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**MINUTES OF THE
BOARD OF SELECTMEN**

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**Interview Session and Regular Meeting of
June 22, 2009**

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The Board of Selectmen held a meeting on Monday June 22, 2009 at Salem Town Hall, 33 Geremonty Drive, Salem, NH.

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

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CALL TO ORDER

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Chairman Barnes began by calling the meeting to order at 6:45 p.m.

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1. Interview Session – Depot Redevelopment Committee

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The Board interviewed Ms. Dianne Paquette and Mr. Jonathan Smith for vacant positions on the Historic District Commission.

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Mr. Smith made an opening statement in which he explained why he was seeking appointment on this committee, stating he volunteers at the museum and is a member of the Historical Society and the Museum Committee. He spoke about his interest in history, and members of the Board then asked him some questions.

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Ms. Paquette made an opening statement in which she explained why she was seeking appointment on this committee. She spoke about wanting the children in town to know about its history, and about wanting them to be involved.

Chairman Barnes informed both candidates they would be notified my mail of the Board's decision regarding their applications.

MOTION: by Selectman McBride

Move to appoint Mr. Jonathan Smith as a regular member of the Historic District Commission for a three year term expiring in April 2012

SECOND: Selectman Lyons

There was a discussion among members of the Board regarding the applications.

VOTE: 4-1-0 (Selectman Hargreaves voted against the motion)

The motion carried.

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The Board discussed Mr. Thomas Haynes' application for a vacant position on the Recreation Advisory Committee. Mr. Haynes had been interviewed previously and the Board had agreed there was no need to interview him again.

MOTION: by Selectman McBride

Move to appoint Mr. Thomas Haynes as a regular member of the Recreation Advisory Committee for a term to expire in November 2010

1 **SECOND:** Selectman Lyons

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

3 **The motion carried unanimously.**

4
5 **MOTION:** by Selectman McBride

6 *Move to recess the meeting to allow the Board to move to the Knightly Room*

7 **SECOND:** Selectman Lyons

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

9 **The motion carried unanimously.**

10
11 Chairman Barnes declared the Public Hearing open at 7:03 p.m., recessing it again until they
12 reached item 4 of the agenda. He then joined the Board in the Pledge of Allegiance and
13 asked for a moment of silence to remember Sgt. Edmund Lo, who had been killed in action
14 in Iraq. Chairman Barnes then introduced the Board and Town Manager Sistare.

15
16 Chairman Barnes began the meeting by announcing the following committee appointments:

- 17 • Mr. Jonathan Smith – Historic District Commission, term to expire April 2012
- 18 • Mr. Thomas Haynes – Recreation Advisory Committee, term to expire November
19 2010.

20
21 **2. Chairman Comments**

22 Chairman Barnes made no comments at this time.

23
24 **3. Meeting Minutes**

25 **MOTION:** by Selectman Roth

26 *Move to approve the minutes of the Board of Selectmen Regular Meeting on June 1, 2009*

27 **SECOND:** Selectman McBride

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

29 **The motion carried unanimously.**

30
31 **MOTION:** by Selectman Roth

32 *Move to approve the minutes of the Board of Selectmen Regular Meeting on June 8, 2009*

33 **SECOND:** Selectman McBride

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

35 **The motion carried unanimously.**

36
37 **4. PUBLIC HEARING - Police Department - Accept Grant from NH Department of
38 Justice for Alcohol Compliance Program**

39 Chairman Barnes re-opened the public hearing. Mr. Sistare briefly introduced the topic,
40 introducing Captain Patten who provided details of the Alcohol Compliance Program. He
41 pointed out the town has been awarded more money than in previous years. There being no
42 input from members of the public, Chairman Barnes closed the public hearing at 7:08 p.m.

43
44 **MOTION:** by Selectman McBride

45 *Move in accordance with RSA 31:95(b) that the Salem Board of Selectmen does hereby
46 accept a grant from the NH Department of Justice in the amount of \$12,800.00 to be*

1 *utilized by the Police Department for alcohol compliance checks*

2 **SECOND:** Selectman Lyons

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

4 **The motion carried unanimously.**

5
6 **5. Police Department – Accept Donations to Summer Youth Program**

7 Mr. Sistare briefly introduced this item, handing over to Captain Patten who provided an
8 explanation of the program and recognized the sources of the donations.

9 **MOTION:** by Selectman McBride

10 *Move in accordance with RSA 31:95(b) that the Salem Board of Selectmen does hereby*
11 *accept a donation of \$1,000.00 from Salem Cooperative Bank, \$100.00 from the Knights of*
12 *Columbus, \$50.00 from Pembroke Sunshine Center and \$500.00 from the Salem Police*
13 *Benevolent Association for the Summer Youth Program conducted by the Police*
14 *Department.*

15 **SECOND:** Selectman Lyons

16 Chairman Barnes requested that Mr. Sistare write letters of appreciation to the donors on
17 behalf of the Board.

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

19 **The motion carried unanimously.**

20
21 **6. Request for Waiver of SMC 253 – 73 Kelly Road**

22 Mr. Sistare introduced the item and handed over to Mr. Brian Lockard, Health Officer. Mr.
23 Lockard offered his recommendation that the Board grant the waiver and deferred to Mr.
24 Mark Gross of MHF Design as engineer on the project for more information. In response to
25 a query from Selectman McBride, Mr. Gross reported this section of the road will not be
26 connecting to the municipal sewer. He explained why a waiver was being requested,
27 referring the Board to the plan of the proposed Enviro-Septic system. In addition he spoke
28 about a wetlands area on the lot, demonstrating where the septic would be located in relation
29 to this and confirming that it would meet state requirements. In response to a query from
30 Selectman Hargreaves, Mr. Gross confirmed that the Zoning Board had already approved the
31 waiver.

32
33 **MOTION:** by Selectman Hargreaves

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

39 **SECOND:** Selectman McBride

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

41 **The motion carried unanimously.**

42
43 **7. Request for Waiver of SMC 253 – 15 Millville Circle**

44 Mr. Lockard explained the waiver was being requested for replacement of an older septic
45 system with “The Clean Solution” septic which although not meeting setback requirements,
46 provides additional treatment and therefore better protection for the environment and had

1 been approved by the state. There followed a brief discussion between Chairman Barnes and
2 Mr. Lockard regarding the ITA rules and recommendations in the letters from the DES.

3
4 **MOTION:** by Selectman Hargreaves

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

10 **SECOND:** Selectman McBride

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

12 **The motion carried unanimously.**

13
14 **8. Request for Waiver of SMC 253 - 16 Union street**

15 Mr. Lockard handed over to Mr. Elkind, Engineer who referred to a plan of the proposed
16 septic, explaining it was a replacement of the current system which is failing and which is
17 close to a wetlands area. He explained the leach field for the new system will be closer to the
18 property well and that a well release document has been filed by the property owners.

19 **MOTION:** by Selectman Hargreaves

20 *Move in accordance with SMC Chapter 253-14 (Waiver) to grant the request of Bank of*
21 *America for a waiver of the provisions of Salem Municipal Code Chapter 253, Section 6,*
22 *as detailed in the attached memorandum from Health Officer Brian Lockard and further,*
23 *if connection to the public sewer becomes available to the property at a future date, no*
24 *waivers will be given and the property owner must connect to the system.*

25 **SECOND:** Selectman McBride

26 **Discussion:**

27 In response to questions from Selectman Roth, Mr. Elkind explained the well release which
28 has already been filed will take care of disclosures to any new property owner. In response
29 to a request from Selectman Roth, Mr. Lockard provided information on the similarities
30 between "The Clean Solution" and the Enviro-System, clarifying that the intent of both
31 systems is to reduce contaminants. Selectman Roth asked whether Mr. Lockard had
32 concerns about the distance from the well and he responded that having it 30" above the
33 ground water table makes him more comfortable. In response to a query from Chairman
34 Barnes the letter from the DES, Mr. Lockard confirmed DES has provided blanket approval
35 for both systems.

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

37 **The motion carried unanimously.**

38
39 **9. Salem Youth Baseball – Request for Lights at Michele Memorial Park**

40 Mr. Sistare handed over to Recreation Director, Mr. Chris Dillon to talk about the request for
41 lights at Salem Memorial Park. Mr. Dillon explained he had met with Mr. Moldoff and the
42 matter had gone before the Planning Board on June 9, 2009. He then deferred to Mr. Andrew
43 Dyjak of Musco Sports Lighting for information on the proposed new lights.

44
45 Chairman Barnes recessed the meeting for five minutes calling meeting to order again at 7:38
46 p.m.

1 Mr. Dyjak provided information about his company and the advantages of using their lights.

2 **MOTION:** by Selectman Hargreaves

3 *Move that the Salem Board of Selectmen does hereby approve the installation of lights on*
4 *the 90 foot diamond at Michele Memorial Park as reviewed and approved by the Salem*
5 *Planning Board on June 9, 2009; and further that Salem Youth Baseball will work with*
6 *the Salem Recreation Department to coordinate the installation of the lights, as well as*
7 *adhere to the provisions of SMC 235 (Park Ordinance).*

8 **SECOND:** Selectman McBride

9 **Discussion:**

10 Selectman Lyons confirmed that abutter issues have been taken care of. Chairman Barnes
11 asked for clarification on the involvement of Salem Youth Baseball and Mr. Dillon provided
12 an explanation. Mr. Kurt Meisner of Salem Youth Baseball clarified that his group would
13 ultimately be responsible for co-ordination of the work and is the applicant and that the Town
14 is not involved in doing any of the work.

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

16 **The motion carried unanimously.**

17
18 **10. Public Works Director**

19 *a) Request Authorization to Use Roadway Capital Reserve Funds to Pave Portion of*
20 *North Main Street*

21 Mr. Sistare introduced the item and handed over to Mr. Russell, DPW Director who
22 explained in detail what the requested money would be used for.

23 **MOTION:** by

24 *Move to authorize the expenditure of a sum not to exceed \$95,000 (Ninety Five*
25 *Thousand Dollars) from the Roadway Capital Reserve Fund to cover the costs*
26 *associated with the repaving of North Main Street from Main Street (Route 97) to the*
27 *intersection of Bluff and Bluff St extension and excludes 400 linear feet of Road over*
28 *Widow Harris Brook at the intersection of Town Farm Road and 200 feet each side of*
29 *the brook*

30 **SECOND:** Selectman Hargreaves

31 **Discussion:**

32 In response to a query from Selectman Lyons, Mr. Sistare confirmed the difference
33 between the two figures is unencumbered.

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

35 **The motion carried unanimously.**

36
37 **b) Request Authorization to Use Water Unreserved Fund Balance to Install Water**
38 **Line on South Broadway**

39 Mr. Russell explained that Lowes is getting ready to do off site work, and there is a cast
40 iron unlined water line which would end up under the paving of the new road. He further
41 explained he was asking for money to replace the current water line with an 8 inch line,
42 plus necessary equipment. There followed a discussion with the Board to clarify certain
43 points raised by them.

44 **MOTION:** by Selectman McBride

45 *Move to authorize the expenditure of a sum not to exceed \$81,448.00 from the Water*
46 *Unreserved Fund Balance to cover the costs associated with the installation of a water*

1 *main on South Broadway.*

2 **SECOND:** Selectman Lyons

3 Selectman Hargreaves clarified this work will be coordinated with the off site work.

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

5 **The motion carried unanimously.**

6
7 Mr. Russell spoke about missing street signs and put out call to the public to take license
8 plate numbers of anyone seen removing street signs and report these to the police. He
9 pointed out the signs are there for public safety.

10
11 **11. Lease Agreement – Department of Corrections**

12 Mr. Sistare introduced this item, asking that the Board consider authorizing him to sign all
13 leases on behalf of the town, instead of having to come before the Board with every request.

14 **MOTION:** by Selectman McBride

15 *Motion to authorize the Town Manager to sign all leases for the Town of Salem*

16 **SECOND:** Selectman Hargreaves

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

18 **The motion carried unanimously.**

19 Mr. Sistare explained in cases of multi year leases these will have to come before Town
20 Meeting.

21
22 **12. Town Manager's Report**

23 Mr. Sistare provided the Board with information that the town was a direct recipient of an
24 energy improvement grant and they will be applying for money to conduct energy audits on
25 all town buildings to enable them to use the grant money for improvements. Selectman
26 McBride requested that the house on Hawkins Farm be included if possible in an energy
27 audit.

28
29 Chairman Barnes asked Mr. Sistare for a firm date regarding guidance from the Board on the
30 budget. Mr. Sistare confirmed he would like to receive this at their next meeting and
31 Chairman Barnes asked the Board to comply with this request.

32
33 Chairman Barnes discussed their meeting schedule for August with the rest of the Board and
34 there was consensus that they should stay with their regular schedule of 3rd, 10th and 24th.

35
36 **13. Selectmen Reports/Correspondence**

37 Chairman Barnes referred to a report in the Board's packets from the police chief dated June
38 13, stating he wished to provide Selectman Hargreaves with an opportunity to respond to it.
39 Selectman Hargreaves handed out photos of a house which he had been helping to clean,
40 explaining this was the site of the incident with the police. He then went on to explain what
41 had led to the incident and what had transpired. There followed a discussion with members
42 of the Board. Mr. K. Stacy, 131 Haverhill Road also provided information on the events
43 which took place, speaking in defense of Selectman Hargreaves' conduct and explained,
44 followed by his son Danny Stacy who had also been present at the time. Chairman Barnes
45 clarified some facts with Selectman Hargreaves and there was consensus the matter should
46 be tabled until the police chief could attend.

1 **MOTION:** by Selectman McBride
2 *Move to table the discussion until July 13, 2009*
3 **SECOND:** Selectman Lyons
4 **VOTE:** 4-0-1 (Selectman Hargreaves abstained)
5 **The motion carried.**

6
7 Selectman Roth announced the death of Ms. F. Brennan, a local activist, stating she will be
8 sadly missed.

9
10 Selectman Hargreaves requested that a large pothole at be filled on Pond Street towards the
11 mausoleum. In response to his request for a status report on the stop signs at Corinthian,
12 Chairman Barnes stated the police chief has authority for having stop signs installed and he
13 has requested through Town Manager that he consider this matter.

14
15 Selectman Hargreaves commented on the aesthetics of the Lowes site since removal of the
16 trees and asked whether anyone on the Board could recall what had been decided during
17 planning about this. It was suggested that Selectman Hargreaves check this out with the
18 Planning Board.

19
20 Selectman McBride urged the Board to send a letter to the legislature informing them that the
21 Board is not happy about the changes to the state retirement system which pass additional
22 costs to the towns. He also spoke about the need for the town to save money if the state
23 budget passes and the need for a hiring freeze in town to be implemented now.

24
25 **MOTION:** by Selectman McBride
26 *Move that the Board of Selectmen informs the Legislature in writing of their displeasure at*
27 *the State's intent to pass additional costs to towns for the NH Retirement System and*
28 *further that the Board of Selectmen implements a town wide hiring freeze with immediate*
29 *effect*

30 **SECOND:** Selectman Hargreaves

31 **Discussion:**

32 Selectman Roth spoke in support of Selectman McBride's motion. She stated she agreed the
33 Board needs to think of ways to save money now and suggested they consider closing the
34 town offices and the transfer station at certain points during the summer months. There
35 followed a discussion and Selectman Lyons attempted to clarify with Mr. Sistare what the
36 effect of the state budget would be on the town financially. Mr. Sistare confirmed the state
37 wants to receive the money for the retirement system now.

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

39 **The motion carried unanimously.**

40
41 **MOTION:** by Selectman McBride
42 *Move that the Board of Selectmen implement a freeze on all promotions until further*
43 *notice unless approved by the Board*

44 **SECOND:** Selectman Hargreaves

45 **Discussion:**

46 Selectman McBride urged the Board to mandate there should be no more promotions until

1 further notice unless approved by them. Mr. Sistare reported how the police and fire
2 departments have been promoting to fill more senior positions from within the departments
3 which help with staff morale, preferring to accrue savings at the bottom of the ladder, and
4 there followed a discussion about promotions and what action the Board should take at this
5 time. Chairman Barnes suggested reviewing the motions made by Selectman McBride later
6 in the year to see whether changes were necessary.

7 **VOTE on calling the question:** 4-1-0 (Selectman Lyons voted against the motion)

8 **VOTE on the main motion:** 4-1-0 (Selectman Lyons voted against the motion)

9
10 **MOTION:** by Selectman McBride

11 *Move that the Board of Selectmen eliminates all overtime with the exception of emergency*
12 *events such as fires, mass casualties, water main or sewer breaks, and further that all*
13 *other overtime be approved on a case by case basis by the Town Manager*

14 **SECOND:** Selectman Hargreaves

15 **Discussion:**

16 Selectman McBride suggested they vote to have all overtime approved by Mr. Sistare. In the
17 discussion that followed Mr. Sistare stated this would interfere with the ability of the
18 department heads to perform their jobs. In response to a suggestion from Selectman
19 Hargreaves on how to reduce overtime within the police department, Mr. Sistare reported this
20 measure was already being considered. Selectman Lyons voiced his concern about public
21 safety if they were to implement Selectman McBride's suggestion, and Chairman Barnes
22 stated he would like to establish minimum staffing levels prior to implementing a measure
23 such as this.

24 **VOTE:** 2-3-0 (Chairman Barnes, Selectman Roth and Selectman Lyons voted against the
25 motion)

26
27 Chairman Barnes announced details of the funeral arrangements and calling hours of Sgt.
28 Edmund Lo.

30 **14. Old Business/Table Pending**

31 There was no old business tabled or pending for discussion.

33 • **Additions and/or Requests by Public or Board by Vote**

34 Referring to the energy audits mentioned earlier in the meeting by Mr. Sistare, Mr. Kevin
35 Stacy provided information relating these, suggesting the town might wish to look into co-
36 coordinating with government agencies to obtain better value. Mr. Stacy stated he would call
37 Mr. Sistare with more information and Mr. Sistare promised to investigate the matter.

39 • **Upcoming Meetings**

- 40 ○ July 13, 2009 (Meeting with Legislative Representatives)
- 41 ○ August 3, 2009
- 42 ○ August 10, 2009
- 43 ○ August 24, 2009

45 • **Upcoming Events**

46 There were none mentioned

1 **MOTION:** by Selectman Lyons
2 *Move to adjourn to Non-Public Session under RSA 91-A: 3, II (e) - Legal*
3 **SECOND:** Selectman McBride
4 Chairman Barnes polled the Board.
5 **VOTE:** 5-0-0
6 **The motion carried unanimously.**

7
8 Without further business, the meeting adjourned at 9:25p.m.

9
10 Notes/Minutes Taken by: Sandra Maxwell

11
12 Approved: Board of Selectmen

13
14 Date: July 13, 2009