

TOWN OF ALLENSTOWN  
BOARD OF SELECTMEN  
MEETING MINUTES  
January 17, 2011

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**I. Call to order:**

The Allenstown Board of Selectmen Meeting for 1/17/2011 was called to order by Chairman Tardiff at 6:01PM.

**II. Roll Call:**

Members present on the Board:  
Chairman Jason Tardiff  
Selectman Roger LaFleur (absent\*)  
Selectman Jeff Gryval

Town Administrator Paul Apple

Audience: Please see attached sign-in sheet.

\*Chairman Tardiff indicated that Selectman LaFleur was not in attendance this evening due to a personal matter.

**III. Citizens' Comments**

Chairman Tardiff called for citizens' comments. No comments from the citizens present were forthcoming. Selectman Gryval took a moment during this time to notify the Chairman of a phone call he received from Don Chaput earlier in the day. Mr. Chaput indicated he would be unable to attend tonight's meeting as his granddaughter was back in the hospital in Boston.

**IV. Sewer Improvement Project Warrant Article**

Selectman Gryval made a motion to open a public hearing, pursuant to RSA 33, regarding the Warrant Article for the Sewer Improvement Project. Chairman Tardiff seconded this motion.

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Roll Call Vote:

Chairman Tardiff – Yes  
Selectman LaFleur – (absent)  
Selectman Gryval – Yes  
Motion Passed

Chairman Tardiff asked Sewer Commissioner Jim Rodgers to give a brief highlight regarding the Warrant Article proposed. Michael Trainque spoke for the Commissioners. Mr. Trainque said that last Monday evening, questions were raised regarding the Sewer Improvement Project. He responded to the board's inquiries including the cost overruns that were incurred. He cited timing of the project and design modifications as major factors of cost. He said it made more sense to go with the alternative project as it afforded more advantages with additional capacities. Mr. Trainque also noted that there are a total of \$20,400.00 in change orders thus far but that \$20,000.00 of that had been offset by other saving measures. This leaves a net total of \$400.00 in change orders. He also mentioned that DES said there would be additional funds available but no specific dollar amounts were assigned.

Selectman Gryval said he understood the reasoning given for the overruns but stated that when the project first began, it was supposed to be \$1.625 million dollars. He asked if, when the contract was awarded, was it a finite amount or was it subject to overruns. Mr. Trainque said this was a finite amount and he was unaware of the potential of overruns through the design changes phase. Selectman Gryval asked who approved the design changes, amounting \$360,000.00—22% of the budget, and the cost. The Sewer Commissioner said there were no figures to present to the board for approval until construction was underway. Selectman Gryval questioned why the contract was entered into without total cost disclosures. The Sewer Commissioner said these additional costs were totally unforeseen. Chairman Tardiff asked where the \$1.625 figure came from initially. Mr. Trainque said these were estimated costs but nothing was designed until after the amount was approved. At that point, he said backtracking was done to try to figure out how to balance the project. Chairman Tardiff asked how the price could be assigned to a project before it was even designed. The Sewer Commissioner said this project was the first of its kind and there was nothing to compare the costs to but at the time it was presented to the town, they were confident of the data compiled.

A motion was made by Selectman Gryval to open the hearing up to the public for comments. Chairman Tardiff seconded this motion.

Roll Call Vote:

Chairman Tardiff – Yes  
Selectman LaFleur – (absent)  
Selectman Gryval – Yes  
Motion Passed

Sandra McKenney said a bond was approved in 2009 and the Sewer Department should have stayed within those boundaries. Jim Rodgers explained that the cost of \$360,000.00 has been accounted and paid for, if this passes, partly through Sewer Department revenues that have been already placed into escrow. Mrs. McKenney stated this was unacceptable and the project/costs presented at the public hearing should have not changed and another vendor should have been solicited. Larry Anderson asked how a contract could be bid and awarded on without fully knowing what the project would

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entail. Jim Rodgers said that when the vendor came back with the alternative process design, they were able to more definitively assign a value with the contractors.

Carl Caporale said the overspending is unfortunate but that this is an attempt to get at least 50% of the money back from a grant, if voters approve. He said the expense exists, no matter what, and suggested focusing on the 50% recoup so that increased rates aren't passed along to the consumers. Linda Smith asked what would happen if this wasn't approved. The Sewer Commissioner said that if this wasn't approved by the taxpayers, additional septage money would be utilized. Chairman Tardiff asked if this would raise the users' rates. The Sewer Commissioner said, not speaking for the entire board, that the goal was to not impact the taxpayers' and users' rates and that funding would be tapped from other sources with \$180,000.00 already committed by the Sewer Department. Mike Frascinella said the issue was more than obtaining the 50%. Rather, it was an 'organic problem' with the Sewer Commission in that they were aware of the overruns back in June. He said he disagreed paying for this with stimulus money as it would only impact taxpayers further. Jim Rodgers said taxpayers would still have to pay whether Allenstown uses the stimulus money or another town. Chairman Tardiff said the hard part was that no one knew about this issue for at least six months. Selectman Gryval said the board was approached at least once a month to release funds yet it was never informed.

Chairman Tardiff said the public hearing would remain open for another ½ hour and said the board would move on with the agenda in the meantime.

## V. Other Warrant Issues

Administrator Apple said there were a few other Warrant Article issues to review with the board.

1. Article 18 was withdrawn by the Road Agent per Administrator Apple.
2. Administrator Apple said that it was decided with the School District to 'notice' the Deliberative Session at or about the same time as their meeting. He said this way everyone can come to the school meeting and then the town portion. Counsel has advised slating the school session for 9:00AM and then the deliberative session for 9:01AM. The moderator will call both sessions to order, recessing the town portion until the school is finished. The first paragraph will be amended to notice "9:01AM" accordingly.
3. Administrator Apple stated that the public hearing on the Planning articles is tomorrow at 7PM despite predictions of inclement weather.

A motion was made by Selectman Gryval to recommend the Operating Budget, as stated in Article 17, in the amount of \$5,268,871.00. Chairman Tardiff seconded this motion.

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Roll Call Vote:

Chairman Tardiff – Yes  
Selectman LaFleur – (absent)  
Selectman Gryval – Yes  
Motion Passed

A motion was made by Selectman Gryval to recommend, as stated in Article 19, discontinuing the Town Hall photocopier capital reserve fund. Chairman Tardiff seconded this motion. Administrator Apple noted that there is \$0 in the fund.

Roll Call Vote:

Chairman Tardiff – Yes  
Selectman LaFleur – (absent)  
Selectman Gryval – Yes  
Motion Passed

## VI. Petitioned Warrant Articles

Administrator Apple advised the board that there were three petition warrant articles to be addressed.

1. “The citizens of the town Allentown will vote to adopt a town policy whereby such policy shall mandate the Board of Selectmen to freeze all salary and hourly wages during a default year.” Administrator Apple said town counsel has reviewed this and their opinion is that the article violates the law, citing RSA 32:10 which gives the board permission to transfer other unspent line items provided they don’t overspend the bottom line. He also cited two active court cases and opined it would likely violate the minimum wages law.

Selectman Gryval made a motion not to recommend Petitioned Warrant Article #1, as written, and to add the clarifying statement that it is an illegal article. Chairman Tardiff seconded this motion.

Roll Call Vote:

Chairman Tardiff – Yes  
Selectman LaFleur – (absent)  
Selectman Gryval – Yes  
Motion Passed

2. “To see if the Town of Allentown will vote to adopt a town policy whereby such policy shall mandate the Board of Selectmen to seek town approval to create any new staff position for all town departments and to seek authorization to add the expenditure line to fund such position. Said policy shall take effect upon adoption.” Administrator Apple said town counsel opined that this article is also illegal, violating RSA 32:10, and

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may be in violation of statutes which address the power of elected officials over town employees.

Selectman Gryval made a motion not to recommend Petitioned Warrant Article #2, as written, and to add the clarifying statement that this is an illegal article. Chairman Tardiff seconded this motion.

Roll Call Vote:  
Chairman Tardiff – Yes  
Selectman LaFleur – (absent)  
Selectman Gryval – Yes  
Motion Passed

3. “To see if the Town of Allenstown will vote to remove the Town Prosecutor position from the Allenstown Police Department and to mandate the Board of Selectmen to enter into an agreement with the County Attorney’s office for prosecutorial service whereby saving the Town of Allenstown approximately \$64,000.00 per year in salary and benefits.” Administrator Apple stated town counsel opined this was illegal, violating RSA 95:2 (a) which gives the Chief of Police the power and control to direct town employees. In addition, town counsel noted that the town can’t be forced into a contract.

Selectman Gryval made a motion not to recommend Petitioned Warrant Article #3, as written, and to add the clarifying statement that this is an illegal article. Chairman Tardiff seconded this motion.

Roll Call Vote:  
Chairman Tardiff – Yes  
Selectman LaFleur – (absent)  
Selectman Gryval – Yes  
Motion Passed

## VII. Emergency Management Grants

Administrator Apple presented information and an application for the Emergency Management Grant to obtain a laptop to be used by the Building Inspector. Selectman Gryval said the amount originally approved was \$798.00 yet this presentation was showing \$996.00. Chief Mulholland explained the costs including software.

A motion was made by Selectman Gryval to accept the EMPG grant in the amount of \$996.00. Chairman Tardiff seconded this motion.

Roll Call Vote:  
Chairman Tardiff – Yes

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Selectman LaFleur – (absent)  
Selectman Gryval – Yes  
Motion Passed

Administrator Apple presented the board with information on the EMPG agreement for updating the emergency operations plan in the amount of \$2,500.00. Chief Mulholland explained this project further to the board.

A motion was made by Selectman Gryval to accept the EMPG grant in the amount of \$2,500.00 for rewriting the emergency operations plan. Chairman Tardiff seconded this motion.

Roll Call Vote:  
Chairman Tardiff – Yes  
Selectman LaFleur – (absent)  
Selectman Gryval – Yes  
Motion Passed

## VIII. Minutes

Administrator Apple stated that there were two sets of minutes ready for approval. These were deferred last week to this week's meeting.

A motion was made by Selectman Gryval to accept the minutes from 12/13/10, "as written". Chairman Tardiff seconded this motion.

Roll Call Vote:  
Chairman Tardiff – Yes  
Selectman LaFleur – (absent)  
Selectman Gryval – Yes  
Motion Passed

A motion was made by Selectman Gryval to accept the minutes from 12/20/10, "as written". Chairman Tardiff seconded this motion.

Roll Call Vote:  
Chairman Tardiff – Yes  
Selectman LaFleur – (absent)  
Selectman Gryval – Yes  
Motion Passed

A citizen asked when the minutes were going to be updated on the town website. Administrator Apple said he does forward them to the web administrator. Chairman Tardiff said it's not a paid position and is done when the web administrator can get to them.

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## **IX. Public Hearing Reconvened**

Chairman Tardiff called to reconvene the Public Hearing regarding the Sewer Improvement Project. Selectman Gryval noted that he thinks the whole situation was handled terribly but at this point, there is no other choice but to recommend the article. A motion was made by Selectman Gryval to recommend the article, "as written", in the amount of \$360,108.00. Chairman Tardiff seconded this motion.

### Roll Call Vote:

Chairman Tardiff – Yes  
Selectman LaFleur – (absent)  
Selectman Gryval – Yes  
Motion Passed

## **X. MS-7 and Default Budget**

Administrator Apple asked for the board's permission to circulate the MS-7 electronically to the Budget Committee members this week. He said he will have this and the Default Budget ready for presentation next week.

## **XI. Roof Antenna**

Administrator Apple informed the board that the roof antenna was removed from Town Hall and the roof was sealed. He said the last portion of the maintenance project, enclosing the furnace room, is scheduled for the last part of the month.

## **XII. Adjournment**

A motion was made by Selectman Gryval to adjourn the 1/17/11 Board of Selectmen Meeting at 6:53PM. Chairman Tardiff seconded this motion.

### Roll Call Vote:

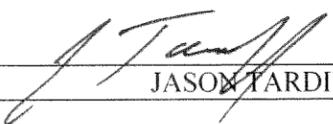
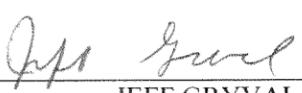
Chairman Tardiff – Yes  
Selectman LaFleur – (absent)  
Selectman Gryval – Yes  
Motion Passed

Meeting adjourned at 6:53PM.

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**Signature Page**

<b>Original Approval:</b>	
 JASON TARDIFF	2-7-11 DATE
ROGER A LaFLEUR	DATE
 JEFF GRYVAL	2-7-11 DATE

<b>Amendment Approvals:</b>		
Amendment Description:	Approval:	Date:
	JASON TARDIFF	DATE
	ROGER A LaFLEUR	DATE
	JEFF GRYVAL	DATE

Town of Allentown  
Board of Selectman Meeting  
Attendance List

Jan 17, 2011

NAME

Sam Anderson  
Jim Maser  
Jeff Backman  
Paul Lamb  
Michael Trainor  
Andrea Martel  
James A. Hodger  
Fern Bissonnette  
Lynn Bissonnette  
Dul Camp  
Carl Meyer

Steve Horton  
R. M...  
SHAWN MULLIGAN  
Jon Richards  
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Domen And  
Cam...  
Michael L...  
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