



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

**PLAISTOW BOARD OF SELECTMEN MINUTES:**

**DATE:** Monday, January 14, 2013

**MEETING CALLED TO ORDER:** 6:08 pm

**SELECTMEN:**

Chairman, Michelle Curran  
Selectman, Charles Blinn  
Selectman, Daniel Poliquin

Vice Chairman, John Sherman  
Selectman, Robert Gray  
Town Manager, Sean Fitzgerald

**AGENDA:**

**NON PUBLIC - RSA 91-A:3 (d) NEGOTIATIONS**

*M. Curran called the Non Public Meeting to order at 6:08 pm.*

*Motion by R. Gray to leave Non Public at 6:50 pm and not seal the minutes.*

*2nd by J. Sherman.*

*Board polled: M. Curran=yes; J. Sherman=yes; C. Blinn=yes; R. Gray=yes; D. Poliquin=yes*

**MINUTES:**

*Motion by R. Gray to approve the Minutes of January 7, 2013 with changes to page 3 and 6.*

*2nd by J. Sherman.*

*Vote: 5-0-0.*

*Motion carries.*

**PUBLIC COMMENT:** Deferred to later on in the meeting.

**INTRODUCTION OF KERRY-LEE NOEL**

M. Curran welcomed Kerry-Lee Noel, new Part-Time Administrative Assistant to the Board of Selectmen.

K. Noel introduced herself: she is from Hampstead and very excited to be working for the Town, Board of Selectmen and Town Manager. She is looking forward to getting to know everyone and plans to work hard for everyone.

S. Fitzgerald thanked Kerry for being present tonight.

**HONORABLE CHRIS SUNUNU**

M. Curran discussed last week's meeting regarding rail and apologized for not being able to attend.

J. Sherman thanked Chris Sununu for being present. He read an article in the Boston Globe dated January 29, 2012 and inquired if Chris was accurately quoted.

C. Sununu noted he was accurately quoted. He has always supported the project (rail) however he has his hesitations. Currently he is hesitant with going forward. He discussed key sites and one site

having zero chance. He couldn't see spending taxpayers' dollars on something that had a zero chance. He discussed Westville Homes and the cost, Atkinson resident's opinions and suggested to take Westville Home off the table but still support the study.

J. Sherman noted the Board discussed the site, which is zoned industrial, and he favored continuing with the study because he would like to know what is going on with the site. An environmental study would let them know what has actually gone on in the sight.

C. Sununu suggested not using a train study for an environmental study.

J. Sherman noted an environmental study was part of the train study. He discussed Public Hearings, researching environmental concerns at the sites, and NH Transportation preparing an environmental assessment of the locations. He read the details of the previous Warrant Article. He inquired if the money was not used for the train study then where would it go.

C. Sununu noted NHDOT would be better suited to answer that question along with CMAQ and the Commissioner, however there were a lot of other items out there that are needed to be done and the money would go someplace else.

J. Sherman inquired how much of a savings would there be if they took the Westville home site out of the funding of the study.

C. Sununu noted there would be no savings it would take a path to non success out of the equation. The study is not a cost per site study.

J. Sherman inquired if a layover station could be environmentally safe.

C. Sununu noted absolutely.

J. Sherman inquired if Chris would be happy seeing these studies go forward.

C. Sununu noted absolutely.

J. Sherman inquired if there were concerns with the MBTA being involved.

S. Fitzgerald discussed structural debt of the MBTA which is associated with the Big Dig.

C. Sununu had concerns with the involvement of the MBTA. He does not understand the relationship and the economic subsidies but expects the information to come out of the study.

J. Sherman discussed Board of Selectmen primarily taking the approach to get the public involved however there are a lot of questions that they cannot answer.

R. Gray discussed signing the agreement and seeking Chris Sununu's support to champion the study all the way to the Governor's Counsel.

C. Sununu was happy to keep the study going forward.

R. Gray inquired if this item would be put on the next Governors' Counsel agenda.

C. Sununu noted it would go on as soon as possible however the time frame was more for NHDOT and he thought March was a more realistic date.

R. Gray was not aware of any type of agreement that has been placed in front of a municipality in the state of NH in this manner. He thought this was certainly not a good way to run a state government in a libertarian state like NH. He did not think proceeding forward and then taking funds away after they have given funds to a municipality was good government.

C. Sununu noted stipulations are put on contracts all the time.

R. Gray noted some of the bullet points in the Atkinson Rail Study Report regarding Plaistow were not true.

C. Sununu and R. Gray discussed the Atkinson Rail Study Report and Warrant Article.

C. Sununu discussed leaving the Plaistow Board of Selectmen meeting with a signed agreement to go to Atkinson Board of Selectmen meeting

J. Sherman discussed Commissioner Campbell's Memo dated July 27, 2011 which talked about the project. He read the memo.

J. Sherman discussed the possibility of the layover station being built near Haverhill.

M. Curran noted the study will empower us good or bad going forward

D. Poliquin discussed State forcing the hand of the Board of Selectmen which he felt was not right. He had wondered how many people Chris had spoken to from Plaistow. He did not like the way it has been handled. He noted Westville Homes not being included in the study did not rule out the location. He thought the study should be done to definitely rule out the location. He feels residents of Plaistow are entitled to the study to better help with the pros and cons of having a rail station in Plaistow. He did not feel that it was right to be told what can or cannot be told to the residents of Plaistow. He feels residents should be able to vote on items and are entitled to information. He was concerned for the Memorandum of Understanding that was signed.

C. Sununu discussed the State having facts in its possession indicating that the site will not be feasible for that location. They are protecting the interest of the towns.

S. Fitzgerald discussed holding a civil discussion. He asked all to keep the faith and to find a common and collective path for success. It takes a lot of work and leadership and he hoped to find a consensus.

M. Curran noted it was a concern of the Selectmen any time an agreement gets changed when a path has been set.

***Motion by J. Sherman to withdraw the Westville Home site on Blossom Road and Penn Box site on Main Street from consideration and to sign the agreement drafted by the Town Manager.  
2nd by C. Blinn.***

J. Sherman discussed going forward and re-improving the relationship between Atkinson and Plaistow. All are good folks that just have had a difference of opinion. Plaistow wanted more information before going public and Atkinson took a different approach. He suggested that they all work together and agree to disagree and to find out what they could do to make things better.

***Vote: 4-1-0 (Nay: D. Poliquin)***

***Motion carries.***

#### **NHDOT - MIKE SERVITAS-NHDOT PROJECT DEVELOPER, CHRIS CARUCCI**

M. Servtas discussed NH Route 121A; metal arch type culvert; identified by District 6 needing rehabilitation; program federally funded to replace drainage needed; rehab to culvert will be some roadway work; guardrail will need upgrade; \$150,000 project; April project for July/August construction; 4-6 week window for the construction; roadway reduction to one lane during work hours but will return to two traffic after work hours; will be closed for one night to install culvert however they would like to leave the roadway open to emergency vehicles; local police would be used for traffic; and three copies of Municipal Work Zone Agreement have been given to Sean for signature.

C. Carucci discussed current road map; just under one mile from Route 125 where Kelly Brook crosses; existing Route 121A is 12 foot lanes with no shoulders; plan view; existing culvert; replacement of liner pipe; reduction of capacity; drainage study shows existing capacity sufficient; existing cable guardrail will be replaced; new rail will be about 180 feet in length; time distribution of traffic counts (12,000 cars use this road); road closure 9 p.m. to 5 a.m.; and local traffic detours.

J. McArdle discussed anticipated life of culvert could be additional 40 years and thought there could be an opportunity if they were able to extend the water main along Route 121A to go under the culvert. He noted they put a sleeve under the road on Route 125 previously. Does not know when it could or would be used however it would be there if it was needed. He inquired if they would be excavating to the point where they could get under the road.

C. Carucci noted they would not be going under the existing culvert. The sleeve the Town would need would have to extend 20 feet in either direction. NHDOT would not be doing that in depth of construction, it would be a shallow depth.

S. Fitzgerald noted this came with the recommendation of the Highway Safety Committee.

#### **REVIEW OF 2013 PUBLIC HEARING**

S. Fitzgerald noted the Budget Committee met on Tuesday last week and reviewed the Board of Selectmen's changes to the proposed 2013 Budget. The recommendation was to approve \$7,708,218 less than 1% increase. It was a good discussion, they went over changes in the budget. It was a successful budget season. There was some consolidation of budgets: Cemetery into the Highway Budget and ACO into the Police Budget. There was a recommendation of DRA (Jeannie Samms) who advised to list the offsetting revenue in Article 14. They were asked to reword warrant article. He read wording. He has asked Attorney Kalman to take a look at the Warrant Articles also and changes could be made at Deliberative Session. He suggested to wait until Attorney Kalman reports back to the Town. DRA felt that if the Town can defend the wording then they could accept the information of counsel.

J. Sherman suggested to leave as it was.

R. Gray suggested to change at Deliberative Session if needed.

J. Sherman noted the Public Hearing went very quickly. The Budget Committee was 100% in agreement with the Board of Selectmen. The three Selectmen in attendance met very briefly and decided to take no action. The Budget Committee met afterwards and decided the same.

### **RECOMMENDATION TO ACCEPT KARL'S CIRCLE**

M. Curran noted Karl's Circle went in front of the Planning Board and was complete.

S. Fitzgerald discussing having a well constructed road which was evaluated by the Highway Safety Committee.

D. Garlington discussed being present during the building of the road. The driveway was built to Town standards. It has a 2.5" binder layer and a 1.5" overlay. He recommended to carry the two year performance bond because there was an issue with density testing at the final pavement. He suggested to carry a two year instead of a one year performance bond. He did not see a lot of problems or a lot of traffic on the road. 6 houses would be the worst case scenario.

M. Curran inquired about plowing.

D. Garlington discussed assigning as a normal route as they currently do. It is only 650 plus feet of road. It currently houses a three lot sub division. He noted if the Board does accept the road as a Town road he suggested that the road be posted with a speed limit of 25 miles per hour.

***Motion by R. Gray to accept Karl's Circle as a road and accept it for a speed limit of 25 effective immediately.***

***2nd by J. Sherman.***

***Vote: 5-0-0.***

***Motion carries.***

### **DISCUSSION OF 144 MAIN STREET**

S. Fitzgerald discussed Tax payment received by Testa which sustains their 2009 property taxes and takes them out of jeopardy of the Town taking their property. Testa still owes the 2009 water line fees and the Town is negotiating some reasonable standard for how the fees should be paid. A letter should be sent out as early as June regarding the 2010 notices for taxes owed.

### **PUBLIC COMMENT**

Audrey Peck, Oakridge Road, Plaistow - took offense to Bob Gray's comments to last year's Warrant Article. It was a no/yes answer question. She suggested a Citizen Advisory Committee be made to work along with the study when it becomes available. She thought the Committee would be advantageous to the citizens of Plaistow. She volunteered to be on the Committee.

S. Fitzgerald discussed strategies and public involvement.

Linda Hemingway, 17 Chandler Avenue, Plaistow - Opposed to a layover station anywhere in Plaistow. She is concerned for anyone who has to live near it. She was confused about the talk of one location that was eliminated and then another location and thought there was a third and possible a fourth location. She would like to notification given to the community regarding the various locations.

M. Curran noted that was what the study was about (finding locations). There are no set locations. The owner of Westville Homes contacted the MBTA in consideration of leasing the property to them, that is how they study came to be. The study is to look at all locations and concerns regarding health safety. It is about the train and the layover station. All the questions will be answered by the study. She discussed the history of how the study came about and the areas. She noted that not one member of the board has committed to a layover or a train.

L. Hemingway discussed the MBTA and an outdated report regarding the station in Haverhill. He had concern for the Mass Transit Authorities lack of finances. Today's news conference discussed an increase in sales tax because the MBTA did does not have enough money to run their trains or update them. She inquired how their finances would impact the Town of Plaistow.

J. Sherman noted that he was following the story also. The MBTA picked up a bunch of debt a couple of years back however the loss they have is not from the operating expenses. They need an infusion of money. He asked Chris Sununu if it was a concern of his entering into the MBTA if it was a non starter.

L. Hemingway thought if they were it would not be feasible for us.

J. Sherman noted Sununu's reply was that we could work things out with the MBTA because there were regulatory agreements.

L. Hemingway was concerned that they may not get ridership here. If the layover station comes in and the train station exists and no one takes the train we would be stuck with it and people would be getting nothing.

J. Sherman noted they would have to have the right agreement in place.

M. Curran noted the study would provide them with consultants to look at existing contracts in place and to outline an agreement to protect the Town of Plaistow's concerns that is why the study is so important to the Selectmen, to help educate the residents.

D. Poliquin noted just because the majority of the Board has agreed to take the site off the table (Westville site) the owner of the property can still make his own deal with the MBTA and no one can stop him. If this happens then we will no have information on that particular site because it has been taken off the agreement.

S. Fitzgerald publically thanked Mrs. Heminway for her help with the Hurricane Sandy Victims. She had put shoe boxes together of essential items for the victims. He inquired how the idea came about.

L. Hemingway discussed going to the Pastor of her church who only wanted money. She collected items and Pam Burke from Atkinson spent 13 hours trying to finding a trucking company who would bring the items to Hurricane Sandy Victims. 600 plus shoe boxes were packed with items for victims.

## **TOWN MANGAER REPORT**

S. Fitzgerald:

- Working on Safe Routes to School Grant application. He suggested adding a letter to the grant which was signed by the Board.
- Highway Safety Committee met this past Friday, they discussed Karl's Circle.

- Beede Technical Group is this Thursday, they will meet in Sean's office.
- Peter Bealo, Lisa Withee and Liz Costa would like to meet with the Board to discuss the 2013 School Budget. They are seeking the Board's support. They would like to come before the Selectmen on Monday, January 28th or February 4th. Sean suggested the 4th.

R. Gray agreed with the 4th.

J. Sherman does not favor the word "support".

S. Fitzgerald noted Dr. Metzler would also be present.

- School Budget Public Hearing was last Thursday, January 10th.

M. Curran requested details as to why they wanted to come before the Board of Selectmen.

J. Sherman noted they were welcome to come but not to seek the Board's support. If they wanted to provide the Board with information or enlighten them on items that would be okay.

- Firing Range meeting went well.
- Members of the Fire Department are going to visit the factory where their truck is being built. They will travel to Grand Rapids Michigan on the 23rd and return on the 25th.
- Budget Public Hearing was last Wednesday, January 9th.
- Saturday, February 2 at 10am is the Deliberative Session. Department Heads have been asked to attend.
- Warrant Articles that the Selectmen want to speak on will be selected by the Board the 28th.
- Personnel Updates: Recreation Director resumes are being evaluated and Administrative Assistant, Kerry Lee Noel started work today.
- Town Report Advisory Committee is finalizing reports this week and next week.
- Sue Sherman has asked to be put on the Planning Board's Agenda to discuss her concern of the Recreation Impact Fees for the Elderly Housing Project.

M. Curran noted after their last meeting she discussed with Leigh the Impact Fees. Leigh has drafted a Memo to help the Board understand the changes. She passed the Memo to Board Member to review.

- Elder Affairs met on Tuesday. Atkinson Police Chief and Director of Elderly Affairs, Phil Consentino attended their meeting and gave some great recommendations.
- The Historical Society meets at 7pm on Tuesday and all are invited to attend.
- Was nominated by Commander Dave Meany of the American Legion to attend Oratorical Contest on February 16th at 9am at St. Amslem College in Manchester.
- Cable Advisory Committee is scheduled to meet this Wednesday. Committee has been asked to review the Comcast contract and to start looking at what they would like to do regionally with PEG Access.
- The template for the slip lane on Elm Street has been completed. Kevin Russell has acquired this from District 6. There is no challenge for a right turn from Main Street to Elm Street.
- Area Board of Selectmen meeting is scheduled for March 20 at 7 pm at Kingston Town Hall.

## **OTHER BUSINESS**

M. Curran discussed letter received by Town from a resident who has had a rough couple of months. She commended the Plaistow Fire Department and Emergency Response Staff as well as the Cemetery persons. The staff was very helpful, professional and courteous. She thanked Plaistow Fire, Dan Garlington and Audrey DeProspero.

### **SIGNATURE FOLDER**

M. Curran noted the Manifest and Signature folders were going around.

### **SELECTMEN'S REPORTS**

C. Blinn:

- No meetings last week.
- Conservation moved to the 17th (this Thursday).
- Cable Committee meets this Wednesday at 6:30.

D. Poliquin:

- Attended Highway Safety Committee meeting. They discussed possibly changing street lights to LED lighting. This is an ongoing topic. Chief McArdle put together memo, after speaking with Unitil, to shed some light on changing over existing fixtures. Within the monthly charges there is a fixture amortization fee and to change over at this point in time it is not necessarily cost effective however in new projects or in replacements it could work. They will look into grants for this as well.

S. Fitzgerald noted the cost for the lights went up about \$17,000.

- Highway Safety will meet at 11 on the 16th. He will not be able to attend.
- Rec Commission meets Wednesday evening.

R. Gray:

- Sean reported on most of his items already.
- Town Report Committee met.
- Attended Budget Hearing.
- This coming Wednesday is Planning Board. Mrs. Sherman will be attending.
- Watched the Budget Hearing. They discussed Selectmen salaries and LGC response. It is legally not permissible - one town meeting cannot bind a future Town Meeting. This is the only way to increase the salary for Selectmen or put it in the budget process. There are some towns whereas they raised Selectmen salaries and the people voted it down and the "no means no law" reverted it back so they got nothing.

J. Sherman:

- All reports covered.
- Concerned with individuals reports for Town Report coming in slowly. There is a drop dead date and people do run the risk of their report not being in the Annual Report.

M. Curran:

- Submitted her report for Town Report.
- Has a Family Mediation meeting.
- Beede meeting conference call this Thursday.
- This is a recycling week.

- Historical Society meets Tuesday.
- Highway Safety meets at 11 am on Wednesday.
- Cable meeting Wednesday.
- Planning Board is also Wednesday.
- Conservation meets Thursday.
- Sign up for Elected Offices begins January 23rd and runs until February 1st.

D. Poliquin:

- Has a meeting with Mutual Aid District on the 23rd. It has to do with expenditure of funds. The board is looking for relocation of their equipment which is spread out everywhere. They are looking to lease a building to put this stuff in.

**NON PUBLIC RSA 91-A:3 II (d) NEGOTIATIONS**

*Motion by R. Gray to go into Non Public under RSA 9-A:3 II (d) Negotiations.*

*2nd by J. Sherman*

*Board polled: M. Curran=yes; J. Sherman=yes; C. Blinn=yes; R. Gray=yes; D. Poliquin=yes*

Public Meeting adjourned at 9:36 pm.

Respectfully Submitted,  
Audrey DeProspero