

TOWN OF ALLENSTOWN
Selectboard Meeting Minutes
Allenstown Town Hall
16 School Street, Allenstown, NH 03275
July 12, 2021

Call to Order

The Allenstown Selectboard Meeting of July 12, 2021 was called to order at 6:04 PM by Chair Scott McDonald.

Chair McDonald called for the Pledge of Allegiance.

Roll Call

Present on the Board: Chair Scott McDonald, Sandy McKenney, Keith Klawes, Maureen Higham, Jim Rodger

Allenstown staff: Derik Goodine, Town Administrator, Brian Arsenaault, Code Enforcement, Michael Frascinella, David Fencer, APD, Beth Tower, APD, Nathan Campbell, APD, Brendan O'Donnell, Counsel for the Town of Allenstown, Bryon Christiansen from Comcast. Chad Pelissier, Road Agent, joined the meeting late.

Others: Brandon Turner, Resident; Bob Lee, Resident; George Lemire, Resident

Appointments

Mr. Klawes made a Motion to appoint George Lemire as Zoning Board member of the Town for Allenstown pursuant to RSA 669:75 to expire June 1, 2024. Mr. Lemire introduced himself to the Selectboard. Ms. McKenney seconded the Motion.

A roll call vote was taken.

Maureen Higham- Aye

Scott McDonald- Aye

Sandy McKenney- Aye

Keith Klawes- Aye

Jim Rodger- Aye

The Motion passed unanimously.

Swearing-in Ceremonies

- **Police Personnel**

The Swearing-in Ceremony took place for Nathan Campbell by Beth Tower of the Allenstown Police Department. Mr. Campbell introduced himself to the Selectboard.

Mr. Turner said he would like to join the Economic Development Committee and saw an opening online. Mr. Frascinella said there are no openings in the Economic Development Committee but there is no one on the Parks and Recreation Committee, and they wanted to attract people.

Mr. Goodine said there are two openings on the Budget Committee since he has experience in finance.

Chair McDonald made a Motion to appoint Mr. Turner as an Alternate on the Economic Development Committee. Mr. Klawes seconded the Motion.

A roll call vote was taken.

Maureen Higham- Aye

Scott McDonald- Aye

Sandy McKenney- Aye

Keith Klawes- Aye

Jim Rodger- Aye

The Motion passed unanimously.

Citizens' Comments

Mr. Frascinella said he wanted to let everyone know they have a concern coming up on August 15 with Crazy Steve and Friends. He said they do not have someone yet for food concession and is hoping the weather is cooperative.

Mr. Klawes said the problem with a food truck is they charge a higher amount than they ordinarily would charge.

Mr. Frascinella said they are looking into a tent for shade. Mr. Goodine said they may have to spend 3 times what they originally thought in order to obtain a durable one and he does not want to make a foolish purchase.

Public Hearing on Proposal for Renewal of the Cable Television Franchise Agreement

Chair McDonald reads the following:

“The purpose of today’s hearing is to receive the public’s input on the Proposal for the Renewal of the Cable Television Franchise with the cable operator in our community of Allenstown. The Board of Selectman has the franchising authority under NH law. Our Town engaged in a process to determine whether Comcast Maine/New Hampshire, Inc. has complied with the provisions in the current cable television franchise agreement. We have also ascertained future cable related needs and interest of the community. To inform our negotiations of a renewal franchise with Comcast, the proposed Cable Television Franchise

Agreement that is the subject of this hearing is the product of that work. The Board has scheduled this public hearing to consider in accordance with RSA 53-C:3-a, the financial ability of Comcast to perform, Comcast's ability to provide adequate and technical sound, facilities, equipment and signal quality, adequate channel capacity, and appropriate facilities for public educational or governmental use, and prohibition of discrimination among customers based on service, reasonable service quality in terms of available technology, subscriber interest and cost, construction and installation that conforms to applicable State and Federal laws and regulations and the National Electric Safety Code, a competent staff able to prompt adequate service and to respond comprehensively to customer complaints and problems, and reasonable rule and policies for line extensions and disconnect, customer deposits and billing practices. The public has been invited to attend this hearing with the Public Notice that was posted two weeks before the hearing on June 25, 2021. The proposed renewal agreement has been available during that time for public review, any resident or representative or local organization that wishes to speak will have that opportunity tonight. Please note that some topics are not included in the proposed Cable Television Franchise Renewal Agreement such as cable rates and channel selection as the City/Town has no jurisdiction over those items. Likewise the cable TV franchise agreement does not deal with telephone services or internet services provided by Comcast. Those items are also outside the jurisdiction of the Town."

Chair McDonald asked if anyone would like to come forward to provide input regarding the proposal.

Attorney O'Donnell said that he knows it can be frustrating to the public and members of the Board but the comments should be limited to only what the Town can negotiate over which is the criteria that Board spelled out earlier, such as television program content, pricing, and the internet and other services not related to cable TV. He said the notable differences in this agreement is that the density formula, the number of houses per mile at which Comcast has to expand service is now at 20 residences per aerial mile which is an improvement of 25 from a prior agreement. He said in addition, the standard installation distance at which your house can be from the road where you can the standard rate increased from 225 ft to 300 ft. Attorney O'Donnell said the new agreement has a 10 year term so the Town will not have to go through the process again until 2031.

Attorney O'Donnell said that a big change that came from the FCC is that the Towns have always had the ability to impose franchise fees up to a 5% cap, so in this case 5% of Comcast Gross Annual Revenue and the Town now currently has a 3% fee so they are under that cap. He said the FCC has made it so that to the extent that Comcast was providing free services to the Town (ie. Town Hall), those can count towards that cap. He said that because the Town is only at a 3% cap, it should not impact the Town's ability to continue to keep collecting the same amount of franchise fees as they had prior.

Bryon Christiansen from Comcast said he would like to let the Board know that they are adequately represented between Mr. Goodine and Attorney O'Donnell. He said he is a local resident and as a company they are happy to provide cable service in Town and he is able to answer any questions.

Chair McDonald said he only watches 6 channels and why cannot they pick and choose channels. Mr. Christiansen said that is a popular question and he doesn't have a set answer. He said there have been studies and some networks would not be available if you were paying a la carte. He said they do offer packages from \$20 to \$200 and the \$20 package does have the broadcast channels in it but not sports, CNN, Fox news.

Chair McDonald also asked why he has to pay the highest rates when new customers get deals. Mr. Christianson said he would encourage him to call in to check his rate package.

Mr. Frascinella said he used to be a Direct TV subscriber until he found out the Comcast Triple Play was more cost effective, but now having used Comcast equipment, he decided that the remote control is inferior to Direct TV. He said he would strongly suggest modeling the remote after Direct TV.

Attorney O'Donnell said that the reason the Towns cannot currently negotiate over packaging over the premium channels and pricing is the FCC and their legislation has restricted to what extent local municipalities can regulate those.

Mr. Goodine said this is the 7th franchise agreement he has worked on and this is the easiest one to date. He thanked both Attorney O'Donnell and Mr. Christiansen.

Ms. McKenney made a Motion to approve the regional Comcast Cable Television Franchise Agreement for ten years starting June 28, 2021. Ms. Higham seconded the Motion.

A roll call vote was taken.

Maureen Higham- Aye

Scott McDonald- Aye

Sandy McKenney- Aye

Keith Klawes- Aye

Jim Rodger- Aye

The Motion passed unanimously.

Regular Agenda

- **COVID19 Update and American Rescue Act Funds**

Mr. Goodine said the application for funds was submitted. He said he and Deb Bender need to work on the revenue spreadsheet to see what they can use as lost revenues. He said they have until 2024 to spend or encumber the funds until 2026. Mr. Goodine is still waiting to hear from the State regarding the new side-by-side and drone for the Police Department. He knows they are still talking about the Infrastructure Act to pass in Congress which would be an additional pot of money.

Mr. Goodine said that while you cannot use the funds for paving, you can for sewer and water and he referenced potentially using it for the Granite Street project which is currently underway.

Chair McDonald asked if Mr. Goodine if he heard from Ted Gatsas or any local representatives about the enormous budget surplus the state has. Mr. Goodine said he has not.

- **Parks and Recreation Committee**

Mr. Goodine said he thinks the committee should be 5 people. He said they have one appointed, Mr. Venegas is interested, and another he is waiting for their formal appointment application. He would like to ramp up the committee in August.

Mr. Goodine said they can schedule the Historical Society has an Old Time Baseball Game at Volunteer Park for October 16th with a rain date of October 17th and they would like to reserve the park from noon to 5:00 pm as a fundraiser.

Mr. Goodine said there is money in the reserve, but a lot of it will go to building the new rail trail.

Mr. Klawes made a Motion to expand the Parks and Recreation Committee to five individuals. Ms. McKenney seconded the Motion.

A roll call vote was taken.

Maureen Higham- Aye

Scott McDonald- Aye

Sandy McKenney- Aye

Keith Klawes- Aye

Jim Rodger- Aye

The Motion passed unanimously.

Mr. Frascinella said that he knows Heather Sargeant is still interested in joining the Parks and Rec Committee. He recommended they call.

- **NH School Funding Fairness Project**

Mr. Frascinella said he received an email from Shannon Krueger, Principal, that Amy Clarke from the NH Department of Education corresponded with the Superintendent congratulating the District and Community for being able to receive school building aid for the proposed consolidation construction project. He will forward a copy of the letter to the Selectboard.

Chair McDonald said there is a group that tracks this lobbying and he still doesn't understand the school funding in the State. He wants to know how the money goes to the coffers and then comes back to this Town and why they are getting less.

He said that Ms. Raymond has been warning that the money will gradually go away and now it is. He has asked that the group come to the next meeting and make a presentation that will take about an hour and hopefully it will be in the Community Center.

Chair McDonald said the Town will be hurt by it and they need to fix it right now.

Mr. Goodine referenced the OpEd where they used Allenstown as an example and they are trying to say they cut from the State wide property tax and in order to make up for that, they budgeted state money to offset. He said ironically they did not replace the fiscal capacity disparity aid and that is where they are getting hit.

Mr. Klawes suggested that he invite the Chair of the School Committee and the Budget Committee to this meeting on the 26th.

Mr. Goodine said there is more money coming in to the Municipal Coffers for Meals and Lodging but he is not sure how much it will offset.

Mr. Klawes said it would not hurt to invite Superintendent Warburton as well. Chair McDonald said that he doesn't live in this Town. Mr. Klawes asked if they should invite some State Representatives. Chair McDonald said yes, he will invite them both.

Chair McDonald said this is a problem specific to Allenstown, which they derive their revenue from only half of their land mass.

TOWN ADMINISTRATOR REPORT

Ms. McKenney said Bob Lee, a prior member of the Zoning Board, is present and had contacted her about an issue with the Zoning Board meeting.

Mr. Arsenault explained that 91 Pinewood Road went before the ZBA after the ZBA granted relief to the Applicant. He said the application was reviewed and it was noted that not all of the abutters were notified. He said the Applicant's attorney agrees with the Town's attorney in that the variance application has to be applied for again and hopefully an application will arrive soon.

Mr. Lee asked how long it would take to get it back before the Board. Mr. Arsenault said first they need an application. Mr. Lee said that Chair McDonald should have picked up on that prior to the meeting. Mr. Arsenault said the Attorney presented a letter listing all of his abutters and he failed to list a dozen abutters, which then staff tried to correct it and two abutters were again left out and the Attorney did not correct it.

Mr. Lee asked if there was a way they can get it on an agenda faster by special meeting or reach out to those people to sign a waiver, and then move forward. Mr. Arsenault said no, it has to be applied for again, reposted, and then assigned a date. Mr. Lee said the Applicant is getting nervous because he wanted to get his home in there before the winter.

Mr. Goodine said that he and Mr. Pelissier asked a local contractor to look at the roof of the boathouse, which is the brick building down on the Suncook River by the double decker bridge to give an estimate. Mr. Pelissier said the man, Pat, lives in the horse farm up on Deerfield Road and he used to own a roofing company for years. He said he contacted him hoping to get some supplies cheap and Pat said he would dig around to see what he could find. Mr. Pelissier then stopped by and said the roof is all completed, and for free.

Mr. Goodine said he is looking at getting a new estimate for the tent for the front lawn of Town Hall.

Mr. Goodine is working on letters for the Economic Development Committee to send out to prospective sellers of property that potentially could be developed commercially such as life science or biomedical.

Mr. Goodine said he did have some late additions from the assessor for the timber harvesting. He said also the groundwater permit application for the landfill property so they can get the water testing completed.

Mr. Goodine said that he and Mr. Frascinella went and visited Optimus at Presidential Park and had a meeting. He said they offered to sponsor for their concert for \$300.00 and might be willing to sponsor additional events.

He has a form that needs to be signed for 3 abatements, for 3 of their newest properties including the rail trail. Mr. Goodine said related to that they need to get \$17,959.23 transferred to the general fund from the Parks and Recreation Capital Reserve Fund because that is the amount for those properties. He presented a Trustees of the Trust memo for getting the money transferred.

Mr. Goodine said there is a Gatsas report and Chief Stark's memo to the Governor's Office for Emergency Relief and Recovery Committee for the drone and side-by-side for the Board's review.

He said that tomorrow is the last day to RSVP to the grand opening ribbon cutting of Madear's Southern Eatery and Bakery, and they invited all of the town officials for July 23, 2021 at 2 pm which a special luncheon afterwards.

Mr. Goodine said they are going to have to talk tax payment plans.

Mr. Goodine provided the Board a copy of the cable service map to be used for whatever purpose and it shows where the cable service actually is.

Mr. Pelissier said they had the catch basin truck go around town and they did 121 catch basins in 3 days. He said they will need the truck for one more day to go around town, down River Road, past Volunteer Park and all of Bear Brook. He said they only budget for 3 days but they push that envelope every year and they may have to budget 4 days next year. He said this year they had to re-measure the basins over again because the data was lost and it pushed them out longer.

He said Granite Street will start the pipe on Thursday and reclaim one strip of the road until they are ready to completely repave and will install a new water line from behind Rite Aid up to Valley Street.

Mr. Pelissier said the light at Town Hall was kind of a nuisance during movie night and washed the screen out. He spoke to someone at Eversource who agreed to let them put a switch on the pole, but they are not willing to do it. He said the Town will have to decide if they are going to do it. Mr. Goodine asked if he has spoken with an electrician. Mr. Pelissier said he has not.

Mr. Pelissier said the Beaver Deceiver is working, but with the high water and flow, some lily pads wash through and get caught on the grate. He said that they had total confidence in the deceiver, they would pull the grate but they are not quite there yet.

Chair McDonald said he took a ride up there and they were coming down the hill near the horse farm, and a white Chevy Pickup passed him and several other cars on a double yellow line. Mr. Lee said he knows who that is. Mr. Pelissier said the Town trucks regularly get passed.

Mr. Goodine and Mr. Arsenault have been working with Optimus and now they want to be recognized as Colebrook Village. He said on their plan, there was an oversight in which the wall went over the pavement which was unacceptable, so they moved the wall back. He said they wanted to put a guardrail there, but Mr. Goodine said they did not want to put anything in the right-of-way at all, as it isn't necessary. Mr. Arsenault said he is working with them, and they are concerned about the more experience drivers overcompensating the turn and going into trench.

Mr. Pelissier was asked to check the vegetation up at Woodridge. Mr. Pelissier said he is checking on a mirror for the opposite pole for driver's to help with this issue. He said it's a hard corner and people are going so fast. Mr. Pelissier said they took the reduce speed sign down at the Town line coming into Town the request of the last house on Deerfield Road because he was having issues seeing up the road out of his driveway. He said they will push the sign down a little bit.

Mr. Pelissier said the "Don't Feed the Ducks" sign has gone missing again. He said the next sign will be welded in.

Ms. McKenney said the Bake Sale for the Meeting House made approximately \$600.

Ms. McKenney asked if the fireworks ordinance was discussed and Mr. Goodine said it hadn't made it to the Selectboard yet. She thought it would be best to be a Selectboard ordinance and put it on the ballot to let the people decide.

Ms. McKenney briefly discussed making Library Street a one way after it is paved and polling the residents to get their input.

Ms. Higham made a Motion for the Board of Selectman to request to withdraw from the Parks and Recreation Projects Capital Reserve Fund to reimburse the Town for the purchase of land from the Lucile A. Ladd Revocable Trust to be used for the Rails and Trails Project in the amount of \$17,959.23 to be transferred to the General Account ending 8125. Ms. McKenney seconded the Motion.

A roll call vote was taken.

Maureen Higham- Aye
Scott McDonald- Aye
Sandy McKenney- Aye
Keith Klawes- Aye
Jim Rodger- Aye

The Motion passed unanimously.

Ms. Higham made a Motion for a cash abatement voted by the Board of Selectman upon the application of the Town of Allenstown, address: Main Street, Rail Trail Map Lot 113-42 to process an abatement in the amount of \$136.00; reason: the property was transferred to the Town after 04/1/21, so received a tax bill when it should not have.

Ms. Higham made a Motion for a cash abatement voted by the Board of Selectman upon application of the Town of Allenstown, address:, Main Street, Rail Trail Map Lot 114-01 to process an abatement in the amount of \$130.00; reason: the property was transferred to the Town after 04/1/21, so received a tax bill when it should not have.

Ms. Higham made a Motion for a cash abatement voted by the Board of Selectman upon application of the Town of Allenstown, address: Main Street, Rail Trail Map Lot 115-01 to process an abatement in the amount of \$84.00; reason: the property was transferred to the Town after 04/1/21, so received a tax bill when it should not have. Ms. McKenney seconded the Motion.

A roll call vote was taken.

Maureen Higham- Aye
Scott McDonald- Aye
Sandy McKenney- Aye
Keith Klawes- Aye
Jim Rodger- Aye

The Motion passed unanimously.

CONSENT CALENDAR, MINUTES AND MANIFEST

- **Ratify Consent Calendar: July 12, 2021**

Ms. Higham made a Motion to ratify the Consent Calendar of July 12, 2021. Ms. McKenney seconded the Motion.

A roll call vote was taken.

Maureen Higham- Aye

Scott McDonald- Aye

Sandy McKenney- Aye

Keith Klawes- Aye

Jim Rodger- Aye

The Motion passed unanimously.

- **Review Minutes:**

- **Non-Public: June 28, 2021, One Session, Two Items**
- **Public: June 28, 2021**

Ms. Higham made a Motion to approve the Non-Public Meeting Minutes of June 28, 2021, One Session Two Items and Public Meeting Minutes of June 14, 2021. Ms. McKenney seconded the motion.

A roll call vote was taken.

Maureen Higham- Aye

Scott McDonald- Aye

Sandy McKenney- Aye

Keith Klawes- Aye

Jim Rodger- Aye

The Motion passed unanimously.

Approve Payroll and Accounts Payable Manifests:

- **ACH Manifest 1075, Check Manifest 1076, Non-Check Manifest: N/A; Town P/R Manifest 07-01-21**

Ms. Higham made a Motion to approve the ACH Manifest 1075, Check Manifest 1076, Town P/R Manifest 07-01-21. Ms. McKenney seconded the Motion.

A roll call vote was taken.

Maureen Higham- Aye

Scott McDonald- Aye

Sandy McKenney- Aye

Keith Klawes- Aye

Jim Rodger- Aye

The Motion passed unanimously.

- **Non-Public Agenda Items**

Chair McDonald made a Motion to enter into non-public session at 7:52 pm in accordance with the provisions of RSA 91-A:3, II (c) for three items. Ms. McKenney seconded the motion.

A roll call was taken.

Maureen Higham- Aye

Scott McDonald- Aye

Sandy McKenney- Aye

Keith Klawes- Aye

Jim Rodger- Aye

The motion passed unanimously.

Chair McDonald made a Motion to return to public session at 9:40 pm. Ms. McKenney seconded the motion.

A roll call was taken.

Maureen Higham- Aye

Scott McDonald- Aye

Sandy McKenney- Aye

Keith Klawes- Aye

Jim Rodger- Aye

The motion passed unanimously.

Chair McDonald made a motion to seal the minutes of the non-public session as they might adversely affect someone not a member of the Board. Ms. McKenney seconded the motion.

A roll call was taken.

Maureen Higham- Aye

Scott McDonald- Aye

Sandy McKenney- Aye

Keith Klawes- Aye

Jim Rodger- Aye

The motion passed unanimously.

Other Business

Mr. Higham made a Motion to accept the Settlement Agreement for Property identified as Map 407-26-81. Ms. McKenney seconded the Motion.

A roll call was taken.
Maureen Higham- Aye
Scott McDonald- Aye
Sandy McKenney- Aye
Keith Klawes- Aye
Jim Rodger- Aye

The motion passed unanimously.

Ms. McKenney made a Motion to accept the Fire Chief retirement date of October 31, 2021, with regret and gratitude. Ms. McKenney seconded the Motion.

A roll call was taken.
Maureen Higham- Aye
Scott McDonald- Aye
Sandy McKenney- Aye
Keith Klawes- Aye
Jim Rodger- Aye

The motion passed unanimously.

Ms. Higham made a Motion to adjourn the meeting at 9:43 pm. Ms. McKenney seconded the Motion.

A roll call vote was taken.
Maureen Higham- Aye
Scott McDonald- Aye
Sandy McKenney- Aye
Keith Klawes- Aye
Jim Rodger- Aye

The Motion passed unanimously.

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 Selectboard Meeting Minutes
 Allenstown Town Hall
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 Allenstown, New Hampshire 03275
 July 12, 2021**

SIGNATURE PAGE

Original Approval:		
SCOTT MCDONALD, Chair		DATE
SANDY MCKENNEY, Vice Chair		DATE
MAUREEN HIGHAM, Member		DATE
KEITH KLAWES, Member		DATE
JIM RODGER, Member		DATE
Amendment Approvals:		
Amendment Description:	Approval:	Date:
	SCOTT MCDONALD, Chair	DATE
	SANDY MCKENNEY, Vice Chair	DATE
	MAUREEN HIGHAM, Member	DATE
	KEITH KLAWES, Member	DATE
	JIM RODGER, Member	DATE

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