

TOWN OF ALLENSTOWN  
Select Board Meeting  
16 School Street  
Allenstown, New Hampshire 03275  
February 25, 2019

**Call to Order**

The Allenstown Select Board Meeting of February 25, 2019 was called to order by Vice Chair Sandy McKenney at 6:00 pm.

Vice Chair McKenney called for the Pledge of Allegiance.

**Roll Call**

Present on the Board: Sandy McKenney, Dave Eaton

Excused: Ryan Carter

Allenstown staff: Derik Goodine, Town Administrator; Debbie Bender, Finance Director; Trish Caruso, Town Welfare/Administration

Others present: Carl Caporale, ASC Chair; Jeff Backman, ASC Superintendent; Holly Riley, Tom Irzyk, Michael Frascinella, Maureen Higham, Jason Tardiff, Jeff Gryval, Donna Gryval,

**Citizens' Comments**

Mr. Frascinella stated that Jay Patel is doing a major overhaul of his Suncook store. This is the fifth business taking positive steps in Allenstown. He noted that the Planning Board once approved a new location for Mr. Patel's store, but he abandoned the project with the DES required him to install a turning lane at his own expense. Mr. Patel has a loyal customer base and is adding a wing on the back of his store. He plans to stay open during the renovation.

Ms. Maureen Higham announced that she is running for selectman and will be at the Meet and Greet on Thursday. She is an attorney and has lived in Allenstown for 30 years.

Ms. Holly Riley stated that her parents own 40 Riverside Drive, next to a tax-deeded, town-owned property. She said that this property has unsafe structures and other junk on it which devalues her parents' property and she wants it cleaned up.

Mr. Goodine said that it will be cleaned up in the spring or summer when it is safe for Highway Department personnel to do it.

Ms. Riley said she does not want to wait that long because they would like to sell the property.

Mr. Goodine said he would check with Mr. Ronnie Pelissier and get back to Ms. Riley.

## Regular Agenda

### ▪ Discussion with Tom Irzyk

Mr. Irzyk said that he would like to come back when Mr. Carter is present. He said that he sent an email to all of the selectmen regarding how the meeting went when Riverside Drive was declared an Emergency Way. He said there were supposed to be written findings, but none have been publicly documented. He said that the Town Attorney, Sharon Somers, outlined the three standards to be met. None of these were met, he said. He continued, saying that Mr. Carter has a conflict of interest and it should not have passed. Mr. Carter, he said, lives on Riverside Drive and led the charge in his neighborhood in 2016 when this was previously introduced. Nobody benefits except people who live on Riverside Drive. There must be a public welfare or safety interest which is greater than or different from the interests of the residents of the Class 6 (private) road. He said he does not want his tax dollars paying to plow private roads. Just because they pay taxes isn't a reason for the town to plow their road. He said he would like to know how Ms. McKenney and Mr. Eaton feel about the conflict of interest issue.

Vice Chair McKenney said she thought it was a conflict of interest but that it was not her place to say anything. She said that the residents of Riverside Drive did not know it was a private road, and until 2016, it was always plowed by the town. She said that when the selectmen took up this issue in December 2018, the Town Attorney was present and they did meet the three criteria.

Mr. Irzyk said that Mr. Carter wouldn't let Mr. Eaton talk; he talked over him. If the town plows this private road, they will have to plow the eight other private roads and the mobile home parks. I think the BOS should re-vote on this.

Mr. Eaton said that he did believe that Mr. Carter had a conflict of interest because he was the original petitioner. He said he had to be forceful to finish expressing his opinion.

Vice Chair McKenney said that she did not want to re-open this because she feels bad for the people on Riverside Drive. We thought we were in the right and do not feel that what we did was illegal. She said she would like to get back to Sharon Somers.

Mr. Goodine said that Mr. Carter has refuted the claim of a conflict of interest in an email. He said that access to the fire pond and safety getting onto Route 28 were stated as the reasons for the Emergency Way.

Mr. Jeff Gryval said that he was the BOS chairman when this was taken up in 2016. Ms. Somers said that we had to justify that the three criteria were met. There was no way that we could. Those houses have lower assessments because of being on a private road. We worked hard to help these people, but there was no legal way to do it. What you do for one, you must do for all others – private roads and mobile home parks. Unless Ms. Somers has changed her opinion, I don't see what is different now. The Highway Department might have to hire a couple more workers and perhaps purchase another truck if the town is going to plow all private roads. We

tried to work with Mr. Carter, but we could not. What was the reasoning? They are in a flood zone, so access to the pond isn't an issue.

Mr. Irzyk said that the pond is not a designated fire pond, which Mr. Carter tried to claim. The criteria are these: there is a public need to keep the road passable; there is a public welfare and safety issue which can be identified; and that issue must be greater than or different from the needs of the residents of the private road.

Mr. Gryval said that the town did plow the road prior to 2016, but that was an error which was corrected. The residents of that private road must pay for the maintenance of it. Mr. Carter claimed that the residents cannot legally be made to contribute to a fund to maintain the road. Mr. Somers set out the three criteria. Does she want to defend your decision in court? Since Ms. McKenney voted in the affirmative, she is the only one who can make a motion to re-vote on this.

Mr. Irzyk said that there are two issues: conflict of interest and the legality of the decision.

Mr. Jason Tardiff said that Ms. Somers said it was illegal two years ago. At that time Fire Chief Dana Pendergast and Police Chief Paul Paquette said there had never been an issue with this road. Mr. Tardiff said that Ms. McKenney sometimes votes with her heart.

Mr. Eaton said that Chief St. Germain said that this is not a fire pond, though the Fire Department sometimes accesses water from the pond.

Mr. Irzyk said that the court has ruled that the Dobes own the road.

Mr. Gryval said that the BOS should make sure that their decision is legally defensible. He noted that both Ms. McKenney and Mr. Eaton see the conflict of interest. Mr. Carter voted to benefit himself financially.

Mr. Irzyk said that the conflict of interest is an ethics issue; the legality issue is secondary.

Mr. Eaton said that it would be good to rescind the vote and do it over.

Mr. Irzyk said that if the BOS does not re-vote, he will get an attorney and file suit.

Vice Chair McKenney said that Mr. Tardiff is correct in saying that she sometimes votes with her heart. She noted that the town plowed this road for years and then stopped.

Mr. Irzyk said that he plows for the town, and there is no way the town should send trucks down that road.

Ms. Donna Gryval said that she checks on a number of people. She said there has to be a way to put information out there – via realtors and the website – regarding private roads.

Ms. McKenney said it should be in their deeds.

Ms. Higham said that there is also a 'buyer beware' factor.

Vice Chair McKenney made a motion to rescind the vote of December 17, 2018 regarding making Riverside Drive an Emergency Way, effective March 15, 2019. Mr. Eaton seconded the motion. A roll call vote was taken: Mr. Eaton, aye; Ms. McKenney, aye. The motion carried unanimously.

Mr. Goodine said that he would send letters to the residents of Riverside Drive.

Mr. Eaton stated that this was a constructive meeting.

Vice Chair McKenney noted that the BOS is not bound by decisions of previous boards.

- **Shredding Documents**

Mr. Goodine indicated that there are lots of documents to be shredded.

Ms. Bender said that they have evaluated estimates and plan to use a company in Epsom. They will pick up the items to be shredded and the cost is \$392.20, subject to adjustment when the exact amount of shredding is determined. She said they are following the State retention policy regarding shredding.

- **Upstairs Bathroom Renovations**

Vice Chair McKenney stated that Ms. Bender and the Mr. Roberge have offices upstairs and the bathroom needs renovating.

Ms. Bender said they will need a cabinet, a toilet and faucets. The Highway Department will do the installation. Space is an issue.

Vice Chair McKenney asked if \$500 would be sufficient.

Ms. Bender said that it would. The floor is fine and there are curtains. They will need paint.

Mr. Goodine said that they have money in the budget for the renovation of the upstairs bathroom.

- **Personnel Policy Changes Initial Discussions – Q & A**

Ms. Bender said they have input from several departments regarding the Personnel Policy and would like to take a first pass at the policy this evening. Regarding overtime, one proposed change is for holiday, vacation or sick time to count as eight hours toward the overtime threshold. She noted that the Police Department has a 43-hour week (allowing time to get into uniform after arriving at work); the Fire Department has a 53-hour week (assuming firefighters are sleeping at the station). This only affects Captain McIntosh, who does not sleep at the station but nevertheless has a 53-hour work week before earning overtime.

Mr. Frascinella suggested that this distorts the meaning of overtime. An employee could take four days off, work ten hours on Friday and collect two hours of overtime.

Ms. Bender explained that it does not work that way in New Hampshire. Overtime is based on weekly hours, not daily.

Ms. Bender next presented an issue with breaks and meals.

Mr. Backman said that the Sewer Department allows one paid 15-minute break. Lunch is an unpaid half-hour break.

Mr. Caporale said that they are considering having employees punch out for their breaks or requiring them to stay on the premises.

Mr. Goodine explained the next proposed change, which would state that taking an unscheduled day off just before or just after a holiday would result in not being paid for the holiday.

Ms. Bender stated that some Police and Highway employees must work on holidays. The proposal is that they receive straight pay for the holiday and time and a half for working. They also have the option of taking a floating holiday within 90 days.

Vice Chair McKenney said that 90 days is a long time to carry the floating holiday. It should be 30.

Mr. Eaton's compromise suggestion was 60 days.

Mr. Goodine reported on a suggestion from the Police Department. It would state that if an employee gets sick on vacation, verified by a doctor's note, that vacation time can be converted to sick time.

Ms. Bender stated that employees get 60 hours of sick time per year.

Mr. Caporale said that they use a paid time off system, which is much easier.

Mr. Eaton said that he would like the town to look into that.

Ms. Bender next suggested capping the amount of vacation and sick time which could be accrued to 300 hours.

Ms. Caruso said that most employers do this.

Mr. Caporale noted that this encourages employees to take time off to refresh and recharge, which is a good thing.

Mr. Goodine next explained a policy change regarding flexible spending; the change brings the policy into conformance with the law.

Mr. Goodine stated that they are working on an inclement weather policy. If an employee decides to use a sick or vacation day to stay home during a storm and subsequently the office is closed, that employee cannot convert the sick or vacation time to paid time.

Mr. Goodine next presented a suggestion to establish a sick leave bank. An internal committee would have to decide who should be allowed to have hours from the bank; this can become political, he noted.

Mr. Eaton said that some employees have donated their sick time to a fellow employee.

Ms. Bender said that there is a cost to the town for this because sick days which would not have been used are being used.

Mr. Goodine said that one department suggested a health insurance stipend. This usually saves the town money, as the stipend is only a fraction of the annual contribution from the town.

Ms. Bender said Allenstown is the only similar-sized town in the area without this stipend.

Mr. Eaton said he would like to think about this more.

Mr. Goodine said that the next suggestion is from the Police Department. It is a proposal for a stipend for employees who complete academic degrees. The purpose is to encourage advanced education and also encourages promotion from within.

Ms. Caruso noted that this is not for tuition reimbursement.

Ms. Bender said that it is assumed these employees would receive a raise, so the stipend would be in addition to that.

Ms. Bender presented the last proposal regarding annual longevity payments for long-time employees who have completed all twelve steps. Apparently, this is already in place for the one town employee eligible.

### **Budget Related Items**

Vice Chair McKenney reminded everyone of the Meet the Candidates Sessions on February 28, 2019 at 7:00 pm and on March 3, 2019 at 2:00 pm.

Vice Chair McKenney also stated that the Town Election will be on March 12, 2019.

### **TOWN ADMINISTRATOR'S REPORT**

Mr. Goodine reported that they have gotten ride of some filing cabinets and have moved some plans and maps to the Fire Station.

Mr. Goodine said that he and Mr. Frascinella would be attending Main Street Academy on April 30<sup>th</sup>, May 7<sup>th</sup> and May 14<sup>th</sup>. These sessions are about economic revitalization, the creative use of grants and tax incentives, and the roles of leaders and volunteers. Through scholarships he was able to reduce the cost from \$350 per person to a total of \$300 for both of them.

Mr. Goodine said that part of the grant for Asset Management will be used to hire an intern to work on the backlog at Public Works and to create an instructional video.

Mr. Goodine said that Hudson Quarry, which purchased the Big Jim's property, is removing some outbuildings which is improving street appeal.

Mr. Goodine reported that the audit presentation and report will be on the agenda for the next meeting. The Town Report will also be available next week.

Mr. Goodine said that the School Board was refusing to put the tax impact statements on their warrant articles, but attorneys for the town and school met and they agreed to put them on.

Mr. Goodine said that Ms. Somers will be providing a new synopsis regarding the Holiday Acres case.

Mr. Goodine said that the Bear Brook State Park Steering Committee would like to have a representative from the BOS join them. This will involve four to six public meetings and their work will be completed in February of 2020. The goal is to update the management plan.

Ms. McKenney said she would serve on the committee but could not meet on Wednesday evenings.

### **CONSENT AGENDA, MINUTES AND MANIFESTS**

Mr. Eaton made a motion to ratify the Consent Calendar of February 25, 2019. Ms. McKenney seconded the motion, which carried unanimously.

Mr. Eaton made a motion to approve the Payroll and Accounts Payable manifests listed on the February 25, 2019 agenda. Ms. McKenney seconded the motion, which carried unanimously.

Mr. Eaton made a motion to approve the minutes of the public session of February 11, 2019. Ms. McKenney seconded the motion, which carried unanimously.

Mr. Eaton made a motion to approve the minutes of the non-public session of February 11, 2019. Ms. McKenney seconded the motion, which carried unanimously.

### **Adjournment**

Mr. Eaton made a motion to adjourn at 8:17 pm. Ms. McKenney seconded the motion, which carried unanimously.

DRAFT



TOWN OF ALLENSTOWN  
SELECTBOARD  
PUBLIC MEETING MINUTES

FEBRUARY 25, 2019

**Signature Page**

<b>Original Approval:</b>	
RYAN CARTER, Chair	DATE
SANDRA MCKENNEY, Vice Chair	DATE
DAVID EATON, Member	DATE

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