



Town of Plaistow ♦ Board of Selectmen
145 Main Street ♦ Plaistow ♦ NH ♦ 03865

Plaistow Board of Selectmen Minutes

Date: January 23, 2023

Meeting Called to Order: 6:01 P.M.

Roll Call:

Select Chairman, Jay DeRoche - Present
Select Vice Chairman, Bill Coye – Present
Selectman, Darrell Britton – Present
Selectman, Jonathan Gifford – Present

Also present: Beth Hossack, Administrative Specialist.

Public Comment

No one is present to speak however two (2) emails were received. Chair DeRoche reads the emails. The first email is from Dan Gentile. He and his wife disagree with a statement made at a previous meeting that only one (1) neighbor on Davis Park is concerned with parking issues. They are also frustrated and concerned with the ongoing parking situation. They are in favor of proposed parking restrictions on Davis Park.

The second email is from Wendy & Don Hutchinson. They are in favor of parking restrictions for the memorial park area on Davis Park. Over the past few years, the area has become permanent parking for some of the homes. Damage has been done to the park due to parking. They fear if the situation is not addressed now, it may snowball causing more vehicles to park and more damage to the park.

Selectman Britton asks, what do we do next?

Chair DeRoche states, we will add it to the agenda for the next meeting and allow anyone from the public to speak if they choose. He recommends adding a warrant article to next year's ballot (2024) to add Davis Park and Plaistow Area Recreation Complex (PARC) to the Town Code.

EPA Update Regarding the Beede Waste Oil Site Cleanup

Some members of the EPA were planning to attend the meeting tonight. Due to the inclement weather conditions they asked to postpone their update until 2/6/23.

Chair DeRoche states they did send a letter via email and it will be read later on tonight.

Prepare for Deliberative Session

Town Moderator Bob Harb introduces himself. He states the Assistant Town Moderator, Norm Major is not here tonight due to the inclement weather, yet he sends his greetings.

Town Moderator Harb states the Deliberative Session will be held on Saturday, February, 4 here at Town Hall in the great hall on the second floor. It will begin at 9:00 A.M. Plaistow is an SB2 Town meaning there are two (2) sessions of Town Meeting. The first session is the Deliberative Session. The second session is official ballot voting. It will be held on March 14, 2023 from 7:00 A.M. to 7:00 P.M. at the Plaistow Fish and Game Club. More information will come regarding session two (2).

Town Moderator Harb states during the Deliberative Session all warrant articles are explained, discussed, deliberated and may be amended. Certain warrant articles cannot be amended by RSA. The default budget cannot be amended as well as Planning Board or Zoning articles. Those have already had public hearings according to law. The Deliberative Session is an interesting time, and he wishes more people would attend. You must be present to vote.

The Board of Selectmen decide who will read each warrant article at deliberative session.

Sweet Hill Farm – Mr. Kane

Mr. Kane states his name is Dan Kane from 64 Main Street. He is the owner of Sweet Hill Farm. He sent a letter to the Board of Selectmen, and he does not plan to rehash the contents of his letter. He wishes to be left alone to enjoy his farm. Mr. Kane has put much effort and money into the farm. He believes New Hampshire ethics allow one to use their private property as one sees fit. He likes living in Plaistow and likes the people here. Mr. Kane states he is not looking for special treatment. If he has not complied with something, let him know and he will fix it. He believes there has been some government overreach with some town employees regarding some of the future ideas he would like to do with his farm. The farm is a special place, and he hopes it will be treated with respect.

Chair DeRoche states the Board wants him to be successful. They will speak with the Town Manager.

Mr. Kane states to make the farm work he needs to make it a destination. He thanks the Board for placing him on the agenda.

Review/Vote on Citizen's Petition Warrant Article

Chair DeRoche reads Article CP-23-02, Citizen's Petition: Shall the Town vote to designate the final end uses of the Beede Waste Oil Site ("Beede Site") as conservation and passive recreation, which is allowed by current zoning and is consistent with the Town's Master Plan. We are aware that the Beede Site Group has proposed to fund the future use of the Beede Site as a conservation and passive recreation destination with additional amenities such as an ADA accessible network of walking trails and enhancements to wildlife corridors, if the U. S. Environmental Protection Agency ("EPA") were to modify its clean-up requirements to align with these designated end uses while remaining protective of human health and the environment. EPA is to be notified of the Town of Plaistow's updated end use designation and the preference for this outcome.

Chair DeRoche reads a letter sent by the EPA regarding the Beede Waste Oil Cleanup. A few members of the EPA planned to attend this meeting however, that changed due to the inclement weather.

EPA's Desk Statement for Plaistow BOS January, 23, 2023 meeting.

Due to the inclement weather, EPA and NHDES will be unable to attend tonight's Board of Selectmen meeting; however, we are providing a statement to be read in lieu of our participation and

understand that the Agency's presentation will be moved to the February 6th Board of Selectmen meeting.

EPA selected a cleanup in January 2004 for the Beede Waste Oil Superfund Site that ententially consisted of:

- Excavation and off-site disposal of contaminated Kelley Brook sediments and contaminated soils to a depth of ten (10) feet below the ground surface to concentrations which would allow for future residential and/or recreational re-use of the properties.
- Treatment of contaminated soils deeper than ten (10) feet, in those arears where waste oils collect at the water table and where a thick smear zone resulted above and below the water table.
- Capture and treatment of on-site groundwater.

When EPA evaluated potential future human health risks, we determined that the selected cleanup would allow for future residential and recreational development as the reasonably anticipated future-use of the Site (as explained in our February 25, 2022 letter to Greg Colby, Town Manager), based on input from the Town, NHDES, and the community. **EPA believes that the remedy selected in 2004 is protective of human health and the environment and would allow for the recreational use contemplated in the petition presented to the Board.**

EPA has not endorsed and is not participating in any outreach that suggests an alternate remedy is acceptable or necessary. EPA did not plan the meeting set for Wednesday, January 25, at the Library and does not plan to attend. Our understanding is that the meeting was set-up by the group of parties responsible for funding and implementing the cleanup at the Beede site (who refer to themselves as the "Beede Site Group") to share details regarding the cleanup actions, to date. The Beede Site Group signed a Consent Decree with EPA to fund and complete the cleanup as outlined in EPA's Record of Decisions.

At our February 6th presentation to the Plaistow Board of Selectmen, EPA will explain the decision-making process that EPA performs at Superfund Sites to determine the most appropriate remedy, and describe how EPA assesses risk at a site and how that relates to the cleanup actions selected to address those unacceptable risks at the Beede Waste Oil Site, as well as a status update on cleanup actions and results of the five-year review report. We appreciate the Board's willingness to read this statement and to work with EPA in achieving a protective cleanup at the Beede Waste Oil Site. EPA is very encouraged that the community desires redevelopment of the Site in a way that's consistent with the reuse and the cleanup selected.

Thank you.

Chair DeRoche states a discussion was held not long ago regarding the future use of the site. The EPA was asked, what does it mean to change the future use and how does that affect the cleanup. The EPA's responded by stating there is a long process to make a change in the remedy. If a change is made the result would be the removal of less soil. If the current remedy is not changed, it already allows for passive recreation including trails.

Chair DeRoche states it is not just the site people should think about. They should consider the people living near the site. He believes it is in the best interest of the Town to clean the site to the highest degree possible. He does like the idea of a future walking trail and passive recreation. Selectman Gifford agrees and states we should remain on the current cleanup course.

Selectman Coye agrees we should cleanup the site to the greatest extent possible. If you visit the site now you must suit up to be safe. He states EPA will have the final say on the cleanup. Selectman Britton states the citizens petition is premature. The site is not ready for future use. It may take another twenty (20) years before the cleanup is complete. He states the Town agreed to the deal long ago to have the site cleaned 100%. Until that happens no future use decisions should be made.

Chair DeRoche motions to recommend the citizen's petition discussed at the January 23 Board meeting. It reads, Shall the Town vote to designate the final end uses of the Beede Waste Oil Site ("Beede Site") as conservation and passive recreation, which is allowed by current zoning and is consistent with the Town's Master Plan. We are aware that the Beede Site Group has proposed to fund the future use of the Beede Site as a conservation and passive recreation destination with additional amenities such as an ADA accessible network of walking trails and enhancements to wildlife corridors, if the U. S. Environmental Protection Agency ("EPA") were to modify its clean-up requirements to align with these designated end uses while remaining protective of human health and the environment. EPA is to be notified of the Town of Plaistow's updated end use designation and the preference for this outcome. Seconded by Selectman Coye.

Discussion: Chair DeRoche states we should work with the Beede Group in the near future to think about end use however this is premature. He does not support this article.

Selectmen Coye, Gifford and Britton also do not support this article.

Vote: 0-4-0

Motion fails (the warrant article will be placed on the ballot as "NOT" recommended by the Board of Selectmen.

Revote P-23-10 Police Dept./Fire Dept. Revolving Fund

Chair DeRoche reads article P-23-10 Establish a Police and Fire Detail Revolving Fund and Deposit. Shall the Town vote to establish a Police and Fire Detail Revolving Fund pursuant to RSA 31:95-h, for the purpose of purchasing, leasing, maintaining, and repairing all vehicles assigned for detail use including uniforms and other necessary equipment. All revenues received for outside detail services will be deposited into the fund, and the money in the fund shall be allowed to accumulate from year to year and shall not be considered part of the town's general fund balance. The town treasurer shall have custody of the monies in the fund and shall pay out the same upon order of the governing body and no further approval is required by the legislative body to expend. Such funds may be expended only for the purpose for which the fund was created. Shall the Town further vote to raise and appropriate \$100,000 to be deposited into the fund with the amount coming from the General Fund, Unassigned Fund Balance? This warrant article shall be null and void if Article P-23-09 does not pass.

Chair DeRoche motions to recommend warrant article P-23-10. Seconded by Selectman Britton.

Vote: 4-0-0

Motion carries

Consent Agenda

Item Description

1. Accounts Payable Manifest – week of January 20 & 27, 2023.
2. BOS draft minutes – January 9th, 2023.
3. Three (3) Veterans Tax Credit Applications.
4. One (1) Elderly Tax Credit Application.

5. One (1) 2022 Administrative Tax Abatement Request.
6. 2023 MS-DTB (Default Budget)

Selectman Britton motions to approve the consent agenda as written. Seconded by Selectman Gifford.

Vote: 4-0-0

Motion carries

Chair DeRoche states there will not be a Town Managers Report tonight. He sent the Town Manager home because he has a long drive, and the weather is bad.

Selectmen's Reports

Selectman Britton

- Nothing to report. He has been away on business.

Selectman Coye

- Attended the Planning Board Meeting.
- Attended the Recreation Commission Meeting – summer councilor positions are available. May 1 is the first day to sign up for the summer recreation program.

Selectman Gifford

- Was not able to attend the Recreation Commission Meeting due to a personal matter.

Chair DeRoche

- Nothing to report.

Events

To sign up to run for an elected position you must file for candidacy in the Town Clerk's Office. The last day to sign up is Friday, February 3. Note the Town Clerk's Office will be open on Friday, February 3 from 3:00 P.M. – 5:00 P.M.

Deliberative Session will be held on Saturday, February 4, 2023, on the second floor of Town Hall. It will start at 9:00 A.M. (snow date 2/11/23 same place & time).

Elections will take place on Tuesday, March 14 at the Plaistow Fish and Game Club, 18 Mayray Avenue in Plaistow from 7:00 A.M. to 7:00 P.M.

Selectman Gifford states Mayray Avenue is a tight road with several homes. Please drive slowly and be careful when you go to vote.

Other Business

None

As there is no further business before the Board, Chair DeRoche adjourned the meeting at 6:49 P.M.

Respectfully submitted,

Beth Hossack,
Administrative Specialist