



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

**SELECTMEN MEETING MINUTES**

**DATE:** March 26, 2007

**PRESENT:** Michelle Curran, Chairman; Lawrence Gil, Vice Chair; Daniel Poliquin; John Sherman; Jason Hoch, Town Manager

**EXCUSED:** Charles L. Blinn, Jr.

**CALL TO ORDER:** 6:30pm

**MINUTES:**

♦*Motion by J. Sherman and second by L. Gil to approve the minutes of March 19, 2007 as amended.*

Pg. 4: Highway Garage – J. Sherman was frustrated that the Warrant Article for \$50,000 for the Highway Garage Study was voted down.

Pg. 7: L. Gil did not find 7 Massosoit Blvd. He believes that it lies between 3 and 9.

Pg.3: D. Poliquin states that the valve let go due to freezing and that valve holds back the head pressure.

*VOTE: 4-0 U/A*

**PUBLIC COMMENT:**

Rosemarie Chooljian from Whitton Place states she would like someone from the Town to look at her road. She states that there are 4 deep holes in the road. She states that they have cold patched some areas but this road is a mess from the bottom down. The worst of it is in front of her house.

J. Hoch states that he spoke to the Highway Supervisor and this road is one that is being repaved and road work done.

R. Chooljian states that for \$20,000 the Town Report should be mailed. She likes to be able to look at the report and use the cheat sheet in the report to go to the polls.

J. Sherman states that the report is over one pound and cannot be mailed at the lower bulk rate. The Committee chose to keep the information in the report rather than delete pages to make the book a size that could be mailed.

R. Chooljian states that she thinks it is a shame that we spend this much money and people do not get the report.

M. Curran states that she was new to the Town Report Committee and there were several discussions on getting the warrant to people.

J. Sherman states that the report is more than just for the town meeting, there is a lot of information in the report and we did not want to cut down on the size of the report in order to get it under one pound. He states that in the past the Boy scouts delivered the reports but they can not put the reports into the mailboxes. At a Selectmen meeting he asked for a volunteer group to assist in getting the report out. He agrees that this report needs to get to the people.

#### **PUBLIC HEARING:**

The Selectmen hold a Public Hearing to amend all presently issued and outstanding pole licenses issued by or under the authority of the Board of Selectmen to incorporate the requirements of RSA 12:23, 1 (b).

M. Curran opens to the public hearing at 6:40pm.

J. Hoch states that the Selectmen have the authority to issue pole licenses. Over the past few years there have been court hearings in Rochester regarding this issue. The court has issued a methodology. In order to take advantage of this we need to have the standard language on the licenses. We can then hand this off to the assessors to determine what appropriate taxes are.

J. Sherman asks what the wording in the RSA specifically states.

Attorney Sumner Kalman states that the wording is what was listed in the public hearing notice. It is the same language that is in the leases for the water tower/cell tower users. The State Supreme Court case rulings have come down and they deal with the municipality's ability to tax the easements. There was an equal protection challenge between Rochester and Verizon. Verizon asked why they are being taxed if there are other users on the poles. We have to tax the allocation between all users. This is why we have Verizon and Unitil listed as users. Rochester was using the

width of the easements and multiplying by miles of polls. He thinks that our Assessor would use the methodology handed down from the court. We need to amend our license to allow for the tax.

J. Sherman believes that the average taxpayer would say the methodology recommended by the court is not fair compared to what a tax payer is paying.

J. Hoch states that his estimate is a couple thousand dollars. Rochester is not expecting to get rich and they have more lines than we do.

L. Gil asks what the methodology is.

J. Hoch explains the process and simplifies it by stating that they can charge for the tube length around the wire and the pole.

S. Kalman states that in Rochester their Assessor was estimating 6 million dollars. Kingston's Assessor found that the tax itself came to \$50,000. Kingston used a formula, developed by a person in Massachusetts, where you fill in blanks and in the end you get a number. He states that he is not sure that Judge Moral's methodology will hold up.

J. Sherman asks if the Town Manager has discussed this with Wil Corcoran and determined what Plaistow's methodology will be.

J. Hoch states that he has done this and Wil Corcoran stated he would use Judge Moral's approach which is the safest method right now.

J. Sherman asks if someone from Department of Revenue Administration has stepped forward with a method. He asks if we should discuss this with legislators next week.

J. Hoch states that DRA has not stepped forward and he does not believe that it should go to legislation.

L. Gil asks if Unitil feels the space they use is a right of way?

J. Hoch states that this is a taxable easement. They have a license for placing the pole in the public right of way. Part of the dilemma is comparing this to other easements, because there is not a specifically clear land right.

M. Curran states that there are a few poles that are in easements and most are in right of ways. She asks if we will be hurting ourselves in the future if we use the judges methodology and not another.

J. Hoch states it is a starting point. You could choose another methodology but it may be too aggressive. We need to see what kind of numbers we are looking at. He would be hard pressed to recommend that we be the test case.

J. Sherman states he is in favor of this change and believes it is taking us in the right direction. If you told the typical taxpayer the revenue generated from these taxes they would not consider it "fair and accurate" which is the statement that we have been pushing with the assessments each year. He believes we need more discussion on the impact, this will have. He is surprised that DRA has not come out with a method.

J. Hoch states that he can speak with Wil Corcoran and come back with a better idea of the numbers.

J. Sherman asks that this be a future agenda item.

Ray Latorno Director of Operations of Unitil states that Unitil pays over \$100,000 in taxes to the Town. This new tax will be added on top of this. He states that Verizon does not pay any taxes at this time.

J. Sherman asks what they pay this on.

R. Latorno states that they are assessed on the poles, wires and any equipment in town. Unitil sends an updated list each year on this equipment to the towns. The Town of Plaistow is also a tenant on the poles. His understanding is that the assessment would be taxed equally on the poles. He does not know how you would go about this when a town is also a tenant. The poles are owned 50/50 by Unitil and Verizon. Verizon agrees to maintain a certain portion of the poles and Unitil does the same. In Plaistow Verizon is the maintenance carrier.

J. Sherman states that it sounds like you would be in favor of our change in licensing.

R. Latorno states that he is not. He states that the taxes are covered in the base rate of the customers. This would be an expense that would effect the rate changes.

D. Poliquin asks what the speculation would be on how much the rate would be affected.

R. Latorno states that it is up to the Supreme Court, but if you look at the estimate of \$50,000 from a town the size of Kingston, than it is a significant amount.

D. Poliquin does not see that this is going to lower the tax rate, but it is going to raise the rates.

M. Curran states that if other Towns around Plaistow do tax the poles then we will not be cleared of this rate change.

J. Sherman asks what the underground fees would be.

S. Kalman states that the location of the wires is not an issue. A license is a license.

J. Sherman asks if Unitil has a plan to go underground.

R. Latorno states they do not. In some developments the developer pays for the wires to go underground because it is aesthetically pleasing. Some municipalities have mandates on new construction.

J. Sherman states that people like the wires being under ground and they pay more for the houses.

R. Latorno states that this is correct.

J. Sherman states the poles above the ground must then decrease the property value.

M. Curran closes the Public Hearing at 7:09pm.

L. Gil would like to have Wil Corcoran's opinion on this before making a decision.

S. Kalman states that the Board is charged with the responsibility of taxing taxable property. The Board could choose to abate this, but it needs to be on the rolls. You are effectuating the legal ability to tax. This is not an option to not tax it. The Selectmen are obliged to assess it and tax it. The Selectmen can choose to abate it, if it was public policy and it was negatively affecting rates. This is not an exempt property.

♦*Motion by J. Sherman and second by L. Gil that the Board amend the standard license agreement per the recommendation of the Town Manager and Highway Supervisor to reflect the language from the memo dated February 9, 2007.*

VOTE: 4-0 U/A

## **TOWN MANAGER'S REPORT:**

### ***Correspondence:***

J. Hoch reports that the Selectmen received copies on the Region 10 newsletter, the report of the March 8, 2007 Governor and Council Meeting, notices from the NHDOT that Route 121 bridge project work will resume on March 21, 2007 and he informs the Board that the contract with Jay-More Enterprises is complete. He states that the Selectmen received a flyer regarding the American Red Cross meeting of Armed Forces Emergency Services. The Board received a copy of a letter of thanks from Richard Hamre to the Fire Department for assistance at an incident in February. The Board received notices of the Merrimack Valley Planning Commission meeting. The Town also received requests of annual payments for Family Mediation, Vic Geary, Rockingham Community Action and the Rockingham Planning Commission. The Selectmen were copied on the Public Official Schedule Bond from LGC-PLT. The bond is effective January 2007 and is the amount required by DRA and DMV.

### ***Assessing:***

J. Hoch states that there is an updated abatement list in Selectmen's folders.

J. Sherman asks if this report seems shorter than usual.

J. Hoch states that there were people whose rates went down.

### ***Personnel:***

J. Hoch states that M. Curran requested each Selectman receive a chart with longevity of employee service. He suggests that a good time to recognize the employees would be around Old Home Day.

M. Curran thinks this is a good idea. She states that some employees are coming up on 20 years of service and she would like the consensus of the Board of Selectmen to recognize employees on Old Home Day for longevity.

D. Poliquin and L. Gil ask at what intervals of service will be recognized.

M. Curran states that she would like to follow the longevity acknowledgement of 5, 10, 15, 20 years.

J. Sherman suggests doing something bigger, like a dinner. Employees receive a monetary incentive already. He suggests that Old Home Day be a starting point.

L. Gil would like to think about this more.

***Highway Garage:***

J. Hoch states that each Selectman has been provided a packet of information regarding the methane situation at the highway garage and 2 items from the Health Officer that discuss the effects of methane. This packet is fairly lengthy and he suggests that the Board review this over the coming week and discuss it at a future meeting.

J. Sherman states that he was the Selectman to make the motion requesting this information. He feels that the documentation presented confirms that there are no health concerns from methane and it is not a health impact. He is satisfied with the research.

L. Gil states that he would like to talk more about it at a future meeting.

***Police:***

J. Hoch states that the Town has received a thank you note from the Warren's regarding reimbursement for towing. The Warren's indicated that if this happened in nearly any other Town there would be no recourse. He states that he has given the Selectmen 3 draft written directives for review and comment. They are investigative petty cash funds, canine operations and intelligence collection/dissemination.

M. Curran asks if these are rewrites or new.

J. Hoch states that K-9 and petty cash are rewrites and the Intelligence Collection/Dissemination is a new policy driven by regional and state collaboration.

M. Curran suggests that the Board read these changes and place it on a future agenda.

J. Hoch states that National Public Safety Telecommunications Week is April 8-14, 2007.

♦*Motion by D. Poliquin and second by J. Sherman to send a proclamation recognizing our dispatchers for National Public Safety Telecommunications Week.*

*VOTE: 4-0 U/A*

***Town Clerk:***

J. Hoch states that Town Clerk Maryellen Pelletier has indicated that the Secretary of State has purchased \$1,134.50 of archival storage materials for the Town Clerk's Office and they have agreed to purchase 3 storage units for the renovated records area. In addition they may have up to \$6,000 for additional record book conservation work, this should cover almost all the books needing conservation.

J. Sherman states that the other option is not to spend the budgeted amount and use the funds to offset the budget.

M. Curran states that this will be a great way to clean this up and get this completed.

***Finance:***

J. Hoch states that we are watching the cash flow. The cash balance at the end of February was approximately \$3.8 million. He and the Treasurer will be reviewing more detailed projections for April and May. He states that the Town may need to borrow again in May. He has instructed staff to be judicious with their spending. We have not replenished our fund balance and we need to take the steps to work with this. He states that the Banknorth balance through 3/21/2007 is \$3,369,741.32.

J. Sherman asks what it would take in the short term and long term not to borrow money.

J. Hoch states that we need 2.2 million dollars. In the short run we would need to stop paying our bills. In the long run not spend the whole budget.

J. Sherman asks if this is mostly a timing issue.

J. Hoch states that this is a timing issue. Large payments go out at certain intervals.

L. Gil asks how we did on the Highway Budget.

J. Hoch states that some of this budget was saved due to the mild winter, but the storms we have had were large.



J. Sherman would like an update on tax collection for this year. He would also like to know how this compares to last year.

J. Hoch states that with the passage of Warrant Article 07-20: Discontinuing Special Detail Trust Fund, the Selectmen need to sign the request for the Trustees to transfer the balance of the fund to the General Fund. He informs the Selectmen that the Annual Audit is scheduled for the second week of May.

**Water:**

J. Hoch states that last week there was some discussion about the pump house at Chart. Chief McArdle has been providing regular updates. Taking one step back from the immediate issues, there are a few questions that we need to answer about the site including whether or not it should come back on-line completely, what level of readiness it should be if it is not online and what maintenance schedule is appropriate. This year's budget anticipated an independent assessment of the fire suppression system. He feels that at this point we need an organized plan going forward. He has received input from Chief McArdle and Dick Latham. However, there are more questions that he has on appropriate fund setup.

J. Sherman states that the water line user fees are a bit confusing. He asks if this will be part of the study and if so it will specify what logic we should use.

J. Hoch states that we need to know what the capital plan is before we get into fees.

J. Sherman states that he was wondering if the person doing this study would be qualified in determining fees.

D. Poliquin asks if we are going to set this up as its own system with its own budget or are we going to continue the way we are going placing the money in the general funds. Plaistow is not a water system that delivers potable water; it is only for fire suppression. He does not know of another similar system in this area of the State. This is a very unique system.

J. Sherman states that this is what he was questioning. Is the person going to have this knowledge and bring to the table recommendations appropriate to this system? He asks about the specifics of the deliverable section and priorities.

J. Hoch states that sequencing may be the word we need to use in the contract, instead of priorities.

***Town Hall Renovations:***

J. Hoch states that he will be compiling a list of Town Hall renovation items that can be discussed at a future meeting. He would like to format this list into a yes, no and maybe list. This way, we can start in a logical way with some items, without holding up the whole process while researching other issues. He states that the Town will be receiving another donation from Donald Sargent.

M. Curran asks if there will be a scheduled time that Donald Sargent would like to come in and speak to the Selectmen.

J. Hoch states that he will discuss this with his brother Barry Sargent; he has been a good intermediary.

***Home Depot lights:***

J. Hoch thanks Home Depot for donating the lights used for voting. A thank you note will be sent.

***Senator Sununu:***

J. Hoch states that Christina Thornton has set up an appointment as part of Senator Sununu's outreach program for April 19, 2007 at 11:00am.

***Code Book:***

J. Hoch informs the Board that updates to the Town Code book are being prepared to send to the company that produces that book.

***Grants:***

J. Hoch asks that the Selectmen sign the renewal of his authority to sign grants. The previous agreement expired after Town Meeting.

***Street Numbering:***

J. Hoch states that the street numbering ordinance states that residences and commercial buildings must display street numbers of sufficient size to be clearly visible from the street by emergency vehicles. Staff researched this and the Fire Chief indicated that it was his department that issued building numbers and it was determined enforcement fell on the Fire Chief, and Building Inspector during the Certificate of Occupancy inspection. In the past the Police Chief and Building Inspector would conduct spring inspections on commercial property. It is his opinion resuming the inspections would be a worthwhile use of time.

D. Poliquin states that there are several homes in Plaistow set back from the street that are not clearly seen.

L. Gil believes this should be a biannual review to reestablish this signage.

J. Hoch states that on the commercial property there are several items to check on. On the residential side this is a significant time issue. He suggests that we continue to work with the Boy Scouts. They have been helping the Town as projects.

J. Sherman would like a friendly reminder about numbering placed on the cable channel. He states that he would like to reinstate the commercial reviews and start with this.

***Appointments and Charters:***

J. Hoch states that staff created a list of appointed official with and without terms. Researching charters will take longer. He suggests developing a clear purpose statement for each group that is created by the Board and not state law.

***Format Changes:***

J. Hoch suggests that one meeting per month be devoted to a work session with a specific department. This would allow all of us to better understand issues and operations within departments while better informing the community about the departments.

M. Curran thinks this is a good idea because when we go with money articles on warrants maybe people don't know the year round ins and outs of the departments and the employees. This is a good way to bridge the gap with the community and use the cable effectively.

J. Sherman thinks this is a good idea and states that the Budget Committee did this back 9 years ago.

L. Gil states that this gives everyone an idea to talk about the future of the Town and Departments. 50 people coming to a deliberative session is not a representation of 5,000 residents. He wants the discussion to happen and people to understand the importance of the issues discussed by the Board.

J. Hoch states that he suggests that Assessing may need to come before the Board in April. He would like to coincide department discussions with events occurring in those departments. He uses the example of the Health Officer coming in during summer months so we can discuss protection against mosquito viruses.

***Health:***

J. Hoch states that he has discussed the SENH All Health Hazard exercise with the Health Officer and she expects that we will have several representatives present. He and the Health Officer will be attending a NH Division of Public Health workshop in mid April regarding food safety.

**COMMITTEE APPOINTMENTS:**

L. Gil states that Alternates to the committees need to attend a meeting and make themselves familiar with the group.

M. Curran expresses interest in being the Representative to the Recreation Commission.

J. Sherman states he would like to be the Representative to the Recreation Commission.

M. Curran asks J. Sherman if this will be a conflict of interest for him.

J. Sherman does not believe it will be.

The Board asked that the Meeting times and contact information be included on their secretary's list.

**Chairman:** *M. Curran*

**Vice Chairman:** *L. Gil*

**Budget Committee Representative:** J. Sherman

**Alternate:** C. Blinn

**Planning Board Representative:** M. Curran

**Alternate:** L. Gil

**Capitol Improvement Program**

**Representative 1:** J. Sherman

**Representative 2:** C. Blinn

**Alternate:** D. Poliquin

**Highway Safety Committee Representative:** M. Curran

**Alternate:** C. Blinn

**Cable TV Advisory Representative:** C. Blinn

**Alternate:** L. Gil

**Family Mediation Representative:** D. Poliquin

**Alternate:** L. Gil

**Recreation Commission Representative:** J. Sherman

**Alternate:** D. Poliquin

**HAZMAT Representative:** D. Poliquin

**Alternate:** L. Gil

**Conservation Commission Representative:** L. Gil

**Alternate:** C. Blinn

**RPC Representative:** Marilyn Senter

**Alternate:** L. Gil

**TAC Representative:** Marilyn Senter

**Alternate:** L. Gil

**Old Home Day Representative:** C. Blinn

**Alternate:** *M. Curran*

**Town Report Committee:**

**Representative 1:** J. Sherman

**Representative 2:** M. Curran

**Route 125 Task Force Committee Representative:** Marilyn Senter

**Alternate:** L. Gil

**Plaistow Source Water Protection Representative:** L. Gil

**Alternate:** C. Blinn

**Beede Reuse Representative:** M. Curran

**Alternate:** L. Gil

**Open Space, Town Land & Building Committee Representative:** M.

Curran

**Alternate:** L. Gil & D. Poliquin

**Public Safety Complex Building Committee Representative:** D. Poliquin

**Alternate:** M. Curran

**NH Café Representative:** J. Sherman

**Highway Garage Committee Representative:** L. Gil

**Alternate:** D. Poliquin

## **APPOINTMENTS:**

The Board directs the Town Manager to write letters to committee chairs regarding recommendations for committee re-appointments.

## **OLD BUSINESS:**

D. Poliquin noticed that the off site temporary signs (example: Open Houses) have been popping up on the weekends. He does not know how to enforce this on the weekends, but would like to bring this up to the

Planning Board. He suggests that the Police Department leave warnings or keep a list for the Code Enforcement Officer.

D. Poliquin states that with warrant article passing and services needed, there will be people responding wanting to bid. He asks if the Selectmen will see all of these bids.

J. Hoch states that some of them the Town Manager would review but if there is something the Selectmen are interested in, let him know and he will include them.

M. Curran states that the Selectmen are interested in the Town Hall Renovations and the Recreation Field projects.

J. Hoch believes that a list of what needs to be done on each project should be prepared and then the Selectmen can highlight their interests.

L. Gil states a few years ago there was a DES action regarding the Senter Property for wetland violations. There is an enormous pile of fill on the property. Some of the reclamation was delayed due to weather. He would like an update on this from DES. He states that the Conservation Commission was not asked for input in this issue at all.

M. Curran states that Brian Levasseur sent her an email and it stated that this year may be his last year as Old Home Day Chairman. He is committed to the Committee and will try to leave a detailed footprint for them.

J. Sherman suggests that this opening go onto the Cable Channel. He suggests people interested contact the Town Manager.

### **SELECTMEN REPORTS:**

J. Sherman states that Budget Committee met and Jan Penta was selected as Chair and Ron Hayes as Vice Chair. There was discussion of Town Meeting votes. They will not be meeting again until the fall. There was general discussion of landfill air cleaning expenses. Some members suggested that the Town could use the \$20,000 in Building Repairs budget to pay for this if needed and other members suggested special Town Meeting.

L. Gil states that he met with Peter Richards of the UNH DOSEF Program. He gave him a tour of Plaistow and P. Richards and B. Carolan met to discuss presentation and will have a dry run. He will tape this and run it. B. Carolan would not be available on April 19<sup>th</sup> and he would like someone

else from Cable Committee to assist. He attended Matt Alquist's Eagle Scout Ceremony and he was quite an impressive young man.

D. Poliquin met with Family Mediation and he included their statistics in the Selectmen's folders as well as a copy of their budget. There is an updated list of program fees. At the meeting someone asked why Salem pays less than some of the other Towns including Plaistow. This is a base fee and then the residents of Salem using the services are charged above and beyond.

M. Curran had a Planning Board meeting and they were scheduled to see two elderly housing properties. Mr. Brown's was continued and due to a member of the Board needing to recuse themselves, there were not enough members of the Board to hear the Hoyt issue. There was preliminary discussion on Starbucks and a pizza shop. They also discussed a ZBA case regarding a commercial site.

**COMMUNICATIONS:**

M. Curran states that Sue and Lou Drew had a death in the family and she would like a condolence card for the Selectmen to sign.

J. Sherman states that there is an Area Selectmen Meeting on April 11, 2007 hosted by Plaistow.

L. Gil asks that a press release be prepared for the presentation on April 19th.

**ADJOURNMENT:**

M. Curran adjourns the meeting at 8:50pm.

Respectfully submitted,  
Nicole Carr  
Recording Secretary