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**MINUTES OF THE
BOARD OF SELECTMEN**

February 23, 2009

6 The Board of Selectmen held a meeting on Monday February 23, 2009 at Salem Town Hall, 33
7 Geremonty Drive, Salem, NH.

8
9 **PRESENT:** Chairman Elizabeth A. Roth, Vice-Chairman Arthur E. Barnes, Secretary Michael J.
10 Lyons, Selectman Everett P. McBride, Selectman Patrick Hargreaves and Town Manager Mr. J.
11 Sistare.

12
13 **CALL TO ORDER**

14 Chairman Roth began by calling the meeting to order at 7:00 p.m. She then joined the Board in
15 the Pledge of Allegiance, and introduced members of the Board and the Town Manager.

16
17 **1. Meeting Minutes**

18 **MOTION:** by Selectman Lyons

19 *Move to accept the minutes of the Board of Selectmen meeting on February 9, 2009*

20 **SECOND:** Selectman McBride

21 Selectman Hargreaves pointed out there was an attachment he needed to forward to Mr.
22 Sistare to put with the minutes (see page 15, section 12, line 7). The Board agreed to accept
23 the minutes and asked that Mr. Sistare to ensure he puts the documents with the minutes on
24 file.

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

26 **The motion carried unanimously.**

27
28 **2. Chairman Comments**

29 Referring to the special meeting on February 16 with state representatives, Chairman Roth
30 stated she had received positive feedback from both the representatives and members of the
31 public. She announced the Board will try to schedule an additional meeting between the
32 Board and the representatives before June.

33
34 **3. Accept Donation from Kiwanis Club**

35 Mr. Sistare handed over to Deputy Chief Ganley who described Project Lifesaver which the
36 Kiwanis Club has agreed to underwrite, explaining it is a radio transmission system
37 designed to assist law enforcement and rescue agencies locate lost or missing persons
38 diagnosed with cognitive disabilities. He handed over to Mr. H. Zeidel, Chairman of the
39 Kiwanis Club who spoke about his organization and how it has helped the Town. In
40 response to a query from Selectman McBride, Mr. Zeidel stated he was in favor of the
41 gaming laws when the community can benefit from them.

42
43 **MOTION:** by Selectman Hargreaves

44 *Move in accordance with RSA 31:95(b) that the Salem Board of Selectmen does hereby*
45 *accept a donation in the amount of \$3,000 from the Kiwanis Club to the Salem Police*
46 *Department towards the funding of Project Lifesaver*

1 **SECOND:** Selectman McBride

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

3 **The motion carried unanimously.**

4
5 **4. Release/Acquire Conservation Easement – Final Vote**

6 Mr. Sistare confirmed this was an administrative item to have the Board take a position on
7 this conservation easement.

8 **MOTION:** by Selectman Barnes

9 *Move that the Salem Board of Selectmen does hereby approve the boundary line*
10 *adjustment for the Gibney Circle Subdivision conservation easement and accept the*
11 *restated and amended conservation easement document on Tax Map 145, Lot 9497, as*
12 *recommended by the Conservation Commission and Planning Board, in accordance with*
13 *RSA 41-14(a).*

14 **SECOND:** Selectman McBride

15 Chairman Roth confirmed this is the third time this matter has come before the Board.

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

17 **The motion carried unanimously.**

18
19 **5. Waiver of SMC 253 – Sewer Systems and Wells**

20 Mr. Sistare handed over to Mr. Kurt Meisner to explain about a requested waiver of SMC
21 253. Mr. Meisner explained the waiver was from five items which fall within the design
22 code, which he outlined. He confirmed variances have been received from the required
23 departments. He explained the system being installed on Millville Circle is a clean solution
24 septic system which will improve the current situation. In response to a query from
25 Chairman Roth, Mr. Meisner reported the current holding tank was installed in the 1980's.
26 Mr. Brian Lockard, Health Officer provided more detailed information about the system
27 and the setbacks.

28
29 **Discussion:** Selectman Hargreaves asked about a prior discussion to change setbacks and it
30 was confirmed the Board had decided leave setbacks unchanged and Chairman Roth stated
31 each time a request for a waiver comes before the Board it makes the public aware that
32 there are better systems available.

33
34 **MOTION:** by Selectman Hargreaves

35 *Move in accordance with SMC Chapter 253-14 (Waiver) to grant the request of*
36 *Christopher Kishfy and Kristina Messina for a waiver of the provisions of Salem*
37 *Municipal Code Chapter 253, Section 6 and Section 7,F (1) as detailed in the attached*
38 *memorandum from Health Officer Brian Lockard and further, if connection to the*
39 *public sewer becomes available to the property at a future date, no waivers will be given*
40 *and the property owner must connect to the system.*

41 **SECOND:** Selectman McBride

42 **Discussion:** In response to a query from Selectman Barnes, Mr. Lockard confirmed the
43 state specifically approved the design of this particular system and clarified residents can
44 seek waivers if required when installing it. Chairman Roth stated she wanted to ensure a
45 copy of the waiver is kept in file for future reference, and Mr. Sistare confirmed he writes a
46 memo to the appropriate department to put in the file.

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

2 **The motion carried unanimously.**

3
4 **6. AFSCME Agreement**

5 Mr. Sistare reported the public works employees union came up with an agreement in
6 mediation for a one year extension of the existing agreement.

7 **MOTION:** by Selectman McBride

8 *Move to approved proposed one-year agreement with AFSCME Council 93, Local 1801*
9 *for a period from April 1, 2009 to March 31, 2010.*

10 **SECOND:** Selectman Barnes

11 **Discussion:** Selectman McBride clarified a lower tier health insurance provider was added
12 to the agreement as well as medical spending and a dependent care account which saves
13 money for both the employee and the town. He stressed that these employees helped save
14 the town money. Mr. Sistare confirmed there is no need to go to Town Meeting with this as
15 there is no additional cost to the town.

16
17 Selectman Barnes stated he wished to raise an issue relating to the ongoing union
18 negotiations; therefore Chairman Roth called a recess for 15 minutes to discuss union
19 matters in non public session. She called the meeting to order again at 7:50 p.m.

20
21 **VOTE: 5-0-0**

22 **The motion carried unanimously.**

23
24 **7. Town Manager's Report**

25 Mr. Sistare reported that after the Board's meeting with state representatives there would be
26 a meeting this week with DOT and two of the representatives. He also confirmed Mr.
27 Russell, DPW Director will bring up the topic of the rail ties with the DOT in an attempt to
28 obtain a resolution to the problem of disposing of these.

29
30 Mr. Sistare confirmed the warrant for the second session has been posted and the town
31 report will be available by next Tuesday. Both these will be on the town web site.
32 Chairman Roth asked Mr. Sistare to maintain a list of accomplishments for future meetings
33 with the representatives.

34
35 **8. Selectmen Reports/Correspondence**

36 Selectman McBride asked Mr. Sistare to investigate a report from a resident of Park
37 Avenue regarding oil run off across his property.

38
39 Selectman Hargreaves asked Mr. Sistare to investigate a large pot hole on the corner of
40 Eagle Drive and before Mausoleum.

41
42 **9. Old Business Tabled/Pending**

43 There was none.

44
45 • **Additions and/or Requests by Public or Board by Vote**

46 Patrick McDougall introduced himself and spoke against changing the town charter.

1 Selectman Lyons explained his position had been misstated, and stated it is healthy to
2 reevaluate the charter on a regular basis. Chairman Roth clarified that the question before the
3 people in March relates to whether a commission should take a look at reviewing the charter.
4

5 Mr. Sistare pointed out there are nine options for forms of government in New Hampshire.
6 Chairman Roth clarified what the process would be if voters decided they wanted a
7 commission and thanked Mr. McDougall for his input and his concern.
8

9 • **Upcoming Meetings**

- 10 ○ March 2, 2009 – Board of Selectmen Meeting
- 11 ○ March 10, 2009 – election
- 12 ○ March 16, 2009 – Board of Selectmen Organizational Meeting
- 13 ○ March 23, 2009 – Board of Selectmen Meeting

14
15 • **Upcoming Events**

16 There were none mentioned.
17

18 **MOTION:** by Selectman McBride

19 *Move to adjourn the meeting*

20 **SECOND:** Selectman Lyons

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

22 **The motion carried unanimously.**
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24 Without further business, the meeting adjourned at 8:07p.m.
25

26 Notes/Minutes Taken by: Sandra Maxwell

27
28 Approved: Board of Selectmen

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30 Date: March 16, 2009