



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

PLAISTOW BOARD OF SELECTMEN MINUTES:

DATE: Monday, June 3, 2013

MEETING CALLED TO ORDER: 6:38 pm

SELECTMEN:

Chairman, Robert Gray
Selectman, Michelle Curran
Selectman, Daniel Poliquin

Vice Chairman, John Sherman
Selectman, Joyce Ingerson
Town Manager, Sean Fitzgerald

AGENDA:

MINUTES:

Motion by J. Sherman to approve the Minutes of May 20, 2013 with correction to page 7 & 8 (page 7, 2nd paragraph change "pleased with it" to "satisfied with the results" and page 8, 3rd paragraph 4th bullet change "Institution" to Institute".

2nd by: D. Poliquin.

Vote: 4-0-1.

Motion carries.

PUBLIC COMMENT:

Ed Wright discussed upcoming Bean Supper at the First Baptist Church on June 29th at 4:30 p.m. All money raised will be donated to Bill Bartlett. His house burned down and he is currently in a hospital in Boston.

M. Curran noted there would be other surprises during the event. She suggested all to attend.

APPOINTMENT WARRANT – LIBRARY TRUSTEE JEN KIARSIS – CATHY WILLIS

C. Willis introduced Jen Kiarsis. She noted Jen Kiarsis was going to complete the term of Deb Hoadley. Deb's schedule has changed and she could not complete her term.

J. Kiarsis noted she had 17 years and three months on the Committee and had just retired but agreed to come back to complete Deb's term.

C. Willis noted she had now assumed the role of Chair and Jim Peck was now Treasurer.

J. Sherman supported Jen.

M. Curran was happy Jen stepped up.

Board thanked Jen for rejoining the Library Trustees.

Motion by J. Sherman to appointment Jen Kiarsis to the Library Trustees to serve out the term of Deb Hoadley.

2nd by J. Ingerson.

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Vote 5-0-0.

Motion passes.

DONATIONS TO THE TOWN OF PLAISTOW

Bird House – donated by Dick Hawkins, crafted by Glen Kimball

S. Fitzgerald discussed Bird House donated Dick Hawkins which was hand crafted by Glen Kimball who is 85 years old. Both were unable to attend this evening's Board of Selectmen meeting. Mr. Hawkins brought the Bird House over to Town Hall a couple of weeks ago. It has an incalculable value. He won it at an auction years ago.

M. Curran noted it was an auction held at the Vic Geary Center to benefit the Lions Club.

S. Fitzgerald noted he graciously accepted the donation from Mr. Hawkins however it was unfortunate that he has not been able to publicly thank Mr. Kimball for his creation.

J. Sherman inquired if there was a location in mind to display the Bird House.

R. Gray suggested to place it on floor one under the TV.

S. Fitzgerald suggested on floor two under Abe Lincoln's picture.

J. Sherman suggested to do something on Old Home Day as a formal presentation.

Motion by J. Sherman to accept the Bird House donation and for the Town Manager to draft a thank you letter from the Board of Selectmen.

2nd by D. Poliquin.

Vote: 5-0-0.

Motion passes.

R. Gray thanked Mr. Hawkins and Mr. Kimball.

\$600 to Recreation – Pete's Sewer Service

S. Fitzgerald noted the Town received yet another donation from Pete's Sewer. Every year they have donated to the Town of Plaistow. This year they have made a \$600 donation. Pete and Paulie Johnson are true examples of dedicated residents of Plaistow. They have years of dedicated service to both the Town of Plaistow and the Lions Club.

J. Sherman inquired if the donation was cash or in lieu of service.

S. Fitzgerald noted it was in lieu of service. Pete's Sewer has dropped off portable toilets. He thought it was important to recognize both Pete and Paulie for their dedicated service.

R. Gray thanked Pete's Sewer Service. He suggested a letter be drafted by the Town Manager to have the Board of Selectmen sign.

Motion by J. Sherman to accept the \$600 donation in lieu of services from Pete's Sewer Service.

2nd by M. Curran.

Vote: 5-0-0.

Motion passes.

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MR. WILLIAM SULLIVAN - RESIDENT

W. Sullivan was present to discuss the Planning Board and what has been going on with his neighbor George Pynn (27-29 Newton Road). The Board of Selectmen was given documents regarding Mr. Sullivan's concerns.

S. Fitzgerald noted the Board has been supplied with all the paperwork that has been supplied to him. Both Mr. Dorman and the Town Planner have looked into these issues. After careful review of the documents he will draft a formal letter.

W. Sullivan discussed structures; 50 foot structure to the property line; neighbor has cleared brush; measurements taken afterwards; 10 foot fence is actually 12 feet; and there is supposed to be 50 feet from his structure which there is not. He referenced page 9 of the building ordinance and was told it was not true.

J. Sherman inquired who told him it was not true.

W. Sullivan noted the Building Inspector and Planning Board.

J. Sherman inquired if he knew why.

W. Sullivan did not.

J. Ingerson thought it was that the "Definition" as written did not describe it as a structure.

M. Curran and W. Sullivan discussed structure – old one tore down and new one constructed; old rules and new rules.

W. Sullivan discussed wall being constructed within his property line.

J. Ingerson noted he received a variance.

D. Poliquin opinion was there has been a lot of work done without permits. As-Builts were constructed then variance was gotten. The issue is work was done, then a permit was gotten.

J. Ingerson noted the ZBA could only vote or discuss what was presented on an application. They do not get to know what was done in the past and what has happened prior cannot be considered.

W. Sullivan noted he was the one that called the Inspector regarding the permits to let him know what was going on.

S. Fitzgerald discussed reviewing the file and then making a decision.

M. Curran inquired when Mr. Sullivan would hear back.

S. Fitzgerald noted at the end of this week.

M. Curran requested the Board to be cc'd on the information.

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S. Fitzgerald noted yes.

W. Sullivan discussed prohibited use; dust; fumes; noise vibrations and equipment being driven around as early as 4 a.m. He noted hours of operation are 7 a.m. until 7 p.m. Equipment is being stored not only at that location but another location also. Equipment is not supposed to be stored on that property. There is supposed to be a fence with a gate – he referred to meeting minutes. The businesses are supposed to be kept separate but is not. Two businesses cannot be on one property but it is being allowed there (storage facility and construction facility). There is supposed to be 6 parking spots but there is not. On the prints there is 21 between both buildings. Originally there were 14 around the garage. The flat beds will not fit on the parking spaces and are going on the restricted areas. There is too much equipment for the area. He noted there was no fire lane and inquired why not.

R. Gray noted typically that recommendation comes from the Fire Department.

W. Sullivan noted originally there weren't all those parking spots and inquired if the Fire Chief had gone back there again to look at it.

R. Gray noted the Fire Chief goes by the plans.

S. Fitzgerald noted he would speak to the Fire Chief and report back on the information.

W. Sullivan noted the propane containers were stored and not strapped. Mr. Pynn told him he knew they were supposed to be strapped. He discussed landscaping (shrubs and trees) and noted there were none out front. He thought the Planning Board should have told him they needed to be installed. He thought the owner should know from when he put his other business in. There is nothing to hide the area's ugly look.

R. Gray noted those were not Board of Selectmen enforcements, they were Planning Board enforcements.

W. Sullivan noted he was bringing issues up that have not been enforced by the Planning Board. He discussed storage containers on the property; wet land buffers; no cut no disturb 25 feet; and another buffer 50 feet from construction. He inquired why a wall was installed which was not 25 feet, it should be 50 feet and is not. He noted he has not received any property notification and feels that he has not been treated fair. He requested to postpone the meeting but he was told by the Building Inspector that it could not be done.

S. Fitzgerald noted he wanted to invite Mr. Sullivan to his office to further discuss the issues. There were some issues brought up this evening that were not in the handout packet. He discussed mixed use and hoping for all to be able to get along.

W. Sullivan gave Sean copies of photographs of the property that he had taken.

J. Sherman inquired about the items brought up tonight that were not in the packet.

W. Sullivan noted they were all in there.

R. Gray noted Sean would sit down with Mr. Sullivan by the end of this week and also have a report for the Board. He suggested the report be ready for their next meeting regarding his findings. W. Sullivan inquired if anything could realistically be done about this issues since they are already completed.

M. Curran noted that the Board had trust in Sean that he would address these issues and he would give Mr. Sullivan reasons why they were right or wrong.

W. Sullivan discussed view from the street and the view from the property.

D. Poliquin inquired what exactly the property was permitted for with variances. He thought it sounded like there were multiple businesses being conducted there. New definitions have been passed and he was concerned if the property was approved as a construction yard or not.

R. Gray thanked Mr. Sullivan for coming in.

ARM GRANT – JILL SENTER / REVIEW OF EMERSON PROPERTY

J. Senter noted she was present to field questions.

S. Fitzgerald discussed making strides on the Emerson property. It is an environmental resource to the Town. Mr. Emerson was presented with an offer and the Town has received an agreement from Mr. Emerson for \$16,000 for the 21 acre property which is half of the appraised value. RSAs to acquire property have been reviewed. One RSA (41-14A) deals with the acquisition or disposal of conservation property however since we will be using conservation funds another RSA (36A:4) simply requires a vote of the Conservation Commission and the Board of Selectmen and one public hearing. A warrant article passed in 2000 which provided the Board of Selectmen in concurrence with the Conservation Commission to vote to acquire property under RSA 36-A. He discussed using RSA 36-A:4 to acquire the Emerson property.

R. Gray discussed using RSA 36A and noted once the Conservation Commission votes in favor and the Board of Selectmen votes in favor then there is a public hearing he inquired what the Board was voting for before the public hearing.

S. Fitzgerald noted the Board would indicate whether to go forward with the public hearing or not.

J. Sherman was in favor of using RSA 36. This property has been identified all along. It is a great property to add to the Town Forest and the Town Forest is managed by the Conservation Commission. It does not have any other value except to the Town Forest and he thought RSA 36 was the way to go.

D. Poliquin was in favor of doing this, however he had a few concerns.

M. Curran was in favor of doing this. The article was written specifically for Conservation however she likes the process better on the other one but likes this one because it is designed to be used for the Conservation Commission. They are acquiring the land for a specific reason to protect the land. It is a great opportunity for the Town.

J. Ingerson agreed. She was in favor as everyone else was.

D. Poliquin read the RSA. He discussed fees, water rights, and easements. He was concerned with the wording that the Commission may acquire a fee.

R. Gray noted the fee was the price of the land to be sold. If it bordered another municipality or boarded water then they would have to go with the other RSA.

S. Fitzgerald noted he could get a legal opinion.

J. Sherman noted all were in favor and they could add words to the motion that the Town Manager has to get legal opinion.

S. Fitzgerald noted Jill was bringing this to the Conservation Commission this week to vote on. He could have Town Counsel review once more to make sure it would direct the title to the Town. He noted they were not paying for this with Town funds. They are using a state grant (ARM grant). They are going to acquire 22 acres with no cost to the Town. The title would be directed to the Town. He noted he favored RSA 41 because he was able to get all committee's opinion regarding the property but in this case RSA 36 was a better fit, there is no controversy.

D. Poliquin noted after hearing what Sean said that all his questions were now answered.

Motion by J. Sherman to accept the recommendation of the Town Manager to follow the process of RSA 36-A in acquiring the Emerson property.

2nd by D. Poliquin.

J. Sherman noted the Board was very supportive but their responsibility is to make sure the RSAs are handled.

Vote: 5-0-0.

Motion passes.

D. Poliquin inquired if the Conservation Commission was voting to go forward under this particular article or were they just voting to go forward on this property.

J. Senter noted the Conservation Commission would be voting this Thursday on the purchase and sale. Whichever direction the Board chose tonight was solely their discretion. The Conservation Commission agrees with the Board and are only voting to expend Conservation money on the purchase and sale. She noted she and retired Selectman Buzzy Blinn walked the Town Forest today. There was an issue with one of the bridges built due to all the rain the bridge needs to be extended. They visited the Herron Rookery which is on one corner of the Emerson lot and saw a Herron nesting.

M. Curran inquired how the turtles were doing.

J. Senter has not heard but would have information at the end of August. She thanked the Board for their continued support.

TOWN MANAGER REPORT

S. Fitzgerald:

- Memorial Day was a successful event this year. He thanked Town Staff.

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- Discussed the uniforms on the stage of Town Hall. They are uniforms worn by Korean Veterans.
- Working with Governor Hassan's office to have citations signed and presented during Old Home Day. He invited all Korean War Veterans to attend.

M. Curran inquired if the time for presentation had been set yet. She reminded all of the Road Race in the morning and did not want any conflicts.

S. Fitzgerald noted he would discuss with the Chairman of Old Home Day. He thought they could hold the presentation around 11 a.m. inside Town Hall on the 2nd floor.

J. Sherman suggested the activity should be outside not inside Town Hall

M. Curran agreed.

D. Poliquin discussed putting speakers on the gazebo.

Board agreed.

S. Fitzgerald thought it was a great idea and noted he would take care of.

- Plaistow First has made recommendations to sell 13 Town owned properties. He discussed Massasoit Avenue and Newton Road and suggested to put out proposals. He discussed process and public hearing.

M. Curran inquired why he wouldn't contact a real estate agent to put them out there. She was concerned that there would not be enough public information out there for persons to see and thought if there were signs there more people may see them.

S. Fitzgerald suggested going out to RFP first to see what comes forward and then they could go out and see how much an appraisal would cost.

M. Curran requested information received from all committees.

J. Sherman thought they were good steps to take. If they get insufficient offers then they could go to Plan B. He noted assessments for Town owned property were a little shaky. Natural assessment on property is to get feedback but for Town owned properties no one is doing that. Some assessments on Town owned property he saw were off.

Board was concerned that their actions may be binding.

S. Fitzgerald noted their actions were not binding if they went out to RFP and did not receive sufficient they could choose differently.

Consensus of the Board was to go out for RFP.

- June 11th at 10am there is a pre-construction meeting for the Route 121A culvert replacement project and the Board is invited.

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- Recreation Shelter at PARC has constructed and he suggested the Board hold their next meeting at PARC so they could see the newly installed pavilion area.

D. Poliquin gave kudos to Sean for getting the pavilion completed/installed by June 1st completion date.

S. Fitzgerald noted he would like to have a ribbon cutting at the pavilion.

D. Poliquin suggested all to go visit. There are fields and playscape for children.

M. Curran reminded all that the speed limit is 25 miles per hour on Kelley Road.

R. Gray suggested to have their next Board meeting at PARC on June 17th.

J. Sherman noted he went out to PARC to check out the facility and he was very impressed. It is a great addition to the Town. He discussed expanding PARC and making more things available at PARC. One thing he did not like was that people have to go under the pavilion to get to the playground.

S. Fitzgerald noted they could look into another path.

J. Sherman discussed redirecting traffic away from Kelly Road and encouraged people to go Route 125 to get to PARC. He suggested putting signs out on Route 125 at Old County Road and putting an arrow indicating PARC is this way to redirect traffic.

S. Fitzgerald noted he would bring this information up to the Highway Safety Committee this Friday.

- Firing range is moving along. They have something similar to the pavilion. A site plan has been authorized and they have engaged SEC for an as built plan.
- ZBA met on May 30th.
- Received updated proposal from JRM for a five year proposal for their contract extension. He recommended to support the five year contract extension.

Motion by M. Curran to authorize the Town Manager to enter into a five year extension agreement for contracted Solid Waste and recycling services with JRM Hauling and Recycling as outlined in the June 3rd, 2013 proposal from JRM.

M. Curran inquired about tires and if JRM would pick up one tire per week per household.

S. Fitzgerald noted yes.

2nd by J. Sherman.

J. Ingerson and M. Curran discussed tire pickup by JRM.

R. Gray noted Sean has saved the Town another \$40,000. He gave Sean kudos for doing such.

Vote: 5-0-0.

Motion passes.

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- Police Chief has recommended that they surplus a number of vehicles. He has asked him to hold off as he thought they may be able to trade them in at a dealership to acquire a vehicle for the detective unit. The three vehicle should generate sufficient value.

Board discussed replacement vehicles, not adding vehicles, and vehicles already being in the rotation schedule.

R. Gray inquired if there was a dealership out there that would do this.

S. Fitzgerald noted he would look into but wanted the Board's approval/advice.

D. Poliquin inquired if the vehicle he would be acquiring would be a used vehicle and if he would be taking three vehicle and turning them in as an even swap for one vehicle.

S. Fitzgerald noted yes.

J. Sherman suggested to give it a try. He noted they were not committing to anything, they were just seeing what was possible.

- Planning Board met June 5th.
- Discussed Old Shaw's Plaza and pedestrian safety (walkability from one side to the next).

J. Ingerson inquired if Taurus Group was the owner of the property.

S. Fitzgerald noted yes.

- June 11 from 5-7 p.m. PACE is hosting an after-hours event at Interventional Spine Medicine.
- Old Home Day meets in the near future.
- Elder Affairs meets tomorrow.
- The Senior Service Fair Subcommittee met.
- MBTA project is going before Executive Council on Wednesday and he will travel to Concord to attend. He invited Selectmen to attend the June 5th meeting with him.
- NHDOT has scheduled NH Passenger Rail Ride on Tuesday, July 16 and he would like to know if Selectmen would like to attend.

R. Gray noted he thought he would be available attend.

- Met with Historical Society last week to discuss lease. He presented information to the Board. He would like to make changes to their contract such as allowing the Town Manager access to the building at any time. Mr. Peck suggested to move the Historical building on to the same campus as the Library. He thought that was a great idea for the future.
- Watershed signs will be installed around Town.
- CIP updates will be going out this week. They are due June 14th.
- Radar units are recording information. They are collecting data which he will have for the Board.

M. Curran noted on Saturdays the radar units are not working.

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S. Fitzgerald noted he would look into it.

J. Sherman inquired if the radars were still collecting data even if they were not flashing.

S. Fitzgerald noted he would look into it.

- Area Selectmen meeting is June 5th in Brentwood. MS 4 and solid waste issues are on the agenda.

R. Gray unable to attend because of Planning Board meeting.

J. Sherman unable to attend because of retirement party.

OTHER BUSINESS

D. Poliquin noted a long time member of the community had passed away - Alan Colby. Alan was quiet and kept to himself. He did a lot for the community. He donated the flag pole, flag and light system to the Library. He helped out community organizations as well as individuals. He would donate money to oil companies to help people who needed assistance. He gave condolences to the family.

M. Curran discussed Raffle paperwork in the Selectmen Signature folder and requested if the appropriate fee has been paid to the Historical Society for Old Home Day.

S. Fitzgerald noted he would look into it.

SIGNATURE FOLDER

R. Gray noted the Manifest and Signature folders were going around.

SELECTMEN'S REPORTS

J. Sherman:

- Slow time of year for his committees.
- CIP update will kick off soon.

D. Poliquin:

- Last Rec Commission meeting they discussed everything being in place for Summer Rec. Lights for fields at PARC was discussed with Mike Dorman. He was asked about the service out there and he said it was sufficient for one field. He noted if they were going to put other types of lighting out there other than field lighting such as parking area lighting he inquired if the service would be sufficient.

S. Fitzgerald noted they were putting four poles out there that should illuminate sufficiently.

D. Poliquin suggested to have it put in the strategic plan.

- Rec Commission discussed recommendations on dedications of fields and sought the Board's suggestions.
- Highway Safety Committee meets this Friday.

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- Next Tuesday the Southern NH Hazmat District is having their annual board of directors meeting.

M. Curran:

- Condolences to Alan Colby Family.
- Congratulated Roy Jeffrey on turning 90.

S. Fitzgerald noted Roy was going to participate in the Honor Flight in a couple of weeks.

- Elder Affairs meets tomorrow afternoon.
- Family Juvenile meets the following Wednesday.
- Met with gentlemen for Memorial Day flower regarding what they may do.
- Has discussed weed gardens out front with local florist.

J. Ingerson:

- Met with Cable Committee last week. They were discussing summer programs and introducing some of the older children to the cable process.
- Old Home Day is cancelled for tomorrow night, they have rescheduled for the 11th.
- Attended Conservation Commission.
- Saturday attended Selectperson Institute. They reviewed dealing with the media and what to say and what not to say. They did a scenario and she thought it was interesting. Their next workshop is September and October and she planned on attending.

R. Gray:

- Planning Board meets this Wednesday.
- Historical meeting was a couple of weeks ago. He discussed with them the expired contract. They are responsible for everything inside the building. There are a lot of important artifacts in the building that he thought the Town should be taking care of. They discussed revenue taken in from the vendors at Old Home Day. He was concerned with the Town's auditing system. He discussed acceptance of cash.

J. Ingerson noted they no longer accepted cash. They have been told about the process.

R. Gray discussed auditing process.

S. Fitzgerald noted in the past there was no auditing process. It was collected and handed to the Historical Society. He has asked the Finance Director to look into and monitor.

R. Gray was more concerned with the audit process so it shows up as the Town donating money to the Historical Society.

J. Ingerson noted it was not a donation, it was a fee. Vendors are charged a fee to participate. The checks are passed on to the Historical Society.

S. Fitzgerald noted from now on the Town would accept those checks and the Town would handle.

M. Curran noted the checks were made out to the Historical Society not the Town.

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S. Fitzgerald noted it was a controls issue and they are working on it.

R. Gray:

- This week is a recycling week.
- The Board will not meet next week.
- The Board's next meeting is June 17th at PARC.

NON PUBLIC RSA 91-A:3 II (c) MATTERS OF REPUTATION AND (d) NEGOTIATIONS

Motion by J. Sherman go into Non Public under RSA 91-A:3 II (c) Matters of Reputation and (d) Negotiations

2nd by D. Poliquin.

Board polled: R. Gray=yes; J. Sherman=yes; M. Curran=yes; J. Ingerson=yes; and D. Poliquin

Public Meeting adjourned at 8:57 p.m.

Respectfully Submitted,
Audrey DeProspero