



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

**PLAISTOW BOARD OF SELECTMEN MINUTES:**

**DATE:** Monday, March 8, 2010

**MEETING CALLED TO ORDER:** 6:42 pm

**SELECTMEN:**

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

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

**AGENDA:**

**MINUTES:**

***Motion by R. Gray to approve the Minutes of March 1, 2010 as written.***

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

***Vote 5-0-0.***

***Motion carries.***

**PUBLIC COMMENT:**

No one from the public present for public comment.

**EPA Storm Water Management Discussion**

S. Fitzgerald discussed best management practice; storm water; working with the EPA; protecting water sheds; rain barrels; distribution of rain barrels during Household Hazardous Waste Day and Tim's presence tonight being to outline his thoughts regarding meeting some responsibilities. He noted Tim Moore had been present at the meetings with the EPA and was a representative of both the Planning Board and Conservation Commission and was familiar with working with the water sheds around the area.

T. Moore discussed important concepts regarding environmental issues; additional expense the Town would take on above and beyond their norm; demonstration project; repaving horseshoe around Town Hall with porous pavement; pavement replacement; no history of rain barrels; rain barrels being a very good idea and a tangible item that could be picked up during Old Home Day; the possibility of signing up for a rain barrel during Old Home Day if the Town was not able to give them out during the event; Hazardous Waste Day which 200-300 people attend and the possibility of using that day as an option for residents to pick up a rain barrel; and other projects of interest to work on such as a rain gardens and the possibility of the Library being interested in the participation or locating one at Pollard Park or the Smith property if it passed at election day, tomorrow.

J. Sherman inquired for an explanation of the advantage of rain barrels and how it helps the environment and water usage.

T. Moore noted the barrels would catch rain water and could be used for irrigation.

J. Sherman discussed temporarily saving water instead of draining it into the soil.

T. Moore discussed catching runoff water from downspouts; rain barrels with shut offs which could be taken off in the winter time and covering rain barrels during a dry period so mosquitoes do not breed in standing water.

J. Sherman noted Town has ordinance for standing water.

M. Curran discussed conversation by Health officer regarding adding a little bit of bleach to the water to prevent such but would not do damage to birds or environment.

J. Sherman discussed the price of the rain barrels (\$50 each) and possibly getting them cheaper. He noted getting 200 rain barrels at a \$50 price would make the required \$10,000 mark.

S. Fitzgerald discussed the Town having a \$4,000 fine from the EPA and conversation with Tim as to how they could best pay for the rain barrels and meet the \$4,000 Administrative Order. He discussed the ConCom fund; legally meeting the letter of the law while using funds; using funds for better protecting the environment; protecting watersheds and forest in Town and funding requirements and efforts.

D. Poliquin inquired if there was a possibility that the EPA may not allow Town to do one particular thing and may want the Town to do different things or a variety of things.

S. Fitzgerald noted at this point the Town still had some discretion as to how they were to meet the administrative order. He was looking toward the Board for their opinion and approval for items. He discussed porous pavement at the opening of the Town Forest; getting a little credit for doing things and best managing dollars and efforts that they want to employ in 2010. He discussed his conversation with Kathleen Woodward from February 26 and securing 148 Main Street which would indeed be a property that the EPA would want to see the Town acquire for the environment and her eagerness to finalize the parameters of the settlement. He noted if the Board was acceptable to rain barrels and porous pavement then he would look to finalize and put the Administrative Order behind them. He noted no decision was needed, merely a conversation.

D. Poliquin inquired when finalization was required.

S. Fitzgerald noted within 30 days.

J. Sherman noted he liked the idea of rain barrels and wished there was some way to measure the results so people could see numbers and be able to relate to it. He favored rain barrels and porous pavement and noted this reinforced that they were doing something and that it was important.

### **MBTA report of March 5th meeting – Tim Moore**

S. Fitzgerald discussed commuter rail station in Plaistow; Tim being instrumental 10 years ago with the air quality mitigation plan; meeting was well attended by reps from Town and Department of Transportation in MA and NH; the possibility of an Executive session being required to discuss some information but for public discussion the Town's recent letter of intent had gotten some good attention; receiving a real sense that the Town may be able to make something happen in 2010; and the MBTA folks driving this logistically and technically and defining details of funding and funding strategies.

T. Moore noted that they went to the meeting to find out and make sure themselves that the MBTA was still in favor of coming north which they still are. He noted they got way sided for a little while but now are on track. They need constant reminders from the perspective states and DOT commissioners just to keep it on the front burner. He discussed the CMAQ application received in 2000; letter of intent; amendment including potential land purchased, platform upgrade, emission reductions, new diesels or retro fitting diesels; and final application due April 1<sup>st</sup>. He noted he was working on components of change and the application should get submitted in plenty of time. After April 1st all the RPCs will each have developed their own criteria and then their scores will go to the DOT which is due in late July and then in September or October the CMAQ committee will meet and then select the projects. There are currently 60 million dollars worth of projects for 12 million dollars worth of funding. Plaistow's project will come in at 4 or 5 million. In terms of dollar amounts it is a pretty good chunk but should score high on improving air quality and adding commuter rail is very beneficial which should score high in the area of emission reduction. The Town needs to request a meeting of the CMAQ committee to see how they want us to proceed and Tim will make a request through Cliff Sinnott of the RPC. There is busy work that needs to take place in the upcoming weeks but once the Town gets the application they will have several months to finalize the potential application through the CMAQ committee which can be better qualified over the next couple of months.

J. Sherman inquired why the MBTA seemed interested in coming north.

T. Moore discussed complaints from Bradford neighbors; layover facility adjacent to the Bradford facility; a lot of houses and the river; diesels were smokier than they are now; in cold weather the diesels have to run continually overnight which makes for a lot of smoke and noise which no one wants to live next to; significantly improving conditions; schedules of trains; last train out gets to Haverhill a few minutes after 1am; no place else to stable the train; first train out is at 5am; couple hour gap between trains; neighbors anxious to have location moved out of Bradford; political clout; operationally location does not work well for MBTA; backing up trains on the wrong side of the tracks which ties up the first 5 trains which doesn't make good operational sense; looking to get layover station north of the facility; looked at Haverhill, Atkinson, and Plaistow border; Westville Homes may be an acceptable site and no neighbor complaints and better operations is why the MBTA was looking north.

J. Sherman inquired who submitted the CMAQ application.

T. Moore noted the Town of Plaistow.

S. Fitzgerald noted that the Town did submit the application and was a strong partner in establishing some type of commuter rail and would be in a position of leadership. He noted discussions would come down later regarding sites and impacts and the MBTA was going to be the lead and drive for the scope of the project.

R. Gray inquired about funding and if the stop/train was to be in Plaistow then would it be entirely funded by the CMAQ application so the MBTA was not going to be financing this at all.

T. Moore noted the CMAQ project was 80 % Federal funded and he was hoping to work with the MBTA and give them the 80% funded by Federal.

S. Fitzgerald noted negotiations would best be served in Non Public Session and funding would be outlined over the next couple of days.

R. Gray spoke about his understanding of the MBTA and discussed the act of Mass legislation.

S. Fitzgerald discussed having the best legislative folks in Mass ready to advance this project.

R. Gray inquired if they asked if they had a full understanding of the local property tax in NH.

T. Moore noted they did.

R. Gray inquired what CTPS was.

S. Fitzgerald noted it was an engineering firm that did estimates on ridership.

R. Gray inquired if there was a possibility of getting other federal funds for this project.

T. Moore discussed there being other sources to fund rail such as the FRA which has commuter rail programs which are a 50/50 match but noted they were not as good as CMAQ.

R. Gray noted there was some appropriate time before the committee meets in July and suggested the Town ought to put some type of pressure on the Department of Transportation which would mean a trip up to Concord for local people.

S. Fitzgerald agreed. He discussed Commissioner Campbell having Plaistow as their potential project and the Town looking toward the MBTA.

T. Moore discussed PATAC which was formed in 89 or 90; their work on this project for many years; Beverly Hollingsworth being at the meeting and being very supportive of the project.

S. Fitzgerald suggested a brief recess to discuss this matter in executive session.

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

***Motion by M. Curran to go into Non Public under 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***

*Motion by J. Sherman to exit Non Public at 8:11 pm and seal the minutes for one year.  
2nd by M. Curran.*

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

Board returned to Public Session at 8:16 pm

### **Goals**

J. Sherman and M. Curran were okay with Sean's hand out

S. Fitzgerald noted he made changes such as expectations; accomplishable or not; 8 goals being due by August 2010 and 15 that were Selectmen goals that were either just established or part of the long standing.

D. Poliquin noted as far as goals are the Consensus of the Board is that all are in agreement at this time.

All are in agreement

### **TOWN MANAGER REPORT:**

S. Fitzgerald discussed:

- After on the windstorm that caused the 2nd worst power outage in the Town, Town staff reported that changes in Unitil had improved with operability.
- Follow up with Attorney Miller; copy of side agreement with Comcast outline contractual negotiations which was received today and in the Signature Folder for Selectmen tonight. By signing it, this will conclude the Town's 3 year contract license renewal and costs associated with the contract.
- Update on Garden Road Bridge project; bids were opened on March 1; cost would be a little over \$515,958; lowest bidder was FL Merrill; forwarded bids to NHDOT for review and approval; once approved Town will schedule start of work and the first meeting is this Wednesday with Town staff and Merrill at the bridge.
- March is Red Cross month and a Citation is in the Board's Signature Folder.
- Board held an in depth discussion of the MBTA earlier.
- Folks have a lot of important decisions to make and he wished all candidates well.
- Next week he will be asking the Selectmen to surplus the 1994 pickup truck used by the Maintenance Department of Town Hall which has exceeded it life cycle. He will be looking to surplus this in the similar manner as the water truck was and will invite people to bid on the truck which will then be up to the BOS to accept the best or highest bidder.

### **OTHER BUSINESS:**

J. Sherman discussed Spring Ball is Saturday, March 27 and sponsored by Friends of Rec at the Plaistow Fish and Game from 7pm-12 midnight. There will be a DJ, auction of sports memorabilia and unique raffles. He went last year and the sports memorabilia was unbelievable. For ticket information contact Wendy at 382-1179.

J. Sherman noted an item that came up during Candidates Night was talk about the current cemetery and whether we need to expand or buy lands. There was an analysis done years ago about how many sites there are at the cemetery and how many are added each year and he noted

The Town could fit 800 sites in an acre and there was 18-25 years of growth available at the current utilization rate.

M. Curran inquired if the Town received a new flood zone map for the Town.

S. Fitzgerald noted the Town had not received one however sometimes they are sent directly to the Planning Department by the US Engineer of Army Core Engineers and he would look into it.

M. Curran discussed previously the Board had taken a vote at a BOS meeting to put into effect any new employee coming aboard after January 2008 would be entitled to a different percentage portion such as 85/15 for their insurance and not the 90/10 that the current employees had. This information was brought to her attention that this change did not make it into the Personal Plan.

S. Fitzgerald noted this issue was brought to him prior by a BOS member and was discussed with the collective bargaining and a decision was made which came from Concord.

M. Curran discussed formal vote taken by BOS that was not put into the Personal Policy.

D. Poliquin noted the Board did not vote to amend the personal policy.

S. Fitzgerald noted he would look into.

D. Poliquin would like to know the consensus of the Board regarding whether they would like to vote on this issue at this particular point in time. He discussed staying consistent with their intent and not effecting the current situation.

S. Fitzgerald discussed items being frozen at the current time. He understood the point of the actions made at a prior meeting being followed through  
If vote established a

M. Curran discussed how it would impact new hires to the Town and some that have already been hired which have not been put into place.

S. Fitzgerald noted the Personal Plan had not been amended so the reduction in the co pay level had not been put into place.

D. Poliquin discussed the Board voted 2 years ago that anyone currently working for the Town was entitled to the health insurance under the Personal Policy would remain at the 10 and the 90 and any new hires going forward would be 15% and the Town portion would be 85%. The Personal Policy wasn't done for whatever reason and the new hires have not followed through with what the Board put through at the time. He understood the freeze at current time for changing anything and noted that they may have to put a freeze on hiring.

R. Gray noted he was not on the Board at the time and requested for Ruthie to pull the minutes of the Board for him to see what the motion was.

S. Fitzgerald discussed union meeting, discussions and updating the Personal Plan that the Board has sought to make and better define the Personal Plan regarding the health plan and co pays.

M. Curran noted she was not trying to change, just trying to update what should have happened 2 years ago and she does not know why this did not happen. They talked about and voted on something that should have happened two years ago but did not happen.

S. Fitzgerald noted he would like to investigate what happened to not let this change take effect regarding the co pays.

J. Sherman requested to see the minutes and the vote also because he thought the Board also approved a buy out at that time also.

S. Fitzgerald noted if the Board took a vote then he will work to make sure the vote is upheld.

M. Curran noted she was not trying to change anything going forward only to amend what was voted on 2 years ago.

C. Blinn discussed swapping with the State Main Street and Haseltine which will cut down on major truck traffic and the Town can actually control that section of Main Street.

D. Poliquin inquired if Sean had an update.

S. Fitzgerald noted he did not but would follow up with Norm Major. They have not been able to meet. He discussed the Highway Safety Committee meeting that was to meet with Haverhill Engineer to discuss but that meeting was postponed as well.

#### **SIGNATURE FOLDER:**

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

#### **SELECTMEN'S REPORTS:**

C. Blinn:

- Nothing to discuss on the Conservation Committee.
- Candidate Night was quite nice, there was a good crowd and the Candidates were asked questions. There were newer candidates running for office and he was pleased in the way he was treated and hoped that his answers did him some good.

M. Curran discussed:

- No meetings last week.
- March 13 at Atkinson Country Club there is a comedy club, the Lions sold 300 tickets and the event is sold out. This event use to be held at Sawyers.
- Spoke to 2 gentlemen regarding their possible positions on the new committee.

Quiet week

J. Sherman discussed:

- Rec Commission meeting Wednesday of this week, 6:30pm at Town Hall.
- Budget Committee will have their reorganization meeting next Tuesday the 16th which is a conflict for his attendance of the Regional Selectmen Meeting.

- Sean and he did a one hour presentation on the Budget and Warrant Articles which is being played on channel 17. He was trying not to advocate a Selectmen position he was to help people make a vote.
- Candidate Nights was sponsored by the Library Trustees. The show is being replayed on cable as is the Deliberative Session
- Voting at Pollard School starting at 7am – 8 pm Tuesday the 9<sup>th</sup>.
- Lions are hosting a comedy night at the Atkinson Country Club, there will be 5 comedians and the tickets are sold out and this event is for a good cause.

R. Gray discussed:

- The agenda for the Regional Selectmen Meeting: Presentation from Glacial Energy, Veteran's Exemptions, Volunteer Employees, Saturday Meetings, Employee benefits, Police Union Bargaining, User Guide for Committee Chairpersons and Annual report for Town is requested.
- Planning Board meeting last Wednesday. Most items were continued. They did hold a discussion about Mr. Brown's development on Sweethill Road and the Planning Board was looking at the time line of when his project began, being vested, back out time he spent in court, and decided that they would give Mr. Brown until July 1 to complete the paving of his road. If it is not done by then, the Planning Board will hold revocation hearings.
- He wished all candidates good luck tomorrow.
- He discussed the Selectmen showing up at the polls and noted he would be there.
- He reminded all they had their say regarding what is presented tomorrow and not it is up to the residents.

D. Poliquin discussed he was unable to be at the signing tomorrow night because he will only be in Town until 5:30pm and he will not be around at the close of polls, however Michelle will be there at 9. John will be there to sign off on the boxes to close the ballots. He didn't think the active candidates like John and Buzzy could do that but Maryellen indicated that John and Buzzy could. She said it was alright but he had thought it was a conflict of interest.

R. Gray discussed the public's need to know that the candidates do not tamper with the ballots they just identify that there are ballots in the box. Candidates are in no way tampering with the ballots.

D. Poliquin discussed:

- Flyer from Rockingham Development Corp regarding some finalized economic strategy seminars: Raymond March 31; Nashua April 7; Salem March 26 and Portsmouth April 2. He discussed Comprehensive Economic Development Strategy and CEDS planning for the future which is an input of what towns would like to see going forward and noted he would put the information in the FYI folder for the Selectmen.
- Candidates night and the audience's participation whereas they all did an excellent job. He was glad to see new faces running for offices.
- Open seats on Committees and Commission if anyone is interested they are asked to contact Town Hall.
- Smith property and noted he wanted to clear one thing up: the issue of not having a plan. The reason for not having a plan was that this property only came up a month or so ago.



If the residents vote yes to this warrant, it does not mean the Town is locked in to buying the property it would still be up to the discretion of the Selectmen as to what is the best interest of the Town.

M. Curran discussed the Conservation Commission having several meetings to think of the possible use and potential use for the property and they are eager to help the Town in moving forward. She noted great conversations have been had.

J. Sherman discussed the newspaper article in the Eagle Tribune regarding approving the Warrant Article for buying the property as opposed to giving the Selectmen the approval to look at the property.

D. Poliquin noted if there were any questions the public should call the Board of Selectmen.

D. Poliquin suggested for all get out and vote tomorrow, the polls are open from 7am until 8pm at Pollard School and wished good luck to all who are running.

Consensus of the Board was a second Non Public was not required.

Public Meeting adjourned at 9:00 pm.

Respectfully Submitted,  
Audrey DeProspero