

TOWN OF ALLENSTOWN
Select Board Meeting
16 School Street
Allenstown, New Hampshire 03275
December 3, 2018

Call to Order

The Allenstown Select Board Meeting of December 3, 2018 was called to order by Chairman Ryan Carter at 6:01 p.m. Chair Carter called for the Pledge of Allegiance.

Roll Call

Present on the Board: Sandy McKenney, Dave Eaton, Ryan Carter

Allenstown staff: Derik Goodine, Town Administrator; Debbie Bender, Finance Director; Patricia Caruso, Welfare; Kathleen Pelissier, Town Clerk/Tax Collector; Ronnie Pelissier, Road Agent; Lt. Stark, Police Department

Support Staff: Sharon Sommers, Town Attorney

Others present: Michael Frascinella, Chad Pelissier, George Tousignant, Elaine Tousignant, Ed Fay, Ellen Quintel, Francis Paradis, Heidi Gum, Steve Marquis, Ted Gatsas, Jane Laliberte, Tom Robson, William Dobe, Jane Dobe

Citizens' Comments

Mr. Gatsas stated that he is the newly-elected Executive Councilor for District Four, which includes Allenstown. He distributed his business cards and offered his cell phone number.

Mr. Eaton asked if Mr. Gatsas would be providing quarterly reports.

Mr. Gatsas said he will send newsletters to the Town Administrator.

Public Hearings

▪ **Public Hearing for Grant Funds from the Office of Highway Safety for Directed Police Patrols**

Lt. Stark said that this grant would allow the Police Department to have one officer on patrol who would not be answering calls. There would be no cost to the Town; the State would reimburse the cost for this officer.

Chair Carter opened the public hearing at 6:05 pm. There were no comments from the public, and Chair Carter closed the public hearing at 6:05 pm.

▪ **Public Hearing on Request to Declare Riverside Drive as an Emergency Lane (231: 59-a Emergency Lanes)**

Ms. Somers stated that Section 231:59-a gives selectmen the authority to declare a Class 6 or a private road an emergency lane if deemed necessary for the passage of emergency vehicles. She said there is no

case law on this issue, and a definition of emergency vehicles is not given in the statute. Ms. Somers suggested that the Board members let three criteria guide their discussion and aid in the decision-making process. First, is there a public need to keep the road passable? Second, is there a public welfare or safety interest which can be identified? Third, is there a public safety or welfare interest which is greater than or differs from the benefits that people who live along the Class 6 road enjoy? She said that findings must be put in writing and they can be changed in the future. Ms. Somers offered two examples: An emergency lane might be deemed necessary so that emergency vehicles can pass from one class five road to another. Such a lane might be deemed necessary if the Fire Department needs access to a fire pond.

Chair Carter opened the public hearing at 6:15 pm.

Mr. Ed Fay, 48 Riverside Drive, stated that the residents only ask that the road be plowed in the winter. There is particular concern about the safety of children at the bus stop at the intersection of Riverside Drive and Route 28. He said that there is a fire pond which the Fire Department might need to be able to access. He added power outages as another reason emergency vehicles might need to be able to pass on Riverside Drive. He said the residents are not looking for maintenance, this is easier than the winter road process, the BOS can cancel at any time, and the Town has no liability.

Ms. McKenney asked if any truck had been unable to pass.

Mr. Fay responded that one end is worse than the other. He said that two years ago, they had 20 inches of heavy snow and the plow truck came about 100 yards down the road and stopped because of overhanging trees. He added that if a resident ran out of propane, a truck would have to be able to make a delivery.

Ms. Somers noted that the RSA does not say what constitutes an emergency vehicle. She said that the Board must rely on common sense; it is tough to call.

Chair Carter said that what defines an emergency vehicle must be defined by the Board.

Ms. McKenney added that it is determined by the residents too.

Ms. Tousignant, 60 Riverside Drive, said that she has seen an ambulance coming fast by her home, sliding because of the ice. She said that even if the road is plowed, the Post Office sometimes can't reach the mailboxes to deliver mail.

Ms. Laliberte, 38 Riverside Drive, stated that she has six children, one in a wheelchair. She is trying to get bus service for him because she is disabled and can't always get him to school. She said his education is important. She is a single mother on a fixed income. She is on oxygen at night and it is often hard for her to walk in the morning. She said there are at least ten children on the road and it is scary at the end of the road at the bus stop. She said there are big potholes on Riverside Drive and Jillerick Road.

Mr. Tousignant said he would like to thank those residents who take care of the road. He said they do a fantastic job with limited equipment. He said that getting onto Route 28 is hazardous.

Ms. Gum, 39 Riverside Drive, said that she has a federal right to have mail delivery; she pays taxes and should have the same services as other residents, especially since these services were provided in the

past. She said that going from Riverside Drive to Jillerick Road is dangerous. She has four-wheel drive and it is barely passable.

Mr. Marquis, 8 Riverside Park Drive, said that the potholes mentioned by Ms. Gum have got to be fixed.

Ms. McKenney asked Mr. Pelissier, the Road Agent, how long it would take to plow Riverside Drive.

Mr. Pelissier said that they were plowing that road until two years ago when Mr. Fay complained that they were not plowing 'mailbox to mailbox,' meaning that they were not plowing a wide enough path. He said there would be no major cost involved, and that Casella should be collecting the trash on that road as well. He added that there are six other roads with the same designation, and the Highway Department is down one employee.

Ms. McKenney said that the other six roads are dead ends.

Mr. Pelissier said that the trucks must back down or back up on those roads.

Ms. McKenney told Mr. Pelissier that the Highway Department would have to plow 'mailbox to mailbox' if the Board okays it.

Mr. Fay said that he once saw a plow truck pass six times without widening the path.

Ms. Tousignant said that she knows these people have good intentions but a few are speaking for many; all residents should know about these issues, perhaps by requiring a petition signed by 50% of the residents, and not by a small sign placed on a post the day before a hearing.

Ms. Somers said that notice was required to be sent to all residents, and it was.

Chair Carter stated that speakers should stay on the subject of the emergency lane designation.

Mr. Dobe, 154 Pinewood Drive, said that this road is an orphan because no one owns it. The developer, 50 years ago, did not make it wide enough and residents were not willing to give up any footage from their properties to widen the road. The lots were small to begin with. He said that Allentown owns a \$500,000 parcel on the road.

Ms. Dobe, 154 Pinewood Drive, said the town was plowing until fairly recently, and that the residents deserve that service.

Ms. Somers stated that the emergency lane statute was enacted in 1994.

Mr. Fay said that the town once had a \$10,000 grant to tar Riverside Drive, and the town returned the money to the State.

Mr. Pelissier asked if the Highway Department should maintain the road now and wait for a decision.

Ms. Somers said she did not recommend that. She added that the issue would probably be resolved by the end of the month.

Ms. McKenney asked if they should explore the situation with the fire pond. She said these residents pay taxes and get no services. The Board, she said, needs to help them.

Ms. Somers said that the Board would have to ask the Fire Chief if the fire pond is in active use.

Lt. Stark stated that fire ponds are designated as such by the Fire Department; the one of Riverside Drive is just a pond.

Mr. Goodine stated that there is no federal right to get mail. He also said that they might plow only the area used to get to the pond.

Ms. Somers said that the Board has flexibility and it might make sense to plow the entire road.

Ms. Pelissier stated that the intersection of Riverside Drive and Route 28 is very dangerous, especially after a snowstorm when visibility is poor.

Mr. Pelissier said he was on Riverside Drive last week and it was in terrible condition.

Mr. Eaton asked what plowing that road might do to the plow trucks.

Mr. Pelissier said that it is like any dirt road; it is okay once it is frozen.

Ms. Caruso said that a number of times she has seen vehicles trying to get onto Route 28 from Riverside Drive when they could not see well enough to turn safely.

Mr. Pelissier cautioned that there are no guarantees.

Ms. McKenney asked what other options were available if the Fire Chief says that this is not a fire pond.

Ms. Sommers said that the Board needs to think about identifiable public needs and also make a separate list of the needs of the property owners on Riverside Drive. She suggested that the impact of exiting Riverside Drive onto Route 28, as well as entering Riverside Drive from Route 28 might be seen as a public safety need.

Ms. McKenney asked if any approvals would be needed.

Ms. Somers responded that no approvals are needed; this is solely the discretion of the Board.

Ms. Gum said that she is an IC nurse, and the clearance is not high for ambulances. They also need to be able to get stretchers in and out of the ambulance.

Chair Carter closed the public hearing at 7:14 pm.

Regular Agenda

▪ Action on Riverside Drive Designation as an Emergency Lane

Mr. Eaton said that the Fire Chief should be contacted for information on the possible fire pond designation. He added that this was not brought up two years ago.

Chair Carter encouraged members to read the emergency lane statute and keep in mind that the BOS has full discretion in determining what constitutes an emergency vehicle. For example, they could decide that a power truck is an emergency vehicle. He listed what he sees as private benefits: sanded and plowed roads, potholes filled in and mail delivery.

Ms. Somers said that the intent of the statute is to keep the road passable for emergency vehicles. She added that there is a distinction to be made regarding the width to be plowed; that is, should the road be made passable or should there be a regular 'mailbox to mailbox' plow job?

Mr. Goodine said that there is no emergency lane statute in Maine where he is from. Residents on private roads contract for plowing services. He added that passable means a ten-foot path, not 'mailbox to mailbox.'

Mr. Eaton asked if all three criteria listed by Ms. Somers needed to be met.

Ms. Somers responded that they did, but added that they are meant to work together. They overlap.

Chair Carter said that using the three criteria is not required but is helpful for brainstorming. He said that they need a conclusion for the third criteria. He said that Route 28 is a serious concern for him.

Ms. Somers referenced the NHMA handbook on NH Law of Local Highways, Streets and Trails, "A Hard Road to Travel." The State enact legislation in 1994 which would allow selectmen to keep Class 6 roads passable. The intent was to ensure that emergency vehicles would be able to get to a resident having a heart attack or a building on fire. This greatly surpasses private needs.

Mr. Eaton said that two years ago the Board determined that there was not a public safety need beyond those of the residents of Riverside Drive. He said he would like to hear from the Fire Chief regarding the fire pond. He said he agrees that the intersection is a benefit for all.

Ms. McKenney suggested that they use the dangerous intersection issue, with the fire pond as a backup.

Ms. Sommers said that she could begin drafting a written response for the December 17, 2018 meeting.

- **Acceptance of Office of Highway Safety Grant Funds for Directed Police Patrols**

Mr. Eaton made a motion to accept the Highway Safety Grant Funds for Directed Police Patrols in the amount of \$1,602. Ms. McKenney seconded the motion, which carried unanimously.

Ms. McKenney asked Mr. Goodine to check with the Fire Chief regarding the alarm boxes.

- **December 31, 2018 Select Board Meeting – Reschedule or Cancel and Discussion of the 2019 Select Board Meeting Schedule**

Ms. McKenney suggested rescheduling the December 31st meeting with a tentative date of January 3, 2019 and January 7, 2019 as another alternative.

- **Encumbrance for Highway Department (Other encumbrances will be on the December 17th agenda.)**

Mr. Pelissier said that he and Ms. Bender have been watching the Highway budget closely and they feel confident about encumbering \$32,279 for paving Lafayette Street. They have been satisfied with the work done by GMI Asphalt, with whom they would contract for the work. Mr. Pelissier said this is a way to 'get ahead of the curve.' He agreed to watch his budget for two more weeks and a decision will be made at the December 17th meeting.

- **NHEC Traffic Control Letter on Outdoor Lighting Work**

Mr. Goodine said that no action is needed on this item. It is the New Hampshire Electric Cooperative saying they will not pay for duty officers when they are working on outdoor lights. Both Lt. Stark and Mr. Pelissier said Allenstown does not require a police duty in this situation.

Budget Related Agenda

▪ Budget Committee Update

Mr. Goodine reported that the Budget Committee will review the Sewer Department budget this week and will finish the Administration budget on December 13th, if the time is needed. Otherwise, they will take a week off and have the School Department budget presentation on December 20th. He said that the Budget Committee has decided to hear all presentations before making any recommendations.

▪ Town Meeting Calendar Review

Mr. Goodine presented the schedule of important dates and deadlines. He said he will post it on the website.

Ms. McKenney asked if work had begun on the Town Report because it takes a while.

Mr. Goodine said he had not started that yet.

Ms. Pelissier said that departments like to wait for end-of-year data, so they typically begin after the first of the year.

▪ Sewer Budget Approval

Mr. Goodine said that he just received the Sewer budget narrative. He said the total is \$2,280,567, up 1.5%. The default amount is \$2,276,145.

Mr. Eaton made a motion to approve the Sewer budget in the amount of \$2,280,567. The motion was seconded by Ms. McKenney. A roll call vote was taken: Mr. Eaton, aye; Ms. McKenney, aye; Chair Carter, aye. The motion carried.

Mr. Chad Pelissier said that without hauled waste, Allentown's sewer rate would be substantially higher. Hauled waste income subsidizes the sewer rate. He said the rate is not expected to go up this year.

Ms. McKenney asked Mr. Pelissier to ask the truck drivers to slow down because they drive too fast.

Mr. Pelissier said he would mention it. He also suggested calling the Police Department about it. He said the drivers do not want to lose their CDLs.

▪ Default Budget Draft

Mr. Goodine said that the most significant line of the default budget is the additional \$28,867 for personnel. Sanitation is \$9,000 higher because of contracts.

Mr. Eaton noted that the default budget is actually higher than the proposed budget.

Mr. Goodine said that is what they have been working toward.

▪ Discussion of Warrant Articles and Town Meeting Warrant

Mr. Goodine asked the Board members about a few of the proposed warrant articles. He wanted to confirm that the Public Safety article would be reduced from \$50,000 to \$20,000 in order to increase the

amount in the Highway Department Equipment Capital Reserve fund in case a packer is needed sometime in the next several years.

Mr. Ronnie Pelissier said that a packer would cost about \$153,000.

Ms. McKenney said that she has asked Ms. Pelissier to prepare an encumbrance for the remainder of the work to be done in the Town Clerk's office.

Ms. Pelissier indicated that she would like to have a warrant article allowing free vehicle registration to Purple Heart recipients, Prisoners of War and Pearl Harbor survivors. She said that the State legislature is expected to pass a law requiring this during the next session.

Mr. Goodine asked if the Board members wished to pursue a suggested warrant article regarding sales of large parcels of town-owned land. The article would put the decision regarding the sale to the voters, not the Board.

No one on the Board spoke on this.

Mr. Goodine then asked if the Board members wished to have a warrant article calling for a five-member Board of Selectmen.

Chair Carter and Mr. Eaton expressed concern about filling the ballot. All three members agreed to put the question on the ballot.

Consent Calendar, Minutes and Manifests

Mr. Eaton made a motion to ratify the Consent Calendar of the December 3, 2018 meeting. The motion was seconded by Ms. McKenney. A roll call vote was taken: Mr. Eaton, aye; Ms. McKenney, aye; Chair Carter, aye.

Mr. Eaton made a motion to approve the Accounts Payable and Payroll Manifests listed on the December 3, 2018 agenda. The motion was seconded by Ms. McKenney. A roll call vote was taken: Mr. Eaton, aye; Ms. McKenney, aye; Chair Carter, aye.

Mr. Eaton made a motion to approve the minutes of the November 19, 2018 public meeting. The motion was seconded by Ms. McKenney. A roll call vote was taken: Mr. Eaton, aye; Ms. McKenney, aye; Chair Carter, aye.

Mr. Eaton made a motion to approve the minutes of non-public session II of the November 19, 2018 meeting. Ms. McKenney seconded the motion. A roll call vote was taken: Mr. Eaton, aye; Ms. McKenney, aye; Chair Carter, aye.

Mr. Eaton made a motion to approve the minutes of non-public session IV of the November 19, 2018 meeting. Ms. McKenney seconded the motion. A roll call vote was taken: Mr. Eaton, aye; Ms. McKenney, aye; Chair Carter, aye.

Mr. Eaton made a motion to approve the minutes of non-public session V of the November 19, 2018 meeting. Ms. McKenney seconded the motion. A roll call vote was taken: Mr. Eaton, aye; Ms. McKenney, aye; Chair Carter, aye.

Mr. Eaton made a motion to approve the minutes of non-public session III of the November 19, 2018 meeting. Ms. McKenney seconded the motion. A roll call vote was taken: Mr. Eaton, aye; Ms. McKenney, aye; Chair Carter, aye.

Mr. Eaton made a motion to approve the minutes of non-public session I of the November 19, 2018 meeting. Ms. McKenney seconded the motion. A roll call vote was taken: Mr. Eaton, aye; Ms. McKenney, aye; Chair Carter, aye.

Non-Public Agenda Items

- **Non-Public Session in accordance with the provisions of RSA 91-A:3, II (b)**

Mr. Eaton made a motion to enter non-public session in accordance with the provisions of RSA 91-A:3, II (b) at 8:41 pm. The motion was seconded by Ms. McKenney. A roll call vote was taken: Mr. Eaton, aye; Ms. McKenney, aye; Chair Carter, aye.

Mr. Eaton made a motion to return to public session at 9:07 pm. The motion was seconded by Ms. McKenney. A roll call vote was taken: Mr. Eaton, aye; Ms. McKenney, aye; Chair Carter, aye.

Mr. Eaton made a motion to seal the minutes of the non-public session as they might affect someone not a member of the Board. The motion was seconded by Ms. McKenney. A roll call vote was taken: Mr. Eaton, aye; Ms. McKenney, aye; Chair Carter, aye.

Mr. Eaton made a motion to approve the contract with 3D for \$80 per hour on an as-needed basis for plowing snow, and to hire Ian Lansel on a temporary, full-time basis at the rate of \$13,50 per hour, with a November 17, 2018 beginning pay period. The motion was seconded by Ms. McKenney. A roll call vote was taken: Mr. Eaton, aye; Ms. McKenney, aye; Chair Carter, aye.

- **Non-Public Session in accordance with the provisions of RSA 91-A:3, II (c)**

Mr. Eaton made a motion to enter non-public session in accordance with the provisions of RSA 91-A:3, II (c) at 9:07 pm. The motion was seconded by Ms. McKenney. A roll call vote was taken: Mr. Eaton, aye; Ms. McKenney, aye; Chair Carter, aye.

Mr. Eaton made a motion to return to public session at 9:27 pm. The motion was seconded by Ms. McKenney. A roll call vote was taken: Mr. Eaton, aye; Ms. McKenney, aye; Chair Carter, aye.

Mr. Eaton made a motion to seal the minutes of the non-public session as they might affect someone not a member of the Board. The motion was seconded by Ms. McKenney. A roll call vote was taken: Mr. Eaton, aye; Ms. McKenney, aye; Chair Carter, aye.

- **Non-Public Session in accordance with the provisions of RSA 91-A:3, II (a)**

Mr. Eaton made a motion to enter non-public session in accordance with the provisions of RSA 91-A:3, II (a) at 9:28 pm. The motion was seconded by Ms. McKenney. A roll call vote was taken: Mr. Eaton, aye; Ms. McKenney, aye; Chair Carter, aye.

Mr. Eaton made a motion to return to public session at 9:31 pm. The motion was seconded by Ms. McKenney. A roll call vote was taken: Mr. Eaton, aye; Ms. McKenney, aye; Chair Carter, aye.

Mr. Eaton made a motion to seal the minutes of the non-public session as they might affect someone not a member of the Board. The motion was seconded by Ms. McKenney. A roll call vote was taken: Mr. Eaton, aye; Ms. McKenney, aye; Chair Carter, aye.

▪ **Non-Public Session in accordance with the provisions of RSA 91-A:3, II**

Mr. Eaton made a motion to enter non-public session in accordance with the provisions of RSA 91-A:3, II (e) at 9:32 pm. The motion was seconded by Ms. McKenney. A roll call vote was taken: Mr. Eaton, aye; Ms. McKenney, aye; Chair Carter, aye.

Mr. Eaton made a motion to return to public session at 9:36 pm. The motion was seconded by Ms. McKenney. A roll call vote was taken: Mr. Eaton, aye; Ms. McKenney, aye; Chair Carter, aye.

Mr. Eaton made a motion to seal the minutes of the non-public session as they could render the proposed action of the Board ineffective. The motion was seconded by Ms. McKenney. A roll call vote was taken: Mr. Eaton, aye; Ms. McKenney, aye; Chair Carter, aye.

Mr. Eaton made a motion to rescind the previous motion to settle with NNET. The motion was seconded by Ms. McKenney. A roll call vote was taken: Mr. Eaton, aye; Ms. McKenney, aye; Chair Carter, aye.

On motion of Mr. Eaton, duly seconded by Ms. McKenney, it was voted unanimously to adjourn at 9:40 pm.

TOWN OF ALLENSTOWN
SELECTBOARD
PUBLIC MEETING MINUTES

December 3, 2018

Signature Page

Original Approval:	
RYAN CARTER, Chair	DATE
SANDRA MCKENNEY, Vice Chair	DATE
DAVID EATON, Member	DATE

Amendment Approvals:		
Amendment Description:	Approval:	Date:
	RYAN CARTER, Chair	DATE
	SANDRA MCKENNEY, Vice Chair	DATE
	DAVID EATON, Member	DATE