

TOWN OF ALLENSTOWN
Select Board Special Meeting
16 School Street
Allenstown, New Hampshire 03275
August 22, 2018

Call to Order

The Allenstown Select Board Special Meeting of August 22, 2018 was called to order by Chairman Ryan Carter at 6:00 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; Kathleen Pelissier, Town Clerk/Tax Collector;

Others present: Tom Irzyk, Valerie Merrill, Richard G. Merrill, Sr., Carol M. Merrill, Beth Tower, APD; Paul Paquette, Police Chief; Hannah Higgins, APD; Zack Liupakka, Scott Pihl, APD; Jenn Pihl, Lorne Cayerly, Christine Cayerly, Elizabeth Cayerly, Robert Cayerly, Michael Frascinella, Michael O'Meara, Jacob Ferguson, Sarah Ferguson, Frederick Schaefer, Candace Schaefer, Victor J. Ranfos, Jr., Holly Boisvert, Joshua Boisvert, Kaitlyn Moran, Corey Lambert, Rylee Lambert, Andrew Poirer, Kris Raymond, Brian Goss, Ralph E. Prince, Brian Kelly, Ed Emond.

Citizens' Comments

There were no citizens' comments.

Swearing in of New Police Officer

Chair Carter stated that the swearing in of a new police officer is a recent addition to the agenda.

Chief Paquette introduced Scott Pihl as a new police officer to be sworn in. He said that Mr. Pihl is changing careers, moving from the automotive industry to the police department. He has an excellent background and great reviews.

Ms. McKenney asked Mr. Pihl why he wants to be a police officer.

Mr. Pihl responded that he has been lucky, with a wonderful childhood and a great life and family now. This is his way of giving back.

Chair Carter asked Mr. Pihl why he is changing careers now.

Mr. Pihl responded that his family finances allow him to make this change, now that his daughter is no longer in daycare.

Mr. Eaton asked Mr. Pihl to introduce his family.

Mr. Pihl introduced his wife Jenn and his two children.

Kathleen Pelissier, Town Clerk, administered the oath of office to Mr. Pihl.

RSA 41:14-a, Lincoln Street Hammerhead Project/Land Swap

Mr. Goodine reported that he has been working with Mr. Emond on the final details of this project. There are some closing costs, which will be minimal, and a small adjustment to a measurement. He said he will need authorization to execute the quit claims on behalf of the Board. He told the Board members that the agreement contains language stating that the Town has no obligation to maintain the right-of-way on the easement. Furthermore, the Town reserves the right to discontinue the easement.

Mr. Eaton made a motion

to authorize the transfer from the Town of Allentown to the Edward N. Emond 2012 Trust a certain parcel of land depicted as Parcel A on a plan of land entitled, "Lot Line Adjustment Plan Boundary Survey, Town of Allentown, portion of Lincoln Street, and the Edward N. Emond 2012 Trust, Map 108, Lot 19, Allentown, Merrimack County, New Hampshire, dated May 25, 2018, last revised August 10, 2018";

and to authorize acquisition from the Edward N. Emond 2012 Trust to the Town of Allentown, a certain parcel of land depicted as Parcel B on a plan of land entitled, "Lot Line Adjustment Plan Boundary Survey, Town of Allentown, portion of Lincoln Street, and the Edward N. Emond 2012 Trust, Map 108, Lot 19, Allentown, Merrimack County, New Hampshire, dated May 25, 2018, last revised August 10, 2018";

these transfers follow the requirements of New Hampshire RSA 41:14-a;

the authorization for these transfers is conditioned on the Edward N. Emond 2012 Trust adhering to the Conditions of Approval issued on July 16, 2018 by the Allentown Planning Board for a lot line adjustment; a copy of the July 16, 2018 Planning Board Notice of Decision, which contains those Conditions of Approval, will be kept with the permanent records concerning this land transfer; included with these Conditions of Approval is the expressed requirement that the undeveloped portion of Lincoln Street be released from public servitude and a portion of Lincoln Street to be developed be will be accepted by the Town of Allentown.

The authorization of these transfers is granted with the understanding that the conveyance of property to the Edward N. Emond 2012 Trust will be subject to several easements, one of which is an easement to allow members of the public to cross over by foot or bicycle a portion of the property; any member of the public who uses the easement does so at their own risk and neither the Town nor the Edward N. Emond 2012 Trust will maintain the easement or be liable for any physical or property damage incurred while using the easement area; the Selectmen reserve the right to terminate the public access easement if it is determined that it is no longer in the public interest and authorize the Town Administrator to execute the quit claim deeds.

Ms. McKenney seconded the motion.

Chair Carter called for a vote on the motion, which carried unanimously.

Holiday Acres Purchase and Sales Agreement – may include a Non-Public Session under RSA-A:3 II (d) which may include consultation with Town Counsel

On motion of Mr. Eaton, duly seconded by Ms. McKenney, it was unanimously voted to enter non-public session under RSA 91-A:3 II (d) at 6:15 p.m.

On motion of Mr. Eaton, duly seconded by Ms. McKenney, it was unanimously voted to return to public session at 6:59 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 due to attorney/client privilege.

Chair Carter explained that those representing Holiday Acres had asked for more time to get proper approvals regarding their P&S with the Town.

Mr. Irzyk asked if there was any change in the size or just a need for more time.

Chair Carter said that size is not a part of the P & S; this is just an extension of time.

Mr. Irzyk said that he came to the BOS meeting when this was first proposed. He said the public was not in favor of the development.

Chair Carter said that Mr. Eaton is the only current Board member who was part of the initial authorization, and he asked Mr. Eaton to share what he knows.

Mr. Eaton stated that the P & S was authorized in March of 2017, giving Holiday Acres one year to get their proposal in. The BOS authorized a six-month extension at the end of that year; that extension expires on August 28, 2018.

Mr. Prince, who lives on Chester Turnpike, said that he and other property owners on Chester Turnpike met with Holiday Acres people this morning. He said that the road, as it exists, is subject to bars and gates. Holiday Acres wants to upgrade the road to Class 5, which must be 50-60 feet wide and have gravel run off. In order to make the sidewalk, they will have to purchase land or take land via eminent domain. Mr. Prince said that the water and sewer initially installed, were substandard. The water pipes are only one inch wide and the sewer pipes are eight inches – all in the same trench. Chester Turnpike residents were allowed to tie in. Mr. Prince said that the sewer terminates in a catch basin in his front yard. Holiday Acres plans to upgrade the water and sewer because the existing system is inadequate for the proposed development. Holiday Acres has offered the Chester Road residents a one-time deal to tie in, but the homeowners would incur expenses of \$6,000 to \$10,000, which most homeowners on Chester Turnpike can't afford, as many are elderly and on small, fixed incomes. He said that this will cost them in the long run. Mr. Prince said that Holiday Acres promised trees, landscaping, a community center and a pool, but none of these things happened.

Mr. Goodine asked if this is private sewer on Chester Turnpike or if they are tied in.

Mr. Prince said that water and sewer were part of the tie in and there were supposed to be no charges, but the ownership changed and that ended. He said he gave an easement to cross the street to tie in to the sewer.

Chair Carter said he appreciates that these residents came in and brought this information to the attention of the Board. He said that the Board needs more details.

Ms. Valerie Merrill said she is concerned about the education of the Town's children if more children enter the school system.

Ms. McKenney stated that the Holiday Acres representatives claim there will only be a handful of children, but she disagrees because more grandparents are raising grandchildren now and people over 55 years of age could still have school-age children.

Mr. Irzyk asked if, since the plan has been reduced from 233 homes to 100 homes, the extra land will be developed.

Mr. Eaton said that zoning requires two acres per home, so there won't be extra land. He added that he would like to see the reports requested from Holiday Acres and that he hasn't seen a concrete proposal for how long the extension needs to be.

Mr. Eaton made a motion to give Holiday Acres until September 10, 2018 to produce the requested reports and the detailed proposal. Ms. McKenney seconded the motion under protest. Vote 2 to 1 with Mr. Carter voting no.

Mr. Eaton made a motion to rescind his previous motion. Ms. McKenney seconded the motion, which carried unanimously.

Mr. Eaton repeated his previous motion with the stipulation that Holiday Acres provides the requested information by September 5, 2018. Ms. McKenney seconded the new motion. Vote 2 to 1 with Mr. Carter voting no.

Mr. Eaton said that he appreciates the public comments, and he verified that Mr. Goodine understands what information is needed from Holiday Acres.

Mr. Frascinella stated that he hopes this Board can undo the ill-advised decision of the previous Board.

Chair Carter said that class 6 roads may have gates and bars - or not. He added that he is 90 to 95% sure that the BOS has the power to accept new roads and the layout of new roads, in spite of the 1974 Town vote saying that the Town must approve new roads.

Mr. O'Meara, Planning Board Chairman, said that the change from a class 6 to a class 5 road must first be approved by the Planning Board and then by the BOS.

Mr. Prince said that the road was installed in one day, and the gate was gone. He said that the residents of Chester Turnpike feel that they live in no-man's land; they are a forgotten part of town.

Chair Carter stated that the Board will get the facts and they have set a deadline. He asked residents to stay involved.

On motion of Mr. Eaton, duly seconded by Ms. McKenney, it was unanimously voted to enter non-public session under RSA 91-A:3 II (c) at 7:26 p.m.

On motion of Mr. Eaton, duly seconded by Ms. McKenney, it was unanimously voted to return to public session at 8:04 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 they might affect the reputation of someone not a member of the BOS.

Ms. McKenney reminded the members that the interviews of six candidates for the fire chief position will begin next Tuesday at 10:00 a.m. She wants to attend to be sure that the three finalists brought before the Board are the best. She said she did not like how this was handled. Chair Carter and Selectman Eaton were concerned about Selectwoman McKenney going to initial interview panel because it could affect her objectivity during the Selectboard interviews of the candidates, and also they were concerned if the interview panel brought forward, or didn't bring forward a candidate that Selectboard McKenney liked at the initial interviews to the Selectboard for interviews, then what would

happen. Carter felt that the Selectboard would already have their chance to interview the final candidates anyway. Select women McKenney stated that she would not be attending the interviews then.

Chair Carter asked Mr. Goodine to find out who is on the interview panel.

Mr. Goodine said he is concerned about the P & S during the gap between August 28th and September 10th.

Mr. Eaton suggested that he check with Town Counsel.

On motion of Mr. Eaton, duly seconded by Ms. McKenney, it was voted to adjourn at 8:10 p.m.

TOWN OF ALLENSTOWN
 SELECTBOARD
 SPECIAL PUBLIC MEETING MINUTES

August 22, 2018

Signature Page

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

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