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**MINUTES OF THE
BOARD OF SELECTMEN**

**MEETING OF
February 4, 2008**

7 The Board of Selectmen held a meeting on Monday February 4, 2008, at Salem Town Hall, 33
8 Geremonty Drive, Salem, NH.

9
10 **PRESENT:** Chairman Everett P. McBride, Secretary Arthur E. Barnes, Selectman Michael J.
11 Lyons, Selectman Patrick Hargreaves, and Town Manager Mr. J. Sistare.

12
13 **ABSENT:** Vice-Chairman, Elizabeth A. Roth

14
15 **CALL TO ORDER**

16 Chairman McBride began by calling the meeting to order at 7:00 p.m., declaring the Public
17 Hearing open and recessing it until later in the meeting. He then joined the Board in the Pledge
18 of Allegiance, and introduced members of the Board and Town staff.

19
20 **1. Meeting Minutes**

21 **MOTION:** by Selectman Barnes

22 *Move to accept the minutes of the Regular meeting on January 14, 2008 as written*

23 **SECOND:** Selectman Hargreaves

24 **VOTE:** 4-0-0

25 The motion carried unanimously.

26
27 **MOTION:** by Selectman Lyons

28 *Move to accept the minutes of the Zoning Board of Adjustment Interview Session on*
29 *January 21, 2008 as written*

30 **SECOND:** Selectman Hargreaves

31 **VOTE:** 3-0-1 (Selectman Barnes abstained as he had been absent)

32 The motion carried.

33
34 **MOTION:** by Selectman Barnes

35 *Move to accept the minutes of the Regular meeting on January 21, 2008 as written*

36 **SECOND:** Selectman Hargreaves

37 **VOTE:** 4-0-0

38 The motion carried unanimously.

39
40 **MOTION:** by Selectman Barnes

41 *Move to accept the minutes of the Public Portion of the Non-Public Session on January*
42 *21, 2008 as written*

43 **SECOND:** Selectman Hargreaves

44 **VOTE:** 4-0-0

45 The motion carried unanimously.

46

1 **MOTION:** by Selectman Barnes
2 *Move to accept the sealed minutes of the Non-Public Session on January 21, 2008 as*
3 *written*

4 **SECOND:** Selectman Hargreaves

5 **VOTE:** 4-0-0

6 The motion carried unanimously.
7

8 **2. Chairman Comments**

9 Chairman McBride stated he would like to move to the Fire Department promotions next.
10 He made the following public service announcements:

- 11 o February 7, 2008 (School District Meeting)
- 12 o February 9, 2008 (first Deliberative session)

14 **3. Promotion Ceremony – Fire Department**

15 Chief Breen introduced himself and informed the Board of Selectmen that the Fire
16 Department had experienced phone outages over the weekend which resulted in their
17 business and emergency lines being out of service. He explained communications had been
18 transferred to the Police Department until service could be restored, and as of today 90% of
19 the lines have been repaired. He further stated the Fire Department would be working to
20 improve upon the resolution time with Verizon, and pointed out there were no delayed
21 services as a result of the phone outages.
22

23 Chief Breen went on to announce the promotion (as of January 13, 2008) of five Fire
24 Department employees, stating that there would be an additional ceremony at a later date for
25 a Dispatcher who had been unable to attend this evening. The five officers named below
26 came to the floor to take the oath of office and their families were invited to come forward
27 for the badge pinning ceremony:

- 28 o Lieutenant McKenna to Station Officer
- 29 o Lieutenant Doucette to Station Officer
- 30 o Lieutenant Briand to Station Officer
- 31 o Firefighter/Paramedic Hall to Fire Lieutenant
- 32 o Lieutenant Bracket to Fire Captain

33 The officers were congratulated by the Board of Selectmen and the Town Manager.
34

35 Chairman McBride declared a five minute recess, calling the meeting to order again at 7:15
36 p.m.
37

38 **4. Public Hearing – Accept Grant from NH Department of Health & Human Services for** 39 **Mosquito Spraying Program**

40 Chairman McBride re-opened the public hearing at 7:15 p.m. Mr. Sistare explained the
41 purpose of the hearing; the formal procedure to accept a grant for mosquito spraying in 2007.
42 There being no input from members of the public, Chairman McBride closed the public
43 hearing at 7:16 p.m.
44
45
46

1 **MOTION:** by Selectman Lyons

2 *Motion in accordance with RSA 31:95(b) to accept a grant in the amount of \$10,132.61*
3 *from the State of NH, Department of Health and Human Services, for reimbursement of*
4 *costs associated with the mosquito spraying program of 2007.*

5 **SECOND:** Selectman Barnes

6 In response to a query from Selectman Hargreaves, Mr. Sistare explained the amount of the
7 check also included a monthly rental payment the State make to the Town.

8 **VOTE:** 4-0-0

9 The motion carried unanimously.

10
11 **5. NH Local Government Center/NH Retirement System Potential Litigation**

12 Mr. Sistare explained the LGC has reviewed proposals by the Legislature to get the New
13 Hampshire retirement system out of insolvency. He explained what the State is proposing, as
14 well as the LGC's recommendation and their goal.

15
16 **Discussion:**

17 In response to a query from Selectman Hargreaves, Mr. Sistare explained the Town would be
18 required to pay \$7,600 if they decided to participate with the LGC's recommendation of
19 litigation, and that this amount is an estimate as the litigation will take approximately three
20 years, and the amount could be more or less. He clarified that the Town is not compelled to
21 participate.

22
23 Selectman Lyons confirmed that if everyone provides their portion the LGC will amass what
24 they need to go ahead with the litigation.

25
26 Selectman Barnes stated he will abstain from voting on this as he is retired and receives
27 funding from the retirement fund. He also stated he did not understand why the fund is in its
28 current condition.

29
30 Chairman McBride stated he will support the litigation as he thinks it will test the legality of
31 RSA 28-A, and also because it will force the State to look in more depth at the retirement
32 fund.

33
34 In response to a query from Chairman McBride, Mr. Sistare clarified that the Town would be
35 required to pay their share of the proposed increases by the State up front and obtain
36 reimbursement later if the lawsuit is won.

37
38 **MOTION:** by Selectman Lyons

39 *Motion to authorize the Town Manager to join a lawsuit with the Local Government*
40 *Center (LGC) to challenge the decision of the New Hampshire Retirement System Board*
41 *of Trustees regarding the potential mandate of additional contributions to the NH*
42 *retirement fund by employers.*

43 Chairman McBride handed the Chair of the meeting temporarily to Selectman Barnes in
44 order that he could second the motion.

45 **SECOND:** Chairman McBride

46 **VOTE:** 2-1-1 (Selectman Hargreaves voted against the motion, and Selectman Barnes

1 abstained)

2 The motion carried.

3
4 Selectman Lyons clarified that the motion was also authorizing the payment of the \$7,600 to
5 the LGC.

6
7 **6. Proposed Police Facility – Introduce Baybutt Construction**

8 Mr. Sistare provided background regarding Baybutt Construction, stating he felt it would be
9 appropriate for the Board of Selectmen to meet their representatives prior to the Town
10 meeting.

11
12 Mr. Fred Baybutt, President introduced himself and Mr. Rob Parsons, Project Executive, and
13 provided some background information on the firm's experience in constructing police
14 stations.

15
16 Selectman Hargreaves asked about a \$50,000 increase the Board had been notified of by the
17 Town Manager, and Mr. Sistare clarified that it related to the Water department. Mr. Sistare
18 pointed out that Baybutt Construction is demonstrating that it is a quality firm from his initial
19 conversations with the representatives. He also state he had visited Keene to view their
20 work.

21
22 In response to a suggestion by Selectman Hargreaves, Mr. Sistare confirmed he would
23 arrange to have the floor plans of the new station on display at the Deliberative session.

24
25 Selectman Barnes stated he has learned what is involved in a design/build project, and tried
26 to ensure the scope of this project was tighter than for the new fire station. He also stated he
27 is confident in the choice of the construction company.

28
29 Mr. Sistare stated that Mr. Baybutt and Mr. Parsons will be available at the Town meeting to
30 answer questions.

31
32 Chairman McBride confirmed what the agenda will be for that meeting. He also clarified
33 that no questions to date have been received from the Budget Committee regarding the new
34 police station proposals.

35
36 Selectman Hargreaves suggested showing a time line of the project in the presentation at the
37 Town meeting.

38
39 Mr. Gary Goodrow of Goodrow and Associates, Chester (the architect hired by the Town to
40 assist in the project) introduced himself and Chairman McBride requested he be available at
41 the Town meeting. In response to a query from Selectman Hargreaves, Mr. Goodrow
42 explained he had been hired to identify the scope of the project as the police station is a
43 specialized project, and to specify all materials and equipment in order to create a base to
44 give to companies prior to them submitting their proposals/bids. He explained this enabled
45 the Committee to adequately compare the proposals. He then explained the process from
46 here on. Selectman Hargreaves obtained clarification that the contingency is also meant to

1 cover construction.
2

3 In response to a query from Selectman Hargreaves, Mr. Sistare explained that the project
4 price might be less than the limit which has been put on the project, and that Baybutt has
5 already identified some savings which can be made.
6

7 **7. Town Manager's Report**

8 **Public service announcement:**

9 **a) Free Tax preparation sponsored by AARP**

10 Mr. Sistare provided the venues, dates and times that volunteers would be available to
11 assist residents with preparation of their tax returns.
12

13 Mr. Sistare stated his staff is working on the voters guide, and he will be meeting with the
14 Moderator and the Town Clerk to go over the format and procedure of the meeting. He also
15 stated they will be reviewing the slides for the Police Department presentation prior to the
16 Town meeting.
17

18 In reference to the phone outages mentioned earlier in the meeting by Chief Breen, Mr.
19 Sistare stated it was between 12 and 15 hours before Verizon responded, and he would be
20 looking at ways to improve on this.
21

22 **8. First Deliberative Session**

23 The Board agreed which members would move and second each of the warrant articles at the
24 first deliberative session.
25

26 **9. Selectmen Reports/Correspondence**

27 Mr. Sistare confirmed he would re-send an e-mail regarding the Bridge on North Main Street
28 to the Board.
29

30 Chairman McBride declared a short recess, to allow Mr. Zuena of SEA Consultants time to get to
31 the meeting, calling the meeting to order again at 8:00 p.m.
32

33 **10. Discussion on Potential Water Sources**

34 Mr. Sistare provided some historical information regarding alternative water sources for the
35 Town. He pointed out it would require an amendment at the Town meeting if the Board
36 decide to pursue investigating potential water sources.
37

38 Mr. Tony Zuena, SEA Consultants introduced himself and provided a presentation on the
39 status of Canobie lake water transfer and NHDES water quality standards issues.
40

41 In response to a query from Chairman McBride, Mr. Zuena stated it took some 15 months to
42 construct the water treatment plant using a traditional design, bid, and build concept.
43

44 In his presentation Mr. Zuena provided a history which included information on the

- 45 ○ Water sources
- 46 ○ Regulatory challenges

- 1 ○ NHDES position regarding the Town's water supply
- 2 ○ Permitting
- 3 ○ Regulatory changes which must be approved
- 4 ○ Next steps and what they mean for the Town

5
6 Mr. Zuena also provided details on Class A and B designations, explaining in response to a
7 query from Selectman Barnes, that there is no special status regarding water quality for a
8 source to be designated Class A, but that it is given a higher degree of protection.

9
10 He explained that the existence of Fanwort in Arlington Pond which means that the water is
11 impaired and talked about the booster pumping station and drum screens which ensure no
12 plants or their seeds get through to Canobie. He explained that the design of the pumping
13 station is currently not fully utilized, but that it could be put into operation.

14
15 Mr. Zuena also spoke of the need for permits to make direct transfer and the alternatives to
16 direct transfer in case of permits not being secured. He explained that the lack of permits is
17 the reason why the Town cannot fully satisfy a 1996 administrative order, and stated that the
18 NHDES is concerned that Salem has not fully implemented a basic water conservation
19 program. He provided more detailed information regarding the State and Federal permitting
20 and the difficulties involved in obtaining these.

21
22 Mr. Zuena then spoke about water quality regulations and the lack of clarity at the State level
23 in the language used, stating that the language needs to be better defined in the regulations,
24 and he provided information on the status of draft regulatory changes.

25
26 He clarified that Salem would need permits at the State level which will enable permits at the
27 Federal level to be obtained, and that it would be approximately two years before the Town
28 would know whether they can obtain the permits. He also stated that the Town needs to
29 continue to

- 30 ○ Advocate for regulatory changes
- 31 ○ Work with NHDES to define anti degradation review procedures
- 32 ○ Evaluate long term alternative strategies for an additional water supply in case the
33 direct transfer permit is denied (for example, a water conservation program; drought
34 management plan; enhanced management of the Spickett River watershed).

35
36 ***Discussion:***

37 Selectman Hargreaves clarified that water being treated comes from Arlington Pond.

38
39 Chairman McBride pointed out the Town has seen a drop in water demand and people are
40 therefore conserving water in Town.

41
42 Selectman Lyons pointed out the Town needs to be prepared in case there are a couple of
43 drought years, and confirmed with Mr. Zuena that pursuing permits is the cheapest
44 alternative.

45
46 In response to a query from Selectman Hargreaves regarding what the alternative would be if

1 the Federal permits cannot be obtained, Mr. Zuena confirmed that would be management of
2 the Spickett River watershed and this would be within the budget.

3
4 Mr. Zuena clarified for Selectman Barnes that a daily yield has been reached, but that the
5 problem relates to water quality, and confirmed that the Town of Salem owns the water rights
6 for Cobbetts Pond in Windham.

7
8 Mr. Rick Russell, Director of DPW introduced himself, responding to Selectman Barnes;
9 query regarding the flume at Canobie Lake. He stated the flume is in good operating
10 condition, but that damage occurs to surrounding properties if it is opened too far.

11
12 Chairman McBride suggested the Town needs to look at rebuilding the bridge at Brookdale
13 Road.

14
15 In response to a query from Selectman Lyons regarding progress updates, Mr. Zuena offered
16 to provide the Board with access to minutes and provide them with a quarterly update report.

17
18 Selectman Hargreaves asked if water rates would have to be raised – no as incorporate –
19 Chairman McBride and Selectman Lyons explained for Selectman Hargreaves that the water
20 rates would not have to be raised as a result of this project, explaining why.

21
22 Mr. Sistare stated he would provide details to the Board of how much is in the Water Fund
23 Surplus prior to the next meeting

24
25 **MOTION:** by Selectman Lyons

26 *Move to have Chairman McBride make a motion at the first deliberative session to*
27 *increase the Town's operating Budget from \$32,249,993 to \$32,299,993, an increase of*
28 *\$50,000, for the purpose of funding additional engineering work to find a satisfactory*
29 *solution for the Town's additional water supply needs.*

30 **SECOND:** Selectman Barnes

31 **VOTE:** 3-0-1 (Selectman Hargreaves abstained until he receives information from the Town
32 Manager)

33
34 The Board of Selectmen requested that Mr. Zuena attend the Town meeting.

35 36 **11. Old Business Tabled/Pending**

37 There was none.

38 39 • **Upcoming Meetings**

40 **Board of Selectmen meetings**

- 41 ○ February 9, 2008 (First Deliberative Session)
- 42 ○ February 11, 2008
- 43 ○ February 25, 2008

44 45 **Budget Committee meetings**

- 46 ○ February 13, 2008 (Preliminary Votes on Warrant Articles)

1 ○ February 14, 2008 (Public Hearing/Final Votes on Warrant Articles)

2

3 • **Upcoming Events**

4 There are none.

5

6 **MOTION:** by Selectman Lyons

7 *To adjourn the meeting*

8 **SECOND:** Selectman Barnes

9 **VOTE:** 4-0-0

10 The motion carried unanimously.

11

12 Without further business, the meeting adjourned at 9:00 p. m.

13

14 Notes/Minutes Taken by: Sandra Maxwell

15

16 Approved: Board of Selectmen

17

18 Date: February 11, 2008 as amended