

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

Minutes of Regular Meeting
April 16, 2012

Call to Order.

The Allenstown Select Board Meeting for April 16, 2012 was called to order by the Chair at 6:00p.m.

Roll Call.

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

Others Present.

Residents of Allenstown: Debbie Lee

Others Present:

Other Public Officials: Rep. Tony Soltani; Larry Anderson, Sewer Commissioner/Trustee of Trust Funds/Budget Committee; Carol Merrill, Trustee of Trust Funds/Budget Committee; Richard Merrill, Sr., Planning Board.

Allenstown Staff: Chief Shaun Mulholland, APD; Paul Apple Town Administrator.

Citizens Comments.

The Chair asked for citizen's comments. There were no comments at this time.

Meeting with Representative Tony Soltani regarding Legislative Updates.

Representative Soltani stated that the Redistricting Plan has been placed into effect. He stated that the Board should have copies in their materials and that there will be a court challenge to that on the House side. He also stated they should have a copy of Part II Article Eleven of the NH Constitution which is the 2006 amendment which states "when a population of any town or ward including last federal census is within reasonable deviation from an ideal population for one or more representative seats; the town or the ward shall have its own district of one or more representative seats. He explained that the ideal number is around 3,292 or 3,300 if rounded. He explained that the current district gives them four seats which include Allenstown, Pittsfield, and Epsom. He also explained how the redistricting will affect Allenstown.

Rep. Soltani stated that if the current districting goes through, Allenstown will be out voted by the other towns in its district which are republicans. Rep. Soltani stated that this districting is in clear violation to the constitution; however, other representatives are stating that there is a mysterious higher law that requires them to do this. He further explained that there are other federal laws that are being violated against Allenstown because when they redistrict the communities, they have to put communities with like interests together and that he believes this redistricting doesn't do this.

He further explained other towns that will be losing votes through this redistricting process. Rep. Soltani stated that the most recent enactment, by a 3 to 1 vote, doesn't allow him to vote on this matter. He stated that Allenstown vote is going to be considered a throw-away district and further explained that he felt that Pittsfield doesn't have a like interest with Allenstown. He would like to invite Allenstown to join other towns to challenge the redistricting and that there are attorneys, at no cost, that will represent any town or resident that wants to challenge it.

Mr. Gryval asked why this should be a bad thing for Allenstown if they will be getting a Representative of their own. Rep. Soltani responded that it's not a bad thing for them; however that it will have a negative effect as a whole for the communities involved. He explained that because it's an aggravated vote on the flooritarian vote they will lose a representative on that.

Mr. Gryval asked if that was the case, what the alternative would be. Rep. Soltani responded that there were two alternatives to the redistricting. The first alternative would be to have a weighted system which would give them a larger say of who the second representative would be. The second alternative would be to have Allenstown and Pembroke together and the left over will constitute a district of its own.

The Chair asked what the ideal population would be. Rep. Soltani stated that the ideal population amount varies depending on the source, for example the U.S. Census has it at 3,182. He stated that for the purpose of the redistricting, the ideal population would be 3,292. Rep. Soltani explained that the weighted system would support the one person, one vote.

The Chair asked what other towns are involved in the lawsuit or challenge of redistricting. Rep. Soltani stated that there are several other towns, most of which do not have a seat as Allenstown does. He stated that Concord is among them because they want to maintain their boundaries. The Chair also asked why these towns do not have a representative when going by the numbers they are entitled by a least two representatives. Rep. Soltani stated that in the case of the town of Bow, they have been consistently voting democratic.

The Board asked Representative Soltani if they had any questions regarding the Nomination Process for the Suncook River. He stated that this nomination process, in his opinion, is like a

slow death. He does not believe they are going to get anywhere with this process. He stated that he has lost trust in DES and what it does. He stated that he will be attending Wednesday's Public Hearing but is not optimistic about it.

Mr. Gryval explained that this is important for many reasons to Allenstown, one because of the communication with the communities of Epsom, Pittsfield, Pembroke and Chichester. He stated that the open communication has done a lot for all of the communities in regards to hazard litigation along that river.

Rep. Soltani stated that he agrees; however, he believes they won't get anywhere with DES. He has heard that some towns have been successful with them and that it's worth a shot. Mr. Gryval stated that each community has its own interests and that is why together they could work to communicate interests to each other and would appreciate his support in the nomination. Mr. Gryval also stated that he hopes Pembroke's representative will listen to the residents because the residents are very supportive of the nomination of the river.

Execute Concord Co-op Withdrawal Agreement.

The Chair asked the Board if they had a chance to review the agreement and if they had any questions. Mrs. McKenney asked if this was the final thing and if they are all in agreement with it. Mr. Gryval stated that this is the agreement that the Board had already voted on and what was put before the people to ratify in March, so that all that needs to be done is to sign the agreement. The Board executed the Concord Co-op Withdrawal Agreement.

Mr. Gryval stated that Concord had met last Monday night and had not voted to enter into a recycling agreement with the Co-op and therefore they will not be getting the \$19 million. Mr. Apple stated that he will send the signed agreement to the Co-op and that the Town will start paying in accordance to the agreement.

Discussion of Appointments to the Planning Board

The Chair stated that there are two people who are alternates that they need to vote to full-time positions. Mr. Apple stated that there are three items of interest; two appointment papers and an updated list of appointments in their materials. He asked that they review the list of appointments over the next week. They discussed various members that were missing from the list.

The Chair asked if Don Chaput was still on the Budget Committee. Mr. Apple stated that there has not been a resignation letter from him at this time. Mr. Gryval stated that at the Budget Committee meeting last week, he had spoken to Mrs. Touchette who stated that Mr. Chaput would be resigning.

Motion. Mr. Gryval made a motion to appoint Christopher Roy as a planning board member with an expiration of June 1, 2015. 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 appoint Andrea Martel as a planning board member with an expiration of June 1, 2015. 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.

Mrs. McKenney asked when the committee for CIP and the master plan was to meet and if the Select Board had to do anything for that. Mr. Apple stated that the first meeting is scheduled for May 1, 2012. Mr. Gryval stated that that committee is a sub-committee of the planning board and therefore there is nothing that they need to do.

Committee Updates

Planning Board

The Chair stated there had been a meeting last Wednesday night but that there was nothing new to report.

Budget Committee

Mr. Gryval stated there has not been another meeting since his last report.

SVRTA

Mrs. McKenney stated that she was able to get hold of Mr. Dyke and that there will be a meeting on April 25, 2012 at the Police Department. She stated that they will be discussing the insurance and is not sure if there will be a fee associated with that.

Suncook River

Mr. Gryval stated that the Chief and he had attended a meeting in Barnstead last Wednesday evening. He stated that it was a productive meeting in preparation of the Public Hearing to be held this Wednesday at the Epsom Elementary School at 6:30pm. He stated that Gilmanton Selectman haven chosen not to attend. He also stated that representatives from the towns will be present as well as Senator Barnes. Mr. Gryval stated that he does not believe that Gilmanton's absence will have an impact on the hearing; however, at some point, the committee will need to determine rather or not to include Gilmanton.

Old Allenstown Meetinghouse

Mr. Gryval stated that there has not been a meeting; however, that the committee members are still moving forward with the conservation plate grant and preparing for repairs to the ceiling. He stated that the fence is a project by the Girl Scouts and that they are still going through the process of getting sponsors but it looks to start in the Spring of 2013.

Tri-Town Ambulance

Mrs. McKenney stated that last week's meeting went very well and that they addressed all of the rumors and there will be no more rumors. She stated that Harold Paulsen will be replacing David Jodoin on the committee. She stated that the E-Board will work with everybody if there are any more rumors. Mrs. McKenney also stated that Mr. Calligandes will be working with the attorneys, charitable trusts, and the Attorney General's office.

The membership is meeting on April 29th, which the E-Board is invited to, to discuss what needs to be done for them to do the by-laws and everything else. She stated that thirty days after that, they will vote on it and realize that if they vote to agree or not agree to do it. The Membership realizes that if they vote not to do it, the two towns will find other avenues for their ambulance services. The E-Board will continue to meet until such time the Joint Board takes effect and that will be resolved at that time.

Mrs. McKenney discussed possible cut-off dates to getting things started. She stated that by January 1st, at the latest, they should be in place. She stated that once they get the by-laws and determine what transitions are going to take place, they should move along.

Concord Co-op Withdrawal

The Chair stated that the Board had executed the agreement and that Mr. Apple will send it to the Concord Co-op. The Town of Allenstown will start using the tonnage rates stated in the agreement.

Safe Routes to School

Mr. Apple stated that all the easements are in the hands of the property owners and that they have only received one back at this time. He also stated that the Road Agent is waiting for one response on the categorical exclusions.

The Chair asked what the next step was once all of these things were signed. Mr. Apple stated that they would then go out to bid and that has to stay open for a month. He stated that there is still a possibility that they will hit the building season for this year.

Sewer Commission Selection Committee

Mr. Apple stated that there is an advertisement posted in the Concord Monitor, Union Leader and the Banner and that it was posted on the boards. Mr. Apple stated that there have been two responses so far.

Mr. Gryval asked that when the committee meets, that they also bring a recommendation so that the Board could decide if they want to do interviews or go with the recommend candidate. Mr. Apple stated that the plan was to have the applications due by April 23rd and then they would hold interviews during the first week of May and then make a recommendation to the Board. The Select Board would be prepared to either interview or appoint a candidate on May 17, 2012.

Economic Development

Mr. Gryval stated that the first meeting is scheduled for May 17, 2012. Mrs. McKenney asked if they had done background checks for the proposed members yet. Mr. Gryval stated that they were going to get everyone to the meeting and have them complete the forms for the background checks at that time.

Mr. Apple asked if the Board wanted him to put it on the agenda next week that they will appoint the initial members and get background checks done by the meeting. The Board determined to appoint the members at next week's meeting.

Town Administrator's Report

Website Design

Mr. Apple stated that Ms. Welch and he will meet with Mr. Williams this week. He stated that they hope to get something to the Board about mid-May and hopefully get it going by the end of May. He also stated that they are lacking pictures as this point and that he and Ms. Welch will be getting pictures of things around the town that people will recognize.

Boat Ramp

Mr. Apple stated that he sent a note to Mr. Trainque and hasn't heard back from him, so he has nothing new to report at this time.

Fire Department Insurance Claim

Mr. Apple stated that he had left a message last week and again today with USAA that they need a decision. Mr. Apple asked for authorization from the Board to call LGC and have them pay the claim and let them fight with USAA on the payment of it. There was discussion of the payment process of insurance claims and it was determined that the Town will not pay for it themselves. Mrs. McKenney expressed concern for not doing the three bid process and that it was waived. The Board discussed why they waived the process and that the adjustor has already come out and accessed his own amount. The Board determined that Mr. Apple could have LGC subrogate it with USAA.

Motion. Mr. Gryval made a motion to authorize Mr. Apple to turn the claim to LGC if they don't get a response from USAA. Mr. Tardiff seconded the Motion. There was no additional discussion.

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

Minutes.

The Chair asked if everyone had a chance to review the April 9, 2012 meeting minutes and if there were any questions or concerns. Mrs. McKenney stated that she has a lot of corrections and asked Paul if he had made any corrections. Mr. Apple stated that he went through it this morning and believes he found all of the question marks and added all of the attendees and corrected misspelled names. The Board reviewed other grammatical and spelling errors.

Mrs. McKenney expressed that she was confused about a statement on the last page about who the members of the hiring committee would be for the sewer commissioner. The Board determined that they would reword it to state that a sewer commissioner and Mr. Apple and Mr. Tardiff would be on the hiring committee.

Mrs. McKenney also expressed concern for how Mrs. Lee's comments were not adequately stated under the Citizens Comment section. She stated that anyone reading her comments would not understand what the issue was. She also stated that she hoped to finally resolve this issue. She stated that she was not a part of what was going on but that she was a victim as was Mr. Lee. Mrs. McKenney stated that she tried to plead her innocence on this but was unsuccessful in doing so, except for Mr. Gryval who finally believes her.

Mrs. McKenney read from a list of points she had gathered that she felt were missing from last week's minutes. Among the list of points, she stated that she did not try to influence Mr. Lee in any way to run for selectman; however, she continues to be blamed for it by members of the Select Board and a number of other people. She also stated that Mrs. Lee had spoken to the Board regarding Mr. Lee's candidacy, the people who were involved and the phone calls that had been made to Mr. Lee regarding his candidacy. Mrs. McKenney stated that Mrs. Lee had expressed that she felt the phone calls were inappropriate and that they should not have been made at all.

Mrs. McKenney stated that she and Mrs. Lee have spoken and know what is going on here and that Mrs. and Mr. Lee, as well as herself, were upset and that it affected the relationship between the members of the Select Board to the point that they have not been working together well.

Mrs. McKenney continued to read her memo to the Board stating the exact dates of events that took place. She explained that on March 14th Mr. Lee gave his letter of resignation to the Select Board but that on April 2nd he rescinded his resignation. She also stated that there was a misunderstanding on Mr. Tardiff's part as Mrs. Lee stated that he had been a member of the

Planning Board for at least two years, not that he was the Chair of the Planning Board and that Mrs. Lee had questioned why they were still using Mr. Monahan's services.

The Chair stated that while he is not disputing or arguing anything Mrs. McKenney is stating, none of it took place during this meeting, that what they are looking at is did this happen during that meeting. Therefore it has nothing to do with the set of the minutes they are reviewing. Mr. Gryval stated that they don't normally do the minutes verbatim because Mrs. McKenney doesn't want it that way and that he believed what was stated in the minutes was a good synopsis of what had happened. Mrs. McKenney agreed that she doesn't want the minutes done verbatim.

Mrs. McKenney expressed that she disagreed and that a person looking at these minutes would have no idea of what happened. The Chair stated that he would agree to that point; however that this set of minutes covers what was said at this meeting. The Chair reiterated that Mrs. McKenney doesn't want the minutes done verbatim. Mrs. McKenney agreed that they were not to be verbatim, but that they should clarify the issue so it is understandable.

Mrs. McKenney stated that what she wants to include in the minutes is to clarify some points that weren't in the minutes. The Chair explained that someone could pull any set of minutes out of any time and not have a clue about what was happening unless they had a history that goes with it. Mrs. McKenney agreed with Mr. Tardiff's previous statement; however expressed that the issue needs to be resolved and the issue still needs to be clarified.

The Chair stated again that none of these issues has to do with this set of minutes and that he would like to see the issue be resolved and be done with and asked Mrs. McKenney what she suggests they do to resolve the issue. The Chair also stated that everyone needs to admit to the issues and move on. Mrs. McKenney did not suggest how to resolve the issue.

Mr. Gryval explained that these minutes are not done verbatim of what Mrs. Lee had said and nor are any of the Select Board minutes done verbatim. He stated that this was the style Mrs. McKenney liked and that they have gone back and fixed any verbatim minutes to reflect this style of minutes. Mrs. McKenney stated that someone looking at the minutes done this way would have no idea what was talked about and that the minutes need to be understandable. Mr. Gryval stated that he thought these minutes were very clear on what was happening there and that Mrs. Lee had wanted some answers.

The Chair asked if there was anything wrong with what was on these minutes. He stated that he is not willing to add to it and that if there was anything that was said that wasn't part of the minutes, he'll write them in himself. Mr. Gryval asked if there was anything pertinent that was not in the minutes. Mrs. McKenney responded that there was not but stated that she is not going to vote on it because she thinks that the whole letter Mrs. Lee read should be in the minutes.

Mr. Gryval asked if the Board wanted the minutes to be verbatim. The Board discussed whether they should go with a verbatim style or not. Mrs. McKenney stated that, in her opinion, she believes that the Minutes Clerk does a very good job with the minutes but that the issue could have been condensed a little better and that she doesn't think that one would get an understanding of what was going on.

The Chair asked if there was anything corrections or changes to the minutes. Mr. Gryval stated that the amounts for the hiring process of the Police Officer were incorrect. He also stated that the numbers in the budget for paving projects were incorrect as well. Mr. Apple stated that he will make the necessary changes.

Motion. Mr. Gryval made a motion to accept the meeting minutes for April 9, 2012 as amended. Mr. Tardiff seconded the Motion. There was no additional discussion.

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

The Chair asked if everyone had reviewed the minutes for the Workshop on April 5, 2012. The Board reviewed spelling errors on page four and made necessary changes.

The Board asked Chief Mulholland to clarify the amounts for the hiring process from last week's meeting. Chief Mulholland stated that these numbers; \$1,800 for one police officer and \$2,000 for two police officers, are the costs of the hiring process. He stated that the cost of the position was about \$28,000 per officer. Mr. Apple stated that he will keep the original numbers in the minutes as written.

Motion. Mr. Gryval made a motion to accept the Workshop minutes for April 5, 2012 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.

Strategic Planning.

Mr. Apple stated that they did not do the Strategic Planning meeting today because they have the Emergency Management Exercise coming up and have a lot of homework to do for that.

P.O., Abatements, and Other Business.

Mr. Apple stated that he has an abatement for the Board to act on next week in regards to Map 402 Lot 93.

Mr. Apple also distributed an intent to excavate filed by Allenstown Aggregate that they need to sign. The Board executed the Intent to Excavate for Allenstown Aggregate.

Mr. Apple stated that they have an abatement for 39 Parkwood Drive in the amount of \$866.95 as a result of an elderly and disabled deferral that the Town granted them.

Motion. Mr. Gryval made a motion to abate the property taxes for 39 Parkwood Drive for the amount of \$866.95. 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.

July 4th Town Hall Holiday

Mr. Apple distributed a memo signed by the Town Hall employees verifying that they are willing to use their vacation time for July 5th in order to have a long holiday weekend.

Memo regarding Budget Line Items

Mr. Apple stated that there is a memo in the Board's materials addressing the budget line items that Mrs. McKenney had pointed out last week and that they are largely attributed to posting errors. He stated that they should note that the Department Head's had entered the correct numbers on the invoices. Mr. Apple stated that he will have Mr. Smith fix those posting errors. Mr. Apple stated that there are detailed reports attached to the memo for their review of the budget line item amounts.

He also stated that with the Board's permission, he will have Mr. Smith separate the costs of food for the prisoners to its own line item instead of being included in the general supplies for the Department Heads. The Board agreed that there should be a separate line item for the costs of food for prisoners.

Nobis Report

Mr. Apple stated that he had emailed the Nobis Report to the Board members and that it had been reproduced in their materials should they wish to have a hard copy.

Spending Reports.

Mr. Apple stated that this week's Spending Reports are reproduced beginning on page 1000 and that they are at 75% which is still about 3-5% ahead.

Meetings Schedule

Mr. Apple stated that he will be on vacation next week. He explained to the Board that he will be able to get them prepared for the April 23rd meeting; however, that he will not be back in time to get them prepared for the April 30th meeting and proposes that they skip that week and meet on

May 7, 2012. The Board determined that they will meet on April 23, 2012; skip April 30, 2012 and meet next on May 7, 2012.

Other Business

Mrs. McKenney asked Mr. Apple if he had heard anything from Mr. Corcoran. Mr. Apple stated that he had not heard from him at this time.

Mrs. McKenney stated that the State or PSNH were going to be turning off lights and if they knew what lights were being turned off. Mr. Gryval stated that it was in the Concord Monitor last week and that they would be shutting off state lights. Chief Mulholland stated that the lights could be shut off on Route 28 and Route 3.



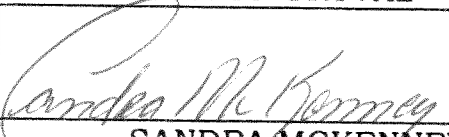
Mrs. McKenney asked Mr. Gryval if he had spoken with Mr. Roy regarding the current bank statement she requested. Mr. Gryval stated that there are only two fire fighters who have access to the documents and that he had not been able to connect with them this week; however, that they should have that information for him by this Thursday.

Motion. Mrs. McKenney moved to adjourn. 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 adjourned the meeting at 7:33pm.

Signature Page.

Original Approval:	
 JASON TARDIFF	4.23.12 DATE
 JEFF GRYVAL	4.23.12 DATE
 SANDRA MCKENNEY	04.23.12 DATE

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

Town of Allentown
Select Board Meeting

April 16, 2012