



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

SELECTMEN MEETING MINUTES

DATE: January 28, 2008

CALL TO ORDER: 6:50 pm

PRESENT: Michelle L. Curran, *Chairman*; Lawrence W. Gil, *Vice Chairman*; Daniel J. Poliquin; John A. Sherman; Charles L. Blinn, Jr.

MINUTES:

► Motion by J. Sherman and second by D. Poliquin to approve the minutes of January 21, 2008, as amended.

VOTE: 4-0-1 C. Blinn abstains

PUBLIC COMMENT:

No members of the public wishing to speak.

GARDEN ROAD:

J. Hoch reviews the history of the joint Planning Board and Board of Selectmen meeting.

Selectmen discuss the plans presented with the Traffic Engineer. The Traffic Engineer from GPI is present representing Rite-Aid. He describes the Garden road intersection. He states this plan has been submitted to CLD. CLD agreed that the proposed location is appropriate. He presents plans for the access road. The large radius of trucks entering the site limits shifting the driveway to the south.

J. Sherman states that he has a concern with Westville Road picking up more traffic.

M. Curran states one of the concerns she has is the additional cut-thru traffic from Garden Road to Westville Road.

J. Sherman states that there is guaranteed to be queuing going out to Route 125.

L. Gil states that there is a popular restaurant in the area that frequently has a full parking lot. He believes there will be parking issues and access issues. His perception is that on Saturday and Sunday mornings this will be a very busy area and the pharmacy will pull even more people in.

Selectmen discuss footage from the center line and which plan properly documents this.

Planning Coordinator Leigh Komornick asks what the director of discussion tonight is targeting.

J. Hoch states that the Board of Selectmen has not heard from this group since November. There are a handful of open questions that need to be discussed. It made sense to get more facts on the table and keep things moving.

L. Komornick suggests that we get clarification from CLD before moving forward. She thought this Board was most concerned with discontinuance of Garden Road. She feels the issues are all workable and can be addressed.

J. Hoch states the right for discontinuance is a Town Meeting issue. We have one crack at discussing these issues and that is why it is important to do this tonight.

L. Komornick asks if it does not pass at Town Meeting is that it for the plan.

J. Hoch states that we need to discuss what information. It is a basic conversation on what information do you need to have to be supportive of the discontinuance or is there no information that will make you support discontinuance.

J. Sherman states that he has not heard anything that would make him support the discontinuance. The Town has an asset here and he would like to know what is in this for the Town.

J. Hoch states there is an asset and the question that needs answering is if the change is beneficial and is there compensation. He states that you need to look at converting the asset s to cash.

J. Sherman states he thought this asset entailed that we had ownership of some of the property.

J. Hoch states that we have an exclusive right to pass. As long as we own that, nothing can pass below. This has been a road long enough that there is no deed that we hold in hand to the underlying land.

J. Sherman asks if we look at assessing records or tax deeds there is no property that we own.

J. Hoch states not that he is aware of.

M. Curran states the easement is not just the pavement it is over the grassy area too.

J. Sherman states that current expectation is that if you discontinue the road it goes to the abutters.

Discussion of research on land ownership.

M. Curran states that we are all clear that we own the easement.

J. Hoch states that this research sorts out who owns the land once the easement is gone. The removal of the Town's right as a road is a Town Meeting step that will allow discontinuance.

C. Blinn states that the way this is set up, it is doable. He states that businesses on Route 125 have been sprucing up. This will be an improvement. We are looking for something to offset our loss. This is business. He thinks this is going to be an attractive site that is safer and better for the corner. He does not want to give this away but he thinks we could find a mutual agreement to get behind this project. Every time a car goes down Westville Road it impacts Main Street. This change to the corner is an upgrade.

J. Sherman states that he agrees with C. Blinn but we need to look at compensation. This would need to be agreed on by Saturday.

J. Hoch states that this can be discussed further in nonpublic session.

DELIBERATIVE SESSION:

M. Curran states that she will be unable to attend the Deliberative Session.

Selectmen decide what articles they will speak to during Deliberative Session.

Selectmen discuss having a point person for petitioned warrant articles.

J. Hoch states that the Board came to a decision on whether or not to recommend articles and a Board member should be prepared to address why the Board came to that decision.

M. Curran states that not all members of the Board voted the same or for the same reason.

J. Sherman states that we are not acting as individuals. We took a vote as a Board and we need to state the Board's position on recommending or not recommending. We present the Board's position only. Designating an individual to speak allows them to be prepared to present a point of view.

J. Hoch presents proposed amendments to the wording of the Garden Road Warrant Article.

► Motion by J. Sherman and second by to change Article P-08-17 (intended to mean Garden Road) to change the wording at Deliberative Session and to not recommend the article.

M. Curran states she is concerned that to change the wording and then not recommend it could be confusing to voters.

J. Hoch states that you would present the amendment because you understand the intent of the petitioners but state that the wording is not legal. However, we are not recommending it.

M. Curran states that she does not understand why we are putting the burden on the Board to correct a petitioned warrant article.

L. Gil states that since it is their petition, he believes they should agree to the change.

J. Sherman withdraws his motion. He states that if this article does not get changed it is null and void if it passes.

L. Gil asks if the petitioners are aware the wording is incorrect.

J. Hoch states yes.

L. Gil states in fairness this is their petition and they need to be the ones that want the wording changed. He does not want to change any petition.

J. Sherman states that we run a risk on Saturday. He asks if we really think the warrant article as presented is truly unenforceable.

J. Hock states that the legal position is that it is not enforceable. He states that it will fall through the cracks during the title review. If the preference is that the proponents make the change then he will give the language to them.

M. Curran states that any registered voter can make a change to a petitioned warrant article. She does not want to get into the business of changing petitioned warrant articles. We are giving away our rights in this petitioned article and then we are changing it. If something was going awry at the Deliberative Session and the Town was in a bad place, then she would suggest the Board present the wording.

L. Gil states that we are going to have a nonpublic session regarding this issue and things will be clearer going forward.

J. Hoch states that we can draft an amendment and give it to the project proponents to bring forward during the Deliberative Session and then the Board could make an amendment to recommend or not recommend.

J. Sherman states that in general he is in favor of making this not recommended.

D. Poliquin states he is in favor of making the motion.

M. Curran asks why we are doing the work for the proponents. She does not have a problem with what D. Poliquin and J. Sherman are proposing, but she is wondering about J. Hoch.

J. Hoch states that at the last meeting J. Sherman asked him to write an article that is legally defensible.

M. Curran states that she is not going after J. Hoch she is curious why J. Hoch would give them this wording to present.

J. Hoch states that a resident in Town has asked for assistance and part of his job is to give them the information that is needed. He has the legal language and could share it.

D. Poliquin states that if the petitioners do not do anything he would like to leave it the same. If they do make the proposal to discontinue than we need to step in and not discontinue.

► Motion by J. Sherman and second by D. Poliquin to prepare wording for a potential amendment to article P-08-17 (Garden Road), to be available to the Selectmen at the Deliberative Session.

J. Sherman states his intention is to have this available as a fall back at Deliberative Session.

VOTE: 5-0-0

Selectmen discuss that if this change is made it would include erasing the intent.

PERSONNEL PLAN AMENDMENTS:

J. Hoch states that we discussed premium changes and buyouts last week. We can discuss the premium change tonight. We cannot discuss the buyout due to developments that occurred this week. He reviews the new hire premium change options for the Board.

► Motion by J. Sherman and second to modify the plan for option A (90/10 for single, 85/15 for 2 person and 80/20 for family).

VOTE: 4-1-0 D. Poliquin votes no.

M. Curran states that this does not affect current employees. Anyone hired after January 28, 2008 will receive health benefits at 90/10 for single, 85/15 for 2 person and 80/20 for family.

TOWN MANAGER REPORT:

Correspondence:

J. Hoch states that we have received a report from Executive Councilor Hollingworth, he sent a letter to the Newton Board of Selectmen regarding their inquiry of Attorney Kalman and he has copied the Selectmen on a letter from the Teamsters. He has drafted a reply on the Teamster's request for information.

Personnel:

J. Hoch states that his contract states that his resignation notice is supposed to be given via mail or personally served as in a civil judicial practice.

M. Curran asks that the letter be sent certified to the Town.

Deliberative Session:

J. Hoch states that he will be taping a basic review of warrant articles for cable to be aired prior to Deliberative Session. Following the Deliberative Session he is aiming to do something with greater detail in anticipation of the March vote. The Warrant, default budget and MS7 was posted today. The Deliberative Session is this Saturday, February 2, 2008 at 10:00am at the Town Hal.

J. Sherman states that Deliberative Session will be aired live, but will not be taped.

J. Hoch states that the meeting room will be finished and the room will be mostly refurbished. A moving partition, stage curtain and chandelier will not be in place.

Assessing:

J. Hoch gives the Selectmen a copy of Condo sales to single family home sales from April 1, 2006 – October 30, 2007. This is the date used to calculate our assessment ration.

Solid Waste:

J. Hoch states that the data from Waste Management regarding recycling and solid waste tonnage for the year is in the Selectmen's folder. The total recycling was 368.8 tons, up slightly from 367.95 in 2006. Solid Waste was 3357.24 tons down significantly from 3627.79 in 2006. This brought the recycling rate up to 9.9%.

Cell Tower:

J. Hoch states that he spoke with an agent for AT&T wireless and he was told that there was no interest in changing the cell tower antenna lease at this time.

Telephones:

J. Hoch states that we continued to have telephone issues throughout the week. The Town Clerk was not able to connect to the State for 2 days this week for vehicle registrations. The Town Clerk's office uses a dedicated connection that relies on Verizon. By Thursday the line had been restored, but other Town Hall phone lines continued to be intermittently out of service.

J. Sherman asks if there is a fall back for the Town Clerk.

J. Hoch states no. There is a dedicated connection to the State server and the State does not have another connection into their server.

J. Sherman asks if there is an option to go to another Town.

J. Hoch states that residents could do a portion here and then go to Salem. We would lose the revenue.

Waterline Warrant:

J. Hoch states that the Waterline Tax Warrant is in the signature folder. He states that the amount to be billed is \$102,646.83. Bills will be due within 30 days. Fire Chief McArdle has provided back-up data for calculation which is attached to the Warrant.

Sign:

J. Hoch has given the Selectmen the sign layout for "Plaistow Supports Our Troops" sign on filing cabinet. He is looking for feedback from the Selectmen.

TOWN MANAGER RECRUITMENT:

J. Hoch states that he pulled the file from the last recruitment and found that proposals ranged from \$3,000 up to \$19,000. He also found a list of advertising used previously.

J. Sherman states that he believes we should go through an outside agency. This is an important position to fill and he would like to go with a different agency than last time. He would like to invite companies in and make a presentation. He states that we were able to pay for the recruitment from the Operating Budget. We were able to save some costs in the Town Manager's salary line last time because we were able to use an Interim Town Manager. He does not think that we need to amend the operating budget. We should be able to find the costs in the savings to the Town Manager's salary.

M. Curran states looking at the information it appears there were four agencies. She asks if we should post this on professional websites.

J. Hoch states that he believes if you are going with a recruitment agency you should go through their process. He states that there are places to post this that are free to low costs. Looking at things he believes Benet Yeager is overkill and the costs are prohibitive.

M. Curran states that this leaves Jacques and LGC. She would like to see them at the next meeting.

J. Hoch will schedule these vendors for an upcoming meeting.

M. Curran states that the Selectmen would like to discuss what is going to occur over the next 60 days. They would like to be informed more than usual because they want to be up to date on everything when J. Hoch leaves. They would like all contracts that are being signed brought before the Board before they are signed.

► Motion by J. Sherman and second by L. Gil to direct the Town Manager to bring any contract to the Board before they are signed, effective immediately.

J. Sherman states that contracts tend to be long term and it makes sense that they are aware of them.

M. Curran agrees with J. Sherman and states that we need to be aware of things going forward.

J. Hoch asks if this is full year and multi-year contracts. He understands their intent but he does not want to be blindsided if he makes purchase.

M. Curran states that she would like to be aware of anything that impacts things in the future.

L. Gil states he would like to see large dollar amounts, hiring and firing.

M. Curran states that they want to see anything that J. Hoch is agreeing to for an amount of time.

VOTE: 5-0-0

OTHER BUSINESS:***Message Bord:***

D. Poliquin states that he was approached today that there is a possibility of a message board being donated to the Recreation Department. It would be erected at the Vic Geary Center and would not be lit.

J. Hoch states that the donation has to be clear as to whether it is a donation to the Town or a donation to the Vic Geary Center. He states that as a sign it should go to the various review committees. The Vic Geary is not Town owned land. The Town has the ability to waive the process when it is on Town land. In this case it would need to go through the planning process.

M. Curran states that although we support the Vic Geary Center and we have staff that works there sometimes, it is a separate entity and is not Town owned.

J. Hoch states that it is a great idea but we need to work it through the process.

Water Contracts:

M. Curran asks if J. Hoch has an update on the water contracts.

J. Hoch states that he has placed a call to Attorney Kalman concerning this issue.

Grant:

M. Curran states that she received a letter regarding an opportunity for a Fire/EMS radio. This may be an opportunity for a new grant.

SELECTMEN REPORTS:

J. Sherman states that he did not have any meetings to attend.

C. Blinn states he does not have a report.

L. Gil states he does not have a report.

D. Poliquin states he does not have a report.

M. Curran states she does not have a report.

NONPUBLIC SESSION:

Selectmen enter into nonpublic session pursuant to RSA 91A:3; II (d) sale and purchase of property.

Roll: L. Gil – yes; D. Poliquin – yes; M. Curran - yes; C. Blinn – yes; J. Sherman – yes

ADJOURNMENT:

Meeting adjourned at 8:50 PM

Respectfully Submitted,

Nicole Carr
Assistant to the Town Manager