



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

PLAISTOW BOARD OF SELECTMEN MINUTES:

DATE: May 16, 2016

MEETING CALLED TO ORDER: 6:34 PM

SELECTMEN:

Selectman, Steve Ranlett, Chairman
Selectman, Tammy Bergeron
Selectman Peter Bracci

Selectman, John Sherman Vice Chairman
Selectman, Julian Kiszka
Town Manager, Sean Fitzgerald

AGENDA

No meeting was held on 5/9/16 due to not having a quorum.

MINUTES

J. Sherman motions to approve the minutes of 4/25/16. Second by J. Kiszka.

Vote: 5-0-0

Motion passes.

J. Sherman mentions there are still some non public minutes to be reviewed and approved. This should be completed soon.

J. Sherman motions to approve the minutes of 5/2/16. Second by T. Bergeron.

P. Bracci has a concern. He believes the draft he received on 4/25/16 was materially changed.

It has been explained numerous times that the subject matter he is presenting as materially changed transpired in the nonpublic session of the Board of Selectman's meeting. It was discussed at the meeting that P. Bracci comments should not be in the public minutes nor discussed in public session per RSA 91-A: 3II(c).

It was the consensus of the Board to review the minutes at the next meeting.

PUBLIC COMMENT

Laurie Millett of 27 Smith Corner Road would like to know if the Assessment procedure documented in Town Report will be followed for the 5th year (revaluation in 2016).

J. Sherman suggests we put this on the action item list for a future meeting.

Dave Meaney of the Carl G. Davis Post 34 American Legion invites the citizens of Plaistow to join the American Legion on Memorial Day, May 30th to recognize the sacrifices of those who died for the freedoms we all enjoy. The day's agenda is outlined.

D. Meaney would like to invite all Plaistow Vietnam Veterans and Vietnam Era Veterans to attend a free breakfast and ceremony at American Legion, Wilbur Comeau, Post 4, Haverhill, MA on June 12. This is in conjunction with other greater Haverhill Veteran groups in commemoration of the 50th Anniversary of the Vietnam War.

Post 34 will have a booth at Plaistow Old Home Day on June 18. Please stop by and find out what the American Legion does for the Town of Plaistow, its veteran and their families.

D. Meaney would like the Board of Selectman to consider naming the access road off of Brickmaker Court after WWI veteran Samuel Clifton of Plaistow who lost his life in battle.

D. Meaney thanks the Board for their time.

P. Bracci motions to name the access road Samuel Clifton Way. Second by J. Kiszka.

Vote: 5-0-0

Motion passes.

Kimberly Raymond of 7 Lynwood Ave has a few comments. Her first comment concerns the play scape at Smith Field. She suggests maintaining and keeping the play scape. Her estimated cost of the original equipment is significantly overstated.

Her next comment concerns the accuracy of minutes. She is very concerned.

Lastly, she is concerned that a prior discussion regarding the principle of the Trust Funds was at risk for loss yet was not mentioned in the minutes.

RECOGNITION OF LARRY ORDWAY

J. Sherman thanks L. Ordway for his 30 years of dedicated service on the ZBA (Zoning Board of Adjustment) on behalf of all the Board of Selectmen, past and present.

S. Ranlett presents Larry with a rocking chair on behalf of the Board of Selectmen. He has been on the ZBA from 1987 – 2016.

S. Fitzgerald notes his appreciation for Larry who always was a gentleman when dealing with residents even though it was not always nice or smooth. On behalf of the Town we appreciate all the time and effort Larry put into the Town of Plaistow.

PUBLIC SAFETY UPDATE VOTE ON BOND APPLICATION

S. Fitzgerald refers to page 3 of his Town Managers Report regarding the verbiage for the Bond Application. He reviews the plan discussing the existing septic, drainage, and wetlands. The top permitting issues are wetland mitigation, floor plans, and the overall site plan. Now is the best time to move forward with a capital project due to low interest rates that will effect taxpayers for years. On July 14th the funds will be wired to the Town. By the end of May the OPM (Owner's Project Manager) will come before the Board with an update.

P. Bracci inquires about the Palmer land swap easement.

S. Fitzgerald explains that during negotiations of a land swap that occurred Mr. Palmer would have an easement to a project on his land that would allow a road to be constructed along the

Police Station. Stanwood extension would lead right to his project though the Town has the right of first refusal to buy the property before being sold.

P. Bracci inquires when a prisoner is released how will they exit the building as they currently must pass through the administration area.

S. Fitzgerald explains that will not happen in the new building. There will be a back entrance.

J. Sherman notes he attended the Public Safety meeting last week. A few issues discussed were the Frog pond, parking configuration, the location of the generator and the dumpster. A DES (Department of Environmental Service) permit is needed for the Frog pond issue and costs are involved in changing the location of the generator and dumpster however plans are moving along.

J. Kiszka notes the new name of the new committee is the Plaistow Public Safety Expansion Building and Project Committee. He mentions the Chair is Chief Jones and the Vice Chair is Chief McArdle. Meetings will be held every other week at 8:00am on Thursdays.

J. Sherman believes we are in great shape for time except for the NHDES (New Hampshire Department of Environmental Services) permit for the wetlands and the extension of Stanwood Avenue.

S. Fitzgerald states the construction team believes groundbreaking will be in August due to the DES permit for wetlands. Discussion continues.

J. Sherman motions to approve the certificate of vote regarding authorization of bonds and approval of the loan agreement for the New Hampshire Municipal Bond Bank and as part of the discussion J. Sherman will read the exact verbiage. Second by T. Bergeron.

RESOLVED: that under and pursuant to the Municipal Finance Act, Chapter 33, N.H.R.S.A., as amended, the New Hampshire Municipal Bond Bank law, Chapter 35-A, N.H.R.S.A., as amended, and other laws in addition thereto, and to votes of the Issuer duly adopted on March 8, 2016 under Article P-16-02 of the Warrant for the annual meeting of the Issuer there be and herby is authorized the issuance of a \$8,500,000 Bond of the Issuer (the "Bond") which is being issued by the Issuer for the purpose of financing the expansion of the Public Safety Complex.

The Bond shall be dated as of its date of issuance, shall be in such numbers and denominations as the purchaser shall request, shall mature in accordance with the schedule forth in Exhibit A to a certain loan Agreement hereinafter described (the "Loan Agreement"), shall bear a net interest cost rate (as defined in the Loan Agreement) of four and one-quarter percent (4.25%) per annum or such lesser amount as may be determined by a majority of the Board. The Bond shall be substantially in the form set forth as Exhibit B to the Loan Agreement and otherwise shall be issued in such manner and form as the signatories shall approve by their execution thereof.

RESOLVED: That the Bond shall be sold to the Bond Bank at the par value thereof plus any applicable premium.

RESOLVED: That in order to evidence the sale of the Bond, the Treasurer of Issuer and a member of the Board are authorized and directed to execute, attest and deliver, in the name and on behalf of the Issuer, a Loan Agreement in substantially the form submitted to this meeting, which is hereby approved, with such changes therein not inconsistent with this vote and approved by the officers executing the same on behalf of the Issuer. The approval of such changes by said officers shall be conclusively evidenced by the execution of the Loan Agreement by such officers.

RESOLVED: That all things heretofore done and all action heretofore taken by the Issuer and its officers and agents in its authorization of the project to be financed by the Bond are hereby ratified, approved and confirmed.

RESOLVED: That the Clerk and the signers of the Bond are each hereby authorized to take any and all action necessary and convenient to carry out the provisions of this vote, including delivering the Bond against payment therefor.

RESOVED: That the useful life of the project being financed is in excess of thirty-four (34) years. I further certify that said meeting was open to the public: the aforesaid vote was not taken by secret ballot nor in executive session; that notice of the time and place of said meeting was posted in at least two (2) appropriate public places within the territorial limits of the Issuer, or published in a newspaper of general circulation in said area, at least twenty-four (24) hours, excluding Sundays and legal holidays, before said meeting; that no deliberations or actions with respect to the vote were taken in executive session; and that the minutes of said meeting have been promptly recorded and have been or will be made open to inspection within one hundred forty-four (144) hours of said meeting, all in accordance with Chapter 91-A, N.H.R.S.A., as amended. I further certify that the above vote has not been amended or rescinded and remains in full force and effect as of this date.

P. Bracci inquires about the rate of 4.25% per annum.

S. Fitzgerald explains that is the plug number. We will not go above the 4.25% and when it goes to market it may be lower. Many other NH communities will be part of the bond going to market.

Vote: 5-0-0

Motion passes.

P. Bracci states his point is that they have been discussing 4% all along.

S. Fitzgerald explains the Federal Government just increased the interest rate by .25% in December. We are in an escalating economy.

S. Ranlett states this is not a public hearing where the public can discuss the interest rates.

2016 WARRANT FRONT END LOADER PURCHASE

S. Fitzgerald reviews this was a warrant article that passed at Town Meeting.

D. Garlington had 3 manufacturers display loaders at the Highway Garage for testing.

S. Fitzgerald recommends the purchase of the loader selected by the Highway Supervisor.

D. Garlington reviews the process of testing and how his department will use a new loader. He has recommended the 926 Milton Cat 2016 to replace the one we currently have.

P. Bracci inquires as to the hours on the current Loader and the costs of the 3 potential machines.

D. Garlington does not have the hours with him but it can be obtained. The prices are:

John Deer \$125,750, Volvo \$137,385, the Milton Cat \$152,400.

The needs of the department are discussed.

P. Bracci is concerned that the warrant article does not mention trading in our current loader which he believes is worth \$30,000. Therefore he states we would be spending \$152,000 and the warrant article does not authorize this.

S. Fitzgerald explains the Board of Selectmen has the right to surplus equipment and negotiate a purchase of equipment. We will not be spending more than \$120,000 as the warrant states.

Discussion ensues.

J. Sherman motions to follow the recommendation of the Highway Supervisor and the Town Manager to purchase the 926M Milton Cat as present on the draft purchase order to us. Second by S. Ranlett.

Discussion ensues regarding trade in amounts from different vendors and seeking the opinion of Town Counsel.

T. Bergeron recommends tabling the purchase of the Front End Loader.

J. Sherman withdraws his motion.

S. Ranlett withdraws his second and instructs the Town Manager to seek legal counsel for next week's meeting.

RESIDENCY REQUIREMENT REVIEW

S. Fitzgerald states Attorney Kalman issued an opinion on the citizen's petition for the residency requirement for employees making over \$60,000 annually to live in Town. He opinioned this policy would be very problematic to Plaistow. It is difficult to require employees to live in town without stepping on residents legal rights.

Attorney Kalman speaks to the Board. He states the petition should be considered but the Board is not compelled to adopt the language or the petition. The Board of Selectmen should manage the affairs of the Town and decide whether this policy should be placed on employees. The key factors to be demonstrated are:

- The restriction is necessary to achieve a compelling governmental interest
- The restriction is reasonably related to its objectives
- The restriction does not unduly restrict any affected employees' fundamental right to travel

Discussion ensues regarding potential law suits and the Boards responsibility.

S. Ranlett motions not to institute a policy establishing a residency requirement. Second by P. Bracci.

Vote 5-0-0

Motion passes.

DISPOSITION SMITH FIELD PLAYScape

S. Fitzgerald states there are no takers for the existing play scape. It has been scheduled to be removed. Plastic fails over time. Perhaps the play scape can be stored and repurposed if a non-profit organization who wants it can be found. Board members share their opinions.

J. Sherman motions to follow the recommendation of the Town Manager and remove the existing play scape from Smith Field and store it temporarily and ask the Town Manager to pursue potential owners and ask the Town Manager to report back to the Board of Selectmen any potential disposition possibilities. Second by T. Bergeron.

Vote: 3-2-0 (J. Kiszka, P. Bracci)

Motion passes.

TOWN MANAGER'S REPORT

Items in the Town Managers report are discussed with the exclusion of items that are not for the public.

P. Bracci would like S. Fitzgerald to review the full report. This is a different position from his recommendation at a prior meeting.

S. Fitzgerald had great news. Brett Morgan has been selected as the new Police Captain.

Keyless Lock System

Highway Safety Committee Meeting

J. Sherman motions to direct the Town Manager to work with the Highway Safety Committee to develop a policy regarding large group gatherings and seeking permission for them. Second by T. Bergeron.

Vote: 5-0-0

Motion passes.

Safety Complex Building Committee/Team meeting

Recently S. Fitzgerald, S. Ranlett, F. Hart and L. Millett met to discuss the authorization of the Town Manager to expend up to \$400K for pre-bond expenditures. This means we will use current cash for upfront costs that will be paid back when the bond money is received in July.

Safety Complex Civil/NHDES Permitting

Solid Waste Response – Received 3 proposals. Recycling is not in demand as it once was and costs for recycling has increased.

Exemptions

New Web Site

Opening Day Cancelled

Generator at Firing Range

Plaistow Landfill Opening
Regional Ice Cream Social for seniors
Methuen Construction

It is the consensus of the Board to have the Town Manager work with Methuen Construction and look into the fire reservoir and report back to the Board. Consensus is 4-1-0 (T. Bergeron).

Memorial Day
Town Hall Gazebo Repairs
Safe Routes to School (SRTS)
Contracts Negotiations
Hazmat Storage of Vehicles at Methuen Construction
Highway Safety Grant/New K9 Funding
Women in Leadership
Arbor Day
Rockingham County Commissioners
Rockingham Planning Commission
Mosquito Season

ACTION ITEM REVIEW

Reviewed

OTHER BUSINESS

P. Bracci inquires why paying \$4.54/gallon of propane from Amerigas. It is the consensus of the Board to have the Town Manager look into the contract with Amerigas and report back to the Board.

P. Bracci inquires what the VIP Edge purchase is for.

S. Fitzgerald explains they are phone charges as we transitioned from an analog system to a voice override system. It is a monthly fee.

P. Bracci inquires about buying lunch for staff and volunteers at the Household Hazardous Waste Day and if we had a release from litigation for volunteers to be around the hazardous waste. Discussion ensues.

P. Bracci inquires why an invoice from Neighbor's Oil in December 2015 is being paid for with 2016 funds.

S. Fitzgerald explains it was an over sight and a journal entry will be made to reflect the 2015 expense.

J. Sherman has updated the Boards of Selectman's summer meeting calendar. Perhaps it can be voted on next meeting.

SELECTMAN REPORTS

T. Bergeron

- Nothing to report

J. Sherman

- Public Safety Building Committee Meeting
- Public Safety Working Committee
- Women in Leadership – his daughter was one of the women recognized
- MS-4
- Conservation Commission

S. Ranlett

- Will attend the Planning Board on Wednesday (was away last week)

J. Kiszka

- Fishing Derby
- Women in Leadership
- National Solar for NH Municipal Officials
- Water Conference in Concord
- Public Safety Building Committee Meeting
- Road Salt Usage – possible agenda item for the next Regional Selectmen's Meeting
- Will attend the Renewable Energy Meeting on Wednesday
- Fire Department Spaghetti Dinner

P. Bracci

- Arbor Day

SIGNATURE FOLDER

S. Ranlett states the signature folder and manifest are going around.

S. Ranlett adjourned the meeting at 9:37 pm

Respectfully submitted,

Gayle Hamel,
Recording Secretary