

TOWN OF ALLENSTOWN
Select Board
16 School Street
Allenstown, New Hampshire 03275
September 12, 2016

Call to Order.

The Allenstown Select Board Meeting for September 12, 2016 was called to order by Mr. Tardiff at 6:00p.m.

Roll Call.

Present on the Board: Jason Tardiff, Dave Eaton, and Jeff Gryval.

Others Present

Residents of Allenstown: Ellen Quintal, Francis Paradis, Sandy McKenney, Mike Frascinella, Ed Fay, Russell Tigges, and ? Tousiganto.

Others Present: Andrew Keller, NH Solar Garden

Other Public Officials: Larry Anderson, Sewer Commission.

Allenstown Staff: Shaun Mulholland, Town Administrator; Karen Simmons, Finance Director; Michael Stark, APD; Kathleen Rogers, Town Clerk; and Paul Paquette, APD.

Appointment of selectmen to fill a vacant position.

Motion. Mr. Eaton made a motion to appoint Jeff Gryval as selectman with a term expiring March 14, 2017. Mr. Tardiff seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Tardiff – Yes; Mr. Eaton – Yes; and Mr. Gryval –Yes. The Chair declared the Motion passed.

Ms. Rogers swore in Mr. Gryval as selectman.

Public Hearing-Easement for solar panel project on the fire station

The Chair read the rules of a public hearing which state “Each speaker for or against the matter before the Select Board for public hearing shall identify himself or herself by name and address. Each speaker shall be limited to three minutes. When everyone wanting to speak has had an

opportunity to speak, the presiding officer shall call for anyone wanting to speak for a second time. Second time speakers shall be limited to the time allowed by the presiding officer or as established by a majority vote of the Select Board. No one may speak until the Chair has recognized them and has given them the opportunity to speak.”

Mr. Mulholland explained they have discussed a plan for the solar panels at the Fire Station with NH Solar Garden; however, in order to do it they need an easement for twenty years. He stated they would purchase the power from the solar panels at 10% less than the supply rate at the time. He stated it will be enough to power the fire station with some residual which they will use for the Library.

Mr. Mulholland stated the process is the Planning Board has to make a recommendation which has been done. He stated the Conversation Commission met today and made a recommendation as well. He stated they have to have two public hearings; today is the first and the second is on September 26, 2016. He stated they will act on it on October 3, 2016.

Mr. Anderson, 21 Maryland Drive, stated as Mr. Mulholland said the Conversation Commission approved the project.

The Chair closed the public hearing.

Meet with Edward Fay to discuss roadway maintenance on Riverside Dr.

Mr. Fay, Riverside Drive, explained he has attended meetings on Riverside Drive over the years. He stated there was a Road Association which did end up failing; however, the town did adopt Riverside Drive. He stated the town accepted the road in the 1980s and then at some point said they couldn't accept it because it was not up to code. He stated in the 1990s, Jill & Eric Hoffman created Jilleric Road which makes Riverside Drive a through street with three and a half acres of property. He stated for some reason there is no record of who owns the property. He stated they used to get trash and mail pickup; however, the town took away the curbside pickup. He stated the fallback seems to be the Town isn't going to do something because it is a private road.

Mr. Fay expressed concern with the dumpster and mailboxes being at the end of the road. He stated people used to dump their trash and checks were stolen out of the mailboxes. He stated Jillerick was put in so the emergency vehicles could come in and out of Riverside Drive. He stated Crougar Construction used to come down twice a year and maintained the road. He stated they have their own wells and sewer. He stated they are asking the town to maintain the road because they have past practices of maintaining and adopting the road.

Mr. Fay explained after the 2007 Mother's Day flood the State tried to buy everyone out which didn't work because not everyone wanted to be bought out. He stated they get a view tax because of the river which is kind of a mess since the flood. He stated the road isn't owned by anybody and he has been told the taxes haven't been paid on for years.

Mr. Fay stated now the grass has been growing in and there are trees in the road since the town isn't doing it. He stated they maintain the road and drag it himself. He stated he can't drag the road with the current condition it is in. He stated the stones put down there are very ugly stones. He stated he thinks they were put there illegally because they are in a flood plain and there can't be anything permanent there in case it floods again. He stated there has been a pile of stones put in front of his house. He expressed further frustration with the location of the rocks.

Mr. Fay stated the grass and trees are overhanging in the road. He stated the road is extremely narrow. He stated he spoke to the Select Board last year; however, they only plow the middle of the road. He stated he thinks it is the town's responsibility to take care of the property. He stated he wants the town to maintain it so the road is passable.

Mr. Mulholland stated the road is private property. He stated in 1961 was the first effort to make it a town road. He stated it was approved at the town meeting in 1980 and however a court case in 1984 in which the town prevailed stated the Board of Selectmen was not required to accept the road unless it met town specifications. He stated the property owner had the authority to have it brought up to standards which it was not and the town rejected it. He stated on October 5, 1994 there was a public hearing before the Board of Selectmen to declare it an emergency way.

Mr. Mulholland stated he asked the town attorney to review this in light of Mr. Fay's complaints. He stated the only time they have to deal with trees on their land are trees which are high hazard trees. He stated the floodway issues, the rocks, are not a violation. He stated the National Resource Conversation Service and NH DES approve the rocks being there.

Mr. Mulholland stated they received a letter from town counsel which is more of an issue than what Mr. Fay brought up. He read the letter to the public;

"You have asked me to provide an opinion on the current status of Riverside Drive. To do so, I examined materials you provided to me, including correspondence from former Town Counsel Biron Bedard, the pleadings associated with 1984 litigation between the Riverside Park Association and the Town of Allenstown, and the Board of Selectmen proceedings in 1994 which established Riverside Drive as an emergency lane.

Riverside Drive is a private road. This fact was determined following the 1984 litigation between the Town and the Riverside Park Association. In 1994, the Board of Selectmen designated

Riverside Drive as an emergency lane, however the procedural requirements of the RSA 231:59-a, the statute governing emergency lanes, were not followed and therefore the designation is procedurally defective and the road cannot validly be considered an emergency lane.

Riverside Drive was the subject of a warrant article seeking town acceptance in 1980. A dispute arose between the Riverside Park Association and the Town concerning maintenance of the road and in 1984 an action was filed against the Town. Without going into great detail, the lawsuit in 1986 resulted in a favorable finding for the Town and the road is a private, not public road. As a matter of law, this finding cannot now be re-litigated and the finding is final.

In 1994, following a public hearing on October 5, 1994, the Selectmen designated the road as an emergency lane. The minutes of the meeting only show that the Selectmen “accepted” the request. No written findings were made and/or reflected in the minutes, both being required in the statute, RSA 231:59-a. The purpose of the written findings is to demonstrate that, with regard to the road in question that there is a “...public need for keeping such lane passable by emergency vehicles...which is supported by an identified public welfare or safety interest which surpasses or differs from any private benefits to landowners abutting such lane”. In other words, a finding needs to be made that there is something within the universe of public welfare or safety which is different from or surpasses the welfare and safety needs of those living along the road.

In addition to this procedural defect, it is my understanding that no records exist to demonstrate that notice was sent to the property owners along the road to indicate that emergency status was contemplated.

The net result is that the road remains private, but the emergency lane status is invalid. While there is no technical need to rescind a procedurally invalid emergency lane designation, it is recommended that the Selectmen take a vote to acknowledge that the emergency lane status is procedurally defective and invalid and that going forward there will be no maintenance of the road.

Consistent with the language of the statute, the property owners are free to put forward another request to have the road be deemed an emergency lane; however, they should understand that the requirements of a “public road” described above is a significant threshold to demonstrate. It is important that the Selectmen create emergency lanes strictly in the conformance with the statute and in a manner which is fair to all residents of the town.”

Mr. Fay stated Mr. Mulholland brings up all the laws and facts except for the ones which were not written in the law books or accepted by the town in the past. He stated there was no mention of Jillerick Road which the town doesn't maintain. He stated if the water comes up they will create eddies? And create a problem. He stated he thinks the rocks are in a flood way and they

should be removed because there is no reason for them to be there. He stated the trees from the town property need to be maintained because it is choking off the road. He discussed the vote to accept the road as a town road in 1984. He expressed concern with an emergency vehicle coming down the road and not being able to get down it as fast as they should.

Mr. Mulholland explained if the Select Board votes to take away the emergency lane status they would no longer plow or maintain the road effective immediately. He stated based on the attorney's finding, they have no option but to act on it tonight. The Chair asked if they rescind this the residents can petition the town to make it an emergency lane as long as they meet the standards. Mr. Mulholland stated he was correct but reaching the threshold will not be an easy task.

Ms. Rogers asked if it meets the town standards and if they could choose to plow the road. The Chair stated they can't plow a private road.

Motion. Mr. Gryval made a motion to rescind the emergency lane designation for Riverside Drive. Mr. Eaton seconded the Motion.

The Chair explained this means the town is not doing anything on the road. He informed Mr. Fay he can petition the town to make it an emergency way and go through the process properly. He stated it has to be done according to the standards Mr. Mulholland read which they can get him a copy of.

A Roll Call Vote was taken: Mr. Tardiff – Yes; Mr. Eaton – Yes; and Mr. Gryval –Yes. The Chair declared the Motion passed.

Mr. Fay stated they have done this in the past. He stated there was a deal made with Jillerick where the town accepted the road. The Chair stated there is nothing in writing which makes it hard to say what is right or wrong. Mr. Fay stated they have receipts from the town taking care of the road and evidence they have plowed the road for several years. The Chair stated when it was brought to their attention they asked what they could do and it is when this was brought to light. Mr. Fay stated he sees it as a convenience the town has nothing to say they accept Jillerick Road.

Mr. Carter, 76 Riverside Drive, stated he recently purchased a home on Riverside Drive. He stated he would like to keep it an emergency lane. He stated the issue is to have the road be passable. He stated he will be happy to help whoever to make it passable for people who live on the road.

Mr. ? , 60 Riverside Drive, asked if the Fire Department and Police are not required to service the homes. Mr. Mulholland stated they will still be able to drive down there as long as they can access them.

Mr. ? , 34 Riverside Drive, expressed concern with the town not plowing the road. He explained he is on call for work 24/7 and needs to be able to get down the road. He stated he would be willing to maintain the road; he has mowed the grass to maintain the road. He stated he has the proper equipment to maintain the road. He expressed further concern with an emergency vehicle being able to get down the road.

Mr. Frascinella, 234 Deerfield Road, asked if it is possible to provide the residents of Riverside Drive a method to present the road to be accepted as a public road. Mr. Gryval stated the website has the information showing the condition it needs to be for a public road and the process for it.

Mrs. McKenney asked what the cost is to have the road called an emergency lane. Mr. Mulholland stated it is an act of the Board of Selectmen. He stated they have to meet the standards which is difficult to do. He stated if they meet the standards the Board has to make the findings in their minutes. He stated whatever standards are set have to apply to everyone.

Mrs. McKenney asked what the actual cost to the town to do the emergency lane. Mr. Mulholland stated he doesn't know what the actual cost to maintain it is. Mrs. McKenney asked if it is a cost the town would pick up. Mr. Mulholland stated yes it is something the town would then have to pay.

Mr. Fay stated he doesn't have a computer but would like to get the information. Mr. Mulholland stated he could come in and he will give him the information. Mr. Fay stated the town owns most of the road. He stated they pay their taxes and they are not getting a fair shake. He stated it is up to the Select Board to take care of their property so the residents can take care of their property.

Mr. Tousiganto, 60 Riverside Drive, stated he was there when Jilleric was put in and they originally tried to get the town to take over the road. He stated the town wouldn't take it because to build it to the standards necessary include \$2-3 million worth of work which is why it became an emergency lane.

Mr. Mulholland stated there is a process to make it a public road. The Chair asked if the town brings the road to standards. Mr. Mulholland stated they could vote to appropriate funds to do it if they chose.

Mr. Fay asked if it is passed as an emergency way will it be plowed. The Chair stated if it is passed as an emergency way then it will be maintained enough for emergency vehicles to get in

and out of there. Mr. Mulholland cautioned the residents this is not an easy threshold to reach. He stated the issue of bringing the road up to make it a public road is one thing. He stated to make it an emergency way has to meet the standard in the law they just discussed which is a difficult thing to do. The Board directed Mr. Mulholland to send a letter to the residents on Riverside Drive regarding the maintenance status.

Mr. Fay expressed frustration with the situation because the town used to maintain the road. The Chair stated he can't speak for past boards; all they can do is try to fix the wrong. Mr. Fay asked about the rocks on the road. Mr. Mulholland stated those came from the community center project and they are used around Riverside Dr. properties owned by the town to help define property lines. He stated he is not happy they are still there but the Road Agent will move them when he gets the opportunity to do so.

Mr. Fay asked why the town put stones in front of the road they don't own. Mr. Mulholland stated no one lives there anymore. Mr. Fay stated the Town has no right to block off the roads. Mr. Mulholland stated they own the roads on either end of Riverside. Mr. Fay stated one is boundaried by the river. The Chair stated the rocks and vegetation is down there to help with the flooding. Mr. Fay stated the rocks are an eye soar and unnecessary. The Chair stated they have approval for the rocks to be there.

Meet with Robert Tigges in regards to code enforcement concerns.

Mr. Tigges explained he is before the Board because he has had issues for several years. He stated he moved into the town 30 years ago and his neighborhood hadn't been built yet. He stated when he first came here he had an issue with his neighbor having a lot of vehicles on his property. He stated he has spent many years going at it from a legal view point. He stated they went to court with a finding for the neighbor to clean up the property.

Mr. Tigges stated he spoke to Chief Pendergast two years ago regarding the matter who said he was working on it. He stated Mr. Mulholland had asked him to send a letter to the Building Inspector who still has not responded to the matter. He showed them the neighborhood design which he was promised when he bought it. He also showed them a satellite picture of his home today.

Mr. Tigges stated he put his home on the market two years ago and the broker told him he would not sell the home. He stated he received complaints about what was two hundred feet away. Mr. Gryval asked what the items on the picture shown are. Mr. Tigges stated there are boats, trailers, and box trucks. He stated it is a massive junk yard. Mr. Eaton asked if this was a business or residence. Mr. Tigges stated it is a resident.

Mr. Tigges distributed a copy of the court order from October 22, 2003 to have the neighbor clean up the property. He stated he followed up after the court order went into effect. He stated the then town attorney and another gentleman looked at the property and from their vantage point they couldn't see anything. He stated from where they were standing there was a ten foot fence in the way so they couldn't see anything.

Mr. Tigges stated they have ordinances in town and there are reasons why they have setbacks and don't build junk yards in residential neighborhoods. He stated his neighbor has been before the board many times. He stated he doesn't know where the boats came from. He stated he wants to make sure everyone is on the same page. He stated when a judge tells them all vehicles must be registered and inspected then the judge means what they are saying. He stated the town has also said they can't have more than five vehicles in the yard but there are. He stated the noise is another issue but there is nothing they can do.

The Chair asked Mr. Mulholland about the court order and if anyone has been trying to enforce it. Mr. Mulholland stated Chief Pendergast has been down there several times. He stated there is a pending court date against the property owner for October 2016. Mr. Gryval asked why they are still going through this even after a court order was issued. Mr. Mulholland stated sometimes people don't abide by the court order even after it has been issued and they have to go through the process again. Mr. Tigges stated he knows it takes a long time but this is too long. He stated he was glad to hear the court date is set for October but it would have been nice to be notified about it.

The Chair stated when the Code Enforcement Officer gets back he will look into why Mr. Tigges wasn't responded to. Mr. Tigges asked if he could know when the court date is. Mr. Mulholland stated the Code Enforcement Officer can tell him the court date. He stated Chief Pendergast won't be back until next week.

Mr. Harvey, 46 River Road, stated this began back in 2000. He stated Mr. Dugay and himself shared a joint road between their two properties. He stated the road is 500 feet long and on the other side of Dugay property is the Tigges property. He stated there are trees which buffer Dugay and Tigges and the five months the trees are there you can't see his property. He stated he used to park his construction equipment between his and Dugay's property. He stated it bothered Mr. Tigges so he filed complaints. He stated he moved his belongings. He stated he wasn't encroaching and had permission to park them where they were so he could turn them around in the driveway.

Mr. Harvey stated even after he moved the equipment onto his property Mr. Tigges still complained about it so he put a fence up. He stated there are others in town that do construction and have equipment on their property. He stated he has twelve registered trailers on his property.

He stated there was a court order in 2003 and everything was brought up to where it should be within the next year. He stated he does have four motor vehicles which have fallen into disrepair and he was hoping to fix them.

Mr. Harvey stated he did get a letter from Inspector Pendergast which was a Notice of Violation on the four vehicles and a tractor which he needs to deal with. He stated things were brought into compliance which is now out of compliance; however, he intends to fix it. He stated he couldn't do much through the winter and had extenuating circumstances. He stated his water line has failed three times over the years which he had to fix this last year. He stated he was not able to work on the vehicles while fixing the water line.

Mr. Harvey stated as of April, Inspector Pendergast has come to the property at least once a month. He stated he wants to do what he is supposed to do. He stated he has not had the time or ability to do so. He stated the water line has been a major project for him. He stated all his spare time will be spent cleaning up the property and removing some vehicles. He stated he agrees they don't need to fight and he is willing to comply. He stated he just found out tonight he will be in court next month.

Mr. Harvey stated Mr. Tigges mentioned he couldn't sell his house; however, four houses which abutted his property have sold. He stated Mr. Tigges has a personal agenda against him. He stated he is here tonight to tell the Board he intends to comply. The Chair stated Mr. Harvey needs to get hold of the Code Enforcement Officer. He stated he needs to either compliance before the court date or he will be standing before a judge in a month. Mr. Harvey stated he wanted the Board to know who they are dealing with. The Chair thanked Mr. Harvey for coming in and speaking to them.

Mr. Antosh stated the road Russ is talking about goes over Dugay's land. He stated all Russ has is a driveway easement to get to his land because it is landlocked. He stated his concern is him and his wife hear trailers and other junk moving around at night. He stated they need to clean up the yard as there is a lot of junk. He stated they have had a lot of problems with Mr. Harvey in the past. Chief Paquette stated he thinks they have all said their point and they need to keep it peaceful.

Ms. Simpson, Kimberly Lane, stated she cannot see it but she can hear it. She stated it is not just an issue between Mr. Harvey and Mr. Tigges; it goes beyond them. Mr. Harvey stated when Mr. Antosh said he comes in at night he said the same thing at court and it has not happened again. He stated there are no noise there and no recycling going on at all.

Meet with representatives from Holiday Acres reference the sale of Town owned land.

Mr. James Bianco lawyer, Jaime Meyers lawyer, Russ Thibault economist, Korrie Garland park manager, Mark? Introduced themselves.

Mr. Mulholland stated Holiday Acres has asked to purchase a couple pieces of land for a project.

Mr. Bianco stated Holiday Acres is owned and operated by Hynes Group LLP which specializes in operating manufactured housing communities across the United States. He stated they have 12 communities in five different states. He stated they operate six communities in NH. He stated they want to continue to be part of the community and be good neighbors.

Mr. Bianco stated they established an agreement to deal with the homes in the park which have been abandoned. He stated there are statutes on this and it is very difficult. He stated they have a contract if they have a home in the park Holiday Acres will remove the abandoned home and put a new one in. He stated Holiday Acres gets rent and the Town gets taxes. He stated they provide some funds for the Suncook Senior Center as well as aid the police department in the purchase of bicycles.

Mr. Bianco stated they are looking to continue to improve the existing park. He stated the new homes are more upscale then what was there. He stated they have put in street lights, road improvements, landscaping, have a low crime rate and help bring in tax revenues.

Mr. Bianco explained the idea is to develop an active adult park which is 55 and older. He stated they add ten to fifteen each year. He stated upon completion they anticipate around 200-210 once all are done. He stated the homes would be doublewides with porches and garages. He stated they want to maintain the rural character which includes windy roads, wooded surroundings, and landscaping. He showed them an example of a new home.

Mr. Bianco explained some of the benefits to the town. He stated it will generate about \$900,000 in property taxes. He stated they will pay approximately \$874,000 for sewer and \$315,000 in water hookups. He stated there will be interior roads and utilities which will be maintained by Holiday Acres at no cost to the Town. He stated new residents will spend money with local businesses and support the community.

Mr. Bianco showed a map of the current area Holiday Acres owns and the properties they would like to purchase. Mr. Tardiff stated he heard rumors the park was either sold or for sale. Mr. Bianco stated he spoke with the owners and it is not sold nor for sale. He stated if the Town accepts their proposal Hynes Group LLP is ready and willing to work collaboratively with the Town to achieve those goals.

Mr. Bianco stated they are often asked how they are going to make sure it will be a 55 and over community. He stated they bind the client to make it a 55 and over community. He stated they can have the client submit a letter saying they will do it. He stated the Planning Board can also make it a condition for approval.

Mr. Thibeault introduced himself to the Select Board. He stated he established Applied Economic Research in 1976. He stated he does a lot of work for municipalities, state governments, and banks. He stated he has done a lot of impact analysis in the state.

Mr. Thibeault stated a tax impact analysis is an art and science. He stated there are three categories for conclusions; additional revenues likely to exceed additional costs, additional revenues likely to more or less match additional costs, and additional revenues likely to fall short of additional costs.

Mr. Thibeault explained his conclusions for the Holiday Acres project;

“When completed, over the course of several years, the Development will consist of 210 age restricted (age 55+) houses; The estimated net increase in assessed value is \$29.6 million, generating \$900,000+/- per year in local property taxes; Interior roads and utilities will be maintained by Holiday Acres at no cost to the Town; After allowing for allocated expenses (very conservatively estimated), the proposal will generate at least \$500,000+/- annually in revenues after allowing for allocated municipal and school costs; Spending by the residents of the new houses will support local businesses; Because occupancy will be age-restricted, proposed development will not impose a burden on local schools (conservatively estimated to generate 15 students); There is sufficient capacity in the school system to accommodate the new students likely to be generated; Municipal services (police, fire, roads) have the capacity to accommodate the proposed development; In addition to property taxes, the new houses will pay one-time sewer hook-up fees estimated to be \$4,162 per unit, totaling \$874,000; New units will also pay one-time water system connection fees of \$1,500 per unit (\$315,000); Residents will pay miscellaneous fees such as motor vehicle registrations, etc.”

Mr. Thibeault stated he believes the project will bring \$29 million in assessed values which will generate an additional \$883,000 in property tax revenues. He stated the calculated additional school expenses of \$115,000 and municipal expenses of \$257,000.

Mr. Thibeault explained there will be 210 houses which an assessed value of \$112,500 per house and the site assessment will be \$31,000 per house.

Mr. Thibeault discussed historical numbers of the population in the community. He stated since 2000 there has been a modest decline in population. He stated the town is not a rapidly growing

town. He stated there is a diverse mix of housing units with 39% single family homes. He stated the tax rate has risen recently. He stated property taxes have been fairly stable over the recent years.

Mr. Thibeault stated the School portion is two thirds of the taxes. He stated this project will generate revenues without a large impact on the school portion. He stated the school portion is also half of the taxes which are raised. He reviewed the town's estimated enrollment impact. He explained enrollment has fallen significantly because the baby boomers are aging and Allenstown is not growing rapidly. He stated Pembroke Academy has also fallen significantly. He stated the average housing unit in Allenstown generates 0.31 students per house. He stated age restricted units generate very few students.

Mr. Thibeault stated he estimates 15 students for Allenstown but even thinks the number is a little high. He stated he estimates 8 students for the middle school with a cost of \$4,149 per student and 7 students in high school with a cost of \$11,075 per student.

Mr. Thibeault stated all of the municipal costs are variable. He stated the roads, sewer, and water systems are all privately maintained. He stated all of the people living at Holiday Acres are going to use the local roads and businesses. He explained he took the town services and applied it to the 210 units which come out to just under \$1,800 per unit which comes out to \$257,000 in municipal costs.

Mr. Thibeault showed the Board the anticipated assessed value and tax revenue. He stated the anticipated assessed value of \$29 million and tax revenue of \$883,000. He stated the net annual impact for the project will be \$513,000.

Mr. Gryval asked what the difference is between a doublewide and manufactured home. Mr. Bianco explained they were mobile because they came in on chassis and they weren't the best. He stated now they are regulated and have to meet certain federal standards. He stated they were long and narrow but people didn't like the design. He stated now they have the doublewide design. He stated they are brought in on a flatbed and put together.

Mr. Gryval stated his brother lives in a modular home and asked what the difference between those homes and a doublewide. He stated modular homes aren't brought in on a chassis. He stated the difference is the design of the home.

Mr. Gryval asked how the value of a doublewide home changes as time goes on. Mr. Thibeault stated it is driven by market forces. He stated this type of housing is in growing popularity. He stated homes like this are appreciating in Florida. He stated the quality of the units is better so they are more likely to hold their values.

Mr. Gryval asked what the trend has been for the other properties Mr. Bianco showed in his presentation. He stated the homes like the one in Rochester prices increase because of the quality of the home and the park it is in. He stated they want to increase the quality of the park in Allenstown.

Mr. Gryval asked how many adults would there be per unit. Mr. Thibeault stated it would be about 1.7 adults in each unit.

Mr. Eaton stated one of his concerns before the presentation was getting people in there. He stated this is more encouraging than putting in a single wide unit. Mr. Bianco stated most of the people they dealt with in other properties are very happy with them.

The Chair expressed concerns with the rumors of the sale of the property. He stated he is worried this is part of the contingency to the sale. Mr. Bianco stated the owner has owned the park for a while. He stated he asked the owner the same question and the response was they have no intention to sell the property but if someone comes with an offer they would be foolish not to look. The Chair expressed concern of a sale and losing the relationship the town has with Holiday Acres. Mr. Bianco stated if they put the condition with 55 and over than the only ones who are going to buy it are in the business. He stated he thinks it is unlikely it will happen.

Mr. Harvey, 46 River Road, asked if Holiday Acres is a 55 and over community. Mr. Bianco stated no it is not. Mr. Harvey asked if they plan to convert the current homes to 55 and over. Mr. Bianco stated at this point they would leave the current homes as is and then the new homes 55 and over. Mr. Harvey asked if there will be a separate entrance. Mr. Bianco stated there will be a separate entrance coming off of Chester Turnpike.

Mr. Frascinella, 234 Deerfield Road, asked what the reason this is better than bringing in businesses. Mr. Bianco stated the company has looked at the demographics as well. He stated they know there is a need for housing for older people. He stated they have owned the land for a while and want to see if they can make a return on investment. He stated it will increase the value of the land as well as bring in more tax revenue for the town.

Mr. Frascinella asked if the homes will be placed on foundations or cinder blocks. Mr. Bianco stated NH passed a code for how they have to be installed. He stated it is not a traditional foundation but it will be a slab. Mr. Frascinella asked how many bedrooms and the lot size. Mr. Bianco stated most of them will be two bedrooms. He stated the size will vary depending on the engineering design which they haven't finished yet.

Mr. Harvey asked if it will be necessary to build any new roads or will there be access to connect the two parcels. Mr. Mulholland stated they will have to upgrade Chester Turnpike to the new entrance into the new development.

Mr. Anderson asked where the other entrance is going to be. Mr. Bianco stated they are not sure at this time. The Chair asked when they will have time for this. Mr. Mulholland recommended they do it for the October 3, 2016 meeting.

2017 Budget Overview

Mr. Mulholland stated the budget format is similar to the one they used last year. He stated the proposed budget by the department heads is \$99,025 over the 2016 budget which is a 2.55% increase. He stated the areas with the most increase were Finance, Personnel, Parks & Recreation and Insurance budgets. He stated the Town Clerk's budget was decreased due to a decrease in elections; they had four elections this year and will only have one in 2017. He stated the Board has implemented performance auditing for many of the departments. He stated the fire department was completed this year and the highway department is scheduled for 2017. He stated they don't have the insurance rates yet but they put a 10% inflator in the budget.

Mr. Mulholland stated the Community Center was completed in 2016. He stated the Parks & Recreation is up because it represents a full year of operation of the facility. He stated Finance is up because it involves assessing revaluation for 2017. He stated the Personnel increase is due to health insurance. He stated the NH Retirement System has a scheduled rate increase for July 2017. He stated Group 1 employees' rates will increase 1.81% and Group II will increase by 11.56% for police and 9.36% for fire personnel.

Mr. Mulholland stated the welfare position is being shifted to the administrative assistant position at 5 hours per week. He stated the full finance line reflects the line of the finance director position.

He stated the Building Inspector is up by \$1,900 because of the wage classification system. He stated there is an eight percent decrease in the ambulance budget which is about \$15,669. He stated the Police budget is up by one percent because of salaries. He stated the Executive budget has decreased \$6,084 because of the restructuring of the welfare administration. He stated he put a 10% inflator in the budget for property liability insurance however, they won't have the rates until October.

Mr. Mulholland reviewed charts of the 2017 proposed appropriation by function, town appropriation, tax rate history, 2017 estimated revenues, etc. He stated they won't know the tax rate for 2016 until sometime in October if all the information comes in. He stated they are waiting on the School's information. He stated he left estimated revenues the same for 2017 as

for 2016. He stated there will be a decline in revenues other than property taxes next year because they are receiving smaller fine amounts from Allentown Aggregate in 2017.

Mr. Gryval asked the Board if the overview reflects where they envisioned seeing the numbers. The Chair stated for the most part he thinks they did what they were directed to do. He asked what the CPI is. Mr. Mulholland stated it is around one percent.

Mr. Gryval stated the direction they gave to the department heads in 2016 was they wanted to see a long-term strategy of linking the budget to the CPI. He stated they had explained it would not be a one year shot in the dark and they should be making a three or five year plan. He stated he would like to see them get a little closer to the one percent.

Mr. Eaton stated he is the one who pushed to get the wage classification system in because he is concerned with turnover. He stated he would like to see it get a little closer to the one percent.

Mr. Gryval stated he is glad they continued with the wage classification system.

The Chair stated he would hate to go back to the department heads and tell them to do something different when they did everything correct. He stated he wouldn't be opposed to going down to 1.5 or 1.75% over last year's budget. He asked Mr. Mulholland what it would be dollar wise if they did it. Mr. Mulholland stated if they did one percent it would be about a \$38,000 increase in the overall budget. He asked how hard it would be to find \$30,000 to do without. Mr.

Mulholland stated one of the things they are going to talk about tonight is health insurance. He stated they could get fortunate and get a reduction. He stated there are also opportunities to reduce cost depending on the plans they choose.

The Chair asked Mr. Mulholland what he was looking for from them tonight. Mr. Mulholland stated he was not looking for anything. He stated it is up to the Board to give any further guidance if they wanted to. Mr. Gryval stated he thinks they should send out a memo to let them know there may be contingencies.

Mr. Frascinella stated in 2015 the State of NH issued Allentown as the Top 10th tax rate in NH and he thinks the residents would appreciate it if it didn't go up any more.

Discuss health & dental insurance plans for town employees

Mr. Mulholland stated a decision has been made by the SVRTA. Mr. Eaton stated they went with HealthTrust. He stated all the towns had the same reasons for choosing HealthTrust. Mr. Mulholland explained the SVRTA will enter into agreements with HealthTrust for a two year agreement for a variety of plans. He stated they need to determine what plans they are going to offer because of the budget as well as having everything switched over by January 1, 2017.

Mr. Mulholland stated the CPI medical costs are growing higher than the overall for the United States. He stated insurance rate increases for 2012-2016 were 10%, 4.2%, 11%, -2.4%, and 17%, respectively. He stated the decrease in 2015 was because they went from a point of service plan to a HMO plan. He stated the decrease in 2015 is what they want to achieve if they make plan changes going forward. He stated the reason for the 17% in 2016 was the increase in the amount of claims as well as prescription costs.

Mr. Mulholland stated the plan they currently have is the AB20 plan. He stated one of the plans being recommended is the, ABSOS, site of service (SOS) plan. He stated the two differences are the cost reduction and the change in copays. He gave an example of having day surgery and using a site of service the employee will only pay \$75.00 copay instead of \$2,000. He stated the Lumenos plan would actually cost them more money.

Mr. Eaton asked if all the employees are on the 80/20 plan. Mr. Mulholland stated all of their current employees are on the 80/20 plan. He stated the retirees are on a different plan. The Chair stated it seems like the SOS is the way to go. Mr. Mulholland stated it will save the employee money as well as the Town. He stated the premiums for the employees go down however some of the copays are increased.

Mr. Mulholland stated the SOS also has an HRA which is something they have not had before. He explained an FSA is when the employee and employer contribute and if the money is not used at the end of the year it lapses except for \$500 which can be rolled over. He stated with an HSA both contribute but if it isn't used it goes with the employee should they move on. He stated an HRA is only the employer and if the money isn't used it stays with the employer.

Mr. Gryval asked who would administer this and take the money out of the accounts. Mr. Mulholland explained once the FSA has been used, the doctors will send a bill to Benefit Strategies who will take the money out of the HRA account. Mr. Gryval asked the employee decides to put more money into the FSA can they use it for other medical services such as eye care or dental care. Mr. Mulholland stated yes they can. He stated some employees who aren't able to be as savvy and manage the savings accounts to their advantage.

Mr. Gryval asked who they have to speak to an employee about savings accounts. Mr. Mulholland stated it would be himself or someone from HealthTrust. The Chair stated rather or not someone manages their own account doesn't affect their numbers.

Mr. Mulholland stated the Board needs to decide how they are going to move forward. He stated they need to make a decision soon so they can calculate the real budget numbers and there is a lot to do before January 1, 2017. He stated he has met with the Highway, Town Hall and Sewer Department employees.

Mr. Eaton stated if they have to make a decision tonight than he would suggest going with the ABSOS plan.

Motion. Mr. Eaton made a motion to offer ABSOS plan and the BC2T10 plan effective January 1, 2017. Mr. Gryval seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Tardiff – Yes; Mr. Eaton – Yes; and Mr. Gryval –Yes. The Chair declared the Motion passed.

Mr. Mulholland stated they need to work out the agreement for the HRA. He stated he will have it worked out for the September 26, 2016 meeting.

NH Municipal Association Policy Positions-Floor Proposals

The Chair stated it seems as though the eight proposals are specific to the towns.

Mr. Mulholland explained the Floor Proposal One will allow library budgets to be separate warrant articles. The Chair asked what the rationale is behind this proposal. Mr. Mulholland stated it is because they have a separate governing body. The Board is opposed to the proposal.

Mr. Mulholland stated Floor Proposal Two is to allow municipalities to borrow funds from either their Special Revenue Funds and/or Capital Reserve Funds. The Board is opposed to the proposal.

Mr. Mulholland stated Floor Proposal Three is to prohibit either the principal dwelling unit or ADU from being short-term rentals. The Board is opposed to the proposal.

Mr. Mulholland stated Floor Proposal Four is to allow municipalities to adopt an additional meals and rooms tax which would be collected by the state and returned to the municipality. The Board is opposed to this proposal.

Mr. Mulholland stated Floor Proposal Five defines the term rental as a home business and permits municipalities to regulate and inspect these businesses for safety issues. Mr. Gryval stated in the event Proposal 1 passes it would be good to have Proposal 5. The Board supports Proposal Five.

Mr. Mulholland stated Floor Proposal Six is for noise abatements for the Department of Transpiration. The Board is opposed to Proposal Six.

Mr. Mulholland stated Floor Proposal Seven is for State Education. He stated he expects this to be controversial because NHMA has nothing to do with schools. The Chair asked if they should take a position on it. Mr. Mulholland stated it is up to them because it does affect their tax rate. The Board determined to not take a position on Proposal Seven.

Discuss proposed changes to the Personnel Policy proposed by Michael Frascinella.

Mr. Frascinella read a statement to the Board;

“Allenstown Selectmen needs to take action to protect the town from potential harm due to relationships or affairs between employees. In a 2013 survey of 380 HR professionals, the Society for Human Resource Management stated the following about workplace romances ‘almost every respondent whose company had a workplace romance company policy, which is 99%, said that love matches between supervisors and subordinates are not allowed. Supervisors/subordinate romances are also problematic because can spark complaints of favoritism. In fact, 40% of survey respondents said employees complained about favoritism between coworkers in a romantic relationship. Such perceptions can damage office morale.’” Mr. Frascinella recommended the Board of Selectmen amend the Personnel Policy Section 5.12 Nepotism to include “In addition it is prohibited for any town employee who supervisors another town employee to be involved in a romantic relationship with that employee.” He stated the following statement should be deleted because it defeats the authority of the policy by allowing the Selectmen to approve incidents of nepotism. He stated they should delete “unless specifically approved by the Board of Selectmen.”

Mr. Gryval asked about relationships where they have relatives working for relatives. Mr. Frascinella stated the current policy on nepotism says anybody who is related to somebody else cannot be supervisor to the person. Mr. Gryval stated it is not what the policy says. He stated they have had relatives working with each other in the past and he gave example of the Road Agent having his nephew working in the Highway Department.

Mr. Gryval asked Mr. Frascinella if he thought it was pretty good they had the ability to approve the Road Agent and the employee working together and they didn’t have to lose a good employee just because the Road Agent was elected. Mr. Frascinella stated the policy says it shouldn’t be allowed. Mr. Gryval stated unless the BOS approves it which is his point about having the provision in the policy. He stated if they were to go by Mr. Frascinella’s standard and applied it in a broad sense than they would have had to terminate Mr. Pelissier. The Chair stated the way he is changing it wouldn’t allow the BOS to do anything. Mr. Frascinella stated it needs to be addressed. There was further discussion of relatives supervising each other.

The Chair asked Mr. Frascinella why they need to add this to the policy. Mr. Frascinella stated he thinks the policy is lacking this and they would be covering all their bases. The Chair thanked Mr. Frascinella for all his input. The Board determined to leave the Personnel Policy as it is.

Approve changes to proposed Advanced Excavating & Paving contract for the River Rd. Project.

Mr. Mulholland stated the Road Agent had explained the work to be done on River Road and the changes to the plan. He stated they had authorized him to sign a contract at a certain number however it has changed to \$110,897 which includes a bond and the Sewer's portion of the work. He stated the Sewer will pay its portion out of the contract. The Chair asked the overall scope hasn't changed. Mr. Mulholland stated he is correct; what will be done next year is the base coat.

Mr. Eaton expressed concern with having more and more costs like they did on Ferry Street. He stated he wants to hold them to the contract. Mr. Mulholland stated the cost on Ferry Street changed because we changed the scope of the project. Mr. Eaton stated if the Road Agent changes it he needs to find something in his budget. The Chair stated it goes back to what they said when the Road Agent presented the project.

Mr. Gryval asked why there is an RSA which requires a bond. Mr. Mulholland stated there is an RSA for any construction work over \$35,000 requiring a bond. He stated the risk is if things are not done to specifications they will pull the bond.

Motion. Mr. Eaton made a motion to execute the contract as proposed and to have Mr. Mulholland sign it. Mr. Gryval seconded the Motion.

A Roll Call Vote was taken: Mr. Tardiff – Yes; Mr. Eaton – Yes; and Mr. Gryval –Abstained. The Chair declared the Motion passed.

Discuss storm water testing results for Outfalls 1 and 18.

Mr. Mulholland stated Outfalls 1 and 18 came back with positive results. He stated they had been found to not have any E.coli. He stated Outfall 1 was an illegal intercept and has been cleared up. He stated they haven't done anything to Outfall 18 to mediate it and aren't sure what caused the numbers to go down. He stated they have not retested the other outfalls. The Chair asked how often they have to test the outfalls. Mr. Mulholland stated they will have to test them every year once the permit takes effect.

Mr. Gryval asked where the federal government is as far as the MS-4. Mr. Mulholland stated they continue to tell them it will be next month. He stated the EPA has implemented the permit

in Massachusetts. He explained for the City of Worcester they would have to pay \$29 billion to come into compliance. He stated the MA communities are taking legal action at this point.

Consider policy adoption in regards to authorized signers for municipal contracts.

Mr. Mulholland stated this came about from a training session with Primex. He stated a community had a fire chief sign a five year contract for uniforms which he had no authority for. He stated the fire chief broke the contract and the town had to pay \$6,000 to get out of the contract. He stated they have had an issue with people signing contracts in Allenstown. He stated there will be a public hearing on September 26, 2016.

TOWN ADMINISTRATOR'S REPORT.

LED Light Conversion Project-Town Buildings

Mr. Mulholland stated there was nothing new to report.

Disaster Recovery Plan Update Project

Mr. Mulholland stated they will have this on September 26, 2016. He stated he will not be here for the meeting; the finance director will be filling in for him. He stated they need to get it approved because the grant ends October 1, 2016.

Fire Department Risk Assessment

Mr. Mulholland stated they will have it on September 26, 2016. He stated MRI will be here to explain the process. He stated the auditors will also be here.

Plan NH Charette Project (downtown re-development planning)

Mr. Mulholland stated he is getting some replies from people who are interested in participating. He stated the Ladies Auxiliary will provide the food.

Proposed legislation to amend RSA 149-I

Mr. Mulholland stated this is HB 1243 which he has a modified version of the bill. He stated he has asked Senator Carson and Representative Daniels to sponsor it this time.

Sewer Dept. HR/Accounting transition

Mr. Mulholland stated the process is moving along and is planned to be switched over for October 1, 2016.

School Greenhouse Ribbon Cutting Ceremony

Mr. Mulholland stated the school asked for help moving material. He stated the Road Agent went down on short notice and did it. He stated the kids made some cards thanking them for it and asked them to be at the ribbon cutting ceremony for their greenhouse. He explained they will be composting the food and the vegetables they grow will be used in the cafeteria.

Tri-Town EMS resignation

Mr. Gryval stated he will be resigning from Tri-Town EMS because he has been appointed to the Select Board. He stated Mike O'Meara has past experience with an EMS service who is retired. He stated Mr. O'Meara hasn't served on any boards in the past so he will be someone new for the Board.

Motion. Mr. Eaton made a motion to accept the resignation of Jeff Gryval from the Tri-Town EMS Board of Directors. Mr. Tardiff seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Tardiff – Yes; Mr. Eaton – Yes; and Mr. Gryval –Yes. The Chair declared the Motion passed.

Motion. Mr. Eaton made a motion to appoint Michael O'Meara to fill the vacancy membership on the Tri-Town EMS Board of Directors with an expiration date of June 1, 2017. Mr. Gryval seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Tardiff – Yes; Mr. Eaton – Yes; and Mr. Gryval –Yes. The Chair declared the Motion passed.

CONSENT CALENDAR, MINUTES AND MANIFESTS

Ratify Consent Calendar: September 12th, 2016

Mr. Mulholland stated the MS-535 is in there. He stated the unassigned fund balance is up. Mr. Eaton stated the Budget Committee meeting is Thursday, September 15, 2016 and they will be discussing things with the Trustees.

Motion. Mr. Eaton made a motion to ratify the Consent Calendar for September 12, 2016. Mr. Gryval seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Tardiff – Yes; Mr. Eaton – Yes; and Mr. Gryval –Yes. The Chair declared the Motion passed.

Review Minutes: August 22nd, 2016

Motion. Mr. Eaton made a motion to approve the August 22, 2016 minutes. Mr. Gryval seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Tardiff – Yes; Mr. Eaton – Yes; and Mr. Gryval –Abstained. The Chair declared the Motion passed.

Approve Payroll and Accounts Payable Manifests: o ACH 082416, CHK 082416, Non-Check 082416 o Payroll 082416 o ACH 083116, CHK 083116, Non-Check 083116 o ACH 090716, CHK 090716

Motion. Mr. Eaton made a motion to approve the Payroll and Accounts Payable manifests as listed on the agenda. Mr. Gryval seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Tardiff – Yes; Mr. Eaton – Yes; and Mr. Gryval –Yes. The Chair declared the Motion passed.

Upcoming Meetings

Mr. Mulholland stated there is a stack of things for the September 26, 2016. He stated he will be available by phone if they need him. He stated October 3, 2016 they will start on the budgets. He stated on October 17, 2016 they have the Ambulance budget. He stated on November 7, 2016 they have Sewer, Warrant Articles, and the final budget decision. He stated Sewer is looking at a \$1.6 million bond as well as Asset Management bond for \$30,000. He stated the Library has asked for a warrant article to put their 2015 surplus into a Capital Reserve account.

Mr. Mulholland stated the Budget Committee is looking at having a member sit with a Department head and going over the budget.

Mr. Eaton stated he will be here for elections all day. Mr. Gryval stated he forgot about it and did not schedule any time at all; he will try to get there. The Chair stated he will be in and out all day.

Committee Assignments

Mr. Gryval asked if they already have someone assigned to the committees. The Chair stated they don't have someone assigned to the SVRTA, Old Allenstown Meetinghouse or Public Works Committee. Mr. Eaton stated if Mr. Gryval wants to be the principal for the Budget he can be the alternate.

Motion. Mr. Tardiff made a motion to appoint David Eaton to the SVRTA. Mr. Gryval seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Tardiff – Yes; Mr. Eaton – Yes; and Mr. Gryval –Yes. The Chair declared the Motion passed.

Motion. Mr. Tardiff made a motion to appoint Jeff Gryval as a primary and David Eaton as a secondary to the Budget Committee. Mr. Eaton seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Tardiff – Yes; Mr. Eaton – Yes; and Mr. Gryval –Yes. The Chair declared the Motion passed.

Motion. Mr. Eaton made a motion to appoint Jeff Gryval as Vice Chairman of the Select Board. Mr. Tardiff seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Tardiff – Yes; Mr. Eaton – Yes; and Mr. Gryval –No. The Chair declared the Motion passed.

Motion. Mr. Eaton made a motion to adjourn. Mr. Gryval seconded the Motion. There was no additional discussion.


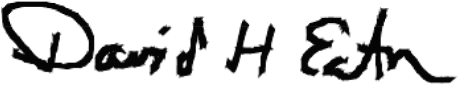

A Roll Call Vote was taken: Mr. Tardiff – Yes; Mr. Eaton – Yes; and Mr. Gryval –Yes. The Chair declared the Motion passed.

The Chair declared the meeting adjourned at 9:46pm.

TOWN OF ALLENSTOWN
SELECTBOARD
PUBLIC MEETING MINUTES

September 12, 2016

Signature Page

Original Approval:	
 JASON TARDIFF, Chair	10/07/2016 DATE
 DAVID EATON, Member	10/03/2016 DATE
 JEFF GRYVAL, Member	10/03/2016 DATE

Amendment Approvals:		
Amendment Description:	Approval:	Date:
	JASON TARDIFF, Chair	DATE

	DAVID EATON, Member	DATE
	JEFF GRYVAL, Member	DATE

Signature Certificate



Document Reference: V9WMXXIRT3I4KII5USHR63

RightSignature

Easy Online Document Signing



Jeffrey Gryval

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Electronic Signature:

Multi-Factor
Digital Fingerprint Checksum

521662f13c12bbca37c39c67a1b446934209412e



David Eaton

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Multi-Factor
Digital Fingerprint Checksum

dde2c0c4536905339c6ce7f56f971159a9719933



Jason Tardiff

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Digital Fingerprint Checksum

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Timestamp

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2016-10-03 14:37:01 -0700

2016-10-03 14:36:44 -0700

2016-10-03 04:11:15 -0700

Audit

All parties have signed document. Signed copies sent to: Jeffrey Gryval, David Eaton, Jason Tardiff, and Shaun Mulholland.

Document signed by Jason Tardiff (jtardiff@allentownnh.gov) with drawn signature. - 173.9.43.198

Document viewed by Jason Tardiff (jtardiff@allentownnh.gov). - 173.9.43.198

Document signed by David Eaton (deaton@allentownnh.gov) with drawn signature. - 173.166.22.209

Document viewed by David Eaton (deaton@allentownnh.gov). - 173.166.22.209

Document signed by Jeffrey Gryval (jgryval@allentownnh.gov) with drawn signature. - 64.222.96.214

Document viewed by Jeffrey Gryval (jgryval@allentownnh.gov). - 64.222.96.214

Document created by Shaun Mulholland (smulholland@allentownnh.gov). - 64.222.96.214



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