



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

PLAISTOW BOARD OF SELECTMEN MINUTES:

DATE: August 26, 2013

MEETING CALLED TO ORDER: 6:31 PM

SELECTMEN:

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

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

D. Poliquin – excused – arrived at 6:39 pm

AGENDA:

MINUTES:

*Motion by John Sherman to approve the Minutes of
2nd by: Michelle Curran*

J. Ingerson wants change on page 6 of 9 to read, The ACO is on call at all times, not on hand at all times.

Vote: 4-0-0

Motion carries.

PUBLIC COMMENT: Roy Jeffrey thanked S. Fitzgerald for driving him to Senator Kelly Ayotte's office to receive his "Good Conduct Medal". Mr. Jeffrey's went to Senator Ayotte's office last week where he received his "Good Conduct Medal" for serving in WWII. During his service in 1940 at the age of 19 years old, he served in the US Navy as a pharmacist mate and the US Marines. The Good Conduct Medal requires serving for three years. He had served 2 years, 11 months and 28 days. Mr. Jeffrey had contacted Senator Ayotte and offered to go back and serve the two remaining days to qualify for the "Good Conduct Medal". Senator Ayotte advised Mr. Jeffrey to come to her office in Manchester and that she would present it to him, it was not necessary to serve the two remaining days.

Mr. Jeffrey brought in his display case of medals won through his distinguished military service. Board members comment that Mr. Jeffrey's medals, hat and articles had been on display at the library.

UPDATE ON TOWN HALL HANDICAP PARKING – M. Dorman

S. Fitzgerald – This is an issue the board has discussed a number of times and we also have a recommendation from our elder affairs committee and highway safety committee, to remove two spaces from the front of town hall. Questions of legality as to whether the town could enforce handicap parking, removing them and placing temporary signs. We can with limited notice put temporary signs up. Also the issue of painting is coming up. With the boards concurrence we will remove the spots, the two handicap spots that are adjacent to the left of town hall. They will be painted over and we will order temporary handicap signs.

M. Dorman – I contacted the governors coalition of disability, believing they would know the answers regarding the handicap signs. They directed him to the justice department in Boston. After a couple of phone calls, he spoke to a young lady who indicated to him that there can be as many additional handicap parking spaces for as long as 6 days. He contacted them a second time for more clarification, the second gentleman he spoke with indicated that the municipality can have as many as they want as long as the minimum of 1 based on parking spaces.

J. Ingerson – We are keeping two out front?

M. Dorman – We are keeping three. Highway safety voted unanimously to eliminate two of the spots due to line of sight issues.

S. Fitzgerald – Elder Affairs voted unanimously to remove these two spots.

J. Sherman – My understanding from the State it is 1 handicap space per 25 parking spaces.

M. Dorman – ICC regs. 1 for every 25 parking space.

S. Fitzgerald – In a discussion earlier today with D. Garlington, the parking stripes have been redone, he had recommended the parking space in front of town hall to the left of the driveway be eliminated.

He had asked D. Garlington to defer on that, S. Fitzgerald wanted to bring it up to the board until such time that it could be discussed as a highway safety committee. It is a line of sight issue, coming out of Park Avenue. It is a public safety issue and would like Chief Savage to review it. If approved by the board, those two spots will be eliminated this week. We will start with five temporary handicap signs, we can add more for special events.

R. Gray – Is it consensus of the board to remove the handicap parking spots left of the town hall. As discussed previously

Consensus of the board: R. Gray – Yes, J. Sherman – Yes, M. Curran – Yes, J. Ingerson – Yes, D. Poliquin – Yes,

Consensus carries: 5-0-0

Recommendations 2013 Town Land RFP (s) – Town Manager

S. Fitzgerald – 2013 Land RFP discussion with M. Dorman in the event that there would be questions regarding codes and buildable areas and things that would be allowable. S. Fitzgerald recommends to the board that a committee is set up, including himself, the Board and town staff to invite the respondents in to meet with us. They can talk about their proposals for the properties.

M. Curran – is against the committee. There has been previous discussion as to whether to go to town meeting about this. I would rather go to the town rather then set up a committee and have them come back. The board has the ability to decide or have it go to town meeting.

S. Fitzgerald – It is the boards prerogative, I am stating my recommendation. Receiving the proposals, some of which are attractive. Several properties are buildable lots some of them may have valuable utility to the town.

M. Curran – What is the status of the encroachment on some of the properties.

M. Dorman – They have removed their equipment from the properties. The properties have been cleared and loamed and seeded.

Discussion of properties, offers and usage:

7 Massasoit Blvd.

S. Fitzgerald - \$72,500.00 from Christina Kelly and David Hoyt, D&H Construction. Property is assessed at \$99,510.00. Nice neighborhood, buildable lot, land use would be conforming, should we sell it and generate some income for the town. Reducing the tax burden and increase our financial disposition. I would recommend inviting the bidders in to ask if that is their best offer. If it is I believe the board should accept it.

J. Sherman – I feel it is a reasonable offer and am OK to accept it. The property would be returned to the tax roles.

M. Curran – I'd like to see it closer to the assessed value. I agree that getting this particular property back on the tax list makes sense, it would be built as a residential home.

S. Fitzgerald – Another bid was received for the property for \$15,500 from an abutter. I considered sub-dividing the property, giving both respondents a piece. The building inspector indicated it is a smaller lot to work with and there may be zoning regulations.

M. Curran – suggested putting the properties up for sale in an open market, given the current real estate market.

M. Dorman – the two bidders are both abutters to the property. It is 1.2 acres, they would possibly have the ability to subdivide depending on the frontage.

J. Ingerson – Did any of these properties get appraised before the bidding process?

S. Fitzgerald – We did not. We didn't hire an appraiser to go in, we based it on our assessed value.

J. Sherman – Often town owned land is assessed to a lesser extent. Typically the assessment process is done periodically whereas town owned properties are not assessed as often since town owned property does not generate any tax revenue. The town assessor's agent should put more diligence into the assessing of these types of properties.

R. Gray – I believe the offer is reasonable.

J. Ingerson – We only received 2 bids on that property?

S. Fitzgerald – Yes, I expected more interest.

M. Curran – The exposure of these available properties may have not been broad enough, advertising with a broker may have generated more interest. We are not under any obligation to sell them. We could go back out to bid.

R. Gray – restates M. Curran’s position.

D. Poliquin – We can sell these properties, I am questioning the intent of the high bidder who claims it is for a single family home. I don’t think putting on the real estate market would generate much more revenue. I feel the bid price is low, if an additional \$15,000 could be added I would be in favor of that.

J. Ingerson – I think if we sell that through a real estate agent it will cost us a percentage that will even out getting more for it.

D. Poliquin – Putting it back on the tax roles as J. Sherman had said would mean about \$6-\$8,000 per year in tax assessment.

S. Fitzgerald – That is the purpose of my suggestion, with members of the board, to invite the bidder in for a discussion of the intent, and to evaluate the negotiation prospect of a higher amount. If the board would allow him to negotiate the final agreement with the bidders and offer.

D. Poliquin – I would be fine with that.

M. Curran – Agrees.

J. Sherman – Still wants to accept the offer \$72,500.

J. Ingerson – Would like to try to re-negotiate the amount.

Motion by J. Sherman to accept the offer of \$72,500

2nd by R. Gray 2nd

Vote: 2-3-0 Motion Fails

R. Gray – The Town Manager should enter into negotiations with the bidders.

D. Poliquin – I don’t think we should vote on it if we are still in discussion on it.

S. Fitzgerald – I will set up an appointment to meet with the respondent this week to negotiate with the respondent and will give the board an update at our next meeting.

R. Gray – Next parcel of property

S. Fitzgerald – Recommending for the next four responses that we reject these offers, they pose little or no value to the town. I would meet with the respondents. The offers range from \$10,000 down to \$2,000. These may have more value to the town, environmentally, recreationally. The proposals themselves are lacking information.

M. Curran – notes the assessed values are missing from the documents.

Motion by J. Sherman to reject the offers for parcels 73-3 & 69-51:

2nd M. Curran

Vote: 5-0-0 Motion Carries.

J. Sherman – Do these properties have any public access?

S. Fitzgerald – No, potentially the properties could have an easement negotiated. The land is valuable for industrial condos or other businesses. We should do whatever is in the towns best interest.

J. Sherman – Do we know what's on the Haverhill side of the property?

S. Fitzgerald – It is a wooded and undeveloped area. There are no developments in the immediate vicinity. There are trails, I have walked with the Plaistow 1st Committee.

J. Sherman – There are trails on the Haverhill side?

M. Dorman – Brandy Brow Road would be the only access that abuts it.

S. Fitzgerald – We will send a letter to all respondents with the exception of Kelly and Hoyt, thanking them for their interest.

M. Dorman – We can get a copy of the Haverhill tax map and see what abuts it.

R. Gray – These are landlocked pieces of land, but offers too low. Call for a vote

Motion by J. Sherman to have the town manager to contact the respondent:

2nd M. Curran

Vote: 5-0-0 Motion Carries

OVERVIEW OF THE 2013 LAND USE SUMMIT/WATER SYMPOSIUM – TIM MOORE

S. Fitzgerald – Board provided a copy of the presentation used for the summit. Opportunity to frame some issues from the planning boards perspective, and the Master plan. Boards and Committees acting independently, this gave an opportunity to coordinate information and plans which are better dealt with as a team for the town. I gave a brief presentation on Main Street, Safe Routes to School, the Main Street Traffic Calming study to support a more pedestrian friendly village center. We discussed the MBTA initiative a \$659,000 study. Framed the Water Symposium and the unique challenges the town faces which will take place September 11th. Mark Sanborn of NH DOT, the Federal Liaison has taken another position, he will no longer be with us. At this point Shelly Winters with the NH Bureau of Rail and Transit will be the project manager.

T. Moore – Presented the handout they had brought to the meeting. Showed a high level view of the next steps. I don't think we heard any questions or comments that we haven't heard before. I thought it went very well.

J. Ingerson – They did pledge to keep the public informed and involved.

S. Fitzgerald – It is available on video tape.

R. Gray – My general impression of the meeting was that the public who had always been even against the study, at that meeting people were at least more accepting of having the study. People are willing to listen to the ideas that come out of the study.

S. Fitzgerald – The study will provide the public to make an informed decision.

D. Poliquin – Requesting a copy of the meeting on DVD.

J. Sherman – The MBTA already has a similar relationship with RI. Information regarding that relationship would be helpful and be informative to the public.

M. Curran – It is called the Pilgrim Partnership

S. Fitzgerald – Our proposal would be the Penntucket Partnership, language is being crafted for responsibilities. We can get that information on to our website.

J. Sherman – There is an email address and a website at the bottom of the provided presentation, it says they will look at inquires and respond to them.

R. Gray – Do we know if that website is up.

S. Fitzgerald – I was told at the meeting it was not up and running and we would receive an email when it was. The email aspect is running, the email is Plaistowstudy@dot.state.nh.us. We will put it up on our website.

T. Moore – A couple of years ago we decided to implement the recommendations and that we would update the recommendations in the chapters of the master plan.

S. Fitzgerald – The land use summit gives us good information to support and implement those ideas.

TOWN MANAGER REPORT – SEAN FITZGERALD

S. Fitzgerald – Old Home Day Community Band and Fireworks Display, had great feedback on it. It was mentioned to him the best show they've seen for \$5000.00. People enjoyed seeing the Pavilion lit up. Mosquitos, caution should be exercised at this time of year, especially the elderly. Catch basins are being inspected and close information with Dragon Mosquito. Concluded contract negotiations with AT&T to add additional modules to the cell tower.

Capital payment to the town to repair the tower. They have agreed to a one time payment of \$35,000, also a rent increase by \$300.00 and to follow the same escalation of rent. They want to negotiate that when their current contract ends. Total revenue from the tower is over \$120,000. The town had supported a warrant article to maintain the tower which was helpful in negotiating with Metro PCS and AT&T for one time payments in support of the tower.

Continuing to sample water out at PARC bacteria levels are still high, the water is safe, we will take additional samples through October.

J. Ingerson – Who are we using to do this work?

S. Fitzgerald – Fitzpatrick Plumbing, I had Inspector Dorman review why we had to retest. Also followed up with Health Officer Horrocks. Fitzpatrick is considered to be one of the best plumbers around.

J. Ingerson – Why are we using a plumber to do well work as opposed to using a well company?

S. Fitzgerald – The recent installation of a radon system which was a plumbing job as well as heavy construction out at PARC. Something has caused bacteria to show up in some of our tests.

J. Ingerson – I am personally recommending using a well company rather than a plumber to address this issue.

D. Poliquin – Is the PARC filtration system involved?

S. Fitzgerald – Correct. The only part of that system involved is the PARC system. The water is safe to drink.

D. Poliquin – Fitzpatrick Plumbing is also involved in installing wells.

S. Fitzgerald – The system will have to be retreated. Open house for the new Walgreens in Plaistow, there are no concerns about traffic patterns around the building.

R. Gray – Concerned there are cars taking a left onto Main St where it is clearly indicated by a sign that is not permitted.

S. Fitzgerald – That is an enforcement issue. Met with Rob Roy, Executive Director of Exeter YMCA, will continue to work with the Haverhill YMCA in an effort to bring a YMCA to Plaistow. Christina Cruz met with Tracy Fuller to discuss Plaistow's Rec Program and our strategic plan to create some partnerships. Rockingham Planning Comm is having a meeting for the Regional Master Plan, asking for Board participation.

J. Sherman – Pointing out the meeting is on a Monday night in conflict with board meetings.

S. Fitzgerald - Town report committee meeting on Sept 27th, CIP Committee meeting on Tues Aug 20th, meeting again on Tues Sept 10th, Town staff and con comm members continue to work on the arm grant, the \$100,000. Grant to help support maintenance and adding additional

properties to the town forest. A permanent conservation easement on the town forest will be brought to the public in a 2014 town meeting.

J. Ingerson – Are we talking about building on the easement and town forest?

S. Fitzgerald – perhaps, language is included as part of the draft easement that would support the town's interest in water and water resources. If at some future point the town needs to build a pump house to address water resources.

M. Curran – I don't remember that discussion. The Conservation Committee has been having that discussion.

S. Fitzgerald – I think it's the right thing to do.

J. Ingerson – Just looking for clarification on the word infrastructure.

S. Fitzgerald – Carlton Path abuts the town forest. An abutter has made alterations to it and a letter has been issued to return it to the same condition as it was. No known response as of yet.

R. Gray – Please follow up on response from the abutter to Carlton Path

D. Poliquin is requesting copies of the arm grant, the conservation easement that the other committees are seeing.

S. Fitzgerald, transfer Rescue 6 to Brownfield ME. Fire Dept. honor guard presented colors at Fenway Park during the Red Sox / Yankee's Game. Presented a conditional offer to Stephen DiChiara for the vacancy in the police dept. as a patrol man, I hope to present him to the board next month for swearing in ceremony. Firing Range work continues we have accepted 60 blocks of concrete donated by Benevento Concrete.

Concerns of encroachment of abutter which is being addressed. Would like to have the board agree that he should meet with the abutter and draw up an agreement that meets with the board's approval. Lead introduction to the property and fence was installed by the abutter in the wrong location. We need to ask the land contributor for more property based on the faulty location of the fence.

M. Curran – Would like more information prior to paper signing asking for additional land.

R. Gray – Please provide a copy from Google Earth for viewing purposes.

M. Curran – would like S. Kalman's recommendation.

S. Fitzgerald – S. Kalman is representing the abutter as well.

M. Curran – You are asking this board to put something in writing that may hold us liable..

S. Fitzgerald – We are being proactive in our responsibilities. I will get a map and provide better language for the board. Conditional offer to two ACO officers one is a part time on call position With a temp on call ACO which will ensure we will have someone here are available. We have a meeting scheduled for Sept 9th for NH DOT widening of 125 and service road. Rumble strip installation meeting to see town report

Town continues to wait to hear on the safe routes to school grant. Superintendent Metzler and Dr. Wilson along with Peter Bealo, have requested to meet with the Board of Selectmen to introduce the new superintendent. I would like to share the news that the new Plaistow School Board Rep. is Mrs. Susan Sherman who will serve until municipal elections.

JRM copy of contract is in the Selectmen FYI folder less addendum.

Budget workshop August 6th went well. Great summer concert series. Ruth Glazier did a great job.

Agreements have been made with property owners regarding back tax issues.

Audrey Deprospero will be here August 29th, a brunch is planned for her at 11 am. Board is invited and a portrait of town hall will be presented on behalf of the board.

OTHER BUSINESS

M. Curran - I met a man who came into my shop who had POW plates. He was 91 years old and is giving a lecture at the live free or diner at 10 am or 11 on Friday. He was a WWII pilot also a POW more than once. He has written a book releasing many secrets of that time.

SIGNATURE FOLDER

SELECTMEN'S REPORTS

M. Curran – Elder Affairs meeting that was cancelled, a Family Mediation Meeting which was also cancelled.

J. Ingerson – On August 6th, attended a municipal budget process workshop at town hall. The LGC center was here, very informative and included new rules. Attended a CIP meeting to discuss and review CIP submitted by dept. heads. Not able to attend the 2nd CIP meeting. Unable to attend the Conservation Committee meeting. 8/21 attended a town of Plaistow land use summit. Attended DOT Rail Study Listening Session, would like DOT to better explain the project and how they are moving forward, they have promised to have more public meetings inviting the surrounding areas. Attended a Cable meeting to discuss and review the cable committee and recreation program, that program went very well, participants were able to use camera's and edit programs, want to thank Heather Beaulieu, John DeRoche, Sue Sherman and Christina Cruz who did a great job having the cable committee being involved with the Rec. The Vimeo and videos are fun and entertaining.

Many persons are asking why we are not using facebook as a means of better communication during the summer rec program.

S. Fitzgerald – C. Cruz has not discussed it with me but we have talked about social media usage.

D. Poliquin – Unable to attend the Rec Commission meeting. Highway safety meeting was cancelled. Attended the fireworks display great job by everyone, the band performance was excellent. The safety crews, fire, police, did a great job.

J. Sherman – Attended the CIP committee meeting and the next meeting Sept. 10 hope to finalize the CIP. Attended the Land Use Summit. Implementation of the Master Plan, progress is moving forward. Attended the DOT listening session, one issue that came up was the mentioning of an oversight committee which would include representation from the public. Attended the Fireworks and Band concert, the concession stand was open and they were able to make a few hundred dollars. The whole thing was very well organized. Attended the last concert on the town green the B-Street Bombers, really great show.

R. Gray – Attended Planning Board Meeting prior to the Land Use Summit, a lot line adjustment was approved on North Main Street, there was an approval for an existing handicap parking at 15 Wentworth Ave. for a Dentistry, the board approved an as built plan for John Blinn's auto body shop on Westville Road. Several businesses will be applying to the ZBA for auto selling licenses in that area. Car sales are not currently allowed in an industrial zone. Mr. Blinn would like to be able to sell cars on his property, he is within a 1000 ft of someone who already sells cars. Attended the Listening Session for the railroad as well as the Land Use Summit. Attended a site walk with a land owner on North Main Street towards Mt. Misery. That land is "all New Hampshire" the hills and valleys, and granite, it's quintessential New Hampshire. There are a lot of opportunities there.

In two weeks the board will discuss town goals, there will be no Town Manager report or reports from the board, there will be an extensive nonpublic session.

Motion to go into Nonpublic Session by J. Sherman under (a) Personnel, (c)Matters of Reputation, (d) Negotiations, (e) Legal

2nd D. Poliquin

Roll call

R. Gray – Yes, J. Sherman – Yes, J. Ingerson – Yes, M. Curran – Yes, D. Poliquin – Yes

Public Meeting adjourned at 8:28 pm.

Respectfully Submitted,
Kerry Lee Noel