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**MINUTES OF THE
BOARD OF SELECTMEN**

**MEETING OF
September 22, 2008**

7 The Board of Selectmen held a meeting on Monday September 22, 2008, at Salem Town Hall,
8 33 Geremonty Drive, Salem, NH.

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

13
14 **CALL TO ORDER**

15 Chairman Roth began by calling the meeting to order at 7:12 p.m. She then joined the Board in
16 the Pledge of Allegiance, and introduced members of the Board and the Town Manager.

17
18 **1. Meeting Minutes**

19 **MOTION:** by Selectman Lyons

20 *Move to accept the minutes of the Non Public Session on September 4, 2008 as written*

21 **SECOND:** Selectman McBride

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

23 The motion carried unanimously.

24
25 **MOTION:** by Selectman Lyons

26 *Move to accept the minutes of the public portion of the Non Public Session on September*
27 *8, 2008 as written*

28 **SECOND:** Selectman Barnes

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

30 The motion carried unanimously.

31
32 **MOTION:** by Selectman Lyons

33 *Move to accept the sealed minutes of the Non Public Session on September 8, 2008 as*
34 *written*

35 **SECOND:** Selectman McBride

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

37 The motion carried unanimously.

38
39 **MOTION:** by Selectman Lyons

40 *Move to accept the minutes of the Budget Review meeting on September 2, 2008 as written*

41 **SECOND:** Selectman McBride

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

43 The motion carried unanimously.

44
45 **MOTION:** by Selectman Lyons

46 *Move to accept the minutes of the Budget Review meeting on September 3, 2008 as written*

1 **SECOND:** Selectman Lyons

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

3 The motion carried unanimously.

4
5 **MOTION:** by Selectman Lyons

6 *Move to accept the minutes of the Budget Review meeting on September 4, 2008 as written*

7 **SECOND:** Selectman McBride

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

9 The motion carried unanimously.

10
11 **MOTION:** by Selectman Lyons

12 *Move to accept the minutes of the Budget Review/Regular meeting on September 8, 2008*
13 *as written*

14 **SECOND:** Selectman McBride

15 **Discussion:** Selectman Hargreaves pointed out a typographical error on page 3, lines 42 and
16 45 – spelling of Mr. Keaveny’s name

17 **MOTION:** by Selectman Lyons

18 *Move to accept the minutes of the Budget Review/Regular meeting on September 8, 2008*
19 *as amended*

20 **SECOND:** Selectman McBride

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

22 The motion carried unanimously.

24 2. Present Retirement Gifts

25 Mr. Sistare explained that several retiring employees were in attendance to receive
26 recognition from the Town for their years of service. Each retiree was called upon to receive
27 a clock from the Town as follows:

- 28
- 29 • Ronald L. Paul, 22 years
- 30 • Robert Dennis, 38 years
- 31 • Robert L. Loranger, 26 years (not in attendance)
- 32 • Barbara Lessard, 25 years
- 33 • Catherine Arsenault, 33 years
- 34 • Mary J. Fawcett, 23 years
- 35 • William J. Daly, 7 years
- 36

37 Chairman Roth thanked everyone for their service to the Town.

39 3. Chairman Comments

40 Chairman Roth made no comments.

42 4. Water Master Plan

43 Mr. Sistare introduced Mr. Russell, DPW Director who reported that representatives from the
44 consultants Camp Dresser & McKee (CDM) were in attendance to provide a presentation on
45 their report of the Water Master Plan. He handed over to Mr. Bill Daly, Utilities Manager
46 who provided a presentation about the organics removal project. Mr. Daly explained the

1 objective is to reduce dangerous byproducts in the water supply, and this has been the focus
2 of the project over six years. He provided statistics on the improvements obtained over the
3 last year. Mr. Daly reported that the Town is also obliged by the EPA to remove NOM
4 (organic matter) from the water, explaining that over the next two years new technology will
5 be available to reduce these at a more moderate cost.

6
7 ***Discussion:***

8 In response to a query from Selectman Lyons, Mr. Daly provided information on the cost of
9 the program. Selectman McBride provided input, stating that Town staff and the consultants
10 have done a good job to in reducing costs for the Town. Selectman Barnes noted that the
11 level of organics in both Canobie and Arlington Pond looks to be similar, and Mr. Daly
12 stated the organics in Canobie are more difficult to remove.

13
14 Mr. Daly handed back to Mr. Russell who introduced Messrs. Polcari and Derricks to
15 provide a presentation on the Water Master Plan),

16
17 Mr. Dave Polcari, Client Service Manager, CDM explained he was presenting a draft of the
18 Master Plan. He spoke about the project team; the importance and benefits of having a plan;
19 and a project overview which encompassed business, organizational, financial and technical.
20 He provided positive feedback on the Utilities staff, but pointed out there is a need for
21 improvement in training opportunities. In the area of communication and teambuilding, he
22 reported a need for improving the relationship between DPW and Utilities staff. He
23 suggested forming an advisory committee and a peer group review using Qualserve for
24 benchmarking. Mr. Polcari also mentioned that staffing numbers in the Utilities Department
25 were on the low side, noting that despite this they did get the job done.

26
27 Mr. Jeff Derricks, Project Manager, CDM, referred to the one page executive summary,
28 outlining what it included. He spoke about key areas for future work such as water audits,
29 leak detection and repair, and consumer meter replacement. He then referred to a
30 recommendation that the Town needs to recoat the inside of the Howard Street Standpipe,
31 and spoke about problems with the distribution system, stating that CDM has set up a
32 program for the work to be done. He suggesting the Town should update the plan annually
33 as part of its budget process. Mr. Derricks then spoke about future expansion of the water
34 system, providing a map which showed areas at high elevation which would present a
35 problem for water pressure. He then provided two alternatives for the Town to resolve this
36 issue, opening the floor to questions from the Board.

37 ***Discussion:***

38 Selectman Hargreaves requested that a copy of plan be sent to the Planning Board. He also
39 requested that the Board of Selectmen be provided with a full version of the CDM report.

40
41 Selectman Lyons addressed the issue of staffing numbers and meter reading failure, asking
42 Mr. Sistare about associated costs.

43
44 Selectman Barnes asked about the differences between this review and one completed in
45 1964, but Mr. Polcari stated he could not comment as he was unaware of the 1964 review.
46

1 Selectman Hargreaves initiated a discussion about inside meter readers versus outside readers
2 and failure of these, with Mr. Polcari reporting usually the inside reader would be more
3 accurate one if a problem arose.
4

5 In response to a query from Chairman Roth regarding leak detection, Mr. Derricks stated a
6 program for this usually pays for itself, and it is advantageous to do this every 3-5 years.
7

8 Mr. Russell provided a status report on the Town's meter validation program. He explained
9 the process his staff goes through to obtain entry to residences as part of the program and that
10 they are doing backflow checks at the same time. Chairman Roth put out a call to residents
11 who might be watching the meeting to cooperate as having to make multiple calls to
12 residences to obtain the information takes staff away from other jobs, pointing out the tax
13 payers pay more as a result. She thanked Mr. Russell and his staff for all their work.
14

15 **5. Stanwood Road**

16 Mr. Sistare explained that residents of Stanwood Road were questioning demand betterment
17 and provided some background for information. He stated he requires additional time to
18 resolve the matter and obtain a firm legal opinion. Selectman Lyons moved to table the
19 matter, but Chairman Roth stated she would not recognize this.
20

21 Chairman Roth then explained to the residents in attendance at the meeting the Board had
22 received information very late today, stating it would be advantageous to them to provide the
23 Board with more time to consider the legal opinions they have received as there is conflicting
24 advice. She explained what the Board were doing, stating they are trying to find good
25 resolution which the Bard can stand behind and will not be detrimental to the future residents
26 of the road.
27

28 Selectman Hargreaves proposed putting a date on tabling the matter, and Chairman Roth
29 agreed they should discuss things at the next meeting on October 6th. Selectman McBride
30 asked Mr. Sistare if he could obtain a copy of the legal brief for when the Town went to court
31 over the Kensington case, as it is similar.
32

33 **MOTION:** by Selectman Lyons

34 ***Move to table a decision on Stanwood Road until October 6th, 2008***

35 Selectman Lyons then withdrew his motion to allow input from Selectman Barnes.
36

37 Selectman Barnes requested a copy of the brief from the Kensington lawsuit settlement if
38 possible; a complete set of the Board of Selectmen minutes of September 27, 2004 as the
39 Board has only reviewed edited versions of these. He also asked whether the Town Assessor
40 goes back to reassess property when a sewer line goes in front of the property and to have
41 this information prior to the next meeting.
42

43 Wishing to ensure everyone had a full understanding of the situation regarding Stanwood
44 Road; Mr. Sistare explained the residents would not be required to pay anything before next
45 year. Chairman Roth asked for the information which had been requested by Monday, and
46 asked her fellow Board members to review the tapes of the meetings.

1 **MOTION:** by Selectman Lyons

2 *Move to table a decision on Stanwood Road until October 6th, 2008*

3 Selectman Lyons provided an explanation of why he put forward his motion.

4 **SECOND:** Selectman McBride

5 VOTE: 4-1-0 (Selectman Hargreaves opposed the motion, stating he felt the residents of
6 Stanwood Road should not have to wait any longer for resolution to their problem)

7
8 Chairman Roth recessed the meeting at 8:30 p.m., bringing the meeting to order again at 8:50
9 p.m.

10
11 **6. Salem Charter Reform Committee**

12 Selectman Lyons provided a brief introduction to the presentation of the SCRC, introducing
13 Mr. Daniel Norris, Chairman of the SCRC to present his Committee's report to the Board.

14
15 Chairman Roth noted a typographical error in the report - Paragraph A, second to last line -
16 stating it should read 2008. She then handed over to Mr. Norris who introduced the members
17 of the SCRC. Mr. Norris provided background information on the formation of committee
18 and the Board of Selectmen charges to the Committee. He then reported on the process the
19 Committee had gone through and their recommendations.

20
21 **Discussion:**

22 Selectman Hargreaves asked Ms. Lessard to address the Board on the Bond issue and Ms.
23 Lessard explained why she thought the bond passage should not be changed.

24
25 In response to a request from Chairman Roth, Mr. Frydryck addressed the Board, explaining
26 why he thought the bond passage should be changed. Chairman Roth clarified that vote on
27 the bond issue from the SCRC was to put it to Town meeting. Mr. Carney explained he had
28 voted against this as he thought the Committee should have been giving the Board of
29 Selectmen a 'yes' or 'no' answer.

30
31 Mr. Frydryck stated the conclusion he had reached from the statistics he had found was that
32 the voting threshold is what affects the amount of bonds which pass rather than economics.

33
34 Selectman Hargreaves and Chairman Roth posed further questions to Mr. Frydryck who
35 spoke about State wide statistics and referred to studies at the back of his report, encouraging
36 the Board to read these. There followed a discussion on the statistics.

37
38 Selectman Lyons reiterated the intent of the SCRC presentation tonight and that the matter
39 should be taken up as a Board at a future date.

40
41 Selectman Lyons and Chairman Roth thanked the Committee members for their work.

42
43 **MOTION:** by Selectman Hargreaves

44 *Move that the Salem Board of Selectmen direct the Town Manager to write a letter of
45 appreciation to the members of the Salem Charter Reform Committee.*

46 **SECOND:** Selectman McBride

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

2 **The motion carried unanimously.**

3
4 **MOTION:** by Selectman Lyons

5 *Move that the Board of Selectmen disband the Salem Charter Reform Committee at 12:00*
6 *midnight on September 22, 2008*

7 **SECOND:** Selectman Hargreaves

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

9 **The motion carried unanimously.**

10
11 Recess at 10:00 p.m. and called meeting to order at 10:05.

12
13 **7. Discuss Possible Sale of Town Land**

14 Mr. Sistare provided background information on a request he had received from Mr. and
15 Mrs. Saif, 11 Clark Avenue, Salem. He explained they are interested in purchasing the Town
16 owned land known as Lot 5287, on Map 40. Mr. Sistare then spoke about the current process
17 the Town goes through for the sale of land valued at under \$10,000, which he stated is
18 cumbersome. He suggested the Board might wish to establish a policy where it first reviews
19 whether they want to sell the land, thereby avoiding unnecessary hearings should they decide
20 against not selling.

21
22 *Discussion:* Selectman McBride agreed with Mr. Sistare's suggestion. Members of the
23 Board reviewed the request in hand and a motion was put forward.

24 **MOTION:** by Selectman Barnes

25 *Move, based upon the recommendation of Town staff, that the Salem Board of Selectmen*
26 *do not consider selling the piece of land located at 351 Shore Drive, also known as Map*
27 *40, Lot 5287.*

28 **SECOND:** Selectman McBride

29 *Discussion:* Selectman McBride pointed out that Mr. and Mrs. Saif can still get a petition
30 and take it to Town meeting.

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

32 **The motion carried unanimously.**

33 *Discussion:* Chairman Roth agreed it was logical not to go through the hearing process until
34 the Board had reviewed whether they wish to sell. There was further discussion, and
35 Selectman McBride requested that a building located on the land at 351 Shore Drive should
36 be removed. Chairman Roth then clarified for the benefit of the general public about being
37 able to go to Town meeting.

38
39 The Board of Selectmen discussed whether a motion and vote was necessary to amend the
40 policy relating to the sale of town owned land, and it was the consensus of the Board that Mr.
41 Sistare goes ahead and reviews the policy, bringing it before the Board of Selectmen when
42 complete.

43
44 **8. Town Manager's Report**

45 Mr. Sistare brought it to the Board's attention that they had revised two warrant articles, to
46 have separate articles as follows:

- 1 • A bond issue for the Lawrence Road, Cluff Crossing Road Bridge and
- 2 • A separate article to raise money for the Pelham Road Bridge

3
4 **Discussion:**

5 Selectman Hargreaves raised a point regarding Selectman Lyons' previous comment about
6 bringing the bond article before Town meeting if it fails at the ballot, and members of the
7 Board and Mr. Sistare discussed the validity of doing that. Mr. Sistare referred to the
8 language used in the article and what it means. Chairman Roth stated Mr. Sistare would
9 provide the citation to Selectman Hargreaves that this matter is legal and valid.

10
11 **MOTION:** by Selectman McBride

12 **Article 1 – Bridge Construction Bond Issue**

13 **Move to see if the Town would vote to raise and appropriate the sum of \$1,571,000 (One**
14 **Million, Five Hundred and Seventy One Thousand Dollars) for the replacement of bridges**
15 **at Lawrence Road over the Spickett River and Cluff Crossing Road over Policy Brook**

16 **SECOND:** Selectman Lyons

17 Selectman McBride noted that the bond would be eligible for reimbursement at 80% through
18 the Bridge Reimbursement Program.

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

20 **The motion carried unanimously.**

21
22 **MOTION:** by Selectman McBride

23 **Article 18**

24 **Move to see if the Town would vote to raise and appropriate the sum of \$420,000 (Four**
25 **Hundred and Twenty Thousand Dollars) for the replacement of bridges, including but not**
26 **limited to the bridge at Pelham Road over Porcupine Brook**

27 **SECOND:** Selectman Lyons

28 Selectman McBride pointed out that the tax impact in 2009 would be 9 cents.

29 Selectman Barnes raised the issue of whether a motion made at Town meeting to pay for this
30 out of the Unreserved Fund Balance would be legal and Mr. Sistare stated he did not believe
31 so as it was not warranted in that way.

32 **VOTE:** 4-1-0 (Selectman Hargreaves opposed the motion)

33 **The motion carried.**

34
35 Mr. Sistare referred the Board to the DOT resolution on salt reduction along the I93 corridor.
36 Chairman Roth confirmed the DOT had removed the language she had concern over and they
37 agreed to adopt the resolution.

38 **MOTION:** by Selectman McBride

39 **Move that the Board of Selectmen of Salem, New Hampshire adopts the resolution**
40 **expressing the Board of Selectmen's commitment to reduce salt loading in impaired**
41 **watersheds on the Interstate 93 corridor**

42 Selectman McBride read the resolution for the record.

43 **SECOND:** Selectman Barnes

44 Selectman McBride noted that inherent in the motion is the Chairman Roth's authority to
45 sign the resolution document.

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

1 **The motion carried unanimously.**

2
3 **9. Selectmen Reports/Correspondence**

4 Chairman Roth announced the appointment of Mr. Anthony Drago to the Conservation
5 Commission, stating there will be a further call for candidates for an additional alternate
6 vacancy on the Commission.

7
8 Selectman Hargreaves put a call out for donations to the Salem Holiday Parade, stating the
9 next meeting would take place October 2, 3008.

10
11 In response to Selectman Hargreaves' request for a status report on the street light for
12 Wheeler Avenue, Mr. Sistare stated this had been delayed but has now been submitted. Mr.
13 Sistare agreed to obtain the installation date for the next meeting.

14
15 Selectman Hargreaves proposed finding out whether the Fire Department could withdraw
16 their application this year for the SAFER Grant without being penalized.

17
18 Selectman McBride pointed out there was nothing in the budget for next year for the Salem
19 Lions Club for their decorations, and Mr. Sistare confirmed the Lions Club has stated they do
20 need the money.

21 **MOTION:** by Selectman McBride

22 *Move to amend the bottom line for account 700200 (Community Contributions),*
23 *increasing it by \$3,000 for the Salem Lions Club Holiday decorations*

24 **SECOND:** Selectman Lyons

25 **VOTE:** 3-0-2 (Selectman Hargreaves and Chairman Roth abstained)

26
27 **10. Old Business Tabled/Pending**

28 There was none.

29
30 • **Additions/Requests by the Public**

31 Mr. John Wilkalis, 379 Shore Drive introduced himself stating he would like to file a
32 complaint about the current rebuilding of Shore Drive. He stated there are problems with the
33 way the road has been laid as the level has been raised and is affecting residents' driveways.
34 He also reported the road was not widened and is affecting residents' ability to have mail
35 delivered. The Board deferred the matter to Mr. Sistare to investigate the matter, and
36 Chairman Roth stated she would personally get back to Mr. Wilkalis. Selectman Hargreaves
37 suggested that the consultant overseeing the project visit Mr. Wilkalis.

38
39 • **Upcoming Meetings**

40 ○ October 6, 2008

41 ○ October 13, 2008

42
43 • **Upcoming Events**

44 ○ Fire Department Open House - October 4, 2008, 10:00 a.m. – 2:00 p.m. @ Central
45 Station

1 **MOTION:** by Selectman Barnes
2 *Move to adjourn the meeting and move to non public session under RSA91-A:3, II(a),*
3 *Personnel*

4 **SECOND:** Selectman McBride

5 **VOTE:** 5-0-0 Chairman Roth polled members of the Board as follows:

6 Selectman Hargreaves – yes

7 Selectman McBride – yes

8 Selectman Barnes – yes

9 Selectman Lyons – yes

10 Chairman Roth - yes

11 The motion carried unanimously.

12

13 Without further business, the meeting adjourned at 10:38 p.m.

14

15

16 Notes/Minutes Taken by: Sandra Maxwell

17

18 Approved: Board of Selectmen

19

20 Date: October 6, 2008