



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

PLAISTOW BOARD OF SELECTMEN MINUTES:

DATE: February 10, 2014

MEETING CALLED TO ORDER: 6:37 PM

SELECTMEN:

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

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

AGENDA:

MINUTES:

Motion by M. Curran to approve the minutes of January 27, 2014

2nd D. Poliquin

Vote: 3-0-1 (J. Sherman, abstain)

Motion passes.

Motion by J. Sherman to approve the minutes of February 1, 2014

2nd by M. Curran

Vote: 4-0-0

Motion passes.

PUBLIC COMMENT:

R. Jeffrey states that last Saturday, February 8th, the American Legion held a High School oratorical competition at St. Anslem College in Manchester. S. Fitzgerald our Town Manager was one of the judges, Commander David Meany attended along with R. Jeffrey. The subject was the 4th Amendment. We were very impressed with the participants. The winner was a young man from Laconia, NH; I plan on working with the school district and hope to have a participant from Plaistow next year.

I am also requesting permission to erect a flag pole at the site of the original flag pole behind the town hall. Mr. Pollard donated the Pollard Green and the statue of the soldier. The 80 foot flag pole shipped to Boston in 1905 from California by freight car. A team of 14 oxen carted the flag pole from Boston July 3rd 1905.

Discussion occurs regarding the request to erect a flag pole.

S. Fitzgerald states this can be reviewed further and will work with the Historical Society and respond back to the Board.

RECREATION COMMISSION APPOINTEE: LISA PETRY

L. Petry states that she has been a Plaistow resident for the last 10 years. She has 4 sons in the Plaistow school system. She has been a guidance councilor for 15 years. Now she is in the position, due to her job with Timberlane, to contribute to the Recreation Commission and the town. She would

like the opportunity to give back to the community. She has attended meetings and the opening of the YMCA, she wants to be involved in the long term plans, is excited about the plans that the Recreation Commission is involved in.

Motion by J. Sherman to appoint Lisa Petry to the Recreation Commission

2nd M. Curran

R. Gray states until 2016

Vote: 4-0-0

Motion passes.

She is sworn in by Maryellen Pelletier – Town Clerk.

EAGLE SCOUT DREW HOGG – SMITH FIELD ON INGALLS TERRACE

D. Hogg states the project has been completed. Presentation shown depicts before and after images. Overgrowth, peeling paint, faded signs, broken trash receptacles. and recycling bins have been replaced. New roofs, new signs, new pea stone, new bleachers, new board on front of home dugout new trash barrels and recycle containers. The photographs shown are the work in process with depicting the volunteers and new welcome sign to Smith Field. The new items are chained to prevent removal or damage. The local business and clubs that provided donation of funds, items and assistance are highlighted. D. Hogg gives special thanks to C. Cruz for all of her assistance.

M. Curran suggests the field be placed on a regular maintenance schedule to maintain and preserve the condition of the field.

J. Sherman agrees and comments that the fields behind the Pollard School are in similar condition.

D. Hogg states he understands that project needs attention also and will suggest this as an Eagle Scout Project in the future.

PUBLIC HEARING – WELFARE GUIDELINES

R. Gray opens the Public Hearing 7:05 pm.

S. Fitzgerald states that this issue has taken time to review. Language to be included in the Town's Welfare Guidelines, the removal of the Certificate of Occupancy, I have discussed this with Town Staff and Inspectional Services, a drafted document that has been recommended including a review from Attorney Kalman. Attorney Kalman felt that a statement of testament to the condition of the property would be sufficient. This is the safest and secure way the town can comply with the RSA's.

R. Gray reviews the correspondence from Attorney Kalman reading; all rental units in Plaistow are required to satisfy state statute and specifically the Plaistow Town Ordinance found at Chapter 95 captioned, "Housing Standards". The threshold requirements captioned, "Minimum Standards" is at 95-14.

This standard is in effect and applies to all rental units in Plaistow, whether welfare voucher paid or private sector.

The issue, as it has arisen in the past focuses on the frequency of inspections, the cost of the inspection, and whether or not these minimum can be effectively enforced without requiring an "occupancy permit" each time a tenant is replaced.

From your email, it is obvious the selectmen have deleted a section of the welfare guidelines that calls for a certificate of occupancy before a welfare payment can be processed to a rental assistance request.

The only question is how can the housing standards of Chapter 95 be reasonably enforced without these mandatory inspections?

I recommend that an application/acknowledgment form be prepared listing the requirements under 95-14 "Minimum Standards" of the Housing Standards Regulation to include a section from the fire department pointing ingress/egress requirements, smoke alarm and carbon monoxide alarm requirements, with a recommendation for frequency of testing of these alarms.

The Landlord, by signing this document is acknowledging that they are aware of these requirements, have gone through the specific unit to determine compliance, and that, in fact, they are representing the unit is in compliance with Plaistow's housing standards. The tenant, by signing the application/acknowledgment, is advised of the housing standards, and are assuring the town that they are satisfied the standards have been met.

Concluding, the Selectmen have spoken. Full disclosure provides a threshold methodology to insure that Chapter 95 housing standards are maintained and public health, safety and welfare are protected.

D. Poliquin states that welfare assistance goes to individual homeowners as well as renters. The proposed wording that is here, specifically speaks to rental properties and it should be all properties supported by funds from the town's welfare assistance program. Property owners or their designee should be included in the language.

Discussion occurs regarding the language.

S. Fitzgerald states that the wording can be changed to reflect that.

S. Fitzgerald states that if an inspector working for the town suspects an adverse condition, they can go in and inspect without prior authorization. The change of language would cover all situations.

Discussion occurs further regarding situations of deteriorating conditions and preventing the town liability.

J. Sherman states S. Fitzgerald should update the language of the document and return to the Board with the changes.

S. Fitzgerald states the document can be updated and when the board meets next as a full board the vote can be taken.

R. Gray inquires if anyone from the public wishes to speak.

No one speaks

R Gray closes the public hearing at 7:20 pm.

Motion by J. Sherman to instruct the town manager to update the guideline to include homeowners as well as renters and to come back with the updated document in two weeks.

2nd M. Curran

Vote 4-0-0

Motion passes.

REVIEW OF THE DELIBERATIVE SESSION

R. Gray asks for comments.

J. Sherman states that the presentations that were given of the Warrant Articles and Intents were explained very well. He further suggests setting up a cable program.

S. Fitzgerald states he will contact K. Lewis Savage and M. Sumner and will coordinate. Chief McArdle will be contacted as well to produce a public information program.

J. Sherman suggests that the pump and pump house reserve fund title needs more clarification.

S. Fitzgerald states a further meeting with the Trustees of the Trust Funds will also provide more clarification as to the purpose and language of some Warrant Articles. Considering the number of Warrants and the issues associated with them, it went very well. DRA has approved the Warrants approved at deliberative session. They were also sent to S. Kalman for review in the event that someone takes issue with the language.

R. Gray states that the Town Manager makes the recommendation regarding the issue of an Elected Official.

Discussion occurs regarding DRA's review of all warrant articles of Towns and the School District.

S. Fitzgerald notes the signature page for the Warrant customarily is signed by the Board of Selectmen for the Town Report.

D. Poliquin states he wanted to recognize everyone involved in the deliberative session, especially Bob Harb.

TOWN MANAGER REPORT

S. Fitzgerald states:

- Nate Flyzik would like to discuss an Eagle Scout project as he is hoping to honor his father's legacy as a former employee of the Plaistow Police Department.
- Discussions with Chief Savage and Chief McArdle for a potential location of a North Main Street Cell Tower to enhance communications capabilities.
 - D. Poliquin inquires if any person has property of potential interested and were they involved in a project in a previous inquiry or project?
 - S. Fitzgerald states that there is no interest in private property only public property. Working with cell carriers who have expressed an interest in the project which could help to defray the cost of installation.
 - M. Curran states that there was some information that was presented prior to this conversation regarding specific technology that may be available to boost the signal rather than utilizing cell towers. Fire and Safety issues should take precedence over consumer communications.
- Northern Utility Abatement.
- Library Septic Failure.
- Ambulance Contract, would like to invite Chief McArdle to discuss this with the Board.
- Panera Bread opening.
- Cable Contract Negotiations would like to invite Attorney Epstein to meet with the Board.

- Carlton Path, Board of Selectmen waived rights in 2000. Letter will be drafted to outline the Towns position.
 - M. Curran states that the property is being used incorrectly and is in need of being restored. Inquires about a timeline.
 - S. Fitzgerald agrees and the ARM Grant has a timeline. We have a legal right.
 - R. Gray inquires of the method of enforcement.
- Joint Loss Committee Meeting, I was unable to attend, received information from the Chiefs regarding town building security such as security cameras and electronic key cards were discussed.
 - R. Gray states that when Staff brings forward a recommendation the person should approach the Board prior to the Town Manager. In the event that the Board is not agreeable the Town Manager should not waste time pursuing the issue.
 - S. Fitzgerald states he can have the Chief come in to discuss it, but would like to change the locks over at Town Hall.
- Public Safety Committee tour at Swampscott Police Station last week, upcoming tour at Somersworth Police Station on Tuesday, February 11, 2014.
- Planning Board review of the Zoning Amendments.
- YMCA ribbon cutting. Invitation to join Haverhill YMCA for breakfast meetings.
- Police Department (non-public).
- SRTS, meeting March 20th at SAU.
- NH DOT MBTA meeting review.
 - R. Gray states it is his understanding that one representative would be from each town.
 - S. Fitzgerald states he understood that as well, recommending to appoint Tim Moore as officially an alternate from Plaistow. Felt the posting of the meeting was confusing and the meeting was not managed effectively.
 - R. Gray states that T. Moore should be appointed and asks for a consensus.
 - S. Fitzgerald would like the board to reaffirm the fact that T. Moore is the alternate; he was already asked to be S. Fitzgerald's alternate. Atkinson has designated and appointed a representative and an alternate. A letter to NH DOT will be drafted indicating his position.

Discussion occurs regarding the committee, its purpose, the meeting content and its meetings being open to the public.

- Municipal Manager's Meeting, NHDOT challenges and their financing.
- Testa Negotiations update, regarding property the town may potentially acquire.
- M. Curran inquires what the outstanding balance is.
- S. Fitzgerald responds \$120,367.18 for easement and title.
Discussion will continue in non-public.
- Senior Day Social cancelled.
- Plaistow Recreation February School Vacation Upcoming Activities.
- Upcoming Training at Town Hall.

OTHER BUSINESS

J. Sherman speaks referencing Case 218-2014-CV-00053. Summons delivered to J. Sherman turning over to R. Gray and will turn this over to Attorney Kalman. Unable to attend the school deliberative session, tax issues particularly in Sandown. News articles have discussed how much the Sandown taxes have risen. I don't believe the people of Sandown have received an adequate explanation.

Results based on my research: Last year the school district budget went up by approximately \$2 million dollars. Most of the increase was due to operational costs. Operational Costs of the School District, the portion among the 4 towns based upon student enrollment or ADM, Average Daily Membership. Based upon the apportioned rate Plaistow was assessed \$700,000.00 more than the previous year. Sandown was assessed \$650,000.00 more than the previous year. Atkinson was assessed at \$600,000.00 more than the previous year. Danville had a very small amount assessed at \$28,000.00 less because their enrollment is less than the other towns.

At each town level there is additional revenue that can offset the increased costs. In Atkinson, they received \$100,000.00 more in school aid than they had the year before. That \$100,000.00 reduced their school increase down to \$500,000.00. In Plaistow, our assessment of \$720,000.00, and our school aid of \$240,000.000 our increase was reduced to \$480,000.000. In Sandown their \$650,000.00 increase was not offset, it went up \$260,000.00, totaling up to a \$910,000.00 increase. They lost state aide. Their state aid was \$260,000.000 less than it was the year before. They had no way to make up for the increase. It was passed on to the Sandown tax payers. Atkinson and Plaistow was offset and Sandown was not. It hurt Danville as well; they lost over \$300,000.00 of state aid. They do not have the assessed valuation that Plaistow and Atkinson does. They have fewer tax payers to offset that cost. Sandown also did a sizable re-valuation last year; their assessed values in general went down. The question is what did the officials in Sandown do to prevent the loss of state aid and not just blame the school district.

S. Fitzgerald states that it may be helpful to discuss the way state aid is distributed and demographics.

SIGNATURE FOLDER

R. Gray notes the Signature Folder and Manifest are going around.

R. Gray inquires about the requests for payments from the Finance Department. Access Management Study Account, Accident Reconstruction Account. Water supply line account. Fire Truck Purchase, Tax rate setting.

S. Fitzgerald states that the Finance Department is requesting these transfers for housekeeping purposes and they should have been requested at the end of the years stated and were not. It is to reconcile the accounts.

SELECTMENS REPORTS

M. Curran:

- No meetings to report on.

D. Poliquin:

- Safety Complex Committee, discussion regarding monies of site selection and intent for a 2015 warrant. Tours of new police stations. To recommend a firm for the design.
- Recreation Commission had no quorum but had a discussion with Mark Fougere regarding impact fees and inclusion with the CIP. Fees can be utilized for projects that have been funded and completed and can be paid for through the impact fees. Reimbursement to the general fund can be made through impact fees. Current fee structure for Recreation is \$469.54. per bed. May recommend an amendment to the CIP, may go back to Planning to change the CIP.
- Highway Safety Committee discussed Main Street Traffic Calming. Still looking for the stats from the electronic radar signs. SRTS discussion. Optional signage utilized can be fund raisers. Created a sub-committee to discuss the signs. Truck traffic feeder roads to Main Street. Haverhill participation.

R. Gray:

- Planning Board meeting postponed last week due to snow storm, it will be continued to this Wednesday, the creation of condominiums at Old Shaw's Plaza. Next Board of Selectmen meeting in 2 weeks time from tonight.

M. Curran notes that she is not comfortable signing on blank paper; contents of Signature folder from Finance Department.

MOTION TO ENTER NONPUBLIC SESSION MADE BY: J. Sherman RSA 9-A:311(a) Personnel (c) Reputation (d) Negotiations (e) Legal

2nd: D. Poliquin

Board Polled: R. Gray = yes, J. Sherman = yes, D. Poliquin = yes, M. Curran = yes.

Public meeting adjourned 8:42 p.m.

Respectfully Submitted
Kerry Lee Noel