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**MINUTES OF THE
BOARD OF SELECTMEN**

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**Interview Session & Regular Meeting of
September 28, 2009**

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The Board of Selectmen held a meeting on Monday, September 28, 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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1. Interview Session – Municipal Solid Waste Committee

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The Board of Selectmen held an interview session in the first floor conference room to fill vacancies on the Municipal Solid Waste Committee, and Chairman Barnes called the meeting to order at 6:20 p.m.

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Mr. David Kinzman:

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Mr. Kinzman gave an opening statement providing the Board with information on his experience of recycling in other towns. He also talked about the areas he felt could be improved and provided the Board with an outline of ideas for improving recycling in Salem. Responding to a query from Selectman Lyons, Mr. Kinzman talked about financial incentives.

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Mr. Bob LaBossiere

Mr. LaBossiere gave an opening statement providing the Board with information on his experience. He stated he thought other towns and Salem could share information and he talked about recycling programs in other towns that he was aware of and of how Salem residents could be encouraged to recycle more.

Mr. Ronald Wells

Mr. Wells gave an opening statement which included some ideas for recycling based on his own experience. Selectman Roth asked whether he would be interested in talking to children in schools, and he explained what makes recycling easy for him and his family.

Chairman Barnes thanked each of the applicants and explained the process for informing them of the Board's decision regarding appointment.

MOTION: by Selectman McBride

Move to appoint Messrs. David Kinzman, Bob LaBossiere and Ronald Wells to fill vacancies on Salem Municipal Solid Waste Committee

SECOND: Selectman Hargreaves

The Board held a discussion about the appropriate number of people for the Committee and agreed there should be nine members.

VOTE: 5-0-0

1 **The motion carried unanimously.**

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3 It was agreed that DPW Director, Mr. Rick Russell would get to vote as a member of the
4 Committee. It was confirmed that the Committee would hold their organizational meeting
5 at 6:00 p.m. on Tuesday October 6, 2009.

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7 ***Mr. Richard Cooney***

8 The Board of Selectmen interviewed Mr. Cooney who arrived at approximately 6:45 p.m.
9 Mr. Cooney provided the Board with an opening statement about why he would like to be
10 on this Committee. Chairman Barnes thanked Mr. Cooney for applying and informed him
11 of the process for informing him of the Board's decision regarding appointment.

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13 **MOTION:** by Selectman McBride

14 ***Move to appoint Mr. Richard Cooney to fill a vacancy on Salem Municipal Solid Waste***
15 ***Committee in addition to the other appointees***

16 **SECOND:** Selectman Hargreaves

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

18 **The motion carried unanimously.**

19
20 The Board closed the Non-Public Session and recessed to the Knightly Room for their
21 Regular Meeting.

22
23 **CALL TO ORDER**

24 Chairman Barnes called the Regular Meeting of the Board of Selectmen to order at 7:00 p.m.,
25 joining the Board in the Pledge of Allegiance. He then introduced the members of the Board and
26 town staff.

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28 **2. Meeting Minutes**

29 **MOTION:** by Selectman Roth

30 ***Move to approve the minutes of the September 3, 2009 Board of Selectmen Regular***
31 ***Meeting as written***

32 **SECOND:** Selectman McBride

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

34 **The motion carried unanimously.**

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36 **MOTION:** by Selectman Roth

37 ***Move to approve the sealed minutes of the September 9, 2009 Board of Selectmen Non-***
38 ***Public Session as written***

39 **SECOND:** Selectman McBride

40 **VOTE:** 4-0-1 (Chairman Barnes abstained)

41 **The motion carried unanimously.**

42 Selectman Roth placed these minutes in a sealed envelope.

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44 **3. Chairman Comments**

45 Chairman Barnes announced the Board of Selectmen had interviewed four applicants for
46 the Salem Municipal Solid Waste Committee prior to the meeting. He announced the

1 Board appointed the following as members of the Committee and that the positions on the
2 Committee had all been filled:

- 3 ○ Mr. Richard Cooney
- 4 ○ Mr. David Kineman
- 5 ○ Mr. Bob LaBossiere
- 6 ○ Mr. Ronald Wells

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8 **4. Laurel Redden – Policy for Use of Town Facilities**

9 Mr. Sistare reported the Board had received a letter from Ms. Redden in August, with a
10 request to discuss the town's policy on use of town facilities.

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12 Ms. Laurel Redden, 2 Hall Avenue introduced herself as the Chairman of the local Salem
13 Democratic Committee. She reported the Committee had booked an event at the Kelley
14 Library last month and had been informed they could not hold the event there it was
15 deemed a political event. She went on to explain the event was non partisan, and this
16 situation has occurred on several occasions over the years. She requested the Board review
17 their policy town wide for use of town facilities by non town entities.

18
19 ***Discussion:***

20 Responding to Selectman Lyons, Ms. Redden stated the facilities where her Committee has
21 been denied access include the Senior Center and Michele Park and Field of Dreams. She
22 also provided an example of the school policy.

23
24 There followed discussion by the Board, in which Selectman Lyons pointed out the Board
25 has no authority over the Senior Center or the library. Ms. Responding to a query from
26 Selectman Hargreaves, Mr. Sistare clarified the only requirements for outside groups
27 renting town facilities is a valid certificate of insurance and that they be for non political
28 events.

29
30 Selectman Roth stated she was concerned about liability under First Amendment rights,
31 and was informed the town would provide litigation for the library. She stated in her
32 opinion the town should come up with some uniformity and have a written policy in place
33 as it currently appears to be arbitrary. Mr. Sistare clarified the library falls under the
34 town's insurance but that the Library Trustees are responsible for who uses the facility.
35 Selectman Hargreaves suggested the Board come up with a policy, and Chairman Barnes
36 reported it was his experience that the policy was set by the Town Manager at the time. He
37 agreed a policy was necessary and stated he would take the matter under advisement and
38 have it sorted out.

39
40 Mr. Hatch, Scotland Avenue, Chairman of the Salem Republican Committee introduced
41 himself. He stated his committee would like to use the gazebo on Main Street and pointed
42 out citizens cannot get involved and participate in their community if they do not have
43 place to congregate. He requested the Board mandate in the policy that a political event
44 must be sponsored by one of the political parties in town which would provide the town
45 with a point of contact and someone having responsibility should there be any problems.

1 The Board discussed Mr. Hatch's suggestion, stating it felt that it could not restrict people.
2 Selectman Lyons stated that although the Board has no authority to override library policy
3 they can write to the Trustees and recommend that they revise their policy.
4

5 Ms. Redden provided more clarification regarding refusal by the library to permit her
6 Committee to use the facilities. She also pointed out they have had permission in previous
7 years and felt the problem may be a matter of interpretation. Selectman Lyons suggested
8 Ms. Redden approach the Trustees regarding this issue.
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10 **5. Discussion on Unaccepted Roads**

11 Mr. Sistare reported he had forwarded an e-mail to the Board from Mr. Russell, DPW
12 Director based upon previous discussions by the Board at their meeting last week regarding
13 unaccepted roads. He suggested the Board should obtain a description for each road on the
14 list provided by Engineering in order that they can take action when the Board accepts each
15 road, and requested guidance from the Board on how they wished to proceed.
16

17 **Discussion:**

18 Chairman Barnes referred to recent case law and a 1977 town policy, pointing out if
19 someone challenged the town regarding maintenance they would discover the town owned
20 the road anyway. Responding to a query from Chairman Barnes, Mr. Sistare suggested a
21 description of each road should be recorded at the Registry. It was confirmed the Board
22 would need to take action to amend the Municipal Code to hold developers accountable for
23 those active developments and roads with bonds.
24

25 There was further discussion between the Board and Mr. Sistare regarding obtaining a
26 formal description of roads to be accepted and the concerns of the Board. They agreed to
27 take a number of roads per week to accept after the Town Manager has investigated them,
28 beginning next week.
29

30 **Public Input:**

31 Mr. Larry Weil, 11 Palmer Street, introduced himself and requested that the list of roads
32 being accepted be made public, suggesting this could be done in the newspaper. He
33 commented on the town web site being out of date.
34

35 **MOTION:** by Selectman Lyons

36 ***Move to direct the Town Manager and staff to prepare eight streets per week for***
37 ***acceptance by the Board of Selectmen at their regular meetings***

38 **SECOND:** Selectman Hargreaves (for discussion)

39 **Discussion:**

40 Selectmen Hargreaves and Lyons agreed it was implied within the motion that there should
41 be sufficient information with the motions for acceptance including a description and bond
42 information. Selectman McBride provided some input regarding bonds and developers,
43 suggesting the town pull the bonds if necessary.

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

45 **The motion carried unanimously.**
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1 **6. Set Halloween Trick or Treat Hours**

2 **MOTION:** by Selectman Hargreaves

3 *Motion to hold Halloween Trick or Treat Hours from 6:00 p.m. to 8:00 p.m., Saturday,*
4 *October 31, 2009*

5 **SECOND:** Selectman McBride

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

7 **The motion carried unanimously.**

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

10 Mr. Sistare confirmed the new electronics recycling fee will take effect beginning Tuesday,
11 October 6, 2009.

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13 **8. Selectmen's Reports/Correspondence**

14 Selectman Roth stated she would like to request a non-public session after the meeting to
15 bring a matter before the Board from the Council on Aging.

16
17 Selectman Lyons provided a status report on the Road Committee.

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19 Selectman Hargreaves announced the Salem Holiday Parade will take place on Sunday
20 November 29, 2009 from 1:00 – 5:00 p.m., and the parade Marshal will be the Principal of
21 the Haigh School. He stated this year's theme will be Looney Tunes, and stated this year
22 they will ask people to donate art supplies for distribution to the schools.

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24 **9. Old Business Tabled/Pending**

25 There was no business tabled or pending.

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

28 There were none.

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30 • **Upcoming Meetings**

31 ○ October 5, 2009

32 ○ October 19, 2009

33 ○ October 26, 2009

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35 **ADJOURN**

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37 **MOTION:** by Selectman Lyons

38 *Move to adjourn to Non-Public Session under RSA 91-A:3 II (a/b)*

39 **SECOND:** Selectman McBride

40 Chairman Barnes polled the Board as follows:

41 Selectman Hargreaves – yes

42 Selectman McBride – yes

43 Selectman Lyons – yes

44 Selectman Roth – yes

45 Chairman Barnes – yes

1 The Board adjourned to a Non-Public Session at 7:53 p.m.

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4 Notes/minutes taken by: Sandra Maxwell

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6 Approved: Board of Selectmen

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8 Date: December 7, 2009