

MINUTES OF HAVERHILL SELECTBOARD REGULAR MEETING
Monday, November 23, 2009
Draft Subject to Review, Correction and Approval at Following Meeting

Board Members Present: Roderick Ladd, David Joslin, Robert Maccini, Peter Heilemann and Lynn Wheeler.

Town Manager: Glenn English

Administrative Assistant/Finance Officer: Jo Lacaillade

Members of the Public Present: Howard Hatch, Robert Fillion, Gary Scruton, Janice Scruton, Annemarie Godston, Joel Godston, Doug Henson, Harold Brown, Anna Petersen, Jim Petersen, Mike King and Ed Ballam- Journal Opinion.

Call Meeting to Order:

Chairman Ladd called the meeting to order at 6:00.

Approval of Agenda:

David Joslin made a motion to approve the agenda; the motion was seconded by Lynn Wheeler and carried unanimously.

Approval of Consent Agenda:

Bob Maccini made a motion to approve the consent agenda as presented; seconded by Lynn Wheeler and carried unanimously.

Scheduled Public Appearance(s)

- Harold Brown: Harold Brown handed out RSA 159:26 which references the right to carry firearms. He further stated that he wanted to discuss Lynn Wheeler's appointment to the Selectboard. Chairman Ladd stated that since Mr. Brown had only scheduled the firearm issue prior to the meeting the other issue would have to wait to be addressed under public comments. Mr. Brown had concerns with a sign was posted at railroad park that forbid firearms; he wanted to see the letter from the Town Attorney that said it was okay to do so. TM English said that there is no written opinion from him that it was permissible but upon further review Town Counsel and the Local Government Center both have issued a written opinion that it is not permissible. That will be stricken from the sign and the ordinance. Harold Brown said that he had also handed out the Constitutional Amendment 2A and if the Selectboard was aware of their constitutional obligations, this would have never happened.

Town Manager's Report:

TM English stated that Howard Hatch had requested that he be allowed to manage the teardrop

piece of property at the intersection of Horse Meadow Road and Clough Road. Town Attorney has reviewed the statutes and has drafted an agreement that meets Howard's needs and protects the Town's interest. There will be an immediate savings to the Town because we will no longer be maintaining that piece of grass. After a brief discussion Bob Maccini made a motion to approve the agreement; the motion was seconded by David Joslin and carried unanimously. TM English said that his budget is about 95% completed and will be ready by the due date of December 7th.

Public Hearings: None

Pending (Old) Business: None

New Business:

- **Woodsville Armory Decision:** Chairman Ladd reviewed the process set by statute in the acquisition of the Woodsville Armory. Lynn Wheeler made a motion to continue the discussion regarding the Woodsville Armory; seconded by David Joslin. After a brief discussion Lynn Wheeler amended her motion to include that action will be taken regarding the acquisition of the building. David Joslin seconded the amendment. A review of comments received from prior meetings regarding the Town accepting this building was given. TM English suggested that the Selectboard consider asking the State to waive the 20 year reverter clause in the proposed transfer documents because that would give the Town the option to sell the property if that is determined to be the best possible option. Lynn Wheeler asked where that clause had come from. Chairman Ladd said that he had talked with Councilor Burton and the Governor's Office and they stated that the building has a value to it and they did not want to see the Town turn around and sell it and not use it for the purposes that had been stated that it could be used for. TM English stated he would not accept the building with the 20 year reverter clause. Lynn discussed what they might counter offer regarding this clause. Chairman Ladd said that he had talked to the Adjutant Generals office and this is typical for these transfers. The Petersen's who are abutters to the property were in attendance and stated that they have some concerns about uses for the building that may not be welcomed by neighbors; they wanted to know what would happen to the building if the Town does not accept it. Bob Maccini said that it would probably go up for auction as surplus State property. More discussion ensued as to whether the time of the reverter clause is negotiable and Chairman Ladd reiterated again that he does not think the 20 years is negotiable. The Board unanimously approved the motion made above by Lynn Wheeler. Bob Maccini made a motion to acquire the Woodsville Armory; seconded by David Joslin and carried unanimously. The exact date of the transfer of ownership was not known as of this meeting.
- **Woodsville Armory Steering Committee:** Chairman Ladd reviewed the purpose of the committee and their duties as a committee. There was discussion about the budget needed for the balance of 2009 and who would be developing the budget for 2010. David Joslin made a motion for the following people to be appointed to the Woodsville Armory Steering Committee: Lynn Wheeler-Selectboard Rep, Gary Scruton, Howard Hatch, Larry Corey, Joel Godston, Peter Conrad, Mike King and Jim Petersen. TM English will serve as a resource person. Peter Heilemann seconded the motion which carried

unanimously. There may be more members appointed at a later date.

- **SAU Rent:** TM English reviewed the existing rental agreement that the Town has with the SAU and reviewing the costs to maintain the building it is clear that the rental fees charged to the SAU are about ½ of the actual cost per square foot currently needed to maintain the building. There was a lengthy discussion as to how those costs were determined and what Towns the SAU is derived from. Bob Maccini said the bottom line is that the Town should not be leasing space for less than the cost to operate that space. Lynn Wheeler concurred. Bob Maccini made a motion for the Town Manager to approach the SAU with a revised lease rate based upon current costs with an annual escalation cost of historic increase and that it be a 3 year lease. The motion was seconded by David Joslin and carried unanimously.
- **3rd Party Inspector/single family dwellings/fees:** Chairman Ladd reviewed the history of the fee schedule as it applies to building permits and inspections done by the 3rd party inspector and who is responsible for certain inspections. The question that needs to be resolved is if the local fire chiefs are still responsible for doing boiler inspections in single and two family homes; the fire codes dictate that they have that authority and our life safety code that is being enforced by the 3rd party inspector do not relate to single/two family homes. Doug Henson thought that it was important that businesses that will be inspected have some advance information as to what the inspector will be looking at so that they can be better prepared to comply. After a brief discussion Bob Maccini made a motion that the understanding of the Selectboard is that the 3rd party inspector only applies to properties subject to the life safety code and that single family/2family dwellings will remain as they were which is the responsibility of the local fire chief; the motion was seconded by Lynn Wheeler and carried unanimously.
- **Dog Kennel Boarding:** Chairman Ladd stated that the Board understood that the kennel was going to be used for housing strays but now they have seen in the paper that it will also be used for private boarding of dogs. TM English said that he authorized that and they need the ability to keep that kennel as full as possible with animals to make it pay. By allowing the private boarding under the same terms and conditions as the strays will generate revenue for the Town and there was a need for that so he thinks they should do it. Lynn Wheeler thought that the discussion to generate revenue involved the boarding of strays from other Towns she didn't understand that there would also be private boarding. TM English said that is also being done but to make the pound pay for itself it needs to be full and if private people want to pay to board their dogs that will help the revenue. David Joslin asked about a circumstance that could arise where there is no room to put a stray because of private boarding being done what would happen? TM English said that the statutory obligation would be met first. Lynn felt that private parties boarding their dogs there would expect that there would be more onsite care provided; that someone would be there more. TM English said that private boarders will know per an agreement what the Town is providing. Peter Heilemann wanted to make sure that there wasn't added liability. TM English said that the Town has a liability issue to the extent that it is negligent whether it is private or a stray. Chairman Ladd said he was totally aware that dogs would be coming in from Towns that contracted with Haverhill for boarding but was unaware that the Town was getting into the private boarding business and he does not want to see the Town go into competition with the private sector. TM English said there are no private facilities in Town. More discussion ensued as to how the private boarding

part of this will work; the fee structure; and the need in the area. David Joslin stated that he did not see the harm in trying this; the issue can be revisited in the future to see how it is working out. Bob Maccini concurred and stated that if it helps offset some of the costs that are good; is not competing with a taxpayer business; and will not add to the liability for the Town he does not see a problem. Chairman Ladd stated that it was apparent that the Board was not all on the same page regarding this issue because he was definitely not in favor of private boarding. More discussion. Gary Scruton said that he agreed with Bob, the Town is trying to offset some of the costs of operating this facility. The Town operates an airport which is tax payer neutral because it generates income from the private business of renting out hanger space; a swimming pool that generates income; the Town is already doing this sort of thing and just having a kennel that is only for strays and excludes the opportunity for a local person to use it for boarding their dogs is not the proper use for that facility. Peter Heilemann made a motion to allow private boarding for a period of six months and reevaluate it at that time to see how it was financially and if there were any liability problems. The motion was seconded by Bob Maccini. Voting yes was David Joslin, Peter Heilemann and Bob Maccini. Voting no: Lynn Wheeler and Chairman Ladd. TM English said that the Town has a signed boarding agreement with the Town of Benton and pending agreements with Bath and Piermont.

- **Center Haverhill Armory/Planning Board:** Road Agent Sam Clough will attend the next Planning Board meeting with a site plan and reclamation plan for the new gravel pit that will be opened at the Center Haverhill Armory property. Howard Hatch questioned the amount of the gravel located at the property; he thinks a better testing of the resources in the pit needs to be done so that they are managed better. He does not feel that Sam or TM English have the expertise to manage the pit there.

Commission/Committee Reports: None

Correspondence: TM English referred to a letter received from the NH DOT regarding a traffic study that they did with regards to speed limits and cross walks in the Haverhill Corner area and request for crosswalks in North Haverhill. The State, using the information gained from this study, does not feel that any changes are needed in Haverhill Corner and that only one of the locations in North Haverhill that a crosswalk was requested will be studied further. After discussion regarding the States findings the Board directed the Town Manager to request North Country Council to do a more extensive traffic count of these areas to see if better information can be gathered to substantiate the request that the Town made for reduction of the speed limit in Haverhill Corner and need for crosswalks.

Comments of the Public: Joel Godston suggested that the Armory Steering Committee set the date and time for their first meeting. After a brief discussion it was decided that they would meet Thursday, December 3rd at 6:00 at the Woodsville Armory Building.

Harold Brown said that when he read the minutes from the meeting where Lynn Wheeler was reappointed to the Selectboard he felt that her appointment was cloudy. The minutes state that "Chairman Ladd stated that the Board had approached Lynn Wheeler". He wanted to know when, where and where were the minutes for that meeting. Chairman Ladd said that he singularly approached Lynn and asked her if she would like to come back on board as the only

person. Harold said that isn't what the approved minute's state. There was a brief discussion regarding the chain of events that led to her reappointment. TM English said that the Board should correct the minutes; that they be restated to say that Rick Ladd approached Lynn to ask her if she would attend a meeting and consider being appointed to fill the vacancy. Chairman Ladd handed the gavel over to Vice Chairman David Joslin and made a motion that the minutes of the October 13, 2009 meeting be changed to reflect what actually occurred which is that Chairman Ladd stated that he had approached Lynn Wheeler as a possible replacement to fill the vacancy; Bob Maccini said he would second the motion but substitute the word corrected for changed. Those voting yes were David Joslin, Bob Maccini, Peter Heilemann and Rick Ladd. Lynn Wheeler recused. The gavel was handed back to Chairman Ladd.

Harold reminded the Board that anything that infringes on gun ownership rights is illegal and it is spelled out in RSA 159:26.

Harold said that he was not familiar with the draft of the water on the river that abuts the armory property but perhaps a marina could be built to access the river as part of the plans for the property. It was felt that the area does not work for that type of facility.

Comments of the Town Manager/Administrative Assistant-Finance Officer:

- **Ratio Study:** AA Lacaillade reviewed the ratio study with the Selectboard. Bob Maccini made a motion to approve the report as presented; the motion was seconded by Lynn Wheeler and carried unanimously. Harold Brown commented on the number of foreclosures in Grafton County this year.
- **Welfare:** AA Lacaillade reviewed with the Board a welfare fraud workshop that both she and the welfare administrator had attended at the LGC conference the week before. There are occasions during the administration of welfare benefits that clients are unable to supply photo identification or they don't look at all like the one they are providing. The additional verbage to add to the welfare packets was reviewed to allow for photos to be taken of clients with their written consent for use in their applications for identity purposes. Bob Maccini made a motion to amend the welfare regulations to allow the use of photos in welfare applications and the form to authorize that use; seconded by Peter Heilemann and carried unanimously.

Comments of Selectboard Members: David Joslin said that there has been discussion as to who should be the alternate ex-officio to the Planning Board but he does not think he could be that person because he is the ex-officio for the Zoning Board of Adjustment who is the appeal board for the Planning Board. TM English will review this issue.

Adjourn Meeting: Bob Maccini made a motion to adjourn, seconded by Peter Heilemann and carried unanimously. Chairman Ladd adjourned the meeting at 8:45 pm.

Minutes transcribed by Jo Lacaillade