

TOWN OF ALLENSTOWN  
Select Board Meeting  
16 School Street  
Allenstown, New Hampshire 03275  
July 30, 2018

**Call to Order**

The Allenstown Select Board Meeting of July 30, 2018 was called to order by Chairman Ryan Carter at 6:01 p.m. Chairman Carter called for the Pledge of Allegiance.

**Roll Call**

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

Allenstown staff: Derik Goodine, Town Administrator; Shawn Murray, Fire Chief; Mike Stark, Police Department Lieutenant

Others present: Michael Frascinella, Michael O'Meara, Edward Emond, Carl Caporale, Jeff Backman, Jim Rodger

**Citizens' Comments**

There were no citizens' comments.

**Non-Public Sessions – All Including Consultation with Town Counsel**

On motion of Mr. Eaton, duly seconded by Ms. McKenney, it was unanimously voted to enter into non-public session at 6:03 p.m. to address three items: Non-Public Session in accordance with the provisions of RSA 91-A:3 II(d); Non-Public Session in accordance with the provisions of RSA 91-A:3 II(e); and Non-Public Session in accordance with the provisions of RSA 91-A:3 II(d).

On motion of Mr. Eaton, duly seconded by Ms. McKenney, it was unanimously voted to return to public session at 6:50 p.m.

**Allenstown Aggregate**

Chair Carter asked Mr. O'Meara, Planning Board Chairman, to address this item.

Mr. O'Meara stated that Allenstown Aggregate will be on the Planning Board agenda on Wednesday, August 1, 2018 seeking a permit renewal. He said that the Site Walk was on July 18, 2018 and he was pleased to see that it was clean and tidy.

Chair Carter said that there is still some coal slag on the property which Allenstown Aggregate must remove by January 1, 2020 to avoid fines, per a Consent Agreement.

On motion of Mr. Eaton, duly seconded by Ms. McKenney, it was unanimously voted that the BOS recommend to the Planning Board that they grant a one-year conditional permit, by which time the coal slag must be removed.

## **Lincoln Street Land Swap and Hammerhead Discussion – Review Materials, Set Public Hearing Date, Set Special BOS Meeting Date.**

Chair Carter announced that the second Public Hearing on this matter will be held on August 13, 2018 and a Special BOS meeting will be held on August 22, 2018 to take up this issue and one other issue.

### **DTC (Depository Transfer Check) Lawyers Closing of Files and Storage Policy**

Mr. Goodine explained that, according to policy, files on topics not expected to come back are destroyed every ten years. He said that Allenstown has most of the originals but wishes to notify Donahue, Tucker & Ciandella that the Town wants them to send back any originals they have.

On motion of Mr. Eaton, duly seconded by Ms. McKenney, it was unanimously voted to authorize Mr. Goodine to write a letter to the firm authorizing the destruction of these files and the return of any original documents.

### **Waste Water Treatment Plant Discussion – Fees and Capacity**

**Mr. Backman (or Mr. Caporale)** informed the Board that the Supreme Court upheld the decision of the Superior Court awarding Allenstown 448,000 gallons of capacity. However, Pembroke has asked to meet with the Allenstown Sewer Commission to discuss the purchase of capacity from Allenstown. They would like to purchase 200,000 gallons, but the Commission is only willing to sell 150,000. This would leave Allenstown with 298,000 gallons, which would accommodate 1,000 three-bedroom homes in the future. He said that accessibility/development fees play a part in getting revenue for future expansion. The Commission is changing from the standard rates, which assumes three-bedroom homes, to a rate based on the number of bedrooms. The extra revenue would finance expansion. This new rate would apply only to new customers.

**Mr. Caporale (or Mr. Backman)** said that the Commission is set for the next few years and has just started negotiations with Pembroke, which could take a lot of time to complete.

Ms. McKenney asked if the Commission has considered expanding service to Route 28.

**Mr. Backman (or Mr. Caporale)** responded that service could be expanded to Route 28. He noted that, because of the the work of the Economic Development Committee and the fact that Hooksett and Pembroke are running out of room for expansion, Allenstown may see lots of development.

Mr. Caporale (or Mr. Backman) said that an additional 150,000 gallons of capacity for Pembroke would be used up with five new projects.

Chair Carter observed that it appears the expansion will pay for itself with the extra revenue from the rate change for new customers.

### **Landfill/Groundwater Management Permit – Testing Requirements and Proposal from Nobis Engineering; Possible transfer of funds requested for Groundwater Management Permit Testing from Landfill Capital Reserve Fund to Solid Waste – Engineering Services, Review and Approval of Budget Adjustment for above to Solid Waste – Engineering Services**

Mr. Goodine reported that PFOA levels at the old dump were substantially higher than State limits, so seven additional sites (wells) must be tested. The original test sites were in the old landfill; the

additional sites are outside of the landfill. The Town has 60 days to perform the tests and report the results to the State. He said that an extension will be needed because this cannot be done in 60 days. The cost is \$6,225 and will come from the Landfill Closure Fund.

Mr. O'Meara, Chairman of the Trustees of the Trust Fund, said that he will schedule a meeting so they can approve a resolution for the transfer of funds.

Mr. Goodine said that he will help with the testing to save the Town a substantial amount of money.

### **Fire Chief and Staffing Options**

Mr. Goodine reported that Pembroke has no interest in sharing fire chiefs or departments.

Chief Murray presented a general timeline for the part-time chief hiring process. The position would be posted August 1<sup>st</sup> and be open for two weeks. Then the reviews of candidates and interviews would commence. Due to a change in the law as of January 1, 2019, a candidate in the NHRS cannot work more than 26 hours. If the hire is complete prior to the new year, he/she could work 28 hours.

Mr. Eaton asked if a fire or another emergency would be an exception.

Chief Murray said that it would not be an exception.

Ms. McKenney said that she has been doing research and discovered that it was voted at the 1988 Town Meeting to have two full-time firefighters. She said that per diem employee cannot be relied on.

Chair Carter said that the 1988 action authorized the spending for two firefighters but did not require the Town to hire them.

Chief Murray said that one more full-time firefighter would add \$30,000 to payroll.

Mr. Eaton stated that they need to decide whether they want a part-time chief or one paid by stipend.

Chair Carter asked about volunteer fire departments.

Chief Murray said that there are very few left. He added that they are usually paid a stipend, so they are not actually volunteers.

Mr. Goodine said that using per diem personnel means a larger pool from which to draw.

Ms. McKenney asked the Chief how many employees are on the on-call list now.

Chief Murray responded that there are about 25. Five are per diem and ten are actively on-call.

Chair Carter stated that having two full-time firefighters and a stipend chief is not a good use of funds.

Chief Murray said that a full-time firefighter would be paid \$73,587; a per diem firefighter would be paid \$42,985.

Mr. Eaton said that a part-time fire chief would have a set number of hours to work, but one working on a stipend would not.

Ms. McKenney said that an EMT called in would be paid more than a non-EMT. She noted that the Chief has just one pay rate. She said that the right amount of money has to be in the budget.

Chief Murray said that the hourly rate is fluid, so an average pay rate is used. He said he is confident that the budget can be managed.

Ms. McKenney noted that the announcement of an open position lists no qualification.

Chief Murray said that the qualifications can be obtained from the Town Administrator. He said the opening will be posted with the NH Association of Fire Chiefs, on the Town website, and under the Fire Department. The job description would be attached via a link.

Ms. McKenney asked why the BOS members would not sit in on all interviews as part of the process.

Chief Murray said that the BOS is typically presented with the final candidate for approval, but BOS members could sit in on the interviews if they wish but would have no input.

Mr. Eaton made a motion to hire a part-time fire chief. The motion was seconded by Ms. McKenney. The motion carried, with Mr. Eaton and Chair Carter voting yes and Ms. McKenney voting no.

#### **CNHRPC Brownfield Advisory Committee Nomination**

Mr. Goodine explained that members of the Advisory Committee review properties in terms of eligibility for the program.

On motion of Mr. Eaton, duly seconded by Ms. McKenney, it was unanimously voted to appoint Mr. Goodine to the Central New Hampshire Regional Planning Commission Brownfield Advisory Committee.

#### **Discussion of Business Listings on the Website**

Chair Carter asked if it has been determined that the new web posting company will be able to assist with placing the Business Listing documents on the website and creating a fillable form for Town businesses to use.

Mr. Goodine responded that he made a presentation to the Economic Development Committee on July 25, 2018, showing the Committee members the form which the businesses will fill out. The Town will review the data before going public. He said they are working to limit the area for additional information. He said the site can be customized to meet the Town's needs. He wants to utilize Google Analytics to monitor the number of hits. He added that EDC Chairman Mike Frascinella is hoping to get the green light to put this out.

Mr. Frascinella said that his only problem with the website company is that the Town wants to be instructed on how to use the site and the website company says they have to do it.

Mr. Eaton said that this is probably a company policy.

Mr. Frascinella said that they wish to solicit information in as many ways as possible, including a posting on the website, forms available in the Town Clerk's office, and emails to those businesses for which the Town has email addresses. He said they want to place flyers at local businesses to encourage participation in this information-gathering process.

On motion of Chair Ryan, duly seconded by Ms. McKenney, it was unanimously voted to allow the EDC to proceed with the gathering of information from businesses to be published on the Town website.

## **Appointment of Alternate Member of the Zoning Board of Appeals**

Chair Carter stated that his work schedule does not allow him to fill this position, so they will continue the search for a candidate.

## **Pembroke-Allenstown Olde Home Days Requests**

Mr. Goodine stated that Olde Home Day is scheduled for August 25, 2018. He has agreed to open the building for use of the bathrooms and a room where the clowns can dress for the event. He told the members that the Old Home Day Committee wishes to know if the BOS members will be in the parade.

Mr. Eaton and Chair Carter said that they will not be in attendance.

Ms. McKenney said that she would be there to throw candy to the children.

## **NHMA Legislative Policy Recommendations Paperwork**

Mr. Goodine referred to the list of NHMA Legislative Policy Recommendations, asking the members to go through the list and decide whether to support or oppose the recommendations.

## **General Administration and Governance**

### **1. Funding for the Police Standards and Training Council**

Mr. Stark said it is best to support the continued operation of the NH Police Academy and to support the NHMA in opposing any increase in municipal support.

The BOS members unanimously agreed to support this item.

### **2. Absentee Voting Expansion**

The BOS members unanimously agreed with the recommendation of the Town Clerk to oppose this item, which would allow absentee voting without providing an excuse.

### **3. Electronic poll books**

The BOS members unanimously agreed to support this item, based on the recommendation of the Town Clerk.

### **4. Building Plans Under RSA Chapter 91-A**

The BOS members unanimously agreed to support this item, which would exempt from Chapter 91-A documents submitted as part of a building permit application.

### **5. Municipal Regulation of Firearms**

Mr. Frascinella said this would cause confusion if the regulations varied from one community to another. He said this should be regulated by the State.

Mr. Stark said it would be good to be able to limit where guns could be carried or where firing of guns could occur, especially as it relates to schools.

Mr. Eaton and Ms. McKenney supported this recommendation. Chair Carter was opposed.

## **6. Welfare Lien Priority**

The BOS members unanimously agreed to support this recommendation, which would place welfare liens just next in line after first mortgage liens.

## **7. Municipal Departments and MV Information**

The BOS members unanimously agreed to support this recommendation, which would allow the use of MV registration information for government purposes, such as verifying assets or determining eligibility for relief. The Town Clerk recommended supporting this action.

## **8. SB 2 Adoption Process**

Although Allentown has already adopted the SB 2 process, the BOS members unanimously agreed to oppose this legislation.

## **9. Allowing Towns to Adopt Ordinances Under City Statutes**

The BOS members unanimously agreed to support this item.

## **10. Public Area “No Smoking” Local Option**

The BOS members unanimously agreed to support this item.

## **11. Public Notice Requirements**

The BOS members unanimously agreed to support this item, which allows for electronic and/or newspaper public notification, along with posting in public places.

## **12. Appointment of Town Clerks or Town Clerk/Tax Collectors**

The BOS members unanimously agreed to oppose this recommendation. The Town Clerk/Tax Collector is opposed.

## **13. Consolidated Policy on Collective Bargaining Items**

The BOS members unanimously agreed to oppose the opposition to Evergreen Clauses and Binding Arbitration. They unanimously agreed to support opposition of the Right to Strike and to support legislation giving public employees greater flexibility to privatize or use contracted services. It was noted that Allentown has no collective bargaining agreements.

## **14. Maintenance and Policing of State-Owned Property**

The BOS members unanimously agreed to support this item, requiring the State to maintain and police State-owned property or to reimburse municipalities for related expenses.

## **15. Independent Redistricting Commission**

The BOS members unanimously agreed to support this item.

## **Finance and Revenue**

### **1. Use of RSA 83-F Utility Values**

The BOS members unanimously agreed to support legislation saying that DRA determinations of utility value cannot be used in an application for an abatement. The members unanimously oppose any mandate calling for the exclusive use of the unit method of valuation in the appraisal of utility property, and they support the right of municipalities to use any method of appraisal upheld by the courts.

### **2. New Hampshire Retirement System**

The members of the BOS unanimously agreed to support strengthening the health and solvency of the NHRS; to oppose expanding benefits or eligibility which would increase employer costs; to support restoring the State's 35% share of employer costs for police, teachers and firefighters; to support municipal participation in any research of alternative retirement system designs; and to oppose any action to further restrict municipalities' ability to hire NHRS retirees in part-time positions.

### **3. Expansion of Local Authority to Institute Fees**

The BOS members unanimously agreed to support local control of non-property tax revenue.

### **4. Enforcement of Motor Vehicle Registration Laws**

The BOS members unanimously agreed to support efforts to deter NH residents from registering their vehicles in the State of Maine where they obtain low-cost "multi-year" registrations.

### **5. Lien for Uncollected Ambulance/EMS Billings**

Mr. Goodine reported that Chris Gamache, Tri-Town EMS Director, opposes this recommendation because he fears people will not call 911 in an emergency because of concern about their ability to pay.

Mr. O'Meara, who sits on the Board of Directors of Tri-Town EMS, stated that this would provide another option for pursuing uncollected amounts. He added that Tri-Town has in place a procedure for hardship cases.

The members of the BOS unanimously agreed to support this item.

### **6. Ownership Name Changes**

The BOS members unanimously agreed to support this recommendation, which would require entities to file name changes and ownership changes with the Registry of Deeds so that property taxes will be assessed to the proper owner. The Tax Collector supports this action.

### **7. Collection of Delinquent Taxes on Manufactured Housing**

The BOS members unanimously agreed to support this recommendation, which would establish a commission to address this issue. It is supported by the Tax Collector.

## **8. Tax Exemptions for Charitable Organizations**

The BOS members unanimously agreed to support this recommendation to establish a commission to study payments in lieu of taxes (PILOTs) and to require State reimbursement for the cost of municipal services provided to State-owned properties.

## **9. Clarification of Elderly Exemptions; Prorating Disabled, Deaf and Blind Exemptions**

The members of the BOS unanimously agreed to support the recommendation of defining “household income” for elderly exemptions using the definition used for Low & Moderate-Income Homeowners Property Tax Relief Program. They also support proration of disabled, deaf and blind exemptions when the person entitled to the exemption owns a fractional interest in the property.

## **10. Assessment Methodology for Big Box Stores**

Members of the BOS unanimously agreed, for consistency, to support this policy, which prevents big box stores from obtaining large assessment reductions by using comparable sales or rentals of abandoned or deed-restricted properties.

## **11. Income Approach on Appeal**

The BOS members unanimously agreed to support legislation prohibiting use of the income approach in an appeal of value if the taxpayer has not submitted information requested by the municipality.

## **12. Charitable Definition and Mandated Property Tax Exemptions**

The members of the BOS unanimously agreed to oppose the expansion of the definition of ‘charitable’ unless the State reimburses municipalities for lost revenue.

## **13. Sale of Tax Deeded Property**

The BOS members unanimously agreed to support an amendment to RSA 80:89 requiring that a municipality prove that an impending tax deed notice has been *sent* rather than prove that it was *received*.

## **14. State Revenue Structure and State Education Funding**

The BOS members unanimously agreed to support asking the State to adhere to certain principles when addressing the State’s revenue structure in relation to adequate education funding.

## **15. Changes to the Official Ballot Process and Default Budget**

The BOS members unanimously agreed to support opposition to changes to the official ballot process, including changes to the calculation of the default budget, unless these changes are a local option presented to the legislative body for approval.



## **Infrastructure, Development and Land Use**

### **1. Municipal Use of Structures in the Right-of-Way**

The members of the Board unanimously agreed to support the granting of space to municipalities upon poles, conduits, and other structures within rights-of-way without paying make-ready costs.

### **2. Municipal Authority to Adopt More Recent Codes**

Members of the BOS unanimously agreed to support this policy, which allows the adoption of more recent code updates than those adopted by the State.

### **3. Municipal Cooperation**

The members of the Board unanimously agreed to support this policy which clarifies that municipalities may join together to perform various activities.

### **4. Regulation of Short-Term Rentals**

The Board members unanimously agreed to oppose regulation of short-term rentals.

### **5. Highway Funding**

The Board members unanimously agreed to support a State transportation policy that ensures adequate and sustainable funding for State and municipal highways and bridges to promote safe and reliable transportation.

### **6. Water Quality and Infrastructure**

The Board members unanimously agreed to oppose this policy because of concern about which entities would cover the cost of any projects.

### **7. State Adoption of Building and Fire Codes**

Mr. Stark explained that municipal codes can be more stringent than the State-adopted ones, and he recommends supporting this.

The BOS members unanimously agreed to support this item.

### **8. Current Use**

The Board members unanimously agreed to support opposition to changes in the current use program or reduction of the current 10-acre minimum.

### **9. Scientific/Technical Standards for Regulatory Legislation**

The Board members unanimously agreed to support the policy of opposing legislation **not** based on relevant scientific and technical standards.

### **10. Land Use and Environmental Regulation and Preemption**

The Board members unanimously agreed to support this policy which emphasizes local control over land use and environmental matters.

### **11. Energy, Renewable Energy and Energy Conservation**

The Board members unanimously agreed to support a policy of encouraging state and federal incentives and assistance to municipalities in their efforts to use renewable energy and to conserve energy, and they oppose State legislation that overrides local regulation.

### **12. Oppose Statewide Zoning Mandates**

The Board members unanimously agreed to support a policy recognizing the legislature's authority to establish priorities in zoning and land use, but to oppose legislation which limits reasonable local control regarding implementation or unreasonably mandates specific criteria.

### **13. Conservation Investment**

The Board members unanimously agreed to support permanent funding for the Land and Community Heritage Investment Program and to oppose diversion of such funds to other uses.

#### **Donation of Trees and Benches Policy – Is a policy needed?**

Mr. Goodine said that he recently had a call regarding the donation of a bench. He said that a policy regarding bench donations could address such issues as cost of installation, safety standards, maintenance and plaques. He added that the policy could state that if a bench is worn out and the donor doesn't wish to replace it, the Town could discard it. Regarding trees, the policy could specify the types of trees and the locations of them.

#### **CONSENT CALENDAR, MINUTES AND MANIFESTS**

On motion of Mr. Eaton, duly seconded by Ms. McKenney, it was unanimously voted to ratify the Consent Calendar of July 30, 2018.

On motion of Mr. Eaton, duly seconded by Ms. McKenney, it was unanimously voted to approve the minutes of the July 9, 2018 BOS meeting.

On motion of Mr. Eaton, duly seconded by Ms. McKenney, it was unanimously voted to approve the minutes of the July 16, 2018 BOS meeting.

On motion of Mr. Eaton, duly seconded by Ms. McKenney, it was unanimously voted to approve the Accounts Payable and Payroll Manifests listed on the July 30, 2018 agenda.

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

Mr. Goodine began his report, saying that the Riverside Drive issue has been put on the back burner because the lawyers have been busy with other matters. He said that a 'Cease & Desist' order has been sent to the individual who has been maintaining (mowing) the Town-owned property adjacent to his. Apparently, he is still maintaining the lot.

Mr. Stark, when asked, said that the time allowed to comply with the dictates of a 'Cease & Desist' order varies, depending upon the violation. For example, if a property owner is asked to remove vehicles, he/she is given a reasonable time to sell them. If all is taken care of by the time of the court date, no appearance is necessary.

Chair Carter said that the Town needs to be consistent in handling violations.

Mr. Stark said that violations are situation dependent and fact specific.

Mr. Goodine next stated that he accompanied the Building Inspector on visits to properties listed on the tax deed list. He said that one property owner paid the delinquent taxes the next day. He also obtained some contact information (phone numbers) from manufactured home associations.

Chair Carter said that he believed the policy of the previous BOS was to deed those properties on the tax deed list, not pick and choose.

Mr. Eaton said that, with manufactured homes which are old and in disrepair, it has worked well to forgive the taxes so that the town can remove the old homes and put new ones on the site. He said that the town has a good policy. He would like to hear from the Tax Collector on this issue.

Mr. Goodine said that one of the owners on the list tax deed list with whom they have been dealing picked up a new Tax Payment Policy application, but it was woefully incomplete. The restraining order has been suspended. Regarding Garden Drive, he said that issue will be wrapped up when they find out about the other lienholder. Legal costs are the issue. There are two lienholders, and a bankruptcy is involved. He said that the deal might not go through if the town insists upon charging the legal fees.

Mr. Goodine continued, saying that the Road Agent is on vacation until August 13, 2018.

Mr. Goodine reported that the Fire Station wall is done.

Ms. McKenney asked about the crack by the door.

Mr. Goodine said that he has spoken with the Fire Chief and concrete will be used to make the repair.

Ms. McKenney mentioned the Senior Center door which is locked. She said there is no reason for it to be locked.

Mr. Goodine said that the Boys & Girls Club has started bringing items for the pre-school program. He has asked Dawna Baxter, Fire Department and Health Department Administrative Assistant, to ask those running the program to come before the BOS and discuss their plans with the BOS. He said that he and Ms. McKenney attended a School Board meeting where they learned that a pre-school program exists, and the need for another one was questioned.

Ms. McKenney said that she spoke with Tom Irzyk of the School Board, and he said that this program is in addition to the existing one and won't affect anything the School Department does. These are younger children, not old enough for the existing program.

Mr. Goodine said that he plans to schedule a non-public session at the next meeting to discuss his performance thus far. He referenced a plan to review his efforts every two months.

On motion of Mr. Eaton, duly seconded by Ms. McKenney, it was unanimously voted to enter non-public session in accordance with the provisions of RSA 91-A:3 II(c) at 9:29 p.m.

On motion of Mr. Eaton, duly seconded by Ms. McKenney, it was unanimously voted to return to public session at 9:33 p.m.

On motion of Mr. Eaton, duly seconded by Ms. McKenney, it was unanimously voted to seal the minutes of the non-public session because a member of the public who is not a member of the BOS might be adversely affected.

Mr. Eaton made a motion to seal the minutes of the three non-public sessions held at the beginning of the meeting.

Ms. McKenney said that there are no minutes when the BOS meets with legal counsel.

Mr. Goodine said that Ms. Somers advised him that minutes should be recorded in this case because the BOS might make a future decision based on these discussions.

Ms. McKenney moved to second the motion to seal the minutes of the three non-public sessions held at the beginning of the meeting. The motion carried unanimously.

On motion of Mr. Eaton, duly seconded by Ms. McKenney, it was unanimously voted to adjourn at 9:36 p.m.

TOWN OF ALLENSTOWN  
SELECT BOARD  
PUBLIC MEETING MINUTES

July 30, 2018

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**Signature Page**

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

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

DRAFT