TOWN OF ALLENSTOWN

Select Board

16 School Street

Allenstown, New Hampshire 03275 January 25, 2016

Call to Order.

The Allenstown Select Board Meeting for January 25, 2016 was called to order by Mr. Gryval at 6:00p.m.

Roll Call.

Present on the Board: Jeff Gryval and Jason Tardiff.

Excused: Kate Walker

Others Present

Residents of Allenstown: Sandy McKenney

Others Present:

Other Public Officials: Jeff Backman, Sewer Department; Carl Caporale, Sewer Department; and Larry Anderson, Sewer Department.

Allenstown Staff: Shaun Mulholland, Town Administrator; Kathleen Rogers, Town Clerk; and Ron Pelissier, Road Agent.

Citizens Comments:

Mrs. McKenney asked what the snow date is for the Deliberative Session. Mr. Mulholland stated the snow date is February 3, 2016.

Mrs. McKenney asked who was on the Zoning Board. The Chair stated the Chair is Eric Feustel, himself, Chris Roy, Roger LaFlamme, and Bob Bergeron.

Mrs. McKenney asked why they are having a public hearing on the warrant article. The Chair stated they have to do it because of the RSA. Mrs. McKenney asked what RSA. Mr. Mulholland stated the RSA is listed on the agenda.

Public Hearing-Petition warrant article to change the size of the Board of Selectmen from 3 members to 5 in accordance with the provisions of RSA 41:8-c.

The Chair opened the public hearing at 6:02pm.

Mrs. McKenney asked the Board for their opinion on the petition warrant article. The Chair stated he hasn't given it a lot of thought. Mrs. McKenney asked if the Board voted to recommend it. The Chair stated they did not recommend it. He stated it seems foolish from the town's perspective but he hasn't personally weighed in on it. He stated they have a difficult time getting people to sign up for committees and boards now. He stated as of right now only one person signed up for Selectmen. Ms. Rogers confirmed only one person signed up but she thinks more people have shown interest in it.

Mrs. McKenney stated people might get involved if they had an opportunity to get involved. The Chair stated he doesn't know what more opportunities they can give to people as they have public meetings, minutes of public meetings, full disclosure website, public hearings, etc. Mrs. McKenney stated she thinks it would be a good idea to have more people on the Board to help make the town a better place to live and control some of the spending.

Mr. Anderson stated they might be surprised who is interested now. The Chair stated nobody signs up so if it goes through the Board may have to appoint people. He stated there have only ever been one or two people running against the Selectmen as elections. Mr. Tardiff stated they have so many boards they are trying to fill.

Ms. Rogers stated in times like tonight where there is only two of them, having a five member board allows for more flexibility and takes some stress off the people for the Board.

Public Hearing-Adopt amendments to CO 300 Parks & Recreation Commission Authority.

Mr. Mulholland explained RSA 35 allows for the governing body to give certain authority to the Parks & Recreation Commission to manage property. He stated the BOS did it a while ago with Volunteers Park, Whitten St Park, Blueberry Express Park, Bridge Park, and the boat landing. He stated the Commission asked the BOS take back the responsibility as they are no longer able to handle it.

The Chair opened the public hearing at 6:09pm.

The Chair stated they just want help with Volunteers Park. He explained they are having issues with the legal requirements of insurances and scheduling things around their meetings to get it

done. He stated one of the Commissioners suggested it would be easier for them if the BOS took over it because they can handle things at the town hall.

Mr. Caporale asked what difficulties they are having. The Chair stated they have to have insurance policies for everything which is done and it is difficult to track down the paperwork.

Mrs. McKenney asked if the town carries insurance on the park and if each team has to submit their own. The Chair stated each team has to submit the insurance. Mr. Tardiff stated the teams are not submitting insurance forms. The Chair stated it is one of the things they are trying to work with boards and committees to get things cleaned up. He stated Mrs. Houlis thought it would be best if the BOS took things over for her.

Mr. Anderson asked if the BOS will be scheduling everything and then making sure all the paperwork gets in. The Chair stated they have been doing the function but the problem is if the paperwork isn't submitted Mr. Mulholland doesn't have the authority to require paperwork or tell them they cannot use the park.

Consider applicant for appointment to the ZBA.

Motion. Mr. Gryval made a motion to appoint Keith Klawes as an alternate to the Zoning Board of Adjustment with an effective date of January 19, 2016 with an expiration date of June 1, 2016. Mr. Tardiff seconded the Motion. There was no additional discussion.

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

Discuss testing and plan of action to address E.coli bacteria in the storm drain system at Outfalls 1 and 18.

Mr. Pelissier stated they have done testing and the levels are still high. He stated Outfall 1 is at Sewer Treatment Facility and 18 is in the area of Heritage Dr. He stated they have tasked Hoyle and Tanner to do some camera work down on Ferry Street and to test a little further upstream. He stated there was some miscommunication on where the MS-4 boundaries were so they have to test further upstream.

Mr. Tardiff asked about finding E.coli in Outfall 18 and if there is anything downstream from 18. Mr. Pelissier stated they found it up into the Town House Road area. He stated they only tested upstream. He stated there are some old farms in the area so there could be many causes for it. He stated they are working on Outfall 1 to find out what is going on there. He stated the recycling company down there will be tying into the proper location.

Mr. Tardiff asked when they will know by. Mr. Pelissier stated he was expecting to know today but he didn't get an email on it. Mr. Mulholland stated the first test will be done in March. He showed the Board where on the town map Outfall 1 and 18 are located. Mr. Pelissier further explained they don't know exactly where the E.coli is which is why they are doing the testing.

The Chair asked when they are done with the testing, will they know definitively where the E.coli comes from. Mr. Pelissier stated they could know where it ends. He stated part of the MS-4 project they have to correct the E.coli if it is at a certain level. Mr. Pelissier stated they should be able to narrow down where they are getting the high hits.

Mr. Tardiff asked the Sewer Commission if they just did repairs out in the area [Town House Road]. Mr. Backman stated they repaired a sewer line over on Town House Road. He stated a sewer doesn't typically leak out but the water would come in. Mr. Caporale stated he thought the tests in March will be more revealing.

Mr. Pelissier stated they are working their way up Ferry Street. He stated the Sewer Department is going to camera up Ferry Street and see if there are sewer laterals where there should be. He stated Hoyle and Tanner will see if there are any signs of usage.

Mr. Tardiff asked how much waste would cause these kinds of numbers. Mr. Backman stated it could be just one dead animal. He stated he thinks they are taking the right approach to find what is causing the problems. Mr. Pelissier stated they may run a camera up there if they find there is no E.coli at the Frog Pond area.

Mr. Tardiff asked about the person raking the dogs stuff into the area. Mr. Pelissier stated the person is no longer there. He stated he told the residents on Town House Road not to rake anything into the brook. Mr. Tardiff asked if it is something they can legally tell the residents not to do. Mr. Mulholland stated they have to create the ordinances in town.

Mr. Mulholland stated it is unfortunate they don't have the task order because it outlines all the procedures. The Chair asked why they don't have the task order. Mr. Mulholland stated Hoyle & Tanner was supposed to have it to them by today but they emailed him today with reasons why they couldn't.

Mr. Mulholland stated when the permit takes effect they will automatically be in violation of these things if they don't meet all of the requirements of the permit. He stated they have been taking steps to shorten the list or eliminate it.

Mr. Tardiff asked if Hoyle and Tanner gave him a time when they would have the report to them. Mr. Mulholland stated no they didn't. Mr. Tardiff suggested they tell them by tomorrow or they are done. Mr. Mulholland stated it is a little frustrating because they went through this issue in August. He stated once again Hoyle and Tanner has missed a timeline. There was further discussion of the communication and deadline issues with Hoyle and Tanner.

The Board determined to have Mr. Mulholland send Hoyle and Tanner a letter telling them there services are no longer needed as this point.

Discuss request from the Sewer Superintendent for the 2017 Budget to be submitted by November 1, 2016.

Mr. Backman stated they have typically forwarded their budget to the Select Board in November. He stated he would like to get the date officially set.

The Chair stated all the other departments are required to get the budgets in by July 31, 2016. Mr. Caporale stated they are trying to find out if they actually need to come before the Select Board or if it is a courtesy. He stated the July deadline is nearly impossible for them which is why they have gotten the budget to them in October/November.

The Chair stated he was really upset with the way they did it this year. Mr. Caporale asked why he was upset this year and not last year. The Chair stated they gave it to them the day they presented so there was no time to go over it before the presentation. Mr. Caporale stated they can't do it at the end of July which is why they are asking for it to be extended.

Mr. Tardiff asked if they don't have time to do the budget in the time frame. Mr. Caporale stated it is a busy time of year for them and it is when all the projects are going on. The Chair asked when they start their budget process. Mr. Backman stated they start in September and it is a two month process with their Board.

Mr. Tardiff stated his hesitation is if they say yes to November 1st he doesn't want an excuse they can't have it for another couple weeks come November 1st. He stated not having it in the past with no communication was disrespectful however he's happy they are coming to the Board ahead of time.

The Chair asked Mr. Mulholland how this will affect the timing. Mr. Mulholland stated the process doesn't start until May so they don't have to make a decision on this now. He stated it doesn't affect the tax rate calculation. He stated the BOS is the governing body and they have to make the recommendation. There was further discussion of when they need certain budgets by and when they need the Sewer Budget numbers.

The Board agreed the Sewer Department could submit their budget by November 1, 2016.

The Chair stated when they gave the departments the directive last year; they told them they didn't want to see the town budget increase by more than one percent. He asked the Sewer Commission if they tried to follow the directive as well. Mr. Anderson stated they did the directive two years in a row but this year they had to go up to the 2.75 percent because of the modification.

Mr. Caporale stated when the BOS sets the guidelines they are setting them to the department heads and they are outside it. Mr. Anderson stated they will have payback within two years from the project they are doing.

Discuss request by the Sewer Commission for Town Hall to process insurance documents for the Sewer Dept.

Mr. Caporale stated they determined they were doing a poor job with the insurance documents because they didn't have up to date rates or accurate information because they don't do it a lot. He stated Mr. Mulholland helped him understand the process a little bit better. He stated he suggested they have the town do it because they have the information already.

Mr. Tardiff stated it makes sense to have one person do this for the town. Mr. Caporale stated they recently had an employee who needed some care and had to ask Mr. Mulholland for assistance with it. He stated they want to make sure it is done right.

The Chair asked Mr. Mulholland how this would work. Mr. Mulholland stated just like the town employees, they would come in and fill out the necessary paperwork. He stated they would get an explanation as to what the programs are for. He stated their files would go back with them; they would assist the employees in filling out the paperwork. Mr. Tardiff asked if this is going to add a burden to them timewise. Mr. Mulholland stated it shouldn't unless they hired a lot of people. He stated it would be he and Mrs. Baird who would do it.

The Board agreed to help the Sewer Department with the insurance forms.

Close Public Hearing-Petition warrant article to change the size of the Board of Selectmen from 3 members to 5 in accordance with the provisions of RSA 41:8-c.

The Chair closed the public hearing at 6:56pm.

Close Public Hearing-Adopt amendments to CO 300 Parks & Recreation Commission Authority.

Mr. Anderson asked who is going to take care of the new building. The Chair stated the BOS will take care of it. He state he thinks it is going to go back to them when this is done but it is easier for the BOS to do it right now.

The Chair closed the public hearing at 6:58pm.

Motion. Mr. Tardiff made a motion to adopt amendments to CO 300 Parks & Recreation Commission Authority. Mr. Gryval seconded the Motion. There was no additional discussion.

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

Discuss hiring of personnel for the police department.

Mr. Mulholland stated there is a memo from the Police Chief which describes the process for them. The Chair asked if this met all of their requirements. Mr. Mulholland stated it met the requirements for the initial process.

The Chair asked about Item No. 5 on the Timeline and if it is something they want to do. He asked if this is something they should talk about in non-public. Mr. Mulholland stated it is something they should discuss in non-public.

Consider revisions to the Personnel Policy.

Mr. Mulholland stated the first change is on page 22. He stated this was requested by Mr. Pelissier in regards to holiday pay for Highway Department Employees. Mr. Pelissier stated they plow a lot of holidays. He stated they wanted to work the holiday as a regular day and take the holiday another time. He stated there would be a requirement of 90 days in order to use it.

The Chair asked what would happen if it was Christmas Day or other holidays when it lapses into another year. Mr. Mulholland stated it adds another expense in the coming year. The Chair asked if they have the ability to deal with it here. Mr. Mulholland stated Mr. Pelissier would manage it and the system does allow them to do it.

Mr. Tardiff asked how the employees feel about it. Mr. Pelissier stated they feel like they will get their holiday doing it this way. Mr. Mulholland stated it gives them more opportunities and the Road Agent has more flexibility.

Mr. Mulholland stated page 25 has proposed changes for sick leave which would allow quarter hour increments instead of half days. The Chair asked what are the pros and cons to it. Mr. Mulholland stated there really isn't a con for it. He stated the system allows for them to do the quarter hours. The Chair stated the employee survey's brought up the sick leave time.

Mr. Mulholland stated the next proposal is change the COBRA. He stated he DTC's version #2 has the latest version which they will put in the policy.

Mr. Mulholland stated there are proposed changes for page 37 for Retirement Benefits for police officers under the 457b plan.

The Chair stated one of the things brought up with the surveys was tuition reimbursement. He stated there would have to be a lot of guidelines. Mr. Tardiff stated he has no problem hearing what they are thinking but there would be a lot of guidelines.

Mr. Mulholland suggested the Board review DTC 2 Personnel Plan because it has the Section 18 additional language.

Consider adoption of an Ethics Policy.

Mr. Mulholland stated there is a State statute which allows for municipalities to develop ethics ordinances which is not something they are looking at. He stated he took Raymond's ethics ordinance and revised it for them. He stated this came up in the audit and was recommended they have a policy.

The Chair asked about the Section of informing the Chairman of Boards, in writing, of any biases. He stated his concern of putting a burden to some of the volunteers on the boards and committees. Mr. Mulholland stated it is in Section 5 page four.

The Chair stated the way it works now is if someone has an issue they bring it up at the meeting and recuse themselves.

Mr. Tardiff asked if they have to have an Ethics committee. Mr. Mulholland stated they do not.

The Chair stated he had a question on Section Ia which states "All employees and officials, whether elected, appointed or hired must report in writing to their immediate supervisor or Board or Committee Chairperson those assignments in which they have a personal interest or bias. A personal interest or bias includes any current or any prospective or any contemplated interest or bias in the matter. A personal interest includes any ownership interest in property, employment, agency (such as an independent contractor), or business affected by the matter of the assignment.

A personal bias includes a personal interest or a familial relationship to a person having a personal interest."

The Chair stated this could be cumbersome for those in Allenstown. He stated he married into a large family and when he was on the Planning Board he choose to notify people of possible bias. He stated even if someone tells the Chairman about the bias, they can't make the person recuse themselves. Mr. Mulholland stated if there is a bias they have a legal obligation to recuse themselves. The Chair stated he is not opposed to having an Ethics Policy but he doesn't want to handcuff their volunteers. Mr. Mulholland stated they don't want a lawsuit because of bias on the board.

Ms. Rogers asked if they could have an Ethics Policy and do it ala carte. Mr. Mulholland stated they can make it anything they want. Mr. Mulholland stated this is the standard other towns use.

The Chair stated he had concerns with Section II where it states "No employee or official, whether elected, appointed or hired shall appear in behalf of private interests before any Town Board. Officials, however, may appear without compensation in behalf of constituents or in the performance of public or civic obligations. This section shall not prohibit appearances upon matters only incidentally requiring official action which do not develop into a substantial part of the employment, provided that the retainer is not for the purpose of appearing before the agency, and provided, further that the compensation, in whole or in part, is not contingent or dependent upon the action of such agency.

The Chair asked if Mr. Pelissier would be able to advocate on behalf of his daughter to the Planning Board. Mr. Mulholland stated as long as it wasn't on something Mr. Pelissier had jurisdiction over.

The Chair read Section 4: Duty to Disclose which states "All employees and officials, whether elected, appointed or hired of the Town of Allenstown shall not participate in the conduct of business on behalf of the town or enter into discussion or deliberation of any matter without first publicly and on the record, stating all: Dealings, Interests, Relationships, Friendships, And possible conflicts Which may exist between the employee or official, whether elected, appointed or hired, and their family and the principals of the issue under consideration."

The Chair asked what Section 4 means. Mr. Mulholland stated it means if an employee or official had a side business they cannot solicited the town's business. The Chair asked if they did an RFP process someone couldn't submit for the RFP. Mr. Mulholland stated he was correct. The Chair stated he didn't want to do it. Mr. Tardiff stated he gave leftover material to the Highway Department and got crap for it. Mr. Mulholland stated it is the image it creates in peoples' mind rather it's the truth or not.

Mr. Mulholland stated he needs some guidance on what the BOS wants him to do with this. The Board determined to table this until Ms. Walker can give her opinion on it.

Approve contract with Hubbard Consulting to write the update of the Emergency Operations Plan.

Mr. Mulholland stated they received an EMPG grant to write the plan. He stated Hubbard Consulting would be the one doing it.

Motion. Mr. Tardiff made a motion to accept the contract for the EOP update with Hubbard Contracting in the amount of \$4,000 and authorize Shaun Mulholland to sign it. Mr. Gryval seconded the Motion. There was no additional discussion.

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

TOWN ADMINISTRATOR'S REPORT.

Approve Application with Riley Auto Parts

Mr. Mulholland stated Mr. Pelissier submitted an application from Riley Auto Parts to buy parts there. He stated there is an 18% penalty if they don't pay on time which is not uncommon. He stated he doesn't see a problem with it. He stated they want an applicant name and a social security number. Mr. Pelissier stated he thinks they have something for municipalities because they do a lot of work with other towns. The Board gave approval to go forward with this.

Discuss Staff Meeting

Mr. Mulholland stated they discussed the Deliberative Session and the online health assessment. He stated they discussed JLMC; they are having problems with some departments not submitting personnel which are something they can be fined for. The Chair asked if there is anyone he needs to contact. Mr. Mulholland stated the Police Chief and Library Trustees. He stated there were no recommendations for changes to the Safety Policy.

Solar Project at Fire Station

Mr. Mulholland stated they met with Freedom Energy and what they may propose for Solar on the Fire Station. He stated the proposal appears less than encouraging right now.

Website Update

Mr. Mulholland stated website update starts tomorrow and should take about 15 days to do. He stated people can view it but no new information can be added to it.

CAI Tax Map

Mr. Mulholland stated the CAI tax map on the website is being updated so they don't need Microsoft Silverlight.

CPR First Aid Training

Mr. Mulholland stated they are going to be doing CPA First Aid training for Town Hall staff, Sewer Department and Highway Department employees who have asked for it. He stated they are going to break it up into small blocks so it will probably be a couple of days. He stated Shawn Buxton will probably be doing the training.

NHMA Legislative Policies

Mr. Mulholland stated he spoke to the department heads about the legislative policy positions with NHMA. He stated now is the time to get those in. He stated they will have the whole list sometime in May or June.

Community Center Update

Mr. Mulholland stated they should have the roof on by the end of February. He stated they are finishing the drainage work this week, boxing out the parking lot and the basketball court. He stated there will be some sort of playground.

Senate Bills Updates

Mr. Anderson asked if they heard anything on their bills. Mr. Mulholland stated Bill 1243 has passed the committee with the amendments they talked about. He stated he is optimistic it will actually pass. He stated they don't have a date yet for Bill 1244 and House Bill 1395.

Ratify Consent Calendar: January 25th, 2016

Motion. Mr. Tardiff made a motion to approve the Consent Calendar for January 25, 2016. Mr. Gryval seconded the Motion. There was no additional discussion.

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

Review Minutes: January 4th, 2016 and January 18th, 2016

Motion. Mr. Tardiff made a motion to approve the minutes for January 4, 2016. Mr. Gryval seconded the Motion. There was no additional discussion.

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

The Chair they will wait for Ms. Walker to be here to accept the January 18, 2016 minutes.

Approve Payroll and Accounts Payable Manifests: o Check manifest 011316 (2016) o ACH manifest 011316 (2016)

Motion. Mr. Tardiff made a motion to approve all Check manifests, ACH manifests, and payroll manifests which are on the agenda. Mr. Gryval seconded the Motion. There was no additional discussion.

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

Non-Public Session in accordance with the provisions of RSA 91-A:3(e).

Motion. Mr. Gryval made a motion to go into non-public session in accordance with the provisions of RSA 91-A:3(e) at 7:42pm. Mr. Tardiff seconded the Motion. There was no additional discussion.

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

Motion. Mr. Tardiff made a motion to go back into public session at 8:06pm. Mr. Gryval seconded the Motion. There was no additional discussion.

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

Motion. Mr. Tardiff made a motion to seal the previous non-public minutes due to ongoing litigation. Mr. Gryval seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Gryval –Yes and Mr. Tardiff - 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. Gryval –Yes and Mr. Tardiff - Yes. The Chair declared the Motion passed.			
The Chair declared the meeting adjourned at 8:07 pm.			

TOWN OF ALLENSTOWN SELECTBOARD PUBLIC MEETING MINUTES

January 18, 2016

Signature Page

Original Approval:			
Jeffry J. Dryvel	02/23/2016		
JEFFREY GRYVAL, Chair	DATE		
Jason Tardiff	02/02/2016		
JASON TARDIFF, Member	DATE		
Kate a. Walker	02/03/2016		
	DATE		

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

Signature Certificate



Document Reference: AND4ZLJS65SA2HMKBZ24AB





Kate Walker

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Electronic Signature:

Kate a Walker

Digital Fingerprint Checksum

eac2f4c5367d8ce941f8ffffed42fa10f0779563





Jason Tardiff

Party ID: CZ7CENJLMLYD6INPYB7VIC

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VERIFIED EMAIL: jtardiff@allenstownnh.gov

Electronic Signature:

Jason Tandiff

Multi-Factor
Digital Fingerprint Checksum

b43fc67c66b4a72b3e6d3ea0a9f7ec2dec87bbc1





Jeffrey Gryval

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Electronic Signature:

Jeffry J. Dryvel

Digital Fingerprint Checksum

2016-02-03 11:44:59 -0800

2016-02-02 05:46:05 -0800

41d468dcbf530ac30b75ca795d68ec46fe206dac



Timestamp

Audit

2016-02-23 16:19:07 -0800 All parties have signed document. Signed copies sent to: Kate Walker, Jason

Tardiff, Jeffrey Gryval, and Shaun Mulholland.

2016-02-23 16:19:07 -0800 Document signed by Jeffrey Gryval (jgryval@allenstownnh.gov) with drawn

signature. - 64.222.96.214

2016-02-23 16:18:42 -0800 Document viewed by Jeffrey Gryval (jgryval@allenstownnh.gov). - 64.222.96.214

Document signed by Kate Walker (kwalker@allenstownnh.gov) with drawn

signature. - 65.175.133.144

2016-02-03 11:44:45 -0800 Document viewed by Kate Walker (kwalker@allenstownnh.gov). - 65.175.133.144

Document signed by Jason Tardiff (itardiff@allenstownnh.gov) with drawn

signature. - 173.9.43.198

2016-02-02 05:43:52 -0800 Document viewed by Jason Tardiff (jtardiff@allenstownnh.gov). - 173.9.43.198 2016-02-01 06:16:02 -0800

Document created by Shaun Mulholland (smulholland@allenstownnh.gov). -

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