

TOWN OF ALLENSTOWN
SELECTMEN'S OFFICE
16 SCHOOL STREET
ALLENSTOWN, NH 03275

Meeting Opened at 6:30 p.m.

Members Present:

Sandy McKenney, Chairperson; Carol Merrill, Selectperson. Thomas Gilligan, Selectman.

Audience members present;

Chief Mulholland APD, Lt. Paquette APD, Tom Irzyk, Chris Roy-Road Agent. Deputy Chief Martin-AFD, John Fraser AFD Call FF Candidate, Carl Schaefer- ARC
Cliff Jones- Bldg. Inspector

FMLA - Open Public Hearing on Family Medical Leave Act

6:30 p.m - Sandy opened the Public meeting,

Sandy advised that the BOS had received corrections/updates from the Town's Attorney-Biron Bedard.

Sandy asked for comments, concerns or changes from the board and audience members.

Sandy asked Tom if he had any concerns with the suggested changes from Biron.

Tom said that he had not yet seen them incorporated into the version that was before the board, and if we had published them yet.

Sandy advised not yet.

Tom said that he had no issues with the changes that the attorney provided.

Sandy then asked Chief Mulholland if he had any issues.

The Chief mentioned that the discrepancy was whether or not the 12 weeks of FMLA would be added onto an employee's sick and vacation time, or if it would be all inclusive of that time.

The Chief went on to explain that his department as well as other departments might have a hard time operating if they are down a person for 12 weeks, plus the additional sick and vacation time that they have accrued.

Sandy said that the employees should be using up all of their sick and or vacation time before they go on FMLA. The Chief advised that the current proposed revision was not written to say that now. Discussion followed about how employees accrue sick time, and how that is carried over from year to year.

Sandy then asked the board if they wanted to consider the issue as part of the updated FMLA revisions. Discussion continued.

Carol said that we probably better leave it the way it is.

The Chief said he spoke with Biron about the changes and that he agrees with Biron. He also said he does not have any issues with the changes that Atty Bedard suggested.

Tom said again that he had nothing to add to the Attorney's suggested changes and that he agrees with the updated and recommendation from his letter. Sandy asked Chris Roy if he had any question or changes. Chris said it is pretty much what he had. The public meeting was left open at this time to allow for any further comments from anyone who came in late to the meeting.

6:45 p.m. Meet new hire for Fire Department – John Fraser

Sandy gave Deputy Martin a framed certificate about the time capsule, and stated that they would have to keep it at the fire station for 23 more years. Deputy Martin said he would place it in the lobby.

Deputy Martin introduced John Fraser as a candidate to become a new call FF. Deputy Martin provided the board with John's paperwork. John introduced himself to the board, and his aspirations for becoming a FF. He is an eagle scout and has a business degree. He is looking to give back to the community. He currently lives in Pembroke and is a manager at the Outback Steakhouse in Concord.

Tom asked John if he was signing up to be a call FF anywhere else at this time. John advised no, just in Allenstown.

Sandy made a Motion to appoint John Fraser as a Call Firefighter for the town of Allenstown effective February 25, 2008.

Tom seconded the motion.

Roll Call Vote- 3 Ayes.

Motion Passes.

Deputy Martin asked if there was anything else the BOS had on the agenda that pertained to the FD. Tom advised that the only other item was a reminder that the default budget meeting was March 3rd and that department heads should submit their cuts to the board asap.

Sandy advised that the "Odor Concerns" meeting was canceled and rescheduled to March 10th 6:30 PM at Parish Hall.

Sandy moved to open the discussion with Chief Mulholland about parking on Ferry St. The Chief said that there is an issue with some streets not having ample room for passage due to the snow banks, and due to the fact that we do not have any parking restrictions in town. He received a complaint today about Granite street.

The Chief advised that Ferry Street is particularly bad.

Sandy asked the Chief if we should enact parking restrictions for all of the streets while we are at it. The Chief suggested that he can do whatever the BOS wants/recommends but that we might want to focus on just the problematic streets at this time.

The Chief said that he will put different together proposals for doing all of the streets at once, and for doing just the problematic ones now.

The Chief said he has received complaints for both Ferry and Granite Sts.

Discussion continued with the Chief and the Road Agent. Sandy asked the board what they thought. Carol said she thinks we need a snow ban in the winter, and that the busy streets should have one sided parking only.

The Chief said that he will put different together proposals for doing all of the streets at once, winter parking bans and one for doing just the problematic ones now.

Tom said he thinks that we should do all streets in Town at once to get it over and done with. He also suggested that we have one-sided parking in the winter on all streets just like in Manchester. The Chief said that this could get very expensive, as the town would have to post all of those streets at once. Tom asked if we had to post them all.

The Chief said we have a snow emergency ordinance but that it wasn't written properly. He said that the ordinance does not clearly say who will declare a Snow emergency and that needs to be fixed.

Tom said that the Chief was right, it could be cost prohibitive because we would have to order and pay for the signs, and pay for the time/labor to dig and install them on all streets. So maybe it would make more sense to just implement the higher traffic areas like School, Main, Ferry, Granite Sts.

The Chief talked about some of the other potential fallout from doing the entire street. Discussion continued. The Chief reiterated the fact that our ordinance does not state who gets to declare a snow emergency. Tom said that we need to fix that and just make it the Road Agent since he is the one responsible for plowing the roads. The Chief agreed and said that is what he suggests as well.

The Chief said that he will put different together proposals for doing all of the streets at once, and for doing just the problematic ones now and then the BOS can just adopt the one they feel is most appropriate.

Sandy said that the 2007 budgets are now closed and any bills received as of now will need to be applied against the 2008 budget. She advised that they are still trying to get expenses put against the 2008 budget and it may not yet be up to date, and therefore may not be accurate for use when determining the defaults.

The Chief said that this is problematic as we look towards our scheduled budget review at the BOS meeting scheduled for 3/17. Sandy said she hopes we can get it corrected by then.

Highway Grant

Sandy said we've received the highway grant. This is from the NH Dept Of Highway Safety and is for sobriety checkpoints.

Rec Center Expenditure

Carl Schaefer advised the BOS that the countertop was delivered today, and that the BOS had encumbered funds from 2007 for it, but that he would go over \$27. He just wanted to let the board know. Tom said that we would just take the overage of \$27 out of this year's budget because it is too late to encumber any more expenses to 2007.

Carl advised that the total cost was about \$527 for all materials, the countertops, and 2 base cabinets (which were purchased at a discount at Big Jim's).

Release letter from Biron about GIS Pilot Project, Mr. Goodspeed

Sandy asked if the letter was okay with everyone on the board. Tom said that it was not okay with him. Tom said that the program is contradictory to what we do now with our tax maps on the town website and that we shouldn't have to have the residents call Cartographics to have their names removed from the online versions/listings.

Carol advised that it would be a choice for the residents.

Tom asked if the town was going to send a letter to residents. Carol said the residents would now about it. Tom asked how they would know about it if we don't notify them.

Sandy said that there would be public meetings held on this.

Tom asked for a motion, and whether or not the letter had been sent yet. Sandy said it looks like the letter had been sent already. Tom said that isn't what the board had agreed to, that they would discuss the letter as a board before it was sent to Cartographics.

Sandy said she thinks the letter is fine and did not have an issue with it whether it had been sent out yet or not.

Tom said that he didn't want to spend any more of the town's money contacting the attorney (Biron) to see whether or not it had been sent. He said he just stands in opposition to it.

Candidate's Night

Sandy read a reminder that Candidate's night was Wednesday at 6:30.

Status 234 Deerfield Road Culvert Issue

Chris Roy advised that he had called Pam to try and set up a meeting but she hadn't returned his call yet. Chris said he had received eyewitness accounts that the water had been running out of the driveway at this location at around midnight.

Sandy asked if anyone had spoken with the resident since the first contact was made.

Chris said no. Sandy asked the Chief (Mulholland) if anyone had spoken with him. The Chief said that Cliff Jones (Bldg. Inspector) had been up there once to talk to him but it wasn't because he was pumping water out of his driveway.

Tom said it is still a problem at that location. Lt. Paquette said he took a ride up there last week with Cliff Jones. He said he walked up to the edge of the driveway, and that there is a large snow bank there that is melting. Tom said it is a very dangerous situation right now and that we should get the official story about what's behind the issue, and that the town should issue a cease and desist order because the town is liable for Deerfield Road and if anything happens like an accident the town is liable. He said that at last week's meeting the BOS was told that the resident/s have an illegal culvert that runs under that section of Deerfield Road and that the reason for the welling up was that the culvert pipe was broken and that the water being pumped from the individual's property was overflowing on his side of the culvert pipe onto the roadway causing this issue. He said that we as a town need to figure out if it is an individual's runoff issue, and that we need to issue a cease and desist or we run the risk of being liable should an accident occur.

Chris Roy said that Charlie at DOT Division 5 advised the resident that the State DOT does not replace resident's broken pipes that are used for people's drainage, but that he would issue the individual an excavation permit for Deerfield Road so he could fix the broken pipe.

Sandy said that Chris should have that meeting and let the resident know what his options are. Chris said he would have Cliff Jones come to the meeting as well.

The Chief advised that we find and cite the RSA that we have jurisdiction to effect any changes.

Reminder Department Heads default budgets due 03-03-08

Sandy reminded everyone that their default budget cut proposals were due next Monday 3/3.

The Chief asked if he had permission to suspend an employee as of 3/17 pending the budget defaulting. The BOS would have to decide whether or not to cut that position as of 3/17. Tom and Carol were in favor of this and advised the Chief it was ok.

Highway Dept. complaint

Sandy said we received a complaint about the Highway dept not wearing reflective clothing while picking up the garbage on Deerfield Road. Sandy said she advised the resident that the BOS just approved the PO for new reflective jackets and that they should be receiving the new jackets shortly.

Tom advised Chris that Sears is selling lime green and orange reflective jackets on clearance in Concord. Chris said he would check into it.

Assessing Contract

Sandy presented the contract for assessing services for the next year with Corcoran and Associates.

Tom advised that this item was not on the agenda for tonight's meeting.

Tom also asked whether or not the signing of this contract had to be posted for the public at least for 10 days since we are binding the town for a contract. Sandy said no. Carol said they didn't post it last year either.

The total amount of the contract is for \$56,000.00 for 1 year. Tom asked whether or not we wanted to check with LGC to confirm whether or not this needs to be posted in a public hearing. Sandy said we've always just signed them. Sandy said it was not on the agenda because it just came in last Friday.

Sandy Made a Motion to accept the contract with Corcoran and Associates for 1 year not to exceed \$56,000.00.

Carol seconded the motion.

Roll Call Vote, 2 Yes-Sandy, Carol, 1 Nay Tom

Motion Passes.

Moderator Nomination

Sandy read a nomination for Armand Verville to become moderator pro-temp.

This is because Dennis Fowler will be out of town for the town meeting on 3/11.

Sandy made a motion to nominate Armand Verville Moderator Pro Temp with a term to expire April 1, 2009. Carol Seconded the motion.

Roll Call Vote:

Carol Aye, Tom Abstain, Sandy Aye.

Motion passed 2 to 0.

Letter from Mr Prince on Chester Turnpike

Cliff Jones said he would respond to the letter from Mr. Prince on behalf of the BOS.

Cliff said that he would be notifying Mr. Jackson that he is in violation of a zoning ordinance and a variance, which he was granted.

Approve Minutes of 02-11-08

Tom asked if Sandy had received an updated version of the minutes from 2/11 with his correction in them. He would like to review them so he can compare and contrast what he has. Sandy said that no vote was taken on them previously.

Tom asked if there were any concerns with his corrections. Sandy said she does.

Tom asked what the concerns were. Sandy said page 3. The concerns were over what was said by Town on the need for a FT building and assessing clerk. Tom said that his correction/replacement is what he pulled off the tape. Sandy said she listened to the tape and she heard something completely different. Tom asked Sandy if she had brought a copy of the tape so they could listen to it. Tom said he had his recording at home but that he just didn't bring it to tonight's meeting.

Sandy checked her audio recorder and said she didn't have the 2/11 meeting on there.

Tom said that before they move to strike his corrections, we should review what the tape said. Sandy then read what she had typed up from listening to the tape. She then asked the building inspector and Carol if they remembered the conversation they way she had it written/without mention of the building inspector. They both said yes.

Tom said he has a copy of the entire meeting at home, and that if they want to strike down all of his corrections because of that one incorrect item they should move on it. However, Tom cautioned the board that if they disregarded all of his corrections and voted to accept the minutes as is with just Sandy's correction that they would receive a letter from his attorney, and they would see how that works out for them (the BOS).

Sandy said she has it on tape. Tom said he had it on tape too.

Sandy then said "You're calling Carol a liar, your calling Cliff a liar, and you're also calling me a liar".

Tom said no he's not, and that "If I had a problem with what he said or Carol said, I would address them."

Tom said to Sandy that "I have a problem with what you're trying to do, which is slander what I said in meeting minutes in a public meeting"

Tom said "If you try to slander me in the minutes, you've got another thing coming whether you're an elected official or a private individual" Sandy said she wasn't trying to slander him. Tom said he wasn't going to take it and sit quietly.

Carol said that from now on she thinks Tom needs to do the minutes, because we lost our minute clerk.

Carol said that "Tom you have been terrible to the people around here that work here"

Tom said he'd be happy to bring out all of the emails he has sent to Diane about the meeting minutes. Carol said she wasn't talking just about Diane.

Tom said "I know what you people are up to"

Carol said she listened to all of "these girls and they are upset" She asked Tom if he ever tells them how great they are. She continued to say that we have some great workers and

it's a shame to loose them. Tom said he wasn't aware that we were loosing any employees and that he does tell them that they are doing a good job.

Tom said that " I think what you are trying to do is say that I made the ex-minute clerk resign from her job and I didn't" Carol said "you did." Tom said "I have all of the correspondence from me to her, and if she has a problem with that, that's her problem, not mine. I said if I'm going to be quoted in meeting minutes, I want to be quoted accurately so that there is no misinterpretations. I didn't accuse her of anything I didn't say that she did anything malicious, I said I would personally as a selectman like the record to reflect what I said in the meeting" Tom said he has that in writing and that he did not talk with the ex minute clerk verbally.

Tom said do what you've got to do with the meeting minutes and let's stop spending so much time on heresy.

Carol made a motion that Tom does the meeting minutes from now on for the BOS.

Tom said that he had all of the correspondence with the ex-minute clerk that he would like to have added to the record. He submitted them to Sandy for appending to tonight's minutes.

Tom said he felt like he had to defend himself.

Sandy seconded the motion.

Roll Call vote:

Sandy Aye, Carol Aye,

Tom Abstained

Tom said he would check with legal counsel to see whether or not the motion was valid.

*Note- Tom checked with legal counsel and this motion was not legal as the BOS cannot force someone to do the minutes by way of a vote.

Carol said that the audio recorder should stay at town hall.

Tom said that was fine.

Tom continued to say "This is a waste of time. We're running out of budget dollars and we've got to sit here and argue over meeting minutes because somebody's feelings were hurt."

Sandy asked "Who's feelings?"

Tom said "You're feelings obviously, and Ms. O'Callaghan's feelings as the email chain will show".

Tom said he's not apologizing for a mistake that Sandy made.

Carol said that Sandy already apologized for that.

The 2/11 minutes were tabled.

Approve Minutes of 02-18-08

Sandy asked if the BOS were ready to vote on the minutes of 2/18.

Tom stated that he had just received the minutes for 2/18 today.

Tom made a motion to table the meeting minutes of the 2/18 meeting. Carol seconded.

Roll Call vote.
Carol Aye, Tom Aye.

Tom asked Sandy to have the email chain regarding the 2/11 minutes and corrections be appended to tonight's minutes (2/25/08). Tom handed Sandy hard copies of the entire email chain. Tom said that if anyone needed electronic copies of the emails to cut and paste, he would be happy to provide them.

Highway Dept. Stove

Sandy said that she spoke to Chris about the letter from LGC regarding giving away the stove. Sandy said she emailed Chief Mulholland the letter from LGC and asked if he could have Katherine (Rogers) draft up a bill of sale and release letter.

Tom asked if the town was just going to dispose of the stove and turn it over to the person who wants it. Sandy said that she did not believe the stove was worth anything. Carol and Sandy agreed. Tom stated for the record that the stove doesn't have any monetary value.

Welfare Dept. Letter for recovering placement costs

Sandy asked if the BOS had reviewed Biron's letter regarding the Welfare Director's letter to the landlord. Tom said he had not received it yet.

Tom gave Sandy a business card with his email addresses on it for future reference when sending Selectman's agenda, minutes or information, as he has not been getting them. Biron's letter advised that the amount the town is trying to recoup would be far less than the cost of filing and or trying a legal case against the landlord.

Letter from LGC

Sandy read a letter/request from LGC and NHPR. NHPR is looking for a member of the town staff to submit some warrant articles with a little write up about each to their website as an informational service to voters, and to be used as a forum topic on their website.

Tom asked whom the BOS would propose as the point person for this effort. Sandy said that she had already asked Diane Demers if she could do it.

Tom explained the nature of what the request was from LGC/NHPR to the audience members so they would know what the BOS was looking at/discussing.

Tom said that he thought Diane was too busy with stuff to get involved with something like this.

Sandy said that they're all busy right now, but that it was a good idea, and it shouldn't take too long to input this.

Letter from Kelley Van Ruden about bike race in BBSP

Sandy said that she is coordinating this bike race and asked to be put on an upcoming agenda so that she could explain to the board the specifics of the race. Chief Mulholland suggested that he could email her to get what the scope of the race was going to be, and he would get back to us.

Tom said that they would have to check with the state and get permits for use of BBSP. Sandy said she thought they had to check with us and notify us first. Chief Mulholland advised the BOS that they do not need to check with the town or notify us first, and that this was just a courtesy. And that they were not under any obligation to do so because we do not have any ordinance or regulations for it. Item was tabled until March 31, 2008 at 6:30 PM.

Budgetary Issues and End of Year Concerns

Sandy said there were some items that the BOS needed to discuss about the budget and end of the year things, and that some of this needs to be done in non-public.

Contract Negotiations Updates-APD

The Chief said he had some updates regarding dispatch.

MOTION by Sandy to go into Non-Public under RSA 91A 3 IIe at 7:59 PM

Seconded by Tom

Roll Call Vote: Carol, aye; Tom, aye. Sandy aye

Motion passes

MOTION by Sandy to come out of Non-Public under RSA 91A 3 IIe at 8:23 PM

Seconded by Carol

Roll Call Vote: Carol, aye; Tom, aye. Sandy aye. Motion passes

MOTION by Sandy to go into Non-Public under RSA 91A 3 IIc at 8:26 PM

Seconded by Carol

Roll Call Vote: Carol, aye; Tom, aye. Sandy aye

MOTION by Sandy to come out of Non-Public under RSA 91A 3 IIc at 9:07 PM

Seconded by Carol

Roll Call Vote: Carol, aye; Tom, aye. Sandy aye. Motion passes

Email from Tom to Dep.t Heads

Sandy read aloud an email from Tom to the dept. heads that someone placed in her till. Tom said he spoke with Chief Mulholland and Deputy Chief Martin after the email and there were no concerns or issues that anyone wanted to raise.

MOTION to Adjourn by Sandy

Seconded by Carol

ADJOURN at 9:30 PM

Sandy McKenney, Chairperson

Carol Merrill, Selectperson

Tom Gilligan, Selectman