

TOWN OF ALLENSTOWN
BOARD OF SELECTMEN
MEETING MINUTES
January 31, 2011

I. Call to order:

The Allenstown Board of Selectmen Meeting for 1/31/2011 was called to order by Chairman Tardiff at 6:00PM. The Chairman noted that the meeting was being held at the Allenstown Elementary School.

II. Roll Call:

Members present on the Board:

Chairman Jason Tardiff
Selectman Roger LaFleur
Selectman Jeff Gryval

Town Administrator Paul Apple

Audience: Please see attached sign-in sheet.

III. House Bill 287

Chairman Tardiff thanked all who were in attendance for this meeting. He turned the floor over to Selectman Gryval who has been working with the delegation regarding the Suncook River.

Selectman Gryval thanked everyone for taking their time to share their thoughts with the residents present regarding House Bill 287. He said the town has been greatly affected by flooding of the Suncook River, noting that it's only gotten worse since the evulsion in 2006. He stated that Representative (Rep.) Giuda has been the lead proponent for this bill. It was noted that Rep.Giuda was running a little late but Representative Dan McGuire said he could provide the preliminary information to start the meeting.

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Representative McGuire informed the attendees of this meeting that the purpose of HB 287 is to address the issues of the Suncook River by allocating money to put the river back onto its original course and consider the possibility of stabilizing the sandpit so there is no more sediment transfer downstream. He said once the sediment transfer has been abated, efforts can then be focused upon dredging to get the downstream portion back to its original condition. He said the most effective means to achieve this goal is to place a small dam on the west side of Bear Island but the engineers believe a hard channel could be placed above the sandpit to cover it and act as a conduit for the river. Rep. McGuire noted the estimated cost to stabilize the sandpit and return the river to its original course is 7 million dollars. He said if this cost was deemed too much, the alternative plan would be visited.

Representative McGuire said there is no extra money at all in state government. He said “dedicated funds” have been researched through the DES (Department of Environmental Services) and several funds could potentially be pooled to achieve this figure. He also noted that he won’t say that the bill is likely to pass but this is the desired approach. Rep. McGuire said they met with DES who stated they want to make a change but not in the magnitude proposed. DES wants to place structures into the water to slow the river, take some dams downstream, and apply for federal funds for buy-outs.

Senator (Sen.) John Barnes said a letter was sent to a congressional delegation asking someone from their staff to take a tour of the situation. He agreed with Rep. McGuire that funding for this bill would be difficult to collect and would, more likely, come from the federal government. The letter requested a response to Representative Giuda and was sent to home addresses to quicken time of receipt. He said he didn’t sign onto the bill as a co-sponsor and in light of the state budget situation; the only funding available will most likely be from the federal government.

Representative Tony Soltani reiterated the bill’s purpose, noting that the most effective solution is the ultimate goal. He said DES hasn’t expressed any interest in waiving their rules and requirements regarding engineers, etc. He said that would reduce costs but DES is unwilling to go this route. He also noted some confusion over willingness of DES to appropriate 2 million dollars for buy-outs rather than placing the money into a permanent solution. A meeting with Senator Ayotte’s representative is slated for Wednesday. A discussion then ensued regarding money that has been budgeted for the Buck St. Dam. Rep. Soltani said the DES is set on eradicating as many dams as they can. He said this falls under the DES’s general policies but it makes no sense to destroy the dam.

Senator Barnes solicited comments from the Board and also from the Chief of Police. Selectman Gryval said that all efforts put forth thus far have been greatly appreciated. He said numerous residents have been able to take the buy-outs offered but noted that, with more snow forecast this week, this spring could prove to be ‘disastrous’ for flooding. He said the board wants to find out what the best way is to help the residents of Allentown who are at the end of the line to collect all of the aforementioned debris. The board then heard specifics on what the \$1 million dollars would cover in terms of dredging. At this point, Selectman Gryval welcomed Representative Giuda to the meeting. Rep. Giuda expressed his “embarrassed apologies” for his tardiness. He said he was sitting at his desk, working on these specific issues but thinking that the time for the meeting was 7PM, when he received a call to the contrary.

Representative Giuda reviewed with the board what had already been covered on HB 287. He said he is looking to solve the problem by halting sediment migration and slowing the speed of the river. He

said dramatic effects of these two components are evident down river more than anywhere else. Rep.Giuda said he has issues with the DES whose priority lies in water quality for the State of NH. He noted that a representative from the USGS recently presented their sediment migration study which showed that the river is choked, contains no oxygen, and carries an average 165 tons of sediment per day down the river. He highlighted the bill’s objectives (in order) are to:

- 1. Slow the river down.
- 2. Eliminate the sediment migration.
- 3. Dredge the river.
- 4. Remove the Buck St Dam.
- 5. Remove the dam at the Old Mill Restaurant.

Selectman Gryval asked where the dredging would originate. Representative Giuda said it would be mostly Buck St. dam and above, but would address all of the areas where sediment has settled. Selectman Gryval also inquired about whether the Army Corps of Engineers had been contacted yet or not to regarding the permitting process. Rep. Giuda said that is DES’s problem. He explained how there was a commission that convened for a brief session, once a few years ago, and decided to adopt DES’s recommendations. Since then, nothing has been done and Rep.Giuda said someone needs to take a hold of this situation and implement a solution. He also noted that this could have cost roughly \$500,000.00 four years ago and now has peaked to where the cost will be a maximum of \$7 million dollars. Rep. Soltani said the Corps of Engineers won’t be a problem as they only require updates on the matters at hand. He said he expects the largest problems to come from DES.

Selectman LaFleur expressed concerns regarding dredging in one area of the river which would then speed up the river going forward. He also questioned the purity of the water as the river has become choked of oxygen. Rep. Giuda said they weren’t concerned about resident health from the river itself as it still flows and isn’t stagnant. He said the concerns are more from flooding after-effects which draw back into the river several manners of unwanted debris from resident basements, leach fields, etc. He said they are now essentially ordering their agencies to resolve this issue. Engineers have evaluated the situation and said the project is something that can be implemented. Rep.Giuda said he was unaware that the water quality was deemed ‘unhealthy’ during a few periods last summer but noted this emphasizes the definite need for a swift solution. Rep. McGuire said he and Rep.Giuda met earlier and Rep. Giuda used the example of if someone were to hook their sewer system up to pump into the river, DES would be all over the situation with fines, etc. and move to fix the problem right away. He said this is basically what is happening each spring and they are looking to force the DES to allocate some of their dedicated funds to this project. Senator Barnes asked about the DES’s response to the towns and their position. Selectman Gryval indicated the DES has been quite cooperative and hasn’t made any indication there has been any change of ownership in this issue. Selectman LaFleur noted answers haven’t been readily forthcoming from the DES but he did want to thank the delegation for their action on this problem. He said the town is feeling the economic crunch worse than the state

is and the financial burden of the Suncook River is more than Allenstown can bear. It was also noted that 51% of the land in Allenstown is non-taxable.

Selectman Gryval asked what impact dredging would have on the residents along the river. Rep. Giuda said this could be done several different ways but the indications are that entrance would be at a public access point. He said he didn't think there would be a need to traverse private properties. He stated, as well, that there has been an impermeable layer of sediment built up in many areas and it's creating a hazard for several communities. Selectman Gryval asked what the likelihood would be that this bill will pass as there is a \$900 million dollar shortfall in the state budget. He said he doesn't want false hope provided to wearied residents who have dealt with this situation for many years. Rep. Giuda stated a lot of the bill's passage lies in presentation and he "can't wait to start". He said he'll start Friday and he will note then the budget influx of the DES, 80 million dollars in four years and their propensity for complaints which far outnumber other state agencies. He also said the two studies conducted on this situation clearly show the current situation only exists because of the excavation that was approved by the state. Before excavation, the height of the land was four feet above flood stage. He said this shows it wasn't an "act of God" and being man-created, the responsibility becomes that much greater for resolution by the state. Rep. McGuire said three possible sources of funding would be the bill, the federal source, and DES's approach which is to draw money from the capitol budget. He stated that just because the bill is being presented, doesn't mean the other sources will be abandoned for assistance. He said the three avenues will all be pursued and hopefully one of them will come to fruition. Senator Barnes said he was hopeful that the bill will pass as well, and noted many colleagues are pursuing this aggressively.

Representative Giuda said he was excited about the possibilities but he was unsure about when the hearing on the bill would take place. He reviewed the upcoming meetings that are necessary for backing. He also noted that some videos have been placed on YouTube and he will be pointing this footage out to each representative he speaks to regarding this issue. Selectman Gryval asked if an update could be provided to the board after this Friday's meeting. Rep. Giuda said he will provide an update on this. He also noted there are over 400 pages of dedicated funds in this state alone. This shows, he said, that the DES could have funded this project if they had wanted to do so. The goal now is to force them to provide the funding to the Department of Transportation who can effectively implement the needed course of correction. Senator Barnes said the potential and history on this issue is there for the governor to possibly step in and tell the department heads to get this done if the aforementioned efforts fail. Selectman LaFleur said this is all frustrating as the quality of life of the residents of Allenstown, and surrounding towns, is just as important as that of the residents of Alstead yet the situations are being handled much differently. Rep. McGuire noted that DES's position is that the environment should be left alone and protected. He said a deliberate correction goes against this core policy they hold.

Selectman Gryval opened the meeting for public discussion. A citizen asked if any part of this issue would naturally settle on its own. Representative Giuda stated that the MIT study showed this could take as long as two decades which is why the dredging is vital. Rep. Giuda then provided information to other citizen inquiries as to the exact nature of the bill. He said he rewrote the bill today to make it extremely specific and targeted to the concise concerns of all aspects of this project. This would provide funding for different project components. He said he will also note at the meeting on Friday,

the need for the earmarked 2 million dollars for buy-outs for residents who are desirous to pursue that avenue. He said this doesn't fix the problem but is still available and should be added to what is being proposed.

Selectman Gryval introduced Selectman Cynthia Lewis, Chairman of the Pembroke Board of Selectmen, to the delegates. She asked the representatives if there was any concern about pursuing all three sources of funding concurrently. Rep. Giuda said the need is there to introduce them all and if more than one goes through, they will choose the best route for all parties involved. He said the buy-out money remains, regardless. Senator Barnes asked Rep. Giuda if this bill will go before the Policy Committee. He recommended, for time concerns, to go directly to the Finance Committee. He said the Policy Committee just reviews the efficacy of the bill, not the financials. Rep. Soltani agreed the Policy Committee would slow this down tremendously. Rep. Giuda said he will mention during Friday's meeting that this is being directed to Finance. Another citizen expressed concerns about the force the river has had on deteriorating the Buck St. Dam and what those indications mean for homeowners along the river. Senator Barnes redirected the questioning from the board to Jim Gallagher who, he said, is the state expert on dams and who opined this particular dam will hold. He suggested the citizens have faith in this individual and contact him with any concerns. Another citizen asked to go on record with concerns about continued flooding in the Riverside Park area. He questioned if this bill would address those issues. Representative Giuda determined where the area of town was that the citizen was referring to and said it may not address the issue as it's downstream from the Buck St. Dam. He said, most likely, this would have to be resolved with another dam repair or correction further down.

Selectman Gryval asked about any adverse effects from placing a 'high hazard' dam above the evulsion site. Representative Giuda said he doesn't agree this is 'high hazard' based on the limited engineering study. He said it's not a major issue and any failure will result into the existing channel. Selectman Gryval asked who would be responsible for the routine maintenance of the dam. Rep. Giuda said Jim Gallagher saw the dam as a non-issue for the DES and there is state money available for maintenance. Selectman Gryval then asked what the timeline would be after bill passage. Senator Barnes said June 30th is the date when the budget will be finalized. Rep. Giuda said if it all goes through at that time, engineering will have their plan by the end of the year with implementation commencing in the spring of 2012. Selectman Gryval thanked all of the representatives for their attendance this evening. Senator Barnes asked Selectman Lewis if she thought Pembroke would like to host the Senator and Representatives at an upcoming meeting for their town. Selectman Lewis said tonight's meeting was informative and she will relay the information, with the tag of an invitation, to her board.

**The Board then took a recess from 7:35PM to 7:48PM.*

IV. EMPG Grant Public Hearing

A motion was made by Selectman Gryval to enter into a public hearing regarding the EMPG Grant in the amount of \$44,095.50 for the purchase of radios and other telecommunications equipment. Selectman LaFleur seconded this motion.

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

Chairman Tardiff asked the board if they had any questions for Police Chief Mulholland. Selectman Gryval asked how long it will take for the equipment to be fully operational once the grant is accepted. Chief Mulholland said that he anticipates reception of the grant in March. Once it is received, the money has to be spent by September or else they have to start the application all over again. He said the radios are custom built and can take 3 to 4 months to complete. The board also heard from the Road Agent regarding the radios that are being purchased for the Highway Department this year. Chief Mulholland addressed concerns about passage through the Executive Council and explained the timing involved.

Chairman Tardiff then opened the meeting to the public. No comments from the public were forthcoming. The Chairman said he would leave the public hearing open for a while.

V. Deliberative Session

Administrator Apple stated that there was business that needed to be attended to for the Deliberative Session, slated for Saturday, and Mr. Fowler was in attendance at tonight’s meeting regarding this business. Administrator Apple also said he will post any changes to the meeting, due to inclement weather, on WMUR.

Mr. Fowler said he’d like to figure out who would address each article. He noted Article 16 for the Wastewater Treatment Plant and said he assumed the Sewer Department would be there. Administrator Apple said both Dana Clement and Andrea Martel will present this at the Deliberative Session. Mr. Fowler asked if there was any feedback from the public that the board had heard on this article. Chairman Tardiff said residents are ‘disgusted’ not necessarily over the dollar amounts, but more how the whole situation unfolded, noting this might come up during the session. Mr. Fowler said he hopes Mr. Clement will address this upfront and steer conversation back to the topic at-hand. Administrator Apple said there has been some dissension regarding the Sewer Department’s management and this may also arise as an issue. Chairman Tardiff said the talk at the Budget Committee meeting was about vacations, birthdays, etc. Selectman Gryval expounded upon this stating that the Sewer Commissioners have been extending liberties to their employees that no other town employees are afforded. He cited examples of this including yearly raises, bonuses at the end of the year, and birthdays off. He said this has become ‘more public’ over the past few months and opined it will come up during the session. Selectman LaFleur stated such tangents need to be disallowed. The board discussed further the overruns on the Sewer Improvement Project. Selectman Gryval suggested that Mr. Fowler speak with Jim Rodgers or Michael Trainque about these issues for further explanation.

Chairman Tardiff asked Mr. Fowler if he had any other questions about the other Articles. Mr. Fowler asked about the proposed Operating Budget’s presentation. Selectman Gryval said the board hasn’t decided who will present this yet. Selectman LaFleur opined it should be done by the Budget Committee. Administrator Apple noted that there was a brief PowerPoint presentation that was prepared for the public hearing and might be utilized for the session. Mr. Fowler said there probably isn’t a need to go over it if no one asks to do so. Selectman Gryval said this will be a point of topic as residents are already questioning the hourly town employees’ salary increases of 5%. He said these increases are being compared to the practices of the Sewer Department’s. Mr. Fowler asked when the Sewer Commissioners meet. Selectman Gryval stated they meet once a month, usually at 3PM. He said he was unsure of which day of the week they meet but Selectman LaFleur said it was Tuesdays.

Mr. Fowler noted the Petitioned Warrant Articles and what counsel has advised. He said that when he attended moderator training, he became aware of a preponderance of this practice, in many local governments, in an effort to micro-manage the board. He stated this doesn’t stop the articles unless someone wants to amend them to the point where they are no good. Administrator Apple inquired on the status of the legislative bill which prohibits gutting the substance of a petitioned warrant article. He said he read there was a chance the bill could be signed before meeting season. Mr. Fowler said they will know by Friday afternoon and it may be signed by the time the Deliberative Session convenes. If so, this would go into effect immediately. The board discussed this further with Mr. Fowler and specified protocols for the Deliberative Session. Mr. Fowler also addressed Chief Mulholland and asked him about his presentation of Article 21.

Selectman Gryval said there is usually an ad-hoc, “Meet and Greet” event for the town candidates which has been facilitated, in prior years, by Sandra McKenney. This year, however, Mrs. McKenney is running for a Selectman position and the board agreed that she shouldn’t be the one running the aforementioned event. Selectman Gryval noted that Mr. Fowler has agreed to organize this. Mr. Fowler said it’ll be held on a Sunday morning either the second or third week of February. The board advised this should be all-inclusive and agreed to provide Mr. Fowler with all of the contact information.

Administrator Apple noted there was an issue with snow removal prior to the Deliberative Session on Saturday. The board discussed this, at length, with the Road Agent and Chief Mulholland. The Road Agent said Advanced could use two trucks and a loader to remove the snow at a cost of \$1600.00 to \$2,000.00. The board discussed either opening up the back area with town equipment or using Advanced for a limited amount of time. They decided to utilize the town equipment and personnel for this task.

VI. Public Hearing Revisited

Chairman Tardiff called for the public hearing to be revisited. No further comments were forthcoming.

Selectman LaFleur made a motion to close the public hearing on the NH EMPG grant in the amount of \$44, 095.50. Selectman Gryval seconded this motion

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

Selectman Gryval made a motion to accept the NH EMPG grant in the amount of \$44,095.50.
Selectman LaFleur seconded this motion

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

VII. 1 Riverside Drive

Administrator Apple presented the board with information on the auction of 1 Riverside Drive. He said the property is in foreclosure and available for a lot less money than earlier anticipated. He noted that participation in bidding on the property would entail a certified check to be drawn up in someone’s name, and then signed over after the bidding is complete. Administrator Apple said both he and Chief Mulholland had some concerns about this process without board authorization. He also asked a board representative be present during the transaction to ensure appropriateness. He said the required down payment would be \$5,000.00.

A motion was made by Selectman Gryval to name Chairman Tardiff as the authorized agent for the auction. After discussion amongst the board regarding the transaction and specific protocols, Selectman Gryval asked to rescind his motion.

A motion was then made by Selectman LaFleur to authorize the Town Administrator to have the Treasurer draft a check, in the names of Chairman Tardiff and Administrator Apple, in the amount of \$5,000.00; and to assign Chairman Tardiff as the agent to negotiate price on the closed out sale or the purchase of 1 Riverside Drive. Selectman Gryval seconded this motion.

Roll Call Vote:
Chairman Tardiff – Abstained
Selectman LaFleur – Yes
Selectman Gryval – Yes
Motion Passed

VIII. Minutes

Administrator Apple presented the board with minutes and noted he also sent them electronically. He told the board he didn’t expect them to vote this evening on their content without time for review. He also said he was in receipt of 1/24’s and expected to receive 1/10’s tomorrow.

IX. February 7 BOS Meeting

Administrator Apple advised the board that, depending on the Deliberative Session outcome, there may be a need to discuss alternatives to the proposed Operating Budget at the BOS Meeting slated for 2/7/11. He said if there are any significant calls for change, swift decision-making would be necessary to avoid any issues. The board asked the status of the Highway Department’s payroll expenditures thus far. Administrator Apple said that, for the month of January, \$30,000.00 was spent. He said as a whole for the town, \$200,000.00 has been spent with \$45,000.00 alone spent for the ambulance contract.

X. Adjournment


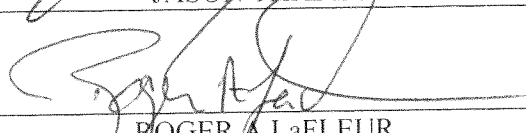

A motion was made by Selectman LaFleur to adjourn the 1/31/11 Board of Selectmen Meeting at 8:30PM. Selectman Gryval seconded this motion.

- Roll Call Vote:
- Chairman Tardiff – Yes
- Selectman LaFleur – Yes
- Selectman Gryval – Yes
- Motion Passed

Meeting adjourned at 8:30PM.

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Original Approval:	
 JASON TARDIFF	2-28-11 DATE
 ROGER A LaFLEUR	2/28/11 DATE
 JEFF GRYVAL	2-28-11 DATE

Amendment Approvals:		
Amendment Description:	Approval:	Date:
	JASON TARDIFF	DATE
	ROGER A LaFLEUR	DATE
	JEFF GRYVAL	DATE

Town of Allenstown
Board of Selectman Meeting

Attendance List

Jan. 31, 2011

NAME

R. M. F. D.

SHAWN MOUTON

Larry Anderson

Arnold Raymond

Ken Rowe

John W. King

Mike McKenna

Matthew Spolar

John McDonnell

John Barnes, Jr.

BRIAN SEAWORTH

Jack Dupont

Jon Richardson

Tom Petw

Tom Baumwister

Tomy Doltani

Dan O'Brien

Kathy Bailey

CLARE SCHAEFER

CINDY LEHIS

Brandon Ginda

Dennis R Fowle