

TOWN OF ALLENSTOWN
Select Board
16 School Street
Allenstown, New Hampshire 03275
January 5, 2015

Call to Order.

The Allenstown Select Board Meeting for January 5, 2015 was called to order by The Chair at 6:02p.m.

Roll Call.

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

Others Present.

Residents of Allenstown: Rita Rapaglia, Steve Marquis, Scott Knight, Magara Parmenter, Tom Robson, Amber Kunitake, Jack Luprien, Noah Fellan, Patrick Evans, Jane Laliberte-Evans, Ed Fay, and Sandy McKenney.

Others Present:

Other Public Officials: Dave Eaton, Budget Committee; Larry Anderson; Sewer Commission; Armand Verville, OAMH; and Claudette Verville, OAMH.

Allenstown Staff: Shaun Mulholland, Town Administrator; and Ron Pelissier, Road Agent.

Citizens Comments:

Meet with residents of Riverside Dr. to discuss roadway maintenance concerns.

Mr. Fay stated the issue is the maintenance of Riverside Drive. He stated the Town in the past has graded the road and provided trash collection however they don't have those services from the Town anymore. He stated it is a private road however they feel like they are losing little by little every year. He stated this year the mailwoman doesn't want to deliver the mail if the road isn't kept up. He explained they had an issue with the mail being delivered during the Thanksgiving storm and they didn't see mail delivered for about a week. He stated he thinks they pay enough taxes they should be able to get at least one or two services and get it done properly.

Mr. Fay stated he was told by one person of the town he is under the Selectmen's direction. He stated he thinks they should be plowed back to the mailboxes so they can get their mail. He stated they have had issues in the past with the mailboxes before the Town accepted responsibility to maintain it. He stated he doesn't know what the definition is for what an emergency way is or how to plow it.

Mr. Lavalley stated back in the mid-80s, the Selectmen wanted the residents to put a warrant article in for the Town to accept it as an emergency way which was passed. He stated after it passed the Town decided to pick up the trash and maintain the road to some level. He stated things have gone downhill since. He stated he thinks the Selectmen have forgotten why the old selectmen did things.

Mr. Gryval asked if they have any paperwork regarding this. Mr. Lavalley stated they voted at a town meeting. The Chair stated he believe it was a vote to accept it as a road. Mr. Mulholland stated it was a meeting in the 1990s to deem it an emergency road which was done by the Board of Selectmen and their reference was a meeting in 1961 to make it a town road. He stated there had been a total of five efforts in attempting to make it a town road. He stated they were all defeated except for the 1980 meeting in which the town meeting accepted the road however the Select Board did not because it did not meet town standards. The Riverside Park Dr. Association filed suit in the Merrimack County Superior Court. The Superior Court agreed with the Select Board. The matter as appealed to the Supreme Court which upheld the decision.

Mr. Fay stated for years the town did maintain it. He stated they had issues with the mailboxes at the end of the road and now they [USPS] want to go back to the system which will be a headache for everyone. The Chair stated the mail is out of their control and if they want to do it there is nothing they can do. Mr. Fay stated it depends on how they plow the road and he is told by those who plow the road are told how to plow the road. He stated they plow three feet from people's mailboxes and not enough room for emergency vehicles.

[c1]A resident asked for an explanation of a private road and who owns it. Mr. Mulholland stated public roads are laid out by the authority of the law and any other roadway is considered a private road. A resident asked who gave the right to build the road and to put the houses and existing structures around the road. Mr. Mulholland stated whoever owned the land at the time. A resident asked if the town gave permits for the buildings and shouldn't the town be responsible for maintain the roads. Mr. Mulholland stated it doesn't work that way and every development starts out as a private road.

Ms. Rapaglia stated they plan on purchasing 8 Riverside Drive however they don't want to worry about sliding into their neighbors on Jillerick Road. The Chair stated Jillerick Road was accepted as a town road. A resident asked if they have equal taxes as the other houses in the town. Mr. Mulholland stated the entire town is on the same tax rate. The Chair stated the tax rate is the

same however the value of the home is different than other homes in the town which is where the difference is.

Mr. Fay stated he came to argue the point of being treated like regular citizens to plow the road. He stated they are asking for them to plow the extra couple of feet so they can get two vehicles coming by. Ms. Rapaglia asked what happens if there is a house fire. The Chair stated the Road Agent has spoken to the Fire Chief and the Police Chief to make sure their vehicles can get down there.

Mr. Lavalley stated the last time he saw a vehicle down the road it took them a long time to get down there and it was because the road wasn't taken care of. The Chair stated it is no different than a mobile home park in town which they don't maintain the roads. Mr. Lavalley asked to have the road maintained the way it was maintained for so long.

The Chair asked Mr. Mulholland for the definition of an emergency way and the Town's responsibility for an emergency way. Mr. Mulholland stated the Town doesn't have any responsibilities whatsoever. He read the statute regarding emergency ways which states

“A declaration under this section may be rescinded or disregarded at any time without notice. This section shall not be construed to create any duty or liability on the part of any municipality toward any person or property. Utilization of this section shall be at the sole and unfettered discretion of a town and its officials, and no landowner or any other person shall be entitled to damages by virtue of the creation of emergency lanes, or the failure to create them, or the maintenance of them, or the failure to maintain them, and no person shall be deemed to have any right to rely on such maintenance...”

Ms. Rapaglia asked what they have to do to make it a public road. The Chair asked Mr. Pelissier to explain what it would take to make it a public road.

Mr. Fay asked how an emergency way is supposed to be plowed and he is told they have to keep it open for emergency vehicles. The Chair stated the statute states they don't have to do anything and the Town has chosen to keep the road open for emergency purposes. Mr. Fay stated they are asking to be treated like humans and have their tax dollars go to something. He stated the Town has, in the past, decided to take care of the mailboxes because they accepted the fact they need to maintain it.

After a long discussion of the maintenance of the road, the Select Board agreed to have the Road Agent look at the trees on the town properties on Riverside Drive and take care of them if they need to be maintained. The Select Board also agreed to plow the road in a manner which is considered with other private roads in town; a path down and a path back. They also agreed to

drop a load of material should the Road Agent determine the road is in such poor condition to do so.

A resident asked if can they put a gate on it and control access to it since it is a private road. Mr. Mulholland stated the road is not their property. He stated this development was supposed to be developed over time however it was not done. He stated they don't know who owns the property. He stated it is not easy to determine who owns the road and involves possibly going to court to do so.

A resident asked how much it would cost the town to plow the road the way it should be done versus how it is done and if there is a figure everyone could agree to pay the town for the plowing. The Chair stated it goes the saying "an inch for a mile." He explained if they plow like they want, then the next step is they want it plowed wider and then to have the pot holes filled in and the line needs to stop somewhere. The Chair stated they cannot charge them a fee for plowing.

Mr. Gryval stated even if they could charge them for plowing, all the other private roads would want them to do the same thing. He explained the town is very stretched and they don't have the equipment or the manpower to do it. He suggested they could look into something like paying some type of rent to have their private road plowed.

Mr. Gryval clarified to the residents explaining the Road Agent would do one pass through and one pass back and bring fill for pot holes they agree they need.

Public Hearing- Revisions of Facilities Use Policy

The Chair asked if the Board is good with this policy. There were no questions.

The Chair asked the public if they have any questions or concerns. Mrs. McKenney stated the intent of having the certificate of insurance not waived is to protect the town. She stated they don't know what anyone is going to do at anyone of the facilities when they rent it out. She expressed further concern of an elderly person or young child possibly getting hurt at the Meetinghouse.

Mrs. McKenney stated they should look into what the insurance will cost people before they rent it out to see if it would be reasonable to do so. She stated they have had lawsuits in the past they have had to pay.

Mr. Gryval stated he was satisfied the town was protected when they last discussed this. He asked Mr. Mulholland to explain the process again to help set Mrs. McKenney's mind at easy. Mr. Mulholland stated if they were negligent they would be liable for it however unless it is an intentional or negligent act they are not liable. He explained if someone trips and falls on their

property they are not liable however, if there is a pot hole and they were negligent in taking care of it then they could be liable.

Mrs. McKenney stated there is no sense of putting the town in harm's way whether they are negligent or not. The Chair stated he agrees however they don't require the little league teams to have a certificate of insurance.

Mr. Pelissier asked if someone rents the meetinghouse, they get hurt there, and they have a certificate of insurance isn't the town still negligent. Mr. Mulholland stated the third party insurance indemnifies the town when there is a certificate of insurance in place. He explained they would only be liable if the claim went beyond the coverage from the insurance.

Mrs. McKenney stated they are not going to have a police officer or someone at the facility which is rented but with alcohol they do need to have someone. Mr. Gryval stated part of the application has the Police Chief reviewing the application and determine if they need to have an officer there. He asked Mr. Verville if when a wedding happens at the meetinghouse he would be present. Mr. Verville stated he would be there 99.99 percent of the time.

Mr. Anderson asked why there isn't a fee schedule on the facility policy. Mr. Mulholland stated you would have to ask Mrs. McKenney as she implemented the policy in 2004 and there were no fees listed then. Mr. Anderson stated there should be a dollar figure for using the facility. Mr. Mulholland stated it is based on actual cost. He gave the example if the softball team used the conference room in the town hall and the staff is present, it doesn't cost them anything more to have them in the building.

Mr. Verville stated he is pleased with the changes which are recommended to the policy.

Mr. Mulholland stated he made a change to the alcohol to have it say "quantities limited to one ounce." He stated this will cover the religious purposes and someone can still have functions in which they would have to a detail officer and a license to distribute the alcohol.

Motion. Mr. Gryval made a motion to approve the amended Facilities Use Policy revised December 30, 2014. 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.

Public Hearing- Code of Ethics Policy for the Community Development Block Grant.

The Chair opened the hearing to the public. Mr. Mulholland explained the purpose of this is they have to have a Code of Ethics at least for the limited purposes of the grant alone. He stated it won't apply to the whole town; just for the purposes of the grant.

Motion. Mr. Gryval made a motion to accept the CDBG Code of Ethics Policy. 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.

Approve 2015 Default Budget.

The Chair asked if there were any questions on the 2015 Default Budget. Ms. Walker asked how the reductions or increases calculated. Mr. Mulholland stated the default budget is based upon the previous year's budget except for one-time items and adjusted for other obligations and contracts. He gave an example of health insurance went down so the line decreased. He stated they are required to have a debt budget however the town doesn't have any debt. He stated the statute is not well-defined and leaves it up to the determination of local officials in which each town does so differently.

Mr. Mulholland stated the statute will be challenged in the courts and they want to make sure they are on the in a responsible position when it does get challenged. The Chair stated their default budget is just above 6 million. Mr. Mulholland stated page 8 tells them what the different reasons are for increases or decreases. He stated they have always taken a very conservative approach on the default budget.

Motion. Mr. Gryval made a motion to approve the default budget for 2015. Ms. Walker seconded the Motion.

Mr. Eaton asked if the budget is higher or lower than the Budget Committee. Mr. Mulholland stated it is higher than the Budget Committee proposed budget.

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

Review 2015 Warrant.

Mr. Mulholland stated right now he is anticipating seven warrant articles from the Planning Board.

Mr. Eaton stated Article I only shows four budget committee members however he thinks there are six positions. Mr. Mulholland stated they are looking into it this is just a draft.

Mr. Mulholland stated the town attorney is speaking to the Sewer Commission regarding the wording of the proposed sewer bond.

Mr. Mulholland stated he has named the articles this year because he thinks it will be easier for people to understand.

Ms. Walker asked if the town operating budget numbers are correct. Mr. Mulholland stated the numbers are correct. He stated it is important to understand while the budget is down it does not mean the tax rate will go down. He stated there are two sides to the budget; revenues and expenditures and they are not always taken into consideration.

Re-approve the Investment & Cash Management Policy

The Chair stated they do this every year. Mr. Mulholland stated nothing has changed and has been in effect since 2008.

Motion. Ms. Walker made a motion to re-approve the Investment and Cash Management Policy. 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.

Discuss SRO position with the Chief of Police.

The Select Board tabled this for now.

TOWN ADMINISTRATOR'S REPORT.

Status of RR bed sewer line issue.

Mr. Mulholland stated the electrical work has not been approved yet because there is other electrical work which has to be done on mobile homes the inspections are not complete. He stated the electrician is out there now working on the mobile homes. He stated they are supposed to start on West Street tomorrow however they don't have an excavation permit yet. He stated some plumbing work has been done.

Status report proposed new Boys & Girls Club/Senior Center facility at the Whitten Street Park.

Mr. Mulholland stated the deck partially collapsed on New Year's Eve. He stated he has been trying to get a price from a contractor to either jack it back up or remove it and put in temporary ramps to get us through until the new building is done. He stated he has not heard back from

some of the contractors and one who couldn't look at it right away. He stated the children are at the Teen Center building right now. He stated they need to do something to get the building functional.

Mr. Mulholland stated Ms. Lane is working on an application for the grant to send out on January 26, 2014. He stated right now they don't have any matches so they will be submitting an application without a match which won't score them any points. He stated Mr. Emond is trying to get them some donations which they could use toward the match.

Mrs. McKenney asked if they are going to do any kind of large fundraiser to raise money for this. She stated she thinks with all the communities and people involved they can come up with funds to get the ball rolling. Mr. Gryval stated he spoke to Mrs. McKenney about this subject this morning and they discussed the fact the town cannot go out and raise money and CAP is well aware of everything going on.

Mr. Mulholland stated CAP doesn't raise money. He stated he is on the committee with the Boys and Girls Club to raise money. He stated the program works very well to raise large amounts of money and short of that he has not seen anyone being successful. He explained they are trying to raise money for the Boys and Girls Club and whatever they get for the donations they will put towards the Senior Center portion of the building.

Mrs. McKenney stated there are a lot of people who want to see this succeed and all forces working together can make the people aware and hopefully get some big donations. Mr. Mulholland suggested they talk to Pam Jolivette and Brian Hoffman. Mrs. McKenney stated they can't do fundraisers and the Senior Center can't raise enough for the match. She suggested sending letters to the businesses in the town asking for donations. She asked who could take charge of doing it because the town can't do it. Mr. Mulholland stated they have been trying to do it through the Boys and Girls Club and Mr. Emond.

Status of Planning Board enforcement action in regards to Allenstown Aggregate violation of RSA 155-E provisions.

Mr. Mulholland stated Mr. Gryval and himself have a meeting on January 8, 2014 at the Attorney General's office.

Status report in regards to the MS 4 Storm Water Project/Permit.

Mr. Mulholland stated he knows the engineer at Hoyle and Tanner has been working with Marc Boisvert [c2] on the outstanding issues. He stated he has a meeting on January 29, 2014 with the Road Agent and Mr. Monahan regarding transitioning things over to the Road Agent.

Status of Seamless.Gov efficiency project

Mr. Mulholland stated they are optimistic they will be done by the end of the month. He stated the Sewer Department is using it in a big way.

Gas Rates Agreement

Mr. Mulholland stated they can enter into an agreement to set their gas rates and they are looking at a price of \$0.90 per therm. The Chair asked who the agreement is with. Mr. Mulholland stated it is with Keystone. The Select Board gave Mr. Mulholland authorization to sign the agreement.

Mr. Mulholland stated he has also asked Standard Electrical to look at their electrical which is up in July.

Review Staff Meeting

Mr. Mulholland stated the staff meeting was short. He stated the staff has until Thursday to give him an updated list of fuel distribution list, December Status reports are due January 14th, 2015, and the Town Reports are due on January 15th, 2015. He stated they also discussed the new payroll system, marking invoices appropriately so they are charged to correct year, turning in bills in as soon as possible. Mr. Mulholland stated he gave a warning to the department heads that the “Silly Season” has begun and to not get wrapped up in it.

Review Minutes: December 29th, 2014 non-public

Motion. Mr. Gryval made a motion to approve the non-public meeting minutes session one December 29, 2014. 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.

Approve Accounts Payable Manifests: AP 123014

Motion. Ms. Walker made a motion to approve the Accounts Payable manifest. 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.

Other Business

Mr. Gryval stated when they went over goals and objectives for the town he forgot to bring up the idea of having the departments audited. He stated in the past they have had Board of Selectmen audit various departments and he thinks it would be good to do it again. The Chair stated he thinks it is a good thing to do.

Mr. Gryval stated right now the departments update them each week however sometimes things get missed. He stated he is looking at doing this as a way to help everybody to make sure they are doing the right things. Ms. Walker asked if they want to do one department or them all. Mr. Gryval suggested they added this to their list of things this year and have Mr. Mulholland investigate what the cost of doing it would be.

Mr. Mulholland asked what type of audit they are looking at doing because it will determine how costly it is to do. He stated each department buys things and manages property so there will be a cost to audit each department. The Chair asked what a good baseline of how in depth of an audit they should do. Mr. Mulholland stated the State does a performance audit every eleven years on its departments on a rotating basis. He stated it depends on what they want to do. There was further discussion of what type of audit they want to do and the costs associated with them.

Mr. Mulholland stated if he calls MRI they are going to want to know what the town wants them to review. The Chair asked if MRI could come in and give them some insight on the audits and costs. Mr. Mulholland disclosed to the Select Board he is a consultant for MRI and he mentions them because it is something they do but it is not a financial incentive to have them come in.

Mr. Gryval asked where on the town website someone could go to get an application to be a member of the Planning Board. Mr. Mulholland stated there is no application. The Chair stated if someone is interested in being on the Planning Board, they could bring a letter to the Planning Board expressing interest.

Mr. Gryval asked if they know why the Police Chief was not here tonight. The Chair stated he has not heard from him. Mr. Mulholland stated the Police Chief did say over the weekend he was going to be covering shifts and would have to adjust his hours. He stated he would not be able to make it.

Mr. Gryval asked about a letter from someone on 25 Granite Street regarding the water and wanting to know what the Select Board could do about it. Mr. Mulholland stated he was asked to investigate the matter and he responded he cannot do it and forwarded it to the Road Agent. He

did inform the resident they could come before the Select Board on January 26, 2015 and he hasn't received a response back from the resident yet.

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

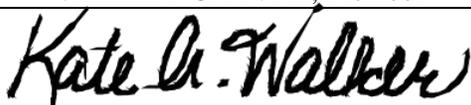
A Roll Call Vote was taken: Mr. Tardiff – Yes, Mr. Gryval –Yes, and Ms. Walker - Yes. The Chair declared the Motion passed.

The Chair declared the meeting adjourned at 8:22 pm.

TOWN OF ALLENSTOWN
SELECTBOARD
PUBLIC MEETING MINUTES

January 5th, 2015

Signature Page

Original Approval:	
 JASON TARDIFF, Chair	01/19/2015 DATE
 JEFFREY GRYVAL, Member	01/21/2015 DATE
 KATE WALKER, Member	01/18/2015 DATE

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

Signature Certificate

 Document Reference: HIH7IAJTP4MT69P5ML6YLB

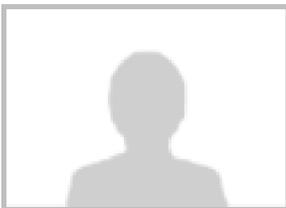


Kate Walker
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Electronic Signature:

Multi-Factor
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Jeffrey Gryval
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Jason Tardiff
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Timestamp

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2015-01-19 05:50:13 -0800
2015-01-18 06:21:52 -0800
2015-01-18 06:15:33 -0800

Audit

All parties have signed document. Signed copies sent to: Kate Walker, Jeffrey Gryval, Jason Tardiff, and Shaun Mulholland.
Document signed by Jeffrey Gryval (jgryval@allentownnh.gov) with drawn signature. - 104.129.196.75
Document viewed by Jeffrey Gryval (jgryval@allentownnh.gov). - 64.134.160.190
Document signed by Jason Tardiff (jtardiff@allentownnh.gov) with drawn signature. - 173.9.43.198
Document viewed by Jason Tardiff (jtardiff@allentownnh.gov). - 173.9.43.198
Document signed by Kate Walker (kwalker@allentownnh.gov) with drawn signature. - 24.61.233.254
Document viewed by Kate Walker (kwalker@allentownnh.gov). - 24.61.233.254



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2015-01-18 05:22:21 -0800

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

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