

**TOWN OF ALLENSTOWN
STATE OF NEW HAMPSHIRE
MINUTES OF DELIBERATIVE SESSION ON 1/30/10**

To the inhabitants of the Town of Allenstown, in the County of Merrimack, New Hampshire, qualified to vote in Town affairs: You are hereby notified to meet at the Allenstown Elementary School on Saturday, January 30, 2010 at 1:00 p.m. for the purpose of transacting all business other than voting by official ballot and thereafter to meet on Tuesday, March 9, 2010 between 8:00 a.m. and 7:00 p.m. at the Allenstown Elementary School, to elect officers, vote on Zoning articles and to vote on all warrant articles from the first session by official ballot.

The meeting was called to order on Saturday, January 30, 2010 at 1:00 p.m. by Moderator Dennis Fowler.

There were 60 registered voters in attendance.

The Pledge of Allegiance was recited.

The Moderator asked for a moment of silence for the military and their families.

The Moderator read letters of resignation of Gabriel Daneault as supervisor of the checklist , and Louise Letendre and Robert Girard as checklist supervisors through March 2010 election along with Chris Fowler. Present as supervisors of the checklist for the deliberative session were Louise Letendre, Melaine Boisvert and Chris Fowler.

The Moderator discussed the basic rules for the meeting.

The Moderator noted there were non-residents present who may be speaking and asked if there were any objections. There were no objections.

The Moderator stated that voting on Articles 1 through 3 will take place on Tuesday, March 9, 2010.

ARTICLE 1

Are you in favor of the adoption of Amendment No. 1 as proposed by the Planning Board for the Town of Allenstown Zoning Ordinance as follows:

Repealing Article XII of the Zoning Ordinance entitled Floodplain Development Regulations, and replacing it with a new Article XII entitled Flood Hazard Area Overlay District?

This Article generally amends uses and development in the 100-year flood plain, including but not limited to, requiring the lowest floor of any building to be at least two feet above base flood elevation; incorporating updated flood maps; revising definitions generally along with numerous other changes.

This Article is recommended by the Planning Board.

ARTICLE 2

Are you in favor of the adoption of Amendment No. 2 as proposed by the Planning Board for the Town of Allenstown Zoning Ordinance as follows:

Adopting Article XXII of the Zoning Ordinance entitled Adult Business Ordinance?

This Article permits sexually oriented businesses in the Industrial Zone subject to multiple limitations and setbacks; it also requires annual licensing of such businesses by the Town, and requires separate licenses for the business to have employees and for employees to work in a sexually oriented business. Adult or sexually oriented businesses include, but are not limited to, adult bookstores and novelty stores, adult cabaret which would incorporate what is colloquially known as a strip joint, adult arcade which would incorporate what is

colloquially known as a peep show, adult motion picture theatre, escort agency, and adult motel.

This Article is recommended by the Planning Board.

Article 3

To choose all necessary Town Officers for the ensuing year.

Article 4

Shall the Town of Allenstown raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling Six million four hundred forty-one thousand forty-five dollars (\$6,441,045). Should this article be defeated, the default budget shall be Six million two hundred eighteen thousand nine hundred seventy-six dollars (\$6,218,976) which is the same as last year, with certain adjustments required by previous action of the Town of Allenstown or by law, or the governing body may hold one special meeting, in accordance with RSA 40:13 X and XVI, to take up the issue of a revised operations budget only.

NOTE: This warrant article (operating budget) does not include appropriations in ANY other warrant article. *This article is not recommended by the Board of Selectmen. This article is recommended by the Budget Committee.*

Sandy McKenney asked why this article was not recommended by the Board of Selectmen. The Board stated their proposal was the amount of \$6,388,619.

Carol Angowski asked about an increase of \$81,150 to \$176,440 in the sewer budget. Sewer Superintendent Dana Clement stated the major reason for the increase in the sewer budget was for cost of goods and services over which there was no control over, such as the contract with Waste Management and sludge disposal, electrical costs and chemical costs. The significant increase for the Town of Allenstown is due to a decrease in water usage. The true increase was stated to be \$81,000, not \$176,000.

Carol Angowski asked why the Highway Department had a \$126,612 increase. Chris Roy stated it was due to road reconstruction and the increased cost of hard top.

Roger LaFleur used a projector to review last year's and this year's budgets. There was a discussion on the personnel line item and the cemetery for plot layout. It was stated there was a requirement for the town to have a cemetery for those unable to pay for a plot.

There was a discussion on a 16.9% increase in health care costs and the current three year agreement we currently have.

Jim Boisvert asked why there was an increase in the sanitation of \$40,000 and Roger LeFleur stated that they started to address concerns, including the formation of a recycling committee and discussions of all types of recycling.

Public Safety was discussed, including the increase on the ambulance side of the Police Dept. budget. It was stated that effective July 1st Pembroke and Allenstown will assume full responsibility for the service. Dave Eaton spoke about a part-time or full-time prosecutor instead of service by the County Attorney who doesn't have the time or effort to put criminals behind bars. Jim Boisvert asked how the Chief felt about this. Chief Mulholland spoke in favor of having a full-time town prosecutor. Carl Caparole felt we would get better results with hiring a prosecutor than using the County Prosecutor. The pros and cons were discussed.

Carol Angowski asked about the increase in emergency management and it was stated that currently the Director is an unpaid position and \$10,000 would be for payment. Fire Chief Hart stated that the Director does all the administrative work, emergency management, attends meetings and seminars.

Roger LeFleur explained that gross budget is offset by some revenues. Town Attorney Biron Bedard explained that gross budget statute requires we prepare budget on a gross budget basis, so that residents see the entire expenditure and revenue. Several residents questioned and discussed the gross budget process. Tom Gilligan stated the State of N.H. currently has a budget crisis and the amount of funding to local towns and cities will be reduced.

Jim Boisvert asked about the FEMA/Riverside Park property buy-out and whether these properties had been taken off the assessment figures yet. It was stated this project was not done and there would continue to be adjustments to the town assessment figures. Chief Mulholland stated the total reduction will be in the area of \$2.3 million dollars. There was a general discussion that permanent structures could never be built on that property again.

A motion was made by Roger LaFleur and seconded by Tom Irzyk to amend Article 4 to change the amount of Six million four hundred forty-one thousand forty-five dollars (\$6,441,045) to Six million three hundred eighty-eight thousand nineteen dollars (\$6,388,019).

There was a general discussion that whatever amount is voted on in March is the amount the Board of Selectmen have to work with. Jim Boisvert asked whether we could be looking at a 20% to 25% increase in the tax rate, and asked what the bottom line amount was we would have to raise through taxes. Tom Gilligan stated the proposed budget and all of the articles passed the rate could be \$10.44, based on the 2009 assessments. The rate will also depend on revenues. There was a discussion on the rate if the amendment passes.

Motion to amend Article 4 to reduce the amount to \$6,388,019, voted and failed.
Article 4 will appear on the ballot as read.

Article 5

To see if the Town will vote to raise and appropriate the sum of Ten thousand dollars (\$10,000) to be added to the **Highway Department Equipment** Capital Reserve Fund. *This article is recommended by the Board of Selectmen. This article is recommended by the Budget Committee.*

Article 5 will appear on the ballot as read.

Article 6

To see if the Town will vote to raise and appropriate the sum of Ten thousand dollars (\$10,000) to be added to the **Highway Garage** Capital Reserve Fund. *This article is recommended by the Board of Selectmen. This article is recommended by the Budget Committee.*

Article 6 will appear on the ballot as read.

Article 7

To see if the Town will vote to raise and appropriate the sum of Ten thousand dollars (\$10,000) to be added to the **Landfill Closure** Expendable Trust Fund. *This article is recommended by the Board of Selectmen. This article is recommended by the Budget Committee.*

It was stated the balance in the Landfill Closure Fund was \$20,144.06 as of the end of December 2009.

Article 7 will appear on the ballot as read.

Article 8

To see if the Town will vote to authorize the Selectmen to enter into a long-term lease/purchase agreement in the amount of One hundred forty-two thousand dollars (\$142,000) payable over a term of five (5) years to purchase a 2010 six wheeled dump truck with front plow, wing plow and sander and to raise and appropriate the sum of Thirty one thousand one hundred forty-eight dollars (\$31,148) for the first year's payment for that purpose. This lease/purchase agreement contains an escape clause. *This article is recommended by the Board of Selectmen. This article is recommended by the Budget Committee.*

Carol Angowski asked whether there was any money in the Capital Reserve Fund. It was stated there was a balance of \$17,712.83 as of the end of December 2009.

Article 8 will appear on the ballot as read.

Article 9

To see if the Town will vote to raise and appropriate the sum of Two thousand five hundred dollars (\$2,500) to be added to the **Town Safety** Expendable Trust Fund. *This article is recommended by the Board of Selectmen. This article is recommended by the Budget Committee.*

Article 9 will appear on the ballot as read.

Article 10

To see if the Town will vote to raise and appropriate the sum of Two thousand five hundred dollars (\$2,500) to be placed in the **Police Computer Equipment** Capital Reserve Fund. *This article is recommended by the Board of Selectmen. This article is recommended by the Budget Committee*

The balance in this fund was stated to be \$4,696.21. It was stated the way the capital reserve funds work is that the departments ask the Board of Selectmen for funds and the Board votes yes or no. The approval of the request for funds has to be justifiable to the Department of Revenue Administration.

Article 10 will appear on the ballot as read.

Article 11

To see if the Town will vote to raise and appropriate the sum of Two thousand five hundred dollars (\$2,500) to be placed in the **Police Cruiser** Capital Reserve Fund. *This article is recommended by the Board of Selectmen. This article is recommended by the Budget Committee.*

The balance in this fund was stated to be \$4,262.82. There was a general discussion on the schedule for the purchase of cruisers.

Article 11 will appear on the ballot as read.

Article 12

To see if the Town will vote to raise and appropriate the sum of Six thousand dollars (\$6,000) to be placed in the **Police Safety Equipment** Capital Reserve Fund. *This article is recommended by the Board of Selectmen. This article is recommended by the Budget Committee.*

Article 12 will appear on the ballot as read.

Article 13

To see if the Town will vote to raise and appropriate the sum of Ten thousand dollars (\$10,000) to be placed in the **Special Revenue D.A.R.E.** Fund. *This article is recommended by the Board of Selectmen. This article is recommended by the Budget Committee.*

Roger LaFleur stated that the D.A.R.E. project had not been funded for two years and he would like to see it back in place.

Article 13 will appear on the ballot as read.

Article 14

To see if the Town will vote to raise and appropriate the sum of Two thousand five hundred (\$2,500) dollars to be added to the **Recreation** Capital Reserve Fund. *This article is recommended by the Board of Selectmen. This article is recommended by the Budget Committee.*

Article 14 will appear on the ballot as read.

Article 15

To see if the Town will vote to raise and appropriate the sum of Ten thousand dollars (\$10,000) to be placed into the **Fire Department Safety Equipment** Capital Reserve Fund. *This article is recommended by the Board of Selectmen. This article is recommended by the Budget Committee.*

There was a general discussion that this fund was for the purchase of major equipment other than protective clothing, chain saws, etc. The current balance was stated to be \$7,132.71.

Article 15 will appear on the ballot as read.

Article 16

To see if the Town will vote to raise and appropriate the sum of Fifty thousand dollars (\$50,000) to be placed into the **Fire Department Equipment** Capital Reserve Fund. *This article is recommended by the Board of Selectmen. This article is recommended by the Budget Committee.*

The current balance was stated to be \$541.11.

Article 16 will appear on the ballot as read.

Article 17

To see if the Town will vote to raise and appropriate the sum of Twenty thousand dollars (\$20,000) to be placed into the **Public Safety Facilities** Capital Reserve Fund. *This article is recommended by the Board of Selectmen. This article is recommended by the Budget Committee.*

It was stated this fund covers both the Fire and Police Departments and that they work together. The current balance is \$5,582.47.

Article 17 will appear on the ballot as read.

Article 18

To see if the Town will vote to raise and appropriate the sum of Three hundred thousand dollars (\$300,000) to purchase a Tanker Truck to replace the 1960 Tanker Truck and the 1981 Pumper Truck, and to further authorize the Selectmen to offset a portion of said appropriation by applying for an Assistance to Firefighters Grant through the U.S. Department of Homeland Security or any other available grant program in the amount of Two hundred eighty-five thousand dollars (\$285,000). With the sum of Fifteen thousand dollars (\$15,000) to be raised through taxation. This article is contingent upon receipt of said grant. *This article is recommended by the Board of Selectmen. This article is recommended by the Budget Committee.*

Article 18 will appear on the ballot as read.

Article 19

To see if the Town will vote to raise and appropriate the sum of Two hundred seventy-five thousand dollars (\$275,000) for the purchase of a New Medium Duty Rescue/Pumper Fire Truck to replace the 1976 Pumper Truck. *This article is recommended by the Board of Selectmen. This article is recommended by the Budget Committee.*

Judy Silva asked why the Board of Selectmen and the Budget Committee both approved this Article. Fire Chief Hart stated he has been in fire services for over 50 years and has never seen a fleet in so poor condition, and that there was only one piece of equipment that was less than 25 years old, with 2 pieces being close to 60 years old. He stated 3 pieces failed inspection and one piece has been out of service since last September. He stated we should be able to depend on fire apparatus on a daily basis. The fleet is very old and costing the Town lots of money for repairs and is unreliable. He stated that 60% to 70% of the calls were medical calls. There was a discussion on dropping the amount to \$35,000 and a ten year lease purchase.

A Motion was made by Jim Boisvert and seconded by Mike Ortisi to amend the amount to up to Thirty-Five Thousand Dollars (\$35,000.00) for a ten year lease.

There was a general discussion on a direct purchase. Valerie Merrill stated the Town needed the equipment and that she observed the old equipment at her EMT class. Mike Ortisi stated that Article 18 may not go through and we could end up with neither truck. There was a general discussion on applying for grants and whether the trucks being replaced had any value. Judy Silva spoke on accepting this amendment but requested the addition of a second part. There was a discussion on the re-wording of Article 19. Town Counsel Biron Bedard discussed the wording of the amendment.

A Motion was made by Judy Silva and seconded by Mike Ortisi to amend Article 19 to read as follows:

a.)To see if the Town will vote to raise and appropriate the sum of Two hundred seventy-five thousand dollars (\$275,000) for the purchase of a New Medium Duty Rescue/Pumper Fire Truck to replace the 1976 Pumper Truck. *This article is recommended by the Board of Selectmen. This article is recommended by the Budget Committee.*

If you are not in favor of Article 19a.

b) To see if the Town will vote to authorize the selectmen to enter into a long term lease/purchase agreement in the amount of Two hundred Seventy five Thousand Dollars (\$275,000) payable over a ten year term to purchase a New Medium Duty Rescue/Pumper Fire Truck to replace the 1976 Pumper Truck and to raise and appropriate up to Thirty Five Thousand Dollars (\$35,000) for the first year's payment for that purpose. This lease purchase agreement contains an escape clause.

If both articles 19a and 19b are approved the New Medium Duty Rescue/Pumper Truck will be purchased not leased.

Two part amendment as read, voted and passed, by a show of hands. First amendment voted and passed, by a show of hands.

Article 19 will appear on the ballot as amended.

Article 20

To see if the Town will vote to raise and appropriate the sum of One hundred fifty thousand dollars (\$150,000) to complete renovations to the second floor of the Fire Station; and further authorize the Selectmen to offset the entire appropriation by applying for a grant in the amount of One hundred fifty thousand dollars (\$150,000) from the U.S. Department of Homeland Security or any other grant program available and to further authorize the Selectmen to enter into a contract or contracts to complete the renovations. This article is contingent upon receipt of said grant. *This article is recommended by the Board of Selectmen. This article is recommended by the Budget Committee.*

Jim Boisvert asked about the status of filing the paperwork for the grant. Chief Hart stated the paperwork was already passed in.

Article 20 will appear on the ballot as read.

Article 21

To see if the Town will vote to change the purpose of the **Town Hall Roof** Capital Reserve Fund to the **Town Hall Repair and Maintenance** Capital Reserve Fund. This is a non-appropriation article. This warrant article has no tax impact. **(2/3 vote required).**

It was stated the current balance in this Capital Reserve Fund was \$9,979.80, and that since at least 2005 all of the necessary repairs to the Town Hall roof have been done. Tom Gilligan stated the name needed to be changed to allow the fund to be used for general Town Hall repairs and upgrades.

Article 21 will appear on the ballot as read.

Article 22- BY PETITION

Shall the town of Allenstown rescind the authority for the Selectmen to act as agents to expend from the Fire Department Equipment Capital Reserve Fund and to require that any withdrawals from this fund are required by a vote at Town Meeting.

Town Counsel Biron Bedard stated the way Articles 22 and 23 are worded could result in a special town meeting.

A Motion was made by Sandy McKenney and seconded by Jerry McKenney to put a period after the word Fund and to remove the words "and to require that any withdrawals from this fund are required by a vote at Town Meeting." Voted and passed, by a show of hands.

Article 22 will appear on the ballot as read.

Article 23- BY PETITION

Shall the town of Allenstown rescind the authority for the Selectmen to act as agents to expend from the Highway Department Equipment Capital Reserve Fund and to require that any withdrawals from this fund are required by a vote at Town Meeting.

A Motion was made by Sandy McKenney and seconded by Andrea Martel to put a period after the word Fund and to remove the words "and to require that any withdrawals from this fund are required by a vote at Town Meeting." Voted and passed, by a show of hands.

Article 23 will appear on the ballot as read.

Article 24- BY PETITION

Shall we rescind the provisions of RSA 40:13 (known as SB 2), as adopted by the Town of Allenstown on March 11, 1997, so that the official ballot will no longer be used for voting on all questions, but only for the election of officers and certain other questions for which the official ballot is required by State law?" (3/5 Ballot Vote Required).

Article 24 will appear on the ballot as read.

Article 25- BY PETITION

To see if the Town will vote to approve the following resolution to be forwarded to our State Representative(s), our State Senator, the Speaker of the House, and the Senate President. Resolved: The citizens of NH should be allowed to vote on an amendment to the NH Constitution that defines "marriage".

Carl Caparole stated there was a current movement in the State to define marriage and by accepting this Article the residents would send a message to the officials stated in the Petition expressing the public opinion in this locale.

Article 25 will appear on the ballot as read.

Melaine Boisvert asked whether Articles 18, 19 and 20 required a two-thirds majority and the response was no.

A Motion to Recess the meeting was made by Tom Gilligan and seconded by Mike Ortisi. Meeting recessed at 3:33 p.m.

Respectfully Submitted By:

Diane Demers

Allenstown Town Clerk

February 5, 2010