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**MINUTES OF THE  
BOARD OF SELECTMEN**

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**MEETING OF  
July 28, 2008**

10 The Board of Selectmen held a meeting on Monday July 28, 2008, at Salem Town Hall, 33  
11 Geremonty Drive, Salem, NH.

12 **PRESENT:** Chairman Elizabeth A. Roth, Vice-Chairman Arthur E. Barnes, Secretary Michael J.  
13 Lyons joined the meeting at 6:35), Selectman Everett P. McBride, Selectman Patrick Hargreaves  
14 and Town Manager Mr. J. Sistare.

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**CALL TO ORDER**

18 Chairman Roth began by calling the meeting to order at 6:30 p.m. She then joined the Board in  
19 the Pledge of Allegiance, and introduced members of the Board and the Town Manager

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21  
22

**1. Meeting Minutes**

23 **MOTION:** by Selectman Barnes

24 *Move to accept the minutes of the public portion of Non-Public Session under RSA 91-A:  
25 3 II 9(c) on June 23 2008 as written*

26 **SECOND:** Selectman McBride

27 **VOTE:** 4-0-0

28 The motion carried unanimously.

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**MOTION:** by Selectman Barnes

32 *Move to accept the sealed minutes of the Non-Public Session (RSA 91-A: 3 II (a)) on June  
33 23, 2008 as written*

34 **SECOND:** Selectman McBride

35 **VOTE:** 5-0-0

36 The motion carried unanimously.

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**MOTION:** by Selectman Barnes

40 *Move to accept the minutes of the Non-Public Session (RSA 91-A: 3 II (e)) on June 23,  
41 2008 as written*

42 **SECOND:** Selectman McBride

43 **VOTE:** 5-0-0

44 The motion carried unanimously.

45  
46

**MOTION:** by Selectman Barnes

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

**SECOND:** Selectman McBride

**VOTE:** 5-0-0

The motion carried unanimously.

1 **MOTION:** by Selectman Barnes

2 *Move to accept the minutes of the public portion of Non-Public Session on July 14, 2008*  
3 *as written*

4 **SECOND:** Selectman McBride

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

6 The motion carried unanimously.

7  
8 **MOTION:** by Selectman Barnes

9 *Move to accept the sealed minutes of the Non-Public Session (RSA 91-A: 3 II (e) on July*  
10 *14, 2008 as written*

11 **SECOND:** Selectman McBride

12 **VOTE:** 5-0-0

13 The motion carried unanimously.

14  
15 **MOTION:** by Selectman Barnes

16 *Move to accept the minutes of the Non-Public Session (RSA 91-A: 3 II (a) on July 14,*  
17 *2008 as written*

18 **SECOND:** Selectman McBride

19 **VOTE:** 5-0-0

20 The motion carried unanimously.

21  
22 **2. Chairman Comments**

23 Chairman Roth stated she had no comments this evening.

24  
25 **3. Department of Transportation – I-93 Salt Mitigation Project**

26 Mr. Sistare handed over to Mr. Rick Russell, DPW Director for an introduction to this  
27 subject. Mr. Russell provided information on the necessity to reduce salt in watersheds in the  
28 State, explaining for Salem this meant Policy Brook. He then provided some background  
29 information on how the Town, with assistance from the DOT and DES intend to address this,  
30 and the progress to date.

31  
32 Mr. Russell handed over to Mr. Eric Williams of the NH DES Watershed Bureau who  
33 provided some background leading up to the current situation on the Municipal Chloride  
34 Reduction in the I-93 Watersheds. Included in his presentation was information on which  
35 watersheds are impaired and the municipalities involved (see enclosed copy of information  
36 handed out at the meeting). He also explained how the DES collected information and has  
37 analyzed it, which has helped them provide information to the municipalities involved on the  
38 sources of the salt. He stated that a 25% load reduction in salt is necessary, and mentioned  
39 strategies to address the reduction, explaining that these will include providing training  
40 programs on how to reduce salt on roads, and use of UNH to develop software for  
41 monitoring the situation over time. In response to a query from Chairman Roth, Mr.  
42 Williams stated there was not a lot of difference between the municipalities in terms of the  
43 loading. He then handed over to the representative from the NH DOT for his input.

44  
45 Mr. Mark Hemmerlein of the NH DOT Bureau of Environment introduced himself,  
46 explaining he was the water quality program manager at the DOT. He spoke about the

1 funding which will be available to assist municipalities implement the salt reduction  
2 program, explaining there would be two phases (the Planning phase receiving approximately  
3 8% of the funding, and the Implementation phase which would have the bulk of the funds  
4 allocated to it). He also spoke of the difficulties in dealing with the salt load from private  
5 parking lots. Chairman Roth asked whether there was any State legislation which  
6 municipalities can use as leverage for owners of these lots, and Mr. Williams responded there  
7 are a few different things the EPA can do such as 'green' certification programs for plow  
8 drivers and he mentioned there is a statute which authorizes towns to regulate winter snow  
9 removal. He stated the DES would recommend towns start by requiring tracking, and they  
10 would take a long term approach. Selectman McBride mentioned that some companies have  
11 started using brine on private parking lots and offered to provide Mr. Williams with  
12 information on those companies.

13  
14 In response to a query from Selectman Barnes, Mr. Williams stated it was likely over time  
15 they would find more and more impaired watersheds which might include the Spickett River.

16  
17 Mr. Hemmerlein referred the Board to the document handed out at the beginning of the  
18 presentation for details on how the municipal program will work

19  
20 Referring to the Resolution from the DOT in the packet which had been handed out,  
21 Chairman Roth expressed concern that if the Board signed this, the Town would be admitting  
22 to being part of the problem and that it could be used for a different purpose in the future, as  
23 opposed to obtaining Federal funding. There was a brief discussion between Mr. Williams  
24 and Chairman Roth, with Mr. Williams stating the DES would probably be open to changing  
25 the wording to lessen the impact of the statement in the resolution. Chairman Roth clarified  
26 that the Board of Selectmen could review the resolution before passing it.

27  
28 Mr. Hemmerlein explained the 20% local matching of funds will work in the same manner as  
29 road funding. Members of the Board obtained confirmation that the municipal matching of  
30 funds would not be based on the whole program, but on the local contribution, and also that  
31 there would be no significant wait before obtaining refunds. Mr. Hemmerlein confirmed that  
32 Salem would get the lion's share of the funding, which led to further discussion on the types  
33 of services the funding would cover.

34  
35 Selectman McBride opened a discussion on how the DOT could engage the private sector.  
36 In response to a query from Selectman Lyons, it was clarified that the GNC agreement would  
37 need to pass before funding became available and that municipalities would have until 2015  
38 to use the funding.

39  
40 Mr. Hemmerlein then provided an update on the highlights of the I-93 improvements taking  
41 place, referring members of the Board to the web site for specific information and for posing  
42 questions. He also suggested Mr. P Stamos could be contacted to provide a more detailed  
43 presentation on the progress of the project to the Board.

44  
45 Chairman Roth obtained clarification that local or State police would deal with instances  
46 where individuals were causing unsafe situations in the work areas and that the DOT would

1 also like to be notified of these situations.

2  
3 In response to a query from Selectman Lyons on behalf of the Planning Board relating to the  
4 time frame for completion of exit 2, Mr. Hemmerlein stated completion would not be this  
5 year but he was unsure of an exact time frame and referred the Planning Board to Mr. Stamos  
6 for more information.

7  
8 Mr. Hemmerlein also provided a brief update on the status of the lawsuit currently taking  
9 place.

10  
11 Mr. Bill Scott informed the Board that he and Mr. Moldoff have a meeting scheduled for  
12 tomorrow with Mr. Stamos to receive an update from him on matters relating to I-93.

13  
14 Mr. Russell assured the Board he would obtain answers to any questions they have, if they let  
15 Mr. Sistare have the details.

16  
17 Chairman Roth thanked everyone for attending, stating the Board would cooperate with the  
18 program.

19  
20 **4. Stanwood Road Residents – DBA Waiver Request**

21 Mr. Sistare introduced Mr. Chris Rigazio of 11 Stanwood Road who spoke on behalf of the  
22 other residents of Stanwood Road. Referring to previous minutes of the Planning Board and  
23 the Board of Selectmen, he explained the residents believed the developer would pay  
24 betterment fees and the residents would only be responsible for connection to sewer.

25  
26 Chairman Roth invited Mr. Ross Moldoff, Planning Director to provide some historical  
27 information and chronology so that the Board of Selectmen would better understand the  
28 situation. Mr. Moldoff explained the Planning Board had given approval for the  
29 development in 2005 with some conditions of approval which were placed on the plan, but  
30 stated there had been no discussion about connection or betterment fees. It was clarified that  
31 the rules had changed in 2004 when the Town had adopted the Demand Betterment  
32 Assessment, and there is no signed plan on record with the Town as this happens when the  
33 road is complete or bonded.

34  
35 ***Discussion:***

36 Chairman Roth clarified that nothing exists to have the developer pay the betterment fees.  
37 There followed discussion with Selectman McBride pointing out that although he had asked  
38 the Planning Board to consider asking the developer to contribute to the costs for the sewer,  
39 as noted in the previous minutes being discussed, it appeared that the Planning Board had not  
40 done so.

41  
42 There was further discussion regarding who would normally pay betterment fees and sewer  
43 hookup and what the State statute says about tying into sewer. In response to a query from  
44 Selectman Hargreaves, Selectman McBride clarified the developer had been given  
45 permission by the Board of Selectmen in 2003 to hook up to Town sewer but that this has not  
46 yet taken place.

1 Chairman Roth stated this appeared to be a civil matter between the developer and the  
2 residents as she did not see any documentation that the Town had authorized any waiver.  
3 Mr. Moldoff clarified for Selectman Hargreaves what State law is pertaining to approval to  
4 build, and the fact that once a developer begins to build, approval is then vested and  
5 grandfathered.

6  
7 ***Public input from residents of Stanwood Road:***

8 Mr. Trevisani of 13 Stanwood Road clarified that at the meeting in 2003 there had been no  
9 discussion about a betterment fee and residents feel they were led to believe they had a verbal  
10 contract to this effect. He stated the request for the Planning Board to ask the developer to  
11 help with costs pertained to the connection fees. Selectman McBride suggested obtaining the  
12 minutes of the meetings at which Stanwood Road was discussed and also the video of those  
13 meetings.

14  
15 In response to Chairman Roth's query as to whether anyone had been in touch with the  
16 developer, Ms. Alyson Nawossa, 12 Stanwood Road stated she has called Mr. Mark Gross  
17 and the understanding at the time was there was no betterment fee.

18  
19 Mr. Feng Tian, 15 Stanwood Road stated what the process had been for clarification,  
20 explaining the initial discussion in 2003 was about a connection fee for connecting to the  
21 main line. He stated he would like clarification as to who has financial responsibility for new  
22 additional costs.

23  
24 Residents explained they have been unable to speak directly to the developer and they were  
25 looking to the Town to assist in resolving the matter as they did not wish to deal directly with  
26 the developer. Board members discussed what redress the residents might have and whether  
27 the Board of Selectmen could take any action at this point.

28  
29 Ms. Lynn Tabiatnejad of 9 Stanwood Road explained the original reason for resurfacing the  
30 road had to do with long term run off problems and flooding of residents' basements, and  
31 stressed that the amendment at the original meeting in 2003 had been necessary so that  
32 further discussion could take place.

33  
34 Chairman Roth stated the Board may be able to assist to ensure a positive outcome, but it was  
35 pointed out the Board had no authority in this situation as the Planning Board is autonomous.

36  
37 Chairman Roth asked for time to review all the information and to ensure the Board has done  
38 everything they can. She requested the matter be brought forward for another meeting and  
39 that Town counsel be consulted.

40  
41 Mr. Sistare explained for the residents the process regarding the payment of DES fees, stating  
42 they would probably not get a notice before next spring.

43  
44 Chairman Roth clarified the matter should be on the agenda for another meeting when the  
45 Board has had time to review everything.

1 The meeting recessed at 8:30 p.m., with Chairman Roth calling the meeting to order again at  
2 8:40 pm.  
3

4 **5. Wilson's Pond Residents – Application for Aquatic Plant Control**

5 Mr. Sistare provided some information about the residents' application for aquatic plant  
6 control, explaining that residents are willing to pay the costs of the treatment. He then  
7 handed over to Mrs. Elaine McCaffrey, one of the residents, to provide further information.  
8

9 Mrs. McCaffrey informed the Board the State had inspected the pond and recommended  
10 Aquatic Control Technology to do the pond restoration work, but that permission from the  
11 Board of Selectmen is required before they can proceed with the work. Mr. Sistare  
12 confirmed neither the Conservation Commission nor the Planning Board have any objections  
13 to the request.  
14

15 **MOTION:** Selectman McBride

16 *To authorize the abutters of Wilson Pond to take the necessary steps to address aquatic  
17 plants in Wilson Pond at their cost*

18 **SECOND:** Selectman Hargreaves

19 **VOTE:** 5-0-0

20 The motion carried unanimously.  
21

22 **6. Senior Center Addition**

23 Ms. Patti Drelick, Senior Services Director, introduced herself and spoke about the growth in  
24 membership at the center and that additional facilities were now required. She explained she  
25 had come before the Board of Selectmen to ask them to authorize expenditure from the  
26 Senior Center Building Trust Fund in order to start the bid process and obtain costs for an  
27 addition.  
28

29 **MOTION:** by Selectman McBride

30 *Move to authorize the expenditure of a sum not to exceed \$1,490 from the Senior Center  
31 Building Trust Fund for the costs associated with the management of the bid process for  
32 the construction of the addition to the Ingram Senior Center.*

33 **SECOND:** Selectman Barnes  
34

35 **Discussion:**

36 Selectman Hargreaves pointed out that after the addition has been built there would be  
37 additional operating costs for the Senior Center, indicating he was concerned about this in the  
38 current situation of budgetary controls, and comments the Board had already made pertaining  
39 to these.  
40

41 Mr. Sistare clarified there is currently over \$6,000 in the trust fund and the Council on Aging  
42 has set aside the money for the addition.  
43

44 Selectman McBride asked Ms. Drelick to say a little about Ms. Gerri Beck who had been  
45 nominated for an award for her volunteerism and Ms. Drelick spoke on this subject.  
46

1 **VOTE:** 5-0-0

2 The motion carried unanimously.

3  
4 **7. Waiver Request of Salem Municipal Code Chapter 253**

5 Mr. Brian Lockard, Health Officer provided information on a request from Soucy's Sewer  
6 Service on behalf of their client Mr. Robert Marsden for a waiver of SMC 253, Section 7(1).  
7 He explained the proposed septic system would be improving the existing system and  
8 recommended the Board grant approval of the waiver. Chairman Roth clarified a variance is  
9 not required in this instance.

10  
11 **MOTION:** by Selectman McBride

12 *Move in accordance with SMC Chapter 253-14 (Waiver) to grant the request of Robert*  
13 *Marden, 7 Shore Drive, for a waiver of the provisions of Salem Municipal Code Chapter*  
14 *253-F(1), Hydric Soils, to allow the distance of the proposed septic tank to be within 62*  
15 *feet of the wetland (Arlington Pond) where 75 feet is required and further, if connection*  
16 *to the public sewer becomes available to the property at a future date, no waivers will be*  
17 *given and the property owner must connect to the system.*

18 **SECOND:** Selectman Barnes

19 **VOTE:** 5-0-0

20 The motion carried unanimously.

21  
22 **8. Commercial and Residential Assessments**

23 Mr. Sistare explained Selectman Barnes had requested a status report on commercial and  
24 residential property assessments and handed over to Mr. Pelletier, Town Assessor for the  
25 details. Mr. Pelletier provided an overview of the State requirements for revaluation, and a  
26 breakdown of residential sales between April 1, 2007 and May 30, 2008 as outlined in his  
27 memo of July 23, 2008 to the Board.

28  
29 **Discussion:**

30 In response to a request from Selectman Hargreaves for clarification, Mr. Pelletier explained  
31 about bank re-sales, pointing out this was not included in his statistics.

32  
33 In response to a request from Chairman Roth, Mr. Pelletier explained the impact of the 10%  
34 reduction in the residential assessed values, providing an example and what it would mean if  
35 the Board made a change to the assessment, and the impact that would have on the tax rate.

36  
37 Selectman McBride commented he thought the Board should leave the assessment at its  
38 current level and revisit the matter in a year, with Selectman Barnes agreeing. Mr. Pelletier  
39 offered to provide the Board with another status report in six months.

40  
41 In response to a query from Selectman Hargreaves, Mr. Pelletier explained his department is  
42 currently verifying data and this is being done in house. Chairman Roth suggested to Mr.  
43 Sistare that photos of the assessors be put on the Town web site in order that residents could  
44 confirm their identity when they receive a visit from one.

1 **9. Resident Request to Rename Hooker Farm Road to Beirut Road**

2 Mr. Sistare explained he had received a letter from a resident, Mr. Ibrahim Hanna, to change  
3 the name of Hooker Farm Road. Mr. Sistare stated he did not recommend any change in the  
4 road name.

5 **MOTION:** Selectman Hargreaves

6 *Move to deny the request to change Hooker Farm Road to Beirut Road*

7 **SECOND:** Selectman Hargreaves

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

9 The motion carried unanimously.

10  
11 **10. LGC – Legislative Policy Proposals**

12 Chairman Roth stated she and Mr. Sistare would represent the Town in this matter. Mr.  
13 Sistare suggested only discussing those where the Board opposed the policy proposal.  
14 Members of the Board provided Mr. Sistare with their position on those items where they  
15 opposed the policy proposal and discussed those they required clarification on.

16  
17 **11. Accept \$1,000 donation to Refurbish the Cannons in the Town Common**

18 Mr. Sistare provided some background, deferring to Selectman Barnes for more information.  
19 Selectman Barnes stated the cannons are a municipal asset and should be maintained as such.  
20 He stated that considering the budget restraints in Town at present, the donation was his  
21 contribution to alleviating those.

22  
23 **MOTION:** by Selectman Barnes

24 *Move in accordance with RSA 31:95(b) that the Salem Board of Selectmen does hereby*  
25 *accept a donation in the amount of \$1,000 from Arthur Barnes towards to costs associated*  
26 *with the refurbishing on the old cannons in the Town Common.*

27 **SECOND:** Selectman McBride

28 **VOTE:** 4-0-1 (Selectman Barnes abstained from the vote)

29 The motion carried.

30  
31 **12. Town Manager's Report**

32 Mr. Sistare stated he had nothing further to report.

33  
34 **13. Selectmen Reports/Correspondence**

35 Selectman Lyons asked Mr. Sistare to look into extended morning access to the Town  
36 building; suggesting access from 7:00 a.m. would be helpful. Referring to the Board's  
37 proposed joint meeting with the Planning Board, he requested that staff come prepared for  
38 the discussion.

39  
40 Selectman McBride requested that the cost of the Town transferring to electronic bill  
41 payment be included in the budget.

42  
43 Chairman Roth stated the Depot Refurbishing Committee has asked for a link on their web  
44 site to PayPal in order that people could give donations using credit cards. She asked Mr.  
45 Sistare to look at how this could be done and she would bring it forward as a proposal.  
46 Mr. Sistare clarified it would take a Town meeting vote to implement electronic billing.

1 In response to a query from Selectman Hargreaves as to the status of the street light on  
2 Wheeler Avenue, Selectman McBride stated he would follow up on this.

3  
4 In response to Selectman Hargreaves' query as to who own SCTV, Mr. Sistare stated it is his  
5 legal opinion that this needs to go through the Town budgeting process.

6  
7 In response to Selectman Hargreaves' query about digging at the landfill, Mr. Sistare stated  
8 DPW are having tests done on the material to see whether it is hazardous.

9  
10 Selectman Hargreaves reported on a large pot hole in front of the mausoleum on Pond Street.

11  
12 Selectman Hargreaves asked Mr. Sistare to look into on call staff who do not have to take  
13 their town vehicles home (when they are not on call) in order to save money on gas.

14  
15 Mr. Sistare clarified for Selectman McBride that the staff who work for Channel 6 are not  
16 part of the SCTV budget.

17  
18 **14. Old Business Tabled/Pending**

19 There was none.

20  
21 • **Additions/Requests by the Public**

22 There was none.

23  
24 • **Upcoming Meetings**

- 25 ○ August 11, 2008
- 26 ○ August 25, 2008

27  
28 • **Upcoming Events**

29 There were none mentioned.

30  
31 **MOTION:** by

32 *To adjourn the meeting*

33 **SECOND:** Selectman Lyons

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

35 The motion carried unanimously.

36  
37 Without further business, the meeting adjourned at 9:45 p.m.

38  
39 Notes/Minutes Taken by: Sandra Maxwell

40  
41 Approved: Board of Selectmen

42  
43 Date: August 4, 2008