

TOWN OF ALLENSTOWN  
Select Board  
16 School Street  
Allenstown, New Hampshire 03275  
April 28, 2014

**Call to Order.**

The Allenstown Select Board Meeting for April 28, 2014 was called to order by The Chair at 6:00p.m.

**Roll Call.**

Present on the Board: Jason Tardiff and Jeff Gryval.

Excused: Kate Walker

**Others Present.**

Residents of Allenstown: Russell Langille

Others Present:

Other Public Officials: Larry Anderson, Sewer Commission

Allenstown Staff: Shaun Mulholland, Town Administrator; Dana Pendergast, AFD; and Ron Pelissier, Road Agent.

**Citizens Comments:**

N/A

**Meet with Russell Langille in regards to property flooding issues on 39 River Road**

Mr. Langille stated that he has a serious flooding issue on his property. He stated that he has had the Highway Department, geologists, and landscapers whom have all agreed that it is a manmade catastrophe. He stated that the water goes to the lowest point that it can find which is his yard. He stated that he has already spent over \$4,000 to try to tilt the land to change the flow of water but that it is not working. He stated that the trees were all taken out when the cul-de-sac was built behind his property so the water just flows down there.

Mr. Langille stated that he has already spoken to the State and that they told him that he needs to go before the Select Board and see what recommendations they have. He stated that the yard is all mud and won't dry out until July. He stated that he never had this issue until the trees were

depleted. He stated that everyone he has spoken to has told him that the problem is going to get worse. He further discussed the issues with the water and asked the town for some help before he has to go to the State to resolve this.

Mr. Gryval asked if this is something that is getting worse and if there is something around him that is changing. Mr. Langille stated that this has been getting worse and that nothing has changed. He stated that everyone knew that behind his house there were wetlands but that when they cleared the land and built the house he started having problems. He explained what the geologists told him about his high water table.

The Chair asked if the geologist had any suggestions to try to resolve it. Mr. Langille stated that the geologist suggested that they get some sort of drainage put in and have a dry wall to absorb the water.

Mr. Gryval asked Mr. Mulholland what they can offer Mr. Langille to help him out. Mr. Mulholland stated that the Building Inspector can brief them on what has been done thus far. The BI has started an investigation to see if there are any site plan violations. He stated that wetland violations are the jurisdiction of the Department of Environmental Services. Mr. Langille stated that he already spoke to DES who directed him to the Town.

Mr. Pelissier stated that there is a drainage system out there. He stated that they went out there two weeks ago and there was three feet of water. He stated that they don't know if the elevations work to put something into the storm drain but that is something that the Select Board has to give him permission to do.

Mr. Langille reviewed his property on 39 River Road on a map with the Select Board.

Mr. Gryval asked why DES would send Mr. Langille to the Select Board to first. Mr. Mulholland stated that probably because they need to see if there is a site plan violation that they would have to resolve. Mr. Langille stated that the gentleman at DES had directed him towards the Select Board because the town is responsible to take care of their people and at some point approved all the work that has been done in the area.

Chief Pendergast stated that he did go out there two weeks ago and that there was a considerable amount of water in the back yard. He stated that there is a sizeable whole in the backyard in which the water goes to. He stated that there was a berm there but that it was jello like which indicates that water is coming from somewhere.

Chief Pendergast stated that he is looking at site maps. He stated that Advanced Paving and Fort Mountain are coming in to do site planning reviews and that they will try to match the runoff calculations to see if they are consistent. He stated that runoffs cannot be relocated onto their

neighbor, so they will have to rely on the company reviewing the site plans to see if there is a violation. Mr. Mulholland asked when they would be coming before the Planning Board. Chief Pendergast stated that he does not know because they could be in the engineering phases doing the runoff calculations. He stated that Allenstown has no wetlands buffer which means that property owners can come right up to the wetlands and put themselves in the middle of it without knowing.

Mr. Gryval asked how long the site planning and runoff process typically takes. Chief Pendergast stated that a month would be a good target but that it depends on what they run into. Mr. Gryval asked how long he thinks it will be before there is some type of resolutions with Fort Mountain. Chief Pendergast stated that it could be two or three months before they see a definitive answer.

Mr. Gryval explained that one of the problems with the Planning Board is that it is a group of volunteers and that the schedule can change because of vacation time in the summer months. Chief Pendergast stated that it depends on the engineering and how intricate the plan ends up being. Mr. Mulholland suggested to Mr. Langille that he subscribes to the town website so that he can get the Planning Board agenda emailed to him and be notified of when they plan to come before the Select Board regarding their findings.

Mr. Gryval informed Mr. Langille that he has every right to come in when the property owners comes before the Planning Board and express his concerns. Mr. Langille asked if there is any drainage that they can do in the interim. Mr. Pelissier stated that they have not evaluated where the drainage lines are yet which would take some surveying to find out if the water will get to it. He stated that they would have to investigate to see how big the pipe is, how low the pipe is, how much flow is coming in and if the pipe will flow into his yard.

The Chair asked how many feet is it from the road to the backyard. Chief Pendergast stated that from the road to the backyard it's about five feet high.

Chief Pendergast if he has any reports from the people that came out to look at his yard. Mr. Langille stated that he does not but that he can get those.

The Chair asked how big the whole in the yard is. Chief Pendergast stated that it is probably 150 feet wide extending to the left hand side which is his neighbor's yard and to the neighbor's on the right hand side. The Chair asked what would happen if they fill this in. Chief Pendergast stated that if they fill that in, it will fix Mr. Langille's issue but that the water will need to go somewhere else.

The Chair stated that the Building Inspector's investigation is about all they can do at the moment until they know what is going on with the investigation. Mr. Gryval asked that the Highway Department and Building Inspector update them on a monthly basis of what is going on with this.

The Chair asked if they did a buffer for the wetlands, would they need to put that on ballot. Chief Pendergast stated that he doesn't know if that is so that he will have to ask about that. There was discussion of why they may not have put the buffers in before and what it would take to put the buffers in place.

**Meeting with the Planning Board chairman to discuss the Building Inspector being the Enforcement Official for earth removal ordinance in violations to RSA 155-E**

Mr. Roy stated that they are looking to have Chief Pendergast enforce all violations that he sees or investigates for all excavating permits. The Chair asked who is dedicated to that right now. Mr. Roy stated that it is the Planning Board.

Mr. Gryval stated that it has always been that way and that there has never been a person designated to the position of enforcing the ordinances or regulations that the Planning Board has in place. He stated that they would like to appoint a person to do that so that there is a go to person to enforce those violations. He explained that the reason the Planning Board is here tonight is because Chief Pendergast works for the town and they want to make sure that it is okay for them to do this.

The Chair stated that he would assume that he is the person designated to do such because he is the enforcer. Mr. Roy stated that the way it is written, it is the Planning Board who is supposed to do that. The Chair stated that he does not have a problem with them doing that and asked what they have to do officially to do that. Mr. Mulholland stated that they don't have to do anything and that the Planning Board will put the change in their ordinance.

**Appoint Representation to Central NH Regional Planning Commission town representative**

Mr. Gryval stated that at the last Planning Board meeting Ms. Martel had to resign from the Planning Board because she will be moving out of town and that she was one of the representatives to the commission. He stated that Chad Pelissier has volunteered to fulfill that position.

Motion. Mr. Gryval made a motion to recommend to appoint Chad Pelissier for NH Central Regional Planning Commission as town representative. Mr. Tardiff seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Tardiff-Yes and Mr. Gryval -Yes. The Chair declared the Motion passed.

**Planning Board Update**

Mr. Roy stated that they will have to have another meeting with the Select Board to discuss the fees for the excavation permit regulations. Mr. Gryval stated that some of the fees will be changing

and that is something that the Select Board has to have a public hearing on. Mr. Roy discussed some of the fees that they will be changing.

### **Review changes to the Personnel Policy Amendments**

Mr. Mulholland stated that he added the two changes that the Select Board asked him to do. Mr. Gryval asked Mr. Pelissier and Chief Pendergast if they had any concerns with the changes that were proposed. Chief Pendergast stated that he didn't see any huge issues in the changes. The Chair asked Mr. Mulholland to schedule a public hearing for this.

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

Mr. Mulholland stated that they met with the Highway Department this morning in regards to the Employee Benefits Study Committee and that there doesn't seem to be any issues. He stated that they also did the town hall and they will be doing the Police Department on Thursday.

Mr. Mulholland stated that they spoke about personnel evaluations which are due on Wednesday. He stated that the Highway Department was the first to submit theirs.

Mr. Mulholland stated that they have been discussing a bond for road reconstruction for next year so that there is going to be some engineering costs that will have to come out of the construction services budget.

### **Posted Roads Weight Limits**

Mr. Pelissier stated that they have done an evaluation of the roads and asked for permission to take down the posted weight limit signs.

Motion. Mr. Gryval made a motion to remove the weight limits on New Rye Road, Dodge Road, Mt. Delight, and Deerfield. Mr. Tardiff seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Tardiff-Yes and Mr. Gryval -Yes. The Chair declared the Motion passed.

### **Phone Line Cyber-Attack**

Mr. Mulholland stated that they had a cyber-attack on their phone system from Europe that they dealt with that today. No data was compromised.

### **Bear Paws property interest**

Mr. Mulholland stated that they met with representatives from Bear-Paws Greenways today and that they are interested in the same properties as they were before. He stated that they are proposing to purchase the properties at market value. They would put the properties in current use and pay

taxes on them. The Select Board determined to send them a letter thanking them for the offer but that they are not interested in selling at this time.

### **Budget Guidance**

Mr. Mulholland stated that at the next meeting they will be discussing the 2015 budget guidance for the department heads.

### **Request for compensation from former employee**

Mr. Mulholland stated that they have a request from a former employee for compensation that they can discuss in public unless they are asking a specific question about it. He distributed two letters that he drafted to respond to the employee depending on their determination of what action to take. He stated that he has also discussed this with town counsel.

Motion. Mr. Gryval made a motion to deny Joseph Kelly's request for compensation. Mr. Tardiff seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Tardiff-Yes and Mr. Gryval -Yes. The Chair declared the Motion passed.

### **Proposals for Asbestos Removal**

Mr. Mulholland stated that he finally received two of the three proposals for the asbestos removal. The Chair asked if there is an allowable percentage of asbestos. Mr. Mulholland stated that the percentage is less than one. He explained the process of the asbestos removal.

Mr. Gryval asked if there is any other area in the town hall that has asbestos that they should be concerned about while they have someone removing other areas. Mr. Mulholland pointed out areas in the meeting room and discussed other areas that may have some but that they don't know about.

Mr. Gryval asked when they would be doing this. Mr. Mulholland stated that there is a ten day notification requirement and then the work can begin. He stated that they would do the work over a weekend.

The Chair asked about the replacing of the floors after the asbestos removal. Mr. Mulholland showed the Select Board proposals for the floors. There was discussion of the proposals and what the costs included for work to be done.

### **Review and Approve Minutes**

Motion. Mr. Gryval made a motion to approve the minutes of March 31, 2014. Mr. Tardiff seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Tardiff-Yes and Mr. Gryval -Yes. The Chair declared the Motion passed.

Motion. Mr. Gryval made a motion to approve the minutes of April 7, 2014. Mr. Tardiff seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Tardiff-Yes and Mr. Gryval -Yes. The Chair declared the Motion passed.

Motion. Mr. Gryval made a motion to approve the nonpublic minutes of April 21, 2014. Mr. Tardiff seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Tardiff-Yes and Mr. Gryval -Yes. The Chair declared the Motion passed.

#### **Discussion of Site Walk on Wednesday**

Mr. Gryval stated that they are going to meet at the town hall about 6pm, go over a few things, and then go out to the site for a little while. He stated that the town counsel will meet them here at 7:30pm to give them some insight.

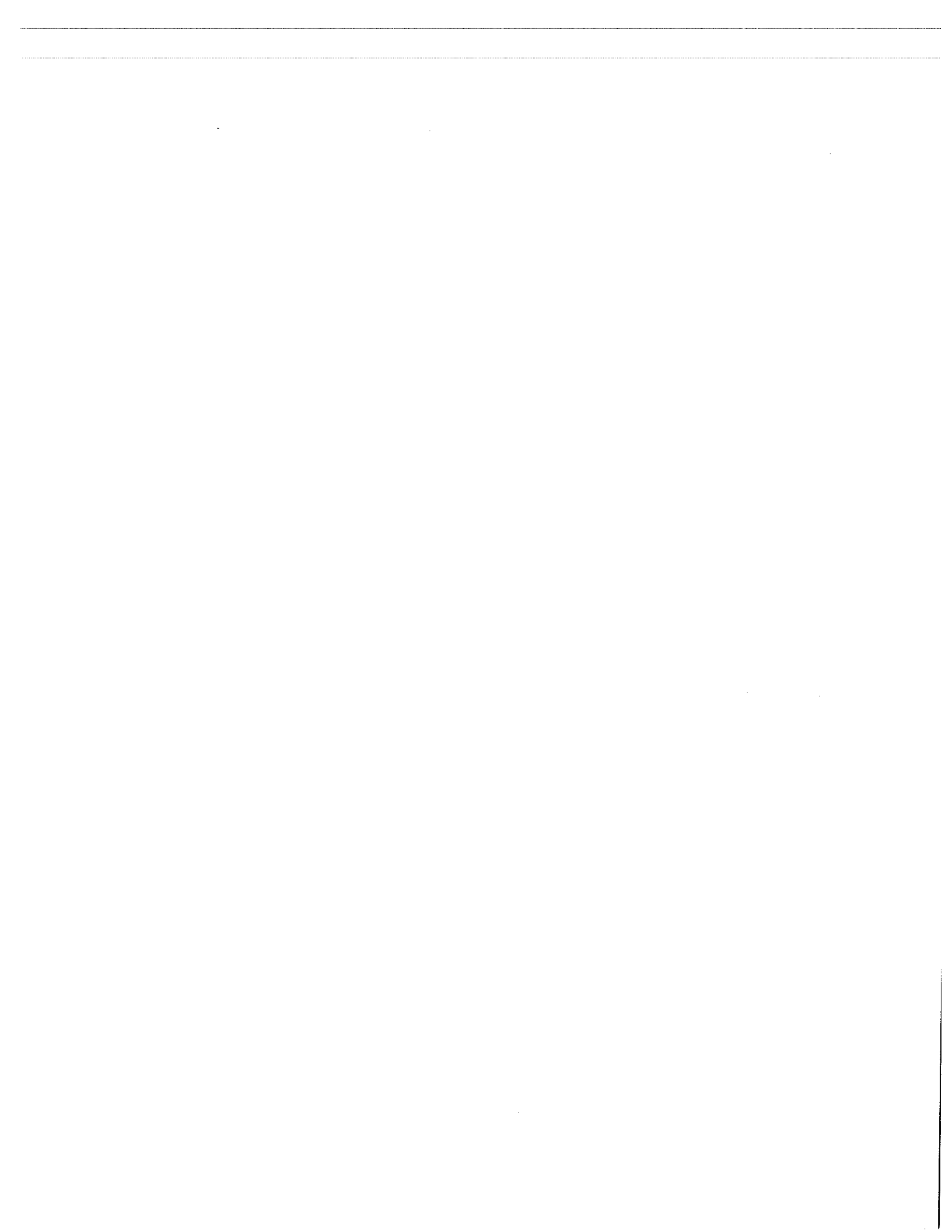
Motion. Mr. Gryval made a motion to approve the Consent Calendar. Mr. Tardiff seconded the motion.

A Roll Call Vote was taken: Mr. Tardiff-Yes and Mr. Gryval-Yes. The Chair declared the Motion passed.

Motion. Mr. Tardiff made a motion to adjourn. Mr. Gryval seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Tardiff-Yes and Mr. Gryval -Yes. The Chair declared the Motion passed.

The Chair adjourned the meeting at 7:11pm.








TOWN OF ALLENSTOWN  
SELECTBOARD  
PUBLIC MEETING MINUTES

April 28th , 2014

**Signature Page**

<b>Original Approval:</b>	
 JASON TARDIFF, Chair	5-5-14 DATE
 JEFFREY GRYVAL, Member	5-5-14 DATE
 KATE WALKER, Member	5-5-2014. DATE

<b>Amendment Approvals:</b>		
Amendment Description:	Approval:	Date:
	JASON TARDIFF, Chair	DATE
	JEFFREY GRYVAL, Member	DATE
	KATE WALKER, Member	DATE
	KATE WALKER, Member	DATE

