

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

Minutes of Regular Meeting  
May 23, 2011

**Call to Order.**

The Allenstown Select Board Meeting for May 23, 2011 was called to order by the Chair at 6:00 p.m.

**Roll Call.**

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

**Others Present.**

Residents of Allenstown: Rich Caruso.

Others Allenstown Officials Present: Robert Lee, Zoning Board/Planning Board; Jerry McKenney, Trustee of Trust Funds/Budget Committee; Donald Chaput, Planning Board, Larry Anderson, Trustee of Trust Funds/Budget Committee.

Other Public Officials: James Rodger, Sewer Commissioner

Allenstown Staff: Paul Apple, Town Administrator; Robert Martin, AFD Fire Chief; Shaun Mulholland, Chief of Police

**Citizens' Comments.**

The Chair called for citizens' comments. There were none.

**Receipt of Don Chaput's Resignation from Planning Board/Meet with Jim Rodger Regarding His Request for Appointment as Successor.**

Mr. Gryval asked that the Board table Mr. Chaput's resignation from the Planning Board for two more weeks, pending the Board's decision on whether to appoint Mr. Rodger to the seat. He said if Mr. Rodger were not appointed as a member of the planning board, Mr. Chaput might consider remaining, and they hoped the time between meetings would allow time for Mr. Chaput to mull this over. Select Board members were fine with tabling the decision until the next Board meeting in two weeks.

The Board then considered Mr. Rodger's request to be appointed to the Planning Board. Mr. Gryval asked Mr. Rodger if he understood the Town Policy

on appointments to any board, and wanted to ensure that he had fully answered Mr. Rodger's questions at the last meeting.

Mrs. McKenney asked Mr. Rodger why he felt the Select Board should choose to appoint him as a Planning Board member. His reply was simply that he was experienced, as he has been a Planning Board member in the past for a total of 12 years, with several of those years as Chairman. Mr. Gryval asked if he was familiar with the current Planning Board roster, then named the members, all of which Mr. Rodger seemed familiar with. Mr. Gryval further asked if he felt he could work successfully with those members, and Mr. Rodger replied that he wasn't sure why Mr. Gryval was asking him that. Mr. Gryval said there were two reasons, one being that teamwork was very essential on that board, and the second being that during previous town service by Mr. Rodger, issues had arisen which had culminated with him being reported to the Police Department and publicly insulting the board. Mr. Rodger responded, saying he felt that at least for him, it wouldn't be a problem to work with some of the same people he'd had issues with before, and that many times we don't get to choose who we work with, but he felt he had learned to deal with that well.

Mrs. McKenney pointed out that when she had served with him on the Planning Board in the past, she felt that he had made many residents "jump through hoops" to get what they wanted, as well as coming down hard on team members in front of the rest of the group. She wanted to know if he still planned to handle things that way. Mr. Rodger said that he wasn't sure what she was speaking of.

Mr. Gryval made the point that during his tenure on the planning board, Mr. Rodger had stated that he thought some meetings were mandatory and some were not, and that he felt they should have a paid planning consultant doing some of the work. Mr. Gryval wanted to ensure that Mr. Rodger was aware that things were still done the same way-with no planning consultant, and that he was willing to work in the same capacity, and with two of the same board members. Mr. Rodger said he didn't recall making that comment, and so Mr. Gryval produced a copy of a newspaper article in which Mr. Rodger had been quoted about the need for the mandatory status of some of the meetings. Mr. Rodger still had no recollection about the comment, and Mr. Gryval said what it boiled down to was concern as to whether or not he would attend all meetings. Mr. Rodger said he had no problem with attending all meetings and workshops.

Mr. Gryval next inquired about Mr. Rodger's situation with the Code Enforcement Officer, and whether or not he had any outstanding issues in that respect with any of his properties. Mr. Rodger said he was in violation of the building ordinance. Mr. Gryval asked him how he expected to be appointed when he had this kind of outstanding violation. He implored of Mr. Rodger to convince him, saying he felt they had worked well together on the board and that Mr. Rodger was a credit to the board as far as the work he did. Mr.

Rodger had no reply other than to concede, saying he had no way to defend Mr. Gryval's point, and that he felt it best to withdraw his request at this point.

The Board reiterated their decision to await the next meeting to decide whether or not to accept Mr. Chaput's resignation, and also mentioned the Planning Board alternate, Mr. Merrill, saying he should be given some consideration as well.

### **Discussion of Joint Meeting with Pembroke Select Board on June 13 Regarding Tri-Town Ambulance.**

Mr. Apple reviewed a memo that the Administrators of Pembroke, Allenstown, and Tri-Town had drawn up which listed the options available regarding the ambulance service. He asked Select Board members if they had had time to review it and if they had any direction for him with regard to his next move on this. Mr. Gryval mentioned Option 5 from the list, saying he was in agreement with it, and then asked if there was mention anywhere of a backup vehicle for Allenstown, and if that was to be a possibility. Mr. Apple said it was, and that it would likely be a part of Option 5, though he said it had posed a problem for Tri-Town, and they had wanted to take some time to figure out how to make it workable. He said the use of the nearly ready ambulance vehicle already in Allenstown's possession was still a good possibility. He went on to say that a system similar to Option 5, employing chase and intercept vehicles, was currently used in Milford, and was working well.

Mr. Apple said this memo of options was a basic skeleton of the options and needed more filling out work, but gave a good representation of all options available to Allenstown. Mr. Gryval pointed out that response time was named repeatedly throughout the options, and wanted to ensure that it would be made clear to Tri-Town that the concern over response time was not with regard to the first call, but the second. Further, he said that if staffing a second vehicle was a problem for Tri-Town, they should be made aware that Allenstown has plenty of volunteers who would be happy to operate it. Mrs. McKenney added that this issue had come up at one of the Tri-Town Committee meetings, and they had estimated that it would likely take about 6 months to get a second vehicle up and running, and staffed.

There was some discussion of a couple other options, but Mr. Apple was less enthusiastic to recommend them. He said he will be meeting with Tri-Town administrators again on June 7.

### **Discuss Relationship with Concord Solid Waste Cooperative.**

Mr. Tardiff asked what Mr. Apple had found out with regard to Allenstown's participation in the Coop. Mr. Apple said he had spoken with the Road Agent and he had told him that from what he's seen over the past couple of weeks, the trash tonnage is continuing to drop. Because of this, the current problem with the Coop would be the same even if a switch to Casella was made. Mr. Apple then provided a copy of the Coop Agreement to each Board Member, and

pointed out the two components of Article 14, which describe the process for withdrawing from the Coop.

Firstly, the Board of Selectmen would need to vote to begin the withdrawal application process, and secondly, the Coop Administration would need to approve of the withdrawal by a 2/3 majority, then establish what, if any, cost Allenstown would need to bear as a result of withdrawal.

Discussion ensued, covering the current Select Board's ability to overturn an agreement made by a previous Board, as well as the changing of the town's Coop fee in relation to the amount of tonnage being hauled.

#### **Meet with Chief Mulholland Regarding Authorization for Temporary Supervisor Responsibilities.**

Select Board members had reviewed Chief Mulholland's memorandum on assigning department personnel temporary supervisory responsibilities. Mr. Apple took a moment to ensure that neither the Chief nor the Board had any further questions, concerns, or comments with regard to this temporary change. Subsequently, Mr. Gryval made a Motion to authorize Chief Mulholland to receive a temporary Supervisory Pay Rate as stated in the memo dated 5/18/2011. Mrs. McKenney seconded the Motion. A Roll Call Vote was taken: Mr. Tardiff-Yes; Mr. Gryval-Yes; Mrs. McKenney-Yes. The Chair declared the Motion passed.

#### **Meet with Chief Martin Regarding Promotions and Consideration of Personnel Action Forms.**

Mr. Apple had Personnel Action Forms for each member of the Fire Department. These were for their 5% increases as previously discussed by the Board. After reviewing the forms, Mr. Gryval noted that just one of them contained an error that needed to be amended. The necessary changes were made, and Select Board signatures were affixed to each form.

Once the forms were complete, Mr. Gryval made a Motion to increase the hourly pay rate of the Allenstown Fire Department by 5% as presented on the Personnel Action Forms. Mrs. McKenney seconded the Motion. A Roll Call Vote was taken: Mr. Tardiff-Yes; Mr. Gryval-Yes; Mrs. McKenney-Yes. The Chair declared the Motion passed.

#### **Approve Amended Excavation Warrant.**

Mr. Apple produced an amended copy of the Excavation Warrant for the Board's approval, offering a reminder that some information had been missing from the copy they'd approved at the previous week's meeting. The Board reviewed the Warrant's amended text, and then Mr. Gryval made a Motion to accept the Earth Excavation Warrant in the amount of \$40.20. Mrs. McKenney seconded the Motion. A Roll Call Vote was taken: Mr. Tardiff-Yes; Mr. Gryval-Yes; Mrs. McKenney-Yes. The Chair declared the Motion passed.

### **Town Administrator's Report.**

Mr. Apple began his report by notifying the Board of a request he had received from the Merrimack Valley Trail Riders for some assistance with their 31<sup>st</sup> Annual Charity Trail Ride, which is scheduled for Sunday, June 12, 2011. He said they were requesting that someone aid them that day by opening a trail gate for them on Old Chester Turnpike for a three-hour period. Collectively, the Board's concerns were minimal.

They asked the Chief if he felt the procession of trail vehicles would impact the residents or traffic in the area, and whether or not an officer would need to remain there for those three hours. Chief Mulholland assured them that this would not pose any problem and no officer would need to remain there. Once they had verified that Chief Mulholland would assign one of his officers to perform the gate opening and closing duties, the Board was fine with approving the request.

Mr. Gryval made a Motion to approve of the gate opening on June 12, 2011. Mrs. McKenney seconded the Motion. A Roll Call Vote was taken: Mr. Tardiff-Yes; Mr. Gryval-Yes; Mrs. McKenney-Yes. The Chair declared the Motion passed.

### **Purchase Orders, Abatements, and Related Business.**

Mr. Apple presented Select Board members with an Abatement Request for their consideration. This was regarding 26 Parkwood Drive, in the amount of \$6,681.09. He explained the reason for the Abatement Request as being that the manufactured housing unit that had sat on the property was being removed. Mrs. McKenney made a Motion to abate the taxes for 26 Parkwood Drive in the amount of \$6,681.09. Mr. Gryval seconded the Motion. A Roll Call Vote was taken: Mr. Tardiff-Yes; Mr. Gryval-Yes; Mrs. McKenney-Yes. The Chair declared the Motion passed.

Next, Mr. Apple reviewed Expense Reports, pointing out the bottom line, which showed 67.17% remaining as of May 2011.

### **Minutes.**

There were two sets of Minutes from the May 16, 2011 Board of Selectmen meeting for the Board's approval. The first was the Public Session, which they reviewed together, discussing several areas of question and making a few adjustments. Once corrected, Mr. Gryval made a Motion to approve the Regular Meeting Minutes of May 16, 2011 as amended. Mrs. McKenney seconded the Motion. A Roll Call Vote was taken: Mr. Tardiff-Yes; Mr. Gryval-Yes; Mrs. McKenney-Yes. The Chair declared the Motion passed.

Next, the Board quickly reviewed the Non-Public Minutes, and then Mr. Gryval made a Motion to approve the Non-Public Meeting Minutes (Session I) of May 16, 2011 as written. Mrs. McKenney seconded the Motion. A Roll Call Vote was taken: Mr. Tardiff-Yes; Mr. Gryval-Yes; Mrs. McKenney-Yes. The Chair declared the Motion passed.

**Select Board Meeting Schedule/Vacations.**

Mr. Apple issued a reminder of the next meeting, which was scheduled for June 6 at AES for the Public Hearing on Recycling. He said the notice for the Public Hearing had been in the newspaper that day, May 23.

He then informed the Select Board that Diane Demers would be on vacation beginning Wednesday, May 25 and returning on Tuesday, May 31. Also, he mentioned that he would be on vacation for the week of May 30-June 3.

Mr. Apple then asked Select Board members if they thought they should meet briefly at some point prior to their next scheduled Select Board meeting on June 27, seeing as the meetings on the 6<sup>th</sup> and 13<sup>th</sup> were not regular meetings. They all felt it would likely be a good idea to meet, even if briefly, just to conduct routine business.

Mr. Apple then asked if they wanted to discuss Agenda topics so that he would be able to prepare an Agenda for that brief meeting, since he would be on vacation after the following Friday, May 27. Board members said they would take care of preparing an Agenda later on, after they determined when they might meet around the first two weeks of June.

**Other Business.**

Mr. Gryval spoke on behalf of the Historical Society, saying they had expressed an interest in hearing the Select Board's input on the historical value of the Buck Street dam in relation to its removal. He said that in reply, Mr. Apple had sent out a letter which stated that the Select Board had not made a decision as yet as to how they (collectively) felt about the removal of the Buck Street dam pending the return of questions that were posed to DES.

The Historical Society had responded, stating that their concern was not about the dam itself, but the abutments on the East side of the fence. Mr. Gryval went on to remind the Board that they had taken the position that the dam and the two corresponding bridges "belong" to the Town of Pembroke, since they all sit on the Pembroke side of the Town Line. The East fence, however, does belong to Allenstown.

With that, he announced that there was to be a joint meeting consisting of one representative from the Allenstown Select Board and one from the Pembroke Select Board, along with both the Pembroke and Allenstown Historical Societies and the Meet Me in Suncook Group. This would be to discuss the historical significance of the abutment on the East Side bank, in Allenstown. They hope to come together and to receive the support of the entire Allenstown Select Board in their quest to ensure that DES will sure up the area surrounding the historical abutments, to maintain their integrity.

Mr. Gryval offered his opinion on the matter, saying he felt it would really be quite convoluted what with the position the Select Board has taken. He further explained himself, saying that whereas the Select Board had already stated that they are not going to make any decisions about the dam's removal, it wouldn't be right to then say, "Oh, by the way, if you're going to go ahead with that, make sure you take care of our abutment. Mr. Tardiff and Mrs.

McKenney agreed. They all agreed that they should not take a position one way or another until they have received their answers from DES.

Mrs. McKenney had a question about the memo Mr. Apple had sent to the Chair of the Planning Board. She wanted to ensure that she had the correct information with regard to the dollar amount limit for which Department Heads could sign Purchase Orders. This was simply cleared up by Mr. Apple, who said they had dropped the amount back to \$199.00 or less from \$500.00.

Mrs. McKenney also asked about SB 156, which, following the sale of a new vehicle will permit the auto dealer to register the car for the buyer. This is to be facilitated on a trial basis for the next year. She said she felt that Mr. Tardiff should make a phone call to Senator Barnes to let him know that the Allenstown Select Board does not support the bill. Her concern was that Senator Barnes had no idea where they stood on the issue. Mr. Tardiff's response was that making such a call would be jumping the gun; that the Board should first collectively make a decision as to their stance on the issue. He said he still had some questions that he needed answered before he could comfortably decide what his own opinion was. Mrs. McKenney pointed out that Ms. Demers, along with the rest of NH's Town Clerks, as a whole, were opposed to the bill. Mr. Gryval spoke up, saying that from what he'd heard, the bill had very little chance of being passed in the long run, since all of the voting constituents were opposed to it. For this reason, he opined that it was not something they needed to worry about very much.

Mr. Tardiff gave that he had no problem with giving their input to the Senator, so long as they first took the time to seek answers to their questions, and then came to a decision as a unit. Mrs. McKenney said she really felt it was worth their taking the time to do so, and important to take a stand and express their opinion to Senator Barnes. She said she trusted Ms. Demers opinion as a well informed Town Clerk, and felt that they should support her recommendation to not support the bill.

Mr. Gryval made the point that he hadn't been hearing anything from the public about SB 156, and made a comparison to the Northern Pass Project. He said when they'd had a Public Hearing about that, although attendance was fair, he had been the only one asking questions. This led him to believe that people weren't very concerned about the issue, and he thought it likely that this was also the case with SB 156. Further, he stated that the mission of the Select Board is to take stands upon issues that affect the residents, and clearly the residents aren't feeling that this issue will affect them very much, therefore the Select Board should be spending their time on things that do.

Mr. Gryval gave an update on the work being done at the Old Meetinghouse, which he said was progressing along very well. He said he had stopped by there recently and it seemed as though the work was pretty close to finished, and that those involved with the project were very happy with the results.



Mrs. McKenney brought up a question about criminal background checks in the event of an appointment to a committee, in this case, the Budget Committee. She said the policy states that Select Board appointees must pass a criminal background checks, but was unclear about whether or not Budget Committee members must. Mr. Gryval stated that they do, in fact, have to do the check for Budget Committee appointees. Mrs. McKenney's concern was that the Budget Committee was going to lose a member because of this, as he did not want to permit the town to do the check on him. This led to some discussion about the purpose of doing these checks and for which committees they were required. Mr. Gryval asked Mr. Apple if he would look into the legality of the form that is used to acquire an individual's permission to perform the background check as he questioned its language.

On a personal note, Mr. Gryval said he wanted to alert the Board and all others in attendance to the fact that his daughter Kristen has become very good friends with one Allenstown's full-time Police Officers, Officer Brian Jordan. He felt it important to advise them in case of rumors (should folks begin to notice the presence of Mr. Jordan's vehicle in his driveway on occasion) or in the event that anyone might think it a conflict of interest, either way, he just wanted to be up front about it. Further, he stated that he wanted this to be included in the minutes.

Lastly, Mr. Gryval addressed Mr. Chaput, and referenced a conversation he'd had with him the previous week. He quoted Mr. Chaput as saying he didn't want any "politics" involved in making the decision about his resignation from the Planning Board. After pointing out that no politics had been involved in the earlier discussion about the issue, Mr. Gryval asked Mr. Chaput if he cared at this time to withdraw his resignation request, and Mr. Chaput said that he would indeed withdraw the request, and remain on the Planning Board. The Board thanked him for that.

#### **Non-Public Session.**

Mr. Gryval made a Motion to enter into Non-Public Session at 8:01 p.m., pursuant to RSA 91-A:3, II(a). Mrs. McKenney seconded the Motion. A Roll Call Vote was taken: Mr. Tardiff-Yes; Mr. Gryval-Yes; Mrs. McKenney-Yes. The Chair declared the Motion passed.

#### **Public Session Reconvened.**

A Motion was made by Mr. Gryval to enter back into Public Session at 8:10 p.m. Mrs. McKenney seconded the Motion. A Roll Call Vote was taken: Mr. Tardiff-Yes; Mr. Gryval-Yes; Mrs. McKenney-Yes. The Chair declared the Motion passed.






Mr. Gryval made a Motion to seal the prior Non-Public Session's minutes. Mrs. McKenney seconded the motion. A Roll Call Vote was taken: Mr. Tardiff-Yes; Mr. Gryval-Yes; Mrs. McKenney-Yes. The Chair declared the Motion passed.

**Adjournment.**

After ensuring that there was no further business and no further questions or comments from anyone in attendance, Mr. Gryval made a Motion to adjourn the meeting. Mrs. McKenney seconded the Motion. A Roll Call Vote was taken: Mr. Tardiff-Yes; Mr. Gryval-Yes; Mrs. McKenney-Yes. The Chair declared the Motion passed, and the meeting adjourned at 8:14 p.m.

**Signature Page.**

<b>Original Approval:</b>	
 JASON TARDIFF	6-13-11 DATE
 JEFF GRYVAL	6-13-11 DATE
 SANDRA MCKENNEY	06-13-11 DATE

<b>Amendment Approvals:</b>		
<b>Amendment Description:</b>		
	JASON TARDIFF	DATE
	JEFF GRYVAL	DATE
	SANDRA MCKENNEY	DATE

TOWN OF ALLENSTOWN  
SELECT BOARD  
NON-PUBLIC MEETING MINUTES

Session I  
May 23, 2011 at 8:05 o'clock p.m.

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Mr. Gryval moved to enter non-public session at 8:05 o'clock p.m. pursuant to RSA 91-A:3, II(a) to discuss the hiring, compensation or discipline of a public employee. Mrs. McKenney seconded the motion.

Roll Call Vote:

Mr. Tardiff – Yes

Mr. Gryval – Yes

Mrs. McKenney – Yes

The Chair declared the Motion passed, and the Board entered into non-public session at 8:05 o'clock p.m.

Chief Martin was present, and reported on his investigation of rumors involving the disposition of Tri-Town financial information to members of Allenstown Fire Department. He indicated he had spoken to his members and that all had denied receiving such information. He further attributed the rumor to dissatisfaction at Tri-Town with the department.

Chief Martin also reported the resignation of Ron Adonolfo, but indicated he would talk to him about a leave of absence instead.

At 8:12 o'clock p.m., Mrs. McKenney moved to return to public session. The Motion was seconded by Mr. Gryval.

Roll Call Vote:

Mr. Tardiff – Yes

Mr. Gryval – Yes



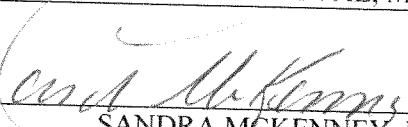
Mrs. McKenney – Yes

The Chair declared the Motion passed, and the Board returned to public session at 8:12 o'clock p.m.

TOWN OF ALLENSTOWN  
SELECTBOARD  
NON-PUBLIC MEETING MINUTES

Session I  
May 23, 2011 at 8:05 o'clock p.m.

**Signature Page**

<b>Original Approval:</b>	
 JASON TARDIFF, Chair	6-13-11 DATE
 JEFFREY GRYVAL, Member	6-13-11 DATE
 SANDRA MCKENNEY, Member	06-13-11 DATE

<b>Amendment Approvals:</b>		
Amendment Description:	Approval:	Date:
	JASON TARDIFF, Chair	DATE
	JEFFREY GRYVAL, Member	DATE
	SANDRA MCKENNEY, Member	DATE