

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

Minutes of Regular Meeting  
April 2, 2012

**Call to Order.**

The Allenstown Select Board Meeting for April 2, 2012 was called to order by the Chair at 6:04 p.m.

**Roll Call.**

Present on the Board: Jason Tardiff, Jeff Gryval, and Sandy McKenney.

**Others Present.**

Residents of Allenstown: Andrea Martel, Chad Pelissier, Debbie Lee

Others Present:

Other Public Officials: Larry Anderson, Sewer Commissioner/Trustee of Trust Funds/Budget Committee/ZBA; Penny Touchette, Chair of Budget Committee; Richard Merrill, Sr., Planning Board; Carol Merrill, Budget Committee and Robert Lee, ZBA/Planning Board

Allenstown Staff: Chief Shaun Mulholland, APD; Chief Robert Martin FPD; Paul Apple Town Administrator; Ron Pelissier, Road Agent.

**Citizens Comments.**

The Chair called for citizens' comments. Chief Mulholland stated that the Highway Department did a good job cleaning up the Police Department lawn.

**Meet with Andrea Martel regarding interest in joining the Planning Board**

Mr. Gryval asked Ms. Martel if she was familiar of what would be required of her and the amount of time it takes to be a member of the Planning Board. Ms. Martel stated that she had spoken with Matt Monahan and gotten an overview of what is expected. The Chair stated that she had attended last week's meeting as a resident and had been able to hear Mr. Monahan's presentation on procedures and rules of the Planning Board.

Mrs. McKenney informed Ms. Martel that there were classes available should she like to take them. Ms. Martel stated that she had just completed her Master's degree and will be graduating shortly. She also stated that she thinks this will be a good place to put the things she learned while obtaining her Masters into use.

Motion. Mr. Gryval made a motion to appoint Andrea Martel as an alternate planning board member effective immediately with an expiration date of June 1, 2013. Mrs. McKenney seconded the Motion. There was no further discussion.

A Roll Call Vote was taken: Mr. Tardiff-Yes; Mr. Gryval-Yes; Mrs. McKenney-Yes. The Chair declared the Motion passed.

### **Consideration of Resignations of the Zoning Board, Planning Board, and Sewer Commission members.**

Mrs. McKenney expressed concern for how they went about accepting resignations at last week's meeting and that she believed they needed to have a resignation policy put into place. Mrs. McKenney recommended determining either to act on them the day they are received or to give members a few weeks to reconsider before acting on them. She stated that she would like the Board as a whole to determine a policy of how to handle resignations. The Board determined that after today, they will act on any resignations at the time they are received.

The Chair stated that they had decided to hold off on the Sewer Commissioner's resignation until next week. At that time, the Board will determine how to proceed with filling that position.

The Chair stated that they had received a letter of resignation from Robert Lee from the Planning and Zoning Boards. Mrs. McKenney asked Mr. Lee about being able to attend the Planning and Zoning Board meetings and if he foresaw any issues with the ex-officio having the ability to get Planning Board work done. Mr. Lee stated that he didn't foresee any issues and that he will work with the ex-officio to accomplish tasks. Mr. Merrill, Vice Chairman of the Planning Board, expressed concern of not having Mr. Lee on the Planning Board as he believes him to be a vital asset to the board. The Board further discussed reasons for Mr. Lee's resignation and the status of the Planning Board at this time.

Motion. Mr. Gryval made a motion to accept Robert Lee's letter of resignation from the Allenstown Zoning Board of adjustment and the Allenstown Planning Board dated March 14, 2012. Mr. Tardiff seconded the Motion.

A Roll Call Vote was taken: Mr. Tardiff-Yes; Mr. Gryval-Yes; Mrs. McKenney-No. The Chair declared the Motion passed.

Mrs. Merrill expressed concern for accepting Mr. Lee's resignation and disappointment for how things were being handled by the Select Board regarding these resignations. The Board explained their reasons with Mrs. Merrill and stated that there was more going on than it was appropriate to discuss at this time.

The Board reviewed the resignation of Penny Touchette from the Zoning Board and also a letter rescinding the resignation. Mr. Gryval asked Mrs. Touchette if her concerns they had previously discussed had been resolved. Mrs. Touchette stated that her concerns had been addressed and that there were no longer any issues.

Motion. Mr. Gryval made a motion to accept Penny Touchette's letter of resignation dated February 27, 2012 from the Allenstown Zoning Board of adjustment. Mrs. McKenney seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Tardiff-No; Mr. Gryval-No; Mrs. McKenney-No. The Chair declared that the Motion had failed.

### **Committee Updates.**

#### **Planning Board**

The Chair stated that Matt Monahan was at last week's meeting and had presented procedures and rules of the planning board. He stated that it was very informative and beneficial to everyone there.

#### **Budget Committee**

Mr. Gryval stated that there is a meeting on Thursday, April 5<sup>th</sup> at 6:15pm at the Fire Department.

Mr. Apple stated that there was going to be a Select Board workshop at the Police Department on Thursday at 4:00pm as well. He wanted to make sure that Mr. Gryval was going to be able to plan accordingly to attend both meetings.

#### **SVRTA**

Mrs. McKenney stated that she had emailed Bruce regarding when and where the next meeting would be but had not heard back from him at this time. The Chair asked Mrs. McKenney if that committee was still together or did they no longer exist. Mrs. McKenney stated that as far as she knew, the committee was still together and had not met recently.

#### **Suncook River**

Mr. Gryval stated that there is a lot going on with the Suncook River at this time. He stated that they had received letters of support from the Planning and Zoning Boards for nomination of the

river. Mr. Gryval also stated that he and Chief Mulholland will be attending their upcoming meeting which is to be held next Wednesday in Barnstead. Mr. Gryval will also be attending the Historical Society's next meeting on Wednesday, April 4<sup>th</sup> to hopefully get their support for the nomination.

### **Old Allenstown Meetinghouse**

Mr. Gryval stated that there was nothing new to report at this time.

### **Tri-Town Ambulance**

Mrs. McKenney stated that there will be a meeting on Thursday, April 12<sup>th</sup>. Mrs. McKenney asked Mr. Apple about a meeting he had today with Mr. Calligandes and why he did not ask her any questions he might have had about Tri-Town. Mr. Apple stated that he met with Mr. Calligandes to get an update for the Select Board as to where they were with amending the by-laws.

Mr. Apple also stated that he wanted to meet with Mr. Calligandes regarding the joint board and putting together personnel policies and a day to have the first meeting. He stated that due to Mr. Jodoin's upcoming surgery, it has fallen on him to set up the Joint Board meeting and get things rolling with them since he is to be a member on the board. There was further clarification of Mr. Apple's role on the Joint Board and the tasks he had been given.

Mr. Gryval asked if Tri-Town had appointed their member to be on the Joint Board. Mr. Apple stated that they have not and that he had sent Mr. Calligandes an email stating that they needed to add that to their agenda. Mr. Gryval also expressed concern for dealing with Tri-Town members and asked Mr. Apple if he could keep Mrs. McKenney in the loop if and when he was going to meet with Mr. Calligandes or any other Tri-Town member.

Mrs. McKenney recommended that Mr. Apple set up the first meeting of the Joint Board and then allow them as a whole to establish personnel policies and procedures and to address Tri-Town regarding the amending of the by-laws. She stated that this would make it so that the Joint Board was addressing Tri-Town and not any individual themselves.

### **Co-op Withdrawal**

Mr. Apple stated that there has not been another meeting and that he has nothing new to report at this time.

### **Update on Website Design**

Mr. Apple stated that Ms. Welch was on vacation this week and was not sure if she had been able to meet with Mr. Williams. Therefore, at this time Mr. Apple has nothing new to report to the Board.

### **Fire Department Insurance Claim**

Mr. Apple stated that USAA has received their estimate and had hired Crawford & Company as an independent adjuster to look at the damage. Mr. Apple stated that the adjuster had come out today and met with Chief Martin and does not have a problem with the estimate. Therefore, Mr. Apple believes they will hear something within the next two or three weeks regarding the claim.

### **Town Administrator's Report**

#### **Strategic Planning**

Mr. Apple asked the Board for guidance regarding scheduling issues with all of the members not being able to attend on Thursday which is when they currently hold the meetings. He stated that it is possible that Monday's would work; however, they tend to be difficult days to have meetings at it is the beginning of the week. The Board discussed different options of days and times they could possibly meet.

Mr. Apple stated that he would like everyone to be in attendance but that on any day, there always seemed to be someone who could not make it. He asked the Board if they would prefer everyone be in attendance or should they go with what is most convenient for the majority.

The Chair recommended going with a day and time that would work for the majority of the group and that those who couldn't attend either rearrange their schedules so they could or get their questions in ahead of time. The Board gave Mr. Apple their support to determine a date and time that the majority of the members could attend.

#### **Minutes.**

Mr. Apple stated that there were three sets of minutes for the Board to review and approve and that they could be found in their packages. He also stated that he doesn't expect the Board to act on October 24, 2011 minutes as they were reconstructed from his own notes due to technical difficulties with the reorder. Mr. Apple informed the Board that the October 24, 2011 is the last set of missing minutes.

The Board reviewed minutes for March 19, 2012 of which Mr. Gryval had made revisions to prior to today's meeting.

Motion. Mrs. McKenney made a motion to accept the March 19, 2012 meeting minutes as amended. Mr. Gryval seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Tardiff-Yes; Mr. Gryval-Yes; Mrs. McKenney-Yes. The Chair declared the Motion passed.

The Board reviewed the March 26, 2012 meeting minutes. Mrs. McKenney stated that resident Zachary Touchette was at last week's meeting and that he should be on there as present as he needs proof for the school that he attended the meeting. Mrs. McKenney also discussed other errors of peoples' names being misspelled.

Motion. Mr. Gryval made a motion to accept the March 26, 2012 meeting minutes as amended. Mrs. McKenney seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Tardiff-Yes; Mr. Gryval-Yes; Mrs. McKenney-Yes. The Chair declared the Motion passed.

#### **Update on Town's Motion to Dismiss**

Mr. Apple stated that there was a hearing on the Town's motion to dismiss regarding the case involving Mr. Donigian at the Merrimack County Superior Court this morning and that Judge McNamara presided on that. He stated that he believed the tenor of his questions to be somewhat in favor of the Town's position. Judge McNamara took the matter under advisement and will issue a written order.

Mr. Apple also stated that assuming that Judge McNamara denies dismissing the case and it proceeds to trial; it will be held on the week of May 14<sup>th</sup> and is scheduled to go for three days. Mr. Apple stated that the members of the Select Board would need to be available as they will be summoned as witnesses. He explained that the pre-trial conference on April 30, 2012 will give them a more specific date of the trial and that since the trial has been continued twice already, it will be more likely that it will go on the week of May 14<sup>th</sup>.

Mr. Gryval asked why they would be summoned as he has not been a member of the planning board for a long time. Mr. Apple explained that both Mr. Gryval and Mr. Tardiff will be summoned because of their knowledge while members of the planning board which also means that Mrs. McKenney may be summoned to testify about the actions of the Select Board.

Motion. Mrs. McKenney made a motion to take a recess for five minutes at 7:10pm. Mr. Gryval seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Tardiff-Yes; Mr. Gryval-Yes; Mrs. McKenney-Yes. The Chair declared the Motion passed.

The Chair called the Board back to session at 7:15pm and stated that they would continue their discussion of being summoned for trial. Mr. Merrill stated that he had given Mr. Apple material that discussed the situation with Mr. Donigian should the members of the Board wish to review it. Mr. Gryval asked if they should contact the attorney and find out what questions they will

have for the Select Board at the trial. Mr. Apple stated that the attorney will contact them at the appropriate time and that they do not need to contact him at this time.

## **Other Business**

### **Discussion of Ground Water Testing**

Mrs. McKenney asked about contract in their packages regarding the ground water measurements. Mr. Apple stated he needed the Board's authorization to sign the contract. Mr. Gryval requested that they get some information showing a trend chart of where they were to where they are today and where they are headed with the ground water measurements. Mr. Apple stated that he will request trend information from Novice.

Motion. Mr. Gryval made a motion to have Mr. Apple sign the agreement with Nobis for ground water measurements for 2012. Mrs. McKenney seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Tardiff-Yes; Mr. Gryval-Yes; Mrs. McKenney-Yes. The Chair declared the Motion passed.

### **DRA Mosaic Parcel Map**

Mr. Apple stated that he needs the Board's permission to enter into the Share Plan with the DRA regarding the memoranda of understanding for the Mosaic Parcel Map.

Motion. Mr. Gryval made a motion to authorize Mr. Apple to go forward with the DRA memoranda of understanding for the Mosaic Parcel Map. Mrs. McKenney seconded the Motion.

A Roll Call Vote was taken: Mr. Tardiff-Yes; Mr. Gryval-Yes; Mrs. McKenney-Yes. The Chair declared the Motion passed.

### **2011 Expenditures**

Mrs. McKenney asked about the expenditure report showing the Fire Chief's salary to be over by \$4,000 when it's \$10,000. Mrs. McKenney also stated that she believed the full-time Fire Fighter coverage line was incorrect. Mr. Apple stated that he would look into that and get back to the Board.

### **Tobacco License**

Mr. Gryval asked if they needed to do anything with the Tobacco License request that was in their packages. Mr. Apple stated that it has been the Select Board's policy not to take a position because they do not have the staff for that.

### **Safe Routes to School Project**

Mr. Gryval asked Mr. Apple if they could add the Safe Routes to School to the Town Administrator's Report every week now that Central NH is working on the project with them. He also asked Mr. Apple for an update on where the Town stands with the project. Mr. Apple stated that the categorized exclusion needs to be completed by the Road Agent and that the new plan was prepared by the engineer, which he received Friday afternoon, in order finalize temporary construction easements that are required.

Mr. Apple stated that at this time, those are the only outstanding issues until they find another list of issues, which seems to be the case more often than not. Mr. Apple also stated that he will need to approach Mr. St. Germaine and Mr. Roger to get their consent for the easements. He stated that he assumed that the Board would give him permission to do so, and the Board agreed. Mr. Apple also clarified that the Road Agent is responsible for completing the categorized exclusions, which he believes will take some time as it is a large task.

### **Discussion of Boston Post Cane**

Mrs. McKenney informed the Board that Mrs. Boulet had passed away and that they need to put it in the paper to see who the next person in line is for the Boston Post Cane. Mrs. McKenney suggested that Mr. Apple contact Mrs. Verville to include the issue in the Town Crier.

### **Representative for Allentown at Central NH**

Mrs. McKenney asked if there was still a board member representing Allentown at Central NH Planning Board Committee. The Chair stated that the member is still there and he was given until April to show the Select Board that he can do the job. The Chair also stated that he has not heard anything from the board member nor has the Planning Board. The Chair stated that he would check with Matt Monahan to see if anything is going on at Central NH.

### **BioMag Project**

Mrs. McKenney asked about the BioMag paperwork in their packages and if that project is completed. Mr. Apple stated that they received a Certificate of Final Completion which means the project is completed at this time.

### **Discussion Regarding Mr. Martel's resignation.**

Mr. Anderson asked the Board why they put off Mr. Martel's resignation and why there was an advertisement in the newspaper for Zoning and Planning Board when they voted off someone who has volunteered to be on the board. The Chair stated that they held off on Mr. Martel's because a member of the Select Board would like to speak with him first and has not had a chance to do so yet.

The Chair also stated that regardless of an individual, the boards are still in need of more members. The Chair further discussed with Mr. Anderson the issues of the Planning Board



resignations in regards to attendance and participation. Mr. Gryval stated that he voted as he did because of his conversation with Mr. Lee last week.

### **Recycling Update**

Chad Pelissier updated the Board that recycling has gone up for March. Mr. Apple informed the Board that it has reached an all-time high during March of 36.9 tons.

Motion. Mr. Gryval made a motion to go into non-public under RSA 91A:3 Section 2A at 7:40pm. Mrs. McKenney seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Tardiff-Yes; Mr. Gryval-Yes; Mrs. McKenney-Yes. The Chair declared the Motion passed.

Motion. Mr. Gryval made a motion to go back into public session at 7:50pm. Mrs. McKenney seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Tardiff-Yes; Mr. Gryval-Yes; Mrs. McKenney-Yes. The Chair declared the Motion passed.

Motion. Mr. Gryval made a motion to seal the previous non-public minutes. Mrs. McKenney seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Tardiff-Yes; Mr. Gryval-Yes; Mrs. McKenney-Yes. The Chair declared the Motion passed.




The Chair called for additional business. There was none.

Motion. Mr. Gryval moved to adjourn. Mrs. McKenney seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Tardiff-Yes; Mr. Gryval-Yes; Mrs. McKenney-Yes. The Chair declared the Motion passed.

The Chair adjourned the meeting at 7:50pm.

Signature Page.

Original Approval:	
 JASON TARDIFF	4-9-12 DATE
 JEFF GRYVAL	4-9-12 DATE
 SANDRA MCKENNEY	04-09-12 DATE

Amendment Approvals:		
Amendment Description:		
	JASON TARDIFF	DATE
	JEFF GRYVAL	DATE
	SANDRA MCKENNEY	DATE