

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

Thomas Gilligan, Chairperson for the Board of Selectmen, opened the meeting at 6:30 p.m. on Monday, March 2, 2009

**Present at the meeting:** Carol Merrill, Selectperson, Roger LaFleur, Selectman; Kelley Collins, Administrative Assistant

**Present in the audience:** Police Chief Mulholland, Building Inspector Cliff Jones, Road Agent Chris Roy

**6:30 p.m. Review, discuss, and sign any new required documents.**

**Non Public Minutes**

Chairman Gilligan made a motion to accept the Non Public minutes of 2/9/09 that started at 12:03 a.m. Selectperson Merrill seconded.

Roll Call Vote:

Chairman Gilligan – yes  
Selectperson Merrill – yes  
Selectman LaFleur – yes  
Motion passed

Chairman Gilligan made a motion to accept the Non Public minutes of 2/9/09 that started at 11:53 p.m. Selectperson Merrill seconded.

Roll Call Vote:

Chairman Gilligan – yes  
Selectperson Merrill – yes  
Selectman LaFleur – yes  
Motion passed

Chairman Gilligan made a motion to accept the Non Public minutes of 2/2/09 that started at 8:10 p.m. Selectperson Merrill seconded.

Roll Call Vote:

Chairman Gilligan – yes  
Selectperson Merrill – yes  
Selectman LaFleur – yes  
Motion passed

Chairman Gilligan made a motion to accept the Non Public minutes of 2/2/09 that started at 11:20 p.m. Selectperson Merrill seconded.

Roll Call Vote:

Chairman Gilligan – yes

Selectperson Merrill – yes  
Selectman LaFleur – yes  
Motion passed

Chairman Gilligan made a motion to accept the Non Public minutes of 2/9/09 that started at 8:50 p.m. Selectperson Merrill seconded.

Roll Call Vote:  
Chairman Gilligan – yes  
Selectperson Merrill – yes  
Selectman LaFleur – yes  
Motion passed

Chairman Gilligan made a motion to accept and seal the Non Public minutes of 2/2/09 that started at 9:50 p.m. Selectperson Merrill seconded.

Roll Call Vote:  
Chairman Gilligan – yes  
Selectperson Merrill – yes  
Selectman LaFleur – yes  
Motion passed

Chairman Gilligan made a motion to accept the Non Public minutes of 2/2/09 that started at 6:31 p.m. Selectperson Merrill seconded.

Roll Call Vote:  
Chairman Gilligan – yes  
Selectperson Merrill – yes  
Selectman LaFleur – yes  
Motion passed

Chairman Gilligan made a motion to accept and seal the Non Public minutes of 1/26/09 that started at 6:30 p.m. Selectperson Merrill seconded.

Roll Call Vote:  
Chairman Gilligan – yes  
Selectperson Merrill – yes  
Selectman LaFleur – yes  
Motion passed

Chairman Gilligan made a motion to accept the Non Public minutes of 1/26/09 that started at 11:40 p.m. Selectperson Merrill seconded.

Roll Call Vote:  
Chairman Gilligan – yes  
Selectperson Merrill – yes  
Selectman LaFleur – yes  
Motion passed

Chairman Gilligan made a motion to accept the Non Public minutes of 1/26/09 that started at 10:30 p.m. Selectperson Merrill seconded.

Roll Call Vote:  
Chairman Gilligan – yes  
Selectperson Merrill – yes  
Selectman LaFleur – yes  
Motion passed

Chairman Gilligan made a motion to accept the Non Public minutes of 1/12/09 that started at 8:00 p.m. Selectperson Merrill seconded.

Roll Call Vote:

Chairman Gilligan – yes  
Selectperson Merrill – yes  
Selectman LaFleur – yes  
Motion passed

Chairman Gilligan made a motion to accept and seal the Non Public minutes of 1/12/09 that started at 7:30 p.m. Selectperson Merrill seconded.

Roll Call Vote:

Chairman Gilligan – yes  
Selectperson Merrill – yes  
Selectman LaFleur – yes  
Motion passed

Chairman Gilligan made a motion to accept and seal the Non Public minutes of 1/12/09 that started at 7:00 p.m. Selectperson Merrill seconded.

Roll Call Vote:

Chairman Gilligan – yes  
Selectperson Merrill – yes  
Selectman LaFleur – yes  
Motion passed

Chairman Gilligan made a motion to accept the Non Public minutes of 1/5/09 that started at 10:28 p.m. Selectperson Merrill seconded.

Roll Call Vote:

Chairman Gilligan – yes  
Selectperson Merrill – yes  
Selectman LaFleur – yes  
Motion passed

Chairman Gilligan made a motion to accept and seal the Non Public minutes of 1/5/09 that started at 10:34 p.m. Selectperson Merrill seconded.

Roll Call Vote:

Chairman Gilligan – yes  
Selectperson Merrill – yes  
Selectman LaFleur – yes  
Motion passed

Chairman Gilligan made a motion to accept and seal the Non Public minutes of 1/5/09 that started at 9:06 p.m. Selectperson Merrill seconded.

Roll Call Vote:

Chairman Gilligan – yes  
Selectperson Merrill – yes  
Selectman LaFleur – yes  
Motion passed

Chairman Gilligan made a motion to accept and seal the Non Public minutes of 1/5/09 that started at 9:00 p.m. Selectperson Merrill seconded.

Roll Call Vote:

Chairman Gilligan – yes  
 Selectperson Merrill – yes  
 Selectman LaFleur – yes  
 Motion passed

Chairman Gilligan made a motion to accept the Non Public minutes of 1/5/09 that started at 8:53 p.m. Selectperson Merrill seconded.

Roll Call Vote:

Chairman Gilligan – yes  
 Selectperson Merrill – yes  
 Selectman LaFleur – yes  
 Motion passed

### **Minutes of April 24, 2008 BOS telephone emergency meeting**

Chairman Gilligan made a motion to approve the minutes of their April 24, 2008 emergency telephone conference. Selectperson Merrill seconded

Roll Call Vote:

Chairman Gilligan – yes  
 Selectperson Merrill – yes  
 Selectman LaFleur – yes  
 Motion passed

### **Raffle Permit**

Raffle permits are required by statute. (RSA 274A). Permits are required for any raffle. Chairman Gilligan made a motion to approve the raffle permit for Christopher Haas and Robin McAfee. Selectperson Merrill seconded.

Roll Call Vote:

Chairman Gilligan – yes  
 Selectperson Merrill – yes  
 Selectman LaFleur – yes  
 Motion passed

### **Fire Department Purchase Order for Arson Investigator Credits**

The Board reviewed and approved a purchase order for Arson Investigator Training for Sgt. Stark. This is an annual requirement to be an arson investigator. This was submitted by the Fire Department. The BOS approved this PO.

**Webster Street traffic and speeding issues.** Chairman Gilligan advised the Board that he spoke with Mr. Cassidy and advised him of the plan to monitor the situation on their street. Chief Mulholland noted that officers were stationed in that area on (2) dates. All the vehicles were traveling under 20 mph between 3:00 and 3:45 p.m. The Chief noted that they will be stationing the speed trailer in that neighborhood to gather data.

### **ATVs in Bearbrook State Park**

The Board of Selectmen would like to send a letter to the State of NH stating that they do not support opening BBSP to year-around ATV use.

Selectman LaFleur suggested putting a non-binding question on the ballot next year to see where the entire Town stands on the issue of ATVs in the Park.

**Review, approve and sign minutes of 2/23/09** - tabled

**7:00 p.m. Per Request, the BOS will meet with a resident of Bartlett Street to hear complaints about property damage from a nearby business.**

The problem is the same. Mr. Deraoui reminded the Selectmen that both the former Road Agent, Jim Boisvert and the Police Chief were at the last meeting when he came in to discuss the ongoing issues with the trucks making deliveries to Mailways. Mr. Deraoui feels that the BOS has more leverage than he does. Chairman Gilligan thinks the problem here has to do with jurisdiction. The Town could build something in the right-of-way but once we do that it sets a precedent and the Town cannot do this for every resident. Unless this has to do with the Town's maintenance there isn't anything we can do to fix this problem. Short of building a retaining wall the stake with the reflectors is all the Town can do. Short of parking violations or damage to the road there isn't anything we can do.

Mr. Deraoui notes that from their property to his the road is damaged. In front of his house it looks like the road is depressed almost a foot. The Chairman noted that we would have to have proof i.e. video of them actually damaging the road. Mr. Deraoui noted that there are no other deliveries there except for Mailways.

Chairman Gilligan asked for Chief Mulholland's input. As far as delineator posts we have actually received \$30 for a delineator post that was damaged. If they drive on Mr. Deraoui's lawn, he has to call the PD, we file a report and he can go after the trucking company for damage to his personal property. As far as damage to the road that is more problematic. Mailways does not own those trucks they contract with companies in Texas or any other state to pick up items at their facility. Chairman Gilligan asked about the applicability of using nuisance ordinances to curtail this issue. Chief Mulholland noted that the nuisance ordinances are mostly for noise, etc. Chief Mulholland also noted that trucks are allowed to operate on these roads. Selectman LaFleur asked what the zoning is? Chairman Gilligan noted that it is probably zoned residential. However, this business has been there a very long time and is probably grandfathered prior to zoning.. That building may date back as far as the 1940s. That property may pre-date zoning so they, may be grandfathered.

Chairman Gilligan suggested contacting the Chairs of the Planning Board and Zoning Board to see if that particular business went before either of those Boards and whether they had any conditions placed on them. Chairman Gilligan is frustrated that the business did not have a representative here tonight. Chairman Gilligan noted that Mr. Deraoui could speak to the Road Agent and discuss possible solutions such as placing steel posts in the lawn between his property and the road.

Chief Mulholland explained that the Best chance for for remedy may be filing a civil suit. Chairman Gilligan did let Mr. Deraoui know that he should feel free to contact the police department anytime to report when his property is damaged.

**Sharon Wason – CDBG grant**

AA noted that she has been in touch with Ms. Wason regarding the status of Impact Fees and where we are with the CTAP grants.

Recess at 7:59 – 8:06 p.m.

**8:00 p.m. The BOS will vote to accept a highway safety grant in the amount of \$5,097.60 for sobriety checkpoints in 2009** – tabled until 3/23

**The BOS will also vote to accept a grant that is less than \$5,000.00 for DWI patrols in**

**2009.**

Chairman Gilligan made a motion to accept the Highway Safety Enforcement grant in the amount of \$4775.60 which will allow us to do 22 patrols between March 1 and September 15, 2009. Selectman LaFleur seconded.

Chairman Gilligan – yes  
 Selectperson Merrill – yes  
 Selectman LaFleur – yes  
 Motion passed

**8:00 p.m. Review and discuss policy for Town use of Fuel Cards**

The Board reviewed the credit card policy as submitted by the Police Chief. Selectman LaFleur asked how the system will limit purchases. We can limit this to just fuel purchases. The only change Chairman Gilligan would make would be to add a Section “E” clearly spelling out disciplinary action.

This new section will read “E Violations Of Policy” Any employee or department head found to be in violation of this policy will be subject to immediate disciplinary action up to and including termination.” Chairman Gilligan suggests having all employees sign off that they have read and understand this policy. We’re going to apply to all of the employees of Town. Selectman

LaFleur would like a little more time to go through this policy. Chief noted that there is nothing stopping him from applying for credit cards – we have no policy against it.

Selectman LaFleur made a motion to accept the policy as presented. Selectperson Merrill seconded. Chairman Gilligan made a motion to amend motion to include his section E, as detailed above.

Selectperson Merrill seconded. This policy is to be Effective upon signature of the Board.

Roll Call Vote:

Chairman Gilligan – yes  
 Selectperson Merrill – yes  
 Selectman LaFleur – yes  
 Motion passed

**Road Agent**

The Board spoke to Mr. Deraoui regarding his issues on Bartlett Street. Mr. Deraoui may be contacting the Road Agent. The Board did let him know that if he wants to put anything in that strip of lawn the Board would be amendable to that on the condition that the Road Agent approves. The Road Agent notes that he would need to stay 4 feet from the edge to allow for plowing. The Board asked the Building Inspector/Code Enforcement Officer to review the zoning and planning records for the Mailwaysproperty.

Chris advised the BOS that the Packer is back. Road Agent picked it up Friday night. The 2001 sander hasn’t been fixed yet. This isn’t something we can do in-house. We have to replace a couple of serpentine belts on the 1990. The Highway Dept has treated and plowed everything. Mark and Dave will take care of the streets. Chris will be doing the walks after he gets back from Penacook. Road Agent had to order a load of salt and a couple of loads of sand. Selectman LaFleur asked how much salt we are into for the contract so far. The Road Agent would have to double-check. Selectman LaFleur asked the Road Agent to make that part of his monthly report during the season. Selectman LaFleur asked the Road Agent if he is looking at replacement costs both new and used for a packer. That vehicle is a 2003 and has 78,000 miles on it.

**Finalize acceptance of Cash Receipts Policy recommendations from AA**

The Board reviewed the AA’s revisions.

**Status/responses from NHBEM for Jasper Drive HMG Grant - tabled**

**9:00 p.m. Non Public Meeting with the Chief of Police under RSA 91-A**

Chairman Gilligan made a motion to go into Non Public Session at 9:35 p.m. under RSA 91-A:3, II (b) regarding the hiring of a public employee. Selectperson Merrill seconded

Roll Call

- Chairman Gilligan – yes
- Selectperson Merrill – yes
- Selectman LaFleur – yes
- Motion passed

Chairman Gilligan made a motion to leave Non Public session at 10:07 p.m. Selectman LaFleur seconded.

Roll Call Vote:

- Chairman Gilligan – yes
- Selectperson Merrill – yes
- Selectman LaFleur – yes
- Motion passed

**Non Public RSA 91-A:3, II (c)**

Chairman Gilligan made a motion to go into Non Public session at 10:10 p.m. under RSA 91-A:3, II (c), Selectman LaFleur seconded.

Roll Call Vote:

- Chairman Gilligan – yes
- Selectperson Merrill – yes
- Selectman LaFleur – yes
- Motion passed

Chairman Gilligan made a motion to leave Non Public session at 10:21 p.m. Selectperson Merrill seconded.

Roll Call Vote:

- Chairman Gilligan – yes
- Selectperson Merrill – yes
- Selectman LaFleur – yes
- Motion passed

**Non Public Session under RSA 91-A:3, II (e)**

Chairman Gilligan made a motion to go into Non Public Session under RSA 91-A:3, II (e) at 10:23 p.m. Selectperson Merrill seconded.

Roll Call

- Chairman Gilligan – yes
- Selectperson Merrill – yes
- Selectman LaFleur – yes
- Motion passed

Chairman Gilligan made a motion to leave Non Public Session at 10:41 p.m. Selectman LaFleur seconded.

Roll Call

Chairman Gilligan – yes  
Selectperson Merrill – yes  
Selectman LaFleur – yes  
Motion passed

**ADJOURN**

Selectman LaFleur made a motion to adjourn at 10:42 p.m. Selectperson Merrill seconded.

Roll Call Vote:

Chairman Gilligan – yes  
Selectman LaFleur - yes  
Selectperson Merrill - yes  
Motion passed

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THOMAS R. GILLIGAN, CHAIRPERSON

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CAROL M. MERRILL, SELECTPERSON

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ROGER LAFLEUR, SELECTMAN