

Town of Plaistow ◆ Board of Selectmen

145 Main Street, Plaistow, NH 03865

PLAISTOW BOARD OF SELECTMEN MINUTES:

DATE: Monday, June 18, 2012

MEETING CALLED TO ORDER BY VICE CHAIRMAN JOHN SHERMAN AT 6:34 P.M.

ROLL CALL:

SELECTMEN:

Vice Chairman, John Sherman
Selectman, Robert Gray
Selectman, Daniel Poliquin
Selectman, Charles Blinn (Arrived 7:35 p.m.)

Excused: Chairman, Michelle Curran

Town Manager, Sean Fitzgerald

Others Present:

Stephen Savage, Police Chief John McArdle, Fire Chief Leigh Komornick, Town Planner Timothy Moore, Planning Board Chairman

NEXT ITEM - PLEDGE OF ALLEGIANCE:

Vice Chairman Sherman led everybody in the pledge of allegiance.

NEXT ITEM – MINUTES OF JUNE 4, 2012:

Vice Chairman Sherman noted the vote on the minutes would be delayed until later in the meeting.

NEXT ITEM - PUBLIC COMMENT:

Plaistow Summer Recreation – Introduction of Staff.

Town Manager Fitzgerald introduced Colette Belanger, Director of the Summer Recreation Program for Plaistow. This is her first year as the Summer Recreation Program Director. She expressed her appreciation for being able to serve in this capacity and notes that there are many exciting things planned for this summer including many field trips. At this time, the Summer Recreation staff introduced themselves.

Following all introductions, Selectman Poliquin thanked everybody for being a part of the Summer Recreation Program.

Selectman Gray stated that he was happy they were here and that at some time during the summer he would like to come out to visit them.

Town Manager Fitzgerald noted that he too would be down this summer to visit and appreciated the Director and Staff's enthusiasm.

NEXT PUBLIC COMMENT ITEM:

Roy Jeffrey.

Mr. Jeffrey noted that the table out beside the Town Hall would be engraved the next morning at 8 a.m. and that he would be there to supervise. Mr. Jeffrey also noted that the bronze plaques representing each branch of the military would be mounted on the monument with a small hole and epoxy. He asked Selectman Poliquin if this would be alright given his prior objection to any holes being drilled in the monument. Selectmen Poliquin noted that this would be fine as long as no water can get into the holes. This was his concern – that if not properly sealed, water could get in and crack the monument. It was noted that the company mounting the plaques are very reputable. All Selectmen noted that they are fine with this.

Mr. Jeffrey stated that Bill Lohnes is in charge of Old Home Day Parade and who could march.

NEXT PUBLIC COMMENT ITEM:

Tara Saxton and Jeff Fontine of 182 Plaistow Road (Howard Manor).

Tara Saxton introduced herself as the President of the Howard Manor Condominium Association and that with her was Jeff Fontine. They are present this evening to express their support for the expansion of Pennichuck Water Works water to the various Beede properties. She noted that they pay a lot for water testing every month so they would just assume have the water service from Pennichuck Water Works. She noted that recently, they had a problem with their well due to the rumbling of equipment associated with the reconstruction of the Walton Road/Route 125 intersection.

Vice Chairman Selectman expressed his sympathies to them and their ongoing suffering due to the Beede Superfund Site. He noted that there was no formal decision at the last Selectmen's meeting due to the Selectmen's concern about the customers having to pay.

Ms. Saxton noted the they were not concerned about cost, that they would rather have the water from Pennichuck than to worry about having to replace the well down the road as well as the ongoing monitoring and required filtration.

Town Manager Fitzgerald noted that the Pennichuck Water Works application is for 22 units. He noted that his recent discussions with Richard Pease of NHDES have revealed that they are dealing with emergent contaminants that weren't originally there and how this is affected by the Record of Decision (ROD).

Vice Chairman Sherman reminded the other Board members that they will be addressing this issue formally later in the meeting so they would not be taking a vote now.

Town Manager Fitzgerald invited Ms. Saxton and Mr. Fontine to come to see him anytime and to possibly attend future Selectmen's meetings.

NEXT PUBLIC COMMENT ITEM:

John Gifford, New Owner of 148 Main Street.

Town Manager Fitzgerald noted that he had asked Mr. Gifford to come in and introduce himself to the Board of Selectmen and speak to them regarding his plans now that he has purchased the old Smith Farm.

Mr. Gifford noted that he is already working with the Historical Society and the Southeast Land Trust and Town of Plaistow Conservation Commission. He stated that he would be renovating the house and property in anticipation of living in the house with his wife who currently live on May Ray Avenue.

The fountain in the small pond beside the house will soon be working and when Vice Chairman Sherman inquired about skating, Mr. Gifford smiled. Mr. Gifford also reported that he has planted 400 pumpkins and will have a half a field of corn. He has been in touch with the Pollard School regarding the pumpkins in the fall and other educational programs he hopes to coordinate.

Vice Chairman Sherman inquired about the barn and Mr. Gifford noted that he is going to be renovating it as years ago it was redone to be the home of the Wood Press. He is going to change the infrastructure and therefore the Wood Press equipment will be pulled out this winter. He is also going to paint the barn a classic red rust.

Overall, Mr. Gifford thinks that the project will likely take 1.5 to 2 years to complete all that he has planned.

Vice Chairman Sherman inquired about the use of the easement area for trails. Mr. Gifford noted that he will be setting up fences so that there is a clearly delineated "right of way" for walking. Mr. Gifford also noted that he has spoken with the Boy Scouts and is coordinating the use of the back area where the peninsula is for their activities.

Vice Chairman Sherman thanked Mr. Gifford for coming in and updating the Board of Selectmen on his most recent purchase of 148 Main Street.

NEXT ITEM - CONSERVATION ARM GRANT - JILL SENTER AND PHIL AUGER:

Jill Senter, Chairman of the Plaistow Conservation Commission, and Phil Auger, Land Manager/Land Agent for the Southeast Land Trust, are present to discuss the status of the work they have been doing on applying for a New Hampshire Department of Environmental Services (NHDES) Aquatic Resource Mitigation (ARM) grant. The amount that Plaistow Conservation Commission is applying for is \$100,000 and the first stage of the grant has already been completed and it has passed through without rejection, now they are working on stage two of the application. Stage two involves the completion of an environmental study (detailed wetlands study) of the area. For this, West Environmental is being hired and that is why the Conservation Commission is requesting \$6,000.

If the Town does not received the ARM grant, the Conservation Commission will likely choose to expend additional Conservation Funds in order to obtain detailed information about the Town Forest in order to establish the proper parcel boundaries, obtain clear title on all parcels, and place a

conservation easement on all of the parcels totaling over 300 acres known as the Town Forest so that it will be safe from future development.

Also, if the Town does not receive the ARM grant, they will be unable to acquire additional properties that they would like to add to the Town Forest, and would likely be unable to swap properties with other towns to add to the Town Forest.

Overall, Phil Auger noted that he is very confident that this application stands a good chance of being funded as it is a good project and they are not requesting a large sum of money. HDES) grant known as Aquatic Resource Mitigation (ARM). If funded, this grant will afford the Town with the opportunity to put a conservation easement on 300 acres of Town Forest so it will be safe from future development.

Two stage application got through 1st, not rejected, now for stage 2 and Right now, Ms. Senter explained that the Town Forest is not protected by law, and could be sold or developed without any legal consequences. The easement would ensure the land cannot have any residential, commercial or industrial development in the future.

Ms. Senter noted that there are some additional parcels the Conservation Commission may want to acquire to get a more complete area. Work associated with the grant includes hiring surveyors and title researchers and the payment of a one-time fee to Southeast Land Trust. In order to apply for the state grant, the Conservation Commission must also pay West Environmental to do an environmental study of the area. There will be a thorough wetlands evaluation and any identified restoration.

Vice Chairman Sherman asked why there would be a need for restoration. Phil Auger noted it was because of some ATV useage and damage they have caused.

Vice Chairman Sherman asked if the Town has already properly identified all of the Town owned property that is associated with the Town Forest? Ms. Senter noted that there are 23 or more parcels that have been assembled by the Town which were taken by tax default. One of the processes associated with applying for this grant is to review all of them and ensure there is clear ownership and where the exact boundaries are located.

Town Manager Fitzgerald noted that the money from the Conservation Fund would be used to offset the work associated with the grant. Phil Auger noted that they had applied for the grant with preliminary information and have the remainder of the documentation required for submittal in September with the exception of the completion of the environmental study.

"Selectmen voted (on Monday) to spend up to \$6,000 for the evaluation," Senter said. "The company goes out, and prepares maps and photos of the habitat and wetland boundaries. All that information is a major asset to the Conservation Commission."

Senter said the town will have to partially match the grant, paying \$30,000 toward the project.

There is no guarantee the town will win the money. The grant process is a very competitive one, according to Lori Sommer, DES wetland mitigation coordinator.

"Unfortunately, there's not a lot of other funding sources out there and we got a slew of proposals," Sommer said. "There's approximately \$2.1 million available, but we had 21 applications. The total of all the requests came to over \$10 million. I'm sure it's going to be a tough decision."

Sommer said Plaistow's application does fit the requirements for winning a grant.

"The Plaistow project did meet the program goals," she said. "It's a land conservation project."

If the town doesn't get the grant, the project could be seriously curtailed, Senter said.

"We would still do the easement, but it wouldn't be the in-depth scope," she said. "We may not be able to include as many parcels as we'd like or do as much restoration as we'd like."

The application deadline is August 10th and the grants will be awarded in the fall.

Selectman Blinn arrived at 7:20 p.m. in the middle of this agenda item.

Town Manager Fitzgerald noted that before any additional monies can be expended, the Conservation Commission would come back before the Board of Selectmen to discuss once additional information is available.

Following all discussion, Selectman Gray motioned, Selectman Poliquin seconded, to authorize the expenditure of no more than \$6,000 of Conservation Fund monies to conduct the preliminary work on the ARMS Grants. *Motion Carried 3-0-1. So Voted.*

NEXT ITEM – PLAISTOW FIRST COMMITTEE PRESENTATION ON FINAL RECOMMENDATIONS BY CHAIRMAN ROBERT HARB:

Plaistow First Committee Chairman Robert (Bob) Harb was present to present to the Board of Selectmen the final recommendations as made by the Plaistow First Committee. With him are Tim Moore and Dave Hansbury in the audience and on the Board of Selectmen, Vice Chairman Sherman and Selectman Gray. Bob also thanked staff including the Town Manager, Sean Fitzgerald, Town Planner, Leigh Komornick, Chief Building Official, Mike Dorman, and the Department of Building Safety Office Manager, Dee Voss for all of their invaluable assistance.

Bob presented a power point presentation containing all of the Phase II or Final Plaistow First Committee Recommendations and noted that all would receive paper copies of the powerpoint presentation, the actual report submitted to the Board of Selectmen that contains the recommendations, and the map that displays the Final Recommendations.

The recommendations concerned the review of abutting properties to important Town Owned land or facilities that the Plaistow First Committee felt should be designated as "Properties of Interest."

Following the presentation, Selectman Poliquin expressed his appreciation for the excellent job and that the work exceeded his expectations.

Selectmen Sherman spoke about how the work of the Committee helped bring many important discussions on issues that had stalled over the years to the forefront and addressed issues that many residents have taken for granted.

It was noted that Town Manager Fitzgerald and Bob Harb will meet next week to discuss amending the charter of the Plaistow First Committee so that it will allow them to stay on as an "ad hoc" type Committee that reviews particular Town issues as requested by the Board of Selectmen. Bob Harb noted that all members had agreed to stay on, but only if the meetings were not frequent.

Lastly, the Board of Selectmen noted for the record that the status of the Phase I Plaistow First Committee Recommendations should be on the agenda for the next Selectmen's meeting.

NEXT ITEM – NH HOMELAND SECURITY AND EMERGENCY MANAGEMENT LOCAL OPERATIONS PLAN UPDATE PROJECT (LEOP) BY LT. BILL BALDWIN:

Lt. Bill Baldwin was present to update the Board on the Homeland Security Grant. He noted that the Town was fortunate to receive this grant and it will be used to update the Town's Emergency Operation Plan, a plan that allows for proper and immediate response coordination of all departments and agencies during emergencies such as hurricanes, ice storms, etc...The total amount being awarded is \$2,500 and the Town's "soft match" represents \$2,500.

Lt. Baldwin explained to the Board that they really want to ensure that they take the time to update the plan extensively.

Selectmen Sherman asked what types of issues would be covered in this plan? Lt. Baldwin explained that there will be information that provides the Town with guidance on how to respond to emergencies, including railroad accidents or hazardous materials spills.

Following all discussion, Selectman Gray motioned, Selectman Poliquin seconded to accept the NH Emergency Management Performance Grant (reference number VC#177462B001) to allow the Town to update the Town of Plaistow's Local Emergency Operations Plan and to direct the Town Manager to sign off on the 2012 grant agreement.

Motion Carried 4-0-0. So Voted.

NEXT ITEM – 2012 ANNUAL EMERGENCY MANAGEMENT CONCURRENCE BY LT. BILL BALDWIN:

Lt. Baldwin asked that the Board of Selectmen sign off on the paperwork for the annual (2012) Emergency Management Concurrence that is in their signature folder. No Motion is necessary. Overall, Lt. Baldwin noted that they continued to seek to bring the Town forward.

Town Manager Fitzgerald recognized Lt. Baldwin, Inspector Dorman and Health Officer, Dennise Horrocks for their work on Emergency Management.

NEXT ITEM – NOISE ORDINANCE BY CHIEF SAVAGE AND INSPECTOR DORMAN:

Mike Dorman, Chief Building Official and Building Inspector, was present. It was noted that Chief Savage was unable to attend due to a prior commitment.

It was noted that this item was on the agenda as a follow-up to developing a Noise Ordinance that began a few years ago. A draft had been prepared that was presented to Sumner Kalman for review.

Inspector Dorman informed the Board of Selectmen that he had recently been conducting research on noise ordinances. There are various factors to take into account including what the existing land uses are, what the zoning is, and how compatible these two things are. In a planning text book that

Leigh Komornick has in the office, it documents the specific requirements and needs for developing the most effective noise ordinance which would be based upon establishing maximum decibel levels. In particular it highlights all of the technical equipment that would be needed for the enforcement of maximum decibel levels and the training it would require for the use of the equipment.

Vice Chairman Sherman referenced the Town's already existing "Noxious Use" Ordinance and asked Inspector Dorman if he felt it was adequate. Inspector Dorman replied that it has been utilized very effectively over the years and relies upon working toward cooperation with property owners who are generating noise or other noxious type activities.

There was a brief discussion on reaching out on "Plan Link" to seek input from other communities as well as Inspector Dorman speaking with other Building Inspectors and Code Enforcement Officers to determine how they are handling the issue.

Selectmen Gray stated that he thinks that there are industrial areas around Town that are surrounded by residential homes that are causing the biggest noise problems. He specifically referenced Probark on Kingston Road.

Discussion ensued regarding the feasibility of enacting a maximum noise decibel ordinance and how it would be applied to different situations.

Selectman Poliquin feels that it is opening up a "big can of worms" that can't be enforced. He and Vice Chairman Sherman noted that Sumner Kalman's letter containing the review of the ordinance prepared two years ago and that Sumner feels that it is essentially unenforceable.

The Board did not take any action on this matter.

NEXT ITEM – MINUTES OF JUNE 4, 2012:

Selectman Poliquin motioned, Selectmen Gray seconded, to accept the minutes of the June 4, 2012 Board of Selectmen meeting. Vice Chairman Sherman made a notation that on page 5, approximately three quarters of the way down, he would like to see the portion of a sentence changed to read as follows: "J. Sherman would like to see the two recommendations: blocking off the slip lane northbound on Main Street leading onto Elm Street."

The motion to accept the minutes with the amended sentence was affirmed by Selectman Poliquin and seconded by Selectmen Gray. *So Voted.* 3-0-1 (Selectman Poliquin abstained).

NEXT ITEM – TOWN MANAGER'S REPORT:

Town Manager Fitzgerald reviewed all topics in his written Town Manager's report as submitted to the BOS.

NEXT ITEM – REQUEST BY HIGHWAY SUPERVISOR DAN GARLINGTON FOR SURPLUSING THE FORD F550 DUMP TRUCK:

Town Manager Fitzgerald explained to the Board that the Highway Department's F550 Dump Truck is being requested to be traded in to Howard.

Selectman Gray motioned, Selectman Blinn seconded, to direct the Town Manager to surplus the 2004 Ford F550 with the plow and sand/salt spreader for the Highway Department. *So Voted.* 4-0-0.

NEXT ITEM – PENNICHUCK WATER WORKS PROPOSED FRANCHISE EXPANSION:

Town Manager Fitzgerald reviewed the letter from Michael Skinner of the Beede Group regarding the Town of Plaistow's delay in supporting the Pennichuck Water Works proposed expansion of the water line from Twinridge Condominiums to service the 22 Beede properties whose wells are contaminated.

Selectman Gray asked to have the letter read out loud. Vice Chairman Sherman read the entire letter out loud. The letter basically states that if the Board of Selectmen do not vote or go on record that they support the waterline expansion at this evening's BOS meeting, the Beede Group would be writing letters to the abutters tomorrow telling them they would no longer be pursuing the project.

The letter was discussed at length amongst the Board of Selectmen, many being very disturbed that the Beede Group would give the BOS an "ultimatum" when they had just been informed about the proposal a few weeks earlier. The BOS feels that they have a right to ask questions and to receive a response to their questions and concerns and that this has not been done yet.

Town Manager Fitzgerald noted that he had spoken with Dick Pease of the N.H. Department of Environmental Services (NHDES) earlier in the day and was asked to be sympathetic to the needs of the people who need the clean water source.

The Board members noted that they were very sympathetic but did not feel they could be forced to vote to support the project when they still had questions.

Vice Chairman Sherman asked what action the Board would like to take?

Selectman Gray said that he thinks they should write a letter to the residents. And they should write a letter to the Beede Group asking for the following additional information:

- 1) How will the utilization of the well at Twinridge Condominiums affect the plume? (Ask this of the EPA and NHDES).
- 2) Is it fair to have residents pay more for the alternative water source? (Ask this of the EPA and NHDES).
- 3) What alternative filtration systems exist for the 22 affected residents? (Ask this of the EPA and NHDES).
- 4) What about emerging contaminants?

With these questions to the EPA and NHDES, they will ask for a response by July 2nd so that they may communicate to the Public Utilities Commission (PUC) saying that the Town is still considering the proposal. This letter should be cc'd to the Beede Group.

It was noted that there was actually a meeting tomorrow morning at 10:00 a.m. with an EPA official regarding reuse of the Beede property.

TOWN MANAGER'S REPORT ITEM DISCUSSED - OLD HOME DAY:

Selectman Poliquin inquired about the way some of the information posted online for the upcoming Old Home Day was being presented. Specifically, he is concerned that there is not enough information listed about some of the contests and may be leaving many people with questions. This should all be completely described online as a link. He asked that this be looked into.

Vice Chairman Sherman reviewed the schedule for the Old Home Day.

Town Manager Fitzgerald continued to review his Town Manager's Report. Vice Chairman Sherman did have a question about the upcoming Town Farmer's Markets and whether there could be people who sell baked goods. He will email the Town Manager with the contact information of the specific person asking so he discuss this with the Health Officer Dennise Horrocks.

NEXT ITEM - SIGNATURE FOLDER AND MANIFEST:

Vice Chairman Sherman noted that the Signature Folder was going around.

NEXT ITEM - SELECTMEN'S REPORTS:

Selectman Blinn reported that he had no meetings to report on.

Selectman Poliquin reported that Vice Chairman Sherman had covered his Recreation Commission meeting for him. He noted that the CEDS Steering Committee meeting was being held this Wednesday during the day. There is a Hazardous Materials Mutual Aid meeting this Wednesday night.

Vice-Chairman Sherman noted that he had attended the Recreation Commission meeting. There was some question about whether proper billing of the use of the PARC field was being tracked. He also noted that this year the payment for the Summer Recreation Program was being handled differently as they now want people to go to the Tax Collector and are not being allowed to pay with cash. While there is discussion about going with an online payment system, for now payment must be with either a check or money order. Vice Chairman Sherman is concerned that this will be logistically difficult for people to have to pay at the Town hall, not at PARC.

Next, Vice Chairman Sherman noted that the first Town Report Committee meeting had again been postponed. Regarding the Plaistow First Committee, he noted that they had completed the work associated with their Charter and that Chairman Bob Harb would be presenting the Phase 2 (Final) Recommendations at the next Selectman's meeting.

Regarding the Budget Committee, Vice-Chairman Sherman reported that there was nothing scheduled. A CIP Committee meeting is scheduled for June 27th at 5:30 p.m.

Selectman Gray reported that Old Home Day was on track. Regarding the Planning Board, at the last Planning Board meeting they held a conceptual discussion on a proposed Panera Bread at the Stateline Plaza. There are some concerns regarding how another building on this site will impact traffic flow. At this Wednesday's Planning Board meeting, there will be public hearings on three site plans – Pentucket Companies, Walgreens and a proposed retaining wall at George Pynn's storage unit site on Route 108. Overall, he noted that there is a lot going on.

NEXT ITEM - NON PUBLIC SESSION RSA 91-A:3 II:

There was No Non Public Session was held by the Board of Selectmen.

NEXT ITEM – ADJOURNMENT:

Vice Chairman Sherman adjourned the meeting at 9:37 p.m.

Respectfully Submitted,

Leigh G. Komornick, for Audrey DeProspero