



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

**PLAISTOW BOARD OF SELECTMEN MINUTES:**

**DATE:** Monday, January 25, 2010

**MEETING CALLED TO ORDER:** 6:33 pm

**SELECTMEN:**

Chairman, Daniel Poliquin  
Selectman, Charles Blinn  
Selectman, John Sherman

Vice Chairman, Robert Gray  
Selectman, Michelle Curran  
Town Manager, Sean Fitzgerald

**MINUTES:**

***Motion by J. Sherman to approve the Minutes of January 14, 2010 with correction to page 1 (day to read Thursday, not Tuesday).***

***2nd by M. Curran.***

***Vote 4-0-1.***

***Abstain: D. Poliquin.***

***Motion passes.***

***Motion by M. Curran to approve the Minutes of January 18, 2010 with change to page 1 (add paragraph between Article 1 & Article 2: J. Sherman indicated he thought the budget increase was understated because it did not include the capital reserve nor the teacher contract increase).***

***2nd by J. Sherman.***

***Vote 3-0-2.***

***Abstain: R. Gray and C. Blinn.***

***Motion passes.***

**PUBLIC COMMENT:**

No one from the public for public comment.

**AGENDA:**

**Public Hearing \$5,000 Local Hazard Mitigation Plan**

D. Poliquin opened the Public Hearing opened at 6:38 pm in

S. Fitzgerald noted the Public Hearing was in accordance with State and Federal regulations that require the Town to accept the grant in the amount of \$5,000 to help update Plaistow's Local Hazard Mitigation Plan which helps to better define public safety responsibilities. The plan is updated every 5 years. The Town works closely with the state division of homeland security and they will work on a draft and will give the Town feedback to approve this plan to use as a tool for hazard mitigation and emergency planning.

J. Sherman inquired what the grant paid for.

S. Fitzgerald noted technical assistance associated with putting the grant together. It may help us hire specialized consultants which may help us coordinate across municipal departments to assure that we have the inter operability and the type of cohesion that you would need to coordinate inter municipal emergency management programs. It has been standard over the last ten years.

J. Sherman inquired how this tied in with the Haz Mat Group and if they would be working with them or contacting them.

S. Fitzgerald noted he would have to get back to John regarding the specifics but they do work with Rockingham County Hazmat groups. Both Chiefs work with their counterparts.

D. Poliquin inquired if the public had any comments.

No response from Public.

D. Poliquin closed Public Hearing at 6:42 pm.

S. Fitzgerald noted they met their statutory obligation and will include last week's minutes and this week's minutes in a packet to complete the grant process.

### **148 Main Street**

D. Poliquin discussed 148 Main Street (Smith property). He noted the property went up for auction a couple of weeks ago, and was sold and bought back by the mortgage holder. The Town has been in touch with the mortgage holder regarding the purchase of this property and has proposed a Warrant for the purchase of this property under Warrant Article P-10-K. He read the Warrant Article, selling price, contingency, less tax abatement and amount to be raised by taxes, along with the Intent. He noted basically the property had 29 acres with a conservation easement attached to it plus an additional 1.8 acres that the house and pond sat on which are not part of conservation. He opened this subject up for discussion.

S. Fitzgerald noted he attended the auction for this property and had a conversation with Attorney Valhouli regarding the acquisition of the property which has significant historical, agricultural and recreation possibilities for the Town. He showed a map of the location and gave a description and presentation for the parcel of land of interest. He noted he held a conversation with Mrs. Smith regarding this property and discussed the 7 acres which abut the property owned by Town of Plaistow. He discussed the Conservation Easement and read page 3 of the Conservation Easement Deed with Access Easement – section C. He reviewed the possibilities for the property and noted the Town solicitor and DRA reviewed the draft of the Warrant Article which meets requirements as written.

R. Gray inquired where the selling price of \$325,760 came from and noted the figure previously given was lower.

S. Fitzgerald discussed Attorney Valouli's breakdown from mortgage holder's investment of \$250,000, an interest rate to seek a return on the sum, attorney's costs, and additional fees associated with eviction proceedings and auction proceedings.

R. Gray noted this information does not appear in the Intent but wanted all to know that a significant amount of this money \$250,000 or more is bundled up in legal fees and return rates of interest for person who held the mortgage.

R. Gray and D. Poliquin discussed the back taxes that the Town would have to abate.

J. Sherman gave additional information and noted it was not pro or con. Assessed value is \$357,800; rough cut estimate as to impact to tax payers \$108 on a \$300,000 assessment if pursued to be raised by taxes; if people are asking did we offer less than what is listed – yes, but it was rejected; if Town purchased then \$20,000 would be abated for taxes on this property; and there is a conservation easement on the property which has been there since 1995, the easement would continue to the Town if we purchased the property. As for Mrs. Smith, she unfortunately held a second mortgage and it looks like she is not going to be able to recover those funds if it goes on the open market to someone else.

R. Gray noted no matter what happens with the property, the conservation easement will continue on that property. He noted the easement was 9 pages long and rock solid.

S. Fitzgerald noted property was well protected by the language of the conservation easement.

D. Poliquin noted the Board was looking to put this to a vote in order to put this forward to the voters in the form of a Warrant Article.

M. Curran discussed Conservation Committee offering up to \$100,000 to offset the money for the property and noted with that comes conditions. The actual tax impact to homeowners if the Town was to raise and appropriate funds would be a one-time fee of \$107 for the year 2010 to homeowners to acquire the property without accepting Conservation money.

S. Fitzgerald discussed conversation with Jill Senter regarding the offer of money from the Conservation Committee; the possible additional meeting needed by Conservation before the Deliberative Session and the language in the RSAs regarding managing the entire parcel if they used their money.

Board discussed monies in both funds, Forestry and Conservation, about \$100,000 and depleting both the Forestry Fund and Conservation Fund monies if these monies were used.

J. Sherman noted in the existing conservation easement there were already rights to grantee. The grantee was the Rockingham Land Trust which had merged and is now the Southeastern Land Trust. He read the wording for the conservation deed that was written in and the clauses.

Board discussed language of easement.

R. Gray noted should the Town acquire the property they could acquire a home which would become a municipal building. The home is in need of fixing and there are people living there that need to be evicted. He noted he was not suggesting raising more money to fix up the home, he just put the public on notice regarding the home because it would need to be brought up to code and be maintained.

D. Poliquin discussed funding for those types of projects such as grants that the Town could apply for.

J. Sherman discussed fall back situation which was to subdivide the property, separating the house, barn and pond in the future if needed. Easement is perpetuity and does not expire. If they could not subdivide 27 acres in the easement then they could subdivide the house and barn.

S. Fitzgerald discussed his conversation with Sumner about the information regarding subdividing the property that is not currently in the easement.

J. Sherman and S. Fitzgerald held a conversation regarding zoning easements and possible variances.

Board discussed the possible utilizing of Conservation Fund monies and then them having some authority over that piece of property.

D. Poliquin noted his personal thought was to put the Article forward to the residents without use of money from ConCom from either Forestry Fund or Conservation Funds for \$305,392. In the meantime, we can always make adjustments at Deliberative Session in the wording.

M. Curran noted it could be re-amended at the Deliberative Session.

D. Poliquin asked the present BudCom members if they had any questions.

K. Lewis Savage inquired what the great benefits were. She noted she was not in favor of this Article however she did favor selling the house. She wanted to know what the land would be used for.

S. Fitzgerald discussed recreational programs that would be consistent with the agricultural and conservation easement; his conservation with Southern Rockingham Land Trust and non commercial recreational usage; the 7 acres of Town owned land next to the property; creating a campus with both of those parcels opening up broader utility of the land and civic interests; master plan; elementary school and educational programs associated with the land; generating revenue through agricultural programs like farmers markets; and a creative economy with historic barn and community events that foster logistics for Old Home Day or community programs and events and a climbing wall or some type of recreational.

K. Lewis Savage inquired what the 7 acres adjacent to the property was that the Town owned.

D. Poliquin noted it was the Old Penn Box site.

K. Lewis Savage discussed her concern for getting property and not being able to do anything with it. She inquired about getting the property and using it then where would people park.

D. Poliquin discussed using the adjacent acreage.

M. Curran discussed being able to put up outbuildings and the ability to put up structures to support their agriculture/conservation usage. She shared her feelings and noted she supported the idea of having the voters have a say. She discussed the Town working closely with Conservation Commission and being able to work with Rockingham Land Trust and being able to talk to them as opposed to a homeowner. She noted there were a lot of active people in the Town which would come out of the woodwork regarding how to utilize the land.

K. Lewis Savage discussed her feelings regarding not being in favor of presenting to tax payers without the necessary information.

M. Curran and K. Lewis Savage held a discussion regarding the possible usage of the site and the possible conditions required by the Conservation Commission.

D. Poliquin discussed Smith family being diligent; doing it for the right reasons and wanting to go through on a Warrant without the ConCom money.

K. Lewis Savage discussed putting it out there when you don't have all the information can make it go in the wrong direction and possibly affecting the other articles.

S. Fitzgerald discussed property going up for auction two weeks ago and speed of the process.

N. Morin discussed the Warrant Article and Conservation's donation. Personally he would want to buy the land however the house and land attached to it was in question. He discussed changing the wording of the Article regarding the selling of the barn and house and noted it should be in the Intent indicating it would be done and not a possibility. He noted he was more comfortable with keeping the land and getting rid of barn and house to recoup the money.

M. Curran noted they had not had a conversation regarding rewording the Warrant Article but they did have a conversation regarding the option of selling the house or the barn.

J. Sherman noted he was in favor of recouping money however he was not in favor of doing that up front. He wanted to keep the options opened regarding selling the barn and the house.

R. Gray noted he was all for unloading that piece of property but if you were going to put that in the wording of the Intent then he was not in favor of tying the Selectman's hands next year. He wanted to make sure that when and if they chose to sell it then it would be the best time to do such and get the Town the best possible return that they could.

K. Lewis Savage inquired about adding language to the Intent which indicated so long as the house and barn could be subdivided it would be the Intent of the Selectmen to sell at a later date.

J. Sherman noted you could not bind future Boards.

R. Gray noted there was nothing wrong with putting it in the Intent because it wouldn't be binding.

K. Lewis Savage discussed adding her suggested wording to the Intent would then inform the public regarding the intent of the BOS which was to try to sell the property to recoup monies.

J. Sherman noted that was not the intent it was only a fall back. They were not willing to commit to that up front they were only discussing advantages of having the property.

M. Curran noted she wanted to take a look at the property to see if it had any benefit to the Town before they sell it. She wanted the option to be able to see if there were any grants or funds available to help with the buildings before leveling it. She noted there were unknown factors and would not like to give anything up right off the bat however she was in favor of putting some language in the Intent that it could happen and that it is a possibility.

D. Hooper noted there were so many unknowns it would be hard to be in support of something like this. He discussed the Conservation Easement being rock solid; Board's concern with someone breaking it; his investigation to find out if it could which turned up nothing; gaining no public difference whether the Town owns it or someone else owns it; looking at buying 29 acres; losing taxes; dealing with how to sell something; and taking all into consideration. He inquired if there was a reason why the Town could not have a Special Town meeting instead of having a Warrant at Deliberative Session. He noted the public benefit was the same as to whether the Town owns or someone else owns and he didn't see any public benefit to the Town owning.

M. Curran discussed meeting with Town Counsel. She noted she disagreed with ownership. The Town could open it up freely and promote it more than a person who may not let public use it.

D. Poliquin discussed two definitive properties and letting the people make a decision.

D. Hooper discussed salt shed that Town did not get the voters to agree to and no eminent purchase there.

D. Poliquin discussed Deliberative Session, March's election and Special Town meeting.

J. Sherman noted this item would not qualify as an emergency for a Special Town meeting.

M. Curran discussed Intent not binding Selectmen hands; several conversations and a couple of drafts already being reviewed.

D. Poliquin discussed Letter of Intent to owner regarding negotiating.

K. Lewis Savage discussed Special Town meeting and emergency purposes only and inquire if the Selectmen could do an Article asking for the approval of a Special Town Meeting.

R. Gray noted you couldn't do this because you have to get a Superior Court Judge to approve a Special Town meeting. It's up to the Superior Court to decide if that's an emergency or not.

D. Poliquin noted the purchase of this property does not meet the criteria.

K. Lewis Savage noted she thought there were special loops for that.

J. Sherman noted there was if she was talking about the union however he didn't think you could do it with this matter.

S. Fitzgerald noted they don't typically grant or approve unless it is a general emergency. He discussed this with the Town Solicitor who noted his opinion was that they could not have a Special Town meeting for this.

J. Sherman noted one of the reasons we don't have a lot of time is we don't have a long range plan for looking at property that might be out there and also Town owned existing property. We started to form a committee a few years ago to deal with that but that committee lost its momentum. He noted he was in favor of reestablishing that committee to do a couple of things: to look at existing Town owned land and to find the best use for it or even a plan to dispose of it or to look into land that may be out there that would be good for Town to acquire. He was in favor of supporting the reinvigoration of that committee again to build a plan to be in front this kind of issue once it comes up.

***Motion by M. Curran to see if the Town will vote to raise and appropriate an amount not to exceed \$315,392 for the purchase of property located at 148 Main Street consisting of a home and 29 acres to be raised through taxes on terms and conditions acceptable to the Board of Selectmen. Selling price \$325,760.00, plus contingency \$10,000, less tax abatement \$20,368.41 for an amount to be raise by taxes \$315,392.***

S. Fitzgerald, J. Sherman and M. Curran discussed appropriate wording needed for Article.

D. Poliquin read completed Warrant Article wording.

***2nd by J. Sherman.***

D. Poliquin inquired if the Intent was to go forward as presented.

M. Curran, K. Lewis Savage and J. Sherman held a discussion regarding the amendment of the Intent.

***Motion by M. Curran to add to her first motion to amend the first sentence of the Intent to read: To allow the Selectmen to continue to negotiate the purchase of the property and building located at 148 Main Street.***

***2nd by J. Sherman.***

M. Conte inquired about the tax impact.

M. Curran discussed what could happen at Deliberative Session.

K. Lewis Savage discussed tax impact making or breaking the Warrant.

M. Curran, J. Sherman and S. Fitzgerald discussed appropriate number of tax impact.

***Motion by M. Curran to add to her first motion to amend the last sentence of the Intent to read: The estimated one time tax impact on a \$300,000 assessment would be approximately \$112.***

***2nd by J. Sherman.***

D. Hooper discussed the goals listed in the Intent (A-E) being too long and too much to read and his concern for the CIP being listed in the Warrant Article and suggested to remove.

J. Sherman noted he questioned whether or not this land was listed in the CIP and noted he didn't think it was and if it was not then it should be taken out.

S. Fitzgerald noted it was not listed in the CIP. He discussed projects, efforts and initiatives being supported by the CIP.

***Motion by M. Curran to add to her first motion to remove the last line of the Intent: This project is also specifically listed in the 2009 Town of Plaistow Capital Improvement Program (CIP) as "Acquisition of Open Space".***

***2nd by J. Sherman.***

Board requested Sean to read wording for amended Article.

S. Fitzgerald read entire Article P-10-K wording.

Board discussed conversation with Town Solicitor regarding abating taxes and discussed amount noted associated with penalties and fees.

K Lewis Savage discussed easement not being noted in the Article and suggested it should be.

D. Hooper suggested being transparent and putting the information on the Town's web because it would be too much information in the Article.

***Motion by M. Curran to add to her first motion to include as the last line of the Intent: This property consists of a 27 acre conservation easement currently granted to the Southeastern New Hampshire Land Trust.***

***2nd by J. Sherman.***

R. Gray noted the wording of the Article is much better than it was however he still was not in favor of the Article. He noted that what it all comes down to is are you in favor of the Town's people paying \$315,000 for essentially getting a little bit more for the Town owning the land as opposed to the Town not owning the land so is it that worth \$315,000 to you.



D. Poliquin noted that what it boils down to is giving them the right to vote on whether or not they want to do it

R. Gary noted if he wasn't in favor of something and was sitting in the governing body then he would not let them vote on it if it wasn't in the best interest of the Town..

M. Curran noted that she votes for items that she does not always personally favors just to put it on the Warrant so residents can choose to vote for it or not.

R. Gray and M. Curran held a discussion regarding voting opinions of themselves and residents.

J. Sherman disagreed with Michelle and noted he only voted for things that were in the best interest of the Town.

M. Curran noted she was speaking for herself and that she voted for items just to put them Warrant to allow residents to decide for themselves.

R. Gray left the meeting at 8:32 pm.

***Vote 3-1-0.***

***Opposed: J. Sherman***

***Motion carries.***

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Board of Selectmen Meeting recessed at 8:33 for Budget Committee.

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Board of Selectmen returned at 8:52 pm

D. Poliquin thanked the Budget Committee for being present on such short notice to deliberate and make their decision on the Warrant.

**Review of 2010 warrants (Selectmen's presentation at Deliberative Session)**

Board chose Articles they wanted to represent at Deliberative Session as noted below:

Public Safety Complex Feasibility Study = Dan Poliquin

Highway Department Equipment Capital Reserve Fund Deposit = John Sherman

Fire Suppression Water Line Expansion = Robert Gray

Cell Tower Maintenance Capital Reserve Fund = Michelle Curran

Fire Department Capital Reserve Fund Deposit = John Sherman

Conservation Fund Deposit = Buzzy Blinn

Emergency Power Generator for Town Hall = Dan Poliquin

Building Systems Capital Reserve Fund Deposit = John Sherman

Fire Suppression Water Capital Reserve Fund Deposit = Michelle Curran

148 Main Street = Michelle Curran

D. Poliquin noted the Board would forgo the rest of the reports to go into Non Public and would not be coming back. He reminded the Public that Deliberative Session was Saturday at 10 am.

**Non-Public Session – RSA 91-A:3,II (e) Legal Matters**

**Non-Public Session – RSA 91-A:3,II (c) Matters that would affect someone's reputation**

*Motion by R. Gray to go into Non Public under RSA91-A:3,II (c) Matters of Reputation and RSA91-A:3,II (e) Legal Matters.*

*2nd by J. Sherman.*

*Board members polled: D. Poliquin = yes; R. Gray = yes;  
C. Blinn = yes; M. Curran = yes J. Sherman = yes.*

Public Meeting adjourned at 9:15 pm.

Respectfully Submitted,  
Audrey DeProspero