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**MINUTES OF THE
BOARD OF SELECTMEN**

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**MEETING OF
June 2, 2008**

10 The Board of Selectmen held a meeting on Monday June 2, 2008, at Salem Town Hall, 33
11 Geremonty Drive, Salem, NH.

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PRESENT: Chairman Elizabeth A. Roth, Vice-Chairman Arthur E. Barnes, Secretary Michael J. Lyons, Selectman Everett P. McBride, Selectman Patrick Hargreaves and Town Manager Mr. J. Sistare.

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CALL TO ORDER

20 Chairman Roth began by calling the meeting to order at 7:28 p.m. She then joined the Board in
21 the Pledge of Allegiance, and introduced members of the Board and Town staff.

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23

1. Meeting Minutes

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MOTION: by Selectman Lyons

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27

Move to accept the minutes of the Regular meeting on April 28, 2008 as written

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SECOND: Selectman Barnes

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31

VOTE: 5-0-0

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The motion carried unanimously.

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MOTION: by Selectman Lyons

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Move to accept the minutes of the Interview Session on May 12, 2008 as written

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SECOND: Selectman Barnes

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VOTE: 5-0-0

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The motion carried unanimously.

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MOTION: by Selectman Lyons

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Move to accept the minutes of the Regular meeting on May 19, 2008 as written

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SECOND: Selectman Barnes

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VOTE: 5-0-0

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The motion carried unanimously.

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2. Chairman Comments

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Chairman Roth reported on the kickoff fundraising event for the Depot train station. She acknowledged a donation of \$30,000 from Pentucket Bank, and declared the event a success, thanking contributors and those who had attended.

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3. Public Hearing – Police Department – Accept Grant

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NH Department of Justice – Alcohol Enforcement:

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Chairman Roth opened the public hearing at 7:32 p.m., handing over to Town Manager Sistare who introduced Captain Patten of the Salem Police Department. Captain Patten provided information about the grant, explaining it came from the Attorney General's Office.

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2 **MOTION:** by Selectman McBride

3 *Move in accordance with RSA 31:95(b) that the Salem Board of Selectmen does hereby*
4 *accept a grant from the NH Department of Justice in the amount of \$5,000.00 to be*
5 *utilized by the Police Department for alcohol compliance checks.*

6 **SECOND:** Selectman Barnes

7
8 **Discussion:**

9 In response to Selectman Hargreaves' query as to how much each sting operation costs,
10 Captain Patten reported each one costs between \$1,500 and \$2,000, and they try to do one
11 every other month. He explained the process for obtaining this grant, reporting that Salem
12 obtains between \$8,000 and \$12,000/year. At the request of Chairman Roth, Captain Patten
13 explained how they enforce the alcohol compliance rules and work with the Bureau of Liquor
14 Enforcement, stating the department will be changing their enforcement tactics to ensure that
15 businesses do not forewarn each other that the police are in the area making checks.

16
17 **VOTE:** 5-0-0

18 The motion carried unanimously.

19
20 **4. Police Department – Accept Grants**

21 **a) DWI Patrol Grant**

22 Captain Patten reported that Salem has received a matching grant from the NH Highway
23 Safety Agency and explained how the department enforces the regional DWI policy they
24 participate in.

25
26 **MOTION:** by Selectman McBride

27 *Move in accordance with RSA 31:95(b) that the Salem Board of Selectmen does hereby*
28 *accept a grant from the NH Highway Safety Agency in the amount of \$2,336.40 for*
29 *reimbursement of overtime in conjunction with the Regional DWI Hunter Patrol*
30 *Program.*

31
32 **Discussion:**

33 In response to Selectman Hargreaves' query as to where the grant money goes when it is
34 received, Mr. Sistare explained the money goes into a separate fund which covers
35 officers' overtime and confirmed the budget is not affected by receiving this grant.

36
37 **SECOND:** Selectman Barnes

38 **VOTE:** 5-0-0

39 The motion carried unanimously

40
41 **b) Laser Radar Equipment Grant**

42 Captain Patten explained the Police Department has received another grant from the NH
43 Highway Safety Agency which is a 50% matching equipment grant. This will enable
44 them to purchase a new laser radar unit, and he explained how the additional unit will
45 assist the department and help them save money on gas. He pointed out that they are
46 using prior donation and grant money to offset against the other 50% cost, thereby

1 ensuring no impact on the budget.

2
3 **MOTION:** by Selectman McBride

4 *Move in accordance with RSA 31:95(b) that the Salem Board of Selectmen does hereby*
5 *accept a grant from the NH Highway Safety Agency in the amount of \$1,706.25 for the*
6 *purchase of a laser radar unit by the Salem Police Department.*

7 **SECOND:** Selectman Barnes

8 **VOTE:** 5-0-0

9 The motion carried unanimously

10
11 **c) *Traffic Accident Reconstruction Equipment (TAR)***

12 Captain Patten reported this is also a 50% matching equipment grant from the NH
13 Highway Safety Agency for purchasing software and equipment to update the laser
14 diagramming system for accidents. This will ensure proper evidence collection and save
15 man hours in investigation.

16
17 **MOTION:** by Selectman McBride

18 *Move in accordance with RSA 31:95(b) that the Salem Board of Selectmen does hereby*
19 *accept a grant from the NH Highway Safety Agency in the amount of \$1,320.50 for the*
20 *purchase of Traffic Accident Reconstruction Software and Equipment by the Salem*
21 *Police Department.*

22 **SECOND:** Selectman Barnes

23
24 **Discussion:**

25 In response to a query from Selectman Barnes, Captain Patten explained the protocols
26 which determine when an accident is reconstructed, stating the team also assists regular
27 patrol officers when required to determine fault in difficult circumstances.

28
29 Chairman Roth pointed out that the grant monies received tonight amount to almost
30 \$6,000. In response to her query, Captain Patten explained who in the department are
31 responsible for writing the grant applications. Chairman Roth thanked everyone involved
32 for their efforts.

33
34 **VOTE:** 5-0-0

35 The motion carried unanimously

36
37 **5. Tax Anticipation Note**

38 Mr. Sistare provided some background information, explaining the DRA approval had been
39 received last Friday and that a motion is required in order to move forward with this.

40
41 **MOTION:** by Selectman McBride

42 *Move that the Board of Selectmen does hereby authorize the Treasurer under the*
43 *provisions of RSA 33:7, to borrow in anticipation of taxes, the sum of \$4,000,000.00 (Four*
44 *Million Dollars) which is necessary for the operation of the Town*

45 **SECOND:** Selectman Lyons

Discussion:

In response to a query from Selectman Hargreaves, Mr. Sistare confirmed there will be sufficient money available in the fall for the anticipated requirements. Selectman Barnes pointed out the Budget Committee was concerned that this would not increase the bottom line and Mr. Sistare confirmed that it would not.

VOTE: 5-0-0

The motion carried unanimously.

6. Long-Term Water Supply Issues**a) Status Update**

Mr. Sistare provided an update of the current situation and the concerns of the DES. He explained the tasks which will be required to comply with the State's concerns.

b) Request Authorization to Use Water Unreserved Fund Balance for Water Transfer Permitting

Mr. Sistare explained that the proposal before the Board is to take \$28,000 from the Water Unreserved Fund Balance to cover the costs of hiring SEA Consultants to do water testing as required by the State, and also to keep the Town apprised of the meetings of the WQSAC (Water Quality Safety Advisory Committee) relating to the permitting process. He also reported there would be meetings relating to the Spicket River Watershed and Town water rights which would require hiring an attorney with experience in water rights and also work relating to water conservation which could perhaps be done in house. Mr. Sistare reported he is required to update the State on the progress being made within the next two weeks.

Discussion:

Chairman Roth clarified that what is being requested by the State is an obligation and not voluntary. Selectman McBride raised the matter of the water rights the Town has to Big Island Pond and mentioned, as he has at a previous meeting, that Attorney Gordon Graham might be a good source to find out what rights the Town has in relation to this and report to the Board. He also suggested the Town needs to put pressure upon the State to have a meeting take place. Selectman Lyons agreed on the need to meet with counsel regarding this, and Chairman Roth reported that Mr. Sistare is investigating who would be the best attorney to advise the Board on water rights.

MOTION: by Selectman Lyons

Move to authorize the expenditure of a sum not to exceed \$28,000 from the Water Unreserved Fund Balance to cover costs associated with the water transfer permitting process from Arlington Pond to Canobie Lake.

SECOND: Selectman McBride (for discussion)

Discussion:

Chairman Roth recognized Mr. H. Glynn, 321 North Main Street, due to his prior experience in these matters. He introduced himself, stating the DES has been emphatic 10 years ago that Salem had to find another water source other than Arlington Pond, and therefore he felt it was a wasted effort to try to convince the State that Arlington was an

1 option now. He reported that in his opinion the Town should have meetings on
2 alternative water sources and stated there have been no stakeholder meetings with
3 Methuen to date regarding tying into their water supply. He stated he thought there
4 should be a meeting to explore obtaining water from the Merrimack River, and requested
5 the motion on the floor be tabled in order to first ask the State to reverse the procedure.
6

7 In response to a query from Chairman Roth, Mr. Sistare clarified the money being
8 requested in the motion would be used for Engineering assistance to oversee the
9 permitting process.
10

11 Referring to water reports Selectman McBride concurred with Mr. Glynn that there
12 should be a stakeholders meeting first and wished to put forward a motion to table the
13 motion on the floor.
14

15 Selectman Hargreaves stated he would vote no for the motion as the voters had voted no.
16

17 Mr. Sistare clarified that the State had brought forward the suggestion regarding rights to
18 Big Island Pond in relation to water transfer permitting. He also pointed out that
19 discussions have already begun with the WQSAC.
20

21 In response to a query from Chairman Roth regarding what is involved in the permitting
22 process which would allow Salem to make the water transfer to Canobie Lake, Mr.
23 Sistare explained that the meetings being conducted by the WQSAC are where the
24 process starts in amending the regulations relating to drinking water. He pointed out that
25 it would therefore be advantageous to have a voice at the meetings. There was further
26 clarification from Selectman Lyons and Chairman Roth, and Mr. Sistare clarified the
27 effect of the motion and that the \$28,000 will not get the permit as that would involve
28 more work. Chairman Roth also clarified that the agenda for the meetings was not within
29 the control of the Town.
30

31 Selectman McBride suggested amending the amount in the motion down by \$12,050 as
32 he hoped that the new chemist who was hired at the water plant would be able to do some
33 of the testing involved, and Mr. Sistare stated he would look into this possibility.
34

35 **MOTION:** Selectman McBride

36 *Move to amend the motion on the floor as follows:*

37 *To authorize the expenditure of a sum not to exceed \$15,950 from the Water*
38 *Unreserved Fund Balance to cover costs associated with the water transfer permitting*
39 *process from Arlington Pond to Canobie Lake.*

40 **SECOND:** Chairman Roth (or discussion)
41

42 **Discussion:**

43 Chairman Roth handed over the chair to Selectman Barnes to enable her to speak on the
44 amendment. She stated she would vote against the main motion as she agreed with
45 Selectman McBride that the new chemist should do some of the work in house if
46 possible.

1 In response to a query from Selectman Hargreaves, Mr. Sistare explained why the money
2 had not been requested at the Town Meeting and Selectman Barnes clarified for
3 Selectman Hargreaves what his interpretation of the motion was.
4

5 **VOTE:** 3-1-1 (Selectman Barnes abstained, Selectman Hargreaves voted against the
6 motion)
7 The amendment to the motion carried.
8

9 Selectman Barnes spoke on the main motion as amended, stating there would be a
10 problem if the Town gets to a prolonged drought situation, and explained that in this
11 situation it was his belief that the Town was entitled to do a winter transfer from
12 Arlington Pond to bring the level in Canobie back, and that the level in Arlington could
13 be maintained by drawing water from Big Island Pond. Further discussion took place
14 between Chairman Roth, Selectman Barnes and Selectman Lyons.
15

16 Selectman Lyons stated there is a need to pursue the permit, and he would like to see
17 progress measures put into place for this. He also agreed on the need for a meeting
18 between stakeholders.
19

20 Chairman Roth asked Mr. Sistare for clarification as to whether the motion was
21 committing the Town to transfer water from Arlington as she was concerned that the
22 Town would stop looking at alternative solutions if this were the scenario. There was
23 further discussion by Board members.
24

25 Mr. Glynn reiterated his point that he thought the Town should be looking at an
26 alternative to transferring water from Arlington.
27

28 Mr. Sistare provided further clarification to Chairman Roth that they should preserve
29 representation at the meetings taking place with the State and the WQSAC, and that the
30 Town would lose its voice if the money is not spent and there is no representation at the
31 meetings.
32

33 **VOTE** (on amended main motion): 4-1-0 (Selectman Hargreaves voted against)
34 The motion carried.
35

36 In response to the request by Selectman Lyons, Mr. Sistare agreed to investigate
37 measures for reporting milestones and progress to the Board. Chairman Roth requested
38 Mr. Sistare make this a priority and that they should look at other alternative water
39 sources. Selectman Hargreaves suggested Arlington should be regarded as a last resort.
40

41 Chairman Roth recognized Mrs. Beverly Glynn, 321 North Main Street, introduced
42 herself suggesting various options the Town could look into for alternatives and asked
43 whether the Town has control over water being pumped out of aquifers in Town by other
44 companies.
45

46 Mr. Phil Camerada, Ball Avenue, asked how many people would be participating in the

1 stakeholder meeting, and Mr. Sistare stated he was unsure whether other communities
2 will send experts to participate. He also reported he is trying to find out whether it is
3 necessary to have someone at every single meeting.
4

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

6 Mr. Sistare provided the Board with a status report on the mishap at the Rockingham Mall
7 parking garage, stating the Fire Department will keep a close eye on this.
8

9 Mr. Sistare reported he had sought the opinion of the LGC regarding the legality of
10 encumbering funds and they had confirmed that the encumbrance can remain open until
11 satisfied, if the Town has a legal obligation.
12

13 Mr. Sistare also confirmed Mr. Bill Scott will attend next week's meeting to provide
14 information on the CIP process.
15

16 **8. Selectmen Reports/Correspondence**

17 In response to a query from Selectman Hargreaves, Mr. Sistare confirmed the current tax
18 bills were sent out last week.
19

20 Mr. Sistare referred to a memo in the newspaper about staff cuts, stating that there is a part-
21 time position which will remain vacant due to rising costs in the Town, and that every
22 position will be looked at as it becomes vacant to see if adjustments can be made.
23

24 Selectman Hargreaves reminded Mr. Sistare he was still awaiting a response to the matter he
25 raised at a previous meeting regarding a Town owned vehicle being used for private
26 purposes.
27

28 Selectman Hargreaves confirmed the skate park will be discussed at the next meeting. He
29 also confirmed the Board of Selectmen had participated in the Memorial Day Parade.
30

31 Selectman McBride distributed to Board members a request he had received for a street light
32 at 66 Wheeler Avenue for discussion at the next meeting. He also spoke about various
33 savings which had been realized to offset energy cost increases. He reported on the effect of
34 EPA mandates on other communities.
35

36 Selectman Lyons requested an update on the bridge status at the next meeting and Mr. Sistare
37 stated Mr. Puff will discuss this at that time.
38

39 Selectman Barnes requested guidance from the Board as to how to respond to requests for
40 legal opinions received from other boards etc. Selectman McBride stated the Town Manager
41 has the final say unless the Board overrules this. The Board discussed the matter further and
42 the following motion was put forward:
43

44 **MOTION:** Selectman McBride

45 *Move to set a policy such that any board or committee that votes in the majority to request*
46 *a legal opinion will be forwarded to the Town Manager for review.*

1 **SECOND:** Selectman Lyons

2 **VOTE:** 5-0-0

3 The motion carried unanimously.

4
5 Chairman Roth announced that she noticed the new stop signs which had been put up after
6 the road work on Corinthian Drive have been defaced.

7
8 Referring to Selectman McBride's request for a street light on Wheeler Avenue, Selectman
9 Hargreaves confirmed he thought a light was needed to enhance visibility at night.

10
11 **9. Old Business Tabled/Pending**

12 There was none.

13
14 • **Additions/Requests by the Public**

15 There were none.

16
17 • **Upcoming Meetings**

18 ○ June 9, 2008

19 ○ June 23, 2008

20
21 • **Upcoming Events**

22 Selectman Barnes pointed out the Firefighters Relief Association memorial service would
23 take place on Sunday, June 8 at 9:00 a.m. and members of the public could attend

24
25 **MOTION:** by Selectman Hargreaves

26 *To adjourn the meeting and to move to non public session under RSA 91-A,3,II(a)*

27 **SECOND:** Selectman McBride

28 Chairman Roth polled the members of Board and there was unanimous agreement to the motion.

29
30 **POLL:**

31 **Lyons – yes**

32 **McBride – yes**

33 **Barnes – yes**

34 **Hargreaves – yes**

35 **Roth – yes**

36
37 **VOTE:** 5-0-0

38 The motion carried unanimously.

39
40 Without further business, the meeting adjourned at 9:20 p.m.

41
42 Notes/Minutes Taken by: Sandra Maxwell

43
44 Approved: Board of Selectmen

45
46 Date: June 23, 2008