

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

Minutes of Regular Meeting
June 4, 2012

Call to Order.

The Allenstown Select Board Meeting for June 4, 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:

Others Present:

Other Public Officials: Larry Anderson, Sewer Commissioner/Trustee of Trust Funds/Budget Committee; Carol Merrill, Budget Committee; Richard Merrill, Sr., Planning Board; Ron Pelissier, Road Agent; Pete Houlis, Parks & Recreation Commissioner, Beth Houlis, Parks & Recreation Commissioner, Carl Schaefer, Parks & Recreation Commissioner

Allenstown Staff: Steven Paquin, Code Enforcement Officer, Chief Shaun Mulholland, APD; Chief Rob Martin, FPD; Paul Apple, Town Administrator.

Citizens Comments.

Mr. Anderson asked the Board why Rob Richard was not considered for the At-Large Member for the Joint Board for ambulance services as Mr. Richard had expressed interest to him. The Chair stated that he had spoken with Mr. Richard as well and said that he was instructed to speak with Mr. Apple if he was interested. Mr. Anderson stated that Mr. Richard told him that Mr. Tardiff had said he would tell Mr. Apple he was interested. It was determined that there was miscommunication regarding the process.

Mr. Gryval expressed that maybe they should reconsider the guidelines of who can be the At-Large member and that they may be too stringent. He stated that the Board had decided what

guidelines to go by and that the Joint Board had gone along with them. Mrs. McKenney stated that they had determined these guidelines because they wanted someone without any ties to any committees but that was a resident of the Town.

Discuss Tax Collector Requests for Dog Warrant and Advertising for Employment.

The Chair stated that Mrs. Demers was unable to be here tonight so Mr. Apple would be presenting the documents she had for the Board. Mr. Apple stated that she had two items for the Board which is included in their materials. The first is a Dog Warrant that the Board needs to approve to get civil proceedings under way for those who have failed to register their dogs. Chief Mulholland stated that there was a \$25.00 fine plus a \$5.00 service fee for not registering dogs. He also explained that citizens are given a notice that provides a choice register the dog or go to court on the date specified in the notice.

Mrs. Merrill asked why they need to have a dog license as the dogs are now tied up. Mr. Gryval stated that they don't have to be tied up but under the control of the owner. Chief Mulholland stated that it is to make sure the dogs are immunized and that it is a state law that the Town adopted.

Motion. Mr. Gryval made a motion to approve the warrant of Unlicensed Dogs. 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.

Mr. Apple explained that the second issue Mrs. Demers would like addressed is the resignation of Dawn Nadin, to be effective on August 30, 2012. He stated the loss of Mrs. Nadin was regrettable, but that she plans to take a full-time position in a different career. Mrs. Demers has a candidate whom she recommends and/or asks that she be allowed to advertise for the position. He also stated that the candidate needs to be a resident of Allenstown and that Mrs. Demers' candidate is a resident.

Mr. Apple stated that he met with Mrs. Demers' candidate and that she seems to be qualified, pleasant and has the customer skills necessary for the job. He stated that Mrs. Demers would like to either hire the candidate or advertise quickly to take advantage of the candidate training with Ms. Naden. The Board authorized Mr. Apple to advertise the position.

Discussion of Budget Guidelines for Department Heads for Fiscal Year 2013.

Mr. Apple stated that the Consumer Price Index materials for the region are in the front cover of their binders. The Chair asked the Board what thoughts or suggestions they had for the Department Heads in regards to the 2013 Budget.

Mrs. McKenney stated that she would like to see employees get a pay raise because they did not get one last year. The amount she has in mind is 2 ½ %. She also suggested that the Department Heads setup a pay scale with a set percentage of increases starting with 2014 unless they can do it for FY 2013 as well. Mr. Apple stated that there had been discussion of doing a pay scale and that Ms. Severance has volunteered to do it if the Board would like her to.

Mr. Gryval expressed that the pay raises for the employees are important because they let the employees know they are important and help to retain employees. He said there are significant recruitment costs to replace employees who leave. He explained the current situation with the Police Department losing employees. The Chief responded that the total cost to replace an officer, when academy training is factored, is over \$28,000. Mr. Gryval stated that he was thinking more of a 3% raise because of the raise, if approved by the voters, would take effect July 1, 2013.

The Chair referred to Chief Mulholland because of a discussion they had about doing a merit raise versus a straight raise. Chief Mulholland stated that he believes people should get a raise based on their performance not just for the sake of getting a raise. The Chair stated that he would like to see a combination of a cost-of-living raise and a merit raise that would be left up to the Department Heads to determine.

Mrs. McKenney asked Mr. Pelissier and Chief Martin what their thoughts were regarding the pay raises. Both Mr. Pelissier and Chief Martin stated that they agree with Chief Mulholland. They also agreed there should be a cost-of-living raise. Mr. Gryval stated that there needs to be an established procedure for determining merit raises which they currently do not have. Mr. Apple asked the Board if the Department Heads should work on a pay scale for cost-of-living, establish an evaluation for supporting merit raises, and develop merit increases. Mr. Gryval stated that he is in favor of merit raises but not cost-of-living raises.

There was further discussion of cost-of-living pay raises and the effects on the Department Heads' budgets. The Board also discussed whether they should do the merit raise for 2013 or for future years and if they could do both raises for 2013. Mr. Gryval re-iterated that he would like to see a 3% increase for all town employees and let the Department Heads work on merit increases for the years coming with a complete procedure for merits. Without a procedure to accurately measure merit, merit increases would expose the Town to lawsuits.

Mr. Anderson asked why they couldn't give the employees who resigned from the Police Department the raise they were looking for in order to retain them and save the cost of hiring a new employee. Mr. Gryval explained that it's not in the budget to do so and that they had agreed not to give a raise this year.

Mrs. McKenney recommended giving them a 3% raise this year and have the Department heads work on merit raises for 2014. Mr. Apple discussed reporting to the Board a plan for developing the merit system at which the Board can determine if they can fit it into the 2013 Budget or to wait until 2014.

Mrs. McKenney also stated that she would like to see the Department Heads Budgets go up by 1%. Mr. Gryval expressed that the budgets will go up more than 1% if they do the pay raises. She expressed concern of needing increases in the budget so that they don't continue to go over their budgets.

Mr. Gryval stated that they need to determine what default will be and asked Mr. Apple if they can do that at this point. Mr. Apple stated that it will be less accurate at this point but that they can begin that process. The Chair stated that they should give the raises but keep the rest of the budgets level in order to increase chances of passing with the voters. The Chair asked what kind of percentage it would be if they kept the services as they are and included the 3% raise increases. Mr. Apple stated that he would get a percentage to the Board over the next couple of weeks.

Mrs. McKenney asked Mrs. Merrill what she thought about the pay raises. Mrs. Merrill stated that she believes they deserve a raise this year but that the budgets will have to be cut to give the raises. There was discussion of left over money from last year's budget and the Town's ability to cut the budget.

Town Administrator's Report.

Mr. Apple stated that they needed to wrap up and prepare to head over to Pembroke for 7:30pm. He also stated that there were several other items that the Board needed to address this week and asked if there was a time they could meet to do so. The Board determined to try to get through the important topics before they headed to Pembroke.

Merrimack Valley Trail Riders.

Mr. Gryval stated that if Chief Mulholland was fine with opening the gates that they should go ahead and open them. The event is the same as last year. The Board agreed to open the gates.

Abatelements.

Motion. Mr. Gryval made a motion to deny the abatement for Map 402 Lot 16. 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.

Mr. Apple distributed Purchase Orders to be signed for the acquisition costs for the Riverside Dr. properties that had been revised.

Motion. Mr. Gryval made a motion to approve voucher # 12-0129. 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.

Discussion of Dedication of Bridge St Park to Gabby Danneault

Mrs. McKenney stated that Louise Letendre had called her about having a plaque put up at the Town Hall in memory of her father and through a couple of discussions, it was suggested that they name a park after him. The Chair asked if the Parks and Recreation Commission could handle this matter and to have Mrs. Letendre speak with them. It was determined that the Parks & Recreation Commission would contact Mrs. Letendre before making a decision on the matter.

Purchase Order for survey of Whitten Street property.

Mr. Apple stated that there was a purchase order from Holden Engineering to conduct a survey of property of Whitten St for the expansion of the Boys & Girls Club. The survey would help to prepare an easement to allow for expansion of the property. Chief Mulholland stated that it would be an easement for 9 Ferry St. The Board executed the purchase order for the survey.

Other Business.

Mr. Apple stated that there next meeting will be on June 18, 2012 at the Old Allenstown Meetinghouse.

The Road Agent informed the Board that they will be doing all of the trash and recycling on the Tuesday before July 4th so that they can have that day off.

Non-public Meeting pursuant to RSA 91A:3, II(d).

Motion. Mr. Gryval made a motion to go into non-public under RSA 91A:3, II(d) to discuss a matter that affects the reputation of one not a member of the Board at 7:15pm. 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 Board returned to public session at 7:28 p.m. The Chair announced the following actions taken during the non-public session:

Motion. Mr. Gryval made a motion to go back into public session at 7:28pm. 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 meeting 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.

Motion. Mr. Gryval made a motion to recess until the Board reconvenes in Pembroke. 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, and the Board recessed.

Joint Meeting with Pembroke and Tri-Town Ambulance.

The Board reconvened at the Pembroke Town Hall to meet with the Pembroke Select Board; George Calligandes, Tri-Town Operations Manager; Joyce Booker Janvrin, Tri-Town Secretary; and Peter Isme & Jay Surdukowski of Sulloway & Hollis, PLLC who represent Tri-Town.

Mr. Isme stated that Tri-Town had come to them for assistance with the move toward dissolution. He stated that he believes that there have been miscommunications on the steps and time it will take to move forward. He also stated that he would like to explain what needs to be done and who needs to do them. Mr. Isme distributed a To Do List for Tri-Town to proceed with

the steps to dissolve and reviewed the steps on the list with the Boards. Mr. Gryval informed Mr. Isme that Allenstown and Pembroke have already entered into an Inter-Municipal Agreement.

Mr. Isme stated that Pembroke needs to supply a written commitment to accept assets and written confirmation of Board Authority and explained why these documents are needed. He explained that they (meaning the attorney) need to amend the Tri-Town documents to include a municipality in transferring assets upon dissolution.

Mr. Isme also discussed steps of lenders needing to be contacted for consent to transfer any outstanding leases, needing to meet with the Charitable Trust Unit, preparing a Business Plan for company operations through dissolution, as well as Pembroke approving the Plan of Dissolution, IRS amended documentations, acquiring permits and licenses, and other important steps.

A Pembroke selectman asked when the attorney got involved because it is his opinion that Tri-Town has already discussed and determined to dissolve. Mr. Isme stated that he has been working with Tri-Town over the last several months. The Selectman also asked about Tri-Town changing its by-laws and that it needs to be included in the process. Mr. Isme agreed about the by-laws.

The Pembroke Select Board also stated that many of the tasks that are supposed to be completed by the committee formed by the Inter-Municipal Agreement. Mr. Isme stated that the agreement is secondary to the dissolution and transfer of assets to Pembroke. He stated that since the Joint Board is established, it should probably be restated to include the Joint Board in the list of things for Pembroke to complete. The Pembroke Board also stated that the committee needs to get started and that there are some items that take a matter of minutes to do.

Mr. Tardiff asked what has been done that is on the list because it is his understanding that some things have already been done. Mrs. McKenney stated that a lot of stuff was supposed to be done over the last few months but that it doesn't appear anything has been done. Mr. Calligandes stated that they are in the process of completing the inventory and that he personally is working on lease agreements. He stated that the leases for the monitors shouldn't take long but that the process with TD Bank has been cumbersome and that they haven't been able to get through to anyone there.

Mrs. McKenney stated that she has a note that she had sent to Allenstown Select Board after the February meeting that stated "they voted to successful completion of Inter-Municipal Agreement and approval from the Attorney General's office and Charitable Trust. Tri-Town agrees to take an official vote to disband at that time." She asked if that vote was going to come after all the work is done. Mr. Calligandes stated that the vote represents them moving forward with the dissolution. Mrs. McKenney expressed concern of doing all the work and then the membership voting not to disband.

A Pembroke member asked Mr. Isme about a 501(c) 3 being required to go through all this work just to go out of business were other businesses don't have to do so. Mr. Isme explained that a 501(c) 3 falls under different tax treatments and law requirements and therefore cannot just go out of business. He explained that assets have to be contributed to another company that will use the assets for charitable contributions.

A Pembroke selectman stated that he believed Tri-Town needs to complete the Pembroke section of the document in order to be able to have a membership vote. He stated that Tri-Town needs to tell their members what they are doing and what abilities the two towns have and that they have written confirmation that their jobs are completed. Mr. Isme stated that when the member's meeting occurs can be at different points of the process but they need to be careful to have the necessary information for the members to take a vote.

Mr. Gryval stated that a meeting with the membership to lay out the plan from their perspective should be the number one priority. He further asked how involved their membership is with the process. Ms. Janvrin stated that their members are quite involved with the process. She expressed concern of everyone stating that Tri-Town is not on board with this and that in fact it was Hooksett that was holding them back. She also explained the process of informing their members of this process and that they are trying to get caught up.

There was discussion of moving along in the process at a good pace because of the costs associated with ambulance services. It was asked if it was possible for Tri-Town to put together a schedule to getting things done in order to dissolve. Mr. Isme stated that they need to speak with the new Joint Board and determine where they are at.

Chief Paulsen stated that the Joint Board has had a meeting already and that they have not made any decisions as to the Inter-Municipal Agreement. He also stated that he has temporarily accepted the position of Chairman on the Board and that he intends to call a meeting soon. He stated that it is the Joint Board's responsibility to complete most of these items and to work with Tri-Town in this process. Mr. Isme stated that it would be ideal that they (the attorney) meet with the Board or subcommittee of the Board to cross fertilize communication in order to move forward with the process.

Mrs. McKenney asked how long the process will take. Mr. Isme stated that it could be anywhere from 3 to 6 months process or longer if there are any problems and would like to get it done before the next fiscal year. Chief Paulsen stated that the Joint Board needs to put together a budget so that if things go smoothly they are ready for next year. Mr. Isme hesitated to give a date but stated that they will commit to meet with the Joint Board to get the process going. He stated that once they meet with the Joint Board, they will be able to determine dates to get particular events completed.

Discussion of Changes to Inter-Municipal Agreement.

Mr. Apple presented three amendments to the Inter-Municipal Agreement. First is a new paragraph 5(g)(1), at the request of the Attorney General's office based on its review. He stated that they would like them to include a provision that allows the service to hold title to property. He has an email from Assistant Attorney General Mavrogeorge that states that the language that is proposed to the Boards is acceptable to the Attorney General and that if the Boards were to approve it, the Attorney General would approve the agreement.

The second change is to Paragraph 6(a) regarding the apportioning of costs between the Towns for the new Service. Mr. Apple stated that the revised paragraph 6A returns to the formula in use at present with Tri-Town. The third change is a series of miscellaneous typographical errors set out in the draft before the Boards.

The Pembroke Select Board made a motion to accept the changes as presented under paragraph 5(g)(1) and 6(a) and various typographical errors. The motion was passed.

Motion. Mr. Gryval made a motion to accept the changes as presented under paragraphs 5(g)(1) and 6(a) and various typographical errors. 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 Boards discussed the fact that the attorney appeared to not have been informed about what has been going on between Pembroke and Allentown. There was further discussion of the attorney's presentation and the process Tri-Town needs to take in order to dissolve. There was also discussion of the importance of Tri-Town membership voting to dissolve.

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 8:56pm.

Signature Page.

Original Approval:	
 JASON TARDIFF	6.18.12 DATE
 JEFF GRYVAL	6-18-12 DATE
 SANDRA MCKENNEY	6/18/12 DATE

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