



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

**PLAISTOW BOARD OF SELECTMEN MINUTES:**

**DATE:** Monday, April 12, 2010

**MEETING CALLED TO ORDER:** 6:34 pm

**SELECTMEN:**

Chairman, Daniel Poliquin

Selectman, Michelle Curran - excused

Selectman, John Sherman

Vice Chairman, Charles Blinn

Selectman, Robert Gray - excused

Town Manager, Sean Fitzgerald

**AGENDA:**

**MINUTES:**

*Motion by J. Sherman to approve the Minutes of March 29, 2010 as written.*

*2nd by C. Blinn.*

*Vote 3-0-2.*

*Motion carries.*

**PUBLIC COMMENT:**

Jill Senter approached Board to update everyone on what ConCom was doing.

- Arbor Day Celebration will commence on Wednesday, April 21 from 12-1 at the Plaistow Library and there will be two trees planted: one Maple October Glory and one Korean Maple Ash. The three winners of the Arbor Day Poster contest will be there to read their poems. The 5th Graders of the Pollard School will also be there and the celebration is open to the public. Newspapers have been contacted and the Pollard teachers will be taking class pictures of the kids because they are making earth globe frames and will put the pictures in the frames so they will have a memento of the day.
- ConCom wanted to spend the money from the Forest Fund and to do so they need a vote of the Selectmen.
- The Town Forest will have an official opening on Saturday, May 22 to recognize the Scouts for the work they have done there. The Town Forest is located off Old County Road and is currently open from sun up to sun down. The Boy Scouts are making paper maps of the trails and will be handing them out at opening day.

S. Fitzgerald noted he hoped to evolve Arbor Day into a long standing tradition for the Town. Last year was the Town's first and this year will be their second.

**Rich Masters, Normandeau status of EPA Storm Water Permit and State Landfill permit**

R. Masters noted the Town has a number of environmental permits which include ground water permit, post closure phase and storm water permit which is issued by the Environmental Protection Agency. He discussed the ground water permit which requires sampling; 7 ground

water locations; 2 surface water locations; 2 sites for drinking water; semi-annual samples that are required; notifications of submissions and levels that are being exceeded.

J. Sherman inquired if Normandeau did an analysis regarding implications when they did the monitoring and the reporting.

R. Masters discussed levels they look for and the health and safety issues associated with them.

J. Sherman inquired if they provide recommendations to get items back in compliance.

R. Masters noted they did.

J. Sherman inquired if DES reported back when there was a problem.

R. Masters noted they did but only if there was a problem.

J. Sherman noted he was disappointed that no news was good news. He felt that the Town should always get a report even if there were no problems.

R. Masters discussed post closure procedures which are required by the State; monitoring gases and vapors in the area; the current 11 gas vents on the landfill and the 19 probes around the perimeter; elevated levels of methane; discussions with the State regarding putting monitors in at the Highway Garage for safety issues and continuing to monitor and decreasing level findings.

J. Sherman noted the Town was monitoring the methane at the Garage and inquired if it had been tripped recently.

D. Garlington noted it had not been tripped recently.

R. Masters discussed post closure inspections; looking at integrity of the landfill; slumping of the landfill; three areas of concern; concern of DES which was conveyed back to Normandeau Associates; corrective actions; prepared design plans for the landfill; restoring slope to the landfill so water could drain off; and meeting with representative of DES regarding how to fix issues.

D. Poliquin inquired about characteristics regarding the run off.

R. Masters discussed bringing in gravel or other fill material; cost competitive and desirability factor of DES; paper fiber; cubic yards and cost range along with using existing Town equipment to help with cost.

D. Poliquin and R. Masters discussed the cap.

J. Sherman inquired if the cap was made of just clay.

R. Masters noted it was made up of clay and it had low permeability.

J. Sherman and R. Masters discussed regular run off and not having permeability verses the standing water which does have permeability.

R. Masters discussed Town's efforts to accomplish some of the tasks; looking at various issues to replace the cap and evaluating the Highway Department's ability to help meet the requirements.

J. Sherman and R. Masters discussed cost effectiveness.

S. Fitzgerald discussed looking toward CIP and annual budgets.

R. Masters discussed the cost of \$17.50 a cubic yard being in the ballpark for competitiveness.

J. Sherman discussed investigating material to see if it had been used on other landfills and if it had been successful.

R. Masters noted he would look into. He discussed Stormwater Permit; water quality standards; upgrading water quality; wetlands permit; NPDES Point Source Permit Program; National Pollutant Discharge Elimination System; setting standards; Clean Water Act; EPA's evaluation of the effectiveness of the program; National Urban Runoff Program; the modified Clean Water Act of 1987 which established Phase I of Normandeau's program; 1992's implementation of Phase II which included Plaistow; and the three parts of the program: Construction Activities, Industrial Activities and Municipality-owned Drainage Systems (MS4).

J. Sherman inquired if the Garden Road Bridge fell into the Construction Activities category.

S. Fitzgerald noted he didn't believe it did but would look into.

R. Masters discussed Industrial Activities; central issue; MS4; Municipal Separate Storm Sewer System; Phase I: cities over 100,000 population; Phase II: Urbanized Areas over 50,000 population; most of Plaistow being in the Haverhill Urbanized Area and are required by the EPA to seek coverage under this permit which the Town of Plaistow has done.

J. Sherman inquired about minimizing the distance of storm water that goes over the surface and discussed that location to be where the water picks up pollutants.

J. Sherman and D. Garlington discussed closed system drains.

R. Masters noted some areas drain to pipes then to retention ponds and if there was a sufficient amount then it could go into the streams. He discussed retention ponds; eliminating contaminants; notice of intent; development of a storm water management plan; annual reporting requirement; storm water management having 6 components of the plan and 6 control measures: public education and outreach; public involvement and participation; illicit discharge detection and elimination; construction site storm water runoff control; post construction management; pollution prevention and housekeeping; recent activities; screened outfalls in Town which Dan Garlington took a great deal of participation in; NH DOT's outfalls; the 101 detected which were not included; identified NHDESW impaired water bodies; preparation of a number of maps; 9 outfalls that were identified; sampling of 9 outfalls which were sent to be tested and identified; preparation of illicit discharge ordinance and submitted notice of compliance November 1, 2009.

S. Fitzgerald noted the presentation will be available on line and residents will be able to view some time tomorrow.

R. Masters showed maps to Selectmen and gave description of each. He discussed one of the 9 outfalls tested had bacteria which fell under the illicit discharge detection and elimination process and noted it could be due to a faulty septic system or natural sources such as water fowl and pet waste. He noted during his viewing of the areas he had not seen a failed septic or illegal activity. He discussed the importance of environmental compliance: storm water quality affects groundwater quality – the Town's drinking water source; storm water quality affects the quality of aquatic habitat and Kelly Brook/Little River impairment designation which affects the Town. The permit issued by the EPA which is a five year permit – 2008 was year five which it had expired and it has been administratively continued by the EPA.

D. Poliquin discussed sweeping streets twice per year and inquired about explanation.

R. Masters discussed more frequent street sweeping is to remove accumulated items such as sand and salt. He noted that cleaning these items off the streets is better than them washing into the streams which impair the quality of the storm water.

J. Sherman inquired about future water priorities and about the impacted water ways and how they were impacted.

R. Masters noted based on sampling done by the State and test results it showed certain pollutants in the water way which were impairments.

J. Sherman and R. Masters discussed samples in certain places being taken along Kelly Brook and broken down into 6 segments for various constituents.

R. Masters discussed process EPA has implemented – TMDL (Total Maximum Daily Loads).

D. Garlington discussed six segments being impaired does not mean that you have six sources it could be one source or perhaps two.

S. Fitzgerald thanked Rich for his presentation and his participation.

Board members thanked Dan Garlington for being present and Rich Masters.

#### **Update on 2010 CMAQ Grant**

S. Fitzgerald invited Tim Moore to approach the Selectmen to discuss the current status of the CMAQ Grant.

T. Moore noted he and Sean went to Boston and met with the new General Manager, Richard Davey. It was a positive discussion and they supported the Town for moving the MBTA forward. The MBTA will be driving a big part of the logistics associated with cost modeling and efforts to come up with the specifics of how they are going to relocate the lay over station and construct a station in Plaistow.

J. Sherman asked for Sean to explain CMAQ to the residents.

S. Fitzgerald noted CMAQ stood for Congestion Mitigation Air Quality and it was a Federal grant. The Federal Government releases funds to help reduce congestion mitigation air quality and the Town has applied for funds for the Plaistow rail stop. The preliminary assessment has led him to believe this would help reduce air pollution.

D. Poliquin thanked Tim for his work, volunteering on the committee and his dedication to going into Boston numerous times to help out.

T. Moore discussed other state application; comparison from project to project; submissions from other Towns; Plaistow's project having most significant positive impact for air quality; the competitiveness in NH; and the \$14-16 million funds available statewide which comes out to about 60 million for the projects submitted. The reasons the earlier project stalled and part of the agreement being the Town wouldn't spend the money to start a service and have it go away in three years so they never got to the point of figuring out what the subsidy would be. However they made an inquiry in the late 90's and PAN AM who owns the railroad was asked what it would take to have a stop in Plaistow. The difference this year was the Bradford residents have put enormous pressure on Senator Baddour and as a result the MBTA had a renewed interest in moving the layover station north of the Haverhill train station. He discussed their meetings; renewed interest in the moving of the layover station; looking at project as a combination layover rail facility; reduced operating subsidy because trains were already there; the additional cost of 5 additional trains; MBTA not being able to own land outside MA; Town, Rail Authority or DOT owning Westville site and leasing to MBTA; and options from RI regarding buying capital equipment in exchange for operating subsidiaries. He noted there were Federal funds available to buy capital funds received through grants and exchanged for subsidy.

J. Sherman inquired if the CMAQ grant was for building the station.

T. Moore discussed purchase of the Westville site, purchase of easement, construction of siding, and rail platform and/or station.

J. Sherman and T. Moore discussed agreement with MBTA and impact of the CMAQ grant.

S. Fitzgerald noted MBTA was on board and would be helpful in advancing the CMAQ application. He discussed the additional work needed by the MBTA; the opportunities for Route 125; and a lot of good reasons why this might work. He discussed his meeting with Cindy Harrington of NH Department of Resources and Economic Development.

J. Sherman inquired if he were a resident watching this BOS meeting from home when he would be able to get a say about the cost and public hearing plans.

S. Fitzgerald noted once we have the grant we can have a public hearing and invite colleagues from Rockingham Planning to discuss.

J. Sherman noted there have been no commitments, so far they have only been looking at options. They are working with appropriate parties and have not committed any Town funds, they are just exploring options and requesting funding. He noted he didn't think the Town would be in a financial position to fund any part of the project but they are looking at multimillion dollars from outside grants to better fund this project.

D. Poliquin discussed CMAQ funds fewer than 1 million being available previously and inquired if they were still available.

T. Moore noted yes they are still available and need to be re-allocated. Part of the grant application was for that fund to be carried forward and reinstated. Once the grant was accepted it was placed in the State 10 Year Transportation Plan and has been there all along however last year without notice they did not put the money there but there is a process to do such as an amendment and they are done all the time.

J. Sherman wanted the residents to know that they as Selectmen have not committed any Town funds and before they do commit, they would have a Public Hearing. He inquired about who owns rail in NH – Pan Am and who owned rail in MA – MBTA.

T. Moore noted yes on this particular stretch of line NH was Pan Am and MA was MBTA.

D. Poliquin thanked Tim for his time and dedication.

D. Poliquin discussed memo from Rockingham Planning Commission regarding the review of the appointment status for a Town Representative to the Commission. He noted that he thought it was Tim Moore however a recent letter received indicated his appointment had expired.

D. Poliquin and T. Moore discussed Tim's appointment to the (RPC) Rockingham Planning Commission.

D. Poliquin inquired if Tim Moore wanted to be reappointed to RPC.

T. Moore noted he signed the Warrant last Friday.

S. Fitzgerald noted Selectmen did appoint Tim last year and discussed Tim had been putting in 60-80 hours the last couple of weeks and was doing a great job.

J. Sherman and T. Moore discussed appointment being a four year term.

***Motion by J. Sherman to appoint Tim Moore as Representative to the RPC (Rockingham Planning Commission) for a period of 4 years.  
2nd by C. Blinn.***

D. Poliquin thanked Tim for all his service that he has given the Town.

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

***Motion carries.***

#### **Mike Dorman – Town Hall Generator**

S. Fitzgerald discussed Town Hall Generator Committee investigated and informed him of their decision regarding sole sourcing a contract for a generator. The Committee received 3 proposals which the BOS had copies of and a letter from Mike Dorman. He discussed one proposal the Committee did not want to review after checking on references because of concerns that were

brought to light regarding how the generator was supported. Gemini was felt to be a better fit for the Town and provided a much more reliable emergency power generation.

S. Fitzgerald asked Dan to provide additional information because he participated in various meetings.

D. Poliquin noted a slight difference of \$560 between the quotes; the reputation for superior service and response in emergency situations; some things considered minor; information and pricing were given up front; other contactors were much more difficult to deal with; difference of 600 amp service verses 400 amp service; recommendation of diesel as opposed to natural gas; cost associated with re-piping from the meter because the current pipe would not accommodate the generator; maintenance costs were higher than natural gas; diesels had a longer life expectancy than gas; and fuel consumption was less with diesel than with gas.

S. Fitzgerald discussed RFP; similar outcome; best fit; installation; maintenance; good committee; defining logistically; good option here would be to move this forward and to get a vote of the Selectmen which is required to sole source.

J. Sherman discussed putting the generator out back and inquired if it required covering.

D. Poliquin noted no covering was required however if they wish to put a cover over it they could. They would utilize the same pad that was currently out there.

J. Sherman inquired if there was any concern with vandalism.

S. Fitzgerald for aesthetic purposes they could put something around it.

D. Poliquin noted the internal parts of the generator were not assessable for vandalism.

J. Sherman inquired if the members were okay with sole sourcing.

D. Poliquin noted as a Town Hall Generator Committee they were.

C. Blinn noted he was okay with it.

J. Sherman noted we would treat the bids as true quotes.

D. Poliquin noted they were verified last week.

S. Fitzgerald noted he would invite the owner of the company back to review.

***Motion by J. Sherman to direct the Town Manager to proceed with purchasing a generator for Town Hall from Gemini Electric for an amount not to exceed \$42,960 as recommended in the memo dated April 7, 2010 by the Town Hall Generator Committee.  
2nd by C. Blinn.***

J. Sherman noted the Town Hall Generator Committee had done what the Selectmen asked them to do and this was a good solution.

D. Poliquin discussed installation and factory warranty; installation of components; maintenance and service plan and the use of the generator being purchased versus the previous one that Town Hall outgrew.

C. Blinn noted this was a good deal.

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

***Motion carries.***

D. Poliquin discussed copy of Annual Concurrence of Plaistow Emergency Operations Plan and noted there were two updates needed: one to page E2 which needed headings and one to page E5 whereas a listed towing company did not have towing capabilities and needed to be adjusted.

J. Sherman inquired who was on the Cemetery Committee and requested a list of names along with suggesting that the list be added to the Town Report if it was not already there.

### **TOWN MANAGER REPORT:**

S. Fitzgerald discussed:

- Town Kennel does not meet State requirements and needs to be relocated.
- NH Coalition is holding a forum at Town Hall tomorrow, April 13 from 6:30-8:30 pm. The forum is on for Teens and Parents regarding Alcohol, Drugs and the Law.
- First credit card transaction in Town Hall done on March 29 and implemented in Town Clerk's office. Two transactions done over the web. Strides being made and over the next couple of weeks they would be working the kinks out and are hoping to bring other departments on line.
- Working with Chief Savage regarding keeping the Plaistow Court House open. The Chief is coordinating meetings.
- Waiting for update on Garden Road Bridge and federal approval timeline for the project.
- Meeting regarding proposal to add additional antenna to the cell tower and meeting with Attorney Kalman at the end of the week to work out the negotiations which will bring additional revenue in to the Town.
- Spring Non Metal Bulk Clean Up is this week.
- Arbor Day scheduled for April 21 at the Plaistow Library.
- Jay Somers informed the Town that Comcast's finance department has approved the relocation of the hub and they are hoping for it to be done by the end of this week or next.
- Mosquito control program begins week of April 12, 2010.

D. Poliquin read the Public Notice regarding Mosquito Control program as submitted by Health Officer, Dennise Horrocks.

J. Sherman noted Spring Clean up is this week and metal products need to be taken to the landfill and should not to be put out during this clean up.

D. Poliquin noted landfill was still not accepting tires.

S. Fitzgerald noted that will be part of a discussion for the solid waste contract.



**OTHER BUSINESS:**

D. Poliquin discussed:

- Household Hazardous Waste Day scheduled for Saturday, May 8 from 9-12 at the new Plaistow Rec field (PARC) on 51 Old County Road. Proof of residency is required and the participating towns are Plaistow, Atkinson, Danville, Hampstead and Kingston.
- Tomorrow evening from 6:30-8:30 NH Coalition will be hosting a forum on Teens, Parents Drugs, Alcohol and the Law at Plaistow Town Hall. There will be representatives from various agencies to answer questions.

**SIGNATURE FOLDER:**

D. Poliquin noted the Signature Folder and Manifest were going around.

**SELECTMEN'S REPORTS:**

C. Blinn discussed:

- Finalization for Arbor Day and opening of Town Forrest.
- No Cable Committee meeting last week rescheduled for this Thursday however he will not be able to attend and has asked Michelle to stand in for him.
- Eagle Scout Brandan Birmingham's celebration was a great event. He gave Brandan a proclamation. Michelle and Sean were present. It was a good experience.

D. Poliquin congratulated Brandan for his accomplishments.

J. Sherman noted he was planning on going but could not. He likes to go to these events because it gives him a chance to see people who are trying to do good things. He apologized for not being able to go.

D. Poliquin discussed:

- Generator Committee Meeting.
- Greater Haverhill Economic Development Committee meeting. Cindy Harrington's attendance. She brought up good points for money and recommended things toward web site. She spoke about MBTA; talked about infrastructure; sewer and water; and gave update on Smith Property. Their Expo is coming up in October it is their Spring Business Forum and will be held at the Library on May 26 at 10am. It is for business owners within the community to go in and talk to them to see what is available to them for support and help. Seminars coming up at Southern NH University. The next meeting is April 28 at 3pm at Town Hall and all are welcome
- Sean and Buzzy attended the Visioning Session. The strategizing event was looking at Rockingham County strengths and weaknesses.

J. Sherman noted if there were more employment opportunities people would be staying in NH. He read in the newspaper that the population in NH had decreased and discussed economic opportunities for the Town.

D. Poliquin discussed:

- Finding CEDS paperwork and distributing the questionnaire to all Board members.
- Rec Commission meeting Wednesday.

- Possibility of him going to Concord on Tuesday at the State House with Senator Downing and Representative Major. Sean had invited all Board members to go to State House with him.
- He has not attended a Rec meeting yet so this Wednesday will be his first and the Rec Commission has 3 different raffles going on.

J. Sherman noted:

- It was the Friends of Rec that were holding the raffle which was a continuation of their fundraising and the raffle was for Red Sox Tickets, Generator and a Grill.
- This is Spring Clean up week.
- Recycling week.
- April 24<sup>th</sup> is the Town wide yard sale from 8-4.

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

***Motion by J. Sherman to go into Non Public under RSA91-A:3,II (e) Legal Matters.  
2nd by C. Blinn.***

***Board members polled: D. Poliquin = yes C. Blinn = yes J. Sherman = yes***

Meeting adjourned at 9:31 pm.

Respectfully Submitted,  
Audrey DeProspero