



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

PLAISTOW BOARD OF SELECTMEN MINUTES

DATE: January 21, 2021

MEETING CALLED TO ORDER: 6:32 p.m.

SELECTMEN:

Selectwoman, Francine Hart, Chairman
Selectman, Julian Kiszka
Selectman, Jay DeRoche
Greg Colby, Finance Director – Remotely

Selectman, Greg Taillon, Vice Chairman
Selectman, John A. Blinn, Sr. - Excused
Mark Pearson, Town Manager – Remotely

F. Hart reads Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-004 allowing municipal boards to hold remote meeting during the COVID-19/Coronavirus crisis.

G. Taillon motions to approve the minutes of January 11, 2021. Seconded by J. DeRoche.

Vote: 4-0-0

Motion carries.

PUBLIC COMMENT

Max Dobson, 5 Nicholas Road is speaking as the Budget Committee Chair. This was discussed in their previous meeting. She wants the public to know that the warrant article requested by the Budget Committee to be placed on the ballot for Old Home Day was to take \$22,500 out of the unassigned fund balance to fund Old Home Day. Even if we don't have Old Home Day this year, it's putting the money into an expendable trust where it will be protected and saved for a future year. That was the intention of the Budget Committee. How it shows up on the ballot is the Selectmen's will.

TRANSFER PUBLIC SAFETY IMPACT FEES

M. Pearson states the Town collects impact fees which must be used or encumbered within six (6) years or given back. Impact fees can only be used as designated by law. There is \$48,540.27 in the Public Safety Impact Fee account which will expire in 2021. Both M. Pearson, Town Manager and G. Colby, Finance Director/Assistant Town Manager recommend using \$48,540.27 as a payment towards the principal of the Public Safety Complex Bond Debt Service. This is a proper use of impact fees.

J. Kiszka motions to apply the impact fees due to expire in 2021 in the amount of \$48,540.27 to be used to pay down the principal of the Public Safety Complex Bond. Seconded by G. Taillon. Discussion: J. DeRoche asks if there is anything else that needs to be addressed within Public Safety that the money should be spent on.

M. Pearson replies, there is money remaining that does not expire this year. They feel the best use of the funds is for the bond principal.

Vote: 4-0-0

Motion carries.

DISCUSS SELLING 17 CANTERBURY FOREST (TOWN OWNED)

M. Pearson states he was approached by a representative of Lewis Builders inquiring about 17 Canterbury Forest. The property is owned by the Town. It is in a residential neighborhood and was once thought to be a buildable lot. However, the land is low and wet and cannot be used for a house. Lewis Builders would like to purchase the lot. The lot abuts property on 17 Harriman Road. Lewis Builders has no plan to build on the lot. They want the lot to provide enough frontage for the Harriman property without seeking a variance. M. Pearson states if the Board is interested in selling the property the Town can stipulate the lot will not be built on and sell it with a restricted deed stating it must stay in its present form. He thinks the price they offered is a bit presumptuous. If the Board would like to sell it, he recommends hiring St. Jean's Auctioneers. The Town will receive revenue and gain future property taxes. The Board can set a minimum price prior to an auction.

J. Kiszka asks if a public hearing is necessary.

M. Pearson does not recall if a public hearing is needed. It will be researched, and the Board will follow the law.

F. Hart asks if M. Pearson has a recommended price.

M. Pearson replies, no.

G. Taillon asks if the property has value to anyone else.

M. Pearson replies, it is possible neighbors on Canterbury Forest might be interested.

F. Hart states there may be more property to sell including 13 Rose Avenue.

M. Pearson agrees and states that due diligence should be done on any property that may be sold.

F. Hart asks if the issue is time sensitive.

M. Pearson replies, not to the Town but perhaps it is for Lewis Builders.

G. Taillon motions to propose a minimum price for 17 Canterbury Forest of \$18,000.00 after due diligence is done and to use St. Jean's Auctioneers at a time that is appropriate. Seconded by J. DeRoche.

Discussion: J. DeRoche asks why we own it. Was it gifted to the Town in the past?

Tim Moore, 33 Sweet Hill Road called in. F. Hart accepted the call. T. Moore stated he believes the Board of Selectmen has a process to sell Town owned land.

F. Hart thanks him for the call and states she will look into it.

M. Pearson states there appears to be consensus amongst the Board to do due diligence on 17 Canterbury Forest and 13 Rose Avenue.

J. Kiszka states the motion only means we are moving forward.

Both G. Taillon and J. DeRoche withdraw their motions (first & second respectively).

We will just go with consensus to do due diligence at this time. There are a lot of variables in coming up with a base price.

J. Kiszka states he does not think the phone should be answered during a meeting unless it is during public comment. The Board agrees.

APPROVE ADDITIONAL WARRANT ARTICLES

Operating Budget, Article P-21-03.

F. Hart motions to approve the operating budget in the amount of \$9,718,746.00. Seconded by J. DeRoche.

Discussion: J. DeRoche states he watched some of the Budget Committee meeting and no solid explanation was given for reducing the budget by \$160,000.00.

J. Kiszka states he was highly disappointed in the Budget Committee meeting. He states the recommendations of the Board did not make any difference. The Board put a lot of time and effort into the budget. He felt slighted and does not believe a good discussion took place as there was no justification for the budget cuts.

G. Taillon states the Budget Committee Chair made it very clear that if the Town could run on last year's budget it could do the same for 2021. He is very disappointed too. He states he cannot vote in favor of the budget as he believes it is not reasonable.

F. Hart states she agrees with the rest of the Board. She believes the budget is significantly underfunded. She thinks the default budget is more realistic.

J. DeRoche states a statement was made at the Budget Committee meeting that they will just spend it however they want to.

M. Pearson states thirty-four (34) separate budgets come before the Town Manager and Finance Director during September and October. From the total of thirty-four (34) budgets, thirty-three (33) of them only increased by a total of \$16,000.00 for a budget of 9.7 million which is close to level funded. The Fire Department asked for a \$65,000.00 increase to their budget. We are still in the pandemic that started in 2020. We do not know what expenses may arise in 2021. In 2020 there were grants such as GOEFER, CARES ACT and a few others specifically for the Fire Department. If there is not enough money in the budget serious decisions will have to be made. It is a bottom-line budget however we are already down \$160,000.00. He does not think this is an adequate amount to run the Town while maintaining the current level of services.

Vote: 0-4-0 (no F. Hart, G. Taillon, J. Kiszka, J. DeRoche)

Motion fails.

Water Service Incentive Program, Article P-21-02.

J. Kiszka states he is disappointed that the majority of the Budget Committee did not vote in favor of the Water Service Incentive Program. He believes the Budget Committee wants the project to fail.

Funding for Repair and Construction to Fix the Cap of the Plaistow Landfill, Article P-21-11.

G. Taillon motions to place article P-21-11, Funding for Repair and Construction to fix the Cap of the Plaistow Landfill on the ballot. Seconded by J. DeRoche.

Discussion: J. Kiszka asks if the tire removal refers to tires only on the surface and not the buried ones.

M. Pearson replies as many tires as possible will be removed that are on top of the landfill if the article passes and depending on any contingencies.

J. DeRoche asks if the project can be spread out over a few years.

M. Pearson replies, no. The landfill cap needs to be opened, repaired, and capped to prevent water infiltration. It is not the type of project that can be done over time. It must be done all at once.

J. Kiszka asks will it be a done deal if the landfill cap is fixed.

M. Pearson replies, 30 years ago the landfill was capped. Some of it has collapsed. It needs to be addressed. The portion that has collapsed will be fixed to New Hampshire Department of Environmental Services (NHDES) standards. It is possible another section could fail in the future. The landfill is being monitored. Any landfill is a liability into perpetuity.

G. Taillon states if we put it off prices will continue to increase, and the Department of Environmental Services (DES) will force us to fix it at some point.

M. Pearson states in construction prices always go up. We are on radar with the Department of Environmental Services (DES) and they are aware of the deficiencies. We are trying to be proactive by fixing it in 2021. We can fix it now for less money or pay more later. It will be mandated.

F. Hart states it is a matter of not “if” but “when”.

J. DeRoche asks if we need to keep a certain percentage of funds in the unassigned fund balance.

G. Colby replies, we are now at 2.6 million. If all the warrant articles pass involving the unassigned fund balance, we will be at 1.8 million. The Department of Revenue Administration (DRA) recommendation is 5 to 18 % of total appropriations. The Town is in fairly good shape.

G. Colby believes we are fine for the short term.

F. Hart states money will come back to the town with the sale of property and the discontinuation of the acquisition of land capital reserve fund.

Vote: 4-0-0

Motion carries.

Deposit into The Apparatus Capital Reserve, Article P-21-15.

G. Taillon motions to place article P-21-15, Deposit into the Apparatus Capital Reserve fund on the ballot. Seconded by J. DeRoche.

Discussion: J. DeRoche states the reason for this article is to put some money away every year to help level fund the costs of equipment. We have been doing this for a long time.

G. Taillon states we have been funding the Fire Department with a lot of warrant articles. He is concerned that this might not be a good year to continue. He does agree with the principle of putting money aside each year. Perhaps we could hold off this year. The request for a new Tower 3 came in late. Fixing or leasing the truck might be better options.

J. Kiszka states leasing fire equipment is news to him.

J. DeRoche agrees.

J. Kiszka states we have mutual aid.

F. Hart states three (3) warrant articles are for the Fire Department.

J. DeRoche asks if the amount of \$140,000.00 is part of the CIP.

F. Hart replies, yes.

Vote: 1-3-0 (no F. Hart, G. Taillon, J. Kiszka)

Motion fails.

Expendable Trust Fund Old Home Day, Article P-21-16.

F. Hart states, the warrant article was suggested by a member of the Budget Committee. They had three (3) issues with the money coming from the budget. The first issue is that Old Home Day may not happen due to COVID-19. They did not want the money to go back to the unassigned fund balance nor did they want the money spent on anything else.

F. Hart states they solved all three (3) issues by removing the funding from the budget. They solved their own problem.

G. Taillon motions to place article P-21-16, Expendable Trust Fund Old Home Day on the ballot. Seconded by J. Kiszka.

Discussion: G. Taillon states it has been a budgeted item for years. The Budget Committee should not have taken it out of the budget.

Vote: 2-2-0 (no F. Hart, G. Taillon)

Motion fails.

Citizen's Petition for Recycle Pickup, Article P-21-17.

G. Taillon motions to place article P-21-17, Citizen's Petition for Recycle Pickup on the ballot. Seconded by J. DeRoche.

G. Taillon is concerned that if the article passes, the Board may not be able to get a vendor to agree to a 12-month contract. There may not be enough money to pay for carts, the base price and tipping fees. If we want a multi-year contract, we need to communicate to taxpayers the future costs.

J. Kiszka does not feel the article as written restricts the Board for agreeing to a five (5) year contract. There will be enough money for the first 12 months.

G. Taillon states when we are creating multi-year contracts, we tell taxpayers the cost for each year.

J. DeRoche states he does not recall voting on multi-year contracts on the warrant in the past.

F. Hart states she contacted New Hampshire Municipal Association (NHMA) for advice. Since it is a separate warrant article and not part of the budget, if it passes the Board has the authority as to whether and when a contract is secured for recycling. There is a public hearing on Monday for recycling. She states it was never the intention of the Board to eliminate recycling. They just wanted a less costly option.

G. Taillon states he is against the wording of the article. He believes citizens should come to the Board and tell the Board what they want. This article came at the last minute.

J. DeRoche states the public hearing is late. It should have been held sooner.

Vote: 2-2-0 (no F. Hart, G. Taillon)

Motion fails.

Note: this article will still be on the ballot. All valid citizen petitioned warrant articles go on the ballot.

New Hampshire Resolution for Fair Nonpartisan Redistricting, Article P-21-21.

G. Taillon motions to recommend this article P-21-21, New Hampshire Resolution for Fair Nonpartisan Redistricting be placed on the ballot. Seconded by J. Kiszka.

Discussion: J. DeRoche asks if this has ever been on the ballot before.

F. Hart replies, no.

J. Kiszka states the article is written as nonpartisan. He asked a State Representative about it. The article has no binding effect on anything. It is just a message to State Representatives. He will abstain from voting as he does not think it is his call.

Vote: 2-0-2 (abstain J. Kiszka, J. DeRoche)

Motion carries.

F. Hart recommends forgoing the rest of the agenda.

M. Pearson states there is one item he would like to mention. He received an email from Jim Peck asking to move the painting of the Indian frozen in a tree to the Historical Society. J. Peck checked with the family of the artist and they like the idea.

F. Hart sees no problem moving it.

J. Kiszka states no one goes to the Historical Society so no one will see it.

G. Taillon motions to allow the painting of the Indian to be moved to the Historical Society based on the request by the family. Seconded by J. DeRoche.

Vote: 4-0-0

Motion carries.

F. Hart adjourns the public meeting at 8:20 p.m.

F. Hart states we will not be coming back to a public session.

J. Kiszka motions to enter non-public session under RSA 91-A:3 II (A) Public Employee; (B) Hiring; (C) Reputation; (D) Property Transactions; (E) Pending or Threatened Litigation; (I) Emergency Functions; (J) Confidential Information in Adjudicative Proceedings; (L)

Consideration of Legal Advice. Seconded by J. DeRoche.

Board Polled: F. Hart = yes, G. Taillon = yes, J. Kiszka = yes, J. DeRoche = yes

Motion carries 4-0-0.

Public session reconvened at 8:30 p.m.

G. Taillon motions to seal the non-public session minutes. Seconded by J. DeRoche.

Vote: 4-0-0

Motion carries.

G. Taillon motions to enter non-public session under RSA 91-A:3 II (A) Public Employee; (B) Hiring; (C) Reputation; (D) Property Transactions; (E) Pending or Threatened Litigation; (I) Emergency Functions; (J) Confidential Information in Adjudicative Proceedings; (L)

Consideration of Legal Advice. Seconded by J. DeRoche.

Board Polled: F. Hart = yes, G. Taillon = yes, J. Kiszka = yes, J. DeRoche = yes

Motion carries 4-0-0.

Back in public session at 8:38 p.m.

G. Taillon motions to seal the non-public session minutes. Seconded by J. DeRoche

Vote: 4-0-0

Motion carries.

G. Taillon motions to enter non-public session under RSA 91-A:3 II (A) Public Employee; (B) Hiring; (C) Reputation; (D) Property Transactions; (E) Pending or Threatened Litigation; (I) Emergency Functions; (J) Confidential Information in Adjudicative Proceedings; (L)

Consideration of Legal Advice. Seconded by J. Kiszka.

Board Polled: F. Hart = yes, G. Taillon = yes, J. Kiszka = yes, J. DeRoche = yes

Motion carries 4-0-0.

Back in public session at 8:44 p.m.

J. Kiszka motions to seal the non-public session minutes. Seconded by G. Taillon.

Vote: 4-0-0

Motion carries.

G. Taillon motions to enter non-public session under RSA 91-A:3 II (A) Public Employee; (B) Hiring; (C) Reputation; (D) Property Transactions; (E) Pending or Threatened Litigation; (I) Emergency Functions; (J) Confidential Information in Adjudicative Proceedings; (L)

Consideration of Legal Advice. Seconded by J. DeRoche.

Board Polled: F. Hart = yes, G. Taillon = yes, J. Kiszka = yes, J. DeRoche = yes

Motion carries 4-0-0.

Back in public session at 8:52 p.m.

G. Taillon motions to seal the non-public session minutes. Seconded by J. DeRoche.

Vote: 4-0-0

Motion carries.

G. Taillon motions to enter non-public session under RSA 91-A:3 II (A) Public Employee; (B) Hiring; (C) Reputation; (D) Property Transactions; (E) Pending or Threatened Litigation; (I) Emergency Functions; (J) Confidential Information in Adjudicative Proceedings; (L)

Consideration of Legal Advice. Seconded by J. DeRoche.

Board Polled: F. Hart = yes, G. Taillon = yes, J. Kiszka = yes, J. DeRoche = yes

Motion carries 4-0-0.

Back in public session at 9:24 p.m.

J. Kiszka motions to seal the non-public session minutes. Seconded by G. Taillon.

Vote: 4-0-0

Motion carries.

F. Hart adjourns the public meeting at 9:25p.m.

Respectfully submitted,
Beth Hossack

Recording Secretary