



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

PLAISTOW BOARD OF SELECTMEN MINUTES:

DATE: Monday, January 7, 2013

MEETING CALLED TO ORDER: 6:41 pm

SELECTMEN:

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

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

MINUTES:

Motion by J. Sherman to approve the Minutes of December 17, 2012 as written.

2nd by D. Poliquin.

Vote: 5-0-0.

Motion carries.

Motion by J. Sherman to approve the Minutes of December 27, 2012 as written.

2nd by R. Gray.

Vote 3-0-2 (Abstain: M. Curran & D. Poliquin).

Motion carries.

PUBLIC COMMENT:

No one present from the Public.

AGENDA:

REVIEW OF DEFAULT BUDGET

S. Fitzgerald discussed the default budget is the 2012 approved budget plus or minus any contractual increases or one-time expenditures. The 2013 default budget is \$7,785,599 this is in comparison to a proposed budget (if approved by the Budget Committee) of \$7,703,218. The 2012 approved budget was 7,602,156. Some substantial increases to the 2012 budget include increases in salary line items of various departments, the addition of a new firefighter, increases in contracts for insurance, service contracts, and personnel administration (both NHRS and health insurance). One-time expenditures that have been removed in the creation of the default budget include the cost of binding for town minutes in the town clerk budget, the town hall dormers voted in at deliberative session and the painting of the courthouse.

Motion by J. Sherman to approve the Default Budget as presented \$7,785,599.

2nd by C. Blinn.

Vote: 5-0-0.

Motion carries.

REVIEW OF 2013 BUDGET

S. Fitzgerald passed out Budget and Summary worksheet. The 2013 budget is \$7,703,218. This is an increase of \$75,102 from 2012 which is less than 1%. This budget reflects a number of changes: the

consolidations of the Cemetery Budget into the Highway Budget, and the ACO into the Police Department Budget. These consolidations result in a savings to the Town of approximately \$12,000. Also, the impact of the increased recycling efforts by the citizens of Plaistow resulted in the ability to reduce the Solid Waste Budget. The Budget also includes the addition of a new Firefighter as voted in at the 2012 Town Meeting. A more significant impact is the increased NHRS costs. The Personnel Budget alone had an increase of \$151,000. Through cooperation of all Department Heads and Town Personnel the budget was able to absorb more than half of the increase through cost-saving measures. He suggested that the Board reconsider the request to add an additional \$5,00 in Planning Budget for planning services to update the Master Plan to receive technical assistance.

Motion by J. Sherman to approve the increase in the Planning Budget by \$5,000 to increase the bottom line to \$78,283.

2nd by R. Gray.

J. Sherman noted Sean handed out a one-time justification for the \$5000 as to how it will be used to update the Master Plan. The good news was that there was a plan. He was willing to support putting the additional \$5,000 back into the budget now that he saw how it would be spent.

Vote: 5-0-0.

Motion carries.

J. Sherman inquired if there were any other changes to the Operating Budget.

S. Fitzgerald noted not.

Motion by J. Sherman to recommend the approved Operating Budget in the amount of \$7,708,218.

2nd by R. Gray

J. Sherman noted the Warrant Article would be updated with the information.

Vote: 5-0-0.

Motion carries.

REVIEW OF 2013 WARRANTS

J. Sherman requested to discuss the roof at the Safety Complex (Article P-13-0-9: Replacement of Roof on the Public Safety Complex). He discussed the Undesignated Fund Balance and wondered if the roof at the Safety Complex would be an appropriate use of the Undesignated Fund Balance.

S. Fitzgerald thought it was a good idea to use the Fund Balance for this one time expenditure.

J. Sherman requested details on the roof.

S. Fitzgerald noted they have known for three years that there was a leak in the roof. It has been an ongoing concern. There are several cuts in the membrane of the roof and a roofing company has gone up there to repair it however they have been unsuccessful. It is time to replace the roof. It has been put in the CIP.

D. Poliquin noted the roof was 27 plus years old.

R. Gray discussed the fund balance and gross budgeting.

S. Fitzgerald noted the Selectmen could withdraw funds from the account.

J. Sherman was not convinced the roof was an emergency however based upon the information he thought the Warrant Article could use the Undesignated Fund Balance.

D. Poliquin discussed replacement membrane being made of more up to date material and the rock stone would be replaced.

J. Sherman would like reassurance that they would not run into this problem again. Some of the work done has been done by well by well intentioned people but the integrity of the roof has been affected.

R. Gray discussed the number one issue that they face as a community is that they have aging infrastructure. This particular facility is 30 plus years old.

***Motion by J. Sherman to modify the existing article P-13-09: Replacement of Roof on the Public Safety Complex to indicate that the funding will come from the unexpended fund balance.
2nd by R. Gray.***

R. Gray suggested added a graph to the Warrant Article indicating the offsetting of funds.

Vote: 5-0-0.

Motion carries.

BUILDING DEPARTMENT FEES FOR RENTAL PROPERTIES

D. Poliquin discussed Fees for Rental Properties. He read information from Attorney Sanderson of LGC's response to Certificate of Occupancies and the responsibilities for Certificates of Occupancies.

"I did reach out to Attorney Sanderson for clarification on the issue of certificates of occupancy for tenants. The Art of Welfare does require me to be sure that those we assist have decent, safe and sanitary housing. I was told that if our Code Enforcement Officer administers the State Building Codes, we need to review those codes regarding C.O's and the requirement of them. They trump local code. If he only does local enforcement of local zoning codes, then I have to defer to the Fire Chief as there were major changes effective 7/1/12 under house bill 137, chapter 242. This HB requires the Fire Chief to administer State and Federal code to all new and existing locations regardless of local codes which includes safety. I have attached a power point presentation provided by Attorney Sanderson for your review. If we must have the FD examine apartments and there is no existing fee schedule, HB 137 does give authority to develop a fee structure. "

S. Fitzgerald discussed past practices and RSA.

D. Poliquin noted there was an ordinance in effect but it was rescinded.

R. Gray suggested to go back and look at prior Selectmen minutes from when it was rescinded.

S. Fitzgerald noted he was working with Attorney Kalman and suggested to continue as is until he has more information.

M. Curran noted the Board would like Mr. Dorman to cease and decess along with the Human Services Department until all information is found. No more fees will be applied and no one will be turned away for these reasons. Sean is to make arrangements to get a legal opinion and bring the information back to the Board.

TOWN MANGAER REPORT

S. Fitzgerald:

- Reviewing resumes for the vacancy of Recreation Director.

M. Curran inquired how many applications were received.

S. Fitzgerald noted 14 resumes were received.

- Kerry Lee Noel has accepted the job offer to fill the vacancy of Part Time Administrative Assistant to Board of Selectmen. She will be introduced to the Board of Selectmen next week.

M. Curran noted she met Kerry Lee Noel and she is like sunshine in a bottle.

J. Sherman discussed title of position and suggested for it to be changed.

S. Fitzgerald noted the position was the 'Secretary' to the Board of Selectmen. He had changed the title to 'Administrative Assistant' to the Board of Selectmen.

J. Sherman suggested removing Board of Selectmen from the title.

M. Curran discussed what the position was used for.

J. Sherman encouraged to change the title for consistency.

R. Gray noted he agreed with Michelle.

J. Sherman suggested that there should be no distinction - it should be consistent with the other job which Audrey holds.

- Town Report Committee meets tomorrow.
- Planning Board met last week. They reviewed Ron Brown's Senior housing property, rescheduled land swap, and Planning Board voted not to post the three remaining proposed amendments to the warrant.
- Beede meeting last week. They discussed update on the plume, access road, new traffic signal, extent of off-site contamination, update on clean-up schedule, and waterline status.
- Plaistow First Committee held their last meeting on December 12. They do not have a formal recommendation however they will present a number of options with pros and cons for each property to the Selectmen.
- Safe Routes to School application continues to move forward. The grant application will be completed on January 16th.

J. Sherman inquired how much funding the grant was for.

S. Fitzgerald noted they were looking for \$200,000.

M. Curran inquired if there was a match.

S. Fitzgerald noted there was no local match. There are strict requirements. It is costly and time consuming and is federally funded.

- Next week we will have a meeting with NHDOT officials regarding the last phase in the 125 Project. They will extend the contract until May 2014. The final phase is to finish this spring.

J. Sherman discussed the synchronizing of the lights on Route 125.

- Attended meeting in Concord today with Tim Moore regarding the study on the Plaistow MBTA project. Selectman Poliquin attended via conference call. A suggestion by Governor's Council was to put a Warrant Article to the people this year. He suggested to further the discussion in Executive Session with the Board and Tim Moore.

D. Poliquin discussed ambush by Committee. Atkinson and DOT met prior to this meeting. Some items need to be discussed in Executive Session however the entire undermining of this study was put forth by a particular group of people who now have the ear of some people at state level and that is what brought forth today's meeting. Not sure what can be done legally. Sununu requested the Warrant Article to be drafted by NHDOT or Executive Counsel for both Plaistow and Atkinson but it sends a message to both Towns that the Board of Selectmen do not operate in the best interest of the Towns.

J. Sherman thought the deadline for Warrant Articles was tomorrow.

S. Fitzgerald noted he would have to contact LGC.

M. Curran discussed possibly being denied to make an educated decision.

R. Gray discussed political play and the unfortunate situation.

J. Sherman inquired if they submitted wording for the Warrant Article.

S. Fitzgerald noted they had. He presented the Board with a copy of an email he received late this afternoon from Mark Sanborn, Federal Liaison for NHDOT:

- Are you in favor of the Plaistow Board of Selectmen supporting a \$659,000 federally funded study to evaluate the economic and environmental feasibility of the extension of commuter rail service operated by the Massachusetts Bay Transportation Authority (MBTA) from Haverhill, MA to Plaistow, NH that may include the need to construct a passenger station and a layover facility?

S. Fitzgerald noted the same Warrant Article wording was presented to Atkinson. He suggested to meet in Executive Session to discuss, review and figure out what their game plan should be.

- Information from Police Chief Savage regarding donations to the Firing Range. They exceed \$5,000 so a list will need to be published in the local paper and a Public Hearing will need to be scheduled within two weeks. He inquired if the Board was in favor.

Consensus of the Board regarding donations, publication and Public Hearing (all agreed).

- Chief Savage invited members of the Board to join him and Sean at the Firing Range at 10am on Thursday, January 10th regarding regulatory responsibilities to managing a Firing Range site.
- Budget Committee meets tomorrow and Wednesday to finalize the 2013 Budget.
- School Budget Public Hearing
- g is Thursday, January 10th - snow date Friday, January 11th.
- Highway Safety Committee is schedule to meet this Friday.
- The Board of Selectmen did send off a letter to the Timberlane School District to reconsider, or at least delay, the proportional elected representation on the School Board. The vote failed 8-1.

J. Sherman attended School Board meeting which was held a the Sandown School. The vote was deferred because Liz Costa, a member of the School Board Committee was absent. The vote was taken at a subsequent meeting.

- Tax maps are nearly complete. He hoped to present updated Tax Maps to the Board and the online product as well.
- Public Safety Complex meeting was held in January to discuss the land exchange between the Town and Mr. Palmer. The Committee supported the exchange. They also discussed a number of meetings the Chief will be having regarding the Safety Complex facility deficiencies.

OTHER BUSINESS

No Other Business discussed.

SIGNATURE FOLDER

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

SELECTMEN'S REPORTS

J. Sherman:

- Town Report Advisory Committee meets tomorrow night. They are in the process of selecting photographs for the Town Report.
- The Budget Committee meets Tuesday night the 8th.
- The Public Hearing is scheduled for the 9th at 6:30 pm.

R. Gray:

- Planning Board met last Wednesday. They discussed the Ron Brown Elderly Housing Project off of Sweet Hill Road. Ron Brown requested a temporary trailer to use as an office for one year to sell his units. He also wanted clarification regarding signage on his property so the Board sent him to the ZBA. He had inquires on waiving School Impact Fees and Recreation Impact Fee.

M. Curran and R. Gray discussed age restriction, possible children being in the condos, people of older ages having children, and the waiving of the School Impact Fees.

- Planning Board was suppose to have a presentation on the land swap with Alden Palmer however it did not take place because the Selectmen need to see it before the Planning Board. He requested to have it done at the next Board of Selectmen meeting.

S. Fitzgerald noted he wanted to discuss the subject with the Board of Selectmen. The Board has the signed agreement.

R. Gray inquired if the plan was going to be presented at the next Planning Board meeting.

S. Fitzgerald noted it would.

- Several Warrant Article proposals did not go forward.
- The LED light coming in to Town Hall is great, it lights up the exterior of Town Hall.

C. Blinn had no reports to discuss.

D. Poliquin:

- Missed Public Safety Complex meeting. It was not on his agenda.
- Attended meeting today via conference call today.
- Safety Complex Committee meeting is coming up on this Friday.
- Dennis Naffah submitted a letter regarding not seeking reelection on the Conflict of Interest Committee. He has additional job requirements which are time consuming. He suggested to send a letter thanking him for his service and time to the Conflict of Interest Board.

M. Curran:

- Thanked Dan Poliquin for stepping in for her today at today's meeting.
- Attended Beede Group meeting couple of weeks ago - she discussed details.
- Family Mediation coming up.
- The Board will go into Non Public and no decisions are to be made.
- Non recycling week.
- Public Budget Hearing on Wednesday.
- School Budget Public Hearing on Thursday (snow date on Friday).
- Highway Safety Committee meets on Friday.

J. Sherman noted the Board of Selectmen would not be meeting January 21st because of the Holiday - Martin Luther King Jr. Day.

M. Curran noted Tim Moore would be going into Non public with the Board.

NON PUBLIC RSA 91-A:3 II (a) PERSONNEL and (e) LITIGATION

***Motion by R. Gray to go into Non Public under RSA 9-A:3 II (a) Personnel and (e) Litigation.
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 8:21 pm.

Respectfully Submitted,
Audrey DeProspero