



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

PLAISTOW BOARD OF SELECTMEN

DRAFT MINUTES

DATE: Monday, July 7, 2008

MEETING CALLED TO ORDER: 7:02 pm

SELECTMAN PRESENT:

Chairman, John Sherman
Vice Chairman, Daniel Poliquin
Selectman, Lawrence Gil
Selectman, Robert Gray

SELECTMAN ABSENT/EXCUSED:

Selectman, Charles Blinn

PUBLIC PRESENT:

Craig Kleman, Interim Town Administrator
Leigh Komornick, Planning Board

MINUTES:

J. Sherman: Introduces and welcomes new clerk, Audrey Michaud, whom will be taking minutes for Board of Selectmen's meeting.

J. Sherman: Review of minutes June 16 & 23.

Motion to accept minutes of June 16 by D. Poliquin, 2nd by L. Gil. No discussion of motion, no changes from the board. L. Gil abstained. Vote 3-0-1

Motion to approve minutes of June 23 by L. Gil, 2nd by R. Gray. No discussion. Vote 4-0-0. Motion passed.

PUBLIC COMMENT:

No public persons wishing to comment on items not already on the agenda.

J. Sherman: Jack Paone representing the Timberlane Community Relations Committee is not present so discussion is delayed.

July 7, 2008

OTHER BUSINESS:

J. Sherman: Introduces and welcomes Craig Kleman, Interim Town Administrator.

L. Gil: Asks Craig if he has had a chance to meet with any of the staff and what his official start day is.

Kleman: (Pointing towards Leigh Komornick), He knows Leigh because she is an Atkinson resident and they've talked a couple of times. His official start date is next Monday, July 14 at 8:00am.

L. Gil: Starts discussion with the drainage easement issue between lots 3 and 4 of Secluded Circle and a property that is on Sweet Hill Road. Most everybody is familiar with this access issue.

J. Sherman: States that the board will not be resolving these issues tonight due to the fact that all parties are not present. One participant in the discussion however, was here earlier this evening and was told by the board that they would not get into details tonight because we had not notified all parties. We can present this information but will not be trying to resolve this issue tonight.

L. Gil: Michienzi who lives on Sweet Hill Road gain most of their access to their septic and propane gas from Secluded Circle and this has resulted in some issues between the people on Secluded Circle who abut this drainage easement. Suggestion is that Attorney Sumner Kalman review all of these issues. From what Leigh has presented in terms of material, is basically, the access to the land is what is in dispute here. Access to the land should have been properly deeded however, it is owned by the town by default. The land should have been properly deeded to both parties on Secluded Circle but for reasons unknown it was not. The current owner of Sweet Hill Road has been using it and there is some issues related to that. Suggestion is to have Sumner review to make clear the ownership issue. Also, suggestion is to have a meeting with all parties to have some resolution. Michienzi would like to get some emergency access to have the propane tank filled relatively soon. L. Gil sees no issue with that but there are other issues associated with continual access. L. Gil would like to get some input from Building Inspector Mike Dorman to see if this is really the only meaningful access that they have from that area or whether or not they could get some hardship which would be the owner's responsibility. There are some issues that all parties can work out such as parties buying land from town, which L. Gil recommends to go to Sumner to make clear what is what in terms of town ownership. Michienzi wants some access however, the question is how much access and the frequency as well as, if there needs to be any alterations to bringing in trucks and such whereas this could get more complicated.

J. Sherman: Consensus of the board is that Larry Gil is authorized to contact the Town Attorney, Sumner Kalman, to attempt to resolve the property ownership issue.

L. Gil: Asks L. Komornick if there is a time crunch for gaining access to fill propane?

L. Komornick: Approaches podium and continues discussion with the drainage easement issue abutting 3 and 4 Secluded Circle that was being utilized by the Michienzi's who own property adjacent to such, which is, located at 18 Sweet Hill Road. Michienzi's indicates that they need the access in order to refuel the propane tank which heats the pool and services their leach field. The owners of 3 and 4 Secluded Circle are proposing to purchase the drainage easement and add it to their deeds so that their parcels accurately reflect the total area. It was inadvertently left out of the deed descriptions for the two properties when it was subdivided and sold off. It is not an actual parcel but an area of easement that the Town has control over and technically owns. Michienzi's are asking the board for a one time access to fill the propane. There were prior discussions with Town Manager Jason Hoch asking permission of the town to fill the propane. I received an email today asking for temporary permission from the town to have their propane filled because the town owns the property and we can grant the access.

L. Gil: Asks Planner Leigh Komornick is Michienzi out of propane?

L. Komornick: Can we ask the board to agree tonight?

L. Gil: We need to make clear with Michienzi that this agreement is for propane only, all other issues on hold.

J. Sherman: Without getting into too much detail, what do they use the propane for?

L. Komornick: I'm not sure, thinking it is to heat the pool but I am not 100% sure.

R. Gray: Wants to make 100% sure that the abutters are okay with this one time issue.

L. Komornick: Grateful for the one time deal because this reached a conclusion earlier and now it is being revisited. The only thing the abutters on Secluded Circle want is to be notified of the day and time of delivery. Michienzi will be grateful to have such.

D. Poliquin: Tells Leigh to notify Michienzi in writing that this is for a one time delivery only. Michienzi needs to notify board in writing of delivery and Michienzi also needs to notify the abutters and those notifications can be done by phone call.

Conclusion to Michienzi's request for permission to fill his propane tank immediately as a one-time thing until the issue is resolved is that the Board discussed this request and felt it was a reasonable request as long as it is understood that this is not setting any legal precedence and that it is a one-time thing.

R. Gray: Speaking to Leigh regarding FabCon. His understanding was that they were going to withdraw and now it appears that they are not going to. They sent Mike a letter today and his response sounds okay but he needs to inform board of information. That their lawyer has asked basically the opinion of the code enforcement officer on whether he thinks what they are proposing out there is a permitted use or not. Nothing in the response is non disagreeable, pretty much clear and spelled out that the planning board has to make that decision and he also spelt out that the occ for protection that he would need to get a variance from the ZBA for some of the uses they proposed. Suggest to Leigh that she take a look at that letter. They are looking to us for the go ahead. Their lawyer wants something in writing from the town.

L. Komornick: Attorney working on this case represents Testa not directly representing FabCon. Discussion of who applicant was, some confusion as to who application was from. Testa believes they own property because they are applicant. FabCon was the actual applicant on the site plan and FabCon was the one who signed it. FabCon sent email indicating they were no longer interested in the Testa site at 144 Main Street due to the issues and the concerns of the abutters. Therefore, FabCon does have authority to indicate their status on the proposed site plan. It appears Testa Corp is trying to legally establish use for the site through their attorney.

J. Sherman: Wants to know who has received Mike's letter? R. Gray only? Testa's attorney?

R. Gray: Yes, only self. He has not replied, Mike awaiting board discussion and reply. R. Gray will reply to Mike tomorrow.

J. Sherman: Suggests that the letter states that they are in receipt of said letter and will present it to the planning board at their next meeting.

J. Sherman: To conclude discussions FabCon withdrawn is a rumor. On July 16th at 6:30, at the Planning Board Meeting this will be brought up.

L. Gil: (Discussion with Leigh) other issues that were brought up was to establish a well field off 108. Project reduced and it does not seem to be much of a concern to Plaistow. Potential issue and concern when it started as 700 units now scaled down to 66 units.

L. Komornick: Received email from planning board attorney with further information on the water franchising issue proposed in Newton. Town of Plaistow should be in a better position with the respect of a water board. Discussion with Newton's selectman that was adamant to establish a water board which could help deal with PUCs and issues like that.

L. Gil: Asks Leigh does she plan to attend RPC meeting?

L. Komornick: Yes, we are going to car pool all the way up there. This is for work force housing not related to elderly housing it is apparently a whole new initiative we need to get ready for. We are going to learn about it and we are applying for a grant to help write an ordinance. With respect to the elderly housing projects we will be seeing 2 projects moving forward here any day now, Fairway Oaks and Chandler so there will be approximately 70 units or so coming

up for discussion and review by the planning board, due to their release from the courts. I am putting together a whole packet of information from the files for the court.

L. Gil: Regarding recreational fields issue, I took a walk down through to look over issue between Town and Department of Environmental Services (DES) regarding restored stream. Letter to be sent from Town Wetland Preservation to NH DES regarding what we think should be done there. My opinion is that vegetation is established there. Suggests all to go take a walk along access road, fence line and into the woods. There is growth, however, not uniformed as if you did a planting but nature is doing well. There are some spots because of the steepness of the slopes and the rocky sides where there is no vegetation but there is some established as you could see vegetation starting and nature doing its thing. I do not see that there is much need for planting, you can see no major signs of slumping and the flow is clear and there is no sediment at the bottom of the streams.

L. Gil: Memo from Highway Supervisor Dan Garlington, Town of Newton is interested in trying to develop an agreement between neighboring towns to purchase #2 Fuel Oil. He believes there is a time frame window such as the 14th or so to develop an agreement. Not sure of the price differentials, unknown presently and will refer to Danny to make sure this works for the town. Timing is an issue as to when to purchase bulk.

R. Gray: What other towns are involved?

L. Gil: Atkinson, Chester, Danville, Sandown, Hampstead, Kingston, Plaistow.

R. Gray: Advocate to pursuing and putting our resources together.

L. Gil: Large volume for petroleum based, really needs to look at buying in bulk to get better price.

L. Gil: Letter from Health Officer Dennise Horrocks regarding water supply and water sampling to be done at the rec fields, the two properties serviced by there and landfill will go forward. Sampling is done twice a year for those items and everything else is fine.

R. Gray: Report from Police Chief Stephen Savage regarding Police Department. Nothing major that happened this weekend, not much to report since this was a holiday weekend. He did mention that there was a minor fender bender of a police vehicle which will require some repair. Not much information I need more details from Steve.

L. Gil: Questioning the status of the hiring of the assistant clerk, he was asking for permission to go ahead.

R. Gray: I will let you know. I gave him permission. I thought it was two weeks from the memo that was sent.

J. Sherman: Assessing computer is out of order. Last week we were trying to fix it but as it stands we are looking for a replacement. Apologies to the public for this inconvenience. If

public wants to access records they are best to come in from 8:30 to 3:00 when someone will be here during these hours to help. Requesting public to do so between these hours.

J. Sherman: Shed out back in process.

L. Gil: Pretty much finished off. Installed, they are outfitting inside

J. Sherman: Nikki Carr has reported that lightening storms have been affecting town hall. Seemed to be struck often and need to reset system. Nikki is looking into the price of lightening rods to help correct this problem.

J. Sherman: Nikki also noted that when Audrey was cleaning or going through a filing cabinet she found some maps that were dated 1878. Ruthie states these were donated years ago. They are curled and have some damage but are in reasonably good shape. The historical society was called and notified and Nikki has contacted Merrimack College who believes these maps may be worth something and they should be cleaned and stored. Merrimack College has contacted a colleague in Maryland who is trying to locate someone in this area to advise the proper storage.

J. Sherman: Note from the Tax collector saying that 92 % of tax bill money has come in.

R. Gray: This is an average number typically somewhere in the 90s for people paying on time.

J. Sherman: Seems slightly lower than usual remembers the percentage to be mid 90s somewhere around 95, not outrageously low.

J. Sherman: Letter from EPA which was forwarded to all selectmen, it is an invitation to attend an EPA focus group session that will be in Boston on July 22, 2008 in the morning. Summary of the invitation is to provide feed back on a draft EPA manual under preparation that is designed to assist local government officials trying to facilitate the redevelopment of contaminated property. All selectmen are invited.

J. Sherman: Noted that an inventory of the cable studio has been done, J. Sherman has a copy of the inventory if anyone would like to look at it.

J. Sherman: Buzzy was unable to stay due to back problems, however, Buzzy mentioned that the pricing on paving has gone up per ton. However, Dan Garlington felt that he would still be able to do the planned paving prior to this increase.

J. Sherman: Going through the FYI folder finds the following:

L. Gill mentions there is a meeting of the Rockingham Planning Commission and that is scheduled.

Enclosed is a fully executed original extension of the cable television franchise agreement between the town and Comcast.

One question that we had from the presentation about the Beede Cleanup site we recalled that there was one PRP that was not willing to participate in the settlement and I asked Stacy Greendlinger of EPA about who the party was because I thought it would be public information. Stacy responded that it was J.W. Kelly's Enterprise, Inc.; Brodie Ski Mountain which is now included under JW Kelly's and that the email indicates that this information is public knowledge.

Jason Hoch included an email that he spoke with Christiana Thornton of Senator Sununu's office today regarding letter about Downeaster. Generally its a state issue at the moment nothing new is pending at federal level, but will continue to monitor as well to encourage colleagues at state level to support and she will probably be back in touch as she is an outstanding contact and great with follow through.

L. Gil: At next meeting arrange to have Tim Moore and or Merilyn Senter to present us with some ideas of what the town could do or should be doing in terms to further pushing this issue. I don't see Plaistow being the one that makes a decision but I do not see any reason why we can't be the ones that push this issue. I had a chance to talk to Norm Major and he asked what can we do to help this? I would really like to give him some information in terms of either formulating a plan from this side of the border or trying to facilitate this.

J. Sherman: Let's be clear. Are you talking downeaster or rail traffic?

L. Gil: Talking rail traffic in general. Trying to get train service coming up to the town of Plaistow, commuter rail service. The other issue is the downeaster as you recall they are having trouble getting enough funding. The state of NH is not providing any money for the operation and it would seem to me that for \$4.00 plus a gallon, if we are going to be losing those types of services, we are going backward instead of forward in the time when we should be making this an easier thing to happen not more difficult. I would ask to make arrangement to have them come in to see if we can really get some specific information or request to Norm and whomever else to get this thing going.

R. Gray: I've wanted Representative Norm Major to come in for awhile. Having our representative and state. Senator come in to talk to us regarding what is going on in the state as a yearly occurrence is really great

J. Sherman: I will invite Tim Moore and Merilyn Senter and extend to Norm Major. Discussion would be rail in general.

J. Sherman: Going through the FYI folder there is a letter from East Coast Electronics Recycling, Shirley, MA. The letter talks about electronic recycling that they do and thier web page is www.eastcoastreycling.com

L. Gil: Would you presume that we would be contacting these folks on a Hazardous waste day? Who would contact these folks? Go through Danny Garlington or Town Administrator to pursue?

J. Sherman: Town Administrator or Town Manager by then.

D. Poliquin: Old business – issue with drainage on Duston Avenue, request to board to excuse self if they would like, however, he doesn't want to get into any detail but just wants to keep this subject alive.

J. Sherman: No decision tonight, just an update.

D. Poliquin: Basically the road has been repaved which eliminates one of the options which were to put in a new catch basin. However, the problem is not solved. It does create a better flow but it does not eliminate the problem of water running through that area. Same situation as before that we had with the hot top being destroyed. Concerns with easement issue and maintenance issues are not an issue. D. Poliquin is willing to do what is in the town's best interest, to help prevent road from eroding. Easement would be an issue, maintenance is not an issue. This area is abutting railroad bed and his property. He already takes care of this area. It does not benefit his property; it causes problems for his property. He is trying to prevent future problems and it is affecting his property and the roadway.

J. Sherman: You suggest what?

D. Poliquin: Suggests accepting low bid to tie into existing catch basin, which is set up for it already and on the same side of the street. Maintenance and easement are not an issue. The quote was somewhere under \$3,000. He has pictures prior and after storms. The asphalt in this area stays wet for 24 to 48 hours after storms. The pavement is deteriorating and he just wants to bring it back up to board that this issue needs to be addressed before the end of season. Holding price is going to be an issue due to all prices going up. Low bidder can hold until end of this year however not next year.

J. Sherman: Any discussion for money in budget?

D. Poliquin: Have notes will have to refer to them.

SIGNATURE FOLDER:

There are some things to be signed so please sign.

SELECTMAN REPORTS:

J. Sherman: Recreation commission meeting for June was cancelled rescheduled for this Wednesday night, July 9th.

J. Sherman: Went to the first band concert. It was terrific free entertainment. Wednesday nights at 6 pm at the town hall on the green. Live free music. Sensational B Street Bombers. Wish there was a bigger crowd but there was sketchy weather. Remind all that every Wednesday night behind town hall there is a band concert for approximately two hours. Also, the First Baptist Church is serving inexpensive ice cream from 6pm to 7:30 pm. Take a break and go over there to get a very inexpensive ice cream.

J. Sherman: Old Home Day went very well. Minor issues but no major issues. The parade was wonderful. Terrific time had by all. Congratulations to all the committee.

L. Gil: Congratulations to Tami and all the rest of the volunteers and employees alike on participation of Old Home Day. The place was packed. The parade was a good one. Very pleased how all turned out. It was a great show. I am looking forward to the next one. They really put together a great show. Looking forward to the report from them when they have a chance.

J. Sherman: Fire works were cancelled. John McArdle, Fire Chief and Tami Smith, Chairman of Old Home Day, cancelled the fire works. Tami Smith will be in next week to discuss the new day. Will be rescheduled, they have not been rescheduled as of yet.

D. Poliquin: – I am an attendee. Great event. Lot of things to do. Congratulations to all involved.

D. Poliquin: Meeting of the Hazmat District. I will have copies of minutes for board. Board of director budget passed. Annual dues \$5,723.00, agreement to pier Diem on town, based on population. Current officers reinstated. The only other thing was that one town sent a letter of concern because they were in a default budget. Come up with suggestions for this town and to send to this town. One thing was if they resign from the mutual aid district was if they wanted to be reinstated, would there be a \$10,000 initial initiation fee? No decision made

D. Poliquin: Operations meeting scheduled for Sept 18 in Candia, NH. Any of the board of directors or elected officials are welcome. This is a pretty intensive thing with the amount of equipment that we have which really makes you appreciate the amount of money we are spending towards this thing.

D. Poliquin: Meeting with Norm Major and Dick Hawkins tomorrow, Tuesday at 3 pm to probe into statue to find the time capsule. The probing will be done into the bronze pedestal area under the gentleman's foot. Hawkins Machine will be there to put it back as it was. Not a very invasive procedure but have to get inside to check to see what is there. The sonograms prior were affected by the bronze, which affects the readings.

D. Poliquin: Received from state, State Election Law Training in different areas in the state. Will scan and forward to everyone. This was mailed to his home, will copy board. Part 2 Article 32 which requires the Selectmen to be at the poles during elections and counting of ballots.

R. Gray: Mine was mailed here.

J. Sherman: Need copy

D. Poliquin: On vacation last week