

TOWN OF ALLENSTOWN
Select Board
16 School Street
Allenstown, New Hampshire 03275
April 21, 2014

Call to Order.

The Allenstown Select Board Meeting for April 21, 2014 was called to order by The Chair at 6:00p.m.

Roll Call.

Present on the Board: Jason Tardiff, Jeff Gryval, and Kate Walker.

Others Present.

Residents of Allenstown: Dan and Deb Lyford

Others Present: Will Pearl and Howard Pearl

Other Public Officials: Larry Anderson, Sewer Commission

Allenstown Staff: Shaun Mulholland, Town Administrator.

Citizens Comments:

N/A

Meet with Mr. and Mrs. Lyford of 17 Fanny Drive in regards to a lot alignment adjustment involving acquisition of a portion of a town owned piece of adjacent land.

Mr. Mulholland stated that he received a request for a lot alignment adjustment from the Lyfords in regards to 19 Fanny Drive which is a town owned piece of land that was taken for taxes. He stated that they also talked about purchasing the piece of property and whether or not the town would be amendable to doing that and what they would need to do to go forward. He stated that he suspects that the town would ask the Lyfords to pay for the lot alignment costs.

Mr. Lyford stated that there is a large parcel of land next to his property that the town owns. He showed the Board on a map the area of the town property that he would like the line adjusted to. Mrs. Lyford stated that they would like to expand their driveway however; with the current property lines they cannot do that.

Mr. Gryval stated that he thought that they would be discussing giving the Lyfords enough land to give them the area that they want for their driveway and that he did not realize they were looking to purchase. Mr. Lyford stated that they would like to try to get as much of it as they can as they would like to possibly do some gardening but if they can only get enough for the driveway, then that is fine. Ms. Walker expressed that she would like to give them what they need but make sure that the town still has access to their property. There was further discussion and review of the parcel that they would like to adjust.

Mr. Gryval asked Mr. Mulholland what the next step would be if they were to make the adjustment. Mr. Mulholland stated that they would have to do surveying and researching the properties and then once that is done, they need to bring their research before the Board. He explained that the Board would have to be willing to sell them the land under the Justice Requires provision in which there would have to be some financial exchange for the property.

Mr. Mulholland stated that he thinks that the best thing is for him to get the Lyfords a number of how much it will cost for the survey, they would have to pay the town in advance for the survey and then the town would contract with the surveying company to get all of the work done. He explained to the Lyfords that the Select Board may agree to all of this but that the Planning Board is actually the entity that approves the lot line adjustments.

Mr. Gryval asked the Lyfords if the adjustment they were suggesting would give them what they were looking for. Mrs. Lyford stated that it is something they are interested in. Mr. Mulholland stated that he will forward the Lyfords a copy of the proposal for the surveying and research once he has it.

Meet with State Senate candidate Howard Pearl

Mr. Pearl introduced himself to the Select Board and expressed his interest in the State Senator candidacy for District 17. He stated that he has been serving on the Merrimack County Republican Committee as a delegate to the state party for a year and a half now. He stated that he is a fourth generation owner of produce farming and serves on the State Farm Bureau as their Treasurer. He discussed other committees that he has served on throughout the years with some experience in town government.

Mr. Pearl stated that some of the issues that are important to him are taxes and spending. He stated that he does not believe that the government has a revenue problem but that they have a spending problem. He stated that he thinks that the state needs to be more fiscally responsible. He stated that the current Senator claims to be the tax slayer when indeed he has helped to impose more taxes. He promised that he would be a good steward of the citizens' tax dollars as he had to learn to live on little in the farming industries.

Mr. Pearl stated that two issues that he is very concerned with are the buffer zones which attack the citizens' first amendment's rights to gather peacefully. He stated that the current Senator is also looking to restructure the constitution by adding sexual orientation in there and change the way it is currently written, everyone is protected. He also stated that he will stand with all law enforcement in opposing legalization of recreational marijuana. He stated that he thinks that they need to change the mentality that government is the answer to all their problems especially in the school systems. He stated that his biggest concern is the Healthcare and the expansion of Medicaid. He further discussed other minor issues that he sees with the government and what he intends to do to fight against them.

Mr. Pearl stated that if he is elected, he would like to facilitate a town hall style meeting at least once during each legislative session which would be open to the public where they could share concerns and discuss things that have happened during his term. He stated that they had mentioned that the town already had some concerns in regards to legislation and that he would like to hear what they are.

Mr. Mulholland stated that most of the issues are administrative. He explained that at deliberative session there was a proposal to make significant cuts to the proposed budget. He stated that with the way the law is written, once they post the warrant, it can't be changed so that if there are changes at a deliberative session they cannot reflect the changes on the warrant article. He stated that they asked that legislation be proposed that would allow the change in the recommendation of the BOS, School Board and Budget Committee if changes were made to any given warrant article. He stated that every year they have had some sort of bill that they have asked to be sponsored.

Mr. Gryval asked Mr. Pearl what his position in regards to downshifting of costs in the federal level down to the state level and then onto the towns. Mr. Pearl stated that he is certainly not in favor of putting people in the position they can't handle and tries to be a good steward of people's money.

Mr. Gryval asked Mr. Pearl about the vote of the death penalty and that his vote could possibly be the tiebreaker. Mr. Pearl stated that he would not vote to repeal the death penalty. He stated that he thinks that it needs to stay in place and that it has not been abused. He stated that when considering how to vote, he considers whether or not what they are going to do will create more of an issue than it fixes and that he does not see that in this case.

Mr. Gryval asked Mr. Pearl about the gas tax that was being proposed. Mr. Pearl stated that he could not support this bill as it was proposed because not a hundred percent of the funds were going to fixing the roads. Mr. Gryval asked if there was something proposed to fix the roads, would he vote for it. Mr. Pearl stated that he would certainly consider but that he would not support the current proposed bill for that reason.

The Chair asked Mr. Pearl what he sees as overspending or unwise spending. Mr. Pearl stated that without taking the budget apart line by line he can't give a specific area but that he can promise them that they will spend every dollar the best that they can.

Mr. Anderson asked if they could make sure that the funds for the tax bill get spent on the roads. Mr. Pearl stated that they can do that if the budget is passed that way but that there is nothing stopping them from changing it later on.

Ms. Walker asked Mr. Pearl about his comment that he is not in favor of expanding Medicaid and why that was. Mr. Pearl stated that he is not in favor of expanding it in the way that they are currently going about it. He stated that one of the major promises they made was that there would be no New Hampshire money going into the expansion and yet last Friday they appropriated \$3.4 million out of the Health and Human Services budget to start funding these positions to start enacting it and that is his problem with the expansion.

Review the Interim Personnel Policy Amendments

Mr. Mulholland stated that they are reviewing it and then they will have a public hearing to take public input on it. Ms. Walker stated that she needs a couple more days with it to finish reading through it. Mr. Mulholland stated that the purpose of this meeting is to see if there is something that they want added or taken out.

Mr. Gryval stated that he really likes the name changes that they were going after but that he has a couple of suggestions for changes. He stated that one is that right now when they send employees to travel for work related events, they only pay for lunches if they are gone on an overnight stay and that he would like to recommend that they include if they are gone for an entire day. He explained that he would like to do this because if they are on the road like that and have a chance to interact with their colleagues, they can establish good relationships for further on down the road. He stated that this facilitates interaction with the colleagues. He stated that if the Board agrees to it, then he suggests that they ask Mr. Mulholland about the proper wording and limiting the amount.

Mr. Mulholland stated that if they are going to do that, they would do the per diem rate which is a published rate. Mr. Gryval asked what the per diem rate is. Mr. Mulholland stated that the per diem rate is \$8.00 a meal. He stated that they use the per diem rate for the area that the training or conference is in. Mr. Gryval stated that they need to require prior approval from the Department Head. Mr. Mulholland stated that either they do per diem in which there is no receipts or they have the employees have to turn in the receipts. He stated that the language is already there and that they would just be adding on the other than overnight.

Mr. Gryval asked if there is anyway of changing the half day work days so that if they need an hour to go to the doctor's. He asked how an individual would be paid if they miss an hour of their shift. Mr. Mulholland stated that they can take a sick day and get paid a half of day or they could come in some other time that week to make up the missed hours. He explained that this is the argument of the hours versus days. There was further discussion of the problems that they had with hours for paid sick days and how the paid days off works.

The Chair asked about the department heads are to report their own absence due to sick leave and if they need to spell out that they are to do it that day. Mr. Mulholland stated that when they report their sick leave, that is for when they are doing their timesheets. The Chair stated that it would be nice to know the day that they are not in town. Mr. Mulholland stated that they would have to say that they need to report within 24 hours or immediately. He cautioned the Select Board of the wording that they use because someday there could be a union and the union would go through each policy word by word.

Mr. Gryval stated that he would like to see the department heads notify them in a timely manner that they are not going to be in and for what specific reason. The Chair asked if they are accountable for their department heads and shouldn't they know if they are in or not. Mr. Gryval gave a scenario of there being a fire and the chief not working that day but that they were not notified of it, something could happen that would make them liable. Ms. Walker stated that in her past jobs, she has had to give a two hour notice before the beginning of her shift.

Mr. Gryval stated that it is easy to notify people if they are not going to be able to make a shift in a timely manner. The Chair asked what they would do if someone didn't call in. Mr. Mulholland stated that they would call the employee and see if everything was okay. Ms. Walker stated that she thinks that there is an expectation with any employer these days to notify them as soon as possible. There was further discussion of the timeframe they want department heads to notify Mr. Mulholland that they would be out. The Select Board asked Mr. Mulholland to draft up something for them regarding the proper timeframe to notify that they will be out.

Mr. Gryval stated that there is a grammatical error in Section four of Sick leave and pointed out that it should be work day not word day.

Mr. Mulholland sated that they made changes to the forms for the FMLA and the retiree portion as required by the Affordable Care Act. He stated that there is a whole new section on page 46 to cover liability issues. He also stated that there is information in regards to prohibition on using cell phones which covers hands fee device.

Town Administrator's Report
NH Fishercats Game

Mr. Mulholland stated that if they want to go to the game, they need to pay for it ahead of time. He stated that there has been a lot of interest but that only two people have paid.

Administrative Professional Dinner

Mr. Mulholland stated that they have the Administrative Professional Dinner on Wednesday night at 6pm. He stated that he has the entire Select Board listed to attend that.

Employee Benefit Study Committee Status

Mr. Mulholland stated that they have met with Schoolcare, NH Inter-Local Trust and Healthtrust. He stated that the big topic of discussion is the 40% excise tax that is in the Affordable Care Act which they are trying to get around it but that the IRS keeps coming back to say that they can't do any of the suggestions to get around it. He explained some of the suggestions that they have had and that they don't really get around the excise tax.

Mr. Mulholland stated that they are well on their way to putting together a report that the Select Board is waiting for but that the challenge is going to be getting all seven towns to agree to it. He also stated that one of the biggest issues is making sure the employees understand what it is. He explained how the allowance for inflation will affect their situation with the amount of money they pay for the premium.

Mr. Gryval stated that he is concerned about the message getting distributed to all the employees in the same fashion. He stated that he would like Mr. Mulholland and a couple others from this committee to go to the departments' next staff meetings and do a presentation of what's going on. Mr. Mulholland stated that he was planning to do a presentation once he had the data to explain what the cost is. Mr. Gryval stated that he is very concerned about the rumor mill. The Chair asked Mr. Mulholland to draft a memo to the committee asking that they do this.

Cloud Server Status

Mr. Mulholland stated that the Town Hall is up and running. He stated that they are working out a few bugs but everything else is working out pretty well. He stated that the Fire Department is going to be up next but they may jump to the Police Department and get that done.

Personnel Evaluations

Mr. Mulholland stated that Personnel Evaluations are due next Wednesday. He stated that the Highway Department is going to training with Primex tomorrow.

Budget Committee's request for Strategic Planning

Mr. Mulholland stated that he spoke to the department heads today regarding the Budget Committee's request in regards to strategic planning and future planning specifically the Highway Department and taking care of the roads.

2015 Budget Discussions

Mr. Mulholland stated that he has it scheduled for May 5th meeting for the Select Board to come up with guidance. He stated that the worksheets are being sent to the department heads. He explained that they will have 2013 expended, 2014 appropriated and then the 2015 requested and that they put in percentage increases as requested.

Table Top Exercise

Mr. Mulholland stated that the Table Top Exercise is on Wednesday at the Fire Department from 8am to 1pm.

Memo to Department Heads

Mr. Mulholland requested that the Select Board allow him to draft a letter from them to the department heads regarding responding in a timely manner to an email or phone call from a citizen or someone needing service from the departments. The Select Board gave him permission to draft the memo.

Audit for 2013 Budget Year

Mr. Mulholland stated that the audit is underway and that there are no issues as of yet.

Records Automation Status

Mr. Mulholland stated that they met with Ricoh last week and that they are waiting on a price to automate the Building Inspector files.

Bear Paws Greenway

Mr. Mulholland stated that he received a request from Bear Paws Greenway to meet with him on Monday. He stated that they are interested in seeing the same piece of property they were interested in before.

Fort Mount Complaint

Mr. Mulholland stated that the Fort Mount complaint has been addressed. He stated that the files are in the Consent Folder for them to review and sign.

Comcast Negotiations

Mr. Mulholland stated that he attended the Central NH Regional Planning meeting in February regarding renegotiating the franchise agreement with Comcast. He stated that he sent them an email regarding it and the cost to do it. He stated that the Select Board needs to look at if they

want to increase the franchise fee which they can do so up to the five percent limit but that the citizens are the ones who would pay that. He also stated that they are not taxing Comcast and that there are things they could be taxing them for.

Mr. Gryval asked Mr. Mulholland regarding Ms. Miller's email she seemed confident in what she can and can't get out of Comcast. He stated that one of the things that everyone talks about is televising the Select Board meetings which he is against doing. He asked what things they are talking about Ms. Miller being able to do beyond televising the meeting. Mr. Mulholland stated that they are referring to things like negotiating the broadband coverage throughout the towns; however, Allenstown already has that.

Mr. Gryval asked what kinds of things Ms. Miller is going to be able to fight for that covers that \$9,000 fee she would be charging. Mr. Mulholland stated that right now, it is about to become competitive as there can't be a monopoly with cable service companies and other companies are starting to come in to towns which allows the towns to negotiate with the companies. He stated that he is not sure that there is anything that they need.

The Chair stated that he knows that in Boston they get a percentage of all the pay per views that are sold in the city and free cable and internet to all the town buildings but that he doesn't know what Ms. Miller is thinking of going after. Mr. Gryval stated that if they knew of \$9,000 services that they could get out of this to cover the investment of having her to this.

Mr. Gryval asked Mr. Mulholland if any other town administrators have spoken about things that they have gained out of this. Mr. Mulholland stated that most of the other towns have their attorney's negotiating this. He stated that the towns are discussing taxation and broadband issues. Mr. Gryval asked if they could ask their attorney when they have their Legal Seminar. Mr. Mulholland stated that they could but that Ms. Miller is the attorney doing this. The Chair asked Mr. Mulholland to ask the surrounding neighbors what they are getting out of this to see if it is worth them getting involved.

Fire Station Roof Status

Mr. Mulholland stated that the Fire Chief is still working on the different options for that.

Curbside Collection Contract Status

Mr. Mulholland stated that Casella is going out with the road crew to count the amount of properties that they subject to the curbside pickup so that they can be comfortable with the numbers.

Asbestos Issue

Mr. Mulholland stated that he met with three different asbestos companies to get quotes from them. He stated that he received a price from one company of \$6,900 and is waiting to hear from

the other two companies. He also stated that he had the flooring company come in to do an updated quote so he is waiting on that.

The Chair asked how the flooring is upstairs. Mr. Mulholland stated that the tile is in pretty bad shape but that he thinks down here is worse as he hasn't seen sponginess anywhere else. He stated that it has been posted as required by law. He is looking at having the numbers for them at the April 28th meeting. He stated that this is an unplanned for issue so they have to pull the money from someone else.

Hiring Custodian

Mr. Mulholland requested that they hire Paul Brasley as the town custodian. He stated that they would have him started by the end of the month. The Chair asked what kind of supplies they will need to purchase for him. Mr. Mulholland stated that they need to purchase a vacuum but that they have all the other supplies.

Ferry Street Sewer Line Issue

Mr. Mulholland stated that the Chair and he met with the chairman and superintendent of the Sewer Commission and Health Officer to discuss options of how to deal with the Ferry Street sewer line issue and he'll be drafting a memo of that.

Planning Board Update

Mr. Gryval informed the Select Board that Ms. Martel will no longer be able to serve on the Planning Board or be the Planning Board representative to Central NH Regional Planning Commission because she is moving out of town. He stated that Chad Pelissier is willing to take the position of Central NH Regional Planning representative. He stated that Mr. Roy will be coming to the Select Board meeting on April 28th to discuss appointing someone to enforce the earth excavation regulations and that they are looking to change some of the fees for the earth excavation regulations.

Budget Committee

Mr. Gryval stated that there is a Budget Committee meeting on Thursday at 6pm at the Fire Station.

Motion. Mr. Tardiff made a motion to ratify the Consent Calendar of April 21, 2014. Mr. Gryval seconded the Motion. There was no additional discussion.

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

Non-Public Session I

Motion. Mr. Gryval made a motion to go into non-public session under RSA 91-A:3 Section II(a) at 7:35pm. Ms. Walker seconded the Motion. There was no additional discussion.

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

Motion. Ms. Walker made a motion to go back into public session at 8:31pm. Mr. Gryval seconded the Motion. There was no additional discussion.

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

Motion. Mr. Gryval made a motion to seal the previous nonpublic session because it may adversely affect a person other than a member of this board. Ms. Walker seconded the Motion. There was no additional discussion.

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

Review and Approve Minutes

Mr. Mulholland stated that there is a big debate over this issue on the Town Administrator's website because some towns are putting non-public minutes out to the public unless they are sealed. The Chair stated that if they are not sealed, they can put them out to the public. Mr. Mulholland stated that what they should do is that the section should be redacted better. There was discussion of unsealing and releasing non-public minutes.

Mr. Mulholland explained that most towns are putting the non-sealed nonpublic minutes in a file and if someone requests to see them, they review the minutes to see if there is anything confidential or meets exemptions to the statute. He stated that every document is available for public release unless there is an exemption. Mr. Gryval stated that he thought that RSA 91A said that they had to make it available if they don't seal it. He asked why they seal the minutes. Mr. Mulholland stated that he has yet to see that and if they seal the minutes, then the minutes will be redacted.

Motion. Mr. Gryval made a motion to approve the nonpublic session one of April 14, 2014. Ms. Walker seconded the Motion. There was no additional discussion.

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

Motion. Mr. Gryval made a motion to approve the nonpublic session two of April 14, 2014. Ms. Walker seconded the Motion. There was no additional discussion.

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

Meeting at Attorney General's office regarding Allenstown Aggregate

Mr. Gryval stated that Mr. Mulholland and he may or may not be attending a meeting at the Attorney General's office regarding Allenstown Aggregate. He stated that there is supposed to be a meeting but that they may not have it.

Motion. Mr. Tardiff made a motion to adjourn. Ms. Walker seconded the Motion. There was no additional discussion.

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

The Chair adjourned the meeting at 8:39pm.



TOWN OF ALLENSTOWN
SELECTBOARD
PUBLIC MEETING MINUTES

April 21st , 2014

Signature Page

Original Approval:	
 JASON TARDIFF, Chair	5.5.14 DATE
 JEFFREY GRYVAL, Member	5-15-14 ⁵⁻⁵⁻¹⁴ JG DATE
 KATE WALKER, Member	5-5-14. DATE

Amendment Approvals:		
Amendment Description:	Approval:	Date:
	JASON TARDIFF, Chair	DATE
	JEFFREY GRYVAL, Member	DATE
	KATE WALKER, Member	DATE

