz of North Country Council to discuss various services that the council could offer the Town of Haverhill. Included in that conversation was discussion about them providing us assistance with performing a new traffic safety audit of the Forest St.-Central St. intersection.
17. June 2019 – TM Codling informed BOS that her and Alex will be meeting with NHDOT traffic engineer, NHDOT district engineer, and all three Woodsville Commissioners on June 13 to discuss issues and options for safety along Forest St.-Central St. intersection.
18. June 2019 – TM Codling reported to the BOS that the individuals who met on the 13th decided that a demonstration project would be performed that summer at the Forest St.-Central St. intersection.
19. July 2019 – After Woodsville got their highway and fire department funding payment, Commissioner Guy asked Jennifer for the highway funding calculation spreadsheet, which she did. He said he asked for it because the payment was lower than they had anticipated.
20. July 2019 – TM Codling reported to the BOS that Alex Belenz of the NCC had been working with NHDOT traffic engineers to organize the Forest St.-Central St. demonstration project.
21. July 2019 – Commissioner Guy began emailing TM Codling asking her to look into the highway funding formula to see how it had been applied for the last few years.
22. August 2019 – TM Codling reported to BOS that she and Alex Belenz of the NCC met with NHDOT traffic, safety, and District 2 engineers to discuss implementation of the demonstration project.
23. September 3, 2019 – Highway Road Agent, Colton Grant came to the BOS meeting to ask for their approval to purchase a new loader using reserve funds. This was needed to replace the highway department's 30+ year old loader, which had finally failed. TM Codling informed the BOS that there was money in the budget, and the rest would need to come from the vehicle capital reserve fund. The Selectmen authorized \$100,000 to be moved from the reserve fund to be used to purchase the loader.
 - TM Codling stated that Stephen Wheeler spoke to her after the meeting and stated that the Town owed Woodsville \$25K because of the formula, the Town gives Woodsville 25% of everything it spends on roads. At that time, TM Codling felt she should take a hard look at the highway funding.
24. September 3, 2019 – At the BOS meeting, Woodsville Commissioner Steve Wheeler told TM Codling that if the Town was taking money from the Town's vehicle capital reserve to purchase a loader, then the Town would need to pay the Woodsville Fire district \$25,000. This prompted TM Codling to look closer at the Woodsville Highway MOU, the Highway Funding Formula, and the special legislation related to the Woodsville Fire District.
25. September 16, 2019 – At BOS meeting, TM Codling informed the board that she had submitted the excavation permit and traffic control plan to NHDOT for the Central Street and Forest Street intersection and was awaiting their approval.
26. October 28, 2019 – At BOS meeting, TM discussed with the BOS her evaluation of the Woodsville Highway MOU, the Highway Funding Formula, and the special legislation related to the Woodsville Fire District. She expressed to them that she did not believe it was equitable to all residents of Haverhill, she did not believe the intended formula had been applied accurately (net vs. gross), and she was in hopes a new and more equitable formula could be crafted. She read to the BOS proposed draft language that would change the special legislation related to the Woodsville Fire District and make the arrangement more equitable to all residents of Haverhill. The BOS unanimously approved moving forward with petitioning the legislature asking for a change to the legislation. TM Codling also presented a draft public statement regarding the highway funds, which was approved unanimously.

Prepared by Brigitte Codling, Town Manager.
Public Statement Regarding the Woodsville Highway Fund:

"I recognize this topic on the agenda is one that is complicated and potentially polarizing, so I have prepared a written statement so that I do not misspeak any of the facts. A few months ago, a Woodsville Commissioner approached me requesting that my office reevaluate the Woodsville Highway funding formula and how it was applied over the past few years. Shortly thereafter, the same commissioner made requests of the Select Board Chair asking him to compel my office to do that same. In response to those requests, myself and my staff, with help of the Town Clerk, have tediously researched how the Town funds the Woodsville Highway Department.

Woodsville Precinct was formed in 1887 via legislation and since then the law has been amended four times, the last time the law was amended was in 2009, which was when the current highway funding formula was established.

The formula as it stands today is rather complicated, but in general, it has two parts:

- *The first part provides the Woodsville Precinct a sum of money equivalent to, between 23-25 percent of the Haverhill Highway Budget. This part of the calculation is based upon a ratio of property values and a ratio of population.*
- *The second provides the Woodsville Precinct a sum of money equivalent to, consistently 18.84 percent of the Highway Block Grant. This part of the calculation is based upon a ratio of population and a ratio of Class V road mileage.*

After analyzing all information, it became evident that the current funding formula does not appear equitable to all resident tax payers throughout the Town of Haverhill.

- *Within the boundaries of the Woodsville Precinct there are 8.306 miles of Class V roadway to maintain. These miles are maintained by the Woodsville Highway Department.*
- *Within the rest of the Town of Haverhill there are another 72.380 miles of Class V roadway to maintain. These miles are maintained by the Haverhill Highway Department.*

This means that the Woodsville Precinct has essentially 10 percent of Haverhill Class V roads to maintain. Yet, they receive, on average, 27.36 percent of all highway monies raised. When we compared the two department's highway budgets for 2019 the difference is stark.

- *The 2019 operating budget for the Woodsville Highway Department was \$422,950.00; that is a rate of \$50,592.11 per mile.*
- *The 2019 operating budget for the Haverhill Highway Department was \$699,511.00; that is a rate of \$9,640.45 per mile.*

At a work session held on October 21, 2019 the Select Board was updated on all information, including the historical documents from 1887 through today. The Board was also told that if the funding formula was to be modified then the law should be updated as well; because the law must support the funding formula.

To that effect my office requested that our legal team prepare draft legislation for the Select Board's consideration that would help create equity in the law. That draft legislation was provided to local officials for review last week.

The funding formula and draft language are a consideration of the Select Board tonight.

The introduction of any legislation is time sensitive; as proposed legislation must be introduced to the Senate by October 30, 2019 to be considered in 2020. The process would include legislative hearings where all parties would have an opportunity to participate in modifications to the law.

It would be advantageous, and recommended, for the Haverhill Select Board, Town Administration, and Woodsville Precinct Commissioners to begin meeting to discuss all the variables in an effort to mutually establish a new funding formula. One that is truly equitable to all residents of the entire Town of Haverhill; is relative to the miles of road each Highway Department must maintain and the effort it takes to maintain them.

I personally hope that all parties can come together to collaborate and cooperate in doing just that for all the people of Haverhill.”

27. October 28, 2019 – At the BOS meeting, TM Codling reported that the Woodsville Fire District had contacted the Town stating they no longer wanted to participate in the proposed Forest St.-Central St. project and that no reason had been given.

- Chair Blanchard asked if the previous Board voted to end the project, and TM Codling stated that was much later.

28. October 30, 2019 – *Journal Opinion* published an article about the Highway funding debate.

NORTH HAVERHILL — Over the protestations of Woodsville commissioners, the Haverhill Selectboard unanimously voted on Monday night to seek a change to the town’s highway revenue sharing agreement with the precinct. Currently, the agreement sets a formula that largely pegs the amount of money the precinct receives to a percentage of assessed property value in the district compared to the town as a whole. Under the proposal approved on Oct. 28, the formula would instead mostly be based on Class V road mileage. The move comes after a review by Haverhill Town Manager Brigitte Codling found that there were inequities in the agreement between the two entities. Woodsville is a precinct within the town of Haverhill. In addition to a water and sewer department, the precinct also operates its own highway department which maintains roads within the district. Any change to the revenue sharing formula will first require action by the state legislature. The selectboard’s vote on Monday night came ahead of an Oct. 30 deadline in the New Hampshire Senate to file legislative service requests for the session beginning in January. According to Codling’s review, Woodsville receives approximately 27 percent of all annual highway revenue raised in the town. She said the precinct receives about 23 to 25 percent of the town highway budget approved by voters each March. Additionally, the precinct receives nearly 19 percent of the state highway block grant in a calculation that is based on population and road mileage. “After analyzing all information, it became evident that the current funding formula does not appear equitable to all resident taxpayers throughout the Town of Haverhill,” Codling said in a prepared statement. But while Haverhill has over 72 miles of Class V roadway to maintain in town, Woodsville has just 8.36. As a result, Woodsville’s highway budget of \$422,950 averages out at a rate of \$50,592.11 per mile. Haverhill’s 2019 highway budget of \$699,511 averages out to \$9,640.45 per mile. “I didn’t realize the disparity,” said selectman Matthew Bjelobrk. But the precinct commissioners who attended said there’s good reasons for those disparities. Woodsville roads are “dramatically more expensive” to maintain than most roadways throughout Haverhill, said Richard Guy. For one, he said the water and sewage infrastructure beneath the village streets occupies the highway department labor and equipment. He also said the district’s older streets are in dire need of expensive reconstruction. “There’s a lot more that Haverhill just doesn’t do,” he said, adding that the proposed change to the funding formula is “patently unfair” and “borderline ridiculous.” Precinct commissioner Paul Kidder said the vote comes with no previous discussion. “It’s very deceiving,” he said. Guy estimated that 80 percent of all tax revenue raised by the Woodsville precinct goes to the village’s highway department. About half of all money spent by the precinct on highway expenditures comes through the town revenue sharing agreement. Codling said the town offices started studying the formula after a request for information from a precinct commissioner. She updated board members at a work session on Oct. 21 and had town counsel draft a legislative proposal to submit to the New Hampshire Senate. The last time changes were made was in 2009 after negotiations between the town and the precinct were held following calls by the precinct to secede from the town. The selectmen did not discuss amongst themselves before voting to send the proposal to the legislature. Woodsville Precinct was established

in 1887 via legislation. There are two other precincts in the town—Haverhill Corner and North Haverhill. Email: editor@jonews.com [There are actually four districts/precincts within the Town of Haverhill as Mountain Lakes is one, too.]

29. November 6, 2019 – Woodsville Commissioners published letter to editor of the *Journal Opinion*:

Road funding debate To the Editor: “Thank you for your recent coverage (“Board, commissioners spar over road money,” Oct. 30) of the Oct. 28 Haverhill Selectboard meeting regarding the Haverhill/Woodsville highway funding situation. You got the story right but it needs some help to make the issues easier to understand. For starters, people who are uninformed might wonder why there are two highway departments in the town. The Woodsville District developed much faster than the rest of Haverhill back in the 1800s due to the strong presence of the railroad. The closely spaced housing created a need for underground services such as water and sewer. As the streets progressed, paving and an underground storm water drainage system became essential. Of course these paved streets, sewer collection system and storm water drainage system need to be maintained and this is the responsibility of the Woodsville highway department. They also maintain other District properties including the Community Field. These “city” type streets are much more expensive to maintain and cannot be compared to the cost of maintaining simple gravel roads as the Town Manager is doing. The Woodsville District boundaries were enlarged by the selectboard over 20 years ago because taxpayers from the areas just outside of the District desired better street maintenance and were willing to pay more taxes to get it. They noted that by the time the Haverhill Town plow made its way up to this area, we had all the in District streets plowed a couple of times already. Additionally, we paved the trouble spots that the Town ignored for years. We are able to provide higher quality and more frequent street maintenance with only two full time employees and a part time extra. Now for the issue of costs. The very knowledgeable selectmen in 2009 with Rick Ladd doing much of the work, came up with a formula such that Woodsville receives no highway money from the residents of Haverhill and vice versa. It’s really that simple. The funding we do get is pegged at 23.6 percent of the total highway budget as that is the percentage of all Town taxes paid by Woodsville residents. This pays a portion of our highway budget and we raise the balance with Woodsville taxes and enterprise revenue as directed by our District taxpayers. According to the formula, if you live in Haverhill outside of Woodsville, you do not pay anything into Woodsville’s highway costs. As with the best of plans, there is one small flaw in the funding formula in that it is based on budgets instead of actual costs. Woodsville showed good faith and goodwill a couple of years ago when the Haverhill budget didn’t go as planned and the Town asked Woodsville for an appropriate refund of its share. The check for \$37,000 was sent the next week with a friendly smile typical of our cooperative history with the town that worked both ways back then. This cooperative nature still exists with us as we would do the same today if the current Haverhill highway budget is underspent. A simple memo of understanding can fix everything but this is not the way of the new Town Manager. The shoe is on the other foot now as we noticed an error in the 2019 funding computation sheet sent to us. When we asked for copies of the same sheets for the previous three years, there was no response. The purpose of the request was to see when the error began. The bookkeeping error(s) represent a relatively minor dollar amount similar to what we sent to the town a couple of years ago. Mind you, the NH Right to Know law requires the release of these existing public records within days but they are still being withheld. Instead, the TM has pretended that a recalculation was requested but email trails show this to be a deliberate deception. It seems that she is more inclined to decimate decades of cooperation and relative harmony without taking the time to understand the purpose and reasoning behind existing arrangements. To escalate the problems even more, in some unprofessional posts to Facebook and public statements, Ms. Codling has branded Woodsville as uncooperative in the reconstruction of Route 302 by McDonald’s. We declined to participate in the project for four basic reasons. For starters, Ms. Codling as Haverhill Town Manager is taking on a construction project on a road that belongs to the state. She has permission from the state to do this but we have been advised not to get involved in this arrangement due to legal complications. We also feel it is poor precedence to have Town taxpayers pay for work that is the responsibility of NH DOT. We were asked to commit funds to this project but we do not have this project in our budget. Finally, the project includes the closure of an exit access from McDonald’s. We have not been advised that the owner of this restaurant has agreed to this. This access was legally granted to the restaurant as part of the building permit and there is no precedent for discontinuing a granted access. The Woodsville commission does not wish to participate in such unprofessional behavior. We very politely

declined to participate. A final note is that our records indicate that Woodsville has over 12 miles of streets compared to the TM's value of 8.36 miles. We are going to measure again for accuracy. We have requested that our fine area legislators arrange a meeting to keep this bothersome situation from getting even more out of control. These gentlemen have the reasoning power and temperament that we appreciate and need so badly now. Richard Guy, Paul Kidder, Steve Wheeler, Woodsville Commissioners."

30. November 12, 2019 – At the BOS meeting, TM Codling informed the board that the Forest St.-Central St. demonstration project would need to wait until spring of 2020 due to unavoidable delays.
31. November 13, 2019 – TM Codling issued response to the Commissioner's letter to the editor:

"A response to the precinct commissioners To the Editor: To ensure true transparency and honesty, I offer some clarifications and corrections of information included in the editorial ("Road funding debate") written by the Woodsville Precinct Commissioners and published in the Nov. 6 Journal Opinion. A Woodsville commissioner visited my office over the summer to tell me I should take notice of how the Woodsville Highway funding was calculated because he thought it had been calculated incorrectly in past years. I told him I would investigate it when I was able and get back to him. Since then this same commissioner and I have visited and emailed numerous times about a variety of things. When this issue arose, my office began researching how the town funds the Woodsville Highway Department. In 1887, legislation was passed that created the Woodsville Precinct including its Highway Department; since then there has been four amendments to the law, the last occurring in 2009 when the current highway funding formula was established. Through our evaluation of the information, we found flaws with how the funds have been calculated. Flaws that appear to have resulted in an overpayment of funds to the Woodsville Precinct. We also determined that the current funding formula itself appears to be inequitable to all residents in the Town of Haverhill. The funding flaws need to be addressed, as do the apparent inequities in the law. That will take cooperation, maturity, honesty, and fairness for the benefit of all residents in the Town of Haverhill. The Select Board discussed the Woodsville Highway Fund, and I provided a great deal of fact-based information about it at the last Select Board meeting held on Oct. 28, 2019. This meeting was broadcast live on Facebook and the video can be found on the Town's website under "Minutes." At that meeting the Haverhill Board of Selectman voted to send draft language to the Senate for consideration of a modification to the law; as the law must support any change that locally we wish to make to the funding formula as well as to the stipulations for how we fund the Woodsville Highway Department. On Nov. 1, I emailed the Woodsville Commissioners, Select Board, and others all the research myself and my staff had collected and presented at the meeting. The information included the breakdown of road mileage; Woodsville = 8.306 miles of Class V roadway; the rest of Haverhill = 72.38 miles of Class V roadway. It also included the cost per mile to maintain them based upon this year's budget numbers; Woodsville = \$50,592.11 per mile; the rest of Haverhill = \$9,640.45 per mile. Interestingly, the Haverhill Highway Department has historically graded Woodsville's .66 miles of dirt road twice a year, complimentary, no charge to the precinct. So, we could say Woodsville actually has 7.645 miles of Class V roadway to maintain. All this information can also be found on the Town's website under "Town Manager Reports." The argument Woodsville Commissioners make regarding maintenance of Woodsville's roads, is fundamentally flawed. They may require their Highway Department to work on and in the sewers, they may have them re-grading and reseeding ball fields, they may have them maintaining other assets owned by the precinct; but these are not "Highway" expenses and so cannot be used when comparing roadways. The bottom line is that Woodsville Commissioners are unhappy with the outcome of our evaluation and in turn have started to reject any and all opportunities to cooperate with the Town. They have rejected meeting invitations; resigned from Town commissions; pulled out of months long open negotiations to reconstruct Central & Forest Street;

have engaged in smear tactics; and two commissioners have yet to accept the invitation sent to them on Oct. 30 for a meeting with myself, our Finance Officer, Select Board, Representative Ladd, and Senator Guida to discuss modifications to the law. With regards to the Central & Forest Street intersection, there were many meetings, phone calls, and emails between Woodsville Commissioners, myself, the North Country Council, and State Officials. We collectively developed a three-phase approach on how to best improve the serious safety concerns at the intersection. Dick Guy's words during our final design meeting were "it's a brilliant idea." I see it as a necessary action to ensure not one more Haverhill resident, not one more person, is injured or killed at that intersection. The people of Haverhill cannot wait 10 more years for the state to reconstruct the intersection; the people of Haverhill at-large deserve better. One last item; in the editorial the authors state, "This [money from the Town] pays a portion of our highway budget and we raise the balance with Woodsville Taxes and enterprise revenue." However, the Woodsville Precinct has had a tax rate of \$0.00 for the past three years and enterprise revenue is only to be used for the purpose of which the revenues were collected and not to be co-mingled with other funds. There is a lot that warrants further investigation and discussion, and as I stated at the Select Board meeting, as Town Manager it would be irresponsible of me to simply look the other way. I truly hope we can all come together and have a respectful and productive conversation about the issues. Hopefully, we can come to some mutual understandings, make some changes that are in the best interest of all Haverhill residents, and move forward. Brigitte Codling, Haverhill Town Manager."

- O'Shana asked about the concept that Haverhill is responsible for the roads, which was stated early in the Timeline. TM Codling noted that the liability lies with the Town. O'Shana noted that Woodsville is allowed to maintain the roads, which is a vague word. O'Shana asked, "What does that mean?" TM Codling replied that part of the controversy is that the Town remains liable for all roads. O'Shana stated that any adjustments to the roads other than maintenance should go through the Town's Select Board and not the Woodsville Commissioners. TM Codling noted that many of the old documents are unclear who has authority over the Woodsville roads.
32. November 18, 2019 – The Town hosts a public work session, moderated by Senator Bob Guida. In attendance were the BOS, Woodsville Commissioners, Town Administration, Haverhill Road Agent, Senator Guida, and Representative Rick Ladd [TM Codling noted that Rep. Ladd was a member of the Haverhill Select Board during the time the highway formula was crafted.] The purpose of the meeting was to discuss "how the Town funds the Woodsville highway department" (Minutes available on the Town's website.)
33. January 8, 2020 – The Town hosts a public works session to discuss with the District language for complementary 2020 Warrant Articles (Town & District) for merging Highway Departments. In attendance were the BOS, Woodsville Commissioners, and Town Administration. At this meeting, the Commissioners voiced that they had retained a lawyer and had no intention of merging their highway department. They also stated that if the Town wanted to merge the two highway departments, then the Town should prepare and present the District with a plan. At the end of the meeting, it was agreed they would cancel any subsequent meetings on the topic. (Minutes available on the Town's website.)
34. January 21, 2020 – TM Codling, BOS members, District Commissioners, and others testified before the Senate transportation committee regarding requested changes to the Woodsville special legislation, which would address the highway funding issue.
- TM Codling stated that at this point the BOS had submitted modifications to the special legislation, which became a Senate bill forwarded to the Transportation Committee.

Testimony of Brigitte M. Codling, Town Manager, before the Senate Transportation Committee on January 21, 2020, concerning 2020 Senate Bill 414 changing the distribution of highway funds to the Woodsville Fire District.

“The Woodsville Fire District aka Woodsville Precinct was formed in 1887 via legislation, which is when the district’s responsibility over highways within the fire district boundaries began. In March 1990 there was a request for revision to the legislation for the distribution of highway funds to the Woodsville Fire District; HB 1138 was introduced and approved, amended to add the following: “The money appropriated for distribution of highway funds in the district which is attributed to the Town of Haverhill shall not exceed 20 percent of the total amount of expenditures authorized at town meeting.”

Also, in 1990 there was a desire of the Woodsville Fire District to extend its sewer lines to allow additional entities to hook up to municipal sewer. Discussions between the Town and the District over the sewer extension ensued, which led to discussions over maintenance of the roads and a need to expand the Woodsville Fire Districts boundaries to accommodate the changes.

In 1990, petitions were filed in favor and in protest of the expansion, and a public hearing was held on May 30, 1990. At the public hearing, a resident by the name of Carol Hastings asked, “will the taxpayers...be voting to decide on the expansion” to which she was told “No.”

At that same public hearing, another resident, Roland Moore expressed his concern “that it was up to three people to decide.” Also, at that same public hearing Carol Hastings asked if “there had been any input from the lower end of town?” to which she was again told “No”.

The Select Board (of 1990) with no public vote, and against opposition, decided to relinquish the few miles of Town road to the Woodsville Fire District and allow the expansion of the district boundaries so they could extend their sewer line.

Subsequently, there were negotiations between the Woodsville Fire District and the Town of Haverhill Selectmen who entered a Memorandum of Understanding (MOU) for the purpose of “clarifying the intent” of HB 1138. During the negotiations there were concerns raised that “in the past it has been limited to just proportionate share of the highway department operating budget, but Precinct Commissioners believe that it should also include the maintenance of the highway garage, capital expenditures, equipment purchases, and road construction projects.” The MOU once drafted, included these expenditures by the town.

The provisions were clearly outside the limit set by the law and created great inequity in the application of the law for taxpayers of Haverhill who resided outside the boundaries of the Woodsville Fire District.

It is important to note that the three person Select Board in May of 1990 consisted of two Woodsville Fire District residents; with the three Woodsville Fire District being from Woodsville this meant that five of the six individuals making decisions related to the boundary expansion, the request for a modification to highway funding law, and who negotiated the MOU were residents of Woodsville.

In January 1995, the Woodsville Fire District Commissioners and the Town of Haverhill Selectmen negotiated a modification to the Memorandum of Understanding (MOU) to establish a formula by which the highway funding would be calculated. This modification established a formula that created a disproportionate amount of money to be sent to the Woodsville Precinct for its roads. The modification moved even further from the intent of the law and exasperated inequity in the application of the law.

It is important to note that the three person Select Board in 1995 consisted of two Woodsville Fire District residents; with the three Woodsville Fire District being from Woodsville this meant that five of the six individuals who negotiated modifications to the MOU were residents of Woodsville.

In October 2008, the Woodsville Fire District Commissioners and the Town of Haverhill Selectmen negotiated additional modifications to the Memorandum of Understanding (MOU); the purpose being to amend the formula by which the highway funding would be calculated. The

modification moved even further from the intent of the law and further exasperated inequity in the application of the law.

In June 2009, there was another request for revision to the legislation for the distribution of highway funds to the Woodsville Fire District; SB 75 was introduced and approved, amended to read: “[not exceed 20 percent of the total amount of expenditures authorized at the town meeting] be determined by a fraction, the numerator of which shall be the assessed valuation of the properties in the district, and the denominator of which shall be the assessed valuation of the properties in the entire town of Haverhill as determined annually from the town MS-1 form. The town of Haverhill shall appropriate the percentage represented by such fraction for distribution to the highway fund in care of the Woodsville fire district commissioners. The district shall also receive a proportionate share of the state highway block grant funds received by the town in the previous year based on the population and road mileage of the district compared to the population and road mileage of the entire town of Haverhill.” This change to the law solidified the erroneous calculation by which the highway funding would be calculated.

It is important to note that the five person Select Board in 2009 consisted of two Woodsville Fire District residents and the three Woodsville Fire District Commissioners were from Woodsville; meaning five of the eight officials supporting SB 75 were from Woodsville.

It is also important to note that at the Senate Committee Hearing held on February 5, 2009 that it was stated by Rep Ladd that “Woodsville has about 70 percent of the use of the police, general assistance, is about 70 percent”. These are services publicly funded through general taxation of all residents regardless of where they reside within the Town. Also in the Constitution of the State of New Hampshire ART 3: When men enter into a state of society, they surrender up some of their natural rights to that society.

In January 2020, there was a request made by the Town of Haverhill Select Board asking for a revision to the legislation for the distribution of highway funds to the Woodsville Fire District; SB 414 was introduced amended to read: “[The money appropriated for the distribution of highway funds in the district which is attributable to the town of Haverhill shall be determined by a fraction, the numerator of which shall be the assessed valuation of the properties in the district, and the denominator of which shall be the assessed valuation of the properties in the entire town of Haverhill as determined annually from the town MS-1 form.] The town of Haverhill shall appropriate [the percentage represented by such fraction] for distribution to the highway fund in care of the Woodsville fire district commissioners an amount equal to the Woodsville fire district's percentage of the town's net highway operating budget, when calculated as the percentage of the class V road mileage in the district as compared to the class V road mileage of the entire town of Haverhill inclusive of all districts and precincts. [The district shall also receive a proportionate share of the state highway block grant funds received by the town in the previous year based on the population and road mileage of the district compared to the population and road mileage of the entire town of Haverhill] The town shall also appropriate to the district a proportionate share of the population and a proportionate share of the road mileage apportionments that make up the state highway block grant funds received by the town in the previous year based on the percentage of the population in the district compared to the population in the entire town of Haverhill, inclusive of all districts and precincts, and the percentage of the class V road mileage in the district as compared to the class V road mileage in the entire town of Haverhill inclusive of all districts and precincts. For purposes of this section, I. "Highway operating budget" means the budget approved by the town to provide highway services, excluding amounts appropriated into or out of capital reserve funds or trust funds, amounts appropriated in special warrant articles, amounts appropriated by federal grants or awards designated for a specific project, amounts awarded by the state for specific projects, health insurance premiums paid by the town for highway employees, and excluding any amounts expended without appropriation from capital reserve funds or trust funds by agents authorized to expend such funds. II. "Net highway operating budget" means only that portion of the highway

operating budget to be raised by general property taxation from all Haverhill property taxpayers regardless of district or precinct based on property values as determined by town of Haverhill assessment.” This requested revision to the law will correct the inequity that was established by Memorandum of Understanding (MOU) dated 1990, amended in 1995 and 2008; as well as the inequity established by law in 2009; will clarify the meaning and intent of the law, and make the funding formula fair and equitable to all resident taxpayers throughout the Town of Haverhill. It is important to note that the five-person Town of Haverhill Select Board now consists of five individuals, who all live outside the boundaries of Woodsville within the Town of Haverhill. This board is acting in good faith of all resident taxpayers in Haverhill and have unanimously voted to request this modification.

The formula as it stands today is rather complicated, but in general, it has two parts:

- The first part provides the Woodsville Fire District a sum of money equivalent to, between 23-25 percent of the Town of Haverhill’s Highway Department budget. This part of the calculation is based upon a ratio of property values and a ratio of population.*
- The second provides the Woodsville Fire District a sum of money equivalent to, consistently 18.84 percent of the Highway Block Grant. This part of the calculation is based upon a ratio of population and a ratio of Class V road mileage.*

After analyzing all information, it became evident that the current funding formula does not appear equitable to all resident taxpayers throughout the Town of Haverhill.

- Within the boundaries of the Woodsville Precinct there are 8.306 miles (7.65 paved & 0.66 gravel) of Class V roadway to maintain. These miles are maintained by the Woodsville Highway Department.*
- Within the rest of the Town of Haverhill there are another 72.380 miles (25.89 paved & 46.48 gravel) of Class V roadway to maintain. These miles are maintained by the Haverhill Highway Department.*
- The Town of Haverhill Highway Department has historically graded the Woodsville Fire District’s gravel road mileage free of charge.*

This means that the Woodsville Precinct has essentially 10 percent of Haverhill Class V roads to maintain, less their gravel in the summer.

Yet, they receive, on average 27.36 percent of all highway monies raised. When we compared the two department’s highway budgets for 2019 the difference is stark.

- The 2019 operating budget for the Woodsville Highway Department was \$422,950.00; that is a rate of \$50,592.11 per mile.*
- The 2019 operating budget for the Haverhill Highway Department was \$699,511.00; that is a rate of \$9,640.45 per mile.*

For comparison; the Town of St Johnsbury, VT whose road network is very similar to those found within the Woodsville Fire District report a cost of \$28,000 per mile; to include the maintenance of roads, water & sewer, drainage, and sidewalks. Additionally, it has been reported that the average cost within the State of New York for maintenance of its municipal roads is \$25,000 per mile.

The Woodsville Fire District funds its very expensive highway department using monies provided to it by the Town of Haverhill as well as using their own “enterprise funds;” the district aka precinct, has not assessed a precinct tax in (4) four years yet have been purchasing property and equipment not reflected in their annual budget.

Through December 2019 the Town of Haverhill met with the Woodsville Fire Precinct to discuss the possible merger of the two highway departments. The effort has tremendous support within the Town of Haverhill, especially from residents who live outside the Woodsville Fire District. However, there are a lot of residents in Woodsville who also support a merger. A recent public opinion poll showed sixty-seven (67%) of Haverhill resident tax payers support a highway

department merger. The Woodsville Fire District Commissioners recently stated in an interview for one of the local newspapers that they “do not endorse this concept (merger) in any way, shape, or form.”

NOTE: To hear the entire array of testimony given at this hearing, you can go to:

http://www.gencourt.state.nh.us/senateaudio/committees/2020/Trans/SB0414_01212020.aspx

- TM Codling noted that, at the time, the Select Board consisted of four of five members from Woodsville.
 - TM Codling noted that the Board in 2019 to 2020 was the first Board that was not a majority of Woodsville residents.
35. February 11, 2020 – The Town, through their attorneys at Drummond Woodsum, sent the Woodsville District a letter demanding a return of lapsed highway funds, a notice of 2020 appropriation, an RSA 91-A request, and a preservation-of-records demand.
- TM Codling noted that the Town has never gotten a response from the 91-A request. TM Codling continued that the notice of appropriation was to notify Woodsville of the amount of funds on the highway appropriation, which was less than previously because it was based on a net and not a gross budget. TM Codling stated that 5 years of lapsed funds, which were not used or used inappropriately, were to be returned to the Town.
 - Chair Blanchard asked if the road funding formula had changed and if the monies were returned to the Town. ATM Boucher stated, “No.”
 - Hofmann noted that in the same time period, Woodsville District was not doing the audits.
 - O’Shana asked about the health care benefit issues. TM Codling explained that the process worked like this: Woodsville took the Town’s gross highway budget, removed the five Town Highway employees’ health care costs, and calculated 25% of the remainder to be funded to Woodsville for roads. Vice Chair Longacre asked if Woodsville was required to post bonds for their funding, and TM Codling replied, “No.”
 - ATM Boucher noted that the budget Woodsville included all portions of the budget for their gross calculation – administrative, capital, and operating.
 - Chair Blanchard commented about the misuse of Town appropriations in the Woodsville District, and the legal battles are overused. TM Codling stated that the Town’s highway budget is approximately \$800K with 78 miles of road, and the Woodsville highway budget is approximately \$500K with 8 miles of road. TM Codling noted that the Woodsville highway budget is going to public works and not exclusively highways.
36. February 21, 2020 – Woodsville sent a letter of refusal, through their attorneys at Divine Millimet, which included a statement that records could be reviewed at the District office, and a preservation-of-records demand of the Town.
37. March 10, 2020 – Steve Robbins was elected to the Selectboard, replacing Tom Friel.
38. March 13, 2020 – As the COVID pandemic unfolds across the U.S., the Town cancels all non-essential functions.
39. March/April 2020 – Town Hall shuts down, employees begin working in isolation, are sent home, and/or working remotely.
40. April 13, 2020 – At the BOS meeting, TM Codling informed BOS that the demonstration project probably would not take place until later in the summer due to the pandemic.
41. April 22, 2020 – Woodsville District filed an official lawsuit against the Town of Haverhill in the State of New Hampshire Grafton County Superior Court.

42. May 2020 – Town Administration finds out about the Woodsville lawsuit via an article in the *Journal Opinion*. TM Codling notifies BOS of the *Journal Opinion* article and informs them that this is the first Town Administration had heard of it.
43. June 8, 2020 – At BOS meeting, TM Codling informed BOS that the Town still had not been served. However, they had obtained a copy of the filing. TM Codling also gave the BOS an update on the demonstration project that the NHDOT has verbally approved the Towns excavation permit for phase 1 of the demonstration project. Town is waiting the formal approval before scheduling work to be completed.
 - Hofmann asked what was listed in the lawsuit. TM Codling replied that Woodsville wanted highway funding from 2019 and 2020, which had been recalculated by ATM Boucher in 2019.
44. July 21, 2020 – ATM Boucher sent a RSA 91-A Request to the Woodsville Fire District for detailed expenditures and other information; which was wholly denied by the District.
45. July 2020 – The Town filed an answer with counterclaims regarding the Woodsville (Divine & Millimet) vs. Town of Haverhill (Drummond & Woodsum) lawsuit.
46. August 2020 – Town anticipated the demonstration project may be able to begin in early fall, after completion of the French Pond Road project.
47. September 14, 2020 – At BOS meeting, TM Codling informed BOS that the Woodsville District had been reaching out to the other Districts, and had reached out to the Town to form a Road Committee. BOS discusses the matter and determines that due to the active lawsuit related to roads and road funding it would be inappropriate for them to participate. The BOS chooses not to participate on this committee.
48. October 2020 – Notification sent to McDonald’s regarding demonstration project.
49. October 2020 – Woodsville filed a motion for case structuring.
50. November 2020 – TM Codling informs BOS demonstration project still on radar for November.
51. November 2020 – The Town responded to Woodsville’s motion for case restructuring, with an alternate case structuring plan.
52. November 2020 – Glenn English is deposed by the District’s and Town’s attorney. His all-day deposition can be found on the Town’s website.
53. December 2020 – The Court approved the Town’s proposed case structuring plan.
54. January 2021 – TM Codling informs BOS that the Town needs to update the schedule and estimate for NHDOT regarding demonstration project. This should be completed before spring.
55. February 2021 – TM Codling informs BOS that work on Forest St.-Central St. intersection is to be completed in summer of 2021.
56. March 2021 – Mike Graham was elected to the selectboard, replacing Darwin Clogston.
57. May 10, 2021 – Article in *Caledonian Record* regarding Woodsville funding formula and changes to the law at: https://www.haverhill-nh.com/vertical/sites/%7B7B636F77-2058-47A7-A817-81AAD9EE8E62%7D/uploads/Woodsville_Road_Bill_CR_Article.pdf
58. May 2021 – Woodsville filed a Memorandum of Law (MOL) in support of a motion for partial summary judgment.
59. May 2021 – Woodsville filed a statement of material facts.
60. May 2021 – Woodsville filed a motion for partial summary judgment.
61. June 2021 – The Town filed an Affidavit.
62. June 2021 – The Town filed a response to the statement of facts with exhibits.
63. June 2021 – The Town filed an objection to the motion for summary judgment.
64. July 2021 – Woodsville replied to the Town’s objection.

65. October 2021 – There was a notice of Bench Trial and Management Conference.
66. November 2021 – A Court Order on a Motion for Partial Summary Judgment.
67. November 2021 – The Town filed a motion for the Court to reconsider.
68. February 2022 – The Court denied the Town’s motion to reconsider the Partial Summary Judgment.
69. February 7, 2022 - At the BOS Budget Hearing, the BOS voted to not approve Articles 27 to fund the Woodsville Highway Department and vote not to approve Article 28 to fund the Woodsville Fire Department.
70. February 2022 – TM Codling informs BOS that the Town is preparing to resume work to complete the Forest St.-Central St.. intersection improvements; however, work would not be completed until spring or summer of 2022.
71. February 2, 2022 – TM Codling sends an email to the DRA expressing the will of the BOS and Town Administration to have the DRA consider disallowance of Article 27 & 28, which had been placed upon the Town’s 2022 Warrant by petition by the Woodsville District Commissioners.
72. March 2022 – Kevin Knapp and Katie Williams were elected to the selectboard, replacing Howard Hatch and Mathew Bjelobrck.
73. March 2022 – At the Town Meeting, BOS Chair Fred Garofalo read the Drummond & Woodsum legal opinion regarding the Woodsville Warrant Articles 27 & 28; both articles passed with a narrow margin of a few votes.
74. March 2022 –Town Admin and BOS received a letter written by Senator Guida regarding SB26 on Warrant Articles 27 & 28.
75. April 2022 – Katie and Kevin push to evaluate the TM.
76. April 25, 2022 – BOS Minutes report - MOTION #3: Knapp made the motion to re-vote on a 2020 Work Session that gave the Town Manager full authority of legal matters related to Woodsville Precinct and move that authority to the Select Board.
 - Chair Garofalo noted that discussion will be held in Nonpublic Session; however, Knapp was insistent on continuing with the motion. Chair Garofalo continued that the Board decided to allow the Town Manager to work with attorneys and come to the Board in a Nonpublic Session.
 - Graham asked Chair Garofalo if he is OK with the settling of the lawsuit. Chair Garofalo stated “*absolutely not*” but noted that the Board will discuss that later.
 - Bjelobrck stated that TM Codling was the point of contact with the attorneys and at no time was there a delegation of authority to come to a decision. Bjelobrck noted that by law any settlement offer or decision-making is made by the Select Board.
 - Knapp revamped his motion to state that he wishes to be cc’ed on every email coming and going from the lawyers. ATM Boucher stated that the Board cannot be cc’ed because then an illegal meeting occurs.
 - Bjelobrck asked if the emails are subject to RSA 91-A requests, and TM Codling replied that because of attorney-client privilege, the 91-A does not apply.
 - Chair Garofalo asked Knapp what he is looking for and continued that any questions of lack of transparency from the Town Manager is brought up in a Nonpublic Session. ATM Boucher stated that it is similar to the utility lawsuits that the Town handles, in that she attended negotiations between the towns and the utility and had no authority to make any decision but brought the settlement agreement back to the Board for vote.
 - Knapp stated that the Board will discuss it in the Nonpublic Session.
77. April 25, 2022 – At BOS meeting: TM Codling provided highlights of her report to the members: Woodsville Lawsuit. The Woodsville Fire District filed a lawsuit against the Town of Haverhill

in Grafton Superior Court in 2019 related to Town funding of the Woodsville Highway Department. Through 2020, both parties prepared and went through discovery. The Town requested in May 2021 that with the passing of SB26 that both parties agree to drop the case, but the Woodsville District Commissioners declined. Instead, the Woodsville Fire District filed for Declaratory Judgment in early June 2021. In November 2021, the court approved Woodsville's Declaratory Judgment motion. However, the order did not provide the clarity both parties needed to end the case. In February 2022, the Select Board authorized the Town Manager and Town's legal counsel to begin formal settlement negotiations, which did not produce a result. The two parties will begin mediation in early June. If the two parties cannot settle the case than the issue will need to go to hearing. All court filings are public record and located on the Town's website.

78. May 4, 2022 – The DRA sends a letter to the Town that disallows Warrant Articles 27 & 28.
79. May 16, 2022 – Woodsville files a motion for reconsideration of disallowance.
80. May 20, 2022 – DRA responds to Woodsville's motion.
81. May 2022 – TM hired a lawyer to send a letter to the BOS letting them know that an evaluation at this point would be improper.
82. May 2022 – TM asks the BOS to meet to determine their goals and expectations for the Town Administration.
83. May 2022 – BOS meets with Naomi (Mitchell Group), and she recommends that the BOS go through the goal setting exercise.
84. May 2022 – Woodsville files an appeal with the DRA.
85. May 2022 – TM hires an attorney to protect her employment interests.
86. May 30, 2022 – Fred Garofalo sat with TM Codling to discuss the upcoming settlement negotiations.
87. May 31, 2022 – BOS held Settlement Negotiations with the Woodsville Fire District and voted to give them exactly what the district had sued the Town for, and in settling released ALL counter claims.
88. May 31, 2022 – BOS and Woodsville District through attorneys draft a settlement MOU.
89. June 6, 2022 – At BOS meeting Chair Fred Garofalo asked to expedite the demonstration project. Selectman Graham asked to invite the Woodsville Commissioners to come to discuss the project.
90. June 2022 – The DRA approved Emergency Expenditure.
91. June 2022 – Stipulations were made for the docket marking the closure of the case.
92. June 2022 – Notice of Hearing for Woodsville's Appeal.
93. June 15, 2022 – Chair Garofalo reaches out to NHMA legal department and asks the following:

Good day,

I have a question about a town select man who may have given his town email to a commissioner of a district in the town and who is trying to stop projects for the town based on input from a commissioner of one of the towns districts.

How do I stop this selectman from holding up progress for the town and disrupting the town manager's work by asking for all sorts of records and information. Basically, he is in my opinion trying to disrupt the work of the town based on his dealings with a towns district commissioner and stopping projects including safety road work.

Thank You in advance for your help.

Fred Garofalo
Selectman, Chair
Haverhill, NH

94. July 7, 2022 – Mitchel Group attorney reached out to Chair Garofalo and Vice Chair Robbins to remind them of the following: *“I understand that there is at least one member of the Board of Selectmen who is asking that IT modify the selectmen email to allow selectmen to communicate directly with each other by email. I wanted to let you know so that you can remind members (at a meeting not by email) that members communicating on matters of Town business outside of noticed meeting is a violation of RSA 91-A:2 so they should not be emailing each other using the Town email. If you think a refresher on RSA 91-A would be helpful please let me know. We can do that as a non-meeting with counsel.”*
95. July 18, 2022 – Discussion at BOS meeting with members of the public and board regarding the intersection. Commissioner Wheeler would petition the other commissioners to make forest St one way and suggested Kevin Shelton meet with TM Codling.
96. July 2022 – Woodsville produces memorandum and exhibits.
97. July 2022 – DRA produces memorandum and exhibits.
98. July 2022 – DRA produces 2nd memorandum and exhibits.
99. July 2022 – Woodsville produces 2nd memorandum and exhibits.
100. August 2022 – BOS and Woodsville commissioners meet to discuss intersection. Selectboard voted to cancel the entire project and restart from scratch. It was recommended to invite DOT reps and politicians to a meeting in January 2023. Commissioner Wheeler suggested erecting a No Thru Traffic sign on Forest St.
101. August 2022 – DRA files motion to strike.
102. August 2022 – DRA final order.
103. August 2022 – Woodsville files motion for reconsideration of decision.
104. August 2022 – Woodsville letter of request to the SB to intervene.
105. August 2022 – DRA files objection to motion for reconsideration.
106. September 2022 – DRA denies Woodsville’s motion for reconsideration.
107. October 2022 – Woodsville files with the Superior and Supreme Courts.
108. November 23, 2022 – Kevin Knapp emails Chris Hawkins of DTC to let him know that the BOS is scheduled to meet with the Mitchell Group for a non-meeting, but that *“Four of us are on board with hiring your firm to terminate our town manger.”*
109. November 23, 2023 – Chris Hawkins responds to Kevin Knapp telling him *“If you are meeting with the Mitchell Law Group...you should listen carefully to their advice.”*
110. December 2022 – BOS tells TM to perform a self-evaluation, which she did.
111. December 27, 2022 – DRA sends letter stating that due to the pending Woodsville Fire District appeal, the DRA would not be able to set the Town’s tax rate. ATM Boucher forwards the letter to both Drummond & Woodsum and the BOS.
112. December 28, 2022 – Drummond Woodsum responds to ATM Boucher and TM Codling letting them know she would begin evaluating the DRA tax rate issue and that she has *“never heard of this happening before.”*
113. December 28, 2022 – TM Codling notifies the BOS that she has published a notice to the public letting them know about the situation and that the tax bills would be further delayed. She also told them she was notifying the districts so that they were also aware of the delay in case they needed

to start the Tax Anticipation Note (TAN) process, as everyone's funds were running low this late in the year.

114. December 29, 2022 – Drummond & Woodsum actively working on the issue with Town Administration. TM Codling asks Drummond & Woodsum to prepare a legal opinion on the Town's option in line with the DRA's decision to not set the Town's tax rate.
115. December 30, 2022 – Drummond Woodsum provides the requested information related to options.
116. January 1, 2023 – TM Codling emails the BOS to let them know that she has been ill with the flu, but that ATM Boucher would be prepared to walk the BOS through all options and ramifications in an effort to develop solutions at their January 3, 2023, meeting.
117. January 3, 2023 – TM Codling works with Drummond Woodsum to clarify answers to questions raised regarding options and works with ATM Boucher to prepare for the BOS meeting, a Haverhill Tax Rate Memo that outlines the facts and options.
118. January 4, 2023 (10:20 AM) – Kevin Knapp emails Chris Hawkins to tell him erroneously, that he had *“full board approval to talk with you guys to set up a non-meeting. In the motion it was approved for you to charge the town of Haverhill on your hourly basis.”*
119. January 4, 2023 – Town expects Drummond & Woodsum to forward a draft letter for consideration by the BOS, but instead tells Town Administration that they have discovered conflicts with one district and the SAU that will need time to clear them before they can proceed.
120. January 6, 2023 – Drummond & Woodsum contacted Town Administration letting them know that they thought they would be OK to represent the Town and so sent the Town waivers for both the Mtn. Lakes District and the SAU that would clear them to represent the Town of Haverhill in the tax rate issue. TM Codling signs both waivers and sends them back to Drummond & Woodsum.
121. January 9, 2023 (5:00 PM) – BOS held an emergency meeting to discuss the postponement of the second installment of the Woodsville vs. Town of Haverhill lawsuit settlement payment of \$245,000 AND voted to have Town Administration draft a letter to the DRA regarding the tax rate issue.
122. January 9, 2023 – SAU/School Board at their procedural defect meeting vote NOT to sign the Drummond & Woodsum conflict waiver.
 - ATM Boucher noted that Woodsville did not agree to postpone the installment payment, but the SAU and other vendors did work with the Town to postpone payments.
123. January 10, 2023 (4:00 PM) – BOS hold an emergency meeting and vote to have Town Administration reach out to DTC and to approve the letter drafted by Town Administration to the DRA regarding the tax rate issue.
124. January 10, 2023 (6:11 PM) – TM Codling reaches out to Chris Bolt at DTC asking if DTC would have a conflict of interest in the tax rate matter and, if not, could DTC sit down with the Town to discuss possibly representing the Town if Drummond was unable to resolve their conflict with the SAU.
125. January 10, 2023 (6:33 PM) – Kevin Knapp reaches out to Chris Hawkins at DTC and erroneously tells him that the BOS voted to cancel Drummond & Woodsum and retain DTC [which was not the discussion or vote] and that Town Administration would be reaching out. They also discuss hourly rates for services by DTC of \$200/hr.
126. January 11, 2023 (11:08 AM) – Kevin Knapp reaches out to Chris Hawkins at DTC and states that “talking with other board members” and “they would like” DTC to set up a Zoom meeting between the BOS and DTC “without Town Administration” to take place on Thursday, January

12, at 1:00 PM. He also asks if Town Administration has reached out yet. Chris Hawkins told him they had “not heard from the administration at this time.”

127. January 11, 2023 (11:20am) – Chris Hawkins emails Eric Maher both of DTC and they discuss the “origination” of the case with Haverhill and Chris admits that “[he] believed this matter came to us as a result of my prior representation of Woodsville.” Eric replies, “This absolutely came in through you and should be your origination.”
128. January 11, 2023 (2:32 PM) – ATM Boucher reaches out to Eric Mayer at DTC and speaks to him by phone regarding the Town’s tax rate matter, then follows up with an email.
129. January 11, 2023 (1:20 PM) – TM Codling emails the BOS to let them know that the letter approved by the BOS on January 10 was sent to the DRA and all associated parties.
- ATM Boucher stated that earlier in the day on January 11, TM Codling and ATM Boucher met with the SAU Finance Director and the Superintendent to explain what not signing the waiver meant, and they went ahead and signed. Subsequently, TM Codling noted that later that day after the signing, Drummond & Woodsum was cleared to work with the Town.
130. January 12, 2023 (10:00 AM) – Meeting with Cinde Warmington [District 2, Executive Councilor], Select Board, Districts, and SAU requesting her assistance with getting the tax rates set.
131. January 12, 2023 (1:00pm) – BOS from the Robert E. Clifford Memorial Building (CMB) secretly meet with DTC via Zoom and intentionally excluded Town Administration from the meeting and discussion.
132. January 13, 2023 (10:31 PM) – Fred Garofalo sent an email from an email account (haverhillbos@gmail.com):

Katie Williams haverhillbos@gmail.com

Fri, Jan 13, 2023 at 10:31 PM

To: "mlocke@haverhill-nh.com" <mlocke@haverhill-nh.com>, chief@haverhill-nh.com, laldrichhpd@haverhill-nh.com, adefosse@haverhill-nh.com, AirportManager@haverhill-nh.com, jboulter@haverhill-nh.com, highway@haverhillnh.com, maintenance@haverhill-nh.com, rec@haverhill-nh.com, jboucher@haverhill-nh.com, jbligh@haverhill-nh.com, "townclerk@haverhill-nh.com" <townclerk@haverhill-nh.com>, "welfare@haverhill-nh.com" <welfare@haverhill-nh.com>, "bgrant@haverhill-nh.com" <bgrant@haverhill-nh.com>

Bcc: srobbins <srobbins@earthlink.net>, mjg2731@gmail.com, kemoys@icloud.com, kevinknapp31@gmail.com

To all addressed in this email,

Attorneys from DTC may or may not contact you for information regarding an investigation they are conducting. The selectboard asks you to please cooperate and answer whatever questions they have honestly and to the point. This is a very important issue that the selectboard is working on and as much truthful information that can be gathered will allow the selectboard to make the right decisions. Please do not ask any of the board members to explain this so that we may avoid any misunderstandings that may affect the outcome.

Thank you for your cooperation in this matter.

Fred Garofalo
Selectboard Chair

133. January 14, 2023 (1:00 AM) Chair Garofalo sends out his resignation letter via email. “Please accept this as formal notice of my resignation from the position of Selectboard Chair and the Selectboard of Haverhill, NH, effective immediately. After careful consideration, I have made the

