



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

**PLAISTOW BOARD OF SELECTMEN MINUTES:**

**DATE:** Monday, May 17, 2010

**MEETING CALLED TO ORDER:** 6:36 pm

**SELECTMEN:**

Chairman, Daniel Poliquin  
Selectman, Michelle Curran  
Selectman, John Sherman - excused

Vice Chairman, Charles Blinn  
Selectman, Robert Gray  
Town Manager, Sean Fitzgerald

**AGENDA:**

**MINUTES:**

*Motion by M. Curran to approve the Minutes of April 26, 2010 as written.*

*2nd by R. Gray.*

*Vote 4-0-0.*

*Motion carries.*

*Board discussed needed amendment to previously approved April 12 Minutes: Page 1, the "2nd by M. Curran" needed to be changed from "M. Curran" to "C. Blinn" and vote listed as "5-0-0" needed to be amended to "3-0-2". Consensus of Board was to make amendments.*

**PUBLIC COMMENT:**

**Tami Smith, Chairman Old Home Day Committee**

S. Fitzgerald noted that Tami Smith could not join them this evening because of a conflict.

**Flag Presentation – American Legion Post 34**

American Legion participants: Commander, Phil Sturk; Aggentant, Rick Bickerstaff; Chaplain, Charlie Manes and World War II Veterans: Roy Jeffrey and Tom Cullen.

R. Bickerstaff discussed the flag on the second floor of Town Hall and noted it was donated back in 1972. He discussed his conversation with Sean regarding the flag needing to be updated and noted the Legion decided to donate three flags to the Town of Plaistow: one for the second floor of Town Hall, one for the Town Manager's office and one for the new recreation field which should be installed at the recreation field by June 14<sup>th</sup>.

Board members thanked the participants of American Legion Post 34.

R. Bickerstaff discussed the upcoming Memorial Day's activities along with the addition of citations for the WWII Veterans of Plaistow and the Daniel George Medal of Honor plaque.

S. Fitzgerald noted Barry Sargent stopped by last week and told him the plaque was being cast.

He noted he has been working with Roy Jeffrey and Tom Cullen who are both WWII Veterans from Plaistow on the commencement for the Veterans on Memorial Day. He thanked them for their civic duties throughout Plaistow.

Commander Sturk discussed Memorial Day ceremonies, the parade start at Pollard School and the ceremony at the Post after the services are finished and then the luncheon at the Post.

T. Cullen discussed opening day at the Recreation Fields and noted it is a wonderful recreation field. Carli asked him to throw out the first pitch on opening day and he was honored to do such. He thanked the Board of Selectmen for inviting him to their meeting.

R. Jeffrey mentioned the Memorial Day program which is pretty well wrapped up and noted it will be a full day.

### **Lawrence Ordway (ZBA)**

Lawrence Ordway and Julie Matthew were present to discuss the Zoning Board of Adjustment (ZBA) appointments.

L. Ordway discussed issues between the ZBA and Board of Selectmen, noting the letter from the ZBA and Planning Board sent to the Board of Selectmen (BOS) was to outline zoning violation issues which are being worked and are coming to resolution. He discussed the intent of the letter, why it was sent and noted there was no finger pointing. He discussed his renewal Warrant for his three year term and noted it had not been signed along with Dan Lloyd's and Peter Bealo's. He went on to discuss the longevity of the Board members and asked the BOS to reinstate the long-term members so that the ZBA could go back to business as usual. He noted he was a private citizen and welcomed comments from the BOS.

D. Poliquin discussed his personal feelings regarding his decision of not signing the Warrant and how his decision was made prior to the letter being sent to the BOS by the Zoning Board.

L. Ordway discussed Peter Bealo being on two different Boards (ZBA and Planning Board) and noted they went to Town Counsel regarding this and the legal opinion was that there were no issues. However, if there was a conflict, then Peter would need to recuse himself, which he has done.

D. Poliquin noted he would like to speak to each member perhaps in a public forum and noted there could be possible concessions. He discussed matters of reputation and being in a public forum; issues regarding the ZBA being lead in a direction with persons coming before the ZBA who were treated in a demeaning manor; and in a lot of cases it appeared that the Chairman of the ZBA was not running the meeting in an appropriate manner because he was relying on others in an excessive manner.

L. Ordway justified himself for relying on individuals too heavily. He noted his feeling was that those persons were the experts when in fact he himself was the expert. He discussed his wanting to still serve on the ZBA and those issues that were brought forward tonight would no longer be issues in the future.

M. Curran publicly apologized for the manner in which the individuals found out regarding the status of their Warrants. She discussed the process for the BOS's Signature Folder and the process of the Warrants. She discussed her not signing the Warrants; it was never her intent for the members to find out the way they did -- she would rather have had the ZBA and BOS meet and discuss the Warrants. She discussed honoring individuals for serving on Boards, treating them with better respect, the possibility of them holding a conversation and a possible reconsideration, and her concern that, as a judicial board, they crossed the line by publically taking a position of addressing the issue that belonged at a staff level. She also discussed her concerns regarding making public mention of things, how things are presented, how they affect other people due to the way they were presented, and how heavily staff was relied on for interpretations. She gave an example that she herself does not know the ordinances, however her confidence is there, but if she were a new person that saw these interactions she would not have much confidence in these persons. She noted she did not publically mean to cause anyone harm and noted if this ever comes up in the future the BOS would know how to handle it.

D. Poliquin and L. Ordway discussed appointments and possibility of signatures on the Warrants.

L. Ordway inquired for a date for the signatures.

D. Poliquin discussed the possibility of having an answer for Larry by the end of the week.

J. Matthews discussed having individuals trained properly for the ZBA. Individuals can attend a class given by LGC which is usually only a weekend long.

J. Matthews and D. Poliquin further discussed members and positions on the ZBA.

R. Gray appealed to his colleagues to sign Larry's Warrant to assign him to the ZBA. He discussed Larry's knowledge, his years of service, the length of time he has known him, and apologized for the issues given here tonight regarding the ZBA relying too heavily on staff. He personally felt he should apologize to this individual and noted the BOS appoint individuals and if the Chairman is relying on the Administrator and does not have the proper staff, then they as a Board should get him the proper staff to make proper decisions other than themselves. He noted he was going to make sure that going into the Budget season that there is communication regarding the need for proper individuals on the ZBA. He apologized again for how this whole thing unfolded, that it seemed unfair and he would not have wanted to see this happen in the way it did. He believes they have an obligation to reappoint Larry back to the ZBA.

D. Poliquin again discussed the Warrants and the possibility of them being signed.

S. Fitzgerald noted the Town always supported the ZBA. He discussed compromise, due process, members feeling comfortable and putting this issue behind them.

Rod Cole newest member of the ZBA approached the Board of Selectmen.

R. Cole noted he has been a member of the ZBA for four years and is concerned regarding not having a full board and no alternatives. His opinion is the ZBA has been "trashed" and they only have three sitting members and one alternate member and this was a bad place to leave the Town in.

M. Curran discussed issue she took with the letter sent by the ZBA and Planning Board members and their possibly being biased by signing the letter.

L. Ordway noted the ZBA was an impartial board and the intention of the letter was to bring to light issues needing attention.

J. Matthews noted they were willing to go into Non-Public to discuss this matter and she was willing to stay to discuss.

D. Poliquin noted the members needing a signed Warrant would hear from Sean within the week. He discussed the capacity of Julie's concern, going into Non-Public, and allowing the individuals to be present if they were going to discuss certain individuals.

BOS members discussed going into Non-Public regarding Matters of Reputation.

#### **Cable TV Committee Appointments (2) Mickie Conte & Norm Bouchard**

S. Fitzgerald noted Norm was here, however Mickie was unable to attend. Mickie was seeking only a six month extension on her Warrant and both the Warrants were in the Signature Folder for the BOS to sign.

N. Bouchard noted Mickie was on a trip and could not attend. He discussed working on the By-Laws, and the direction and charter of the new Cable Committee.

M. Curran discussed how at a previous meeting, the BOS had discussed in Non-Public the changing of how Warrants were done. Based upon this discussion, she explained that now new committee members needing to be appointed are required to attend BOS meetings.

BOS members discussed the current cable committee, items in need of repair, improving the studio, Channel 17 and future requirements for local origination.

***Motion by R. Gray to recommend Norman Bouchard for a 3-year term to the Cable Committee and Mickie Conte for a 6- month term per her request.***

***2nd by C. Blinn***

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

***Motion carries.***

#### **NHDOT/125 Widening Project Service Road Review Comments**

L. Komornick displayed a map for residents to see and distributed handouts to the BOS.

S. Fitzgerald discussed conversation with Larry Gil regarding his concerns pertaining to the access road, and how it may impair wetlands around Kelley Brook.

L. Komornick noted she, Tim Moore, Larry Gil and Mike Dorman met back in April to go over the proposed service road that is to be constructed in 2012 which is part of the Route 125 Widening Project. The service road was originally going to connect to Old Road and back onto Route 125, however during the process and based upon discussions with property owners, it was decided to back it off. She discussed the once proposed commercial strip mall by Telly Danos

and the property owner not wanting to work with the State. Likewise, the owner of Auto Exchange did also not want to see his property split in half due to the proposed service road connecting back onto Route 125.

L. Komornick further explained that the intent of the service road is to allow people access to the businesses in the area safely. The proposed service road does not show any driveways connecting properties, it will merely take people down to a new Town road that would need to be maintained and accepted by the Town. Then the Town would have to work with property owners on the curb cuts. She thinks this is a good because you would not have to go back out onto Route 125 to get to the businesses. She discussed the sheet she handed out to the BOS and noted the comments were recorded on May 5th at the Planning Board meeting and she was looking to the BOS for their opinion and comments.

D. Poliquin discussed current curb cuts remaining on Route 125.

M. Curran discussed the original connection proposed to Old Road, her concerns with plowing issues, businesses not necessarily being in favor of having some of their land being taken, providing additional access, diverting traffic, and the impacts to wetlands.

S. Fitzgerald discussed this being a utility for NHDOT and drainage, drafting a combined letter from both the Planning Board and the BOS outlining these concerns, and requesting a joint meeting to discuss these concerns.

T. Moore discussed service road, the connections to businesses, and outlined the map and impacts it would have to residents and businesses.

S. Fitzgerald discussed drafting a letter which would be from both the Planning Board and the BOS.

R. Gray discussed having whatever is drafted by the BOS, having it go back to the Planning Board for review.

T. Moore discussed having NHDOT come here to present their concerns and discuss this matter.

D. Poliquin noted he was in favor of inviting NHDOT to a near future meeting.

Consensus of the BOS was for Sean to work with Tim Moore regarding this matter.

S. Fitzgerald discussed meeting with Commissioner Bald from NH Department of Resources and Economic Development on Friday regarding bringing economic development to Plaistow. Both Leigh Komornick and Tim Moore spent many hours putting together the presentation which he thought did a great job of highlighting key projects in Plaistow.

T. Moore discussed economic revitalization zones which were approved by DRED and that would hopefully bring more businesses to Route 125, the rail station being in Plaistow, how a possible shuttle could bring people to businesses, transit oriented businesses and development that feed off transit hubs, Friday's meeting with Commissioner Bald and the associated bus trip

which viewed various sites and undeveloped properties on Route 125 and the physical geography, and the presentation made.

L. Komornick discussed Census form and noted she hoped that all had filled out their Census forms because she was reading an article that noted the population in Plaistow had gone down.

S. Fitzgerald discussed Leigh's work on Clock Tower grant, and noted he cannot officially say we have received a grant for the Clock Tower, but he noted the Town has been recommended for the \$10,000 grant award. He thanked Leigh for all her hard work on the Clock Tower Grant.

D. Poliquin thanked Tim Moore for his work.

R. Gray discussed Master Plan meeting and noted it had been moved from the first Wednesday in June to the third Wednesday in June.

### **TOWN MANAGER REPORT:**

S. Fitzgerald discussed:

- MBTA Plaistow Project meeting on April 26th with Jody Ray, Tim Moore, Leigh Komornick and members of the MBTA operational staff.
- Notice to Proceed was issued for the Town Hall Generator.
- April 27th meeting with Terry Trudel from SEC, Mike Dorman, Dan Garlington and Carli Malette regarding drainage solutions for Old County Road recreation fields.
- Meeting with the Recreation Commission on May 6th regarding the installation of the Playscape.
- Illicit discharge testing results came back from the tests done in the Meadowview area and the results came back normal.
- Gearing up for Collective Bargaining and suggested for the BOS to meet later on this week to discuss the current contract.
- Recommending JRM Solid Waste Services for the new solid waste contract for the Town of Plaistow. Both Waste Management and JRM were brought back in regarding their proposal's, however JRM came in as the lowest bidder.

D. Poliquin discussed JRM's education program towards recycling.

S. Fitzgerald also discussed:

- May 5th meeting with Jennifer Kimbal and Laurel Bistany regarding Rockingham Economic Development Corporation (REDC) grant applications for the Town in 2010 for technical assistance for Plaistow's rail project and water/waste water projects.
- Weekly meetings with Roy Jeffrey and Tom Cullen regarding Memorial Day.
- Saturday, May 22 from 2-4 pm there will be a grand opening for the Town Forrest. The parking area has been re-graded and cleaned up. A fence has been added. Jill Senter is planning a ribbon cutting ceremony at the entrance to the trail and the scouts will be giving tours of the Town Forest.
- Plans are underway for Old Home Day. He will be working closely over the next couple of weeks to finalize the program. The Old Home Day Committee has been working hard to come up with fundraising for fireworks and he would like to draft a letter regarding soliciting funds for the Old Home Day Fireworks from local businesses.

D. Poliquin noted he was not personally opposed to Sean assisting, however he does not know if a letter signed by the Board of Selectmen is a good idea. He thinks the letter should come directly from the Old Home Day Committee. He noted Sean could assist them with the letter and their contacts.

C. Blinn agreed.

R. Gray noted he was fine with it.

S. Fitzgerald discussed community events and programs.

D. Poliquin noted Old Home Day is currently scheduled for Saturday, June 26<sup>th</sup>.

S. Fitzgerald also discussed:

- Meeting with Martha Sumner, Vice Chair and Kristine Lewis Savage, Chair of the Budget Committee regarding the upcoming 2011 Budget season.
- Traffic accident involving a Plaistow Police Officer, Eric Pappalardo. He was injured in a crash on Saturday morning, May 15<sup>th</sup>, and he is doing okay.
- Possible construction of a new Plaistow Court House in Plaistow.
- Relocation of the Town Kennel. Town was recently notified by the State that the current Kennel does not meet current compliance.
- The status of the selection process of replacing a member of the Plaistow Fire Department.
- The Town's official 2009 MS4 annual report has been filed.
- Proposed stenciling all of the catch basins in Town.
- Meeting on May 6<sup>th</sup> with Mike Skinner, Project Manager of the Beede Group. They will be digging test pits to identify how water percolates through the test pits.
- Public Safety Committee Meeting this coming Friday.

#### **OTHER BUSINESS:**

T. Moore discussed the grand opening of the Town Forest this Saturday from 2-4 pm. The Boy Scouts have been a huge help in getting the Town Forest open, and they will be conducting tours. There will be insect repellent and water handed out to participants. The Fish and Game will also be hosting a spaghetti supper after the opening.

#### **SIGNATURE FOLDER:**

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

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

R. Gray did attend opening day of the recreation fields and he commended the Highway Department for the work on the fields -- they looked wonderful. He also attended the trip with Commissioner Bald and the bus trip around Town went very well.

M. Curran discussed:

- Town Wide Yard Sale at the end of April. There were about 44 registered people in Town who participated in this fundraising activity through the Friends of Recreation who

provided advertisement and signage which was cost effective to the residents. They raised approximately \$450.

- Several Family Mediation meetings which she attended over the past weeks. On May 19<sup>th</sup> from 6-9 p.m. at the Sad Café there will be a “Volunteer Appreciation Night.”
- Cable Committee meeting - the studio is coming along, the date and the time of the Selectmen’s meeting is now displayed on the meetings that are shown on Channel 17, there are new ideas and new hardware for the studio and a ribbon cutting and dedication is in the works.
- Conservation Commission meeting.
- Bus on Friday with Commissioner Bald that she missed. She was taken out of Town that day and was not able to get back in time.
- Past week we lost resident of the town of Plaistow, Charlie Crockett, and she extended condolences to the family. She noted that Charlie was quite the ladies man and would often show up with roses. In honor of this, she showed up at the wake with a rose for him and how there were other women who had done the same. Before passing away, Charlie made arrangements to have roses passed out to all women at his funeral.
- She sent condolences to Mike Dorman who has recently lost a family member.

D Poliquin extended his thoughts and well wishes to Mike Dorman as well regarding the loss of a family member.

C. Blinn discussed:

- Cable Committee meeting which was cancelled again.
- Conservation Commission meeting that was based on the Town Forest and related that Jill Senter would appreciate it if a Selectmen would speak at the opening.
- He extended condolences to Charlie Crockett’s family.

D. Poliquin discussed:

- His attendance at the Recreation Commission meetings and their reorganization of officers. Leona Stevens is Chair, Bill Coye is Vice Chair and the Secretary is being rotated amongst members starting with Sue Sherman.
- Playscape area meeting and drainage.
- Summer recreation positions regarding hiring and the decisions have been made.
- First aid kits for PARC location and Ingalls Terrace. Chief McArdle is going to check into this and put something together for their use.
- Solid waste disposal meeting which he attended.
- Friday’s meeting with Commissioner Bald which he attended.
- Scatter ball started last Thursday.
- Comprehensive Economic Development Strategy (CEDS) meeting coming up in June.
- Upcoming Recreation meeting on June 9<sup>th</sup>.
- He extended well wishes to John Sherman for a speedy recovery.

R. Gray noted in the FYI Folder there were a few thank you notes to Sean for showing them around Town Hall and the Public Safety Complex and he read the letters.



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

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

*2nd by M. Curran.*

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

Public Meeting adjourned at 9:26 pm.

Respectfully Submitted,  
Audrey DeProspero