



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

SELECTMEN MEETING MINUTES

DATE: June 4, 2007

CALL TO ORDER: 6:34pm

PRESENT: Michelle Curran, Chairman; Lawrence Gil, Vice Chairman; John Sherman, Daniel Poliquin; Jason Hoch, Town Manager

EXCUSED: Charles L. Blinn, Jr.

PUBLIC COMMENT:

No members of the public wishing to speak.

► *Motion by J. Sherman and second by D. Poliquin to approve the minutes of May 21, 2007.*

VOTE: 3-0-1 L. Gil abstains

CORRESPONDENCE:

J. Hoch states that the Rockingham Planning Commission annual meeting will be June 13, 2007 at 6pm in Portsmouth, NH. The Commissioner of NHDOT will be the guest speaker. The Town has received a notice from NHDES regarding well testing at 17A Kelley Road and MBTE was not detected. The Town received notice from the Town of Sandown regarding the Electronics Recycling event on June 23, 2007, from 9am-1pm at Sandown Central School. J. Hoch states that this event is open to residents of Plaistow, for a fee, residents can dispose of computer monitors, TVs, laptops and fluorescent bulbs. J. Hoch states that the Old Home Day Committee minutes are in the Selectmen's FYI file. The Supreme Court has affirmed the trial court decision in Balamotis v. Town of Plaistow ZBA. The findings are that the variance was not contrary to the public interest or spirit of the ordinance. J. Hoch states that he has copied the decision, Attorney Kalman's letter and the recent Malachy Glen case in the Selectmen's folders. He states that it is worthwhile to know that the Court's standards for a variance continue to evolve and this will likely create a need for greater specificity in variance decisions as well as trying to understand how loosely the Court is suggesting that these criteria be applied.

L. Gil asks what happens with court costs associated with this case.

J. Hoch states that he has not seen anything regarding this and will check with Attorney Kalman.

J. Sherman states that he sees the decisions are inconsistent. He states that there is no recourse. He asks if we should suggest a firmer definition of hardship.

J. Hoch states this would be something to address when the Local Government Center Legislation asks for comments on legislation.

M. Curran states that the Planning Board found it necessary to address the buffer in the area.

L. Gil states that when you start to think of the buffer, you see how many more issues will develop with neighbors.

J. Hoch states that this ruling is implying that if you have an as built plan approved, you can change it.

J. Hoch continues with correspondence stating that the Town has received a letter from the White House thanking us for correspondence regarding climate change and a letter from Senator Sununu also commenting on climate change issues.

J. Sherman states that Congressman Markey has stated that there will be a conference at Cannon Mountain. The location was chosen because it will allow the residents of New Hampshire to give their input.

J. Hoch states that the Town received the well testing results from DES regarding Westville Road and at this time none exceed standard or guidelines for MTBE.

L. Gil would like to see the last three or four tests in a chart form. There is no way of tracking this.

J. Hoch states that they are in the property files and we can look at the past results.

M. Curran states that on the report she receives, there are notes on the side indicating past test results.

J. Sherman asks if L. Gil is looking for historical trends.

L. Gil states this is his exact point.

J. Hoch states that the Town received a letter from Commissioner Stephen regarding mosquito control. The letter notes that the Town may be eligible for reimbursement of mosquito control expenses. The Town also received an additional letter from State Veterinarian Jason Stull regarding EEE, West Nile reimbursement and Avian Flu Bird Testing. The State Veterinarian also notes that human Lyme Disease has increased over the past several years and recommends personal prevention. J. Hoch states that there are additional fact sheets located in the Town Hall foyer. The Town received a letter of thanks from Ryan Higgins who is finishing an internship with the Fire Department. J. Hoch states that there is a copy of the Recreation Commission meeting minutes in the FYI folder.

J. Sherman states that there are a lot of children participating in programs and large field usage. He states the numbers are in the Recreation Commission Meeting minutes.

J. Hoch continues the correspondence report by stating that the Town has received minutes of the recent Governor & Council meeting. The minutes indicate that FL Merrill was chosen for the Route 125/Old Road project. The Town received a letter via email from Richard & Mary Kay Bianchi expressing concerns about the elderly housing project on Harriman Road. A copy of the 2006 monitoring report for the Cox Farm conservation easement conducted by the Rockingham County Conservation District is in the Selectmen's FYI folder and has been forwarded to the Conservation Commission. The Town received a letter from Nick & Joan Pichowicz regarding Shaw's Plaza drainage and concerns about the proposed elderly housing on Chandler Avenue. J. Hoch states that Building Inspector Mike Dorman has been reviewing the plans from the Shaws site and apparently the drainage from an older section does go to Route 125 and the new section goes to a pond at the rear. The short run issues are to have the owners clean the detention pond area.

M. Curran states that Joan Picowicz presented a file with issues regarding the Shaws site at the Planning Board meeting.

L. Gil states that he was under the belief that all the drainage was supposed to go to Route 125.

M. Curran states that there was a lot of documentation on this from the Picowicz's.

J. Hoch states that M. Dorman researched this plan and there is a retention pond that holds some drainage in the back.

M. Curran states that the pictures that Joan Picowicz presented showed raw sewage and foam.

D. Poliquin states that there are problems with the pump house.

M. Curran states that she would like a letter sent to the Picowicz's.

J. Hoch states that the new owners have been cooperating and Building inspector Mike Dorman will be meeting with them and Health Officer Dennise Horrocks went out and took water tests.

L. Gil states that he assumes that when this drainage was changed there was acknowledgement of the plan. He asks if we have a policy regarding chronic septic failure. If there is a continued problem the Board of Selectmen should know.

M. Curran states the building is owned by Shaws but the property is owned by a separate entity.

J. Hoch states that it is the property owners issue and we are starting there.

FINANCE:

J. Hoch states that at the last meeting she mentioned there appears to be no encumbrances on the Bank of America account with a balance of approximately \$66,000. The balance of the Bank of America account was moved to a BankNorth account as part of the general fund. The Water Assessment monies have also been moved into the general fund. Between these two transfers and finalizing the transfer of the discontinued Special Detail Fund, Treasurer Bernadine FitzGerald and J. Hoch have identified and cleared approximately an additional \$150,000 of general fund monies toward cash flow. He states that at the last meeting there was a question about repair expenses. The Safety Complex repairs budgeted were \$3,000 and as of the end of April we have spent \$5,212. The unexpected expenses were \$3,100 for fire alarm repair and \$1,217 for generator voltage regulator. The Highway Department repairs to the garage doors consumed \$456.40 of the \$500 budget for repairs. J. Hoch states that he has asked Highway Supervisor Dan Garlington to get pricing on a maintenance contract for the garage doors instead of dealing with repairs.. He states that he would prefer to keep unexpected repairs in the operating budget and revisit these later in the year to determine if the Selectmen would like to apply any of these to the building emergency reserve fund. J. Hoch states that Treasurer Bernadine FitzGerald reported that as of the end of May, we had \$1.15 million in the bank. The Town is over the crunch and will not need to borrow money. Sending the tax bills out early was productive and finding some miscellaneous funds helped. He states that he cannot guarantee that we will not need to borrow in the Fall.

CABLE:

J. Hoch states that Cable Coordinator Bob Carolan stated that any equipment purchased would be moveable.

PERSONNEL:

J. Hoch states that he updated the goals based on the Selectmen's recommendations. He asks that the Selectmen review this document and let him know if he has missed anything. He is still working on performance objectives.

J. Sherman states that he did not see getting the Recreation Fields finished on the goals list.

J. Hoch will add this.

HEALTH:

J. Hoch states that Health Officer Dennise Horrocks has received the official letter from Commissioner Stephen that our revised 2007 Mosquito Control Plan has been approved.

RECREATION:

J. Hoch presents the Selectmen with a memo from the Recreation Commission regarding the upcoming work at the Old County Road Recreation Fields.

M. Curran asks who will be paving.

J. Hoch states that this will be completed by D. Garlington and Dave Hoyt.

M. Curran states her understanding was that we were doing the inner parking lot.

J. Hoch states that his understanding was D. Hoyt would be doing the road and we would be doing the parking lot.

M. Curran states that her concern is that we are not delayed by another company.

D. Poliquin states that he would like to know who named Dave Hoyt as General Contractor.

J. Sherman states the past Town Manager did.

D. Poilquin states that the naming of contractors and contracts should be before the Board of Selectmen.

J. Sherman states that awarding contracts is the job of the Town Manager.

D. Poliquin states that some of the people listed here may be the best option; however we have seen that work and materials could have been done cheaper. He states that he wants to make sure the Town gets the best deal for the dollar.

J. Hoch states that paving is going to be done by the pavers we name, Dave Hoyt was named general contractor and the playscape contract has not been issued.

D. Poliquin states he has no problem with paving and the playscape, but he does have an issue with the general contractor.

L. Gil states that he believed that some of the issues came before the Board of Selectmen in February 2006.

D. Poliquin states that he wants to see the contracts.

J. Sherman states that the awarding of contracts is the Town Manager's job.

M. Curran would like the information brought before the Board.

J. Sherman states that part of the Town Manager's Job is to award contracts. He agrees with the Town Manager bringing the information to the Board.

M. Curran would like this to be brought to the Selectmen before a contract is awarded because admittedly the current Town Manager was not involved in this process.

J. Sherman states that he does not see this is necessary and does not want to micro-manage the Town Manager.

D. Poliquin states that we are not here to micro-manage but ultimately we are in charge.

J. Sherman states that he believes that the Town Manager is doing a good job and can be trusted to make these decisions and believes asking for this is micro-managing him.

D. Poliquin states that if the other members do not want this to come before the board he will approach this differently.

M. Curran states she does have confidence in the Town Manager. He mentioned he has not been involved in this project from the beginning and she would like to see how the choices are being made and who was awarded.

J. Sherman states that he agrees with this coming to the Board as information after the choice and describing how the Town Manager awarded this, but he does not believe we need to make the decision.

RENOVATIONS:

Interior Designer Ron Mills and Town Hall Renovation Committee Member Barry Sargent are present to discuss Town Hall Renovation color schemes for the Great Hall.

M. Curran states that she is concerned that the fabrics presented are period pieces that going forward will stay current or will people get tired of it.

R. Mills states that he feels very strongly that this fabric is timeless and something that he would have looked at 20 years ago as well as today.

M. Curran states that she was thinking of something that is watermarked.

R. Mills feels that watermark fabric will date itself quickly.

J. Sherman feels the carpet is dark.

R. Mills states that it will not be a problem with the size of the room.

J. Sherman asks if Donald H. Sargent has seen the color pallet.

B. Sargent states that his brother has seen the colors and he likes them very much.

PLANNING:

J. Hoch states that the Special Town Meeting voting is scheduled for September 18, 2007 at the Plaistow Public Library. Town Moderator Barry Sargent and I have discussed using a paper ballot rather than scanning machine ballots. Given the simplicity of the ballot, it may save money to use a paper ballot. The Deliberative Session for the Special Town Meeting is currently scheduled for August 6, 2007 at the start of the Selectmen's meeting.

► *Motion by J. Sherman and second by L. Gil to conduct a Special Town Meeting on September 18, 2007 with a Deliberative Session on August 6, 2007.*

VOTE: 4-0 U/A

J. Hoch presents a memo from Planning Coordinator Leigh Komornick about filing of the appeal to the ZBA. The Planning Board will not be hearing any elderly housing cases in June.

L. Gil asks if this question has come up before.

J. Hoch states the language in our ordinance was new language designed by the Planning Board and not traditional language.

J. Sherman states this language was open to interpretation and he feels this is the important key issue.

L. Gil asks if this is challengeable. He believes the language should be standard format language.

J. Sherman states he would have thought that this would have been caught by the Planning Board's Attorney.

J. Hoch states that the law that passed in August of 2006 is what changed this.

J. Hoch states that last Thursday he and Planning Coordinator L. Komornick met with residents on Harriman Road to discuss the concerns they have about proposed development in their neighborhood.

J. Hoch states that at a previous Selectmen's meeting a question was raised about the timetable for updating the Master Plan. For 2006, no change needed to Introduction, Vision revised, data updated for Population & Housing, tables need to be incorporated into text, Transportation is awaiting assistance from Rockingham Planning Commission.

J. Hoch states that at a previous meeting the Selectmen asked if the ZBA would consider scheduling an earlier date to hear the Board of Selectmen's application for appeal of an administrative decision of the Planning Board. The ZBA declined to schedule an earlier meeting. They felt that there would only be a gain in time of approximately one week due to the legal notification process and there appeared to be no compelling reason that there was a threat to health, safety or welfare of the residents that warranted a time change. There would be a precedent set that other applicants could point to in similar requests for earlier scheduling. Due to the fact that the Board already has a posted meeting night and an application deadline for June, there could be other applicants who would be entitled to be heard at a June Meeting. Allowing for proper notification for those cases would mean two meetings in the month of June.

CAPITOL IMPROVEMENT PLAN:

J. Hoch states that the CIP is being updated. The tables were updated but the rest was not. He and L. Komornick are working on this.

FIRE:

J. Hoch states that there is a memo in the Selectmen's folders from Chief McArdle regarding the Emergency Services Drill that was held at Chart on June 1, 2007. M. Curran will report more on this in her report. He states that Chief McArdle indicated that there was not a representative from the Fireman's Association at the Old Home Day meeting because they were responding to a fire behind Brandy Brow Auto Salvage. Chief McArdle has checked with the Association and the Explorers and they will be participating in Old Home Day events. Letters have been sent out to area Fire Departments for the parade. Chief McArdle did attend the meeting for the Fireworks.

WATER:

J. Hoch states that excavation has begun for the Route 125 widening project. This has revealed that fewer areas of relocation are necessary and this will mean less expense for us. In preparing the system for work, it was revealed that several valves were not wholly functional. Chief McArdle recommends that an additional valve be installed approximately halfway between Chandler Avenue and Shaws Plaza.

POLICE:

J. Hoch states that the Highway Safety Agency has approved 2 grants for the Route 125 Corridor Enforcement and DWI Saturation Patrols. The hearings for these grants will be in the fall. He states that Police Chief Savage recommends increasing parking violation charges. In 2006 we issued 359 tickets and collected from 232 of those tickets and in 2007 to date we have issued 139 tickets and collected from 97 so far. J. Hoch states that he and the Chief have discussed the merits of raising base fines vs. raising the penalty for non-payment after 60 days. We recommend that keeping the current initial parking fines the same but double the fines for nonpayment after 60 days as an incentive to pay in a timely fashion.

J. Sherman would support the increase in fines and double fine as a nonpayment penalty.

► *Motion by J. Sherman and second by D. Poliquin per the Police Chief's recommendation of May 17, 2007 that we increase the 6 types of penalties.*

VOTE: 4-0 U/A

► *Motion by J. Sherman and second by D. Poliquin that per the Town Manager's recommendation, parking fines are doubled after 60 days of nonpayment.*

VOTE: 4-0 U/A

J. Hoch states that the Selectmen need to accept an amendment of the 2005 Homeland Security Grant in the amount of \$3,600 for radio upgrades.

► *Motion by D. Poliquin and second by J. Sherman to accept and expend the amount of \$3600 to increase the 2005 Homeland Security Grant for radio upgrade.*

VOTE: 4-0 U/A

HIGHWAY:

J. Hoch presents the Selectmen with a summary sheet for the Highway Department Truck purchase. The bottom line is a savings of at least \$7,600 over the original estimate. He states that Highway Supervisor Dan Garlington has completed UNH's Road Scholar 2 program. The program includes 50 hours of training which covers 10 hours of basic training, 20 hours in technical areas, 5 hours in supervision, 5 hours in safety and 10 hours at the choice of the individual.

► Consensus of the Board is to send D. Garlington a letter of recognition.

CART:

J. Hoch states that Marilyn Senter has provided updated statistics from CART. Ridership has increased in March and April.

RAILROAD:

J. Hoch states that based on a follow-up from Senator Sununu's Office, he had a call from the President of Pan Am Railways David Fink, looking to set up a meeting on June 5, 2007 at their operations facilities to discuss the strategies for rail services.

MAIN STREET TRAFFIC:

J. Hoch met with three Representatives from NHDOT regarding traffic/speed issues in front of Town Hall. There is no immediate quick fix but we identified a few strategies to research further. The ideas included narrowing the road by the railroad crossing, permanent speed monitoring sign, addition of a bike lane, extending sidewalks, a roundabout at the Elm Street intersection and shifting parking to angle parking. Several of these projects would likely need to be scheduled in 10 year plan or applied for via Transportation Enhancement program.

Selectmen discuss mounting camera, pedestrian safety, more signage, police monitoring and painting lines.

► Consensus of the Board is to place a slow pedestrian symbol in the crosswalk past Town Hall.

PAVING:

J. Hoch states that Brox has notified us they plan to begin paving Route 121A around June 8, 2007.

J. Sherman suggests that this be placed on cable to notify residents.

WEBSITE:

J. Hoch reviewed 3 website providers over the past several weeks and recommends Virtual Town Hall. He requests authorization to spend \$3,595 from the Internet Trust Fund for Design & Development requirements, analysis and training. Their schedule shows at least 10 to 12 weeks from start to finish. This would allow us to be positioned for a relaunch in the fall.

J. Sherman asks about the costs of training additional staff.

J. Hoch states that they will train 5 people on the system and it would be a \$1,000 additional fee and \$150 per person.

M. Curran asks if this comes from the Internet Trust Fund.

J. Hoch states that it would continue to come from the fund as long as the fund exists. He looked at 3 vendors and these people are the only people that solely work on municipal government, they perform a needs assessment and it is user friendly.

► Consensus of the Board is to pursue a contract being prorated until January and if we are pleased with the service to renew in January. The Selectmen are interested in pursuing this system.

WASTE/RECYCLING:

J. Hoch states that the Town has been notified by Waste Management and the wrong list of accepted plastics was sent to us a few weeks ago. Right now, Rochester can only take #1 and #2 plastics.

J. Sherman states that we apologize for releasing other information, but that is the information we were given from the vendor.

SELECTMEN REPORTS:

J. Sherman states that the Recreation Commission meeting was postponed to June 24th. He asks what the next step is in the Town Hall Renovations?

J. Hoch will package this information for the Selectmen and come back with what are donations and what we need to be responsible for.

M. Curran would like to see other fabric options. She likes the color combination but is concerned with the darkness.

L. Gil states that there is a Conservation Commission meeting this week. He was unable to attend the Memorial Day events because of a conflicting trip to New York.

D. Poliquin does not have a report.

M. Curran thanks Bernadine FitzGerald, the VFW and the High School and Elementary Students that assisted in planting flowers. She states that Barry Sargent conducted a nice ceremony and the band added to the event. She was honored to speak at the event. She went to the Incident Management Drill at Chart and was able to see first hand what the response would be in an emergency situation. She was impressed with the level of knowledge, resources and enthusiasm of our local emergency work force. She asks about parking behind Town Hall and taping the area.

J. Hoch states that we want to invite the neighbors in to discuss the issue and then proceed with a trial.

J. Sherman states that he was researching the Town Report option and weighed individual pages and found that the goal for the Town Report should be 160 pages. This would allow us to mail the report again.

L. Gil states Don Durand passed away. He was a member of the Conservation Commission in the 1970s and 1980 and he expresses his condolences to the family.

NONPUBLIC:

► *Motion by J. Sherman and second by L. Gil to enter into nonpublic session pursuant to 91a: IIIId sale of real property.*

ROLL: L. Gil – yes, D. Poliquin – yes, M. Curran-yes, J. Sherman-yes

► *Motion by J. Sherman and second by L. Gil to exit nonpublic session pursuant to 91a: IIIId sale of real property and seal the minutes for 30 days.*

ROLL: L. Gil – yes, D. Poliquin – yes, M. Curran-yes, J. Sherman-yes

ADJOURNMENT:

M. Curran adjourns the meeting at 9:44pm.

Respectfully submitted,
Nicole Carr
Recording Secretary