



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

**PLAISTOW BOARD OF SELECTMEN MINUTES:**

**DATE:** February 23, 2015

**MEETING CALLED TO ORDER:** 6:37 PM

**SELECTMEN:**

Chairman, Daniel Poliquin  
Selectman, Michelle Curran  
Selectman, Steve Ranlett

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

**AGENDA:**

**MINUTES:**

*Motion by Steve Ranlett to approve the minutes of January 12, 2015*

*2<sup>nd</sup> by Michelle Curran.*

*Vote: 3-0-2 (D. Poliquin, M. Curran)*

*Motion passes.*

**PUBLIC COMMENT:**

Roy Jeffrey states the American Legion held the Oratorical Contest this past Saturday at St Anselm's College. He thanks Sean Fitzgerald for going and participating as a judge. The students did a fantastic job speaking about the Bill of Rights and the Constitution. Three girls participated and suggest that we try to get a student from Timberlane to participate. While he was speaking, and knowing he had served in Okinawa, a man stepped up and asked Roy if he would like to meet someone from Okinawa. A student at St Anselm's is from Okinawa. He notes it was a difficult situation as when he was her age he was in Okinawa to fight and he was not sure what to say to her.

S Fitzgerald states that Roy stole the show and the only one who received a standing ovation. The contestants were able to shake Roy's hand and recognize just how much the American Legion and the World War II colleagues have done to help ensure the rights and privileges we enjoy as Americans. Every student that spoke won a scholarship. A fascinating program that has run since 1938 that has done wonders for young people to speak and work on their oratorical skills. S Fitzgerald thanks Roy Jeffrey for all his efforts in continuing the legacy he has established with that program. D. Poliquin thanks Roy for all he does, stepping up and recognizing people where other people fail too.

**CHIEF JONES- SURPLUS EQUIPMENT**

Chief Jones states that there is some polygraph equipment that was purchase 8-9 years ago and no one is currently certified to use. She is seeking permission to sell the equipment. The equipment has been assessed, and there is a party interested in purchasing the equipment.

D. Poliquin asks if there is an amount in mind r n idea of tits worth/

Chief Jones notes that the equipment is 7-8 years old and will need updating to sell which will cost some money. We paid \$5300 in total – include all equipment associated with polygraph with asset forfeiture funds.

She requests permission to sell, as it is not being used.

M. Curran inquires as to what Chief Jones could expect to receive for it.

Chief Jones states she has received an offer of \$1300. for the equipment which is a fair price.

M. Curran inquires if this includes the chair as she remembers there was a special chair purchased. Chief Jones states the chair is included

S. Ranlett motions to direct the Town Manager to work with Chief Jones to dispose the polygraph machine in a manner that obtains for the Town the highest return.

J. Sherman seconds

J. Sherman asks to specify that it would go in to the general fund.

Discussion ensues regarding the funds that were used to purchase this equipment. There was a combination of funds used to purchase this equipment. M Curran states she remembers the chair was purchased with Police Department account funds.

S. Fitzgerald states if Asset Forfeiture funds were used, than some of the money received should be returned to the Asset Forfeiture account. He recommends looking at the regulation of disposing of asset forfeiture equipment there is some regulation that a portion of the surplus is to go back to the fund.

Chief Jones reviews her notes and states that the equipment was purchased with Asset Forfeiture funds and the chair was purchased with Town funds.

S. Fitzgerald will let the Board know as to where the money will be returned to.

Vote 5-0-0-

Motion passes

Chief Jones states another item along those lines is the cell phones. There are 5-6 cell phones and would like to recoup some money for these phones. She has looked in what she can receive as it is about \$145-165 for the phones and she would like to donate the money to the Food Pantry.

M. Curran states the Food Pantry no longer holds their own funds and the money now goes to the general fund at St Luke's.

D. Poliquin states the Lions Club accepts donations.

S. Ranlett motions to direct the Town Manager to work with Chief Jones and Department Heads to dispose of obsolete Town cell phones.

J Sherman seconds

Vote 5-0-0

Motion Carries

Chief Jones states she has come across a program called "Operation Safe Transaction." This Police Department parking lot provides a safe area for people who are buying and selling items on Ebay and Craigslist. If the parties are legitimate, they will meet there.

D. Poliquin inquires as to whether this creates an insurance liability and if the Town need to clear this through the insurance company

S. Ranlett states that families exchange children in the Police Department parking lot all the time. This provides a safe haven for the public. This transaction is no different that the Craigslist or Ebay transaction.

S. Fitzgerald notes there are many of these transactions occurring at the Westville Park N Ride. It would be great to get the word out to come to a property that is light and safe for the residents. This a good start. There has also been discussion of having a prescription drug box located in the lobby of the Police Department. A great idea that promotes public health and public safety.

S Fitzgerald asks Chief Jones to try it out for 6 months and report back as to how it progresses. It is well worth it to keeps Plaistow residents safe.

This has been approved by the consensus of the Board. They thank Chief Jones for coming in tonight and bringing this to their attention.

### **2015 DELIBERATIVE SESSION REVIEW**

S Fitzgerald notes that it was successful Deliberative Session. The budgets were well prepared. All the warrant articles presented by the Board passed. A detailed power point presentation of Town Meeting Ballot and budget process was presented with Selectman Sherman and Budget Chair Martha Sumner. This info is Town web site and covers all changes made at Deliberative Session.

He discusses that there has been some debates on votes taken after at Deliberative Session. He suggests keeping the Board's votes prior to Deliberative Session appear on the ballot unless there were changes made at Deliberative Session. He is concerned with the one project on the ballot that will require Bond council to review the votes and information put on the warrant. Salem NH has had some issues with votes taken after Deliberative session. The question is in grey area and S Fitzgerald is concerned with the risk and would prefer to keep the vote at Public hearing on the ballot.

S Ranlett notes that the Salem NH Board changed the outcome of the vote on the warrant article.

J. Sherman states the school district has run into the same issue and the school has decided to keep the vote at public hearing on the ballot unless the warrant article was changed at deliberative session. J. Sherman agrees with S. Fitzgerald to keep the votes that were taken at public hearing on the ballot.

D Poliquin notes that through the course of the season, the Board has voted on the warrants but it was not a full board vote. He feels that he warrants should have a full board vote recorded on the ballot even though it does not change the outcome.

J. Sherman notes the state law changed last year.

D. Poliquin request to see the state law.

S Fitzgerald state he is concerned about attorneys that may look at this and for whatever technical reason block an action that would occur at Town Meeting.

Discussion ensues regarding votes taken after Deliberative Session. The state requires the votes to be on the ballot.

S. Fitzgerald notes that in presentations he will present the 5-0-0 vote but on the ballot he will leave the 3-0-0- vote. He notes that S. Kalman told him he could take a chance and leave it as the Board voted after Deliberative Session or be safe and leave the vote taken at public hearing. Bond council will come and scrub the warrant. They will look at the vote and represent to potential finance companies that everything was appropriate and nothing that would undermine the confidence of the way the warrant was presented at Town Meeting. Salem NH has litigation on a process that Plaistow has used for years. S. Fitzgerald notes he is trying to eliminate a risk in presenting the 5-0-0 vote on the ballot that was taken at Deliberative Session even though it was announced at Deliberative Session that the Board would have a meeting and re-vote the warrants.

S. Ranlett states that was a duly noted meeting and the Board conducted a vote. It was not in non public nor was the meeting adjourned and reopened.

J. Sherman notes the School District also re-voted every warrant article and in our case we just re-voted the articles that did not have a 5 member vote. The legal advice the School District received was that there was recent change this year that states that you can not vote to change your recommendation on a warrant article at end of Deliberative Session unless it was changed during Deliberative Session.

M. Curran states all the warrant articles that were re-voted at Deliberative session need to be changed back to the vote at public hearing.

Discussion ensues. The outcome of the recommendation doesn't change only the number of votes changed.

In general it was a successful Deliberative Session. We have been prudent in the budget preparation. The Warrant Articles are on the Town's Web site.

J. Sherman makes comments regarding the Deliberative Session in regards to the Rail Study that he would have made but the motion to move the question was made before he got a chance. He is not advocating one side or the other, just wants to present facts:

1. Documents that have been created. The rail Study is 1 document though there are individual sub documents that comprise the overall study, such as ridership, noise, vibration, These are the chapters of the study. At the time of Deliberative Session all the documents distributed were Drafts copies. There was some confusion as to whether who had the documents and who didn't. The NH DOT has specifically requested that we not post Draft documents to the Town's website.
2. Comparison of the 2 warrant articles, The Citizen's Petition and the warrant article the Board presented. The Citizen's Petition is a non binding warrant article that calls for a vote now on the information that is available. The Board's warrant article calls for a vote after the study which would allow the Board of Selectmen and other boards to review the study. (Conservation, Highway Safety, Planning, Budget).
3. Multiple Warrant Articles- Notes that the Board of Selectmen didn't see the other warrant article until the day it was due at 3 pm. This didn't allow the Board to review or react to the article.

4. Ridership estimates were questioned. It was discussed that they were determined by cell phones near the station. This is not true. Google tracks those cell phones that are at Haverhill Station and 1 hour later in Boston and vice versa. This is the accepted practice. Just being near the station with a cell phone was not included in the study numbers.
5. This project was cancelled a couple of years ago. That is not true, that vote was advisory only and limited to the lay over station only in Plaistow.
6. There were other questions that came up regarding the role of HDR consultant. Are they neutral or are they pushing this project. This should be brought up at the Rail information meeting tomorrow night. If the Town rejected this project would the state take it over and “shove down our throat?” He doesn’t think but will ask this question tomorrow. What is the approval process. We need a more solid answer on this.

J. Sherman notes he is not advocating a position on this project but would like the information that is out in the public to be the correct information. He has gone through all the PAC minutes and looked for discussion on every document. The status of all documents as of Deliberative Session were Draft only.

D. Poliquin states that residents are saying the Board is not forthcoming. The Board does not have this information to give out to the public as all these reports are in Draft format. Public Outreach is to begin after the study is accepted which the Board is schedule to receive at the end of March.

J. Sherman notes the difference between the two warrant articles is that the Citizens Petition is non-binding calling for a decision now. The Board’s warrant article is binding and calls for a special Town Meeting after the report is received. He also notes his disappointment that the discussion was cut off as that was the Town’s chance to talk about the project without Atkinson residents, NH DOT or consultants, etc. This was the chance to communicate and it was cut off too early before valuable information was presented.

D. Poliquin notes that the Public Safety Expansion warrant was brought up and was pleased with the presentation. 5 projects in 1 . Heard a lot of good on the outside.

S. Ranlett inquires if the road will be constructed if the warrant article fails.

S. Fitzgerald states that is up to the Board of Selectmen to evaluate the current permit that NH DES has and at some point fill that pond in under that permit. A new permit will be required due to the nature of the construction we want to occur on that campus.

Discussion ensues.

S. Fitzgerald notes this is a good time to advance a project such as this. Plaistow has no long term debt and in good financial position. There is an estimated \$2.8 million in the unexpended fund balance and some financial reserves to help move forward and address a critical challenge for our ability to meet public safety and do it in a way that helps ensure we have the best possible rates for bonding.

S. Ranlett makes note that he hears a lot about studies and that the Board has not seen any studies. He would like a complete study before making a decision. Draft documents cannot be posted.

D Poliquin thanks all those involved in the Deliberative Session as it was a smooth transition. Everyone did a great job. Special thanks to Principal Auger.

## **Town Managers Report**

MBTA- PAC Meeting Next Tuesday Feb 23<sup>rd</sup>

Comcast Negotiations- Contract extension- status quo- suggest regional meeting for 4 communities regarding school district-

Water System Assessments

Open Positions

District Court House- contract extension

Planning Board- Review of all activities

Stormwater Management

Safe Routes to School

Tap Grant

Public Safety Complex Septic System

Household Hazardous Waste Day- Hampstead has backed out of the spring collection

New Phone System

NHMA Right to Know Seminar- March 12th

Women in Leadership- 2<sup>nd</sup> Annual – Nomination form in your folders

Catch Basin Update- D Poliquin notes that he has gone around to many of them and they are not accessible. He states the Highway Department will go around and clear them before major melting begins.

S. Fitzgerald recognizes Dan Garlington for keeping Plaistow roads in good shape.

S. Ranlett add thanks to the sub contractors working with the Highway Department for doing a great job also.

## **ACTION ITEM REVIEW**

none

## **OTHER BUSINESS**

J. Ingerson congratulates the fire Department for the 100 Year Anniversary.

D. Poliquin notes that the Fire Department has had some major events lately with multiple departments involved. Someone put out there they were impressed as to how the departments all work together. Congratulations to all involved in those events and Thank You.

J. Sherman wants to make all aware of the School District warrant articles, especially the one where it would change the Article of Agreement changing the allocation of cost. The proposed change would shift the cost of the 2 towns with the lower assessed values to the 2 towns with the higher assessed values. He states his position on the matter is to leave the distribution of cost alone.

D. Poliquin states if there is consensus of the Board J. Sherman may speak for the Board at the Public Hearing for the school.

## **SIGNATURE FOLDER**

D. Poliquin states the manifest is going around.

## **SELECTMENS REPORTS**

S. Ranlett:

- Planning Board- 4 lot subdivision, EZ Test pool storage moving to 9 garden Rd. Everything running smoothly with Planning.

J. Sherman:

- Budget Committee season is done. They agreed with all the Board's recommendation for budgets. There will be a reorganization meeting in April
- Town Report coming out soon.

J. Ingerson-

- Many cancelled meetings
- Channel 17- many new programs check it out

M. Curran-

- Many cancelled meetings
- Elder Affairs will meet next month
- Family Mediation met last week- recognizing heroin crisis to fund other ways to address situation

D. Poliquin

- Highway Safety- Brief discussion radar signs in other locations and funding, Solar power. Waste removal companies problems and concerns. Safe Routes to School, work session discussion of lights on Wilder Drive., South Main Street and what to do with it. Temporary no thru trucking signs and would like the Board to revisit weight limits.
- Recreation- Opening Day is May 9<sup>th</sup>, job description for internship, eagle scout projects, possible Babe Ruth league, skate park options.

***MOTION BY S. Ranlett TO ENTER INTO NONPUBLIC SESSION BY: under RSA 9-A: 311 (a) Personnel, (b) Hiring, (d) Negotiation, (e) Legal***

***2<sup>nd</sup> J. Ingerson***

***Board Polled: D. Poliquin = yes, J. Sherman = yes, M. Curran = yes, S. Ranlett = yes J.***

***Ingerson=yes***

Public Session adjourned at 8:39 pm

Respectfully submitted,

Gayle Hamel  
Recording Secretary